

**MOUNT JOY BOROUGH COUNCIL**  
**April 2, 2018 Minutes**

The Mount Joy Borough Council held its regular meeting on April 2, 2018, at the Mount Joy Borough Office.

President Glessner announced there was an executive session prior to this evening's meeting to discuss possible litigation. Also, Public Safety had two executive sessions to resolve personnel issues. He announced #5 of tonight's agenda will be eliminated. There will be an executive session at the end of tonight's meeting to discuss personnel issues.

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.

On a **MOTION** by Reese, and a second by Youngerman, approval was given to accept the agenda for the April 2, 2018, Borough Council meeting. *Motion carries unanimously.*

**Public Input Period**

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

Dale Murray, 120 Farmington Way, spoke concerning item 11F, reapportionment of the Wards. He stated that the Wards are also used for the voting districts and that they need to be re-aligned and balanced. He said he feels Council should stay with the three Ward system and that the alternative would be too long and tedious where Council meetings are concerned. He said from a functional standpoint, the Ward system would work well.

**Presentation of the 2017 Audit**

Carol Roland and Amanda Kilroy, Trout, Ebersole & Groff, LLP, provided a written report and gave an oral presentation on the Borough's financial statements and supplementary information for the year end 2017. Roland and fellow auditor, Amanda Kilroy, answered related questions pertaining to the 2017 Audit.

**Report of the Mayor**

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

**Report of the Chief of Police**

Maurice Williams, Police Chief, provided and reviewed a written monthly report for February 1, 2018, through February 28, 2018. The report showed 67 traffic arrests and 34 criminal arrests for the month. There were 51 UCR reportable incidents and 402 CAD incidents for the month, with a total of 865 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$5,611.36.

**Report of Fire Department Mount Joy (FDMJ)**

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

**Report of Main Street Mount Joy (MSMJ)**

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for March/April 2018.

Brewer reported there is a correction to the Economic/Development Committee section of the written report; 1) states a new business at 64 E. Main St. and it should be 67 E. Main St.

Brewer stated that progress is being made at 93 E. Main St., the site of the future Micro Brewery. She reported the façade went on the new business downtown, Dutch Valley Country Pretzels. Brewer also reported there is a waiting list of five businesses that want to come into the Main Street corridor and that MSMJ is constantly showing different buildings to prospective business owners.

Deering asked what the final numbers were for the Chocolate Walk. Brewer reported that the numbers were given at the Board meeting and that they were approximately 400-500 people in attendance.

Hall asked where Dutch Valley Country Pretzels is located. Gibbs said 26 W. Main St. Hall also asked where Wings and Things is located. Gibbs said 89 W. Main St.

**Report of the Milanof-Schock Library (MSL)**

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for February 2018.

### **Report of Codes and Zoning Officer**

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for March 2018.

### **Report of Stormwater Officer**

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for March 2018. Salley reiterated that Little Chiques Creek has been stocked with Trout and reported there were over 30 cars there on Saturday, March 31, 2018, for the first day of Trout season.

### **Report of Public Works Director**

Dennis Nissley, Public Works Director, provided and reviewed a written monthly report for March 2018.

Nissley reported concerning the Automated Red-Light Enforcement (ARLE) Program Grant that has been in discussion for the last year. He reported that the Borough did not receive the Grant money as we had hoped. He stated that it is not a reflection on the Borough's project in any way, rather it is due to the amount of money to be distributed and the quality of applicants they received.

Hall stated how the Borough is enforcing a lot of Stormwater regulations and asked if there is any type of exemption for being grandfathered in with the former Stormwater regulations. Nissley said the 2015 Stormwater regulations state that when sidewalks and roads are repaired or replaced, that is the time to do the Stormwater as well. Hall said even if there was a connection made in 1980 that was approved by Council. Nissley said yes, the regulations have changed. Gibbs clarified that the only time there has to be a change to Stormwater is if there is an alteration due to street improvements or something of that nature.

### **Report of the Borough Authority Manager**

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

### **Report of the Borough Manager**

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

Ginder gave recognition to Lindsey Edgell for doing a great job on the quarterly Newsletter.

### **Approval of the Minutes of the Previous Meeting**

On a **MOTION** by Hall, and a second by Reese, approval was given for the minutes of the regular Borough Council meeting held on March 5, 2018. *Motion carries unanimously.*

### **Administration and Finance Committee**

Sulkosky announced that items 11A, B, C, D and E on the agenda are all related to the Final Subdivision and Land Development Plan for Laurel Harvest Labs.

Brent Good, with ELA Group (Engineering and Landscape Architecture), was present on behalf of their client, Laurel Harvest Labs. Andrew Dodge, Managing Partner with Laurel Harvest Labs was present as well. Good stated that he would be happy to go over the plans which include waivers, referrals, condition approvals and the final land development plan.

Hall said that six-inch curbs make sense, but from and the Americans with Disabilities Act (ADA) viewpoint, asked if this could be a problem. Good said no and that it is very common to have six-inch curbs and that the curb size is actually shorter. Hall asked that if we reduce the size of the curbs, would there be any concerns with tree roots infringing on Stormwater pipes. Good replied that if there is no infringement on the easement itself, it should not be a problem. Gibbs said the trees will not be in the paved area.

Hall suggested changing the address to New St. He said that the address states S. Barbara St. and there have been issues there with trucks on S. Barbara St. and nothing with this project is on S. Barbara St. He said this could be a problem. Gibbs said when it is sub-divided the Borough will be allowed to issue a new parcel which will be a New St. address. This will be the next step. Mayor Bradley asked if it is possible to give the new parcel a Jacob St. address. Gibbs said this will be discussed with the land owner further and they will keep all recommendations in mind.

Millar asked what type of trees will be planted. Gibbs said that page 11 of the landscape plan shows all the trees. Good said there will be red maples planted. Millar asked if John Leaman, Authority Manager, approves of this. Gibbs said yes.

Gibbs suggested removing item 11B 'to consider a motion to recommend Council authorize the execution of a Stormwater Management Agreement and Declaration of Easement, Deferred Improvements Agreement, and Agreement Providing for Grant of Public Right of Way for Laurel Harvest Labs, upon receipt of documents executed on behalf of the landowners'. She stated that item 11C states the exact same motion, only with an additional sentence.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to remove item 11B from the agenda. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to recommend approval of a Waiver of Section 232-60.B(1) to reduce the curb reveal to six (6) inches outside the public right-of-way in order to limit damage to vehicles when parking or maneuvering adjacent to the proposed curb, and approval of a Waiver of Section 240-45.B(4) to reduce the minimum width of a storm water easement from thirty (30) feet to twenty (20) feet to allow for the placement of the required trees while still preserving adequate area for future maintenance of the proposed storm pipe system, for a Preliminary/Final Land Development Plan for Laurel Harvest Labs, 119 South Tree Drive, Lancaster, PA 17602, for a proposed building of 105,000 sf., off-street parking, road improvements and Stormwater facilities on a property located at 279 S. Barbara Street., Mount Joy, PA for the manufacturing of pharmaceuticals and medicines. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to recommend Council authorize the execution of a Stormwater Management Agreement and Declaration of Easement, Deferred Improvements Agreement, and Agreement Providing for Grant of Public Right of Way for Laurel Harvest Labs, upon receipt of documents executed on behalf of the landowners, and an Agreement Providing For Grant of Public Right-of-Way for Jeffrey and Ellen Gingrich to Mount Joy Borough upon receipt of documents executed on behalf of the landowners.

Hall said he does not understand why there would be sidewalks installed, and especially on both sides of the street, when there is nothing but field around the area. Gibbs said the Mount Joy Borough Ordinance requires sidewalks. She said although it seems there is nothing around the area, there may be growth there in the future.

Mayor Bradley asked if there is anything regarding the changing of the right of way that would have an impact on the residential properties in the future. Good said no, that there is 50 feet distance from the property line East. *Motion carries. Councilor Hall voting no.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to recommend Council approve a Preliminary/Final Land Development Plan for Laurel Harvest Labs, 119 South Tree Drive, Lancaster, PA 17602, for a proposed building of 105,000 sf., off-street parking, road improvements and Stormwater facilities on a property located at 279 S. Barbara Street., Mount Joy, PA, for the manufacturing of pharmaceuticals and medicines, conditioned upon compliance with the comment letters.

Smeltz said that we do not have a right to object to a certain use if it is permitted in the area. He said that Council is voting on conformity. He said we cannot give a personal opinion on the nature of the project and that the real question is how they conform and act in the community.

Youngerman thanked Mr. Dodge from Laurel Harvest for attending meetings and continuing with this project and bringing it to Mount Joy. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Solicitor to prepare and advertise an ordinance for a Petition to Vacate a 14' wide unopened alley extending 326' South from New Street, as requested by Donsco, Inc. located at 279 S. Barbara Street, Mount Joy, PA.

Gibbs reported that this is an alley that is unopened and on Laurel Harvest Lab's property. She said this subject must come before Lancaster county Planning Commission, Mount Joy Borough Planning Commission and Public Works Committee for approval before it comes to Council for approval in June. *Motion carries unanimously.*

Sulkosky thanked Laurel Harvest Labs for there cooperation and Stacie Gibbs for all her hard work.

Discussion by Council of Reapportionment and At-Large System.

Reese stated that he has talked to constituents concerning their opinion of whether to reapportion the wards or to choose the at-large system. He said it seemed that most people did not have a strong opinion one way or another. He said to reapportion the wards would keep nine Councilors and give three Committees, where the at-large system would have a working session with seven Councilors. He said a Council meeting with no Committees and seven Councilors would take many hours. He said he feels nine Councilors makes a difference and would make decisions more effectively. He said he thinks Council should vote for the reapportionment of the wards.

Mayor Bradley said that Councilors are elected by wards and so are Constables. He said the at-large system would take the Constables from three down to one.

Deering said he spoke to people in town and the majority are in favor of the Ward system. Although he feels nine Council members is too many, he said the Ward system would be best.

Mayor Bradley asked if it is possible to have a blend of the two. Sulkosky said he talked to Pennsylvania State Association of Boroughs to see if that would be an option, and the only way to have a blended system would be to have a Home Rule Charter. Mayor Bradley said it is nice to know it was investigated.

Glessner said he is in favor of the Ward system. He said it works efficiently.

Deering suggested Council vote and asked what the next step is in moving forward. Sulkosky stated that there are proposed motions in the packets along with a detailed description of what the proposed Wards would look like.

On a **MOTION** by Reese, and a second by Deering, a request was made to adopt Ward Model 2 effective January 1, 2019 and authorize the Borough Manager and Borough Solicitor to develop a Borough Ordinance changing the Ward boundaries as provided in the Borough Code § 601 (d) and take all steps necessary to implement the new Ward Boundaries as specified in Ward Model 2. *Motion carries. Councilors Ginder and Millar voting no.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Ordinance No. 3-18, Amending the Police Pension Document with attached Amendment No. 1. *Motion carries unanimously.*

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

Smeltz said that the subject of waiving the contribution for the Police Pension Plan was brought before Council last month and that he gave an argument against waiving the contribution and Council voted against the waiver. He said that one must admit when they have done something wrong and that he was wrong. He said it has been a good learning curve for him. He said he was openly challenged about his stance on this and asked to further examine the subject. He said that upon doing so, he found that the Police Pension Plan is actuarially sound, meaning that the Plan is healthy. He said that he looked at the last three years of actuarial reports and that as of 2016 the Plan was 94% funded. He said that according to the collective bargaining agreement, we are obligated to waive the 3% contribution since the Police Pension Plan is healthy. He said this is the right thing to do and that he is proud that we have such a well-funded Pension Plan. He also said he is happy that someone called him out on this so Council can make the right decision.

Mayor Bradley and President Glessner thanked Smeltz for all the hard work he put into correcting this. *Motion carries unanimously.*

Discussion by Council of Resolution No. 13-18, as offered by Councilor Smeltz.  
Hall said the proposed Resolution is very fair and reasonable

On a **MOTION** by Smeltz, and a second by Reese, a request was made to approve Resolution No. 13-18, reducing employee contributions to the Police Pension Plan for the year 2018. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to waive excess penalty fees for Joe Zito, 922 West Main Street, Mount Joy in the amount of \$1,272.36 which accumulated under the previous penalty fee schedule. *Motion carries unanimously.*

#### **Report of the Public Safety Committee**

On a **MOTION** by Hall, and a second by Smeltz, a request was made to consider approval of the Fire Department Mount Joy request to participate in the April 29, 2018, event with the Hempfield RecCenter Triathlon. *Motion carries unanimously.*

#### **Report of the Public Works Committee**

On a **MOTION** by Deering, and a second by Millar, a request was made to approve the lowest responsible bid as recommended by ARRO for Design Contract One to SM Johns & Sons for \$59,263.15 pending submission of all required documents in the Instructions to Bidders. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve the lowest responsible bid as recommended by ARRO for Design Contract Two to MALCO Landscaping, Inc for \$22,800.00 pending submission of all required documents in the Instructions to Bidders. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Millar, a request was made to approve the lowest responsible bid as recommended by ARRO for the New Haven Street Reconstruction to Kinsley Construction in the amount of \$108,010.00 pending receipt of all required documents. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve the lowest responsible bid as recommended by ARRO for the North Plum Street Reconstruction to Pennsy Supply, Inc. in the amount of \$158,328.35 pending receipt of all required documents. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Millar, a request was made to approve a request for the Chamber's 2018 Music in the Park with requested dates of July 29, August 5, 12 & 19, 2018, (*No rains dates are requested*). *Motion carries unanimously.*

#### **Public Input Period**

Beth Brejle, 550 N. Angle St., said the Borough does a great job on the newsletter and it was very helpful as a new resident to Mount Joy. She said she received an informational letter concerning the sidewalk installation that will be required on N. Angle St. She said she is blindsided by this and would not have purchased a home here if she had known. She said she

does not want their trees removed and is very distraught. She asked if the Borough can receive Grants for this work instead of imposing the cost on the homeowner. She said she does not know how they will afford to pay and can't imagine other people having the money for this type of work either.

Hall said the Borough has received Grants in the past, but that this work does not qualify for the Department of Economic Development's (DCED) Grant due to the economic standing of the properties in that area. He said that Borough staff is continually seeking Grant opportunities.

Brejle said that in her neighborhood they do not see a lot of people walking and that it does not make sense to put sidewalks in there. She asked how other people are managing to pay for this. She asked if the Borough has any money in Capital Reserve to help residents absorb the cost.

Hall said that this has happened in the past, for example in 2012 when E. Main St. was required to install curb and sidewalks. He said there were a few residents there, at that time, who received a waiver from Council.

Brejle asked how many homeowners have been required to do this and how many have had to pay for the work to be done. Nissley said that in 2017 there have been 63 property owners involved with curb and sidewalk replacement and all are required to pay. He said that the Borough's 20-year plan shows more to come. Millar said that unfortunately, this is often required. Beth said this information should be part of the disclosure at settlement.

Ned Sterling, 13 W. Main St., said he has a procedural question concerning the sub-committees. He asked that if a sub-committee rejects an idea, if it can still come to Council, and how residents would know if an idea was rejected. Hall said yes, that a subject can come before Council even if it rejected at sub-committee level. Sulkosky said that the subject matter of the committee meetings can be viewed in the agendas and the minutes of the committee meetings are distributed, upon approval, to all Councilors. Mayor Bradley said that another option for residents to voice their concerns concerning decisions made at committee level would be to speak at Public Input period of the Council meetings. He said that for items to die within the committee process is common and part of the legislative process.

Bruce Haigh, 504 Rose Petal Lane, said that most people did not get to meet Rose Haskel who came to the Administration and Finance Committee meeting to talk about the reapportionment of the Wards. He said she was extremely proficient with the projector and the street boundaries and very enthusiastic. He suggested a thank you letter be written to her boss. He said he is glad the process went through and the Ward system was decided upon.

**Any other matter proper to come before Council**

Hall stated that although he voted for the reapportionment of the Wards and it was the right thing to do, the other issue citizens should consider is who will be sitting on Council. He said that once the system is restructured there will be five current Councilors from the East Ward will have to be taken down to three.

Hall said that on March 13, 2018, and March 26, 2018, Public Safety met in executive session to hear two grievances from the Mount Joy Police Union and decisions were made on both. He said that the information can be provided upon request.

Hall wanted to make Council aware that at the Public Safety committee meeting on March 26, 2018, there were a rather large amount of people in attendance from the Lakes at Donegal Springs Development who came with concerns about the football games that are played in the fields there. He said the concerns discussed were related to noise, parking and littering. He said this will be discussed further and encouraged Councilors to come to a game and observe.

**Authorization to Pay Bills**

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

GENERAL FUND	\$	99,332.09
REFUSE/RECYCLING	\$	39,329.93
CAPITAL IMPROVEMENTS FUND	\$	17,370.23
HIGHWAY AID FUND	\$	1,942.93
ESCROW FUND	\$	7,589.54
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	165,564.72

*Motion carries unanimously.*

**Meetings and dates of importance**

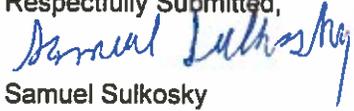
See the purple calendar for the month of April 2018.

Council went into executive session at 9:25pm to discuss personnel issues. Council came out of executive session at 10:32pm. No decisions were made.

**Adjournment**

On a **MOTION** by Smeltz and a second by Hall, approval was given to adjourn the meeting at 10:33pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky  
Borough Manager/Secretary