

**Mercersburg Borough Council Meeting
Borough Hall, Mercersburg, PA
August 1, 2016
MINUTES**

Attending: President Tom Suddeth, Mayor Roger Defibaugh, Vice-President Jeff Main, Treasurer Catalin Bonciu, Amy Burkot, Jonathan Kittredge, Borough Manager Dawn Scheller, Assistant Borough Manager Derek Stoy, and Solicitor Steve Coccorese

Absent: Council Members Lisa McCoy, Donald Stoner, Police Chief Zechman, and Engineer Lance Kegerreis

Guests: See sign-in sheet

Press: Ken Bustin; Mercersburg Journal

President Suddeth called the meeting to order at 7:00 pm with Mayor Roger Defibaugh leading the Pledge of Allegiance. President Suddeth opened the floor for Public Comments, no Public Comments were made at this time.

MOTION: to approve the July 5, 2016 Meeting Minutes as presented was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.

Mayor Defibaugh presented his Mayor's Report. He thanked Borough Council for allowing him to attend the Mayor's Conference in Gettysburg. He reported that he received a lot of information and made some important contacts.

Police Chief's Report was provided at the Council Members' seats when they arrived.

Dawn Scheller reviewed the Borough Manager's Report. She reviewed that two property owners were interested in Shade Trees, she reminded that anyone interested contact her at the Borough Office as soon as possible. Dawn provided an update on the Sidewalk Loan Program and noted that all accounts were current and there was over \$68,000 available for property owners' curb and sidewalk projects in the Borough. She updated Council Members of the \$440.00 donation from Flannery's for the Christmas in July fundraiser. She added that the Chamber of Commerce would send the funds raised thru the Silent Auction to the Borough. Dawn reviewed that Steve was working on the ROW Agreements for the Trail and as soon as she receives them she will send them to West Penn Power for approval.

Derek Stoy presented an Assistant Borough Manager's Report. His report included that the Chamber has purchased new Public Parking Signs, he noted that he was still waiting on costs for a new salt shed building. It was decided that the Property Committee would not be meeting on Wednesday, 8/3/16.

Jeff Main asked if the PWD monthly report could be emailed to Borough Council Members. Dawn Scheller stated that she would send them the report electronically.

President Suddeth moved on to the Committee Reports.

Catalin Bonciu presented the information from the Finance Committee Meeting. He noted that the independent audit financial report was presented by Boyer Ritter Certified Public Accountants. The audit information was advertised as required and the Borough was given a clean evaluation. Catalin reviewed that the next Finance Committee Meeting was scheduled for 8/16/16 at 1:00 pm. Catalin was asked if the meeting could be held later in the day. Dawn Scheller was asked to check with the Committee Members to see if the Meeting could be held at 4:30 pm rather than 1:00 pm Dawn Scheller was asked to advertise the change once the meeting date and time were decided.

Jeff Main presented the Fire Company information. He noted that the Fire Company was looking into itemized billing for Fire Services. Jeff asked if the Solicitor could comment on this matter. Steve Coccoresse commented that he was able to find information that allows ambulance companies to bill for services, but was still researching fire services. Jeff Main invited all Council Members to attend the M.M.P. & W. Volunteer and Ambulance Company meeting scheduled for August 17th at 6:00 pm. Steve Coccoresse said that he would send his recommendation to Jeff prior to the August 17th Meeting on this topic.

Josh Meyers, HARB Chairman, reviewed information from the HARB Meeting which was held on July 19, 2016. The application discussed was COA 16-7-01 at 32 West Seminary St. This application is for replacing existing 6/6 wood windows with white vinyl windows. Some of the existing windows are arched at the top; the new ones would not be arched. Josh reviewed that the tenant at the property stated the windows are in bad shape and when closed the curtains still move in the wind. Both the owner and tenant agree that the current windows are not energy efficient. Chairman Myers stated that HARB has strict guidelines for window repair/replacement and he presented the recommendation to Deny COA 16-7-01. All Borough Council Members were provided a complete packet with the application, photos, and HARB Consultant Recommendation Report.

Catalin Bonciu expressed that he did not agree with HARB's recommendation to deny the application. He feels that many other properties and other communities support the energy efficient windows especially if the opening of the window is not altered.

Current tenants, Sally and Brian O'Rourke, were present at the Council Meeting. Sally expressed her interest in staying at the property and noted that her children enjoy the home. She reviewed that the property prior to their arrival had been vacant and overgrown. She felt that the improvements proposed would rehabilitate the property and also allow for the family to remain at the property as it is costly to heat the home with the drafty windows. Brian O'Rourke commented that he believes the windows were approximately from the 1930's and some of the windows do not function properly due to the sash cords.

Jeff Main asked if the Academy had looked into HARB approved windows.

Dan Izer, Mercersburg Academy project manager noted that the home has 26 windows which all need to be replaced, he noted that the wooden windows would cost \$35,000 whereas vinyl would cost \$15,000. Dan stated that many of the contractors who reviewed the project noted that the old windows could not be repaired as the HARB Consultant had suggested due to the condition of the wood frame and other aspects of the window.

Joe Burkot, 41 Linden Avenue, remarked that although his home is outside the Historic District he made an effort to restore the windows. He noted that the glass was wavy, that he worked on re-glazing the

glass and rebuilding frames when needed. He noted that he was able to make storm windows at a cost of approximately \$40 per window.

Judy Bonciu, 15 North Main Street, commented that she had previously listed the 32 W. Seminary property, where it had been listed for a long time. Judy confirmed that the home is very drafty and sympathizes with the tenants. She suggested that HARB should look into and provide additional options for property owners. Judy added that many of the properties in the Historic District require attention more often due to the inability to use newer materials, which not only adds more time, but more financial resources.

Josh Meyers noted that HARB was created in 1976 and the set of standards that are used are periodically reviewed and updated by the state.

Jeff Main asked Steve Coccoresse if Borough Council could change or establish a set of standards to be used when reviewing a project. Steve Coccoresse said that he would look into it and bring the information to the next Council Meeting.

Judy Bonciu commented on the current market value of homes in the Historic District and noted the market value is not consistent with the costs of rehabilitating a property using HARB's standards.

Amy Burkot asked other Council Members if they want to live in a community without a functioning HARB, she said that she doesn't. She expressed concern with Council not upholding HARB's recommendations and that Council is discussing altering the standards. She voiced that if Council continues that they will see the street scape be altered dramatically.

Brian O'Rourke spoke that a situation would be much worse if property owners would make improvements on the property without consulting HARB as opposed to if the property owners would collaboratively work with HARB and Council to work thru the challenges.

MOTION: to dissolve HARB was made by Jonathan Kittredge, second by Catalin Bonciu, Jeff Main said that he doesn't think they need to dissolve HARB but thinks they should work together if possible, Tim Rockwell spoke as a citizen stating that to dissolve HARB is too drastic, and the town has come a long way in trying to establish the historic district, Tim stated that HARB is a recommending body to Council and he believes that they can work together to find ways to compromise, he suggested that the Borough should set up a loan program to assist home owners in the historic district for property repairs. Jonathan Kittredge stated that he would abstain from future HARB matter votes because he doesn't think that government should tell people what to do with their property and that the decisions made on HARB matters have been like picking and choosing and he doesn't think that it's right. A vote was taken, Jeff Main, Tom Suddeth, and Amy Burkot were opposed, Catalin Bonciu and Jonathan Kittredge were ayes, motion failed, 3- nays to 2-ayes.

MOTION: to not follow HARB's Recommendation and to approve COA: 16-7-01 as written was made by Catalin Bonciu, second by Jeff Main, a vote was taken, Jonathan Kittredge abstained for the previously stated reason, Tom Suddeth and Amy Burkot opposed, Jeff Main and Catalin Bonciu were ayes, Mayor Roger Defibaugh broke the tie after discussion whether he needed additional time to cast a vote and if Council needed to hold a special meeting, Mayor Defibaugh voted for the motion, the motion passed to approve COA: 16-7-01 as presented.

MOTION: to begin the process to dissolve HARB was made by Amy Burkot, second by Jonathan Kittredge, Council Members began discussion if HARB Members could meet with Council Members to discuss if the standards could be amended, other remarks were made that the precedent has already been set and that Council maybe should think about appointing new members to the board, a vote was taken, Tom Suddeth, Catalin Bonciu, and Jeff Main opposed the motion, Amy Burkot and Jonathan Kittredge approved the motion, motion failed with a vote 3-2.

Council Members discussed and announced a joint meeting with HARB on September 14th at 7:30 to discuss the matter.

President Suddeth moved on to other items on the agenda.

MOTION: to approve Resolution 14-16 confirming appointment of Municipal Emergency Coordinator was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve the Developer's Agreement between Rutter's and Borough of Mercersburg was made by Jeff Main, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve the Memorandum of Understanding with Franklin County Conservation District and the Borough of Mercersburg was made by Amy Burkot, second by Jonathan Kittredge, all ayes, motion carried.

Borough Council did not act on the Central Westmorland COG Dues. Council President reviewed the upcoming calendar and correspondence in the meeting packet.

MOTION: to adjourn into executive session for possible litigation with possible action to be taken at 8:26 pm was made by Jeff Main, second by Jonathan Kittredge, all ayes, motion carried.

Regular session resumed at 8:38 pm.

MOTION: to adjourn at 8:38 pm was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

These meeting minutes were 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: _____

