

Mercersburg Borough Council Meeting
Borough Hall, Mercersburg, PA
May 12, 2014
MINUTES

Attending: President Tom Suddeth, Mayor Jim Zeger, Vice-President Jeff Main, Catalin Bonciu, Donald Stoner, Jon Kittredge, Jeremy Jones, Chris Frisby, Assistant Borough Manager Dawn Scheller, Solicitor Sam Wisner, Engineer Lance Kegerreis and Police Chief John Zechman

Absent: Borough Manager Tammy Oberholzer

Guests: See attached list

Press: None

Meeting was called to order at 7:00 pm with the Mayor leading the Pledge of Allegiance.

President Suddeth welcomed everyone for attending and welcomed the Mercersburg Park Association to speak.

Members from their group spoke about their plans and desire to use part of the Tannery Property for a skate park, family area, and dog park for the community to enjoy. They provided a handout of information to the people who attended the meeting. They reviewed that they are a 5013c association DBA the Mercersburg Park Association. They expressed interest in raising money through fundraisers. They reviewed that they were very successful at Springfest and will continue to raise funds. They felt the Tannery Site is a good location as it is a central location where kids can walk to safely. They reviewed that they have looked at other sites like Montgomery Park; however that park would require people to drive to it. They stated that the Tannery Site seems to have difficulties and they would be interested in meeting with the state to review the difficulties with the property and may need to engage an Engineer.

Chris Frisby asked how Council can help at this point as Council has worked with other groups when applying for grants and seeking support or partnering with any groups.

They answered that they have spoken with MACWELL and would be continuing to work with them. They expressed interest in applying for grants.

Council expressed that they should work together with MACWELL as they have some strong grant writing abilities to work hand and hand with them. Council expressed concerns of maintaining the park, mowing, and insurances.

The Mercersburg Park Association spoke that they would raise the funds to sustain the maintenance costs and insurance costs involved.

Sam Wisner said the biggest hurdle is the site location itself as DEP has indicated limited uses on what goes on with the site that the Borough entered into with DEP and this is not one of the approved uses. Sam Wisner stated that the initial inclination is to veto the idea, and said that the Borough could meet with the Department, but it seems they would desire some additional site remediation in order to make that happen. Sam reviewed that getting a higher grade site through remediation could be a very expensive hurdle. Sam recommended the Borough Engineer be involved with reviewing the Baseline Report to have an understanding of the obstacles of the site. Sam encouraged the groups to go into that meeting as prepared as possible so that the Borough and the Association can address as many of the departments questions.

Ed Twine reviewed that one of the two hottest spots on the Tannery site is where the skate park is located. He also reviewed concerns with future runoff issues and wanted to bring it to their attention. The Association spoke about meeting with Jason Frey to address some of the issues. They expressed bringing in more fill to build up the site.

Mary-Anne Gordon spoke about a grant opportunity available from Franklin County and the County Commissioners. They thanked her for the recommendation. She said that she would send him the information.

Other Public comments were made.

Mr. Heefner expressed a number of concerns; 1) Council's recent actions placing the Borough Manager on paid administrative leave, 2) the choices made to fill vacancies on Council, 3) the future plans of Mercersburg Council, 4) concerns with the removal of the Authority Members serving on the Personnel Committee, 5) concerns with scheduling Council Meetings in the afternoon making it difficult for working public to attend, 6) concerns with what Jon Kittredge has said to the Borough Office staff, 7) regarding executive sessions and what is said in executive session should remain in executive session, 8) spoke about building trust and stated that Council has a long way to go to build trust with the community, and 9) the cost to the taxpayers for legal advice concerning placing the Borough Manager on administrative leave. A copy of his statement has been attached per Council's request.

President Suddeth reviewed that they are under legal advice not to speak about the issue publicly.

Mrs. Zeger spoke and said that she found it very offensive that members of Council were smirking while Mr. Heefner was reading his statement. She reviewed that it is very serious things that he brought up and it is no laughing matter. She said that many grew up in the town and they are very embarrassed with what is going on in the town. She said that we don't treat people like that and Council should not be sitting there smirking. She said hiding behind the lawyers is not good enough anymore and the people want to know what is going on and it's about time that the public get some answers.

Council President referred to Sam Wiser asking if Council could address it, Sam Wiser stated if Council desires to address it.

Jeremy Jones asked for a copy of Mr. Heefner's statement and he would prepare a response for the next meeting.

There was an exchange between members of Council and a Member of the Public. Mrs. Zeger said, "that we already know that you were talking about getting rid of Tammy at Flannery's, we had witnesses". Jeremy Jones said, "that is a lie, I don't talk to any of my patrons at the restaurant." Multiple individuals spoke at the same time and the exchange continued.

