

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

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

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

Roll Call- Present were Councilors Matthew Crider, Lu Ann Fahndrich, Mary Ginder, David Greineder, Bruce Haigh, William Hall, Philip Kark, Brian Youngerman, and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Mark G. Pugliese I; Assistant Borough Manager/Financial Director, Jill Frey; Public Works Director, Dennis Nissley; Interim Codes and Zoning Officer, Sam Meckley from Rettew; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley. Also in attendance was Borough Solicitor, Josele Cleary. Absent was Councilor David Eichler.

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

Hall announced there was no Executive Session held outside of the prior Council meeting. Council adjourned from the regular meeting and went into Executive Session at 7:02 PM to discuss potential terms of a legal agreement. Council came out of Executive Session at 7:34 PM.

On a **MOTION** by Haigh, and a second by Greineder, approval was given to accept the agenda for the March 4, 2024, Borough Council meeting. *Motion carries unanimously.*

**Public Input Period**

David Weisner, 616 Water St., stated that he has a serious dissatisfaction with the Police Department. He presented and emailed to Council data from an online source that he found regarding clearance rates, total arrests and DUIs in 2023 for the MJPD and compared them to the other Police Departments in the County.

Rae Ann Schatz, Schatz Garage, 1090 W Main St., asked what information Florin Hill has given Rettew that is pertinent to the Melhorn basin.

Ned Sterling, 13 W Main St., questioned the demolition permit that is going to be issued to 20 N Market St. He also asked if it is correct that the Borough will contact the Historical Society or him when a demolition permit is issued. He asked the Manager if the Historical Society still needs to plan on space for storing documents like Minutes, Ordinance etc. after the new Borough building is built or if that building will have space for those items.

Stephen Bresch, 940 W Church St., said in summary, he also has an issue with the Police Department and that they have an unconstitutional sign in the lobby regarding no video and audio recording allowed. He said he spoke with Mayor Bradley and asked him to check with an attorney regarding the sign and he also said he spoke with Chief Goshen as well regarding the sign. Chief Goshen said he provided him with a case law and also checked with the District Attorney. The sign is permissible.

**Report of Mayor**

Mayor Bradley provided a written monthly report for February 2024.

**Report of the Chief of Police**

Robert Goshen, Police Chief, provided a written monthly report for January 1, 2024, through January 31, 2024. The report showed 24 traffic arrests and 25 criminal arrests for the month. There was a total of 596 incidents for the month of January, with a total of 596 incidents year to date. Chief Goshen also provided the 2023 CRIME WATCH Annual report.

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

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

**Report of PSH Life Lion LLC**

Nathaniel Buchanan, Interim Supervisor/Assistant Chief, provided a written report for January 2024.

**Northwest EMS now known as MESA**

No report provided.

**Report of EMA**

No report provided.

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

Joseph McIlhenney provided a written monthly report for January 2024.

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

Sam Meckley, Interim Codes, Zoning & Stormwater Administrator, provided a written monthly report for February 2024. Pugliese introduced Brett Hamm, the new Codes/Zoning & Stormwater Administrator with a start date of March 25, 2024.

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

No report provided. Pugliese introduced Rachel Steppens, the new Grants, Projects, and Community & Economic Development Administrator with a start date of March 18, 2024.

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

Dennis Nissley, Public Works Director, provided a written monthly report for February 2024.

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

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

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

Jill Frey, Assistant Borough Manager/Finance Officer provided a written monthly report for February 2024.

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

Mark G Pugliese I, Borough Manager, provided and reviewed a written monthly report for February 2024.

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

On a **MOTION** by Ginder, and a second by Greineder, approval was given for the minutes of the regular Borough Council meeting held on February 5, 2024. *Motion carries unanimously.*

### **Building Ad Hoc Committee**

Deering, Chairman, said things are progressing very well with lots of meetings and discussions with Crabtree and vendors. Deering said at the next Ad Hoc meeting they will be talking about and finishing up the specs so that in April, Crabtree can come to the meeting and do a short presentation as to where things are and there should be a motion to advertise for bidding.

Pugliese said Council will be asked to authorize the bidding at the April Council meeting. The bids should go out April 16<sup>th</sup> and close around the third week in May so that Council can award a bid June 3<sup>rd</sup> and then we get through everything else we are looking at probably early July for groundbreaking. Pugliese said he is regularly meeting with PA PFM, our Financial Adviser for the bond or loan along with the Underwriters. He said we now have a Bonds Council and they will probably be here next month as well to bring Council up to speed on the finances of the project.

### **Administration and Finance Committee**

On a **MOTION** by Kark, and a second by Haigh, a request was made to authorize the Borough Solicitor to expand the agreement being prepared between the Borough and the Florin Hill Partnership for the development of Phase 3 of Florin Hill under the Zoning Ordinance regulations in effect on the dates of the conditional use decisions issued September 13, 2004, September 11, 2006, February 4, 2008, August 4, 2008, and August 4, 2009 to include the area identified as Commercial Block A with commercial buildings which shall not exceed 19,800 square feet of retail/commercial/office space, which shall not exceed 115 off-street parking spaces, and which shall gain access from Melhorn Drive as shown on the Sketch Plan – Block A prepared by Kurowski and Wilson, LLC dated January 24, 2024, with a deadline of completion of 5-years from the date the agreement is signed. An **AMENDMENT** by Haigh, with a second by Ginder, to direct the Solicitor to include "the current SALDO, the current stormwater and the current streets and sidewalk Ordinance will apply". *Amendment passes. Main motion as amended carries 7-1, Youngerman voting No.*

Youngerman raises for discussion and a possible motion any interest by Council in discussing street widths, traffic studies, or anything else connected to this project that we are discussing.

On a **MOTION** by Haigh, and a second by Youngerman, a request was made to authorize the Borough Solicitor to include in the agreement that the street width for local street for phase 3 be 34 feet and that the alleys be 16 feet. *Motion carries unanimously.*

On a **MOTION** by Haigh, and a second by Youngerman, a request was made to authorize the Borough Solicitor to expand the agreement to establish deadlines for the traffic studies at Main & Orchard, and Main and Angle and parking studies for phase 1, 2, and 3 with a completion date of December 31, 2025. *Motion carries unanimously.*

On a **MOTION** by Haigh, and a second by Kark, a request was made to authorize the Borough Solicitor to set a deadline for the traffic signal study and implementation based upon the recommendations of the study that is required at Main and Melhorn. That deadline be August 31, 2025. Haigh withdrew his motion.

On a **MOTION** by Haigh, and a second by Kark, a request was made to have the traffic signal at the intersection of North Melhorn and Main be installed within 5-years of the date of the agreement. Haigh withdrew his motion.

On a **MOTION** by Haigh, and a second by Kark, a request was made to direct the Borough Solicitor to amend the agreement to require a traffic impact warrant study be performed within 90 days after issuance of the first building occupancy permit for commercial block A if not completed earlier and if warranted a traffic signal be installed within 6-months. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to appoint Brian Dolphin to the Planning Commission. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to appoint Daniel Bhatti as an Alternate position on the Zoning Hearing board. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to acknowledge receipt of a letter from the Parks and Recreation Advisory Board stating their opposition to a pedestrian bridge from the planned Chiques Crossing apartment complex in Rapho Township to the Little Chiques Park in the Borough. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to authorize the Borough Manager to attend the PSAB Annual Conference & Exhibition in Hershey, PA on June 2 – 5, 2024 and to pay for and/or reimburse expenses as provided by Section 701 of the Borough Code. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Kark, a request was made to appoint the Borough Manager as the voting delegate to the PSAB Annual Conference. *Motion carries unanimously.*

#### **Report of the Public Safety Committee**

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to approve Resolution 2024-07, request to allow the suspension of banners across State Route 230 for the following organizations and dates; KMS auction 4/29 – 5/11/2024, Donegal Graduation 5/24 – 6/7/2024, and Library Book Sale 6/7 – 6/22/2024. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to approve Resolution 2024-08, the closure of Main St from Angle Street to Barbara Street from 8:00 am until 5:00 pm on May 25, 2024, for the Memorial Day Parade. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to authorize the sale of one (1) Glock, Model 22 to The Officer Store or allow a Borough Officer to purchase the weapon for the same price that the Borough would receive for trade in value. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to authorize staff to sign the Indemnification Agreement for the May 12, 2024, Mother's Day Make-A-Wish Convoy. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to authorize the Borough Solicitor to advertise Ordinance 01-2024, an ordinance to amend the Mount Joy Borough Code of Ordinances, Chapter 255, Vehicles and Traffic, to revise regulations governing parking on Wood Street and Chocolate Avenue. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to authorize police department staff to initiate the process of replacing Unit #1, a 2019 Dodge Charger. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Crider, a request was made to authorize the Borough Solicitor to draft a resolution for amendments to the Civil Service Rules & Regulations as presented by the Civil Service Commission. *Motion carries unanimously.*

#### **Report of the Public Works Committee**

Haigh led a discussion regarding Lakes HOA ADA ramps. It was decided that the Public Works Committee will do some more research on this topic and come back with a recommendation.

