

McSherrystown Borough Council
Meeting Minutes
Public Meeting – Wednesday, March 9, 2022

The meeting was called to order by President Colgan at 6:30pm, followed by the Pledge of Allegiance and Invocation. In the absence of Joyce Murren, Bill Smith made motion to allow Tim Klunk to be acting Secretary, seconded by Spangler.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes. Motion Passed.

Roll Call taken with the following present: President Dan Colgan, William Smith, Joseph VonSas, George Staub, Donna Spangler, Tim, Klunk, Mayor Kathleen Todt, Solicitor Justin George and Jeff Gardner. Those absent were, Vice President Joyce Murren and Joe VonSas. Joe VonSas joined us at 6:35pm and participated in the balance of the meeting.

Motion to accept meeting minutes for February 9, made by Klunk, seconded by Spangler.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes, VonSas – yes. Motion Passed.

President Colgan discussed the executive session (March 3rd) concerning personnel matters, in lieu of in chamber meeting being scheduled. (Advised by Solicitor)

Letter of President Dan Colgan rebuking outside actions and misinformation campaigns and behaviors by others. Summarizing recent events surrounding commercial rental property tenancy protections. Citing prior “objective reviews” that were made resulted in a less stringent draft of the legislative proposal. The current draft builds on existing ordinances for a rental property. (Centering on complaints, Ref. Code Chapter – 68). In the current draft, an initial property inspection will be conducted only on qualified properties that are not temporary boarding houses or have established inspections, such as Section-8 housing. Successive (new) inspections can happen, firstly if modifications to a rental unit are made or secondly, if complaints are filed against a landlord or rental property.

Announcements: Dan also reviewed the process to which anyone can use to request an entry into the agenda (posted on website). Also, Electronic Recycling is scheduled for Saturday, April 2, 2022 from 8:00am till 12:00 noon at the Maintenance Facility on Oak Lane.

Committee Reports:

Personnel: Candidates for part time Secretary/Treasurer and Clerk Typist are interviewed.

Planning & Zoning: Clarification on communication with Barry Isett

Highways: Re-surfacing of roads on hold due to Columbia Gas digging up walks and roads in near future. Discussion on required linear footage and Maturity bonds prior to proceeding.

Building & Grounds: Reported contract proposal submitted by “Be There Environmental Services” to be reviewed to supply “Toilet Services” at various locations in the Borough. Action, forward the lease copy to the Solicitor for reviews as per Dan Colgan. Letter read by Dan Colgan regarding the planned construction going on at the Turkey Hill Convenience Store.

Civil Service: No Report

Public Safety & Recreation: Letter read by Dan Colgan, from Joyce Murren .

Sewer: No Report

Solid Waste: No Report

Finance: No Report

Mayor’s Office: Historic reflections on life and service regarding our K9 Officer Ozi that died February 25, 2022. He will be missed. Also, she extended her gratitude to SAVES for their annual service banquet.

Solicitors Office: Mentioned the revamping of the ordinance for registration and inspection of rental properties. Turkey Hill attorney requested developer’s agreement from Solicitor.

Recognized Speakers:

Kristin Warner, requesting ARPA funding contributions for “New Hope Ministries” and their many programs. Waiting to receive a proposal from Kristin to be acted on in the future.

Dan Colgan’s announcement, reminder of 3 minute speak time only “no ceding of time by others” is allowed from one person to another.

Attorney Arthur Becker, challenging recent past practices and the right for public speakers to be recognized, invoking sunshine act. The policy continued to be debated between Attorney Becker and the Solicitor about house rules and how they are applied toward meetings and if such rules are currently displayed. Resident attendees breaking in with complaints of inconsistent speaker allowances. The meeting was brought back to order by President Dan Colgan several times.

Rob Niedererr aired concerns of 24 hour snow and ice removal.

OLD BUSINESS:

Eagle Rock Development:

Tom Weaver: regional safety issue speaking against approval of Eagle Rock plans for exits and safety gates in McSherrystown. Citing safety issues with the proposed safety gate, and how it funnels traffic, 300 cars per day, directly into the vicinity of the proposed walking trail. The State did not follow its own requirements for the issuance of a highway occupancy permit. Requesting council not to approve the plans.

Bill Smith: Voicing concerns about the Eagle Rock plans water run-off on the walking trail as proposed.

Dan Colgan: Discussion on the results of a safety committee review of Eagle Rock sidewalk and road plans and citing that State proposals do not meet the Borough specifications (Article 3-187). The McSherrystown safety committee will not be approving the submitted plans by J.A. Myers developer. The developer will need to provide cost estimates with all contingencies. Motion made by Colgan, seconded by Staub to reject the approval of existing proposal plans.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes, VonSas – yes. Motion Passed.

Motion made by Spangler seconded by Staub to pass the advertised ordinance removing pay for all new council members and the Mayor beginning 2024.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes, VonSas – yes. Motion Passed. Matter closed.

Public Comment on Registration and Inspection Ordinance:

Attorney Arthur Becker: citing a meeting regarding the inspection ordinance, was scheduled as promised by President Dan Colgan but subsequently cancelled by Dan himself. Also, citing the Landlord Tenant Act statute, and other pro bono remedies are currently in place to deal with tenant example problems.

Continuing Jen Zerfing: stating that aforementioned tenant issue examples were resolved without hazard. Policing existing ordinances is currently lacking, citing budget issues and staffing shortages. Requesting budget projections regarding human resources and staffing time.

Bill Reese, Landlord: Speaking from experience with Section-8 “free” inspections, and the importance of working financially with tenants.

Dan Gebhart: Questions and conversation concerning IPMC drafts previously discussed. Citing issues with enforcement of current ordinances such as unpermitted construction.

Tina Nesselrodt: Complaints of mismanagement and over budget policies mentioned. Misappropriation of funds?? Requesting board members to vote no to proposed inspection policies. Also, citing car and junk, at roadside various places in the Borough.

John J. Markle, Landlord: Mentioning cleanup efforts required can cost \$3,000.

Rick Keeney: Citing examples of tenant issues and suggestions.

Darwin Weibley: Discussion centering cost of Borough doing business and high taxes.

Dwayne Dull: Non-resident, mentions landlords doing a good job, things are in place.

Dave Groft, Landlord: Mentions inspections and the cost of inspections going to the tenant. Inspections not needed. Water and sewer billing issues being dealt with.

T. Gladfelter: Reading of inspection legislation.

T.J. Murren, prior Zoning Officer: Situations and examples of tenant issues. No welfare ordinance currently exists.

Richard Groft: Citing it's only at the Presidents discretions that anyone may or may not get on the agenda. Also witnessing that Dan Colgan's interactions as a resident wasn't always good with previous council members.

Luanne Boring: Trying to be heard, 19 people left borough employment since she left employment. Questions concerning tenancy records being updated on time. Discussion on prior years budgeting.

Lindsey Krug: Citing her opinions on IPMC codes going away and not to drive the council away. Certain people stirring the pot and shouldn't be.

No more speakers.

George Staub: Comments on passing good legislation good for all.

Dan Cologan: Comments on beating the old inspections draft.

Donna Spangler: Citing a landlord that stunk caused a house to blowup and a woman that got hurt.

Tim Klunk: Citing that the magistrate is in place for dealing with these issues.

Joe VonSas: Made motion to take the drop inspections off the table.

Roll Call Vote: Colgan – no, Smith – yes, Staub – no, Spangler – no, Klunk – yes, VonSas – yes.

Tie vote goes to the Mayor for a tie breaker. Mayor says – no. Motion Not Passed.

Personnel Committee: Dan Colgan, request to extend conditional job offers to Jessica Freiert as Secretary Treasurer. Motion made to extend the offer made by Spangler, seconded by Staub.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes, VonSas – no.
Motion Passed.

Dan Colgan, request to extend conditional job offer to Kayla Warner as Clerk Typist. Motion made to extend the offer made by Spangler, seconded by Smith.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes, VonSas – yes.
Motion Passed.

Questions on office responses:

Dan Colgan: Speaking, situation request by Columbia Gas for a permit concerning large project of changing out gas mains. This year's project would cover Oxford Avenue, down North Street, then across Second Street, up South Street and then back up to Oxford Avenue. A return request for linear footage for all street cuts and security bonds will be conducted.

Discussion on joint principal bid package. Motion made to accept the joint bid schedule package made by Smith and seconded by VonSas.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes, VonSas – yes.
Motion Passed.

Discussion on the financial checks for the bill payment for the month. Motion made by Spangler, seconded by VonSas.

Roll Call Vote: Colgan – yes, Smith – yes, Staub – yes, Spangler – yes, Klunk – yes, VonSas – yes.
Motion Passed.

Next meeting will be March 23rd at 6:30pm.

Motion to adjourn made by Spangler, seconded by Klunk. Motion carried.

End Minutes.