

## **BOROUGH OF AKRON COUNCIL MEETING – October 11, 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**

Maria Rotella, Program Assistant at Ephrata Rec Center; Joe Latrell, Tracey Craft, and Lea and Alex Burkholder, 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  
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**

Michael Morris made a motion to approve the September 27, 2021 Borough of Akron Council Meeting minutes. Kleon Zimmerman seconded the motion.  
Motion carried.

### **Visitors**

Joe Latrell brought an issue to Council's attention regarding the construction that happened on Fourth Street. The sidewalks were recently replaced at the intersection of Fourth Street and West View Drive because the angle was incorrect. The ADA Compliance ramps were put in; however, the edge of the curb was not removed, which is a violation of the ADA Compliance. Sean Molchany stated he will have the engineers take a look at it.

Nathan Imhoff thanked Mr. Latrell for bringing that issue to Council's attention.

Lea and Alex Burkholder were present to ask for an update on the fence and fire smoke violations that they have reported at a previous meeting. Sean Molchany stated the violations were sent out the day after the meeting. The neighbors still have some time to comply before the Borough moves to the next step.

Justin Gehman recommended that the Burkholders would report any future violations to police.

## **Bills**

Thomas J. Murray, Sr. made a motion to pay the September 2021 bills as reviewed by the Finance Committee. Kleon Zimmerman seconded the motion.

General Fund – \$121,273.89

Water Fund – \$4,910.55

Sewer Fund – \$13,182.56

Capital Projects – \$20,610.00

Motion carried.

## **Reports**

### **Police Report**

Chief Higgins reported that he spoke with the Burkholders regarding their issue with the neighbors. He went to the neighbors' house to speak to them and hear their side of the story; however, they were not home at that time. He will follow up on that this week.

Chief Higgins also reported that West Earl Police hired two officers. One officer will start working on October 20<sup>th</sup> and the other on October 27<sup>th</sup>. Both of them will do a 12-week field training program. They are replacing officers Gregory Stone and Joseph Weir who have resigned. Chief Higgins will try to have one, if not both of them, at the first Council meeting in November to introduce them to Council.

Paul Swangren, Jr. congratulated Chief Higgins on the two new hires, and commended him for reaching out to the citizens in a personal contact.

### **Mayor Report**

Nothing to report.

### **Borough Manager Report**

September 2021 month-end financials have been reconciled.

October 2021 payables were reviewed by the Finance Committee.

Susan Davidson and Sean Molchany have started the 2022 budget preparation and submitted a draft to Council and Mayor.

A Budget Meeting is scheduled for Monday, October 18, 2021 at 6:30 p.m.

Susan Davidson and Sean Molchany met with representatives from the Ephrata National Bank to discuss the transition from Fulton Bank to Ephrata National Bank. They also discussed proposed loans to pay off the unfunded uniform pension liability and the standpipe. The staff is getting information to Ephrata National Bank to begin these processes.

There is no information from Affordable Paving if they can begin the inlet work this year.

The Auditor General's Office conducted an audit on Liquid Fuels for 2019 and 2020. There were no findings or comments.

The painting of the Roland bathrooms has been completed.

The handicap work at the entrance of the lodge has been completed.

The Akron Pines Playground has been power washed, sealed and mulched.

Mr. Rehab completed the lining work last week, October 6, 2021.

Sections of New Street, Hillcrest Road, Third Street, Colonial Drive and Fulton Street were lined.

Kline's will be out to televise laterals on Pool Road.

Susan Davidson and Sean Molchany met with Kleon Zimmerman to discuss the 2022 budget items, and water and sewer issues.

The water loop project has been completed. There is a complaint about some sidewalk damage on 7<sup>th</sup> Street. Susan Davidson and Sean Molchany are going to meet this week with the property owner, Dale Lausch, about this issue.

A New Year's Shoe-In meeting has been scheduled for tomorrow, Tuesday, October 12, 2021 at 6:30 p.m. at the Borough Office. Looking for volunteers.

The holiday wreaths will be assembled on November 6, 2021 and the tree lighting will take place on November 26, 2021 at 6:30 p.m. Santa will arrive at 7:00 p.m.

The Borough's last engineering letter issued by Handi-Vangelism was dated August 23, 2021.

There is no Planning Commission meeting scheduled at this time.

There is no Zoning Hearing scheduled at this time.

The Crossing Guards are fully staffed now.

Susan Davidson would like to take the signs for the Akron's 125<sup>th</sup> anniversary down.

**Assistant Borough Manager/Zoning Officer Report**

Nothing to report.

**Finance Report**

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

General Fund	\$295,529.12
Water Fund	\$9,669.58
Sewer Fund	\$137,781.31
Hwy Aid Fund	\$141,176.81
General Fund Reserves	
Restricted	\$0.00

Operating	\$376,524.75
Capital	\$318,439.78
Total	\$694,964.53
Water Fund Reserves	
Restricted	\$0.00
Operating	\$296,386.44
Capital	\$25,000.00
Total	\$321,386.44
Sewer Fund Reserves	
Restricted	\$0.00
Restricted	\$0.00
Operating	\$335,624.66
Capital	\$0.00
Total	\$335,624.66
Capital Projects	\$374.17
Community Fund	\$2,379.22
Total	\$1,938,885.84
Escrow Fund	\$18,554.97

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

**Community Relations Report**

Michael Morris reported that he followed up with Donald Reese for photographs for the Akron Borough website. Mr. Reese is a little busy right now but he gave permission to use photographs he already took for the Akron 125<sup>th</sup> anniversary book.

Mr. Morris also reported that WebTek responded to his request to do a presentation and said that they are not available Monday nights to do the presentation. They are available to do the training when the time comes, but they could not be present tonight.

Mr. Morris will do a presentation at the next Council meeting on October 25, 2021.

**Parks and Property Report**

Nothing to report.

**Personnel Report**

Nothing to report.

**Streets Report**

Nothing to report.

**Public Utilities Report**

Kleon Zimmerman reported that the water budget in the new proposed budget is a little bit over balance. Mr. Zimmerman stated they have recovery fund money, so his personal opinion is that he does not think they should raise the rates on water, especially this year, because that money is from the constituents of Akron and it should be going back to them.

## **Presentations**

### **Ephrata Recreation Center Presentation**

Maria Rotella from Ephrata Recreation Center was present to talk about their Summer Municipal Camp Program. Each summer they do a series of camps for local children in the area. The camps are free for the kids living in Akron Borough, Ephrata Borough and Clay Township. Kids living in Ephrata Township have to pay a small fee.

In 2020 their program looked a little different because of COVID. They were able to do some of their normal camps, but they had a lower number of kids. This past summer they brought it close to where it normally is, in terms of participation. They also added some new camps, like a Field Hockey Camp that was run by the Ephrata High School Field Hockey coaches.

Ms. Rotella stated even though the camps are free of charge, they are not low quality. They get a lot of people in the community who are either owners of businesses, high school coaches, or high school students who are willing to volunteer their time and run these camps all summer. They run from when school lets out until when school goes back in.

Ms. Rotella stated that Ephrata Recreation Center would like to request the same amount \$6,240.00 for the budget as they have in the previous years.

Nathan Imhoff thanked Ms. Rotella for offering these programs to the community, and said that the Council will be considering that amount during budget process.

## **Old Business**

### **Noise Ordinance Update**

Sean Molchany stated they had some issues with the newspaper advertisements; therefore, it will be on the agenda for the next Council meeting.

### **Park Pavilion**

Randall Justice noted that Mayor McBeth circulated a letter a couple months back with some creative solutions about how to work around some of the issues with the pavilion project.

Mayor McBeth stated that Sean Molchany sent out an estimate for about \$62,000 which came from a Costar vendor. The estimate had a \$2,000 for electric. The Mayor thinks they do not need lighting in the pavilion. He also thinks they do not need surface mount base plates, which is \$4,000, if the posts were concreted into the ground; however, that would be the engineers' decision.

Sean Molchany said they have to look at this project as one project for the purpose of prevailing wage requirements, so they cannot piece things out. It has to be contracted out with one general contractor.

Paul Swangren, Jr. stated they keep talking about the project and keep throwing numbers, but they do not have a clear plan. His suggestion is to maybe come up with a plot plan so they know what they need and where to go.

Nathan Imhoff said they have the donated \$25,000 from Rosenberger in the bank, so they need to take the next step of paying the few thousand dollars to get the plot plan and the general

engineering done so they can then figure out the proper budget for this project.

Randall Justice said he would like some guidance from Council about the utility or futility of involving the engineers.

Nathan Imhoff suggested they go to Rosenberger to ask if they would be willing to donate more to the project to cover the number that is over from the original donation.

Justin Gehman asked Sean Molchany if he would be able to get an updated Costar pricing before the next week's budget meeting, rather than get the engineers involved because they will not have anything before the budget meeting. Sean Molchany will attempt that.

### **Uniform Pension Liability and Uniform Minimum Municipal Obligation**

Susan Davidson stated she will call the Borough Solicitor to talk about the Uniform Minimum Municipal Obligation (MMO) and ask for a legal opinion on it, because her and Thomas J. Murray, Sr. are interpreting it a little bit different. The question is whether the Borough owes the \$95,968, which was calculated last year for the MMO for this year, to West Earl Township.

Thomas J. Murray, Sr. stated the Council needs to have a complete understanding of what is going on with the MMO. Mr. Murray would like to know if the \$57,000 from the State can be utilized to go into the police pension fund as part of what they received from the Borough, because the Borough does not have any employees and does not have a fund anymore. He would like some official word in writing from somebody that says where this money goes, and he wants to know what exactly they have to do.

### **Mellinger – New Street**

Susan Davidson stated they have not received any invoices from the Mellingers and have not heard from Martin's yet.

Paul Swangren, Jr. cautioned everyone on paying invoices for private property damage because it is a homeowner's matter.

Thomas J. Murray, Sr. suggested they ask for legal opinion from the Solicitor.

## **New Business**

### **Motions and decisions**

#### **Motion to approve Facility Use Agreement**

Justin Gehman made a motion to approve the Facility Use Agreement. Paul Swangren, Jr. seconded the motion.

Motion carried.

#### **Motion to approve 2022 Non-Uniform Pension MMO**

Michael Morris made a motion to approve 2022 Non-Uniform MMO in the amount of \$33,804. Paul Swangren, Jr. seconded the motion.

Thomas J. Murray, Sr. noted that he did not participate in the discussion and voting.

Motion carried.

**Motion to pay Ephrata Public Library and Akron Volunteer Fire Company remainder of 2021 donations**

Thomas J. Murray, Sr. made a motion to approve the remainder of the donation to the Akron Volunteer Fire Company in the amount of \$19,500. Paul Swangren, Jr. seconded the motion. Motion carried.

Randall Justice made a motion to approve the remainder of the donation to the Ephrata Public Library in the amount of \$8,000. Michael Morris seconded the motion. Motion carried but not unanimous. Nathan Imhoff, Justin Gehman, Kleon Zimmerman, Randall Justice, Michael Morris voted yes. Thomas Murray, Sr. and Paul Swangren, Jr. voted no.

**Ephrata National Bank – Resolution #02338**

Susan Davidson stated right now the Borough's depository is Fulton Bank. Because Fulton Bank is moving to a new location which will make it very inconvenient to deal with them.

Susan Davidson met with Ephrata National Bank a couple months ago and she thinks it will be very easy to work with them because they are down the street and they are very similar to what the Borough is doing now. There are going to be three different accounts: General account, Tax Collector account and Pension account.

Thomas J. Murray, Sr. made a motion to adopt Resolution #02338 providing for the transfer of the Borough's Three Checking Accounts from Fulton Bank to Ephrata National Bank. Michael Morris seconded the motion.

Motion carried.

**Correspondence**

**Ten Thousand Villages Conceptual Letter**

Nathan Imhoff presented a letter of the conceptual design work for a potential town center type building from Ten Thousand Villages that the Council requested at the last meeting. Mr. Imhoff asked for thoughts on this from Council.

Sean Molchany stated this will be considered as part of the budget.

Mayor McBeth asked if Ten Thousand Villages is in a financial position where they can put out whatever money this project is going to cost.

Nathan Imhoff suggested they reach out to Ten Thousand Villages to ask whether they have the comfortable amount of resources to pay for a project like this.

The Council expressed concerns regarding the project and the amount of money Ten Thousand Villages is asking the Borough to provide.

Kleon Zimmerman suggested they should ask Ten Thousand Villages to come to the October 25, 2021 Council meeting to discuss this project.

**Walk Works/DCNR Grant Correspondence**

Paul Swangren, Jr. stated he was opposed to this project because it is a project that the Borough does not have money for. Mr. Swangren asked whether they can use the \$10,000 grant for both Walk Works and DCNR.

Sean Molchany stated they cannot. The \$10,000 Walk Works money will be applied to the DCNR to get the other \$10,000 for the 20,000, specifically for a plan. That is not the plan that has been identified as part of the application.

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

Motion carried.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Lydia Kovalchuk  
Minute Taker