

BOROUGH OF AKRON COUNCIL MEETING – November 8, 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; Susan Davidson, Borough Manager; Sean Molchany, Assistant Borough Manager, and West Earl Police Chief Eric Higgins.

Visitors – Steve Matzura, McNees Wallace & Nurick LLC; Kyle Robinson, Handi-Vangelism Ministries International; John Taylor, Dale Lausch, Howard Anderson, Bonnie Young, Aaron Murray, Thomas Murray III, John Williamson, and Lea and Alex Burkholder

Zoom Visitors – Bob Weaver, Handi-Vangelism Ministries International.

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
Paul Swangren, Jr. – Present
Randall Justice – Present
Michael Morris – 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 October 18, 2021, October 25, 2021 and November 1, 2021 Borough of Akron Council Meeting minutes. Michael Morris seconded the motion.

Motion carried.

Visitors/Comments from Public

Leah and Alex Burkholder were present to give an update on the situation with their neighbor. Ms. Burkholder said their neighbor took part of his fence down. The side that was between his and Burkholders' properties was moved about 6-7 inches over the Burkholders' property. The Burkholders now have to pay for the survey because he blatantly moved the fence post. He also continues putting fires in his fire pit, which is a legal fire; however, it is close enough to the Burkholders' house for the smoke to go to the back of their house and then fill the house up. They also reported other situations they have faced with their neighbor where police was called. Mr. Burkholder stated they are looking for help, whatever they need to do next, whether it would be going to the State Fire Marshall, or getting some laws changed.

Nathan Imhoff stated he discussed this issue with Susan Davidson and Chief Higgins, and at this point, it is something the Burkholders have to continue talking to the police about.

Randall Justice said there is a limit to what the Council can do, and it will take time and energy, but the present-day active solution is the police. They may also contact an attorney and file a lawsuit for a civil nuisance.

Motion timeframe extension Handi Vangelism Ministries International (HVMI)

Steve Matzura from McNees Wallace & Nurick LLC, Council for HVMI, stated HVMI offered an extension for the decision on HVMI's land development plan. That is to give them time to work out some stormwater issues that are in the plan, as well as some other minor plan changes that relate to the design details. HVMI also offered a Term Sheet related to some of the stormwater issues for Borough Council's consideration. That is a potential agreement to work out Paragraph 17 of the Conditional Use Decision. Paragraph 17 requires the HVMI's engineer John Roche to work in good faith with the Borough engineer to identify possible actions that could be taken on the HVMI property.

The Term Sheet sets up a framework for a potential agreement and what that would mean on the ground related to the project, as well as what Paragraph 17 means in terms of the cooperation in good faith.

One thing to note in the Term Sheet is that HVMI is willing to put up some money and pay for a Solicitor, including to review the Term Sheet, and also related to the stormwater issue so that they could work through the Term Sheet to come to a resolution.

They would like to revisit the Term Sheet over the next two weeks with the Borough staff, and also at a Council meeting later this month.

Paul Swangren, Jr. made a motion to approve the time extension requested by HVMI Organization to December 13, 2021. Kleon Zimmerman seconded the motion. Motion carried.

Back to Visitors/Comments from Public

Howard Anderson was present to ask for an update on the issue he brought to Council's attention two weeks ago regarding parked vehicles on the street.

Sean Molchany said that from what they have found, the vehicles that were parked on the street were from EZ Service shop, not from Enterprise. Per their zoning restrictions employees of Enterprise cannot park on the street.

Chief Higgins stated he went to personally look at the issue, after last meeting, and he did see the vehicles that Mr. Anderson talked about. He then went there the next morning with two other officers to address the issue with the owner. Most of the vehicles that were parked on the street were dropped by a local dealership that EZ Services has a contract with. EZ Services owner is going to contact the dealership to tell them to leave the vehicles on their lot until he calls them. There are a few vehicles that have dealer tags placed on them.

As long as the vehicles are registered, insured and parked lawfully, there is nothing police can do, unless there is a zoning issue, which in this case, there is none. Chief Higgins will follow up with EZ Services again tomorrow.

Dale Lausch was present to ask for an update on the sidewalk issue that he brought to Council's

attention two weeks ago. Mr. Lausch did not officially hear from Borough Council that nothing will be done to correct the sidewalk.

Nathan Imhoff stated he personally reviewed the pre-construction and post-construction pictures and he did not see any differences in the sidewalk.

Paul Swangren, Jr. stated in this evening's Council packet there is an approval to pay the final payment on the contract for water loop extension. Mr. Swangren's opinion is that until the issue is resolved between the property owner and the contractor, that the Borough would hold 10%. He suggested they do not get in between it. The contractor took pictures before and after the construction, and the resident allowed them to be on his property; therefore, they should be able to resolve it with the property owner, and the Borough would hold the retention until the issue is taken care of.

Sean Molchany said that he and Hanover Engineering reviewed the pictures that they took, and their opinion was that the sidewalk had the depression to it prior to construction.

Nathan Imhoff asked Sean Molchany to reach out to Hanover Engineering and ask them to reach out to Kinsley Construction to have the person that was leading the build meet with the homeowner.

Thomas J. Murray, Sr. made a motion that based upon Hanover Engineering and Sean Molchany's review of the issue, it was determined that it is the property owner's responsibility to repair the sidewalk, and not the Borough's responsibility. Michael Morris seconded the motion.

Roll call:

Thomas J. Murray, Sr.- Yes

Kleon Zimmerman-No

Nathan Imhoff-Yes

Justin Gehman-No

Randall Justice- Yes

Paul Swangren, Jr. No

Michael Morris-Yes

Yes-4 and No-3. Motion passed.

Motion to approve \$16,000 for Akron Volunteer Fire Company Radios

Aaron Murray and Thomas Murray III from Akron Volunteer Fire Company were present to discuss the PowerPoint that was sent to Council regarding their portable radio replacement project. Aaron Murray highlighted some key factors stating that when he started at the department, safety was not a big thing – they had two radios for every fire truck, which meant that if they had a crew of eight people, two of those eight people had a radio.

In 2013 when they switched the radio systems, they got one radio for every two riding assignments, which means two people had to share a radio. With the new proposed radio plan, every riding position must have a radio.

Thomas Murray III gave a background of the radios stating that in 2013 Lancaster County switched from an antiquated low band analog radio system to a new digital P25 trucking radio system. In 2016 the replaced low band radio system was turned off and all Lancaster County

emergency service providers had to switch to the new radio system. In 2016 Akron Volunteer Fire Company with the help of Borough Council, as well as several grants spent \$28,854.66, plus several thousands in installation costs to change over to the new radio system. They used the lowest cost vendor available. Since these are digital radios, they are more closely related to computers or cell phones, than they are CB radios. As such, the manufacturer stated that the expected lifecycle of a radio is only five years. Starting in 2019 Akron Fire Company began seeing radio failures.

In 2020 Akron Fire Company purchased four radios from the manufacturer Kenwood to use as a pilot to see how their radios held up in actual field usage. The pilot was quite successful with consensus results being the Kenwood radios were superior to the existing radios. With the success of the pilot program, the Chief Officers of Akron Fire Company developed a plan to replace all existing radios.

A five-year radio replacement and maintenance plan was presented to Council.

Michael Morris made a motion to approve a donation to Akron Volunteer Fire Company for \$16,000 for the purpose of radio purchases out of the Police Radio Fund. Thomas J. Murray, Sr. seconded the motion. Motion carried.

Bills

Thomas J. Murray, Sr. made a motion to approve the November 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 - \$38,299.86

Water Fund - \$15,509.04

Sewer Fund - \$84,974.36

Motion carried.

Reports

Police Report

Chief Higgins submitted his October 2021 report to Council.

Mayor McBeth thanked Chief Higgins for the extra work he is putting in since they are now fully staffed.

The Chief reported that his officers are addressing traffic issues in some trouble areas in town.

Nathan Imhoff asked the Chief to keep an eye on 10th Street between 3:00 and 5:00 p.m. for speeding vehicles.

Chief Higgins said he will bring Officer Johnson to introduce him to Council. He is doing a 12-week Field Training right now, which should be done by the end of January. That will put an extra car on duty for at least 12 hours a day.

He still has an officer that is out on injury and will not be back until January 31, 2022.

Mayor Report

Mayor McBeth stated during their Budget meeting questions came up about Drug Task Force. The Mayor stated their yearly contribution to Drug Task Force is \$4,000. He provided the

Council with some information on Drug Task Force to give them some idea on what the Akron's \$4,000 is going for.

Borough Manager Report

The October month-end financials have been reconciled.

The November 2021 payables have been reviewed and approved by Council.

The proposed 2022 budget is on the agenda this evening.

There are no increases in Real Estate taxes, water and sewer rates.

Susan Davidson submitted information to Council about a loan from Ephrata National Bank to pay the uniform unfunded liability.

Also on the agenda for this evening is a motion to make a payment towards the unfunded uniform liability.

The Street Drainage Improvements project has begun this week.

The water looping project invoice is on the agenda to be paid.

The Roland Park bathrooms and Broad Street bathrooms have been closed and winterized.

Sewer flows are down and the Borough is out of penalty.

The Pennsylvania Department of Environmental Protection (DEP) has scheduled an MS4 inspection for this Friday, November 12, 2021. Sean Molchany and Susan Davidson met with Hanover Engineering to go over some of the details of the inspection.

The Christmas wreaths will be hung the week of November 15, 2021 by Comcast.

The Christmas tree lighting will take place on Friday, November 26, 2021 at Weiser's parking lot.

The Lions Club asked if they can put lights on Pavilion #2 again. Lions Club did this last year.

Randall Justice made a motion to approve Lions Club putting lights on Pavilion #2 consistent with prior usage approved as recently as last year. Paul Swangren, Jr. seconded the motion. Motion carried.

The Shoe-in Committee met in October to discuss the New Year's Eve and will meet again on November 9, 2021 at 6:30 p.m.

Handi-Vangelism presented this evening, and there is a motion for time extension on the agenda.

There is no Planning Commission meeting or Zoning Hearing scheduled at this time.

The Noise Ordinance is on the agenda for this evening for approval.

Susan Davidson met with Bob Miller from Blue Ridge Communications about the agreement update between Blue Ridge and the Borough. Ms. Davidson plans to have a draft by the next meeting.

As requested by Council, Susan Davidson emailed a copy of the Deed for the Broad Street Park to Council, which is also in the Council's packet.

Paul Swangren, Jr. mentioned that Handi-Vangelism is looking at coming to next Council meeting to discuss their agreement because they are asking the Council to pay money for the study. In the Borough's MS4 plan there is a pollution reduction plan that says the Borough has to reduce so many pounds of pollutants per year. Mr. Swangren would like to know what that amount is, and asked why the Borough is doing something on private land and is trying to get credit for that. Mr. Swangren's understanding is that the Borough cannot get credit on private BMP.

Sean Molchany explained that part of the conditional use for that development was that they would work in good faith with the Borough to see if the Borough could obtain any credits for any improvements that the Borough may do on their property. There are some disagreements on the stormwater and this is their way around. The Council will get a recommendation at next meeting on Handi-Vangelism request for this agreement. Mr. Molchany stated the Borough could get credits on their property for project.

The engineer and Sean Molchany will have to review this request.

Assistant Borough Manager/Zoning Officer Report

Nothing to report.

Finance Report

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

General Fund	\$145,702.50
Water Fund	\$613.60
Sewer Fund	\$83,494.63
Hwy Aid Fund	\$141,178.27

General Fund Reserves

Restricted	\$0.00
Operating	\$355,926.88
Capital	\$318,439.78
Total	\$674,366.66

Water Fund Reserves

Restricted	\$0.00
Operating	\$294,392.14
Capital	\$25,000.00
Total	\$319,392.14

Sewer Fund Reserves	
Restricted	\$0.00
Operating	\$335,630.61
Capital	\$0.00
Total	\$335,630.61
Capital Projects	\$374.23
Community Fund	\$2,379.22
Total	\$1,703,131.86
Escrow Fund	\$18,555.21

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

Thomas J. Murray, Sr. also presented the General Restricted Reserves which shows the actual numbers:

Federal Capital Operating Grant	- \$210,123.44
Akron Fire Company Truck Reserves	- \$62,500
Police Radios	- \$16,000 which has been donated to Akron Fire Company for radios
Colonial Park Pavilion	- \$22,862.34
Park Donations	- \$1,125
Public Works Truck Remainder	- \$5,829
Total	- \$318,439.78

Water Restriction Reserves is the water loop for \$25,000.

Thomas J. Murray, Sr. suggested they apply the Public Works Truck Remainder of \$5,829 towards the purchase of a Toolcat angle broom for the Bobcat, this year.

Thomas J. Murray, Sr. made a motion to apply the \$5,829 from the Public Works Truck Remainder towards the purchase of the angle broom for the Toolcat. Paul Swangren, Jr. seconded the motion.
Motion carried.

Community Relations Report

Michael Morris stated he will have to get some pictures to add to the Akron Borough Website. Mr. Morris will sit down with WebTek in early December to do a walkthrough discussion with them to get the website work across the finish line and wrapped up.

Kleon Zimmerman stated the Christmas light wreath wrapping went well. They had a couple volunteers help them put the wreaths together. Comcast will put the wreaths up on poles, and they will also take them down.

Parks and Property Report

Randall Justice stated he and Mayor McBeth will meet with folks from Rosenberger on Wednesday, November 10, 2021 to discuss where they are with the Pavilion, and their next steps and options.

Mr. Justice reported on a further inquiry from Akron Mennonite Church and their Memorial Garden regarding a letter of support for their project as a supplement to their grant applications, and they have been in direct communication with the Borough office to take care of that. Mr. Justice received word that the office was very responsive and supportive.

Mr. Justice also commented on a recent inquiry from the Akron Comprehensive Implementation Committee Task Force about the funding the development involving Ten Thousand Villages. Mr. Justice made the Council aware that this inquiry came to him again, and his simple and accurate answer was that they are in the midst of their budget process, and that their willingness to participate in the funding will be flushed out in the budget process.

Personnel Report

Nothing to report.

Streets Report

Justin Gehman had nothing to report. Mr. Gehman wanted to make sure they are reaching out to the School District when they have projects going on.

Public Utilities Report

Nothing to report.

Old Business

Loan for Unfunded Liability

Susan Davidson presented information for Council's consideration on two proposed loans: one is a term loan of \$257,841 to finance the Police Pension Liability, and the other is a \$400,000 equipment cap line for the purpose of acquiring equipment and vehicles for Akron Borough use. The principal and interest payments are based on 36 to 84 month terms.

Thomas J. Murray, Sr. asked Ms. Davidson to contact Ephrata National Bank to get a better rate and different information based on four or five years for the \$257,841, because 84 months is seven years. If they were to make a payment this year of \$50,000, as proposed, and then make payments of the same amount each year after that, they would be done in five years.

New Business

Motions and Decisions

Motion to approve Noise Ordinance

Kleon Zimmerman made a motion to adopt Ordinance #21-0015 restating the Akron Borough Disorderly Conduct Prohibited Ordinance. Michael Morris seconded the motion.

The Ordinance has been reviewed by the Borough Solicitor and properly advertised.

Motion carried.

Motion to approve partial payment of Unfunded Uniform Pension Liability

Thomas J. Murray, Sr. made a motion to pay West Earl Township a partial payment of the Unfunded Uniform Pension Liability in the amount of \$57,841. Paul Swangren, Jr. seconded the motion.

Motion carried.

Motion to advertise proposed 2022 Budget

Susan Davidson stated they have \$65,359 in the Water Fund Budget. She suggested that they either transfer that amount to the Reserves, or put it back in as a line item for the meters.

Thomas J. Murray, Sr. made a motion to have the Akron Borough staff coordinate the advertisement of the 2022 General Fund Budget. Kleon Zimmerman seconded the motion.

Roll Call:

Thomas J. Murray, Sr. -Yes

Kleon Zimmerman-Yes

Nathan Imhoff- Yes

Justin Gehman-No

Randall Justice-No

Paul Swangren, Jr.- No

Michael Morris-Yes

Yes-4 No-3. Motion passed.

Thomas J. Murray, Sr. made a motion to have the Akron Borough staff coordinate the advertisement of the 2022 Water Fund Budget. Michael Morris seconded the motion. Motion carried.

Thomas J. Murray, Sr. made a motion to have the Akron Borough staff coordinate the advertisement of the 2022 Sewer Fund Budget. Michael Morris seconded the motion. Motion carried.

Thomas J. Murray, Sr. made a motion to have the Akron Borough staff coordinate the advertisement of the 2022 Highway Aid Budget. Michael Morris seconded the motion. Motion carried.

Motion to pay Water Loop Project Invoice

Paul Swangren, Jr. said that, typically, they would not do a final payment, they would do a payment and hold 10% in case something crawled up after 90 days, or whatever the contract is. Mr. Swangren would not like to pay this invoice as a final payment.

Sean Molchany stated he can clarify the contract and put it on the agenda in two weeks.

Randall Justice made a motion to authorize Borough Staff to make payment on this contract consistent with the contract terms with any retainage contemplated expressly by the document. Kleon Zimmerman seconded the motion. Motion carried.

Correspondence and Petitions

Nathan Imhoff presented a letter from Mennonite Central Committee with an enclosed donation of \$5,200. They also received a donation from Akron Mennonite Church for \$500.

Nathan Imhoff stated it was brought to his attention that the sign at the Akron Elementary School is still very bright.

Susan Davidson will address that.

Justin Gehman stated while there is no money in their budget for the Townhall, if it is something the Council expresses some interest in, maybe the Committee should try to raise funds and look into grants, because the taxpayers should not be paying for it.

Randall Justice will convey Council's interest in the project and their willingness to look at other funding alternatives to the Committee.

Kleon Zimmerman brought up the two positions mentioned in their budget discussion.

Paul Swangren, Jr. suggested they put the two positions on the agenda for discussion at the next Council meeting.

Paul Swangren, Jr. raised the question about Restricted Reserves and how much money is going to be in that fund. Mr. Swangren would like to know if they have to vote on it and decide what that amount is going to be, because the Council is in agreement on it but they never solidified it with a vote.

The Council will make that decision at the next Council meeting.

Paul Swangren, Jr. made a motion to adjourn the meeting. Kleon Zimmerman seconded the motion.

Motion carried.

Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Lydia Kovalchuk
Minute Taker