

Borough Council Meeting
Borough Hall, Mercersburg, PA
September 9, 2013
MINUTES

Attending: President Elizabeth McClintick, Mayor Jim Zeger, Vice-President John Freeland, Tom Suddeth, Jeff Main, Betty Stenger, Assistant Borough Manager Dawn Scheller, Solicitor Sam Wiser, Engineer Lance Kegerreis, and Police Chief John Zechman

Absent: Donald Stoner, Chris Frisby, and Borough Manager Tammy Oberholzer

Press: Jordan Krom from the Mercersburg Journal

Guest: Gary R. Smith VFW 6241, Corner Road

Meeting was called to order at 7:00 p.m. Mayor Zeger led the Pledge of Allegiance.

President McClintick asked for Public Comment.

Gary Smith from the VFW regretfully informed Borough Council that the 2013 Halloween Parade would be cancelled. He stated that they began the planning for the parade in April and only one member from the Lion's Club and 4 people from the VFW were present. The Parade is organized by 4 organizations and unfortunately they were unable to meet to plan this event.

Council President asked if a group of individuals came forward, to try to get the parade to occur this year, could they? Mr. Smith reviewed that they would not be able to organize everything.

Mr. Smith answered her question with a No, and that this planning needs to begin in April for the Parade to occur. Mr. Smith reviewed that it was regretful news, he spoke about the many people over the years that have helped plan this event, and these individuals are only older. He was hopeful that next year, a group of people would assist with the planning and leading this event for 2014. Mayor spoke about having individuals in the community step forward to assist with these types of events and he too was hopeful that it could be organized for 2014.

President McClintick thanked Mr. Smith for his efforts and providing Council with the update.

Jeff Main entered the meeting at 7:05 pm.

President McClintick asked for a motion to approve the minutes.

MOTION: to approve the meeting minutes from August 12, 2013 was made by Betty Stenger, second by John Freeland, all ayes, motion carried.

MOTION: to approve the meeting minutes from August 26, 2013 was made by John Freeland, second by Jeff Main, all ayes, motion carried.

President McClintick asked for a motion to approve the Treasurer's Report.

MOTION: to approve the Treasurer's Report for the month ending August 31, 2013 was made by John Freeland, second by Betty Stenger, a note was asked by the Mayor to be added about appropriated and unappropriated balances listed for General Operating Fund and the UDAG Fund, all ayes, motion carried.

President McClintick asked for a motion to approve the Bills Payable/Invoice List for August 2013.

MOTION: to approve the Bills Payable/Invoice List for the month ending August 2013 was made by Jeff Main, second by John Freeland, all ayes, motion carried.

President McClintick asked for the Mayor's Report.

Mayor Zeger spoke about the recent crime in the Borough. He commended the Police Department for their efforts and stated that he supports the Police Departments efforts making it safe in the community.

President McClintick asked for the Police Report.

Chief Zechman reviewed the following items occurred during the month of August; 122 Complaints and Service Calls, 3 Borough Ordinance Violations, 27 Criminal Investigations, 12 Criminal Arrests, 3 Accident Investigations, 60 Citations Issued, 36 Parking Tickets, and 0 Right to Know Requests. Chief Zechman reviewed that he would not recommend the Borough to enter into the Radio Agreement with the County this item listed under Old Business.

President McClintick opened the floor for comments and concerns about this item listed on the Agenda, she reviewed that this item was tabled to allow time for everyone to review the Agreement.

Chief Zechman presented his concerns with the agreement. He reviewed that he would like to be provided with a copy of the FCC Regulations, he had concerns with the disciplinary items listed in the agreement and disciplinary actions should be determined by the Borough, and also reviewed that there were no guidelines for the County listed should something occur by their employees.

Jeff Main reviewed that the Fire Chief Association had similar concerns that Police Chief Zechman had with the Agreement.

Sam Wisner reviewed that this Agreement was what was discussed with the County Solicitor and provided background on the process. Sam reviewed that the process began approximately 18-24 month ago they distributed a one page agreement to where they are today with the Agreement Council has in front of them. Sam Wisner reviewed that they have been working cooperatively on this and will continue to work on the in-operaterability side of things. Sam Wisner reviewed the Agreement section by section with a description of each item. Sam Wisner recommended to Borough Council that they do take action to adopt this agreement with a cover letter with it essentially states that we are doing this in good faith and in the spirit of cooperation realizing that they are under a legal obligation to operate the system, and that there has been progress in the past, but there is a lot more progress to be made, and that Council is signing the Agreement with an understanding that progress will continue to occur for when the term is up to re-evaluate this Agreement we may have different feelings about it at that time.

President McClintick asked if we are operating with any Agreement. The answer was that we currently don't have an Agreement.

After further discussion, this item was asked to be placed on the September 23, 2013 Meeting Agenda under Old Business. Borough Council wished to review the cover letter prepared by the Solicitor's Office and take action at the 9/23/13 meeting.

Sam Wisner reviewed information about the Pennsylvania Infrastructure Bank loan and the need to have Borough Council approve to advertise Ordinance 8-13 for the borrowing of \$1,000,000 from the Pennsylvania Infrastructure Bank for the Street Improvement Project. He also requested an Executive Session for matters of possible litigation to occur.

MOTION: to authorize the Borough Solicitor to advertise Ordinance 8-13 in accordance with the Local Unit Debt Act for the PIB Financing for the Street Improvement Project with action on this Ordinance to be taken on September 23, 2013 was made by Jeff Main, second by John Freeland, all ayes, motion carried.

President McClintick asked for the Engineer's Report.

Lance Kegerreis reviewed that they have issued the intent to award to both contractors. He reviewed that they received the Bonds from Recon and have forwarded them to Sam's Office for review. Once those are agreeable the Agreement would be signed and the Notice to Proceed would be issued. Lance reviewed that Recon has scheduled a pre-construction meeting on 9/12/13 at 9:00 am and they would provide a schedule for the work. Lance welcomed any Council Member to attend if desired. Lance reviewed that the additional core samples were dug. A discussion about Findlay Drive occurred regarding ownership of a 300' portion of the road as to which municipality owned and was responsible to maintain that area.

John Freeland spoke about some loose ends regarding California Street. John asked for Lance's assessment of what still needs to be done and the time that it should take to occur.

Dawn Scheller reviewed the status of the W. California Street and the remaining work needed to be completed. It was estimated that the Public Works Department still had an approximate 3 weeks of work to complete and then additional time would be needed for the contractors to come in to complete the curbs and sidewalks.

Lance reviewed that W. California Street work had a deadline of September 1st. Borough Council reviewed that the Water Authority had determined to do the work in house.

Sam Wisner reviewed that the Water Authority was scheduled to meet tomorrow and Dawn would review the status of W. California Street and ask if they would be willing to provide some assistance by hiring an outside crew for the remainder of the W. California Street project.

Dawn reviewed that 13 Water Connections, 3 Sewer Issues and to disconnect the old water line was still on the list to be completed. Lance estimated with good weather it would take at least 2 weeks for the PWD to complete this job. It was discussed that additional help was needed to not further delay the Streets Project.

After more discussion, Council made the following motion.

MOTION: to authorize Council President to review quotes for the work, and determine what would be the best interest of the Borough with consultation of the Borough Engineer and authorize Council President to sign any documents needed to commence the work not to exceed \$18,000 and be paid from the Street Improvement Fund was made by Jeff Main, second by John Freeland, all ayes, motion carried.

President McClintick asked for the Secretary's Report.

Dawn Scheller reported that there were 3 Land Use permits issued; the Inlet for Constitution was ordered and available for pick up. Dawn referred to the remainder of her report and asked if there were any additional questions. No other questions were asked.

President McClintick reviewed that the PWD Report was included for everyone to review.

President McClintick asked for the Committee's Reports.

Jeff Main reviewed the Fire Board's information and reviewed the improvements occurring at the Fire House.

President McClintick asked to review other Old Business listed on the Agenda.

MOTION: to approve and authorize the Borough Office to submit the Lease Agreement to the County Commissioner's Office for their review was made by Jeff Main, second by John Freeland, all ayes, motion carried.

MOTION: to adjourn into executive session at 8:20 pm with a matter of potential litigation was made by John Freeland, second by Jeff Main, all ayes, motion carried.

Resumed regular session at 8:50 p.m.

MOTION: to authorize Borough Office Staff to notify M&T Bank that Borough Council reviewed and considered the recommendation from Cumberland Valley Tree Service and authorizes the removal of two trees along North Main Street, the first being the large oak tree near the Night Deposit Drop Box, and the second being the smaller sick tree in the front of the bank, provided the bank will replace both trees with the selection of trees to come from the Beautification Committee; the Beautification Committee will review the suggested replacement tree information provided by Cumberland Valley and the State Shade Tree Organization list and notify the bank of their selection of the two replacement trees was made by John Freeland, second by Jeff Main, Tom Suddeth opposed, remaining ayes, motion carried.

Discussion occurred with another tree located on Katja Harryman's property and who was responsible to maintain that tree. Council discussed this matter and made the following motion.

MOTION: to authorize Borough Office to complete the necessary steps to have the tree removed and replace Katja Harryman's tree was made by John Freeland, second by Jeff Main, all ayes, motion carried.

President McClintick reviewed the enclosed Correspondence and the upcoming Calendar. Personnel Committee and the Beautification Committee were scheduled to meet.

MOTION: to adjourn at 9:00 pm was made by Tom Suddeth, second by John Freeland, all ayes, motion carried.

These meeting minutes were transcribed by the use of Dawn Scheller's notes and recording of the meeting and have been respectfully submitted for approval.

Date Approved: _____ Motion Made By: _____ Second by: _____