

MOUNT JOY BOROUGH COUNCIL
November 4, 2019 Minutes

The Mount Joy Borough Council held its regular meeting on November 4, 2019, at the Mount Joy Borough Council Chambers.

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

Roll Call - Present were Councilors Joshua Deering, Lu Ann Fahndrich, David Feuerstacke, Mary Ginder, Jon Millar, Michael Reese, Brian Youngerman, President William Hall and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Samuel Sulkosky; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Codes and Zoning Officer, Stacie Gibbs; Police Chief, Maurice Williams; and Administrative Assistant, Lisa Peffley. Councilor David Eichler joined the meeting at 6:03 PM.

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

President Hall announced there was no Executive Session since the last meeting.

On a **MOTION** by Reese, and a second by Feuerstacke, approval was given to accept the agenda for the November 4, 2019, Borough Council Meeting. *Motion carries unanimously.*

Public Input Period

Hall announced there will be a time limit of three minutes per individual.

Raeann Schatz, 24 Fairview Ave., Marietta, spoke concerning the Florin Hills Partnership NPDES PAG permit that was issued June 28, 2005 and renewed May 16, 2019.

Bruce W. Haigh, 504 Rose Petal Ln., said he has a few questions he would like for ARRO to answer tonight. He commented that in July Tom Seybert, Professor of Engineering from Penn State University said that ARRO was not calculating their time of concentration properly therefore they underestimated the stormwater runoff of a 100-year storm by 35%. He would like ARRO to explain to Borough Council why they feel their calculations are correct. Also, Haigh would like to know why in June 2019 the original preliminary plan was a basin modification redesign but now ARRO has it as a basin site restoration. Haigh also wants to know why ARRO is removing the sediment trap at Florin Hills.

Jeff Cassel, 230 Park Ave., read a letter from the Postmaster of Mount Joy concerning the installation of mailboxes at roadside and the delivery of mail.

Todd Dohl, 9 E Main S., spoke regarding the future of the property located at 15 E Main St. He is requesting that consideration is given to the historic building on the property. He feels it is very savable and that it means a lot to the people in the community. Dohl also spoke regarding the Deed to his property and the boundaries of his property.

Tina Feathers, 230 Park Ave., questioned why her woody waste bags are being picked up with her regular trash. She said other residents on Park Ave have noticed this also.

ARRO Consulting – Borough Stormwater Detention Basin update – Michael Bingham.

Bingham addressed Haigh's questions and comments. Bingham said ARRO attempted to submit the Borough basin plan as a redesign however Eric Hout of the Lancaster County Conservation District required it to be submitted as a basin modification redesign. Bingham said they designed it so that it meets the antidegradation, the peak rate reduction, and things of that nature. In regard to removing the level spreader, ARRO went back and looked at the purpose of the spreader. It was a water quality feature and was to capture 1ft of water to go thru the level spreader 4inch oraphis. Bingham said we are now creating a 4-inch oraphis at our outflow and having about 4ft of water prior to discharge. ARRO is increasing the capacity it was originally intended for, so they are modifying it but however, it meets the purpose of that level spreader. The Conservation District has reviewed this and ARRO is waiting for the letter of completeness within the next 30 days. Bingham said in respect to Mrs. Schatz comments regarding the 44,325 cubic feet of rainwater that's being captured on Florin Hill that is something that Design Engineer for Florin Hill would have had to certify at the time for the NPDES permit. Bingham said that is between the State and the Design Engineer. That is not a Borough requirement and they do not oversee that. Typically, when and NPDES permit is closed out the Design Engineer has to certify they were there to witness the construction and installation of those infiltration facilities and they would be the ones taking on the liability. In response to the time of concentration, Bingham said he emailed a list of potential time of concentration formulations to Council this weekend. Bingham said according to the American Journal of Engineering and Applied Sciences there are no less than 47

approved methods for calculating time of concentration. He said you could lock 10 engineers in a room with one problem and come out with 11 solutions. Bingham said at the end of the day he is putting on there what he believes is the correct approach. He feels what he has done is a conservative approach that is reasonable. Bingham told Council they did the survey of the Melhorn Trucking basin and none of the water goes into the Borough basin. He showed Council on the drawings the emergency spillway that goes up against AMTRAK. Bingham said all of the water once it overflows will go into the swale behind the Borough basin and will not go over into the Borough basin. The subject of the fact that the plans were submitted as a restoration rather than a redesign came up again. ARRO told Council they are meeting all the design requirements of a regular permit. Becker said they are still looking at water quality, rate and volume. They still designed as a traditional NPDES permit as opposed to a restoration permit.

Public Input Period Pertaining to the Borough Stormwater Detention Basin

Raeann Schatz, 24 Fairview Ave., Marietta, wants to know why the Borough would not want to question the Conservation District as to why they suggested it be submitted as a restoration rather than a redesign. She also inquired about pipe sizes and how you would raise the berm of the basin.

Bruce Haigh, 504 Rose Petal Ln., gave his opinion regarding ARRO's calculations vs how Tom Seybert 's calculations. He gave an explanation as to why he feels ARRO is incorrect.

Report of the Mayor

Mayor Bradley provided and reviewed a written monthly report for October 2019.

Report of the Chief of Police

Maurice Williams, Police Chief, provided a written monthly report for September 1, 2019, through September 31, 2019. The report showed 33 traffic arrests and 51 criminal arrests for the month. There was a total of 714 incidents for the month of September. Total incidents year to date are 5,415. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$3,051.36

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for September 2019.

Report of SVEMS

Candy Blanchflower provided a written monthly report for October 2019.

Report of EMA

No report provided.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a written monthly report for October 2019. Schell reported that there were more than 1500 people with over 700 kids at the Downtown Trick or Treat.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for September 2019. In September the library did Mission GO (Mission Get One) with the Donegal School District first grade. Library card applications went home with each student and invited them to come and visit the library. Extra Give is coming up November 22nd, this is one of the library's biggest fundraiser. Basile informed Council they will be getting the Keystone Grant to replace the roof on the library.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for October 2019.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for October 2019. Salley informed Council DEP conducted their inspection of Rotary Park, Grandview Park and Pink Alley and they all passed inspection. Salley also informed Council he submitted an application for a grant in the amount of \$100,000 for hydroseeding of Rotary Park through NFWF PA – LGI.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written monthly report for October 2019

Report of the Borough Authority Manager

Joseph Ardini, Authority Manager, provided a written monthly report for October 2019.

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for October 2019. Sulkosky told Council the Procurement Card Program has been fully implemented and is up and running with no issues. Sulkosky said there are a number of grants in the works and will update Council as he receives information on these grants.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Reese, and a second by Ginder, approval was given for the minutes of the regular Borough Council meeting held on October 7, 2019. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 25-19, termination of the Ascensus 457 Plan. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Wenger Feeds request dated October 21, 2019, to accept two \$1,000 checks in lieu of bond for street excavation per chapter 232, Article 1. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve D&R Charles Construction LLC request for a time extension until August 1, 2020 of Council's August 6, 2018 partial relief of the July 16, 2018, Property Maintenance Violation Letter conditioned upon the new agreement of sale being executed by August 1, 2020, and with the condition that if the contract is not executed by August 1, 2020, D&R Charles Construction LLC will be required to comply with the July 16, 2018, violation notice of blight and will be required to board up the exposed floors with solid sheathing within 90 days. An Amendment was offered by Youngerman, with a seconded by Reese, to change 90 days to 60 days. *Amendment passes 7-2. Main Motion as amended; on a roll call, voting yes Eichler, Feuerstacke, Fahndrich, Millar, and Reese; voting no were Deering, Ginder, Youngerman and Hall. Motion carries 5-4.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve Resolution 24-19 - support the Lancaster County Drug Task Force. *Motion carries 7-2, Hall and Ginder voting no.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to authorize Chief Williams to order a 2020 Dodge Charger PPV from Susquehanna Chrysler Dodge Jeep Ram through the PA COSTARS Purchasing Contract #013-186. *Motion carries unanimously.*

Discussion of the Market Street Bridge transfer of ownership.

On a **MOTION** by Youngerman, and a second by Reese a request was made to authorize the Borough Manage to entertain offers and enter discussion with PennDOT regarding ownership of the Market Street bridge. Youngerman withdrew his Motion.

Hall told Sulkosky the sense of Council is, we want to get rid of the Market Street bridge so come back to Council next month with what the offer is.

Report of the Public Works Committee

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve Resolution No. 23-19 directing staff to submit an application for the H2O funding opportunity administered by the Pennsylvania Department of Community & Economic development via the Commonwealth financing Authority. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Millar, a request was made to approve authorization to conduct a survey and have ARRO develop a cost estimate concerning stormwater piping from Bruce Avenue to Terrace Avenue. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Millar, a request was made to grant a waiver for 123 David Street of Ordinance Chapter 232-59(E); downspouts and rain gutters shall not be placed within the sidewalk and/or curb. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve the installation of the Miovision Smartview 360 camera at the intersection of Manheim and West Main Streets as a field test for a few months as requested by PennDOT. *Motion carries 7-2, Millar and Deering voting no.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve the Compost Site Agreement for yard waste between Mount Joy Borough and Mount Joy Township as of January 1, 2020, conditional on including language from the Mount Joy Borough Authority. *Deering withdrew the Motion.*

On a **MOTION** by Deering, and a second by Millar, a request was made to approve Ordinance NO. 5-19- an Ordinance to amend the Mount Joy Code of Ordinances, Chapter 232, Streets and Sidewalks, Article IV. *Motion carries 8-1, Hall voting no.*

On a **MOTION** by Deering, and a second by Millar, a request was made to approve the Crabtree, Rohrbaugh & Associates Planning and Design Services Agreement conditional upon Solicitor review. After some discussion regarding the future of the Darrenkamp's Store on the property and other issues that need to be clarified. Deering withdrew the Motion.

On a **MOTION** by Deering, and a second by Millar, a request was made to direct the Solicitor to prepare and advertise Ordinance No. 7-19 – Sidewalk Amendments amending Chapter 232-60(A)(6); 232-60(A)(7); 232-60(A)(9); 232-62 as recommended by the Public Works Committee. An Amendment was offered by Deering, with a second by Ginder to take out the words "and advertise" *Amendment passes 8-1, Reese voting no. Main Motion as amended carries 8-1, Reese voting no.*

Public Input Period

Bruce W. Haigh, 504 Rose Petal Ln., talked about the difference between his calculations and ARRO's calculations. Haigh also talked about 950 Square St., Pink Alley and Rotary Park.

Dave Schell, representing Main Street Mount Joy, expressed his concern when it comes to the plans for the new Borough Hall and the old Darrenkamp's store at 15 E Main St. He said Main Street Mount Joy, the Historical Society and their own design team would like to work with Council and make this a project that will work for everyone.

Ned Sterling, 13 W Main St., also expressed his concern regarding the future plans for the old Darrenkamps store at 15 E Main St.

Raeann Schatz, 24 Fairview Ave., Marietta, asked Council if there will be any more discussion of a third-party engineer.

Bobby Hartlove-Fronczek, 300 School Ln., spoke regarding the Miovision cameras discussed at the meeting tonight. She also expressed her opinion on item 13 g on the agenda.

Emmanuel Hoffer, 82 E. Main St., asked for an update regarding the stormwater runoff behind [redacted] with a View and the Gentlemen's Barber Shop that was discussed at the last Council meeting.

Any Other Matters Proper to Come Before Council

Mayor Bradley inquired as to what the next steps would be for the Canine Unit that was presented to Council at the September Council meeting. Hall referred it back down to the Public Safety Committee to set forth a plan.

Deering followed up on the topic of hiring a third-party engineer to review ARRO's designs for the Boroughs basin. On a **MOTION** by Deering, and a second by Hall, a request was made to engage a third-party engineer to review the Borough Basin from what ARRO has presented. *Motion carries 5-4 on a roll call vote; Deering, Eichler, Ginder, Millar, and Hall voting yes; Fahndrich, Feuerstacke, Reese and Youngerman voting no.*

On a **MOTION** by Deering, and a seconded by Youngerman, a request was made to advertise on the Borough website any citizen appointment terms that are expiring and are up for reappointment. *Motion carries unanimously.*

Deering inquired about the ADHOC committee. Hall said he thinks the right route to take is to wait till after the election, seek new Council, elect a Council President then Council President will appoint committees.

Reese asked where we are with the Pinkerton Road project. Deering responded we had to pass a few amendments at Council tonight before they can present the plan.

Fahndrich showed Council the new dress uniforms for the Police Department that will be a line item on the budget.

Authorization to Pay Bills

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

GENERAL FUND	\$	195,476.62
REFUSE/RECYCLING	\$	50,582.39
CAPITAL IMPROVEMENTS FUND	\$	6,252.63
HIGHWAY AID FUND	\$	965.00
ESCROW FUND	\$	533.92
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	253,810.56

Motion carries unanimously.

Meetings and dates of importance

See the Yellow calendar for the month of November 2019.

Council went into executive session at 10:13 pm to discuss a legal matter. Council came out of executive session at 10:41 pm.

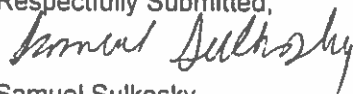
On a MOTION by Youngerman, and a second by Millar, a request was made to approve Resolution No.26-19 – denying of the Giant Liquor License Transfer. *On a roll call vote, voting yes were Fahndrich, Feuerstacke, Youngerman and Hall; voting no were Deering Eichler Ginder, Millar and Reese. Motion was defeated 4-5.*

On a MOTION by Youngerman, and a second by Reese, a request was made to direct the Borough Solicitor to take steps to reinstate the Conditional Agreement for a Liquor License Transfer with Giant Food Stores and prepare a new resolution for the transfer of the Liquor License. *Motion carries unanimously.*

Adjournment

On a MOTION by Reese, and a second by Feuerstacke, approval was given to adjourn the meeting at 10:46 pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary