

**MOUNT JOY BOROUGH COUNCIL**  
**April 3, 2017 Minutes**

The Mount Joy Borough Council held its regular meeting on April 3, 2017, at the Mount Joy Borough Office.

President Glessner called the meeting to order at 7:01 PM.

Roll Call- Present were Councilors Joshua Deering, Mary Ginder, Jon Millar, Dale Murray, Michael Reese, Jake Smeltz, Hans Seidel, Brian Youngerman, President Glessner and Mayor Timothy Bradley. Also 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.

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

On a **MOTION** by Reese, and a second by Seidel, approval was given to open the public hearing for consideration of an application by Turkey Hill, L. P. for an Inter-Municipal Transfer of a Restaurant Liquor License for its store located at 703 East Main Street, Mount Joy, PA.

*Motion carries unanimously.*

Paul Namey, Flaherty & O'Hara P.C., discussed the proposed changes and answered related questions regarding the Turkey Hill Store. Also present to answer questions were Tim Richards, Construction Manager for Turkey Hill and Andy Carmichael, District Manager for Turkey Hill.

On a **MOTION** by Ginder, and a second by Seidel, approval was given to close the public hearing for the consideration of an application by Turkey Hill, L.P. of an Inter-Municipal Transfer of a Restaurant Liquor License for its store located at 703 East Main Street, Mount Joy, PA.

*Motion carries unanimously.*

On a **MOTION** by Millar, and a second by Youngerman, approval was given to postpone a decision until the next Council meeting held on May 1, 2017.

*Motion carries 6 to 3. Seidel, Deering and Reese voting no.*

President Glessner announced that an executive session was held on March 6, 2017, to discuss personnel and legal issues.

On a **MOTION** by Reese, and a second by Murray, approval was given to accept the agenda for the April 3, 2017, Borough Council meeting.

*Motion carries unanimously.*

**Public Input Period**

Ned Sterling, 13 West Main Street, asked for the results of the previous executive session. Murray said a decision was made to hire Nicholas Goss as a Police Officer. Sterling asked for an explanation on the suggested Transportation Committee that is referenced on item 13. A. on the agenda. Reese said with all of the changes in parking with the train station, the Public Safety Committee would like to recommend the possibility of an Adhoc Transportation Committee.

Barbara Basile, Rotary Club member, invited the public to a free shredding and electronics recycling event on May 6, 2017. She said the event will be located at the Gathering Place.

**Presentation of the 2016 Audit**

Carol Roland, Trout, Ebersole & Groff, LLP, provided a written report and gave an oral presentation. Roland and fellow auditor, Amanda Kilroy, answered related questions pertaining to the 2016 Audit.

**Mayoral Proclamation**

Mayor Bradley proclaimed April 9-15, 2017, as National Library week. He encouraged all residents to visit the Milanof-Schock Library and explore all of the wonderful resources that they provide.

**Report of Mayor**

Mayor Bradley provided and reviewed a written monthly report for March. He recognized the outstanding performance of Borough and Borough Authority staff, as well as the local emergency responders during winter storm Stella. He said their efforts under difficult circumstances are a true testament to their professionalism and pride in providing quality service. Mayor Bradley said he heard many appreciative comments regarding the services that were provided. He also thanked Ambassador Lynn and Senator Aument for visiting our community last month. Mayor Bradley announced that the Public

Safety Medal Program was launched at the Fire Department's annual banquet. He displayed medals for the public to view during the meeting. President Glessner complimented Mayor Bradley on the work he performed on the medals program and also commented on how great the medals turned out.

#### **Report of the Chief of Police**

Maurice Williams, Police Chief, provided and reviewed a written monthly report for February 15, 2017, through March 14, 2017. The report showed 54 traffic arrests and 24 criminal arrests for the month. There were 63 UCR reportable incidents and 385 CAD incidents for the month, with a total of 929 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,478.87. Williams announced that Sergeant Ortiz retired on April 1, 2017 and due to Sergeant Ortiz's retirement, the Police Department will be hiring a replacement. He stated that there are five Officers eligible to take the Sergeant promotional exam. Williams also reported that Nicolas Goss was sworn in on March 27, 2017.

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

Philip Colvin, FDMJ Fire Chief, provided and reviewed a written monthly report for February. Colvin said that item 12. C. is not obligating the Borough for any financial responsibility and it is only to inform the Borough that we are taking out a tax fee loan. Colvin said there will be a public meeting on April 6, 2017, at 7:00 pm to sign the loan documents for the state low interest loan and the tax free loan.

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

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for March. Brewer said the auction for the Parade Committee was well attended. Brewer stated that her time over the next few weeks will be focused on looking for ways to help with \$350,000.00 in expenses for the new Brewery project. She stated that she will be providing a report to Smeltz, Borough Council Liaison, with this information. Gibbs said she will be reviewing the report to check to see what items require a permit or even if items are required by code. Brewer stated that MSMJ is focused on revitalize the downtown and supporting businesses in this manner.

Ginder announced The Old Square Inn won Small Champ Business. Brewer said that The Old Square Inn also won \$25,000.00.

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

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a written monthly report for February. Basile said the Anne Frank Display brought in around 1600 visitors. Basile thanked all the sponsors who helped to make it possible for the Anne Frank Display to be available to the public. She said people came from all over Lancaster County to attend the program. Basile announced that is it the 100<sup>th</sup> anniversary of the United States involvement in World War I. She said there will be five programs for the public to attend in honor of the anniversary and programing will run through May 17, 2017.

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

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for March. Gibbs said that the Rotary Park Highway Occupancy Permit (HOP) has been forwarded to PennDOT and we are waiting on their comments. She reported that the Old Standby Park construction is to begin on April 24, 2017.

Reese asked for an update regarding the Florin Hill street dedication meeting. Gibbs said we are waiting to hear back from Charter Homes on information discussed during the meeting. She explained that once their response is received, we will provide the Public Works Committee with an update.

Smeltz said that in the Codes and Zoning Report, Gibbs mentioned reviewing a document regarding cell towers in right of ways from Robert F. Powelson, Commissioner of Public Utility Commission. Smeltz reminded Council that a couple months ago, Mobilite sent a letter to the Borough requesting access to right of ways to install a cell tower. He advised against proceeding at that time because they were behaving like a public utility. He said the case was won and that company was decertificated. Smeltz said this was also a big issue across the County and the State. Gibbs said the Solicitor provided the Borough with an Ordinance to which she drafted amendments for this issue, as well as the accessory free library and rezoning of Crossroads Brethren In Christ Church. Gibbs said she forwarded the amendments to the solicitor and once it is received back, the Ordinance will be on the Planning Commission agenda for April 12, 2017, for consideration or recommendation that Council authorize advertisement and notices to be sent. Murray said mobile systems that are the most current are considered fourth generation (4g). He said 5g systems are in the planning stages and there will be a radical increase in tower sites. He recommended that the Borough look for ways to tighten up in this area with an Ordinance before the technology reaches the 5g level. Gibbs said she believes Council will be pleased with the draft Ordinance and will have plenty of time to review and discuss it.

Mayor Bradley said he recently worked with Gibbs on a challenging property. He said Gibbs exercises professional judgment in these situations and she works hard to see a successful resolution. He complimented Gibbs on a job well done and her efforts in that area.

**Report of Stormwater Officer**

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for March. Salley reminded Council of the Mount Joy Borough Environment Day on May 13, 2017. He informed Council that details for the event are posted to the website. Gibbs recognized the work that Zell completed on the website.

**Report of the Borough Authority Manager**

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

Smeltz stated that the Authority was awarded a \$238,000.00 grant for improvements at the Carmany Road location.

**Report of the Borough Manager**

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

Reese asked for clarification on the policy for the removal of snow in the downtown area on Main Street. Nissley said the policy states that staff can move forward on the first snow removal in the downtown area on Main Street but if there is a second event then the Borough Council President and the Public Works Chairman must decide if action needs to be taken.

Ginder asked if residents surrounding the Mount Joy Train Station were notified of the meeting that is being held on April 5, 2017, at Saint Mark’s United Methodist Church. Wendy Sweigart, 28 South Market Street, said she was not notified and expressed frustration with the lack of communication that the public has been receiving. Mayor Bradley suggested that the Borough identify the particular area surrounding the train station and use the swiftreach phone system to communicate the message to residents. Ginder agreed with Mayor Bradley. Brewer said the Borough was directed not to do that because Gannett Fleming would be handling all invitations. Brewer said the information was placed on the MSMJ Facebook page and also sent to business in the downtown corridor. She agreed with Ginder that the information needs to be dispersed to residents. Sulkosky said he distributed the information to MSMJ, the Chamber of Commerce, the Lancaster Newspaper, WGAL and also said the information has been on the Borough website for weeks and he also placed a public notice in the Merchandiser. Gibbs said we consistently were told that Gannett Fleming would be handling the invitation process. Mayor Bradley said it is clear that Gannett Fleming is not advocating for our citizens so we need to step in and advocate for them. Gibbs and Brewer agreed with Mayor Bradley. Mayor Bradley recommended that the collection of complaints should be compiled by one person such as the Borough Manager and he can take those complaints to the parties that need to hear them. Sulkosky said he is already fielding complaints and said he has the contact information for Dane Huffman, Project Manager with Gannett Fleming. He said MSMJ and Borough staff will be having a bi-weekly meeting with Gannett Fleming to discuss communications. Mayor Bradley suggested that we do a phone blast to residents directly affected by the train station project even if we were directed by other parties not to. He said our residents should have the right to know about the meeting. Council decided to allow staff to send a phone blast to residents and business directly affected by the train station project informing them of the Community Informational Session on April 5, 2017.

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

On a MOTION by Murray, and a second by Seidel, approval was given for the minutes of the regular Borough Council meeting held on March 6, 2017.

*Motion carries unanimously.*

**Administration and Finance Committee**

On a MOTION by Youngerman, and a second by Murray, approval was given for Resolution #11-17, a Resolution appointing Samuel Sulkosky as Assistant HIPAA Officer with a term expiring on 1/1/2019.

*Motion carries unanimously.*

On a MOTION by Youngerman, and a second by Murray, approval was given for advertising of Ordinance #1-17, an Ordinance to allow for participation and investment of funds for the Borough of Mount Joy in the Pennsylvania Local Government Investment Trust (PLGIT).

*Motion carries 8 to 1. Seidel voting no.*

On a MOTION by Youngerman, and a second by Murray, a request was made for the President of Council to sign Mount Joy Fire Department Section 147(F) Form providing for purchase of equipment.

Mayor Bradley said the name needs to be corrected to Fire Department of Mount Joy.

On a MOTION by Youngerman, and a second by Murray, an amendment was made to the original motion to replace “Mount Joy Fire Department” with “Fire Department Mount Joy”

*Motion carries unanimously.*

On a MOTION by Youngerman, and a second by Murray, approval was given for the President of Council to sign Fire Department Mount Joy Section 147(F) Form providing for purchase of equipment.

*Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a request by the Farmview Development, for reduction in construction escrow in the amount of \$139,912.80 as recommended by the Borough Engineer.

Gibbs explained that the extended section of Martin Avenue will not be offered for dedication because it is private.  
*Motion carries unanimously.*

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

Council discussed a recommendation to implement an Adhoc Transportation Committee that would consist of one Council member per committee. Reese explained that the committee would address parking issues that would arise in the Borough especially in relation to the Mount Joy Train Station Project. Council agreed that the Public Safety Committee will take on the responsibilities of the Adhoc Transportation Committee.

On a **MOTION** by Reese, and a second by Deering, a request was made to approve the handicap parking space program.

Ginder said the wording under Eligibility needs to be changed to "Medical Provider Statement" instead of "Physician's Statement". She also said there is other language that needs to be addressed. Reese suggested that the motion be tabled until the next Council meeting so that Ginder could provide input on the program.

On a **MOTION** by Reese, and a second by Deering, approval was given to table the original motion until the next Council meeting on May 1, 2017.

*Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Deering, approval was given for installation of audible crosswalk signals to be installed at the intersection of Barbara Street and East Main Street.

Seidel asked for a cost breakdown. Nissley said the quote is \$7,907.50. Deering said this was a request from a visually impaired resident who frequently crosses the street at this intersection. Murray asked if there is a delay from this particular light would it affect the other traffic lights on Main Street once the signalization project is complete. Nissley said he would have to check with Telco to see if it would affect the other traffic lights on Main Street.

