

**MOUNT JOY BOROUGH COUNCIL**  
**April 3, 2023, Minutes**

The Mount Joy Borough Council held its regular meeting on April 3, 2023.

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

Roll Call- Present were Councilors, Dominic Castaldi, David Eichler, Lu Ann Fahndrich, 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; Codes, Zoning and Planning Administrator, Duane Brady, Jr.; Stormwater, Planning & Grants Coordinator, Seth Godfrey; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley.

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

President Hall announced there was no Executive Session between the March meeting and the April meeting of Council.

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to accept the agenda for the April 3, 2023, Borough Council Meeting Agenda. An **AMENDMENT** by Roering, and a second by Ruschke, to accept and acknowledge the reports with time for questions. *On a roll call vote; Castaldi, Eichler, Fahndrich, Ginder, Roering and Ruschke voting yes and Hall, Haigh and Youngerman voting no. Amendment passes. Main motion carries unanimously as amended.*

**Public Input Period**

Rodney Wilbert, 119 David St., commented on alcohol being allowed in the Borough's parks for an event in July. He said allowing this to happen sets precedence for other events to request alcohol in the parks. He is against it. He asked about Police presence during the event. Asked if waivers will be signed and who would be responsible if something were to happen. He feels it will be a great event but does not feel like alcohol should be involved.

Dale Murray, 120 Farmington Wy., gave an update on the north side of East Main Street, Rapho Township area, where there are big gaps of sidewalks. He said he is proud to report that Rapho Township just got a \$540,000 grant from the Multimodal fund to complete the sidewalks from Member's 1<sup>st</sup> to Whitmoyer Auto.

Ron Grose, 210 Pinkerton Rd, spoke regarding the speeding Pinkerton Road. He said he is aware there is a Police presence. He also talked about parking on the west side of Pinkerton Road. He thinks it is limited sight if parking is allowed there. He did take some pictures. He asked about a bike path and if parking was in the original plans for Pinkerton.

Ned Sterling, 13 W Main St., asked about the complaint and concerns he sent to the Borough on March 9<sup>th</sup> regarding the property at 101 S. Jacob Street. He said he has not received any comment back yet. He said he sent a follow up email March 27<sup>th</sup> with no response. He asked what the process was for complaints made to the Borough Zoning/Codes. He also asked if Mount Joy Borough is part of the Drug Task Force because he did not see Mount Joy Borough listed.

Tim Bradley, Jr, 930 Wood St., asked for clarification of item 13c on the agenda and if the restoration of the driveways would be extended to Wood St residents as well. He feels if the Borough is going to offer that to Pinkerton Rd and N. Angle St. they need to offer it across the Borough.

Brian Youngerman, 663 Florin Ave., said he is speaking as a member of the public and speaking about something he is very passionate about and that is transparency. He spoke regarding an item from last month's Council meeting, amending subsection 270 of the Borough Ordinance. He does not feel that the public was informed and was able to comment on this item before it was voted on. He is aware that the item was marked as confidential and that it is not available to the public but he wonders if there was another way to do this so that the public was informed. In the future he hopes Council will make a commitment to transparency.

Presentation by Trout CPA – Megan Senkowski and Haley Brubaker with Trout CPA presented the Borough of Mount Joy 2022 Audit.

Discussion of 307 Locust Lane Stormwater Basin – Riley Noetzel, Esq., representing Sandra Melhorn, Robert Melhorn and Allory Melhorn were present and discussed with Council the possibility of transferring ownership to the Borough. Hall directed staff to meet with them and try to come up with a resolution.

#### **Report of Mayor**

Mayor Bradley provided a written report for March 2023.

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

Robert Goshen, Police Chief, provided a written monthly report for February 1, 2023, to February 28, 2023. The report showed 105 traffic arrests and 15 criminal arrests for the month. There was a total of 629 incidents for the month of January, with a total of 1,454 incidents year to date.

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

Brett Hamm, FDMJ Fire Chief, provided a written monthly report for February 2023.

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

Adam Marden provided a written monthly report for February 2023.

#### **Northwest EMA**

Provided a report for February 2023.

#### **Report of EMA**

Mayor Bradley provided a written report for March 2023.

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

Joseph McIlhenney provided a written monthly report for February 2023.

#### **Report of Code/Zoning & Planning Administrator**

Duane Brady, Jr., Codes, Zoning and Planning Administrator, provided a written monthly report for March 2023.

#### **Stormwater, Projects & Grants Coordinator**

Seth Godfrey, Stormwater, Projects & Grants Coordinator, provided a written monthly report for March 2023.

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

Dennis Nissley, Public Works Director, provided a written report for March 2023

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

Joseph Ardini, Authority Manager, provided a written monthly report for March 2023.

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

Jill Frey, Assistant Borough Manager/Finance Officer, provided a written report for March 2023.

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

Mark G. Pugliese I, Borough Manager, provided a written report for March 2023.

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

On a **MOTION** by Roering, and a second by Youngerman, approval was given for the minutes of the regular Borough Council meeting held on March 6, 2023. *Motion carries unanimously.*

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

Deering said there is not much to discuss, the Committee is waiting for some action from Council. The survey work was done last month but the Geo Tech and borings are on hold until the Ordinance change goes through.

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

On a **MOTION** by Youngerman, and a second by Roering, a request was made authorize the Borough Solicitor to prepare a resolution for Council President to sign Cable Franchise Agreement with Shenandoah Cable Television, LLC (Shentel). *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made approve request from Mount Joy Area Chamber of Commerce to contribute \$1,000 towards Mount Joy Night @ Barnstormer's Event. *On a roll call vote; Castaldi, Eichler, Fahndrich, Ginder, Haigh, Roering, Ruschke, and Youngerman voting Yes and Hall voting No. Motion carries 8-1.*

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

On a **MOTION** by Youngerman, and a second by Roering, to acknowledge receipt of the Mount Joy Borough Other Postemployment Benefits Program submitted by Foster & Foster. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to authorize staff to have an air quality test completed on the current municipal building. An **AMENDMENT** by Castaldi, and a second by Roering, to add a surface mold test. *Amendment carries.* An **AMENDMENT** by Haigh, and a second by Roering, a request was made to change the wording of the Main Motion to "have an indoor air quality study performed by a qualified firm on the current municipal building. *Amendment carries. Main Motion as amended carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to approve the advertising of Ordinance 01-2023, an ordinance to amend Mount Joy Borough Code of Ordinances, Chapter 270-15, Zoning, to revise regulations governing municipal uses to be advertised on Friday, April 14, 2023 and Friday, April 21, 2023, in LNP. *Motion carries unanimously.*

Hall acknowledged receipt of the Lancaster County Planning Commission.

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

Haigh led a discussion on the review of ADA ramps by LTAP and discussed responsible changes. At this time, President Hall turned the gavel over to Vice President Fahndrich. On a **MOTION** by Hall, and a second by Ruschke, a request was made to send the construction company's proposal for remediation to our engineer for review and pending their review, accept that and fix the ADA ramps as proposed. *Motion carries 8-1, Haigh voting No.*

On a **MOTION** by Ginder, and a second by Haigh, a request was made to authorize the Borough Solicitor to prepare an ordinance to allow for parking on the west side of Pinkerton Rd where the street width is 31 feet or greater. After some discussion Chief Goshen suggested it be referred to the Public Safety Committee to have the Police Department conduct a traffic study. Ginder withdrew the motion and sent it to the Public Safety Committee for a traffic study to be done.

On a **MOTION** by Ginder, and a second by Haigh, a request was made to have the Borough to assume the cost of driveway restoration on the 2022 Pinkerton Rd and North Angle Street Construction projects by contracting the work out, or having the work performed by Public Works Department or reimbursement at a cost approved by Borough Council. The extent of driveway restoration shall be the Right of Way line, determined by the Director of Public Works. Driveway restoration shall not include any driveway transition area between the curb and the sidewalk or the sidewalk itself. Driveway restoration does not include any lawn restoration, curb repair, street patching or sidewalk repairs. Design and construction shall be on an individual basis as specified by the Director of Public Works. The Borough makes no warranty on the completed construction. After some discussion, Ginder withdrew the motion.

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to allow the property owner at 257 Marietta Avenue to complete the sidewalks with asphalt at their garage and driveway and bricks adjacent to their house. *Motion carries unanimously.*

Discussion of Pinkerton Road Curb Reimbursement and calls from residents indicating they cannot afford the payment. Pugliese told Council the invoices went out to residents on Pinkerton Road for curbs and the Borough is getting calls from some residents stating they cannot afford the repayment process approved by Council which was half upfront and six months to pay the remaining half. Pugliese asked Council what they wanted the Borough to do in this situation. Pugliese said the Borough can do what they do with Refuse accounts that are delinquent and that is to place a lien on the property until they are paid in full. Hall said to move forward with the liens and just like everything else, trash bills, water bills and anything else. If we have the lien, they come to Council with a proposed repayment plan and Council can either approve or disapprove it and work it out case by case.

