

BOROUGH OF AKRON COUNCIL MEETING – June 14, 2021

Council Members present – Nathan Imhoff, President; Justin Gehman, Vice-President; Paul Swangren, Jr.; Thomas J. Murray, Sr., Michael Morris; Kleon Zimmerman and Randall Justice.

Others present – Mayor John McBeth; Susan Davidson, Borough Manager/Secretary; Sean Molchany, Assistant Borough Manager, and Police Chief Eric Higgins.

Visitors – John Taylor, Dick Wanner and Katrina Zimmerman.

Meeting opened at 6:30 p.m. with the Pledge of Allegiance.

Council Roll Call: Thomas J. Murray, Sr. – Yes
Kleon Zimmerman – Yes
Paul Swangren, Jr. – Yes
Randall Justice – No (showed up later)
Michael Morris – Yes
Justin Gehman, Vice-President – Yes
Nathan Imhoff, President – Yes
Mayor John McBeth – Yes

Approval of Minutes

Paul Swangren, Jr. made a motion to approve the May 24, 2021 Borough of Akron Council Meeting minutes. Justin Gehman seconded the motion.
Motion carried.

Comments from the Public

Dick Wanner reported that the Akron 125th Anniversary book is done and it is available for purchase at the Akron Borough Hall for \$10.

Bills

Thomas J. Murray, Sr. made a motion to pay the May 2021 bills as reviewed by the Finance Committee and the Mayor. Kleon Zimmerman seconded the motion.

General Fund – \$93,356.16
Water Fund – \$4,247.69
Sewer Fund – \$116,912.55
Capital Projects from General Fund (WebTek) – \$1,750.

Motion carried.

Reports

Police Report

Chief Higgins submitted his May 2021 Akron Borough Monthly Activity Report to Council for

review.

Police Meet and Greet June 21 & 24, 2021

At their police liaison meeting they made plans to host two Meet and Greets in Akron. The first will be on Monday, June 21st at 7:30 a.m. and the second will be on Thursday, June 24th at 6:30 p.m. Both will be held at the Akron Borough Hall and refreshments will be served.

Susan Davidson reported that there was a huge police presence at the Akron Day in the Park. The public got to meet Chief Higgins and the two officers that were on duty that day.

Mayor Report

Mayor McBeth stated he thanked Dick Wanner directly for the excellent job on the Akron 125th Anniversary book. The book is very interesting and even somewhat entertaining. He is very proud of the book.

Mayor McBeth also thanked the Lions Club for hosting the Akron Day in the Park, which was a success this year.

Mayor McBeth stated he approved about 15 Door-to-Door Transit Retail permits. He said that people have the right to ask for a permit when someone knocks on their door. The salespersons are required to carry their permit with them. Paul Swangren, Jr. suggested they put that information in the newsletter.

Borough Manager Report

The May 2021 month end financials have been reconciled.
The June 2021 payables will be reviewed by the Finance Committee.

The 2021 donation amounts are on the agenda for this evening's Council meeting.

The Borough Manager received copies of the Pension Audit for the Uniform and Non-Uniform Pensions from the Auditor General's Office from January 2017 to December 31, 2020. There were no findings.

The installation of storm boxes will be the street project for 2021. This item is on this evening's agenda for a motion from Council to approve the bid advertisement.

The Borough Manager contacted Hanover Engineering to reach out to Construction Masters to extend the paving warranty on Front Street to 24 months.

A pre-construction meeting took place on Thursday, June 10, 2021 for the Water Loop Project. The bid opening is scheduled for Thursday, June 24, 2021.

Phase 2 of the Rail Trail Stream Project was scheduled to be completed by June 25, 2021, but it should be completed by the end of this week, depending on the weather.

SRBC issued a Notice of Violation for January 1-30, 2021.

T-Mobile contract has been signed and the permit was issued.

The Blue Ridge franchise agreement with Akron Borough expires on December 31, 2021. This item is on the agenda for this evening's meeting.

The Akron Borough received a signed copy of the Memorandum of Understanding and the bond from Comcast. There have been a few complaints from residents and the Borough forwarded them the name and the number of the person to contact at Comcast about their complaint.

The Borough Manager met with the School Crossing Guards on Thursday, June 10, 2021. Michelle Hillegass (S. Eleventh and Broad Street) will be moving out of state and she will be replaced by Betty Evans who was a Substitute Crossing Guard. One more Crossing Guard position needs to be filled at Main and Ninth Street.

The Borough Manager and the Assistant Borough Manager are working to update the employee non-uniform handbook and they will submit a draft to personnel within the next week, or so.

