

Mercersburg Borough Council

Borough Hall, Mercersburg, PA

May 9, 2011

7:00 p.m.

Minutes

Attending: President McClintick, Tom Suddeth, Jack Bickley, Betty Stenger, Chris Frisby, Mayor Jim Zeger, Sam Wisers-Solicitor, Tammy Oberholzer-Borough Manager, Dawn Scheller-Assistant Borough Manager, Mark Pickering-Engineer

Absent: Dusty Stoner and Josh Meyers

Press: Regina Hall-Mercersburg Journal

Guests: Mike McCarty-22 W Seminary St, Steve McCarthy-20 Veterans Way, Donald Hetzer-20 Veterans Way, Gary Smith-20 Veterans Way, Lynn Keener-VFW 6241, Todd Sixes- 100 Keefer Drive (AL Post 517), Brenda Smith-20 Veterans Way, Sue Bender- 115 North Main St, Douglas Yaughn- 107 Landis Drive, John Flannery-15351 Louey Dr. Greencastle, Gary L Zeger- 13107 Karper Road

President McClintick called the meeting to order at 7:00 p.m.

Mayor Zeger led the Pledge of Allegiance.

President McClintick asked the guests to sign-in on the sign in sheet. She welcomed everyone and asked to begin the meeting with Public Comment.

Sue Bender had submitted a request prior to the meeting interested in speaking to Borough Council about the declining business. Sue stated that she believed the other guests present were there because they are facing similar challenges. Sue stated that she is a law-abiding citizen who has been in business approximately nineteen years. She stated that during the last six months she has seen things that she has never seen before with declining business in Mercersburg and her feels it is associated with the Police Department.

Sue Bender stated that she believes if an Officer is going to write a citation on a traffic violation then the Officers should follow the same traffic laws that are expected for the public unless of course the Police Officer is in pursuit. She stated that she has witnessed Mercersburg Police Officers: not using turn signals, making U-Turns, they are cutting thru intersections, they are cutting thru the Liberty Lot (which at one time she was pulled over for that), they are following to close, and she stated that she has been followed out of town on several occasions after work and when she gives them no reason to pull her over they whip around to look for the next person. She feels that they should be held to a higher standard. She has been noticing that there are more break-ins, robberies, and drugs in Mercersburg. She feels that they should pay attention to those items rather than constantly focusing on traffic violations.

The other business stated that they agree and feel that their business and their patrons are being scrutinized and targeted and this is the biggest concern that they would like addressed.

The American Legion stated that the Police are entering in the parking lot the wrong way. The concern is by them not following the traffic pattern someone could be hurt. The American Legion will be speaking to the Chief asking the Department not to enter the Legion's Parking Lot unless they are called for a complaint. The American Legion's parking lot is a private lot for their patrons only.

An example was used to discuss that someone pulled out of the VFW on five separate occasions and was followed with no reason to be followed. The individual stated that he contacted the Chief and even wrote a letter addressing his concerns and believes it to be harassment.

The Business that serves alcohol sends their servers to training so they can monitor their customers and respond accordingly.

Another example was that someone leaving work at one of the establishments were pulled over for a license plate light being out, she received a warning and was told to come back to have it checked. When she returned, during a rainstorm, with the light fixed and asked an Officer to check it, the Officer just simply stated that he would take her word for it and never went out to the vehicle to inspect it.

Mr. Flannery stated that he has also had challenges very similar to the ones mentioned earlier and he did meet with the Chief and other Police Officers to express his concerns. He stated that the Police Department has made accommodations for Flannery's. Mr. Flannery stated that he is thankful for those and is hopeful that this will be resolved for the other business owners.

President McClintick stated that she was thankful for their thoughts and concerns and those they would have a discussion with the Chief.

Mayor stated that the Police Department's Policy is not targeting any establishments. He stated that the Police Department usually only has one or two Officers scheduled for a Friday or Saturday Night. Mayor Zeger stated that if a Police Officer views a tail light out, a violation of registration or inspection sticker then the Police Department will respond accordingly. Mayor stated that he would address the concerns of Police Officers not using turn signals, U-Turns, and following the traffic laws with the Chief. Mayor also encouraged the Business Owners to report any suspicious drug activity or any suspected drivers driving under the influence. Mayor stated that he wants the drugs out of the town and he would ask for the Residents assistance in notifying the Authorities.

Mike McCarty stated that he feels that the Borough should have Police coverage 24 hrs / 7 days a week.

Sue is aware that there are some new Police Officers. She recommends that they introduce themselves to the business in town. Mayor stated that he would suggest that to the Chief. He believes that they should be involved with the community.

Mike McCarty stated that he appreciates the Police Department doing door checks on Businesses.

No one had any additional comments. The Business Owners left the meeting.

MOTION: to approve the meeting minutes from April 11, 2011 was made by Tom Suddeth, second by Betty Stenger all ayes, motion carried.

MOTION: to approve the Treasurer's Report for the month ending April 30, 2011 was made by Jack Bickley, second by Tom Suddeth, all ayes, motion carried.

MOTION: to approve the Bills Payable / Invoice List for April 2011 was made by Betty Stenger, second by Jack Bickley, Tom Suddeth opposed, remaining ayes, motion carried.

MOTION: to authorize payment of \$1000 to APEA in three installments, \$500 first installment, \$250 paid in September, and the third and final payment of \$250 paid in December was made by Tom Suddeth, second by Jack Bickley, all ayes, motion carried.

President McClintick asked for the Mayor's Report.

Mayor Zeger commented on the concerns that were discussed earlier in the meeting. Mayor stated that the Police Department would continue to enforce the Laws as needed. The Police will act appropriately; as they see violations they will continue to do there job. He encouraged everyone to be vigilant citizens and report any violations that they may see, such as any drug transactions with in the Borough limits.

Mayor stated that the Women's Club is hosting their Annual Home Tour where local properties are showcased. He stated that the homes are beautiful and everyone should get ready for a nice tour.

Chief Zechman entered the meeting.

Mayor also stated that another wonderful tradition in town is the Memorial Day Parade scheduled at the end of the month. He stated that a portion of the parade would travel to the cemetery. He encouraged everyone to attend and by doing so would be a way to say thank you to the veterans and military officials. He stated that the parade begins at 8:30 am and is looking forward to a large crowd.

A concern was mentioned about a property with in the Borough. The property next to the Inn on Route 75 is not being up kept. Tammy Oberholzer was asked to contact the property owner to request them to maintain the property in accordance with the Boroughs Ordinances. Tammy stated that she would do so.

President McClintick asked for the Police Report.

Chief Zechman stated that there were 25 crimes investigated in April. There were 10 Criminal Arrests, 4 Accident Investigations, 91 citations issued, and 40 Parking Tickets issued.

Chief Zechman provided borough Council with an update on the receipt of the new computers, software and printer. Chief Zechman forwarded the cancelled check (providing proof of payment) for the PBT instruments to the PA Attorney General Office. Amy Hershey should receive the grant funds for reimbursement of this expense.

Chief Zechman stated that the National Drug Take Back Initiative was very successful. They collected 45 pounds of drugs from the public. The drugs were secured at the police station and turned over to the Federal Drug Enforcement Administration on Monday morning. Chief Zechman stated that he was appreciative of the partnership with Modnur's Pharmacy and believes that this is an important initiative. Chief suggested that maybe this would be something that could be added to Town Fest.

Chief Zechman stated that the Police Department currently uses flashlights that require batteries and the Police Officers have been supplying their own batteries. Chief asked Council for their permission to purchase rechargeable flashlights. The cost for the flashlights would be \$120 and they would be delivered at no additional charge.

Borough Council thought that it would be a valuable purchase and reassured chief that he could authorize the purchase from his supply budget.

Chief Zechman reviewed the financial information for the Police Department and stated that the years to date figures are ahead of last years.

President McClintick asked for the Solicitor's Report.

Sam Wiser stated that he would recommend that Council consider adopting an Ordinance that accepts the Findlay Park Streets located within the Borough. Sam congratulated the Water Authority for receiving the H2O Grant funds. He stated that the funds total a little over \$184,000.

President McClintick asked for the Engineer's Report.

Mark Pickering congratulated the Borough for resolving the Findlay Park issues. Mark stated that the Grain Alley project was delayed due to the recent weather. He stated that he would contact Charles E. Brake Company to find out when they would be out to work on the project. Mark Pickering stated that the Food Lion expansion project is underway and the storm sewers were scheduled to begin installation on Monday, June 13, 2011. Mark Pickering stated that he reviewed the test results from the Leech House, they were nontoxic, and the contents could be disposed of in the Borough WWTP. Tammy stated that the Borough Employees would fill the empty area so that DH Martin can grade and seed the land completing the outstanding tasks. Mark stated that the Mercersburg Elementary School project would require additional information such as soil infiltration results. Mark referred to a letter that was sent to the Borough Office. Mark stated that he has concerns regarding the maintenance of the porous pavement along with the added storm water runoff. Mark stated that he would be in contact with the Elementary School's Engineers.

President McClintick asked for the Manager's Report.

Tammy stated that as Mark previously discussed the Leech House results that were not toxic, the liquid was pumped out and disposed of properly and that the Public Works Department was going to fill it in. Tammy stated that she was awaiting DH Martin to contact her regarding the height of the fill that they needed to have completed before they remobilize. She stated that DH Martin would be able to remobilize and complete the task.

Tammy Oberholzer stated that she spoke with Mr. Bricker about the lights on the square. Mr. Bricker has recommended that Council may want to think about changing the lights to twist fluorescent light bulbs as opposed to keeping the ballasts and bulbs. Changing to fluorescent would lower the voltage used and be less expensive to replace the bulbs. Tammy presented the estimated costs involved of about \$100 for Labor, plus the cost of bulbs of about \$16.00. Tammy explained that when the lights initially are on they are not bright at first. The Bulbs will become brighter as they are on. Council members discussed the expense.

MOTION: to authorize the lights on the square to change from the ballasts to fluorescent and work preformed by Mr. Bricker was made by Jack Bickley, second by Tom Suddeth, all ayes, motion carried.

Tammy Oberholzer presented the Tuscarora School District's request for a refund of the Land Use Permit fee. Council members reviewed the request along with past practices of other similar projects.

MOTION: to authorize Tammy Oberholzer to send a letter notifying the Tuscarora Area School District that Borough Council regretfully declines the refund land use permit fee request was made by Jack Bickley, second by Betty Stenger, all ayes, motion carried.

Tammy Oberholzer reviewed the XEROX Service Agreement for printer/copier/fax/scanner in the Borough Office. Tammy stated that this is an item listed under new business.

Tammy reviewed price information for Borough Logo shirts for the Office staff to wear. Seven shirts would cost a total of \$132.72. Tammy asked that Council to consider purchasing shirts for the Borough Office Staff.

MOTION: to authorize the Borough Manager to purchase apparel for the office staff from Fast Ink totaling \$132.72 was made by Chris Frisby, second by Tom Suddeth, all ayes, motion carried.

Tammy Oberholzer stated that she would be meeting with Dave Ganoe and receive an estimate on what the additional cost would be to the Borough to pave the remaining areas of Church Street that are not being paid by Columbia Gas.

Tammy reviewed that Benecon is having training on June 1, 2011 in Lititz, PA pertaining to the Benefit Plans. Tammy stated that both Dawn and she would be attending the training. Tom Suddeth asked why both needed to attend. Tammy stated that she felt that it would be a good introduction for Dawn and that Lew would be present to answer questions and take any payments needed in the Borough Office.

A question was asked regarding the delay for the sidewalk funding with the bank. Sam stated that the delay is on his end but that the funds would be available after June 1, 2011. Tammy Oberholzer stated that the letters to the Church Street Property Owners were being sent out with the updated loan availability information and the residents would have until September 1, 2011 to comply with the request.

President McClintick asked for the Secretary Report.

Dawn Scheller reviewed that she is sending out letters regarding the grass and weeds heights on certain properties within the Borough. Dawn stated that she would provide updated information at the next meeting.

Dawn Scheller stated that prepared in the packets were two resolutions previously approved. The first being 12-11 digital audio recordings of council minutes, and the second 13-11 Support of the MMP & W Volunteer Fire Company. She asked that they be completed with signatures.

Dawn Scheller provided NADA values on two Used Vehicles, which cannot be driven. Dawn Scheller stated that both vehicles were kept and used for parts. Shaffer's Auto stated that they would be interested in purchasing the vehicles from the Borough. Dawn stated that they have offered \$700.00 for the dump truck and \$300 for the police cruiser. Sam Wiser recommended that if Council wishes to precede that they make two separate motions to authorize the sale of each vehicle.

MOTION: to authorize the sale of the 1975 Green Dump Truck to Shaffer's Auto for the amount of \$700.00 was made by Tome Suddeth, second by Jack Bickley, all ayes, motion carried.

MOTION: to authorize the sale of the 1997 Ford Police Cruiser to Shaffer's Auto for the Amount of \$300 was made by Tom Suddeth, second by Jack Bickley, all ayes, motion carried.

President McClintick stated that the Public Works Department Report was included in Council's Packets for their review.

President McClintick asked for the Committee Updates.

Betty Stenger reviewed the discussions at the HARB meeting. Betty stated that the HARB committee held the annual training on 4/26/11. The committee reviewed the design guide and made appropriate suggestions. The design guide should be completed by June 30, 2011 and available for distribution.

Betty stated that the committee was asked to review application COA 11-04-01.

MOTION: to approve Mercersburg Historical and Architectural Review Board Application COA – 11-04-01 as presented was made by Betty Stenger, second by Chris Frisby, all ayes, motion carried.

Betty Stenger reviewed the information from the Property Committee Meeting held on May 4, 2011. She stated that the property committee adjusted the Proposed Rental Property Maintenance Ordinance based off the Landlords recommendations. The Property Committee has asked for suggestions from Clem, Sam, and Dusty on the revised documents. Betty stated that the Committee would keep working on the document and update Council at the next meeting.

Betty stated that the other discussion at the Committee Meeting was regarding the borough vehicles.

Josh Meyers reviewed the Streets Committee meeting discussions. Josh stated that Lou Mckee would be at the next Streets Meeting to provide pricing on the signs. The Committee reviewed prior Engineer Reports on the condition of the Streets. The Committee discussed the upcoming costs of repair and would like to make a plan to do so. Josh stated that Amy Hershey is tracking the cost of the stone that the Public Works Department is spending on water leaks in the Borough. This may be a topic for later discussion. Finally, the Public Works was able to sweep the Alley Ways in the Borough. The Public Works Department consulted with Ed Twine on how to accomplish the sweeping without the necessary equipment. Ed Twine assisted the Borough Staff allowing the use of some of his supplies and equipment to do the job at no cost to the Borough.

Jack Bickley stated that he would like to extend his sincere thanks to Ed for his assistance. Borough Council agreed and asked that a letter be sent to Ed Twine for all of his assistance.

President McClintick then moved to the New Business.

MOTION: to renew the Xerox Service Agreement was made by Chris Frisby, second by Betty Stenger, all ayes, motion carried.

Tammy Oberholzer reviewed a fax that the Borough Office received on May 8, 2011 regarding the Green Castle Memorial Day Parade scheduled to be held on Monday, May 30, 2011. They requested the assistance from the Mercersburg Fire Police.

MOTION: to grant permission for the MMP & W Fire Police to assist at the Green Castle Memorial Day Parade was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

President McClintick asked if there were any other discussion items.

Tom Suddeth stated that he is concerned with the MMP & W Fire Board and the way that the meetings are conducted privately. Tom Suddeth stated that he feels that it is done in violation of the Sunshine Law Act 65.

MOTION: to request that the Borough's two Fire Board Representatives make a motion at the next meeting to allow the meetings to be opened to the public in accordance with the Sunshine Law, Act 65, was made by Tom Suddeth, second by Jack Bickley, additional discussion occurred Liz stated that she was concerned requiring the Borough representatives to do that specifically, Liz believes that once Council Appointed them to the Fire Board it is up to them as to what motions they feel are important, Mayor stated that it is a gray area and Council may want to be careful as to how to proceed, Sam Wisner stated that this subject has not been fully litigated, Mayor stated that a compromise might be to send a letter from Council to the Fire Board asking that they allow the meetings to be public, the original Motion was amended to read: MOTION: to authorize Borough Council to draft and send a letter requesting that the Fire Board Meetings be made public was agreed to by Tom Suddeth and Jack Bickley, all ayes, motion carried.

President McClintick reviewed the upcoming calendar.

MOTION: to adjourn at 9:05 pm was made by Tom Suddeth, second by Jack Bickley, all ayes, motion carried.

Borough Secretary Dawn L. Scheller transcribed these minutes from her notes and a recording of the meeting.

Respectfully submitted by Borough Secretary, Dawn L. Scheller

Approved Date: June 13, 2011

Motion Made for Approval By: Jack Bickley

Second By: Betty Stenger

Dawn L. Scheller