

MOUNT JOY BOROUGH COUNCIL
August 1, 2022, Minutes

The Mount Joy Borough Council held its regular meeting on August 1, 2022.

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

Roll Call- Present were Councilors, Dominic Castaldi via Zoom, David Eichler, Lu Ann Fahndrich, Bruce Haigh, Eric Roering, Bob Ruschke, Brian Youngerman via Zoom, President Hall and Mayor Bradley, Jr. Staff present were Assistant Borough Manager/Finance Director, Jill Frey; Public Works Director, Dennis Nissley; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley. Absent were Councilor, Mary Ginder; Borough Manager, Mark G. Pugliese I; and Codes and Zoning Officer, Stacie Gibbs.

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

President Hall said there will be an Executive Session at the end of tonight's meeting to discuss a personnel matter.

On a **MOTION** by Eichler, and a second by Roering, a request was made to accept the agenda for the August 1, 2022, Borough Council meeting. An **AMENDMENT** by Roering, and a second by Ruschke, a request was made to strike Item 11A from the agenda. *Amendment adopted. Main Motion carries as amended.*

Public Input Period

John Teleky, 141 New St., said that ever since 772 got re-routed to Marietta Ave., the traffic comes down past the Firehouse, down past New Haven St., down to Marietta Ave. and they apply Jake brake all day long. He asked if there is anything that can be done about that.

Bob Jerman, 840 Terrace Ave. said there were two things on the agenda he wanted to comment on. The first thing was the possibility of purchasing a car for the Manager to drive around. He does not understand the reasoning for that and feels this will open up to a can of worms with others wanting a company car. He also feels it is not fiscally responsible. Second thing was a Public Safety Committee item, regionalization of the police. He feels it should be looked at and it could cut a huge cost for the new building. Also, he asked if Council is looking ahead to the cost of a Police program in the future. He asked if Council is ever going to tell the public what it is going to cost them for the new building and any potential tax increases.

Dale Murray, 120 Farmington Way, said a few meetings ago the Mayor had suggested using the Parks Department for the Police Station and building a pole barn to house the Parks Department equipment. He feels this was a great idea that did not get any real discussion. However, the Ad Hoc Committee did give an estimate of the cost to do this, and it came back at \$8.9M. Instead of being the economical alternative that it should have been, he feels it came back extremely padded instead. He presented his own estimate to Council. He said it looks to him like a \$4M project instead of a \$9M project. He feels the discussion should not be over.

Josh Deering, 33 Frank St., said on item 11C, car for the Borough Manager, that after hours there would be other Borough vehicles available for him to use. He said if there is concern using his personal vehicle during the typical business day, that the Borough should look at the Borough's liability policy and do some type of rider that he would be covered in his personal vehicle during those hours.

Kelly McKinne, 220 Midway Rd., said he wanted to discuss the motion to adopt the ordinance regarding the keeping of animals and animal nuisances and to revise enforcement penalty provisions. He said he has been in the Borough for approximately three years and has seen a fair number of stray cats. He said he has a degree in wildlife biology and did a Master's thesis on feral and free roaming cats. He said he has done extensive research and talked to veterinarians in different states. He said there are way too many feral cats running around right now and something must be done about it. He said that a multitude of cats in a somewhat urban environment promotes the exchange of diseases. He talked to his neighbor who has young kids and is pregnant and is concerned with cats leaving feces in her yard and flower beds. He said there is a virus people can get from cat feces called toxoplasmosis. This can cause complications in a pregnancy and delivery.

Heather Grady, 210 Mount Joy St., said she does TNR in the Borough and last year she did 45 cats. She said she was contacted by a Borough resident to do TNR but she later received a call saying she needed to stop feeding the feral cats or she would be fined. By not feeding the cats she is unable to catch them to have them spayed or neutered. She said as far

as the feral cats wearing collars and proof of rabies vaccine, they cannot wear collars, so the tipping of the ear is the only way to tell if the feral cat has rabies vaccine and has been spayed or neutered. She is trying to help curb the feral cat problem in the Borough by doing TNR. She wants to know how she is to go about continuing the TNR and whether she is going to be fined or not.

Jeannette Goehring, 313 W. Donegal St., said she manages a feral cat colony in her garden, and they pretty much stay in that area. She suggested maybe it would be more constructive to have a Mount Joy TNR clinic or a Mount Joy Day with a Vet where locals could bring the feral cats to have them spayed or neutered. She said maybe this could be subsidized or by donation.

Nora Rivera, 408 S. Plum St., said she feeds 2 feral cats that they live on her deck and roam around a little. She said she has tried to get them to go inside but they are not comfortable with that. She said she does not feel like her neighbors should be allowed to shine big flashlights in her yard late at night, and early morning. She said they reported her and a lady from the Borough came and said she would be fined if she continues to feed the feral cats. She said her and others on her street never knew that they could not feed the feral cats.

