

**McSherrystown, Pennsylvania**  
**Borough Council Meeting**  
**June 17, 2020**

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, June 17, 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

Gerald C. Walmer – Secretary/Treasurer

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**Minutes:**

President Smith remarked that he saw one change to the meeting minutes from May 27<sup>th</sup>. He requested that “resent” should be changed to “recent” on page four. Councilmember Koontz noted that “he” should be changed to “she” on page three.

Councilmember Koontz made a motion to accept the meeting minutes from the May 27<sup>th</sup> regular council meeting with the two noted changes. She was seconded by Councilmember Lookenbill.

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.

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**Communications / Notifications:**

President Smith announced that an executive session was held on Tuesday, June 9<sup>th</sup> for two purposes: (1) to discuss policies and procedures of employees, and (2) to review and discuss agency business.

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President Smith further explained that the executive session held on June 9<sup>th</sup> was intended to explain the delay in making a public announcement concerning the departure of Manager Cook. He stated that Council received a letter from Manager Cook on Tuesday, May 26<sup>th</sup> announcing his retirement, effective June 26<sup>th</sup>, 2020. President Smith expressed his sorrow concerning Manager Cook's departure and stated that Council would continue to learn about the tasks of Borough staff members. Tentative plans related to Borough operations were posted on the website on June 2<sup>nd</sup> and recently published in the Gettysburg Times according to President Smith. A meeting with Manager Cook, Councilmember Lookenbill, President Smith, and labor attorney Miller took place in order to find out what managerial roles Manager Cook would be leaving unfilled upon his departure. President Smith stated that Manager Cook was very helpful towards identifying his various responsibilities at the meeting.

President Smith mentioned that he had received a voicemail from the Hanover Area Diversity Alliance and is awaiting an email outlining details of what their requests may be.

Secretary/Treasurer Walmer read a letter from Margie Staub on June 10<sup>th</sup>, 2020. The letter expressed concern about the general appearance of McSherrystown and encouraged the Borough Council to work together. She also stated that Manager Cook did a great job and wants McSherrystown to be clean again. President Smith said that some of the issues around town were related to COVID-19, but that Council will look into other aspects mentioned in her letter.

Secretary/Treasurer Walmer read an email received from Bob Topper in which he expressed his disgust and embarrassment over the events that took place during the last meeting. Mr. Topper advised that it was inappropriate to bring up personnel matters and attack a Councilmember's family members. An apology regarding the matter was recommended by Mr. Topper. He wants the Council to work together and do the things they were elected to do for a better community. Councilmember Pascoe stated that he had been in contact with Mr. Topper and was able to explain details about what transpired.

President Smith remarked that an unsigned letter containing a significant amount of information was received. Since there was no way to verify its origin, it was not read aloud.

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### **Reports:**

Civil Service Committee Chairman Lookenbill reported that his committee was working on retyping civil service regulations. A discussion related to the oral exam for police officers and the possibility of advertising for a new police officer to replace Officer Smyers upon his retirement took place. A discussion pertaining to the qualifications of a new officer related to certification status also took place.

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Finance Committee Chairman Lookenbill informed Council that a list had been made to break down legal charges. Additionally, a coding error had been remedied and two police officers' line items had been separated in order to more clearly show labor expenditures on the financial statements. Secretary/Treasurer Walmer told Solicitor George that he would compile and sort the various charges into the new legal fee categories that Councilmember Lookenbill previously spoke about.

Highway Committee Chairman Colgan mentioned that he would be taking a look at highway related tasks that needed to be accomplished in light of Manager Cook's pending departure.

Personnel Committee Chairman Smith spoke about interviewing Manager Cook and said that the committee has begun to reach out to local municipalities and service providers towards locating candidates for the manager position. Advertising for a new manager would soon take place according to President Smith. In the meantime, the needs of residents would continue to be served. The goal of the Personnel Committee is to make jobs fair, clear, and more precise while being in-line with the skills of existing employees, said President Smith.

Councilmember Koontz expressed her concern about the letter to the editor because, in her opinion, it seemed as if the letter was from the McSherrystown Council as a whole rather than from Council President Smith. She said that she was not aware of the letter before it was published. President Smith stated that words in the letter were meant as his words alone and that he stood by them.

Councilmember Pascoe addressed technological matters and his remarks associated with the May 27<sup>th</sup> meeting as described in President Smith's letter to the editor of the Gettysburg Times. President Smith outlined the issues that limited his ability to regulate interactions during the meeting. Councilmember Pascoe noted that he was thanked by individuals he mentioned during the meeting.

Planning and Zoning Committee Chairman Colgan said that fifty-seven issues had been addressed since the beginning of the year. Only six have not been remedied, of which two are new. Letters have been issued to affected property owners.

Councilmember Colgan expressed his desire to have zoning matters addressed in the interim following Manager Cook's last day as Borough Manager. President Smith said that plans would be addressed in the personnel session and would be implemented at the June 24<sup>th</sup> meeting.

Police Report: Mayor Weaver reiterated that it was his preference to recognize late Police Chief Vial at an upcoming meeting when the public was present.

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Mayor Weaver stated that he had been contacted by a local boy scout who wished to work with Aaron Adams of Troop 107 to upgrade the park on Third Street. The two Boy Scouts plan to do the work towards earning their Eagle Scout rank.

Chief Woods reported that he received a letter from the Department of Homeland Security in which \$34,659.09 was to be dispersed as a forfeiture payment to the McSherrystown Police Department. The funds must be used for law enforcement purposes as stated in the application for Transfer of Property Seized/Forfeited by a Treasury Agency (TD F92-22.46.) As the intent of this transfer is to enhance law enforcement, these funds must increase and not supplant the appropriated operating budget.

Recreation Committee Chairwoman Murren said that she had no prior knowledge of Councilmember Pascoe and VonSas' plan to disregard the advice of the attorney to deny Manager Cook his right to privacy.

Councilmember Murren stated that she received a letter from Larry Lacy who asked if he could use the recreation park field for his baseball team of twelve players to practice and have a few games. Solicitor George said that he would provide a waiver form for the team to sign prior to using the field. The waiver is also to be completed for yard sale permits and rental of Borough facilities.

Councilmember Lookenbill made a motion to allow Larry Lacy's team to use the recreational park ballfield pending proof of insurance and a signed waiver. He was seconded by Councilmember VonSas.

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.

Councilmember Murren remarked about the holes in the dugout roofs at the Fairview Avenue Recreational Park. It was her desire to have the roofs taken down in order to avoid injury to children playing there. She contacted Manager Cook regarding the removal of the roofs, but according to Manager Cook, Borough employees were not currently available to address the issue. Councilmember Pascoe requested to have Councilmember VonSas evaluate the condition of the roofs. Councilmember VonSas agreed to have a look at them before the next meeting.

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Public Safety Committee Chairwoman Murren spoke about a state law that prohibits pedestrians from walking or running on a roadway when a sidewalk is present. The matter was discussed at the recent Safety Committee meeting and is to be posted on the police department's Facebook page.

Sewer Committee Chairwoman Koontz announced that a sewer lateral was replaced at 11 N. Oxford Ave. last month. She inquired whether or not the industrial waste ordinance was ready. Solicitor George said that it was being worked on.

Councilmember Koontz reported that Sam Miller of Hanover requested that consideration to changing the way Hanover and McSherrystown handle sewer billing, payment processing, and customer service be given. Councilmember Koontz will inquire about a fee structure should Hanover Borough take over sewer billing completely. Councilmember Colgan requested that the Technology Committee look into software packages. Secretary/Treasurer Walmer will supply Councilmember Koontz an estimate of delinquent sewer receipts.

Solicitor George addressed the flood plain ordinance. He said that the updated version had been conditionally approved by FEMA. He cited three sections that Council would have to determine how to handle. It was decided that hazardous materials could not be stored in a separate building in the flood plain. In addition, Council decided to keep the section of the current ordinance stating that no development of certain listed structures take place less than fifty feet from the flood plain. It was also determined that recreational vehicles would be prohibited in the flood plain zone.

Councilmember VonSas moved a motion to advertise the public hearing for the proposed adoption of the flood plain ordinance to be held on July 8<sup>th</sup> at 6:15pm at the Borough Chambers. 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)

With a majority vote, the motion carried.

Secretary/Treasurer Walmer reported that reports had been distributed for the month of May. He reported General Fund expenses were \$78,913.46, Highway Fund expenses were \$2,655.51, and Payroll expenses were \$61,166.35 for a total of \$142,735.32.

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Councilmember Koontz moved a motion to adopt Resolution 2020-09, the Company Resolution, approving that Manager Scott J. Cook be removed as an authorized individual to conduct business with Members 1st Federal Credit Union on behalf of the Borough of McSherrystown and add Secretary/Treasurer Gerald C. Walmer as an authorized individual to conduct business with Members 1st Federal Credit Union on behalf of the Borough of McSherrystown. She was seconded by Councilmember Pascoe.

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.

### **Public Participation:**

Secretary/Treasurer Walmer reported that Terrie Varga, who lives at Lynn Court Apartments, left a voicemail at the Borough Office requesting that the dog park be reopened.

### **Unfinished Business:**

Councilmember Colgan read Resolution 2020-10 censuring Councilmember Pascoe for statements made at the May, 27<sup>th</sup> Council meeting pertaining to personnel matters. He was seconded Councilmember Murren.

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 (Yes)  
Joseph E. VonSas (No)

With a majority vote, the motion carried.

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Councilmember Pascoe happily accepted the censure on behalf of the taxpayers and residents of McSherrystown. He thanked the people who stopped by his shop with positive feedback for being transparent.

The updating of the Code of the Borough of McSherrystown was discussed. Secretary/Treasurer Walmer outlined the estimates provided by General Code to recodify two ordinances. He also spoke about the three levels of eCode as outlined in the secondary estimate to digitize and provide the McSherrystown Borough Code via the Borough's website. Council decided to readdress the matter of converting to eCode at budget time. Once the Flood Plain Ordinance is adopted, it would be added to the two remaining Ordinances to be codified.

Council discussed opening the dog park, allowing pavilion rentals, and issuing yards sale permits.

Councilmember Colgan made a motion to open the dog park and Borough office and to allow pavilion rentals and the issuance of yard sale permits with certain health-related restrictions in place. Signage indemnifying the Borough are to be posted at the parks. He was seconded Councilmember Murren.

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.

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### **New Business:**

President Smith announced that in light of comments made at the May 27<sup>th</sup> meeting related to the divulging of confidential information, he was removing Councilmember Pascoe from the Solid Waste Committee and Councilmember VonSas from the Building & Grounds Committee and the Personnel Committee for the remainder of 2020.

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### **Public Participation:**

There was no public participation

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**Minutes – Borough Council Meeting – June 17, 2020**

An Executive session was declared at 8:41p.m. by President Smith. Adjournment was declared by President Smith after the executive session at 9:06.

Gerald C. Walmer  
Borough Secretary