

Minutes – August 8, 2018

McSherrystown, Pennsylvania

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, August 8, 2018 at an alternate location at the Knights of Columbus building lower-level at 342 Main Street, McSherrystown, Pennsylvania. The meeting location was changed due to the desire of public participation and lack of seating in council chambers. Patricia McKim-Bortner presided.

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, Robert D. Niedererr and Stephen J. Pascoe. Councilmember Steven E. Clingan was 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.

The secretary noted that this meeting location change this date had been legally advertised in the Gettysburg Times, that the Borough Offices were posted and the Knights of Columbus building as well.

Minutes of the regular meeting held July 11, 2018 were approved on a motion moved by Councilmember Calderone, seconded by Councilmember Neiderer. Motion carries.

The Financial Review and Budget Analysis reports were distributed by the treasurer. There were no questions.

Communications noted included the following:

7/30/18 Adams County SPCA – Letter requesting a donation in our 2019 budget. Borough's 2018 budget includes a donation of \$750 to the organization. That will be paid in September.

PUBLIC PARTICIPATION

At this time President McKim-Bortner said we are open to comments from the public. However, we will not address our K9 program as that discussion will take place in Old Business after reports are given. She asked if anyone had any other questions or concerns.

Kelli Grim, 930 Gap View Road, Nazareth PA addressed the members of the board Grim addressed State Issues, Right-to-Know and Sunshine law holding two documents. She has concerns about the June Council meeting going into closed session and quoted Section 708-6(C) of Sunshine Act. She has spoken to the state and will continue to do so. She suggests that the Borough do the same. Information needs to be released to public and that it is very important elected officials know the law and become more informed.

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REPORTS

Mayor Weaver reported that the next safety meeting with the fire company will be September 12th at 9 a.m. at the Borough Office.

The mayor read a letter dated July 27th from Adams County Victim Witness Program into the minutes. Cindy Keeney, Director, Adams County Victim/Witness Assistance Program wrote to recognize Chief Woods and acknowledge that the victim of a Criminal Domestic Violence Assault case was grateful for the kind, patient, understanding and caring manner of the service provided by him for her and her family. A copy of the letter was put in Chief Woods' personnel file and copies available for other officer's files as well.

He thanked Chief Woods for this and at this time Mayor Weaver also thanked Mike Vial, former Chief of Police, in attendance, who he worked with here at the Borough.

Police Chief Woods report for the month of July was distributed. The report included 151 calls for police services. There was 1 criminal arrests, 39 summary arrests and 2 parking tickets issued. Patrols traveled 3,278 miles, using 425.8 gallons of fuel and averaging 7.7 mpg.

The Chief read a report of donations to the police department over the years including cash and equipment, etc. which totaled \$95,442. He commented at the end zero, noting the thanks he received from council.

At this time he introduced a guest speaker, Ashley Sentz. Ashley recounted that in 2015 Chief Woods and Ozi came out to her house and found all her drugs. They saved her from herself and she will be three years sober in September. She got her kids back and he helped her do that. The jump that she got started her sobriety. She spoke of the heroin epidemic and its presence in our community.

Chief added that all humanity can benefit from a canine.

Manager Cook's report for the month of July included spraying weed killer along street curbs as needed throughout town. Excavated top soil for new pavilion at walking track. Dug post holes and poured concrete footers for new pavilion. Swept all streets with street sweeper. The catch basin box was repaired at Front St. & North St. and cold patch was removed and new blacktop installed at misc. sewer ditches. 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. All ball diamonds were dragged and lined as needed. Gasoline usage totaled 185.9 gallons, diesel usage was 104.4 gallons and SAVES used 353.4 gallons of diesel and 7.0 gallons of gasoline.

Cook requested approval to attend International Residential Code 2015 update course for six credits at a cost of \$125.00. Councilmember VonSas moved a motion to have Cook attend the course update at a cost of \$125, seconded by Councilmember Calderone.

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Motion carries.

The costs for the 2015 International Residential Code for one and two family is \$115 and for the 2015 International Building Code it is \$118.

Approval for purchase of the updates of \$115 and \$118 was given on a motion moved by Councilmember Neiderer, seconded by Councilmember Pascoe. Motion carries.

Labor and Industry has now approved the 2015 code. October 1st the new building code w/updates becomes effective. The last update was 2009.

Cook reported on his follow up research to the request from resident of 22 Westview Drive last month for an on-street handicap parking space. He and Councilmember Forbes went to the property and they have a garage and in addition two off-street parking spaces in the driveway. At this time there is adequate off street parking at the property.

Councilmember Forbes moved a motion to deny the request for on-street handicap parking as requested by the resident at 22 Westview Drive. Councilmember Neiderer seconded the motion. Motion carries.

Recreation Committee Chairman Neiderer will have a report next month on the baseball program.

Zoning Officer Cook reported that the new owner of Lynn Ct. Apartments spoke to him about the east end of the property next to Borough property where 8 to 10 parking spaces are and that the north side of the Borough fence encroaches onto their property. The owner is looking to clean-up, amend the deeds and give easement to the Borough. Cook would like Council Members Forbes and VonSas to look at it with him.

OLD BUSINESS

President McKim-Bortner addressed those in attendance saying that she hopes we all will be courteous and respectful of each other during this session. First, she wanted to start with a statement to clarify any rumors or misconceptions about our K9 program. It has been said through social media that Council planned to retire our K9 Officer, Ozi, at the last meeting. Other rumors surfaced that Ozi is sick and would need to be retired and put to sleep. These rumors are far from the truth. I can assure you that Ozi is healthy and is not going to be put to sleep. We decided to look into the costs of the K9 program because Council had no clear vision of the costs, something that has not been done since we purchased Ozi over five years ago. We also were not fully aware of the type of calls and places where Ozi's abilities were put to use, or the community outreach visits he performed. We just wanted some clarification.

We want to make it clear that Ozi is in good health and we have no plans to retire him any time soon. We will not be making a motion regarding any change to Ozi's service. As recommended by our counsel and just for the record, we would like a show of hands in favor of retaining Ozi, thank you. Now for those opposed to retain Ozi, again thank

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you.

She had appointed Steve Pascoe to coordinate information on our behalf. She would appreciate if you would give him the courtesy of listening to his final report.

Councilmember Pascoe recapped his report as given at last month's meeting, saying the Borough had no firm grasp or snapshot of Ozi's service this past five years. He did a cost analysis with data and went over what he gathered and researched.

Chief Woods related that he will confirm everything as false and fabricated. The fact that Mayor Weaver and Woods did not receive a copy was questioned.

Mutual Aid was a topic discussed and Mayor Weaver says that it was started in 1983, saying no one had it in his early career. He added that the K-9 unit is an officer and answers mutual aid. Once out of town reports are made and if arrests are made out of town the officer goes to court. If Woods goes, then Ozi goes. Crime does not start at the red light and end at Plum Creek.

McKim-Bortner then opened the floor. As mentioned last month and as verified by our solicitor, only McSherrystown residents and/or property owners (anyone who pays taxes in the Borough) will be allowed to comment tonight. We will not set a time limit but we want to hear from as many people as possible, so she asks to please keep it short. We want to hear from anyone who was not able to be here last month to comment first. She reminded them that when I call on you to give your name and address and again asked that everyone respect the person speaking and not disrupt them.

Raymond Murren, 350 Fairview Avenue, says that the more he listens, the more confused he becomes. As far as the K-9 handler, he wants to know who pays the wages. The Borough taxpayers in town are paying for them to go elsewhere. He suggests they look at the big picture to see time he left town and returns, so as to know where his taxes are going and then be reimbursed here for the time away.

Chief Woods pointed out that 1270 hours the officers were out of town during same time period. 5.5% for the K-9 and 94% for non K-9 assist.

Councilmember Niedererr wants to know if calls are to private enterprises, could funds from donations come back to the Borough to cover it.

Jad Sneeringer, 417 North Street, attempted to explain this, saying do you want to rely one-hundred percent on McSherrystown police when you could have mutual aid to assist. He came out tonight to support OZI.

Emily Cramer, 623 Main Street, asks for transparency from the Board saying she is not sure what the true facts are from Chief Woods or the Borough. She wants to understand the difference in costs. She asks if there is a by-law, where the state mandates meeting minutes and reports be provided so that she can read them.

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Councilmember Pascoe remarked that we could have in-depth reporting done by our auditing firm. In 2017 the police department was not fully funded, not fully staffed. Hiring the fifth officer in 2017 is now considered fully staffed police department.

Councilmember Niedererr commented that it costs \$100,000 plus to add an additional officer.

Jasmine, 15 years old and a resident, addressed the room saying if it weren't for OZI and Chief Woods, she does not think her mom would be here today. The K-9 dog helped with that, he is the answer and she considers him an officer. She does not think retiring Ozi would help the drug epidemic.

Councilmember Niedererr wants to know why the county does not have a K-9 program. He suggests having the program at the county level.

Frederick Walter, 205 N. Third St., former councilmember when OZI was brought here spoke of property and school tax paid by residents. He understood that it wouldn't cost anything when Chief Woods brought him here. He understands it costs \$7,000 to take care of the dog over the years. He noted photos when the dog was out of town for publicity. He considers this stealing from the borough.

Chief Woods reiterated that it does not cost anything, just ask the secretary/treasurer.

Holly Stahl, 30 Squire Circle, spoke saying that she is hearing worrying about money. She is proud to live in a community with this program and she is proud of Chief Woods and Ozi and what they do. She wonders why our police officers are paid so low when people in the office are making quite a bit more.

Teresa Kerchner, 523 Delone Avenue, has two children at St. Teresa's School. She is concerned that Chief Woods has no administrative assistant and that he spends time in the office. It has always been a town which provides for safety of the children. Self-pride over children, she hopes one can sleep at night.

Sarah Murren, 304 Ridge Avenue, has children. She says her alley is one of the darkest alleys in town with history of break-ins. Not since OZI was here did she and her young child find heroin needles there. As far as Wikipedia, she says it is not a reliable source and suggests Pascoe redo his report.

Carole Byers, 206 South Street, says she has lived here since 1993 and retired from Adams County Prison as a records keeper. She noted that a lot of addresses were from this town. She says that Ozi is a deterrent. If he moves people on, he has paid his debt. She recommended that Ozi has a budget. In addition, there should not be hostility towards the police department, that there is a need to get back together and support Ozi, hoping everyone takes care of their attitude. She added that criminals do not like dogs, they are afraid of them.

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Kathy Todt, 404 South Street, recommends a deeper dive into the Chief's overtime to see what paperwork says. She is confused by reported oil changes, etc. as the Chief's vehicle would have those without Ozi. She would like to see both Chief Woods and Pascoe's reports out to the public to dissect them.

Danielle Smith, 610 Main Street, addressed the council saying the arbitration is spending funds that could have been paid here without paying the legal fees. The Borough is misrepresenting facts, violating the Sunshine Act, making questionable financial decisions and now facing possible litigation for their actions. She asks Councilmember Pascoe to pick a fact, any fact from his findings and she is prepared to respond. She added that what he considered his cost analysis is not a cost analysis at all. The chief was asked to give a report and he gave it, she has a copy of the email. She reminded council that its actions not discussed at a public meeting is a violation.

President McKim-Bortner noted that the program is going to continue as council is not making any motions and no vote is needed to continue the K-9 program.

Solicitor Campbell commented that you don't need a motion to keep something you already had. Investigation occurred into the cause whether or not to be terminated and the Borough is keeping things as they are.

Kelli Grim spoke saying that if a decision has been made to keep the dog, the body that decides that must vote, that's the law.

Solicitor Campbell recounted that there was never a motion to terminate the K-9, so doesn't have to be a motion to keep it when it already exists. In his opinion, no motion is needed.

George Staub, 212 Stombach Street, is a fire company volunteer and says it is a public service. He doesn't understand why there is arguing where the dog goes. He asks the chief what the total donations were for equipment stated earlier. Chief Woods noted a total donation of \$95,442, which was both cash and equipment. Staub cannot understand why the Borough could not buy our officers guns and vests. He wonders how many members of Council have gone out and solicited donations for anything.

Councilmember VonSas spoke, saying he volunteers his time with Penn Township Diving Team. He appreciates everyone for coming out to show they care. Volunteering is a good point as he would like to see volunteers here to paint curbs.

Mayor Weaver spoke saying he spoke about boy scouts or Delone students painting curbs at budget time and was told no, as there was a concern for liability. Weaver says for years LIU students painted curbs here.

NEW BUSINESS

Approval to pay listed expenses was given on a motion moved by Councilmember

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Calderone, seconded by Councilmember VonSas. Motion carries.

Dan Colgan, 355 Ridge Avenue, spoke to the council asking where to find public records. He knows they are available at the office but says that the public should be able to look at them from home instead. He would like the website to include the budget and expenses and actions of this council.

Resolution 2018-13 – Opposition to HB 291 statewide EIT collection was read aloud by the secretary. Councilmember Calderone moved a motion to approve Resolution 2018-13. Councilmember VonSas seconded the motion. Motion carries.

Adjournment was declared at 8:50 p.m. on a motion moved by Councilmember Forbes, seconded by Councilmember Calderone. Motion carries.

Luanne M. Boring
Borough Secretary