

Mercersburg Borough Council
Borough Hall, Mercersburg, PA
Monday, May 18, 2015
MINUTES

Attending: President Tom Suddeth, Vice-President Jeff Main, Mayor Jim Zeger, Treasurer Catalin Bonciu, Lisa McCoy, Amy Burkot, Jonathan (Jon) Kittredge, Borough Manager Dawn Scheller, Assistant Borough Manager Derek Stoy, Solicitor Steve Cocorresse

Absent: Council Member Donald Stoner and Engineer Lance Kegerreis

Press / Guests: See sign in sheet

President Suddeth called the meeting to order at 7:00 pm with Mayor Zeger leading the Pledge of Allegiance. President Suddeth welcomed the guests and invited the Mercersburg Park Association to speak.

Todd McGuire presented facts to Council regarding benefits of the Skate Park utilizing the Tannery Property. He presented information that would bring tourists to town and other benefits to the town. Todd discussed that other local parks (one in Antrim Township and one in Chambersburg) are unmanned skate parks with signage that state use at your own risk. He also reviewed that a skate park in Waynesboro that is a private skate park where it requires knee pads and helmets. Todd reviewed that he owned a for profit skate park in Seattle and brought in over \$350,000 a year in business in three and a half years and never got sued. He informed Council that they would purchase insurance for the park and he believed the liability would be mitigated and limit the liability to the town.

Ed Twine relayed that the Borough put the property up for sale as is and he asked what this information has to do with the sale of the property.

President Suddeth answered and reviewed that they put a bid in on the property, Ed Twine spoke that it was contingent on a lease, Tom said correct, and Tom said that Council has expressed in the past that they were not interested in the lease.

Jeff Main spoke and said that he agreed with Ed, that the property was put up for sale as is, and that means when Council sells it, they sell it, no lease.

A concern of a discrepancy in documents was noted, and Steve made the recommendation that Council rebid the sale of the property. Dawn Scheller reviewed that this was her error as not all received the Agreement of Sale documents some only received the Bid Documents. It was reviewed that the cost of re-advertising is \$30 and that it could be done so the bids would be opened at the next property meeting scheduled on June 3, 2015 at 7:00 pm.

Ed Twine expressed concern with placing the property out for bid again.

President Suddeth reviewed that APX has submitted 2 different bids at different times.

Solicitor Steve Cocorresse reviewed that Council could clarify that Council is not interested in a Lease Agreement.

Jonathan Kittredge spoke and stated that he asked the Skate Park representatives if they had received the additional paperwork if that would have made a difference, and he said that they said no.

Ryan Smith stated that they were not interested in drawing out the process, but they were hopeful that Council would change their minds with respect to a Lease. He then asked that Council reject all bids, and reconsider placing it up for sale, advertising it differently if Council so wishes.

Solicitor Steve Coccorrese clarified that they could not accept a lease as the purchase amount must be paid in full to Council within 60 days of the accepted bid, he cited Borough Code. Steve's advice remains the same, to deny the bids, and place it up for sale.

Jeff Main spoke in support of rebidding the property with the same language as what was done before, due to not all parties receiving the information.

Catalin Bonciu spoke that Borough Council has to hear and consider the advice of the Solicitor.

Jeff Main then stated that he had concern with the liability for the property. Jeff Main spoke that the Borough still owning the property would still have liability as they are still going to be involved. He used the example of people skiing down a mountain, while there is a disclaimer on the back of a ticket, there still are lawsuits. He continued by stating the signage that says, skate at your own risk, 4 wheel at your own risk, there's just too much that concerns him. Jeff Main said that if the Skate Park had placed a bid to purchase the property, he wouldn't be concerned, as it would be there property.

A question from the Public arose about how other municipalities have these parks, Todd spoke that Municipalities get insurances, and the Skate Park will obtain insurance to protect the assets. Todd continued that when you look at Whitetail, that he was pretty sure that they don't own all the land. He reported that it is a lot of State Forrest Land. He continued informing Council that a lot of ski resorts work on State Forrest Land and get permits to allow them to cut the trails. He said that the State doesn't seem to have that much of a problem with working under this relationship.

Ed Twine asked how long the Borough has owned the property. Tom answered too long. Ed Twine asked how much does it cost to maintain annually. Jeff Main answered \$6,000. Ed Twine stated that he is giving the Borough an opportunity to provide the Borough with a tax revenue. Ed Twine stated that if Council wanted to lease the property then why didn't they do that already, why did Council put it out for bid and waste everyone's time?

Sean Grove spoke and said that he doesn't feel that it is that much time wasted, and feels that it should be placed out for bid again.

Steve Coccorese again made the recommendation not to lease the property.

Ed Twine asked how much in property taxes would be paid.

Todd McGuire spoke that they would not pay any, however he feels the skate park addition would increase property taxes in the Borough and generate other sources of revenue for the community. Todd spoke about the intangible benefits to the community, additional tourist traffic. Todd spoke about the distance that most families travel just to go to a nice skate park.

Ed Twine spoke about the need for increased tax base, but the town has an opportunity to sell it and make money. Members of Council agreed that it would be financially beneficial to the borough from a property taxes perspective.

President Suddeth thanked all public for attending and making comments, he reviewed that Council would later enter Executive Session for real estate Sale Matters.

Mayor Zeger expressed his opinion, since the bid processed was flawed, Borough Council should reject the bids, and go thru the process again.

Council Members reviewed that they would discuss this matter further in Executive Session later, and moved on to other items listed on the Agenda.

Mayor Zeger presented his report encouraged everyone to vote. He spoke about the Memorial Day Parade which will be held on Monday, May 25, 2015 beginning at 8:0 with a precession to the cemetery at 9:00 am. Solicitor Coccoresse stated that he nothing for Council at this time.

Borough Council had no report from the Engineer.

Dawn Scheller provided the Manager's Report that included updates on the Summer Playground Program, the FCESA RFP that was requested that Borough Council Support, and informed Council that the insurance was removed on the vehicle that is no longer in use. Borough Council reviewed the email from the Fire Chief regarding the FCESA RFP where he indicated that he did not recommend it at this time. Borough Council discussed the matter, and did not take any action on the item, nor did they have any additional questions for the Manager at this time.

Derek Stoy presented the Assistant Borough Manager's Report. Derek updated Council that should they wish to finance the remaining amount for the more expensive vehicle, Borough Council would need to authorize the Solicitor to proceed with the documents required. This would be an additional cost of approximately \$2,000. Council discussed the matter further and at this time they were not interested in proceeding further with the financing options due to the additional costs. This would be an item that they would discuss further under Old Business.

Borough Council moved on to the Committee Reports.

Josh Meyers, HARB Chairman, reviewed the HARB Meeting Packet information. He reviewed that HARB recommended to Borough Council is to deny application COA: 15-05-01, also the recommendation of the consultant. Josh explained that no one was present at the meeting for the application. Council Member, and joint property owner, Lisa McCoy relayed that she was not aware of the meeting. Derek Stoy reported that the contractor was made aware of the meeting and notified the office that they would not be attending. Borough Council Members asked if improvement were only seen from an Alley and not a Street or a Sidewalk would it still require HARB's Approval. Borough Council reviewed the language, discussed the matter with the Solicitor, and it was determined that if seen from only an Alleyway it did not require HARB's approval.

Josh Meyers presented the next application information to Council. HARB made the recommendation to approve COA: 15-05-02.

MOTION: to approve application COA: 15-05-02 was made by Jon Kittredge, second by Jeff Mail, all ayes, motion carried.

Catalin Bonciu reviewed the Property Committee information to Borough Council. The Sealed Bid information would be reviewed in executive session, the truck purchase would be discussed during Old Business, and he reviewed the recommendation not to sell the Rambler Sign, as a resident in the community inquired about the sign and asked if Council was interested in selling it.

MOTION: to not sell the Rambler Sign was made by Jon Kittredge, second by Jeff Main, Lisa McCoy opposed, remaining ayes, motion carried.

Jeff Main reviewed the Streets Committee packet information. During the meeting they reviewed Free Parking Wednesdays, concrete/grate work that is needed to be completed on E. Seminary for the Streets Project with one quote received for \$4800, and they discussed pothole concerns in the Borough on Locust and Cedar Streets.

MOTION: To approve the Resolution 15-15 approving FREE PARKING WEDNESDAYS was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve the quote of \$4800 from Twine Construction for the concrete/grate work on E. Seminary St. was made by Jeff Main, second by Jon Kittredge, Council Members asked if any additional quotes received, Derek answered no, and explained that two other local contractors would not be available in the timeline that is needed for the Streets Project, Council noted that it be paid from the Street Improvement Account, a vote was taken, all ayes, motion carried.

President Suddeth moved on to OLD Business and asked for a motion approving the Shade Tree Ordinance.

MOTION: to approve the Shade Tree Ordinance 3-14 was made by Catalin Bonciu, second by Jeff Main, Amy Burkot led the discussion with information about other municipalities' ordinances and the benefits of those, she spoke about the available grant money and current county program where the county will be planting 150,000 trees, and she feels Mercersburg should consider this effort and try to be part of it, she remarked that she felt the ordinance should be updated to include Council's ability to require that trees be replanted, Council Members discussed this matter further and due to the limited timeline for the project, Council needed to make a decision at the meeting, Steve noted that if approved Council would need to advertise that Shade Trees would be discussed at the next Council Meeting and that the Streets for consideration would need to be noted in the advertisement as well, after more discussion regarding tree stump removal and the processes of installing curbing with regards to the width of the ditch to install, a vote was asked for, Jon Kittredge opposed, remaining ayes, motion carried.

MOTION: to authorize the Assistant Borough Manager to purchase the 2WD Work Truck using the Joint Equipment Fund was made by Jeff Main, second by Amy Burkot, Catalin Bonciu and Lisa McCoy opposed, remaining ayes, motion carried.

MOTION: to approve the additional repairs to the Police Vehicle as described in the Memo from the Police Chief for a total cost of \$1690.00 was made by Jeff Main, second by Jonathan Kittredge, all ayes, motion carried.

MOTION: to approve the Chief to attend the Conference for the costs listed of the attending fee of \$250.00 plus accommodations in the Memo provided by the Police Chief was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.

MOTION: to approve the Fire Police Request from Greencastle for Monday, May 25, 2015 was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.

MOTION: to approve the Fire Police Request from Greencastle for Sunday, June 7, 2015 was made by Catalin Bonciu, second by Jeff Main, all ayes, motion carried.

President Suddeth noted the Correspondence in the packet, no other items were brought forward.

MOTION: to adjourn into executive session at 8:46 pm for Real Estate Sale and Personnel Matters with possible action to be taken was made by Catalin Bonciu, second by Jeff Main, all ayes, motion carried.

Regular session resumed at 9:17 pm.

MOTION: to reject all bids received for the Tannery Lot and approve to place it out for bid with the additional wording of no lease or contingencies added to the documents with the bids to be opened at the next Property Committee on June 3rd was made by Catalin Bonciu, second by Jon Kittredge, all ayes, motion carried.

MOTION: to authorize the consideration of Shade Tree be advertised with E. Seminary Streets and Linden Avenue be specified in the ad as prepared by the Solicitor for action at the June 1, 2015 Borough Council Meeting was made by Jeff Main, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to adjourn at 9:33 pm was made by Jeff Main, second by Jonathan Kittredge, all ayes, motion carried.

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

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