

Minutes – September 12, 2018

McSherrystown, Pennsylvania

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, September 12, 2018 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, Robert D. Niedererr and Stephen J. Pascoe. Councilmember Steven E. Clingan and James A. Forbes were absent. Other Borough Officials in attendance included Mayor Anthony J. Weaver; Robert Campbell, Esq., Solicitor and Michael F. Woods, Chief of Police; Scott J. Cook, Manager and Luanne M. Boring, Secretary/Treasurer.

Minutes of the regular meeting held August 8, 2018 were approved on a motion moved by Councilmember Calderone, seconded by Councilmember Niedererr. Motion carries.

The Financial Review and Budget Analysis reports were distributed by the treasurer. There were no questions on those reports which included annual donations.

Communications noted included the following:

8/9/18 SAVES Financial Report for the year ending 12/31/17 have been dropped off at the office. The report is available for review.

8/10/18 ACOPD re: Community Development Block Grant. A copy has been provided to Manager Cook. He noted that in the past the grants are based on income and surveys must be completed to be eligible for the listed projects which he read aloud. He will check into this further.

8/20/18 DCHS submitted a controlled burn application for a Bonfire. The applicable ten dollar fee was paid. The permit for the 8/30/18 event was approved by Mayor Weaver.

8/27/18 ACBA Meeting 9/17 – Topic is local input for Chesapeake Bay clean-up. Councilmember Calderone indicated he will be attending the meeting.

8/27/18 Steven Clingan letter of resignation was read aloud. Clingan resigned his seat effective 9/1/18. No reason was given.

Councilmember VonSas moved a motion to accept the resignation of Steven Clingan. Councilmember Niedererr seconded the motion. Motion carried.

It was announced that the council position will need to be filled by council within 30 days. Applications of registered voters with one year residency will be accepted through October 10th at 7 p.m. The seat will be held through December 31, 2019.

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9/12/18 Resignation of Andrew Weaver, Emergency Director for the Borough, has been received. Weaver has served in the position since January 25, 2006 and Fire Chief with former McSherrystown Fire Company and SAVES. His time in emergency services has come to an end. He indicated that it was his pleasure serving the citizens of the borough and past Mayor's and Council Members.

Councilmember Calderone moved a motion to accept the resignation of Andrew Weaver with regret. Councilmember Pascoe seconded the motion. Motion carries.

PUBLIC PARTICIPATION

Kelli Grim, Nazareth, PA traveled two and one-half hours to come here. She spoke of the times we live in and danger to be in law enforcement and put on a uniform each day. Her husband is in law enforcement and overseas at this time.

She spoke of reprehensible behavior here in this town. That she does not understand the order we follow whether it be borough code or Robert's Rules. She would like to see much better access. She says a council member entered into meeting a document that was presented as accurate and official. There is a problem with finances in town or those numbers are wrong. In addition, she noted violations of Code occurring – Right to Know and Sunshine Act should be given to new members and training provided, saying that ignorance is not an excuse. She continued that disrespect, collusion and collaboration shown in recent email copies obtained is disrespect to Mayor who has time and place over police dept. The records need to show truth and fact.

Grim says there needs to be policy regarding spending. Custodial Credit Risk occurs and the Borough does not have a policy for custody credit risk in the event the bank does not cover it. She says the financials in 2017 do not include in-kind K-9 contributions of \$1500.

Grim continued saying that emails are considered doing business, a meeting. She feels it is time here to clean house. She is not going anywhere and if anyone wants to challenge her right to speak, go ahead. She researched the laws. She hopes some of council move on so that people who have integrity, no conflicts of interest, variances, special exceptions on record and direct family members benefiting from contracts.

In response, Councilmember Calderone related that he does not approve of what Grim is doing and does not like the insults she brings here. He says the board is honest and trying to do the best they can.

REPORTS

Mayor Weaver announced that Trick-or-Treat will be held October 23rd from 6-8 p.m. He spoke with Chief Lawrence from SAVES and to Chief Woods, as they provide safety during the event each year.

There is a need for the Civil Service to establish a list in the event of openings in the

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police department. The applicant must be Act 120 certified. Weaver noted that there are raids on our police department and he is concerned that the chiefs do not call him or our chief and give them the courtesy, if interviewing our men. He expressed disappointment with this and learned internally that they are interested in going elsewhere for more money and better benefits.

Rob Niedererr, Civil Service Committee Chairman, will check with the committee to meet and begin the process.

Police Chief Woods acknowledged that his report for the month of August was distributed. The report included 129 calls for police services. There were 2 criminal arrests, 28 summary arrests and 1 parking ticket issued. Patrols traveled 3,171 miles, using 387.5 gallons of fuel and averaging 8.2 mpg.

The Chief questioned budget line item 410-021 labor relations under the police budget. He does not understand why legal counsel for negotiations is being charged to the police.

Treasurer Boring acknowledged that that line item has been there for as long as she can recall. It is where costs associated with police labor issues/negotiations are entered.

Manager Cook's report for the month of August included removing cold patch at miscellaneous sewer repair ditches and replacing with new base and top blacktop. Painted all crosswalks and parking lots. Installing temporary posts and signs for football parking at Fairview Recreation area. New fence posts were installed at the dog park. Trash containers were emptied at the parks and Borough offices. Daily maintenance and repairs was performed on police vehicles and borough vehicles and equipment. Mowed and maintained all recreation areas as needed. Gasoline usage totaled 218.2 gallons, diesel usage was 48.0 gallons and SAVES used 277.1 gallons of diesel and 10.2 gallons of gasoline.

Cook reported on the property owned at Lynn Ct. and the Borough's chain link fence there. He located some information from a lease agreement dating back to 1975 that indicates approximately 8500 sq. ft. of their parking encroaches on Borough property and a portion of the Borough fence is on theirs. The new owner wants to get this matter settled to clean up records. Either party can give sixty day notice to end lease agreement.

Councilmember VonSas says it is very important to have that dry hydrant into quarry. There has never been issue here but that is something that needs addressed.

The matter was tabled until the solicitor can review the paperwork.

At the June meeting, Cook addressed 138 Main Street and the fact that a couple was living in the garage there. Cook read aloud his letter from September 12th to Borough Officials concerning the unsafe structure with no electric, no water. The owners of the former Vic's Speed Shop lost it and now there is a couple who say they rent the house but are living in the garage. The owners are located in Texas and did not respond to a letter

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dated July 2, 2018 sent by our solicitor's office. He noted the conditions there and the fact that there are no sanitary facilities there. He has photos and complaints from the neighbor. There are two separate procedures that Cook must follow to move ahead with condemnation.

Councilmember Niedererr moved a motion that gives Code Enforcement Officer Cook authorization to move ahead with steps needed for condemnation of the property at 138 Main Street. Councilmember Calderone seconded the motion. Motion carries.

Recreation Committee Chairman Niedererr reported that he received the final report for the baseball program for 2018. The numbers for McSherrystown Borough dropped thirty percent and numbers for Conewago Township twenty-five percent from the previous year. He hopes that the youth still want to get involved but it is the trend.

Civil Service Committee Chairman Niedererr hopes to have updated information next month for obtaining a list of Act 120 applicants.

Solicitor Campbell acknowledged working with municipalities over forty years and that he is pleased with McSherrystown Borough Council. From a solicitor's prospective he appreciates what we do, what he considers a fine job. And as far as the financial audits has only heard positive things over the years.

OLD BUSINESS - none

NEW BUSINESS

Approval to pay listed expenses totaling \$147,285.68 (General Fund- \$82,577.03; Highway Aid - \$4,675.97 and Payroll - \$60,032.68) was given on a motion moved by Councilmember Calderone, seconded by Councilmember VonSas. Motion carries.

Luanne Boring, Treasurer, noted that the MMO's for 2019 have been prepared. As CAO of McSherrystown Borough Pension Plans, she uses worksheets provided by the actuarial service, Beyer-Barber. A memo has been distributed that shows the comparisons from 2018/2019 years with explanations to give the board a better understanding of where those figures came from. The MMO worksheets were attached as well.

Councilmember VonSas moved a motion to approve the Minimum Municipal Obligation (MMO's) for 2019 totaling \$129,430. (\$96,447 for the Police Pension and \$32,983 for the Non-Uniform Pension). Councilmember Calderone seconded the motion. Motion carries.

Councilmember Niedererr thanked those who have volunteered to paint curbs in town. Those donating their time thus far were Joy Murren, Sarah Murren and Steve Pascoe. They were thanked by the board for their efforts, saying it is a great program. Those eighteen years and older needing service hours, a youth group, etc. are welcome to contact the Borough.

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Dan Colgan asked for a progress update on the dog park. Manager Cook says the fence was laid, that a post pounder was rented two days and all four and five foot posts are in. VonSas has offered his skid loader. The gates have been purchased. Volunteers are welcome to help staple wire on next week if the weather holds out. He thanked VonSas for the use of his equipment.

Adjournment was declared at 7:59 p.m. on a motion moved by Councilmember Niedererr, seconded by Councilmember VonSas. Motion carries.

Luanne M. Boring
Borough Secretary