

Borough of Akron Council Meeting—September 23, 2019

Council Members present: John Williamson, President; Thomas Murray, Sr., Vice President; Justin Gehman, Nathan Imhoff, Monica Hersh, Darryl Witmer.

Others present: Mayor John McBeth, Susan Davidson, Borough Manager; Thomas Murray, Jr., Les Martzall, Pres of Ephrata Ambulance Assoc; Walnut Street Residents: Ken Asper, Peter Beard, Teresa Beard, Tim Zimmerman, Brenda Moyer, George Wolf; Kevin Haller w/Haller Builders; Randall Justice, Republican Committee.

Meeting brought to order at 6:30 pm.

Les Martzall, President of Ephrata Community Ambulance Association:

Current model of using volunteers is not sustainable at the Ephrata Community Ambulance Association due to budgets and expenses. Senate Resolution #6 addresses problems of volunteer-based organizations, but it also says there's nothing they can do. Ephrata Community Ambulance Association writes off Hundreds of Thousands of dollars of bills each year. Ephrata Community Ambulance Association is currently owed \$1 Million. They have lost a paid Ambulance driver which they cannot replace. Only 1 ambulance is available at night. Volunteer membership has declined also. Insurance companies don't reimburse like they used to. If insurance companies reimburse the patient for the ambulance service, the patient often does not pay Ephrata Community Ambulance Association and Ephrata Community Ambulance Association has no way of getting that money. Ambulance services in general are not in a sustainable position. Requesting that the Borough add to next budget a donation to Ephrata Community Ambulance Association.

Call volume: 2979 calls total. 250 were all paid crew. 10% was volunteer. Akron residents paid 76% of billed work.

WALNUT STREET:

Chris Martin from C.D. Martin Concrete is waiting to be paid for the re-work on Walnut Street—without that, he's not willing to continue. Arro Consultants are not going to pay. Susan Davidson's recommendation is to pay C.D. Martin Concrete so the work can be done before winter. The Borough would get someone besides C.D. Martin Concrete to do the Borough's portion. Borough employees would do the demolition of the Borough's portion.

John Williamson asked if we could weed out what we could get away with. Nathan Imhoff said that was already done. Monica Hersh brought up that our Solicitor said we shouldn't pay.

Ken Asper believes Arro Consultants or the Borough should pay for the rework.

Peter Beard believes Arro Consultants were responsible for engineering from beginning to end. Council agrees—but Arro Consultants does not.

Tim Zimmerman wonders why we shouldn't pay C.D. Martin like Monica Hersh suggested.

John Williamson thinks the Council should take responsibility for this problem.

Nathan Imhoff said that was a mistake on C.M. Martin Concrete's fault by not following ADA specs.

Darryl Witmer mentioned we asked Arro Consultants to fix their errors but they refused. A lawsuit might not be fiscally responsible. Bottom line is—it wasn't done correctly and Arro Consultants are not taking responsibility for it.

Monica Hersh mentioned that she wanted to bring something up that was discussed at executive session.

Thomas Murray, Sr. mentioned that suing Arro Consultants will just be putting money in our attorney's pocket. Believes the ball was dropped by Borough. The Borough should be responsible for paying for the redo. We can't make homeowners pay.

Justin Gehman mentioned he wants to know what our attorney will say about the new letter from Arro Consultants. Want's to know if we went through our insurance. Susan Davidson stated that she did, but insurance refused to pay.

Thomas Murray, Sr. suggests we do not go through our agent, but through the insurance company itself to apply for payment through our Errors and Omission Coverage.

John Williamson requested a motion to allocate up to \$25,000 to cover repair work for Walnut Street.

Thomas J Murray, Sr. made the motion to allocate up to \$25,000 to cover repair work for Walnut Street—Seconded by Nathan Imhoff.

Thomas Murray, Sr., made a motion to amend previous motion to include \$9,785.52 due to C.D. Martin Concrete— Seconded by Nathan Imhoff.

Susan Davidson mentioned that C.D. Martin Concrete's re-work bill is \$9,785.52. This is for 4 properties including 212 South 10th Street.

Nathan Imhoff mentioned Chris Martin of C.D. Martin Concrete started work and Arro Consultants didn't tell him he was doing the work incorrectly.

Thomas Murray, Sr. mentioned Arro Consultants should have inspected before he poured.

Monica Hersh asked if this bill is accurate? Monica Hersh stated they asked for a list. Do we have everything?

Nathan Imhoff believes everything is accounted for.

Thomas Murray, Sr., made a motion to amend previous motion to include \$9,785.52 due to C.D. Martin Concrete— Seconded by Nathan Imhoff.

John Williamson put forth the motion to allocate up to \$25,000 to cover repair work and the \$9,785.52 to C.D. Martin Concrete for work on Walnut Street. Vote: 5 yay, 1 nay

Mayor John McBeth asked if we disagree that Arro Consultants was not responsible to provide construction observation for accessibility, only for depth of stone and concrete? Susan Davidson stated, Yes, we disagree.

Justin Gehman mentioned that Chris Martin of C.D. Martin Concrete has been told to get in and get out. Chris Martin of C.D. Martin Concrete said he can get 3 houses done in 1 week.

Thomas Murray made a motion to pay C.D. Martin Concrete \$9785.52 for work on Walnut Street—
Seconded by Darryl Witmer. Vote: 5 yay, 1 nay

WESTVIEW DRIVE: WOLF TRACT DEDICATION:

Susan Davidson gave the following information regarding the Wolf Tract dedication: The Borough will get a little under \$700 for liquid fuels tax for the portion of Westview Drive that will be dedicated. Hanover Engineering was out to look at what needs completed. Susan Davidson distributed checklist to Council. Thomas Murray, Sr. was also out at sight. Haller Builders will take care of all paving up to 4th street. Kevin Haller mentioned that Erik from Hanover Engineering thinks that they should take care of paving beyond line—that it would be prudent and cost-effective.

Thomas Murray, Jr. is waiting for information on lights for Westview Drive.

Kevin Haller stated that 2 of 3 houses under construction will be done within a month. The 3rd house will be done in 45 days max. Final 2 houses: 1 will be sold by end of year. All homes will be finished by end of January, 2020. Kevin Haller stated he would love to do paving top coat in 1 month.

John Williamson wants final coat work passed on to engineers for approval. Discussion between Garman Builders and paver re: heavy equipment on newly paved road. Susan Davidson said she will contact engineer tomorrow and send Kevin Haller a copy

John McBeth stated that since municipalities are buying back street lights, the Borough should start with Westview Drive and put up an electric box on the street lights of Westview Drive and pay the PPL bill ourselves—using LED lights.

John Williamson requested that the Borough get a quote from Hanover Engineering to buy back the street lights, starting with Westview Drive. John Williamson asked Susan Davidson to bring it up with Farley of Hanover Engineering. Susan Davidson has received bids from electric companies at a savings of \$8,000/year.

POLLUTION REDUCTION REPORT---MS4 REPORTS

Susan Davidson mentioned the only issue concerns the location of rain garden. Where does the Borough want to put it?

John Williamson wants to set an example with our rain garden and the paving. He mentioned there was an NFWIF grant which he will check on and write on his own time. He wants to encourage homeowners to do rain gardens. He will have draft ready by October 15th.

John McBeth suggests having a rain garden at Roland Park at the Circle.

Nathan Imhoff mentioned that there is work to be done to the lots and parking at Roland Park which might interfere with the rain garden.

Thomas J Murray, Sr. suggested we do 2 gardens. Capture rain from roof, parking lots, etc. at Borough Building and put the rain garden in the back yard. Then add a second rain garden in Roland Park at a later date.

George Wolf suggested we put the information on the rain gardens in the newsletter to encourage residents to also start a rain garden.

Susan Davidson stated that the MS-4 needs signed but that no motion is necessary. John Williamson stated he will sign the MS-4.

COMCAST RIGHT OF WAYS

Information from Comcast in regards to Right of Way is incomplete. Farley from Hanover Engineering believes that 50' right of ways is too large. Thomas Murray, Sr. believes we need more reference material.

EPHRATA AREA SCHOOL RESOURCE OFFICER AGREEMENT

Susan Davidson stated that nothing needs to be done tonight in regards to the Ephrata Area School Resource Officer agreement. Matter can wait until next meeting.

Thomas Murray, Sr. asked if we agreed to a late payment penalty of 1%. Susan Davidson said she will look to see if that is what we always did.

John Williamson stated this matter will be on agenda at next meeting.

SEWER BILL FOR HILLCREST SWIM CLUB

Well pump didn't work, so the club filled up pool with water from West Earl Township. The water didn't go through the sewer—went right into the pool. The Swim Club is asking for leniency on sewer bill.

Susan Davidson suggests we average last 4 billings in same time period. Nathan Imhoff agreed and suggested that it should be within the same time frame of when the pool was filled. Subject will be on agenda next meeting.

NOTE: Thomas Murray, Sr. did not participate in discussion regarding Hillcrest Swim Club.

John McBeth said Citizen Donald Nissley approached him and asked leniency for water bill for an outside water spigot that was turned on.

DONATIONS TO EPHRATA LIBRARY AND AKRON FIRE COMPANY:

Motion was made to approve donation \$11,900 to Ephrata Library by Thomas Murray, Sr. (remainder of 2019 donation)—Seconded by Nathan Imhoff. Motion carried.

Motion was made to approve donation of \$15,000 to Akron Fire Company by Thomas Murray, Sr. (remainder of 2019 donation)—Seconded by Nathan Imhoff. Motion carried.

2020 PROPOSED BUDGET:

Susan Davidson requested that the Council hold off on discussion of 2020 Proposed Budget until meeting on October 7th at 6:30 pm. It was mentioned that the information on the meeting be posted on Community Board in front of Borough offices. The meeting will also be advertised in the newspaper. Meeting on October 7th will be only budget-related.

RESIGNATION OF COUNCIL MEMBER:

Council received resignation of Council Member Keith Landis at the end of last meeting on September 9, 2019. Nathan Imhoff suggests we don't approve his resignation until next meeting. Nathan Imhoff stated that according to Municipal Code when a council member resigns, Council has 45 days to approve resignation and 30 days to act on it. If Council approves the resignation today, we will need to appoint

someone by the 14th of October, 2019. Mayor John McBeth stated we should do what has previously been done and we should contact Republican Committee and get a recommendation. John Williamson stated that Council won't take any action until next meeting. John Williamson will contact the Republican Committee for recommendation.

STAND PIPE ANTENNA OBSERVATION:

Susan Davidson got quote to do the observation that will be paid by T-mobile. Quote was over \$6K Susan Davidson mentioned in regards to painting of the tower that we should check to see if cell tower needs to be shut down. Susan Davidson mentioned that we should put the painting cost on next year's budget. Susan Davidson said she will get estimated cost from Hanover Engineering to put in budget.

NON-UNIFORM EMPLOYEE HANDBOOK:

John Williamson mentioned that new handbook doesn't list actual numbers for sick time. Page 13, #4 and #5. Susan Davidson agreed that there is no time listed. Handbook will list what was there before.

Monica Hersh stated that Borough is getting rid of up to 400 hour maximum accrual. Will be 48 hours per year.

Motion was made by Monica Hersh to move forward and send Handbook to Labor Attorney—Seconded by Justin Gehman.

John McBeth asked how many weeks until Short Term Disability can be used. Monica Hersh replied that it was 2 weeks. Before that, Vacation and PTO must be used.

Motion carried.

Randall Justice from the Republican Committee introduced himself and stated that he's aware of an opening in the Council and would like the Republican Committee to be involved in the process of selecting a new Council member.

Motion to adjourn made by Nathan Imhoff. Meeting adjourned at 8:40 pm.

Respectfully submitted,

Dianne J. Hackman