*Motion Carries 8 to 1. Seidel voting no.*

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

Dennis Nissley, Public Works Director, provided and reviewed the written monthly report for March. Nissley discussed the cost breakdown of the snow removal from winter storm Stella. Nissley gave an update on the Marietta Avenue Pedestrian Improvement Project and informed Council that PennDOT has agreed to widen a section of Marietta Avenue to avoid a water line conflict. He stated that the Signalization Project is under way.

On a **MOTION** by Seidel, and a second by Millar, a request was made to approve additional funding for Borough of Mount Joy staff to proceed with emergency snow removal in the event that it achieves the limit that was set in the policy for the winter season of 2017.

Seidel said without Council's approval then in the event of the emergency, the Public Works Chairman and the Council President would be making the decision. Youngerman stated that any expenditure is worth putting in the budget and since this happens year after year we should be budgeting for it.

*Motion failed 4 to 5. Reese, Deering, Smeltz, Youngerman and President Glessner voting no.*

#### **Public Input Period**

Wendy Sweigart, 28 South Market Street, thanked Ginder for requesting that residents impacted by the train station would receive notification of the public meeting. She also expressed appreciation to all Council members that agreed to follow through with the phone notification. Sweigart also said she will be attending the Public Safety meeting to discuss the parking issue she will be encountering once the Market Street bridge closure takes place.

Ned Sterling, 13 West Main Street, said the Public Safety Committee might want to look at hiring a consultant for the parking issues that arise.

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

Murray stated that he received an email from the president of The Lakes at Donegal Springs Homeowners Association (HOA) with complaints that they have been receiving regarding the loud and provocative music played by the Mount Joy Cyclones football team. Murray said the HOA president informed him that he has been receiving complaints for three years that include littering, parking issues and loud noise. Murray pointed out that over the years that the Cyclones have been playing at The Lakes, the development has expanded and more townhomes are now closer to the fields. Mayor Bradley said he fielded a complaint regarding trash being left after the games. Deering said the Cyclones team collects any trash after the games and practices and makes sure that the field is completely cleaned before they leave the park. He said the Cyclones take pride in that field. Deering said the DJ only plays the censored version of songs. Mayor Bradley said one of the challenges is that the park is right in the middle of a residential neighborhood. He indicated that at

school events people expect to hear music but not necessarily at a park in a residential neighborhood. Deering said the games were strategically placed in the middle of the afternoon to avoid any conflicts with children's sporting events and the games are finished by 5 PM. Youngerman asked Deering to request the playlist from the DJ. Deering said he already requested the playlist and he should have it by tomorrow. Deering said the team is planning on moving the speakers to a different location and working with the Police to see if an officer can do a decibel reading so that they are clear on the level of noise. He said the team was recently made aware of the complaint regarding noise so they are working on a solution to the problem. Deering pointed out that the Cyclones are involved in the community by helping with the Mount Joy Community Food Bank, involvement with the Memorial Day Parade and games to raise awareness of autism and breast cancer. He said the team contributes economically to the Borough as well. Gibbs made a suggestion to extend the opportunity for the Cyclones to make a change now that the issues have been brought to their attention. She also said a Police Officer could measure the noise with the decibel reader to determine if the noise is a nuisance. Mayor Bradley said that information should be conveyed to the HOA so that when the noise is occurring, the Police Department can measure the noise and see if the team is in violation of the noise ordinance. President Glessner agreed.

**Authorization to Pay Bills**

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

GENERAL FUND	\$	245,976.99
REFUSE/RECYCLING	\$	48,810.76
CAPITAL IMPROVEMENTS FUND	\$	72,799.00
HIGHWAY AID FUND	\$	-
ESCROW FUND	\$	397.50
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	367,954.25

*Motion carries unanimously.*

**Meetings and dates of importance**

See the purple calendar for the month of April 2017.

President Glessner announced there will be an executive session. Council went into executive session at 10:35 PM and came out at 11:04 PM. No decisions were made.

**Adjournment**

On a **MOTION** by Reese, seconded by Youngerman, approval was given to adjourn the meeting at 11:05 PM.

*Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky  
Borough Manager/Secretary

