

Approved minutes – Regular Meeting 11/14/2023

Approved minutes – Special Meeting _____

Approved minutes – Special/Workshop Meeting _____

Regular Meeting
November 14, 2023
7:00 P.M.

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

Mr. Ackerman, Mr. Baer, Mr. Baker, Mr. Folk, Mrs. Gnagey, Mrs. Knieriem, and Mayor Smith were present. Solicitor Valentine was present via telephone. Note: There were only 6 Council Members due to the resignation of Mr. Parisi. Brion Reiber, Street Foreman was present. There was no representative from the Police Department. Council Members Elect Mr. Jeff Irwin, DDS and Mr. Thomas Smith were present and were invited to sit with Council and engage in the meeting.

MINUTES:

Mr. Ackerman made the motion to approve the minutes of the October 10, 2023 regular meeting with a correction to Page 3 under Light up Night Activities, *the ice cream stand will be open with free treats* was to be removed. Mr. Baer seconded.

FINANCIAL REPORT/ BILLS:

Mr. Baker made the motion to accept the financial report and pay the bills as presented. Mr. Ackerman seconded. Motion passed.

GUESTS:

A.) Mr. Tyson Donaldson was registered as a guest, but was not present.

B.) Mr. Dan Pletcher was present regarding a problem with parking on both sides of Center Street from the Successful Beginnings Daycare down to the monument. He reported that this becomes very dangerous and asked for Council to consider making changes. After some discussion, it was decided that one spot of parking lines would be blacked out, a yield sign would be installed and the situation would be monitored.

PUBLIC COMMENT:

Mr. Josh Sechler and Mrs. Katie Billy were present to give an updated report on the accounts currently at Somerset Trust. The bank is committed to Meyersdale and a list of donations the bank has given was presented. After some discussion, proposals for investments was to be listed on the December 2023 Agenda.

Mr. Tom Deetz was present to provide a report on the activities being planned for the upcoming 150th Anniversary celebration. The official kickoff date is set for February 19, 2024 when all the churches will join in ringing their bell. A wagon train will come through town in June. The Fire Department will assist with traffic control for this event. Dinners are also being planned as well as a time capsule. The next meeting is scheduled for January 8, 2024 and donations to offset the cost of the celebration are being accepted. It was noted that the Fire Department will be celebrating a significant anniversary as well in 2024.

PRESIDENT'S REPORT:

No report was given.

MAYOR'S REPORT:

Mayor Smith reported that a vandalism spree of painting on buildings has been reported. He asked the community for assistance with any and all information regarding the case, including camera footage. There was no report on fines for the month.

HIRING POLICE CHIEF

Mrs. Gnagey made the motion to offer Mr. Adam Horning the full time Chief of Police position at \$26.50 per hour with benefits, 40 hrs. per week effective January 8, 2024. Mrs. Knieriem seconded. Motion passed.

EMERGENCY MANAGEMENT COORDINATOR:

Mr. Kevin Broadwater reported that the Borough will be receiving an invitation to participate in a program related to hazard mitigation to lessen the effects of a disaster.

ENGINEERS REPORT:

A quote from Appalachian Engineering was presented to complete the survey for the subdivision of the land on which the Vietnam/Korean Memorial was erected outside of the Community Center. Mrs. Gnagey pointed out that at the September 2023 meeting the Committee was willing to pay for any costs associated with the survey and was concerned why the Borough would be part of this process. After some discussion, it was decided that the Vietnam/Korean Memorial Committee will pay for the survey and Appalachian Engineering will be notified to draft an agreement with the Committee for the work to be performed.

SOLICITOR'S REPORT:

Solicitor Valentine reported on the following:

- The Donaldson/Steinly issue is a private issue.
- A draft of the electric scooter ordinance will be provided to Council to review.
- A draft website policy was provided for Council review. Items to be considered for posting on the website are the zoning ordinance, noise ordinance, nuisance ordinance, and adoption of the UCC building code.
- Recommended the approval of a notice of offer to purchase property at private sale. Mrs. Gnagey made the motion to approve the bid offer of \$265.11 from Mr. Zachary Butler to purchase property at private sale, formerly owned by Earl A. & Anna Meyers at 4519 Mason Dixon Highway, Meyersdale, PA 15552 as outlined in a notice from the Somerset County Tax Claim Bureau. Mrs. Knieriem seconded. Motion passed.
- A Zoning Hearing requested by Michael Rhoten (Adventure Lodging) will be conducted on December 6, 2023 at 7 PM in the meeting room. The purpose of the hearing is for the Zoning Hearing Board to consider approval of mini homes or campers to be used as an air B&B at a property owned by Mr. Rhoten on Main Street.

CODE ENFORCEMENT:

The PA Municipal Code Alliance sent a Notice of Violation to a property owner at 326 Salisbury St., however, the property has been sold and transferred to a new owner since the time that the violation was issued. After some discussion, Mrs. Gnagey made the motion to authorize the PA Municipal Code Alliance to continue enforcement against the current owner of 326 Salisbury Street. Mrs. Knieriem seconded. Motion passed.

Mrs. Gnagey reported that the demolition project at the PA Maple Festival has been completed.

DONATION TO POLICE DEPARTMENT:

Lieutenant Timmy Pritts presented a check from the Somerset VFW #554 in the amount of \$1,200.00 as a donation to the police department.

COMMITTEE REPORTS:

Municipal Authority

No report was given.

Street Foreman

Mr. Brion Reiber reported on the following:

- School students participated in the annual cleanup day October 23, 2023.
- The police vehicles are ready for winter.
- The temporary Meyers Ave. access road has been completed with road millings.
- The skid loader will need to be fixed.

Mrs. Gnagey asked if the decorative deer were assembled. Mr. Reiber reported that they were not assembled. After some discussion, Mrs. Patti Shaulis volunteered to reach out to Mr. Horn at the school and have the students complete the assembly.

Mrs. Gnagey asked if the barricades will be replaced. Mr. Reiber reported that he did not receive approval from Council on purchasing supplies, how many are to be built and the time frame in which to have them completed. Mrs. Gnagey asked that Mr. Reiber check the power source for the park before Holiday decorating begins at the Main Street Park.

Meyersdale Area Merchants Association

Mrs. Denise Gehringer reported that Small Business Saturday will be held on December 2, 2023. A ticket drive is planned with large cash payouts as prizes.

Public Library

No report was given.

Parks & Recreation

Mrs. Gnagey reported that the group is gearing up for Light Up Night and provided a summary of activities for the event.

Resignation of Parks & Recreation Board Member

Mr. Ackerman made the motion to accept the resignation of Mrs. Tina Boyce from the Parks & Recreation Board effective October 13, 2023. Mr. Baer seconded. Motion passed. Mrs. Gnagey indicated that a replacement was not needed.

Meyersdale Renaissance

Mrs. Wendy Kelly reported that there are \$250 grants available from the Meyersdale Renaissance to businesses for security.

The group is working on a pitch statement that is necessary to get a Main Street Program started.

COUNCIL MEMBERS – STANDING COMMITTEES

POLICE/PUBLIC SAFETY

No report was given.

PERSONNEL

Solicitor Valentine reported that Mr. Roland Graham, representative for the RWDSU Non Uniform Union will be meeting with Council in Executive Session.

FINANCE

No report was given.

REFUSE

Refuse Hauler Increase

A letter from David J. Flower, Esq. was received regarding a request from Harbaugh Trucking for an increase in the monthly contracted hauling fee due to an increase in landfill fees pursuant to Contract and Extension thereof between Meyersdale Borough and Harbaugh Trucking, Inc.

Mrs. Gnagey made the motion to approve the request from Harbaugh Trucking for an increase in trash hauling fees. Mrs. Knieriem seconded. Motion passed.

The monthly rate will increase from \$14,623.55 to \$16,214.31 per month effective November 1, 2023.

It was decided that the Borough would absorb the increase of \$1,590.76 per month from the current refuse account surplus without increasing the monthly rate charged to the customers.

STREETS/BUILDINGS

No report was given.

FLOOD CONTROL

No report was given.

FARMERS MARKET

No report was given.

UNFINISHED BUSINESS:

A.) Patrolman police agreement/handbook

The document has not been signed.

B.) E-Bike charging station grant update

Mrs. Denise Gehringer was unsure of the status of the E-Bike charging station, but thought that the completion may be on hold for ITI to finish the custom build.

C.) Ambulance meeting

Mrs. Gnagey reported on the Public Hearing held with regard to Ambulance service to the area. Federal, State and Local Officials were in attendance.

Some points discussed:

- The Ambulance Association may be hiring two more staff members.
- State governed rules for reimbursement are changing, which will allow the Association to charge per mile from the beginning to the end of the trip.
- Senate Bill 501, if passed will give the ability to set up an Authority.
- Discussion regarding each person in the service area donating \$10.00 would assist with

the finances for the Association.

- Discussions will be held for a month or two, then revisited.

Mr. Kevin Broadwater reported that the Ambulance Association is working on applying for a 501c3 status and are looking to the future as to how to sustain the Ambulance Association.

Mrs. Knieriem suggested that the ambulance topic remain on the Agenda for future discussion.

NEW BUSINESS:

A.) Announcements

There were no announcements.

B.) Adopt 2024 Budget

Mr. Baer made the motion to adopt the 2024 budget as presented with revisions to the refuse fund budget necessary to accommodate the increase to Harbaugh Trucking. Mr. Baker seconded. Motion passed.

C.) Finalize 2024 Budget

1. Adopt Real Estate Tax Ordinance #442

Mr. Ackerman made the motion to adopt the Real Estate Tax Ordinance #442 for 2024. Mr. Baer seconded. Motion passed.

2. Adopt Resolution 10-2023 Act 511 Taxes

Mr. Baker made the motion to adopt Resolution 10-2023 to enact the Act 511 Taxes as follows:

EIT – ½ of 1%

Mechanical Devices - \$25 per machine

Occupation (Assessment Occupancy Tax)

Per Capita - \$5.00

Local Services Tax - \$52.00

Realty Transfer Tax – ½ of 1%

Mr. Ackerman seconded. Motion passed.

D.) Adopt Resolution 11-2023 Police Pension Contributions

Mr. Ackerman made the motion to adopt Resolution 11-2023 eliminating contributions to the Police Pension Plan for 2024. Mr. Baker seconded. Motion passed.

E.) Adopt Ordinance #443 – Vacating and abandoning a portion of the Right of Way on 7th Ave. West

Adopt Ordinance #444 – Vacating and abandoning a portion of the Right of Way on Alaska St.

Public discussion was held on these ordinances. Mr. & Mrs. Wayne Mathias, represented by their

Legal Counsel, Mr. Michael Kuhn opposed the passage. Mr. Kuhn pointed out that if the Ordinances are passed, adjacent owners would be entitled to own to the middle of the road.

Mrs. Patti Shaulis, an adjacent property owner was present, but did not comment.

After some discussion, Mr. Baer made the motion to table the adoption of the ordinances and instruct Solicitor Valentine to reach out to Mr. Kuhn to discuss the same. Mr. Ackerman seconded. Motion passed.

F.) LSA (Local Share Account) Grant documents

1. Mrs. Gnagey made the motion to adopt Resolution 12-2023 to designate President Folk as the official to execute all documents and agreements between the Borough of Meyersdale and the Commonwealth Finance Authority to facilitate and assist in obtaining grant funding. Mr. Baer seconded. Motion passed.

2. Mrs. Gnagey made the motion to authorize President Folk to sign the W-9 form as a requirement of the LSA grant application. Mrs. Knieriem seconded. Motion passed.

G.) Beautification Expense

Mrs. Gnagey requested that Mr. Dave Beckner be paid for lumber to build a stable for the live nativity set from the Harry Leckemby Trust Account. The Secretary reported that Mr. Beckner had already been paid with Frank Lucent funds per an e-mail request dated October 18, 2023 from Mrs. Gnagey.

H.) Additional funds for Light up Night

Mrs. Knieriem made the motion to authorize \$250.00 from the general fund for expenses associated with the Light up Night if needed. Mr. Baer seconded. Motion passed.

I.) Letter of Support for Municipal Authority

Mrs. Knieriem made the motion to send a letter of support for the Meyersdale Municipal Authority Sewer System Improvement grant application through the Local Share Account. Mr. Baer seconded. Motion passed with Mrs. Gnagey and Mr. Baker abstaining. (See attached Conflict of Interest Abstention Memorandums).

GOALS FOR 2023

Ordinance Review

No report given.

Zoning Review

No report given.

New Building

No report given.

Emergency Access Road Meyers Ave.

No additional report given.

Control Spending

No report given.

Flood Control rip rap

No report given.

ADDITIONAL ITEMS FOR DISCUSSION:

There were no additional items to be discussed.

EXECUTIVE SESSION:

Mr. Baer made the motion to enter into executive session at 8:55 PM. Mr. Ackerman seconded. Motion passed.

The purpose of the executive session was to meet with Mr. Roland Graham, the RWDSU Non Uniform Union Representative. Union Members were asked to be present during the executive session.


Mr. Ackerman made the motion to return to regular session at 9:49 PM. Mr. Baer seconded. Motion passed.

DISCUSSION/MOTIONS:

There were no discussion or motions made as a result of the executive session.

ADJOURNMENT:

Mr. Ackerman made the motion to adjourn the meeting at 9:50 PM. Mr. Baer seconded. Motion passed.



Patricia C. Ackerman
Borough Secretary

MEYERSDALE BOROUGH COUNCIL

Regular Meeting 11/14/23 Special Meeting _____

GUEST SIGN IN

PLEASE PRINT

NAME	ADDRESS	TOPIC
1 Janice Mathias	72 7th Ave MEYERSDALE	
2 Michael P. Kuhn Esq	Somerset	Veste Roadway
3 Tom Dertz	334 Olinga St Mey.	Update 150 th Anniversary
4 Jeff Christner	209 North St	
5 Tatti Shaulis	95 Sixth Ave	
6 Kater Billy	413 High St	
7 Ruth + Eugene Misher		
8 Avery Peters		
9 Shirley Nuber	Salisbury St	
10 Brenda Heer	Salisbury St.	
11 Lynn Hutchinson	Bearney St	
12 T Smith	Center St.	
13 D. Petcher	North Street	
14 Denise Gehring	100 Meyers Ave	
15 Wendy Kelly		
16		
17		
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19		
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24		

GUESTS MUST STAND WHILE SPEAKING

RESOLUTION NO. 10-2023

RESOLUTION

of the Meyersdale Borough Council establishing the Act 511 taxes for the Borough of Meyersdale for 2024.

BE IT RESOLVED by the Council of the Borough of Meyersdale as follows:

1. The Earned Income Tax for all earned income and net profits is 1/2 of (1%) percent for individual residents and non-residents of the Borough.
2. The Per Capita Tax is FIVE (\$5.00) DOLLARS per person for all residents living in the Borough of Meyersdale.
3. The Real Estate Transfer Tax is one-half of one percent of the consideration in real estate transfers.
4. The Occupation Taxes shall be up to 100 mills.
5. The Local Service Tax is FIFTY-TWO (\$52.00) DOLLARS per person for all those employed in the Borough of Meyersdale.

RESOLVED and ENACTED this 14th day of November 2023.

MEYERSDALE BOROUGH COUNCIL

BY: 
President

ATTEST


Borough Secretary


Mayor

RESOLUTION NO. 11-2023

A RESOLUTION OF THE BOROUGH OF MEYERSDALE, COUNTY OF SOMERSET, COMMONWEALTH OF PENNSYLVANIA, ELIMINATING MEMBER CONTRIBUTIONS INTO THE POLICE PENSION FUND FOR THE YEAR 2024.

WHEREAS, Act 600 provides that contributions into the Meyersdale Borough Police Pension Plan by members may be reduced or eliminated;

WHEREAS, a Resolution is required to reduce or eliminate payments on an annual basis;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Meyersdale, County of Somerset, and it is hereby resolved by and with authority of the same that member contributions to the Meyersdale Borough Police Pension Plan are eliminated for the year 2024.

ATTEST:



BOROUGH OF MEYERSDALE



EXAMINED AND APPROVED this 14th day of November 2023.

RESOLUTION 12-2023

Be it RESOLVED, that the Borough of Meyersdale, Somerset County hereby request a Statewide Local Share Assessment grant of \$90,640.00 from the Commonwealth Financing Authority to be used for security improvements

Be it FURTHER RESOLVED, that the Applicant (the Borough of Meyersdale) does hereby designate Brooke Folk, President of Council as the official (s) to execute all documents and agreements between the Borough of Meyersdale and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

RESOLVED and ENACTED this 14th day of November 2023.

ATTEST:

BOROUGH OF MEYERSDALE


Borough Secretary


President of Council

I, Patricia C. Ackerman, duly qualified Secretary of the Borough of Meyersdale, Somerset County, PA, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by a majority vote of the Meyersdale Borough Council at a regular meeting held November 14, 2023 and said Resolution has been recorded in the Minutes of the Meyersdale Borough and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Meyersdale, this 14th day of November 2023.

Borough of Meyersdale
Somerset County


Borough Secretary

**Conflict of Interest
Abstention Memorandum**

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

FROM: Karen Gnasey, council member

DATE: 11/14/23

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:

on MMA Board

My conflict/reason for abstaining is as follows:

on board

K. Gnasey
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: Terry Baker, council member

DATE: 11/14/23

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:

Grant for Municipal Authority

My conflict/reason for abstaining is as follows:

I am employed by m.m.#

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...."

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