

BOROUGH OF AKRON COUNCIL MEETING – March 22, 2021

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

Others present – Mayor John McBeth; Susan Davidson, Borough Manager/Secretary; Sean Molchany, Assistant Borough Manager, and Police Chief Eric Higgins. ***Visitors*** – John Taylor and Larry Alexander, Ephrata Review.

Meeting opened at 6:32 p.m. with the Pledge of Allegiance.

Approval of Minutes

Thomas J. Murray, Sr. made a motion to approve the March 4, 2021 and March 8, 2021 Borough of Akron Council Meeting minutes. Justin Gehman seconded the motion.

Paul Swangren, Jr. pointed out that some of the discussions the Council had about the police report and the services they are providing, are not in the minutes. Mr. Swangren noted that it is important to have these conversations in the minutes for the public to refer to.

Motion carried.

Police Report

Chief Higgins did not have a lot to report, except that they received a complaint from a resident about speeding on Heritage Road and Knollwood Drive. They also issued several tickets for stop sign violations, and will continue to address that issue as it comes in.

Chief Higgins reported that all the records have been moved from Akron Borough to West Earl Township's records room. The last main issue is the evidence. Chief Higgins and Officer Byrnes, who is the evidence custodian, are hoping to work on auditing evidence and then move it to West Earl within the next couple of weeks.

John Taylor mentioned a concern originally brought up by Donald Reese regarding not enough police presence in the Borough.

Chief Higgins stated they are driving around Akron quite frequently and are maintaining the contract. As per the agreement, they have an officer permanently assigned to Akron 24/7. The Chief stated he personally covers the streets so that they maintain their presence in the Borough. Currently, West Earl Police Department is not fully staffed. They anticipate hiring an officer on April 12, 2021.

Chief Higgins asked the Council to let him know if there are certain areas and streets where the residents want more coverage.

Nathan Imhoff appreciated Chief Higgins' hard work and for going above and beyond providing the service that they asked for.

Thomas J. Murray, Sr. made a motion to pay April 2021 Police Contract Services to West Earl Township in the amount of \$58,728.63. Paul Swangren, Jr. seconded the motion. Motion carried.

Randall Justice stated when the Council gets the police report from Chief Higgins, they do a lot of asking of him about his performance and coverage. Mr. Justice asked whether there is a place in the report where the Chief gets to talk about what he might need from the Council, or where he needs the Council's support, so that it is not a one-way conversation.

Chief Higgins said he frequently talks to the Borough Manager and the Assistant Borough Manager, as well as addressing things at their liaison meetings.

Visitors – John Taylor and Larry Alexander, Ephrata Review.

Borough Manager Report

Sue Davidson, Thomas J. Murray, Sr., Ryan Cochran and Sean Molchany met with Herbein & Company to review the 2020 Audit Report. Herbein will be at the April 12, 2021 Council meeting to make a brief presentation on the audit report. The audit went well.

The Auditor General's Office has started a Pension Audit for the Uniform and Non-Uniform Pension from 2017 through 2020. The audit is being done remotely.

The Auditor mentioned that the Council should draft an Ordinance pertaining to the Uniform pension that has been transferred to West Earl.

There are two proposals for a Ferris Mower for \$7,604.20 and for a Trailer for \$3,504.47. Justin Gehman would like to see at least two proposals for the mower to get an idea what the price would be.

Sean Molchany stated they have four proposals for the trailer, and the \$3,504.47 is the best price.

Paul Swangren, Jr. made a motion to take no more than \$11,500 out of the reserves for the purchase of an aluminum deck trailer and a Ferris lawn mower. Thomas J. Murray, Sr. seconded the motion. Motion carried.

Sue Davidson reporter there is no information from Construction Masters in regards to the Front Street issue.

T-Mobile is reviewing the agreement and will contact the Borough in the next few weeks.

Sue Davidson spoke to Todd Eachus from Comcast and she is waiting for permits, bonding and engineering, and legal invoice reimbursements.

The Borough Municipal Office is now open to the public again as of Wednesday, March 10, 2021.

Assistant Borough Manager/Zoning Officer Report

Sean Molchany spoke to George Ely Associates to get an updated quote for the Colonial Pavilion. The original quote was not a COSTAR quote, so he received a COSTAR quote for material only. The Borough would be responsible for electric, stormwater and building permit.

Sean Molchany has a meeting scheduled with Abigail Balmer from Ephrata Library for this Wednesday, March 24, 2021 to discuss and locate the story walk signs.

Sean Molchany met with Public Works to discuss 2021 hydrant flushing schedule. A schedule is being put together to be completed by next meeting and will be forwarded once completed. The flushing will be done this spring.

Sean Molchany also met with Thomas J. Murray, Sr. last Thursday, March 18, 2021, to talk about I&I problems in the Borough. They went out and pulled manholes in the known locations of the problematic areas in the Borough. They will put together a list of the problematic areas in the Borough with a recommendation of projects, priorities and costs.

Sean Molchany participated in the pre-construction of the Akron Firehall Driveway and Rail Trail Phase II.

Sean Molchany continues to meet with the Public Works employees every Thursdays to discuss the schedule and identify seasonal projects that need to get completed.

Parks/Property

Ephrata Library Storybook

Randall Justice met with Abigail Balmer from Ephrata Library knowing that she was going to meet with Sean Molchany to locate the place for the storybook walk, and then the final approval for the location and the publication guidelines would come back to Council. Ms. Balmer clarified that the content will only be pages from a book; however, they would like to include logos of sponsors of the project such as the Library and Akron Borough. She then offered to create a markup of what the content will look like inside the post.

Colonial Park Pavilion

Randall Justice tried to reach out to Andreas at Rosenberger to give an update. They have a phone call scheduled for this Thursday, March 25, 2021, so Mr. Justice will update him then.

Streets

Justin Gehman would like to meet with Sue Davidson and Sean Molchany to talk about storm boxes. Sean Molchany met with the engineer; they are putting together a plan to address the storm boxes that have been identified.

Community Events

Sue Davidson presented a list of events for this year, such as Akron Night at the Barnstormers, Lions Club Easter Egg, Akron Day in the Park, Movie Nights, Earth Day, as well as the Tree Lighting Ceremony and the New Year's Eve event. These are the events Michael Morris will have to work on this year.

Michael Morris reported he started working on updating the Akron Borough website to improve its functionality. Mr. Morris had an exploratory phone call regarding updating the website; the

estimated cost is between \$3,500 and \$6,000. The update would have the functionality to have a single place to post and update, and it will push directly from the website to other social media platforms such as Facebook, Twitter, Instagram, LinkedIn, etc. making information easily accessible to everyone. This will help in getting the Zoom meeting link out there, as well as aid in making the meeting minutes and other information be searchable.

Paul Swangren, Jr. is in support of updating the website and recommended that they have Mr. Morris look for a web tech to give the Council a firm number so they can make a decision. Nathan Imhoff and Thomas J. Murray, Sr. suggested they contact other companies in the area and get at least three quotes and, possibly, have it on the agenda for the next meeting.

New Business/Old Business

Borough Solicitor Request for Proposals

Nathan Imhoff stated at last Council meeting, each Council member received a packet with four different Solicitor proposals from four different law firms, for the Council's review. Mr. Imhoff asked that they have a preliminary discussion to find out if the Council wishes to interview all four candidates, or just a few of them.

Michael Morris stated he reviewed all four applications and listed out a preferred and a second candidate. He preferred Lamb McErlane PC from West Chester, although they are the most expensive of \$205 an hour. Mr. Morris liked their attention to detail and their thorough explanation of how they work and what they do for other Boroughs, which made Mr. Morris feel like if they were doing the work for Akron Borough, it would be very detailed and very accurate. Mr. Morris' number two is Nikolas & Hohenadel, LLP, which is the lowest in price – \$150 an hour. He also liked that they are local, and are very similar to Lamb McErlane PC. Mr. Morris thinks that there is no need to interview the other three candidates, if the Council comes to a consensus.

Paul Swangren, Jr.'s top choice is Nikolas & Hohenadel, LLP because they have local ties, the rate was the lowest, travel time is not an issue, and he liked their mission statement.

Mr. Swangren does not see the need to interview the lawyers as they are professionals. Nikolas & Hohenadel, LLP is Mr. Swangren's choice, and he is able to move ahead this evening.

Justin Gehman stated there are pros and cons for all candidates; however, out of the four, his number one choice is Nikolas & Hohenadel, LLP, because they are local, which would be a plus for the Borough. He agrees with Michael Morris and Paul Swangren, Jr. that there is no need to interview the other three, if the Council comes to a consensus.

Nathan Imhoff's top was Nikolas & Hohenadel, LLP and his second was the Law Office of Tucker Hull, LLC. Tucker Hull represents many municipalities in the area and is talked highly of by the Penn Township supervisors. He also liked that Nikolas & Hohenadel, LLP is the lowest in price.

Thomas J. Murray, Sr. liked Nikolas & Hohenadel, LLP as his number one, and his number two was Morgan, Hallgren, Crosswell & Kane, P.C. Mr. Murray was impressed how little West Earl Township spends on services that Hallgren, Crosswell & Kane, P.C. provides.

Randall Justice prefers Morgan, Hallgren, Crosswell & Kane, P.C. and Nikolas & Hohenadel, LLP because they are the most local. Mr. Justice stated he would be extremely comfortable with Nikolas & Hohenadel, LLP. Based on professional exposure, trust and confidence they are the once Mr. Justice would choose to work with. If the Council decides to do an interview process, Mr. Justice will be happy to give some leadership to that.

Kleon Zimmerman stated reading the presentations, Nikolas & Hohenadel, LLP made the most sense to him.

Sean Molchany suggested the Council would interview Nikolas & Hohenadel, LLP and Morgan, Hallgren, Crosswell & Kane, P.C. so they can give their presentations. Mr. Molchany believes that personality and who staff feels comfortable working with is the key to this, because they are going to be dealing with them most of the time.

Thomas J. Murray, Sr. made a motion to interview Nikolas & Hohenadel, LLP and Morgan, Hallgren, Crosswell & Kane, P.C. Paul Swangren, Jr. seconded the motion.

Paul Swangren, Jr. appreciated Mr. Molchany and Mr. Murray's comments. Mr. Swangren agrees that they should interview and listen to the attorneys' presentations. The Council agreed.

Mayor McBeth suggested they have the attorneys attend the Borough Council meetings first couple of months. The Mayor stated the Solicitor represents the citizens, and it is his job to make sure that all the matters of the Borough are done in a legal fashion.

The Council set the date for the interviews for Thursday, April 1, 2021 and have Morgan, Hallgren, Crosswell & Kane, P.C. come in at 6:30 p.m., and Nikolas & Hohenadel, LLP come in at 7:15 p.m.

Motion carried.

Information on American Rescue Plan Act

Sue Davidson presented the latest COVID-19 relief package and said that the Borough is supposed to be getting \$396,000. Sue Davidson and Sean Molchany were discussing projects that they can use this money for.

Thomas J. Murray, Sr. recommended they use that money on repairing the sewer to get it under control and to get themselves out of the penalty.

Sean Molchany stated the funds will be distributed in two tranches to local municipalities. First half will be delivered by the Federal Government to the State within 30 days of enactment, and the State has 60 days to distribute to local municipalities, and the remainder will be delivered no earlier than one year later.

Paul Swangren, Jr. and Justin Gehman both agree that the Akron citizens need to see an impact on this, like tax lowering. Nathan Imhoff added that by fixing the sewer infrastructure issue, and then lowering the rates back down to \$9, would make a significant impact.

Sue Davidson stated they received a notice of violation form SRBC for overusing water on October 1-3, 2020 and December 5-31, 2020. The proper paperwork will be submitted to SRBC, and Council will get a copy of that.

Justin Gehman brought up a concern that the people at the fire company and the community members have expressed regarding the Volunteer Fire Company's driveway and parking lot improvements. The wording is saying that it is the Fire Company's property that the Borough is fixing, which is not accurate. Mr. Gehman is just putting it out there that they are getting some questions on why the Borough is paying for the driveway and the parking lot. Mr. Gehman thinks it is because of the verbiage usage. They do not want that to affect their giving from the community, so they have to be careful about the verbiage.

Nathan Imhoff asked Larry Alexander from Ephrata Review to clarify in the newspaper article that the driveway and the parking lot are Borough properties, and that the Fire Company rents it from the Borough, so the improvements is a Borough project.

Paul Swangren, Jr. reminded the Council to do a roll call at the beginning of the meetings to make sure those on Zoom know which Council members are present.

Thomas J. Murray, Sr. made a motion to adjourn the meeting. Paul Swangren, Jr. seconded the motion. Motion carried.

Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Lydia Kovalchuk
Minute Taker

LK