James Elvin, 14 Marietta Ave., said he has had bad experiences with feral cats in his area. They come up on his porch and urinate on it. He had to put chicken wire up to keep them off. The one night he was almost attacked by one of them when he was trying to get them to go away. He said it was very nasty. He said they are one of the only animals that kill for recreation.

Jon Nace, 514 Creekside Ln., said he agrees with the gentlemen before him. He said his dog cornered one and it scratched him in the face. He said they tear up his trash, poop in his yard and walk over his vehicle leaving paw prints. He said the smell is bad when he opens windows from the cats relieving themselves in his flower beds.

Report of Mayor

Mayor Bradley provided a written report for July 2022. The mayor thanked Pugliese and Borough staff who helped to organize Mount Joy Day at the Barnstormers. He said it was a great evening.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for June 1, 2022, to June 30, 2022. The report showed 56 traffic arrests and 28 criminal arrests for the month. There was a total of 629 incidents for the month of March, with a total of 3,605 incidents year to date.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for June 2022.

Report of PSH Life Lion

No Report

Northwest EMA

No Report

Report of EMA

Mayor Bradley provided a written report.

Report of Milanof-Schock Library (MSL)

McIlhenney provided a written report for July with the June statistics.

Report of Codes and Zoning Officer

No Report

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written report for July 2022.

Report of the Borough Authority Manager

Joseph Ardini, Authority Manager, provided a written monthly report for July 2022.

Report of the Assistant Borough Manager/Finance Officer

Jill Frey, Assistant Borough Manager/Finance Officer, provided a written report for July 2022.

Report of the Borough Manager

Mark G. Pugliese I, Borough Manager, provided a written report for July 2022.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Roering, and a second by Eichler, approval was given for the minutes of the regular Borough Council meeting held on July 11, 2022, with two corrections. *Motion carries unanimously.*

Building Ad Hoc Committee

Deering reported that Crabtree had met with heads of all the departments and as a result of those meetings, they were able to reduce the size by approximately 1,000 square feet to around 19,000 square feet. They are still in the schematic phase; the property survey is complete, and the deed restriction was discussed. They are in the process of doing the zoning review and information. They should have the cost breakdown and some schematics done by August 8, because that is the deadline for the RACP for the Manager to get that submitted. They will have that information for review at the Ad Hoc Committee meeting on the 15th of August.

Administration and Finance Committee

On a **MOTION** by Roering, and a second by Ruschke, a request was made to authorize the Borough Manager to draft and send a letter to the Lancaster County Tax Collection Bureau advising that Council does not object to the sale of Parcel 450-09139-0-0000. *Motion carries unanimously.*

On a **MOTION** by Roering, and a second by Haigh, a request was made to authorize the purchase of a used vehicle for the Borough Manager. After some discussion among Council members regarding the reason for the request, availability to other staff and other possible options, Roering made a **MOTION** with a second by Ruschke, to table the motion and send it back to the Administration and Finance Committee. *Motion carries unanimously.*

On a **MOTION** by Roering, and a second by Ruschke, a request was made to authorize the Borough Solicitor to advertise Ordinance 06-2022, Rezoning 14, 18, 19, and 20 North Market Street from Commercial Business District to Light Industrial, to submit the ordinance and rezoning petition to the Lancaster County Planning Commission and the Mount Joy Borough Planning Commission, and to authorize the Borough Solicitor to advertise a public hearing for the rezoning on October 3, 2022. Brian Cooley with DC Gohn gave a presentation along with Jake Newswanger representing Sporting Valley Feeds and Nick Gard, attorney with Smoker Gard Associates. One of the main concerns was if the rezoning would affect Mount Joy and its entities due to breaking the Central Business Zoning District's connection to Main Street. An **AMENDMENT** was made by Roering, with a second by Ruschke, that if 19 North Market Street is needed to maintain that connection with the Central Business District that it be stricken from the petition. After more discussion, a **MOTION** by Roering, and a second by Haigh, a request was made to table until the September meeting. *Motion carries unanimously.*

On a **MOTION** by Roering, and a second by Ruschke, a request was made to permit the Borough Manager to apply for a Susquehanna Mutual Trust grant for first aid kits for Public Works/Parks vehicles. *Motion carries unanimously.*

On a **MOTION** by Roering, and a second by Ruschke, a request was made to adopt Ordinance 02-2022 regarding the Keeping of Animals and Animal Nuisances and to Revise Enforcement and Penalty Provisions. Haigh questioned some of the definitions and some other wording in the Ordinance. Haigh made a **MOTION** to clean up the language. Motion died due to lack of a second. *Motion carries unanimously.*

On a **MOTION** by Roering, and a second by Ruschke, a request was made to adopt Ordinance 03-2022 regarding Amending the Mount Joy Borough Code of Ordinances Chapter 226, Stormwater Management, to implement revised regulations with the following amendments.

An **AMENDMENT** by Haigh, and a second by Roering, a request was made to add **Amendment No. 1 Definitions**

§226-22. Definitions of terms

Section 2. The Mount Joy Borough Code of Ordinances, Chapter 226, Stormwater Management Article II, definition of terms shall be amended by adding or revising the following definitions in alphabetic order.

Add the following additional definitions in alphabetic order.

CONSERVATION DISTRICT - A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102. Lancaster County Conservation District.

GREEN INFRASTRUCTURE - Systems and practices that use or mimic natural processes to infiltrate, evapotranspiration, or reuse stormwater on the site where it is generated.

LOW IMPACT DEVELOPMENT (LID) - Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

MUNICIPALITY - Mount Joy Borough, Lancaster County, Pennsylvania.

PROJECT SITE - The specific area of land where any regulated activities in the municipality are planned, conducted, or maintained.

RETURN PERIOD - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).
Amendment carries.

An **AMENDMENT** by Haigh, and a second by Roering, a request was made to add **Amendment No. 2 Green Infrastructure and Low Impact Development**

§226-2. Findings

Section XXXX. The Mount Joy Borough Code of Ordinances, Chapter 226, Stormwater Management, Article I, General Provisions, §226-2, Findings, shall be amended to add new Subsection F. which shall provide as follows:

F. The use of green infrastructure and low impact development (LID) are intended to address the root causes of water quality impairment by using systems and practices which will mimic natural processes to 1) infiltrate and recharge, 2) evapotranspiration and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.

§226-31. General Requirements.

Section XXXX. The Mount Joy Borough Code of Ordinances, Chapter 226, Stormwater Management, Article III, Stormwater Management Standards, §226-31, General Requirements, shall be amended to add new Subsection V. which shall provide as follows:

V. If methods other than green infrastructure and LID methods are proposed to achieve the volume reduction and rate controls required under this Ordinance, the SWM Plan must include a detailed justification demonstrating that the use of green infrastructure and LID is not practicable.

§226-44. Additional Information

Section XXXX. The Mount Joy Borough Code of Ordinances, Chapter 226, Stormwater Management, Article IV, Information to be Included on or with Stormwater management Plans, §226-44, Additional Information, shall be amended to add new Subsection G which shall provide as follows:

G. A justification must be included in the SWM Plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate and water quality controls under this Ordinance. The municipality will not approve the SWM Plan unless it determines that green infrastructure and LID practices are not practicable.

Amendment carries.

An **AMENDMENT** by Haigh, and a second by Roering, a request was made to add **Amendment No. 3 Prohibited Discharges and Connections**

Borough Solicitor Proposed Section 4 The Mount Joy Borough Code of Ordinances, Chapter 226, Stormwater Management, Article VIII, Prohibitions, §226-81, Prohibited Discharges and Connections, Subsection D., shall be amended to provide as follows:

Add the following after D. (8)

(9) Air Conditioning condensate

(10) Springs

(11) Pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.

(12) De-chlorinated swimming pool discharges

(13) Uncontaminated groundwater

(14) Water from individual residential car washing

(15) Routing external building wash down {which does not use detergents or other compounds}

(16) Rising ground water

Amendment carries.

An **AMENDMENT** by Haigh, and a second by Roering, a request was made to add **Amendment No. 4 Inspections**

Borough Solicitor Proposed Section 3 The Mount Joy Borough Code of Ordinances, Chapter 226, Stormwater Management, Article VI, Operations and Maintenance, §226-63, Operations and Maintenance (O&M) Plan Contents, Subsection B. Paragraph 1, Subparagraph (a) shall be amended to provide as follows:

After (a) [4] delete first sentence

"Inspections should be conducted during or immediately following precipitation events of more than 3 inches or more within a 24-hour period".

Replace with:

"Inspections should be conducted during or immediately following precipitation events of more than 2.5 inches within a 24-hour period, which represent the NOAA 1 -year. 24-hour return storm event."

Amendment carries.

Main Motion as amended by the four amendments carries unanimously.

On a **MOTION** by Roering, and a second by Ruschke, a request was made to require LCCTC to post the required financial security required for lot #14 of Mount Joy Township. *Motion carries unanimously. Hall abstained.*

On a **MOTION** by Roering, and a second by Ruschke, a request was made to authorize staff to proceed with the RFP for a new Refuse contract should GFL not wish to extend the current contract for 1 year and the rate dictated by the current refuse contract. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to amend Chapter 130 §130-5, A & B as proposed. *Motion carries unanimously.*

Mayor Bradley led a discussion on the regionalization of the Police Department. This topic has been discussed in the past. One of the main concerns is the level of service. He said what he would be more interested in is to win contracts with other municipalities and to do more service within those areas because we would maintain the direct control over our Police Department and offsetting costs. That is the direction he would like to see the Borough go. The Chief said he has been informally approached by other municipalities about contracting the Borough's services. Once this becomes formalized, he would approach Council to see if there is interest in contracting our services. He said other communities are seeing the great feedback the Borough is getting due to our community involvement. For example, breakfast with a cop is the first of its kind in this county and Officers are in the elementary schools reading books to kids, along with foot patrol downtown and the interaction with the community. The Department is also involved in other programs such as raising money for Autism and Breast Cancer.

Report of the Public Works Committee

Haigh led a discussion regarding the Easement at 40 Donegal Springs Road for purposes of bicycle or pedestrian path. According to the Borough Solicitor the easements are no longer valid. The Public Works Committee would like to see a pedestrian walkway. They feel there is a need to make the connection between Donegal Springs Road and that part of town and have access to the library. The Committee would like to have the Manager approach the owners of the property and the Solicitor to get an easement just strictly for the bike walk path. Haigh said he believes it is part of the Emerald Necklace.

On a **MOTION** by Ruschke, and a second by Roering, a request was made to close Delta Street between East Henry Street and Main Street for National Night Out event scheduled for Tuesday, August 2, 2022. An AMENDMENT by Roering, and a second by Ruschke, to close the streets from 4 PM – 10 PM. *Amendment carries. Main Motion carries as amended unanimously.*

Public Input Period

Bob Jerman, 840 Terrace Ave., said he agrees with the Mayor's comments on regionalization of the Police but his concern is the cost to the community and how they would continue to pay for it. He said Mount Joy is land locked and has no room for growth and the ability to get any new tax dollars.

Josh Deering, 33 Frank St., said he had issues a couple of years ago with feral cats and he finally got it resolved. He commented on the feeding of feral cats in certain areas in order to TNR. He said the last thing he would want is for someone in his area to start feeding them because of the extent he had to go through to get rid them in the past. Deering also comment on the 40 Donegal Springs Rd easement and said he thinks Council really needs to look at that and investigate. He also commented on the large number of Right to Know Request that the Manager is receiving and asked if they are still tracked as to the amount of time the Manger has to put into them. Deering also commented on all the amendments to agenda items. He thinks it would be good for Council to look at their Council packets when they receive them on Friday and be a little more prepared for the meeting so there does not have to be so much discussion right at the Council meeting. He asked Nissley what the outcome of the meeting regarding Route 772 re-routing.

Charles Groff, 211 Frederick St., said that in the past in his neighborhood everyone chipped in about \$10 and had them neutered/spayed. He said the life span is about 3 years and after those 3 years they had no problems, and they were gone. He commented on item 11d on the agenda and his concerns about the bins and their size and what would happen if they would explode. He said in the past there was one that fell apart. His feels the Borough should purchase Lot 19 and use it for the Borough building instead of moving to the Grandview location. He likes the Borough building downtown so people can walk to it.

Tod Dohl, 9 E. Main St., said his biggest concern with the rezoning of 14,18, 19 and 20 North Market St. is the increase in production times and noise. He said since they took over the mill the noise has been much better because the mill is not running 24/7. Sometimes the dryer fans are left on over the weekend and the noise is more noticeable. He hopes that change would not affect the noise. He also commented on the feral cat issue and the Ordinance.

James Elvin, 14 Marietta Ave., asked if it is necessary for the high-speed trains to blow their horns when they come through town.

Any other matter proper to come before Council

None

Authorization to Pay Bills

On a **MOTION** by Roering, and a second by Ruschke, Council approved paying the bills as presented from July 1- July 31, 2022.

GENERAL FUND	\$	152,959.70
REFUSE/RECYCLING	\$	56,742.98
CAPITAL IMPROVEMENTS FUND	\$	50,506.40
HIGHWAY AID FUND	\$	-
ESCROW FUND	\$	-
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	260,209.08

Motion carries unanimously.

Meetings and dates of importance

See the blue calendar for the month of August.

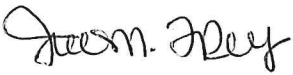
Executive Session

Council went into Executive Session at 10:47PM for a personnel matter. Council came out of Executive Session at 10:53PM. No decisions were made.

Adjournment

On a **MOTION** by Roering, and a second by Ruschke, approval was given to adjourn the meeting at 10:53PM. *Motion carries unanimously.*

Respectfully Submitted,



Jill Frey
Assistant Borough Manager/Finance Officer