

## **BOROUGH OF AKRON COUNCIL MEETING – August 23, 2021**

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

***Others present*** – Mayor John McBeth; Susan Davidson, Borough Manager; Sean Molchany, Assistant Borough Manager; West Earl Police Chief Eric Higgins, and Larry Alexander, Ephrata Review.

***Visitors*** – John Taylor, Dennis Mellinger and Carol Mellinger, Akron Residents.

***No Zoom Visitors***

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

### ***Council Members/Mayor Roll Call:***

Thomas J. Murray, Sr. – Present  
Kleon Zimmerman – Present  
Paul Swangren, Jr. – Present  
Randall Justice – Present  
Michael Morris – Not present  
Justin Gehman, Vice-President – Present  
Nathan Imhoff, President – Present  
Mayor John McBeth – Present

### **Approval of Minutes**

Paul Swangren, Jr. made a motion to table the approval of the August 9, 2021 Borough of Akron Council Meeting minutes until the next meeting. Randall Justice seconded the motion.

Paul Swangren, Jr. stated the conversation that the Council had towards the end of the August 9<sup>th</sup> meeting about liquid fuels funds, and what was being approved for the storm sewer and for the design of the street project, was not included in the minutes; therefore, he would like to table the approval of the minutes until the next meeting.

Motion carried.

Dennis and Carol Mellinger living at 813 New Street in Akron, were present to discuss a situation that involves water damage to their house. Mr. Mellinger gave a background of the situation stating that they have purchased their home in 1985. From 1985 through September 2005, they had no water issues in their basement. October of 2005, they had water in their basement, and again in June of 2006 with the substantial degree of water damage in their home. The alley beside was repaved between January and September of 2005, and no humps were put at the side of the alley to keep the water on the alley. The alley has two roads that bring the water

down. Prior to October 2005, the road in front of the house would flood out during heavy rain. At this time, this no longer happens; however, they do have some water coming down the alley. During large rains, water comes down the alley, and because there is no hump, the water comes over the embankment and right into their backyard; from the backyard it proceeds to the rear of their house and into the basement. It happened several times. The times that the water made its way into Mr. and Mrs. Mellinger' house, it cost them thousands of dollars. On August 18<sup>th</sup>, 2021 they once again had water come into their basement. They dug a trench outside to divert the water; however, this was not done in time to prevent the damage.

Mr. and Mrs. Mellinger are here to ask when the Borough will correct this issue, and to provide them with a date. After 16 years, it is time for the Borough to correct this problem. They are also asking for a reimbursement for the damage and cleanup, and are respectfully requesting a response from the Borough within the next two weeks.

The Council stated they will have to fully discuss this situation before they make a final decision. It will take two weeks to a month for the Council to figure out a plan, a timeline, and to get all the proper information to Mr. and Mrs. Mellinger. The Council will also discuss the request for compensation for the damages.

## **Bills**

Thomas J. Murray, Sr. made a motion to approve the payment to West Earl Township for Police Services in the amount of \$58,728.63. Paul Swangren, Jr. seconded the motion.

Motion carried.

## **Reports**

### ***Police Report***

Chief Higgins submitted his July 2021 Akron Borough Monthly Activity Report to Council for review.

In addition to the report, Chief Higgins stated they had a three-hour Crossing Guard training on Friday, August 20, 2021 with the newly hired crossing guards, which went very well.

The Chief sent an email to his officers to make them aware of the corner at Weiser's Market, which is a big complaint with speeding, and motorists not yielding to the crossing guards and stopping at stop signs. He asked the officers to put some extra effort there, as well as periodically stop and speak to each crossing guard to address any issues that they have.

Chief Higgins also reported that the radar speed sign was fixed and was put out on the South 11<sup>th</sup> Street near the school.

The next Police Liaison Meeting is coming up on September 7, 2021 which will be held at the Akron Borough Office at 6:00 p.m.

Mayor McBeth asked if The Guardian Alliance has anything to do with the Peddler's Ordinance, and if it will be used for those going door to door.

Chief Higgins explained that The Guardian Alliance is a software for law enforcement background investigations. It uses artificial intelligence. Paper applications will no longer be accepted from police applicants. They will fill out an application online after which the artificial intelligence will do a search on the internet for social media, and to give an idea whether they have any racist or extremist tendencies. The more police departments use this software, they will compare the applications for the same applicant to see if they lied on an application. It will

automatically highlight the important answers to let the reviewer know the areas that need attention. This technology helps police departments to speed up the applicant background process and to hire the best candidate.

The Mayor also pointed out that there seem to be quite a few “Fraud Not in Progress” in the Police report - some of them on a certain day. He asked whether this is the same type of fraud, just being repeated with different residents, or whether these are different types of fraud. Chief Higgins stated there was a massive data breach and the state has been inundated with false unemployment applications. At least 95% of those cases in the report pertain to false unemployment claims.

Chief Higgins also reported that the officers are addressing a lot of traffic issues. There was a big uptake of traffic enforcement in Akron Borough last month, and is continued this month.

***Mayor Report***

Nothing to report.

***Borough Manager Report***

Nothing to report.

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

Nothing to report.

**Finance Report**

Thomas J. Murray, Sr. distributed an example of the Akron Borough Month-end Cash Balance report as of July 31, 2021, breaking down the General Reserves by the different categories that the Council talked about, such as Restricted, Operating and Capital.

<b>General Fund</b>	<b>\$268,720.40</b>
<b>Water Fund</b>	<b>\$2,567.52</b>
<b>Sewer Fund</b>	<b>\$73,135.75</b>

<b>Highway Aid</b>	<b>\$141,174.22</b>
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**General Fund Reserves**

Restricted	\$0.00
Operating	\$376,502.14
Capital	\$318,439.78

<b>Total</b>	<b>\$694,941.92</b>
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**Water Fund Reserves**

Restricted	\$0.00
Operating	\$296,375.79
Capita	\$25,000.00

<b>Total</b>	<b>\$321,375.79</b>
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<b>Sewer Fund Reserves</b>	
Restricted	\$0.00
Operating	\$335,613.58
Capital	\$0.00
<b>Total</b>	<b>\$335,613.58</b>

**Capital Projects** **\$374.17**

**Community Fund** **\$2,289.22**

**Total** **\$1,840,192.57**

**Escrow** **\$18,554.56**

The Council has not decided what the numbers for Restricted should be yet. The funds that will go into the Restricted, will be funds for emergencies.

The Operating funds are funds that are generally available.

And, the Capital funds are things like the money set aside for the Fire Company, police radios, as well as the \$200,000 that came in from the federal government for infrastructure.

Nathan Imhoff asked what the Capital is under Water Fund. Thomas J. Murray, Sr. stated it was the \$25,000 that was set aside for doing a loop. There is a number of other loops that need to be made in the Borough, so they will begin to set money aside for them.

Nathan Imhoff stated, through the budgeting process this year, he would like the Council to make a final decision on what should be in the Restricted line under each fund, and then work at filling those.

Thomas J. Murray, Sr. stated they will begin to implement this format for the end of August Month-End Cash Balance.

***Community Relations Report***

The Borough Manager stated Akron Night at the Barnstormers is this Friday, August 27, 2021. There are still a lot of tickets available.

Michael Morris will be throwing the first pitch; the Boy Scouts will be doing the color guard, and they will have candy for the kids before the game starts.

The Borough Manager also reported that people are donating money for the Christmas wreaths. Ephrata National Bank also donated some money towards them.

***Parks and Property Report***

Randall Justice requested that the Council would renew the discussion about the Pavilion project. Nathan Imhoff asked this to be put on the agenda for discussion at the next meeting.

***Personnel Report***

Paul Swangren, Jr. reported that they had a Personnel meeting this evening at 6:00 p.m. They

talked about the Employee handbook, as well as went over all the changes. Mr. Swangren asked Council to email him with any questions, comments, or concerns, and requested that to be put on the agenda for September.

Paul Swangren, Jr. excluded Thomas J. Murray, Sr. from the discussions and stated that they also had a Labor Management meeting with IBEW. Sean Molchany, Assistant Borough Manager, and Mr. Swangren met with a business representative and a Union employee last Tuesday, August 17, 2021. Moving forward, Mr. Swangren would like to continue to improve the labor management and the working relationship with efficiencies and standards.

Paul Swangren, Jr. stated, as mentioned before, that the crossing guards were trained. The Borough Manager hired one crossing guard and is still looking for some part-time once so they can fill in when someone is sick.

Thomas J. Murray, Sr. did not participate in the discussion of any Personnel issues.

### ***Streets Report***

The Borough Manger presented a letter from Affordable Paving & Excavating LLC requesting a time extension on the 2021 Street Drainage Improvements project to be done on 9<sup>th</sup> Street. Due to the lead time on materials and others being out of stock, they will not be able to meet the November 16, 2021 deadline; therefore, they are requesting the deadline to be moved to June 30, 2022.

The Council concluded that this project needs to be done as soon as possible because they have been putting it off long enough and pushing it to June 30, 2022 is giving them too much grace period. The original deadline date was November 16, 2021. If Affordable Paving cannot get the work done by November 16<sup>th</sup>, then they should come back to Council to ask for an extension. If the materials show up on time, the work will be done on time; if the materials are not going to show up by Council's first November meeting, the Council will look at extending the time. The Assistant Borough Manager will get back to Affordable Paving to let them know that the Council is aware of the situation, and that they wish to keep the original deadline of November 16<sup>th</sup> for the time being, in case the materials show up on time. The Council will not do a motion until they hear back from Affordable Paving.

The Council also discussed the intersection at Weiser's Market, which was brought up by Chief Higgins earlier, and shared options on how to improve the visual on either side. The Assistant Borough Manager will look into this matter.

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

Kleon Zimmerman reported that the water loop was put in on **New Street, Route 272 and Oak Streets**. Everything went very well. Mr. Zimmerman praised Kinsley Construction for an incredible job at keeping the mess to a minimum. They started the paving restoration today, which should be done by tomorrow. There were no problems when turning the water back on, and all the water advisories went well.

Kleon Zimmerman also brought up an inconsistency in the sewer flow totals after the rainfall. He suspects there is either a water table issue, or there is a stream that starts again and goes into a pipe. Mr. Zimmerman stated there is an inflow problem, but every time it is dry outside and there is a rainfall, the numbers do not spike until if there is a rainfall the following week.

Paul Swangren, Jr. stated a plastic sample tubing was sucked into a pump. He asked whether it is possible to trace it back to the sampling company, and if they will reimburse the Borough for the time and material. The Assistant Borough Manager said the time and material was discussed and it is in process.

Nathan Imhoff mentioned the section that Ephrata reimburses the Akron Borough for, which is connected into Akron Borough line, and asked if there is a way to better know how much water is flowing. The Borough Manager will contact Jay Snyder to find out about the adjusted flows.

Paul Swangren, Jr. asked what if Comcast have completed their project. The Assistant Borough Manager stated they are not 100% completed with all their work and repairs. There is still repair work that needs to be done yet.

## **Old Business**

### **Noise Ordinance Draft**

The Mayor stated the Ordinance is too strict, for example, you cannot hear a lawn mower 50 feet away from it. The Assistant Borough Manager said he thinks it is referencing between the hours of 10:00 p.m. and 7:00 a.m.

The Mayor also stated that church bells are not mentioned in the Ordinance. The Assistant Borough Manager said church bells ring typically after 10:00 p.m. and 7:00 a.m.

Another concern that the Mayor brought up was the amplified/unamplified activities to be approved by the Borough Manager. The Mayor does not think one person should have the authority to allow people to violate an Ordinance.

Randall Justice suggested they table this until the next meeting to have a line-by-line discussion when all the Councilmen have a copy of the draft in their packet. The Mayor asked to add to the discussion the violations and penalties.

### **2022 Budget Process**

The Borough Manager stated they started the budget process, and asked that any chairs who want to meet with her, they may do so in the next few weeks.

## **New Business**

### ***PA Hope Bike Ride – September 19, 2021***

There will be a small section of it that will be going through Akron, if Council allows.

The Borough Manager talked about this with Chief Higgins. He is aware of it and does not see any issue with it. If the Council would want a certificate of insurance, they would provide one.

Nathan Imhoff suggested they post the event on the Akron Borough Facebook page to let people know to expect heavy bike traffic on that date.

Paul Swangren, Jr. made a motion to support the American Cancer Society, and to allow the PA Hope bike ride to go through Akron Borough, as well as request a certification of insurance. Randall Justice seconded the motion.  
Motion carried.

***1360 Diamond Station Road proposed sewer hookup***

There is a letter requesting Akron Borough and West Earl Township to work together to allow the homeowners at 1360 Diamond Station Road in Ephrata to hook up to the Akron Borough sewer system. The Borough Manager stated they are waiting to hear from West Earl Township.

**Correspondence and Petitions**

***Letter from American Planning Association – Warwick to Ephrata Rail Trail***

There is a letter from American Planning Association – Warwick to Ephrata Rail Trail stating that the Warwick to Ephrata Rail Trail was designated one of the 2021 Great Places in Pennsylvania in category of Great Greenways/Trails.

Paul Swangren, Jr. made a motion to adjourn the meeting. Justin Gehman seconded the motion.  
Motion carried.

Meeting adjourned at 8:17 p.m.

Respectfully submitted,

Lydia Kovalchuk  
Minute Taker