

Approved minutes – Regular Meeting 3/14/2023

Approved minutes – Special Meeting _____

Approved minutes – Special/Workshop Meeting _____

The regular monthly meeting of the Meyersdale Borough Council was called to order by President Folk, March 14, 2023 at 7:00 P.M.

Mr. Ackerman, Mr. Baer, Mr. Baker, Mr. Boyce, Mr. Folk, Mrs. Gnagey, Mr. Parisi, Solicitor Valentine and Mayor Smith were present. Brion Reiber, Street Foreman was also present. Matt Wright, Police Chief was absent.

MINUTES:

Mr. Ackerman made the motion to approve the minutes of the February 14, 2023 Regular Meeting and the February 22, 2023 Special/Workshop Meeting as presented. Mr. Baker seconded. Motion passed.

FINANCIAL REPORT/ BILLS:

Mr. Boyce made the motion to accept the financial report and pay the bills as presented. Mrs. Gnagey seconded. Motion passed.

RESIGNATIONS:

Mr. Ackerman made the motion to add the topic of resignations to the Agenda. Mr. Baer seconded. Motion passed.

President Folk read a letter of resignation from Brett Boyce as a council member and a letter of resignation from Mrs. Debra Boyce as a member of the Parks & Recreation Board, both being effective March 31, 2023.

Mr. Ackerman made the motion to accept the resignations effective March 31, 2023. Mr. Baker seconded. Motion passed.

Mr. Ackerman made the motion to nominate Dr. Jeffrey Irwin to fill the vacancy on Council effective April 1, 2023. Mr. Baer seconded.

Mrs. Virginia Knieriem asked why her letter of interest was not addressed. Solicitor Valentine indicated that she has all of the qualifications, however the nomination for Mr. Irwin must be completed before another nomination can be made.

Roll Call Vote: Mr. Ackerman – Yes; Mr. Baer – Yes; Mr. Baker – Abstained (See attached Conflict of Interest Abstention Memorandum); Mr. Boyce – Abstained (See attached Conflict of Interest Abstention Memorandum); Mr. Folk – Yes; Mrs. Gnagey – paused for several seconds, a definitive vote was not detected, therefore the President of Council directed the roll call to continue; Mr. Parisi – Yes. Motion passed. Mr. Irwin will serve until December 31, 2023. It was explained that the two year unexpired term vacated by Mr. Boyce will be added to the ballot for the May 2023 election. Mr. Folk noted that Mr. Parisi is in the process of constructing a new home in Summit Township and if he moves out of the Borough in 2023, his position on Borough Council will be available. There will be a total of five open seats on Council for the upcoming May 2023 election.

GUESTS:

A.) Mrs. Kyla Pritts, Beer Ream & Company LLC presented the 2022 audit report. Mr. Ackerman made the motion to accept the 2022 audit report as presented. Mr. Baer seconded. Motion passed.

- B.) Ms. Donna Smith was listed as a guest on the Agenda to speak about planting a tree in honor of her son, however she was not present.
- C.) Mrs. Connie Anderson was present to report that she wants to be a vendor at the annual PA Maple Festival, but was denied space to sell maple syrup by the PA Maple Festival. She asked if she would be able to set up on private property.
After some discussion, Mrs. Gnagey made the motion to allow the Anderson family to sell maple syrup on Main Street with no permit fee, but that they will need to file an application and supply liability insurance. Mr. Boyce seconded. Motion passed.

PUBLIC COMMENT:

Mr. Louie Martin was present regarding a neighboring property owner wanting to utilize an unopened alley. According to Mr. Martin the neighbor wants to open and build up the alley, which will have an adverse effect with drainage for Mr. Martin. The neighbor is also claiming that the survey pins are incorrect. Solicitor Valentine reported that the proper process must be followed to open a street and that the area in question is in the Army Corps of Engineer wetlands and floodplain. PA Municipal Code Alliance will need to be involved. After some discussion, Mr. Martin was advised to contact the police if there is an issue going forward.

Mr. Tony Mostoller was present to report that he had submitted a letter to the Secretary for the lease renewal between the Borough and the Apostolic Academy. This item will be added to the April meeting Agenda. Mr. Mostoller also reported that during the Maple Festival the church will be selling food and asked if they needed a permit. Solicitor Valentine indicated that they did not.

Mrs. Pat Murray was present to suggest that anyone wanting to plant a tree in memory of a loved one could contact the Cemetary Association. The cemetary has been loosing many of the older trees and the board would welcome the planting of replacement trees.

Mr. Jeff Irwin thanked Council for supporting his appointment. He is anxious to work with the Mayor, Council and Borough employees.

PRESIDENT'S REPORT:

No report was given.

MAYOR'S REPORT:

Mayor Smith reported \$440.12 in fines. Mayor Smith reported that the 2023 Dodge Durango was picked up and will be taken to Latrobe for the upfit installation. It was also reported that there have been eight drug busts.

EMERGENCY MANAGEMENT COORDINATOR:

Mr. Kevin Broadwater was present to report that the Automated External Defibrillator (AED) unit that the Borough helped with purchasing for the Fire Department has been used extensively.

ENGINEERS REPORT:

No report was given.

PURCHASE AUTOMATED EXTERNAL DEFIBRILLATOR UNIT FOR COMMUNITY CENTER:

Mr. Parisi made the motion to add the topic of purchasing an AED unit to the Agenda. Mr. Ackerman seconded. Motion passed.

Mrs. Gnagey made the motion to purchase an AED unit for installation in the community center at a cost not to exceed \$4,000.00 from the General Fund. Mr. Boyce seconded. Motion passed. The unit is to be compatible with the units used by the Ambulance and Fire Department and Mr. Kevin Broadwater will coordinate purchasing the correct unit.

SOLICITOR'S REPORT:

Solicitor Valentine reported on the following:

- Meyersdale Healthcare & Rehabilitation easement
Mr. Parisi made the motion to accept and approve the easement at 201 Hospital Drive as prepared and reviewed by Solicitor Valentine. Mr. Baer seconded.
- Solicitor Valentine had met with PMCA for guidance regarding several properties. Some of the properties would require involvement from the School Board and the Somerset County Commissioners regarding forgiveness of delinquent taxes. Council decided to invite County officials, School Board members and Mr. Steve Spochart from the Redevelopment Authority to attend the April 26, 2023 Special/Workshop meeting to discuss the same.

CODE ENFORCEMENT:

No report was given.

COMMITTEE REPORTS:

Municipal Authority

No report was given.

Street Foreman

Mr. Brion Reiber, Street Foreman reported that the furnace in the community center is now working properly. Darr Construction made some major adjustments to the furnace.

Meyersdale Area Merchants Association

No report was given.

Public Library

No report was given.

Parks & Recreation

Mrs. Gnagey reported that the Easter Egg Hunt is scheduled for April 1, 2023. The Fireworks will be held on July 2, 2023. The wrestling committee will be selling food from the pavilion concession area. It was reported that 46 kids attended the Valentine Day dance.

Meyersdale Renaissance

Mrs. Gnagey reported that they are still looking for a home for the TV system. Application has been made to assist businesses to purchase security cameras.

COUNCIL MEMBERS – STANDING COMMITTEES

POLICE/PUBLIC SAFETY

President Folk reported that a complaint of non registered, non licensed vehicles that had been parked on Main Street alongside of the former GC Murphy building has been addressed and these vehicles are no longer a problem.

PERSONNEL

No report was given.

FINANCE

No report was given.

REFUSE

No report was given.

STREETS/BUILDINGS

- Street sweeping equipment
No update was given.
- Mayor Smith reported that Columbia Gas will meet to discuss the possibility of repaving some of the streets that were torn up last summer due to a gas line replacement. Some of the streets may be resurfaced curb to curb and others may only be patched at the expense of Columbia Gas.

FLOOD CONTROL

It was reported that Mr. Gregory Garlitz has been contacted regarding the rip rap replacement project. Mr. Garlitz has plans to get this work completed.

FARMERS MARKET

It was reported that Mrs. Mandy Teets will be present at the April 11, 2023 meeting of Council to discuss plans for the Farmers Market. Because Somerset has closed their Farmers Market, it was suggested that those vendors be contacted to come to Meyersdale.

UNFINISHED BUSINESS:

- A.) Patrolman police agreement/handbook
Mayor Smith reported that the document has not been signed.

NEW BUSINESS:

- A.) Announcements
There were no announcements.
- B.) COLA Ronnie Ackerman – Police Pension Retiree
Mrs. Gnagey made the motion to grant a Cost of Living Increase to Mr. Ronnie Ackerman – Police Pension Retiree retroactive to January 1, 2023 as prepared by Feaster Pension Consulting. Mr. Baer seconded. Motion passed with Mr. Ackerman abstaining. (See attached Conflict of Interest Abstention Memorandum). The Secretary was asked to notify Somerset Trust Company; Feaster Pension Consulting and Mr. Ackerman of their decision.

- C.) Level Acres Landscape & Nursery Center – Main Street Park Maintenance quote
Mr. Parisi made the motion to accept a quote from Level Acres Landscape & Nursery Center to complete a Spring clean-up of the Main Street uptown park to include weed & feed, mulch and labor at a cost of \$929.00. Mr. Boyce seconded. Motion passed.

Mrs. Gnagey reported that Level Acres Landscape & Nursery Center has plans on getting the repairs completed to the Welcome to Meyersdale sign before the Pa Maple Festival begins.

- D.) Council Member to represent the Borough – Sesquicentennial Celebration
Mrs. Gnagey suggested that Mr. Folk represent the Borough on the Planning Committee. Mr. Folk declined. This item was to be added to the April 11, 2023 Agenda.

- E.) Temporary Use Permit – Approval for Maple Festival
Mr. Parisi made the motion to approve the Temporary Use Permit for the PA Maple Festival. Mr. Ackerman seconded. Motion passed. All vendors are to be included on the permit for a fee of \$50.00.

- F.) Little League Field
Mrs. Gnagey reported that the Meyersdale Municipal Authority owns the original Little League Field and are contemplating donating the land to the Meyersdale Youth Baseball Association. During research of the area, it has been found that a small portion of the land actually belong to the Borough. Solicitor Valentine reported that the process to transfer this area is similar to the process used to vacate a street. After some discussion, it was decided that Solicitor Valentine was to check the legalities and complete a deed search of the property. This item was to be included on the Agenda for the April 11, 2023 meeting.

- G.) Clean-up day
Mrs. Gnagey reported that the Student Council will be doing a clean-up project on April 3, 2023.

GOALS FOR 2023

Ordinance Review
No report given.

Zoning Review
No report given.

New Building
No report given.

Emergency Access Road Meyers Ave.
Mr. Parisi reported that a meeting with officials has been scheduled for March 24, 2023 at 10 AM. The meeting will begin at the Community Center, with an onsite visit to follow.

Complete demolition of 618 Grant St.

Mr. Parisi reported that a decision on the Boroughs application for grant funds is anticipated to be made by the Somerset County Commissioners by the April 11, 2023 meeting.

Control Spending
No report given.

Flood Control rip rap
It was reported that Garlitz Excavating is willing to honor their contract and complete the work.

Fundraising for Parks & Recreation
Mrs. Gnagey reported that the Parks & Recreation will be out of funds for the fall projects and suggested that Mr. Ackerman's name be put behind that Agenda item because at last months meeting he and Mr. Boyce had talked about doing that. Mr. Ackerman indicated that he and Mr. Boyce could discuss this before Mr. Boyce goes off Council March 31, 2023. Mr. Boyce suggested not tearing down any more buildings, there would be at least \$20,000.00 to do things. Mrs. Gnagey indicated that over \$500,000.00 was spent over the last two years in tear downs.

ADDITIONAL ITEMS FOR DISCUSSION:

Mrs. Gnagey made the motion to add the topic Summary of Procedures to the Agenda for discussion. No second was made. This item will be placed on the Agenda for the April 11, 2023 meeting.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

Mr. Ackerman made the motion to adjourn the meeting at 8:41 PM. Mr. Parisi seconded. Motion passed.

Patricia C. Ackerman

Patricia C. Ackerman
Borough Secretary

GUEST SIGN IN

PLEASE PRINT

	NAME	ADDRESS	TOPIC
1	Tom Dietz	334 Olinger Meyersdale	Get updates
2	Eugene + Ruth Mishler	M. DALE	
3	Alicia Winebrenner	230 Center St. Meyersdale	
4	Jeffrey Christ	241 North St. Meyersdale	
5	Sandra Miller	212 Salisbury St.	
6	Hunny Kneezem	106 Sherman	
7	KRISTIN MARTIN	200 2nd AVE	
8	LOUIS MARTIN	200 2nd AVE	
9	Cornie Anderson	243 11th Ave.	Permit.
10	Jeff Orr		
11	Tag me L		
12	Marc Ferris	106 Salisbury St	Baseball field
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GUESTS MUST STAND WHILE SPEAKING

GUEST SIGN IN ON EXCEL

RESOLUTION NO. 6-2023

VOID

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MEYERSDALE, SOMERSET COUNTY, PENNSYLVANIA, APPOINTING AN INDIVIDUAL TO FILL A VACANCY IN THE OFFICE OF MEMBER OF COUNCIL

WHEREAS, a vacancy in the Office of Elected Member of Council of the Borough of Meyersdale, Somerset County, Pennsylvania;

WHEREAS, Section 901 of the Borough Code charges the Borough Council with filling such vacancy; and

WHEREAS, the Borough Council of the Borough of Meyersdale, Somerset County, Pennsylvania has chosen an individual to fill the vacancy; and

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Meyersdale, Somerset County, Pennsylvania, that Council hereby accept the resignation creating the vacancy on Council and that Mr. Jeffrey W. Irwin, a registered elector of the Borough, be appointed to fill the vacancy that exists in the Office of Elected Member of Council, effective April 1, 2023.

BE it further resolved, that the above-named individual shall take office immediately upon the individual taking the appropriate oath of office and assuming his/her seat.

Be it further resolved, that the term of the above individual shall continue as provided by applicable law.

Duly resolved, this 14th day of March, 2023, by the Borough Council of the Borough of Meyersdale, Somerset County, Pennsylvania.

BOROUGH OF MEYERSDALE

By *Benjamin J. All*
President of Council

ATTEST:

Patricia C. Cokerman
Borough Secretary

TO: Borough Secretary, Patricia C. Ackerman
Meyersdale Borough, Somerset County, Pennsylvania

FROM: Terry Baker, council member

DATE: 3/14/23

Pursuant to Pennsylvania's "Public Official and Employee Ethics Law" (65 PA CSA 1101 et seq), I hereby declare that I am required to abstain regarding the following issue/ motion:

appoint new council member

My conflict/reason for abstaining is as follows:

mmA employee

Terry Baker
Signature

NOTE: Section 1103 (J) requires the following procedure:

"Any public official or public employee, who in the discharge of his official duties, would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes for the meeting at which the vote is taken...."

(Please note that State Ethics Commission requires a public official to complete a form every time he has a conflict of interest).

**Conflict of Interest
Abstention Memorandum**

TO: Borough Secretary, Patricia C. Ackerman
Meyersdale Borough, Somerset County, Pennsylvania

FROM: Brett Boyce, council member

DATE: 3-14-23

Pursuant to Pennsylvania's "Public Official and Employee Ethics Law" (65 PA CSA 1101 et seq), I hereby declare that I am required to abstain regarding the following issue/ motion:

My conflict/reason for abstaining is as follows:

The vote was to fill my position that I will be resigning from on 3-31-23, I also do not think that could be voted on until I actually do resign.

Brett Boyce
Signature

NOTE: Section 1103 (J) requires the following procedure:

"Any public official or public employee, who in the discharge of his official duties, would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes for the meeting at which the vote is taken...."

(Please note that State Ethics Commission requires a public official to complete a form every time he has a conflict of interest).

Meyersdale rehab center

Marc T Valentine <attorneymarcvalentine@snydervalentinepc.com>

Thu 3/2/2023 10:09 AM

To: Patricia Ackerman <meyersdaleborough@hotmail.com>; Brooke Folk <brookefolk@gmail.com>; Brett Boyce <butch9101@yahoo.com>; Clarence Baer <clarence.baer@yahoo.com>; KAREN GNAGEY <ksgnagey@bellsouth.net>; Dan Parisi <parisidan@gmail.com>; Ron Ackerman <rcackerman21@gmail.com>; Shane Smith <smith353520@yahoo.com>; Terry Baker <baker206@verizon.net>

📎 1 attachments (767 KB)

001-Survey-012723 (1).pdf;

All,

I received a phone call and several communications from the attorneys that are handling the closing. I have attached a survey of the structure. The issue is there are several of the parking lots and parts of the structure that are probably closer to the actual roadway than what you would normally see. The structure was built before the zoning ordinance which means that there were no setbacks in place. The zoning ordinance does require the parking etc. As such I view this as a formality and acknowledgment of where the current parking lots and structure are located. We legally cannot make them move the structure or parking lot since it was built prior to the zoning ordinance and any other ordinance it would control. I have asked that this be placed on the agenda. They are requesting that the easement be granted and that a signed and notarized copy given to me so I can overnight it to them for closing. If you have any questions email back on this chain.

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Sincerely,

Marc T. Valentine, Esq.

Phone: 814-701-2835

Fax: 814-701-2590

Marc Thomas Valentine, Esquire

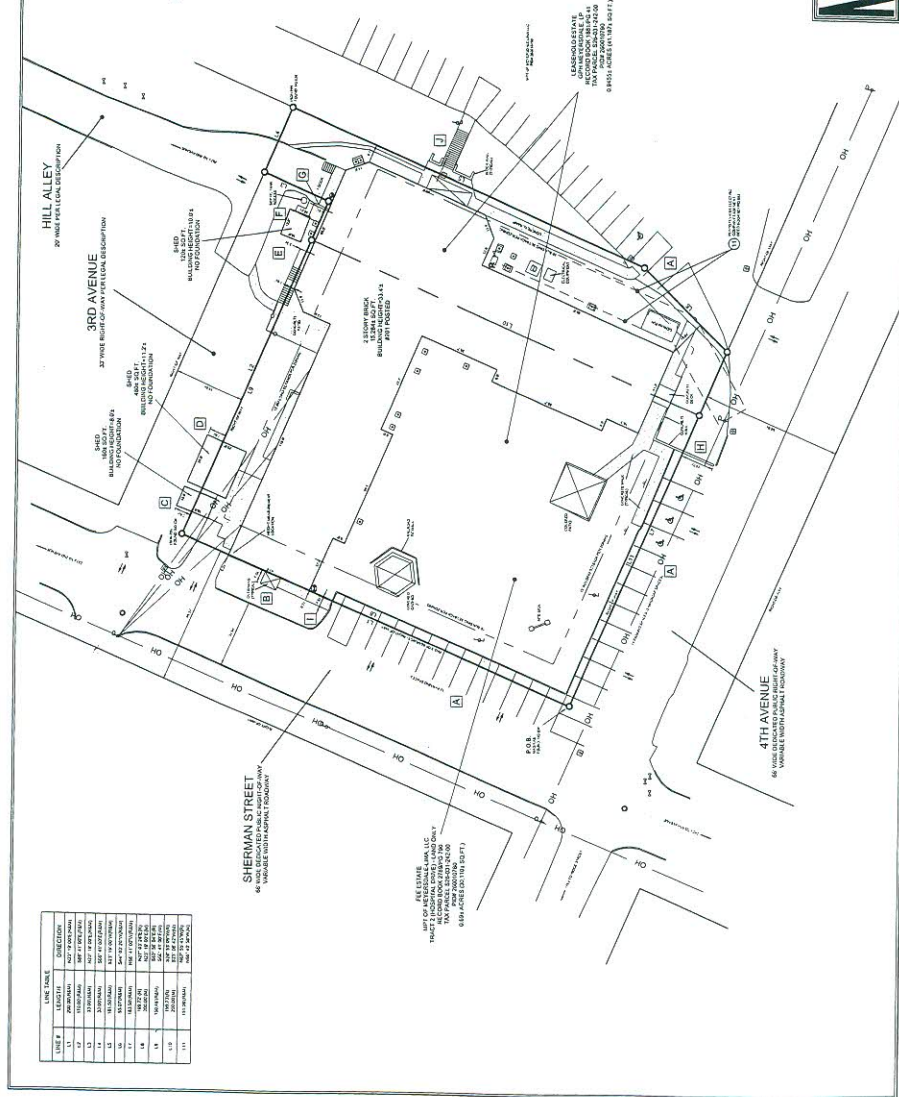
Snyder Valentine PC

PO Box 192

116 North Center Avenue

Somerset, Pa 15501

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SMILOW
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**Conflict of Interest
Abstention Memorandum**

TO: Borough Secretary, Patricia C. Ackerman
Meyersdale Borough, Somerset County, Pennsylvania

FROM: Ronnie C. Ackerman, council member


DATE: March 14, 2023

Pursuant to Pennsylvania's "Public Official and Employee Ethics Law" (65 PA CSA 1101 et seq), I hereby declare that I am required to abstain regarding the following issue/ motion:

Motion to grant a Cost of Living Increase to me as a Police Pension Retiree retroactive to January 1, 2023 as prepared by Feaster Pension Consulting.

My conflict/reason for abstaining is as follows:

The action directly affects me due to a financial gain in my pension benefits, therefore, ethically it is my opinion that I have an obligation to abstain.



Signature

NOTE: Section 1103 (J) requires the following procedure:

"Any public official or public employee, who in the discharge of his official duties, would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes for the meeting at which the vote is taken...."

(Please note that State Ethics Commission requires a public official to complete a form every time he has a conflict of interest).

ABSTENTION MEMORANDUM (Saved on shortcut to Patty)



*Level Acres Landscape
& Nursery Center*



Meyersdale Up-Town Park

Spring Clean-up	
Weed & feed including application	\$125.00
6 yds dyed brown mulch	\$294.00
Labor to edge, mulch, pre-emerge weed control	\$510.00
<hr/>	
Total	\$929.00