

# Mercersburg Borough Council

Borough Hall, Mercersburg, PA

April 25, 2011

7:00 p.m.

Minutes

**Attending:** President Elizabeth McClintick, Vice-President Joshua Meyers, Tom Suddeth, Jack Bickley, Betty Stenger, Mayor James Zeger, Tammy Oberholzer-Borough Manager, Dawn Scheller-Assistant Borough Manager, Solicitor Sam Wisner

**Absent:** Donald Stoner, Chris Frisby

**Guests:** Don Kornfield- Solicitor, Diana L. Sydor- Court Reporter, Chief Zechman, Officer Wertz, Mr. Arnoult- Solicitor, Officer Phillips

**Press:** None

Vice-President Joshua Meyers called the meeting to order at 7:00 p.m.

Vice-President Meyers led the Pledge of Allegiance.

Vice-President Meyers stated that there were no guests for public comment and stated that they would move directly to Old Business. Sam Wisner stated that he would provide an update on the Findlay Park issue.

Sam Wisner stated that Borough Council held a regular scheduled meeting on April 11, 2011. On April 12, 2011, Sam received a call from Barb Carr indicating that she would like to assist to resolve the outstanding issues with Dorsey Builders. Barb Carr stated that Mr. Dorsey was interested in resolving the issues pertaining to Findlay Park and wanted to know what needed to be done. Sam Wisner provided his opinion, stating that the public improvements be dedicated to the respective entities, so Mercersburg could maintain and insure sewer service to the Findlay Park Residents. Barb Carr stated that she believed that Mr. Dorsey would be agreeable to that. Sam Wisner stated that he would prepare the documents and then meet with Mr. Dorsey.

President McClintick entered the meeting at 7:04 p.m.

On April 14, 2011, Sam Wisner met with Mr. Dorsey. Mr. Dorsey executed a dedication and maintenance agreement. Mr. Dorsey signed all the necessary deeds of dedication to the Borough for the streets, to the Water Authority for the water facilities and the Sewer Authority the sewer facilities including the pumping station. Mr. Dorsey agreed to provide security for those improvements, however no securities have been received. Sam Wisner stated that he is not sure that Mercersburg will see any of the securities promised, however he feels that Mercersburg is in a much better position than where the Borough was prior to April 11, 2011 meeting.

Sam Wisner recommended that Borough Council sign the deeds of dedication and the maintenance agreements whereby the Borough will agree to take the streets and they would then become public streets and Mr. Dorsey agrees to post a maintenance bond. Mr. Dorsey also agrees to waive any objections to the use of the bond funds and agrees that if he does not live up to his obligations that the Borough could deny certain permits in the future until those obligations are met.

**MOTION:** to authorize and direct the Chairman to sign the dedication and maintenance agreements on behalf of Borough Council for the public streets was made by Jack Bickley, second by President McClintick, Vice-President Meyers asked for discussion, Tom Suddeth asked what the condition of the roads were, Sam answered and stated that the roads are in acceptable condition at this point and they do meet the Borough's specifications right now, Jack Bickley asked what the balance of the escrow account was, Tammy Oberholzer answered and estimated a balance of \$39,000, Sam Wisner stated that the expenses related to this process would be deducted from those funds, Tom Suddeth asked for clarification regarding the streets that the Borough is accepting are the streets only located within the Borough Limits, Sam stated that's correct, all ayes, motion carried.

**MOTION:** to accept Overhill Drive, Maple Drive, and Findlay Drive located within the corporate limits of the Borough of Mercersburg to authorize and direct the president of Borough Council to sign the Deeds of Dedication for those streets was made by Jack Bickley, Second by Tom Suddeth, all ayes, motion carried.

Mayor Zeger thanked Sam Wisner for his efforts and stated that the Borough has come a long way in two weeks. Mayor is sure that the residents in Findlay Park are happy to have resolution for this problem.

Sam Wiser stated that DEP commended the Borough for their quick actions, hard work, and willingness to try to work out this difficult situation.

**MOTION: to enter into executive session at 7:11 p.m. for a personnel matter with possible action to be taken was made by President McClintick, second by Tom Suddeth, all ayes, motion carried.**

Regular session resumed at 10:10 p.m.

**MOTION to adjourn at 10:10 pm was made by President McClintick, second by Jack Bickley, all ayes, motion carried.**

*These minutes transcribed by Borough Secretary Dawn L. Scheller from her notes and a recorded tape of the meeting.*

Respectfully submitted by Borough Secretary, Dawn L. Scheller

Date Approved: June 13, 2011 Motion made by: Jack Bickley Second made by: Betty Stinger

*Dawn L. Scheller*