Bark in the Park is scheduled for Sunday, July 18, 2021 at Roland Park from 2:00 p.m. to 4:00 p.m.

The Holiday Wreaths shipping amount was not included in the original motion. This item is on the agenda for this evening's meeting.

There is no Zoning Hearing scheduled at this time.

A Planning Commission meeting is scheduled for Thursday, July 1, 2021 at 6:30 p.m. to review a lot add-on plan for Earl and Nancy Shirk.

The Borough Manager submitted an application to the Department of Community and Economic Development for the American CARES Act distribution for Akron Borough in the amount of \$420,246.88.

Greg Leisey, Akron Borough Emergency Management Coordinator, dropped off a report today.

Akron Day in the Park took place this past Saturday, June 12, 2021. It was a success.

The Borough Manager attended a Liaison meeting with West Earl Township on Monday, June 7, 2021 to discuss police issues. The meeting was attended by Kleon Zimmerman, Mayor McBeth, Police Chief Higgins, Butch Keppley, Dave Thornton and Jenna Seesholtz. The West Earl Police Department would like to have a Meet & Greet at the Borough Office/Council Room on Monday, June 21, 2021 from 7:30 a.m. to 9:00 a.m. and Thursday, June 24, 2021 at 6:30 p.m. to 8:30 p.m. West Earl Police will supply the coffee and donuts.

Butch Keppley discussed the West Earl Compost Facility, which is also opened to non-residents.

Assistant Borough Manager/Zoning Officer Report

The Fire Company project is completed. The Borough did not receive any payment applications as of yet.

The Pumping Station roofing is also completed, except for the trim work and the gutters.

The camera work on the sewer lines was delayed because the camera truck broke down two weeks ago. The truck has been repaired and it was back in the Borough today. The work should be completed by the end of the week.

The playground work will start July 26, 2021.

The Assistant Borough Manager met with Hanover Engineering to get budget estimates for Edgehill Drive and Manor Ridge Drive.

The Borough Manager and the Assistant Borough Manager met with Hanover Engineering to come up with a design for a rain garden in the park.

Paul Swangren, Jr. complimented the services that West Earl Township Compost Facility provides and encouraged the residents to take advantage of those services.

Mayor McBeth stated the Compost Facility also offered a service of a leaf vacuum truck. The Mayor is not in favor of doing it at taxpayers' expense, if they decide to pursue that service.

Finance Report

Thomas J. Murray, Sr. thanked Susan Davidson for the effort she put to help prepare the revised budget report.

2021 Budget Revisions – Police Department

Thomas J. Murray, Sr. presented budget revisions to the 2021 budget. The Council adopted the budget in December of 2020.

These revisions were discussed with the Akron Borough Solicitor to be made to the budget and approved by Council.

This will be the final budget for the 2021 General Fund going forward.

Thomas J. Murray, Sr. made a motion to revise the 2021 General Fund Budget as follows:

2021 Police Budget

Total 2021 Adopted Budget amount – \$789,933.00

Total 2021 Revised Budget amount – \$820,579.00

2021 Professional Services Budget

Total 2021 Adopted Budget amount – \$56,000.00

Total 2021 Revised Budget amount – \$54,000.00

2021 Insurance Budget

Total 2021 Adopted Budget amount – \$70,396.00

Total 2021 Revised Budget amount – \$42,650.00

Total 2021 Adopted Balanced Budget General Fund – \$2,037,496.00

Total 2021 Revised Balanced Budget General Fund – \$2,037,496.00

Thomas J. Murray, Sr. would like to include in the budget the actual line changes that are going to be made to the budget.

Paul Swangren, Jr. seconded the motion.

Council Roll Call: Thomas J. Murray, Sr. – Yes
Kleon Zimmerman – Yes
Paul Swangren, Jr. – Yes
Randall Justice – Yes
Michael Morris – Yes
Justin Gehman, Vice-President – Yes
Nathan Imhoff, President – Yes

Motion carried.

2021 Donations

Thomas J. Murray, Sr. made a motion to donate to the Volunteer Fire Company \$15,500 (one half of their annual donation). Kleon Zimmerman seconded the motion.

Motion carried.

Thomas J. Murray, Sr. made a motion to donate to the Akron Volunteer Fire Company Truck Reserve \$12,500 (full donation for the year). Randall Justice seconded the motion.

Motion carried.

Thomas J. Murray, Sr. made a motion to donate to the Ephrata Recreation Center \$6,240 for their summer programs (full donation for the year). Randall Justice seconded the motion.

Motion carried.

Thomas J. Murray, Sr. made a motion to donate to the Historical Society of the Cocalico Valley \$2,500 (full donation for the year). Justin Gehman seconded the motion.

Motion carried.

Thomas J. Murray, Sr. made a motion to donate to the Ephrata Community Ambulance Association \$5,000 (full donation for the year). Michael Morris seconded the motion.

Motion carried.

Thomas J. Murray, Sr. made a motion to donate to the Ephrata Public Library \$8,000 (one half of their annual donation). Randall Justice seconded the motion.

Motion carried.

Reserves

Thomas J. Murray, Sr. presented information about reserves for the Council's consideration. Below are the last five years (2016-2020) of expenses for the General Fund, Water Fund and Sewer Fund totaled:

	<i>General Fund Expenses</i>	<i>Water Fund Expenses</i>	<i>Sewer Fund Expenses</i>
Total	\$9,070,893	\$2,195,732	\$3,654,622

Average Per Year	\$1,814,179	\$439,146	\$730,924
Average Per Month	\$151,182	\$36,596	\$60,910

Below are calculated numbers of what the reserves would be for the General Fund Expenses, Water Fund Expenses and Sewer Fund Expenses:

	<i>General Fund Expenses</i>	<i>Water Fund Expenses</i>	<i>Sewer Fund Expenses</i>
2 Months	\$302,363	\$73,191	\$121,821
3 Months	\$453,545	\$109,787	\$182,731
4 Months	\$604,726	\$146,382	\$243,641

The highlighted amounts are Mr. Murray’s personal recommendations to what the reserves should be.

Current Reserves	\$377,180	\$296,886	\$336,123
Capital Reserves	\$95,816	\$25,000	\$0

Thomas J. Murray, Sr. presented this material for the Council to discuss at their next meetings. Nathan Imhoff would like to have this on the agenda at their next meeting agenda for discussion. Paul Swangren, Jr. recommended they think of what they need for each reserve, and try to build that and maintain.

Finance Report

The May 31, 2021 month-end cash balances were read into the minutes.

- General Fund \$616,191.91
- Water Fund \$1,163.89
- Sewer Fund \$171,637.53
- Highway Aid \$161,556.46
- General Reserves \$383,419.21
- Water Reserves \$296,129.41
- Sewer Reserves \$316,077.61
- Capital Projects \$374.16
- Community Fund \$4,223.22
- Total \$1,950,773.40
- Escrow Fund \$5,961.91

Thomas J. Murray, Sr. reviewed the May 2021 Revenues and Expenditures Report.

Community Relations

Holiday Wreaths/Shipping Charges

Michael Morris stated there was a delivery charge that was missed, which is an extra cost in the amount of \$346.56 upfront. The Council would need to amend the motion to include that amount. As stated in the last meeting, they are looking to recoup these costs through sponsorships.

Michael Morris made a motion to amend their previous motion to add \$346.56 in shipping and

handling to the budget for the holiday wreaths, for a total amount not to exceed \$1,435.20. Thomas J. Murray, Sr. seconded the motion. Motion carried.

Bark in the Park

Michael Morris presented a flyer for the Bark in the Park, which is a free community event that will take place on Sunday, July 18, 2021 at the Akron Roland Park.

Story Walk – Roland Park

Michael Morris brought up the Story Walk, again, saying that he can get community funding for the installation of the signs so it does not cost the Borough anything.

Paul Swangren, Jr. stated there were two issues with this project: one was the expectation of Akron Borough paying for the installation and using the Borough's in-house staff; and the second one was the promotion of social programs and advertisements, which goes against the guidelines set by the Borough. Now that there are concerns of censorship coming from the library, Mr. Swangren does not feel comfortable with this project.

Randall Justice stated these were supposed to be wooden boards to post kids' story pages on, and there is no need to have a conversation about censorship, or rights. That speaks to the very level of complication that has been brought to this project. Mr. Justice said he favored the project as originally configured, but the minute the Council mentioned that they did not want the library promoting other things on it, it took a hard turn.

Nathan Imhoff stated he is perfectly okay with the story walk and he believes the Borough will 100% wholeheartedly support that; however, the library needs to come before the Council instead of going to Randall Justice, and now Michael Morris. Mr. Imhoff said the Borough is not against the story walk as a story walk, and they are not trying to make it hard for the library to do this; the library makes it hard for themselves because of how they want to approach it, instead of coming and having an open conversation with the Council. Mr. Imhoff put it out again that if the library wants the story walk within the Borough, they will need to come to a public meeting and talk to the Council.

The Council was in agreement that the Ephrata Public Library should come before the Council to have a conversation about this issue.

Police Agreement

The Borough Manager brought to Council's attention that in their police agreement, there is a pension liability of about \$379,000 that the Borough has to pay for within five years. Ron Bittner, Pension Administrator with Girard, mentioned that the last quarter of 2020 was a very good quarter so there was growth beyond what was anticipated. The Borough Manager believes that it would be in the Borough's best interest to approach West Earl to ask to adjust that figure and offset the money owed against the growth so that they are not overpaying. In order to know that figure, they will need to do an actuarial report. The Borough Manager would need the Council's permission to approach West Earl. The Council was in favor.

Parks and Property Report

Randall Justice did not have anything new to report on because all the park projects that were discussed at the last Council meeting are already happening.

Personnel Report

Paul Swangren, Jr. reported that he reached out to International Brotherhood of Electrical Workers (IBEW) Union to set up a time to meet for a discussion.

Also, as the Borough Manager mentioned, they are still looking for Crossing Guards.

The Borough Manager added that Dale Putt will be helping in the park part-time and she also received an application today for mowing.

Streets Report

Fulton Street

Nathan Imhoff brought up the discussion that the Council had at their last meeting regarding Fulton Street inlet that was collapsing. At this point they are monitoring the inlet and are continuing down the standard path.

Paul Swangren, Jr. suggested they plate the inlet with an aluminum sign plate to avoid liability.

Public Utilities Report

SRBC – Notice of Violation January 2021

Paul Swangren, Jr. wanted to clarify if the SRBC violation is the same one, or a brand new one. The Borough Manager stated it is the same one for the first quarter 2021 for January, and the Borough already responded to the Notice of Violation.

Old Business

Emergency Management Report

Paul Swangren, Jr. stated the report says that in June 2021 the Declaration of Emergency for COVID was rescinded. In the last month's meeting minutes, it states that "the Council would like Mr. Leisey to come to one of the meetings before the Council rescinds the Declaration of Disaster Emergency." Mr. Swangren asked the Mayor if he can rescind the Declaration himself, or if the Council needs to vote on that. Mayor McBeth said that, from what he understands, the Declaration that he signed is only good for about two weeks, and then the Borough Council has to rescind it. The report is referring to the County rescindment.

Nathan Imhoff asked the Borough Manager to contact Mr. Leisey and ask him to correct the report so the Council can act on it at the next meeting, as well as ask him for his recommendation.

New Business

Dan Miller Subdivision, Stormwater guarantee and M.O.U

The Borough Manager provided some background information on the subdivision which is currently owned by Dan Miller. Dan Miller wishes to sell the property to another developer and be released from its financial obligation. The Borough is holding a CD for improvements.

The Solicitor's advice is that the Borough both updates and transfers the entire MOU to the buyer. The Borough's engineer should review and reissue its 2005 letter with appropriate adjustments for the expected costs. The buyer will have to agree to assume all of the obligations under the updated MOU. Once updated and transferred to the buyer, the seller can be released from all further obligations including the financial security.

The Assistant Borough Manager stated that both parties are aware of the process, but what the Borough needs them to understand, is that the Borough's engineer's inspection fees will be

covered, and if any legal fees need to be covered, they also have to be willing to pay those fees. The Council will take action on this as soon as a new agreement is drafted.

American Rescue Plan

The Borough Manager stated she received an email saying that the Borough needs to apply to the Pennsylvania Department of Community and Economic Development (DCED) for the American Rescue Plan Act funds. The Borough Manager let the Council know that the application has been submitted and it has been reviewed, and the Borough is entitled to a maximum allocation of up to \$420,246.88. The Borough has five days to take action to request it.

The Borough Manager mentioned that the Council did briefly discuss the infrastructure and what they could spend those funds on.

Paul Swangren, Jr. stated the first estimate for the American Rescue Plan Act funds was \$396,955. Now, the letter received from Governor Wolf is saying that the Borough qualifies for \$420,246.88. The letter does not explain why there is a difference. Also, the State is giving the Borough five days to request the funds, but there is no date on the letter.

The Borough Manager said she contacted the DCED regarding no date and she asked them if the five days mentioned are business days, or calendar days. They just assumed it was calendar days.

Paul Swangren, Jr. stated it is the people's money; therefore, it should go to the people. He cautioned the Council that it is free money, so they need to be careful how they spend it.

Thomas J. Murray, Sr. stated that if they invest that money in the infrastructure, specifically in water and sewer, they will be able to lower the rates that they are currently charging for sewer.

Mr. Murray would like to use some of the American Rescue Plan Act money to rebuild their sewer system. Mr. Swangren said the water and sewer issue would be the only reason he would vote to accept the funds.

Nathan Imhoff stated he signed the application with the mindset that they are going to put that money toward infrastructure that will help to lower the rates for people.

The Mayor suggested they think of some small projects that would be of help to people.

Blue Ridge Franchise Agreement

The existing franchise agreement will expire on December 31, 2021. The Borough Manager asked Council's permission to contact Blue Ridge and have a report by the next Council meeting.

MCC Book Sale October 2021

The Mennonite Central Committee (MCC) emailed the Borough Manager to let the Borough know that they will be doing a book sale for the Ephrata Public Library in October. MCC is seeking the Borough's approval for this community event. The Council was in favor of the event.

Akron Implementation Task Force Minutes/Park Survey

The Council discussed the Akron Implementation Task Force – who is appointed to the Implementation Committee and what the purpose of the Committee is.

Nathan Imhoff stated it got to a point that the Implementation Committee lost its identity and its focus in the direction that they need to be going. He suggested they invite Denise Auker, President, to a Council meeting to help remind her, or have the Borough Manager and the Assistant Borough Manager sit down and have a conversation with her so that she understands where they should be going.

Lancaster County Drug Task Force

The Lancaster County District Attorney Heather Adams announced the hiring of two County Detectives Kurt Montz and Daniel Dutch to lead the County's Drug Task Force.

Lancaster County Association of Township Supervisors

The Lancaster County Association of Township Supervisors sent an invitation letter to encourage all Township Supervisors, Borough Councilmen, Managers/Secretaries and Public Works Directors to attend the July 29, 2021 Golf Outing and Dinner.

Goods Disposal

The Borough Manager presented a letter from Goods Disposal informing the Borough of their price increases.

Motions and Decisions

Motion to advertise bid for storm box project (9th Street/Fulton Street)

Michael Morris made a motion to advertise a bid for the storm box project on 9th Street and Fulton Street. Randall Justice seconded the motion.

Paul Swangren, Jr. asked what the scope of the project is as far as in the specs and the plans. The Assistant Borough Manager stated it will be the 9th Street from the top of the hill down to the intersection at Broad Street and Walnut Street. It also includes the Fulton Street storm box. Paul Swangren would like to know how many storm boxes they are adding and how many are being rebuilt, before he votes on it.

The Council would like to see the engineer's estimate of what he thinks this should cost.

A motion was made to rescind the advertisement.

The Assistant Borough Manager asked the Council how they want to proceed regarding Fulton Street, because it is in a serious condition. He would like to repair it and remove the liability. Nathan Imhoff said the issue on Fulton Street is an emergency; it is just a matter of where the funds are coming from. If the inlet is repaired within this project that the Council rescinded the motion from, then it is covered under the Liquid Fuels, which the Borough allocated funds for. If not, it has to come out of Operational or Reserves.

The Assistant Borough Manager stated they can get three quotes; depending on the cost, they may be going out to bid. The process can take another few months, or they can declare it as an emergency and move forward. If they want to use Liquid Fuels funds, they need the Mayor to declare it as an emergency, or they can declare it as an emergency and use their General Fund without the Mayor's sign off, if he does not feel comfortable doing that.

Thomas J. Murray, Sr. stated they need to get the hole in the ground on Fulton Street fixed before someone gets hurt.

Thomas J. Murray, Sr. made a motion to spend money out of the General Fund to get the storm box fixed on Fulton Street through the process of getting three bids with the most qualified bidder. Michael Morris seconded the motion.

Motion carried.

Front Street

The Borough Manager informed the Council that Construction Masters agreed to extend the warranty for 24 months. Council was in agreement with that.

Michael Morris made a motion to release the funds owed and accept the 24 warranty through Construction Masters and to have the agreed upon warranty in writing from Construction Masters. Randall Justice seconded the motion.

Motion carried.

Acknowledgments

Paul Swangren, Jr. complimented the Akron Volunteer Fire Company's report and thanked them for keeping Akron Borough safe.

As we celebrate Flag Day today, Mr. Swangren also appreciated the great country we live in.

Mr. Swangren said that on Memorial Day there was a story of a local resident on Channel 8. Donald G. Smith served in the Vietnam War and was captured and taken as a Prisoner of War in 1968. He was then released on January 1, 1969 and he returned to Akron. Akron gave him a town celebration and even named a day after him. Donald G. Smith's brother, Kirby Smith was the Mayor for Akron. Mr. Swangren appreciated Donald G. Smith's service and he would like to invite him to one of their Council meetings to recognize him.

Thomas J. Murray, Sr. made a motion to adjourn the meeting. Justin Gehman made seconded the motion.

Motion carried.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Lydia Kovalchuk
Minute Taker

LK