

## **Mt. Holly Springs Borough Council Meeting Minutes-August 14, 2023**

**Call to Order** – Mr. Collins called the August 14, 2023, meeting of the Borough Council to order at 7:00 p.m.

**Attendance**– The following members of the Borough Council were present; James Collins II, Gay Bowman, Lois Stoner, Debra Halpin-Brophy, Cindy Goshorn. Also present, Mayor Dr. Brian Robertson and Borough Manager, Thomas Day. Sherry Boyles and Cathy Neff were absent.

**Pledge of Allegiance** – Jim Collins II led the Pledge of Allegiance

**Approval of Minutes** - The minutes of the Borough Committee on July 27, 2023 were approved as presented. The motion was made by Mrs. Brophy and seconded by Mrs. Stoner. The motion passed unanimously

**Approval of July 2023 Bill List and Payment** - Approval and payment of the bills for July as presented. Motion was made Mrs. Brophy and seconded by Mrs. Stoner. The motion passed unanimously.

**Public Comment** – We are going to open for a public hearing for the Adoption of the Floodplain Ordinance #2023-01, there was no one present so we will continue later on.

**Mayor's Report** – Mayor Robertson informed council that we had 31 citations for the month, including a DUI charge and a criminal mischief charge. We had 14 parking tickets for the month. We have received a letter of resignation from Officer Holcomb stating that he will be leaving at the end of September. He will be going into nursing school. Also, the second edition of the Holly Book is being edited right now. I think there is about 500 copies. Mrs. Brophy made a motion to accept the resignation of Officer Holcomb and it was seconded by Mrs. Stoner. All are in favor.

**Borough Manager's Report** – Chief Day informed council that Mike Gwozdecki contacted him today and informed him that he spoke with the manager of the Authority for South Middleton. Mr. Gwozdecki said that they were going to have a meeting tonight to discuss the payment to Mount Holly and they have not paid us for the reconciliation of 2021 which is like \$5,000, nothing for 2022 which is \$167,000 and they have not paid us anything for 2023 that would be about \$88,000. The sequence of events so that council is on board with this, GHD did all the reconciliation for Mt. Holly and South Middleton. GHD's last day was April 1, 2023 that was all the last day for the reconciliation per the agreement with South Middleton. Instead of having the engineers do the reconciliation, I hired Hamilton &

Musser. So, by the time South Middleton had received the draft reconciliation it was January 2023. South Middleton should have continued making those quarterly payments based off the average of 2021, but they didn't, they stopped paying us all together. Jossie had the draft portion, not only did it include 2021's reconciliation but it included 2022. The meeting with Mike Gwozdecki, is that South Middleton is questioning why they should have to pay for the subcontractors that are operating our plant now. In May, I had originally sent Jossie the bill. I was informed that Hamilton & Musser never sent the final reconciliation to South Middleton that was my responsibility because we contracted them, so that was supposed to come from me. In June, Chief Day hand delivered a copy of the bill with the finalized reconciliation for 2021, 2022 and part of 2023. In the agreement it stipulated that If they fail to pay within thirty (30) days, we can add five (5) percent interest to that or six (6) percent yearly whichever is greater of the two. I have heard nothing back from them. Thirty (32) days later I added the \$10,700 interest to what they owe and included the second payment owed without the interest. Again, it was hand delivered and documented to who it was given to. Now, according to Jossie, she never saw that letter. It was given to Jim Weary's daughter who works for South Middleton both times. I think they are in breach of contract. Solicitor Allshouse said it is definitely a breach of contract. What happens is we cannot stop the sewer without a court order. You can do a breach of contract to a declaratory judgement action and you can have a judge hear the whole thing and any monies or penalties that you are owed will get taken care of first and then will decide if the terms of what they did, voids the contract and they have an obligation to come back and ask you for services. During the Authority meeting last week, Mike Gwozdecki said he was going to reach out to Jossie. Apparently, she has standing orders to not contact Chief Day but to have Brian Giambosie to contact me. Chairman Collins said we should wait a little to file a petition for the damages, and that the contract is void and needs rewritten. Chairman Collins has asked Solicitor Allshouse if he could give us a recommendation for an attorney to handle this case. Mr. Allshouse stated that with the amount of money that is involved here, we should probably go with someone in the Harrisburg area. Mr. Allshouse will reach out and let us know. Chief Day stated that we are done with the fly shop water break. We just have to go back and pave his parking lot. Chief Day stated that we have a lot of patch work to do around the Borough. I have gotten a price of equipment from RKL they came in at about \$7,700 per day for the labor to operate the milling machine, the paver, and the roller. Jerry Schlusser's came in at about \$6,600 per day. So, I am having a hard time to get a third bid. We have to have three bids if we are going to use liquid fuels. We are probably looking at approximately a week's worth of equipment. Ms. Bowman made a motion for Chief Day to move forward with the bids and to use RKL for the paving and patching and the motion was seconded by Mrs. Stoner. We still haven't heard anything about the grant for the water off the Shetter property. We will probably be doing most of the digging and get more done for that kind of money. We will have to subcontract the hookup of the mains. Chief Day mentioned

the fire hydrant, I had Josh order a fire hydrant all the way back to the main. We discovered this from the leak at the fly shop. Apparently, it was not checked out enough and it has probably been leaking for a couple of years. I spoke with Greg at Pennoni about the pipe in the creek to protect it and he is going to reach out to DEP to see what we can do. Chief Day mentioned the Reese Brothers, and the State Police are going to proceed with criminal charges. The reason the hold up and why they didn't, they couldn't figure out how Reese Brothers were benefiting from stealing water from the Borough. They will be proceeding with the charges. Chief Day stated that financially the Borough is doing good. Chief Day mentioned that Cindy Goshorn was the first to get to use the new pavilion. We got three prices for the electrical and it came in at \$7,000 to \$11,000. The biggest cost is to run the aluminum wiring. The gentleman that runs the suicide prevention down here next to the fly shop has asked to rent the entire park on September 30, 2023. We need to come up with a cost that will include having the sewer pumped for the bathrooms. We are not allowed to close the park to the public because we receive state and federal funding, but we can say that all the pavilions are rented. We will have Park and Rec determine the price to rent the pavilions at their meeting tomorrow night.

**Planning & Zoning Report** – Nothing to report.

**Committee Reports** – Mrs. Brophy made a motion to adopt Ordinance #2023-01 for the Flood plain and it was seconded by Mrs. Stoner. All members were in favor and the Ordinance was signed.

**Any Other Business to Come Before Council:** There was no other business to be Brought to council.

**Adjourn** – Ms. Bowman made a motion to adjourn that was seconded by Mrs. Goshorn. The motion passed unanimously. The meeting was adjourned at 7:47 p.m.

Respectfully Submitted,

Nanette Dusharm  
Borough Secretary/Treasurer