

MOUNT JOY BOROUGH COUNCIL
June 1, 2020 Minutes

The Mount Joy Borough Council held its regular meeting on June 1, 2020. In light of the Coronavirus Emergency Declarations issued by the Borough of Mount Joy, the Governor of Pennsylvania and the President of the United States, this public meeting was held as a virtual meeting.

President Hall called the meeting to order at 7:03 PM.

Roll Call- Present were Councilors Dominic Castaldi, Joshua Deering, David Eichler, Lu Ann Fahndrich, Mary Ginder, William Hall, Bob Ruschke, Brian Youngerman and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Samuel Sulkosky; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Codes and Zoning Officer, Stacie Gibbs; Police Chief, Maurice Williams and Administrative Assistant, Lisa Peffley. Councilor Mike Reese joined the meeting at 7:25 PM.

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

President Hall announced there was no Executive Session held on May 4, 2020, however there will be an Executive Session held after tonight's meeting.

On a **MOTION** by Fahndrich, and a second by Ginder, approval was given to accept the agenda for the June 1, 2020, Borough Council meeting with the addition of 11A under Public Safety to consider a request from St. Mark' United Methodist Church for closing the Alley. On a **MOTION** by Hall, and a second by Youngerman, to add 12E; alternative plans for paving projects coming up. *Motion carries unanimously.* On a **MOTION** by Hall, and a second by Castaldi, to add 10J; consider amendments to the Borough's Emergency Declaration to be considered in the yellow phase and 11B; approve the hiring of Robert Goshen as the Chief of Police. *Motion carries unanimously. The Motion to approve the agenda as amended carries unanimously.*

Public Input Period

Colin Casella, 310 Merchant Ave., commented on Charter's revised plan for Florin Hill, block F, regarding the parking area, open space area and public safety. Casella asked Council to vote against the revised plan and keep with the original plan or a revised plan with 2 or 3 single family homes that keeps all the open space and overflow parking.

Mike Green, 401 Sagamore Hill, commented on Charter's revised plan for Florin Hill, block F, saying when he bought his property, he paid a lot premium because of the open space beside his lot. Charter sold him the lot with the promise the open space would be there. He was told if it is in the plans it would not change. Green said he has planted trees there and has been maintaining that area years. He is asking Council not to take that away from him and to vote against the revised plan being presented tonight.

Michael Mesiti, 308 Merchant Ave., commented on Charter's revised plan for Florin Hill. He feels it would be a safety hazard since the area is already crowded, and the streets are very tight. He said the trash trucks have a hard time getting around and is concerned about emergency vehicles being able to access that area. Mesiti also commented on the green space being taken away. He is asking Council to deny Charter's request for the proposed plan.

Brian Bechtold, 317 Brittany Ln., said he echoes pretty much what everyone else has been saying. He said he has been a resident there since 2007 and was promised certain things when he purchased his home. For example, he was told, the lot beside him was there for emergency access and would never be built on, however a couple of years later they built a house on it. The lot Mr. Green is talking about is really the only open space in that area that is useable to throw ball or have a gathering at. He also has concerns about emergency vehicle being able to access his home if the plan goes through.

Dallas Wagner, 315 Brittney Ln., said he echoes the same issues of everyone else regarding the open space/common area. He is also asking Council to vote no on the proposed plan.

Shane Bixby, 403 Sagamore Hill, said he is a long-time resident of Florin Hill. He also, echoes everyone's concerns regarding the safety issues and the open areas in that section of the neighborhood.

Adam Byler, 301 Hayley Aly, commented on the limited open space in that area and he is highly against eliminating any open space at all. He has concerns with parking in the Alleys and kid's safety. He also gave some suggestions and voiced his concerns regarding Block M of the proposed plans.

Josh Tawney, 306 Merchant Ave., echoes what everyone else has been saying. One of his concern is the safety of the kids in that area and emergency vehicle having access to the area. He is asking Council to vote no to Charter's proposed revised plan.

Steve Gault, 130 Delta St., the former resident of Florin Hill, said he agrees with what everyone has said. He does not feel like Charter Homes has followed through with any of their promises and does not feel like the Borough owes Charter homes anything sympathy or favors.

Ned Sterling, 13 W. Main St., asked where voting will be held for the East Ward on Tuesday, June 2, 2020. He also had a question regarding the removal of a tree at 84 W. Main St. by PP&L.

Ronald Gose, 210 Pinkerton Rd., asked if there will be any discussion tonight of any proposed changes to Pinkerton Road sidewalks.

Haley Woods, 210 E. Main St. Apt. 1, commented she is in favor of the Tiny Home discussion of lowering the square footage.

Joyce Stalbler, 720 Terrace Ave., asked if anyone is aware of any protest planned to take place in Mount Joy Borough.

Report of Mayor

Mayor Bradley provided a written report for May 2020. The Mayor expressed his appreciation of Chief Williams and his service to the Borough.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for April 1, 2020, through April 30, 2020. The report showed 8 traffic arrests and 13 criminal arrests for the month. There was a total of 357 incidents for the month of March, with a total of 1,976 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,492.27. The Chief thanked Council for 5 great years.

Castaldi commented to the Chief that it was a pleasure getting to know him.

Ginder thanked the Chief for all the services he has done for our community. She also commented that he has been a great Police Chief and wishes him well in the future.

Fahndrich said she would also like to reiterate all the sentiments of everyone to the Police Chief. She really enjoyed working with him and feels he has definitely been a great addition to our department. Fahndrich wishes him and his family well.

Reese commented he was on the Committee that help select Chief Williams. Reese said his performance especially his budget along with his standards and equipment he brought to the department over the years has been outstanding. Reese thanked Chief for all he has done.

Youngerman thanked the Chief on behalf of the Community and his great presence in the Community.

Eichler thanked the Chief for his time and service to Mount Joy and its citizens.

Hall said he agreed with everything that has been said. He said the one thing that was missed was concerning the Fire Department. Hall said from the time that the Chief has been here, he has seen a great improvement of the relationship between the Fire Department and the Police Department in a professional way and with the Police Officers stopping by the Station and building up comradery. So, for that, Hall personally thanked the Chief.

Report of Fire Department Mount Joy (FDMJ)

Gohn thanked the Chief for his services over the years and for the great working relationship with the Fire Department. Wished him well on his well-deserved retirement.

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for April 2020.

Report of SVEMS

Candy Blanchflower provided a written report for May 2020.

Report of EMA

Kratz expressed his appreciation to Chief Williams saying it has been a pleasure working with him and wishes him best on retirement. Matt Kratz gave a verbal report for May 2020. Kratz said Covid is still the forefront and he has been working with the Chief and Borough Manager concerning getting funding and keeping track of expenses for potential reimbursement

from PEMA. Kratz stated he worked with the Mayor and the Council President on the Yellow Phase document that will be discussed tonight.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a monthly report for May 2020.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a written monthly report for April 2020.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for May 2020.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for May 2020.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written report for May 2020.

Report of the Borough Authority Manager

Joseph Ardini, Authority Manager, provided a written monthly report for May 2020.

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for May 2020. Sulkosky recommended Council look over the County Commissioner's May 11, 2020, virtual meeting notes pertaining to CARES Funding he provided in his report. Sulkosky informed Council of the traffic flow for voter voting at the Borough Building on June 2nd and provided Council with a letter from the Lancaster County Board of Elections with Guidelines. He also told Council both the Borough Hall and Florin Station voting areas will be professionally cleaned/sanitized on June 3rd.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Reese, and a second by Ginder, approval was given for the minutes of the regular Borough Council meeting held on May 4, 2020, *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve the Mount Joy Borough Employee Social Media Policy. *Motion carries 8-1, Youngerman voting No.*

