

## **BOROUGH OF AKRON COUNCIL MEETING – June 28, 2021**

***Council Members present*** – Nathan Imhoff, President; Justin Gehman, Vice-President; Paul Swangren, Jr.; Michael Morris; Kleon Zimmerman and Randall Justice (via Zoom). (Thomas J. Murray, Sr. not present).

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

***Visitors*** – Jennifer Prunoske, Hanover Engineering, and Larry Alexander, Ephrata Review.

***Zoom Visitors:*** Councilman Randall Justice and Derek Wanner.

Meeting opened at 6:35 p.m. with the Pledge of Allegiance.

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

Randall Justice joined the Council meeting through Zoom because of a potential COVID exposure.

### **Approval of Minutes**

Paul Swangren, Jr. made a motion to approve the June 14, 2021 Borough of Akron Council Meeting minutes. Justin Gehman seconded the motion.  
Motion carried.

### **Bills**

Michael Morris made a motion to approve the payment to West Earl Township for Police Services in the amount of \$58,728. Justin Gehman seconded the motion.  
Motion carried.

### **Reports**

#### ***Police Report***

Chief Higgins reported that West Earl Township Police Department hosted two Meet and Greets in Akron on June 21<sup>st</sup> and June 24<sup>th</sup>, which went very well. The officers got to meet some residents over coffee. Chief Higgins would like to do it again end of summer, or beginning of fall to continue that relationship.

The Council and the Mayor appreciated the Meet and Greet event. Paul Swangren, Jr.

encouraged the Council and the public to participate in a ride-along with the officers.

***Mayor Report***

Nothing to report.

***Borough Manager Report***

Presented her report in the Old Business and New Business.

***Assistant Borough Manager/Zoning Officer Report***

Nothing to report.

***Community Relations Report***

Michael Morris reported the Akron Night at the Barnstormers is scheduled for August 27, 2021. The Council would have to pre-pay for the tickets to reserve the area. They will then advertise the event through the newsletter and post it on the Akron website.

Michael Morris made a motion to approve a payment to the Lancaster Barnstormers for the Akron Night at the Barnstormers in the amount not to exceed \$855 for the tickets. Kleon Zimmerman seconded the motion.  
Motion carried.

***Parks and Property Report***

Randall Justice presented a letter from Mark Branle with Lititz BikeWorks. Mr. Branle is asking to use a portion of the Roland Park every Friday for a 2-hour period for an introductory bike skills clinic for kids ages 5-14. They used to do this at the Rock Lititz Campus; however, that land is being developed and they are searching for a new place to host the practices.

These 2-hour practices usually involve 10 to 20 kids. There will likely be fewer kids this year since the program was halted due to COVID.

The program's mission is to be a fun place where kids can learn from experienced coaches how to develop cyclocross skills. Cyclocross is a type of bike race that is held on open grassy fields. It is a fast growing sport and their goal is to bring kids into it at a young age so they can race confidently when they are ready.

They would like to use a small section of the park every Friday between 6:00 and 8:00 p.m. from mid-August to October.

Mr. Branle is able to assure the Council that there will be no damage to the grass at all, and whatever cones they bring in, they will take with them. He also mentioned that they have a general liability policy at the bike shop that covers bike related incidents up to \$2 million, so that the Council can feel safe knowing that they will not be held liable in the event of an injury or incident.

Mr. Justice suggested the Council should have the Borough added as an additional insured on that policy, because as a Borough, they appear to be a big target and they are often the first named party in a lawsuit in which they are even tangentially involved. Mr. Justice appreciated that they have coverage, but he would like the Borough to be expressly covered by that coverage. Mr. Justice can invite Mr. Branle to come to a Council meeting, if the Council would like to speak more directly to him, or take direct questions.

The Council agreed with Mr. Justice and asked him to reach out to Mr. Branle to see if this is something that they can do before they bring it to a vote.

Mr. Justice will reach out to Mr. Branle this evening after the meeting and will update the Council with a response.

The Assistant Borough Manager informed the Council that on Wednesday, June 30, 2021, they will be taking out concrete slabs in the Roland Park and on Broad Street, and they will also be removing a concrete holding tank.

Kleon Zimmerman brought to Council's attention that there is a building in the park that has a big hole in the gable and the roof is falling in.

The Assistant Borough Manager will contact the owner of the building about the issue.

### ***Personnel Report***

Paul Swangren, Jr. reported that Personnel Committee met this evening to discuss the update of the employee handbook. Most of the updates are housekeeping referring to the International Brotherhood of Electrical Workers (IBEW) Contract. The contract will be coming to Council next month for approval.

The Committee also discussed the Crossing Guards Program; Personnel Public Works, and Mowing Staff. No action was taken.

