

MOUNT JOY BOROUGH COUNCIL
November 7, 2016 Minutes

The Mount Joy Borough Council held its regular meeting on November 7, 2016, at the Mount Joy Borough Office.

Glessner called the meeting to order at 6:02 pm.

Glessner announced that Council will meet in executive session following the meeting to discuss potential litigation and personnel matters. Glessner introduced Samuel Sulkosky as the new Borough Manager.

Roll Call- Present were Councilors Ginder, Murray, Reese, Youngerman and President Glessner. Millar arrived at 6:15pm, Seidel arrived at 6:25pm, Deering arrived at 6:35pm and Mayor Bradley arrived at 6:35pm.

Also present were Borough Manager, Scott Hershey and Samuel Sulkosky; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Police Chief, Maurice Williams, Zoning and Codes Officer, Stacie Gibbs and Administrative Assistant, Andrea Zell.

Glessner gave the invocation, and the Pledge of Allegiance followed.

On a **MOTION** by Murray, and a second by Reese, approval was given to accept the agenda for the November 7, 2016, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Ned Sterling, 13 W. Main Street, inquired about the information for merchant's permission to sell on the sidewalk during special events. Chief Williams said the information we received from PennDOT involved the right of way and the limits once a permit is acquired to close a state road way. Williams said they received engineer drawings from PennDOT for the length of Main Street as well as the limits of the right of ways. He explained that through town, it goes from property line to property line, or in other words from the front of one building to the other across the street. He said it also includes sidewalks, berms and shoulders. Once the petitioner's request for the street closure is approved, the petitioner owns the right of way from the closure to reopening of the street. The petitioner is responsible for the area and is required to have an insurance policy for the specific event or series of events. The right of way becomes private property and the petitioner can set the rules as to who is allowed on the property.

Reese asked how people know in advance who will have the rights. Williams said it would have to be coordinated by the organization that is sponsoring the event that will hold the permit to close the street.

Sharon Myers, 62 E. Main Street, asked if the steps into the building are included in the right of way. Williams said yes. Myers said that the shops would be closed down if people cannot enter their property. Williams said no, the permit holder is responsible for the right of way. They are not closing stores down, what they are doing is ensuring that the event is organized. The permit holder is required to abide by rules. For example, four feet of passable area required by Americans with Disabilities Act (ADA) so that two wheel chairs would be able to pass simultaneously. Anything that would obstruct the area is considered a structure. The permit holder is able to charge a fee to anyone who would like to set up a structure but they cannot prevent anyone to pass through the area. Therefore, shops would not be affected. Williams explained that in the plan, they are required to have contingencies for emergencies. For instance, during Winterfest, we need to have room for emergency vehicles. The permit holder has to have an evacuation plan in place before the event starts. If people set up wherever they wanted to without authorization from the permit holder, it could interfere with the emergency evacuation.

Bruce Haigh, 504 Rose Petal Lane, said typically the right of way includes the sidewalks and steps to the building. He said if in the old drawings PennDOT says the property line is from façade to façade then the Borough is responsible for shoveling the sidewalks and fixing the sidewalks and the curbs because it is not their property. He said he thinks you will find that the property line is six to eight feet from the building facade. Gibbs said the local ordinance covers that. Williams agreed with Gibbs and said that is not the case.

Joanne Pinkerton, 6 Pine Street, said it is essentially eminent domain for a period of time. Pinkerton asked if the insurance policy supersedes the homeowner's policy. Williams said anyone can sue anyone for anything. Pinkerton asked if this information regarding the right of way could be posted on the Borough's website or the organization's website who is applying for the permit for the public to view. Glessner said we could come up with something for that.

Ned Sterling, 13 W. Main Street, asked Gibbs about the meeting that she attended with WR Mills regarding dust issues at the mill. He said that as a resident of that area, he would be able to add to the discussion. Gibbs said the dust was traveling farther than normal due to holes discovered in a filter bag. Sterling asked if the problem was fixed. Gibbs said there have been no additional complaints since the issue was addressed.

Kim Brewer, Main Street Mount Joy (MSMJ), addressed Reese's comment regarding notifying businesses about the permit. She said the business that was discussed earlier was notified through the mail, in person and through email. Brewer said that when the business was notified in person, the business told MSMJ that they would not be participating in the event and asked the MSMJ representative to leave. Brewer requested that if guidelines will be placed on the closure of state roads then guidelines should be in place for the parks as well.

Wendy Sweigart, 28 S. Market Street, said she lives close to the train station and understands that ground has been broken. Sweigart said there was discussion about having a meeting with the residents. Sulkosky said he emailed a contact at PennDOT to see if regular meetings with all parties involved could be scheduled. Sweigart asked when the parking lot would begin. Sulkosky said that the meeting will cover that issue as well.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for September 15, 2016, through October 14, 2016. The report showed 34 traffic arrests and 36 criminal arrests for the month. There were 92 UCR reportable incidents and 401 CAD incidents

for the month, with a total of 4525 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,952.53.

Williams announced that the Officers are participating in Beards for Books drive that will be benefiting the Milanof Shock Library (MSL). Williams said individuals can donate via the Police Department Facebook page or the MSL website. Williams reported a serial arsonist was arrested and will be entering the juvenile justice system. Seidel asked how old the juvenile was. Williams said ten. Murray commended the Police Department on the number of closed cases.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ Manager, provided and reviewed a written monthly report for October.

Brewer announced there will be new banners to be voted on at Winterfest. The winning banner will be the Christmas banner for next year. Brewer thanked Council members and the Police for their participation in the Trick or Treat event.

Ginder asked why there were six months from June to December missing from 2015 in the report. There was discussion about how MSMJ reports their fiscal year to Council. Brewer said she could provide the numbers to Council that they are requesting. MSMJ reported from January 2016 to October 2016 for Council to see how they are doing year to date in 2016.

Seidel asked for Brewer to provide the 2014 and 2015 budget to him to compare. Brewer said she could do that.

Seidel asked MSMJ for an update on their bylaws. Brewer said the information is in the report. Seidel asked if their board agreed to put the bylaws on the website. Brewer said they are waiting to receive the updated bylaws from the Solicitor. She explained that anyone can come to the office to view the bylaws. She said the board discussed the matter at their last meeting but they are waiting until they receive the finished product before they make a decision. Brewer said at this time the answer is no.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a report for September.

Report of Codes and Zoning Officer

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

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for October.

Salley said he attended the Manheim Farm Show for the Chiques Creek Watershed Alliance to teach the public about pollutants in the water. Several people visited the stand and 25-30 people signed up to be a part of the Alliance which means they receive updates from the organization. Salley reported that he will be attending the Building Codes Official (BCO) class in the beginning of December to become licensed.

Seidel asked what advantages that will provide the Borough. Gibbs said currently Ken Barto is the other Building Code Official and he will be retiring on November 11, 2016. Salley will be replacing Barto. Gibbs explained that if she would be out of the office and a fire occurred, Salley would be available to fill in.

Ginder congratulated Salley on passing the certification for completing PA One Call.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Scott Hershey, Borough Manager, provided and reviewed a written monthly report for October.

Hershey said this would be his last report to Council as the Borough manager. He said it has been a privilege to serve the Borough over the past 32 years and wishes Samuel Sulkosky the best in the future. Hershey reminded Council that the Administration and Finance Committee meeting will be held a week early on November 16, 2016, due to the Thanksgiving Holiday.

Deering asked for an update on the signalization project. Reese asked for the final number on the bidding on the railroad. Hershey said the number came in close to the projection. Mayor Bradley thanked Hershey for everything he has done for the Borough.

Report of Fire Department Mount Joy (FDMJ)

Philip Colvin, Fire Chief, FDMJ, provided and reviewed a written monthly report for September.

Colvin said the building project is underway and is expected to be completed by the middle of November 2016. He said at the end of November they are planning an open house for elected officials. Colvin said an open house for the public will be planned for October 2017.

Report of Mayor

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

Bradley proclaimed November 2016 as Small Business Month. He called upon citizens of Mount Joy to observe Saturday, November 26, 2016, as Small Business Saturday in honor of the contribution that our small businesses have made to our community and encouraged fellow citizen to visit a small business on that day.

Bradley announced that he was one of six leaders selected nationally by the American Council of Young Political Leaders (ACYPL) to serve on an international delegation to Japan in December 2016.

Approval of the Minutes of the Previous Meeting

On a MOTION by Ginder, and second by Seidel, approval was given for minutes of the regular Borough Council meeting held on October 3, 2016, and the Special Borough Council meeting held on October 26, 2016.

Murray said a change needs to be made on the minutes for October 3, 2016. He said it should read "The way noise is enforced is such that the Borough Police enforce the ordinance not the State Police." Motion carries unanimously.

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Murray, approval was given for a request to adopt Resolution # 27-16, continuing the current lease of a Safe Deposit Box at UNCB and establishing certified agents to access the Safe Deposit Box.

Glessner said the manager did not receive this information until today so that is the reason this resolution was not in the packet. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to adopt Resolution #28-16, designating public depository and authorizing withdrawal of Municipal Public Moneys. *Motion carries unanimously.*

Seidel asked if the Administration and Finance committee was able to discuss if the Borough would be able to extend IT services to the Chamber of Commerce and Main Street Mount Joy. Murray said that goes beyond the scope of what we should be managing.

Report of the Public Safety Committee

On a **MOTION** by Reese, and a second by Deering, a request was given by Main Street Mount Joy to close East Main Street between Market Street and Marietta Avenue from 1:00 PM to 8:00 PM, on Saturday December 3, 2016, for the Winterfest Event and to authorize the Chief of Police to complete and submit the required applications to PennDOT for the closure.

Reese withdrew the motion.

On a **MOTION** by Reese, and a second by Deering, 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 3, 2016, 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.*

On a **MOTION** by Reese, and a second by Deering, approval was given for a request by Main Street Mount Joy to close Delta Street between East Main Street and East Henry Street from 1:00 PM to 8:00 PM, on Saturday December 3, 2016, for the Winterfest Event. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Deering, approval was given to adopt Resolution #29-16, and approve a Petition requesting exemption from the Pennsylvania Liquor Control Board (PLCB) regulations regarding amplified music being heard off licensed premises.

Chief Williams explained that the difference in this motion and the motion from last month is the language that the PLCB requested to be added. *Motion carries unanimously.*

Report of the Public Works Committee

Dennis Nissley, Public Works Director, provided and reviewed the written monthly report for October.

Nissley expressed his appreciation and best wishes for Hershey as he retires. Nissley reported that leaf collection began today and will continue until December 9, 2016. Nissley said that Peach Alley was paved in conjunction with East Donegal Township's assistance. Old Market Street was paved along with Mount Joy Township's assistance. Nissley said we have been able to reciprocate help with these Townships and the Borough has a good relationship with them. Nissley said that Bridge Boulevard and West Henry Street projects are completed. The contractor has a few issues that are being addressed and he expects them to be resolved by the end of the month. Nissley said the Borough is waiting on PennDOT to review plans and as well as utility clearances for the Union School Pedestrian Project. He said the next step would be getting right of way and temporary construction easements. An agreement was received from Amtrak for Jacob Street Bridge. Nissley said we signed and returned the agreement so we are waiting on Amtrak to sign and finalize to begin the demolition of the bridge. Nissley said there was a ground breaking ceremony for the Rail Enhancement Project on October 26, 2016. Nissley said he and Sulkosky will be working on getting the meetings scheduled. He reported that the Grandview Swale Project will be completed once the trees and shrubs are planted. The Signalization Project notice to proceed is November 14, 2016 and the required completion date is November 22, 2017.

Deering inquired on the status of the curbs and sidewalks on the corner of Old Market Street. Nissley said the Borough has been in discussion with the Lancaster County Career and Technology Center and asked if they would be interested in collaborating on this project. Nissley said that he, Salley and Gibbs would be attending the school's next board meeting to discuss this further.

Seidel said he recently drove on Bridge Boulevard and said that the road looks fabulous. Seidel said he wanted to highlight the citizens that put in the sidewalks. He stated that progress has been made due to hard decisions and the Borough is doing a great job.

Public Input Period

Barbara Basille, MSL, reported that the upgrades are completed at the Library. Basille thanked Chief Williams for the Police's involvement in the Beards for Books fundraiser and encouraged residents to go online to support them. Reese asked Basille for an explanation in the circulation numbers. Basille said that number does not include the electronic circulation. She said she cannot give a specific explanation. Basille added that some activities are not included in the numbers.

Ned Sterling, 13 West Main Street, asked how residents can be notified of the PennDOT meetings. Hershey said PennDOT generated a list of properties immediately around the area. He said it was not a public meeting but a meeting for adjacent property owners. Sterling said he would be interested in attending the meetings and his property is not far from the train station. Sulkosky said when we get into contact with PennDOT he will raise the question of who will be able to attend the meetings.

Bruce Haigh, 504 Rose Petal Lane, congratulated Mayor Bradley on his fellowship. Haigh said he sent an email to Hershey two months ago regarding training that the Department of Environmental Protection and Pennsylvania Association of Conservation Districts is giving concerning stormwater management and post construction activity. He asked if anyone from the Borough would be attending the training. Gibbs said she would be attending along with Salley and Nissley.

Kim Brewer, MSMJ, said the volunteer hours equal \$38,000.00 for this quarter. Brewer said she is very proud of her volunteers.

Any other matter proper to come before Council

Seidel commented that all of the monies have not been collected for the income taxes and that could affect the budget for 2017. Youngerman said this matter was addressed at the Administration and Finance meeting.

Glessner thanked Hershey for his service to the community and expressed his appreciation for the work that Hershey has done.

Authorization to Pay Bills

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

GENERAL FUND	\$	549,137.78
REFUSE/RECYCLING	\$	40,780.08
CAPITAL IMPROVEMENTS FUND	\$	-
HIGHWAY AID FUND	\$	13,567.05
TAX ACCOUNT	\$	1,036.64
ESCROW FUND	\$	2,121.00
JOY LAND ACCOUNT	\$	2,559.75
GRAND TOTAL EXPENDITURES	\$	609,202.30

Motion carries unanimously.

Meetings and dates of importance

See the yellow calendar for the month of November 2016.

Council went into Executive Session at 7:30 PM to discuss personnel and potential litigation matters and came out of executive session at 8:06 PM. There were no decisions following the executive session.

Adjournment

On a MOTION by Reese, and a second by Seidel, approval was given to adjourn the meeting at 8:06 PM. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary