

**Mercersburg Borough Council Meeting  
Borough Hall, Mercersburg, PA, 17236  
October 5, 2015  
MINUTES**

**Attending:** President Tom Suddeth, Vice-President Jeff Main, Mayor Jim Zeger, Treasurer Catalin Bonciu, Lisa McCoy, Donald (Dusty) Stoner, Amy Burkot, Jonathan (Jon) Kittredge, Borough Manager Dawn Scheller, Assistant Borough Manager Derek Stoy, Solicitor Steve Coccoresse, Engineer Lance Kegerreis

**Absent:** NONE

**Press:** Ken Bustin, Mercersburg Journal

**Guests:** See sign-in sheet

President Tom Suddeth called the meeting to order at 7:00 pm with Mayor Zeger leading the Pledge of Allegiance. Tom Suddeth opened the floor for Public Comment.

Larry Funk read a statement which included his concerns regarding the condition of West Seminary Street being deplorable and has been in this condition for a number of years. He reviewed that the Borough receives \$52 dollars per year from the local services tax from 35 school district employees who use West Seminary Street daily. He spoke about the significant amount of parents who also travel the road when dropping off and picking up students. Larry Funk reviewed that he feels the street is so bad that it is not unreasonable to think that traveling it would put some of the pregnant employees into premature labor. Larry spoke that he has been informally told that there was problems getting right-of-ways, but ultimately does not care what the challenges are, just that Council needs to fix the street.

Lance Kegerreis spoke regarding West Seminary Street and noted that it has been on the list and is still on the list, that the Streets Committee spent about a half of a year trying to work with property owners on drainage easements. Lance reviewed that the main issue is that the Borough has is storm water. He reviewed that the alley that is there, is a private alley, and until there is an easement for drainage the Borough does not have anywhere to run the water. He stated that is where it got stuck, and where it has gotten stuck in the past.

Larry Funk asked the Engineer to figure out a way around the issue since he is the expert. Lance Kegerreis said that he can't get easements and the water runs downhill.

A guest stated that eminent domain allows for Borough's/Municipalities to when they need land for streets for proper projects allow them to take the private property.

Steve Coccoresse was consulted and he reviewed that it does to a point, but there is a process and a cost associated with it.

Jeff Main spoke that as the Chairman from the Streets Committee he had Members of the Committee try to work with the homeowners on West Seminary Street concerning the drainage which were unsuccessful. Jeff Main explained that there were time restraints with the project.

Daniel Myers spoke about the church attendees using the School Districts Parking Lot for parking due to West Seminary Street being too bumpy. He asked Council if the School District is going to be expected and liable for parking for events such as Townfest and other festivals in the town. He also remarked that dump trucks were in the school district's lot when they were paving other roads, he had concerns with why this should continue when the road going to the school is never going to be serviced.

Tom Suddeth reviewed that every time that the Borough does a survey it is the worst street in town and that it is something that Council would like to fix however Council did not want to put money into it if it is only going to deteriorate due to water runoff.

Mr. Heefner spoke and informed the attendees that the drainage has been the issue, and if you put a new road over poor drainage you are just throwing money down the drain.

Jeff Main spoke about the committee looking at multiple alternatives. Lance Kegerreis added that the Committee even looked at porous paving as an alternative, however with the maintenance it would not work with being a public road. Lance stated that the inlet system would need to be installed before paving could occur.

Mr. Alan Piper highlighted recent discussion points that the Borough doesn't have the money, imminent domain- the right to cease private property for public use, he added that no one likes imminent domain but sometimes it has to be used. He asked why the Borough hasn't used imminent domain.

Council Members relayed that imminent domain hasn't come up and reviewed the private alley was turned over to the property owners many years ago.

Donald Stoner spoke and asked if the school board has ever used imminent domain. Larry Funk answered him and was sure the school board has, but couldn't recall when. Donald Stoner relayed that Council wants the street to be done, however that imminent domain could be quite costly. Donald Stoner said that the Borough could raise taxes to pay for the cost of the process and drainage, but then asked how many people would be in complaining that the Borough raised taxes for such a small section of street.

Chris Ardinger thanked the Council Members for listening to their concerns, and asked if there are any plans for the future. Jeff Main reviewed that it is being looked at, he spoke about planning for the future, looking at the other streets that need work and developing a plan for funding for the work.

Public conversation continued regarding Borough budgets and the amount of funds being paid for the police force. Members of the public suggested cutting back on the police force as some feel that it was overkill.

Donald Stoner spoke about concerns working in a town that does not have a police force and relies on the state to provide coverage. He spoke that currently the state does not charge for coverage, but there will be a time when the state begins to charge municipalities for coverage.

Chris Ardinger offered assistance when speaking with property owners. Mr. Piper also spoke about the importance of communicating effectively.

Amy Burkot asked Steve if imminent domain is a lengthy and costly process. Steve Coccorese stated that it is not free, but it is an avenue to explore. The school board members spoke and offered their assistance. Mayor spoke that it has been a problem for 37 years. Jeff Main spoke about a joint effort with the assistance of the present school board members.

The School Board Member's left the meeting.

Jeff (public guest) spoke about the trick-or-treat night being changed to Saturday, October 31, 2015. He asked that it not be changed for this year and asked them to reconsider due to less than 30 days-notice. Donald Stoner spoke about the previous meeting and the public comment received so the Mayor changed it for this year. Mayor ultimately said that he likes having it on a Sunday, but the Borough would try it out for this year.

Josh Meyers spoke about concerns with the streets project. He recently had water that flooded his basement and damage to his curb that was just installed. He provided photos to council to review and Lance promised to receive clarification from the contractor on the curb repairs that were just completed. He provided Josh with warranty information of one year for the curb repairs, but would find out more information from the contractor. Dawn Scheller reported that the basement water was reported to the insurance company. Dawn informed Council that the PWD had placed cold patch in an area around the telephone pole and sandbags were also placed at Josh's property in preparation of the storm event.

Public comment ended at 7:54 pm where Council President moved on to the other items listed on the Agenda.

Meeting Minutes from September 21, 2015 were tabled until next Council Meeting for two corrections.

**MOTION: to approve the Treasurer's Report and Bills Payable/Invoice list for the month ending September 30, 2015 was made by Donald Stoner, second by Jeff Main, all ayes, motion carried.**

Mayor Zeger presented his Mayor's report where he spoke about Larry Thomas, former Police Chief and that he and Tom Suddeth attended his funeral along with many other members of the community.

President Suddeth noted that the Police Report was included in the Council Packet for review and there was an action item.

**MOTION: to approve the purchase of the salvage title from the insurance company for \$324.94 and the sale the totaled police cruiser with a salvage title transfer to Todd Potter, Sr. in the amount of \$324.94 with the Borough to receive a final payout of \$4758.56 from Selective and \$324.94 from Potter all to be deposited in the Police Reserve Fund with the Chief to forward costs from Com Pros to remove police lights, radio, and computer was made by Jeff Main, second by Catalin Bonciu, all ayes, motion carried.**

Steve Coccoresse reviewed the Solicitor's Report which included a request for the Borough to approve the decision for the Tax Appeal BRINDLE v. FCBART, Nos. 2014-3911; 2014-3910, where the Borough would refund \$2,259.29 in taxes to Brindle.

**MOTION: to authorize the payment of \$2,259.29 to Robert R. and Steven R. Brindle per docket # 2014-3910 & 3911 was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.**

Lance Kegerreis spoke about the Streets Project and some soft spots that are a result of poor base. He reviewed that P&W would be the one to fix the issues and they were scheduled to be here mid-month dependent on weather.

Dawn Scheller reviewed her Manager's Report, that included advertisement requirements for the Tax Ordinances, she provided an updated on who responded to the Pension RFP and noted that the Personnel Committee would be reviewing the information received. Dawn also reported that the reimbursement was received from Columbia Gas.

**MOTION: to authorize \$100,000 from the Columbia Gas Check to be transferred to the PLGIT Loan Repayment Account along with the second half of 2015 contribution of \$44,143 plus the remaining \$40,894 be transferred to the First National of Mercersburg Streets Project account for future projects was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

Borough Council Members discussed the upcoming Tree Planting day and decided that Friday, October 23, 2015 at noon. Any Council Member able to attend was invited to be here for the tree planting and tree dedication to Betty Stenger. Amy Burkot reviewed that she was in the process of completing grant applications for the 2016 year.

**MOTION: to approve the five trees planted as discussed by the Beautification Committee was made by Catalin Bonciu, second by Jeff Main, Jonathan Kittredge opposed, remaining ayes, motion carried.**

**MOTION: to approve Greencastle's Fire Police request for October 30, 2015 and November 21, 2015 was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to approve the payment of \$9,303.23 to MMP&W Fireman's Relief in accordance with the Foreign Fire Insurance Tax Distribution Law was made by Catalin Bonciu, second by Jeff Main, all ayes, motion carried.**

**MOTION: to adjourn into executive session at 8:37 pm with possible action to be taken for Personnel Matters was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.**

Regular session resumed at 9: 12 pm.

Borough Council Members discussed Dr. Orange's property and the recent letters sent to him regarding the property. Derek Stoy was asked and read out loud portions of the letter written. Some members of Council felt that this was in accordance with the ordinance while others did not agree. After discussion the following motion was made.

**MOTION: to allow Dr. Orange to continue with his project, to fence the property, and that will be satisfactory to the Zoning Officer was made by Amy Burkot, second by Jonathan Kittredge, Jeff Main-Donald Stoner-Lisa McCoy-opposed, remaining ayes, motion carried.**

Vice-President Jeff Main left the meeting due to another meeting obligation.

Council Members discussed the Police Chief and Flex Time (previously comp time) and ultimately decided to send this to the Personnel Committee for further discussion and possible policy.

**MOTION: to eliminate Flex Time / Comp Time for the Chief of Police was made by Catalin Bonciu, second by Jonathan Kittredge, some members of Council felt that it should be sent to the Personnel Committee, and the motion was withdrawn.**

Borough Council Members began budget discussions and reviewed the information provided in the packet. After discussion. The following motion was made.

**MOTION: to table the discussion and continue it at the October 19, 2015 meeting with more time to review the proposed budget was made by Donald Stoner, second by Amy Burkot, Catalin Bonciu-Lisa McCoy-Tom Suddeth-Opposed, Jonathan Kittredge-Donald Stoner-Amy Burkot was ayes- Mayor broke the tie and voted against, motion failed.**

**MOTION: to approve the following two changes to the 2016 Proposed Budget: 1) decrease line item by 410.10 by \$22,000 and reduce 492.40 to \$0.00 and authorize the office to advertise the 2016 Proposed Budget was made by Lisa McCoy, second by Catalin Bonciu, Jonathan Kittredge-Donald Stoner opposed, remaining ayes, motion carried.**

Some Borough Council Members requested that the library investigate offering the same level of services provided that the County has, due to the pending millage increase.

Meeting Calendar information was reviewed along with the correspondence in the packets.

**MOTION: to adjourn at 10:10 pm was made by Amy Burkot, second by Catalin Bonciu, all ayes, motion carried.**

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

Date Approved: \_\_\_\_\_ Motion Made By: \_\_\_\_\_ Second By: \_\_\_\_\_

