

MOUNT JOY BOROUGH COUNCIL
June 5, 2017 Minutes

The Mount Joy Borough Council held its regular meeting on June 5, 2017, at the Mount Joy Borough Office.

President Glessner called the meeting to order at 7:00 PM.

Roll Call- Present were Councilors Joshua Deering, Jon Millar, Michael Reese, Jake Smeltz, Brian Youngerman and President Glessner. Councilor Hans Seidel arrived at 8:30 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. Councilor Mary Ginder and Mayor Timothy Bradley were absent.

President Glessner gave the invocation, and the Pledge of Allegiance followed.

President Glessner announced that executive session was held on May 1, 2017, to discuss personnel and legal matters. A decision was made to appoint Christine Keiffer as acting Sergeant. An executive session was also held on May 23, 2017, to discuss legal issues and no decisions were made.

On a **MOTION** by Youngerman, and a second by Reese, approval was given to accept the agenda for the June 5, 2017, Borough Council meeting.

Motion carries unanimously.

Public Input Period

Bill Humpf, 201 South Barbara Street, said a truck side swiped his vehicles parked on the street at his home. He explained that truck traffic was a problem a few years ago, so Donsco installed a sign which eliminated the problem at the time. He said recently the trucks that are delivering to Food Science Corporation are now causing the issue. He asked if anything could be done to prevent this problem. Chief Williams said he had addressed this issue two years ago, and had not heard any complaints since that time. He said he will revisit the issue with Food Science Corporation.

Ned Sterling, 13 West Main Street, asked for an explanation of the process to replace the vacant Council seat. Glessner said an ad was placed in the Lancaster News Paper for the position and Council has thirty days to fill the seat. He explained that there will be a public meeting to review applications for the position. Sulkosky said that applicants need to provide their letter of intent by June 16, 2017.

Report of Mayor

Mayor Bradley provided a written monthly report for May. Chief Williams read the Mayoral Recognition highlighting Main Street Mount Joy and the Mount Joy Memorial Day Parade Committee on the great work they did on the parade. Mayor Bradley also thanked the American Legion, VFW and the Boy Scouts for their involvement in the ceremony at Memorial Park.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for April 15, 2017, through May 14, 2017. The report showed 69 traffic arrests and 36 criminal arrests for the month. There were 73 UCR reportable incidents and 452 CAD incidents for the month, with a total of 1999 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$5,048.67.

Reese pointed out that the number of arrests from April 2017 have doubled from April 2016. Reese asked if those results were due to the police department being fully staffed. Williams said the number of Officers was a contributing factor to the April 2017 numbers but the Police Department is still not fully staffed due to the recent retirement of Sergeant Ortiz.

Report of Fire Department Mount Joy (FDMJ)

Mason Brandt, FDMJ Deputy Fire Chief, provided and reviewed a written monthly report for April. Millar asked when the public could view the new ladder truck. Brandt said that Monday evenings are the best time stop by the Fire House or residents could email the Fire Chief or Mayor Bradley to set up a time to visit.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for May. Brewer said that there is a new volunteer in the office who has been doing a fantastic job with statistics and has been developing new reporting. Brewer announced that MSMJ is part of the 2017 Main Street America Accredited Program as of June 5, 2017.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a written monthly report for April. Basile announced that the summer reading program began on June 3, 2017, and there are already 450 participants. She emphasized how important it is for children to be reading over the summer months. She said the children that read over the summer are better prepared to learn when they return to school. Basile reported that the book sale will be taking place June 8-11, 2017, 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 May. Gibbs announced that the ribbon cutting ceremony for Old Standby Park will be held on July 24, 2017, at 2 PM. Gibbs reminded Council of the Smart Growth Transportation Funding notice of intent that was approved at the May 1, 2017, Council meeting. She explained that the Planning Commission suggested that some changes be made so that the Borough will be in a better position to meet the criteria of the grant. Therefore, the match for the grant changed from \$4,700.00 to \$16,500.00.

Reese asked if the budget allows for the cost change. Sulkosky said yes.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for May. Salley said the Borough and ARRO finalized the MS4 report and it has been submitted to the PA Department of Environmental Protection (DEP). Salley said that he and Gibbs had a telephone interview with Borough News Magazine regarding the community raingarden and an article was published in the June magazine featuring the project. Gibbs said volunteers are always welcome to assist in maintaining the raingarden and interested individuals can contact the Borough office to obtain the required volunteer paperwork.

Deering asked when the stormwater issue on Frank Street will be completed. Salley said the property owner ordered new piping for their infiltration system and they have set up an escrow with the Borough.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for May. Sulkosky said there will be a joint meeting with Borough Council and the Authority on June 21, 2017, at 7 PM, to discuss possible insurance changes.

Gibbs asked if staff will be provided with insurance options before the meeting. Sulkosky said yes. Reese requested a comparison sheet of current insurance coverages to the new insurance options.

Deering said that he and Sulkosky attended the annual Pennsylvania State Association of Boroughs (PSAB) conference and Sulkosky earned an award for his participation in the program.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Millar, and a second by Deering, approval was given for the minutes of the regular Borough Council meeting held on May 1, 2017.

Motion carries unanimously.

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, approval was given to open a Public Hearing to adopt certain 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(s) from Chapter 255 Vehicles and Traffic.

Motion carries unanimously.

Ned Sterling, 13 West Main Street, said he reviewed the Lancaster County Planning Commission (LCPC) comments regarding the communication facilities and they mentioned that there should be added protection for historic resources but they did not define what historic resources were. Sterling asked if Gibbs saw this in any of the other ordinances that she reviewed. Gibbs said no but our zoning addresses it.

Deering said that the solicitor suggests that the management fee should be set by resolution not agreement. He said that the Borough spends money on legal advice and he believes we should be following the advice that has been provided. Councilors discussed the option of setting the fee by resolution or agreement. Gibbs informed Council that the Planning Commission suggested a yearly fee of \$1,000.00 per user in the right of way.

On a **MOTION** by Reese, and a second by Deering, approval was given to close the public hearing.

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to adopt Ordinance 2-17 regulating accessory free libraries, communication facilities within public street right-of-ways, the rezoning of 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; and deleting certain parking regulation from Chapter 255 Vehicles and Traffic.

On a **MOTION** by Deering, and a second by Reese, approval was given to amend the original motion under section 3 item 7 by adding the words "or resolution" after the word agreement.

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Reese, approval was given to adopt Ordinance 2-17 regulating accessory free libraries, communication facilities within public street right-of-ways, the rezoning of 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; and deleting certain parking regulation from Chapter 255 Vehicles and Traffic.

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Reese, approval was given for a budget change #1; Highway Aid Fund; line item #35-439.000, South Plum Street Project reduce from \$140,000 to \$100,000 and establish line item Old Market Street & Manheim Street Handicap ramps under #35-439.000 and appropriate \$15,000. Line item #35-438.313 Engineering shall be increased by \$25,000 and changed from \$46,200 to \$71,200.

Sulkosky stated that these changes will not affect the bottom line.

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Smeltz, approval was given for the Borough Solicitor be authorized to enter an appearance and defend the Borough in the action captioned Turkey Hill, L.P. v. Mount Joy Borough docketed to No. CI-17-05188 in the Lancaster County Court of Common Pleas.

Millar asked if this is to start the defense if needed. Sulkosky said yes. Smeltz said Council was required to hold a public hearing which we did. He said the majority decision did not believe the liquor license transfer was in the best interest of the town and Turkey Hill is not happy with the result. Reese said Turkey Hill is a valuable business in our community and said he was in favor of the liquor license transfer. Deering asked how much money the solicitor's appearance will cost the Borough. Glessner said a couple hundred dollars but depending on how things progress it could be more. Youngerman stressed the importance of filing an answer with in the time requirements.

Motion carries unanimously.

Report of the Public Safety Committee

On a **MOTION** by Reese, and a second by Deering, approval was given for a request by Main Street Mount Joy for exemption from the Borough Noise Ordinance to hold "Movies in the Park" events at Memorial Park on June 23, July 28, and August 25, 2017, from 8:00 PM to 11:00 PM.

Motion carries unanimously.

Report of the Public Works Committee

Dennis Nissley, Public Works Director, provided and reviewed the written monthly report for May. Nissley said the South Plum Street project is underway. He reported that sidewalk evaluations were completed and letters were sent to the property owners on New Haven Street so that they will have a year to plan for the possible sidewalk repairs for paving in 2018. He said the Signalization project final inspection meeting is scheduled on June 22, 2017. Nissley reported that the Old Standby Park project will be completed in June.

On a **MOTION** by Seidel, and a second by Millar, approval was given to accept a \$1,000 cash escrow in lieu of a Bond in accordance with Section 232-7.C Responsibility for Costs; bond and escrow requirements for Street Openings and Excavations, made by HRG Engineering, on behalf of their client TE Connectivity, to excavate two (2) 16" x 16" cuts on South Plum Street to remove two (2) groundwater monitoring wells, at the former AMP facility located at 218 South Plum Street.

Motion carries unanimously.

On a **MOTION** by Seidel, and a second by Millar, approval was given to motion to accept the lowest responsible bid for the South Plum Street Paving Project to Pennsy Supply in the amount of \$91,213.14.

Seidel stated that this bid came in under budget.

Motion carries unanimously.

On a **MOTION** by Seidel, and a second by Millar, approval was given to accept the lowest responsible bid for the Curb, Sidewalk and handicap Ramp Installation/Replacement project – 2017 to S.M. Johns & Sons Construction LLC in the amount of \$71,750.47.

Seidel said this proposal includes concrete work that is being performed at Rotary Park and the remaining amount will be covered by residents involved with the South Plum Street paving project. Nissley said there are ten property owners who do not have a contract with a contractor so those projects will be paid by the Borough and then billed to the property owners with a 10% fee.

