

MOUNT JOY BOROUGH COUNCIL
May 20, 2019 Minutes

The Mount Joy Borough Council held a special meeting on May 20, 2019, at St. Marks Church.

President Hall called the meeting to order at 7:05 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; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Police Chief, Maurice Williams; and Administrative Assistant, Lisa Peffley. Absent was Stacie Gibbs, Codes and Zoning Officer.

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

On a **MOTION** by Ginder, and a second by Millar, approval was given to accept the agenda for the May 20, 2019, Special Borough Council Meeting. *Motion carries unanimously.*

Public Input Period

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

Kevin Richardson, 332 Richland Ln., spoke about the 2018 flooding and voiced his concerns of future storms and flooding and what will happen when roads are widened, and more impervious surfaces are installed. Also, concerned of what this would mean for storm water issues.

Dale Murray, 120 Farmington Way, commented he feels there is a very direct way of getting to the end of this and he thinks Hall's proposal is it.

Bobbi Hartlove-Fronczek, 300 School Ln., presented Council with petitions of people that are opposed to the installation of sidewalks in their neighborhoods. She said when the people of these neighborhoods moved in, they were under the impression they would stay rural areas. She would like the petitions to be on public record.

Peg Hamm, 755 Terrace Ave., voiced her support for Hall's proposal tonight. Hamm would like to know why the Borough wants to put sidewalks everywhere.

John Krulock, 264 School Ln., asked Council again, why the Ordinance exists. He assumes that no one here tonight knows why, so therefore, we should not even be here tonight. Krulock also spoke about the 2018 flooding and is concerned of the environmental impact of sidewalks. Krulock said he is still struggling financially from the 2018 flooding and if he is forced to install sidewalks, his family will need to leave Mount Joy.

Rick Hamm, 755 Terrace Ave., agreed with Krulock about wanting to know why the Ordinance exists. He, like Krulock, would probably be forced to leave Mount Joy if required to install sidewalks.

Julie Davis, 351 Delta St., said she purchased her home because she liked the area and the way it looks without sidewalks. Her husband has had a stroke and several surgeries, they do not have the money to install sidewalks. Davis said this is an undue financial burden on her and her neighbors. She loves her neighborhood; everyone looks out for each other and helps each other. She does not want to lose her home because they have to install sidewalks. Davis feels there is no need for sidewalks in her neighborhood.

Peggy Grove, 350 Delta St., told Council years ago when they lived at a different property in another area of Mount Joy, they were required to install sidewalks. They had to tear up the existing brick sidewalk at their expense and replace it with a concrete sidewalk, again at their expense. However, the street around the corner got a grant for their sidewalks and did not have to pay anything for them. They are a retired couple who have lived in Mount Joy for 45 years and do not want to go in debt at this time of their lives to pay for sidewalks again at their current property.

Jeff Pokopec, 320 Richland Ln., asked Council if the Ordinance is 30 years old, why has it not been enforced before now. Hall said the reason for this is that the Ordinance only goes into effect when a street is reconstructed. Pokopec reflected on the 2018 storms and the amount of water that was running down his street. He feels the Borough could be focusing on the water issues rather than the installation of sidewalks that really are not needed. Pokopec is concerned about the financial impact and really does not see any need for sidewalks on Richland Lane.

Jennifer Watson, 620 Bernhard Ave., read a public record that she found dated April 17, 2018 and recorded 5/3/18 pertaining to Pedestrian Right of ways. Hall told Watson that was a unique document that was specific to one property on Apple Alley.

Cheryl Baranski, 223 Delta St., told Council she is in debt \$30,000 due to being flooded out twice in the 2018 flooding. Baranski told Council she does not need sidewalks, what she needs is something to be done to stop the water from running into her property and flooding her out. She feels the Borough should be focusing on that issue rather than sidewalks. Baranski said her two sons are lawyers and they sent her a text that she read to Council; "Changing a local ordinance can be done by local governing body, the planning agency, or by a petition of the affected property owners." Baranski told Council, we have a petition with a lot of names on it. She wants to know why it cannot be put on the ballot and voted on.

Michael Biselli, 319 School Ln., asked Council that when they look at the names on the petition, not to look at them as just names, but people's lives that you are affecting.

Terry Zeller, 224 Pinkerton Rd., keeps hearing about making Mount Joy a walkable community and the fact that it is 80% complete with only 20% left to be complete. Therefore, he urges Council to think outside the box and view other alternatives to concrete sidewalks.

Ron Good, 314 School Ln., questioned Council if the adding of sidewalks to a property, being that it is impervious, would subtract from the availability of the property to be able build on. He also commented on financial impact the sidewalks would have on the people in his neighborhood.

Katie Stehman, 310 School Ln., is concerned about people hiring different contractors to install the sidewalks, and whether or not they are doing it correctly. For example, are they looking at the grading in the whole neighborhood and not just in front of the property they are installing them on? She is very concerned about the stormwater and drainage issues.

Danielle White, 134 N. High St., wanted to let Council know she is a mother of six children, two of them being twins, all under the age of eight. When they go for a walk, they actually cross over to Delta Street because the street is wider and does not have sidewalks. White said a double stroller with a toddler holding onto the side does not fit on a sidewalk.

Brian Ebersole, 209 School Ln., wanted to echo a previous concern about the sidewalks being installed correctly. He recalls a few years back when some handicap ramps had to be torn up and redone because of a grading issue. Ebersole wanted to remind Council that the Ordinance was put into place 30 years ago and a lot has changed since then and to take that into consideration moving forward.

Kendall Krulock, 264 School Ln., thanked Council for giving everyone the opportunity to be here and to speak about their concerns. One of the biggest concerns for her is the water issue people have been mentioning. Also, the financial impact. Aside from that, one of the reasons they chose School Lane was the look of the neighborhood. She would hate to see her rural neighborhood lose its charm and its beauty.

Brenda Shelley, 323 School Ln., told Council there is no need for sidewalks on School Lane. The streets are wide and have rolled curbs. Shelley said there is enough room for people to safely walk and ride bikes. Shelley said if the Borough feels there is a need to have something for people to use, why not put in a bike path instead. They do not need the expense of installing and maintaining sidewalks.

Gene Cope, 330 School Ln., said the cost of the sidewalks is the issue.

Jane Farr, 425 Columbia Ave., moved into her property in 1991 and was told she had to install sidewalks at the front of her property. Since then she has not seen an increase of people walking on the sidewalk. In fact, she said most people walk on the street. Now she may be faced with having to install sidewalks on the other side of her property. She does not believe the Ordinance has been enforced uniformly. Farr said there have been new developments built since she moved into her home and they were not required to have sidewalks.

Sherry Torres, 404 N. Angle St., talked about the flooding in 2018 and is concerned about the amount of water that would run onto her property if the street is widened and sidewalks are installed.

Pat Gerlach, 147 N. Market St., said he would not be opposed to a community wide tax if it would help others in the community with storm water issues and sidewalks.

Chris James, 306 Locust Ln., spoke about the flooding issues in 2018 and voiced his concerns about where the water will go if sidewalks are installed. Also talked about the financial impact on his family if they are required to install sidewalks at their expense.

Nick Finicle, 116 New Haven St., said he is here tonight to support his neighbors. He loves to walk through the neighborhood of School Lane because of the fact there is no sidewalks. He is disappointed in a couple of things tonight. One, is the fact that a copy the Ordinance is not available for the public at tonight's meeting. Two, he thought a lot of questions and concerns would have been addressed if Council would have given their presentation before the public input period. Finicle said one of the biggest threats to progress is doing something because "that is the way has always been done". Finicle said an Ordinance is one of the most basic local forms in the government. Finicle feels there are different ways to interpret the law. There is letter of the law, the legalist interpretation of how it is supposed to be done and then there is the color of the law, what is it supposed to do? How does it best serve our people? Then there is discretion, we can apply discretion to it.

Mahlon Lund 308 Richland Ln. likes the country setting and does not want to lose that setting by adding concrete sidewalks. He is also concerned about the financial part of having to install sidewalks.

Jeff Cassel, 230 Park Ave., said just because 80% of the town has sidewalks that is no reason to force people to put in sidewalks that are not wanted. Cassel said if the Borough is worried about the safety aspects, he suggests putting speed bumps in or change the speed limits on the streets. He also said, you can widen the streets and put in a pedestrian path. Cassel does not think you need sidewalks to make your neighborhoods safe. Cassel commented that as elected officials by the citizens of Mount Joy, sitting here tonight, it is your duty and responsibility to consider the wishes and desires of your citizens, as you debate this and the language you put in.

Patty Snyder, 213 School Ln., likes School Lane just the way it is, without sidewalks. She prefers walking on the road rather than a sidewalk. Snyder feels roads are easier to use when running, biking and pushing strollers.

Pat Krocen, 258 School Ln., said \$10,000 or more for sidewalks is a lot of money to lay out at one time. He would not have a problem with a tax, at least that way the cost would be broken out over a period of time and among everyone. He wondered if it would be financially beneficial if the Borough would bid out the sidewalks as one big project.

Hall responded, the problem is if the Borough would do that, being that we are a municipality, prevailing wage comes in to play. The state mandates the wage that is to be paid and that would actually make it more expensive. Hall said it may be less expensive if all the people in the area get together and hire one contractor.

Karen Berrier, 365 N. Barbara St., said she did some research and she found that the largest number of pedestrian deaths occur on sidewalks. The second largest are in crosswalks. Berrier hopes the Borough takes this information into consideration when working on the Ordinance.

Paula Krocen, 258 School Ln., wanted to know if the Borough considered using taxpayer money for this project. Krocen stated, taxpayer money is to be used for the betterment of the community. Krocen feels sidewalks are nice but are not necessary. Krocen asked Council to take into consideration the financial burden this puts on the citizens of Mount Joy when making their decision.

Borough Sidewalk Ordinance Discussion

Millar started out by thanking everyone for their patience and good attitude during this journey. He feels that during this journey we all learned a lot. Millar said there were two things that stuck in his mind along this journey. One is this drive for sidewalks. He said it seems like we are driven more for the want for sidewalks than the need for sidewalks. Millar wondered, who is behind this want? Where is this coming from? He went on by saying, we have an Ordinance and none of us here tonight were involved in this Ordinance, so we do not know. However, he does know who is not behind the want and it is the people most affected by it. The second thing was leadership. Millar said leadership means to serve. He feels to be a successful leader you need to have compassion. If you do not have compassion you will fail. Millar said looking at the current Ordinance he sees no compassion and it has failed. Millar knows this is devastating to a lot of people, so tonight, he is asking Council to lead with compassion. Millar stated that he 100% supports President Hall's presentation that he will be sharing tonight.

Mayor Bradley commented that without question this will be the single biggest issue that comes before him in terms of his time serving Council. The Mayor gave some examples of other cities' and borough's Ordinances in Pennsylvania. One of those examples is in the city of Allentown, there are variances and deferments that are taken into consideration. Number 1, the character of the neighborhood that is such that the installation of sidewalks would not serve any public purpose. Number 2, where unique physical conditions make the installation of sidewalks an undue hardship and the absence of this installation would not materially affect public safety and convenience. Whitehall Township, the Board may grant such relief that they may determine, and strikingly they must have taken it from the city of Allentown, because their first two points are exact ones he just read. They do introduce a third point, where the property abuts state, federal, or local roadway and such installation would adversely affect the drainage patterns or the facilities presently in existence. The Mayor read something from the Federal Highway Administration; bicycle and pedestrian ways shall be established in new and reconstruction projects in all urbanized area unless one or more of the following conditions are met. Number 1, which he feels applies to

what is being discussed tonight, the cost of establishing bike ways and walkways would be excessive disproportionate to the need or probable use. Number 2, where sparsity of population or other factors indicate the absence of need. Mayor Bradley thanked Bobbi Hartlove-Fronczek for taking her time to walk door to door and get the signatures of the people in the neighborhood opposed to sidewalks in order to give Council the sense of the overall desire of the people in the neighborhood.

Reese said courage is another characteristic of a leader and sometimes it takes courage to stand in front of group people and say, "I do not necessarily agree with this." Reese said he cannot really say he does not agree with it, but he has yet to see criteria that is very explicative. Reese believes this not about a safety issue, but a money issue and he realizes this is a lot of money. He also understands the whole connectivity in the County and trying to connect neighborhoods and that the Borough would like to move forward with it. Reese feels that it is very encouraging. He does believe sidewalks in certain areas can be a benefit safety wise.

Youngerman agrees that there needs to be some type of criteria. Youngerman has compassion for the people who choose the neighborhood they want to move into for certain reasons, but there needs to be a balance. We do need some walkability. For example, being able to walk to the Library and to the schools. He has had people say they cannot get from downtown to the Library. He feels in this case sidewalks would be a very valuable asset for the people who live in Mount Joy. This will improve the lives, social structure and education of the people of Mount Joy. Youngerman is happy to see that Council is dealing with that by the Marietta project. Youngerman commends the Mayor for all his hard work he put into this issue.

Hall said he did a little research and he had a handout for Council. The handout consists of streets that he personally assessed. Hall really likes the idea of a criteria-based system. Alleys, cul-de-sacs, dead end streets, low traffic counts and the character of the neighborhood are some of the things he based his decisions on. However, he did not consider the financial aspect. He does not think that is a valid criteria. Hall reviewed the handout with Council. Hall said he got to work with the President of the Elizabethtown Borough Council, so he asked him if all the streets in Elizabethtown Borough have curbs and sidewalks. The President of the Elizabethtown Borough Council told Hall they have an exemption list and a few of their streets do not have curbs and sidewalks. Hall would like to propose Council create an exemption list. Hall made a MOTION, and a second by Youngerman to adopt the following streets and alleys shall be exempt from the regulations detailed in §232.58, "Responsibility of Property Owners". Hall read the list. See attachment A. Curbs and/or sidewalks currently installed or subsequently installed on any exempt street or alley shall be maintained in accordance with §232.60. The subsequent installation of curbs and/or sidewalks on any exempt street or alley shall be done in accordance with §232.60 and 232.61.

Reese asked Hall what criteria he used to make his decisions. Hall responded, technically feasibility, continuing of streets, character of the neighborhood, cul-de-sacs, traffic counts, stormwater management, dead ends, and connectivity.

Hall hopes that Council does not vote on this tonight. He would like for Council to talk about it tonight and lay it on the table and vote on it at another Council meeting.

Ginder said some things that Council needs to look at are creative walkways instead of a concrete sidewalk and stormwater management for streets that are not exempt.

Eichler mention about looking at pervious pavement, walkways, crafty ways of getting people from point A to point B.

Deering feels that most of the streets that are listed on the exemption list would fall under the four main criteria that Public Works Committee presented. Deering would not be in favor of listing over 70 streets to be exempt in the Ordinance. Deering said things are constantly changing and by doing this he feels this would tie future Councils hands. Deering is not opposed to have some streets on an exempt list.

Hall said if things change in the future, by a Motion the streets on the exempt list can be changed if needed.

Youngerman suggest staff sit down on a yearly basis and look at maybe eight or nine streets at a time and then decide what should be done for those streets.

Mayor Bradley commented he is not sure if you do this on a yearly basis, whether that would be enough time for people to financially prepare.

Deering mention the fact that we have an adopted 25-year paving plan. That plan gives people an idea of when their streets will be done.

Fahndrich feels this list of exempt streets will make things much more complicated and tends to lean toward the criteria presented previously. She also feels that the 25-year paving plan is very helpful.

Millar said he is in favor of the list. He feels it makes it easier when it comes time for a street to be repaved.

On a **MOTION** by Reese and a second by Youngerman, a request was made to lay this on the table until July's Council meeting. *Motion carries unanimously.*

On a **MOTION** by Hall and a second by Youngerman a request was made to place the pre-decisional information, the proposed list of exempt streets, on the Borough's website. *Motion carries unanimously.*

Fahndrich commented this is not an easy issue. She struggles with the fact that there are people who already paid for sidewalks and now others may not have to in the future. Fahndrich said she really likes the idea of connectivity and appreciates Zellers comments about "thinking outside the box" and looking at different types of walkways. Fahndrich feels that stormwater management needs to be part of the discussion.

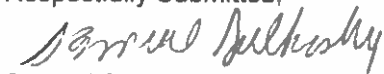
Council went into executive session at 10:25pm for legal issue(s). Council came out of executive session at 10:47pm.

On a **MOTION** by Reese, seconded by Ginder to accept the Giant Foods conditional Liquor Licensing Agreement. On a roll call vote, voting yes were Deering, Eichler, Ginder and Reese, voting no were Fahndrich, Feuerstacke, Millar, Youngerman and Hall. Motion fails 4 to 5.

Adjournment

On a **MOTION** by Feuerstacke, and a second by Reese, approval was given to adjourn the meeting at 10:50pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary

Attachment A

The following streets and alleys shall be exempt from the regulations detailed in § 232.58, "Responsibility of Property Owners":

All Alleys are exempt from the installation of curbs and sidewalks.

2nd Street from is exempt from the installation of curbs and sidewalks

Bernhard Avenue is exempt from the installation of sidewalks

Bruce Avenue is exempt from the installation of curbs and sidewalks

Cedar Lane is exempt from the installation of curbs and sidewalks

Church Street from Angle Street to Orchard Road is exempt from the installation of sidewalks

Colony Lane from South Angle Street to South Market Avenue is exempt from the installation of curbs and sidewalks

Concord Street is exempt from the installation of sidewalks

Creekside Lane is exempt from the installation of sidewalks

David Street from New Haven Street to Comfort Alley is exempt from the installation of curbs and sidewalks

David Street from Lumber Street to Donegal Springs Road is exempt from the installation of curbs and sidewalks on the north and east sides

Delta Street from Columbia Avenue to the dead end is exempt from the installation of curbs and sidewalks

East Donegal Street from Barbara Street to Jacob Street is exempt from the installation of sidewalks on the north side.

East Donegal Street from Jacob Street to Longenecker Road is exempt from the installation of sidewalks on the south side.

East Main Street from Elmcrest Boulevard to Cornerstone Drive is exempt from the installation of sidewalks on the south side.

East Main Street from Cornerstone Drive to Eby Chiques Road is exempt from the installation of curbs and sidewalks on the south side.

Eby Chiques Road is exempt from the installation of curbs and sidewalks

Florin Avenue from Donegal Springs Road north to the dead end is exempt from the installation of curbs and sidewalks

Frank Street from Market Street to Concord Street is exempt from the installation of sidewalks on the south side.

Frederick Street from High Street to the dead end is exempt from the installation of curbs and sidewalks

Grandview Circle is exempt from the installation of sidewalks.

Hemp Street is exempt from the installation of curbs and sidewalks.

Henry Street is exempt from the installation of curbs and sidewalks.

Hill Street is exempt from the installation of sidewalks on the south side from North Elm Street to a point 90 feet east of Green Alley.

Hill Street is exempt from the installation of sidewalks on the north side from Orchard Road to a point 280 feet east of Green Alley.

Hopewell Street is exempt from the installation of curbs and sidewalks.

Ice Street is exempt from the installation of curbs and sidewalks.

Lauver Lane is exempt from the installation of curbs and sidewalks.

Lefever Road is exempt from the installation of curbs and sidewalks on the west side from Stauffer Court to the borough line.

Lefever Road is exempt from the installation of sidewalks on the west side from Main Street to Stauffer Court.

Longenecker Road is exempt from the installation of curbs and sidewalks.

Lumber Street from West Donegal Street to the railroad tracks is exempt from the installation of curbs and sidewalks.

Lumber Street from David Street to Marietta Avenue is exempt from the installation of curbs and sidewalks on the east side.

Manheim Street from Market Street to Barbara Street is exempt from the installation of curbs and sidewalks.

North Angle Street from Bruce Avenue to Terrace Avenue is exempt from the installation of curbs and sidewalks.

North Angle Street from Terrace Avenue to Hill Street is exempt from the installation of sidewalks.

North High Street from Mount Joy Street to North Alley is exempt from the installation of sidewalks on the west side.

North High Street from North Alley to Park Avenue is exempt from the installation of curbs and sidewalks.

North Jacob Street from Mount Joy Street to North Alley is exempt from the installation of curbs and sidewalks.

North Market Avenue from Church Street to Hill Street is exempt from the installation of sidewalks.

New Street from Barbara Street to Walnut Street is exempt from the installation of sidewalks on the north side.

New Haven Street from Marietta Avenue to Oak Alley is exempt from the installation of curbs and sidewalks.

Newcomer Road from Main Street to Penn Court Drive is exempt from the installation of curbs and sidewalks on the west side.

Newcomer Road from Penn Court Drive to the dead end is exempt from the installation of curbs and sidewalks.

Old Market Street from Manheim Street to the borough line is exempt from the installation of curbs and sidewalks on the east side.

Old Market Street from the entrance to Rotary Park to the borough line is exempt from the installation of curbs on the west side.

Orange Street is exempt from the installation of curbs and sidewalks on the east side.

Orchard Road from Bruce Avenue to Hill Street is exempt from the installation of curbs and sidewalks.

Park Avenue is exempt from the installation of curbs and sidewalks.

Pine Street is exempt from the installation of curbs and sidewalks.

Richland Lane is exempt from the installation of curbs and sidewalks.

South Angle Street from Clay Alley to Bridge Boulevard is exempt from the installation of sidewalks on the east side.

South Jacob Street from New Street to the borough line is exempt from the installation of curbs and sidewalks on the east side.

South Market Avenue from Wood Street to the railroad tracks is exempt from the installation of curbs and sidewalks.

South Market Street from School Lane to the borough line is exempt from the installation of curbs and sidewalks.

South Melhorn Drive is exempt from the installation of sidewalks.

South Plum Street from Wood Street to the railroad tracks is exempt from the installation of curbs and sidewalks.

School Lane from Marietta Avenue to Pinkerton Road is exempt from the installation of sidewalks.

School Lane from Pinkerton Road to South Market is exempt from the installation of sidewalks on the north side and exempt from the installation of curbs and sidewalks on the south side.

School Lane from South Market Street to Delta Street is exempt from the installation of curbs and sidewalks.

Seller Lane is exempt from the installation of curbs and sidewalks.

Springville Road is exempt from the installation of curbs and sidewalks.

Square Street from Apple Alley to South Market Avenue is exempt from the installation of curbs and sidewalks on the south side.

Square Street from South Market Avenue to Orange Street is exempt from the installation of curbs and sidewalks.

Stauffer Court is exempt from the installation of sidewalks.

Terrace Avenue is exempt from the installation of sidewalks.

West Donegal Street from Donegal Springs to 347 West Donegal Street is exempt from the installation of curbs and sidewalks on the south side.

West Donegal Street across from 347 West Donegal Street to Donegal Springs Road is exempt from the installation of curbs and sidewalks.

Walnut Street is exempt from the installation of curbs and sidewalks.

Water Street from Angle Street to Green Alley is exempt from the installation of curbs and sidewalks.

Water Street from North Plum Street to North Angle Street is exempt from the installation of curbs and sidewalks on the south side.

Wood Street from Chocolate Avenue to Florin Avenue is exempt from the installation of curbs and sidewalks.

Ziegler Street is exempt from the installation of curbs and sidewalks.

Curbs and/or sidewalks currently installed or subsequently installed on any exempt street or alley shall be maintained in accordance with § 232.60

The subsequent installation of curbs and/or sidewalks on any exempt street or alley shall be done in accordance with § 232.60 and 232.61.