Mayor asked Sam Wiser if the Borough Manager was still on paid administrative leave. Mayor spoke about hearing all the time of wasting tax dollars and he feels that it is wrong. Sam Wiser answered that Council has taken no actions to change the status of her employment status; he said any final action would require a public action by Council, which has not yet occurred.

More public comment was made about the disappointment in current Council's actions and having things done out in the open.

Larry Nair spoke about the numerous Borough Managers the Borough has had and stated that she was among the top two managers. Larry spoke that if this is founded that this was a personal, he asked that Council Members resign their positions and not come back again. Larry Nair said that he can't come up with any reason why Tammy Oberholzer is on administrative leave.

Mayor Zeger stated that Council should bring back Tammy, give her a pay increase for what Council has put her through.

Mary-Anne Gordon spoke about the language in the sidewalk ordinance to consider exempting the industrial areas from sidewalks. The free parking Wednesdays suggested the meters be bagged on Wednesdays as suggestions. Mary-Anne spoke highly of Tammy Oberholzer and all that she has done for the Borough. She said that "we have lost the glue" and thanked the Rotary Club for asking her to represent them on the Chamber. Mary-Anne Gordon spoke that although they may not always agree that they respect each other and she has done a good job representing the Borough.

MOTION: to approve the Minutes from April 14, 2014 was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.

MOTION: to rescind the prior motion approving March 10, 2014 Minutes was made by Jon Kittredge, second by Catalin, all ayes, motion carried.

MOTION: to correct minutes from March for the Motion of free parking Wednesdays to end in September was made by Jon Kittredge, second by Catalin, all ayes, motion carried.

MOTION: to approve the Treasurer's Report / and Bills Payable was made by Jon Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Mayor Zeger gave his report, he reviewed that the Relay for Life raised over \$19,000. He spoke about the Halloween Parade and altering the time to begin at 7 pm. He reviewed that they would give out Trophies to the winners rather than cash prizes. Mayor spoke about the nice job the Chamber did organizing and running Springfest. Mayor spoke about the Mercersburg Association and how it is nice to see young people taking an active role in the community.

Chief Zechman reviewed his report. Chief reported the following activity for the month of April: 82 Complaints and Service Calls, 8 Criminal Investigations, 7 Criminal Arrests, 6 Accident Investigations, 31 Traffic Citations, 7 Non-Traffic Citations, 43 Parking Tickets. Police Chief Zechman also provided financial information of funds turned over to the Borough. Chief Zechman also reviewed a used computer for the cost of \$350 which he is seeking Council's Approval. Chief Zechman also reviewed vehicle repair information on the 2008 Ford Crown Victoria in the amount of \$2791.00.

President Suddeth asked if the Solicitor or the Engineer had anything to report. Sam Wisner stated nothing at this time and Lance reviewed he would have items under the Streets Committee.

Dawn Scheller presented the Assistant Manager's Report which included that 4 Land Use Permits were issued, the Summer Playground dates were approved by the Lions Club Park. Dawn Scheller reviewed that the 2014 Trash and Recycling Report was completed and that the Trash Contract expires at the end of 2014. Dawn Scheller reviewed that she would bring back the Bid Information for Council to review at the next meeting. Dawn Scheller provided information on motions which were made by the Water and Sewer Authority Members. No additional questions from Council were asked.

President Suddeth reviewed that the PWD Report was included in everyone's packet for review.

Personnel Committee reviewed that they have asked for quotes on lawn cutting services should the PWD begin the Curb Box Work. It was reviewed that they discussed the Employee Healthcare and they are discussing whether the employees should contribute financially or not. The Committee reviewed that they were working on Job Descriptions and Donald Stoner would bring back vaccination information for the Committee (benefits/costs).

The Property Committee reviewed the Mayo Building and there are some issues with how the Water and Sewer Service is connected. They reviewed the other items which were discussed and the following motions were made.

MOTION: to approve all of the work listed on the estimate of \$2791.00 for the 2008 police vehicle and prepare a 3-5 year plan was made by Jon Kittredge, second by Jeremy Jones, all ayes, motion carried.

MOTION: to approve Mr. Dofflemeyer to complete the restoration on the brick stairs and ramp in front of the Borough Hall was made by Jon Kittredge, second by Jeremy Jones, all ayes, motion carried.

MOTION: to authorize Corey Atherton to complete the railing on the Clock Tower and seal the window in the Court Room along with getting rid of the bees and wasps was made by Jon Kittredge, second by Jeremy Jones, all ayes, motion carried.

MOTION: to approve all listed security improvements listed in the request from the County dated April 23, 2014 was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.

The Committee discussed that they are interested in finding out cost information to tear down the Mayo building. President Suddeth asked the committee to research all information before making any decisions. The committee reviewed the information about the current backhoe.

MOTION: to authorize the Borough Solicitor to prepare a resolution that would allow the Borough to finance the purchase of a new backhoe was made by Jeff Main, second by Jeremy Jones, all ayes, motion carried.

The Streets Committee reviewed that it was very difficult to hold a meeting just before the Council Meeting as the time was very short. Jeff Main reviewed that the curb boxes were part of the discussion at the Committee Meeting and would be brought to the Water Authority for approval. The Committee reviewed the change of allowing monolithic pour (which was advertised) after further discussion the Committee decided to remove the monolithic pour from the Ordinance as an option. It was noted that this Ordinance would need to be re-advertised and voted on at a future meeting. Lance Kegerreis was asked for his thoughts on operational procedures regarding inspections. The Committee reviewed that they were going to developing those procedures. They also discussed concerns of drainage issues along Seminary Street and proposed work in the removal of pipes.

MOTION: to authorize the solicitor to prepare and advertise the Sidewalk Ordinance removing the monolithic pour language was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.

OLD BUSINESS:

MOTION: to authorize Ordinance 6-18 rescinding the Rental Ordinance 6-11 was made by Jon Kittredge, second by Catalin Bonciu, a discussion about Ordinance 6-11 occurred; Chris Frisby expressed concern about overturning ordinances which were enacted by previous Councils, Catalin Bonciu spoke about Ordinance 6-11 being wrong and should never have been enacted, Donald Stoner reviewed that the it was enacted was in response to a Health and Safety issue, Jeremy Jones spoke that it should be items handled between the tenant and the landlord, Additional comments from the Public were received that it creates two classes of people the Landlords and the Home Owners, it was suggested that these items be addressed as an advisory and that Mercersburg is a small community and does not need this Ordinance, a vote was taken, Chris Frisby and Donald Stoner opposed it, remaining ayes, motion carried.

NEW BUSINESS:

MOTION: to regretfully accept the two letter of resignation from Julia McLaughlin from HARB and Beautification Committee was made by Jeff Main, second by Jeremy Jones, President Suddeth thanked Julia for all her work and time given to the Borough, all ayes, motion carried.

Council asked that Amy review if the Library Tax has been collected before authorizing the payment request. This was an item Council wishes to discuss next meeting.

Sam Wiser spoke about the letter received about the Act 537 Plan. He stated the Council should designate members for a committee and recommend Water and Sewer is a part of it so that a meeting can be planned to review the status. He reviewed that a meeting should be held within 45 days per the letter with the other two municipalities.

MOTION: to authorize the Fire Police to assist with the Greencastle Parade was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.

MOTION: to enter into executive session at 8:38 to discuss personnel matters and potential litigation with possible action to be taken was made by Jon Kittredge, second by Jeremy Jones, all ayes motion carried.

Mayor Zeger did not participate in the executive session.

Regular Session resumed at 10:03 pm.

Council reviewed the Calendar, after discussion they decided to plan for a Council Meeting on May 28, 2014 at 7:00 pm. Personnel Committee would meet on May 19, 2014 at 7:00 pm. Streets Committee would meet on June 5th at 5:30 pm. June 3, 2014 a Halloween Parade Meeting was announced. Property Committee meeting was not scheduled at this time.

MOTION: to adjourn at 10:08 was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.

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

Date approved: _____ Motion made by: _____ Second by: _____

Address to the Council:

I don't know what great plans this Council has in store for the people of Mercersburg and for some unknown reason those plans don't seem to be forthcoming. Why is this council so secretive? Are you hiding something? Are you afraid of criticism? Are there really any plans for the good of this community?

What I do see is a trend that really bothers me. The way I view it, the trend seems to be this: If you aren't in agreement or don't seem to be in agreement with the majority of the current council members, as a citizen of the community you are not welcome or if you are a public servant, you are eliminated from participating in the functions of our local government. Examples are as follows:

I volunteered twice to fill vacancies on council believing that I had some background that would be beneficial to that position, having served on council for twelve years. I understand very clearly why Mr. Jones was appointed to fill the first vacancy. He had run for council, was defeated, but had the interest to serve and so he should be on council. I have no problem with that. It was obvious that some members of council didn't want me to serve with them and by buying some time they were able to recruit someone who would go along with their way of thinking and doing things to fill the second vacancy. Mr. Suddeth and I served many years together on council and he knew from past experience I probably wouldn't see things his way. Maybe there lies the answer: my way or the highway.

Next, council decided to eliminate two positions on the Personnel Committee: one each from the Water Authority and the Sewer Authority. The Police Department was used as a ruse for this action, when all along, I'm sure Mr. Suddeth knew that he wouldn't get a consensus from the personnel committee to recommend putting the Borough Manager on administrative leave had those two authorities been present. I guess they can now be put back on the personnel committee or unless there's another hatchet job in the works they won't?

