

**MOUNT JOY BOROUGH COUNCIL**  
**August 1, 2016 Minutes**

The Mount Joy Borough Council held its regular meeting on August 1, 2016, at the Mount Joy Borough Office.

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

Roll Call- Present were Councilors Deering, Millar, Murray, Reese, Seidel, Smeltz, Youngerman, President Glessner, and Mayor Bradley. Also present were Borough Manager, Scott Hershey; Public Works Director, Dennis Nissley; Police Chief, Maurice Williams; Codes and Zoning Officer, Stacie Gibbs and Administrative Assistant, Andrea Zell. Ginder was absent.

Glessner announced that Council met in Executive Session on July 13, 2016, to discuss personnel matters. He also announced that Council will meet in an Executive Session at the end of the meeting to discuss personnel matters and that a decision may follow.

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

On a **MOTION** by Seidel, and second by Youngerman, approval was given to accept the agenda for the August 1, 2016, Borough Council meeting. *Motion carries unanimously.*

**Public Input Period**

Ned Sterling, 13 W. Main St., asked if there would be grading where the tennis courts were removed at Borough Park because there are craters in the soil. Nissley said at the time they were removed it was graded and level. When reseeding is done, the uneven areas will be addressed. Sterling asked for the meaning of the acronyms on the Police report UCR, CAD and SERT. Williams explained that UCR is uniform crime report, CAD is computer aided dispatch and SERT is special emergency response team.

Katie Marrello, MSMJ, invited all in attendance to the MSMJ Splash Down event scheduled for August 14, 2016. Marrello said there are many volunteers needed for the event.

**Report of Mayor**

Mayor Bradley provided and reviewed a written monthly report for July.

**Report of the Chief of Police**

Maurice Williams, Police Chief, provided and reviewed a written monthly report for June 15, 2016, through July 14, 2016. The report showed 21 traffic arrests and 22 criminal arrests for the month. There were 60 UCR reportable incidents and 500 CAD incidents for the month, with a total of 2,927 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,828.83.

Williams reported that he is continuing to move the radar speed signs throughout the Borough in 2 week increments. He said the new rifle sites have been delivered and they are in the process of being mounted and sighted in.

Murray stated he is impressed with the nine solved burglary cases, but wonders if there is information that the public needs to be aware of in regards to burglaries. Williams said he has not been made aware of any patterns but would check with Detective Hosking who handled the cases.

Seidel commended the Police Department on the number of closed cases.

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

Philip Colvin, Fire Chief, FDMJ, provided and reviewed a written monthly report for June.

Youngerman said the Administration and Finance Committee will be sending FDMJ, Milanof-Schock Library and Main Street Mount Joy an email requesting that a link be added to their websites in regards to the Borough Manager search. Colvin said he will add it to the FDMJ website.

Deering asked if any of the mutual aid responses were for fires. Colvin said he was not sure and he would have to check into it.

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

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for July.

Brewer stated MSMJ is in support of LERTA and hopes it passes tonight. She feels it is important for the economic development in the downtown corridor. Brewer stated that MSMJ is organizing 16 events in 2016, contributing economically and helping with things such as hanging Christmas lights and maintaining the flower planters on Main Street. She expressed the need for Council to see the importance of MSMJ's role and the value they add to the Borough. Brewer provided information regarding allocated funds and total monies spent on projects in the downtown corridor.

Reese asked what allocated means. Brewer said it means that the money has gone through requisition or the money has been paid out.

Deering asked for clarification on the amount of \$149,303.59. Brewer said it is the total amount of money spent on projects that been completed within the MSMJ project area from July 2015- July 2016.

Murray said he appreciates the economic development MSMJ has reported on and he is impressed with the sponsorship at the car show.

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

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a report for June.

Basile said the benefit auction will be held on Friday, August 26, 2016. She said beginning on September 10, MSL will be adding new hours to the schedule. The Library will be open from 9am-4pm on Saturdays. Basile reported that new carpet will be installed in October and at that time they would like to paint the walls. There will be a modified schedule in October to accommodate the project.

Reese said he appreciates the audit report that was provided.

Seidel commended the library for the new hours added to the schedule. He inquired about what it would take to add Sunday hours. Basile said she would have to look into it and get back to him. She mentioned personnel cost as well as utilities would factor into the decision.

Youngerman asked if the train set would be returned to the children's section. Basile said the train tracks are a mess. She said someone would need to take the tracks apart and fix them. She added that it also takes up a large area of floor space.

### Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for July.

Gibbs reported that it was a very busy month for building permits.

Seidel asked if the Borough charges for inspections, specifically regarding Ketterline Builders needing a second inspection. Gibbs explained that there is an escrow established by Borough resolution that is required upon submission of their land development application. Any inspection fees come out of that escrow, so the inspection in question was covered by the applicant.

### Report of Stormwater Officer

Ken Barto, Stormwater Enforcement Officer, provided a written monthly report for July.

Murray asked for an explanation of the acronym BMP. Gibbs said best management practices.

### Report of the Borough Authority Manager

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

Hershey said the Authority continues to work on design of the new water plant and is putting together financial documents with the expectation of coming before Council to present the guaranty request in the near future.

### Report of the Borough Manager

Scott Hershey, Borough Manager, provided and reviewed a written monthly report for July.

Seidel asked if there were costs incurred from our engineers and solicitors in regards to the Right to Know Law requests submitted. Hershey said yes.

### Approval of the Minutes of the Previous Meeting

On a **MOTION** by Murray, and second by Seidel, approval was given for the regular Borough Council Meeting held on July 11, 2016.

*Motion carries unanimously.*

### Administration and Finance Committee

On a **MOTION** by Youngerman, and second by Murray, approval was given for a request by Ketterline Builders for release of the entire construction escrow in the amount of \$14,951.04 for a three lot subdivision on North Jacob Street. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and second by Murray, approval was given to open a public hearing on the boundaries of the LERTA (Local Economic Revitalization Tax Assistance Act) Ordinance.

*Motion carries unanimously.*

Ned Sterling, 13 W Main Street, asked why house numbers are missing from some addresses on the LERTA list. Hershey said addresses are identified by the parcel number and some parcels do not have buildings to assign numbers. Sterling said his address was included on the list and inquired why his single family residential address was listed. Gibbs explained that all of Main Street is included in the LERTA. This allows for residential properties that are located in a commercial zone to have the option to qualify for the LERTA if the owners decide to change the use of their property.

On a **MOTION** by Youngerman, and a second by Seidel, approval was given to close the public hearing. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to enact Ordinance 4-16, amending the code of ordinances of the Borough of Mount Joy, Chapter 245, Taxation, to add a new Article V, Local Economic Revitalization Tax Assistance Act District.

Reese asked if the School District has to approve. Hershey said yes. Council will inform the School District and they would have to do a resolution. The final step would be to send it to the County for the Commissioners to consider approving.

Mayor Bradley said he has been strongly advocating for the LERTA for the past two years. He expressed his thanks to Gibbs and Hershey for their communication with the other entities. Bradley stated the Borough is land locked and if we are looking to increase the taxable base we need to be bringing investments into the Borough. He said this is the type of economic initiative that will help with that.

Deering asked if the shoe factory is categorized as improved developed or unimproved undeveloped. Hershey responded that it is improved developed. He explained that unimproved undeveloped means there are no buildings on the property. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a request by the Mount Joy Borough Authority for deferral of a Land Development Plan to East Donegal Township to construct a Water Treatment Plant, access drive and stormwater

management facilities, and waive the requirements of the Subdivision and Land Development Ordinance to file, obtain approval of, and record a land development plan for the development of a Well Site, located off of Lefever Road which includes a well house, driveway, stormwater management facilities, and underground water lines, conditioned upon Mount Joy Borough Authority entering into a Storm Water Management Agreement for the Well Site, and a Storm Water Management Agreement for the facilities in the Borough as shown on the Land Development Plan.

Hershey said Mark Harman, ARRO, is present to answer any questions regarding this matter.

Seidel asked if the request for Donsco to get consent to the agreement had happened. Harman said not at this time. He explained that there is an issue with the alignment of the access. Originally when the Authority got the access through the Donsco property there was not going to be changes made to the access drive. He said East Donegal Township may want the access drive upgraded. There is discussion of whether this is an access drive or an access road. In either case, the access will be expanded, which will require additional right of way. At this point Harman does not know how many feet of right away will be required.

Seidel asked if passing the motion would affect the outcome. Harman said it would put the burden on the Authority to work with Donsco and East Donegal Township to resolve the issue.

Smeltz asked if notes would be included on the plan to show that an agreement has been made with this municipality. He wanted to verify that if two Stormwater Management Agreements were forged, there would be clear direction on who is responsible if a problem would arise. Harman said it will be clearly defined as to who is responsible to own or operate. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a Bond Modification Agreement between the Borough of Mount Joy and Union Community Bank amending the interest rate floor from 4% to 2.85% on the Borough's Series 2010 A General Obligation Note.

Reese asked what are the projected savings. Youngerman said it is a savings of \$10,103.00 and it will reduce the monthly payment by \$645.00. Youngerman thanked Hershey for his efforts and stated that this will save the taxpayers and the Borough money. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to adopt Resolution 23-16, Regarding Modification of the Borough's Series 2010 A General Obligation Note.

Seidel commended the work that Administration and Finance Committee and Hershey had put forth to eliminate debt. He said they have done a tremendous job. Seidel wanted to reiterate his concern on relationships with outside contractors that provide work for the Borough. He said he understands the benefits of long term relationships but wants to make sure the Borough preserves the benefits of the oversight of the contractors. *Motion carries unanimously*

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

Gibbs said the Disruptive Tenant Ordinance is scheduled to be advertised around August 15, 2016. It will also be on the website at that time. Gibbs said there will be an option on the website for residents to directly send their comments to her as well as Police Chief, Williams.

Hershey invited all to attend the Public Safety meeting where the ordinance will be discussed.

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

Dennis Nissley, Public Works Director, provided and reviewed the written monthly report for July.

Nissley reported that he will be meeting with the Borough engineer to review the plans for the Marietta Avenue Pedestrian Improvement Project. The Rail Enhancement Phase 2 prebid meeting will be held at the Borough office on August 18, 2016. Nissley stated that the agreement from Amtrak for the plan review of the Jacob Street Bridge Removal Project was received and is now being reviewed by the Borough Solicitor. Bridge Boulevard. and West Henry Street Improvement projects are underway and paving is scheduled for the beginning of September 2016. He said he received a commitment from PennDOT to complete the paving project on Union School Rd. during this paving season. Nissley reported that PennDOT has all of the plans for the Signalization project. The let date is September 29, 2016 and the contract will be awarded in November 2016.

On a **MOTION** by Seidel, and a second by Millar, approval was given to enact Ordinance 5-16, amending the Borough's Code of Ordinances to impose parking prohibitions on Bridge Boulevard.

Youngerman wants Council to consider the need for parking in the Borough. Murray said the code policy for sidewalks should be revisited. Glessner said Council should be aware of the Americans with Disabilities Act (ADA) rules and regulations. *Motion carries unanimously.*

On a **MOTION** by Seidel, and a second by Millar, approval was given to authorize the Borough Solicitor to draft and advertise an ordinance authorizing the Borough of Mount Joy to enter into an agreement with the Township of Mount Joy Concerning Transportation Projects. *Motion carries unanimously.*

#### **Public Input Period**

Bruce Haigh, 504 Rose Petal Lane, thanked the Parks Manager for the new playground equipment that was installed in the Westview Park. Haigh stated that he is glad for the LERTA ordinance as well as the Disruptive Tenant Ordinance. He stated that Council should put serious money in the budget next year towards aggressively marketing the LERTA. Haigh feels that Gibbs should be allowed to inform Home Owners Associations (HOA) when a permit is submitted by a resident for a costly project. Gibbs explained that out of courtesy she had been notifying HOAs when a large project is submitted in their association. She said Haigh contacted her and wanted specific information about how long the Codes Officer can hold a permit pending the approval of the HOA. Gibbs contacted the Borough's solicitor because it became a questionable legal matter. Gibbs said the solicitor confirmed that a permit does not have to be held by the Borough for HOA approval. The Solicitor also advised against Gibbs contacting the HOAs due to the liability the Borough would sustain if the Codes Official missed notifying an HOA. Gibbs is no longer contacting HOAs due to the Solicitor's

instruction. She added that notifying HOAs was a process not a policy. Gibbs said she amended the building/construction permit application to include advising the applicant to contact the HOA, if applicable, on the check list page.

Fern Silverman, 630 Florin Ave, said she appreciated all the work that the Councilors do and offered discount tickets to the Mount Joy Chamber's chicken barbeque event.

Ned Sterling, 13 W. Main St., asked if the HOA legally needs to approve when a permit is issued from the Borough. Gibbs said HOAs have governmental declarations which are covenanted on each property owner and they are to follow those declarations not the Codes Official. Sterling asked what happens if the Borough approves a permit but the HOA denies it. Gibbs said if the HOA does not approve a permit that has been issued by the Borough and major changes are made to the proposed project; the permit needs to come back to the Borough to be revised.

Smeltz said the home owner has to abide by the Borough's rules and regulations as well as the HOA's rules and regulations. It is the resident's decision to purchase a home within a subdivision that has an HOA, therefore they must abide by those rules. In this instance there was communication and cooperation between both entities. There is no requirement by law that the Borough notifies an HOA of permits. The Borough had been notifying the HOAs as a courtesy. By extending the courtesy once but not every time could cause liability, according to our Solicitor.

**Heath Insurance Update and Discussion**

Hershey reviewed the proposed Heath Insurance changes for 2017 and Council discussed the process to implement the proposed changes.

**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	\$	158,231.87
REFUSE/RECYCLING	\$	43,029.73
CAPITAL IMPROVEMENTS FUND	\$	80.00
HIGHWAY AID FUND	\$	18,033.21
TAX ACCOUNT	\$	51,302.28
ESCROW FUND	\$	72,355.20
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	343,032.29

Hershey said Seidel had inquired about the Susquehanna Municipal Trust charge. Hershey explained the charge is for workers compensation insurance. Seidel also inquired about the Arro charge. Hershey explained it was for Stormwater items, Pink Alley and Rotary Park Swale. *Motion carries unanimously.*

**Meetings and dates of importance**

See the green calendar for the month of August 2016.

Council went into Executive Session at 9:07 PM and came out of Executive Session at 9:49 PM

On a **MOTION** by Reese, and a second by Deering, approval was given for a 10 day suspension and extension of the probationary period by 6 months for Police Officer Mason Shelly

On a **MOTION** by Reese, and a second by Deering, approval was given to amend the motion to add "without pay" to the suspension. *Motion carries unanimously*

Smeltz commented on the need for employees to be able to do what they have been employed to do and to follow the rules that go with their employment.

**Adjournment**

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

Respectfully Submitted,



Scott Hershey  
Borough Manager/Secretary