

**MOUNT JOY BOROUGH COUNCIL**  
**November 4, 2024, Minutes**

The Mount Joy Borough Council held its regular meeting on November 4, 2024.

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

Roll Call- Present were Councilors Matthew Crider, David Eichler, Lu Ann Fahndrich – via Zoom, Mary Ginder, David Greineder, Bruce Haigh, William Hall, Philip Kark, Brian Youngerman – via Zoom and Mayor Timothy Bradley, Jr. Staff present were Manager, Mark G. Pugliese I; Public Works Director, Dennis Nissley; Codes and Zoning Officer, Brett Hamm; Grants, Projects, and Community & Economic Development Administrator, Rachel Stebbins; Chief Robert Goshen and Administrative Assistant, Lisa Peffley. Absent was Assistant Borough Manager/Financial Director, Jill Frey.

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

Executive Session – There were no Executive Sessions held by Council between October 7, 2024, and November 4, 2024.

On a **MOTION** by Haigh, and a second by Kark, a request was made to accept the agenda for November 4, 2024, Borough Council meeting. *Motion carries unanimously.*

**Public Input Period**

RaeAnn Schatz, Schatz Garage, 1090 W. Main St., asked if she can be reassured that no stormwater from Florin Hill Phase 3 will be entering BMP 125. Puglise stated the Engineers will say no.

Fred Bean, 1112 Collina Ln., said generally speaking he is in favor of the agreement that is proposed this evening regarding Florin Hill Phase 3. However, he said he would be remised if he did not state that the change in zoning situation for the Borough and the developer. In that regard, he is in support of the developer and his desire to develop phase 3 under the original zoning ordinance. This adds more protection to the homeowners knowing that our little community will be developed like we were promised when we bought into Florin Hill. On the other hand, he understands the need to have the developer comply with current storm water requirements along with other current rules and regulations. Even though he is here tonight to be supportive of this development and with Charter as the developer, he hopes the Agreement is strong enough to require any new development other than Charter to adhere to the intent of the Agreement. If Charter for some unknown reason walks away, he asked if this agreement is null and void and if they would start over with another developer. He would like to address following issues:

1. The original master plan for the development showed 462 residential units. Once Phase 3 is completed, it will have 503. Why has the number of units increased from the original plan and perhaps the increased density is causing some issues related to storm drainage.
2. The agreement states that construction vehicles "shall use Main Street and the internal street system to access Phase 3. Are we to assume there is no agreement in place on where and how the construction vehicles will access Phase 3?
3. Regarding the completion of the streets in Phase 1 and 2 which he supports, the Agreement states the developer shall complete all streets within these phases within 1 year of the conditional approval of Phase 3 (exceptions allowed for permits from 3<sup>rd</sup> parties). In another section of the Agreement it states the Developer shall complete mass grading, installation of utilities and installing of base coat on all streets in Phase 3 prior to the completion of the streets within Phase 1 and 2. He asked if they are to assume all of this will occur within one year of Phase 3 approval.
4. He said he is supportive of the 30 feet street width and the additional financial security to assure the streets are completed in Phase 1 and 2.
5. The requirement to accept dedication of the streets states that the requirements must meet the standards set by the Borough Engineer. It references streets, sidewalks, curbs and curb ramps. Are they to assume if a sidewalk that is currently in place and perhaps it has changed in elevation due to street routes it will be the requirement of the developer to bring it up to specification as well as all streets, curbs, etc. He just wants to make sure that the current property owners do not have any financial obligations in this requirement.
6. He wishes the Agreement would specify some reference to the "neighborhood traditional" development and the requirements that were part of the original zoning ordinance.

He said he hopes the final product will mirror the original master plan for the development.

Tennille Morrow, Florin Hill HOA President, 223 Keinath St., said they are in favor of the 30-foot street width as long as there is only parking on one side of the street.

Dominic Castaldi, 1059 Reagan St., thanked the Borough and the staff for all of their hard work and working through difficult issues with the developer. It was noticed and appreciated. Good luck.

### **Report of Mayor**

Mayor Bradley provided a written monthly report for October 2024.

### **Report of the Chief of Police**

Robert Goshen, Police Chief, provided a written monthly report for September 1, 2024, through September 30, 2024. The report showed 31 traffic arrests and 19 criminal arrests for the month. There was a total of 671 incidents for the month of September, with a total of 6,063 incidents year to date.

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

Brett Hamm, FDMJ Fire Chief, provided and reviewed a written monthly report for September 2024.

### **Report of PSH Life Lion LLC**

Scott Buchle, Director, provided a written report for September 2024.

### **Report of EMA**

Phil Colvin, provided a written report for September 2024.

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

Joseph McIlhenney, provided and reviewed a written report for September 2024.

### **Report of Codes/ Zoning & Stormwater Administrator**

Brett Hamm, Codes, Zoning & Stormwater Administrator, provided a written monthly report for October 2024.

### **Report of Grants, Projects, and Community & Economic Development Administrator**

Rachel Stebbins, Grants, Projects, and Community & Economic Development Administrator provided a written monthly report for October 2024.

### **Report of Public Works Director**

Dennis Nissley, Public Works Director, provided a written monthly report for October 2024. Nissley said the letters for the 2026 curb and sidewalk repairs for North Barbara Street and Columbia Ave were mailed to the property owners.

### **Report of the Borough Authority Manager**

Scott Kapcsos, Authority Manager, provided a written monthly report for October 2024.

### **Report of the Assistant Borough Manager/Finance Officer**

Jill Frey, Assistant Borough Manager/Finance Officer, no report.

### **Report of the Borough Manager**

Mark G Pugliese I, Borough Manager, provided a written monthly report for October 2024.

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

On a **MOTION** by Kark, and a second by Ginder, approval was given for the minutes of the regular Borough Council meeting held on October 7, 2024. *Motion carries unanimously.*

### **Florin Hills, Phase 3**

Haigh expressed his concerns about the amount of parking available in Florin Hill Phase 3.

On a **MOTION** by Kark, and a second by Ginder a request was made to approve 30' street widths for Florin Hill, Phase 3. An **AMENDMENT** by Haigh, to add 11 additional off-street parking spaces. Amendment fails for lack of a second. *Main Motion carries 8-1, Haigh voting No.*

The Mayor expressed his concerns regarding the time frame in which sidewalks are to be completed in Phase 3.

On a **MOTION** by Kark, and a second by Greineder, a request was made to mandate that all sidewalks within Florin Hill be completed once 90% of all residences in Phase 3 have been issued certificate of occupancy. An **AMENDMENT** by Haigh, and a second by Ginder, to mandate that all sidewalks on any individual block within Florin Hill be completed once 90% of all residences on that individual block in Phase 3 have been issued a certificate of occupancy. An **AMENDMENT** by Haigh, and a second by Hall, to amend the amendment to add all sidewalks within Florin Hill shall be completed once 90% of all residents have been issued a certificate of occupancy. *The Amendment to the Amendment passes.* The Amendment now reads - **AMENDMENT** by Haigh, and a second by Ginder, to mandate that all sidewalks on any individual block within

Florin Hill be completed once 90% of all residences on that individual block in Phase 3 have been issued a certificate of occupancy and when 90% of all units in Phase 3 have received their certificate of occupancy 100% of the sidewalks must be completed. *The amended Amendment passes, and the Main Motion as Amended carries unanimously.*

On a **MOTION** By Kark, and a second by Greineder, a request was made to accept the Settlement Agreement between Florin Hill Partners and the Borough of Mount Joy and to authorize Council President and Borough Manager to execute said agreement with all items being addressed to the satisfaction of the Borough Solicitor, Borough Engineer and Staff. *On a Roll Call Vote motion carries unanimously.*

An **AMENDMENT** by Haigh, a request was made to add "and D" to Item 1, Exhibit A. *Motion fails due to lack of a second.*

An **AMENDMENT** by Haigh, a request was made to change the word "upslope" to "upstream" of subsurface infiltration facility D of Item 2, Exhibit A. *Motion fails due to lack of a second.*

An **AMENDMENT** by Haigh, a request was made to add "subsurface infiltration facility D provide topographic surveys that the excess stormwater runoff from higher storm events will not overflow Commercial Unit A onto either the Moyer's Furniture property, North Melhorn Drive or Route 230" to Item 4, Exhibit A. *Motion fails due to lack of a second.*

An **AMENDMENT** by Haigh, and a second by Eichler, a request was made to finish construction of the walking trail vicinity of wet pond No. 1 and No. 2 that were in the land development plans and construct the two Phase 2 pedestrian bridges crossing the unnamed tributary to Donegal Creek located between West Main Street and Madelyn Street. *Haigh withdrew the motion.*

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

Deering said documents went out for bid October 15<sup>th</sup> and bid opening is scheduled for November 12<sup>th</sup>. He said there should be an addendum that goes out this week that revolves around some interior stuff. Currently there are 17 contractors that are interested in the project or have at least requested documentation. The bids will be reviewed at the November 18<sup>th</sup> Building Ad Hoc meeting and will be present to Council at the December 2<sup>nd</sup> Council meeting and the hopefully, January 6<sup>th</sup> there would be a recommendation to award a bid depending on the estimates that come in.

On a **MOTION** by Echler, and a second by Kark, a request was made to adopt Resolution 2024-9, a resolution authorizing the submission of application for Local Share Grant from the Commonwealth Financing Authority. *Motion carries unanimously.*

#### **Administration and Finance Committee**

Pugliese reviewed the 2025 Budget Worksheet Books in preparation for the November 7, 2024, Budget Meeting.

On a **MOTION** by Kark, and a second by Greineder, a request was made to authorize the Solicitor, Manager and other appropriate officers to defend against any actions which the Municipal Emergency Services Authority of Lancaster County may take against Mount Joy Borough to collect the invoice which it sent dated September 30, 2024, for medical services provided to persons within the municipal limits of Mount Joy Borough or any future invoices for such services including, but not limited to, initiating legal action individually or collectively with other municipalities which may have received similar invoices. *Motion carries unanimously.*

On a **MOTION** by Kark, and a second by Grinder, a request was made to provide a Certificate of Liability and Release of Liability and Assumption to the Mount Joy Church of God for Winterfest. *Motion carries unanimously.*

Hall acknowledged receipt of notice of 2025 Tax Assessment Appeal for Weis Markets, Parcel No. 450-93382-0-0000.

On a **MOTION** by Kark, and a second by Grinder, a request was made to authorize the Borough Solicitor to advertise Ordinance 06-2024, an ordinance to amend the Property Maintenance Code. *Motion carries unanimously.*

On a **MOTION** by Kark, and a second by Ginder, a request was made to adopt Resolution 2024-18, a resolution setting the meeting dates and times for 2025 calendar year. *Motion carries unanimously.*

On a **MOTION** by Kark, and a second by Greineder, a request was made to permit an access easement at Cornerstone Business Park. *On a Roll Call Vote motion is defeated 7-2. Crider, Eichler, Fahndrich, Greineder, Ginder, Haigh and Hall voting NO. Kark and Youngerman voting Yes.*

On a **MOTION** by Kark, and a second by Ginder, a request was made to authorize the Friends of the Library to use Council Chamber on Saturday, November 30<sup>th</sup>, Small Business Saturday, from 9 am until noon for a Visit from Santa. *Motion carries unanimously.*

**Report of the Public Safety Committee**

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve Winterfest road closure on December 7, 2024, from 10:00 am until 8:00 pm at the following locations; Main Street from Barbara Street to Market Street, Marietta Avenue from Main Street to Henry Street and Delta Street from Main Street to Henry Street. *Motion carries unanimously.*

Fahndrich and Puglise led a very brief discussion of the Fire Department Mount Joy 2025 budget. It will be discussed further at the upcoming budget meetings.

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to permit the use of Borough Hall by LCBC/Power Pack as a drop off point for canned foods on November 16<sup>th</sup> & 23<sup>rd</sup> from 10 am-7 pm. *Motion carries unanimously.*

**Report of the Public Works Committee**

On a **MOTION** by Ginder, a request was made to go back to Rotary Club and talk to them. *Motin dies due to lack of second.*

Hall turned the gavel over to Greineder at this time.

On a **MOTION** by Hall, with a second by Ginder, a request was made for Council to move forward with a partnership with Rotary to build pickleball courts at a Borough property. *Motion carries unanimously.*

Greineder turned the gavel back over to Hall.

**Public Input Period**

Josh Deering, 33 Frank St., asked if there has been any updates to resident's email getting through to the zoning email.

RaeAnn Schatz, Schatz Garage, 1090 W. Main St., said she was very surprised to hear that BMP 125 is still deficient in storage. She feels that ARRO has been wrong all along and asked if there is any way the Borough can go after ARRO for the money instead of the Borough having to pay.

Ned Sterling, 13 W. Main St., said in regard to violations in the Codes report, if he would like more information, could he do a right to know request for that information. He also asked about the painting at 13 & 15 E. Main St and if it is not painted this year, does it have to be rebid again next year.

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

Haigh asked the Codes/Zoning Officer, Brett, if he spoke with Brightspeed about the complaints from the residents of Arbor Rose regarding the damage done to their properties and if they are going to fix it.

Eichler said he took a tour of the fire station and feels the other Council members should do the same. He said words can not express the gratitude and respect for the volunteer fire services across this nation and Mount Joy has a really nice and put together unit and he is proud of them.

Mayor Bradley asked if a list of the 2023 and 2024 that the Borough applied for, were awarded, reoccurring and the staff that was involved in writing those grants. Pugliese said that list already exists and is shared at the Administrative and Finance Committee meetings.

**Authorization to Acknowledge the Payment of Bills**

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

GENERAL FUND	\$	514,007.07
REFUSE/RECYCLING	\$	52,196.94
CAPITAL IMPROVEMENTS FUND	\$	352,986.19
HIGHWAY AID FUND	\$	-
ESCROW FUND	\$	7,882.78
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	927,072.98

*Motion carries unanimously.*

**Meetings and dates of importance**

See the yellow calendar for the month of November 2024.

**Executive Session**

None

**Adjournment**

On a **MOTION** by Greineder, and a second by Haigh, approval was given to adjourn the meeting at 9:21 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese I  
Borough Manager/Secretary