Third: What really brought this trend to light was putting the Borough Manager on administrative leave. I guess she wasn't seeing things their way. Why else? What council seems to forget is that the Borough Manager has to follow a certain set of rules, regulations and guidelines that are spelled out for that job and cannot act on the whims of council personnel.

Fourth: Schedule a special meeting when it would be most inconvenient for a select few of the council members and any working person to attend, thus minimizing any opposition to what councils does. This kind of action seems to be becoming the norm.

Mr. Kittredge, you seem to be a very intelligent and articulate man and I'm assuming you have a fairly good memory. I just wonder, that at some point you could tell all of us what it was you thought you said to the office staff on January 8th that got so misunderstood by ALL the office staff, when they ALL understood you to say "your next"? Were you so upset after leaving your meeting with the borough manager that you don't remember what you said? That would be something that I could find plausible. Compare that to saying those words never came out of your mouth. To me, that insinuates you are indicating that all the office staff are liars.

Also, I haven't heard anything as to the progress you are making in having Mr. Frisby removed from his alleged illegal seat on council. Any update on this matter would be greatly appreciated as it seemed to be of such high priority for you even before you were a member of council.

Mr Jones: I had hoped you understood that what happens in an executive session of council goes no farther? That means you don't talk to the patrons of your establishment about what transpired in an executive session of a meeting. It has become a known fact that this protocol wasn't followed. Also, as you describe yourself as "ultra conservative", I would like to know how do you justify the cost of paying the Borough Manager for staying home on administrative leave and at the same time complain that the maintenance men spend too much time talking and leaning on their shovels? It just doesn't seem to add up in my way of thinking. In your personnel meeting on May 5th you spoke about importance of trust. From what I'm hearing on the street this council has a long way to go in developing any kind of trust with the people of this community.

Mr. Bonciu, I really do hope that you weren't privy to the shenanigans that were going on with the chosen few on this council when you were asked to serve. It's a known fact that you along with some other council members would like to have the Chief of Police removed. If this is your primary reason for serving on council, you would be a big disappointment to me

Now back to council:

Cost, oh yes, the cost of your actions. The cost to get rid of any conflict of interest appears to be of little or no concern to council and you can be sure that it will be costly. What will the total cost of this councils actions be to the taxpayers for legal advice to resolve the situation with the Borough Mananger? It will be easy to tell, as I know from past experience, because the Borough Solicitor's bill is broken down by the time spent on each issue it handles. I don't think there is any way council can hide that cost. You can be assured the cost is going to much more than the cost of the Borough's Holiday Luncheon that I believe was cancelled. That function was just a small way of saying "thank you" to those who worked hard to make this town a better place in which to live.

It is with regret that I see "backroom politics" is so alive and well with this Mercersburg Borough Council. Former Govenor Hugy Long, now deceased, of Louisiana political fame would have been proud of your actions.

A couple of weeksago I saw Mr. Suddeth and Mr. Kitredege walking up Main Street together. I would have liked to have thought that these two men were doing so much good for the community, but instead my thought was "What are these two men up to now?". It's so sad to have to think that way. I have never seen the Borough Council having so many of it members having such huge egos and who appear to only be interested in prusuing their own personal agendas and having so little concern for the betterment of this community and the people who live in it.

Mr. Suddeth, is this the "Mayberry" you wanted to see brought back to Mercersburg? It must be, for you as the president of council, are in charge of the direction and the actions that council takes. I would like to suggest that the best thing you could do for the people of this community is to remove yourself from council and dispose of your "Bring Back Mayberry" T-shirt.

PUBLIC SIGN IN SHEET FOR COUNCIL MTG.

Date: May 12, 2014

NAME	ADDRESS
Mary Anne Gordon	13443 BTW Mercersburg PA 17231
John Russell	153 JOHNSTON LANE DC-BURG
Louise Henry	12 Linden Ave
Dora Rubin	23 W. Col St
Julie McKeaglin	30 S. Main - Merg
Dina Twiss	Merc PA.
Harper Nelson	23 Linden Ave Merg.
Richard Nelson	23 Linden Ave Merg.
Linda Zipes	40 Church St. Mercersburg
Marilyn Robinson	203 S. MONAST Merg
Jim Malone	66 Linden Mercersburg
Victoria Kieffer	107 S. Fayette St. Mercersburg, PA
Ed Turner	Merg PA.
Martin L. Musser	6969 Irvine Dr.
Bill Gurd	Sewer Authority
Gloria Pine	12586 Orchard Cir Merg PA 17236
D. CHAYES	9577 HEISEY Rd, MERCERSBURG 17236