

MERCERSBURG BOROUGH COUNCIL

Borough Hall, Mercersburg, PA

June 13, 2011

Minutes

7:00 pm

Attending: Vice-President Josh Meyers, Mayor-Jim Zeger, Tom Suddeth, Jack Bickley, Betty Stenger, Chris Frisby, Dusty Stoner, Solicitor-Sam Wisner, Borough Manager-Tammy Oberholzer, Assistant Borough Manager-Dawn Scheller, Engineer-Brent Ramsey

Absent: President-Elizabeth McClintick

Guests: Sherman Thurston- 1023 Mumma Rd, Lemoyne PA, Edd Snyder-1023 Mumma Rd, Lemoyne PA, Judy Chambers-11 Prospect Street, Nancy Robinson-203 S Main Street, William Landis-115 S Park Ave, Dr. Liz George-10825 McFarland Rd.

Press: None

Vice-President Josh Meyers called the meeting to order at 7:00 pm.

Mayor Zeger led the pledge of Allegiance.

Vice-President Meyers welcomed the guests and asked for any Public Comment.

Dr. Liz George reviewed and discussed the information that was included in the Council Packets. She discussed a proposal for a Feasibility Study for the Mercersburg Area Council for Wellness Montgomery Peters Mercersburg Connectivity. Dr. George asked for monetary support to assist with the cost of the feasibility study and a representative from Borough Council to participate during the study. The amount requested was \$2500.00. Dr. George indicated that she was in contact with Peters and Montgomery Townships asking each to also support and financially match the \$2500 request. She stated that Montgomery Township committed to the \$2500. Peters Township would be reviewing the financial request at an upcoming meeting. The feasibility study would take approximately 9-12 months and would include three public meetings to receive public feedback. Mayor Zeger stated that he is in support of this project and asked that Borough Council act in support of the program. Judy Chambers stated that they would be approaching the Franklin County Commissioners Office to match the municipal contributions.

MOTION: to approve a donation of \$2500 to MacWell for the feasibility study was made by Tom Suddeth, second by Betty Stenger, all ayes, motion carried.

Dr. George asked for a representative from Borough Council. Jack Bickley volunteered as the Borough Representative.

Sherman Thurston, Certified Long-term Care Specialist provided a presentation on products that is available to individuals. He suggested that Borough Council allow them to present the information to the Borough Employees and decide if they would like to enroll in the program (the cost being paid by the individual employee). Sam Wisner asked if the cost of the insurance was pre-tax. Sherman stated that it is not. Borough Council stated that they would review the information and share the information with the Authorities. Josh Meyers stated that the Borough Office would be in contact with them. Vice-President Meyers thanked Mr. Thurston for the presentation.

Vice-President Meyers asked if there was any additional public comment. There was none.

Vice-President Meyers moved onto the Minutes.

MOTION: to approve the meeting minutes from April 25, 2011, May 9, 2011, and May 23, 2011 was made by Jack Bickley, second by Betty Stenger, Tom Suddeth stated that a misspelling was discovered on May 9, 2011, motion was amended to approve the minutes with the mentioned correction, all ayes, motion carried.

Vice-President Meyers moved onto the Treasurer's Report.

MOTION: to approve the Treasurer's Report was made by Jack Bickley, second by Chris Frisby, all ayes, motion carried.

MOTION: to authorize a transfer of \$50,000 from General Operating Fund to the General Reserve Fund was made by Jack Bickley, second by Tom Suddeth, all ayes, motion carried.

MOTION: to approve the Bills Payable and Invoices for May 2011 was made by Jack Bickley, second by Chris Frisby, Tom Suddeth opposed, remaining ayes, motion carried.

Vice-President Meyers asked for the Mayor's Report.

Mayor Zeger that the First Friday's have been very successful. He said that many people have been busy with the Strawberry Festival and Graduations. Mayor Zeger wished all the graduates well in their future endeavors. Mayor Zeger thanked the Fire Company for all of their work that they do.

Vice-President Meyers asked for the Police Report.

Chief Zechman presented his report. He stated that there were 113 complaints and service calls, 1 Borough Ordinance Investigation, 16 Incident (Criminal Investigations), 5 Criminal Arrests, 3 Accident Investigations, 64 Citations, and 44 Parking Tickets Issued. Chief Zechman provided information on the Pennsylvania Chiefs of Police Association Conference. Chief Zechman requested that Borough Council approve his attendance and the cost of the Conference from July 10-14, 2011 pending he can cover all of the shifts.

MOTION: to approve Chief Zechman's conference request, expenses to be paid out of account 41406, for the conference costs plus expenses of hotel and food, pending the Chief can cover all of the shifts was made by Jack Bickley, second by Tom Suddeth, all ayes, motion carried.

Vice-President Meyers asked for the Solicitor Report.

Sam Wiser asked Borough Council for a brief executive session for pending litigation. Sam Wiser spoke about the Loan Program. He stated that the bank is ready for the UDAG funds to be transferred to a restricted account for the Loan Program to fund the loans. Sam asked that a specific motion be made for this transfer to occur.

MOTION: to authorize the transfer of \$75,000 from the UDAG Account to a restricted account to act as collateral for the loan program was made by Dusty Stoner, second by Betty Stenger, Tom Suddeth asked what would happen to the interest, Sam Wiser stated that since it is a low interest loan that the Bank would keep the interest, Tom Suddeth opposed, remaining ayes, motion carried.

Vice-Chairman Meyers asked for the Engineers Report.

Brent Ramsey Presented the Engineer's Report on Mark Pickering behalf. He stated that Mark Pickering was on vacation this week. Brent Ramsey stated that they received some comments from Sam Wiser, which they incorporated into a final response letter sent to DEP. They are awaiting DEP's response and are waiting to see if their explanations will suffice. Once they receive DEP's Approval, the surrounding communities will be asked to adopt the plan. Once they complete their adoptions by resolution, those would come back to Borough Council for final adoption.

Brent spoke about Grain alley. He stated that Charles E. Brake was out paving.

Brent stated that Gannett still needs to complete the substantial completion inspection and develop a final punch list for them to complete prior to final inspection and payment. Josh Meyers asked Brent about the issue that occurred on Grain Alley. Brent stated that he did not put it on the report.

Brent stated that there was an issue where the storm pipe in Seminary Street settled and broke the water line. Brent stated that he came out after he was notified by Don Shaffer and was there until about 9 pm. Dawn Scheller stated that the Public Works Department was there until 10:30. Brent stated that when Don first called Brent, Brent was not aware that a water line was down there. He stated that he did some research and found a voice recording where Garry noted that he was on site when they installed the Storm Sewer and he mentioned that there was an inch to about an inch and a half clearance between the water line and the storm sewer. Garry stated that he thought that the concrete storm sewer would properly span over the water line. Brent stated that apparently, it did not and that is what led to the waterline brake.

Brent said that to fix the problem they cut the waterline out, used two bends on each end to lower the waterline underneath of the storm culvert. Brent stated that this was probably the way it should have been done in the first place. The next question was who is responsible to pay for that. Brent stated that he is not able to make any decisions on behalf of Gannett. Brent stated that in his opinion the cost of the materials (which should have been used to fix it the first time) should be paid by using a change order to the Contractor. Brent stated that as for the time that the crew was out there (he has a call into Brake to get that information) that it would need to be worked out. Brent stated that if indeed it were an error on Gannett Fleming's side due to poor advice then upper management would decide to absorb those costs. Brent stated that this decision would not be up to him to make. Josh asked who

would make that decision. Brent stated that it would start with Mark Pickering and Brent stated that he has spoke to Mark about this already. Brent stated that Gannet would probably ask for the Borough's costs as well, but they would be in contact with the Borough.

Brent provided an update on the Food Lion Expansion he stated that he has asked them for a construction schedule and will continue to perform periodic inspections of the site. Brent Ramsey provided an update on the Leach House Demolition. He stated that they are awaiting submission of the Final Release and Waiver before processing the final pay applications. Next, was an update on the Elementary School Project and storm water issues. Brent recommended that they enter into a Storm water Maintenance Agreement with the School District. Brent stated that there are storm water maintenance notes on the plans that will be recorded. Brent stated that they received the sketch plans from Barry Best and he will be providing comments at the next Planning Commission Meeting.

Vice-Chairman Meyers asked for the Manager's Report.

Tammy Oberholzer presented the Manager's Report.

Tammy stated that the computer in the Mayo Building that was remaining was going to be given to the Library and then donated to a family who could use it. GNOE will be providing an estimate for paving the remaining of Church Street. Tammy Oberholzer reviewed the damage estimate information for the hail damage on the vehicles. She asked what Borough Council would like to do with the proceeds for the 1999 Cruiser (damage of \$ \$1,082.50) and the Black & White Cruiser (damage for \$2,460.40). Tammy stated they would be out to look at the Ford Ranger.

Borough Council requested that Tammy have the Black and White vehicle fixed and to deposit the check for the 1999.

Tammy spoke about the Ordinance 1-42.

MOTION: to adopt Ordinance 1-42 accepting the roads as Findlay Drive, Maple Drive, and Overhill Drive was made by Betty Stenger, second by Jack Bickley, all ayes motion carried.

Borough Council requested that the Streets Committee look into the parking situation in Findlay Park. When the development was planned, discussions occurred about making part of the development No Parking was agreed upon. The Streets Committee was asked to evaluate this.

Tammy was asked why cones were blocking Myers Alley. Tammy stated that there were branches down due to the bad storms and the property owner asked to place them out to assist with traffic. Tammy stated that the branches were scheduled to be taken care of. Concern of the Alleyways and the overgrown foliage was discussed. Borough Council asked that this be an item addressed primarily for safety concerns. It is important that the property owners maintain the alleyways so that Emergency Repones vehicles can get through.

Tammy Oberholzer stated that Copies of the RFP Engineering were provided to Council for review. Tammy Oberholzer stated that the Finance Committee would be reviewing the RFP's and then making a recommendation to Council.

Vice-Chairman Meyers asked for the Secretary Report.

Dawn Scheller presented her report. Dawn provided an update on the Summer Playground Program expected to begin on July 5 and run until July 29. Dawn provided Council with an update of donations, expected costs, and asked for Council's support for the Program, which was given. Dawn Scheller presented information on Webinar Borough Secretary Training. The cost of the training was \$75.00 and would be 1.5 hours on 3 consecutive Wednesdays.

MOTION: to approve the expense for Dawn Scheller to register for the Webinar Borough Secretary Training at a cost of \$75.00 was made by Tom Suddeth, second by Jack Bickley, all ayes, motion carried.

Dawn Scheller provided a copy of correspondence to MMP & W that was approved at last months meeting for review. Dawn asked for suggestions which Borough Council Provided. Dawn Scheller stated she would put a copy of the sent letter in next Borough Council's Packets.

Vice-President Meyers stated the Public Works Department Report was included in Council Packets for review.

Vice-Chairman Meyers asked for the Committee Reports.

HARB reviewed their meeting minutes and provided a recommendation to Council for Approval.

MOTION: to approve COA 10-06-01 as presented to construct a rear porch using pressure treated frame wood covered with a clear cedar, clear cedar balusters was made Tom Suddeth, second by Chris Frisby, all ayes, motion carried.

Streets Committee reviewed there meeting minutes. They provided an update on the lighted street sign. After discussion Borough Council decided to later visit this as an option, once more details were obtained.

MOTION: to table the decision on purchasing a lighted street sign was made by Dusty Stoner, second by Betty Stenger, all ayes, motion carried.

Technology Committee reviewed there meeting information. Technology stated that they are looking into providing the Borough Office with more efficient Technology and would continue to provide Council with an update.

MOTION to enter into executive session at 9:03 for litigation with possible action to be taken was made by Tom Suddeth, second by Chris Frisby, all ayes motion carried.

Regular Session resumed at 9:15 pm

MOTION: to advertise, within the Police Department, the vacant Full-Time Police Officer Position for oneweek with applications due June 20, 2011 before 4:00 pm was made by Dusty Stoner, second by Tom Suddeth, Jack Bickley asked that it be advertised in a newspaper, vote was called, Jack Bickley opposed, remaining ayes, motion carried.

Josh Meyers asked for any other new business. Mr. Landis spoke about the Website and asked that Borough Council look into developing the website further. He thanked Borough Council for being frugal and looking out for the community funds. He stated that he spoke with a young resident and was amazed by the suggestions made. Mr. Landis thought that this would be a good area to devote some research time into. Borough Council thanked him for the suggestions.

Dusty Stoner left the meeting.

A discussion occurred about adding the position vacancy to the website.

MOTION: in addition to the internal advertisement Borough Council authorizes the same advertisement of the Full-time Police Officer Position be placed on the website was made by Jack Bickley, second by Tome Suddeth, more discussion occurred, Josh Meyers recessed the meeting at 9:20 pm due to the request of waiting for the Personnel Chair to return, meeting resumed at 9:21 pm, more discussion occurred, a call for the vote was made, Josh Meyers and Chris Frisby opposes, remaining ayes, motion carried.

MOTION: to adjourn at 9:35 pm was made by Chris Frisby, second by Betty Stenger, all ayes, Motion carried.

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

Respectfully submitted by Borough Secretary, Dawn L. Scheller

Date Approved: _____ Motion made by: _____ Second made by: _____