

# Mercersburg Borough Council

Borough Hall, Mercersburg, PA

August 22, 2011

Minutes

**Attending:** President-Elizabeth McClintick, Mayor-Jim Zeger, Vice-President-Joshua Meyers, Betty Stenger, Chris Frisby, Jack Bickley, Tom Suddeth, Donald Stoner, Borough Manager-Tammy Oberholzer, Assistant Borough Manager-Dawn Scheller, Solicitor-Sam Wisner, Engineer-Lance Kegerreis, Chief Zechman

**Absent:** None

**Press:** Gina Hall, The Mercersburg Journal

**Guests:** John Freeland-232 Overhill Drive, Mercersburg; John Flannery-15351 Lowry Drive, Greencastle; Tess Condor-57 South Main Street, Mercersburg

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

Mayor Zeger led the Pledge of Allegiance.

President McClintick welcomed the guests and asked for public comment. There was none.

President McClintick asked for a motion to approve the meeting minutes from the July 11, 2011 meeting.

**MOTION: to approve the meeting minutes from July 11, 2011 Borough Council Meeting was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.**

President McClintick asked for a motion to approve the Treasurer's Report for the month ending July 31, 2011.

**MOTION: to approve the Treasurer's Report for the month ending July 31, 2011 was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.**

President McClintick asked for a motion to approve the Bills Payable as of July 2011.

**MOTION: to approve the Bills Payable/Invoice List July 2011 was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.**

President McClintick asked Tammy Oberholzer to begin with a discussion topic in her Manager's Report.

Tammy Oberholzer presented a request to Borough Council asking for approval of an extension of time for the Irwin House Construction Project for John Flannery. Tammy Oberholzer stated at the time that the original deadline was discussed she was not consulted. Tammy Oberholzer stated if she had been consulted, she would have allotted more time. John Flannery was asked how much time he thinks he will need for the project. John Flannery stated the recommended 12 month extension should be enough time.

**MOTION: to authorize an extension of 12 Months added to the original deadline for the Irwin House Construction Project was made by Jack Bickley, second by Betty Stenger, all ayes, motion carried.**

President McClintick asked the Mayor for the Mayor's Report.

Mayor Zeger spoke about the Town Fair. He stated that they had beautiful weather, large turnout, and wonderful ice cream and fireworks. Mayor Zeger announced that a piece of the World Trade Center would be at the Chambersburg Square on September 11, 2011. He encouraged everyone to attend the ceremony including the Police and Fire Police. The festivities are to begin at 5:00 p.m.

President McClintick asked for the Police Report.

Chief Zechman presented the Police Report. Chief Reported that during the month of July 2011 the Mercersburg Police Department responded to 115 Complaints and Service Calls, 2 Borough Ordinance Violations, 23 Crimes Investigated, 5 Criminal Arrests, 5 Accident investigations, 53 Citations Issued, and 25 Parking Tickets issued.

Chief Zechman discussed information regarding the Police Department Computer Grant, Vehicle Computer Grant, Fair Week, Cadet Non-Paid Intern Program, and a Dispatcher Ride-Along-Program. Donald Stoner entered the meeting at 7:25 pm. After discussion of the programs, Sam Wiser was asked for his opinion. Sam Wiser stated that the individuals who participate in these programs would need to have the appropriate clearances and sign the appropriate liability waiver forms.

**MOTION: to approve the Dispatcher Ride-Along-Program and the Cadet Non-Paid Intern Program as presented contingent upon the appropriate clearances and liability waiver forms are signed by the participants was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.**

President McClintick asked for the Solicitor Information.

Sam Wiser stated that there has been recent Legislation modernizing Borough Code allowing eBay sales. Borough Council asked if the Office gets this information. Tammy stated that we receive updates from PSAB.

President McClintick welcomed Lance from Dennis E. Black and asked him if he had any updates and how the transition was going.

Lance Kegerries stated that he was happy to be there. He stated that his firm is becoming familiar with the tasks that the Borough has. He stated that Dennis E. Black is working on the Food Lion and Elementary School Projects as needed.

President McClintick asked for the Manager's Report.

Tammy Oberholzer presented the Manager's Report. Tammy stated that the Borough is due for a Street Assessment in 2012 and she has already spoken with the Engineer that this would need to be done in the early 2012 so that a Plan could be developed for the much needed street maintenance. Tammy stated that we have a good faith dispute from some of the Gannett Fleming bills and we are still waiting for electronic copies of documents that the Borough has already paid for. She stated that the Lights on the Square will need ballasts after all. Tammy stated that they were not able to be converted. Tammy Oberholzer stated that the cost would total \$775.00 for the 4 Ballasts and Labor.

**MOTION: to authorize the Ballasts be replaced for the Lights on the Square not to exceed \$775.00 for materials and labor to be paid of account 43436 was made by Joshua Meyers, second by Betty Stenger, all ayes, motion carried.**

Tammy Oberholzer stated that the Audit has been completed and a copy of the Audit and Financial Statement was provided to all of the Council Members for their records. Tammy stated that included in the Council Packets a letter of resignation from Jack Bickley and additional action will be needed and is listed under New Business. Tammy spoke about Resolution 15-11 was listed under New Business it is a resolution urging PA Legislators to free taxpayers from the undue burden placed upon them by the PA Prevailing Wage Act.

**MOTION: to adopt Resolution 15-11: Urging the Pennsylvania Legislature to free our tax payers from the undue fiscal burden placed upon them by the Pennsylvania Prevailing Wage Act of 1961 was made by Joshua Meyers, second by Betty Stenger, President McClintick asked for discussion, Jack Bickley spoke that he did not agree with this resolution, Jack stated that he thought the resolution should be requesting additional funds from the State to fund these projects rather than lowering the prevailing wages and therefore lowering what individuals are making, additional discussion occurred, a vote was taken, Jack Bickley opposed, remaining ayes, motion carried.**

Tammy Oberholzer spoke about the repaving of Church Street she informed council that the Borough is responsible for 130' of paving cost. Tammy explained that those costs were included in a memo for review and required approval. She thanked the Mayor for his help with the Church Street Pavement Project.

**MOTION: to authorize estimates 873 and 945 from GANOE Paving, Inc. was made by Josh Meyers, second by Donald Stoner, all ayes, motion carried.**

Tammy Oberholzer stated that ordinance violations letters were included in the packet under correspondence. President McClintick thought the letters were well written she requested that the office ensure that the office hours be included in the letters going forward.

President McClintick asked for the Secretary's Report.

Dawn Scheller stated that there were 4 Land Use Permits Issued during July and 1 Transient Retail Business License. Dawn stated that she attended the Steering Committee Meeting on July 20 in Chambersburg. She stated that additional meetings will be held to discuss Long Term Transportation Plans and that it is important that someone from Mercersburg continues to attend. The meetings will be held approximately every two months. Dawn Scheller stated that she provided an update on the Street Sign Inventory to all council members. She stated that Flagger Training was needed for the Public Works Department and the office was working with Dennis E. Black to arrange the training. Dawn Scheller stated that a Trash RFP was going to be sent out and additional information would be included in next month's meeting packet.

President McClintick asked for the Committee Reports.

Betty Stenger spoke about the HARB Committee Meeting held on August 2, 2011. HARB made the recommendation to approve application COA: 110801. Additional discussion occurred.

**MOTION: to approve COA: 11-08-01 was made by Josh Meyers, second by Chris Frisby, all ayes, motion carried.**

Chris Frisby spoke about the Nominating Committee and the letter of Resignation Letter received from Jack Bickley.

**MOTION: To regretfully accept the Resignation of Council Member Jack Bickley as of 8/31/2011 was made by Chris Frisby, second by Josh Meyers, President McClintick thanked Jack for his years of service, all ayes, motion carried.**

**MOTION: to nominate and appoint John Freeland to fill the Council Vacancy and the Streets Committee Vacancy until the term expires on December 31, 2011 was made by Donald Stoner, second by Joshua Meyers, all ayes, motion carried.**

**MOTION: to nominate and appoint Tess Condor to the HARB Committee to fill the vacant term expiring December 31, 2011 was made by Donald Stoner, and second by Jack Bickley, all ayes, motion carried.**

**MOTION: to appoint Judy Chambers by Resolution 16-11 to the General Purpose Authority with a term to expire on December 31, 2011 was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.**

President McClintick stated that there was information included from the Planning Committee meeting on July 20, 2011. No additional action was required.

President McClintick moved forward to discuss Old Business.

The Property Committee reviewed the process that occurred with the proposed Ordinance 6-11: Establishing the Minimum Requirements and Standards for all Existing Residential Rental Properties. The Committee reviewed that they had 2 public meetings where rental property owners were invited to speak and assist in adjusting the original proposed document. The Ordinance 6-11 was advertised as required and copies were distributed to whomever requested them along with a copy was included for each Council Member.

**MOTION: to adopt Ordinance 6-11: Establishing the Minimum Requirements and Standards for all Existing Residential Rental Properties was made by Jack Bickley, second by Donald Stoner, Tom Suddeth and Josh Meyers opposed, remaining ayes , motion carried.**

President McClintick moved on to the New Business.

**MOTION: to authorize an agreement between the Borough of Mercersburg and Dennis E. Black for Engineering Services to the Borough of Mercersburg was made by Tom Suddeth, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to approve the estimate from Eberly's Plumbing and Heating to replace the utility sink in the maintenance garage and to be paid from 40936 was made by Tom Suddeth, second by Josh Meyers, all ayes motion carried.**

President McClintick asked for any additional items.

Betty Stenger stated that the library is raising money and is selling engraved bricks. Each Brick costs \$50.00.

Borough Council reviewed the upcoming meeting calendar.

**MOTION: to adjourn at 8:36 p.m. was made by Donald Stoner, second by Josh Meyers, all ayes, motion carried.**