

MOUNT JOY BOROUGH COUNCIL
November 7, 2022, Minutes

The Mount Joy Borough Council held its regular meeting on November 7, 2022.

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

Roll Call- Present were Councilors, Dominic Castaldi, David Eichler, Mary Ginder, Bruce Haigh, Eric Roering, Bob Ruschke, Brian Youngerman, President William Hall and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Mark G. Pugliese I; Assistant Borough Manager/Finance Director, Jill Frey; Public Works Director, Dennis Nissley; Stormwater, Planning & Grants Coordinator, Cody Lyons; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley. Absent was Councilor Lu Ann Fahndrich.

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

President Hall announced that there will be an Executive Session at the end of tonight's meeting for a personnel matter.

On a **MOTION** by Eichler, and a second by Roering, a request was made to accept the agenda for the November 7, 2022, Borough Council meeting. An **AMENDMENT** by Castaldi, and a second by Ginder to acknowledge receipt of 11 A through M and give Counselors the opportunity to ask questions. *Roll call vote, Castaldi, Eichler, Ginder, Roering, and Ruschke voting yes. Hall, Haigh, and Youngerman voting no. Amendment carries 5-3. Main Motion as amended carries 7-1, Hall voting no.*

Public Input Period

David Gray, 262 Park Ave., commented on a letter he received from the Borough's Codes and Zoning Department, signed by Yvonne Sallade, regarding the car and boat repairs he does in his driveway. He said he is not running a business; he is doing the work for his friends. He said he does not receive payment for those repairs. Gray said the letter states that friendship is a form of payment. He strongly disagrees and is very upset about the letter. He wanted to inform Council of the situation and his concerns. President Hall said he will have the Manager follow up on the issue.

Ron Grose, 210 Pinkerton Rd., commented on the speeding issue on Pinkerton Road and that it needs to be addressed. He said it is still an issue even with the construction going on. Grose said he made a comment about cats that were not recorded in past Minutes. He said if you go on Facebook and Mount Joy that everybody has a cat that does not have a license on it and nobody knows whose cat it is. He wants to know if the Borough is enforcing that or if it is just another law that is out there. Grose said he also made comments about the topic of how many meetings the Borough should have and his comments about that were not in the Minutes either. He still does not understand why the recording of the meetings are not available to the public after the meetings are over and why it takes so long for any of the Minutes to be released to the public. He feels it is very important to have an open dialogue. Grose commented on the Ad Hoc Committee and the grants for the proposed new building. He said it sounds like to him that because the Borough can get grants that they will move forward with building, and he does not agree with that. Grose asked about the GFL contract and price of refuse services. He questioned the transfer of monies from the Refuse fund to the General fund every year and why this is done. Hall address his questions regarding the Minutes, the proposed new building, transfer of monies from the two funds and explained that the cost of refuse services is more than just what GFL charges the Borough. Mayor Bradley addressed his concerns of the speeding on Pinkerton Rd.

Raeann Schatz, Schatz Garage, 1090 W. Main St., asked Council what the outcome of the meeting that was held in October with Melhorn regarding the basin and how they are going to fix it. She commented on Ordinance from 1999 and its requirements. Schatz said the Borough sent a letter dated August 20, 2022, from Wittermore Haigh Engineering to Charter Homes, CHN, and K&W Engineering regarding the subsurface infiltration Facility D across the street at Charter Homes and would like to know if anyone has responded to that letter.

Ned Sterling, 13 W Main St., updated his comments before regarding the survey of the locations of Borough Offices in Lancaster County. He is updating this because recently Elizabethtown Borough recently moved their office to their main street. He stated that 12 out of the 17 Boroughs, 71%, are located on their main Street. He does not understand why the Borough would want to move their office off of the main street when the majority of Boroughs in Lancaster County make an effort to have their building on their main street. He said he is in favor of building a new Police Station, but he is not in favor of building a new Borough Office on a side street. He said the Borough could renovate the current building or demolish it and rebuild at the same location. He feels Main Street is an excellent location for the Borough Office.

Commissioner John Trescot of the Lancaster County Board of Commissioners has been going around to County Boroughs to inform the public on what County Government is and how it works and give people a chance to ask questions.

Hearing – Rezoning 14, 18, 19, and 20 North Market Street from Commercial Business District to Light Industrial. On a **MOTION** by Roering, and a second by Ruschke, a request was made to open a hearing for the rezoning of 14, 18, 19, and 20 North Market Street, from Commercial Business District to Light Industrial. At this time, President Hall opened the hearing, acknowledged all of the documents presented by staff and opened public comment period specific to zoning of the properties mentioned.

Ned Sterling, 13 W. Main St., said he is opposed to a rezoning of the central business district, to the light industrial zoning district because the property does not comply with the purpose of this zoning district. A purpose of the light industrial zoning district is to encourage employment and commercial development, which he thinks we are all in favor of. However, employment and commercial development is to be considered in a manner that is compatible with nearby homes, and to carefully control the types of operations in order to avoid nuisances such as noise and hazards. Excessive noise exists in the parking lot on the north side of Apple Tree alley, where tractor trailers are parked. He said unfortunately, they are not ordinary tractor trailer trucks, but refrigerator compressor units that have their units operating at various times of the day and night. At times there are as many as five refrigerator trucks parked on the lot. He stated the sounds of the units can be heard by neighboring properties on the south side of Apple Tree Alley. Residing on the south side of Apple Tree Alley approximately 223 feet from the parked trucks, he said he can hear the sound of the refrigerator compressor units in his house through double brick walls, through a plaster wall in the interior and through closed windows. Sterling said although the dust covering vehicles was a nuisance with the previous mill owner. He said in the past a no idling sign was erected on the east end of the parking lot to prohibit the unlimited idling of trucks for noise control and air pollution. However, the compressor units are making more noise than the idling trucks. He said since K N Farms has purchased the property, the quality of life for all residents on the south side of Apple Tree alley has been adversely impacted by these noisy units. He also stated that another purpose of the light industrial zoning district is to limit uses with intense truck traffic where existing streets or alleys are unable to accommodate traffic demand. West Apple Tree Alley is unable to accommodate truck traffic with a one lane access to and from North Market Street. Excessive truck traffic exists with new tractor trailer arriving and others leaving the Apple Tree Alley parking lot. This creates a hazardous condition in the narrow one lane West Apple Tree Alley. The light industrial zoning district is supposed to limit uses with intense truck traffic. Truck traffic is not limited with refrigerator units entering and exiting the West Apple Tree Alley parking lot and the regular truck traffic entering the Mill from North Market Street. He feels if KN Farms wishes to rezone all of its property to the light industrial zoning district, it needs to address its current zoning shortcomings.

Josh Deering, 33 Frank St., said the neighbors on the north side would like to say the dust has been cut down to nothing, the noise that was very disturbing is gone and they have made many improvements to reduce the truck traffic on their street. He said the north side is in favor of the rezoning.

Hall closed public comment at this time.

Todd Smeigh, with DC Gohn representing KN Farms said the petition to rezone, the properties, 14, 18, 19, and 20 North Market Street was submitted back in July 2022. The rezoning request was discussed at two Administrative and Finance Committee meetings, Council meetings, Borough Planning Commission and Lancaster County Planning Commission. Both the Borough Planning Commission and the Lancaster County Planning Commission recommended approval of the rezoning.

Jake Newswanger, KN Farms was present to answer questions on operations.

Haigh asked what activities they intended to put in lots 14, 18, and 20 as far as noise pollution and if any noise studies have been done with the current operations. Newswanger said it would be similar to what is happening there now and no there was no noise studies done. Haigh said his other concern is traffic on Apple Tree Alley. Haigh asked if Newswanger would be willing to do a noise study and a traffic study. Newswanger concurred.

On a **MOTION** by Roering, and a second by Eichler, a request was made to close the hearing. *Motion carries unanimously.*

Bradley asked if we ever found out why this property was ever zoned commercial business district. Bradley said he would hopes that Council moves forward with the rezoning.

On a **MOTION** by Roering, and a second by Youngerman, a request was made to approve Ordinance 6-2022. *Motion carries unanimously.*

On a **MOTION** by Roering, and a second by Eichler, a request was made to approve the lot add on of 19 North Market Street with the condition that it is recorded for public record. *Motion carries unanimously.*

Report of Mayor

Mayor Bradley provided a written report for October 2022. Mayor Bradley thanked the Historical Society and the Police Department for honoring the tradition of Harold Billow's placing of the flags in honor of Veteran's Day.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for September 1, 2022, to September 30, 2022. The report showed 64 traffic arrests and 47 criminal arrests for the month. There was a total of 712 incidents for the month of September, with a total of 5,656 incidents year to date.

Report of Fire Department Mount Joy (FDMJ)

Brett Hamm, FDMJ Fire Chief, provided a written monthly report for September 2022.

Report of PSH Life Lion

Adam Marden provided a written monthly report for September 2022.

Northwest EMA

Provided a written report through October 2022.

Report of EMA

Mayor Bradley provided a written report for October 2022.

Report of the Milanof-Schock Library (MSL)

Joseph McIlhenney provided a written monthly report for September 2022.

Report of Planning/Zoning/Code Officer

No Report

Stormwater, Planning & Grants Coordinator

Cody Lyons, Stormwater, Planning & Grants Coordinator provided a written report for October 2022.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written report for October 2022.

Report of the Borough Authority Manager

Joseph Ar dini, Authority Manager, provided a written monthly report for October 2022.

Report of the Assistant Borough Manager/Finance Officer

Jill Frey, Assistant Borough Manager/Finance Officer, provided a written report for October 2022.

Report of the Borough Manager

Mark G. Pugliese I, Borough Manager, provided a written report for October 2022. Hall commented that Amtrack did not show up for the meeting that was on the Manager's report.

Haigh congratulated the Borough Manager, Mark Pugliese and the Storm Water Enforcement Officer, Cody Lyons, on completing and passing the program from the National Stormwater Center to become a certified Municipal Stormwater Inspector.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Roering, and a second by Castaldi, approval was given for the minutes of the regular Borough Council meeting held on October 3, with a correction under Public Works Committee. In addition to Mayor Bradley, add Haigh to the comment referencing the Borough being involved in the traffic study. *Motion carries unanimously.*

Building Ad Hoc Committee

Deering said he is still working at Committee level with some revision to the upper lot at Grandview that will go to the Committee at the next meeting and hopefully have something for Council after that.

On a **MOTION** by Roering, and a second by Ginder, a request was made to allocate an additional \$43, 118.40 to the Capital Fund to complete the design development phase of the Municipal Building project to total \$403,118.40. *Roll Call Vote, Eichler, Ginder, Haigh, Roering, Ruschke, and Hall voting Yes, Castaldi and Youngerman voting No. Motion carries 6-2.*

On a **MOTION** by Youngerman, and a second by Ruschke, a request was made to change and advertise the meeting times for the Building Ad-Hoc Committee from 5:00 pm to 5:30 pm for 2023. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Roering, a request was made to approve the Refuse contract with GFL and authorize Council president and the Borough Manager to ratify contract documents. Pugliese said the contract is still with Josele for review. A **MOTION** by Youngerman, and a second by Roering, to lay the main motion on the table. *Motion carries unanimously*

Report of the Public Safety Committee

On a **MOTION** by Eichler, and a second by Castaldi, a request was made to adopt Ordinance 07-2022, an ordinance to amend the Code or Ordinances of Mount Joy Borough, Chapter 130, Firearms and Other Weapons, to revise Administrative Provisions. *Motion carries unanimously.*

Report of the Public Works Committee

On a **MOTION** by Ginder, and a second by Haigh, a request was made to support the Lions Club completing a splashpad project in a Borough Park. An **AMENDMENT** by Eichler, with a second from Haigh, to change the word completing to pursuing. *Amendment agreed to. Main Motion as amended carries unanimously.*

Public Input Period

Ned Sterling, 13 W. Main St., asked what happened to the street tree replacement program? He said there are still two trees that need replaced for over a year now. Sterling feels when there are hearings like tonight that along with public comment period there should also be a time period where people can ask questions like the Zoning Hearing Board does.

Bruce Haigh, Wittermore Haigh Engineering, 504 Rose Petal Ln., referenced a memo he sent to Council regarding Florin Hills subsurface infiltration Facility D which is located at the commercial block corner of North Melhorn and West Main Street. He asked if Council could take the information from his memo to the Admin and Finance Committee to determine whether or not you need to have a new land development plan submitted to the Borough.

Ron Grose, 210 Pinkerton Rd., commented on the motion to allocate additional funds for the proposed Municipal Building. Grose also asked for an update on the Pinkerton Road project.

Ferne Silberman, 630 Florin Ave., said November 19th is the day Rotary Club and the Mount Joy Fire Department plan on decorating the tree downtown. If anyone would like to help, they should plan on being there at 11:00 am. The Presbyterian Church will be providing refreshments. She said the Rotary Club purchased new lights this year.

Any other matter proper to come before Council

In honor of Veteran's Day coming up Eichler wanted to thank all service personnel past and present for there service. Eichler also commented that he trapped a cat and took it to the York SPCA and for \$35 had it spayed and them released.

Authorization to Pay Bills

On a **MOTION** by Youngerman, and a second by Roering, Council approved paying the bills as presented from October 1-October 31, 2022.

GENERAL FUND	\$	239,717.38
REFUSE/RECYCLING	\$	60,092.27
CAPITAL IMPROVEMENTS FUND	\$	49,163.47
HIGHWAY AID FUND	\$	57,124.35
ESCROW FUND	\$	105,257.95
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	511,355.42

Motion carries unanimously.

Meetings and dates of importance

See the yellow calendar for the month of November.

Executive Session

Council went into Executive Session at 8:45 PM for a personnel matter. Council came out of Executive Session at 9:01 PM.

Adjournment

On a **MOTION** by Youngerman, and a second by Eichler, approval was given to adjourn the meeting at 9:01 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese
Borough Manager/Secretary