Mr. Swangren also met with IBEW to discuss a clause that is in the contract for Labor Management Meetings.

### ***Streets Report***

Nothing to report.

### ***Public Utilities Report***

Kleon Zimmerman reported they had a Committee meeting with the Borough Manager, the Assistant Borough Manager, Thomas J. Murray, Sr. and Paul Swangren, Jr. to discuss keeping up with getting a more aggressive plan to address all the I&I infiltration issues.

They also identified some other areas in Akron where there are problems that need to be fixed, and it seems the biggest problem is in one section that goes down Tobacco Road.

### ***Presentation***

#### ***Annual MS-4 Report – Hanover Engineering***

Jennifer Prunoske from Hanover Engineering, presented a detailed map of the projects that they are going to work on, which are the Streambank project and the Rain Garden project.

The preliminary location that was picked out for the new rain garden will be close to the pond. According to DEP, by moving the project to the park, they do not need to go through the process of re-advertising the park. Hanover Engineering updated all the maps of the rain garden, and when they also have the calculations updated, they will then be ready to resubmit that to DEP so they can approve the Borough's PRP.

Ms. Prunoske said the Borough received a grant for the rain garden and stream restoration from the National Fish and Wildlife Federation.

Hanover Engineering will be providing the Borough with a cost estimate for the Streambank project engineering and construction. The Council will then have to decide what they want to do. Ms. Prunoske reminded the Council that the annual MS-4 report is due at the end of September 2021, and the reporting period ends this week, June 30, 2021.

Ms. Prunoske notified the Council that DEP and EPA are going to start doing inspections again.

Ms. Prunoske addressed various questions raised by the Mayor and Council regarding the rain garden.

## **Old Business**

### ***Emergency Management Coordinator – Emergency Declaration***

The Borough Manager stated she reached out to Mr. Leisey, Emergency Management Coordinator, regarding the Emergency Declaration for COVID, and asked for his recommendation about rescinding the Emergency Declaration. Mr. Leisey said that when the County Commissioners rescinded their Declaration, they covered the Borough. The Borough Manager disagrees with that, because according to the Borough Resolution, the very last sentence says, “This Declaration shall take effect immediately and will continue until rescinded by the Council.” Her recommendation is that the Council makes a motion to rescind the Emergency Declaration.

### ***Rail Trail Stream Project Update***

The Borough Manager stated that the Rail Trail Stream Project has been completed almost two weeks ago. This Wednesday, June 30, 2021, they will be doing a walkthrough, after which they will receive the payment application.

### ***Fulton Street Inlet and Ninth Street Storm Boxes***

The Assistant Borough Manager stated he sent the plans for the Ninth Street Stormwater improvements to Council, as well as the cost opinion prepared by Hanover Engineering. 2021 budget for these improvements are \$91,000. The budget cost was put in the 2021 budget without a design.

Current cost opinion based on the design is \$98,793.75, which includes the Fulton Street inlet repair. The only estimate that the Borough received for the Fulton Street inlet at this time is in the amount of \$18,835.00..

The design for the Ninth Street storm box is done, it would be just the matter of authorizing the bid. And if the Council approves the Fulton Street project, they will move forward with the project.

### ***Front Street Warranty***

Per Council’s request, Construction Masters provided a letterhead stating they agree with the Front Street Warranty extension.

The Borough Manager received a recommendation from Hanover Engineering to release the retainage in the amount of \$13,590.86.

Paul Swangren, Jr. made a motion to release the retainage of Construction Masters Services, LLC in the amount of \$13,590.86. Kleon Zimmerman seconded the motion.

Motion carried.

***Police Pension Liability***

As discussed at the last meeting, according to the police agreement, there is a pension liability of about \$379,000 that the Borough has to pay within five years. Because the last quarter of 2020 was a very good quarter, there was growth beyond what was anticipated.

The Borough Manager suggested they approach West Earl Supervisors and ask them to offset the money owed against the growth. The Borough Manager did approach West Earl Township Manager and hopes to hear back from them. If West Earl agrees it will require an Actuarial Study to be done by Akron Borough.

**New Business**

***Eagle Scout Project***

The Eagle Scout is seeking Council's approval to do six owl nesting boxes – put three of them in the pines, and the other three of them up above the lodge in the woods. The project would have to be completed between now and September.

The Council was in favor of the project.

**Motions and Decisions**

***Motion to advertise bid for storm box project (Ninth Street/Fulton Street)***

Paul Swangren, Jr. made a motion to authorize Borough staff to coordinate the advertisement to bid for the Ninth Street and Fulton Street project, making the alternative for the Ninth Street project to remove some of the items down to New Street, and Fulton Street being as another alternative. Michael Morris seconded the motion.

Motion carried.

***Motion to rescind the Local Disaster Recovery***

Paul Swangren, Jr. made a motion to rescind the Local Disaster Emergency (State of Emergency) Resolution No. 00229 declared on March 28, 2020. Justin Gehman seconded the motion.

Motion carried.

***Motion for Emergency Repair of Storm Box on Fulton Street***

Kleon Zimmerman made a motion to authorize the emergency repair for the storm box on Fulton Street to CPA Pavement Services, Inc. in an amount not to exceed \$18,835.00. Michael Morris seconded the motion.

Paul Swangren, Jr. suggested they pay \$18,835.00 out of the Stormwater Capital Project, and not take it out of the reserves.

Kleon Zimmerman amended his motion that \$18,835.00 be paid out of the Stormwater Capital Project, not out of the reserves. Randall Justice seconded the motion.

Motion carried. Kleon Zimmerman, Randall Justice, Nathan Imhoff, Paul Swangren, Jr and Michael Morris voted yes for the motion and Justin Gehman voted no.

***Motion to release securities for the George D. Wolf Subdivision***

The Borough Manager provided some background information on the George D. Wolf Subdivision, which was owned by Dan and Janis Miller. The Millers sold the property to another developer.

There is a CD for improvements worth \$12,592.00, which is an agreement between the Millers, the Borough, and Fulton Bank. Now, that the Millers no longer own the property, they are not responsible for the improvements. The Borough has in hand a check for the amount of the improvements for around \$125,900.00. That will be put in the escrow account.

The buyer did agree to all the improvements and inspections for the property.

Kleon Zimmerman made a motion to release the financial security for the George D. Wolf Subdivision plan and the Memorandum of Understanding regarding improvement guarantee between Dan L. Miller and Janis D. Miller and Akron Borough. Michael Morris seconded the motion.

Motion carried.

***Motion to award Bid for the Akron Borough Waterline Looping Project***

The Borough received three bids for the Waterline Looping Project. Kinsey Construction Sitework is the apparent low bidder for Alternates 1 and 2 with bids \$277,242.50 and \$364,587.50.

Hanover Engineering recommends the Borough award the bid for Alternate 1, which consists of open cut construction and horizontal boring on the Dohner property. Alternate 2 consists of horizontal boring for all water main and is significantly more expensive.

Line item 104 of Alternate 1 (horizontal boring on the Dohner property) was not included in the original cost opinion, but was added during the design phase based on the narrow easement and the presence of a large tree.

Paving costs will likely be lower if Ephrata Area School District agrees to allow paving restoration to match the existing pavement profile.

Work zone traffic control (Bid item 119, Alternate 1) are usually higher.

Mobilization and demobilization are higher than anticipated.

Michael Morris made a motion to award the bid for the Akron Borough Waterline Looping project Alternate 1 to Kinsley Construction Sitework in the amount not to exceed \$277,242.50. Paul Swangren, Jr. seconded the motion.

Motion carried.

***Motion to amend the Budget (Hydrant and Hydrant Repair)***

Michael Morris made a motion to move an amount not to exceed \$10,000.00 from the Water Reserves to the Water Fund to fund the fire hydrant on Fulton Street and the fire hydrant repair on Sixth Street. Paul Swangren, Jr. seconded the motion.

Motion carried.

**Correspondence and Petitions**

***Letter from Senator Aument***

The Borough received a letter from Senator Aument regarding police radar. The Pennsylvania Senate approved Senate Bill 419 permitting municipal police in Pennsylvania to use radar for speed limit enforcement. The bill was sent to the House of Representatives for consideration.

***Letter from Fulton Bank***

The Borough received a letter from Fulton Bank notifying them that they will be permanently closing Akron Ephrata Financial Center located at 3630 Rothsville Road in Ephrata on September 17, 2021 at 3:00 p.m., and relocating to a new location at 130 N. Reading Road in Ephrata.

***Letter from an Akron Resident***

The Borough received a letter from a resident thanking the Borough for the hitching rail for the horses and buggies in Roland Park, and for maintaining the park. They also expressed their concern about the horses having to stand tied to the hitching rail for hours in the hot sun, and asked the Council to provide a means of shade to protect the horses.

Justin Gehman stated there will be trees planted next to the hitching rails to provide shade for the horses.

Justin Gehman stated at the last meeting, Thomas J. Murray, Sr. gave the Council Reserve Fund information. Mr. Gehman asked that to be put on the agenda for the next Council meeting to discuss how the Council wants to reserve their funds in case of emergencies.

Paul Swangren, Jr. made a motion to adjourn the meeting. Michael Morris seconded the motion. Motion carried.

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Lydia Kovalchuk  
Minute Taker

LK