

Mercersburg Borough Council Meeting
Borough Hall, Mercersburg, PA
February 13, 2017
MINUTES

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

Absent: Council Members: Amy Burkot and Lisa McCoy and Engineer Lance Kegerreis

Guests/Press: Tom Heefner: 22 E. Fairview Street, Linda Hargrove: Mercersburg Academy, Rachel Nichols:
Mercersburg Journal

President Suddeth called the meeting to order at 7:00 pm with Vice-President Main leading the Pledge of Allegiance. President Suddeth asked for Public Comments. Borough Manager Scheller announced that the Borough had received a donation of a C. Stoner Print on January 20, 2017 from the estate of Robert N. Hawbaker, February 23, 2014 and M. Chloe Cohick Hawbaker, December 19, 2016. No other public comments were made.

MOTION: to approve the Meeting Minutes from January 9, 2017 was made by Jonathan Kittredge, second by Jeff Main, Tom Suddeth asked for one minor correction on page 4 noting a year correction, a vote was taken, all ayes, motion carried.

MOTION: to approve A. Treasurer's report for the month ending January 31, 2017, B. Bills payable invoice list January 2017 (distributed with packet), C. Updated bills payable / final invoice list / Account Balance List for January 2017 (provided at meeting) was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

President Suddeth noted that the Council Members had a copy of the Police Report and asked if any Council Members had questions to wait until the Mayor arrived.

Solicitor Steve Coccorese stated he had nothing at this time, but would answer questions as they arose on other items.

Dawn Scheller reported that they had nothing from the Engineer, but provided a copy of a letter from Penn DOT regarding the Herbruck's Truck Traffic Route request. Council reviewed that the changes the Borough had requested keeping the truck traffic on the state roads was the proposed route in the letter dated February 8, 2017. Council Members reviewed that when the farm was built out it was expected to see 30 trucks per day using this route. Tom Suddeth asked that the Streets Committee review the information. Derek Stoy stated that he doesn't have anything else for streets at this time, and recommended that Council decide tonight rather than calling in the five members. The Council Members discussed the proposed route in more detail. Jeff Main said that his only concern was with trucks hitting the traffic light as they turn. Derek noted that the truck driver would be responsible should that occur.

MOTION: to approve the proposed Penn DOT Truck Route for Herbruck's as written in the letter dated February 8, 2017 was made by Jonathan Kittredge, second by Jeff Main, a member asked how many trucks would travel the route, Derek answered he thought that it was 9 trucks per day once they are built-out, Dawn said that she thought it was 30 trucks total per day, Derek restated that he thought it was 9 and was pretty confident, a vote was taken, all ayes, motion carried.

Dawn Scheller presented the Borough Manager's Report which included detail on a roof leak that occurred on 1/23/17. It needed to be fixed as water was leaking into the Judge's Office. A temporary repair was made by Welsh Run Builders at a cost of \$100.85. She recommended that the Property Committee consider the matter further at an upcoming meeting as additional repairs may be needed. She noted that the Public Works Department

had an issue with a backhoe tire that needed a repair. This was completed by Service Tire Truck Centers at a cost of \$109.00. Service Tire Truck Centers also provided the Borough with a tool/kit to make the repairs in the future for no additional cost. Dawn reviewed that she had not received any additional letters of interest to serve on any of the Boards. Current Vacancies- Mercersburg General Purpose Authority (1 Vacancy), Mercersburg Planning Commission (2 Vacancies), Mercersburg Zoning Hearing Board (3 Vacancies), and Mercersburg HARB (1 Vacancy). The advertisement was placed in the Journal and is listed on the website. On Monday, 1/6/17 Mr. Nelson notified her that he would not be running again for Borough Tax Collector. Mr. Nelson has served in this position for 16 years. Dawn reviewed the outstanding sidewalk loan balance is \$15,047.53, leaving \$59,952.47 available for residents to borrow to repair curb and sidewalks. Dawn attached the DCNR January Trail Progress Report submitted for the project. Both the Water and Sewer Authorities approved the ROW Agreements. The permits for the trail project have been submitted to the County Soil Conservation District for review and we are waiting on the approvals. Dr. George provided a MacWell Johnston Streamside Trail Cost Estimate for Council to review. Dawn spoke about the 2017 Summer Program. She asked that Council approve a similar program to what was done in 2016. It would operate on Tuesdays and Thursdays beginning June 20th-August 3rd at the Lions Club Park. The expenses for the 2016 Summer Program totaled \$3,857.52. Additional activities of the Halloween Parade Float and the Family Movie Night totaled \$2,144.64. The Borough received \$4,980.00 in donations for the 2016 program. No tax money is used to operate the program as it solely operates on community donations. Dawn stated that the advertisement was sent to the Journal for the JB and HL Awards. She has not received any nominations to date. The JB Award is for the Outstanding Community Service. The Harriet Lane Award is to recognize for Outstanding Service in Arts, History, and Child Welfare. Dawn Scheller reviewed that the Auditors were in the office the week of February 6th-10th. Once the audit is completed Borough Council will receive a copy of the report which usually occurs in June/July, run the advertisement, and acknowledge receipt of the findings. She asked that Council Members complete the State Ethics Forms and return them to her before April 15th.

MOTION: to approve the 2017 Summer Playground Program to operate in similar fashion to 2016 program was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.

Derek Stoy presented the Assistant Borough Manager's Report which included an update on the Mayo Building Demolition Project. Derek reported that the utilities have been removed from the Mayo Building. He noted that the PWD would run the new phone line once the building was removed. He reported that DL George requested asbestos testing be completed on the building prior to demolishing it. Baxter Group performed the test and found some asbestos. The additional cost of completing the asbestos removal is \$4,327.00. Derek provided a copy of the report to Council. DL George would be adding amount onto the contract. Steve Coccorese reviewed that prevailing wage is triggered when a contract reaches \$25,000 and is paid with public funds. Steve recommended that if the Borough could complete some of the work in house, that it is possible it could be removed from the contract via a change order request, if DL George approved. Steve noted that he would recommend having DL George execute the original contract and then have them sign off on the change order. Council Members began discussion on the items and noted the porta john could be removed and the temporary fence could be handled in house.

MOTION: to authorize Derek Stoy, Assistant Borough Manager, and Steve Coccorese, Solicitor, to contact DL George and propose adding a change order to the contract removing the porta john and the temporary fencing from the contract, but add the asbestos abatement to the contract in the amount of \$4,327.00, obtaining an updated cost for the project was made by Catalin Bonciu, second by Jeff Main, all ayes, motion carried.

MOTION: if the new price of the Mayo Demo with the asbestos remediation totals is less than \$25,000 to allow the Council President, Borough Manager, and Assistant Borough Manager to move forward with signing the contract and proceed forward with the demolition was made by Jeff Main, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to authorize the Borough Manager and Assistant Borough Manager to have a temporary fence and porta john if needed and installed at the Mayo Building site for the not to exceed price of \$1700 was made by Jeff Main, second by Catalin Bonciu, all ayes, motion carried.

Derek Stoy reviewed that the Borough saved \$1500 with working with Columbia Gas when moving the gas line. He also negotiated with Comcast in having them run conduit to the garage thru the rear of the garage building. He reviewed that 4 Land Use Permits were issued.

Assistant Manager Stoy contacted multiple snow blower companies to obtain quotes on used snow blowers. Two of the three he contacted did not have any available, the third had one that did not compare to the one Council Member Donald Stoner was selling.

MOTION: to approve the purchase out of the joint equipment fund for a John Deere 1130SE Snow Blower at a cost of \$600.00 was made by Catalin Bonciu, second by Jonathan Kittredge, Donald Stoner abstained, remaining ayes, motion carried.

Derek Stoy reported that the Borough only has 2 Parking Permits issued during January. He provided information to Council that he anticipates Penn DOT awarding the bid in the next couple of weeks. He will try to contact the bid winner as soon as he can get more time line information for their project. Derek Stoy announced that most of the contents in the Mayo Building have been removed and he is waiting on the old refrigerator and the stove to be removed all at no cost. Catalin Bonciu commended Derek on the work at the Mayo Building.

Mayor Roger entered the meeting at 7:45 p.m.

BEAUTIFICATION COMMITTEE:

Dawn Scheller reviewed the Beautification Committee notes. They reviewed the expenses for the electric bills for the Christmas decorations totaled \$334.39 for 2016. She noted that Flannery's and the Chamber's Christmas in July Fundraiser totaled \$919.00 and was marked for replacing broken decorations. The Committee recommended purchasing 3 Lighted Wreaths at a cost of \$1170 from Rileighs for the light poles. She then reviewed that the Borough spent a total of \$3,000 on benches and two of the four have been sponsored. The Borough received \$1500 from First Community Bank of Mercersburg and Mercersburg Academy. She stated that Amy will have the name plates installed on the benches once all four benches have been sponsored. Dawn reviewed that the Borough spent a total of \$3002.86 on the flag purchase. The Borough has received \$350 towards the sponsorship of the flags. Scheller asked that Council approve a plaque titled Mercersburg Borough Flag Patrons at a cost of \$285 to recognize the donations received for the flags. Finally, Dawn Scheller reviewed that Amy Burkot would like to hold a clean-up day on Earth Day April 22nd and ask for JB and Academy students to participate. She noted that Amy would contact the local churches and obtain a list of properties that wish to have help with cleaning of front porches, sweeping sidewalks, raking gardens, and picking up trash / recycling. Dawn reviewed that participants would be asked to complete the waiver forms and that Council had previously approved and approve additional funds to feed the volunteers lunch.

MOTION: to approve all three of Beautification Committee recommendations; to approve the purchase of (3) three 4 ½ foot LED Candle Wreaths paid from the Beautification Christmas Fund for the total of \$1170.00; to approve the purchase of a plaque from Eddy's Engraving at a cost of \$285.00 plus engraving costs for the Borough of Mercersburg Flag Patrons plaque and paid from the Christmas Beautification account; Council approve the spring clean-up day to occur on April 22, 2017 with supplies and hotdog lunch for the volunteers (lunch not to exceed \$300) with the participants completing waivers as previously drafted by the Solicitor; was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

FIRE BOARD:

Vice-President Jeff Main asked that Borough Council Members consider the Solicitor to draft and advertise an Ordinance that would authorize the Fire Company to charge the cost of certain emergency services within the Borough of Mercersburg provided to person(s) necessitating use of emergency rescue services. Jeff noted that the charge would be sent to the persons' insurance carrier who was provided the services. Vice-President Main added that Montgomery Township approved their proposed Ordinance. Steve Coccorese reviewed that it would need to be advertised once not less than seven days prior to the meeting approval.

MOTION: to authorize the Borough Solicitor to draft and advertise an Ordinance authorizing M.M.P. & W. Fire Company to charge the cost of emergency services provided within the Borough of Mercersburg to the insurance carriers and/or person(s) necessitating the use of emergency services for action at the March 13, 2017 Borough Council Meeting was made by Jonathan Kittredge, second by Donald Stoner, Tom Suddeth asked if the persons could be removed and only bill the insurance carriers, Steve Coccoresse stated that both would need to be indicated on the bill as the individuals would forward the bills to the insurance carriers, all ayes, motion carried.

HARB:

Mr. Heefner provided the review of the HARB Meeting information from the February 7, 2017 meeting. Mr. Heefner reviewed application COA: 17-02-01 and the recommendation to approve the application. Mr. Heefner reviewed that the work has been done already as the property owner was not aware of the HARB District requirement for an application/approval. HARB invited the Borough Council Members Jeff Main and Lisa McCoy to attend the March 7, 2017 HARB Meeting to discuss items with Bryan Van Sweeden, Central Region CLG Coordinator of Pennsylvania State Historic Preservation Office. Jeff Main said that he would be able to attend. Tom Suddeth said that he would speak with Lisa McCoy and if she was not able to attend he would ask Amy Burkot to attend in her place. Derek Stoy said that he would contact Bryan to let him know that they would meet on March 7, 2017.

