

MOUNT JOY BOROUGH COUNCIL
October 3, 2016 Minutes

The Mount Joy Borough Council held its regular meeting on October 3, 2016, at the Mount Joy Borough Office.

Glessner called the meeting to order at 7:00 pm.

Glessner announced that Council met in executive session on 9/20/16 to discuss personnel matters. He also said there will be an executive session at the end of the meeting to discuss personnel matters and potential litigation. Glessner reported that Council has interviewed a few candidates for the Borough Manager position. He explained that if a decision is made, Council may consider action at an advertised special meeting later this month.

Roll Call- Present were Councilors Deering, Ginder, Millar, Murray, Reese, Seidel, Smeltz, Youngerman, President Glessner, and Mayor Bradley

Also present were Borough Manager, Scott Hershey; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Police Chief, Maurice Williams and Administrative Assistant, Andrea Zell. Zoning and Codes Officer, Stacie Gibbs was absent.

Mayor Bradley gave the invocation, and the Pledge of Allegiance followed.

On a **MOTION** by Youngerman, and a second by Smeltz, approval was given to accept the agenda for the October 3, 2016, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Ned Sterling, 13 W. Main Street, inquired about item 10 A-D regarding S.M. Johns and Son project. He asked if the house located at 645 Donegal Springs Road will be demolished. Seidel said yes.

Sterling asked if there was a determination for business owners who want to do business on Main Street during events that require Main Street to be closed. Mayor Bradley said last month when this issue was brought to his attention, he asked Chief Williams to get specific instruction from PennDOT on whether the permit included the sidewalk or only went from curb to curb. Bradley explained that once that information was attained there would be a meeting with the Main Street businesses to discuss this issue. Bradley said Chief Williams received the requested information from PennDOT today, so a meeting will be planned to inform Main Street Mount Joy (MSMJ) as well as the business owners of their findings.

Bruce Haigh, 504 Rose Petal Lane, expressed concern regarding the draft ordinance for the Mount Joy Borough Authority Guaranteed Water Revenue Bonds. Haigh said he did not feel it was advertised correctly. Haigh said he agrees that the Authority needs a second well but thinks the rate increase needs to begin immediately. Hershey said the ordinance was advertised correctly and it was available to the public at the Borough office the day before it was advertised. Hershey stated that the Borough followed the direction of our Solicitor. Haigh said he disagrees and thinks there will be a challenge to the ordinance.

On a **MOTION** by Seidel, and a second by Youngerman, approval was given to enact Ordinance #8-16 approving the guaranty of indebtedness up to \$9,800,000.00, for the Mount Joy Borough Authority Guaranteed Water Revenue Bonds, Series of 2016.

John Leaman, Borough Authority Manager, said there would be a 5 year phase-in of the debt service in order to make it easier on the rate payers rather than an instant impact to meet the debt service all at once. He explained that at the April 2016 Council meeting, the Authority advertised the anticipated borrowing at 9.5 million. The figure has increased to 9.65 million due to adding an additional level of treatment. Leaman said the additional level of treatment is an ultra violet process for disinfection.

Murray stated that this is the third time that the Authority has been at a public meeting to present the plan for the new water treatment plant. Murray said for the record, the rate increase has been discussed at public meetings numerous times.

Leaman said the current budget year for the water fund for 2016-2017 listed the annual debt service at \$700,000. In 2015 the Authority refinanced our 2010 series note. He explained the reason for that was to be able to restructure the amount to blend it into the new debt. \$700,000 was the projected debt service number before the refinance so the Authority kept that number for the current budget of 2016-2017. 2017-2018 debt service will be a lower figure so at the end of the fiscal year, that money will show as a surplus in the revenue fund and it will be transferred into the Water Bond Redemption & Improvement Fund. The 2017-2018 debt service will be \$670,000. with the blending of the new debt and the 5 year phase-in plan. The debt service already in the budget at this time will cover 2017-2018. The 5 year phase-in plan would slowly ramp up to add approximately \$50,000 to the aggregate debt service per year. The maximum debt service will be \$917,000. The average aggregate debt will increase the debt service by \$210,000. To meet the \$210,000 difference it comes out to a 10% increase in rates. Leaman said this increase is for the debt service not operating expenses or additional capital improvement expenses that the Authority would incur. Leaman explained that the Authority wanted to gradually ramp up the rate increase instead of hitting the rate payers with an immediate 10% increase to cover the \$210,000 difference.