On a **MOTION** by Youngerman and a second by Reese, a request was made to approve the Mount Joy Borough Social Media Policy. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve waiving any permit fees associated with temporary permits required for businesses to comply with COVID-19 guidelines. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to amend Chapter 270 Zoning, Article IV, Specific Use Regulations, Section 270-62, Principal Uses, Subsection Y, to revise regulations governing Mobile/Manufactured Home Parks, Paragraph (13), Subparagraph (b) to provide for replacement dwellings to have a minimum of 250 square feet of enclosed, habitable, indoor, heated floor area, and authorized the Solicitor to advertise Ordinance 5-20. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve a request from Laurel Harvest Labs, LLC, for a 60 day extension to record the plan, until August 1, 2020, in accordance with Section 240-29 of the Borough Subdivision and Land Development Ordinance. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to consider the Lakes at Donegal Springs waiver request for ADA requirements for sidewalk aprons at 105, 109 and 111 Lakeside Crossing. Castaldi asked if the waiver is granted to the builder at this time will it then fall on the homeowner later when the road is resurfaced. Sulkosky replied, yes. Reese said he feels it should be brought up to compliance. Hall asked Gibbs if there is any written documentation of a previous sidewalk inspection. Gibbs responded, No. Deering said he struggles with accepting a street that has sidewalks that are not up to compliance. *On a roll call vote, Castaldi, Deering, Fahndrich, Ginder, Reese, Ruschke, Youngerman, Hall and Eichler all voting No. Motions fails 9-0.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Florin Hill Revised Plan for Blocks F&M conditioned upon comments being addressed. Courtney with McNees Law, commented with large projects like this

with mixed use and a number of product types, changes are inevitable. The reason for the change is due to the current market and was well thought out. They want to build what they know will sell and move onto the final phase. Faranda-Diedrich with Charter said the reason for the changes are to get phases 1 and phases 2 complete as quickly as possible and get streets paved in both phases and move onto phase 3. He feels in order for this to happen Charter needs to build for what the market is today rather than 14 years ago. Castaldi asked about the open space next to Mr. Green at 401 Sagamore. Faranda-Diedrich said he would be happy to talk with Mr. Green about that open space and take another look at that. Eichler has a concern with how the open space was communicated with residents in the beginning of the project. Fahndrich asked for clarification on block F, the green space and the parking lot. Faranda-Diedrich said the parking lot was intended for use by the homes to be built in block M not intended to be used for a public lot. Deering struggles with the concept of the whole project, high density, mixed use and mixed price range and the fact that there is no active sales rep in Florin Hill. Mayor Bradley commented about how valuable green space is and the concerned for safety and the fact that emergency vehicle being able to access that area. He suggested talking to the HOA and the citizens up there and getting some comments/opinion in moving forward and taking that into consideration. On a **MOTION** by Castaldi, and a second by Ginder, a request was made to table the main motion. *Motion carries, 8-1, Reese voting No.* Castaldi offered to facilitate a meeting between the HOA and Charter Representatives to try and reach a solution and move forward. Hall asked if Charter intends to sell the house and then build the house? Faranda-Diedrich answered yes, the houses would be built for the buyer. Deering asked if they would build a spec home. Faranda-Diedrich said that may be a possibility and could do the selling from there.

Sulkosky said the current extension expires within the next day or two. Courtney said they would be happy to grant the extension. Youngerman would like it to go through the Administration and Finance Committee before it goes to Council. Courtney said he will send an extension dated August 4, 2020 to Sulkosky.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the President of Council to execute the Joint Petition to Stay 2020 Upset Tax Sale Pursuant To 72 P.S. §5860.601 (c) as prepared by the County of Lancaster. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Solicitor to amend and to advertise the Police Pension Ordinance by updating the membership of the Board of Trustee's by the addition of the Chairperson of the Administration and Finance Committee in place of the Chief of Police. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Hall, a request was made to adopt the Mount Joy Borough Re-opening Plan (Yellow Phase). An **AMENDMENT** by Castaldi, and a second from Ginder a request was made to substitute the Chairman of the Public Safety Committee for the Chief of Police. *Amendment carries. Main motion as amended carries.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to consider a request from St. Mark's United Methodist Church requesting a short term temporary closure of Appletree Alley from Market Street to Concord Alley for purposes of the Church conducting a drive in worship service from 8:30 AM – 11:00 AM starting June 14, 2020. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve the hiring of Robert Goshen as deputy Chief of Police for the Mount Joy Borough effective June 15, 2020, and as the Chief of Police effective at the retirement of Chief Williams on July 1, 2020, whichever comes sooner. *Motion carries unanimously.*

Report of the Public Works Committee

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve 2020 Capital Budget Projects for Public Works Department. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ruschke, a request was made to approve the Policy for the use of design materials for sidewalks pursuant to: The Code of Ordinances of the Borough of Mount Joy, Chapter 232, Streets and Sidewalks, Article VI, Sidewalk and Curb Installation; Maintenance, §232-60, Construction, Repair and Replacement Methods and Specifications. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve Resolution No. 16-20, establishing other municipality tipping fees. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ruschke, a request was made to approve Compost Site Usage Policies. The Mayor question commercial haulers and the weight and size of the vehicles coming to the Compost Site. Ginder stated she is happy with a limit of 16,000 pounds per vehicle. An **AMENDMENT** by Ginder, and a second by Deering, a request was made to limit vehicles to 16,000 pounds. *Amendment carries. Main Motion as amended carries unanimously.*

Deering led a discussion on the alternative plan request for 105 North Angle Street, the corner of Main and Angle. The resident has two submissions. The first one is in the back of their property, they have a larger parking area, approximately three cars wide. They would like to maintain that surface as is as long as it meets ADA requirements. They would like to paint white lines to denote the pedestrian walkway. After some discussion, it was decided it would be better to discuss this and all alternate plans that were submitted at the next Public Works Committee meeting and bring back to Council in July.

Public Input Period

Dave Schell, commented that the person who organized the protest in Elizabethtown just took down the post on Facebook due to the fact they got word that people from outside the area were going to be bussed in.

Mike Green 401 Sagamore Hill, thanked Council for listening to them earlier and hearing what they had to say.

Brian Bechtold, 317 Brittany Ln., echoed what Mike said and thanked Council and Mayor Bradley.

Colin Casella, 310 Merchant Ave., echo Brian and Mike and thank Council as well. Casella asked for some clarification of the parking space in his back yard.

Any other matter proper to come before Council

Deering discussed Bruce and Terrace regarding the stormwater issues and the H2O grant that is in the works to help them. He said the Borough was supposed to find out in July but now it has been pushed to September. Deering said that means it would push this into 2021. Deering was wondering if we could get the right of way approval to continue the process so that when September comes and hopefully the Borough gets the grant then they will be able to move forward in a timely fashion. Deering does not know if getting the right of way approval makes this a 2020 project or not. Hall said that the H2O grant is a very competitive grant that we do not know if we are going to get and would hate to get this started and then not get the grant funding. He does not think it is a good idea to move forward at this point.

Authorization to Pay Bills

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

GENERAL FUND	\$	88,829.64
REFUSE/RECYCLING	\$	49,928.70
CAPITAL IMPROVEMENTS FUND	\$	4,751.69
HIGHWAY AID FUND	\$	-
ESCROW FUND	\$	3,810.30
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	147,320.33

Motion carries unanimously.

Meetings and dates of importance

See the Yellow calendar for the month of June 2020.

Council went into Executive Session at 11:45 PM for personnel reasons. Council came out of Executive Session at 11:48 PM

On a **MOTION** by Fahndrich, and a seconded by Eichler, a request was made to transfer ownership of Chief Williams firearm from the Borough to Chief Williams. *Motion carries.*

Adjournment

On a **MOTION** by Reese, and a second by Castaldi, approval was given to adjourn the meeting at 11:53 PM. *Motion carries 8-1, Deering voting no.*

Respectfully Submitted,

Samuel Sulkosky
Borough Manager/Secretary