

BOROUGH OF AKRON COUNCIL MEETING- OCTOBER 5, 2015

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

Others present- Dan Guers, Borough Manager; Susan Davidson, Borough Secretary; Kenelm L. Shirk III, Solicitor; Kay McEllhenney.

Meeting called to order. (Meeting properly advertised and posted)

Earl Shirk made a motion to approve the stipulation between Akron Borough Council and Mayor John McBeth to end the Declaratory Judgment Action. The Mayor had previously signed the Stipulation.

Perry Lorah seconded the motion. A roll call was taken:

Earl Shirk- yes

Justin Gehman- yes

John Taylor-yes

Perry Lorah- yes

Dan McCormac-yes

Thomas Murray- yes

Jeff Shirk- yes

Motion was unanimous. Motion carried.

Jeff Shirk requested a formal statement be prepared by the Borough Solicitor and read at the October 12, 2015 Borough of Akron Council meeting. Council agreed

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

Meeting adjourned.

Respectfully submitted,

Susan Davidson
Borough Secretary

SD

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL COURT DIVISION

THE BOROUGH OF AKRON	:	
COUNCIL,	:	
Petitioner	:	
	:	
vs.	:	NO. CI-15-02398
	:	
JOHN H. McBETH, MAYOR	:	ACTION FOR DECLARATORY
OF THE BOROUGH OF AKRON,	:	JUDGMENT
Respondent	:	

STIPULATION

AND NOW, come, the Borough of Akron Council ("**Borough Council**") and John H. McBeth, Mayor of the Borough of Akron ("**Mayor**"), who stipulate and agree to the following:

- A. On March 18, 2015, Borough Council filed a Petition for Declaratory Judgment with your Honorable Court as is captioned above;
- B. Thereafter, timely pleadings were filed in response to said Petition including the Mayor's Answer and Counterclaim and Akron Borough's Answer to Counterclaim;
- C. On or about July 1, 2015 Akron Borough filed its Motion for Summary Judgment and Brief in Support thereof;
- D. The Mayor thereafter timely filed his Response to said Motion and his supporting Brief;
- E. On or about September 8, 2015, the Mayor filed a Motion for Summary Judgment and Brief in support thereof and Akron Borough thereafter timely filed its Answer to said Motion and supporting Brief; and
- F. Oral Argument was thereafter held before Your Honorable Court, during which counsels committed to facilitating the parties reaching a settlement.

THEREFORE, the parties hereto agree to settle and that an Order in furtherance thereof should be entered, at the direction of the Court, to the effect of the following:

1. Following entry of the Court Order, the matter shall be considered complete.

Neither party shall appeal the Court Order.

2. The parties agree that the Borough Council will not take further action against the Mayor to recover any sums due relating to the Mayor's salary.

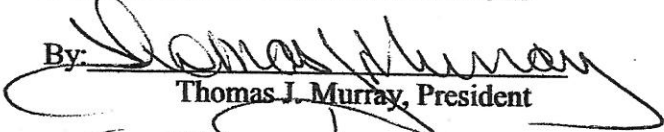
3. The Mayor shall be entitled to his Ordinance-established salary of \$150.00 per year for 2014 and thereafter, until constitutionally changed by Ordinance of the Borough.

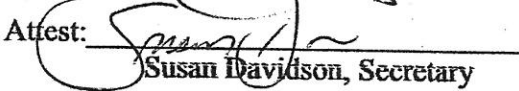
4. The Mayor's legal counsel shall be directly paid the sum of \$2,000.00 by Borough Council and neither the Mayor or his counsel shall be owed any other sums related to legal fees from Borough Council.

5. This Agreement shall take effect upon execution of an appropriate Order by the Court of Common Pleas of Lancaster County.

Executed this 5th day of October, 2015.

BOROUGH OF AKRON COUNCIL

By: 
Thomas J. Murray, President

Attest: 
Susan Davidson, Secretary

BOROUGH OF AKRON


John H. McBeth, Mayor