

**McSherrystown, Pennsylvania
Borough Council Meeting
April 22, 2020**

Council of the Borough of McSherrystown met virtually via Zoom Video Conferencing at 7:23 p.m. on Wednesday, April 22, 2020 with President William Smith presiding.

President William 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

Minutes:

President Smith asked if there were any needed changes or omissions in the meeting minutes from the March 11th and/or March 23rd, 2020.

Councilmember Colgan noted that he wished to be on record as having objected to Resolution 2020-07 “Proclamation Declaration of Local Disaster Emergency” not being read in full before a vote was taken to approve it. He suggested that all resolutions in the future be read before a vote is taken.

Secretary/Treasurer Walmer noted that a change on page seven of the March 11th Minutes was needed. “Kevin Lawrence” was to be changed to “Kevin Adams” as advised by Councilmember VonSas.

President Smith asked for a motion to accept the meeting minutes from the March 11th and March 23rd, 2020 regular council meetings. Councilmember VonSas moved a motion to approve the meeting minutes. He was seconded by Councilmember Colgan.

Roll call vote results were as follows:

William F. Smith (Yes)
Daniel P. Colgan (Yes)
Lisa B. Koontz (Yes)
Mark A. Lookenbill (Yes)
Joyce E. Murren (Yes)
Stephen J. Pascoe (Yes)
Joseph E. VonSas (Yes)

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With a majority vote, the motion carried.

Communications / Notifications:

President Smith announced that an executive session was held before the regular meeting. The meeting was held to deal with information related to Docket number: 2019-SU-482, Michael Woods v. Luanne Boring and McSherrystown Borough. In addition, a discussion of private, personnel issues took place.

Reports:

Manager Cook remarked that his monthly reports had been distributed to all councilmembers.

He further noted that the 2020 insurance renewal quote from Steve Hartlaub of Weber Insurance had been received. The 2020 policy premium quote was \$41,754 after a reduction of \$918 in the workers compensation portion of the policy. The policy will renew on May 1st, 2020.

Manager Cook said he had received an email invitation for a Zoom meeting from the Adams County Board of Appeals. The meeting is to take place on Monday, April 27th. He will report about the topics discussed and any decisions made at the next meeting.

Building and Grounds Committee Chairman VonSas offered to contact MetEd regarding the feasibility of combining the police office, borough office, and the two school crossing signs in to one, metered electrical service in order to reduce the total number of base fees incurred by the Borough.

Finance Committee Chairman Lookenbill said that he had received information from Secretary/Treasurer Walmer regarding a budget calendar for 2020 and noted that preparation could begin in September. President Smith wondered if preparation could take place sooner. Councilmember Lookenbill said that that was possible, but that since the third quarter ended in August, a clearer picture of the fiscal situation could be realized in September. He offered to speak with President Smith regarding this matter.

Highway Committee Chairman Colgan spoke in reference to resident Bob Miller's concern about traffic volume on Main St. Councilmember Colgan reached out to Senator Doug Mastriano's office regarding the matter. He received a response back from Beverly Frey, but due to the COVID-19 emergency, they would have to wait on addressing the matter further.

Personnel Committee Chairman President Smith stated that he was looking into a code of

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conduct and job descriptions for borough employees with the purpose of creating uniformity.

Planning and Zoning Committee Chairman Colgan stated that he received an email from Manager Cook regarding a Zoning Hearing for Life Discovery Church. Councilmember Colgan stated that it was his intention to schedule the hearing before May 24th if all members of the Zoning Hearing Board were available. Solicitor George mentioned that Senate Bill 841 permits virtual meetings so long as all interested parties are notified five days before the hearing and a website posting was made.

Police report: Mayor Weaver remarked that everyone should have Chief Woods' quarterly report. He noted the passing of former police chief Michael Vial. In Mayor Weaver's opinion, it would not be proper to have a "virtual" moment of silence in remembrance of Chief Vial's passing. He hoped that Council will give him the respect he deserves when they meet again in person.

Mayor Weaver acknowledged first responders and others assisting in the fight against COVID-19. In conjunction with the PA State Mayors' Association, Mayor Weaver proclaimed Sunday, May 3rd as "Bells Across Pennsylvania Day" in the Borough of McSherrystown.

Councilmember Pascoe inquired about the quarterly police activity logs because he had not received them. Safety Committee Chairwoman Murren stated that she intended to send the report to all Councilmembers via email, but had not yet done so. Councilmember Colgan offered to assist her in creating a group email list to more easily send the reports.

Recreation Committee Chairwoman Murren reported that there had been no decision made with regards to canceling the baseball season in light of the Declaration of Disaster Emergency. Councilmember Koontz let it be known that even if restrictions were lifted, it may not be a good idea to have kids and crowds intermingling at a sports event. The decision was made to table the issue until the May 13th meeting.

Councilmember Murren also mentioned that the fencing in front of the dugouts at the upper baseball field had not yet been installed. Manager Cook said that the fencing would be completed in a week or two and that the materials list had been created, but that Council would need to determine if the project should be put off until next year pending the potential cancellation of the 2020 baseball season.

Councilmember Murren mentioned that the sliding boards at two of the Borough playgrounds were in need of repair due to potential safety issues. Manager Cook agreed to have a look at them and make repairs as needed.

Safety Committee Chairwoman Murren announced that the drug take-back event

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scheduled for the upcoming weekend had been cancelled and would be rescheduled at a later date.

Solicitor George remarked that Ordinance 2020-01, which extended the tax deadlines for Borough residents because of the Disaster Emergency declaration, had been sent to all Councilmembers for review.

Councilmember Colgan made a motion to approve Ordinance 2020-01, Amending and supplementing the Borough of McSherrystown tax collection policy. Councilmember Murren seconded the motion.

Roll call vote results were as follows:

William F. Smith (Yes)
Daniel P. Colgan (Yes)
Lisa B. Koontz (Yes)
Mark A. Lookenbill (Yes)
Joyce E. Murren (Yes)
Stephen J. Pascoe (Yes)
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

Solicitor George offered to send all Borough Council members updates on the COVID-19 pandemic that his firm had been preparing and sending to Manager Cook, Secretary/Treasurer Walmer, and Council President Smith. It was decided that all council members, the Mayor, and police chief were to receive those emails.

President Smith advised that he was the main point of contact to Solicitor George and that all correspondence should go through him.

Councilmember Colgan requested that standard procedures be established with regards to using “reply-all” in email exchanges. Solicitor George said that he would provide guidelines.

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

General Fund: \$76,129.30
Highway Fund: \$2,265.96
Payroll Fund: \$44,928.16
Total: \$123,323.42

Councilmember Lookenbill moved a motion to approve the paying of Borough expenses. The motion was seconded by Councilmember Pascoe.

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Roll call vote results were as follows:

William F. Smith (Yes)
Daniel P. Colgan (Yes)
Lisa B. Koontz (Yes)
Mark A. Lookenbill (Yes)
Joyce E. Murren (Yes)
Stephen J. Pascoe (Yes)
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

Secretary/Treasurer Walmer reviewed the quote received from Benecon, for American United Life Insurance Company to provide Life/ADD/STD insurance coverage to all Borough employees. The coverage levels satisfied contractual minimums with the McSherrystown Police Association as well as meeting the approved increase in life insurance coverage from \$30,000 to \$50,000 for non-uniformed employees in 2020. The quote had a guarantee against any increases for two years and would cost the Borough 13% less in monthly premiums over the current carrier, The Standard. A final vote on the change was tabled until the May 13th meeting.

Secretary/Treasurer Walmer addressed the need for encryption for outgoing emails with sensitive information. With the new phone system installation, the fax line could be phased out in favor of encrypted emails. He reported that IT consultant Dave Felch would be able to set-up and provide encryption using Office 365 encryption services at a price of \$24 per year plus his labor to set it up in the Borough Office.

Councilmember Lookenbill made a motion to upgrade encryption on Borough email addresses. Councilmember Pascoe seconded the motion.

Roll call vote results were as follows:

William F. Smith (Yes)
Daniel P. Colgan (Yes)
Lisa B. Koontz (Yes)
Mark A. Lookenbill (Yes)
Joyce E. Murren (Yes)
Stephen J. Pascoe (Yes)
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

President Smith noted that the Police Department may also need to encrypt outgoing emails for security reasons. He advised that he would speak to Chief Woods regarding this matter.

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Public Participation:

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

Old Business:

President Smith reported that new email addresses had been set-up and the new domain had been purchased. In addition, the new phone system was up and running and seems to be operating well.

New Business:

President Smith announced that there was action stemming from the executive session that needed to take place and that a vote had to take place regarding the same.

In prefacing the vote, Solicitor George said that a lawsuit had been filed against Luanne Boring and McSherrystown Borough by Michael Woods. The parties had reached an agreement for which a vote to accept that agreement was pending.

Councilmember VonSas made a motion to accept the settlement agreement between Michael Woods and Luanne Boring and the Borough Council. Councilmember Murren seconded the motion.

Roll call vote results were as follows:

William F. Smith (Yes)
Daniel P. Colgan (Yes)
Lisa B. Koontz (Yes)
Mark A. Lookenbill (Yes)
Joyce E. Murren (Yes)
Stephen J. Pascoe (Yes)
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

President Smith said that he had received communication from the Adams County Building Officials Association. Councilmember Colgan inquired about the purpose of the Association and questioned whether or not it was advisable to have a small group of representatives represent McSherrystown. Manager Cook explained that in 2005, the Uniform Construction Code was adopted and that each municipality has to have an

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appeals board for building code appeals. The reason for a county-wide appeals board was to alleviate the added burden to small municipalities that seldom had appeals to decisions made by local code inspectors. According to Manager Cook, there had only been four or five appeals made to the Appeals Board in the county over the last fifteen years. Solicitor George explained that the Uniform Construction Code was standard across municipalities, but that zoning regulations varied from municipality to municipality. Therefore, local control over code issues would not be lost. Only an egregious error on the part of the local code official when reviewing construction plans or conducting an inspection would lead to an overturning of the local code official by the county-wide appeals board.

President Smith agreed to table the issue until the next meeting. Solicitor George offered to request more clarity from Sam Wiser of Salzman Hughes, P.C.

Councilwoman Murren reported that she had attended the Adams County Council of Governments meeting in January. She was impressed with the information that was provided and ~~recommended that all Councilmembers attend a meeting~~ wants everybody to think about joining them. She also reported that it costs \$100 a year to join ACCOG.

Commented [MB1]: 1:36:50 Added per request on 5-13-20 by Councilmember Murren

Councilmember Lookenbill recommended that the Borough remove the accumulation of donated items that had accumulated around the Community Aid box located on N. Fourth St. He remarked that it had been rained on multiple times, was an eyesore, and that it was a place for rodents to hide out. A decision to have it removed by Borough employees was tabled until the next meeting.

Public Participation:

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

Adjournment was declared at 8:42p.m. on a motion moved by Councilmember Lookenbill, seconded by Councilmember Pascoe.

Gerald C. Walmer
Borough Secretary