MOTION: to authorize COA: 17-02-01 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

PERSONNEL COMMITTEE:

Vice-President Main reviewed the information from the February 6, 2017 Personnel Committee Meeting and the recommendation to approve Resolution 03-17 amending the Mercersburg Employee Manual to include the following; adding in the Employee Manual under XIII. Sick Leave, 2. Sick leave in excess of three (3) successive working days, whether for the employee's own sickness or to care for an immediate family member. And 4. Sick leave includes: illness, injury, or when the presence of the employee would jeopardize the other staff members, public or the employee him or herself. During each calendar year employees, may also use up to 40 hours of sick leave to care for a sick member of the employee's immediate family. Additional time if needed can be requested by submitting the request to the Personnel Committee for further consideration. Jeff also reviewed that Ronald Starliper' celebrated his 25th Employment Anniversary and was presented a certificate.

MOTION: to approve Resolution 03-17 approving the Employee Manual 2017 edition adding in the Employee Manual under XIII. Sick Leave, 2. Sick leave in excess of three (3) successive working days, whether for the employee's own sickness or to care for an immediate family member. And 4. Sick leave includes: illness, injury, or when the presence of the employee would jeopardize the other staff members, public or the employee him or herself. During each calendar year employees, may also use up to 40 hours of sick leave to care for a sick member of the employee's immediate family. Additional time if needed can be requested by submitting the request to the Personnel Committee for further consideration, motion made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

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

MOTION: to approve Resolution 01-17 Fee Schedule adding the Snow blower to the list of equipment at a rate of \$50.00 per hour was made by Donald Stoner, second by Jonathan Kittredge, all ayes, motion carried.

MOTION: to approve Resolution 02-17 in support of Senate Bill 535 and House Bill 71 enabling all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to approve a life membership to the Mercersburg Historical Society Membership for the cost of \$500.00 was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

Mayor Roger Defibaugh provided his Mayor's Report which included a review of the Meet the Police Chief Night. He reviewed that there were four people in attendance that evening and he was hopeful that more would attend in the future during future events. Mayor introduced Linda Hargrove, Mercersburg Academy Community Relations Liaison. He thanked her for meeting with him and she noted looking forward to meeting with Dawn and Derek in the upcoming week. Mayor Roger Defibaugh stated that since Rutter's opened the Police Department has responded to 17 calls, three were alcohol related, but none of the three were from alcohol sales purchased from Rutter's. Mayor noted that the three alcohol related calls were individuals who brought the alcohol onsite. Jonathan Kittredge asked about the Police Chief's report and the donation money listed on the report. Mayor said that he would ask the Chief about it and bring back the information to Council. Defibaugh brought forward a concern from the Academy Security Officer regarding turning from Constitution onto McConnell Alley. Mayor noted that the concern is a possible future traffic accident occurring where a vehicle crosses the oncoming traffic as they are turning onto McConnell Alley and not realizing they are turning as there is no indication that Constitution turns. Mayor's suggestion was that this be brought before the Streets Committee to discuss further. A Council Member brought forward the suggestion to make McConnell Alley one way, another idea was to paint a center line where Constitution turns. Derek Stoy stated that he thought the Borough would have to complete a traffic study and an Ordinance change to do those items. Derek wasn't convinced that either of those should occur as this road and traffic pattern has been the same for years and he did not feel the Borough should go thru this process for one complaint. Jeff Main asked Derek to consider options and bring back the information to the Streets Committee.

President Suddeth reviewed the upcoming meeting schedule where Streets will meet on 2/22/17, Property on 3/1/17, Beautification on 3/2/17, and HARB on 3/7/17. He also reviewed the correspondence items in the packet.

MOTION: to adjourn at 8:34 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 L. Scheller, Borough Secretary, for approval with the use of her meeting notes and audio recording.

Date Approved: _____ **Motion:** _____ **Second:** _____