

Minutes – October 10, 2018
McSherrystown, Pennsylvania
Zoning Hearing – Conditional Use

Council of the Borough of McSherrystown met at 7 p.m. on Wednesday, October 10, 2018 in the Municipal Building, 338 Main Street, McSherrystown, Pennsylvania with Patricia D. McKim-Bortner presiding.

President 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. Other Borough Officials in attendance included Mayor Anthony J. Weaver, Robert E. Campbell, Esq., Solicitor; Michael F. Woods, Chief of Police; Scott J. Cook, Manager/Zoning Officer and Luanne M. Boring, Secretary/Treasurer.

The hearing has been scheduled on the application of Maggie Hoffman requesting approval for a conditional use of the McSherrystown Zoning Ordinance, Chapter 215-10 (A) – Permitted Conditional Uses for Conversion Apartments with criteria of 215-82 Conversion Apartments. The property, located at 153 N. Second St. is in an R-1 Residential District.

The secretary noted that the hearing was legally advertised on 9/21 & 9/25 in The Gettysburg Times and proof of publication was received. The property was posted and a notice placed in the Borough office. The applicant/property owner received a hearing notice as well as neighboring property owners, a list of thirteen, whose names are on file.

Zoning Officer Cook explained that the property is at 153 N. Second St. and is an existing dwelling with an attached carport with two parking spaces with one beside it. In addition, there are two or three spaces in front of the house. The applicant lives on the second floor of the dwelling. The property is listed on Tax Map 1, Parcel #4. When zoning was established it was a bookstore there. The applicant's parents purchased it and got a special exception to have a business on the first floor. They then sold the property to their daughter.

Solicitor Campbell outlined the procedure that the applicant has burden to prove why conditional use should be granted based on the borough ordinances. He continued that council needs to consider and they may vote and render a decision tonight or have 45 days in which to make that decision.

Maggie Hoffman was sworn to tell the truth by the stenographer, Christine Myers.

Ms. Hoffman stated that she bought the property and it was two separate units because one was a business. Hoffman says there is separate electric already there and that it is not much to setup. Her sister had been living there in the downstairs and she lives in the

Minutes – October 10, 2018

upstairs. She now wants to make it a legal rental property, that it is already for two separate houses, just finish the kitchen set-up.

Solicitor Campbell addressed the Zoning Ordinance 215-82 – Conversion Apartments requirements.

- A. No conversion shall contain more than four dwelling units – **this will be two units, according** to Hoffman.
- B. The lot area per dwelling unit shall be not less than 3,000 sq. ft. Cook stated it is 41’ across the front, 58’ across the rear and 158’ in length or **7,821 sq. ft., so that is okay.**
- C. No alteration of the building exterior shall be made except as may be necessary for health and safety purposes. **Ms. Hoffman indicated there will be no changes to the exterior, just replacing a second floor deck.**
- D. Fire escapes shall not be located on any wall facing a street. **None there.**
- E. Each dwelling unit shall have separate and private cooking and bathroom facilities. **Ms. Hoffman acknowledged yes it was done.**
- F. Off Street parking shall be provided in accordance with 215-70 of this chapter. **Yes, six are already provided.**

Solicitor Campbell noted from that 215-70 Parking Regulations:

- A. Except for private driveways or access ways, parking areas shall not be located in any required front or side yard area.

Zoning Officer Cook explained that this **property exists with reverse frontage, with parking already in the front and a driveway due to the fact that the dwelling sits back to the rear of the property.**

Solicitor Campbell asks if Council has any specific questions. There were none.

When asked by the Solicitor if there was public comment, there was no response, so testimony was closed.

Councilmember Niedererr moved a motion to grant approval for the conditional use of the McSherrystown Zoning Ordinance Chapter 215-10 (A) Permitted Conditional Uses for Conversion Apartments with the criteria of 215-82 Conversion Apartments to allow two units at 153 N. Second Street property as presented. Councilmember Calderone seconded the motion. Motion carries.

Written confirmation will be sent to Maggie Hoffman, applicant/owner.

Adjournment was declared at 7:10 p.m. on a motion moved by Councilmember Forbes,

Minutes – October 10, 2018

seconded by Councilmember Pascoe. Motion carries.

Luanne M. Boring
Borough Secretary

Council of the Borough of McSherrystown met on Wednesday, October 10, 2018, immediately following the Conditional Use Zoning Hearings in the Municipal Building, 338 Main Street, McSherrystown, Adams County, Pennsylvania with Patricia D. McKim-Bortner presiding.

The meeting was called to order at 7:11 p.m. by President McKim-Bortner. The roll call was noted as same with 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. Other Borough Officials in attendance were: Mayor Anthony J. Weaver; Robert E. Campbell, Esq., Solicitor; Michael F. Woods, Chief of Police; Michael F. Woods, Chief of Police; Scott J. Cook, Manager and Luanne M. Boring, Secretary/Treasurer.

Minutes of the regular meeting of council held September 12, 2018 were approved on a motion moved by Councilmember Pascoe, seconded by Councilmember VonSas. Motion carries.

The Financial Review and Budget Analysis reports were presented by the treasurer. She reported that State Aid for Fire Relief and Pension Plans was received. The Fire Relief monies were distributed to SAVES and the Pension Plan Aid applied to contribution to Borough Pension Plans. There were no questions on the reports.

Communications noted included the following:

9/19/18 ACCOG – Information was provided by the organization as well as invitation to membership at a cost of \$100. It was noted that all six school districts in the county and 29 of 34 municipalities are members. The information will be available in the Borough Office for review and consideration.

10/2/18 AC Office for Aging letter was read aloud by the secretary. During FY 2017-2018, ACOFA provided \$82,888.92 worth of services to 82 McSherrystown Borough residents. Although the Borough does allow the senior center to use the building they are in at no charge, the Borough does not contribute financially. They would send a staff member here to answer any questions and appreciate the continued support.

10/3/18 AC SPCA thanks the Borough for its generous donation of \$750. They appreciate the support of the Borough.

Minutes – October 10, 2018

PUBLIC PARTICIPATION

Raymond Gouker, representative of Community Media, Southcentral PA, serving York and Adams Counties these last thirty years is here to start a rapport with the Borough and acquire support and start funding through franchise fees and grants. They want to come in and serve the community. A video presentation is available at a future meeting.

They have been filming meetings here with grants obtained from Bolton, Home Association and Moose. He noted that they will no longer be getting \$33,000 from Comcast or their ten cents per subscriber that began with Adelphia. With the five percent franchise fee they are asking for .75% or about 60 cents is their goal. He is here hoping for an opportunity to work on a relationship with the Borough.

Councilmember Calderone congratulated Gouker on what he is doing to keep people informed, saying it is very important.

Gouker added that their filming equipment is over ten years old and that they operate from the New Oxford Borough Building on the second floor above the library. He volunteers and has hired two part-time people and even with Comcast support had been scraping. He wishes to start a positive program where once a year we would get together and recognize those who contribute to their community.

President McKim-Bortner thanked Mr. Gouker.

Kelli Grim, Nazareth, PA, spoke saying Community Media should be recognized. She suggests that council members seek access to training and their obligations. She spoke of recently obtained emails excluding Mayor Weaver and Chief Woods and said the public will make up their minds. Grim commented that the council has duties per the police collective bargaining act and knowing they spent \$15,000 or more going to arbitration thus far is not good management of public funds. She reminded council of their actions and consequent violations with the state.

Solicitor Campbell asks Grim what brought her here. He asks what financial decisions here in the past three years would have hurt residents.

Grim says she supports law enforcement and that is what brought her here.

George Staub, 212 Stombach Street, asks for an update on the K-9 Program. He asks if the program will continue here, getting another dog to begin training. He says he read the released emails from four days prior to the August 8th statement made.

Solicitor Campbell related that this is not relevant at this time. The council had a meeting and listened to the people and the dog is here.

Councilmember Pascoe formally requested at this time, a copy of Chief Woods donations report read aloud at the August 8th meeting, which included equipment and monetary donations.

Minutes – October 10, 2018

Woods responded that the secretary has a report of K-9 donations, ask her.

Pascoe wishes the Chief's specific spreadsheet report of donations read by him at the August 8th meeting, not any report from the secretary. Any report on donations specific to the K-9 are available by requesting from the Secretary/Treasurer.

Danielle Smith, 610 Main Street, spoke of donations and reports she received from Luanne through open records. She went over them compared to Pascoe's report, saying nothing works. She has made a decision to read her prepared statement tonight. Smith addressed emails have been obtained regarding the K-9. Should the K-9 program become final, she reminded the Council that the funds must be returned to the donors. In those same emails obtained, a person, not on council that she would refer to as "he" was stated as giving recommendations for the future K-9 program and the fact that members of council commented on it was a violation of discussions outside of a meeting. She also spoke of April meeting notes and the fact that nothing was considered or addressed for budget shortfalls or negotiations at the time. Smith says that projects that generate revenue should be considered, not spend funds on things that don't bring value, bring in money or provide services, such as the police department.

Councilmember Niedererr commented that he would like to address what brought the negotiations committee/borough council to arbitration, when the time comes.

Holly Stahl, 30 Squire Circle, expressed concerns with liability at the dog park. She is hoping that the dogs have rabies shots.

Manager Cook read an email from our insurance agent, Kelly Shaffer, concerning the liability of the dog park. She indicated that the Borough has blanket coverage and coverage would automatically apply at no additional cost. The signage to be installed there will address liability, requirement to have updated rabies shots, and using the areas at your own risk. Cook expects that they will open within two weeks.

Mayor Weaver asks whether or not this will be a public dog park. He says wasn't that the argument about dogs and the K-9 going out of town and into other communities using Borough funds. This was brought up by a resident at the August 8th meeting.

George Staub, 212 Stombach Street, addressed the fact that the Borough has only two public works employees, yet they spend a lot of time mowing throughout town. He suggests outsourcing this as a way to save money.

Councilmember Pascoe says that constructive criticism is great from the public and that council will be open to fixing things, but it is hard to be received and act on it when everything comes to you all at once.

Sarah Murren, 304 Ridge Avenue, spoke saying she will end the discussion on a positive note thanking Rob Niedererr and Steve Pascoe for scraping and painting curbs. She says

Minutes – October 10, 2018

North Street looks wonderful. She and Joy Murren painted as well as Miss Jean, thanking them too for volunteering their time.

REPORTS

Mayor Weaver reported that Trick-or-Treat will be held October 23rd from 6-8 p.m. The Fire Company Volunteers and Police Department will be providing safety during the event.

The Drug Take Back event will be held October 27th. The Moose is sponsoring the event from 10 to 2. Weaver related that the police department has the drop off here anytime.

Police Chief Woods submitted his report for the month of September. The report included 116 calls for police services. There were 4 criminal arrests, 24 summary arrests and 2 parking tickets issued. Patrols traveled 3,037 miles, using 376.8 gallons of fuel and averaging 8.1 mpg.

Woods spoke of the two police vehicles that are in bad shape. He asks Manager Cook to give an update. Cook says both the Dodge vehicles had their cams and lifters replaced under warranty at 26,000 to 30,000 miles. Currently, the 2011 Dodge Charger (unmarked black) was taken to the garage. The cost to replace cams and lifters is \$3246 roughly with an additional \$300-\$400 extra if need to clean heads. If metal inside it would be junk. Linkage parts would be an additional \$800/\$200. The vehicle has 70,000 miles on it. Council needs to decide if they want to put money into it or look into purchasing another vehicle. The vehicles are through COSTARS and we have been dealing with New Holland Auto. Members agreed that it is time to get with Chief Woods and start looking to replace the vehicle.

Chief Woods read aloud the resignation letter of Officer Patrick Lehman. His last day here will be October 19th. Woods says he is disappointed because he was doing so well. He stated that he is losing good officers here in the last five years.

Manager Cook's monthly report for September included mowing and weed whacking at the quarry. Vacuumed out debris from all storm water boxes throughout town. Installed corner braces on fence posts at the new dog park. Serviced Brush Chipper and Leaf Vacuum for pre-inspection. Repainted stenciling at all storm water boxes throughout town. Trash was emptied at all parks and borough offices on a weekly basis. Daily maintenance was performed on police vehicles and borough vehicles and equipment. All recreation areas were mowed and maintained as needed. Gasoline usage was 118.0 gallons and diesel fuel usage was 43.8 gallons. SAVES used 277.7 gallons of diesel and 8.7 gallons of gasoline during the month.

Manager Cook asks for approval to purchase two loads of rock salt at \$70.70 ton. The loads are approximately 24 ton each with the total cost of \$3,500.

Councilmember Calderone moved a motion to approve to purchase two loads of rock salt for \$3,500 as budgeted. Councilmember Niedererr seconded the motion. Motion carries.

Minutes – October 10, 2018

Cook reminded council members that we are working on the budget and that committee chairmen need to get with himself or Luanne, so that we have something for the next meeting.

Manager Cook reported that the pavilion at the dog park will be up soon.

Finance Committee Chairman Forbes questioned the treasurer on delinquent accounts, saying we need to have the solicitor aggressively pursue them taking to sheriff sale.

The treasurer noted that she has provided the board an update back in May and that she continues to generate this report on an annual basis.

Building and Grounds Committee Chairman VonSas reported that the dog park is 95% complete.

Civil Service Committee Chairman Niedererr reported that the commission met last Wednesday and that the chief will be advertising for Act 120 applicants.

Niedererr noted that the terms of Teri Stiltner and Glenn Doan have both expired. He has asked for approval to re-appoint them.

Councilmember Forbes moved a motion to re-appoint Teri (Margaret) Stiltner and Glenn Doan to serve new terms on the Civil Service Commission. Councilmember VonSas seconded the motion. Motion carries.

OLD BUSINESS

President McKim-Bortner related that there is a vacancy on Borough Council due to the resignation of Steven Clingan.

There were five letters of interest received for consideration. Members of Council received those copies this date and McKim-Bortner called their name and asked them to acknowledge if they were in attendance. Mark Lookenbill, William Smith, Lisa Koontz, Glenn Doan and Christopher Markle were all in attendance. It was acknowledged that all but one was a qualified register voter.

The secretary read an email from Angie Crouse of the AC Voters Registration Office that indicated Christopher I. Markle is currently an inactive registered voter in York County. He is not registered in Adams County.

Solicitor Campbell explained how filling the vacancy works. He indicated that consideration is not necessarily limited to those letters of interest received here but anyone who expressed interest outside to a member of council. A motion will be made by a member of council, then if it receives a second, a vote will be taken. If there is a tie, the mayor has option to break it.

Minutes – October 10, 2018

Councilmember Von Sas moved a motion to appoint Lisa Koontz to fill the unexpired term of Steven Clingan till December 31, 2019. Councilmember Calderone seconded the motion. A roll call vote was taken and all ayes as follows: VonSas, Calderone, Forbes, Niedererr, Pascoe and McKim-Bortner. Motion carries. The appointment will be recorded as Resolution 2018-14 and same submitted to Adams County Director of Elections, Monica Dutko.

It was noted by Solicitor Campbell that Lisa Koontz will need to file the Affidavit of Residency and then will be sworn into office. She will take her seat at the next Borough Council Meeting.

Councilmember Niedererr thanked all those who submitted letters of interest saying their qualifications were impressive.

NEW BUSINESS

Approval to pay expenditures as listed totaling \$300,125.76 (General Fund - \$258,693.34; Highway Aid - \$3,298.77 and Payroll - \$38,133.65) was given on a motion moved by Councilmember Niedererr, seconded by Councilmember Pascoe . Motion carries.

Adjournment was declared at 8:38 p.m. on a motion moved by Councilmember Forbes, seconded by Councilmember Calderone. Motion carries.

Luanne M. Boring
Borough Secretary