

MOUNT JOY BOROUGH COUNCIL
October 5, 2015 Minutes

The Mount Joy Borough Council held its regular meeting on October 5, 2015, at the Mount Joy Borough Office.

Council President Glessner called the meeting to order at 6:00 pm.

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

Roll Call- Present was: Councilors Mowrer, Murray, Reese, Youngerman, President Glessner, and Mayor Bradley. Councilor Deering arrived at 6:07pm, and Councilor Seidel arrived at 6:15pm. Also present were Borough Manager, Scott Hershey; Public Works Director, Dennis Nissley; Sergeant, Jose Ortiz, and Codes and Zoning officer, Stacie Gibbs. Councilor Metzler was absent.

Glessner announced there would be an executive session following the council meeting.

Glessner announced that candidates for the vacant West Ward Borough Council seat will be interviewed in public forum.

Earnest Morgan was interviewed first. Applicant shared about himself and Council followed up with questions. Glessner announced the meeting will move on to item #6 (and so on) on the agenda until next applicant arrives.

Glessner opened election for the office of President Pro-Tem of the Mount Joy Borough Council. Youngerman nominated Councilor Murray, with a second by Mowrer. Murray accepted the nomination. Mowrer made a **MOTION** to close the nominations, with a second by Seidel. *Motion carries unanimously.* Councilor Murray is elected as President Pro-Tem of the Mount Joy Borough Council.

Public Input Period

Ned Sterling, 13 W. Main St., asked for an update on the Local Economic Revitalization Tax Assistance Act (LERTA) ordinance. Hershey reported there was a draft ordinance drawn up; revisions made, and it was sent back to the solicitor for review. He said he and Mayor Bradley gave a presentation to the School Board regarding the program. He said once the ordinance is in final draft form, it will be sent to the County and School District Solicitors for review. Sterling said he heard talk about the Transit Revitalization Investment Districts (TRID) program and asked if that is a possibility. Hershey said that his understanding was that the LERTA and the TRID programs do not fit together...Murray asked if it would have to be one or the other and Hershey said yes.

Sterling asked if there is an update on the hiring of a Police Chief. Hershey reported that at the last Council meeting following the executive session, there was an offer made to Interim Police Chief Williams for a permanent position as Police Chief. He said they are in the process of working on an agreement for signature.

Sterling asked if there are any updates on the Jacob Street bridge. Hershey said there is nothing new from last month. He said they are still working on an agreement with Amtrak and an extension from the Public Utility Commission. Reese asked when work would have to be started if we do not receive an extension. Hershey said work should have been started a long time ago. He said we have 100% of the plans done, but need approval from Amtrak. He said we are waiting for an agreement, and that these are the next big steps other than funding.

Joanne Pinkerton, 127 Park Ave., spoke representing Kids Joy Land. She said the building process was a success with many participants and thanked everyone who had a part in that. She asked permission if the Rotary Club would need permission from Council to sell the remaining pickets. She said there are approximately 218 pickets left to sell.

Youngerman asked where the proceeds of the picket sales would go. Pinkerton said they would go into the fund that the Memorandum of Understanding states them to go for maintenance and repair of the park. Glessner suggested talking about this further during item #14, "Any other matter to come before council".

Jacqui Eschbach, 123 S. Barbara St., and Malisa Jordan, 122 S. Barbara St., spoke concerning disturbing activity on their street. There are children unattended, quarrels in the middle of the night, drunkenness, foul language, possible drug trafficking, etc. They said it has changed the whole block and the quality of life there. Sargent Ortiz encouraged them to continue to call when things are going on. He said he will make the other officers and the landlords aware of this and keep a watch.

Deborah Morgan, 39 Springville Rd., asked what the speed limit is there. Ortiz said 25 mph. Morgan said that people do not follow that speed limit. Otriz said he will address the other officers and keep a watch.

Glessner announced public input period will now be closed. He said Council will continue with the interview process for the vacant West Ward Borough Council seat.

Mary Ginder was interviewed. Applicant shared about herself and Council followed up with questions.

Glessner announced there are no further interviewees and that Council can vote on a candidate if they so desire.

Reese gave a **MOTION**, with a second by Deering, to appoint Mary Ginder to the West Ward Council seat. *Motion carries.* Councilor Mowrer voting no. All other council members voting yes.

Hershey stated there would have to be an affidavit of residence and oath of office, and requested a motion for Resolution 15-15, appointing Mary Ginder as Councilman for the West Ward.

On a **MOTION** by Murray, and a second by Seidel, approval was given to adopt Resolution 15-15, appointing Mary Ginder to the West Ward Council seat for Mount Joy Borough, Pennsylvania. *Motion carries unanimously.*

Report of Mayor

Mayor Bradley provided and reviewed a written monthly report for September 2015.

Bradley thanked the Kids Joy Land Committee, the Rotary Club and everyone involved in the build. He said it was an amazing thing of which to be a part.

Seidel asked the Mayor for his opinion on the deployment of Narcan, a prescription medicine that blocks the effects of opioids and reverses an overdose. Bradley said it brings a person out of the drug affects immediately and is known to save lives. Seidel asked if there would be documentation required with the use of Narcan. Bradley said yes and the documentation could be provided.

Deering asked if Council will be opening public input again. Glessner said there was a change in the meeting schedule and that there is another public input period later in the agenda. Seidel said he feels that public input should be opened again now.

On a **MOTION** by Seidel, and a second by Deering, approval was given to re-open public input period. *Motion carries unanimously.*

Brian Bechtold, 317 Brittany Lane, Wyatt Hall, 103 Talbot Street, Michael Green, 401 Sagamore Hill, Drew Helm, 301 Alden Street, Josh and Madalyn Weaver, 1101 Reagan Street, and Guy Linebarger, 101 Talbot Street, spoke concerning street dedication at the Florin Hill development. They are still living with unfinished roads and limited law enforcement and it is a hazard. They said that there are parking issues and speeding is out of control.

They feel they are getting the run around between Charter Homes and the Borough. They said at the last home owners' association (HOA) board meeting a representative from Charter Homes told them that building Phase 3 of the development will not move ahead until Phase 2 homes are sold, yet the Borough is telling them that street dedication will not happen until all construction is complete. The residents are upset that they have to wait for finished roads and law enforcement and asked why street dedication cannot/is not being done now. They urged Council to see if something can be done to nudge Charter through this process and see that the streets get dedicated. Mayor Bradley stated that he is sympathetic to the situation and would be willing to help facilitate a conversation to attempt to resolve the issues.

Hershey explained that the Borough does not accept dedication of streets until developed 95% or more of the building construction is completed. He said it is a matter of liability and past practice has been not to accept responsibility for streets when they , will have construction vehicles traveling on them. He said an extended street warranty was proposed to Charter an but they were not willing to accept the propoal. He said there was a residents meeting concerning this and it was expressed to residents that the Borough is open to suggestions to resolve the issue.

Sargent Ortiz said that because the streets are not dedicated, the officers can only ticket for a criminal action. Mayor Bradley suggested setting aside time to meet with Chief Williams to give the residents correct information as to what our officers can enforce on undedicated streets. Gibbs said that at the last residents' meeting a list of contact information for Charter Homes, the HOA, and the apartment management company. Procedures to report issues was also provided. The residents asked for a list of the services the Borough provides. They also asked for a copy of the agreement the Borough proposed to Charter.

Reese said that we have to take this one step at a time and suggested the residents accept the offer from Mayor Bradley to facilitate and initiate discussion.

Don Zerphy, 231 Blossom Trail, spoke of Mount Joy Borough Historical Society. He said they are in the process of renovating the old school house, with anticipated completion being May of 2016. He said it will be a community meeting room with a seating capacity of 90, as well as a galley kitchen. He said people will be able to use the old school house for events. He encouraged residents to check it out.

Glessner closed public input period.

Report of the Chief of Police

A written monthly report was provided for August 15, 2015 through September 14, 2015. The report showed 59 traffic arrests and 30 criminal arrests for the month. There were 91 UCR reportable incidents and 448 CAD incidents for the month, with a total of 3411 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$3,285.68. Seidel commended police for the continued increase in the number of closed detective cases.

Report of Fire Department Mount Joy (FDMJ)

William Hall, Fire Chief, Fire Department Mount Joy, reviewed a written monthly report for September 2015.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ manager, distributed a financial report for MSMJ to all Council members. She said the report tells where MSMJ is at financially and where they are working on cutting back. She said they will continued to operate through the year 2015. She thanked the MSMJ board, volunteers, and all supporters. She said they are waiting to hear from Pennsylvania Downtown Center (PDC) about funds for Main Street programs in the State budget.

Youngerman said he hopes Council can address things concerning MSMJ before budget season and get a head start on budget discussions. Deering asked if the partnership MSMJ has with business owners is "real money". Brewer said yes. Deering asked if MSMJ owes the Borough any money. Brewer said no.

Report of the Milanof-Schock Library

Debra Rosser-Hogben, Executive Director of Milanof-Schock Library, provided and reviewed the third quarter written report.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed the written monthly report for September 2015.

Murray asked about the Flood Insurance Rate Map (FIRM) updates and if it is a large project. Gibbs said that changes concerning the Borough are minimal.

Report of Stormwater Officer

Ken Barto, Stormwater Enforcement Officer, provided a written monthly report for September 2015.

Report of the Borough Authority Manager

Authority Manager, John Leaman provided a written monthly report for September 2015.

Report of the Borough Manager

Hershey provided and reviewed the written monthly report for September 2015. Hershey announced the November 2, 2015, Borough Council meeting will begin at 6:00pm.

Mayor Bradley spoke concerning the LERTA. He said it may be helpful to have a meeting on LERTA versus the TRID. He suggested stopping the solicitor's work on the LERTA to save cost, and have a meeting first to understand both programs and go from there. Gibbs said she will send information she found on the TRID to all Council members. Brewer said she can tie a TRID meeting into the MSMJ meeting to save on cost..Brewer said she will get a date for this at the MSMJ's board meeting tomorrow.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Youngerman, and a second by Seidel, approval was given for the minutes from the Regular Borough Council Meeting held on September 8, 2015. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Murray, approval was given to adopt Resolution #14-15, appointing Kyle R. Miller to the Mount Joy Borough Planning Commission. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to accept the resignation of Kyle R. Miller from the position of alternate on the Mount Joy Borough Zoning Hearing Board. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to authorize the Borough Solicitor to advertise and send notices for a Petition to Amend the Mount Joy Borough Zoning Ordinance, submitted by H&R Transload, LLC, located at 900 Square Street, Mount Joy, to change the zoning classification of a tract of land containing 0.38 acre, more or less, situate of the south side of Square Street and West side of South Market Avenue, (known as 207 South Market Avenue) which now includes the adjoining Penn Central Transportation Co. Easement being 8 feet by 216 feet, more or less and which was part of 900 Square Street, from Medium Density Residential to Light Industrial Zoning District. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to adopt the Revised Job descriptions for Borough Non-Uniformed Employees. *Motion carries unanimously.*

Report of the Public Safety Committee

Deering opened discussion for Narcan deployment information. Mayor Bradley said there is nothing further to add that what was previously shared. Seidel asked what the average amount of Narcan usage will be for our police department. Bradley said the deployment is not in place yet. Seidel asked how many times this could have potentially been used by our police department in the last year. Bradley said there were 7 overdoses last year and as of the end of August this year, there have been 10.

On a **MOTION** by Deering, and a second by Reese, approval was given to extend the Interim Police Chief Agreement with Maurice M. Williams, Jr., until such time that the Police Chief Agreement is executed by Chief Williams and the Borough. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Reese, approval was given for a request by Main Street Mount Joy to close East Main Street between Market Street and Barbara Street from 1:00 PM to 8:00 PM, on Saturday December 5, 2015, for the Winterfest Event and to authorize the Chief of Police to complete and submit the required applications to PennDOT for the closure. *Motion carries unanimously.*

Report of the Public Works Committee

Nissley provided and reviewed the monthly written report for September 2015.

Nissley reported that it was great working with the team from Rotary Club and the community on the building of Kids Joy Land. Nissley reported on Marietta Ave. Bridge. He said the bridge deck is complete except the side barriers. He said the contractor is working on installing water lines and sidewalks.

Nissley reported that there are a couple unopened alleys in the Borough that have stop signs in the alley that are in need of maintenance and repair. He said Public Works would like to remove the signs since the alleys are unopened and not the Borough's responsibility. Bradley asked what an unopened alley is. Hershey said it is an alley the has not been dedicated to the Borough. Seidel asked who owns and maintains the alleys. Hershey said the adjacent property owners. Seidel asked if the stop signs serve a purpose with public safety. Hershey said they should not have been installed and now it is time to spend money to maintain them or remove them. Deering asked what cost is involved. Nissley said a couple hundred dollars, but if we fix them it may set precedence for others. Sargent Ortiz said that if the stop sign is taken down in the alley at the La Pierre House, it will be dangerous. Hershey suggested taking it to public safety committee. Reese and Glessner agreed.

Nissley reported on the Bridge Boulevard the resurfacing project planned for 2016. He said letters were sent to residents to inform them that curbs and sidewalks will need to be constructed and brought up to code.

On a **MOTION** by Seidel, and a second by Mowrer, approval was given to waive the requirements of filing a Subdivision and Land Development Plan to separate the Deed of Easement section of land between UGI and Walter S. Ebersole Post of the American Legion No 185, and join in common with the American Legion lot to create an enlarged lot, or to create a separate lot, conditioned upon Borough Council accepting fee title, a deed with a new perimeter legal description of the enlarged American Legion lot, or separate lot being recorded, and conditioned upon the costs for surveying work to prepare and record the legal description being assumed by UGI Utilities, Inc.

Gibbs provided and reviewed the detailed memo concerning this property. Seidel asked if Council should ask for Bruce Haigh's input regarding this. Glessner said he would allow it. Bruce Haigh, 504 Rose Petal Lane, explained the findings of his research concerning this property. *Motion carries unanimously.*

On a **MOTION** by Seidel, and a second by Mowrer, approval was given to waive the requirements of filing a Subdivision and Land Development Plan to join in common 223-225 W. Main Street, conditioned upon Borough Council accepting fee title, a deed with a new perimeter legal description of the enlarged lot being recorded, and conditioned upon the costs for surveying work to prepare and record the legal description be the responsibility of UGI Utilities, Inc. *Motion carries unanimously.*

On a **MOTION** by Seidel, and a second by Mowrer, approval was given to authorize the Borough Manager to execute a memorandum of understanding with the Lancaster County Conservation District outlining responsibilities of both parties in fulfilling requirements of the Municipal Separate Storm Sewer System (MS4) regulations and validating the linkage between the parties as required by MS4 protocol. *Motion carries unanimously.*

On a **MOTION** by Seidel, and a second by Mowrer, approval was given for a request by the Mount Joy Cyclones football team to use Florin Park for a practice field.

Nissley reported that the Borough Parks Superintendent does not recommend approval this because the park is small, with limited parking, it is close to residential areas, and there are concerns about noise. Deering said that the Cyclones relocated their practice field at Grandview field so that the Mount Joy Athletic Association could build their softball field and thought the Florin field was an underutilized park and would be an opportunity to make use of it. Mayor Bradley suggested approving the motion and that if it becomes a problem, it can be brought back to Council. *Motion carries unanimously.*

David Boucher, Operating and Training Officer for Lancaster County Emergency Management Agency (EMA), presented Mayor Bradley with his Basic Certification for Pennsylvania EMA.

Public Input Period

Ned Sterling, 13 W. Main St., asked for the address of the Wenger Feeds building that is to be demolished. Gibbs said 230 S. Market Ave.

Bob Golicher, 6 New St., spoke concerning the stop signs in the undedicated alleys. He said he understands it may be a dangerous area without the stop signs, but maintaining it creates a double standard. He said the Borough should do the right thing and take the stop signs away.

Golicher spoke concerning the right to know requests the Borough keeps receiving. He said they are becoming more complex with a lot more time and effort needed by staff. He said the Borough should take a look at the cost attached and if this is a problem that needs a solution.

Golicher spoke concerning the pedestrian crosswalk signs that are so beat up and old that you cannot even read them. He said they need to be removed.

Bruce Haigh, 504 Rose Petal Lane, asked what the intended use of the UGI-PPL area at the American Legion property is going to be. Hershey said there is a concept plan for a landscaped park with benches. Haigh asked if the American Legion building is going to stay. Gibbs said yes, that the UGI-PPL area is not on the American Legion property.

Any other matter proper to come before Council

On a **MOTION** by Seidel, and a second by Reese, approval was given to permit Rotary Club to continue to sell pickets for Kids Joy Land to augment maintenance cost. *Motion carries unanimously.*

Authorization to Pay Bills

On a **MOTION** by Youngerman, and a second by Murray, the Council unanimously approves paying the bills as presented:

GENERAL FUND	\$	63,812.26
REFUSE/RECYCLING	\$	45,965.40
CAPITAL IMPROVEMENTS FUND	\$	683.17
HIGHWAY AID FUND	\$	23,704.21
TAX ACCOUNT	\$	5,648.50
ESCROW FUND	\$	35,799.54
JOY LAND ACCOUNT	\$	11,935.65
GRAND TOTAL EXPENDITURES	\$	187,548.73

Motion carries unanimously.

Meetings and dates of importance

See the orange calendar for the month of October 2015.

Council took at ten minute recess from 9:40 to 9:50 and went into Executive Session at 9:50 PM to discuss possible litigation and personnel matters. Council came out of Executive Session at 10:38 PM.

On a **MOTION** by Seidel and second by Deering, Council unanimously approved amending the September 8, 2015, Borough Council meeting minutes, under "Meetings and Dates of Importance", adding "*Motion carries unanimously*" to follow:

"Metzler made a motion with a second by Reese to hire Maurice M. Williams, Jr. Following brief discussion, Metzler amended the motion with a second by Reese adding "pending final details of the agreement being worked out the acceptance of both parties".

On a **MOTION** Reese and second by Murray, Council approved a Settlement Agreement and Release between Mount Joy Borough and Farhat Excavating, LLC and authorized the Borough Council President or Vice-President and the Borough Secretary or Assistant Secretary to sign the agreement. *Motion carries.* Seidel and Deering voting no.

Adjournment

On a motion by Murray and a second by Youngerman, approval was given to adjourn the meeting at 10:45 PM. *Motion carries unanimously.*

Respectfully Submitted,



Scott Hershey
Borough Manager/Secretary

