

## **BOROUGH OF AKRON COUNCIL MEETING – September 28, 2020**

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

***Others present*** – Mayor John McBeth; Susan Davidson, Borough Manager/Secretary; Police Chief Thomas Zell, and Kenelm L. Shirk III, Solicitor.

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

### **Approval of Minutes**

Thomas J. Murray, Sr. made a motion to approve the September 14, 2020 Borough of Akron Council Meeting minutes. Justin Gehman seconded the motion.

Mayor John McBeth stated the word “municipalities” in the first paragraph on page 2 of the September 14, 2020 minutes should be changed to “county”.

Paul Swangren, Jr. stated for clarification purposes that on page 3 and 5 of the September 14, 2020 minutes there are duplicated committee reports. The reports on page 3 should come under the Borough Manager Report.

Thomas J. Murray, Sr. and Justin Gehman are in agreement with amending the motion to include those changes. Motion carried.

***Visitors*** – West Earl Township Police Chief Eric Higgins, West Earl Township Supervisor Butch Keppley, Akron Borough Police Sergeant Gregory Stone, Akron Borough Officer Mitchell Rogers, Lester Auken, Larry Alexander, John Taylor and Sam Shoemaker. (Zoom- Brittney Porreca, Brenda Royer)

### **Committee Reports:**

#### ***Police Services***

The Borough Council, West Earl Police Chief Eric Higgins, as well as West Earl Supervisor Butch Keppley discussed the police services described in the proposal from West Earl Township.

Per Solicitor Shirk’s request, Chief Higgins will be submitting a written list of the enforced services that West Earl Township police provides to West Earl. The purpose of this is to find out if Akron Borough police has more or less services.

Solicitor Shirk asked how the Right-to-Know requests for the Police Department are going to be handled if they go with West Earl. Chief Higgins said that Right-to-Know requests will be handled by West Earl.

The Solicitor also brought up the question regarding a police substation in Akron Borough. Chief Higgins stated he is not opposed to establishing a substation in Akron Borough. He would just ask that the Borough provide internet access, a computer and a private space.

Butch Keppley stated their intent is to provide the best service and they want to continue the relationship that they had with Akron Borough for so long. Chief Higgins' vision is to get accredited and have the best law enforcement in the County. They are making a substantial investment financially to make it work and they are not interested in making any profit off of this proposal.

Solicitor Shirk asked who is going to supervise the Crossing Guard in the hiring process. Chief Higgins stated he is willing to provide training, supervision, background checks, etc. His plan is to hire a fulltime detective next year and this is going to be part of their job.

The Solicitor wanted to clarify how the School Resource Officer, which is currently an officer of Ephrata Borough, will be coordinated if they no longer have Akron Police. Chief Higgins stated that this is an agreement between the School District and the Ephrata Police.

Paul Swangren, Jr. Stated the big question is the pension; however, they do not have any firm numbers from the actuarial report. To get the report they need to pay \$1,000.

Thomas J. Murray, Sr. made a motion to pay \$1,000 for the actuarial report. Justin Gehman seconded the motion. Motion carried.

Paul Swangren, Jr. asked who will be paying the pension for those Akron Borough retirees that are receiving their pension right now. Chief Higgins stated his understanding is that they are bringing the teams together combining the two funds.

Solicitor Shirk asked questions regarding police pension, premium tax on insurance, etc.

The Borough Manager suggested they contact Ronald Bittner from Girard Pension Service. He is the right person to answer a lot of questions that the Council has this evening regarding pension.

The Council discussed other areas of the proposal that will require further conversations in the future if they decide to move forward with the agreement.

Nathan Imhoff stated they cannot make a decision until they get the actuarial report and get the final numbers down.

Chief Zell stated it is very important for the Borough Council to remember that the Civil Service administered a written test on Saturday, September 26, 2020. It will take about a week to get the test results back. Then, they can start scheduling oral interviews, which will take about two weeks. After the oral interviews, the officers have to take polygraphs, which will take another couple of weeks. Chief Zell's point is that on November 24, 2020 they will be down to two full time officers, and they are going to put the burden on them to not only run the department and

handle all the calls of the department, but also train two officers. Depending on how much experience they have, the training can take up to two months.

Mayor John McBeth is concerned as well because of the safety of Akron residents. He thinks that this will be a problem whether they keep their own department, or whether they go with West Earl. The timing of training new officers is going to be critical. The Mayor stated they are going to meet again as soon as they have whatever information the Chief is willing to wait for.

Darryl Witmer stated through this whole process his focus has been on having their own Akron Police Department. He is interested to know what the police officers are thinking. His concern is what is going to change once they turn over power to another area, because he wants to see the public still be happy with what they have here in the Borough.

Chief Zell responded that one of the problems that they had is keeping the officers, because they are constantly looking at better options, so it is difficult to manage a department and keep the officers interested.

