

**Mercersburg Borough Council
Borough Hall, Mercersburg, PA
August 28, 2017
MINUTES**

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

Absent: Member Lisa McCoy and Engineer Lance Kegerreis

Guests/Press: Carla Carbaugh: 42 Locust Drive, Mercersburg; Andrew Abel: 300 E. Seminary St.; Chris Ardinger: 35 South Main Street; Linda Hargrove: Mercersburg Academy; Kelly Buterbaugh: 14 Loudon Road; Rachel Nichols: Mercersburg Journal; and Donald L. Myers: 9186 Garnes Road, Mercersburg, PA

President Suddeth called the meeting to order at 7:00 pm with Mayor Defibaugh leading the Pledge of Allegiance. President Suddeth opened the floor for public comment.

Kelly Buterbaugh, 14 Loudon Road, brought forward concerns that she has with the proposed truck route and the increased truck traffic when Herbruck's Egg Farm facility opens. She reviewed that she lives at the point and the truck traffic that travels by her home now is loud. She noted that there are dips/ripples in the pavement that causes the trucks to rattle when traveling over them. She suggested that this be repaired before adding additional trucks on the roadway, but would still not be in favor of increased truck traffic. Council Vice President Jeff Main noted that that the road that she spoke about is a state road and she needs to contact the State Representatives for the suggested repairs. Vice President Main spoke that the Streets Committee will review a proposal received from Herbruck's later in the meeting and would ask the Solicitor to review the proposal.

Carla Carbaugh, 42 Locust Drive, brought forward complaints of items being dumped on a neighboring property. She reviewed that she had made complaints to the Borough Office and that this was still occurring. She reviewed that neighbors were dumping grass clippings, brush, field corn, and even dog poop. She reviewed that she has spoken with the property owner and nothing has been done. Jeff Main noted that he was one of the neighbors that was permitted to dump grass clippings on the property. Derek Stoy reviewed that when he received the complaint, he did visit the property, but did not see anything that would violate the Ordinance. After much discussion, Jeff Main reviewed that he would assist Carla and speak to the property owner with the suggestion that the debris be pushed back from the roadway further from Ms. Carbaugh's property.

Jonathan Kittredge read the attached statement asking the Academy and other financial solvent Non-Profit Organizations to make an annual P.I.L.O.T. contribution of \$50,000 to the Borough. Catalin Bonciu spoke as the Chairman of the Finance Committee and noted that the Borough has started the budget process for 2018 and is starting with a deficit as the Borough is losing rental income as the Judge is moving and the additional funds being paid to the Fire Company. Catalin spoke that the Borough is already collecting over 27 mills and the community cannot afford another tax increase, nor would he support one. Chris Ardinger cautioned Mr. Kittredge on targeting the Academy and noted that if the Borough requests funds from the Academy where would it stop as the County and maybe the School District would also ask for funds. Linda Hargrove spoke to Council and stated that the Academy is a good neighbor that employs about 250 people all who loves this

town and she wishes to continue to communicate with the Borough and build relationships with the Borough. Linda stated that she would share Jon Kittredge's statement with members of the Mercersburg Academy community and she would continue to attend Borough Meetings and come to listen. Donald Stoner entered the meeting at 7:30 pm.

MOTION: to approve the Meeting Minutes from July 10, 2017 and July 24, 2017 was made by Jeff Main, second by Jonathan Kittredge, all ayes, motion carried.

MOTION: to approve the Treasurer's Report for the month ending July 31, 2017 and the Bills Payable/Invoice List for the month ending July 31, 2017 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Mayor Defibaugh presented his report which included an update on Rutter's and recent meetings with Rutter's' Mid-level management to discuss recent concerns they have had. Mayor Defibaugh offered an apology to the Rutter's Employees that may have been offended by recent remarks as that was not his intention. Roger spoke that he had received concerns with the recent removal of trees along Main Street and stated that he would speak with Amy Burkot on the matter. Mayor also spoke about recent concerns of a member of Council asking local businesses if they feel that the Police Department is a value to the community. He stated that he has an open-door policy and wished that he had been approached prior to other business owners being contacted.

There were no questions on the Police Chief's Report.

Solicitor Steve Coccorese did not have anything at this time, but would answer any questions should they arise.

Dawn Scheller presented her report that included an update noting that the Parents of the Summer Program raised a total of \$ 963.32 for the cost of the insurance and supplies for the Halloween Parade Float. She reviewed that the Academy has pledged \$3,000 for the 2018 Summer Playground program. She asked that Borough Council approve the expenses to be paid for the Halloween Parade Float insurance and supplies needed along with the costs for the annual Family Night.

MOTION: to approve the cost of insurance and supply costs for the Halloween Parade Float was made by Jeff Main, second by Jonathan Kittredge, all ayes, motion carried.

MOTION: to approve the annual Family Night date to be determined was made by Donald Stoner, second by Jeff Main, all ayes, motion carried.

Dawn Scheller provided an update on the Borough's request for a credit card. She was informed by the bank an additional card would be issued to the Board Representative signing the application. Borough Council authorize Catalin Bonciu to sign the application and he noted that the card would be locked and maintained in the Borough Office fire proof cabinet. Dawn Scheller reviewed that she has scheduled the phone and internet switch to occur on August 31, 2017. She also reviewed that she was interested in working with the Academy and maybe the High School like the clean-up day to rake leaves for the elderly in town.

Derek Stoy presented his Assistant Manager's Report which included an update on the Penn DOT Paving Project and that he has recently been spending much of his time on Water Matters.

The Public Works Department Report was included for Council Members review.

Jeff Main provided a Fire Board Report that included an update on the renovations for the MDJ's Office. He reviewed that they were looking at a November time frame for it to be completed. Jeff Main announced that everyone was invited to attend the Fire Board Meeting scheduled for September 12, 2017 at 6:00 pm and he hoped everyone could attend.

Catalin Bonciu reviewed the Finance Committee Meeting notes. He thanked the Mayor and Sergeant Wertz for attending the meeting. Catalin reviewed that the Finance Committee has asked that some information be collected and shared with the Property Committee regarding the soon to be vacant upstairs space. The Finance Committee spoke about the possible use being for the Police Department. The Committee also spoke about a leak at the garage and some other possible improvements requested. During the Committee Meeting, it was noted that the Borough Hall roof and roof at the garage had leaks and possible future repairs will be needed and then budgeted for. The Finance Committee asked that the Police Department and Derek Stoy forward some thoughts to the Property Committee to review and discuss. No recommendations were made at this time.

Jeff Main reviewed the notes from the Personnel Committee which included the following recommendations; 1) to accept Ronald Starliper's Resignation effective September 1, 2017; 2) that Borough Council allow the Personnel Committee to interview candidates to staff the Public Works Department and authorize them to hire the most qualified applicants with the potential savings of up to \$15,000 to the annual Borough General Fund Budget and an estimated additional savings of \$15,000 shared between the Water and Sewer Authorities, they asked that Dawn Scheller perform the reference checks and ask the Police Department to perform the criminal background checks with the hiring be contingent upon receiving satisfactory background checks; and 3) to research and start a 401k type retirement plan for new hires.

MOTION: to accept Ronald Starliper's resignation and retirement after serving the Borough for twenty-five years was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to allow the Personnel Committee to interview and hire the most qualified candidates with the completion of a satisfactory background check to fill two full-time PWD Laborer Positions and one part-time PWD Laborer position in the Public Works Department was made by Jonathan Kittredge, second by Catalin Bonciu, Catalin spoke that he did not feel that the Public Works Department needed any titled positions as he felt that Derek was hired to supervise that department, discussion on approving a salary budget not to exceed the salary amount of \$93,995 and health benefits amount not to exceed \$28,050.96, Derek Stoy voiced concern with only hiring two full-time employees, they discussed adding the caveat that this could be revisited at a later date, a vote was taken, all ayes, motion carried.

MOTION: to authorize that a 401 K Plan type of retirement benefit be considered was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Jeff Main reviewed the Streets Committee Meeting information.

MOTION: to release the \$25,000 Public Improvement Maintenance Security Bond from Rutter's was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to approve Derek Stoy collecting snow removal and other emergency service and equipment pricing from local contractors to assist in-case of an emergency was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

David McLucas contacted the borough and questioned why the borough wasn't paving Seminary Lane as he had found in a deed that the borough was required too. Mr. McLucas was told the borough would consider it. Mr. Stoy found the deed in question was in fact the deed to the old sewer plant that is in the boroughs name. In summary, the deed specifically spelled out that it "will improve, at its own expense, said lane or driveway with a hard-top material over such portion thereof, south of the real estate hereby conveyed." Mr. Stoy explained that he contacted the engineer and talked to a registered surveyor to confirm that the borough, according to the deed, is ONLY responsible for the southern part of the property and the driveway where it adjoins. The surveyor reviewed the deed and confirmed with Mr. Stoy that the borough is not responsible for paving or placing a "hard top material" from the public street to the old sewer plant, as Mr. McLucas is stating. Mr. Stoy asked the committee if they would like to confer with the solicitor on this issue or take the confirmation from the surveyor. The committee decided to accept the surveyor's findings and made the following recommendation to Borough Council which made the following motion.

MOTION: to authorize Derek Stoy to write Mr. McLucas a letter stating that the borough is not responsible for the lane until it adjoins the borough owned property according to deed book 462 page 332 as recorded in the Franklin County Register and Records office at the Franklin County Courthouse was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

A review of paving needed at the intersection of Beech and Locust. It was estimated to cost \$20,000.

MOTION: to ask the Finance Committee to include \$20,000 for road repairs for the intersection of Beech and Locust in 2018 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Council Members authorized the Solicitor to review the Agreement proposed by Herbruck's regarding the proposed truck route using Landis Drive. Jonathan Kittredge voiced concerns as he feels that Council has already answered no to Herbruck's first request. Information that additional funding may be available to improve Landis Drive as the Governor's Action Team was now involved on the project due to the economic impact that this would have on the area. Jon stated he was not in support of this. Council asked that Steve review and bring back his opinion to the next Council Meeting.

The next item discussed at the Streets Committee was regarding sidewalk complaints brought forward to the committee by Councilman Jonathan Kittredge. Borough Council received copies of the photos taken of the curbs and sidewalks in question. Jon reviewed that these were only the five worst of over forty properties that had issues. Jon reviewed that he felt this needed to be done since the Church was made to improve their sidewalks. Jeff Main spoke that some of the properties that were included in the list, the State couldn't provide answers to Derek regarding the elevation of the road. Other discussion occurred if this even should be brought to Council to discuss and after much discussion the following motion was made.

MOTION: direct the Ordinance Officer to enforce the Sidewalk Ordinance regarding the five official complaints was made by Jonathan Kittredge, second by Amy Burkot, Derek Stoy spoke and reviewed that he has contacted Penn DOT who is looking into the Penn DOT matter which is one of the five complaints but is not part of the elevation concerns, Mayor spoke and asked if they were taking the discretion away from the

Zoning Officer, he also noted that Greencastle has divided the Borough into quadrants when selecting areas to address, a vote was taken, Jonathan Kittredge and Amy Burkot were in favor, Donald Stoner, Tom Suddeth, Jeff Main, Lisa McCoy opposed the motion, Catalin Bonciu abstained, the motion failed.

MOTION: to table the five Sidewalk Ordinance complaints for two weeks or until Derek Stoy hears back from the state which could be three years was made by Jeff Main, second by Catalin Bonciu, Amy Burkot and Jonathan Kittredge opposed, remaining ayes, motion carried.

Council Members moved on to the other items listed on the Agenda.

MOTION: to accept the 2018 MMO information provided for both the Uniformed and Non-Uniformed Pension Plans was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to approve the \$1.00 per hour, per day for the crossing guards was made by Jeff Main, second by Jonathan Kittredge, President Suddeth opened the floor for discussion, Mayor Defibaugh stated that he would like to send them a letter saying that we agree to this with the stipulation that they take over full, 100% responsibility come next school year, Mayor reported that the Police Chief found out that a law was passed with changes to the law and that other Borough's such as Carlisle Borough does not pay towards school crossing guards, President Suddeth stated that he was told by a school board member that they can't do that because they have to have the Police Chief over them with the authority to stop traffic on a state road, Mayor stated that he did not know and that he had never heard that before, Jeff Main noted what about fire police, there was no other discussion and a vote was taken, all ayes, motion carried.

A review of the upcoming meetings was completed along with the correspondence.

MOTION: to adjourn at 8:55 p.m. was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

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

Date approved: _____ Motion: _____ Second: _____

This is to the Mercersburg Academy and all other non-profit organizations concerning what is called PILOT- payment in lieu of taxes. Ever since I have been on council, and before, I have quietly put forth the idea of asking financially solvent non -profits, including the academy to make Pilot. Every time the subject is brought up, there are averted eyes and denunciation for even bringing up the subject. It is as if it is some forbidden subject: like the wizard of oz, don't look behind the curtain. I really don't know the reason for this, what I do know is this town has a hard time keeping up it's infrastructure. We have trouble paying our alleys and streets, we have trouble paying for new police cars, new fire engines, new dump trucks etc. People say we need to raise taxes to cover things. I will never vote to raise taxes until all other options have been fully pursued and I believe this is one of those options. It is my duty to do so. (As it should be with every one else here). As I have mentioned, this applies to all non-profits, but this statement is directed to the Academy. I am aware that the school pays taxes on properties owned in town but as far as I am aware non of the buildings on campus are taxed (some of which are in the borough and some which are not). People have asked me what would be a number to ask for for Pilot. I am aware that the Academy gives a few thousand dollars to the summer playground etc., but given the financial condition of the school I think that is a pittance. The number I came up with to ask for is a \$50,000 annual donation to the general fund of the borough. I do not know the salary structure for faculty there but I assume it is \$50,000 or greater, and when I read the last annual report there were 104 faculty. I do not believe such a donation would be detrimental to the schools financial condition at all and would help the town a great deal.

In decades past the school was not in such good financial condition as it is today. The town set up the General Purpose Authority to help the Academy fund loans for various projects. Through the efforts of then headmaster Mr Burgin and later efforts of headmaster Mr Hale, the Academy is now on solid financial footing, and I don't think the GPA will have to be used again. I have no arguments if a non-profit is tax exempt when financially strained, but once that non-profit is solvent I believe they have an obligation to make PILOT on properties not taxed. (this applies to all non-profits, not just the Academy)

I did not present this last year as Mrs. Titus was new and it would not have been fair to her to do so until she got her feet under her. She has been there a year and is no longer new. I would ask that a meeting or meetings be held between the school and the town and not have this treated as something taboo. I do not know if the buck stops with Mrs. Titus (pun intended!) or if the town should ask for a meeting with the Academys Board of Regents when next they convene here. In actuality, I don't think a meeting is necessary. I think this statement speaks for itself. However, I understand that people want to follow certain protocols.

If people think I am making up PILOT, look it up, many non-profit organizations make PILOT to the communities that support them. Of Course the Academy can say no to any meeting or meetings. Of course the Academy can say no to any donations (to the town or otherwise), but given the financial solvency of the school, I think that would be wrong.

Jon Kittredge