

MOUNT JOY BOROUGH COUNCIL
May 7, 2018 Minutes

The Mount Joy Borough Council held its regular meeting on May 7, 2018, at the Mount Joy Borough Office.

President Glessner announced that there will be a Mayoral Recognition and Mayoral Proclamation before the public input session of this evening's meeting. No decisions were made at the executive session held on April 2, 2018, regarding personnel issues. There will be an executive session at the end of tonight's meeting.

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; Sergeant, Kyle Hosking; Zoning and Codes Officer, Stacie Gibbs; Bookkeeper/Accountant, Jill Frey, and Administrative Assistant, Lisa Peffley.

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

On a **MOTION** by Reese, and a second by Millar, approval was given to accept the agenda for the May 7, 2018, Borough Council meeting. *Motion carries unanimously.*

Mayor Bradley presented Andrew Mayersky with a Mayoral Recognition for his selfless act of kindness taken during a traffic accident in Mount Joy Borough in December of 2017, where he provided assistance and comfort to the elderly gentlemen until emergency personnel arrived.

Mayor Bradley proclaimed May 13-19, 2018, National Police Week. He also called upon all citizens of Mount Joy to observe Tuesday, May 15, 2018, 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

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

Councilor Bill Hall, 209 Marietta Ave., requested to speak. Glessner said that Hall has the right to step down as a Council member and speak as a public member. Hall asked the Council to consider some common sense as they look at the sidewalk Ordinance. Hall said he spent 15 minutes driving around the Borough before tonight's Council meeting and by doing so, he found numerous areas that are inconsistent with curbs and sidewalks within the Borough. He also noted that in 2012 the Borough had the opportunity to put curbs and sidewalks in a high pedestrian traffic area of the Borough; East Main Street, from the Little Chiques creek to the commercial district. Council granted the property owners in that area a waiver, so therefore curbs and sidewalks were never installed. He agrees that the Borough needs a walkable community, but where the Borough is currently requiring the curbs and sidewalks does not make sense.

Beth Brelje, 550 North Angle St., is asking Council to consider changing the sidewalk Ordinance so that no property owner would have to pay for infrastructure in the future and that the cost would be covered by the Borough's budget, even if that would mean implementing a sidewalk tax. She also asked Council to put the Angle Street/ Plum Street project on hold. She does not feel the need for the curbs and sidewalks in this area since this is not a high pedestrian traffic area.

Joyce Stabler, 720 Terrace Ave., said that due to lack of pedestrian traffic in this area, she does not understand the need for the curbs and sidewalks. Also, installing curbs and sidewalks increases the liability for the property owner, which increases their insurance. Stabler feels the curbs and sidewalks would create more work for the property owner. She told Council that they should take a look at the financial hardship this will put on the property owners. Stabler told Council that State Representatives say forcing property owners to install curbs and sidewalks is optional, so please do not do this.

Charles Henry, 711 Hill St., told Council that installing curbs and sidewalks would be no benefit to him, but rather an added expense, liability and work for him. He feels that because the curbs and sidewalks only benefit the Borough that it should be a shared venture with the Borough and the property owners. He told Council there is a good chance he would have to remove several trees from his property to install the curbs and sidewalks.

Lenny Gibbs, 408 N. Angle St., who works for PP&L, told Council that it would be difficult for him to clean and keep up with sidewalks during bad weather due to the demands of his job with PP&L at those times.

Larry Derr, 715 Terrace Ave., stated that he does not understand why the Borough would want to put curbs and sidewalks on the hill of N. Angle Street to make it ADA compliant. He said there is no way disabled individuals would be able to go up or down that hill. Derr feels installing the curbs and sidewalks on this hill will increase the chances of someone getting hurt by ten times. He also let Council know that six out of the nine property owners there are retired and on fixed incomes. He asked Council to do the right thing and not require curbs and sidewalks be installed.

Deb Bard, 620 Water St., hopes the Borough changes its mind about requiring the installation of the curbs and sidewalks, or at least offers low cost loans to the property owners so that it does not affect their quality of life. She states this requirement is unexpected and extremely costly.

Report of the Mayor

Mayor Bradley provided and reviewed a written monthly report for April 2018. The Mayor said he is currently in the process of scheduling a pre-study meeting concerning parking utilization. With changes in leadership at Main Street Mount Joy, he delayed action until the new point of contact is made.

Report of the Chief of Police

Maurice Williams, Police Chief, provided a written monthly report for March 1, 2018, through March 31, 2018. The report showed 76 traffic arrests, 1 Juvenile arrest and 33 criminal arrests for the month. There were 87 UCR reportable incidents and 501 CAD incidents for the month, with a total of 1453 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,633.01.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for March 2018. As a follow up to last month's question about false alarms, Gohn pointed out there is a pie chart on page four that shows 10% of the calls for March were false alarms.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for April/May 2018. Brewer stated that this will be her last official duty of Main Street Mount Joy. Brewer said it has been a pleasure working with everyone and was happy to have been a part of this great program. Brewer said she will stay on as a volunteer to see projects through. Glessner thanked Brewer for her service to the community.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for March 2018. Basile announced that the summer reading program gets underway June 2, 2018, with this year's theme being "Libraries Rock". Basile informed Council of the upcoming Book sale June 14 - 16, 2018. Basile also mentioned The Donegal HUB is offering a workshop called "Bridges out of Poverty" presented by Chuck Holt. This workshop is free to the public and will be held on May 8, 2018, from 7:00 pm to 9:00 pm in the cafeteria at the Donegal High School.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for April 2018. Reese asked Gibbs about the new Brewery/Restaurant, Twisted Bine Beer Co. coming to town and if there are any special parking requirements. Gibbs stated, since this is an existing non-residential building they are not required to have special parking.

Smeltz questioned Gibbs about the sidewalk issues here tonight. Smeltz commented that he too had to pay for his curbs and sidewalks. Smeltz said when he purchased his home the cost for his curbs and sidewalks were factored in, so therefore, he understands the concerns of the property owners here tonight. Smeltz wanted to know what the procedure is when property owners are upset. He asked Gibbs about waivers and what the process is for waiver requests. Gibbs response was that the property owner can request a waiver in writing and have it put on the agenda. Gibbs commented that Council needs to remember the official map that was adopted by Council. That map shows North and South Angle street as a pedestrian corridor in the future. Smeltz said there is a case to be made about the fact that the property owners are asked to pay so much so quickly. Smeltz asked how we can remedy that. Sulkosky stated that the Public Works Department put together a 25-year Road Improvement Plan. The plan is on the Borough's website and property owners may go online and look to see when they can expect their road to be done. By doing so, property owners can plan ahead and put money aside for the upcoming expense. Hall asked if the Public Works 25-year Road Improvement document is binding. Sulkosky responded No.

Millar let the public know that they are being heard and to be assured that whenever curbs and sidewalks are required the Borough tries to find funding to ease the burden for these projects. Millar asked Gibbs when the Borough obtains Grant money for road improvements, if there would be any way to umbrella the Grant money into the sidewalks as well. Gibbs did not know the answer to that question. She suggested at this point, the curbs and sidewalks issue should be discussed with the Public Works Department since they are the ones that issued the letters to the property owners about the sidewalks. Gibbs suggested the property owners go to the next Public Works Meeting for further discussion.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for April 2018. Sally provided information about the 2018 Watershed Expo being held June 6, 2018 at the Manheim Farm Show.

Report of Public Works Director

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

Nissley said that one of the big goals when moving forward with infrastructure in the Borough is to gain the consistency that Hall mentioned we do not have when it comes to curbs and sidewalks. There is a 25-year Road Improvement Plan that addresses every street in the Borough. This plan is not set in stone but is a starting point. Nissley stated that in order to use the Liquid Fuels money for street repairs, the Borough must upgrade handicap ramps. Otherwise, the Borough would have to pay for street repairs out of the General Funds. Nissley said it only makes sense to have handicap ramps attached to sidewalks.

Nissley gave an update on the North Plum Street project. He said they expect to see curbs and sidewalks being installed in the next week or so. Also, New Haven Street curb and sidewalk repairs have been done. Nissley spoke to UGI and as of last week they said they were going to replace the old cast iron pipe which needs to be done before New Haven street can be paved.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for April 2018. Smeltz asked Sulkosky if Council is finished looking at the Civil Service Commission Rules and Regulations and stated this is the second time we are amending them. Sulkosky said that he is not aware of any new changes. Civil Service Commission member, Ferne Silberman stated that this is the final draft.

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 April 2, 2018. *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 for advertising Ordinance No. 4-18; Reapportionment of Wards. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 14-18; amending 457 Plan Documents Article 5 and Article 8 to allow for additional Custodian Accounts/Advisors. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 15-18; authorizing Flexible Spending Accounts (FSA). *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 16-18, designating public depository authorizing withdrawal of Municipal Public Moneys and authorizing signatures on all accounts with UCNB. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Hall, and a second by Smeltz, a request was made to approve the closure of State Route 230 Main Street at Barbara Street between Main Street and New Haven Street from 9:00 AM to 2:30 PM, on July 28, 2018, and authorize Police Chief Williams to submit the necessary applications to PennDOT for the closure permit for the Main Street Mount Joy Car Show, conditioned upon the Main Street Mount Joy Car Show Committee providing all necessary completed forms and documentation. *Motion carries unanimously.*

On a **MOTION** by Hall, and a second by Smeltz, a request was made to approve closure of Delta Street at Henry Street, Market Street at Henry Street, Comfort Alley, at Market Street at Appletree Alley from 9:00 AM to 2:30 PM, on July 28, 2018, conditioned upon the Main Street Mount Joy Car Show Committee providing all necessary completed forms and documentation. *Motion carries unanimously.*

On a **MOTION** by Hall, and a second by Smeltz, a request was made to approve application for a handicap parking space for 115 East Main Street. *Motion carries unanimously.*

Report of the Public Works Committee

Deering opened discussion concerning ARRO letter dated April 11, 2018, concerning FDMJ as applicable to Chapter §226-81(A) Prohibited Discharges to storm water MS4. Deering summarized the letter stating the existing roof drain and floor drain from the fire department building connect to an existing inlet in New Haven Street. The Borough's MS4 program prohibits the connection of any drain line which carries anything other than stormwater. Therefore, it is recommended that the floor drain be disconnected from the existing inlet and connected to the sanitary sewer system. ARRO's preference, regarding the roof drain, is to discharge the water into an infiltration bed to recharge the ground water. If this is not possible, the stormwater manhole where the drain line connects shall be constructed with extra depth and "snout". This manhole will prohibit debris and floatable material from entering the storm sewer system. Deering suggested this issue go back to Public Works Committee for further discussion.

Deering opened discussion of the Mount Joy Borough Paving and Roadway Maintenance Policy. Bradley had questions regarding communication to the public concerning the curbs and sidewalks Ordinance. Bradley wanted to know if this communication would be through the website and/or newsletters. Nissley's response was yes. There was discussion on the timing of the notification to the property owners and giving them enough time to figure out how to pay for the curbs and sidewalks. Nissley said the Ordinance states that the Borough needs to give the home owners 120-day notice prior to the time the curbs and sidewalks are to be installed. Nissley informed Council that the first notification letters for the upcoming project were sent out March of 2018, to be completed in May of 2019. Nissley informed everyone that there is a tentative 5-year Street and Alley Plan on the Borough's website. That information may be helpful to the home owners in planning ahead financially.

On a **MOTION** by Deering and second by Millar, a request was made to approve Resolution No. 17-18, authorizing the Borough to acquire certain land, including rights-of-way and easements in connection with the Marietta Avenue Pedestrian Project. *Motion carries unanimously.*

Public Input Period

Dale Murray, 120 Farmington Way, stated there has been years and years of debate since the sidewalk Ordinance has been in place. He feels the sidewalk Ordinance does not allow for common sense. Murray said that sidewalks to nowhere are not important and do not make sense. Murray also said that the Borough has the ability to override the Ordinance and that the Borough did that once before. Murray feels there is a better way of writing the Ordinance.

Bob Golicher, 6 New St., said the Borough has an Ordinance for curbs and sidewalks that states what should be done. Golicher also said, that because there is an Ordinance, waivers can be issued, so therefore there is no consistency. He feels that waivers do not work or make sense. As far as a sidewalk tax is concerned, Golicher said people do not want that. Golicher stated if the Borough had unlimited funds we would not be having this conversation. Golicher suggested maybe doing a survey on the need for sidewalks in certain areas because he also feels sidewalks to nowhere do not make sense.

Bob Ruschke, 550 N. Angle St., thanked Youngerman for hearing him. Ruschke stated he just recently purchased his property and feels that he was blindsided. Ruschke is now looking at an unexpected expense in the approximate amount of \$20,000.00. Ruschke said other Municipalities are being creative to help property owners with this issue. He was wondering if the Borough would consider sharing costs or put a cap on the cost for the expense to resolve this issue. Ruschke asked Council, please do not over extend the property owners budgets.

Lenny Gibbs, 408 N. Angle St., asked Council if there are any other Grants we can get other than the Liquid Fuels Grant, which is strictly used for roadways. He said he does not understand why the curbs and sidewalks need to be done. Sulkosky explained that the Liquid Fuels funds are not a Grant. The Liquid Fuels funds are generated from the tax we pay on gas. Nissley commented that the Borough is highly audited and that the criteria is very strict as to what the Liquid Fuels money can be used for.

Larry Derr, 715 Terrace Ave., responded to a comment that Smeltz made earlier in the meeting about the fact that he had to pay for his sidewalks. Derr said unlike the property owners, Smeltz was not hit all at one time for the cost. The cost was spread out over a long period of time unlike what the property owners are being asked to do now. Derr feels the street plan is too aggressive and would like to see one street done at time. Maybe one a year or one every two years. Derr told Council, we are talking about retired people who have to come up with approximately \$20,000 to \$30,000 to cover the costs. Derr also commented on all of the trees and landscaping that may have to be removed and the cost involved in that as well. Derr asked Council to do the right thing for the people.

Bruce Haigh, 504 Rose Petal Ln., a Civil Structure Engineer, said that Dennis Nissley did a great job putting together the 25-year Road Improvement Plan and budgeting for that plan. Haigh said if the Borough would take the funds out of the road repair fund to cover the cost for the curbs and sidewalks, the results would be big potholes in the streets and streets that are not getting repaired when needed, therefore, the streets would be horrible. Haigh feels there are 2 things that need to be addressed. The first thing is, where are the sidewalks are really needed in terms of safety, not whether the property

owner wants them or not. Haigh said that there are standards as to where they should or should not be. The second would be, how do you pay for them. Both issues are not going to be easy to resolve. Haigh believes the Borough and Council are good honest people trying to make good honest decisions and not trying to hurt anyone. This subject has been ongoing for the last 20 years. Haigh is confident that Council will come up with a policy that is appropriate. Haigh suggested the residents go to the Public Works Committee meeting and give their suggestions. Haigh feels unless you increase taxes drastically, you will not find the money from the Borough budget to cover these costs.

Sherry Torres, 404 N. Angle St., stated that the street she lives on has only been paved once in the last 30 years and that she was not required to install sidewalks at that time. She does not understand why there would be a need to install sidewalks on this street. Torres said the Street is not a thruway and that there are no shops or public transportation stops. Torres does not feel the sidewalks are necessary and does not know why the Borough would make property owners pay for something that is not needed.

Deb Gepfer, 601 Bernhard Ave., said she lives on a cul-de-sac and asked Council to come and spend time on her porch and tell her why she needs to install curbs and sidewalks.

Mike Wolfe, 566 N. Angle St., said he has lived here for 29 years and kids do not play in the streets. Wolfe feels that if the curbs and sidewalks are put in the kids are going to get hurt. He is concerned about the fact that the sidewalks will be on a hill and kids will be going down the hill on their bikes. Wolfe said it is going to get ugly. Wolfe said he does not want to spend money he does not have on things that are not needed.

Robert Golicher, 6 New St., made the comment that there are places on Main Street that do not have curbs and sidewalks, yet the Borough wants to require the installation of curbs and sidewalks in this area. He asked Council to think about that.

Charles Henry, 711 Hill St., said he feels that curbs and sidewalks are the responsibility of the Municipality not the property owners. Henry said that the Borough is responsible for the pedestrian walk ways and the streets because they are avenues of transportation. Sidewalks run parallel to the streets and he feels they are avenues of transportation as well.

Joyce Stabler, 720 Terrace Ave., she asked where property owners can go from here with their concerns. Bradley responded by suggesting they take it to the next level by attending the next Public Works meeting.

Lenny Gibbs, 408 N. Angle St., stated we as the community just spent two and a half hours here tonight with no resolution. He asked what happens when we go to the next Public Works meeting. Deering said he will be reaching out to Nissley and Gibbs to get more information on Liquid Fuels and the Ordinance and some other items they can discuss.

Deb Bard, 620 Water St., asked Council how much research was really done before the decision was made to put the financial burden on the property owners. Bard wanted to know if there is any other funding available or if Council knew how other Townships and Boroughs handle this type of situation. Sulkosky said they did look for Grants but they are very difficult to find. Sulkosky also said that most of the Boroughs he is familiar with have the same type of Ordinance.

Mike Wolfe, 566 N. Angle St., said that he went on the PA State website and found Grants. Wolfe said he saw a Civic Improvement Grant. Wolfe also said that there are Grants out there for over \$300,000 for these projects. Wolfe told Council to go on the PA State website and look up curbs and sidewalks Grant money.

Glessner thanked the property owners for attending the meeting tonight and voicing their concerns. Millar told the property owners if they plan on coming to the next Public Works committee to bring along their ideas.

Any other matter proper to come before Council

Deering spoke concerning the Cyclones holding a benefit game for the PA Breast Cancer Coalition on June 2, 2018. He said there will be raffles, silent auctions, vending and concessions. Hall asked if they have a Small Game of Chance license. Deering said yes.

On a **MOTION** by Deering and a second by Millar, a request was made for the Cyclones football team to hold a fundraising event on June 2, 2018, at the Lakes Park. Deering abstains from voting since he is a member of the Cyclones football team. *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	\$	223,097.98
REFUSE/RECYCLING	\$	42,191.87
CAPITAL IMPROVEMENTS FUND	\$	2,413.64
HIGHWAY AID FUND	\$	12,378.75
ESCROW FUND	\$	2,601.04
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	282,683.28

Motion carries unanimously.

Meetings and dates of importance

See the blue calendar for the month of May 2018.

Council went into executive session at 9:37pm to discuss personnel issues and real estate issues. Council came out of executive session at 10:30pm. No decisions were made.

Adjournment

On a **MOTION** by Youngerman and a second by Reese, approval was given to adjourn the meeting at 10:31pm. *Motion carries unanimously.*

Respectfully Submitted,

Samuel Sulkosky
Borough Manager/Secretary