Stephen Flaherty, RBC Capital; Sean Frederick and Michael Davis, Barley Snyder; and Matthew Warfel, ARRO, were present to answer questions.

Youngerman asked if the bonds were rated AA+. Flaherty said yes. Youngerman asked if Council does not guarantee the bonds, what would the bonds be rated. Flaherty said he would have to guess that it would drop to an A. He said the impact would cause the interest rate to be somewhere ranging from .4% to .5% more.

Smeltz stated that what we are voting on is to guarantee the bonds will be paid. If we do not do this, it will cost more to borrow the money and in turn increase rates for the rate payers. Smeltz asked that if the Borough does guarantee the bonds, will this affect the Borough's ability to borrow funds. Flaherty said because this is a revenue based debt, meaning the Authority charges rates and fees to pay its debt, it is certified as self-liquidating. The Authority gets a professional opinion from ARRO based on rates and fees in place, plus the covenant and indenture that the Authority is agreeing to will make sure that their rates are sufficient to cover debt service.

There is enough money from the Authority's regular operation to make payments as required. That certification means that if the Department of Community and Economic Development or the Local Government Unit Debt Act is enforced, this debt will show up as a plus and minus on the Borough's books. It will show as a guaranteed bond and show as self-liquidating so it will zero out. All of the Authority's debt is in this classification.

Seidel asked what the anticipated completion date of the project is. Leaman said May – June of 2018.

Roll call vote: all Councilors voting yes. *Motion carries unanimously.*

Report of Mayor

Mayor Bradley provided and reviewed a written monthly report for September.

Mayoral Recognitions: Bradley recognized Officer Paul Cook for his service to the Borough of Mount Joy. Officer Cook has been the embodiment of Community Policing by consistently and effectively initiating positive, proactive contact with residents and business owners alike. His efforts have resulted in numerous positive reports from the community concerning his willingness to reach out. His contributions to this community have helped to strengthen relationships and build rapport between the Mount Joy Borough Police Department and its citizens. We wish him luck in his new endeavor. He will be greatly missed.

Bradly announced that he and Chief Williams will be meeting with restaurant and bar owners to have a dialogue before the pub crawl event.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for August 15, 2016, through September 14, 2016. The report showed 23 traffic arrests and 26 criminal arrests for the month. There were 84 UCR reportable incidents and 441 CAD incidents for the month, with a total of 4005 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$1,525.23.

Williams announced that Officer Cook resigned.

Reese asked for an explanation regarding the comment on the report that states "Due to jurisdictional issues, County Detectives will be filing 91 charges based solely on a complete investigation that was conducted by Detective Hosking." Williams said Detective Hosking received a report and as he conducted the investigation, he discovered that the offenses did not happen in the Borough. Hosking contacted the District Attorney's office and they turned the investigative packet to County Detectives. As a result, the County Detectives will be filing a series of 91 charges on the individual based on Hosking's investigation.

Report of Fire Department Mount Joy (FDMJ)

Philip Colvin, Fire Chief, FDMJ, provided and reviewed a written monthly report for August.

Seidel asked if there were any instances with zero responders. Colvin said not in August. He said there were two calls a couple of days ago where only one person responded. He said the call was a carbon monoxide alarm and shortly after that call, another call came in that was a vehicle accident. Mayor Bradley asked Colvin to explain the contingencies that are in place when this happens. Colvin said the alarm is covered by neighboring departments so both of these calls were covered. The units that covered the carbon monoxide alarm were in the area for the vehicle accident. He said the nature of the incident drives how many people show up to a call. Bradley asked if the carbon monoxide alarm was dispatched with an ambulance response. Colvin said no. He said he does not have details on the incident but he believes it was most likely a faulty detector.

Murray asked how often carbon monoxide detectors should be replaced. Colvin said it depends on the technology of the device. Colvin explained that smoke detectors have to be replaced every 10 years.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for September.

Brewer announced that there was a wonderful article in the Lancaster News Paper that showcased Mount Joy. Brewer thanked the Borough, Chief Williams, Seidel and Murray who supported the Splash event. Brewer said many people have reached out to MSMJ to express their appreciation for Officer Cook. Brewer asked if the meeting with the Liquor Control Board will still need scheduled with the restaurant owners. Bradley said that is yet to be determined.

Deering asked if there will be a financial report on Splashdown. Brewer said yes, it will be in the budget report. Reese asked if MSMJ makes a profit on the car show. Brewer said yes and that will also be in the report. Brewer said we do 2 events per year that requires the closure of Main Street. MSMJ charges business \$25.00 for Winterfest and \$95.00 for the car show event. Brewer explained that there is no charge to businesses to sell outside of their doors on Fourth Friday events.

Youngerman said he will be talking to Council about having a table at the Fourth Friday Trick or Treat event on October 28, 2016. Seidel asked if MSMJ would be providing bi-laws to Council for the budget meetings. Brewer said yes. She said the Borough has a copy of their current bi-laws. She said MSMJ is in the process of revising the bi-laws. The bi-laws are being revised by the end of the year. Seidel said he has had a number of constituents ask if MSMJ's bi-laws will be on their website. He requested the current bi-laws be added to their website to lend towards transparency. Dave Schell, MSMJ Board Member, said MSMJ will be looking at the revisions at their meeting next week and then will forward them to Harrisburg for approval. Seidel asked for the current bi-laws to be added to the website. Schell said those bi-laws are not current and are out dated. Mayor Bradley said what is being asked of MSMJ is a decision that needs to be made by their board and does not believe it is appropriate to ask them to make a decision like this during a meeting. Bradley said it is more fitting to get their response at the next Borough Council meeting. Seidel said he agrees and asked MSMJ to have the discussion at their next meeting in order to have a response at the November 6, 2016 Council meeting. Brewer agreed.

Deering said last year MSMJ provided Council with a monthly budget. He asked if MSMJ would be providing a report showing projected versus actual numbers. Brewer said Deering had requested this information a couple months ago and he said he was going to send the format that he was referring to. Brewer said when Deering supplies the format that he wants to see, she will provide him with the information.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a report for August.

Basile said MSL received many compliments regarding the 9/11 ceremony that was held at the library on September 10, 2016. Basile thanked Mayor Bradley for collaborating with the library to commemorate the 15 year anniversary of 9/11.

Seidel commended the library on the many programs that they offer to the community and stated that the library is doing a great job. Basile said MSL and staff are grateful to serve the community. Reese thanked Basile for providing the budget information to Council. Murray requested that the reserve account details be added to the report in the future. Basile said she would add that number to the budget report. Mayor Bradley asked if Basile could articulate the plan to silicate from all five of the municipalities that MSL serves. Basile said all municipalities will hear the same requests. She said MSL is requesting a 3% increase due to many reasons such as operating expenses, digital items and staffing requirements. The State requires 45 hours of operation per week and 7 of those hours are required to be on the weekend. Basile explained that MSL recently increased their weekend hours to meet the State requirement. Seidel asked if Basile had come up with an estimate for Sunday hours that he inquired about. Basile said no one wants to work on Sundays so she would need to provide incentive pay. She also explained that the cost for utilities would increase if Sunday hours were offered.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for September.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for September.

Report of the Borough Authority Manager

John Leaman, Authority Manager, provided and reviewed a written monthly report for September.

Leaman reported that the Authority is working on submitting a grant application to the Pennsylvania Small Water & Sewer Grant Program facilitated by Pennsylvania Department of Community Economic Department (DCED). The grant submission will be to rehabilitate the nitrate removal process at the Carmany Road Water Plant. The nitrate removal is a requirement of the Department of Environmental Protection (DEP). Leaman said the Authority reached out to Congressman Pitts's office and he provided a letter of endorsement. Leaman also said that Senator Aument and Representative Hickernell will be sending a joint letter of support. Leaman reported that the grant applications must be submitted by the end of October. Announcement of the selected applicants will be determined by the end of the year.

Reese asked how much the project will cost. Leaman said the cost opinion is \$447,000 and the Authority requested 75%.

Report of the Borough Manager

Scott Hershey, Borough Manager, provided and reviewed a written monthly report for September.

Hershey reminded Council that the next meeting scheduled for November 7, 2016, will begin at 6:00pm due to the election on November 8, 2016. Hershey said the Mount Joy Messenger that was distributed to residents had incorrect information on the polling place for the West Ward. He stated that the correction is the West Ward polling place is located at the MSL. The corrected information was posted on the website and copies are available this evening.

Reese asked how the meeting went with employees regarding the Health Savings Account (HAS). Hershey said he conducted the initial meeting but most of the education regarding the HSA will take place when Highmark comes in November to meet with the employees.

Deering asked if the traffic light signalization is still on track. Nissley said he reported on the signalization last month and he has not been made aware of any changes to the schedule.

Seidel commended the Borough staff for their hard work and contributions through the transition with Hershey's upcoming retirement. Seidel also wanted to commend MSMJ for all of their work and said they are an asset to the community.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Reese, and second by Murray, approval was given for minutes of the regular Borough Council meeting held on September 12, 2016. *Motion carries unanimously.*

On a **MOTION** by Ginder, and a second by Seidel, approval was given for the minutes of the Special Borough Council meeting held on September 26, 2016. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a request by S.M. Johns and Son Construction, LLC, 645 Donegal Springs Road, for a waiver of the Subdivision and Land Development Ordinance, Section 240-25 Preliminary Plan requirements.

Brian Cooley, DC Gohn, was present to answer questions.

Seidel asked if the expansion of the workshop was addressed with the Stormwater plan. Cooley said yes. Cooley explained that the reason for the waiver of the preliminary plan is because the existing entrance is being widened and the use is not changing. He also stated that the traffic will be minimal. He said the final plan will include all of the information that a preliminary plan would include. Deering said this was brought before the Planning Commission and it was supported. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a request by S.M. Johns and Son Construction, LLC, 645 Donegal Springs Road, for a waiver of the Subdivision and Land Development Ordinance, Section 240-62B Traffic Impact Study requirements.

Hershey said PennDOT concurred. Cooley said a scoping application was submitted to PennDOT as part of the permit and they did not recommend any improvements. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a request by S.M. Johns and Son Construction, LLC, 645 Donegal Springs Road, for a waiver of the Stormwater Management Ordinance, Section 226-37.C.(a)(3) Pipe Cover. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a Land Development Plan and Stormwater Management Plan for S.M. Johns and Son LLC, to construct a 4,500 sf. building, parking areas, stone and storage areas and other associated utilities at 645 Donegal Springs Road, Mount Joy, conditioned upon Borough Engineer's comments being addressed and recording of a Stormwater Management Agreement. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to appoint the County of Lancaster to collect the Borough's property taxes effective January 1, 2017, and to authorize the Borough Manager to sign any and all documents as required.

Youngerman said the revenue item in the budget for tax collection services is \$17,000. Youngerman asked if the 2,200.00 is part of that amount. Hershey said yes. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to appoint, through January 31, 2017, ARRO Consulting, as alternate Building Code Official to serve when the Borough's BCO and Assistant BCO are not available.

Hershey explained that Dave Salley, the new Stormwater Officer and Assistant Codes/Zoning Officer, needs to get a certification to fill the assistant building codes officer when Ken Barto retires. Those classes are only available certain times of the year. Barto will be retired before Dave has the opportunity to take the class and be certified. *Motion carries unanimously.*

Budget meeting dates are scheduled for November 22, 2016 and November 30, 2016 at 6:30PM.

Report of the Public Safety Committee

On a **MOTION** by Reese, and a second by Deering, approval was given to hire Kristopher M. Keller as a part-time Police Officer. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Deering, approval was given to adopt Resolution #25-16, and approve a Petition requesting exemption from the Pennsylvania Liquor Control Board regulations regarding amplified music being heard off licensed premises.

Mayor Bradley said he received a call from residents in the restaurant and bar industry in town regarding the expiration of the resolution. Bradley explained that four or five years ago Mount Joy Borough decided to move forward with the enforcement of sound violations due to the noise ordinance to utilize the Borough Police instead of the Pennsylvania Liquor Control Board using State Police. A resolution was passed and revisited after a year and schedule to be revisited again after three years. We are approaching the three year time limit and it will expire on November 6, 2016. The process to renew will take 60 days. Bradley explained that what Council would be doing by passing this motion would be continuing on with the resolution already in place.

Murray said he was involved in this ordinance from the beginning. The way noise is enforced is such that the Borough Police enforce the ordinance not the State Police. The PLCB language stated that if the noise can be heard at the boarder of the property it would be a violation.

Deering asked how many times in the past three years have the Police been called to a noise violation. Mayor Bradley said he does not have that information available tonight. *Motion carries unanimously.*

Report of the Public Works Committee

Dennis Nissley, Public Works Director, provided and reviewed the written monthly report for September. Nissley reported that the Union School Road paving project is underway. PennDOT will be paving on Union School Road on October 5, 2016. Nissley reported that on September 27, 2016 he met with the Borough engineer and PennDOT to discuss the Marietta Avenue Pedestrian Improvement Project. The engineer will be incorporating PennDOT's comments into the plan. Nissley said the Borough is waiting on signature copies from Amtrak for the Jacob Street Bridge Removal Project in order for Amtrak to review the plans.

Murray asked when UGI would be finishing the paving on Main Street in front of Old Stand-By Park. Hershey said that UGI had attempted to complete the job a couple of times but other work was being done by PennDOT at the same location, therefore they were unable to do the work.

Dave Salley, Stormwater Officer, presented the Chiques Creek Re-Envisioned Project presentation and answered related questions. Nissley said the reason for presenting to Council is to see if Council would like for us to proceed with the intergovernmental cooperative with other municipalities. Nissley said there are many benefits as members of this group. He said the Pennsylvania State Agriculture and Environment Center and Susquehanna River Basin Commission are partners of the group and they bring a valuable level of expertise. Seidel said the involvement in the intergovernmental group does not cost the Borough any money; it increases our access to experts in the field and will help to reduce our cost and provide more opportunity to make improvements.

Bradley commented that moving forward with the partnership is a fabulous idea. Nissley stated that DEP representatives attend the meetings. He said it is good to have the opportunity to ask questions and hear from DEP representatives. Bradley stated that another benefit would be that municipal partnerships should strengthen our hand when we apply for grants. He added that this positions the Borough in the best light. Hershey said the municipalities listed have worked very hard at getting answers from DEP on how to start the process on cooperating. Hershey echoed Mayor Bradley's comment regarding grants. Seidel said according to the information presented, we are the third highest with sediment contribution in the group. Nissley said the percentage of load would dictate the percentage of cost. Bradley said since we have a larger percentage the question should be asked how the decision making is made with in the group. For example, will every member have an equal vote or will it depend on their percentage of load. He said he wants to make sure that we are advocating for ourselves.

Public Input Period

Ned Sterling, 13 W. Main Street, asked if planting street trees or any trees in the Borough would result in a credit for the Borough. Salley said any type of planting is productive but very minimal in regards to credit. Nissley said through the intergovernmental group, we will learn more information on the best way to receive credits. Sterling asked if the paving of West Henry Street to South Market Street would be included in the Rail Enhancement project. Hershey said Market Street to New Haven Street is part of the Rail Enhancement Project.

Bruce Haigh, 504 Rose Petal Lane, talked about the formula for sediment contribution. He said he believes the most cost effective Best Management Practice (BMP) will be riparian buffers along Little Chiques Creek.

Haigh said he has respect for John Lehman. He expressed concern regarding the fund balance of the Water Revenue Fund for the Borough Authority and believes the rate increase should be immediate.

Any other matter proper to come before Council

Reese stated a request should be submitted to all entities to provide their budget numbers for the budget meetings. Hershey said Jill Frey, Accounting Specialist, has already requested that information to be submitted.

Glessner stated that he received a resignation letter from Sam Clark effective October 3, 2016. Clark is a member of the Civil Service Commission.

On a **MOTION** by Seidel, and a second by Millar, approval was given to accept the resignation of Sam Clark. *Motion carries unanimously.*

Mayor Bradley said the Civil Service Commission is looking to fill the vacant seat. He said the Police Department will be entering into a hiring process. Bradley explained that the Police Department will need the Civil Service Commission to be able to go through that process because the Civil Service Commission will need to approve the final list for hiring. He asked Council to continue to reach out to folks with in the community to see if anyone would be interested in serving on the Commission. Bradley said that the Civil Service Commission can have up to three part time members. He is hoping there will be a name to approve at the next Council meeting.

Authorization to Pay Bills

On a **MOTION** by Youngerman, and a second by Murray, the Council approved paying the bills as presented.

GENERAL FUND	\$	121,154.32
REFUSE/RECYCLING	\$	53,709.72
CAPITAL IMPROVEMENTS FUND	\$	13,521.58
HIGHWAY AID FUND	\$	22,568.58
TAX ACCOUNT	\$	3,759.08
ESCROW FUND	\$	910.00
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	215,623.28

Motion carries unanimously.

Meetings and dates of importance

See the orange calendar for the month of October 2016.

Council went into Executive Session at 9:35 PM to discuss personnel and potential litigation matters and came out of executive session at 11:15 PM. There were no decisions following the executive session.

Adjournment

On a **MOTION** by Reese, and a second by Ginder, approval was given to adjourn the meeting at 11:15 PM. *Motion carries unanimously.*

Respectfully Submitted,

Scott Hershey
Borough Manager/Secretary