

Minutes – July 11, 2018

McSherrystown, Pennsylvania

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, July 11, 2018 in the Municipal Building, 338 Main Street, McSherrystown, Pennsylvania with Patricia McKim-Bortner presiding.

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 and Scott J. Cook, Manager. Luanne M. Boring, Secretary/Treasurer, was absent.

Minutes of the regular meeting held June 13, 2018 were approved on a motion moved by Councilmember Niedererr, seconded by Councilmember VonSas. Motion carries.

The Financial Review and Budget Analysis reports were distributed by the treasurer. In her absence it was noted that Act 101 – 2016 Year Performance Recycling Grant has been included in the amount of \$2,308.

Communications noted included the following:

7/2/18 Rabbit Transit – Transportation Service provided to residents of McSherrystown. Seniors 65 or older ride for free. Borough's 2018 budget includes a donation of \$500 to the transportation authority.

7/9/18 Michael Weaver, 22 Westview Drive re: requests handicap on-street parking. Manager Cook read the letter aloud. Weaver requests the space for his brother who visits from out-of-town and has handicap due to stage 4 cancer. The matter was tabled as Cook does more research.

PUBLIC PARTICIPATION

John Coulson and John Sherdel were in attendance to present a copy of the publication – **Wee Willie Sherdel: The Cardinals' Winningest Left-Hander**. The book had been dedicated to the Sherdel Family and to the people of Midway, Hanover and McSherrystown. Mayor Weaver and Council President McKim-Bortner accepted the book on behalf of the Borough.

It was noted that the room full of people will have their chance to speak under new business at the meeting end when the K-9 is to be discussed.

REPORTS

Mayor Weaver publicly thanked the Police Department, Fire Company and Scott's crew for help with the carnival and putting up barricades. He reported that everything went

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smooth. He intends to have comments later in the meeting.

Police Chief Woods acknowledged that his report for the month of June was distributed. The report included 131 calls for police services. There were 4 criminal arrests, 36 summary arrests and 2 parking tickets issued. Patrols traveled 3,183 miles, using 444.2 gallons of fuel and averaging 7.2 mpg.

The Chief thanked everyone for showing up tonight. The first thing to discuss is the K-9 unit and fact after being in operation for four years, now issues or what he hopes to learn tonight. He spoke of an article in The Gettysburg Times that questions the health of OZI and with that said he has a letter from his vet at Conewago Veterinary who has treated OZI over the years and says he is in great, perfect health for continued service.

The second thing is that the K-9 program here helped other departments and agencies and last year helped Homeland Security with drug forfeiture case. We are getting a \$22,170 donation from them to our department for our K-9 program. We will later hear what the Moose has done for the department and he then read aloud letters of support and appreciation from the Home Association, DCHS Principal Richard LaRocca, a parent from St. Teresa School, the Adams County District Attorney and spoke of letters from West Manheim, Cumberland Township and Hanover Borough.

The Chief says he received reports from Luanne Boring, Secretary/Treasurer. Since inception and in the same time period the donations received were \$42,245 and expenses were \$29,552.

Manager Cook's report for the month of June included continued to collect and chip brush on site throughout town and mulched flower beds and all trees at parks. Rolled lawns at walking track area and Fairview ballfields. Removed handicap sign and post at Fairview Avenue and installed at 612 Main Street. Swept all streets with street sweeper. 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 162.8 gallons, diesel usage was 82.7 gallons and SAVES used 340.1 gallons of diesel and 9.5 gallons of gasoline.

Cook reported that construction of the pavilion at the walk track has begun.

Zoning Officer Cook reported that the solicitor has sent letters to the owner (Buttross Company in Texas) of 138 Main Street, of the unsafe structure and illegal use of the garage there.

Solicitor Campbell has not yet heard back from them as far as the certified receipt that the letter was received. The letter was sent to owner, Mr. Buttross, his management company and a copy to the tenants on record at 138 Main Street.

OLD BUSINESS - none

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NEW BUSINESS

Approval to pay listed expenses was given on a motion moved by Councilmember VonSas, seconded by Councilmember Pascoe. Motion carries.

At this time President McKim-Bortner thanked those in attendance for being here when the K-9 dog is to be discussed. She reminded them in order to speak they will need to state their name and addresses and will then have a limit of three minutes to speak. She said that only McSherrystown Borough residents or those owning property here may speak.

David Bolton, 530 South Street, read two letters of support from law enforcement who cannot be here tonight who are residents and K-9 handlers.

The solicitor spoke saying at this time we should know what the issue is, so that there is a better understanding of that.

Councilman Pascoe, Safety Committee Chairman, says it is great to see so many people here in support of the police department as so many times they get a bad rap. He has been tasked with putting together a cost analysis for the K-9 program. He went back to when it first started and has asked Chief Woods for a report and he gave it from 2014 to present. He noted that the data was not received from 2013, so that will add and increase the total at end. He spoke of the initial police transport vehicle \$3750 borough cost, that the public works had sixteen hours of work at a cost which was indirect labor. Training for two officers was an indirect cost.

At this time Chief Woods and the trainer both disputed there was no other handler trained, only Chief Woods with the K-9. Pascoe acknowledged that he understood by talking with handlers it was two officers trained.

Pascoe continued that Chief Woods was paid as the handler (time and hours indirect). On 5/14/14 per the Garcia Act, Chief Woods received a payout of \$2500 from the past year to date (May 2013 until the 5/14/14 agreement date). Estimated 70 hours taken from patrol was another cost. Total boarding costs paid out to Chief Woods was \$18,248; Vehicle insurance and K-9 insurance as well as transportation costs to and from Woods' home. Estimated vehicle maintenance cost for vehicle including tires etc. was listed and monies paid to Woods for calls, reports and court time. He estimates that the total of \$43,353 is low. He crunched numbers without the information from 2013.

Mayor Weaver spoke that he was here for the four to five budgets since Ozi was here and not once during the budget hearings was anything brought up about Ozi at all. Madame President sent out an email back in June about wanting a report on the K-9. He says that eleven years as being Mayor he has place and manner over the police department and has not received a complaint about Ozi at all. He understands this was discussed at a closed meeting when he was not here and is obvious why it was done that way and all of a sudden in the middle of the year and after arbitration. He was told by Madam Council

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President that several members of council had complaints but after asking her several times who they were so he could meet with them, has not once been given a name other than you. He says to vote on it so to get on with it and when voted on he will veto.

Pascoe continued that not only is what he already reported but it is the issue of Ozi's age of 9 years, 3 months.

Mayor says he spoke with a handler last weekend and he says OZI could go to 11-1/2 to 12 years.

Chief Woods stated that he worked 190 hours of overtime in 2017 and of that 13.5 hours was K-9 overtime amounting to \$741.

The fact that time away from town in deployment of K-9 and whether or not shift changes occur, time spent afterwards as overtime catching up, etc. was discussed by the board.

Woods acknowledged not having an administrative assistant.

Pascoe read from Woods report that he was in many areas with the K-9 saying we are not a county agency but rather paying for time and comp time which he does not consider normal regular mutual aid. He says we cannot as a small borough continue to support Adams County and parts of York County with K-9 program.

Kim Wiggins, Director of Agency that works with MOPEC addressed the board. She explained how municipalities, government works saying most have different specialties which work together.

Tara Bolton, 537 South Street, read a letter from Manager Croniger from The Moose, stating pledges monthly and annual amounting to \$35,000 over five years while supporting other borough programs.

Danielle Smith, 610 Main Street, approached Chief Woods and Mayor Weaver about a proposal for non-profit organization group. She says there is no reason to not allow communities to explore this to fill in the gap and support a program such as this. She would contact "Friends of Organizations" already in place in Reading and Harrisburg to find out how it works. She asks to consider this as an option.

Michael Lawrence, 378 North Street, commended the chief for time spent with him, saying he is the reason Ozi is here. There is a drug problem and K-9 is an asset to the community and surrounding area.

Matt Logan, Hanover but a teacher at Delone, commented that the dog is an invaluable resource at the school.

Christine Rosensteel, 360 Main Street property owner, asks Chief Woods to share things

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Ozi has done and his value.

Chief Woods spoke of an incident in town apprehending an individual which happened on VonSas property and says there are many more. He does know that we are expecting \$22,000.

Pascoe asks how many hours a day the chief is in the office and how many out on the street.

Chief Woods responded that he would say it is 50/50 as he does not have an administrative assistant.

Pascoe spoke of K-9 legality and the fact that he understands the dog needs to be drilled every week, saying the K-9 is the most liability a municipality can have.

Solicitor Campbell remarked that he would assume the borough has adequate liability on the dog.

Bill Smith, 610 Main Street, spoke saying he is as fiscal responsible as anyone can be. He asks why with all the sources of income, it is now being rushed, pushed. He recommends taking time with this.

Councilmember VonSas spoke as to why this is being discussed and doesn't know why it is assumed otherwise.

Mayor Weaver commented that there needs to be transparency in government and he was not aware the K-9 was being researched until he was copied on the email.

Gary Green, 611 South Street, recommended hiring someone for one-third of the cost of the chief, who could do things in less time and put him out on the street.

Danielle Smith spoke saying as far as the chief, do you want an administrative chief or an active chief. The program is in place and need to grow from it.

Solicitor Campbell commented on the agreement in place for the K-9 and the basis in which the Borough would need to prove just cause and that there is an undue financial burden.

Sarah Murren, 306 Ridge Avenue, spoke saying that as a dog owner the most expense is the vet, food and treats which she says are covered. She and her daughter bring stuff here. She understands that 90% of the dog's expenses is covered and wants to know what the unnecessary expense is.

Pascoe has one additional point to make and that is he has three print-outs which say the average retirement age for K-9 is 7 to 9 years of age, adding that the longer we go past that retirement age, the higher the liability.

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Dixie Weaver, 634 Cricket Lane, asks Pascoe if he actually spoke to the experts on this. If not, she says things are not what they seem to be when looking up things on the internet.

Shawn Edwards, dog trainer, says he just retired one and not because of senses gone, but because pain and slowing down. He acknowledged that 9 is average but it is actually closer to 10 years but that 11 is more accurate. In his travels seeing all types of dogs, he says that at 7 years they are mostly in the larger metro areas and used more for crimes/shootings. During training/certification they are assessed and in his experience injury due to job or genetics those are the ones which retire early. Edwards commented that one kid found by a dog makes it worth every dime.

Danielle Smith says the board needs to look at all the things Ozi has done. Crunching numbers is one thing and can be addressed. She wrote council, not knowing if they saw here letter. She asks council to let capable citizens help with the program.

Veterinary office spokeswoman commented that Ozi's health is fantastic. His heart and lungs are great, so far everything checks out. Eventually he will age but right now he is okay.

The two different lines of German Shepherds was discussed and the fact that show dogs have more issues than those working dogs.

Dan Colgan, 355 Ridge Avenue, says that if worried about the demise of the dog, maybe should look ahead to the next generation.

Danielle Smith says the community needs access to the borough and need to find a way to get it.

Councilmember Calderone thanks and appreciates everyone coming as it helps make his job easier.

President McKim-Bortner recommends taking time to look over the information presented and speak with Danielle about funding options.

The matter of K-9 dog was tabled on a motion moved by Councilmember Forbes, seconded by Councilmember Calderone. Motion carries.

Adjournment was declared at 8:25 p.m. on a motion moved by Councilmember Calderone, seconded by Councilmember Neidererr. Motion carries.

Luanne M. Boring
Borough Secretary