

## **BOROUGH OF AKRON COUNCIL MEETING – SEPTEMBER 13, 2021**

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

***Others present*** – Mayor John McBeth; Sean Molchany, Assistant Borough Manager, and West Earl Police Chief Eric Higgins, Susan Davidson Borough Manager Not present.

***Visitors*** – John Taylor; Earl Shirk; Brian Frey; Dennis Mellinger; Carol Mellinger; Kevin Sapp; Lea Burkholder; Alex Burkholder; Kirby Smith

***No Zoom Visitors***

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

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

Thomas J. Murray, Sr. – Present

Kleon Zimmerman – Present

Michael Morris – Present

Paul Swangren, Jr. – Present

Randall Justice – Present

Justin Gehman, Vice-President – Present

Nathan Imhoff, President – Present

Mayor John McBeth – Present

### **Approval of Minutes**

Paul Swangren, Jr. made a motion to approve the August 23, 2021, Borough of Akron Council Meeting minutes. Justin Gehman seconded the motion.

Motion carried.

Michael Morris. made a motion to approve the August 9, 2021, Borough of Akron Council Meeting minutes. Randall Justice seconded the motion.

Motion carried.

Lea and Alex Burkholder of 18 South 9<sup>th</sup> Street were present to complain about a situation with their neighbor. The main complaint was about materials burned in their neighbor's fire pit. The Burkholder's stated that the neighbors were burning building materials in their fire pit. They also indicated that the placement of the fire pit caused smoke to enter through the windows and ashes on their porch. They indicated that they have been dealing with the situation for 7 years. They also indicated that the neighbors added a extension to their fence without a permit, and that the fence is 10' tall. Sean Molchany stated that he was out to the property a few moths ago and the placement of the fire pit was within the code requirements. He stated if the neighbors are burning construction material, they should call the Police. Sean said he would follow up with the fence complaint, per the Zoning Ordinance requirements. Leah presented Council with information regarding nuisance burning and pollutants.

Dennis and Carol Mellinger of 813 New Street were present to discuss their stormwater problem. They thanked the Borough for sandbagging the curb. They asked what was going to be done to address their issues, Sean Molchany stated that Martin Paving has been contacted to come look at the situation. Martins has yet to be out to the property.

### **Bills**

Kleon Zimmerman made a motion to approve the September 2021 Borough of Akron disbursements and fund the appropriate account for the disbursements as reviewed by the Finance Committee.

Michael Morris seconded the motion.

General Fund – \$289,318.88

Water Fund – \$523.09

Sewer Fund – \$134,612.55

Motion carried. 6-0-1 Thomas J. Murray, Sr. abstained

### **Reports**

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

Chief Higgins asked if there were any questions on the August Akron Borough Monthly Activity Report. There were no questions

#### ***Mayor Report***

No report

#### ***Borough Manager Report***

Sean Molchany updated Council on the status of the Water Looping Project, Comcast Project, and the Fulton Street Project. Sean asked if any of Council would like to sit down to discuss anything budget related to please contact Sue Davidson.

### **Finance Report**

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

General Fund \$306,318.88

Water Fund \$523.09

Sewer Fund \$234,612.64

Highway Aid \$141,175.00

General Reserves \$694,953.62

Water Reserves \$321,381.30

Sewer Reserves \$235,619.31

Capital Projects \$104.16

Community Fund \$2,379.23

Total \$1,414,437.97

Escrow Fund \$18,554.77

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

### ***Community Relations Report***

Michael Morris stated the website is nearing completion. Michael stated that the Night at the Barnstormers was a light turnout with the rain, but fun was had by all.

### ***Parks and Property Report***

Randall Justice reported that he met with Sean to go over potential projects in the parks for the 2021 budget. Randall also gave a brief overview of the Akron Mennonite Church Nature Preserve-Memory Garden. Randall stated it is a privately funded and maintained and it can be utilized by the public and was wondering how it can be promoted. Sean stated it can be listed in the Boroughs Comprehensive Plan as a private park, meaning not owned by the Borough but a description can be added it is open to the public.

### ***Personnel Report***

Paul Swangren, Jr. stated that anyone with final comments on the Employee Handbook should get them to Sue Davidson. He plans on have the Handbook on the Agenda for action at the next meeting. Will send out a final draft to all Council.

### ***Streets Report***

Justin Gehman asked if we spoke to Affordable Paving regarding their time extension request. Sean indicated that he did speak with them and that they have ordered the inlet structures and still waiting to hear a timeframe on the pipe. They may be back in the future requesting an extension if they still can't get the pipe.

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

Kleon Zimmerman had nothing to report. Paul asked if we had anyone pulling manholes on Thursday of the storm event and on Friday. Sean indicated we did not. It was stated that we should have our guys out during heavy rain events pulling manholes even if they do it on overtime.

### ***Presentations***

Brian Fry was representing the Ephrata Public Library to present their annual report, (handout) and their municipal contribution letter. (handout). Mr. Fry indicated that the library has offered 357 programs through July and welcomed 4000 people to the programs. The main programs offered were the summer reading program, steam program, beehive, and library gardens program. Mr. Fry referenced the library contribution letter and stated that the letter speaks for itself. The ask from the letter dated September 1, 2021 is \$23,000.00.

## **Old Business**

### **Noise Ordinance Draft**

Sean Molchany presented the draft to Council. Paul Swangren Jr. asked if this addresses the Mayor's break retarder concerns. Sean indicated yes in section 601.B. There was some additional discussion regarding break retarders and the criteria to sign a PennDOT road. It was suggested to forward the draft to the West Earl Police Chief and to the Boroughs Solicitor for review and comment.

### **1360 Diamond Street Road – Sewer Hookup**

Sean Molchany presented the letter from West Earl dated August 26, 2021, requesting that Akron Borough work with the owner to hook up to the Boroughs Sewer system. Sean stated that he will contact the Boroughs Solicitor regarding the request.

### **2022 Budget Update**

Sean Molchany indicated that he and Sue Davidson continue to work on the Budget and that if any Council member would like to meet and discuss their committee's request for the Budget. To date we have met with Randell Justice representing Parks and Property. Paul Swangren Jr. indicated that he would like to meet and discuss personnel prior to our next meeting.

## **Resolutions**

### **Resolution 02337 Department of Conservation and Natural Resources.**

Sean Molchany presented the resolution. Sean indicated that DCNR is teaming up with the Walkworks grant for the \$20,000 request for a Active Transportation Plan. This resolution authorizes Susan Davidson to electronically sign the grant. Paul Swangren Jr. had concerns with the monies and how they were being used.

Tom J. Murray, Sr. moved to adopt Resolution 02337, authorizing Susan Davidson, Borough Manager to electronically sign the DCNR grant application for the "Walkworks Active Transportation Plan" on behalf of Akron Borough. Motion was seconded by Michael Morris. Motion carried 5-2 with Paul Swangren Jr. and Kleon Zimmerman voting against.

## **Motions and Decisions**

Kevin Sapp of Trimble Surveyors was present with Earl Shirk to present the Earl D. & Nancy Shirk Preliminary/Final Lot Add-on Plan. Mr. Sapp stated that they are requesting 4 modifications with the plan and briefly reviewed each request. Paul Swangren Jr. made a motion

to approve the Earl D. & Nancy Shirk Preliminary/Final Lot Add-on Plan and the requested modifications. The approval is contingent upon the owner/applicant's written acceptance of the conditions outlined in the Borough review letter dated August 30, 2021, and subject to the submission of information meeting those conditions. Motion was seconded by Justin Gehman. Motion carried 7-0

### **Other Business**

Randall Justice asked that the Colonial Park Pavilion be put on the next agenda for discussion.

Sean Molchany indicated a Facilities Agreement was included in your packet for review and comment. Nathan Imhoff asked that it also be added to the next meeting agenda for discussion.

Mayor McBeth asked if we can have the Solicitor at a meeting to discuss the Sunshine Law. Sean Molchany said he will coordinate the meeting with the Solicitor

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

Meeting adjourned at 8:14 p.m.

Respectfully submitted,

Sean P. Molchany  
Assistant Borough Manager/Zoning Officer