

Minutes – December 11, 2019

McSherrystown, Pennsylvania

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, December 11th, 2019 in the Municipal Building, 338 Main Street, McSherrystown, Pennsylvania with Vice-President Joseph VonSas presiding.

Vice-President Joseph VonSas 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: Joseph E. VonSas, Michael J. Calderone, James A. Forbes, Robert D. Niedererr, and Stephen J. Pascoe. Other Borough Officials in attendance included Robert Campbell, Esq. (Solicitor,) Scott J. Cook (Manager,) Anthony J. Weaver (Mayor,) and Gerald C. Walmer (Secretary/Treasurer.) Michael F. Woods (Chief of Police) was absent.

Minutes of the regular meeting held November 13, 2019 were approved on a motion moved by Councilmember Calderone, seconded by Councilmember Forbes. Motion carries.

Minutes of the budget work session held November 20, 2019 were approved on a motion moved by Councilmember Pascoe, seconded by Councilmember Niedererr. Motion carries.

Financial reports had been distributed to all Council members by the Treasurer. General Fund spending since the November meeting was \$39,238.46. Highway Aid funds spent were \$2,844.26. Payroll funds spent were \$45,925.95 for a total of \$88,008.67. There were no questions of those reports.

COMMUNICATIONS

Secretary/Treasurer Walmer read a letter dated November 20th, 2019 from Councilmember Lisa Koontz in which she stated that she was resigning from Borough Council effective November, 30th, 2019. The letter also expressed her interest in filling the vacated Council seat of Patricia McKim-Bortner. A motion to accept the resignation of Lisa Koontz was made by Councilmember Niedererr and was seconded by Councilmember Calderone. Motion carries.

Secretary/Treasurer Walmer read an email sent to the Borough Office from Senator Doug Mastriano in which he expressed his concern of PADEP's bureaucratic overreach with regards to MS4. In the letter, Senator Mastriano states that he is unable to find any specific language at the federal level justifying the growing costs and regulations related to MS4. Manager Cook said that McSherrystown Borough had gotten a waiver for MS4, which was granted last year.

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Manager Cook relayed that Christmas tree collection would again take place in the Borough at the end of December and in to January. Residents are asked to place their trees where their garbage is collected and that all lights, ornaments, and metal objects are removed from them.

PUBLIC PARTICIPATION

There was no public participation.

REPORTS

Mayor Weaver thanked the Boy Scouts for inviting him to their annual tree lighting ceremony. He also thanked the Heritage Committee for their street decorations and said that they added to the Holiday flavor of McSherrystown.

Police Chief Woods was absent. His monthly reports had been previously emailed to Borough Council and the Mayor. Mayor Weaver, responding to an inquiry from Councilmember Pascoe, said that police building checks are done when people are out of town. Checks are also done on businesses and schools according to the Mayor.

Manager Cook's report for the month of November included collecting and chipping brush and leaves, removing the temporary football parking lot at Fairview Avenue, servicing snow plows and cinder spreaders, replacing a damaged sewer lid at Public Works, raking and collecting leaves at the recreational park, and the sweeping of all Borough streets. Trash containers were emptied at the parks and Borough offices. Daily maintenance and repairs were performed on police and borough vehicles and equipment. Public Works personnel mowed and maintained all recreational areas as needed. Gasoline usage totaled 208.4 gallons and diesel usage was 86.5 gallons. SAVES used 86.5 gallons of diesel fuel.

Manager Cook stated that the new water line being installed at the dog park should be completed by the end of next week. Councilmember Niedererr inquired about charges from LB Water Company. Manager Cook said that those charges were for supplies related to the new water line and that they would be reimbursed to the Borough.

Safety Committee Chairman Pascoe mentioned a summary of K9 deployments for 2019 in which there were a total of twelve. He requested that the police chief include deployment information on his monthly reports.

Councilmember Pascoe gave an update to Borough Council pertaining to the vote to remove Police Chief Woods from the collective bargaining unit. Councilmember Pascoe, in reference to labor attorney Miller's council, stated that because of various duties performed by Chief Woods over the years, his position is managerial. Councilmember Pascoe said that the difficult decision to have Chief Woods removed from the collective bargaining unit would save tax payers in the years to come. It was his hope that the Councilmembers elect would uphold the decisions of the current Council in this matter

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and other matters in the future. Councilmember Pascoe and Mayor Weaver debated the question of whether or not Chief Woods had a managerial role or a patrolling role in his position.

Solid Waste Committee Chairman Calderone had no report. Manager Cook commented that wrapping paper was not recyclable and should be placed in the regular trash.

Zoning Officer Cook reported that the property at 138 Main Street had received fines due to high grass and weeds, but that the property has been maintained recently.

Building and Grounds Committee Chairman VonSas reported that the roof at the Public Works building had been repaired at the quoted price and that no additional roof sheathing was needed.

Civil Service Committee Chairman Neidererr reported that he had received an email from Chief Woods stating that physical, written, and oral exams had been completed for the candidates applying to the open position with the police department. Councilmember Neidererr said that the committee intends to meet in the upcoming weeks, but that a selection most likely won't be made until next year.

Solicitor Campbell reported that he has prepared the ordinance and an advertisement has been run repealing the parking restriction in front of Life Discovery Church.

Solicitor Campbell gave a municipal lien update. He noted that Michael Appler of 37 Main St. was out of bankruptcy and that it was time to execute on his properties in order to collect past due balances and legal fees. Michael Topper of 520 Ridge Ave., Benjamin Solalinde-Rico of 27 St. Joseph Lane, and Allen Zartman of 104 N. Second St. were also mentioned by the solicitor as owing substantial amounts of money for garbage, sewer, and related legal fees. Solicitor Campbell highly recommended upgrading billing software to include the ability to add legal fees owed. Council decided to have paperwork executed by the solicitor for a Sheriff's Sale of the two properties owed by Michael Appler at 37 Main St.

Solicitor Campbell notified the Council of his decision to hand over his responsibilities to Justin George of Salzman Hughes should the services of their law firm be retained in the new year. The Council thanked him for his services.

OLD BUSINESS

Vacancy Resolution 2019-4 was brought to the floor by Council Vice-President VonSas. Councilmember Pascoe asked if any letters of interest for the vacancy created by the resignation of Council President Patricia Mckim-Bortner, effective November 30th, 2019 had been received. Mayor Weaver said that Council did not ask for any. None had been received outside the interest expressed by Lisa Koontz in a resignation letter to the Council dated November, 20th 2019 with an effective resignation date of November 30th,

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2019.

Vice-President VonSas asked for nominations to fill the Council vacancy. Councilmember Neidererr nominated Lisa Koontz to the vacancy citing her experience, background, and participation in the hiring of Secretary/Treasurer Walmer and office assistant Amy Kolander. He said leadership was needed as new Councilmembers take office in 2020. Councilmember Calderone and Pascoe agreed with the sentiments of Councilmember Neidererr. Solicitor Campbell stated that there was no legal obligation for Council to request letters of interest to fill a vacancy on council. Councilmember Neidererr moved a motion to appoint Lisa Koontz to fill the vacancy created by Patricia Mckim-Bortner, seconded by Councilmember Calderone.

Councilmember Pascoe revisited the topic of instituting a nepotism policy for Borough personnel. After a discussion of the matter and input from Mayor Weaver and Solicitor Campbell, the matter was tabled.

Ordinance 2019-2 Amending Chapter 205 Article III, Section 205-23, Parking Regulations as presented, duly advertised and read aloud by Vice-President Vonsas was approved on a motion moved by Councilmember Neidererr, seconded by Councilmember Pascoe. Motion carries.

NEW BUSINESS

Approval to pay listed expenditures totaling \$88,008.67 (General Fund - \$39,238.46; Highway Aid Fund - \$2,844.26 and Payroll Fund - \$45,925.95) was given on a motion moved by Councilmember Calderone, seconded by Councilmember Neidererr. Motion carries.

The budget for 2020 as duly advertised was approved on a motion moved by Councilmember Neidererr, seconded by Councilmember Pascoe. Motion carries. The budget was approved with no increase in taxes. Manager Cook commented that a resident, upon reviewing the budget, noted that the Highway Aid balance for 2018 was omitted. The correct number of \$172,882.81 was added to the budget. Manager Cook also noted that an increase in overtime and the addition of a part-time assistant for the police department was removed from the budget per Council's request.

Resolution 2019-5, tax resolution for 2020, was approved on a motion moved by Councilmember Calderone, seconded by Councilmember Neidererr. Motion carries.

Manager Cook thanked Councilmember Calderone and Neidererr for their service to the Borough of McSherrystown and read a letter of recognition thanking Councilmember Forbes for his service to the Borough of McSherrystown since January of 1982.

Councilmember Pascoe requested approval to attend NEMO Boot Camp in Gettysburg on January 24th-25th at a cost of \$135. Councilmember Neidererr moved a motion to

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approve Councilmember Pascoe's request to attend and was seconded by Councilmember Calderone. Motion carries.

Adjournment was declared at 8:07 p.m. on a motion moved by Councilmember Calderone, seconded by Councilmember Forbes. Motion carries.

Gerald C. Walmer
Borough Secretary