

## **BOROUGH OF AKRON COUNCIL MEETING – January 11, 2021**

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

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

***Zoom-*** Monica Hersh, Richard Rupp, Thomas Zell

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 December 14, 2020; December 21, 2020, and December 30, 2020 Borough of Akron Council Meeting minutes. Justin Gehman seconded the motion.

***Visitors*** – Eric Higgins, West Earl Township Police Chief; Larry Alexander, Ephrata Review; Jennifer Prunoske, Hanover Engineering; Robert Weaver, Handi-Vangelism Ministries International; John Roche, Vision Engineering, and John Taylor.

### **Committee Reports**

#### ***Police***

Chief Higgins introduced two West Earl Township Police Department officers - Jordan Byrnes and Joseph Wehrer.

#### **Borough Manager – Tax Collector, Fire Chief, Zoning Officer Reports**

December 2020 financials have been reconciled and January 2021 payables have been reviewed by the Finance Committee.

There is a Resolution Exonerating the Borough Tax Collector on tonight's agenda. The 2020 unpaid Real Estate Taxes for Akron Borough will be turned over to the Lancaster County Treasurer's Office for collection.

The Borough Manager would like to meet with Committee Chairs to go over projects for 2021.

There were three water main breaks last week on Knollwood Drive, Edgehill Drive and South Ninth Street. The first two leaks surfaced, but the South Ninth Street was located by American Leak Detection.

708 New Street is still having issues with dirty water. Thomas Murray, Jr. tested the water for iron in different areas around the Borough and is waiting for the results. They also flush the line a few times a week and the water is clear.

The water meters will be read this week.

The Borough received a Notice of Violation from SRBC for going over the maximum 30-day average withdrawal. Thomas Murray, Jr., Water Operator, has prepared the necessary documentation to respond to the violation. The letter was emailed and also sent certified mail.

Interviews are taking place for the position for the Assistant Borough Manager.

The Police contracting for West Earl Township was effective January 1, 2021. The officers stop in the Borough Office at least once a day and there is a visible presence in the Borough. The Borough Manager is tying up loose ends with the transition in regards to the police vehicle titles, insurance, etc. and the area has been secured.

The Planning Commission has met on January 7, 2021 to review the Handi-Vangelism Subdivision/Land Development and Stormwater Plan. The Akron Borough Planning Commission has made recommendations on two of the five waivers that were submitted as part of the plan. The recommendations are on tonight's agenda.

A Zoning Hearing Application has been submitted for 1-7 Ninth Street to convert 2 commercial units into one residential unit. The hearing is scheduled for January 28, 2021 at 7:00 pm.

The Borough Manager is still waiting for the check from the County for CARES Act.

## **Administration/Finance**

### ***Approve Bills***

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

Thomas J. Murray, Sr. made a motion to purchase an Owl, which is a device utilized for Zoom meetings, in the amount of \$1,000. Paul Swangren, Jr. seconded the motion. Motion carried.

The December 31, 2020 month-end cash balances were read into the minutes.

General Fund \$154,583.37

Water Fund \$5,761.00

Sewer Fund \$10,050.01

Hwy Aid Fund \$45,771.39

General Reserves \$387,974.11

Water Reserves \$316,104.36

Sewer Reserves \$226,055.13

Capital Projects \$374.00

Comm. Fund \$4,582.73  
Total \$1,151,256.10  
Escrow Fund \$5,961.44

Thomas J. Murray, Sr. reviewed the December 2020 Revenues and Expenditures Report.

## **Personnel**

### ***Assistant Borough Manager Advertisement***

Paul Swangren, Jr. stated they have advertised for the Assistant/Secretary Borough Manager position. There were several applications submitted and they are starting the interviewing process. Mr. Swangren is hoping to bring a recommendation to Council at the January 25<sup>th</sup> Personnel Committee meeting.

## **New Business/Old Business**

### ***Comcast***

The Borough Manager stated she is expecting a phone call from Comcast regarding the permits and the security that need to be submitted.

### ***Handi-Vangelism Land Development Subdivision – Waivers***

Mr. Weaver, Council for Handi-Vangelism, presented five waivers which were recommendations made at their Planning Commission meeting on January 7, 2021. Mr. Weaver prepared a summary of their narrative position on each waiver, which was distributed to Council. He requested that the waivers be approved at tonight's meeting.

Nathan Imhoff suggested they make a motion for each individual waiver.

Paul Swangren, Jr. made a motion to support Waiver/Modification #1 for the Preliminary Plan. Randall Justice seconded the motion. Motion carried.

Waiver/Modification #2 for the Traffic Study is on hold.

Nathan Imhoff made a motion to support Waiver/Modification #3 & 4 for Curb and Sidewalk Plan. Thomas J. Murray, Sr. seconded the motion.

Solicitor Kenelm L. Shirk III noted for the record that they need to add to the motion, to make it clear, that this does not emasculate the Borough's Sidewalk Ordinance and the ability in the future for the Borough to implement its sidewalk Ordinance as it does.

Nathan Imhoff amended his motion to add in the support of the Waiver/Modification #3 & 4 for Curb and Sidewalk Plan is not emasculating the Borough's Sidewalk Ordinance. Thomas J. Murray, Sr. was in agreement to amend the motion. Motion carried.

Randall Justice made a motion to support the request for Waiver #5 relative to Sewage Planning. Paul Swangren, Jr. seconded the motion. Motion carried.

### ***T-Mobile***

The Council discussed the proposed T- Mobile agreement.

Solicitor Shirk suggested they make a motion to contingently approve the proposed agreement because he does not see how they can adopt an agreement that has not been agreed to by the other side.

The Council came to the conclusion that they cannot approve the proposed agreement without having a completed document to vote on.

### ***Akron Mennonite Church Stormwater***

Randall Justice recused himself from the discussion.

Ms. Prunoske from Hanover Engineering gave a background of the stormwater plan for the Council's consideration. The Borough needs to determine how it wants to handle the Storm Water Management approach with the vegetation/conversion of ground cover approach, and whether they want the retentive 32'' silt sock berms to be placed along the hillside. This was required of the design as the proposed wooded condition that they are basing the design on for the stormwater will take a while to become established. The trees they are planting can take 10-25 years for the kind of woodland establishment that they are taking credit for. RGS would like to know if there is a separate account for the ongoing maintenance, and if it was included in the Storm Water Management agreement, and if the Borough's inspections of the BMP's over time keeps an eye on these until the time they are no longer needed and can be eliminated, unless the Borough decides they want permanent facilities because they do not want extra water down in their MS-4 stormwater runoff.

Thomas J. Murray, Sr. made a motion that there would be no increase in the MS-4 stormwater runoff on the Akron Mennonite Church property. Paul Swangren, Jr. seconded the motion. Motion carried.

Randall Justice abstained from voting.

### ***Akron Tax Collector Exoneration Resolution***

Thomas J. Murray, Sr. made a motion to approve the Resolution #00236 exonerating the Akron Tax Collector Justin Gehman seconded the motion. Motion carried.

For clarification purposes, Solicitor Shirk explained that this does not mean that people's taxes are forgiven. It means that the Borough's Tax Collector is released from liability.

### ***Appointment – Council Pro Tem***

Justin Gehman made a motion to make Thomas J. Murray, Sr. Pro Tem. Paul Swangren, Jr. seconded the motion. Motion carried.

### ***Appointment – Zoning Hearing Members for 2021 – 2023***

### ***Committee Terms Expired in 2021***

**Zoning Hearing Board – 3-year term**

2021-2023 (Kay McEllhenney term ended in 2020 and is interested in serving another 3 years)

2021-2023 (Alternate Jeff Shirk term ended in 2020 and is interested in serving another 3 years)

2021-2023 (another Alternate is needed to fill the vacancy)

Thomas J. Murray, Sr. made a motion to appoint Kay McEllhenney to the Zoning Hearing Board for a 3-year term 2021 through December 31, 2023. Paul Swangren, Jr. seconded the motion. Motion carried.

Justin Gehman made a motion to appoint Jeff Shirk as Alternate to the Zoning Hearing Board for a 3-year term 2021 through December 31, 2023. Kleon Zimmerman seconded the motion. Motion carried.

**Akron Authority – 6-year term**

2021-2025 (Pam Musser term ended in 2020 and is interested in serving another 6 years)

2018-2023 (Vacancy since 2018 – previously held by Jeff Shirk)

2017-2021 (Previously held by Terry Reber – resigned)

2020-2024 (Previously held by Robert Stauffer – resigned)

Paul Swangren, Jr. made a motion to appoint Pam Musser to the Akron Authority from 2021 through December 31, 2025. Randall Justice seconded the motion. Motion carried.

Mayor John McBeth has expressed interest in serving on the Akron Authority.

Thomas J. Murray, Sr. made a motion to appoint John McBeth to the Akron Authority term ending December 31, 2024. Kleon Zimmerman seconded the motion. Motion carried.

Thomas J. Murray, Sr. made a motion to appoint Randall Justice to the Akron Authority term ending December 31, 2023. Kleon Zimmerman seconded the motion. Motion carried.

There is one more term left which will be advertised with the water bill.

Thomas J. Murray, Sr. suggested that since Akron Borough no longer has Police, they should be disbanding the Civil Service Commission.

Thomas J. Murray, Sr. made a motion to disband the Civil Service Commission. Kleon Zimmerman seconded the motion. Motion carried.

The Borough Manager presented a letter from the Department of Environmental Protection (DEP) notifying the Borough that the application for Growing Greener Grant has not been selected for funding.

Thomas J. Murray, Sr. made a motion to adjourn the meeting. Justin Gehman seconded the motion. Motion carried.

Meeting adjourned at 8:19 p.m.

Respectfully submitted,

Lydia Kovalchuk  
Minute Taker

LK