

BOROUGH OF AKRON COUNCIL MEETING – May 10, 2021

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

Others present – Mayor John McBeth; Susan Davidson, Borough Manager/Secretary; Sean Molchany, Assistant Borough Manager; Police Chief Eric Higgins, and Edward Browne, Solicitor.

Visitors – Dick Wanner and Richard Rupp.

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

Council Roll Call: Thomas J. Murray, Sr. – Yes
Kleon Zimmerman – Yes
Paul Swangren, Jr. – Yes
Randall Justice – No
Michael Morris – Yes
Justin Gehman, Vice-President – No
Nathan Imhoff, President – Yes
Mayor John McBeth – Yes

Approval of Minutes

Paul Swangren, Jr. made a motion to approve the April 26, 2021 Borough of Akron Council Meeting minutes. Michael Morris seconded the motion. Motion carried.

Bills

Thomas J. Murray, Sr. made a motion to pay the April 2021 bills as reviewed by the Finance Committee. Kleon Zimmerman seconded the motion.

General Fund \$109,605.58

Water Fund \$8,216.62

Sewer Fund \$2,515.69

Thomas J. Murray, Sr. noted for the record that there was a payment in this month's bills to Thomas J. Murray, Jr., which he did not review, did not sign and has nothing to do with, other than making a general motion to pay all the bills.

Motion carried.

Reports/Announcements

Police Report

Chief Higgins submitted his April 2021 activity report to Council for review.

Chief Higgins mentioned at the last Council meeting that they put a speed sentry radar display

sign out in Akron Borough; however, they are having issues with the unit's batteries not charging. They believe the problem is in the charger, so they ordered a new charger. The Chief reported that West Earl officers have been monitoring traffic on North 11th Street at about 4:30 a.m. to address the issue with the Eagle Disposal truck backing up. The truck did not back up at that time, and the Chief did not receive any complaints from residents since then. The Chief also reported that they are swearing in a new officer tonight, and that will bring them up to the 12 officers. The Chief will bring Officer Blessing and Officer Mertz to the next Council meeting to introduce them to Council.

In recognition of National Police Week, Nathan Imhoff recognized Chief Higgins and his officers for all they do and how they fill the role of policing in Akron.

Paul Swangren, Jr. appreciated the officers covering the school crossing posts, as Council is working on a crossing guard solution. Mr. Swangren thanked the Chief and the officers for their service.

Mayor Report

Nothing to report.

Dick Wanner was present to request budget figures and a Government Officials list from Council to include in the Akron anniversary book.

Nathan Imhoff asked Edward Browne, Attorney for Nikolaus & Hohenadel, LLP and the new Akron Borough Solicitor to introduce himself, as some of the Council members were not present at the meeting when they interviewed Mr. Browne.

Mr. Browne introduced himself and said that it is a pleasure working with the Council

Borough Manager Report

April 2021 month end financials have been reconciled.

May 2021 payables were reviewed by the Finance Committee this evening.

At the last Council meeting, the Borough Manager mentioned that the Auditor General's Office has completed the Pension Audit for the Uniform and the Non-Uniform Pension from 2017 through 2020, and that there was a finding because an ordinance was never adopted by Akron Borough to eliminate the Uniform Pension Plan when the Akron Borough Police Department was dissolved. The Auditor General's Office contacted Ms. Davidson on April 30, 2021 to tell her that Akron Borough has good audits and that they removed the finding.

Installation of storm boxes will be the street project for 2021. Farley Fry and Eric Kaylor from Hanover Engineering met with the Borough Manager and Assistant Borough Manager to look at the areas the Borough needs to install the boxes. The Borough Manager and Assistant Borough Manager also met with Bob Lynn from Hanover Engineering to look over the plan. When they get the plan, they will submit it to Council so they can review it.

Sue Davidson contacted Hanover Engineering about the Edgehill/Manor Ridge paving design.

Street Sweeping took place on April 22, 2021 (East side of Route 272) and on April 23, 2021 (West side of Route 272).

A pre-construction meeting took place on May 4, 2021 for the Rail Trail Stream Embankment project – phase 2. Flyway Excavation plans on starting work beginning of June, and the total project will take three to four weeks. Residents have been notified, and the work will take place Monday through Friday from 7 a.m. to 5 p.m.

A pre-construction meeting is scheduled on May 12, 2021 at 2:30 p.m. for the driveway located at the Akron Fire Hall.

Sewer flows are dropping, but they have not dropped below 500,000 gallons in the sewer flow for 30 consecutive days.

T-Mobile will have a signed contract to the Borough, hopefully this week.

The Hydrossoft contract has been signed.

The Borough received a signed copy of the Memorandum of Understanding from Comcast, but is waiting on the original bond.

The staff met with Handi-Vangelism and the Borough Engineer to review the outstanding comments.

There are no Zoning Hearings and no Planning Commission Meetings scheduled at this time.

Nathan Imhoff asked for clarification on the list of phone calls from Akron residents complaining about Comcast digging into their yard.

The Borough Manager explained that herself and the Assistant Borough Manager went out and told Comcast that they should hold off until Akron Borough gets the bond. Comcast did stop the work.

Assistant Borough Manager/Zoning Officer Report

Sean Molchany reported that the existing shed and bleachers have been removed from Broad Street Park. Final grading and seeding still need to be completed.

Paul Swangren, Jr. asked if the Borough Manager found part time help for the mowing.

The Borough Manager said she did. She also advertised for anyone who is interested in doing seasonal park work to contact the Borough.

The Borough Manager thanked Thomas J. Murray, Sr. for volunteering his time to help out.

Paul Swangren, Jr. also asked if the Borough received a report from Street Sweeping on how much debris is picked up, because for the MS-4 annual report, they need to be able to report how many tons of debris was picked up.

Sean Molchany stated he did not see a report, but he will talk to Thomas J. Murray, Jr. about that.

Paul Swangren, Jr. also commented on the sewer flows. They have not dropped below 500,000 gallons in the sewer flow for 30 days yet. Looking at the sewer flows, they are doing better, but there is not much buffer in their sewer system, which is an urgency to do something about it. Sean Molchany said that the company that is televising the sewer lines, will give a report in two weeks on the known lines that the Borough has issues with. The Borough will then put a project together to fix the lines.

Finance Report

The April 30, 2021 month-end cash balances were read into the minutes.

General Fund \$664,400.29

Water Fund \$1,491.88

Sewer Fund \$149,765.76

Highway Aid \$161,556.46

General Reserves \$283,413.77

Water Reserves \$296,125.01

Sewer Reserves \$286,072.76

Capital Projects \$374.16

Community Fund \$4,191.22

Total \$1,847,391.31

Escrow Fund \$5,961.82

Thomas J. Murray, Sr. reviewed the April 2021 Revenues and Expenditures Report.

Community Relations

Two weeks ago, Michael Morris brought a few proposals for the Akron Borough website before Council for discussion. Mr. Morris asked if Council wants to have any further discussion on that. The Council did not have any further questions.

Michael Morris made a motion to move forward with the WebTek proposal for \$5,500 and a \$29.95 a month maintenance fee billed every six months. Thomas J. Murray, Sr. seconded the motion.

Paul Swangren, Jr. asked how they will be paying the \$5,500 expenditure. Thomas J. Murray, Sr. stated it would need to come from General Reserves – 40% General Fund; 30% Water Fund, and 30% Sewer Fund. Mr. Swangren recommended that the motion be amended to include that. He also recommended that the maintenance fee of \$29.95 be paid out of the general account for IT.

Michael Morris amended his motion to include the \$5,500 development cost be billed 40% to the General Reserves Fund; 30% to Water Reserves Fund, and 30% to Sewer Reserves Fund, and it should come out of their reserve funds. \$29.95 be paid out of the general account for IT.

Motion carried.

Michael Morris reported that he received an email regarding a presentation about spotted lanternflies that a fourth grade class at Akron Elementary School is doing. As part of their assignment, they want to educate people on lanternfly. They asked if Council will be able to do a

small display about spotted lanternflies for the community. Mr. Morris suggested they put a small display in the greeting room and possibly upload to the website. The Council was in favor.

Michael Morris also reported that he heard back from the Ephrata Public Library regarding the Story Walk. At this time, they are going to be looking for other avenues.

Paul Swangren, Jr. suggested that Mr. Morris would ask Ephrata Library to send a letter to Council stating that they are withdrawing.

Parks and Property Report

Randall Justice is absent.

Personnel Report

Nothing to report.

Streets Report

Front Street Discussion

Sean Molchany stated they met with Construction Masters and Hanover Engineering to discuss Front Street. Mr. Molchany has been out on Front Street a number of times after storm events and there was no puddling. There was a little wet spot, but no puddling. He suggested they continue to monitor it before they push to rebuild it. He asked for thoughts on whether Council wants to cut into the roadway for a puddle that appears to be disappearing within an hour of a rain event, while there are puddles all over the other roadways in Akron Borough.

Nathan Imhoff stated that once they start cutting into the roadway and putting patches in, that seam is never going to be perfect, and they will always have a dip or raise, where puddling is going to start to occur.

The Council agreed that they do not like the idea of cutting into a brand new street, and that they should stop chasing it and keep monitoring.

Paul Swangren, Jr. suggested they have Justin Gehman in the conversation before making any decisions. He would also like to hear back from the contractor with their decision.

Public Utilities Report

Nothing to report.

Old Business

Hydrosoft Proposed Agreement

Nothing to report.

New Business

Susan Davidson presented the quarterly report from the School Resource Officer John Hirneisen.

Nathan Imhoff asked what would it take for Council to move forward in creating an ordinance that would put a noise restriction during night hours. Sean Molchany stated it would go under their Nuisance Ordinance. It can be addressed through specific times to restrict noise or

construction activities. If Council is interested, Mr. Molchany can draft an ordinance. Solicitor Browne stated Noise Ordinances are, historically, very hard to enforce. Most Municipalities really struggle with enforcing a Noise Ordinance effectively, because it is a matter of trying to measure the noise itself in order to enforce it, which is very hard to do. Structuring as a Nuisance Ordinance to limit what certain activities can be performed, that is much easier to enforce, and it could be more effective depending on the problem. If it is just construction activity, it can be easily addressed in a Nuisance Ordinance. Kleon Zimmerman asked how they would monitor a trash truck. Sean Molchany stated there is verbiage to put in the ordinance to restrict contracting services. Council would like to move forward on that.

Paul Swangren, Jr. stated the County Commissioners rescinded the Declaration of Disaster Emergency, and asked if the Council wants to rescind their Declaration of Disaster Emergency. Mr. Swangren would like to see the Emergency Management Coordinator's report and what his recommendation would be on rescinding the Declaration of Disaster Emergency. Sue Davidson will invite him to the next Council meeting to discuss that.

Paul Swangren, Jr. encouraged everyone to go out and vote on May 18, 2021 primary election.

The Borough Manager presented information from the Ephrata Public Library.

Kleon Zimmerman brought up an incident in Akron Borough and said that police is now allowed to come out and assess that if there is a fire outside and smoke in a home owner's house, they can issue a fine. Mr. Zimmerman asked what the protocol is because the Akron Borough Ordinance allows recreational fires but it does not say anything about when smoke is going into a home owner's windows.

Sean Molchany stated the complaint that came in, initially was that someone was burning building materials, which is in violation of the Ordinance. Shortly after, the Council passed an Ordinance that gave West Earl the ability to enforce Akron Borough Ordinances.

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

Motion carried.

Meeting adjourned at 7:33 p.m.

Respectfully submitted,

Lydia Kovalchuk
Minute Taker

LK