

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

Visitors present – Kyle Robinson, Handi-Vangelism Ministries International (HVMI); Ryan Cochran; John Taylor, and Donald Reese – Akron Residents.

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

Nathan Imhoff recognized their longest-serving Council member Thomas J. Murray, Sr. for his 28 years of service to the Borough.

Mr. Murray said that it has truly been a pleasure to serve on the Akron Borough Council.

Approval of Minutes

Michael Morris made a motion to approve the November 8, 2021 Borough of Akron Council Meeting minutes. Justin Gehman seconded the motion.
Motion carried.

Randall Justice made a motion to approve the December 6, 2021 Borough of Akron Council Meeting minutes. Michael Morris seconded the motion.
Motion carried.

Visitors/Comments from Public

Donald Reese brought up an issue with parked vehicles at a turn in the 300 block of Main Street. He asked whether it is legal to park on that section because when driving, it is hard to see the parked vehicles, until you are in the corner. The visibility is worse in the rain. The Council stated it is legal to park if there is no “No Parking” sign; however, they will have to take a look at that section to see how they can address the issue.

Mayor McBeth mentioned a similar situation on Fifth Street.

Donald Reese also mentioned seeing a parked vehicle down at the Rail Trail, which he thinks is an illegal parking.

The Council stated they did not pass an ordinance that will allow them to enforce anything.

Bills

Thomas J. Murray, Sr. made a motion to approve the December 2021 Board of Akron disbursements and fund the appropriate account for the disbursements as reviewed by the Finance Committee. Kleon Zimmerman seconded the motion.

Motion carried.

General Fund - \$273,193.30.

Included is the December payment for West Earl Township made on December 3, 2021 and the January payment for West Earl Township in the amount of \$67,133.35, and payment of funds received from the Magistrate for West Earl in the amount of \$12,312.86.

Water Fund – \$17,031.45

Sewer Fund – \$120,908.60 (includes a payment to the Borough of Ephrata for \$117,845.42, which is \$111,000 for treatment and \$6,000 for the rest of the engineering bills).

New Year's Fund– \$416.00

Motion carried.

Reports

Police Report

Chief Higgins submitted his November 2021 West Earl Police report to Council.

Chief Higgins noted that Detective Ray is being promoted to Sergeant next Monday, December 20, 2021 at 7:00 p.m. at West Earl Township building. The Akron Borough Council is invited.

He also noted that this Saturday, December 18, 2021, the Police Department will be at the Fire Department for breakfast and to meet the public.

Chief Higgins thanked Susan Davidson, Sean Molchany and the Council for inviting him and his officers to the luncheon they provided for the holiday.

Kleon Zimmerman stated his wife, Katrina Zimmerman, thanked the Chief for having a couple police officers for the Christmas Tree Lighting at Weiser's.

Mayor Report

Nothing to report.

Borough Manager Report

November 2021 month-end financials have been reconciled.

December 2021 payables have been reviewed by the Finance Committee.

The Council will need to make a motion to pay the bills.

The proposed 2022 budget is on the agenda for this evening.

There are no increases in real estate taxes, water and sewer.

The Borough Treasurer will be resigning before taking the Oath of Office for Council. The Borough Solicitor recommends that Council appoints an Assistant Treasurer until a Treasurer can be appointed.

Ann Nolt, the current Tax Collector, will not continue as the Borough Tax Collector. The Council can vote to have Lancaster County Treasurer's Office collect real estate taxes for the next two years.

Street drainage improvement project work is almost completed, except for the wearing course that the Council takes place in the Spring of 2022. The payment application is on the agenda for the Council's approval.

Street sweeping took place on December 6th and 7th.

A liquid fuels audit took place a few weeks ago by the Auditor General's Office. There were no findings. A copy of the audit report was emailed to Council and Mayor.

The lodge at Roland Park is being renovated. New plumbing, electrical and drywall work should be completed by the end of this week.

They were supposed to have the retainage payment to Flyway Excavating on the agenda for this evening; however, they did not receive a recommendation letter from the engineer.

DEP conducted an MS4 inspection on Friday, November 12, 2021. A copy of the DEP report was emailed to Council.

A Personnel Meeting has been scheduled for January 24, 2022 at 5:30 p.m.

The Shoe-In Committee met on December 9th to discuss the New Year's Eve. The event begins at 9:00 p.m. at the Broad Street Park. Everyone is welcome.

A Planning Commission meeting is scheduled for January 6, 2022. Handi-Vangelism will be on the agenda.

There are no Zoning Hearings scheduled at this time.

There is a Resolution approving the agreement between Blue Ridge Communications and Akron Borough on the agenda for this evening.

PA State Association of Boroughs (PSAB) is offering training for the Council members.

Susan Davidson listed the vacancies that are remaining:

Zoning Hearing Board – Alternate – 3 years

Vacancy Board – 2 years

Treasurer – 2 years

Building Code Appeals Committee

Susan Davidson added that 2021 was a year of transition. She thinks it went very well, considering all the changes that happened – no longer having a police department, contracting with West Earl Police, and hiring a new Solicitor and Assistant Borough Manger. She thanked the Council for the work they do, as well as the West Earl Police for their presence in Akron on a daily basis.

Assistant Borough Manager/Zoning Officer Report

Susan Davidson said that the new propane tank should be completed this week.

Finance Report

The November 30, 2021 month-end cash balances were read into the minutes.

General Fund \$96,713.29

Water Fund \$1,153.83

Sewer Fund \$83,076.62

Hwy Aid Fund \$141,180.20

General Fund Reserves

 Restricted \$0.00

 Operating \$339,943.36

 Capital \$318,439.78

 Total \$658,383.14

Water Fund Reserves

 Restricted \$0.00

 Operating \$67,913.11

 Capital \$0.00

 Total \$67,913.11

Sewer Fund Reserves

 Restricted \$0.00

 Operating \$335,639.12

 Capital \$0.00

 Total \$335,639.12

Capital Projects \$375.07

Community Fund \$2,621.50

 Total \$1,387,055.88

Escrow Fund \$18,555.50

Thomas J. Murray, Sr. reviewed the November 30, 2021 Revenues and Expenditures Report.

Community Relations Report

Michael Morris will be reaching out to Dick Wanner about the pictures for the Borough website.

Thomas J. Murray, Sr. stated he received a number of compliments about the Christmas wreaths and their installation, and how wonderful it is that Akron has some Christmas decorations up.

Paul Swangren, Jr. added that he also received a number of compliments about the wreaths and the Christmas tree.

Parks and Property Report

Randall Justice reported that he was contacted by the group who is still exploring the Town Center and the related study, and he learned that between Ten Thousand Villages and some private donors, they have raised additional funds towards the proposed study, and they are now asking the Borough to consider contributing 1/3 of the cost, which would be \$5,666 towards that study. Mr. Justice is not suggesting that they do something immediately with this information, but that if the price point is more to their liking, perhaps it makes sense to spend a little time trying to address the scope of the study. He suggested that they would do all of that starting in January.

Nathan Imhoff agreed that it is something he would like to continue looking into starting in January. He would also like to hear the managers' thoughts on the project.

Randall Justice also shared some feedback he received from someone who is concerned about some of the grading around the Rail Trail and the way the water runoff is being enticed by the current grating. His concern is that it is going to have a long-term negative effect on the Rail Trail. Mr. Justice is not clear whether they are talking about a particular stretch, or all of it. Mr. Justice will try to get some more information for the Council.

John Taylor stated there is an erosion issue on the Warwick side of the Rail Trail.

Mayor McBeth mentioned he noticed that there are three maple trees for the Recognition Row. When the Recognition Row was put in, the plan was that the trees would only be flowering trees, however now they have three maple trees put in. The Mayor asked if they will continue with flowering trees.

Susan Davidson will do some research to see if there is a rule that was written down regarding flowering trees.

Nathan Imhoff stated flowering trees, typically, have a shorter lifespan than nonflowering trees. He asked the Council whether they want to go with something pretty for a short period of time, or something that will last for a longer time. Mr. Imhoff said that whatever the Council decides should be put as a motion.

Mayor McBeth also brought up a decision that was made by the Council that there is not supposed to be put any kind of memorials in the park anymore – no benches, no trees, etc. However, about four or five years ago, someone put a memorial bench along the walking trail without permission.

Donald Reese brought up a conversation he had with a lady whose husband passed away. She would like to put a memorial bench down at the Rail-Trail because her husband always loved the trail. She is willing to fund the bench. Mr. Reese thinks it is a good opportunity for a bench. Sean Molchany stated they brought it up at the Warwick to Ephrata Rail-Trail Committee two meetings ago. They were to come up with a standardized bench that would be utilized throughout the trail, as well as a standardized location away from the trail. He also said that they indicated that they are thinking about having each municipality come up with their own rules on any information on the benches, because most of the municipalities did not want them everywhere with all type of verbiage on them.

Susan Davidson stated this was brought up when the trail was put in, but was never quite decided. They do not want benches everywhere, because even though people do pay for them and donate them, they become the Borough's responsibility. The Borough wants to be consistent on the trail with the benches.

Personnel Report

Paul Swangren, Jr. reported that he is working on the annual evaluations and noted that there is no Personnel Meeting on December 27th. The January's Personnel Committee meeting will be an hour long and will be advertised. The meeting will take place on Monday, January 24, 2022 from 5:30 to 6:30 p.m.

Streets Report

Nothing to report.

Public Utilities Report

Nothing to report.

Old Business

Handi-Vangelism Land Development/Subdivision Extension Letter

Handi-Vangelism was present to ask for an extension of time for their subdivision land development plans until January 31, 2022.

Thomas J. Murray, Sr. made a motion to approve the time extension requested for Handi-Vangelism Organizational Headquarters Campus, Preliminary/Final Land Development Plan for action by Borough of Akron Council. The request will extend the time period in which to act on the plan to January 31, 2022. Paul Swangren, Jr. seconded the motion.
Motion carried.

Park House Rental

Susan Davidson stated it is up to Council if they want to decide to increase the rent. It does not have to be part of this year's budget.

Nathan Imhoff prefers to wait until the new Council convenes to make this decision. Whenever that decision is made, they should give the tenants three months before it goes into effect.

Susan Davidson said that Sean Molchany reached out to the renter in regards to his truck being parked by the park house.

Sean Molchany added that the renter purchased a new truck and it has been hit by frisbee discs, so it now has three dents in it. The renter asked for consideration of moving the last hole 20 or 30 yards away from the house, also a consideration of a fence along the back side of the parking area.

Mr. Molchany said there is a possibility of moving the last basket over. He is going to reach out to the Frisbee Golf Group to see if they would agree to move it.

New Business

Motions and Decisions

Motion to approve the 2022 Budget

Thomas J. Murray, Sr. made a motion to adopt the 2022 Highway Aid Budget in the amount of total revenues \$129,239.00. It is a balanced budget. Justin Gehman seconded the motion.
Motion carried.

Thomas J. Murray, Sr. made a motion to adopt the 2022 Sewer Fund Budget in the amount of \$1,016,961.00. It is a balanced budget. Paul Swangren, Jr. seconded the motion.

Roll Call:

Thomas J. Murray, Sr. – Yes
Kleon Zimmerman – No
Nathan Imhoff, President – Yes
Justin Gehman, Vice-President – No
Randall Justice – No
Paul Swangren, Jr. – Yes
Michael Morris – Yes
Yes – 4 No – 3. Motion carried.

Thomas J. Murray, Sr. made a motion to adopt the 2022 Water Fund Budget in the amount of \$493,293.00. It is a balanced budget. Paul Swangren, Jr. seconded the motion.

Roll Call:

Thomas J. Murray, Sr. – Yes
Kleon Zimmerman – No
Nathan Imhoff, President – Yes
Justin Gehman, Vice-President – No
Randall Justice – No
Paul Swangren, Jr. – Yes
Michael Morris – Yes
Yes – 4 No – 3. Motion carried.

Thomas J. Murray, Sr. made a motion to adopt the 2022 General Fund Budget in the amount of \$1,880,457.00. It is a balanced budget. Michael Morris seconded the motion.

Roll Call:

Thomas J. Murray, Sr. – Yes
Kleon Zimmerman – No

Nathan Imhoff, President – Yes
Justin Gehman, Vice-President – No
Randall Justice – No
Paul Swangren, Jr. – Yes
Michael Morris – Yes
Yes – 4 No – 3. Motion carried.

Thomas J. Murray, Sr. made a motion for a yearly establishment of Reserved Funds based upon a prior five-year calculation of two months per fund. Paul Swangren, Jr. seconded the motion. Motion carried.

Paul Swangren, Jr. made a motion to approve the 2022 Health Insurance Renewal through Benecon. Randall Justice seconded the motion. Motion carried.

Michael Morris made a motion to approve the Certificate of Resolution (2022) for the Borough of Akron Section 125 Premium Only Plan for plan year ending December 31, 2022. Including the Adoption Agreement (2022). Paul Swangren, Jr. seconded the motion. Motion carried.

Paul Swangren, Jr. made a motion to approve the 2022 Meeting Advertisement including the Reorganization Meeting and the January Personnel Meeting, and authorize Borough staff to coordinate the advertisement. Thomas J. Murray, Sr. seconded the motion. Motion carried.

Michael Morris made a motion to approve the Blue Ridge Communications Franchise Agreement #02341. Kleon Zimmerman seconded the motion. Motion carried.

Thomas J. Murray, Sr. made a motion to appoint Sean Molchany as Assistant Treasurer. Michael Morris seconded the motion. Motion carried.

Michael Morris made a motion to appoint the Lancaster County Treasurer's Office as Akron Borough Real Estate Tax Collector. Justin Gehman seconded the motion. Motion carried.

Kleon Zimmerman made a motion to approve payment #1 to Affordable Paving in the amount not to exceed \$83,038.00 in accordance with the Hanover Engineering letter. Monies are to come from the Liquid Fuels Fund. Michael Morris seconded the motion. Motion carried.

Paul Swangren, Jr. made a motion to accept Ryan Cochran's resignation letter dated December 13, 2021 and the designing position of Akron Borough Treasurer effective December 31, 2021. Thomas J. Murray, Sr. seconded the motion. Motion carried.

Other Business

Paul Swangren, Jr. stated there was an email sent from the Akron Solicitor which is his guidance on a claim for New Street for stormwater damage to personal property. The resident is asking for a reimbursement requesting paying invoices directly to him, or the contractor. The Solicitor's strong advice is that the Borough may not and should not pay invoices or reimbursements to residents. The homeowners should be filing a claim with their Homeowner's insurance.

Paul Swangren, Jr. also mentioned that DEP conducted an MS4 audit. There were no violations, but there were some non-compliance issues. Mr. Swangren is disappointed in this because when it comes from DEP that there is non-compliance, that puts the Borough on a radar, which means DEP will be coming back.

Thomas J. Murray, Sr. made a motion to adjourn the meeting. Michael Morris seconded the motion.
Motion carried.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Lydia Kovalchuk
Minute Taker