

BOROUGH OF AKRON COUNCIL MEETING- APRIL 27, 2015

Council Members present- Thomas J. Murray, President; Perry Lorah, Vice-President; Justin Gehman, John Taylor, Earl Shirk, Dan McCormac, Earl Shirk.

Others present- Mayor John McBeth, Dan Guers, Borough Manager; Susan Davidson, Borough Secretary; Jennifer Mejia, Solicitor; K. L. McEllhenney, Angie Frain, James Frain, Brian Boyer, Jon & Roberta Winkelspecht, Kent & Joan Bradford, Carol Stark, Don Reese, Dick Wanner, Ephrata Review; Linda Sickmeier, Pat Renner, Ella Nolt, Sara Shirk, Anthony Wolfe, Glen Beiler, Gary Mikos, Luane Mikos, Richard Justice, Robert W. Rollman, Philip Sollenberger, Danielle Bentley.

Meeting opened with the Pledge of Allegiance.

Rail Trail

James Frain, 15 Crestview Drive, Akron mentioned he is not against the Rail Trail but how it is being constructed. Frain asked Council if they researched safety statistics. Frain said that he owns property to the right-a-way and the Borough took 30 ft. Frain also mentioned trees were cut down before tonight's meeting. Frain also mentioned idling vehicles affecting the environment.

John Winkelspecht, 19 Crestview Drive, Akron mentioned he was here once before and asked about the Rail Trail plan and no one answered me and told me to look at my deed and was told to come to a meeting and needs an interpreter because he is hearing impaired does not understand what we are saying. Mr. Winkelspecht also mentioned he owns his property and pays taxes.

Luanne Mikos, 209 Bomberger Road, Ephrata mentioned communication could have been better, there should be a sign stating where the trail ends. Gary Mikos, 209 Bomberger Road thanked the Frains and Don Reese for speaking up at the meeting.

Pat Renner, 115 Bomberger Road, Akron is concerned about privacy on her property. Renner mentioned it is hard to see at the barn on Fulton Street. Council mentioned additional sidewalk is being installed that will take care of that issue. Renner also mentioned she spoke to the workers on the trail about the boulders at the end of her property and they mentioned the surface water needs to be tilted away from her property. The workers also mentioned the original plan was for piping on Bomberger Road for water run-off.

Linda Sickmeier, 117 Bomberger Road, Akron mentioned the trail is wider now than when the train went through and lost 2 ft on her property. Also the increase of the grade is a concern.

Joan Bradford, 15 Crestview Drive, Akron mentioned her whole backyard was taken will they be reimbursed for what was taken and wants it in writing. Bradford asked where are the people going to park who want to walk on the trail?

Ken Bradford, 15 Crestview, Akron mentioned he moved two of his pine trees to save but the other trees were lost. Also mentioned he has dogs and does not want them barking constantly at people walking down the trail. Bradford also mentioned derelict communication and are the deeds going to be fixed with the County?

Danielle Bentley, 35 Crestview Drive, Akron mentioned she asked about liability back in August and nobody said any trees were going to be taken down. Bentley also mentioned concern for the shed and swale on her property and who is going to pay for the shrubs and trees that were cut down.

Philip Sollenberger, 29 Crestview, Akron mentioned that one-half of his trees were removed but they were in the right-a-way and how is the Borough going to restore the swales.

Anthony Wolf, 52 Main Street, Akron paid \$4,000.00 for a privacy fence. Council mentioned it will install the privacy bushes/screening for property owners along the trail. Homeowners need to contact the Borough in regards to screening.

Don Reese, 17 Miller Road, Akron mentioned he feels for everyone at this meeting but we are beyond that. Quit claim deeds were never signed off. Reese mentioned the trail is coming along beautifully.

Hope Stayer, 141 Bomberger Road, Akron PA mentioned the rain washes the side of the bank and hope it does not wash under the trail.

John Williamson, Main Street, Akron mentioned the quit claim deeds were worked on and the Borough Manager was supposed to take care of getting this done. Dan Guers mentioned the grant application through DCNR does not require quit claim deeds as long as we own the property and Council decided to go that route. The Borough purchased the land through Pagnotti a number of years ago.

The Railroad sold the right-a-way to Pagnotti it was not abandoned.

Joe Maxwell, 437 Washington Avenue, Ephrata mentioned it is sad to see the state of affairs and Council is arrogant with its constituents.

Jeff Shirk mentioned we needed to take minimal amount of trees down to put the swale in.

Angie Frain asked if any Council members properties are connected to the Rail Trail. Council answered no. James Frain mentioned he is not against the trail and if Council would have went with the tunnel we probably would not be having these problems.

Jeff Shirk mentioned Council got an estimate of \$40,000.00 to fix the swale on Crestview but will have to go out for three bids.

Carol Stark, 14 Crestview Drive, Akron was the swale part of the original bid and will additional taxes needed to pay this. Tom Murray mentioned is was not part of the Rail Trail it is part of the regular storm water maintenance.

Richard Justice mentioned limbs were cut off his tree and will not allow any more limbs to be cut.

Angie Frain asked for a follow-up letter to be allowed on the Rail Trail.

Jeff Shirk mentioned the grade would be approximate with the tunnel or the at-grade.

James Frain mentioned he is not against the trail and has always tried to listen and does not wish to choose litigation. Frain again mentioned the idling cars and hopes all this is documented in the newspaper.

Luann Mikos mentioned this should have been on the ballot as a referendum. Kay McEllhenney mentioned referendums are non-binding.

Don Resse mentioned in fairness to Council they have to make fiscal decisions and it played out the way it did. James Frain wanted a vote for the tunnel.

Sarah Shirk, 307 Main Street, Akron mentioned her main concern is safety, just pulling out of her driveway is dangerous because traffic needs to slow down on Main Street. We need to look at both sides.

There will be crossing flashes on Fulton and Main with a traffic table on Main Street.

If resident along the Rail Trail want shrubbery planted, make your request at the Borough Office.

Tom Murray mentioned things the Borough needs to address.

- 1) Communication
- 2) Signs for the end of trail
- 3) Swale and shed on Crestview property
- 4) Follow-up letter to the Frains
- 5) Insurance issues
- 6) Dog barking

Perry Lorah mentioned that he took offense to the comments that Council does not listen to residents. Perry received many calls about the trail and made his decision on being fiscally responsible and his concern for safety.

Jennifer Mejia mentioned that Council is not litigating with anyone. Come to the Borough with details of what you want in writing because there are different issues with different properties.

Tom Murray mentioned that Council did what they thought was best for the Borough and is sorry you do not agree with this. Mr. Murray also mentioned the reaction from people using the Rail Trail is happy.

New Year's Eve Shoe Drop

Barb McMinn mentioned some items she would like to take care of Broad Street Park

- 1) Flood lights on top of the pavilion
- 2) More lights inside of pavilion
- 3) Post to put shoe on instead of lift

These items will be paid for out of the New Year's Fund and would like to do this as soon as possible. This item will be put on the May agenda.

Property & Planning

Earl Shirk made a motion to accept the bid in the amount of \$3,990.00 from Brubaker Bros. LLC , Elizabethtown PA for the removal and replacing of the roof on the park house located in the Roland Park. Perry Lorah seconded the motion. Motion carried.

Parks & Personnel

Nothing to report

Water & Sewer

Millway station needs the backup pump installed then both backup pumps will be in place.

Jeff Shirk mentioned Ephrata Borough is requiring an additive for the Tobacco and Millway Station to eliminate grease and odor.

Jeff Shirk mentioned that it was mentioned twice in 2014 to update ordinance in regards to the Mayor's salary.

New Business

John Taylor made a motion to go into Executive Session to discuss possible litigation relating to a right-to-know request. Earl Shirk seconded the motion. Motion carried.

Perry Lorah made a motion to reconvene the meeting. John Taylor seconded the motion. Motion carried.

Earl Shirk made a motion to release the two memos that were requested from a Right-To-Know request. Jeff Shirk seconded the motion. Motion carried.

Dan Guers distributed a memo in regards to rail trail storm drainage issue. Council discussed having only one swale.

Tom Murray also mentioned Horst Excavating needs to take care of the dropped tree in the yard on Crestview Drive.

Dan Guers asked for guidance in regards to the trees and bushes for residents along the rail trail. Council mentioned rather than waiting contact the property owners this week about screening options.

Dan Guers also mentioned the town clock is being checked by Desrochers.

Jeff Shirk made a motion to adjourn the meeting. John Taylor seconded the motion. Motion carried.

Meeting adjourned.

Respectfully submitted,

Susan Davidson

Borough Secretary

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