

Abbottstown Borough Council Meeting October 17, 2019 7PM

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Led by Vice-President Dale Reichert.

ROLL CALL: Laura Baker, Dale Reichert, April O'Brien, Daniel Watkins.

Also in attendance: Mayor Duane Watson; Administrator/Secretary/Treasurer, David Bolton, MBA, CBO; Solicitor, Tim Shultis. ABSENT: President Dennis Posey; Engineer, Chad Clabaugh.

ANNOUNCEMENTS: An Executive Session was held at 6:32-6:45 pm this evening to discuss Personnel matters.

GUESTS: Susan Littlestar, 39 Town Circle;
Ben Haugh, co-owner of The Altland House
Tara Bolton and Logan Kibler, Conewago Twsp.
Christian Harris, MPA, Borough Intern

MAYORAL PROCLAMATION: Haugh Family Week (Altland House) for altruism.

PUBLIC COMMENT: None

APPROVAL OF MINUTES: *Motion made by Daniel Watkins to accept the minutes of September 19th; 2nd by Dale Reichert; Motion carried, 4 Ayes.*

TREASURER REPORTS:

Profit /Loss Statements; Bank Acct Statements;

Motion made by April O'Brien to accept the Treasurer's Report thru September 30th, 2019; 2nd by Daniel Watkins; Motion carried, 4 Ayes.

Approval of Expenditures;

Motion made by Dan Watkins to approve paying the bills as presented, with the one exception (Lucabaugh); 2nd by April O'Brien; Motion carried, 4 Ayes.

ADMINISTRATOR – David W. Bolton, MBA, CBO, updated Council on the following:

- ⇒ Attended the PSAB Webinar on legalities of Part-Time Police administration.
- ⇒ Attended PSAB Webinar on the Role of the Municipal Treasurer
- ⇒ PSAB BoD meeting and Annual Conference:
 - Several motions made, non-part in amicus brief (passed)
 - Elected to Executive Committee (8 members); Board decision until June
 - Motion to approve 2020 PSAB Budget (passed)

- Training Session: Land Use Law Update (Susan Smith)
 - Training Session: Community Policing
 - Training Session: Best Practices in Code Administration
 - Nominated for 2nd Vice-President; Cheryl Bahn from Seven Valleys (York)
- ⇒ Cost Analysis on 2019 Street Preservation Project (in packets)
- ⇒ Adams County Hazard Mitigation Plan: 3rd meeting – Graham involved also.
- ⇒ Comcast Franchise Agreement: No word yet on progress; email from Sam Wiser.
- ⇒ COG Collaboration Comm: 2020 Municipal Training Matrix for employees/council.
- ⇒ PA Gov’s RDC: discussed rural broadband concepts; presented our plan for A.C.
- ⇒ Columbia Gas: working to get no-cost replacement/movement of gas meters in front yards and right-of-ways; Union mandates; researching bare seal/cast iron replacements.
- ⇒ Working with PSAB training dept to offer savings on training; Subscription Program; projected training costs for 2020 (\$765), save \$10 plus add any webinars for free all year.

Motion made by April O’Brien to participate in PSAB Training Subscription Program for 2020 at \$450; 2nd by Dan Watkins; Motion carried, 4 Ayes.

- ⇒ Permission to attend FREE PA Digital Government Summit on Dec. 12-13th in Harrisburg.

Motion made by April O’Brien to approve attendance; 2nd by Dan Watkins; Motion carried, 4 Ayes.

- ⇒ Local Emergency Planning Committee looking for volunteers on their board. Meetings are in April and September. Anyone interested should review and inform Mr. Bolton.
- ⇒ Invite from Adams Economic Alliance for membership (\$200); 3 boards, 7 committees, annual appreciation event, database, etc.

Motion made by Dan Watkins to join Adams Economic Alliance for 2020; 2nd by April O’Brien; Motion carried; 4 Ayes.

- ⇒ Request from Adams County Office for Aging for donation: 8 borough residents received over \$9K in services in 2019 (home-delivered meals, care mgmt., emergency response, etc.). ***TABLED until Council can discuss with area residents.***
- ⇒ Helping Chief Graham and Mayor Watson with paperwork for PD. Uniforms being ordered, vehicles being studied. Compiling training webinars/materials for Mayor.
- ⇒ Borough Intern Christian Harris, MPA, gave a report on MAP grants for 2020.

SOLICITOR – Tim Shultis

-- The Residence at the Bridges: Mr. Shultis updated Council that paving for Kinneman Road will not take place until next Spring. Builders are still awaiting approvals from Berwick.

-- Codification/Tax Ordinance adoption update: had a meeting with VP Reichert, Councilor Watkins and Mayor Watson to review the “added” regulations inserted by General Code to compensate for our missing legislation

(approval at time of adoption of codification ordinance). One major issue is the inclusion/verification of Ordinance 1979 for sidewalks on King Street. Current ordinance is unenforceable and should be repealed at this time and investigated in the future if Council so wishes.

Motion made by Laura Baker to repeal Ord 1979, Sidewalk mandate on King Street (on the assumption it was enacted previously); 2nd by Dan Watkins; Motion carried, 4 Ayes.

Mr. Shultis will update General Code with Council's decisions and will have an ordinance prepared for review and a vote to advertise at our next meeting so it is ready by the start of 2020 for enforcement.

ENGINEER – Chad Clabaugh: Report was submitted by email on future proposed activities.

CODE ENFORCEMENT – James Graham -- Reports on Code activity in binder.

-- Zoning permit issues at 23 Town Circle:

Mr. Graham submitted a letter of opinion on the matter of a Councilor and a Zoning Hearing Board member visiting a resident to discuss a zoning permit they received to move their carport. Councilor O'Brien stated that when she gets questions from the public about administrative functions, she instructs them to call the office. She finds it "disturbing" for councilmembers or Zoning Hearing Board members to advise residents or investigate properties. Her opinion was that Mr. Baker's involvement warrants dismissal from the position. Councilor Watkins stated he had heard about the situation at the post office. Councilor Baker reiterates the events leading up to the incident. Intern Harris asks if the letter from Mr. Graham can be read aloud, so everyone understands the conversation. Upon question from VP Reichert, Mr. Shultis advises that it is not currently a public document as it involves a "nature of investigation and opinion". Mr. Bolton updates Council that he had intervened when the issue was brought to his attention and a solution was found that a permit was not required, so the resident's fees were refunded. Resident was pleased with Mr. Bolton's help. Mr. Shultis advised that what transpired could be viewed as a "conflict of interest" as there is no protocol for a Council member or a Zoning Hearing Board member to be involved in the permit process directly.

Councilor O'Brien stated that all issues in the borough need to come through the Borough Office and Mr. Bolton; it is not the place of Council to deal with day to day activities. She finds what transpired "unprofessional". Councilor Watkins stated that he

agreed with Council O'Brien on her assessment. Mr. Shultis advises that the Council has a right to remove Mr. Baker from the ZHB for the incident and explained that a 15-day notice to terminate must be served to Mr. Baker, with his right to speak in his own defense at a public hearing. He also stated that as a practical matter, the relationship between Councilor and Mr. Baker would create a permanent situation where Mr. Baker would have to recuse himself from the ZHB if any cases arose because of the legal implications and inherent conflict that could happen.

Councilor Baker stated that she will tell Mr. Baker to send in his resignation when she returns home. Mr. Shultis advises that action may not be necessary, but Baker stated "but that would be the simplest way"

COMMITTEES and ORGANIZATIONS:

Abbottstown-Paradise Joint Sewer Authority – April O'Brien: **Reports in Binder**

Adams County Boroughs Association – April O'Brien: Meeting Nov. 18th at Pike.

Adams County Council of Governments – David W. Bolton: **Reports in Binder**

Adams County Tax Collections Committee – Craig Peterson: **Reports in Binder**

Parks and Recreation – Laura Baker:

Pennsylvania State Association of Boroughs – April O'Brien: **Reports in Binder**

Personnel Committee – Dennis Posey/Dale Reichert: Annual Performance Review for Mr. Bolton was completed and presented to Council in Executive Session.

Motion made by April O'Brien to increase payrate for David Bolton from \$21 to \$28 per hour effective 10/20/19; 2nd by Dan Watkins; Motion carried, 4 Ayes.

Council discussed the use of proper timesheets and activity tracking for employees. Councilor Baker stated that she does not have Excel at home to track timesheets with the program used.

Councilors O'Brien and Watkins discussed the previous supervision and safety issues with the PT help and the liability to the borough and that anyone supervising borough employees should have safety training. Council had discussed shifting supervisory and time-tracking duties to Mr. Bolton as Borough

Manager, discussed during his Performance Review in Executive Session, as he has the training and experience. He is to also oversee all quotes, bids, agreements and contractors going forward. Pres. Posey or VP Reichert to sign off ALL timesheets for Payroll after Mr. Bolton documents.

Sidewalks & Streets Committee – Dale Reichert: Covered in Solicitor’s report.

York Adams Tax Bureau – Craig Peterson: **Reports in binder.**

CORRESPONDENCE – Several in Binder, to include:

CODE ENFORCEMENT/ZONING OFFICER:

- Building Permit/Inspection Report – September 2019 report
- Codes Enforcement Report – September 2019 report
- Enforcement Strategy/Discussions included in Binder/Mayor emailed.

PENNSYLVANIA STATE POLICE:

- September 2019 report

UNITED HOOK AND LADDER COMPANY #33:

- September 2019 report

ADAMS REGIONAL EMS:

- September 2019 report

2020 PROPOSED BUDGET: VP Reichert announced the proper advertisement and availability of the proposed budget for review during the legally allotted time period.

Motion made by April O’Brien to approve the 2020 Municipal Budgets; 2nd by Dan Watkins; Motion carried, 4 Ayes.

Motion made by April O’Brien to adopt Resolution 2019-05 Levying Taxes for 2020 (no increases); 2nd by Dan Watkins; Motion carried, 4 Ayes.

OLD BUSINESS: Invoice from Nevin Lucabaugh for removal of tree in Rec Park. Mr. Bolton states that he has received and verified the proper insurance coverages were in effect for Mr. Lucabaugh (under Nunda Fruit Farms) when the tree was removed. Councilor Watkins asked if there was any communication with Mr. Lucabaugh prior to the removal. Mr. Bolton responds that neither the Council as a whole nor the Borough office was notified of any quotes or agreements for the work to be authorized. Councilor Baker responds to Councilor Watkins’ question on if she had contacted Mr. Lucabaugh to which she responded “No”. Councilor Watkins stated that since Council nor Mr. Bolton was consulted or contacted prior to the removal, the Borough has no obligation to pay the invoice made out to “Laura Baker”. Councilor O’Brien stated that if Council would have approved it, it would have been addressed to the Borough, not to Baker and said that Mr. Lucabaugh’s only contact was with Councilor Baker. Councilor Baker stated that she told Mr. Lucabaugh that she would bring it to Council

and get back to him, or that Mr. Bolton would get back to him. She confirmed that Mr. Lucabaugh “went ahead and did the tree”. VP Reichert stated that since there is no motion to pay or deny the invoice, the matter dies due to lack of a motion.

NEW BUSINESS: -- Consideration of Resolution 2019-07 supporting Marsy’s Law.

-- Consideration of Resolution 2019-08 supporting Municipal Radar Law.

-- Consideration of Resolution 2019-09 amending Prevailing Wage Law.

-- Consideration of Resolution 2019-10 School Funding/Cyber Charters.

Mr. Bolton gives a brief explanation of each of these resolutions and stated that the ACCOG will be coming up with three a month for three months for municipalities to consider (Mr. Bolton will be authoring and submitting to the Legislative Committee).

VP Reichert explains some of the funding issues with cyber charters taking public school funding.

Motion made by Dan Watkins to adopt Res. 2019-07 through 2019-10 as presented “en bloc”; 2nd by April O’Brien; Motion carried, 4 Ayes.

-- Consideration of Ordinance 2019-04 Motor Vehicles, Traffic, Streets and Sidewalks. (Mr. Graham has reviewed, approved). Mr. Bolton explains that this ordinance was designed to “fill the gaps” of unenforceable issues from previous ordinances and other modern concerns updating previous versions. Mr. Shultis admits that, although he did receive the ordinance from Mr. Bolton in a timely fashion, he has not had time to thoroughly vet the contents. He expressed a few concerns and would like to further review some of the regulations prior to advertising. An executive summary was presented by Mr. Bolton to highlight the updates this ordinance proposes to provide. VP Reichert stated that we must be sure that we have all the documentation on studies needed for enforcement. **TABLED FOR SOLICITOR REVIEW.**

PUBLIC COMMENT – None

FOR THE GOOD OF THE ORDER:

- Councilor Laura Baker – Nothing further.
- Councilor April O’Brien – Coordination with UH&L for Trunk or Treat; asked Mr. Bolton to put notice online and social media; wants to send Thank You letters to those who donated to the Community Picnic; will give a list.
- Councilor Daniel Watkins – Nothing further.
- Administrator David Bolton – Nothing further.

- Mayor Duane Watson – Thanks Intern Christian Harris for the great work being done with organizing our grant opportunities for next year. Congratulates Mr. Bolton on his promotion to Borough Manager for the coming year.
- Council Vice President Dale Reichert – Nothing further.
- Council President Dennis Posey – Absent.

ANNOUNCEMENTS:

- Next regular Council meeting is November 21st, 2019 at 7 pm.

Motion made by Dan Watkins to adjourn at 8:23 pm; 2nd by Dale Reichert; Motion carried, 4 Ayes.