On a **MOTION** by Ginder, and a second by Greineder, a request was made to authorize the Borough Engineer to advertise Contract #1, ADA Ramps and concrete curbs and sidewalks for School Lane. An **AMENDMENT** by Haigh, with a second by Kark, to include Charter Lane and portions of Pinkerton Road. *Amendment passes.* An **AMENDMENT** by Haigh, with a second by Ginder, to add "after final review by Public Works Committee on March 11<sup>th</sup>". *Amendment passes. Main motion as amended carries 7-1, Hall voting No.*

On a **MOTION** by Ginder, and a second by Greineder, a request was made to authorize the advertising of Contract #2, streets project for School Lane pending final approval of the Public Works Committee. An **AMENDMENT** by Haigh, with a second by Ginder, to add Charter Lane. *Amendment passes. Main motion as amended carries unanimously.*

On a **MOTION** by Ginder, and a second by Greineder, a request was made to approve the request from the Mount Joy Area Chamber of Commerce for Music in the Park. *Motion carries unanimously.*

On a **MOTION** by Ginder, and a second by Greineder, regarding a Mayoral Declaration to recognize the individuals and business that contributed to the renovation of Gateway Park. After some discussion, Ginder withdrew the Motion.

On a **MOTION** by Ginder, and a second by Greineder, a request was made to adopt Resolution 2024-06, a resolution to sell various equipment and a 2011 Ford F-350 Crew Cab. An **AMENDMENT** by Haigh, and a second by Greineder, to change crew cab to regular cab. *Amendment passes. Main motion as amended carries unanimously.*

On a **MOTION** by Ginder, and a second by Greineder, a request was made to authorize the Borough Manager to sign the Clean Water Fund Grantee Partner Agreement regarding the Streambank Restoration Project. *Motion carries unanimously.*

#### **Public Input Period**

David Weisner, 616 Water St., told Council he did a Right to Know Request to Lancaster County Wide Communications to gather information regarding radio traffic between Lancaster County Wide Communications and the Mount Joy Borough Police Department. He feels there were large periods of time with no calls between Lancaster County Wide Communications and the Mount Joy Borough Police Department. He spoke again regarding the lack of arrests for DUI's in the Borough. He feels this is troubling.

Ned Sterling, 13 W Main St., asked if there is any time frame regarding Brady Alley. He also, asked Youngerman if as a member of the public if you can only ask questions at a meeting if the topic is on the meetings agenda.

Stephen Bresch, 940 W Church St., said in summary, he is pro police. He said he would not be in the lobby if it was not for the sign prohibiting video recording. He said he truly believes everyone has the right to videotape in public and strongly feels the sign is against his constitutional right. Wants everyone to research the case law that the Chief is referring to. He said because the Police Department is a public place and they cannot ask him to leave or arrest him for trespassing. Said he is not trying to be snarky about it but is trying to save the Borough a lawsuit. He commented that other police stations in the surrounding area do not have a sign like that in their lobby.

Josh Deering, 33 Frank St., commented on a few items: 772 reroute, hopefully there will be some movement on that. Asked at the Mount Joy Community Foundation and if anyone has directed to get it back in good standing, He feels it would be nice to have it back and running.

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

Kark told Council he attended the bootcamp for newly municipal officers and said it was excellent.

Pugliese updated Council on the Chiques Crossing. He said the Borough hired the floodplain engineer out of Lancaster, he is also the Engineer for Mount Joy Township. A new conditional use application has been submitted regarding a driveway around the one building that is in flood plain. Pugliese said it has been over a month since he has heard from the Engineer we hired for the traffic. He said he sent him an email last week and is waiting to hear back. Josele has been briefed on everything and has been given the new conditional use application.

Pugliese asked Council if he could close the office for 2 hours on March 21<sup>st</sup> for an Active Shooter video training course provided by Susquehanna Board of Trust. He said he would publicize the 2 hour closing of the office on the website and office doors.

**Authorization to Acknowledge the Payment of Bills**

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

GENERAL FUND	\$	127,112.84
REFUSE/RECYCLING	\$	79,023.49
CAPITAL IMPROVEMENTS FUND	\$	138,631.43
HIGHWAY AID FUND	\$	-
ESCROW FUND	\$	4,587.81
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	349,355.57

*Motion carries unanimously.*

**Meetings and dates of importance**

See the white calendar for the month of March 2024.

**Executive Session**

None

**Adjournment**

On a **MOTION** by Ginder, and a second by Greineder, approval was given to adjourn the meeting at 10:06 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese I  
Borough Manager/Secretary