

MOUNT JOY BOROUGH COUNCIL
March 5, 2018 Minutes

The Mount Joy Borough Council held its regular meeting on March 5, 2018, at the Mount Joy Borough Office. President Glessner called the meeting to order at 7:00 PM.

Roll Call- Present were Councilors Joshua Deering, Lu Ann Fahndrich, Mary Ginder, William Hall, Jon Millar, Michael Reese, Jake Smeltz, Brian Youngerman, Council President Charles Glessner and Mayor Timothy Bradley, Jr. 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 Bookkeeper/Accountant, Jill Frey.

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

President Glessner announced for consideration for approval of the Mount Joy Borough Police Officers Association Collective Bargaining Contract, document number {L0741891.1}, effective January 1, 2018 through December 31, 2021. Reese made a **MOTION**, with a second by Youngerman. *Motion carries unanimously.*

President Glessner announced that an executive session was held on February 5, 2018, to discuss labor issues and personnel issues. No decisions were made.

On a **MOTION** by Ginder, and a second by Millar, approval was given to accept the agenda for the March 5, 2018, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Glessner announced there will be a time limit of three minutes per individual.

Ned Sterling, 13 W. Main St., asked if the discussion of the reapportionment of the Borough's Wards – Model 2 will be a final discussion, or if there will be a Model 3. Sulkosky replied that although there are 3 Models the Borough has to review, and that Model 2 will be discussed at tonight's meeting.

Sterling asked if the Elected Officials code of conduct was passed. Sulkosky said yes. Sterling asked if he could get a copy of it. Sulkosky said yes.

Sterling asked if the Borough is in negotiations with the Lions Club concerning the pool. Sulkosky said there have been discussions and they are in the preliminary stage of discussions and there is nothing further to add.

Brian Youngerman, 663 Florin Ave., of the Florin Ward, spoke concerning PennDOT. He said that PennDOT is taking over Mount Joy and does not like the way they are treating the town. He said specifically where they are taking eminent domain at the Church of God parking lot. He said the parking lot is an important resource. He said they do not care about the Borough and that they put out one of our businesses and 2 residents to build a parking lot. He said the Borough should step up and write a letter to PennDOT and let them know that we need them to be a partner with the Borough instead of working against us.

Glessner stated that Youngerman has a right to express his opinion as a resident but does not speak for the Borough Council as a whole.

Ned Sterling wanted to say that the Church of God's people will support Youngerman in his letter.

Report of the Mayor

Mayor Bradley provided and reviewed a written monthly report for February 2018.

Mayor Bradley spoke concerning PennDOT. He said he saw a willingness with PennDOT to work together with Mount Joy. He said Toby Fauver with PennDOT wants to come and have a walk through Mount Joy and that he was willing to listen to concerns and open for suggestions.

Reese asked if PennDOT is obligated to accept the results of the parking utilization study or accept the recommendations of the study. Mayor Bradley said that control over much of the study is going to be a Borough decision, not a PennDOT decision. He said that concerning R&R Automotive, that the property owner of that business approached PennDOT about purchasing their property and that it was not taken by eminent domain. He said the idea of the parking utilization study is to be a guide to help the decision makers of Mount Joy and the approach of our parking needs in an informed way.

Ginder asked if the plan to enhance the Mount Joy Police Department's response to school related shooting incidents at the Donegal School District is for the whole School District or just the campus. Mayor Bradley said it is just at the campus.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for January 1, 2018, through January 31, 2018. He reported an error on page one of the report on Detective summary of cases, stating that there were 0 harassment by communication cases, not 1; 13 fraud cases, not 14; 10 juvenile cases, not 12; and a total of 109 open cases, not 113. The report showed 77 traffic arrests and 5 criminal arrests for the month. There were 64 UCR reportable incidents and 348 CAD incidents for the month, with a total of 412 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$0.00.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for January 2018.

Mayor Bradley wanted to acknowledge Chief Gohn with the most recent house fire in the Borough. He said he did a great job leading the force. Chief Gohn thanked Mayor Bradley as well.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided a written monthly report for February 2018 and offered to entertain any questions. There were no questions.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a written monthly report for February 2018. Basile reported that the Board of Trustees are working on the strategic plan and hope to have it done by mid-year. She said at the Board's request, the Library is conducting a survey to get the community's input on the Library as they consider their future planning. Basile reported of a young girl in 8th grade who came to the Library to read (for the first time) to a therapy dog. They were very excited about that.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for February 2018. Gibbs announced that Laurel Harvest Labs will be coming to the Planning Commission Meeting on Wednesday, March 14, 2018, at 7:00pm.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for February 2018. Salley reported that Spring Alley has a new stormwater pipe and residents have been notified. Salley reported Rotary Park and Pink Alley BMP projects bids have closed today, March 5, 2018.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided and reviewed a written monthly report for January 2018. Nissley reported that PennDOT is wrapping up the Marietta Ave. pedestrian improvement project soon and there will be recommendations to follow. Nissley reported that he and Dave Salley walked and drove every street in the Borough to conduct the Street Evaluation Survey. He said this gives us a baseline to get our streets where they need to be, to where they are in good condition. Hall said it is nice to see the report so we can finally financially plan for the next 25 years so we can have our streets in good condition. Sulkosky said that Dennis Nissley and Dave Salley did a great job. Millar agreed with Sulkosky, that they did a great job.

Report of the Borough Authority Manager

John Leaman, Authority Manager, provided a written monthly report for February 2018.

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for February 2018.

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 February 5, 2018. *Motion carries unanimously.*

Administration and Finance Committee

Sulkosky opened discussion concerning the Reapportionment of the Borough's Wards – Model 2. He said Model 2 would restructure the wards, so they would be more evenly populated, and council members would continue to be elected per ward. He said if Council were to choose the at large system, council members would be elected over all the Borough, not just by wards. He said the at large system would require only 7 council members instead of 9. He said a third option would be to do nothing until the 2020 census.

Smeltz said he is in support of the at large system. He said that size does not demand to be segregated and that we should only be focusing on getting quality people elected to office to make good choices. He said wards create barriers of good people. He said 9 councilmen are too many and that 7 would do a good job.

Hall said that he feels the ward system is a good system. He said the at large system could be a problem if you have a large political issue or pull, and that he would be in favor of continuing the ward system. He said as for waiting until the 2020 census, he said we have waited too long already, and he would vote for Model 2 tonight if it came to the table.

Ginder said she likes the at large system and the opportunity to vote for Borough people as a whole.
Glessner closed discussion.

Reese made a **MOTION**, and a second by Youngerman to maintain the ward system and re-apportion the wards based on Model 2.

Hall suggested to amend the motion to say, start the process of model 2 and have an effective date of 1/1/2019

. Sulkosky said you must adopt an ordinance and advertise and suggested the amendment say, development of an ordinance. Mayor Bradley asked if the names of the wards would remain the same. Sulkosky said yes. Smeltz said this is a huge undertaking and that the ward system is not the best solution. Mayor Bradley suggested that Council take more time to look over this subject further.

Reese withdrew the **MOTION**, with a second by Youngerman.

Ginder suggested to put the information on the website and ask for feedback from the residents. She said a note can be made that the public is welcome to come to the Administration and Finance Committee meeting on March 22, 2018 at 6:30pm to further discuss this. Sulkosky said the Borough will do what she suggested.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve advertising Ordinance No. 3-18, Amending the Police Pension Document with attached Amendment No. 1. Sam explained that this is because the pension document needs to match the collective bargaining agreement (CBA) and it has not for years. Hall asked if we are currently paying according to the pension document or the CBA. Sulkosky said according to the CBA. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve advertising Ordinance No. 2-18, Repealing the previous Police Pension Ordinance and Adopting the Plans Pension Document. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to consider Resolution No. 11-18, reducing employee contribution to the police pension plan for 2018. Hall asked if the pension plan is fully funded. Sulkosky said no, not 100% but close. Hall said if the pension plan is doing well, we can waive it. Smeltz said we have waived the contributions every year. He said the CBA provides for enough revenue to for the Officers and allows the Police a nice retirement. He said he is going to oppose this. He said the CBA is fair and the CBA says 3% contribution. Reese said it seems like we are sending a wrong message to the Police because they just signed the CBA and now we are going to do this. Glessner requested a roll call vote. Councilors Deering, Millar, Reese and Glessner voting Yes. Councilors Ginder, Youngerman, Smeltz, Fahndrich and Hall voting No. *4 Yes and 5 No. Motion fails.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve a voluntary transfer of accrued sick leave to one Borough non-uniform employee who has exhausted their accrued sick leave bank while on Short Term Disability Leave (STD) and is receiving or has received 50% of their based pay as provided on page 19 in the Borough of Mount Joy/Mount Joy Borough Authority Employee Handbook, as revised in 2016, from another Borough employee, including Police Officer's Association members, to allow the employee on STD to use said sick leave to make up the remaining 50% of their base pay. Fahndrich and Smeltz both said this is a good thing and we should help our fellow employees if we can. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Borough Solicitor to file a notice of intervention and defend the appeal filed by Attorney Mel Hess for SR Holdings as it relates to the Zoning Hearing Board denial of variances for 242 N. Market Avenue, at the December 21, 2017 Zoning Hearing Board meeting. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to appoint Samuel Sulkosky as the Voting Delegate and Josh Deering as the Alternate Voting Delegate to the PSAB 2018 Annual Conference from June 10-13, 2018 in Hershey, PA. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Hall, and a second by Smeltz, a request to approve Resolution No. 12-18, a Resolution of Borough Council to allow the suspension of a banner across SR 230 by the Friends of the Milanof – Schock Library from June 1, 2018 to June 16, 2018 near the Borough Offices at 21 East Main Street, Mount Joy. *Motion carries unanimously.*

Report of the Public Works Committee

On a **MOTION** by Deering, and a second by Ginder, a request was made to waive fees under Resolution No. 22-17, Section 21, E through J for Borough residents for the remainder of 2018. Nissley stated this is due to the volume of material they have at hand and the fact that space is limited, they need to get rid of material. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ginder, a request was made from Mount Joy American Legion Riders Chapter #15 to hold two chicken BBQ's in Old Standby Park on April 21, 2018 and October 6, 2018 from 10:00 am until 2:00 pm each day conditionally on the Borough receiving required proof of insurance. Hall asked where the pits will be. Deering said on the Legion property. *Motion carries unanimously.*

Public Input Period

Ned Sterling, 13 W. Main St., said he supports the 3 separate voting districts. Sterling asked if there is any way of knowing when Council will be voting for something. Sulkosky said that he did not know there was going to be a motion concerning the wards, so he could not put it on the agenda. He said that is often the case with Council.

Bruce Haigh, 504 Rose Petal Lane, said that if the Borough puts the map of the wards on the website, it should be posted saying only the following things, that it was evaluated based on the 2010 census, that realigning the wards maintains 3 Council members per ward, and that removing the wards limits the Council members to 7.

Haigh suggested that if we put the street evaluation report on the website we should word it only as a condition evaluation report.

Haigh wanted to thank Fire Department Mount Joy for assisting at his home.

Kim Brewer, MSMJ Manager, announced there will be a MSMJ reception at Bube's Brewery on April 3, 2018.

Robert Foltz, 338 Locust Lane, said he enforces Ginders' opinion concerning the wards and feels we should choose the at large system. He said he is the Judge of Elections in the West Ward and said that Council should consider the ramifications of their decision.

Any other matter proper to come before Council

Mayor Bradley spoke concerning the parking utilization study. He said he made an offer of looking into getting grant money and asked Council if they want him to pursue that.

On a **MOTION** by Hall, and a second by Deering, a request was made to approve the endorsement of Mayor Bradley to move forward toward grant money for the parking utilization study. *Motion carries unanimously.*

Hall said that Council needs to be careful of violating the Sunshine Laws. Smeltz said there has been no violation.

Deering reported that the Cyclones will soon be starting their season and that they will be informing the residents.

Authorization to Pay Bills

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

GENERAL FUND	\$	121,556.33
REFUSE/RECYCLING	\$	42,206.57
CAPITAL IMPROVEMENTS FUND	\$	969.00
HIGHWAY AID FUND	\$	5,263.00
ESCROW FUND	\$	2,892.07
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	172,886.97

Motion carries unanimously.

Meetings and dates of importance

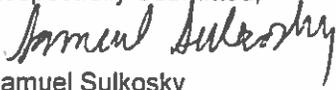
See the white calendar for the month of March 2018.

Council went into executive session at 9:02pm for real estate and personnel issues. Council came out of executive session at 9:26pm. No decisions were made.

Adjournment

On a **MOTION** by Millar and a second by Reese, approval was given to adjourn the meeting at 9:27pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary