

MOUNT JOY BOROUGH COUNCIL
December 4, 2017 Minutes

The Mount Joy Borough Council held its regular meeting on December 4, 2017, at the Mount Joy Borough Office. President Glessner called the meeting to order at 7:00 PM.

Roll Call- Present were Councilors Joshua Deering, Mary Ginder, William Hall, Jon Millar, Michael Reese, Hans Seidel, Jake Smeltz, Brian Youngerman, President Charles Glessner and Mayor Timothy Bradley. Staff present were Borough Manager, Samuel Sulkosky; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Police Chief, Maurice Williams; Zoning and Codes Officer, Stacie Gibbs and Administrative Assistant, Andrea Zell.

President Glessner announced that an executive session was held on November 14, 2017, to discuss labor issues and there will be an executive session following the meeting to discuss legal issues.

On a **MOTION** by Seidel, and a second by Reese, approval was given to accept the agenda for the December 4, 2017, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Michael Zettlemoyer, 128 North Barbara Street, introduced himself as a Boy Scout with Troop 83 and requested to begin his Eagle project at Little Chiques Park. Sulkosky directed him to speak with Dennis Nissley to work out the details.

Wendy Sweigart, 28 South Market Street, wanted to see what Council knew about the fencing project on the railroad near her residence. She explained that she was told multiple times that the trees would not be cut down but they were removed. Gibbs said the Borough has not received notification of the project. Sweigart asked if Council could direct her to the person who she can contact regarding the fencing project. She said there is a safety issue because there is no barrier at the hill where the trees were removed. She said she was assured by a representative of Michael Baker International that the trees were integral to holding the bank together.

Dale Murray, 120 Farmington Way, expressed his disappointment that Council went back on their decision and allowed the liquor license transfer. He commended Hall, Millar and Smeltz for voting against it. Murray said that he hopes that the opt out resolution on the agenda is approved unanimously. He also stated that the Borough Manager should not be quoted in the newspaper as a cheerleader for the medical marijuana facility that is interested in coming to the Borough.

Youngerman recognized Seidel's service to the community as a Councilman of the Florin Ward. Youngerman thanked Seidel for his passion and the unique ideas that he brought to Council.

Report of Mayor

Mayor Bradley provided and reviewed a written monthly report for November 2017.

Mayoral Recognition

Mayor Bradley recognized the Lancaster-Lebanon League accomplishments of the Donegal student athletes.

Field Hockey:

Lily Saunders, Mackenzie Alessie, Katie Jean, and Grace Miller were four of seventeen players named to the All- League Team.

Football:

Nick Ketner named Outstanding Back of the Year, Offensive Back of the Year, and Running Back on the First Team Offense and First Team Outside Linebacker; Keeryn Stevens named Defensive Back of the Year and First Team Defensive Back; Brooks Bear named First Team Offense; Cameron Kurtz named First Team Offense; Dalton Mullhausen named First Team Defense; Cameron Ellis named on the Second Team Offense; Brooks Bear named on the Second Team Defense; Yonnie Harvey and Tyler Rupp - Honorable Mentions

Boys Soccer:

Zac Runkle and Aaron Smith named First Team All-Stars; Kyler Enck named Second Team All-Stars; Aaron Smith named Academic All-Star

Girls Soccer:

Maya Willing and Emma Hudson named First Team All-Stars; Broke Saunder named Second Team All-Star; Alice Fernald named Academic All-Star

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for October 15, 2017, through November 14, 2017. The report showed 77 traffic arrests and 46 criminal arrests for the month. There were 103 UCR reportable incidents and 516 CAD incidents for the month, with a total of 5,366 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,758.87.

Report of Fire Department Mount Joy (FDMJ)

Jason Stiltner, FDMJ Assistant Fire Chief, provided and reviewed a written monthly report for November 2017.

Mayor Bradley thanked the Fire Department for their assistance in decorating the tree in the downtown for Christmas.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for November 2017. Brewer thanked Williams for his hard work during the Winterfest event. Brewer recognized Ned Sterling for his involvement in volunteering and said he does a wonderful job for our community. Brewer reported that the Christmas banners arrived 10 days late and when they were delivered on December 1, 2017, MSMJ discovered that they were the incorrect size. 43 new banners will be delivered by the end of the week.

Hall shared with Council that he saw Brewer working on Sunday to clean up after Winterfest. He thanked her for her efforts.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a written monthly report for October 2017. Basile said MSL received \$12,000.00 from the Extraordinary Give fundraiser.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for November 2017. Gibbs reported that Mount Joy Borough has received recommendation for funding from the Lancaster County Smart Growth Transportation Program in the full amount requested of \$66,200.00, to create a Complete Streets Implementation Guide by the Smart Growth Transportation Task Force, and recommendation by the Transportation Technical Advisory Committee.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for November 2017.

Ginder asked if Salley could examine the sloping at the train station project and see if there are potential issues with stormwater at that location. Salley said that he will look into it but that it is all part of Amtrak's right of way.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided and reviewed a written monthly report for November 2017. Nissley reported that he is still waiting to hear if the Automated Red Light Enforcement (ARLE) grant was approved. The Marietta Ave Pedestrian Improvement Project environmental review is being conducted and should be finishing up in a few weeks and the next step would be right of way acquisition and temporary construction easements along the corridor. Nissley said that PennDOT District 8 will be taking the lead on the Jacob Street bridge removal project. He also reported that staff will be meeting with representatives of Florin Church of the Brethren regarding the North Plum Street paving project to offer ideas on alternative path options or deferments. Nissley reminded Council that with the Complete Streets Guide the Borough is adhering to standards with regards to connectivity therefore any alternatives or deferments will have to also meet those standards.

Deering asked if the crosswalk at Marietta Avenue will be painted. Nissley said he is waiting for recommendations on the future plans of the crosswalk before any painting will be completed at that location.

Report of the Borough Authority Manager

John Leaman, Authority Manager, provided a written monthly report for November 2017.

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for November 2017.

Gibbs announced that there will be an informational meeting hosted by Laurel Harvest Labs on December 13, 2017, at The Gathering Place. Mayor Bradley requested that the meeting information be posted on the Borough website. Smeltz inquired on what Council be asked to consider regarding the project. Gibbs said that Council will be reviewing the preliminary final land development plan in accordance with the Borough's sub division land development ordinance, stormwater ordinance and zoning ordinance. Gibbs stated that it will go through the Planning Commission before it comes to Council. Smeltz clarified that it will come to Council as a recommendation from the Planning Commission and then Council will review it against our standards.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the minutes of the regular Borough Council meeting held on November 6, 2017. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the minutes of the special Council meeting held on November 2, 2017. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the minutes of the special Council meeting held on November 14, 2017.

Youngerman said a correction needs to be made to page 2 on the first paragraph stating that Youngerman did not receive a second. *Motion carries unanimously with correction.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 20-17, financial reporting.

Hall stated that there needs to be a clarification on what information entities are required to provide regarding grant reporting. Council discussed financial reporting from entities that the Borough supports and the importance of a treating all entities in the same manor.

An **AMENDMENT** was made by Youngerman, and second by Smeltz, under sub section 3 strike "grant report annually", and insert "a summary of all grants applied for and received including the source of the grant and the amount sought or awarded and the purpose for which the grant is sought." *Motion carries unanimously.*

Mayor Bradley called attention to Section 4.2 in the resolution where it states that failure to meet minimal reporting is considered a violation and may lead to suspension of funds and demand for reimbursement. Bradley asked for clarification on the deadline for dates.

An **AMENDMENT** was made by Hall under section 1 before the colon "the following financial report to the borough within 30 days of the completion of the fiscal year of the organization." Hall did not receive a second.

Sulkosky stated that an audit is typically not completed after 30 days of a fiscal year. Smeltz said we are trying to standardize what information we are requiring from entities that the Borough supports. He also said the date requirements should be as the reports become available.

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the original motion with amendment. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Smeltz, approval was given for Resolution No. 21-17 opting out of Category 4 Licensed Facility.

Hall urged Council to vote against the resolution. He stated that a few months ago, Council decided not to take philosophical stands and we made a financial decision to back away from the transfer of the liquor license. Looking at the opt out situation from a financial standpoint, the revenue that the Borough would receive would be 2% of the slots and 2% on the table games. Hall said if Council did not want to stand up to a corporation because of the Borough's finances then why would Council look at this potential revenue and refuse it. He said the state allowed the expansion of gambling and then immediately sent municipalities information on how to stop it. It would take every municipality in the commonwealth to prevent these facilities and as of today our neighbors in Rapho Township, East Donegal Township, West Donegal Township and Canoy Township have not chosen to opt out. He said that Council is not going to stop gambling but if we vote to opt out we will be turning our backs on potential revenue. Hall said that the odds of Mount Joy Borough being selected for this type of facility are very slim but if we were selected it would be a revenue source. He stated that a neighboring municipality could acquire the facility and the Borough would not receive any revenue but all the negative things that go along with a casino.

Reese stated that gambling is legalized. He said that he spoke with constituents and posed the question of having a casino and most people said they were opposed to it. When he rephrased the question, and discussed the revenue the Borough could receive, people were receptive.

Youngerman said he had a similar experience to what Reese explained when discussing this matter with constituents.

Smeltz said that Council needs to visit the realities that we invite to our town and ask ourselves what kind message are we sending to our residents. He stated that a category 4 casino would change the face of our community in a significant way and it will not improve one family in our community. Smeltz said that Reese is correct that gambling is legalized but not by the votes of our representatives and just because the state says it is ok does not mean we should go along with it. He said that this vote says a lot about us as people and he hopes that Council will stand with most of the municipalities in Lancaster County and opt out.

Mayor Bradley said the arguments that are being discussed are based around economics but the reality is that many of the decisions that we deal with are quality of life issues. Not all municipalities are created equal and Council could be having a very different conversation if we were in a large rural township that has open real-estate along the highway. He said that the Borough is only three-square miles with residential areas and commercial districts throughout. This facility is not something we can set off to the side and if it comes to Mount Joy it will be in the center of town. Mayor Bradley stated

that this is not a wise decision for a municipality like the Borough of Mount Joy. He said our municipality might not even be a selected location but why would we allow that door to be open. Mayor Bradley believes it would be a foolish decision and it will change the composition of the Borough. He is in favor of voting for the resolution.

Smeltz stated that on the resolution Mount Joy is spelled incorrectly.

Deering said he also spoke to constituents at the polls and the majority of people he spoke to were against the casino.

Reese said that our residents have rights. Those who choose to drink and gamble have that right and the revenue could help the Borough in many ways. Mayor Bradley offered another take on the matter. He said depending on the size of the facility and the traffic that would increase Council might need to expand the Police Department and the Borough might end up spending more money in the end. *Motion carries 7 to 2. Hall and Reese voting no.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given to authorize the Borough Solicitor to represent the Borough at the December 21, 2017, Zoning Hearing Board opposing the variance for 242 North Market Avenue. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for Resolution No. 22-17 reestablishing and amending fees.

Gibbs reviewed the fees that are increasing. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve the 2018 Budgets for the General, Capital, Highway Aid and the Refuse and Recycling Funds.

An **AMENDMENT** was made by Deering, and a second by Seidel to approve the General Fund Budget in a separate motion.

Deering withdrew his amendment. Youngerman withdrew his motion.

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the 2018 General Fund Budget.

Mayor Bradley said that the citizens are getting a well thought out budget and he is happy to see there was money set aside for streets. Youngerman commented that every year he states that Council needs to address the OPEB and pension deficits and he is happy to say that this year Council did address these concerns.

Motion carries 8 to 1. Deering voting no.

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the 2018 Capital Fund Budget. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the 2018 Highway Aid Fund Budget. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the 2018 Refuse/Recycling Fund Budget. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the Ordinance No. 4-17; an Ordinance of the Borough of Mount Joy, Lancaster County fixing the tax Rate on real Estate at 3.754 Mills for the Fiscal Year 2018.

Sulkosky stated that this is a revenue neutral budget so there is no tax increase. The millage was reduced because of the reassessments. Youngerman suggested that in 2018 Council should drop the 3rd decimal from the mills. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for Resolution No. 23-17, a Resolution of Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, Restating Annual Service Charges for Borough Refuse Collection Services for Calendar Year 2018.

Sulkosky noted that there is no change in the rate from the previous year. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for Resolution No. 24-17; A Resolution of the Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, Appointing and/or reappointing members of various boards, commissions and positions within the Borough Organization. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given for Resolution No. 25-17; a Resolution establishing and advertising the 2018 municipal meeting calendar.

Sulkosky called attention to the date of the first Council meeting on Tuesday, January 2, 2018. He said that according to Borough Code the reorganizational meeting must be held on the 1st Monday but due to the New Year Holiday, it was moved to the following day. *Motion carries unanimously.*

Report of the Public Safety Committee

On a MOTION by Hall, and a second by Deering, approval was given for advertising Ordinance No. 5-17 Amending Chapter 255 Article III, §255-47 imposing a 26,000 pounds weight limit to North Market Avenue between Main Street to Hill Street. Hall explained that truck drivers confuse North Market Avenue and North Market Street and get stuck once they realize they are on the wrong street and must back down the street which is unsafe. These signs will prohibit trucks and alleviate the problem. *Motion carries unanimously.*

On a MOTION by Hall, and a second by Deering, approval was given to transfer \$40,000 from line item 410.130 to the Police Capital Fund 279.410 from the 2017 Budget.

Hall said the Police Department spent a majority of the year under staffed and the funds were not expended so the Public Safety Committee would like to transfer the money for future needs.

Seidel said he believes this will cause the Police Department to be over budget. *Motion carries 8 to 1. Seidel voting no.*

On a MOTION by Hall, and a second by Deering, approval was given to amend 2014 Civil Service Commission by adding §5.3. b consistent with the Civil Service Guide for Pennsylvania Municipalities for appointment of previously employed officers in certain cases.

Hall stated that this was removed in 2014 and the Civil Service Commission made a recommendation to have it added back into the Guide. He said it is not a requirement but if a former officer was interested in returning we would not have to go through to entire formal testing process. *Motion carries unanimously.*

Report of the Public Works Committee

No business to discuss.

Public Input Period

Kim Brewer, MSMJ, commended Council on approving resolution 21-17. She thanked Seidel for showing her respect, listening to what she had to say and being quick to apologize when he was wrong. She said that speaks to his character and she wished him well in his future endeavors.

Wendy Sweigart, 28 South Market Street, stated that she will be following up with Salley on the erosion issue at her home and asked who she should follow up with on the fence issue she discussed in the first public input period. Sulkosky said she could follow up with him but he could not guarantee how quickly Amtrak will respond to him. Youngerman said he would check with his Amtrak contacts and get back to Sweigart. She said the previous manager at Wagman was coming on to her property and asked who she should contact if she is seeing violations. Mayor Bradley said she should contact the Police if someone is trespassing on her property.

Bruce Haigh, 504 Rose Petal Lane, asked Sulkosky if he made progress on speaking with anyone regarding ward boundaries. Sulkosky said no but he will be looking into it in the beginning of 2018.

Any other matter proper to come before Council

A discussion was held on the matter of R&R Automotive with respect to the train station project.

On a MOTION by Youngerman and second by Reese, approval was given to appoint the County of Lancaster to collect the Mount Joy Borough's 2018 property taxes effective January 1, 2018, and to authorize the Borough Manager to sign all documents as required. *Motion carries unanimously.*

Authorization to Pay Bills

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

GENERAL FUND	\$	155,647.98
REFUSE/RECYCLING	\$	43,520.05
CAPITAL IMPROVEMENTS FUND	\$	-
HIGHWAY AID FUND	\$	105,692.17
ESCROW FUND	\$	1,778.50
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	306,638.70

Motion carries unanimously.

Meetings and dates of importance

See the white calendar for the month of December 2017.

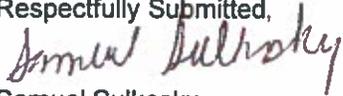
Council went into executive session at 9:15 PM for labor and personnel issues. Executive session ended at 10:14 PM.

On a **MOTION** by Hall, and a second by Seidel, approval was given to authorize Chief Williams to initiate the process of hiring a part-time police officer. *Motion carries unanimously.*

Adjournment

On a **MOTION** by Hall, and a second by Youngerman, approval was given to adjourn the meeting at 10:15 PM. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary