

**Mercersburg Borough Council  
Borough Hall, Mercersburg, PA  
November 7, 2016  
MINUTES**

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

**Absent:** Borough Engineer Lance Kegerreis

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

The meeting was called to order by President Suddeth with the Mayor leading the Pledge of Allegiance. Mayor Defibaugh asked for a moment of silence for the recent death of former Mayor Wagner after the pledge. President Suddeth welcomed Scout Troop 28 and opened the floor for Public Comment.

Susan and Ron Simar were present at the meeting to present her Shade Tree Appeal. After reviewing the information provided by Mr. & Mrs. Simar and the comments from Lance Kegerreis.

**MOTION: To approve the Shade Tree Appeal for 35 South Main Street provided the property owner follows the Borough Engineer's recommendations; 1) to re-pour the sidewalk with as much tree window as possible for future trunk growth, 2) remove and replace the section of curb in front of the tree, perhaps, needing to remove or cut any roots that may be found under the curb, and 3) to re-pour the curb using horizontal re-bar be installed in this short section of curb and dial it into both sides of the existing curb, motion was made by Jeff Main, second by Donald Stoner, all ayes, carried.**

Mr. Jacobs addressed Council with concerns with the Police Department and the Assistant Borough Manager not responding to a complaint he reported about a neighbor burning activity. Mr. Jacobs reported that the property of 10 W. Fairview was burning items not in compliance with the Ordinance and was unhappy with the response he received from the Police Department and Assistant Borough Manager. Mr. Jacobs read another neighbors statement (along with a short video) who also reported that the property owner of 10 W. Fairview was burning items that were not allowed. Mayor Defibaugh offered to consider the matter further and speak with Mr. Jacobs sometime following the meeting. Mr. Jacob's thanked Council Members for their time and looked forward to speaking with the Mayor.

No other public comments were made.

**MOTION: to approve the meeting minutes from October 3, 2016 and October 17, 2016 as presented was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

**MOTION: to approve the Treasurer's Report for the month ending October 31, 2016 and the Bills / Payable Invoice List for the month ending October 31, 2016 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

Mayor Defibaugh presented his report where he reported that the Borough Police Department received \$1,000 from Rutter's for a donation which he asked Council if these funds could be deposited into the Cruiser Replacement Account.

**MOTION: to approve the deposit of the Rutter's Donation of \$1,000 into the Police Cruiser Fund was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.**

Mayor thanked the Fire Police for the wonderful job they did with the Halloween Parade. He also thanked the State Police who could assist and he noted that the Police Department would send thank you letters for the assistance. Mayor noted that he and the Chief were scheduled to visit the 911 Center to see how calls come in and the process.

The Police Report for October was included in the packets questions were asked and answered concerning the Police Chief's worksheet.

No items from the Solicitor now although he had two items for executive session to be called later in the meeting.

Dawn Scheller presented her report which included a complaint that she received regarding the Halloween Parade. It was reported that local business had issues with the chairs and items left along the parade route prior to the parade where customers tripped on those items. Dawn was asked to forward the concern and she noted that Steve would consider if other surrounding communities have any Ordinances or Policies addressing that item. It would be forwarded to Council once received. Dawn asked if Council wished to receive quotes for the electric bill. Dawn noted that the Borough, Water, and Sewer pay up to \$14,000 per month in electric bills. Council Members wished to receive quotes to be opened and reviewed at an upcoming property committee. Borough Council Members asked that this information be shared with both Authorities with an invitation to attend. The 2016 Community Family Night was discussed.

**MOTION: to authorize the 2<sup>nd</sup> Community Family Night to be held on December 4, 2016, starting at the Library, then the Star Movie Theatre, and finally Hot Chocolate on the Square, all costs would be paid from the Summer Playground Account was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to approve the purchase of additional flag brackets for the cost of \$636.00 paid from GF: 458.03 was made by Jonathan Kittredge, second by Jeff Main, all ayes, motion carried.**

Derek Stoy presented his report which included information about the Zoning Change regarding signs. Solicitor Coccoresse explained the process of two required advertisements, mailing copies to the Law Library, County, and Borough Planning Commission.

**MOTION: to approve the advertisement of the proposed Zoning Ordinance Change to include scrolling, blinking, signs in the General Commercial and Industrial Districts was made by Catalin Bonciu, second by Jonathan Kittredge, Lisa McCoy was unfamiliar with the topic and asked for clarification, a short review of the request was reviewed from the last meeting, a vote was taken, all ayes, motion carried.**

Derek Stoy reported that Mr. Meyers had arranged for 27 Fire Police Members to assist with the Parade which was the most the Borough has had in recent history.

Jeff Main provided the Fire Board update which included that M.M.P. & W. was awarded the contract for the Judge's Office. He was happy to report that the office would remain in Mercersburg. The move would occur sometime in 2017. He noted that once he received any information he would forward that to Borough Council to discuss further. It was noted that this would be something for the Property Committee to discuss in 2017.

Personnel Committee information was reviewed.

**MOTION: to approve a Floating Holiday for all Full-Time Borough Employees (Uniformed and Non-Uniformed) to use in 2017 for the Christmas Eve Holiday as the Borough would only close on Monday, December 25, 2016 for the Christmas Holiday was made by Donald Stoner, second by Lisa McCoy, all ayes, motion carried.**

**MOTION: to approve the Borough Council Meeting schedule of the 2<sup>nd</sup> and 4<sup>th</sup> Mondays in 2017 was made by Catalin Bonciu, second by Donald Stoner, all ayes, motion carried.**

Borough Council Members reviewed the cost savings information of \$48,491.52 by switching Health Care Providers. They reviewed to do so the Borough would have to break the current contract with PHMIC and have the potential liability for remaining 2016 claims presented for payment after 12/31/16. Lisa McCoy asked Steve if this was possible, he stated that he would have to consider it further. Scheller explained that the new policy would be comparable to the current coverage, except for slightly higher co-pays and 30% lower reimbursement rate for visits to out-of-network providers. Due to terms of the current police contract, the borough may have to reimburse uniformed staff for the difference between CO-PAYS of the new policy, Steve would have to advise the Borough how to address any officer using an out-of-network provider. Steve Coccorese stated that he will also consider (if it is possible) adding language to the contract to require use on in-network providers, and that use of out-of-network providers will be at the employee's expense. The Police Collective Bargaining Agreement duration is from January 1, 2016 through December 31, 2020 and Steve would provide information on what would be required by the Borough to negotiate these terms before switching. Borough Council Members referred it back to the committee level for further discussion and a future recommendation. Borough Council agreed to establish the policy that the Borough shop for all insurance quotes every three years, the first year to begin in 2017. Dawn Scheller said that she would work with the current insurance contacts to develop an RFP to release in 2017. Personnel Committee would forward any health care recommendations to Council to act on at December 5, 2016 Council Meeting.

**MOTION: to approve the 1.5% COLA to all Non-Uniformed Employees and an additional 1.5% Merit Increase for any Non-Uniformed Employee who receives an 85% or higher on their annual evaluations was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

The Property Committee Meeting information was reviewed. Borough Council discussed and approved that the Borough Office Management and the Police Department Management could decide on the cleaning contract for 2017 provided it doesn't negatively affect the proposed budget. Dawn Scheller said that she would work with the Chief to put together and RFP and forward the information to the Property Committee.

Derek Stoy noted that he had received some pricing information to demolish the Mayo Building, due to the estimates being close to the bidding threshold, he asked Borough Council to authorize the advertisement of an RFP. No pricing information was released/announced due to the potential request for bids allowing the businesses who gave quotes the ability to bid on the project.

**MOTION: to authorize the drafting of a RFP for the Demolition of the Mayo Building, to properly advertise as required, with the bids to be opened at a Property Committee was made by Jonathan Kittredge, second by Catalin Bonciu, Tom Suddeth opposed, remaining ayes, motion carried.**

**MOTION: to authorize the advertisement of the Proposed Tax Levy Ordinance 2-29 with the adoption of the Ordinance to occur at the December 5, 2016 Council Meeting was made by Donald Stoner, second by Catalin Bonciu, discussion occurred whether Council Members wished to discuss the proposed increase separately, it was noted that Borough Council has had proposed budgets since September and additional options were presented at the October meeting, a vote was taken, Amy Burkot, Tom Suddeth, and Jonathan Kittredge opposed, remaining ayes, motion carried.**

**MOTION: to support Fire Chief Dale Carbaugh's recommendation to support a 5-minute fail time across the County was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to oppose the Franklin County Area Tax Board 2017 operating budget due to the high percentage change in salaries and fringe benefits was made by Donald Stoner, second by Jonathan Kittredge, all ayes, motion carried.**

**MOTION: to keep the same Representatives as 2016, Dawn Scheller as the Representative and Derek Stoy as the Alternate on the Franklin County Area Tax Board was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to enter executive session at 8:22 pm for personnel matter and potential litigation was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.**

Regular session resumed at 8:54 p.m. with action taken.

**MOTION: to authorize payment of overtime for Salaried Employee(s) for all hours worked above 40 in a workweek to comply with the changes to the Overtime Law expected to begin on December 1, 2016 thru the end of the year, made by Donald Stoner, second by Jeff Main, all ayes, motion carried.**

President Suddeth reviewed the upcoming meeting schedule. Personnel would meet on 11/14 at 7:00 pm, Planning Commission may need to meet in December to review the Zoning Ordinance proposed changes, Technology is scheduled for 11/23 at 5:00 pm with information from the Police Department, and Mayor Defibaugh asked if the Police Safety Committee Meetings could be removed or not scheduled in 2017 as they haven't met since his start. No other items were brought before Borough Council.

**MOTION: to adjourn at 9:02 pm was made by Catalin Bonciu, second by Donald Stoner, all ayes, motion carried.**

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

Date Approved: \_\_\_\_\_ Motion: \_\_\_\_\_ Second: \_\_\_\_\_