Nathan Imhoff said one of his biggest questions he has is whether they can sustain their own department with the demographic they have where they have a majority of renters and fixed income people – people who do not always have the ability to take on the extra tax increases. He stated that with West Earl they get the benefit of having accredited police department and having fully trained officers. His number one stand on making decisions was that Akron Borough officers were taking care of. He wanted to make sure that they have a job, a pension and a salary that they deserve. Mr. Imhoff stated they have to make a decision of some sort tonight to either continue to move forward with this proposal, or keep their own department.

Sergeant Gregory Stone stated that the plan that Chief Higgins presented is a good plan. If the Borough wants their own Police Department, they are going to need six officers, but if they do not want to spend money on six officers, then they need to take a look at this plan.

Paul Swangren, Jr. made a motion to continue with the process of getting contract police services with West Earl Township. Thomas J. Murray, Sr. seconded the motion.

Thomas J. Murray, Sr. stated the Council needs to be more definitive in their approach to this matter and make a decision tonight. The evaluation of the retirement fund is going to be lower because it is mostly in stocks and bonds, and it is not going to be the same percentage it was a year ago when the stock market was up; therefore, they need to either pursue this in earnest, or move on to hiring officers and a police chief.

Nathan Imhoff asked to do a roll-call vote.

Randall Justice – Yes

Paul Swangren, Jr. – Yes

Darryl Witmer – Yes

Kleon Zimmerman – Yes

Nathan Imhoff – Yes

Justin Gehman – Yes

Thomas J. Murray, Sr. – Yes

Motion carries.

Nathan Imhoff made a motion that the Council definitively move forward with the proposal with West Earl Township for police services. Thomas J. Murray, Sr. seconded the motion.

Randall Justice asked Chief Eric Higgins what the next action steps would be.

Chief Eric Higgins stated the next step would be to for the West Earl Township Solicitor Josele Cleary to put together a draft agreement which will start the process.

Nathan Imhoff amended his motion to move forward with the negotiation of the contract with West Earl Township Police Department. Thomas J. Murray, Sr. seconded the amended motion.

Nathan Imhoff asked to do a roll-call vote.

Randall Justice – Yes

Paul Swangren, Jr. – Yes

Darryl Witmer – Yes

Kleon Zimmerman – Yes

Nathan Imhoff – Yes

Justin Gehman – Yes

Thomas J. Murray, Sr. – Yes

Motion carries.

Per Akron Borough Solicitor's request, Nathan Imhoff asked that they form a Committee to help with this contract.

Thomas J. Murray, Sr. stated this vote has nothing to do with the wonderful service that Akron police provided to the Borough. One of the primary things that has focused Mr. Murray is the safety of the officers and the resources that the Borough cannot provide. Mr. Murray enjoyed knowing all the officers who have served here in the Borough and he hopes to get to know the West Earl officers who will be serving in Akron Borough over the next few years.

The Council acknowledged the Akron Borough Police with applause.

## **Personnel**

### ***IBEW***

Paul Swangren, Jr. stated the International Brotherhood of Electrical Workers (IBEW) meeting on September 23, 2020 at 6:00 p.m. was cancelled by the IBEW. It was rescheduled for this Wednesday, September 30, 2020 to continue their discussion.

### ***Administrative Assistant***

Paul Swangren, Jr. and the Borough Manager discussed the administration plan. Mr. Swangren will be bringing that before the Council during budget time.

Nathan Imhoff stated that himself and Paul Swangren, Jr. had a very good conversation with the Borough Manager Sue Davidson, on what her needs are and what the Borough's needs are. They feel like they got to a point where they can help her do her job to her best capacity as well as the Borough being able to move forward in the coming years.

## **Streets**

### ***Front Street sidewalk/ADA payment***

There is an invoice from Triple K Concrete in the amount of \$10,200. Triple K Concrete did part of the ADA work on the Front and Main Streets section. The Borough Manager presented the bill last week to Finance, but did not have a letter from Hanover Engineering conforming that the work was done satisfactorily.

Justin Gehman made the motion to pay Triple K Concrete \$10,200 for the work completed. Paul Swangren, Jr. seconded the motion. Motion carried.

### ***Curb Painting – Boy Scout Project***

The curb painting by the Boy Scout Project is almost complete. There are a few more fire hydrants to be done, which will be done within the next week, or so.

## **Public Utilities**

### ***Sewer Credits***

The Borough Manager reported that a few weeks ago the owners of Hilltop Park informed the Akron Borough Management of a water leak. It was discovered that a lot of that water did not go through the sewer, so the Borough Manager does not have an exact amount of the water that did not go through the meter. The Borough Manager averaged the four previous quarters out – the August 2020 sewer bill was \$12,451.63, which the owners of Hilltop did pay, averaging it out to \$8,008.54 is a difference of \$4,443.09.

The Council would like to see what the actual bills were so they can average that out. The Borough Manager stated she will put that on the agenda for the next Council meeting.

The Borough Manager also reported that she received a water sewer bill for 7 North 9<sup>th</sup> Street which is a studio that has been empty for the last six to seven years. The Borough has been charging the minimum because there has not been any use. The owner of the studio, Mr. Rathod, is asking for a credit of the sewer for the last six to seven years.

The Borough Manager's recommendation would be, that going forward, if the meter still reads the same, they will not charge the minimum, because they cannot turn off that particular part of the building.

Paul Swangren, Jr. suggested they send a letter to the owner to let him know that if he does not want to pay the minimum, the Borough would have to terminate the services.

## **Parks**

### ***Horse Tie Installation at Roland Park***

The Borough Manager passed around a drawing of the areas where they can have one of the horse ties installed. They are also looking for one more place to have a horse tie installed.

Randall Justice made a motion to approve the horse tie installation at Roland park as depicted on the drawing distributed at this evening's meeting. Kleon Zimmerman seconded the motion. Motion carried.

### ***Gazebo ADA***

The Borough Manager stated this was brought up at the last Council meeting. She was contacted by the Akron Lions Club and they are interested in helping with the gazebo project to improve wheelchair access to the gazebo.

### ***Warwick to Ephrata Rail Trail "Adopt of Trail"***

The Borough Manager stated this was also brought up at the last Council meeting. The Council will make a decision at the next Council meeting.

## **Finance**

### ***2021 Budget***

Paul Swangren, Jr. stated they need to adopt the budget December 14, 2020, also adopt the proposed budget at their November 9, 2020 meeting.

Paul Swangren, Jr. made a motion to schedule a budget meeting for October 19, 2020 at 6:30 p.m. Paul Swangren, Jr. seconded the motion. Motion carried.

## **New Business/Old Business**

### ***Akron Borough 125<sup>th</sup> Anniversary Book***

Darryl Witmer presented updates regarding the Akron Borough 125<sup>th</sup> Anniversary Book. Mr. Witmer went around businesses to get some more advertisements and is still looking at having the book done by Thanksgiving.

Mr. Dick Warner emailed the Council because he was concerned about finances with the book. The Borough Manager stated there was money given to the Borough from the Akron Historical Society that was left from the 100<sup>th</sup> anniversary. Mr. Warner would like to have in writing that there will be a book produced and the money will be available before he continues his work on it.

Nathan Imhoff made a motion that Borough Council would guarantee that money would be available to pay for the 125<sup>th</sup> anniversary book. Randall Justice seconded the motion.

Thomas J. Murray, Sr. stated they are exposing the Borough to an expensive book, so they need to set a limit. The Council agreed to put a limit of \$1,200.

Nathan Imhoff amended his motion to put a limit of \$1,200 to guarantee that money would be available to pay for the 125<sup>th</sup> anniversary book. Randall Justice is in agreement with the amended motion. Motion carried.

### ***Comcast***

The Borough Manager presented a Submittal 1 Addresses list of approximately 80 properties. She would like to set up a meeting with residents that live at these addresses and have Comcast make a presentation of the work that they are going to do with the pedestals.

Paul Swangren, Jr. Stated Comcast should be contacting the residents and setting up the meetings since this is their project.

### ***Leaf Collection***

Darryl Witmer noted that he read over the West Earl Township Compost Facility Agreement and he thinks that it is a good idea to use that, and also sell brown bags to put leaves in. If they will sell the brown bags, it will take in some of the costs of the dumping in the compost. When ready to dump a load in the compost, key cards are going to be needed to get in, which are \$20 each. The residents are going to buy the bags and take the bags to a designated location.

Thomas J. Murray, Sr. Made the motion to drop the leaf collection. Paul Swangren, Jr. Seconded the motion. Motion carried.

Nathan Imhoff announced that Randall Justice would like to serve on a committee to work with the contract for the police services. Thomas J. Murray, Sr. will be helping.

Chief Zell asked the Council's opinion on the process that the Borough is in the middle of regarding hiring new officers. The Chief stated it does not make any sense to continue that process because it will take around two months before they hire an officer, and it will cost the Borough a lot of money to buy uniforms and other equipment till the end of the year. Chief Zell's suggestion is to discuss the written test results with Chief Higgins and see if he wants to conduct the interviews and hire new officers under West Earl Township. The Chief also asked whether they should contact Civil Service to tell them to stop the hiring process.

The Council was in favor of Chief Zell's proposal.

Randall Justice made a motion that they instruct Civil Service to halt their process until the Council has the information and if confirmed with Chief Higgins about the next steps. Paul Swangren, Jr. seconded the motion.

Thomas J. Murray, Sr. stated they need to move ahead with looking at the potential officers, because they cannot pause looking for the officers thinking that they are going to sign the contract with West Earl when they have not even negotiated the contract yet.

Nathan Imhoff asked to do a roll-call vote.

Randall Justice – Yes

Paul Swangren, Jr. – Yes

Darryl Witmer – No

Kleon Zimmerman – No

Nathan Imhoff – No

Justin Gehman – No

Thomas J. Murray, Sr. – No

Motion did not carry.

Mayor John McBeth stated they need to decide when they want the guarantee price each year.

Paul Swangren, Jr. made a motion to adjourn the meeting. Kleon Zimmerman seconded the motion. Motion carried.

Meeting adjourned at 8:58 p.m.

Respectfully submitted,

Lydia Kovalchuk  
Minute Taker

LK