

## **BOROUGH OF AKRON COUNCIL MEETING – MARCH 9, 2020**

**Council Members present-** Thomas Murray, Sr., President; Justin Gehman, Vice-President; Nathan Imhoff, Darryl Witmer, Kleon Zimmerman, Paul Swangren, Randall Justice.

**Others present-** Mayor John McBeth, Susan Davidson, Borough Manager; Police Chief Thomas Zell, Dick Wanner, Ephrata Review; Kyle Robinson, John Taylor, Ken Asper, Thomas Murray, Jr., Dave York, Kevin Wolford, Paul Good.

Meeting opened at 6:30 p.m. with the Pledge of Allegiance.

### ***Approval of Minutes***

Nathan Imhoff made a motion to approve the February 10, 2020 and February 24, 2020 Borough of Akron Council meeting minutes. Randall Justice seconded the motion. Mayor McBeth mentioned on page 5 of the February 10, 2020 minutes, it should state, "Chief Zell also mentioned it is hard to maintain a police department and good morale in the uncertainty around the future of the police department." Motion carried to approve the minutes with amendments.

### ***Visitors***

Nothing to report

### ***Reports***

Mayor John McBeth

Mayor McBeth mentioned he received a thank you from Lancaster County District Attorney Heather Adams for the Akron Borough's 2020 contribution for the Lancaster County Drug Task Force. The Mayor also mentioned that the County will match that amount.

### ***Police Report***

Distributed February 2020 report

Chief Zell told Council that Officer Paul Cook handed his resignation in today and what is Council's next move on this and Officer Cook's last day is May 2, 2020. Nathan Imhoff asked Chief Zell would Officer Cook pull his resignation if things would change? Chief Zell mentioned he could not answer that question.

Council President, Thomas Murray, Sr. told Chief Zell to start the hiring process.

**Borough Manager-** Tax Collector- Fire Chief- Zoning Officer Report

Borough Manager distributed the February 2020 report

Herbein & Co. will be at the April 13, 2020 Council meeting to review the 2019 Borough annual audit.

Schuylkill Paving is scheduled to begin paving on Walnut Street mid to late April 2020.

Sidewalk work on Front Street is almost completed.

Liquid Fuels monies were received on March 1, 2020 in the amount of \$123,668.00.

**Fire Report**

Distributed February 2020 Fire Report

Distributed the 2019 Annual Fire report.

**Zoning Report**

Distributed the February 2020 Zoning Officer Report

**Tax Collector Report**

Distributed the February 2020 Real Estate Tax Collector Report

County Real Estate Taxes collected in February 2020 \$41,697.14

Borough Real Estate Taxes collected in February 2020 \$42,971.94

**Administration & Finance Committee**

Justin Gehman made a motion to pay the bills as reviewed by the Finance Committee. Paul Swangren seconded the motion. Motion carried.

Susan Davidson read into the minutes the February 2020 month-end financial balances.

General Fund	\$113,723.50
Water Fund	\$ 4,953.94
Sewer Fund	\$ 51,031.48
Highway Aid Fund	\$131,292.41
General Reserves	\$243,029.76
Water Reserves	\$219,686.34
Sewer Reserves	\$124,205.25
Capital Projects	\$ 372.96
Community Fund	\$ 2,203.08
Total	\$890,498.72
Escrow Fund	\$ 5,880.27

Paul Swangren made a motion to adopt Resolution #00228 allowing for the destruction of old municipal records listed in Exhibit A as permitted under the Municipal Record Act, the Records Maintenance Ordinance and the Municipal Records Schedule. Darryl Witmer seconded the motion. Motion carried.

**Community Relations Committee**

Darryl Witmer mentioned the 125 Anniversary Book for Akron is being worked on by Dick Wanner.

Darryl Witmer also mentioned that banners advertising Akron's anniversary have been place around Akron and he has ordered four more banners.

Darryl Witmer mentioned that his committee is working on events for this coming summer.

### ***Parks and Property Committee***

Nathan Imhoff mentioned that the Cyclocross Race has pulled the event in October because they want to sell alcohol and alcohol is not allowed in any of the Akron Borough parks but they are interested in having bike clinics in August and September on bike safety and will be at our next meeting.

Nathan mentioned there is a letter from Michelle Chaballa -Storb requesting that the Borough allows pickle ball at the tennis courts and to add lines to the tennis courts. Nathan mentioned he is not opposed to adding lines to the tennis court, but it was mentioned that the nets are a different height for pickle ball.

Sue Davidson will contact Chaballa Storb tomorrow and ask for volunteer help for the pickle ball association.

### ***Personnel Committee***

Paul Swangren asked if Personnel Committee meetings could be advertised for the 2<sup>nd</sup> meeting of the month at 6:00 p.m.

Paul Swangren asked if Council members would meet with different police departments at a public meeting.

Nathan Imhoff asked if we know that these departments are not going to meet our needs – either we keep our police force or combine with West Earl Police Department.

Paul Swangren mentioned we don't know what a merger looks like and we don't have enough information needed to make an intelligent decision.

Kleon Zimmerman mentioned he agrees with Nathan Imhoff and stay with our own police department.

Randall Justice mentioned asking for clarification and Darryl Witmer mentioned he has nothing to compare. Justin Gehman agreed.

Kenelm L. Shirk III mentioned the Borough can request a Right-to-Know request from the police departments for a copy of their police agreements.

Mayor McBeth mentioned regarding discussing any police contracting with Ephrata Police Dept. there could be a possible conflict of interest because Paul Swangren is employed by Ephrata Borough. Council members mentioned that Paul Swangren works for Ephrata Borough not the Ephrata Police department so it should not be a conflict.

### ***Streets Committee***

Paul Good from New Street mentioned to Council that he would like to put a sidewalk in and also repave his driveway and its going to be difficult to make the sidewalk and driveway ADA compliant.

Sue Davidson will contact Hanover Engineering to get a report on what needs to be done to make the proposed sidewalk and driveway ADA compliant.

Don Reese asked Council members how the Borough can pay another municipality for police service and get the same coverage.

Tom Bender mentioned to Council what prompted looking at police contracting, and we need to get the Borough residents input.

***Public Utilities***

Borough Manager submitted an Inflow and Infiltration plan along with a list of manhole inspections.

Justin Gehman made a motion to advertise the proposed ordinance relating to sanitary sewers and sewage disposal by clarifying the responsibility of maintenance of sanitary sewer laterals and facilities by property owners utilizing the Borough's sanitary sewer system and remedies for violations. Nathan Imhoff seconded the motion. Motion carried.

The Borough received a Notice of Violation from the Susquehanna River Basin for exceeding the water withdrawal for Well 6 during the fourth quarter of 2019. Paul Swangren asked if the Susquehanna River Basin would look at a 30-day average of water withdrawal. A reply to the Susquehanna River Basin is being prepared detailing the cause of the violations and how to avoid this in the future.

Mayor McBeth mentioned that the raw nitrates are under 10 and is there any reason the nitrate removal system can be turned off. Sue Davidson will ask Hanover Engineering.

***Handi-Vangelism Conditional Use Decision***

Kenelm L. Shirk III mentioned that at the February 10, 2020 a Conditional Use Hearing was held for Handi-Vangelism to relocate its entrance from being perpendicular to Fulton Street to two other locations along Rothsville Road. The other requests were that the applicant be allowed to exceed the 180 days limitation and the one year time limitation for implementation of its Conditional Use as required in the Borough Zoning Ordinance. The hearing was continued to March 9, 2020 for Council's decision. The hearing was properly advertised and posted and there is no more testimony.

Justin Gehman made a motion to adopt the proposed Draft Findings of Facts, Reasoning and Decision with the proposed conditions of the Conditional Use Application and Hearing for Handi-Vangelism Ministries-

- A. No additional driveways or access points shall be permitted into the property from Rothsville Road other than the two entrances shown in the site plan Exhibit S-1.
- B. Applicant shall document that the relocated access driveway meets the sight distance requirements for a state road (arterial street)
- C. After being in operation for twelve months the applicant and Borough Staff will review the safety of the driveway entrance to determine whether to install warning signs on the property to alert motorists of the main driveway into the property. If so, the applicant shall cooperate

with the Borough's engineer to submit an application to PennDot to install warning signs and agree to reimburse the Borough up to \$2,500.00 for the permitting and installation costs.

- D. If the applicant plans to hold a special event at the property with an expected attendance of 400 people or more in a single day the applicant shall contact the Police Dept and the Fire Department not less than 30 days prior to the event and provide the zoning officer with proof of contacting the Police Department and Fire Department along with contact information and details of the event.

The property can not be used as a special events venue such as weddings concerts etc.

- E. Applicant at all times shall comply with and adhere to the conditions set forth in the December 10, 2018 Conditional Use written decision.
- F. Except for the modifications in the revised site plan presented on February 10, 2020 the applicant must comply with the master plan presented to Borough Council on November 12, 2018.
- G. Applicant shall pay to the Borough one-half of the appearance fee of the court reporter.
- H. Any violations of the conditions in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to penalties.
- I. Applicant shall be granted a total of 5 years from the date of this decision to March 9, 2025 to pull its permits and to complete its work.

Paul Swangren seconded the motion. Motion carried.

### ***Standpipe***

The cost of the standpipe painting is over \$200,000.00. Sue Davidson has asked Fulton Bank to get numbers on a loan to pay for the painting and will also check with PA Rural Water in regard to grants.

### ***AARP application***

Council wants information from the Akron Comprehensive Implementation Committee in regard to a plan for the AARP grant application at least 4 to 5 days before the next Council meeting.

Randall Justice made a motion to approve the amendment to the original letter of credit from the Union Community Bank to Northwest Bank (Union Community Bank merged into Northwest Bank) for the applicant Haller Builders in the current amount of \$143,715.96. Kleon Zimmerman seconded the motion. Motion carried.

Sue Davidson mentioned a wooden American Flag was carved and donated to the Borough by Akron Borough resident Randolph Ulrich. The flag is hanging in the Akron Borough Council room.

Council will advertise a meeting for March 23, 2020 for police departments (Ephrata Police Dept, Northern Regional Police Dept., East Lampeter Police Dept., and West Earl Police Dept.) make presentations to Council on contracting or merging police services.

Nathan Imhoff made a motion to adjourn the meeting. Justin Gehman seconded the motion. Motion carried.

Meeting adjourned.

Respectfully submitted,

Susan Davidson  
Borough Manager/Secretary

SD