

Mercersburg Borough Council Meeting
Borough Hall, Mercersburg PA
January 9, 2017
MINUTES

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

Absent: President Tom Suddeth, Member Lisa McCoy, and Engineer

Guests/Press: Nancy Robinson: 203 South Main Street, Mercersburg; Josh Meyers: 19 W. Seminary Street, Mercersburg; Rachel Nichols: [Mercersburg Journal](#)

Vice-President Jeff Main called the meeting to order at 7:00 pm. He asked Mayor Defibaugh to lead the Pledge of Allegiance after which he opened the floor for Public Comment, no public comments were made at this time.

MOTION: to approve the Meeting Minutes from December 5, 2016 as presented was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to approve items III. Treasurer's Report/Bills Payable A. Treasurer's Report for the month ending December 31, 2016, B. Bills payable invoice list December 31, 2016 (distributed with packet), C. Updated bills payable / final invoice list / Account Balance List for December 2016 (provided at meeting if needed) was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve the transfer of \$55,734.56 from the payroll account into the general fund account to refund the additional funds provided to the payroll account in 2016 was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Mayor Defibaugh presented his report which included the announcement of a 'Meet the Chief Night' scheduled on January 24, 2017 from 6:30 until 8:00 pm in Borough Hall. He encouraged all members of the community to attend and bring forward suggestions and concerns. Mayor also brought forward two items for the Streets Committee to discuss at an upcoming meeting as he received two concerns; the first one was vehicles traveling too fast on Linden and it was asked that the Borough consider lowering the speed limit, the second concern was on Karper Road and vehicles parking too close to the corner making the sight distance making it difficult to enter and park. Jeff Main thanked the Mayor and asked that information be placed on an upcoming Streets Committee Agenda.

Vice-President Main noted that the Police Report was included in everyone's packet and he referred that if anyone had any question to forward them to the Mayor and/or Police Chief.

Steve Coccorese, Borough Solicitor, reviewed information regarding the Sunshine Act. He provided all Council persons with a handout and reviewed that he is not saying that there were any violations of the Sunshine Act, but that a recent Committee Meeting may have been held where there may have been a quorum of Council present at the Committee Meeting. Steve reminded Council Members that if there is a quorum of Council Members present where they wish to discuss Borough Business it must be done at a meeting that has been advertised as a Council Meeting. Vice-President Main thanked Steve for the

information.

Dawn Scheller presented her Borough Manager's Report which included a thank you for authorizing the Appreciation Luncheon as 55 people were in attendance. She noted that it was much easier holding it at the MMP&W Community Hall. She noted that the office has not received any letters of interest for people to serve in the available seats on the Boards and Committees. Dawn provided a copy of the vacancies to Rachel to add to the article in the Journal. She noted that the outstanding Sidewalk Loan Balance is \$15,410.93. She also forwarded the recent action that the Sewer Authority made at their December 8, 2016 Meeting increasing the Assistant Borough Manager's salary to \$47,476.00. Vice-President Main asked that this be added to the Personnel Committee Agenda. She provided the Borough Council Members with an updated contact list and asked that the Council Members contact her should they need any contact information updated. Lastly, Dawn asked that all Council Members complete the Ethics Statement and return them to her at their earliest convenience.

Derek Stoy presented his Assistant Borough Manager's Report which included information about the Mayo Building Demolition Project which would be discussed under the Committee Reports. He also included that there were no land use permits issued in the month of December. Derek added that the PWD Safety Committee was approved to receive a 5% discount on the 2017 Workmans' Comp Insurance Policy. He also spoke about the need to purchase a snow blower for the PWD. The Borough Solicitor clarified that Derek could call around and obtain a minimum of three quotes from snow blower dealers with used snow blowers and bring back information to the next Borough Council Meeting. It was noted that one of the Councilmen, Donald Stoner, has a used snow blower for sale and his machine would be one of the quotes. It was noted that since Donald Stoner was one of the potential sellers that he would abstain from any voting on this matter.

MOTION: to authorize the Assistant Borough Manager to contact snow blower dealers/sellers for the Borough to purchase a used snow blower for the PWD and report to Borough Council at the next Borough Council Meeting was made by Jonathan Kittredge, second by Catalin Bonciu, Donald Stoner abstained, remaining ayes, motion carried.

Vice-President Main moved on to the Committee Reports.

Beautification Committee: Amy Burkot announced that another bench had been purchased along with one flag by the Mercersburg Academy. She has thanked them for their support. She noted that she would be doing another fundraising campaign to continue to raise funds towards the purchases made in 2016 and noted that additional flags were desired. Amy Burkot reviewed the Borough was waiting on purchasing Christmas Decorations as the sale was expected to occur in February. She said that she would bring forward more information to Council in February. Dawn Scheller noted that when the Borough receives snow the PWD would remove the benches on the square to ensure they are not damaged and when the snow season is over they would be put back.

HARB: Josh Meyers was present to review the items from both HARB Meetings as this was the first Council Meeting since they were held. All Council Members received a copy of both meeting packets which included the applications, consultant's review/recommendations, meeting agendas and minutes from the meetings.

MOTION: to approve COA 16-02-01 for the property of 9,11 & 13 North Main Street, changing the support system proposed, using the existing posts (if condition allows), if not, then new posts may be installed to support the shortened porch, owner will keep the same picket style as is currently shown and not changing the appearance of the railing system was made by Catalin Bonciu, second by Donald Stoner, Jonathan Kittredge abstained as he resides at the property, remaining ayes,

motion carried.

The next HARB Meeting discussion occurred on January 3, 2017 with only four members of the Board Attended. Josh Meyers reviewed that the recommendation from HARB was to table both applications presented at the meeting; COA: 17-01-01 for 19 West Seminary and COA: 17-01-02 for 21 West Seminary Street since two of the four present at the meeting whether residing at or owning either or both properties. HARB's Motion to table both applications passed with Kelsey and Heefner approval, Josh Meyers opposed, and Michael Cokash abstention. Despite HARB's Recommendation, Josh Meyers asked that Council review and approve both applications as presented regardless of HARB's recommendation to table.

MOTION: to approve HARB Applications; COA: 17-01-01 for 19 West Seminary and COA: 17-01-02 for 21 West Seminary Street and allow the property owner to do what they want to do was made by Jonathan Kittredge, second by Amy Burkot, Josh Meyers relayed that he would keep the window opening size the same, all ayes, motion carried.

Josh Meyers thanked Council and moved on to one additional item. He noted that he was disheartened at the December 6th HARB Meeting when neither Council Member who attended a previous meeting came to the December 6, 2016 meeting to discuss possible material products with the Council Representatives. Josh asked that Derek provide HARB with some updated product material information for the next meeting. Jeff Main stated that he would come to an upcoming meeting and asked that he'd be kept in the loop. Council Members thought that it was great that HARB is willing to look at allowing alternate materials. Mayor Defibaugh asked Council Members if they would be interested in establishing a loan program like the Sidewalk Loan Program, but for properties in the Historic District. Vice-President Main asked that the Solicitor consider the matter and report back at an upcoming meeting.

Property Committee: Catalin Bonciu reported on the Cleaning RFP and announced that the Borough received two proposals; 1) T&B Cleaning: Borough Office \$55 Bi-weekly and Police Department \$25 Bi-weekly; 2) Elite Cleaning: Borough Office \$55 Bi-weekly and Police Department \$40. Council recalled leaving it up to the department Management if it did not adversely affect the annual budget. Both the Borough Office and Police Department decided to complete the cleaning duties in house for six months and report back to Council at a later meeting. Second item reviewed was the Electric Quotes. Chairman Bonciu referred to electric rates and the amount of companies trying to sell electricity to the borough. Mr. Bonciu stated that he is not in favor of moving away from a direct purchase from West Penn Power and does not want to meet with potential companies that say they can sell the electricity cheaper. He feels that it might be a good deal for a year then the deal would go sour after that.

MOTION: to keep the electric as is and not make any changes at this time was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Catalin Bonciu reviewed the Bid Opening for the Demolition RFP for the Mayo Building located at 118 South Main Street. It was reported that two bids were received for this project; 1) DL George and Sons for \$21,184.00; and 2) 105 Excavating Inc. for \$23,400.00. Derek reported that additional items with *estimates* of Utility Line Relocations- \$2,000, Backfilling- \$2,500, Paving \$11,400 would be completed by and/or with the assistance of the PWD and these costs would be added to the cost of the demo bids. Catalin Bonciu reported that the Property Committee Recommended that the project be awarded to DL George & Sons pending solicitor review with a 2-1 vote. Catalin reviewed some members on the Committee felt that this was an important project due to the public safety concern when the PWD Vehicles enter/exit onto South Main Street with line of sight issues.

Steve Coccorese stated that he has reviewed both contracts and explained that both had slight

inconsistencies with what was requested of the bids. Steve noted that both companies submitted a signed copy of the contract which was not required to occur until after it was awarded. He reviewed that in addition to the signature, DL George and Sons crossed out one of the paragraphs and wrote in their own language which he doesn't believe to be an issue. Steve Coccorese stated that 105 Excavating Inc. did not provide a list of recommendations or current projects. Steve reported that DL George provided an extensive list for both. Steve Coccorese stated that each one failed to comply with some portion of the RFP, but added in either case Borough Council could waive those inconsistencies if desire or Council could choose to not award the bid at this time and rebid it as he feels Council does have a little bit of time available before Penn DOT completes the paving project and necessary concrete work needs to be completed.

MOTION: to award the Demolition RFP of the Mayo Building located at 118 South Main Street to DL George and Sons for the cost of \$21,184.00 subject to execution of all required contract documents in a form acceptable to the Borough Solicitor was made by Jonathan Kittredge, second by Catalin Bonciu, Steve Coccorese reviewed that both of the bids specified that any sort of hazardous material remediation would be at an additional cost not included in the above amount, Amy Burkot noted that there was a lot not included in this amount such as the work-in-kind, backfill, paving etc., Steve Coccorese reviewed that Derek did estimate those cost items listed in his report for Borough Council to consider, Amy Burkot asked if the tax payers would know the total price of the project before the project is done, Derek Stoy answered that the Borough will not know the total cost of the project until after they do it all he could provide is estimates for all items in addition to the demo bid price, Mayor Defibaugh asked two questions; Question 1) What was paragraph was crossed out by DL George? Steve answered that DL George crossed out in the event there is a conflict between the contract language and the RFP proposals the RFP controls and DL George wrote in place of that the DL George proposal controls in the event of a contract; Mayor's second question was, 2) How the Borough would pay for it, Dawn Scheller stated that Council has remaining funds not previously allocated from the 2015 Budget of \$55,805.50, however she reminded Council Members that they have approved to pledge a total of \$21,352.92 for the Borough's match for the trail project (minus anything paid/accounted for in 2016), that the Judge is expected to leave sometime in 2017 and alterations/improvements may need to occur at the Borough Building, along with the cost of Mayo Building Demolition project if approved, Dawn Scheller suggested that the remaining surplus be either allocated or transferred to the reserve account until decisions were made, Vice-President Main asked for any other comments, Amy Burkot stated that she thinks rather than putting the money towards destruction the Borough should look at building, she added that tearing down the building would ruin the streetscape of the town, Vice-President Main opened the floor for Public Comments regarding the matter, Rachel Nichols spoke and said that many communities struggle with the question of whether every building should be saved and she said that Council should answer two important questions; 1) is this the only building/example with that type of architecture, 2) does this building hold some sort of really strong historical significance, she added that this may be an example of demolition by neglect; Rachel Nichols did express concern with Borough Council replacing it with a parking lot and asked Council to consider some type creative design to address that concern; Josh Meyers spoke that Council has a tight rope to walk as he too was on Council where different plans had been discussed about the Mayo Building where it always seem to come down to money and that it was always just pushed off, Josh added that it is difficult for the PWD vehicles to go in and out of the garage and he wished that Council might consider a brick veneer on the front of the garage building time period appropriate, no additional Public Comments were made, a vote was taken, Amy Burkot opposed, remaining ayes, motion carried.

Fire Board: Vice-President Jeff Main noted that the County has approved the MMP& W Proposal to move the Judges Office and the plans have been submitted. Jeff anticipated that they would be approved mid-

March and expects that the project completed in August-September 2017 timeframe.

Vice-President Main moved onto the items listed under OLD/NEW Business.

MOTION: to approve Ordinance 6-21: Amending the Mercersburg Borough Zoning Ordinance to Permit Flashing, Blinking, Twinkling, Animated, or Moving Signs in the Industrial and General Commercial Districts was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to authorize Council President and Borough Manager to sign the Planning Letter for the Borough's Annual Audit for the year 2016 was made by Catalin Bonciu, second by Donald Stoner, all ayes, motion carried.

MOTION: not to approve the advertisement in the 2017 Tuscarora Business Directory but be listed as a member was made by Jonathan Kittredge, second by Catalin Bonciu, Amy Burkot opposed, remaining ayes, motion carried.

MOTION: to approve the advertisement seeking nominations for the James Buchanan and Harriet Lane Awards and the vacant positions on the Boards/Authorities/Committees was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes motion carried.

Vice-President Main reviewed the items listed under the Correspondence and the upcoming Meeting Calendar, no other items were brought forward.

MOTION: to adjourn at 8:25 pm was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

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

Date approved: _____ Motion: _____ Second: _____