

MOUNT JOY BOROUGH COUNCIL
December 2, 2019 Minutes

The Mount Joy Borough Council held its regular meeting on December 2, 2019, at the Mount Joy Borough Council Chambers.

President Hall called the meeting to order at 7:01 PM.

Roll Call - Present were Councilors Joshua Deering, David Eichler, 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; Stormwater Officer, Dave Salley; Codes and Zoning Officer, Stacie Gibbs; Police Chief, Maurice Williams; and Administrative Assistant, Lisa Peffley. Absent was Public Works Director, Dennis Nissley.

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

President Hall announced there was an Executive Session held on November 4, 2019, for legal issues. No decisions were made. November 7, 2019, for personnel issues. No decisions were made. November 19, 2019, for personnel and legal issues. No decisions were made.

On a **MOTION** by Ginder, and a second by Eichler, approval was given to accept the agenda, with Hall adding an 11b for an Executive Session for personnel issues, for the December 2, 2019, Borough Council Meeting. *Motion carries unanimously.*

Special Presentations

Mayor Bradley honored Harold Billow with a Mayoral Proclamation.

WHEREAS, one of the greatest sacrifices an individual can make for his/her fellow citizens is to serve in our armed services during a time of war; and,

WHEREAS, on December 17, 1944, during the Battle of the Bulge, German Waffen SS soldiers captured and disarmed US service personnel of the 285th Field Artillery Observation Battalion in the area of Malmedy, Belgium. Following their capture, these U.S. Soldiers were led into a nearby field and were executed with machine gun fire. Following this mass execution, German soldiers walked through the field executing anyone who still displayed signs of life. Some U.S. Soldiers laid motionless in the cold field feigning death and as a result, were able to survive the ordeal and later escaped, and,

WHEREAS, this event, which resulted in the death of 84 U.S. Soldiers, became known as the Malmedy Massacre and is considered one of the greatest wartime atrocities committed against U.S. military personnel in the history of our nation; and,

WHEREAS, Harold Billow, a longtime Mount Joy resident, is by all indications the last living survivor of the Malmedy Massacre; and,

WHEREAS, Harold Billow's dedication to his fallen comrades continues to be evidenced by his tireless commitment to retell their story in a multitude of civic settings, and to mark their sacrifice through the meticulous display of 87 flags to honor each of the 87 fallen men during each major patriotic holiday; and,

WHEREAS, December 17, 2019 will mark the 75th Anniversary of the Malmedy Massacre.

NOW, THEREFORE, I, Timothy D. Bradley Jr., Mayor of the Borough of Mount Joy, on behalf of our citizens, do hereby recognize the faithful devotion, dedicated service, and personal sacrifice Harold Billow has rendered to his country, community, and comrades, by proclaiming the week of December 15th-21st, 2019, as **Harold Billow Appreciation Week**.

I FURTHER call upon all citizens; and patriotic, civil and educational organizations of Mount Joy to observe Tuesday, December 17, 2019, as **Malmedy Massacre Remembrance Day** in honor of those men who, through service to their nation seventy-five years ago, lost their lives or became disabled in their performance of duty.

In Witness Whereof, I have hereunto set my hand, and have caused the Official Seal of the Borough of Mount Joy to be affixed this 2nd day of December 2019. Timothy D. Bradley Jr., Mayor

Tammi Snedecker, LERMA Training & Exercise Coordinator, presented Mayor Bradley with his PEMA Professional Level Certification.

Public Input Period

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

Raeann Schatz, 24 Fairview Ave., Marietta, asked if there is a timeline of when the third-party review of the basin will be done and exactly what they will be looking at. She also asked what the normal practice is when it comes to applying for the permit and the awarding of grant money. She expressed her concern as a taxpayer and would like to ask Council to extend ARRO contract for only 1-year rather than 2-years.

Ned Sterling, 13 W Main St., asked if funds were allocated in the Budget for the new Borough Hall building and if so, what is the line number for those funds. He also asked what is happening with the Giant liquor license.

ARRO Consulting Presentation – Matthew Brown, PE, CEO thanked the Borough for the opportunity to come and speak regarding their services and work they do and have done over the years for the Borough and Borough Authority. Brown commented that for the last two years ARRO has been subject to a barrage of disparaging comments relative to their work specifically to their technical work surrounding stormwater evaluation. Brown told Council ARRO's focus is specific to Municipal clients. ARRO has over 600 clients and six offices in three states. They have an 85% return rate from those municipalities. There are times when they do a project for a municipality that is a one-time deal, so that effects the return rate percentages. ARRO will celebrating their 75th year in business next year. Brown said that anytime they do technical work they have a checks and balance system in place. All work is reviewed by a senior engineer and also by two other engineers. ARRO makes sure the work for the Borough is reviewed carefully. Brown assured Council that the Borough is getting the highest quality work from ARRO. Brown told Council he has 43 years' experience and he has personally reviewed the work for the Borough. He feels that the work ARRO has done for the Borough over the years has been with the Borough's best interest in mind. He assured Council they will continue to do good work for the Borough as long as Borough wants them to. Brown stated that ARRO has been the Borough's engineer for many, many decades and would love that to continue. That is very important to him. Brown said ARRO welcomes and appreciates the third-party review because they feel their work is beyond reproach.

Report of the Mayor

Mayor Bradley provided and reviewed a written monthly report November 2019.

Report of the Chief of Police

Maurice Williams, Police Chief, provided a written monthly report for October 1, 2019, through October 31, 2019. The report showed 59 traffic arrests and 32 criminal arrests for the month. There was a total of 690 incidents for the month of October. Total incidents year to date are 6,105. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$6,173.80. Chief Williams reported to Council the Department participated in a fundraiser called Beards for Brothers. The donations collected for not shaving are given to local Firefighters, Police and EMS personnel. The Department along with surrounding police departments were able to collect about \$13,000 that was donated to a local volunteer Firefighter and Police Officer with medical issues to help with medical bills. He also told Council that the Department is involved in a campaign at Winterfest called "Fill the Cruiser" to collect toys for Toys for Tots.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided a written monthly report for October 2019.

Report of SVEMS

Candy Blanchflower provided a written monthly report for November 2019.

Report of EMA

No report provided.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a written monthly report for November 2019.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for October 2019. Basile told Council the Library has their annual hat and mitten tree up and they are collecting hats and mittens and delivering them to the Mount Joy Food Bank for distribution. Basile informed every one of the upcoming community Blood Drive happening December 14th.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for November 2019. Gibbs reported she is still working with Charter Homes on an agreement for the Florin Hill dedication. She said they are still in the process and things are moving forward but will not have anything by the end of the year.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided and reviewed a written monthly report for November 2019.

Report of Public Works Director

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

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for November 2019. Sulkosky told Council he attended the Chamber of Commerce Legislative Meeting. Sulkosky said all three County Commissioners were at that meeting and they gave an update concerning the Drug Task Force situation. They came up with a tentative solution for 2020 where they established a per capita matching fund of \$519,000 for any municipal contributions. Sulkosky reported the agreement with the third-party engineer has been executed and is expecting a final report by the third week in December.

Approval of the Minutes of the Previous Meetings

On a **MOTION** by Ginder, and a second by Reese, approval was given for the minutes of the regular Borough Council meeting held on November 4, 2019. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Youngerman, approval was given for the minutes of the Council Special Budget meeting held November 14, 2019. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Youngerman, approval was given for the minutes of the Council Special Budget meeting held November 19, 2019. *Motion carries unanimously.*

Council went into Executive Session at 8:05 pm for personnel issues. Council came out of Executive session at 8:40 pm. No decisions were made.

Administration and Finance Committee

On a **MOTION** by Reese, and a second by Feuerstacke, a request was made to approve the 2020 General Fund Budget. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Feuerstacke, a request was made to approve the 2020 Refuse Fund Budget. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Feuerstacke, a request was made to approve the 2020 Capital Fund Budget. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made to approve the 2020 Highway Aid Fund Budget. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made to approve Ordinance No. 6-19, setting the 2020 tax rates. An amendment was offered by Ginder, with a second Youngerman, to include \$398 per \$100,000 of assessed property value. *Amendment carries. Main motion as amended carries unanimously.*

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made accept the resignation from Cindy Jerman from the Zoning Hearing Board. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made to approve Resolution No. 27-19, Council Appointments to various boards and commissions. An amendment was offered by Youngerman, with a second by Reese, to remove the name Paul Ruffini for the 1-year term that expires 1/1/2021 for the Mount Joy Borough Water Authority. *Amendment carries.* An amendment was offered by Youngerman, with a second by Reese to include the name of Bruce Haigh for a 2-year appointment as the alternate to the Zoning Hearing Board with term to expire 1/1/2022. *Amendment carries.* An amendment was offered by Deering with a second by Reese, to change the term for ARRO Consulting to a 1-year term expiring 1/1/2021. *Roll call vote with Deering, Eichler, Fahndrich, Feuerstacke, Ginder, Reese, Youngerman voting yes and Millar and Hall voting no. Amendment carries 7-2. Main motion as amended carries unanimously.*

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made to approve Resolution 28-19 establishing the 2020 refuse and recycling rates as required annually under the Municipal Waste and Recycling Ordinance. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made to approve Resolution 29-19, advertising the 2020 meeting dates, times and locations for Council, Authority, Boards, Commissions and Committees. An amendment was offered by Deering, with a second by Youngerman, to make the November 2nd meeting also at 7 pm at an alternate location at St. Mark's Fellowship Hall. *Amendment carries unanimously. Main motions as amended carries unanimously.*

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made to approve the Laurel Harvest Labs, LLC, request for a 90-day extension, until March 1, 2020, in accordance with Section 240-29 of the Borough Subdivision and Land Development Ordinance. *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 the banner request from Kraybill Mennonite School from April 27, 2020 to May 10, 2020 for the Kraybill Auction. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to direct the solicitor to amend Sections 255-33, Vehicles and Traffic, to allow for a right turn at the Stop Intersection eastbound on Martin Avenue at Farmview Lane. *Motion carries unanimously.*

Report of the Public Works Committee

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve Resolution No. 31-19 directing staff to submit an application for the PA Small Water and Sewer Grant 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 the Compost Site Agreement for yard waste between Mount Joy Borough and Mount Joy Township as of January 1, 2020. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to advertise Ordinance No. 1-20 -Sidewalk Amendments amending Chapter 232-60(A)(6); 232-(A)(7); 232-60(A)(9); 232-62 as recommended by the Public Works Committee. After a discussion. *Deering withdrew the motion in order to clarify wording with Solicitor.*

Discussion of the MSMJ Tree Replacement Plan – Dave Schell, MSMJ, provide and reviewed with Council a map of the proposed Tree Replacement Plan. Schell said MSMJ has been working on this for about five or six months. He said the Committee walked up and down Main Street within their area and decide which trees they would like to replace. MSMJ had an architect work up the map showing the trees the Design Committee is recommending be replaced and what trees should replace them. Tim Leibfreid from Timber Tree Services will be donating the trees. He will also help remove the old trees and plant the new trees. All that cost will be covered with him. The Mayor is concerned about the size of the trees that are being recommended. Schell told the Mayor that is something they can discuss with Leibfreid before making a final selection of the trees. Hall recommended sending this to Public Works Committee and have MSMJ work with them to finalize and bring a proposal back to Council.

There was discussion of Councilor Deering's interest in the Lancaster County Planning Commission appointment. On a **MOTION** by Millar, and a second by Ginder, a request was made to support Joshua Deering's nomination for a seat on the Lancaster County Planning Commission. *Motion carries unanimously.*

Public Input Period

Raeann Schatz, 24 Fairview Ave., Marietta, commented on remarks from ARRO earlier in the meeting. Schatz thanked everyone for helping her through this trying time and that they just want to get it resolved.

Bruce W. Haigh, 504 Rose Petal Ln., said, speaking as a taxpayer and a resident, he thanked the Board for appointing him as an alternative on the Zoning Hearing Board. He asked that Board direct the Administrative Finance Committee to establish a procedure by which these appointments are advertised and reviewed.

Ned Sterling, 13 W Main St., asked if there has been any building permit sought from Turkey Hill.

Any Other Matters Proper to Come Before Council

Ginder thanked Millar and Feuerstacke for being on the Council and for the time and dedication they have given to the Borough. Hall commented the same and included Cindy Jerman who spent an excess of 20 years on the Zoning Hearing Board.

Authorization to Pay Bills

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

GENERAL FUND	\$	137,920.19
REFUSE/RECYCLING	\$	47,971.86
CAPITAL IMPROVEMENTS FUND	\$	63,905.75
HIGHWAY AID FUND	\$	3,369.00
ESCROW FUND	\$	1,162.25
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	254,329.05

Motion carries unanimously.

Meetings and dates of importance

See the Green calendar for the month of December 2019.

Council went into executive session at 9:55 pm. Council came out of executive session at 10:08 pm.

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to extend the current police chief's contract to January 6, 2020, prorated at the 2020 salary, with no accumulation of vacation or other leave. *Motion carries unanimously.*

Adjournment

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

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary