

**Mercersburg Borough Council & Curb and Sidewalk Appeal Hearing  
Borough Hall, Mercersburg, PA  
October 17, 2016  
MINUTES**

**Attending:** President Tom Suddeth, Vice-President Jeff Main, Treasurer Catalin Bonciu, Jonathan Kittredge, Donald Stoner, Amy Burkot, Borough Manager Dawn Scheller, Assistant Borough Manager Derek Stoy, Solicitor Steve Coccoresse, and Engineer Lance Kegerreis

**Absent:** Mayor Roger Defibaugh and Member Lisa McCoy

**Guests/Press:** See sign-in sheet

President Suddeth called the meeting to order at 7:00 pm and asked Vice-President Main to lead in the Pledge of Allegiance. President Suddeth welcomed everyone and thanked them for attending he noted that the Borough had received an additional appeal from John Thompson at 52 North Main Street. Each Council Member received a copy of the appeal, a copy of the deficiency report, photographs of the curb and sidewalk at each property, and any additional items/plan drawings submitted by the property owner for consideration. Each appeal was heard one at a time in order that they were received. After all appeals were heard and discussed with the property owners Borough Council made the following motions.

**MOTION:** to approve the property owner of 34 West Seminary Street a time extension to perform the necessary work to bring the curb and sidewalk along Park Avenue into compliance with Ordinance 7-11 with the new date of May 1, 2016 was made by Amy Burkot, second by Jeff Main, all ayes, motion carried.

**MOTION:** to allow the property owner of 217 North Main Street to remove the small area of sidewalk behind the curb that is sloped and replace it with their choice of landscaping stone, mulch, or grass was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.

**MOTION:** to allow the property owner of 213 North Main Street to remove the small area of sidewalk behind the curb that is sloped and replace it with their choice of landscaping stone, mulch, or grass, also they were not required to place a handicap ramp at the property at Ensminger Alley now as made by Jeff Main, second by Donald Stoner, all ayes, motion carried.

**MOTION:** to require the property owner of 34 North Main Street to repair the stone curb at the property to follow Ordinance 7-11, seal the joints between the stone of the curb, and bring the sidewalk into compliance with the Ordinance as it pertains, but not limited to slope and tripping hazards, was made by Jeff Main, second by Donald Stoner, Tom Suddeth opposed, remaining ayes, motion carried.

**MOTION:** to allow the property owner of 25/27 North Main Street to saw the 35" part of the curb that was written in the appeal and make it flush with the existing curb on either side of the curb in violation of Ordinance 7-11 was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.

**MOTION:** to approve the property owner of 47 North Main Street to complete all work as proposed in the appeal letter and plan submitted, this work is to be done in accordance with Ordinance 7-11 and that Penn DOT may cause an issue as it pertains to the April 1, 2017 deadline due to the ADA handicap ramp that will be installed at Oregon Street and North Main Street, the Borough will work with the owner and Penn DOT as the deadline approaches was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.

Property Owner Tom Steiger withdrew both appeals for 60 South Main Street and 120 North Main Street.

**MOTION:** to require the property owner of 43 South Main Street to fix the tripping hazards as mentioned in the Curb/Sidewalk Deficiency Report and are required to install curb in the area which is missing, the property owner is not required to raise the curb and sidewalk elevation due to the existing elevation of the basement window wells was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.

**MOTION:** to approve the property owner of 52 North Main Street to repair curb/sidewalk in a in accordance with Ordinance 7-11 and that Penn DOT may cause an issue as it pertains to the April 1, 2017 deadline due to the Penn DOT work with the removal of tree, curb repair, and possible ADA handicap ramp work, the Borough will work with the owner and Penn DOT as the new deadline approaches of May 1, 2017 was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.

President Suddeth moved onto the other items listed on the Agenda.

**MOTION:** to approve the Treasurer's Report for the month ending September 30, 2016, Bills Payable / Updated invoice list was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Dawn Scheller presented her Manager's Report which included the money available for the Sidewalk Loan Program.

Derek Stoy presented his Assistant Manager's Report which included a challenge he discovered when reviewing the Fire Company Land Use Application. He noted that in the Zoning Ordinance is does not allow signs to blink or scroll. He asked that Council Authorize the Solicitor to draft an Ordinance Revision. The revision would need to be advertised, a copy sent to the County Planning Commission, one to the Borough Planning Commission to review and act on, and a hearing to be held at an upcoming meeting.

**MOTION:** to authorize the Solicitor to draft a Zoning Ordinance Revision for signs in the Industrial and General Commercial Districts to be allowed to blink and scroll was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

Council President moved onto the Committee Reports.

Josh Meyers presented the information from the October 4, 2016 HARB Meeting. Council Members received a complete packet of the HARB Application, photos, and engineer drawings to review and act on.

**MOTION:** To approve COA 16-10-02 as submitted was made by Jeff Main, second by Amy Burkot, Jonathan Kittredge abstained, remaining ayes, motion carried.

**MOTION:** To approve application COA-16-10-01 as shown on EADS Architect's INC. plan number 0380-16-302.60 titled M&T Bank ADA Compliance Implementation Project with a request to keep the roof and gutter colors at the ATM Enclosure as close to existing as possible. As well as accepting the fact that due to the age of the structure, 1960's, the use of Azek, aluminum soffit and hardy board in the project can be used. This by no means sets a precedent for the future as each application must be reviewed was made by Donald Stoner, second by Catalin Bonciu, Jonathan Kittredge abstained, remaining ayes, motion carried.

The last application that was reviewed did not contain enough information and no further action was taken now.

Next, Catalin Bonciu presented the information from the Property Committee Meeting held on October 5, 2016. He reviewed that they discussed the 2 trees in front of the Mayo building (118 South Main St.) which are causing the sidewalk and curb to crack and push up. He stated they need to be removed and the curb and sidewalk will need to be replaced. Also, Mr. Stoy stated that over the years, the borough trucks have run over Mr. Rotz's (neighbor to the south) curb and sidewalk as they left the garage going south. Derek recommended that the borough replace approximately 10' feet of curb and sidewalk for Mr. Rotz. It is to be noted that Mr. Rotz has not asked the borough to do this.

**MOTION: To remove the 2 trees in front of the Mayo Building (118 South Main St.) and to repair approximately 10' of Mr. Rotz's (122 South Main St.) curb and sidewalk due to borough trucks breaking it was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

**MOTION: to disregard the Salt Building Move on the Tannery Property was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.**

Catalin reviewed that the next item for discussion then went to the status of the Mayo building. Mr. Stoy explained that it is a safety issue for the larger dump trucks to access the garage. He explained that while driving the International Dump truck with the snowplow on, the only way to access the garage is to pull across both lanes of traffic on Main St and back into the driveway. It was noted that Council voted to apply to HARB for the demolition of the building in 2014. HARB denied the application and borough council tabled the idea for a later time. Amy Burkot stated she didn't want to demolish the building and felt it had historic significance. It was decided to allow Mrs. Burkot to talk to a contractor and possibly Clem Malot of PMCA to see if the building can be rehabilitated and what the costs might be to do so. She is to bring this info to the October 17, 2016 council meeting to discuss. Amy Burkot reviewed that she had not yet met with anyone, however had a meeting scheduled with a contractor. Council Members discussed that the property was not able to be subdivided. Tom Steiger was present for the discussion and provided some history on the building and believes the solution is not to tear it down for a curb or sidewalk repair. He suggested that Council spend a little time on this and think this thru.

**MOTION: to begin the process to demolish the Mayo Building of 118 South Main Street was made by Jonathan Kittredge, second by Catalin Bonciu, Tom Suddeth and Amy Burkot opposed, remaining ayes, motion carried.**

Council moved onto the items listed under New Business.

**MOTION: To retroactively approve M.M.P. & W. Fire Police to assist with the Fulton Fall Folk Festival October 14<sup>th</sup> - 16<sup>th</sup>, and to approve the M.M.P. & W. to assist with the Greencastle Halloween Parade on October 28, 2016 was made by Donald Stoner, second by Catalin Bonciu, all ayes, motion carried.**

Council President reviewed the items listed under correspondence and the upcoming calendar.

**MOTION: to adjourn at 9:30 pm was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

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

Date Approved: \_\_\_\_\_ Motion made by: \_\_\_\_\_ Second by: \_\_\_\_\_

