

MOUNT JOY BOROUGH COUNCIL
January 9, 2017 Minutes

The Mount Joy Borough Council held its regular meeting on January 9, 2017, at the Mount Joy Borough Office.

Vice President Murray called the meeting to order at 7:01 pm.

Roll Call- Present were Councilors Joshua Deering, Mary Ginder, Jon Millar, Dale Murray, Michael Reese, Jake Smeltz, Brian Youngerman and Mayor Timothy Bradley. Councilor Han Seidel arrived at 7:03 pm. President Charles Glessner was absent. 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.

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

Murray announced that no executive sessions were held since the last Council meeting.

On a **MOTION** by Reese, and a second by Millar, approval was given to accept the agenda for the January 9, 2017, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

No public input.

Mayoral Recognition

Mayor Bradley recognized Scott Hershey and Ken Barto for their years of service to the Mount Joy Borough and individually presented them with a written document acknowledging their accomplishments. Both Hershey and Barto retired in December 2016.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for November 15, 2016, through December 14, 2016. The report showed 76 traffic arrests and 39 criminal arrests for the month. There were 82 UCR reportable incidents and 503 CAD incidents for the month, with a total of 5,610 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$3,443.89.

Ginder thanked the Police Department for their service.

Report of Fire Department Mount Joy (FDMJ)

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

Report of Main Street Mount Joy (MSMJ)

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

Youngerman clarified that MSMJ would be taking over the Mount Joy Memorial Day Parade in 2017. Brewer said yes. She explained that the parade committee and MSMJ share many volunteers. Brewer said that by merging, the insurance will be cheaper and MSMJ will be able to help financially.

Report of the Milanof-Schock Library (MSL)

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

Basile said the Reading and Writing of Anne Frank Exhibit will begin on February 6, 2017. She said this is the first time the exhibit will be in Pennsylvania.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for December as well as the annual Zoning, Code and Planning Report and the annual Zoning Report.

Gibbs said the LERTA letters were distributed to property owners last week. Sulkosky said there was a very nice article in the Lancaster News Paper regarding the LERTA ordinance.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for December.

Salley reported that he passed the Building Codes Official test.

Murray said Council received an invitation to attend a meeting on February 1, 2017, to discuss the benefits and challenges of managing stormwater. Murray suggested that Salley attend the meeting.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for December.

Sulkosky asked Gibbs to report on the pre-construction meeting that she and Nissley attended for the Rail Enhancement Project.

Gibbs said the notice to proceed has not been released yet. She said at the meeting there was an emphasis placed on safety on the Amtrak rails. Gibbs reported that she and Nissley will attend an online safety training. She explained that pre-condition surveys

and notification plans to home owners are to be submitted by the contractors for the project managers to review prior to whatever phase they are in. Gibbs said a town hall meeting will take place after the notice to proceed but before construction commences.

Deering asked about the insurance claims on the report. Sulkosky said there was wind damage to a roof at Kunkle Field and the other claim was a police unit that was involved in an accident.

Report of Mayor

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

Mayor Bradley announced that Lancaster County Commissioners approved the LERTA for designated areas in Mount Joy on December 28, 2016. He said the passage of the LERTA is the result of a three year process. Bradley specifically thanked Stacie Gibbs and Scott Hershey for their hard work. He said their efforts were critical and played a pivotal role in helping him bring this powerful economic tool to successful passage. Bradley also thanked the Planning Commission, Borough Council, the Donegal School Board, and the Lancaster County Commissioners for their feedback and support. Bradley said that together we have taken a powerful step forward to increase the potential of investment in our community.

Bradley shared highlights of his trip to Japan with the American Council of Young Political Leaders (ACYPL).

Approval of the Minutes of the Previous Meeting

On a MOTION by Reese, and second by Ginder, approval was given for minutes of the Special Borough Council budget meeting held on November 22, 2016. *Motion carries unanimously.*

On a MOTION by Millar, and a second by Reese, approval was given for the minutes of the Special Borough Council budget meeting held on November 30, 2016.

Murray said the spelling of the Gerberich Payne building needs corrected. Murray also said the sentence, "Borough Manager Sulkosky said." needs to be removed. Murray asked Williams for clarification on the rotations for replacing police vehicles. Williams said the patrol vehicles are on a 5 year rotation and the unmarked vehicles are on a 10 year rotation. *Motion carries unanimously.*

On a MOTION by Ginder, and a second by Seidel, approval was given for the minutes of the regular Borough Council meeting held on December 5, 2016.

Murray said the word motion under Approval of the Minutes needs to be changed to the word minutes. *Motion carries unanimously.*

On a MOTION by Seidel, and a second by Millar, approval was given for the minutes of the Special Borough Council meeting held on December 19, 2016.

Deering said he was not at the meeting and his name needs to be removed from the roll call. Mayor Bradley suggested that a change be made to the Public Input Period reflecting the correct address of Bruce Haigh. Murray said the correct address should be Rose Petal Lane. *Motion carries unanimously.*

Administration and Finance Committee

Youngerman withdrew a MOTION made at the December 5, 2016, Council meeting, a request to approve Resolution #31-16, reestablishing and amending fees to be charged in connection with the administration of the Stormwater Management Ordinance, the Mount Joy Borough Property Maintenance Code for the filing of applications, permits, licenses, copying and other administrative fees.

On a MOTION by Youngerman, and a second by Ginder, approval was given for Resolution #1-17, a Resolution of Borough Council appointing the Chief Administrative Officer of the Non-uniform and Police Pension Plans. *Motion carries unanimously.*

On a MOTION by Smeltz, and a second by Reese, a request was made to approve Resolution #2-17, a Resolution of Borough Council reestablishing and amending fees to be charged in connection with the administration of the Stormwater Management Ordinance, the Mount Joy Borough Property Maintenance Code for the filing of applications, permits, licenses, copying and other administrative fees.

Youngerman urged Council not to force an appellant to pay for an expensive transcriber that they may or may not need. He said he believes it is the right of the appellant to decide if they want a court reporter.

On a MOTION by Youngerman, and a second by Millar, a request was made to amend Resolution #2-17, to strike the words in section 2 "have a stenographic record of the proceedings kept and", also that \$200.00 be reduced to \$75.00 and a sentence be inserted immediately thereafter that states, "the appellant may order a certified stenographer to make a recording of the appeal or pay the Borough an additional fee of \$125.00 to provide a certified stenographer."

Reese said if we do not have a stenographer then we are not following our attorney's advice. Smeltz said Youngerman's approach is reasonable and if we find that it is being abused we can change it. Smeltz said we do not want to burden our residents. Mayor Bradley made a suggestion to split the cost of the stenographer between the appellant and the Borough since the stenographer would be a benefit to both parties. He said that way, Council will be following the advice of our attorney. Roll call vote: Ginder, Millar, Smeltz and Youngerman voting yes. Deering, Murray, Reese and Seidel voting no. Tie vote 4 to 4. Mayor Bradley voting no. *Motion does not carry.* Roll call was then taken on the original MOTION made for Resolution #2-17 as provided. Roll call vote: Deering, Millar, Murray, Reese, Seidel and Smeltz voting yes. Ginder and Youngerman voting no. *Motion carries 6 to 2.*

On a MOTION by Youngerman, and a second by Ginder, approval was given for an agreement between the Borough of Mount Joy and the Mount Joy Borough Authority, providing for the reimbursement of the Borough by the Authority for the Public Works facility and the Borough Administrative Office Building. *Motion carries unanimously.*

On a MOTION by Youngerman, and a second by Ginder, approval was given to authorize the Borough Solicitor and Borough staff to draft amendments to certain sections of the Zoning Ordinance for accessory free libraries.

Murray asked if the books in the accessory free libraries would get as much circulation if they were in the MSL. Gibbs said she spoke with Basile and she is in favor of the accessory free libraries. Sulkosky said staff has been very proactive in this process. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Ginder, approval was given to authorize the Borough Solicitor and Borough staff to draft amendments to certain sections of the Zoning Ordinance to regulate wireless facilities in street rights-of-ways.

Smeltz discussed wireless facilities research he conducted and raised caution moving forward. He believes that Council should wait until this issue has been fully litigated by the Public Utility Commission. Gibbs said she agrees with Smeltz. She also added that regulations need to be put into place for wireless facilities in right-of-ways because currently the ordinance does not cover this issue. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Seidel, approval was given to authorize the Borough Solicitor and Borough staff to draft amendments to certain sections of the Zoning Ordinance to rezone the Cross Roads Brethren in Christ Church property located at 800 Donegal Springs Road from Low Density Residential Zoning District to Neighborhood Commercial Zoning District. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Ginder, approval was given for a request for a 90 day extension of time to record a Land Development Plan for SM Johns and Son Construction, LLC, located at 645 Donegal Springs Road, which expires January 17, 2017. *Motion carries unanimously.*

Report of the Public Safety Committee

No Public Safety items to present.

Report of the Public Works Committee

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

Nissley reported that the Marietta Ave Pedestrian Improvement Project plans are being reviewed by utilities and the PennDOT environmental unit. Nissley said in 2017 Public Works is planning to repaving South Plum Street from Wood Street to Donegal Springs Road. He said an audit will be done on sidewalks, curbs and handicap ramps to determine if they will need to be fixed or replaced. Nissley said he has been getting prices on survey work on North Plum Street from Pleasure Road to the Borough line. He explained that this area is jointly owned with Mount Joy Township. Nissley said the survey will be completed in 2017 and the paving will occur in 2018. Nissley said letters were sent to property owners on both of these projects so they are aware that this process is starting. Nissley said PennDOT has begun reviewing the plans for the Jacob Street Removal Project. PennDOT contacted the Borough to say there are some minor items that need addressed. Nissley said Sulkosky forwarded that information to HNTB Corporation, the engineers who prepared the plans.

Reese asked if the financing is in place for the Jacob Street Bridge Removal. Nissley said yes and that \$850,000.00 was approved by Transportation Incentive Program (TIP) for the project.

Public Input Period

No public input.

Any other matter proper to come before Council

Williams presented the 2017 Budget Summary that was approved by the Public Safety Committee. He explained that the number on the approved 2017 budget for the administrative staff did not match the number that the Public Safety Committee had approved. Williams asked that the administrative staff be paid according to the approved 2017 budget summary. Williams said the difference is approximately \$240.00.

On a **MOTION** by Smeltz, and a second by Reese, approval was given for a request to pay the schedule of payments for the police department staff reflecting the 2017 Budget Summary document as approved by the Public Safety Committee. *Motion carries unanimously.*

Seidel pointed out to Council that for 2016 the numbers are in the red by \$165,000.00. Sulkosky said that was due to paying off debt.

Authorization to Pay Bills

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

GENERAL FUND	\$	127,810.15
REFUSE/RECYCLING	\$	44,785.87
CAPITAL IMPROVEMENTS FUND	\$	-
HIGHWAY AID FUND	\$	274,846.17
TAX ACCOUNT	\$	9,137.33
ESCROW FUND	\$	1,402.50
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	457,982.02

Motion carries unanimously.

Meetings and dates of importance

See the calendar for the month of January 2017.

Murray announced there will not be an executive session following the meeting.

Adjournment

On a **MOTION** by Seidel, and a second by Millar, approval was given to adjourn the meeting at 8:50 PM. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary

