

**McSherrystown, Pennsylvania**  
**Borough Council Meeting**  
**May 13, 2020**

Council of the Borough of McSherrystown met virtually via Zoom Video Conferencing at 7:03 p.m. on Wednesday, May 13, 2020 with President William Smith presiding.

President Smith 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: William F. Smith, Daniel P. Colgan, Lisa B. Koontz, Mark A. Lookenbill, Joyce E. Murren, Steven J. Pascoe, Joseph E. Vonsas.

Other Borough Officials in attendance:

Anthony J. Weaver – Mayor  
Justin M. George, Esq. – Solicitor  
Scott J. Cook - Borough Manager  
Gerald C. Walmer – Secretary/Treasurer

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**Minutes:**

President Smith asked if there were any needed changes or omissions in the meeting minutes from April 22, 2020.

Councilmember Murren, speaking about the Adams County Council of Governments, mentioned that at the prior meeting, she requested other Councilmembers to look into the organization and consider paying the \$100 per year membership fee to become a participating member.

Councilmember Colgan pointed out that he had requested that the March 23<sup>rd</sup> meeting minutes should have reflected the fact that he wanted all resolutions to be read before a vote was taken. He asked that the change be made to the March 23<sup>rd</sup> Minutes. He also asked if Minutes put in public consumption needed to be signed. Solicitor George said that they needed to be signed.

Councilmember Colgan asked if reports supplied by the Borough Manager and Secretary/Treasurer to Borough Council were separate from the Borough Minutes in relation to the approval process. Solicitor George said that they were separate.

Councilmember Colgan made a motion to accept the Meeting Minutes from the April 22<sup>nd</sup> regular council meeting with the noted amendments. He was seconded by Councilmember Lookenbill.

Roll call vote results were as follows:

William F. Smith (Yes)  
Daniel P. Colgan (Yes)

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Lisa B. Koontz (Yes)

Mark A. Lookenbill (Yes)

Joyce E. Murren (involuntary abstention) -lost connectivity

Stephen J. Pascoe (Yes)

Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

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### **Communications / Notifications:**

President Smith announced that an executive session was held before the regular meeting. He stated that the meeting was held pursuant to section 708(A)4 of the Sunshine Act regarding work and non-work-related injuries and related oversight of Borough Council. Also discussed under Section 708(A)5 of the Sunshine Act was agency business, which if conducted in public may violate lawful privilege and confidentiality required by law.

Councilmember Murren rejoined the virtual meeting.

Councilmember Colgan brought attention to legal fees to date amounting to 152% of the budgeted amount for the year. He requested that the money spent on legal fees be broken down. Solicitor George offered to break down the fees into individual categories. Secretary/Treasurer Walmer said that he could produce a report that would categorize legal fees incurred by the Borough. Adding additional line items to the existing budget would require official action by Borough Council according to Solicitor George. Solicitor George noted that legal fees were higher related to COVID-19 and the additional meetings being held.

Councilmember Colgan noted that the water bill for the Borough office was inordinately high. Manager Cook advised that he would look into the matter.

Councilmember Colgan cited the year-to-date salary for Patrolman II. The salary was 52% of the yearly budgeted amount, while comparable salaries were only 33%-35% of the yearly allotment. Secretary/Treasurer Walmer said that it was combination of two salaries and that he would make the adjustment in QuickBooks to separate the two salaries.

Councilmember Colgan addressed mortar, concrete, and concrete blocks purchased by the Borough as outlined in Manager Cook's monthly report. Manager Cook advised that the additional supplies were bought in anticipation of potential shortages. Manager Cook stated that they were Highway Aid expenditures and that he would look in to the classifications of them.

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Councilmember Murren requested that the Meeting Minutes reflect when Councilmembers speak out of turn or question the ability of, or put down an individual. A discussion over the detail outlined in the Meeting Minutes ensued. Solicitor George advised Council that it was not necessary for the Meeting Minutes to be word-for-word other than official action taken by the Borough. A digital recording of the Meeting Minutes was to be retained in order to preserve specific conversations that took place.

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### **Reports:**

Manager Cook remarked that his monthly reports had been distributed to all councilmembers. He reported that he participated in a Zoom meeting for the Adams County UCC appeals board and explained the process and reason for the existence of the appeals board.

President Smith asked Manager Cook to find out what the cost would be to have Neiderer Sanitation to do the garbage billing rather than doing it in-house. Manager Cook said that he would contact them regarding the matter.

President Smith inquired about consolidating electric meters at the Borough office. Councilmember VonSas advised that he had a call in to MetEd regarding the matter.

President Smith asked if a Civil Service meeting could be scheduled in conjunction with a labor management meeting during the month of May. Councilmember Lookenbill advised that a meeting would be scheduled later on in the month.

President Smith requested that Councilmember Lookenbill address the budget in relation to legal fees and itemization of the same.

Highway Committee Chairman Colgan showed a diagram of the Borough's road system and when maintenance or refurbishment was performed on them. Historical and future plans were also included on the overlays of the diagram.

Manager Cook, reported that street sweeping restrictions for parking had been cancelled, but that Highway personnel went through town sweeping everything they could without parking restrictions in place. An attempt would be made to sweep the streets on a monthly basis as best as possible according to Manager Cook.

Personnel Committee Chairman President Smith announced that he would try to arrange a personnel meeting the following week. An employee code of conduct manual was to be addressed at the meeting.

Planning and Zoning Committee Chairman Colgan relayed that the members of the Zoning Hearing Board had met with the Zoning Solicitor to review the process and

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responsibilities of the Board in relation to the upcoming hearing for Life Discovery Church on May 20<sup>th</sup>.

Police report: Mayor Weaver thanked Annunciation Parish Church and Life Discovery Church for participating in “Bells Across America.” He also thanked the Police Department, Borough employees, and SAVES for the sacrifices they were making during the pandemic.

President Smith addressed Police Officer Memorial Day coming up and wondered if a gift or a token of appreciation for former Police Chief Vial’s family would be in order. Mayor Weaver said that a memorial event would take place once things settled down and that recognition could take place then.

Recreation Committee Chairwoman Murren thanked Manager Cook for beginning work on the fencing at the ball field. She inquired about the lease agreement between the McSherrystown Moose and the Borough. The safety of the existing playground equipment and its potential relocation was discussed. Manager Cook is to place topsoil and mulch over the concrete at the base of the playground equipment.

Manager Cook stated that the slide at the Recreation Park near the pavilions had been removed and a replacement was still pending. The other slide in the vicinity had been secured and dead trees were to be removed soon according to Manager Cook.

Councilmember Murren requested that a missing bolt on the glider swing at the church park be replaced. Manager Cook will see to it that the bolt is replaced.

Solicitor George remarked that the Flood Plain Ordinance would be forthcoming in the following week and that contact would be made regarding the same with Manager Cook.

The Financial Statements and Budget Analysis reports had been distributed electronically to all council members by the Secretary/Treasurer. Expenses for the month of April, 2020 were as follows:

General Fund: \$122,533.54

Highway Fund: \$2,195.24

Payroll Fund: \$72,010.39

Total: \$196,739.17

### **Public Participation:**

There was no public participation via email as advertised on the McSherrystown Borough Website.

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### **Unfinished Business:**

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President Smith noted that the debris at the Community Aid drop box had been cleaned up. Manager Cook said that Community Aid had retrieved the items, but that additional items had appeared since then. An additional call to Community Aid may be necessary.

President Smith addressed the timeframe for meeting agendas and pertinent documents. Members of Council discussed a potential timeline in conjunction with Secretary/Treasurer Walmer. The Monday after a Wednesday meeting was determined to be a target date to have approved Meeting Minutes posted on the website. Additionally, agendas and pertinent documents would be distributed digitally on the Monday before a Wednesday meeting. Solicitor George requested to have agendas sent to him.

Councilmembers, the Mayor, and Solicitor discussed the additional cost of having two Borough Council meetings per month. President Smith offered to contact Community Media about fees related to recording two Council Meetings per month.

President Smith asked for clarification with regards to the proposed Life/ADD/STD insurance carrier change. Secretary/Treasurer Walmer sought clarification pertaining to the vote from the prior meeting to change carriers. A decision to change carriers was tabled until information was reviewed further.

Councilmember Murren lost connectivity.

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### **New Business:**

Councilmember Colgan addressed the establishment of a technology committee. Council discussed the matter.

Secretary/Treasurer Walmer outlined the printer situation in the office and noted that the main printer in the office was inoperable. He also spoke about the quote provided by Quality to replace the printer, copier, and dot matrix bill printer in the office. The decision to purchase a printer from Quality was tabled until further review. The purchase or rental of a lower-grade model to replace the borrowed unit was advised.

President Smith expressed that it was his desire to establish an ad hoc technology committee with Councilmember Colgan as the Chairperson of the committee.

Councilmember Colgan is to contact Dave Felch to inquire about the potential of fixing or replacing the expired office printer.

Councilmember Murren rejoined the meeting and address the baseball season. She relayed that according to baseball director Eric Bodvin, the baseball season would have to begin by June 1<sup>st</sup> to get an abbreviated season in. Councilmembers discussed cancelling

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the baseball season.

Councilmember VonSas moved a motion to cancel the 2020 baseball season due to Covid-19. He was seconded by Councilmember Koontz.

Roll call vote results were as follows:

William F. Smith (Yes)

Daniel P. Colgan (Yes)

Lisa B. Koontz (Yes)

Mark A. Lookenbill (No)

Joyce E. Murren (Yes)

Stephen J. Pascoe (Yes)

Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

President Smith addressed the reopening of the Borough parks and local information pertaining to Covid-19. Councilmembers discussed the pros and cons of reopening the parks with input from Solicitor George. Signage to reopen the parks is to be provided to President Smith by Solicitor George.

Councilmember Colgan made a motion reopen the Borough parks with the caveat that they are posted with signs stating that those who use the park are using them at their own risk and that children's equipment remain closed. He was seconded by Councilmember Murren.

Roll call vote results were as follows:

William F. Smith (No)

Daniel P. Colgan (Yes)

Lisa B. Koontz (No)

Mark A. Lookenbill (Yes)

Joyce E. Murren (Yes)

Stephen J. Pascoe (No)

Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

Councilmember Murren wished to table the discussion and possible adoption of Robert's Rules of Order after being prompted to address the matter by President Smith.

Councilmember Colgan made a motion to send a copy of the letter sent in March to PennDOT opposing the Eisenhower Extension project to The Adams County Transportation Planning Organization (ACTPO.) He was seconded by Councilmember Murren.

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Roll call vote results were as follows:

William F. Smith (Yes)  
Daniel P. Colgan (Yes)  
Lisa B. Koontz (No)  
Mark A. Lookenbill (Yes)  
Joyce E. Murren (Yes)  
Stephen J. Pascoe (No)  
Joseph E. VonSas (No)

With a majority vote, the motion carried.

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### **Public Participation:**

Danielle Smith, via email, said: “Councilmember Colgan stated online that the parks would be opened under CDC guidelines - there are none. Is that responsible? Who’s cleaning the dog park water fountain?”

Solicitor George let it be known that the CDC guidelines refer to contact between groups of people.

President Smith did not know about the statement, but wanted to clarify the motion to reopen the Borough parks.

Danielle Smith, via email, said: “If you can’t keep the playground equipment clean - how can the water fountain be maintained. Can the existing copier be networked to scan?”

Councilmember Colgan addressed the networking of the printer and copier. He will stop by the office to have a look to see what can be done.

Councilmember VonSas addressed the question related to the water fountain at the dog park by reiterating that the public is to use it at their own risk and that they should provide their own sanitizing equipment.

Councilmember Colgan made a motion to amend the previous motion to reopen the Borough parks with the inclusion of instructions to follow CDC guidelines on the signage to be posted at the Borough parks. He was seconded by Councilmember VonSas.

Roll call vote results were as follows:

William F. Smith (No)  
Daniel P. Colgan (Yes)  
Lisa B. Koontz (No)  
Mark A. Lookenbill (Yes)  
Joyce E. Murren (Yes)

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Stephen J. Pascoe (No)  
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

Danielle Smith, via email, said: “In a conversation when asked online I can pull if given time - someone asked him. Not I his post.”

Councilmember Colgan addressed the question and reiterated that he thought CDC guidelines should be followed and that the motion had now been corrected to include the following of CDC guidelines on the Borough park signage.

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Adjournment was declared by President Smith at 9:56p.m.

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Gerald C. Walmer  
Borough Secretary