

**MOUNT JOY BOROUGH COUNCIL**  
**October 4, 2021, Minutes**

The Mount Joy Borough Council held its regular meeting on October 4, 2021.

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

Roll Call- Present were Councilors Dominic Castaldi, Joshua Deering, Lu Ann Fahndrich, Mary Ginder, William Hall, Michael Reese, Bob Ruschke, Brian Youngerman and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Mark G. Pugliese I; Assistant Borough Manager, Jill Frey; Stormwater Officer, Dave Salley; Codes and Zoning Officer; Stacie Gibbs; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley. Absent were Councilor David Eichler; and Public Works Director, Dennis Nissley.

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

President Hall announced they will be going into Executive Sessions now, 7:02 PM, to discuss a personnel matter related to Public Works Department. Council came out of Executive Session at 7:11 PM. No decisions were made. There may be action taken on one of the Public Works agenda items.

On a **MOTION** by Reese, and a second by Ruschke, approval was given to accept the revised agenda for the October 4, 2021, Borough Council meeting. *Motion carries unanimously.*

**Public Input Period**

Raeann Schatz, property owner of 1090 W Main St., handed out pictures to Council of the Melhorn stormwater retention basin that is adjacent to the Mount Joy Borough basin after Ida dropped five and a half inches of rain on Mount Joy on September 1, 2021, which is equivalent to a 25-year storm. She said that the Borough's engineers stated that basin would not overflow its berm with a 25, 50 or 100-year storm. She said with the pictures she gave Council you can see that statement is false. She is asking Council to have the Borough exercise their authority under the existing stormwater management agreement and easement to require the Melhorn basin to be built to hold the 100-year storm original design capacity and restore the basin to its original elevation as approved by Borough Council. Schatz stated that the runoff from the Melhorn basin runs into the same AMTRAK culvert that the runoff from the Borough basin runs into and this in turn puts unaccounted runoff into the area and that in turn contributes to the flooding of their property.

Ned Sterling, 13 West Main St., commented about the demolish of the historic 1880 single family home located at 922 West Main Street. The demolish of this property will create a total of 11 properties demolished from the 2014-2021. Seven of these have resulted in creation of vacant lots on Main Street, three converted into parking lots and one into a park. He hopes the Planning Commission will be able to review the existing zoning ordinance related historic preservation to try and get a conditional use approval by Borough Council before issuing demolish permits. Sterling asked some questions regarding the Community Foundation and the members. He also inquired about the Brady Alley item on the agenda.

Bruce Haigh, 504 Rose Petal Ln., distributed and reviewed a packet that he prepared for Council that pertains to the drainage area of the Melhorn basin and the Borough basin. He stated that there has been a long dispute between ARRO and himself as to the use of the 3/7 Rational Hydrograph. The Borough Ordinance says you can use it but has to be appropriate. He stated his agreement all along is that the 3/7 Rational method that Borough Engineer is using is not appropriate for this drainage area. Haigh compared his calculation and ARRO's calculation. He stated that when ARRO did their analysis they totally ignored the Melhorn basin when they did their calculation. He said the only flows they considered was the 28 acres to the basin and the 5 acres that flows through the Schatz property and to the AMTRAK culvert. He does not think there was anything malicious, but they never validated that the 3/7 Rational method was appropriate. He said mother nature has spoken and gave a 25-year storm and ARRO was wrong, and his calculations are right. He feels you need to go back and re look at the basin using the SCS Dimensionless Hydrograph. He feels something needs to be done with the Melhorn basin. ARRO never consider those flows and they should have. He asked Borough Council to require that this be analyzed using the SCS Dimensionless Hydrograph and that ARRO has to consider any discharge from the Melhorn basin.

Dale Murray, speaking for MSMJ, also commented on the demolish of properties on Main Street.

**Report of Mayor**

Mayor Bradley said he would email Council his report for September.

**Report of the Chief of Police**

Robert Goshen, Police Chief, provided a written monthly report for August 1, 2021, August 31, 2021. The report showed 39 traffic arrests and 13 criminal arrests for the month. There was a total of 722 incidents for the month of August, with a total of 5,526 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,676.70.

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

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for August 2021.

**Report of PSH Life Lion LLC**

Adam Marden provided a written monthly report for August 2021.

**Report of EMA**

No Report.

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

Dave Schell, Executive Director, provided a monthly report for September 2021.

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

Joseph McIlhenney provided a written monthly report for September 2021.

**Report of Codes and Zoning Officer**

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for September 2021.

**Report of Stormwater Officer**

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for September 2021. Salley reported the Rotary Park swale stormwater project is moving along. He said the first section is finished and there is green grass growing. Salley also reported the Little Chiques Creek bank restoration grant project is up and running. Salley informed Council he submitted the annual MS4 report.

**Report of Public Works Director**

Dennis Nissley, Public Works Director, provided a written report for September 2021.

**Report of the Borough Authority Manager**

No Report.

**Report of the Borough Manager**

Mark G. Pugliese I, Borough Manager, provided a written report for September 2021.

**Approval of the Minutes of the Previous Meeting**

On a **MOTION** by Ginder, and a second by Reese, approval was given for the minutes of the regular Borough Council meeting held on September 13, 2021. *Motion carries unanimously.*

**Administration and Finance Committee**

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve the appointment of Stanley Tucker to the Mount Joy Community Foundation Board. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a seconded by Reese, a request was made to authorize staff to take appropriate steps to reclaim the parcel known as Brady's Alley to ensure that residents along Fairview Street will continue to have access to the rear of their properties as well as installing storm water piping and inlets along said alley. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to adopt resolution 11-21 as amended, to encourage and support the planning, design, operation, and maintenance of streets so that they are safe for all ages and abilities and provide a multimodal transportation network. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve the release of the remaining financial security in the amount of \$86,968.20 for Farmview Properties. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to adopt Resolution 15-21, a resolution for the procurement of professional services contracts for the Borough of Mount Joy's Non-Uniform and Police Pension Plans in accordance with the PA Department of the Auditor General's audit findings dated March 3, 2021. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to advertise Ordinance 9-21, an ordinance to amend the Code of Ordinances of Mount Joy Borough, Chapter 232, Streets and Sidewalks to a new Article VII, small wireless facilities deployment for adoption at Council's November 1, 2021, meeting. *Motion carries unanimously.*

Hall asked if Borough Council wants to send a letter to elected state officials regarding this issue. Deering said he is in favor of sending a letter. Mayor Bradley suggests a letter be sent to the elected state officials expressing Council's thoughts on this issue. Hall said he thinks it would be a good idea to send the letter. Castaldi agreed and said the elected state officials should be aware of how Mount Joy's elected officials feel regarding this issue. Youngerman said he would compose a letter along with input from other Council members. He will have the letter complete in time for the October 28, 2021, Administration and Finance Committee meeting. After review, it can then be presented at the November Council meeting for approval.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to advertise Ordinance 10-21, an ordinance to amend the Code of Ordinances of Mount Joy Borough, Chapter 255, Vehicles and Traffic for adoption at Borough Council's November 1, 2021, meeting. Fahndrich offered an **AMENDMENT**, with a second by Castaldi, to remove a stop sign on Jacob Street at New Street and to authorize a stop sign on New Street at Jacob Street. *Amendment carries unanimously. Main motion as amended carries unanimously.*

Deering led a discussion of changes to Chapter 182 of the Mount Joy Borough Code of Ordinances regarding recommendations as set forth by Borough Solicitor. Deering stated this is regarding the rule changes to the parks. This discussion is specific to the minimum fine that is set of \$25.00. The solicitor is asking if this is what we want it to be. Pugliese commented that our current park and recreation ordinance is missing a number of things. For example, there is no penalties listed, no enforcement capability and no statement of who would enforce it. Pugliese said when he asked the Borough Solicitor to draft the changes to the park rules, she took it upon herself to make the provision for the penalties and enforcement and along with that there is a statement of enforcement of purpose and a definition of term. She also authorized the police officers are able to enforce the regulations. She wanted to make sure you were aware of that.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to advertise Ordinance 11-21, an ordinance to amend the Code of Ordinances of Mount Joy Borough, Chapter 182, Parks and Recreation Areas for adoption at Borough Council's November 1, 2021, meeting. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve a 3-month extension in which to record the Land Development Plan for Mount Joy Senior Housing, 240 W, Main Street, Mount Joy, to January 13, 2022. *Motion carries unanimously.*

Hall acknowledged receipt of the 2021 Susquehanna Municipal Trust Dividends of \$15,000 for years 2013, 2014, 2016, and 2017 plan years.

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

On a **MOTION** by Fahndrich, and a second by Castaldi, a request was made to accept the resignation of Officer Luis G. Mendez, Jr. and acknowledge his 32 years of both full & part-time service to the citizens of Mount Joy Borough effective November 1, 2021. *Motion carries 7-1, Hall voting no.*

Ginder commented he has been an excellent officer for all those years and the people of the town really appreciate everything he did.

Deering commented he is a great guy; everyone loves being around him and he brought a lot of fun to events. He was a good asset to the Borough and will be missed.

Mayor commented that it states on the agenda there would be a presentation by Mayor Bradley regarding Mendez's resignation. This was a miscommunication, and this will take place at a later date.

Hall commented he cannot imagine Mount Joy Borough without Mendez and he will be voting no on accepting the resignation of Mendez.

Castaldi asked to go back to item 10j on the agenda and turn the floor over to Gibbs to address 10j. Gibbs said they did submit a formal letter for the request. It was just missed in the packet.

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

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made to adopt the Public Works incentive adjustments as presented on the document *Motion carries unanimously.*

#### **Building Ad Hoc Committee**

Deering reviewed a copy of a memo from Crabtree regarding the square footage of the Wells Fargo building and the square footage of the current Borough building. The Chief commented that there is a third floor to the building. Todd representing Crabtree said he feels the building looks a lot bigger on the outside than what it actually is on the inside. He stated in order to create a more usable square footage within the building it would be very costly. The mayor questioned if the Police Department needs to be in the same building as the Borough and the Authority. Todd with Crabtree comment that the benefits of having everybody in the same building is lack of redundancy. You would have a centralized mechanical room and a centralized main lobby with administrative personnel controlling all three areas. Mayor Bradley commented that the elected officials of the Borough should look at all options and tour the Wells Fargo building. Hall feels there would be better use for the Wells Fargo building. He also feels like the Police Department needs to be in the same building with the Borough same for the Authority. Castaldi and Ginder agreed with the mayor that they should keep all options open and tour the Wells Fargo building. Chief Goshen would like Todd from Crabtree to also tour the building along with the elected officials. Deering said he would set up a date and time for the tour of the Wells Fargo building.

**Public Input Period**

Bruce Haigh, 504 Rose Petal Ln., questioned item 10g on the agenda and a past request for a stop sign in the area of Florin and School Lane. Chief Goshen gave an explanation to why this is a different situation that the past request.

Dave Schell, representing MSMJ, applauds Council's decision to tour the Wells Fargo building.

Dale Murray, 120 Farmington Wy., expressed his concern of the price for the new building.

Ned Sterling, 13 W. Main St., said he thinks the Police Department should stay where it is, and the Borough and Authority move to the Wells Fargo building.

**Any other matter proper to come before Council**

None

**Authorization to Pay Bills**

On a **MOTION** by Youngerman, and a second by Reese, Council approved paying the bills as presented from September 1 – September 30, 2021.

GENERAL FUND	\$	455,169.79
REFUSE/RECYCLING	\$	54,334.31
CAPITAL IMPROVEMENTS FUND	\$	443.11
HIGHWAY AID FUND	\$	97,194.80
ESCROW FUND	\$	370.00
JOY LAND ACCOUNT	\$	260.00
GRAND TOTAL EXPENDITURES	\$	607,772.01

*Motion carries unanimously.*

**Meetings and dates of importance**

See the Orange calendar for the month of October 2021

**Executive Session**

Council went into Executive Session at 9:17 PM to discuss personnel issue regarding Collective Bargaining Agreement. Council came out of Executive Session at 10:03 PM. No decisions were made.

**Adjournment**

On a **MOTION** by Reese, and a second by Ruschke, approval was given to adjourn the meeting at 10:03 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese I  
Borough Manager/Secretary