

BOROUGH OF AKRON COUNCIL MEETING – October 12, 2020

Council Members present – Nathan Imhoff, President; Thomas J. Murray, Sr.; Darryl Witmer; Kleon Zimmerman; Paul Swangren, Jr. and Randall Justice. (Justin Gehman, Vice-President not present).

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

Kleon Zimmerman made a motion to approve the September 28, 2020 Borough of Akron Council Meeting minutes. Thomas J. Murray, Sr. seconded the motion.

Paul Swangren, Jr. brought up an inaccuracy in the September 28, 2020 minutes, saying that on page 6, under Finance – 2021 Budget, it states that he made a proposal to adopt the budget on December 14, 2020, also adopt the proposed budget at their November 9, 2020 meeting. It also states that he then made a motion to schedule a budget meeting for October 19, 2020 at 6:30 p.m. and that he seconded the motion. Paul Swangren, Jr. said that he did not second the motion because he cannot make a motion and second it. The Council was not sure who seconded the motion. Randall Justice offered to retroactively second the motion to schedule a budget meeting for October 19, 2020 at 6:30 p.m.

(For clarification purposes, Lydia Kovalchuk, the minute taker, listened to the recording tape and found out that Thomas J. Murray, Sr. was the person who made a proposal to adopt the budget on December 14, 2020, also adopt the proposed budget at their November 9, 2020 meeting. Thomas J. Murray, Sr. then made a motion to schedule a budget meeting for October 19, 2020 at 6:30 p.m. Paul Swangren, Jr. seconded the motion.)

Mayor John McBeth said that on page 7 of the September 28, 2020 minutes, under Leaf Collection, third paragraph, it states that Nathan Imhoff announced that Randall Justice would like to serve on a committee to work with the contract for the police services, and Thomas J. Murray, Sr. will be helping. The Mayor requested to add in the minutes that himself and Paul Swangren, Jr. will also be serving on the committee.

Also, Mayor John McBeth stated the word “when” in the first paragraph on page 8 of the September 28, 2020 minutes to be changed to “if”.

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

Visitors – West Earl Township Police Chief Eric Higgins, Larry Alexander, John Taylor and John Williamson. (Zoom- Monica Hersh, Richard Rupp)

Committee Reports:

Mayor

Nothing to report.

Police

Chief Thomas Zell reported that the Social Services are currently conducting oral interviews for police officers.

Administration/Finance

Approve Bills

Thomas J. Murray, Sr. made a motion to approve the bills as reviewed by the Finance Committee. Paul Swangren, Jr. seconded the motion. Motion carried.

The September 30, 2020 month-end cash balances were read into the minutes.

General Fund \$329,322.99

Water Fund \$22,340.85

Sewer Fund \$92,337.77

Highway Aid Fund \$193,665.41

General Reserves \$363,957.10

Water Reserves \$270,869.76

Sewer Reserves \$230,052.07

Capital Projects \$374.00

Community Fund \$3,470.08

Total \$1,506,390.03

Escrow Fund \$5,960.97

Thomas J. Murray, Sr. announced that there is a meeting scheduled for Monday, October 19, 2020 at 6:30 p.m. to work on the 2021 budget.

The Borough Manager presented the 2021 Uniform and Non-Uniform MMO (Minimum Municipal Funding Obligation) for the Borough of Akron Uniform and Non-Uniform Pension Plans. This information is required to be forwarded to Council by September 30th of each year. These amounts were reviewed by Girard Pension Service and will be included in the Borough's budget for the next year 2021. The 2021 amounts can be approved by the Council and included into the October 12, 2020 minutes.

Thomas J. Murray, Sr. made a motion to approve the 2021 MMO funding worksheets for the Non-Uniformed Pension Plan in the amount of \$21,888, as well as the Police Pension Plan in the amount of \$95,968. Paul Swangren, Jr. seconded the motion. Motion carried.

Borough Manager Report:

The September 2020 financials have been reconciled and the October 2020 payables have been reviewed by the Finance Committee.

The 2021 Budget meeting has been scheduled for October 19, 2020 at 6:30 p.m.

The payment for the Front Street is on today's agenda. There was a concern about puddling on the street. The Borough manager met with Erik Kaylor from Hanover about the issue.

The payment for the retainage for Walnut Street is on today's agenda as well.

The Borough Manager would like to schedule a meeting with the Streets Chairperson about the 2021 Street projects.

The Borough Manager distributed information at the March meeting about paving the Akron Fire Company parking lot. We are in the middle of October, so this will have to wait until next year. They will have to move forward with the bid process.

Randall Justice has information on a new pavilion at the Colonial Park through a donation from Rosenberger.

The Borough Manager contacted Mike Hodgson regarding the Stargazing group scheduled for October 16th at the Roland Park. The lights will be turned off at the park except for the security lights at the pavilions and well houses. They will also notify the police of this group.

Randall Justice and the Borough Manager will be meeting on Thursday, October 15, 2020 to discuss the 2021 budget items.

The Warwick to Ephrata Rail Trail "Adopt a Trail" is on the agenda for tonight.

The Akron Lions Club has shown interest in working with the Borough about the ADA compliance at the gazebo. It will be discussed at their October 13, 2020 meeting.

The Borough Manager reported that sewer flows are down, and the Borough is out of penalty.

There was a large water leak found by the American Leak Detection on Wolf Road. At the end of September, the Public Works Department fixed the leak and the numbers have dropped.

Mr. Rehab will finish work on South Tenth Street the week of October 12, 2020.

Paul Swangren, Jr. and the Borough Manager met with IBEW on Wednesday, October 7, 2020. Mr. Swangren will update the Council on the latest meeting.

Nothing was scheduled for Planning Commission at this time. The Borough Manager is waiting for subdivision/land development plans from Handi-Vangelism.

A Zoning Hearing Application was submitted for 1356 Main Street requesting a special exception to erect up to seven greenhouses. The hearing is scheduled for October 22, 2020 at 7:00 p.m.

The Borough Manager forwarded the information to West Earl Police Department Actuary regarding police pension for the proposed contracting services.

Community Relations

Darryl Witmer stated they have a couple advertisements now for the Akron Borough 125th Anniversary Book, which is good. Mr. Witmer will contact Dick Wanner to find out how much money has been raised for the book, before the next Council meeting.

Parks/Property

Randall Justice presented information on a new pavilion proposed to be placed at the back of Colonial Park. In the handout, there is a preliminary quote that was provided to the Mayor. Mr. Justice thinks this is a bad total budgeted price. He stated there are a couple of items that they might be able to reduce, like the shipping, which is something that the Borough can pick up or arrange for transport on their own; sales tax should come off; a building permit will be needed but would not incur cost for; surveying and locating the pavilion location might not be necessary, and also the earth moving can be done by the Borough employees, or by Jeff Lied. Mr. Justice thinks that it is possible that the price would drop by a few thousand dollars if they address that. At this point, they are looking for permission from Council to go to Rosenberger with this proposal to seek a grant or a donation to fund this project.

Randall Justice made a motion that Council grant him permission on behalf of Parks to formally approach Rosenberger to see if they are willing to fund this project conceptually. Kleon Zimmerman seconded the motion. Motion carried.

Randall Justice noted that they will be meeting this week to discuss some budget items, and also to transition any ongoing or existing park projects.

Gazebo Christmas Decorations

The Borough Manager stated that Akron Lions Club would like to put Christmas lights on the roof and the edging of the roof of the bandshell at Pavilion 2. They would put them up a week before Thanksgiving and take them down after the New Year. The Akron Lions would purchase the LED lights. The only extra cost would be the electricity.

Thomas J. Murray, Sr. made a motion that they allow the Akron Lions Club to put white LED lights up. Randall Justice seconded the motion. Motion carried.

Warwick to Ephrata Rail Trail “Adopt a Trail”

The Borough Manager stated that the Warwick to Ephrata Rail Trail “Adopt A Trail” is similar to Adopt a Highway where a group or organization maintains and provides trail care for a portion of the trail. Once they have approval from all municipalities, they will send it to the Lititz Record and Ephrata Review.

John Williamson asked who represents Akron on the Warwick to Ephrata Rail Trail task force. The Borough Manager stated they do not have a representative. Thomas J. Murray, Sr. expressed his interest in becoming a representative for the Warwick to Ephrata Rail Trail. Randall Justice offered to be Thomas J. Murray, Sr.’s backup.

Regarding Community Relations, Darryl Witmer stated they had a meeting where they discussed what changes they are going to have to make because of COVID regulations. They discussed what they are going to do with the pavilion because people are normally serving food there. They also talked about having two tractors for the hay ride so that people do not have to crowd on a wagon. This meeting was mainly to decide what they are going to do differently this year. They will have another meeting on November 11, 2020 at 6:30 p.m. at the Akron Borough building.

Broad Street Park

John Williamson stated that the Akron Comprehensive Plan Implementation Task Force meets monthly on the first Wednesdays of the month at 6:30 p.m. Last Wednesday, October 7th, they met at the Broad Street Park. The focus of that meeting was how Akron can support businesses. Tim Weiser presented an idea of a town center. The Broad Street Park is of interest as the location for the town center; however, there are some restrictions to the Broad Street Park deed. John Williamson would like to find out what the deed conditions are. Nathan Imhoff suggested they consider the unused space at Ten Thousand Villages.

The Council discussed whether the Solicitor should be spending time on the Broad Street Park deed to find out what the conditions of the deed are. The Council expressed interest in attending the Akron Comprehensive Plan Implementation Task Force meeting to further discuss this matter.

Personnel

IBEW

Paul Swangren, Jr. informed the Council that the negotiations with the International Brotherhood of Electrical Workers (IBEW) have come to a tentative agreement. They agreed on certain languages in the contract, as a whole. The contract will be distributed for Council's review and approval and then will provide the IBEW with a clean copy of the contract.

Police Services

West Earl Township Police Chief Eric Higgins reported that their Township Solicitor Josele Cleary put together a draft agreement and their Board is currently reviewing the agreement. It will then be sent to Akron Borough Council for review. Chief Higgins and his Board requested a couple dates to meet with the Borough Council to discuss the agreement.

Solicitor Kenelm L. Shirk III suggested the Borough Council would meet to discuss a police letter that the Solicitor sent to the Council before they start negotiating with West Earl Township. Thomas J. Murray, Sr. suggested the Council to meet after this meeting to briefly talk about some meeting dates. The Council was in agreement.

Regarding IBEW, Paul Swangren, Jr. stated for clarification purposes that he will be emailing the tentative language in the contract to the Council except Thomas J. Murray, Sr.

Paul Swangren, Jr. requested they go into Executive Session at the end of the meeting to discuss a personnel issue.

Streets

Construction Masters – Payment 1 – Front Street

The Borough Manager reported that they received a letter from Hanover Engineering about Payment Application 1 and Change Order 1 for work completed through September 25, 2020,

submitted by Construction Masters Services, LLC for the Front Street Reconstruction project. The Change Order is for \$6,690.10. The contractor is requesting a payment of \$135,908.60 minus 10% retainage.

The Council discussed the letter sent by Erik Kaylor from Hanover regarding the puddling issue. The Council was in agreement that the work on Front Street was done poorly and would need to be redone.

Thomas J. Murray, Sr. made a motion not to pay the bill, assuming that the engineer will get this situation corrected. Paul Swangren, Jr. seconded the motion. Motion carried.

Triple K Concrete – ADA Sidewalk Payment for Front Street

There is an invoice from Triple K Concrete in the amount of \$8,265 for construction of a Handicap Ramp 3 on Front Street with a cheek wall.

Thomas J. Murray, Sr. made the motion to pay Triple K Concrete \$8,265 for the work completed on Front Street. Kleon Zimmerman seconded the motion. Motion carried.

Schuylkill Paving – Final Payment – Retainage for Walnut Street

There is an invoice from Schuylkill Paving in the amount of \$7,997.92 which is the release of the retainage held for the completed work.

Nathan Imhoff made the motion to pay Schuylkill Paving the remaining \$7,997.92 for the work completed on Walnut Street. Thomas J. Murray, Sr. seconded the motion. Motion carried.

Advertise NO Parking Ordinance on Front Street

Thomas J. Murray, Sr. made the motion to advertise the NO Parking Ordinance on Front Street the way it is. Paul Swangren, Jr. seconded the motion. Motion carried.

Complete Streets Information – Lancaster County Planning Commission

The Borough Manager stated that Porter Stevens from Lancaster County Planning Commission would like to do a Complete Streets presentation to Borough Council on October 26, 2020, as adopting a Complete Streets policy is a goal in the Comp Plan, and it has been an area of the Comp Plan Implementation Committee. Complete Streets is a great policy tool for enhancing the safety and quality of life that already exists in Akron.

Public Utilities

New Street Dead End Issue

Kleon Zimmerman and the Borough Manager reported the New Street dead end issue as well as a request for sewer relief for Hilltop that was discussed at the last meeting.

Nathan Imhoff made the motion to credit Hilltop Trailer Park with \$6,327.05 for the sewer bill. Kleon Zimmerman seconded the motion.

The Council had an in-depth discussion , they also made detailed calculations of the sewer bill.

Nathan Imhoff amended the motion to credit Hilltop Trailer Park \$4,443.10 for the sewer bill. Kleon Zimmerman seconded the amended motion. Motion carried.

New Business/Old Business

Comcast

The Borough Manager stated she contacted Comcast about scheduling meetings at the Fire Hall, as requested by Council. She said that part of the agreement, Comcast has to have public meetings to let the residents know about the work that is going to take place. The Borough Manager is anticipating a call back from Comcast.

Melron Plumbing

Jeff Lied from Melron Industries, Inc. sent a letter to Akron Borough notifying them about their decision to join the team of professionals at Ranck Plumbing, Heating & Air Conditioning. Mr. Lied will continue to be involved in both plumbing and excavation jobs, and is looking forward to continuing to serve Akron in the future.

PSAB Fall Conference

The Borough Manager stated that the PSAB Fall Conference is going to take place virtually through Zoom, at no cost. Anyone interested should contact her to get signed up.

Kenelm L. Shirk III, Solicitor, brought up an issue pertaining to a lot that was illegally kept. The Solicitor was working on the Storm Management Agreement when he discovered this issue, which prompted him to stop his work. He would like the Council to decide whether they would like to make a motion to move forward with getting the agreement approved. The Council decided to wait until next month to move forward with the agreement. The Solicitor will still go ahead and pursue the agreement.

Mayor John McBeth stated he would like to know what the final percentage of impervious surface is for the Latitude 17 property.

Nathan Imhoff asked the Council whether they want to know what the final calculation is, and whether someone on the Council would like to make a motion that they continue with this.

Paul Swangren, Jr. made a motion that Hanover Engineering measure the Latitude 17 property and compare the findings to the deemed approved application to the Zoning Hearing Board for impervious surface. Randall Justice seconded the motion

Nathan Imhoff asked to do a roll-call vote.

Randall Justice – Yes

Darryl Witmer – Yes

Paul Swangren, Jr. – Yes

Kleon Zimmerman – No

Nathan Imhoff – Yes

Thomas J. Murray, Sr. – No

Motion carried.

Paul Swangren, Jr. made a motion to move to Executive Session to discuss a personnel matter. Randall Justice seconded the motion. Motion carried.

The regular Council meeting was recessed at 8:08 p.m.

The regular Council meeting was reconvened at 8:18 p.m.

Paul Swangren, Jr. made a motion to return to regular Council Meeting and exit the Executive Session. Kleon Zimmerman seconded the motion. Motion carried.

Paul Swangren, Jr. announced that no action was taken at the Executive Session. It was for informational purposes only.

Paul Swangren, Jr. made a motion to adjourn the meeting. Randall Justice seconded the motion. Motion carried.

Meeting adjourned at 8:19 p.m.

Respectfully submitted,

Lydia Kovalchuk
Minute Taker

LK