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

On a **MOTION** by Fahndrich, and a second by Castaldi, a request was made to approve the request from Voyage Mount Joy to close Delta Street for the 2023 National Night Out event on August 1<sup>st</sup> from 6:00PM – 10:00PM. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made authorize the Borough Manager to review all letters of interest for the position of the Emergency Management, interview top candidate(s), and complete background checks in order to provide Council a candidate at the May Borough Council Meeting. *Motion carries unanimously.*

Chief Goshen reviewed the County DTF Report and the Mount Joy Borough Police Department 2022 drug related report with Council.

#### **Public Input Period**

Ron Grose, 2310 Pinkerton Rd., said he feels Council went way overboard on the air thing. He said to bring in a company to clean it or use a magic eraser and a can of Lysol to clean up some mildew and do some cleaning. He said he is invested very invested in the Pinkerton Road project and commented on the estimate and the actual cost of his sidewalks. He also gave Council the exact dates in which they cut his driveway, put the curb in, put the stormwater pipe, back filled the curb and put the curb in. He said the area they cut up on his driveway is not his right of way so it's the Boroughs property that he paid to put sidewalks on. He commented on allowing alcohol at the Borough parks and he cannot believe the Borough is allowing that.

Ned Sterling, 13 W. Main St., asked for some updates from Josh Deering regarding the cost of the Police Station on Orchard Road and the cost of the update/renovations of the current Municipal building. Asked if the Borough would add a second floor to the existing Municipal building.

Josh Deering, 33 Frank, St., commented on the remediation costs and the working environment of the Borough's employees. He said they are here every day doing all they can for the Borough, so we need to make sure they have a safe and healthy working environment. Deering commented on the sidewalk and curbs required on Pinkerton and feels as though the Borough gave the residents plenty of time to prepare and save.

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

Castaldi responded to a comment made that the Borough is permitting alcohol in Borough Park. He said that statement is not correct. He said this is a onetime waiver.

Goshen informed Council that the State Police are going to be landing a helicopter in the back parking lot on April 19<sup>th</sup> 2:30 pm with a rain date of April 20<sup>th</sup>. He said we have been in conversations with them on how to expand some of our efforts and what tools they can bring to the table and one of those things is a new helicopter.

Pugliese reminded Council of the Post Office dedication tomorrow, March 7<sup>th</sup> at 10:00AM at St. Mark's. All Council members are invited to attend. He also informed Council that this is the last year Trout will be doing the Borough audit. They are cutting down on their work and we were one of the Municipalities on their list, so the Borough will be looking for another firm.

Haigh said Wood St needs to be discussed since it is scheduled to be advertised tomorrow. He spoke regarding Rettew's contract and the conditions of the contract. Haigh gave his opinion of the conditions and how it could affect the project. Pugliese said he could give Councilor Haigh's comments to Rettew.

On a **MOTION** by Roering, and a second by Ginder, a request was made to not advertise this Friday. An **AMENDMENT**, by Haigh, and a second by Roering, to not advertise tomorrow, send the comments to Rettew and have Rettew to attend the Public Works meeting on the April 10<sup>th</sup>. Amendment passes. Main motion as amended carries unanimously.

#### **Authorization to Pay Bills**

On a **MOTION** by Youngerman, and a second by Roering, Council approved paying the bills as presented from March 1-March 31, 2023. *Motion carries 8-1, with Hall voting no.*

GENERAL FUND	\$	79,184.51
REFUSE/RECYCLING	\$	74,443.95
CAPITAL IMPROVEMENTS FUND	\$	21,810.26
HIGHWAY AID FUND	\$	-
ESCROW FUND	\$	1,552.25
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	176,990.97

**Meetings and dates of importance**

See the yellow calendar for the month of April.

**Executive Session**

No Executive Session was held.

**Adjournment**

On a **MOTION** by Roering, and a second by Ruschke, approval was given to adjourn the meeting at 11:00 PM. *Motion carries unanimously.*

Respectfully Submitted,

A large, bold, handwritten signature in black ink, appearing to read 'MP' or similar initials.

Mark G. Pugliese  
Borough Manager/Secretary