Motion carries unanimously.

On a **MOTION** by Seidel, and a second by Millar, approval was given to authorize the Borough Engineer to advertise notice of the 30-day public comment period for its National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges from Small Municipal Separate Stormwater System (MS4) Pollutant Reduction Plan (PRP).

Salley explained the projects that would help the Borough meet the necessary 10% reduction in sediment load and he stated that the Borough applied for grants to fund the projects. He said the next step would be to advertise for a public comment period where comments must be submitted in writing to the Borough beginning on July 5, 2017. He said the engineer will be at the Council meeting on August 7, 2017, to address the submitted comments. Gibbs said the projects that grants were applied for must be completed whether we get the grant money or not. These projects will provide the 10% reduction over the next 5 years that the Borough is required to meet. Gibbs said if we do not have this plan in place, we will not be in compliance with the MS4 permit. Youngerman asked if the numbers that the Borough has been given are correct. Salley said we went through the Chiques Creek Watershed Alliance and the reduction numbers they supplied to us were almost four times the amount that the Borough engineer provided. Youngerman asked if the numbers supplied to us are incorrect, will the Borough be held accountable. Nissley said the numbers supplied to us by our engineer is an acceptable way to receive the numbers according to DEP. Council discussed the project costs and types of projects that would give the Borough the most cost effective options.

Youngerman asked if the phosphorus and nitrogen reduction is included in the total of the 10% reduction. Salley said yes. Sulkosky commended staff for their work on preparing for the MS4 permit.

Motion carries unanimously.

On a **MOTION** by Seidel, and a second by Millar, approval was given for the PPL Electric Utilities request for a Right of Way, County Tax Parcel 4500094800000, located along Park Avenue for location on One Utility Pole, One Anchor and Overhead facilities as per Work Order No. 58115244 as approved by the Public Works Committee on 08/08/2016.

Motion carries unanimously.

Public Input Period

Ned Sterling, 13 West Main Street, asked Gibbs if the Borough is interested in the Complete Streets program. Gibbs said she attended a training along with Nissley and Salley. She said that the Borough is working on creating a complete streets resolution for Council. Sterling inquired about the temporary Sergeant position. Williams said there is a promotion process by Civil Service rule that is required to be followed. He reported that there was a written examination held on June 3, 2017, and four Officers took the exam. He said any Officer that passed will then have an oral exam. A list will be provided with the names of the Officers that passed the test and they will be ranked in order of their results. Williams said then Council will select the individual from the top three scores.

Any other matter proper to come before Council

Millar said he spoke with Nancy Hopple regarding the relocation of her shed due to improper placement in 2007. He said Hopple wrote a letter to each Council member explaining the issues with the shed. Millar said she was requesting relief from the cost incurred due to having to relocate her shed. Gibbs said she provided research to each Council member in regards to the permit that was submitted in 2007 before she was employed at the Borough. Millar said Hopple believes a mistake was made on the Borough's behalf by instructing her to place her shed in a location that has an easement. Sulkosky said he advises against reimbursing because it will set a precedence for others to expect the same treatment. He also said the shed was infringing on the neighbor's property as well. Council decided to not act on this matter. Millar stated that Hopple should be given the courtesy of a response from Council. Sulkosky said he would send a letter to Hopple informing her of the outcome of the discussion.

President Glessner announced that Dale Murray resigned as a Council member effective June 2, 2017, due to moving out of the Borough. Glessner said that Murray did a fantastic job as a Council member and he was a valued asset to the Administration and Finance Committee. Glessner explained that an ad was placed in the Lancaster News Paper for the vacant Council seat and applications will be accepted until June 16, 2017. Council decided to meet on June 21, 2017, at 6:00 pm to conduct interviews for the vacant Council seat. Glessner said the Mount Joy Borough Council and the Borough Authority have a special meeting scheduled on June 21, 2017, at 7:00 pm to discuss possible insurance changes. Glessner opened the floor to vote to fill the Vice President vacancy. Council decided to wait until the next Council meeting on July 10, 2017, to vote on the Vice President vacancy.

Authorization to Pay Bills

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

GENERAL FUND	\$	442,512.11
REFUSE/RECYCLING	\$	44,665.78
CAPITAL IMPROVEMENTS FUND	\$	15,248.54
HIGHWAY AID FUND	\$	6,491.58
ESCROW FUND	\$	412.50
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	509,330.51

Motion carries unanimously.

Meetings and dates of importance

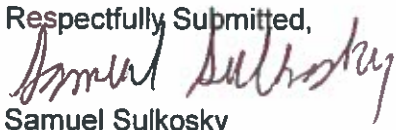
See the yellow calendar for the month of June 2017.

Council went into executive session at 9:26 PM and came out at 9:55 PM. President Glessner announced that Council discussed legal issues and no decisions were made.

Adjournment

On a **MOTION** by Smeltz, and a second by Seidel, approval was given to adjourn the meeting at 9:56 PM.
Motion carries unanimously.

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary

