

Minutes – May 8, 2019

McSherrystown, Pennsylvania

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, May 8, 2019 in the Municipal Building, 338 Main Street, McSherrystown, Pennsylvania with Patricia McKim-Bortner presiding.

President McKim-Bortner led the Pledge of Allegiance to the Flag of the United States of America and the Invocation for Divine Guidance.

Present on roll call were the following members of council constituting a quorum: Patricia D. McKim-Bortner, Joseph E. VonSas, Michael J. Calderone, James A. Forbes, Lisa B. Koontz, Robert D. Niedererr. Councilmember Stephen J. Pascoe arrives late. Other Borough Officials in attendance included Robert Campbell, Esq. Solicitor; Scott J. Cook, Manager; Luanne M. Boring, Secretary/Treasurer. Mayor Anthony J. Weaver and Michael F. Woods, Chief of Police were absent.

Minutes of the regular meeting held April 10, 2019 and special meeting held April 23, 2019 were approved on a motion moved by Councilmember Calderone, seconded by Councilmember VonSas. Motion carries.

The Financial Review and Budget Analysis reports were presented by the treasurer. She acknowledged that receipts include a PMHIC refund surplus for 2018 plan year. The amount of \$52,272.21 represents 75% surplus for health insurance co-op. By year end a balance of \$17,390 is anticipated for the remaining 25%. This is the highest amount that we have received since joining the co-op in 2008. There were no questions of those reports.

Councilmember Stephen Pascoe arrives at 7:05 p.m.

COMMUNICATIONS

4/25/19 PA DOT – Eisenhower Drive Extension Project invitation to officials – 5/9 meeting for public officials will be from 11 till noon at SAVES. The public plans display will be open from 2 till 7 p.m.

5/6/19 ACBA meeting is to be held Monday, May 20th with guest speaker Bob Stanley, Mayor of Fairfield. Manager Cook will be attending with Councilmembers VonSas and Calderone.

5/6/19 DCHS Music Association, via Troy Martz, Carnival Co-Chairman, submitted their annual application for the event to be held June 10th through the 15th (Monday thru Saturday). Required certificate of insurance has been requested (the permit will not be released until that is submitted here). The \$25 application fee has been paid. Copies of the letter were distributed to Council, Mayor, Chief and Scott Cook.

Approval for the carnival permit with stipulations provided in their application letter and upon receipt of the certificate of insurance was given on a motion moved by

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Councilmember Calderone, seconded by Councilmember Koontz. Motion carries.

PUBLIC PARTICIPATION

Richard Groft, 212 Center Street, was in attendance to thank the board for good fiscal responsibility. He understands that there has been many Right-to-Know requests and challenges to violations of the Sunshine law recently. Groft is concerned of the amount that this is costing taxpayers.

The treasurer was able to look at figures in response to Groft's question, saying that the RTK for 2018 and 2019 thus far totaled \$14,757.50 in legal fees and research into legality of special meetings was \$600 in legal fees.

Solicitor Campbell commented that in order to get business done, does not like to spin wheels as he is not up with the open records. Justin George from his firm, Salzmann Hughes, has been assisting with the legal issues involved.

Groft then congratulated his sister on all her years of service here.

Richard Welty, 103 Second St. was here about the drag strip there and questioning who took the survey for this proposed restricted parking area.

Manager Cook explained that a traffic safety study was done by Penn DOT to meet guidelines after years of numerous complaints at the intersection of North and N. Second St., specifically at northwest corner. A total of 61 feet is needed to increase the sight distance there.

Councilmember Pascoe commented that it was recommendation of the state that a study was done. Councilmember Koontz agreed and said it is a safety issue there.

Welty spoke of a business being operated on the corner property of North and N. Second St. and the odor evident there from the juice store.

The business unknown to the Borough will be checked into according to President McKim-Bortner. If it is possibly being operated without permission, the Borough will follow-up.

Changes to the intersection are state recommended and the changes will be voted on under Old Business tonight.

Sarah Murren, 304 Ridge Avenue, asks about the status of the K-9 program.

President McKim-Bortner said the mayor was going to get a report together with the Chief and as of this date nothing was received back from him.

REPORTS

In Mayor Weaver's absence the secretary noted that the mayor provided notes about the

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carnival as previously reported under communications. He was unsure if we would have received the letter here or not by our meeting date.

Police Chief Woods was absent. No monthly report available at this time.

Manager Cook's report for the month of April included overseeing the E-cycling event and hauling collected items to Penn Township. All ball diamonds were prepped and repaired as needed. Signs were painted and hung on chains at Fairview Avenue field parking area. Signs were replaced as needed. No parking signs were set out and street sweeping and weed control began. The sewer lateral at 117 South Street was replaced. Trash containers were emptied at the parks and Borough offices. Daily maintenance and repairs were performed on police vehicles and borough vehicles and equipment. Mowed and maintained all recreation areas as needed. Dragged and lined all ball diamonds as needed. Gasoline usage totaled 165.8 gallons and diesel usage was 112.4 gallons. SAVES used 346.7 gallons of diesel and gasoline usage 19.0.

Manager Cook spoke of the secretary/treasurer's retirement saying he appreciated her help these past twenty years that she worked with him here.

Solid Waste Committee Chairman Calderone added to that saying he will miss her and the outstanding job she has done.

Zoning Officer Cook related that a request has been received for a zoning hearing. A hearing will be scheduled before Borough Council on June 10th at 7 p.m. prior to the regular scheduled meeting. The hearing for 505 South St. is for conditional use for home occupation for a boutique. She intends to use it as an office and for sales. The hearing will be advertised and notices sent out.

Solicitor Campbell reported that he has prepared the ordinance and advertisement for the parking regulations amendment.

Campbell offered his congratulations to Luanne for the good years here at the Borough.

OLD BUSINESS

Ordinance 2019-1 Amendment to the Parking Regulations, Chapter 25 Article III Parking Regulations Section 205-23 as presented, duly advertised and read aloud by Manager Cook was approved on a motion moved by Councilmember VonSas, seconded by Councilmember Niedererr. Motion carries.

Councilmember Pascoe spoke of former officer Patrick Lehman and the fact that he is seeking back pay when he worked here during arbitration. Pascoe related that the officers that were working when the award came out were paid back pay in early January. Lehman was not paid because it was not specified in the contract and our negotiations attorney advised not to pay him. Pascoe had asked the treasurer to determine the figure that would need to be paid out.

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Secretary/Treasurer Boring noted that she did prepare a spreadsheet and it is in her desk. She recalls it being around \$1100 plus and offered to get it.

Pascoe thinks it is only the right thing to do, to pay Lehman back pay since it is not specified either way in the contract/award.

Councilmember Forbes moved a motion to pay Patrick Lehman back pay for 2018 amount due to him according to the arbitration award although not contractually required. Councilmember VonSas seconded the motion. Motion carries.

NEW BUSINESS

Approval to pay listed expenditures totaling \$231,523.05 (General Fund - \$159,563.27; Highway Aid Fund - \$2,115.46 and Payroll Fund - \$69,844.32.) was given on a motion moved by Councilmember Calderone, seconded by Councilmember Koontz. Motion carries.

Adjournment was declared at 7:36 p.m. on a motion moved by Councilmember VonSas, seconded by Councilmember Pascoe. Motion carries.

Luanne M. Boring
Borough Secretary