

MOUNT JOY BOROUGH COUNCIL
September 12, 2016 Minutes

The Mount Joy Borough Council held its regular meeting on September 12, 2016, at the Mount Joy Borough Office.

Murray called the meeting to order at 7:00 pm.

Roll Call- Present were Councilors Deering, Ginder, Murray, Reese, Smeltz, and Mayor Bradley. Youngerman and Seidel arrived at 7:10 pm and President Glessner arrived at 8:00 pm. Millar was absent.
Also present were Borough Manager, Scott Hershey; Public Works Director, Dennis Nissley; Stormwater Officer, David Salley; Police Sargent, Scott E. Drexel and Administrative Assistant, Andrea Zell.

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

On a **MOTION** by Ginder, and second by Smeltz, approval was given to accept the agenda for the September 12, 2016, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Kathy Baltozer, 22 East Main Street, owner of Higher Grounds Cafe, said she has major concerns about issues her business experienced during the car show event. Baltozer said she was ready to sell outside of her doors at 8 am and had sold outside for the past 10 years during this event. She said representatives from Main Street Mount Joy (MSMJ) approached her and told her she needed to vacate the sidewalk and go back inside to sell her product because she did not have a PennDOT permit. Baltozer asked for an explanation and they said she did not have a permit to sell on the street. Baltozer refused to remove her product so the MSMJ representatives brought Police Chief, Williams to the scene. Williams informed Baltozer that she was not authorized to sell on the street and told her to move back into her place of business. Baltozer asked Williams to provide the permit. Williams said he did not have it to show her.

Judy Maxwell, 271 Park Ave, expressed concern about conflicting information that was given to another business regarding the PennDOT permit.

Ginder said she is concerned about the information that is being presented. Ginder is aware of a \$90.00 event participation fee that is collected by MSMJ. She said the Historical Society wanted to participate but did not have the funds to pay MSMJ. She also said the Chamber of Commerce wanted to put a stand out but they did not want to pay the fee to MSMJ.

Mayor Bradley said this is the first time he has heard that there were concerns from businesses on Main Street regarding the car show event. Bradley said that the Chief of Police and the MSMJ Manager are not present tonight to address these concerns. He said he is willing to facilitate a conversation between the Chief of Police and the businesses that have concerns. Bradley stated that there are a number of events that shut down Main Street and impact the businesses so he would like to get to the bottom of this issue. Bradley suggested that concerned business owners provide their email addresses so that he would be able to arrange the meeting.

Sharon Myers, 62 East Main Street, said there was a horrific accident at the intersection of Main Street and Marietta Avenue today. Myers wants to know what is being done about it. Reese said the Public Safety Committee has been given a series of recommendations, one of which is closing the eastern cross walk at that intersection. Myers said she is speaking about vehicular issues. Reese said the Borough's concerns are for the pedestrians. Reese said the Borough is not able to control the vehicle accidents. Mayor Bradley said in order to put in blinking lights for the crosswalk; a minimum of 20 pedestrians must cross per hour. He said that Public Safety Committee and Public Works committee are working together to discuss this problem and gather information to find a resolution. Murray asked Myers if she has a suggestion. Myers suggested installing a traffic light. She said vehicles that get off of the highway and hit all of the traffic lights right, are moving at a fast speed. She said it is extremely dangerous. Bradley said there are intermingled issues; the Borough is in the process of implementing traffic signalization upgrades, which should help. He explained that there are limitations with PennDOT in regards to adding a light, but the Borough is exploring that possibility. Bradley said the Police Department has been targeting enforcement of speeding as well as stop signs. Bradley said he appreciated Myers bringing the concern so that all of Council can hear from residents.

Seidel asked all business owners in attendance if \$90.00 is too much to pay to participate in an event that is hosted by MSMJ. Deering said Seidel is not speaking for all of Council. Seidel agreed and said he is speaking for himself and wants to hear from the business owners. Nancy Skee, 127 E Main Street, asked why would a business on Main Street need to pay a fee if the permit is already covered. Seidel asked what the business owners feel would be a fair amount to charge. He explained that MSMJ must put labor and advertising dollars into the events. Murray said this should be discussed in the meeting that the Mayor is coordinating. Ginder said MSMJ needs to meet with these businesses to discuss the issue. Seidel again asked what fee is acceptable from the business owners. Ferne Silverman, 630 Florin Avenue, said some vendors do not even make a profit on the event after they have to pay staff. Joanne Pinkerton, 127 Park Avenue, said if MSMJ wants to add value to their program and they are here to promote the downtown business, she believes this would be an excellent way to do some marketing and sales on behalf of the businesses instead of taking the businesses' sidewalks. Karen McCrady, 315 Berry Street, said she has been in business for a year and a half on Main Street. She stated she does not think she can handle any more fees from outside sources. McCrady also stated that it is her responsibility to bring business in her doors and she does not depend on someone else to do that.

Bruce Haigh, 504 Rose Petal Lane, said he noticed a change to the agenda from the one that was posted on the website. Haigh said he would take his concerns to the appropriate committee and asked that Council not discuss the issue in the meeting tonight.

Nancy Skee, 127 East Main Street, asked when the train station project phase 2 would be starting because the video she saw on the MSMJ website had a 2013 date. Hershey said the Borough is not involved in this project. It is a PennDOT project and is running at Amtrak and PennDOT's pace. Nissley reported that the pre-bid meeting was held at the Borough Office on August 18, 2016.

The anticipated bid opening is September 29, 2016. The notice to proceed is anticipated to be issued on November 7, 2016. Skee asked if the station will be moving. Nissley said it will be located on the west side of the Market Street Bridge.

Vice-President Murray allowed non-resident Theresa King, 234 Hickory Drive, Lititz, to speak about concerns with the intersection at West Main Street and 772 and the need for a green turn arrow on the traffic signal. King asked for council to look at conducting a new traffic study. Deering said we have been waiting for the traffic signalization improvements project to be completed and that has been a long process. He said it is scheduled to take place in November 2016. Council wanted to wait until that was implemented to see if it would affect the flow of traffic. Hershey said that 2 studies were completed on that intersection in the past. The most recent was approximately 4 years ago. He explained that there are certain warrants (conditions) that have to be met for PennDOT to permit changes to traffic signals to be made. Those conditions were not met with the previously completed traffic studies. Public Safety or Public Works Committee should discuss it and then bring a recommendation to council. Council would need to approve the study. Deering said once the traffic signal improvements are completed, traffic flow can be monitored and the need to pursue the turn arrow can be evaluated. King asked how long that time period would be. Deering said early 2018. King reiterated that it is a nasty intersection and she has difficulty turning at that light.

Murray stated that Council met in executive session to discuss personnel matters on September 6, 2016. He also stated there would be an executive session at the end of the meeting to discuss personnel matters and potential litigation. No decision to follow.

Report of Mayor

Mayor Bradley provided and reviewed a written monthly report for August. Bradley acknowledged the 15 year anniversary of 9/11. He asked for all in attendance to stand for a moment of silence to recognize those who lost their lives that day as well subsequent days that followed due to illness. Many lives continue to bear the scars of those events and many families continue to shoulder the burden as their loved ones volunteer to serve in the fight against terrorism. May their sacrifices not be forgotten.

Bradley said he is working with the Mount Joy Police Department as well as the Fire Department of Mount Joy to spearhead work on a local medal and honors program to honor local emergency responders and community members.

Report of the Chief of Police

Scott E. Drexel, Police Sergeant, provided and reviewed a written monthly report for July 15, 2016, through August 14, 2016. The report showed 43 traffic arrests and 22 criminal arrests for the month. There were 51 UCR reportable incidents and 502 CAD incidents for the month, with a total of 3,480 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$4,644.76.

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 July.

Youngerman thanked FDMJ, MSMJ and the Milanof-Schock Library for placing the ad for the Borough Manager position on their websites. Seidel thanked FDMJ for all of their work.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided a written monthly report for August.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a report for July. Murray reviewed the report.

Report of Codes and Zoning Officer

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

Reese asked if we have heard from the School District regarding the Local Economic Revitalization Tax Assistance (LERTA). Hershey said the LERTA is being reviewed by the School District's Solicitor.

Report of Stormwater Officer

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

Dave Salley, Stormwater Enforcement Officer, introduced himself to Council.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Scott Hershey, Borough Manager, provided and reviewed a written monthly report for August. Hershey reported he recently completed a large Right to Know Law Request (RTKL) that occupied 38 hours of his time as well as \$507.50 in legal costs. Hershey also stated that he has received 16 RTK requests since February 17, 2016.

Hershey reported that the pension distress level is 0.

Seidel asked if all Council packet documents were made public after a meeting, would that result in a reduction of RTKL requests. Hershey responded that the majority of his time spent on RTKL requests involves researching emails and documents to determine if they meet the parameters of the request.

Reese asked if the sidewalks will be completed on the Marietta Ave Pedestrian Project before the roads are paved. He also inquired when that project will begin. Nissley said the funding was approved in June 2016 and PennDOT will roll the Pedestrian Improvements Project into the paving project. Nissley said ARRO is reviewing the plans that were completed in 2014. Hershey said the project will be bid in early 2018. Murray asked Nissley if the paving project will consist of re-contouring the road. Nissley said yes.

Hershey invited the public to attend the Mount Joy Borough/Borough Authority Open House scheduled for September 24, 2016 from 9 am-1 pm.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Seidel, and second by Reese, approval was given for minutes of the regular Borough Council meeting held on August 1, 2016. *Motion carries unanimously.*

On a **MOTION** by Seidel, and a second by Reese, approval was given for the minutes of the joint Borough Council/ Borough Authority meeting on August 24, 2016. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and second by Glessner, approval was given to adopt Resolution #24-16, appointing David Salley to the positions of Stormwater Management Enforcement Officer and Assistant Codes and Zoning Officer. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Reese, and a second by Deering, approval was given to enact Ordinance # 6-16, amending the Borough Code of Ordinances to add requirements to Chapter 9, Residential Rental Units, for disruptive conduct and to require an owner/manager to insure that occupants comply with applicable codes and regulations.

Youngerman expressed concern about Council hearing the appeals and the Police being the arbiter. Mayor Bradley explained that the Police will investigate a complaint like they do any other violation and if a tenant is charged with a violation, the process of notifications to the Codes Officer and the landlord begins. Youngerman said he feels that this ordinance does not meet all of the due process requirements.

Seidel said he applauds the creation of this ordinance and believes it will be a great tool to hold people responsible.

Deering said there are several properties and neighborhoods that this ordinance is going to positively effect. Bradley said there have been many complaints from residents that prompted the creation of this ordinance.

Ginder asked what the appeal fee that is outlined in the ordinance would cost that is outlined in the ordinance. Hershey said that fees are established by a resolution. He will check on this. *Motion carries. Youngerman voting no.*

Report of the Public Works Committee

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

Nissley reported that West Henry Street was paved today and Bridge Boulevard will be completed by Wednesday, September 14, 2016. The Grandview Swale Improvement Project will begin early next week. Nissley reported that the Signalization Improvements Project bid is scheduled to be awarded contract on November 14, 2016.

Reese asked for an update on the banner poles. Nissley said they are working on plans to hang the banners with a different process because the winches that were in place broke. Nissley said they are looking into using a process that involves a bucket truck to hang the banners. Reese said the poles were installed to avoid using a bucket truck. Hershey said the engineers from Baker, PennDOT's consultant, gave the recommendation to use this winch system but it did not work. Deering said East Petersburg has banners displayed at least 9 months out of the year and they are on PPL poles.

Deering thanked Nissley for repairing pavilions in the parks. Deering asked if there would be new grills installed in Little Chiques Park. Nissley said there were 2 new grills installed at Little Chiques Park but no plans to add more.

Deering asked when the paving project is scheduled for New Haven Street. Nissley said 2018. Deering asked if there would be a way to for us to present a proposal to reroute Route 772 to the State. He explained that when trucks try to make the left turn from Marietta Avenue on to Main Street it is a hazard. Nissley said Public Works has been discussing this issue with a contact at PennDOT. Nissley said if Route 772 is rerouted to New Haven Street; the question of no parking on the one side of the street would come into play. Mayor Bradley stated that some of the properties only have on-street parking. Deering said he would like to start the conversation now so that these options could be worked through.

Deering thanked Nissley for painting the curbs and crosswalks. He stated that it adds to the community when those items are freshly painted and look clean. Nissley credited his employees for the job well done. Bradley also added that the fresh lines help the Police Officers with enforcement.

Hershey stated that an MS4 Stormwater public information meeting will take place on October 3, 2016 at 6:00pm. Salley said Mark Harman; of ARRO will be there to explain new regulations from the Department of Environmental Protection (DEP).

On a **MOTION** by Seidel, and a second by Ginder, approval was given for a request by Phil and Rebecca Blake for a waiver of Chapter 232, Section 59E, as restated by Ordinance #2-15, prohibiting downspouts and rain gutters from being placed within the sidewalk and/or curb at 809 West Main Street, Mount Joy, PA.

Deering asked why the ordinance was changed if everyone that asks for an exemption is granted approval. Nissley said the work was done due to an accident that damaged the owner's property. Mayor Bradley said this was one of the concerns he brought up with the ordinance. Some houses on Main Street, especially row homes, do not have the capability to direct stormwater to the back of their property. Bradley said that Deering's point is well taken but in this instance, these owners were victims of a drunk driver and he does not feel that a stand should be made on this request. He also said he understands the need to support the Chesapeake Bay Watershed. Hershey explained the ordinance was prepared using the model ordinance from the county. Nissley said he sees both points and added that Council will continue to receive these exemptions because there are many properties on Main Street that will have difficulty controlling their stormwater runoff. Seidel said he recommends that Council does not grant the waiver for this property. He said there was a house just west of this address with similar issues and he believes a 4 foot elbow would suffice.

Deering said if we have 300 houses on Main Street and they all ask for exemptions, and Council grants them, what was the point in adopting the ordinance. Nissley said he personally had to replace a sidewalk in front of his house and had to reroute his run off into his front yard. He explained that much of this is education. Over the next 5 year permit process the Borough will be required to show that sediment has been reduced by 10%. Nissley said we will not see everyone on Main Street come in because everyone will

not be replacing sidewalks. Bradley said he believes we should be more selective on how we grant waivers going forward but this case should receive the waiver. *Motion carries. Seidel, Deering and Reese voting no.*

On a **MOTION** by Seidel, and a second by Ginder, approval was given to enact Ordinance No. 7-16, authorizing the Borough of Mount Joy to enter into an Agreement with the Township of Mount Joy concerning transportation projects.

Seidel stated it allows Mount Joy Township and Mount Joy Borough to work together on street renovation and construction projects.

Deering asked how long this agreement is in effect. Hershey said the ordinance will be in place until it is rescinded. He said the agreement, which is the next item on the agenda, can be terminated with a 6 month notice from either municipality. *Motion carries unanimously.*

On a **MOTION** by Seidel, and a second by Ginder, approval was given for an Intergovernmental Agreement with the Township of Mount Joy and to authorize the President or Vice-President of the Borough Council to sign the agreement. *Motion carries unanimously.*

On a **MOTION** by Seidel, and a second by Ginder, approval was given for a Design and Demolition Phase Agreement between AMTRAK and Mount Joy Borough and related documents for the demolition of the South Jacob Street Bridge and to authorize the President or Vice-President of the Borough Council to sign the agreement and any other related documents as required.

Hershey said the agreement has been reviewed by the Borough Solicitor and PennDOT. They made suggestions and the Borough forwarded them to Amtrak but Amtrak did not accept the suggestions. Hershey said Congressman Pitts office was also involved in discussion about the proposed cost but nothing was able to be done. Reese asked if the \$72,000.00 was a firm price. Hershey said it is the estimate that Amtrak has given us. Reese asked if the insurance company reviewed this and approved. Hershey said yes.

Youngerman said there are some concerns he has with this document because it can create a great deal of financial responsibility on the Borough. Hershey said yes. This document gives approval for Amtrak to review the plans and the cost will be \$72,000.00 for that service. Hershey said the design and plans are already completed so if Amtrak approves then the Borough will proceed with the bidding process. Hershey said the funding for the bridge removal has been secured through the County Transportation Improvement Program (TIP), but the first step is to have Amtrak review and approve the plans. The Borough budgeted \$50,000.00 for the plan review because that was the amount the consultant estimated. The Borough has applied for a local technical assistance grant from PennDOT for the additional funds but has not heard from PennDOT at this time. Hershey said the Borough will be responsible for 5% of the total cost for the bridge removal. Youngerman said he believes that if the bridge was in place before the catenaries then Amtrak should be responsible for the removal of the bridge. Youngerman also added that he has concerns with Amtrak's reputation with billing, overtime discrepancies and unsatisfied customers. He requested that we ask for an itemized bill and we should monitor the amount of workers on site to insure charges for labor are accurate. *Motion carries unanimously.*

Public Input Period

Bruce Haigh, 504 Rose Petal Lane, said he sent an email to Hershey about Pennsylvania Association of Conservation Districts training on post construction storm water management. Haigh asked if employees have signed up to go. Hershey said Gibbs had already signed up to go and he forwarded the email to Nissley. Haigh suggested that Nissley and Salley attend the training. Salley said he is already signed up to attend the training.

Joanne Pinkerton, 6 Pine Street, gave an update on Kid's Joy Land (KJL). She said that by the end of the year the KJL Committee hopes to have all of the funds transferred to the Kid's Joy Land Borough account. Pinkerton reported that a bike rack will be installed at the park. She said there are 200 pickets remaining to sell. Pinkerton said there is information in the fall edition of the Mount Joy Messenger with pricing on the remaining pickets. Pinkerton said they would like to provide a permanent recognition for the sponsors that contributed to Kid's Joy Land. She said the idea is to purchase a large boulder on which children would be able to climb. The names of those who sponsored the project would be on the boulder. She reported that the mister is still not functioning and she said she is not sure if it will be repaired before the KJL Committee passes it over to the Public Works Department.

Bradley said Kids' Joy Land has been a hit. He thanked the committee and said their efforts have enhanced the community.

Any other matter proper to come before Council

Seidel said last year Council committed to supporting MSMJ and said he believes in what MSMJ can bring to this community. Based on comments we receive year after year perhaps we should revisit the structure of Council's support to bring in new business and promote the downtown. Seidel suggested opening communication because budget season is coming and he would like to see results.

Authorization to Pay Bills

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

GENERAL FUND	\$	132,370.93
REFUSE/RECYCLING	\$	43,201.74
CAPITAL IMPROVEMENTS FUND	\$	6,093.59
HIGHWAY AID FUND	\$	31,498.74
TAX ACCOUNT	\$	12,427.86
ESCROW FUND	\$	1,081.58
JOY LAND ACCOUNT	\$	4,840.47
GRAND TOTAL EXPENDITURES	\$	231,514.91

Deering asked if he could get a report on how much the Borough is spending on PPL electric for all of the lights in the Borough. He asked if we could change over to LED lights to reduce cost. Nissley said he recently attended 2 webinars regarding this issue and has discovered that PPL offers a program to transition to LED lighting. Nissley said he has had minimal time available to spend on this but he is working on it. Reese inquired about the higher charge on Birchland Ave PPL bill. Hershey explained that there are two street lighting bills but PPL identifies the larger of the two bills as Birchland Avenue. Reese asked if we purchase our electricity through PPL. Hershey said no; we purchase through a company that Pennsylvania State Association of Boroughs (PSAB) works with and we have a good rate.

Seidel inquired about the charge for the body shop repair on the police car. Hershey said the the unmarked police car it was backed into a pole in the rear parking lot. The charge was to repair the vehicle.

Murray asked about the Beast Software charge. Bradley explained when evidence comes in, the Beast program files the evidence with a bar code system. Murray asked if this charge is billed monthly. Bradley said he would have to check with Chief Williams.

Motion carries unanimously.

Meetings and dates of importance

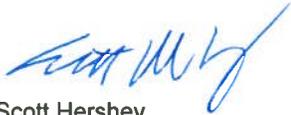
See the red calendar for the month of September 2016.

Council went into Executive Session at 9:15 PM and came out of Executive Session at 10:15 PM

Adjournment

On a **MOTION** by Glessner, and a second by Smeltz, approval was given to adjourn the meeting at 10:15 PM. *Motion carries unanimously.*

Respectfully Submitted,



Scott Hershey
Borough Manager/Secretary