

## **BOROUGH OF AKRON COUNCIL MEETING- DECEMBER 10, 2018**

***Council Members present-*** John Williamson, President; Thomas J. Murray, Sr.; Justin Gehman, Nathan Imhoff, Monica Hersh, Keith Landis, Darryl Witmer.

***Others present-*** Mayor John McBeth; Susan Davidson, Borough Manager; Kenelm L. Shirk, III, Solicitor; Police Chief Thomas Zell, Dick Wanner. Ephrata Review; Kyle Robinson, George D. Wolf, Frederick H. Whitley, Jr; Kathleen N. Hanna, Emmett Hanna; Thomas L. Buch, Jeff Dull, Dan Miller, Elizabeth McQueen Bock, Ethan Thomas, Porter Stevens, Sean Molchany.

Meeting opened at 7:00 p.m. with the Pledge of Allegiance.

### ***Approval of Minutes***

Monica Hersh stated that in the November 5, 2018 Council Meeting minutes she is listed as attending the meeting but she was not present.

Nathan Imhoff made a motion to approve amended November 5, November 12 and November 26, 2018 Borough of Akron Council Meeting minutes. Tom Murray, Sr. seconded the motion. Motion carried.

### ***Conditional Use Hearing***

Hearing was properly advertised and posted

The meeting was handed over to Thomas Murray, Sr. at this time.

The Conditional Use Hearing was called to order.

Kenelm L. Shirk III prepared a Findings of Fact, Reasoning and Decision following the Conditional Use Hearing testimony on November 12, 2018.

Council Members (except John Williamson) received a copy of the Findings of Fact, Reasoning and Decision because they were present at the hearing on November 12, 2018 and will make the final decision. John Williamson was not present at the November 12, 2018 Conditional Use Hearing. Mayor McBeth did not receive a copy of the Findings of Fact, Reasoning and Decision.

Darryl Witmer made a motion to approve the Handi-Vangelism Conditional Use Application subject to the Findings of Fact, Reasoning and Decision. Justin Gehman seconded the motion. Motion carried. Thomas Murray, Sr; Justin Gehman, Nathan Imhoff, Monica Hersh, Keith Landis, Darryl Witmer voted in favor of the motion. John Williamson abstained from voting.

Council members signed the Findings of Fact, Reasoning and Decision.

The Conditional Use Hearing was closed.

The meeting handed over to John Williamson, President of Council.

***Public Hearing for the Borough of Akron Comprehensive Plan***

John Williamson, President of Council opened up the Public hearing for the Borough of Akron proposed Comprehensive Plan. The Comprehensive Plan was properly advertised and posted and sent to the Lancaster County Planning Commission, Ephrata Borough, Ephrata Twp, West Earl Township and Ephrata Area School District for comments.

The hearing was opened up for comments.

Porter Stevens from the Lancaster County Planning Commission was present and mentioned recommendations from the Lancaster County Planning Commission in regards to the proposed Comprehensive Plan.

- 1) Consider an appropriate policy for preserving Akron's historic resources and a more specific time frame be created for a historic resources policy and include in the implementation table.
- 2) An awareness and education program on the dangers of lead based paint be added to the recommendations section of the plan.

Council will not put these recommendations into the proposed Comprehensive Plan but will implement these ideas through the Borough newsletter and webpage.

John Williamson closed the Public Hearing.

Keith Landis made a motion to adopt Resolution #00211 adopting the Borough of Akron Comprehensive Plan. Nathan Imhoff seconded the motion. Motion carried.

***Citizens Concerns***

George Wolf asked the audience for a raise of hands as to what was passed for Handi-Vangelism. Nathan Imhoff mentioned there was a Conditional Use Hearing scheduled on November 26, 2018 and all the conditions were discussed at that meeting.

George Wolf mentioned there is a car parked at the Akron Fire Hall parking lot. This vehicle was used for practice by the volunteers but has been sitting at their parking lot for a quite a while and needs to be moved.

George Wolf mentioned that tax exempt properties cause more taxes on residents and does not want to see more tax exempt properties. The Borough Solicitor mentioned that Akron borough entered into payment in lieu of taxes agreement with Handi-Vangelism along with the Ephrata Area School District and the County of Lancaster.

Dan Miller mentioned that he agreed with George Wolf and nothing in his life increases by 30% in a years' time. Dan Miller also commented on the intersection at Fulton and Rothsville Road is a bad intersection and there are alternatives to that entrance that would be more expensive. The Borough Solicitor commented that Handi-Vangelism will still needs to do a traffic study.

**Mayor Report-** Mayor John McBeth

Mayor McBeth expressed sympathy for the recent passing of Nevin Myer. Nevin served on akron borough Council for many years and was dedicated and served with distinction and integrity.

**Police Chief**

Distributed report

Chief Zell mentioned that there are not a lot of crashes on Rothsville Road and Fulton Street but the few we have are bad.

Fred Whitley, Main Street, Akron mentioned the tax increase in real estate taxes and the 72 Rule. Mr. Whitley also mentioned it has been twenty years since he has received a cost of living increase and again mentioned the Rule of 72.

**Borough Manager Report-**

Distributed Report

The Borough Manager will follow up on the automatic fire hydrant flushing on S. Twelfth Street.

**Zoning Officer**

Distributed Report

**Tax Collector**

Distributed Report

County Real Estate Taxes collected in November 2018	\$1,664.45
Borough Real Estate Taxes collected in November 2018	\$1,326.53

**Fire Chief Report**

Distributed Report

**Borough Council Committee Reports**

**Parks Committee-** Nathan Imhoff

Nathan mentioned that he was contacted by students in the 4<sup>th</sup> grade class from Fulton Elementary School in regards to a project at Colonial Park. The students would like to see a handicap swing (for a wheelchair) at Colonial park. The Borough Manager met with the students and teacher to discuss their ideas and implementation. The students will contact the Borough next week.

Mayor McBeth mentioned the pervious sidewalk at Colonial Park has cracks and the surface make it rough for wheelchairs to ride on. Nathan Imhoff mentioned we need to go back to the engineer about this issue. Nathan Imhoff mentioned his frustration with the Borough engineer and the Borough should consider looking for another engineer. The Borough Manager will follow up on this issue.

John Williamson and the Borough Manager met with Dean Severson and Porter Stevens from the Lancaster County Planning Commission and some members of the Lancaster County Community and Economic Development Company to discuss how to implement goals of the Borough Comprehensive Plan.

**Finance Committee-** Thomas Murray, Sr.

Tom Murray, Sr. read into the minutes the November 2018 month-end balances

General Fund	\$ 23,686.87
Water Fund	\$ 20,098.77
Sewer Fund	\$ 78,040.49
Highway Aid Fund	\$ 65,798.28
General Reserves	\$167,989.81
Water Reserves	\$239,801.32
Sewer Reserves	\$215,540.94
Capital Projects	\$ 74.63
Community Fund	\$ 2,006.93
Total	\$813,038.04
Escrow Fund	\$ 74,970.29

Tom Murray, Sr. reviewed the November 2018 Revenues and Expenditures Report.

**Discussion Items**

Zoning Fees, E-mail Server, Process for Reviewing invoices and Short-Term Rental Amendment are all pending items.

**Action Items**

**Finance and Administration**

Tom Murray, Sr. made a motion to approve the bills as reviewed by the Finance Committee. Monica Hersh seconded the motion. Motion carried.

**2019 Budget**

Tom Murray, Sr. made a motion to approve the 2019 General Fund balanced budget in the amount of \$1,971,483.00. Keith Landis seconded the motion. Monica Hersh asked if there are grants for crossing guards and the School Resource Officer. It was mentioned grant money was

received for the School Resource Officer when the program began. Monica Hersh asked about donations. The Borough Manager mentioned we received donations from Akron Mennonite Church for \$500.00 and \$7,200.00 from the Mennonite Central Committee. Monica thought the Ephrata Library donation is high. Monica Hersh also mentioned that she will abstain from voting because she was unable to attend the budget meetings. Motion carried but not unanimous. John Williamson, Tom Murray, Sr., Nathan Imhoff, Keith Landis and Darryl Witmer voted yes for the motion. Justin Gehman voted nay and Monica Hersh abstained from voting.

Tom Murray, Sr. made a motion to approve the 2019 Water Fund balanced budget in the amount of \$514,468.00. Keith Landis seconded the motion. Motion carried. Monica Hersh abstained from voting because she did not attend budget meetings.

Tom Murray, Sr. made a motion to approve the 2019 Sewer Fund balanced budget in the amount of \$768,553.00. Justin Gehman seconded the motion. Nathan Imhoff mentioned the reason we are raising taxes is because of our infrastructure and projects has been put off. A schedule for nighttime sewer inspections must be implemented. Motion carried. Monica Hersh abstained from voting because she did not attend budget meetings and Nathan Imhoff did not vote because he left the Council room.

Tom Murray, Sr. made a motion to approve the 2019 Liquid Fuels balanced budget in the amount of \$134,002.00. Justin Gehman seconded the motion. Motion carried. Monica Hersh abstained from voting because she did not attend budget meetings and Nathan Imhoff did not vote because he left the Council room.

Keith Landis read the 2019 proposed projects. John Williamson mentioned that Akron Borough is the 4<sup>th</sup> lowest of millage rate in Lancaster County and if the tax increase is approved Akron would be 7 out of 13 municipalities.

Tim Cable mentioned we have to tighten our budgets the borough should do the same.

Tom Buch asked to get the treatment costs over the past few years.

Tom Murray, Sr. made a motion to approve Ordinance #00095 setting the Borough of Akron Real Estate millage to 3 mills (an increase of \$180,313.07) for 2019 and each year thereafter. This ordinance was properly advertised and posted in the Ephrata Review the weeks of November 12, 21 and 28, 2018 in the Ephrata Review. Keith Landis seconded the motion. Motion carried. John Williamson, Tom Murray, Sr., Monica Hersh, Keith Landis and Darryl Witmer voted yes for the motion. Justin Gehman voted nay and Nathan Imhoff was not present.

Tom Murray, Sr. made a motion to approve Resolution #00212 increasing water rates to \$7.00 per thousand gallons. Darryl Witmer seconded the motion. Motion carried.

Tom Murray, Sr. made a motion to approve Resolution #00213 increasing sewer rates to \$10.61 per thousand gallons. Justin Gehman seconded the motion. Motion carried.

Tom Murray, Sr. made a motion to approve the Resolution #00214 Certificate of Section 125 for pre-tax deductions for employee's health insurance effective January 1, 2019. Keith Landis seconded the motion. Motion carried.

Tom Murray, Sr. made a motion to approve the Highmark Blue Shield health insurance plan through Benecon at an increase of 3 ¼ percent. Keith Landis seconded the motion. Motion carried. Monica Hersh mentioned we need to look into increasing non-uniform health insurance deductions for employees.

Tom Murray, Sr. made a motion to appoint Herbein & Company, Inc. Reading PA, as auditors for the Borough of Akron 2018 audit. Justin Gehman seconded the motion. Motion carried.

Tom Murray, Sr. made a motion to accept the resignation of Sam Baughman from the Akron Borough Planning Commission. Nathan Imhoff seconded the motion. Motion carried.

Tom Murray, Sr. made a motion to accept the resignation of Jeff Shirk from the Akron Authority. Justin Gehman seconded the motion. Motion carried.

Tom Murray, Sr. made a motion to advertise the 2019 Borough of Akron meeting schedule. Darryl Witmer seconded the motion. Motion carried.

John Williamson mentioned there is a proposed ordinance modifying the definition of lot coverage and maximum impervious surface, and will put on the agenda for discussion at the next Committee meeting.

***Bomberger Stream Embankment Easement***

The Borough Manager will arrange a meeting with the Borough engineer, Elizabeth McQueen, Ethan Thomas and the contractor for the stream embankment to discuss the proposed work and temporary easement agreement.

***Bomberger Road Storm Sewer Improvement***

Keith Landis made a motion to award the Bomberger Road Storm Sewer Improvements to the low bid submitted by Property Solutions Contracting in the amount of \$35,820.00. Nathan Imhoff seconded the motion. Motion carried.

Bids submitted for Bomberer Road Storm Sewer:

Property Solutions Contracting- \$35,820.00

MacMor Construction- \$38,162.00

Custer Excavating, Inc.-\$43,673.80

Schuykill Excavating, LLC- \$44, 195.80  
Construction Masters Services, LLC- \$57, 230.00  
Bertolet Construction Corp- \$65,130.00  
Eagle Contracting, Inc- \$74,450.00

***Bomberger Stream Embankment***

Tom Murray, Sr. made a motion to authorize the Borough Manager to enter into a written contract with the lowest bidder Flyway Excavating, Inc in the amount of \$22,775.00 for the Bomberger Stream Embankment to extend the award of the bid an additional sixty (60) days.

Darryl Witmer seconded the motion. Motion carried.

Bids submitted for the Bomberger Stream Embankment:

Flyway Excavating, Inc.- \$22,775.00  
MacMor Construction- \$23,475.00  
Schuykill Excavating LLC- \$23,498.75  
Construction Masters Services, LLC- \$59,300.00  
Eagle Contracting, Inc.- \$106,875.00

Nathan Imhoff made a motion to approve the Eric Hershey, 918 Walnut Street sidewalk construction and sidewalk agreement. Justin Gehman seconded the motion. Motion carried but not unanimous. John Williamson, Justin Gehman, Nathan Imhoff, Monica Hersh, Keith Landis, Darryl Witmer voted yes. Thomas Murray, Sr. voted nay.

Keith Landis made a motion to approve the Borough Liability Insurance Request for Proposal from Selective Insurance, Westco and AmTrust in the amount of \$99,695.00 for the Borough of Akron and \$6,819.00 for the Akron Volunteer Fire Company. Tom Murray, Sr. seconded the motion. Motion carried.

Mayor McBeth was presented with Ordinance #00095 increasing the Borough of Akron Real Estate millage to three (3) mills. The ordinance was returned, unsigned and without comment. The Ordinance will take effect in January 2019 and a copy of the ordinance will be forwarded to Lancaster County and the Department of Community and Economic Development.

Nathan Imhoff made a motion to go into Executive Session to discuss a personnel issue. Monica Hersh seconded the motion. Motion carried

Tom Murray, Sr. made a motion to reconvene the meeting. Keith Landis seconded the motion. Motion carried.

Council discussed the annual review of the Borough Manager and no action was taken.

Mayor McBeth stated that every piece of information that goes to Council members must also go to the Mayor at the same time.

Keith Landis made a motion to adjourn the meeting. Nathan Imhoff seconded the motion. Motion carried.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Susan Davidson  
Borough Manager/Secretary

SD