

MOUNT JOY BOROUGH COUNCIL
May 1, 2017 Minutes

The Mount Joy Borough Council held its regular meeting on May 1, 2017, at the Mount Joy Borough Office.

President Glessner called the meeting to order at 7:02 PM.

Roll Call- Present were Councilors Joshua Deering, Mary Ginder, Jon Millar, Dale Murray, Michael Reese, Jake Smeltz, Hans Seidel, President Glessner and Mayor Timothy Bradley. Councilor Brian Youngerman arrived at 7:09 PM. 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.

President Glessner announced that executive sessions were held on April 3, 2017, April 4, 2017, April 13, 2017, April 17, 2017, and April 24, 2017, to discuss personnel and legal issues in regards to the Police contract. He also said that there will be an executive session following the meeting to discuss legal and personnel issues.

Mayoral Proclamation

Mayor Bradley proclaimed May 14-20, 2017, National Police Week. He also called upon all citizens of Mount Joy to observe Monday, May 15, 2017, as Peace Officers Memorial Day to honor those peace officers who have lost their lives or have become disabled in the line of duty.

Public Input Period

Ned Sterling, 13 West Main Street, asked why the Ordinance on the agenda item 12. A was not in the public packet. Sulkosky said there are copies on the table for the public. Sterling asked if the Borough was going to do anything about the graffiti behind the Gerberich Payne Shoe Factory building. Gibbs said she is working it. Sterling asked Gibbs if she will be making recommendations for Complete Streets to Council. Gibbs said she attended a webinar regarding Complete Streets and in the future she will be recommending to Council.

Karen Hurley, 537 West Main Street, stated that the quota for liquor licenses is 1 license to every 3,000 residents and Mount Joy Borough holds 6 licenses with a population of 8,000 residents which puts the Borough well over the quota. She said if Council approves the transfer of the liquor license, it will lower the value of licenses by creating more competition above the quota and open the flood gates for other gas stations and grocery stores to follow suit. Hurley believes this could force local small businesses out of business. She said municipalities try to put conditions on their approvals in the inter-municipal license context but for practical purposes these conditions are not enforced. She said the restrictions are not binding on the Pennsylvania Liquor Control Board (PLCB) and there is no enforcement agency for the restrictions and the municipality can only enforce this through the conditions via the courts and that can be costly. Hurley said the applicant only has to request lighter restrictions from the PLCB for them to be granted. Hurley believes the license transfer will place the Borough at a disadvantage and promote drinking and driving as well as theft. She said that the transfer of the license will make alcohol more convenient which is contrary to the core principles of the liquor code which is to restrain the sale of alcohol. Hurley asked Council to consider not allowing the liquor licenses transfer.

Tim Richards, Turkey Hill, said he did not bring legal counsel to the meeting tonight because it was his understanding that they were not allowed to have a second chance to speak. He said everything that Hurley referred to was addressed at the public hearing held on April 3, 2017, and Hurley was not present at the public hearing. He said as he understood, there was not an opening for anyone else to bring input regarding the liquor license transfer. Sulkosky said this is a public comment period. Richards asked how the comments made by Hurley could be admissible. President Glessner said she is commenting on the public input period for this meeting. Richards reiterated that all of the concerns were addressed during the public hearing.

Kim Brewer, Main Street Mount Joy (MSMJ), spoke about Hurley's involvement in the Borough and how her participation is an asset to the community. Brewer said Hurley's local business financially contributed to Kid's Joy Land as well as sponsors at the Car Show and Winterfest. She asked Council to consider the local business owners when they make decisions.

Public Hearing Decision

President Glessner stated that at the April 3, 2017, Council Meeting, a public hearing was held to consider a request by Turkey Hill, LLC of a liquor license transfer for its store located at 703 East Main Street, Mount Joy, PA. He said that Council postponed a decision until the May 1, 2017, Council meeting.

Murray said the Turkey Hill policies and procedures discussed during the public hearing were acceptable but he does not believe an entry level convenience store clerk will enforce those policies and procedures. He said for example, if customers under the age of 21 are enjoying food and drinks in the seating area and another customer sits down to drink an alcoholic beverage, the clerk will have to force the customers who are under age to move. Murray said it is more likely that the Mount Joy Police Department will have to begin to referee conflicts. He said until the General Assembly creates a level playing field for the sale of beer, he cannot support the transfer of a restaurant liquor licenses to a convenient store that will compete with the beer distributors. Murray said the General Assembly has allowed the transfer of restaurant licenses to convenient stores but they have not added licenses for this purpose. He said this has driven up the prices of the liquor licenses. He stated that according to the Central Pen Business Journal, the cost for a liquor license in Cumberland County is \$500,000.00. Murray said that Mount Joy considers its restaurants a key asset and if a restaurant needs to attain a liquor licenses to remain competitive, they will not be able to afford the licenses due to the increasing cost and there will be fewer liquor licenses available for restaurants.

Millar said the residents he spoke to in the East Ward were against the liquor license transfer and he believes it will not benefit Mount Joy.

Reese said the lack of competition is what drives up cost. He said in Maryland the cost is much lower for a bottle of liquor and that is due to competition. Reese stated that we are encouraging higher prices when we restrict competition.

Smeltz said his decision comes down to the license not competition or cost. He reminded Council that during the public hearing he asked why the General Assembly would require Council to consider the matter of transferring a liquor license. He said the answer to the question is that Council is tasked with deciding if another liquor license is in the best interest of the community. Smeltz said that Council answered the question by saying we do not want to over saturate an area with liquor licenses for reasons such as value, and the type of community we are trying to build. He said he appreciates Reese's point regarding cost but he does not see the value in adding another liquor license to the community.

Councilors discussed their reasons for the approving or denying the liquor license transfer.

Tim Richards, Turkey Hill, said due to the concern voiced at the hearing, there were changes made to the table designs to allow separate tables instead of two long tables. Richards said the purpose of competition is to bring the cost down for the consumer and create convenience and he also stated the liquor license prices are going down. He explained that the PLCB has over 1,000 zombie licenses; those are licenses that have been taken back from establishments that were in violation and had been fined multiple times. He said those licensees are being released in increments of 50 sets and they have already released 100. Richards said that Murray mentioned Cumberland County license prices and those are the highest amounts that licenses are being sold for in the state. He said there are other locations that the licenses are being sold for \$25,000.00. Richard said that if enforcement is required, the Conditional License Agreement (CLA) has given a payment schedule to pay for the cost of enforcement if Turkey Hill does not comply with enforcement.

On a **MOTION** by Murray, and a second by Youngerman, approval was given to deny the application by Turkey Hill, LLC of the liquor license transfer for its store located at 703 East Main Street, Mount Joy, PA.

Motion carries 6 to 3. Seidel, Reese and President Glessner voting no.

On a **MOTION** by Murray, and a second by Seidel, approval was given to accept the agenda for the May 1, 2017, Borough Council meeting.

Motion carries unanimously.

Report of Mayor

Mayor Bradley provided and reviewed a written monthly report for April. Mayor Bradley said he was made aware by Kim Brewer, Main Street Mount Joy Manager, that Mount Joy was selected for the arrival of the Budweiser Clydesdales in September 2017. He reminded Council that in 2012 they approved a change by Ordinance to restrict parking of trailers and boats except for special exceptions provided by the Police Department. Mayor Bradley said that today he was made aware that there is a section of the Ordinance that conflicts with the restriction. Mayor Bradley thanked Gibbs and Sulkosky for helping to make the necessary changes this afternoon to item 12. A.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for March 15, 2017, through April 14, 2017. The report showed 60 traffic arrests and 36 criminal arrests for the month. There were 70 UCR reportable incidents and 475 CAD incidents for the month, with a total of 1474 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,058.53. Williams announced that the promotional exam to replace Sergeant Ortiz is scheduled and interviews were conducted last week for a new Police Officer. Williams said the interview process should be completed in four to six weeks.

Report of Fire Department Mount Joy (FDMJ)

Philip Colvin, FDMJ Fire Chief, provided and reviewed a written monthly report for March. Colvin announced that the delivery date for the ladder truck is May 12, 2017 and they hope to have it lettered before the Memorial Day Parade. Colvin said there will be extensive training on the new equipment before it is in service in September 2017. He said there is a Fire Company in Maryland who is interested in the current ladder truck.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for April. Brewer said there was another lease signing today at the former Chinese restaurant location. Seidel asked for an update on the 93 East Main Street property. Brewer said there is a counter offer on the table as of today. Reese asked how much money has been spent on the facade grants. Brewer said \$37,000.00 has been spent of the \$50,000.00 grant and MSMJ is going to apply for another \$50,000.00 grant this year.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a written monthly report for March. Basile announced that the summer theme is "Build a Better World". She said a butterfly garden is going to be planted in front of the Library to educate the public on pollinators. Youngerman asked Basile for her opinion on the accessory free libraries. Basile said she is in favor of promoting reading in any way as long as the display is appropriate and not an eye sore.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for April. Gibbs said the Highway Occupancy Permit (HOP) was approved for the Rotary Park Connection and paving will take place this year.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for April. Salley said the Mount Joy Borough Community Clean Up Day is scheduled for May 13, 2017 and he informed Council that he will be representing the Borough at the Watershed Expo at the Manheim Farm Show Complex on June 7, 2017.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for April. Reese asked if the Signalization project is operational and said the wait time on side streets seems to be longer than normal. Nissley said everything is timed off of the New Haven Street light which is the longest wait time and the side streets will have a longer wait. Mayor Bradley said he has noticed an increased flow on Main Street. President Glessner gave Karen Hurley, 537 West Main Street, permission to ask a question. Hurley asked if there could be a turning lane signal at New Haven Street and Main Street. Murray said if we added a left turn light it would extend the wait times on all of the other lights on Main Street. Gibbs said years ago PennDOT added a turning lane to the intersection but they would not add the signal light.

Approval of the Minutes of the Previous Meeting

On a MOTION by Ginder, and a second by Seidel, approval was given for the minutes of the regular Borough Council meeting held on April 3, 2017.

Motion carries unanimously.

Administration and Finance Committee

On a MOTION by Youngerman, and a second by Murray, approval was given for 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).

Council discussed interest rates, possible fees and related questions regarding investing with PLGIT.

Motion carries unanimously.

On a MOTION by Youngerman, and a second by Murray, a request was made to authorize the Borough Solicitor to send proper notices and advertise for zoning amendments to regulate accessory free libraries, communication facilities within public street right-of-ways, and rezone a tract of land located at the southwest corner of the intersection of Donegal Springs Road and Union School Road identified as 800 Donegal Springs Road, from its present classification as Low Density Residential to Neighborhood Commercial with solicitor comments and to delete certain parking regulation from Chapter 255 Vehicles and Traffic.

On a MOTION by Youngerman, and a second by Murray, an amendment was made to the original motion to remove the word "and" after right-of-ways and add a semicolon after comments.

Motion carries unanimously.

Mayor Bradley recommended that under section (3) language should be added after the word safety "or health hazards to residents". He said if in fact the cell towers are not a health hazard then the additional language should not be a problem. He said if we are looking at this Ordinance for all of the other safety concerns then the health concern should be addressed as well. Ginder and Seidel agreed with Bradley. Smeltz said the annual fee under section (7) can be set by agreement.

On a **MOTION** by Murray, and a second by Seidel, approval was given to make edits to the Ordinance under section (3) language should be added after the word safety "or health hazards to residents". Under section (7) remove the remainder of the sentence after the word "Borough" and replace it with the phrase "by agreement".
Motion carries unanimously.

On a **MOTION** by Deering, and a second by Murray, approval was given to make edits to the Ordinance under section (7) to remove the last sentence of the paragraph.
Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Murray, approval was given to authorize the Borough Solicitor to send proper notices and advertise for zoning amendments to regulate accessory free libraries, communication facilities within public street right-of-ways, rezone a tract of land located at the southwest corner of the intersection of Donegal Springs Road and Union School Road identified as 800 Donegal Springs Road, from its present classification as Low Density Residential to Neighborhood Commercial with solicitor comments; and to delete certain parking regulation from Chapter 255 Vehicles and Traffic.
Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Murray, approval was given to execute an Escrow Agreement for the Walter S. Ebersole Post of the American Legion of Mount Joy, PA No. 185 for certain improvements to the intersection of Lemon Street and West Main Street as shown on the Highway Occupancy Permit Drawings dated January 2017, and as set forth on a Final Land Development Plan for the American Legion for development located at 560 Clay Alley.

Deering asked to be recused from the motion.

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Murray, approval was given to execute a revised Stormwater Management Agreement and Declaration of Easement Agreement for the Walter S. Ebersole Post of the American Legion of Mount Joy, PA No. 185, for stormwater facilities to be installed and maintained, as set forth on a Final Land Development Plan for the American Legion for development located at 560 Clay Alley.

Deering asked to be recused from the motion.

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Murray, approval was given to authorize staff to submit a Notice of Intent for Smart Growth Transportation Funding for a Multi-Model Transportation Feasibility Study with a Wayfinding Element.

Youngerman asked how much of the grant will the Borough will be responsible to pay. Gibbs said it is a 20% match which is \$4,700.00 and the funds could be used from Capital Improvements Streets and Bridges. Gibbs explained that the feasibility study would help the Borough with planning for future projects which could also allow staff to potentially receive grant money. She said staff sees this study as a way to bring economic growth to the Borough. Deering said he believes this is a good project and this is the next step for the Borough in regards to connectivity with paths and streets. Ginder commended the staff for looking toward the future of Mount Joy. Seidel also commended the staff on the hard work they have been doing over the past couple of years. Youngerman asked what the shelf life of the study will be. Gibbs said the study has to be completed within 24 months but she does not believe there is a shelf life on the study. Smeltz pointed out that the Borough would only have to put out 20% of the cost and he believes that is a good deal for improvements to our town. Gibbs said the Complete Streets Model may be presented to Council in the near future.

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Murray, approval was given to authorize paying off the balance owed on the Borough's Series 2010 A General Obligation Note with Union Community Bank.

Youngerman said we would be saving \$24,188.00 in interest by paying off the loan. He asked that the \$70,000.00 in the debt service fund be used towards other obligations such as the pensions to further reduce debts.

Motion carries unanimously.

Seidel commended the Administration and Finance Committee for their focus on reducing debt. Glessner said that Youngerman has put forth extra effort in that area and he has invested a great deal of time looking into the reduction of debt for the Borough.

Report of the Public Safety Committee

On a **MOTION** by Reese, and a second by Deering, approval was given for the Handicapped Parking Space Program Policy.

Motion carries unanimously.

On a **MOTION** by Reese, and a second by Deering, the closure of Church Street from Plum to Market Avenue from 3:00 pm to 8:00 pm on September 7, 2017 for the Clydesdales to Mount Joy Event.

Motion carries unanimously.

Report of the Public Works Committee

Dennis Nissley, Public Works Director, provided and reviewed the written monthly report for April. Nissley said he is waiting to hear back from PennDOT regarding the Marietta Avenue Pedestrian Improvement Project and reallocating funds to use on utilities. He said the South Plum Street concrete and paving bids will go public on Wednesday, May 3, 2017, and bids will be awarded at the June 5, 2017, Council meeting. Nissley reported that work has begun at Old Standby Park and the project should be completed by mid-June.

Public Input Period

Ned Sterling, 13 West Main Street, asked if negotiations are underway with the Police Department and the Borough. Mayor Bradley said yes. Sterling asked if a labor attorney has been hired to represent the Borough. Sulkosky said the Borough has a labor negotiator. Sterling asked how often the Borough map updated. Gibbs said it was recently updated with in the last two years.

Any other matter proper to come before Council

No other matter to come before Council.

Authorization to Pay Bills

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

GENERAL FUND	\$	240,872.46
REFUSE/RECYCLING	\$	38,804.85
CAPITAL IMPROVEMENTS FUND	\$	28,311.62
HIGHWAY AID FUND	\$	10,609.48
ESCROW FUND	\$	2,462.48
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	321,060.89

Seidel inquired about the Amtrak National Railroad Pass expenditure. Sulkosky said they are advanced payments to Amtrak and there are a total of six.

Motion carries unanimously.

Meetings and dates of importance

See the blue calendar for the month of May 2017.

Council went into executive session at 9:19 PM and came out at 9:25 PM. President Glessner announced a decision was made in Executive Session on personnel.

On a MOTION by Reese, and a second by Deering, approval was given for Officer Christine Keiffer to be appointed as acting Sergeant effective immediately.

Motion carried unanimously.

Adjournment

On a MOTION by Reese, and a second by Seidel, approval was given to adjourn the meeting at 9:35 PM.

Motion carries unanimously.

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary

