

MANCHESTER BOROUGH MEETING MINUTES

225 S. MAIN STREET MANCHESTER, PA 17345

January 08, 2024

7:00 PM

Special Reorganization and Monthly Meeting

- Adam Bowman called the meeting to order at 7:00 P.M. and the oath of office was given to Bradford Price, Ronald Gembic and Larry Weirich by the Honorable Magistrate Robert Eckenrode.
- Adam Bowman led the pledge of allegiance.
- Roll call was performed by the secretary, and the following officials were present:

Adam Bowman
Bradford Price
VACANT
Harry Morgan
Ryan Neely

Ronald Gembic
Larry Weirich
Joseph Paniagua (Absent)
Solicitor Beth Kern
Engineer John Rea
Mayor

Reorganization of Council

- Beth Kern Solicitor for Manchester Borough called for nominations for Council President.
 - A nomination for Ronald Gembic was made by Ryan Neely. The nomination was seconded by Bradford Price.
 - A vote was taken, and the nomination was carried by a 4-1 vote with Adam Bowman abstaining.
- President Ronald Gembic called for nominations for Vice President of Council.
 - A nomination for Ryan Neely was made by Ryan Neely. The nomination was seconded by Ronald Gembic.
 - A vote was taken, and the full council voted in favor for Ryan Neely for Vice President.
- Beth Kern advised the council regarding the January 2, 2023 resignation notice from Wade Witt President and Council member. Beth Kern informed that Mr. Witt responded via email clarifying that his notice was given for all involvement with the Borough Council. Beth Kern stated that it is important that the Council should not treat this notice as a resignation under the Borough Code because of the status of Mr. Witt as a council member elect. An individual who's been elected has 10 days from the date of the beginning of the start of their term, which in this instance is January 2nd of 2024, to qualify or fail to qualify. After the 10-day time period has run, the council then may deem that office vacant and proceed to fill it per §109 of the Borough Code. Beth Kern recommends that the council does not take any action to declare the seat vacant and no appointment is made for replacement of that seat until it is declared vacant. Beth Kern recommends also having the seat and potential vacancy discussed at the February Council meeting. Adam Bowman asked if a motion could be made to accept the resignation on the 12th of January. Beth Kern further informed if the motion was made to accept the resignation on the 12th of January, the 30-day time frame to fill seat would start on that date and give the council less time fill the vacant seat. Larry Weirich asked that if we have to wait until Friday the 12th per the Borough Code, how are we to sign checks as Mr. Witt was an

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authorized signatory on the checks, and bills cannot be paid until we have another signatory assigned. Beth Kern informed the council that on the date of the 12th of January, Mr. Witt can be removed as a signatory on the accounts, and another added as he is not authorized to do so any longer. Beth Kern asked if there are any concerns or actions requested from the council regarding the recovery of the passwords and account accesses for the Borough. Adam Bowman stated that he would like to have Solicitor Beth Kern authorized to draft and send a letter to Mr. and Mrs. Witt to turn over Borough information, up to and including the hard drives of their computers that they placed Borough information on. Beth Kern stated that the Borough should see what records they do have and have them show they have removed all records from their personal devices. Proof will need to be provided to show that all records have been turned over in their entirety to the Borough. Adam Bowman provided a list to Solicitor Beth Kern of the items and access in question. Tiffany Mays stated that we also need to have the email accounts reassigned or redirected so the information and or request comes directly to the Borough.

- A motion was made by Adam Bowman to authorize Solicitor Beth Kern to draft a letter to Mr. and Mrs. Witt for the surrender of Borough property and records within 3-5 business days. It was seconded by Ryan Neely and the motion carried.
- It was discussed to have recovery for the email accounts by Tiffany Mays. Tiffany Mays will call Microsoft Support to have this information changed and transferred.

Appointment of Borough Officials

- Secretary – Tiffany Mays
- Treasurer – Harry Morgan
- Engineer – C.S. Davidson Inc.
- Solicitor – CGA Law Firm
- Auditor – Mark Kephart, Kochenour, Earnest, Smyser & Burg
- Zoning Officer – Commonwealth Code Inspection Services Inc.
- Building Codes Officer - Commonwealth Code Inspection Services Inc.
- Open Records Office – Tiffany Mays
- Emergency Management Coordinator – Michael Fischer
- Sewer Enforcement Officer – South Penn Cove
 - A motion was made by Bradford Price to appoint the Borough officials list as presented. It was seconded by Larry Weirich and the motion carried.
 - A motion was made to obtain bonds for the tax collector, secretary, and treasurer of Manchester Borough. It was seconded by Larry Weirich and the motion carried.
 - A motion was made for appointments of banks of depository was made by Ryan Neely. It was seconded by Adam Bowman and the motion carried.
- Discussion and action on authorizing authorized signors on the bank's accounts. Further discussion was held to add a second authorized signor for the bank's accounts.
 - Adam Bowman made a motion to authorize Harry Morgan, treasurer of the Borough, to sign checks. It was seconded by Larry Weirich, and the motion carried.

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- A motion was made by Adam Bowman to continue Larry Weirich as a check signor on the Borough's bank accounts. It was seconded by Ryan Neely and the motion carried.
- A motion was made by Adam Bowman to add President Ronald Gembic as an authorized check signor or Manchester Borough. The motion was seconded by Ryan Neely and the motion carried.

Approval of Agenda/Minutes

- John Rea noted corrections for the council meeting minutes on December 11, 2023. Section – Public Comments Beshore & Koller Inc.
 - A motion was made by Adam Bowman to approve the council meeting minutes for December 11, 2023. Ryan Neely seconded the motion and the motion carried. Adam Bowman amended the motion with note of the corrections to the December 11, 2023 council meeting minutes. Ryan Neely seconded the amended motion and the motion carried.

Public Comments/Guests:

- Tax Collector Kelly Neely presented the lien lists to be signed by the President and Secretary of the Borough.

Treasurer's Report: Harry Morgan

- The General Checking Account (M & T Bank) starting balance was \$389,295.25. Receipts for the month of December 2023 were \$32,134.89, Disbursements were \$55,974.25 leaving a total of \$365,455.89 in the account. Members 1st Bank Money Market Account \$454,319.58. The PLIGIT accounts were reviewed for the month of December 2023. The ACH accounts were reviewed as follows: Rutter's Fuel \$00.00, Sheetz \$181.44, Met-Ed \$2898.46, Columbia Gas\$ 00.00, and Comcast \$193.55.
 - A motion was made by Adam Bowman to approve the account balances as read and presented. The motion was seconded by Ryan Neely and the motion carried.
 - A motion was made by Adam Bowman to approve and pay the December 2023 bills as read and presented. Ryan Neely seconded the motion and the motion carried.

Mayor's Report: Absent

- Police report is provided in council packets.

Zoning/Code Violations

- 555 Crossing Way – Permit approved for a fence.
- 14 Cedar St. – Permit approved for a ramp installation.
- 1 High Street – Citizen complaint/Junk complaint in alley. Commonwealth Code zoning wrote a letter of violation. Zoning will follow up and inform.

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Engineer's Report: John Rea

- 2024 Street Maintenance – John Rea, Bradford Price, Ronald Gembic and Ryan Neely to schedule a drive around the Borough to look at potential areas for projects in the Borough.
- Current CDBG – C.S. Davidson will wrap this up and get H.O.P submitted, and the bid pulled together within the next month. Kelly Neely asked if you are a landlord, and you accept HUD, there are different rules you need to follow to receive the HUD. What are those rules? John Rea informed the contractors must be HUD eligible contractors. There are also additional forms that need to be completed for submission as they complete the project.
- The Local Share Grant for the reconstruction of Manchester Street, and rebuilding and stabilizing of the stream wall was submitted and we are awaiting to see if the grant was accepted.
- 2024-2026 CDBG Grant Cycle is open. It was agreed upon by Council at the December 2023 meeting for C.S. Davidson Inc. to pull together the projects, cost estimates and allocations. The Borough wishes the continuing of the ADA Ramp installation for North George Street from Manchester Square north. C.S. Davidson recommends applying for two projects, one per program year. Years 2 & 3 will include Phase 1 – N. Main St – 9 ADA ramp reconstructions, 7 sidewalk replacements, and new pavement markings and signage. Phase 2 – Maple St. on the North Side – 3 ADA ramp reconstructions, 9 sidewalk replacements, and new pavement markings and signage.
 - A motion to approve Resolution 2024-02 additional work on N. Main St. for ADA Ramps was made by Ryan Neely. It was seconded by Adam Bowman and the motion carried.
 - A motion was made by Ryan Nely to approve Resolution 2024-03 for improvement of ADA sidewalk ramps on Maple Street. It was seconded by Adam Bowman and the motion carried.
- PA Small Water & Sewer Program – DCED Grant Funding was approved for the Manhaven Stormwater project with an award of \$140,140.
- Farm Lane Paving – Gingerich's has completed the work. C.S. Davidson reviewed the completed work and recommends payment to Gingerich in the Amount of \$4,640.00 from ARPA funds.
 - A motion was made by Ryan Neely for the payment to Gingerich's in the amount of \$4,640. It was seconded by Adam Bowman and the motion carried.
- Mt. Wolf Village Apts. – Inch Co. did reach back out to John Rea to discuss coordination of a site visit for repairs on Plane Tree Ave. Once a date and time have been scheduled, John Rea will inform the Borough for Borough representation during the visit.

Solicitor's Report:

- 111 Cooper Street enforcement notice – CGA Law Firm did send the final enforcement notice allowing the property owner an additional 15 days to remedy the property code violations. The 15 days for compliance will run until January 24, 2024. At such a time, if the codes are not remedied, the Borough will have hired a 3rd party to complete the code violations. The Borough will ensure that the 3rd party will remain in accordance with the Borough Code.

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- A motion was made by Adam Bowman to hire Mike Mitzel's Tree Service to complete the landscaping work for \$1,000 at 111 Cooper St. if the property owner does not remedy the violations by January 24, 2024. The motion was seconded by Bradford Price and the motion carried.
- Discussion Tech vulnerabilities of the Borough and consideration of a policy regarding how to access Borough records. Currently Borough Council members are using their personal emails to send and receive Borough data. Beth Kern suggested for council members to consider having a council member office specific. This would take away concern that people would have Borough records on their personal device. President Ronald Gembic stated he would suggest we would not use personal email as it would be subject to Right to Know requests. Tiffany Mays to contact Microsoft Office Support to change access control and passwords to the Microsoft accounts.
- Developer's Agreement for Beshore & Koller Inc. Draft – This agreement only applies to use the property as currently planned as a parking lot. Judith Hilliard commented for clarification that the Planning Commission's recommendations were to ensure there was to be no structure erected and is used for parking only. Beth Kern to revise the agreement per the comments and send on to the representatives of Beshore & Koller Inc. to review.
- PSAB NEMO (Newly Elected Municipal Officials) Program is open for registration. Beth Kern recommends that the council take part in this offered training as there are many refreshers' points, and other base points to familiarize themselves with such as the Right to Know Request Law, Sunshine Act, and the PA Ethics for elected officials. Secretary Tiffany Mays to sign up those who are interested.

President's Report:

- None

Park and Recreation Report: Joseph Paniagua, Judith Hilliard

- Due to vacancies on the recreation board, and the mayor, a discussion of who will clean the Recreation Building and the maintenance of the Recreation Building will need to be decided. Currently the coding of the door and the appointments can be addressed one at a time until the door code system is returned by the former President. Mike Jackson asked who is currently cleaning the building since the vacancies. Kristal Rogers has been filling in as needed. Beth Kern asked for clarification for the coding of the doors system. Gary Cardasso and Adam Bowman stated that this was a self-installed by the Borough and not a company-controlled system. This is an app-controlled programming system. Beth Kern asked how the Borough would like to handle business concerns for the Recreation Center and who can be called if needed if there is an issue. The council agreed that Gary Cardasso will be the point of contact for the recreation center for the Borough.
 - A motion was made by Adam Bowman to hire Kristal Rogers to clean the Recreation Center Building after each party for \$25 per cleaning. The motion was seconded by Bradford Price and the motion carried.

Maintenance/Street Report:

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- Adam Bowman asked the council for authorization to purchase cameras for the truck with back up cameras. The shop would like to have these purchased for better mobility during leaf season as well as safety.
 - A motion was made by Ryan Neely to purchase the cameras at a cost of no more than \$400. It was seconded by Bradford Price and the motion carried.
- Gary Cardasso asked for a list of allocations/obligations for the ARPA funds. Tiffany to put together the obligations/invoice list and provide it to the council for the February 2024 council meeting.

New Business

- Statement of Financial Interest forms were provided to the Council for submission.
- Declaration of the adopted municipal retention manual and the destruction of the minutes recordings – Beth Kern explained the retention manual destruction policy and resolutions that will be presented if such records will be destroyed after their retention time frame. Tiffany Mays asked for discussion to destroy the cassette recorded meeting minutes after the approval of the meeting minutes at the following month's council meeting. Judy Hilliard expressed concern for the destruction of historical data records. Beth Kern explained that it is for only certain records with policies for destruction of the records per the manual and the schedule. Beth Kern advised that if a policy be put in place for destruction of files, to also include Borough emails.
 - A motion was made by Adam Bowman to authorize CGA Law to assist in the drafting of a record retention policy, and resolutions to adopt at the February 2024 council meeting. It was seconded by Bradford Price and the motion carried.
- Property Facility Policy Use Form – Provided to all council members for their signature. This is completed annually.
- A motion to adopt Resolution 2024-01 appointing Ken Bart as a member of the zoning hearing board.
 - A motion was made by Larry Weirich to appoint Ken Bart as a member of the zoning hearing board, and it was seconded by Ryan Neely and the motion carried.
- Resignation of Mayor Patricia Witt – Beth Kern received an email of resignation from Mayor Witt on January 02, 2024. Beth Kern reviewed procedure for when a mayor resigns their position. Beth Kern also informed that during the vacancy of the Mayor, the President of council will be responsible for the mayor duties until such time a mayor is appointed, or if the President is unavailable the Vice President will then fulfill the mayoral duties.
 - A motion was made by Adam Bowman to accept the resignation of Mayor Patricia Witt. It was seconded by Ryan Neely and the motion carried.

The council entered executive session at 9:32 P.M. and exited at 9:41 P.M.

***There being no further business a motion for adjournment at 09:45 P.M. was made by Adam Bowman
2nd Larry Weirich***