

MOUNT JOY BOROUGH COUNCIL
November 1, 2021, Minutes

The Mount Joy Borough Council held its regular meeting on November 1, 2021.

President Hall called the meeting to order at 6:00 PM.

Roll Call- Present were Councilors, Joshua Deering, Lu Ann Fahndrich, Mary Ginder, William Hall, Michael Reese, Bob Ruschke, and Brian Youngerman. Staff present were Borough Manager, Mark G. Pugliese I; Assistant Borough Manager, Jill Frey; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Codes and Zoning Officer, Stacie Gibbs; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley. Mayor Timothy Bradley, Jr. joined the meeting at 6:21 PM; Councilor, David Eichler joined the meeting at 6:27 PM and Councilor, Dominic Castaldi joined the meeting at 6:39 PM.

Youngerman stated he will be leaving the meeting for a short period and will be returning later. Reese will conduct the business of the Administration and Finance Committee in his absence.

President Hall gave the invocation, and the Pledge of Allegiance followed.

President Hall announced there will be an Executive Session at the end of tonight's meeting to discuss the Police Collective Bargaining Agreement as well as a legal matter.

On a **MOTION** by Ginder, and a second by Youngerman, approval was given to accept the agenda for the November 1, 2021, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Ned Sterling, 13 West Main St., asked why the property at 13 East Main Street was not included as the four other properties that are going to be surveyed. Hall said he believes when property was purchase it is deeded as one property with 15 East Main St. so therefore it will be surveyed along with all the others. Sterling also commented on the list of street trees regarding 9E on the agenda.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for September 1, 2021, to September 30, 2021. The report showed 49 traffic arrests and 28 criminal arrests for the month. There was a total of 695 incidents for the month of September, with a total of 6,221 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$4,101.01.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided a written monthly report for September 2021. Gohn joined the meeting later to answer any questions.

Report of PSH Life Lion LLC

Adam Marden provided a written monthly report for September 2021.

Report of EMA

No Report.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a monthly report for October 2021. Schell joined the meeting later to answer any questions

Report of the Milanof-Schock Library (MSL)

Joseph McIlhenney provided and reviewed a written monthly report for October 2021.

Report of Codes and Zoning Officer

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

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for October 2021. Salley stated that DEP did an audit of the Borough's storm water written program which includes public education, public involvement, list of discharge protocols, any type of post construction stormwater BMPs and also good house keeping measures. They also went and looked at three random outfalls that go into Little Chiques Creek and three post construction BMPs throughout the Borough. After her review, she was satisfied with all the material that was provided to her and did not have any additional questions or comments. Salley said they will be getting a report back from her within the next couple of weeks.

Report of Public Works Director

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

Report of the Borough Authority Manager

Joseph Ardini, Authority Manager, provided a written monthly report for October 2021.

Report of the Borough Manager

Mark G. Pugliese I, Borough Manager, provided a written report for October 2021. Pugliese said he is meeting with PennDOT and Public Works on Main Street along Norfolk Southern to come up with a game plan for fixing the road in that area.

Approval of the Minutes of the Previous Meeting

On a MOTION by Reese, and a second by Ruschke, approval was given for the minutes of the regular Borough Council meeting held on October 4, 2021. *Motion carries unanimously.*

Administration and Finance Committee

On a MOTION by Reese, and a second by Ruschke, a request was made to adopt Ordinance 9-21 to amend the Code of Mount Joy Borough, Chapter 232, Streets and Sidewalks, to add a new article VII, Small Wireless Facilities Deployment. *Motion carries unanimously.*

On a MOTION by Reese, and a second by Ginder, a request was made to adopt Ordinance 10-21 to amend the Mount Joy Borough Code of Ordinances, Chapter 255, Vehicles and Traffic, to establish a part of Williams Alley as a one-way street, revise stop intersections and revise parking regulations. *Motion carries unanimously.*

On a MOTION by Reese, and a second by Deering, a request was made to adopt Ordinance 11-21 to amend the Code of Ordinances of Mount Joy Borough, Chapter 182, Parks and Recreation Areas, to revise and restate rules governing the use of and conduct within Borough parks and recreation areas. *Motion carries unanimously.*

On a MOTION by Reese, and a second by Ruschke, a request was made for the purchase and installation of video conferencing equipment as quoted by EdgeUp in the amount of \$35,981.00 with an additional cost of installing four electrical outlets by Hertzler Electric, Inc in the amount of approximately \$1,450.00 and installation of network line by 12:34 in the amount of \$458.00 for a total cost approximately \$37,900. Said funds being drawn from 2020 Cares Act Funding. *Motion carries unanimously.*

Pugliese stated he is working with Josele on a policy for the video conferencing of meetings. He said Dean from EdgeUp is present tonight to answer any questions.

Ruschke asked if the equipment can be moved to another location. Dean from EdgeUp said yes.

Hall asked if you could add on additional equipment in the future. Dean from EdgeUp said you could add additional monitors but not any additional microphones.

Fahndrich asked if it is going to be interactive. Hall said that would depend on the platform that would be used and the policy.

On a MOTION by Reese, and a second by Ginder, a request was made to approve, a request from the Chair of the Building Ad Hoc Committee to spend funds from Capital Funds Budget to have Borough property located at 15, 17, & 21 East Main Street surveyed at a cost not to exceed \$11,000. *Motion carries unanimously.*

On a MOTION by Reese, and a second by Deering, a request was made to approve a 1-year extension of the Compost Facility Usage Agreement with Mount Joy Township with a fee increase from \$25.00 per ton to \$30.00 per ton. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Ruschke, a request was made to approve a six-month extension of time until April 6, 2022, for Charter Homes to record the Revised Subdivision Plan for Blocks F & M in the Florin Hill Development for Phases 1 and 2B. *Motion carries. Hall voting no.*

Faranda-Diedrich from Charter Homes was present to answer any questions. He stated this is the second time asking for an extension due to a legal matter concerning a dispute within the partnership. Once this is resolved they will be able to move forward.

On a **MOTION** by Reese, and a second by Ginder, a request was made to authorize the Planning Commission, Solicitor and Borough Engineer to begin review and provide recommendations for Zimmerman Home Builders and Donsco rezoning and zoning map amendments to a +4-acre tract of vacant land on the southern end of S. Barbara Street, from Low Density and Medium Density Residential, to Medium High Density Residential to allow for the development of +/- 32 townhomes. *Motion carries unanimously.*

Present were Bill Swiernik with David Miller Associates and Brian Zimmerman from Zimmerman Home Builders to answer any questions.

Deering expressed his concerns with the added traffic in that area and asked if there are other options available.

Eichler commented he liked the planned off-street parking so there would be no need to use Barbara Street for parking. Hall and the developer said they have driveway parking and one car garages (3 spaces per unit) along with an overflow parking lot. Eichler also inquired about stormwater in that area. The developer stated they already discussed this with Donsco and Laurel Harvest to modify the basin already there. He stated that there is adequate space to accommodate for this project.

On a **MOTION** by Reese, and a second by Deering, a request was made to approve a waiver of Section 240-27 Preliminary Plan processing to file a Preliminary Plan prior to a separate Final Plan. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Ginder, a request was made to approve a waiver of Section 250-46.C.(1) Curbing, requesting relief from the requirement that curbing shall be provided along the edge of any landscaped portions of a parking facility. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Ruschke, a request was made to approve a waiver of Section 240-55.G.2 Street Trees, requesting relief from the requirement of having to install 6 street trees a minimum average of one street tree for each 40 feet of length of new street or existing street frontage measured at the centerline, and only install 1 street tree. *Motion carries unanimously.*

Deering asked if all trees were discussed on the list. Todd Smeigh with DC Gohn said he was not part of the meeting regarding the street trees however Gibbs was. Gibbs said there was discussion but there is more to this like clear site issues and other issues and feels street trees would not work. Hall asked Smeigh to present the plan to Council. The plan proposes adding four trees; however, they are not street trees. Mayor Bradley asked if there is any way to put six trees on the property. Gohn does not believe so.

On a **MOTION** by Reese, and a second by Deering, a request was made to approve a waiver of Section 226-32.A(2)(c) Loading Ratios, requesting relief of the requirement that the maximum loading ratios in Karst areas shall be 5:1 total drainage area to infiltration area, and 3:1 impervious drainage area to infiltration area. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Ginder, a request was made to approve a Preliminary/Final Land Development Plan to add 8,752sf for parking, 2,350sf for a basketball court, 1,016sf for private sidewalks, and to install a rain garden conditioned upon the Borough Solicitor and Borough Engineer comments being addressed, and a Stormwater Management Agreement being recorded. *Motion carries 6-2. Castaldi and Eichler voting no.*

On a **MOTION** by Reese, and a second by Ruschke, a request was made to change the Mount Joy Borough Historic Resource Request Form for Historic Building Registry to require one criteria used for historic resource determination in order to qualify. *Motion carries 7-1. Reese voting no.*

On a **MOTION** by Reese, and a second by Ginder, a request was made to approve the revised job description for the Zoning, Code and Planning Administrator. *Motion carries unanimously.*

Report of the Public Safety Committee

None

Report of the Public Works Committee

None

Building Ad Hoc Committee

Deering explained the fee proposal, item 13 in the Council packet, and told Council Todd from Crabtree is present to answer any questions. Deering asked Todd to expand on the fee proposal and the timelines.

At this time President Hall went back to item 8 on the agenda to allow the Mayor to give his report and Chief Gohn to answer any question concerning his report.

Report of Mayor

No written report. Mayor Bradley commented that his is happy to have been invited back again this year to interact with the 2nd graders at the Donegal Primary School regarding local government. He also wanted to express his appreciation to MSMJ for the Downtown Trick or Treat night. He stated it is a well-organized and fun event for the residents of Mount Joy. He said he would also like to extend his appreciation to several neighborhoods within the Mount Joy community that decided to reschedule trick or treat in their neighborhood due to the weather. He hopes that moving forward the Borough could include a rain date in the approval process.

Deering commented on trick or treat and a possible rain date. Hall replied that Council took action, and it bound the hands of the Borough Manager. He said that Council may need to come up with another way to set the date so that it could easily be rescheduled if needed.

Chief Gohn with the FDMJ was available at this time to answer any questions regarding his report.

Public Input Period

Bruce Haigh, 504 Rose Petal Ln., commented on the Zimmerman Home Builders portion of the agenda. He expressed his thoughts on the widths of the streets and the cul de sac. He also commented on a new Borough Building. He feels Council needs to communicate three things to the residents of Mount Joy. "Why you need it, how much do you need, and what it will cost and how you plan to pay for it."

Ned Sterling, 13 W. Main St. asked if Borough Council is going to consider the conditional use hearings for demolition permits when they are issued for Main Street properties. Hall said the answer is no, unless it is brought up by a committee and put on the agenda. Hall said it is not in the current Ordinance. The Ordinance would need to be changed.

Allison Wittacker, 201 Waters Edge, commented on Zimmerman Home Builders. She stated as a realtor, she feels they add value to the community with their quality craftsmanship and affordable homes. They are well loved custom builders in the area.

Any other matter proper to come before Council

None

Authorization to Pay Bills

On a MOTION by Reese, and a second by Youngerman, Council approved paying the bills as presented from October 1 – October 31, 2021.

GENERAL FUND	\$	214,222.89
REFUSE/RECYCLING	\$	55,946.24
CAPITAL IMPROVEMENTS FUND	\$	14,087.60
HIGHWAY AID FUND	\$	25,912.40
ESCROW FUND	\$	5,985.87
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	316,155.00

Motion carries unanimously.

Meetings and dates of importance

See the Yellow calendar for the month of November 2021

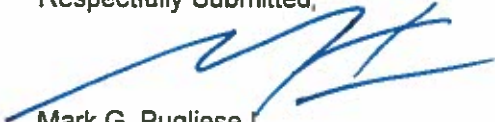
Executive Session

Council went into Executive Session at 8:00 PM to discuss personnel issue regarding Collective Bargaining Agreement and legal matter. Council came out of Executive Session at 8:52 PM. Hall asked if there was any other business to bring before Council. Castaldi made a motion to amend the final offer to the Police Association to remove items 14 and 15 in exchange for 0%, 1%, 2%, and 3% salary increase over a 4 year contract. Motion died for lack of a second.

Adjournment

On a **MOTION** by Reese, and a second by Eichler, approval was given to adjourn the meeting at 8:54 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese
Borough Manager/Secretary

