

MOUNT JOY BOROUGH COUNCIL
May 6, 2019 Minutes

The Mount Joy Borough Council held its regular meeting on May 6, 2019, at St. Marks Church due to the large number of the public in attendance.

President Hall called the meeting to order at 7:13 PM.

Roll Call - Present were Councilors Joshua Deering, David Eichler, Lu Ann Fahndrich, 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; Codes and Zoning Officer, Stacie Gibbs; Police Chief, Maurice Williams; and Administrative Assistant, Lisa Peffley. Absent was Councilor David Feuerstacke.

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

President Hall announced there was an Executive Session held on April 1, 2019, for personnel and legal issues. No decisions were made.

On a **MOTION** by Youngerman, and a second by Reese, approval was given to accept the agenda for the May 6, 2019, with change of item 12b from a motion to a discussion. Borough Council meeting. *Motion carries unanimously.*

Presentation of the 2018 Audit

Carol Roland and Amanda Kilroy, Trout, Ebersole & Groff, LLP, provided a written report and gave an oral presentation on the Borough's financial statements and supplementary information for the year end 2018. Roland and fellow auditor, Amanda Kilroy, answered related questions pertaining to the 2018 Audit.

Presentation of the Borough of Mount Joy Parking Utilization Study

Patrick McTish, Michael Baker International, provided a written report and gave an oral presentation on the Parking Utilization Study conducted by Michael Baker International and answered any questions pertaining to the Study.

Public Input Period

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

Raeann Schatz, 24 Fairview Ave., Marietta, asked for a progress report for the last month on the water retention basin behind Gus's. Nissley replied, ARRO will be at the upcoming Public Works Committee meeting on what's been happening and that the curbing has been installed at Gus's. Schatz also inquired about the infiltration testing and asked if she could get a copy of the report if completed. Nissley replied, he does not believe that we have a report on hand, but he can check with ARRO.

Bruce Haigh, 504 Rose Petal Ln, thanked Salley and Gibbs for their quick response at Gus's on the curbs.

Bobbi Hartlove-Fronczek, 300 School Ln., put together a petition, within the last 24 hours for the people on School Lane from Marietta Avenue to Delta Street. The petition states that 95% of the people are not in favor of having sidewalks and curbs. There were a few people that were not on the petition because they were either on vacation or at work. She feels they are under the grandfather clause because all these codes were after 1989 and all houses were prior to that time period and in addition to that the roads are double expanded. They are making a demand that the Planning Commission and Zoning Hearing Board Committee to fully fund the installment and maintenance of the sidewalks and curbs. Hall informed her that the Planning Commission and Zoning Hearing Board have nothing to do with the funding of it.

Beth Brelja, 550 N Angle St., feels the Borough should finance some, if not all of the curbs and sidewalks. She feels the installation of the curbs and sidewalks benefits the Borough more so than residents, considering they do not even want them.

Robin Hess, 214 N. Barbara St., owns a property on Pinkerton Road. Hess feels the Borough needs to use some common sense when it comes to requiring curbs and sidewalks in certain areas. For example, roads like Pinkerton Road that lead to nowhere/out into the country and like Park Avenue, which is a beautifully landscaped area.

Terry Zeller, 224 Pinkerton Rd., referenced PA Act 37, passed in 2014, chapter 18, section 1804. Zeller hopes the Borough would take that Act into consideration when making their decision.

Dale Murray, 120 Farmington Way, commented on 14a of tonight's agenda. Murray would like for the Borough to start from the default of "No Sidewalks unless" instead of "Thou shall have sidewalks except".

Ron Grose, 210 Pinkerton Rd., said he is for sidewalks in that area. However, Grose questioned the widening of Pinkerton road and what exactly is going to be done on Pinkerton Road. Grose said the road is very busy and there are a lot of people that speed on that road which makes it unsafe. His concern is if you widen the road it could make the speeding situation worse. He is looking for a solution to help make the road safer.

Mandy Houck, 300 Pinkerton Rd., stated she has type 1 Diabetes and is fighting the cost of insulin and now she may be required to pay for installation of curbs and sidewalks. She said she will be unable to pay for both her insulin and sidewalks. She is not opposed to sidewalks if the Borough is paying for them.

Pat Kocen, 258 School Ln., is newer to the area and the sidewalk issue is new to him. Hall explained the current Ordinance to him.

Larry Derr, 715 Terrace Ave., feels if the Borough was financially responsible for the installation of curbs and sidewalks that the Borough would be more strategic as to where curbs and sidewalks would be required. Derr feels the Ordinance is outdated. The Borough is asking people to spend money on something that is not needed. Derr would like the Borough to use some common sense.

Michael Fronczek, 300 School Ln., feels there needs to be common sense used when determining where curbs and sidewalks are required.

Jane Farr, 425 Columbia Ave., commented that she had to put in sidewalks back in 1990 on one side of her property. Now she is going to be asked to install them on another side of her property at her expense in the approximate amount of \$16,000 to \$25,000. She is not only upset about the cost but the fact that she is losing footage on her property. She feels that is a lot of money to hand over just because the Borough feels as though they need sidewalks. Farr also commented on Pinkerton Road and how she feels it would increase the dangerous conditions on that road due to speeding cars. Farr said that a pedestrian count should be done instead of a car count in order to determine whether sidewalks are needed.

John Krulock, 264 School Ln., inquired about stormwater and where the extra will go when you take away the grassy area and replace it with sidewalks.

Steve Snyder, 213 School Ln., asked Council what was the real intent of the Ordinance when it was passed back in 1989. Hall responded, he's not sure because that was before his time on Council. Hall said it is possible that answer may be in the minutes when the Ordinance was passed.

Report of the Mayor

Mayor Bradley provided and reviewed a written monthly report for April 2019. The Mayor stated he continued to participate in Public Works Committee meetings and strongly advocate for a movement away from a one size fits all approach to a criteria-based system. Again, he verbally proposed a process which incorporates objective and subjective criteria as well as an appeals process.

The Mayor told Council that he hosted a visiting delegation of seven young elected officials and political staff members from a variety of political parties/movements and regions from across Russia for four days, May 1-4. They met with a variety of political, business, and non-profit leaders from across the South-Central Pennsylvania region to better understand the U.S. system of governance and our initiatives to create vibrant communities through stimulation of economic growth. This was in cooperation with the U.S. State Department funded American council of Young Political Leaders (Alumni).

Mayor Bradley proclaimed May 12-18, 2018, National Police Week. He also called upon all citizens of Mount Joy to observe Wednesday, May 15, 2018, as Peace Officers Memorial Day to honor those peace officers who have lost their lives or have become disabled in the line of duty.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for March 1, 2019, through March 31, 2019. The report showed 52 traffic arrests, 1 juvenile arrest and 28 criminal arrests for the month. There were 65 UCR reportable incidents and 499 CAD incidents for the month, with a total of 1626 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$3,250.27.

The Chief reported the first special event of 2019, the 5K Fun Run organized by Paula's School of Baton, was last weekend and it went well. The second special event of 2019, the Memorial Day Parade, is coming up at the end of this month.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for March 2019.

Report of SVEMS

Candy Blanchflower provided a written monthly report for April 2019.

Report of EMA

No report provided.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a written monthly report for April 2019. Schell announced MSMJ will be holding a hiring job fair on May 8, 2019, for the first time.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for March 2019.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for April 2019.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for April 2019. Salley reminded everyone that the Borough has rain barrels for sale and about the upcoming Chiquies Watershed Alliance 2019 Watershed Expo being held on June 5th at the Manheim Farm Show.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided and a written monthly report for April 2019.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for April 2019. Sulkosky reminded everyone of the Jacob Street bridge removal happening in June.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Reese, and a second by Ginder, approval was given for the minutes of the regular Borough Council meeting held on April 1, 2019. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 13-19; DCED Greenways, Trails and Recreation Program (GRTP) Grant. Deering asked when the deadline for the grant application was to be submitted. Sulkosky responded, May 31st. Hall asked if \$250,000 would be enough to get all the proposed projects done. Nissley said his initial estimates say we should be able to. Nissley stated, ARRO is also currently working on cost estimates. Hall asked which of these projects are most important if there is not enough money to cover all the projects. At this point, Youngerman proposed an Amendment to the motion that the motion is subject to the \$250,000 plus the local match to be prioritized as Borough Park project followed Florin Park project then Grandview Park project then Hill Street project and then Little Chiques Park project. Reese seconded the proposed Amendment. *Roll call vote; Ginder, Millar, Reese, Youngerman, and Hall voting yes. Deering, Eichler, and Fahndrich voting no. Vote 5-3 in favor of.* The amendment is agreed to. Back to the Motion to approve Resolution 13-19 as amended. *Roll call vote Ginder, Millar, Reese, Youngerman, and Hall voting yes. Deering, Eichler and Fahndrich voting no. Motion carries 5-3.*

Youngerman moves to discuss Resolution No. 14-19, Authorizing the Issuance of PLGIT Procurement Card. The Committees feeling was to get 3 cards. One card would go to Police Chief for Public Safety, one to Dennis Nissley for Public Works and one to Sam Sulkosky for Administrative costs. The Committee would like to know the thoughts of Council. Hall told Youngerman to take it back to Committee and then bring it back to Council next month.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Michael Baker International Amendment No. 1 to the Original Client Agreement to include serving as lead grant writer for the Hazard Mitigation Grant Program (HMGP) application. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution 15-19, to apply for DCED Flood Mitigation Program Grant; Retrofit of the Borough's Stormwater Basin. This does not include the fee of Michael

Baker. *Roll call vote; Deering, Eichler, Fahndrich, Reese, Youngerman and Hall voting yes. Ginder and Millar voting no. Motion carries 6-2.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Michael Baker International Amendment No. 2 to the Original Client Agreement. *Motion carries 7-1. Ginder voting no.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution 16-19, HMGP Designation of Agent. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to direct the Solicitor to draft and advertise an amendment of the Parking Ordinance Section 255-63 to provide no parking at South Market Avenue, East side, Square Street to the Rail Road; South Market Avenue, West Side, Square Street to the Rail Road; Square Street, North side, South Market Avenue and a point 130 feet west, with cost reimbursement from H&R Transload. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to direct the Solicitor to draft and advertise an amendment to Ordinance Section 255-33 to place a southbound stop sign on South Market Avenue at Square Street with cost reimbursement from H&R Transload. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was to have the DCED Multimodal Grant focus on crosswalk improvements including lighted crosswalks at: Main Street/Park Avenue; Main Street/High Street; Main Street/Marietta Avenue; Main Street Delta; Main Street/mid-block east of New Haven Street; Main Street/Lemon Street; Main Street/Jacob Street; Main Street/Fairview Street; Market Street/Marietta Avenue; Old Market Street/ Manheim Street. After some discussion, a **MOTION** was made by Youngerman, and a second by Deering to table this until next month in order to give other Committees time to look at this. *Motion carries 7-1 to table until next month. Fahndrich voting no.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve placement of fluorescent signs and banded crosswalks at the mid-block crosswalk on West Main Street in front of Trinity Lutheran Church similar to the crosswalk at Marietta Avenue and Market Street. *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 the Mount Joy Chamber of Commerce request for Music in the Memorial Park as per their letter dated March 7, 2019, with the request dates of July 27, August 4, 11 & 17, 2019. *Motion carries unanimously.*

Deering began the discussion of The Borough's Sidewalk Ordinance and possibility to provide deferments under criteria recommended by the Public Works Committee and the creation of a Council appointed sidewalk Committee.

Deering reviewed Exhibit 14a from tonight's agenda that contains the suggested items from the Public Works Committee for Council. Items that would qualify for an automatic deferment:

- 1) Alleys (as defined by the SALDO) would receive an automatic deferment of sidewalks and curbs.
- 2) A cul-de-sac to the closest intersecting street which is not an alley would receive an automatic deferment of sidewalks.
- 3) A dead-end street (or a cart way that does not connect) to the closest intersecting street which is not an alley would receive an automatic deferment of sidewalks.
- 4) An official county traffic count will be done on each project section planned for paving. Project sections that have a traffic count of less than 50 cars a day would receive an automatic deferment of sidewalks.

The committee recommends the formation of a sidewalk commission, made up of two staff members, two council members and one resident from each ward with a two-year term, appointed by Council. This Commission would go out every year and walk the project sections for the paving projects coming up in two years and provide a recommendation to Council with their findings.

There would be an Appendix referenced in the Ordinance, noting this would be the sidewalk criteria to be used by the Commission as they go out on their walk. This walk would occur after the official traffic count. The Committee is suggesting this process starts 30 months prior to the project. This will allow for six months to do the traffic studies and then let the Commission plan their assessment and bring a recommendation back to Council.

If there is a structure on the property ROW that has been there for the life of property owner, that structure would not be moved. Council is not planning to ask anyone to tear down a porch for example.

The handicap access ramps will be wrapped into the project costs since the ADA standards seem to be ever changing and the Borough can use highway aid money for these ADA access ramps.

If sidewalks are decided to be given a deferment in a particular section, the committee feels curbs need to be installed on all roads other than alleys. This will help with road edge stability and protection and also stormwater direction and flow. If a particular area of the Borough would look better with rolled curbs, the residents could come in and ask for rolled curbs, but all the residents of a particular project area would need to be in agreement. We do not want to go from straight curb to rolled curb and back and forth.

Deering and Millar verbally shared with Council a worksheet titled Criteria for Potential Sidewalks created by Public Works Committee. Hall requested that copies be made and distributed to all Council, so they may reference it during discussion.

At this point, Youngerman made a **MOTION** to table discussion until the copies were made and distributed. A second was made by Reese. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve the Boy Scout Troop 39 request to hold a Scout Day in the Kids Joyland Pavilion on July 13, 2019 from 10:00 am until 2:00 pm. *Motion carries unanimously.*

Deering referenced a document in Council's packets dated February 7, 2019, that never came to full Council that came out of Public Works Committee in January. They asked staff to work a draft amendment. Deering feels this is a good start and whatever would be proposed and change tonight would get added to this particular document. He said it really is just FYI for Council.

At this point Youngerman made a **MOTION** to remove from the table the prior **MOTION**, a second was made by Ginder. *Motion carries unanimously.*

Hall announced Council is now back to the discussion of 14a. Deering commented on the criteria worksheet that Council now has in front of them is a working document and is a starting point. Commission would need to come up with some kind of a weighting system before they came back with their recommendation to Council.

Reese questioned the Public Works Committee why they feel the need for a Sidewalk Commission.

Millar commented a lot of time and effort has been put into this topic and that we are making this too difficult. The people of Mount Joy have spoke and they do not want sidewalks.

Deering feels it is important to have a safe walkable and connectable community. Deering commented that 30 years ago the people sitting on Council felt it was important to have a safe walkable community and that is why the Ordinance was put into place. Deering said the Ordinance has been revised three times since then and they probably had the same discussion we are having right now. He agrees, the Ordinance may need some changes and feels the Public Works Committee has come up with some good alternatives and that we may not have to put sidewalks everywhere.

Reese feels there is a need for the sidewalks on Pinkerton Road for the safety of those who walk and run on Pinkerton road. He realizes there is a large cost involved in installing the curbs and sidewalks, but he still feels it is important for sidewalks to be part of this community.

Hall reminded Council when PennDOT repaved Main St and this Council made the decision to exempt or defer, he does not know what the correct term was at that time, the whole south side of Main Street from Little Chiques Creek to the Borough line at Eby Chiques Road. The Ordinance said sidewalks and the Council said no. They made the decision without criteria.

Sulkosky said the actual action that was taken in 2011, was they froze the project in place and never brought it back up again. There were no waivers granted or deferments granted, just a frozen project.

Hall commented the Borough has been inconsistent.

Eichler suggested to Deering and Millar they add something to their criteria-based check list pertaining to historical impact.

Millar reminded Council this worksheet is not going to be written in the Ordinance but more of a tool to help determine the need for sidewalks based on certain things. For example, traffic patterns, environment impact, economic impact, and safety concerns with adding or not adding sidewalks.

Hall would like to see some kind of grading scale added to the worksheet.

Deering said if Council would move in the direction of appointing a Sidewalk Committee, they were planning on leaving that up to the them. This worksheet would be referenced in the Ordinance and would be an appendix to the Ordinance, that way the committee could make changes without changing the Ordinance.

Gibbs commented when the Planning Commission recommended Council take action to consult with a neutral professional it was not to slow walk it but to produce something. Gibbs said now that you have these items, perhaps you could present this to the neutral professional and say here is what we are looking at, could you elaborate, add a grade scale for us, this is what we want to go towards. Maybe they could come back with something a little more detailed, elaborate on the checklist with some details on these items.

Hall feels that neutral is defined as "they agree with me" and does not feel they will be able to find a neutral professional.

Mayor Bradley said he strongly advocates for the criteria they are looking for but feels at the committee level they do not have the technical expertise to create a scoring document/worksheet. He believes it would be completely inappropriate to let some commission create a scoring document/worksheet. The most important thing in this entire procedure is going to be the document/worksheet people use to score as they walk down the street. Bradley said if this means we need to consult technically expertise than that is what we need to do. Bradley wants the public to know that the people who are working on this are not taking this lightly. They have been putting in long hard hours over the last year trying to come up with a solution. The Mayor feels if we are going to do this, we need to do it right.

Hall suggested this get handed back to Committee with guidance. Hall got the sense of Council on each item listed on the document/worksheet created by the Public Works Committee.

Fahndrich suggested Council hold a Special Council meeting for just this specific issue. Ginder agreed with Fahndrich.

Reese does not understand why Council would not want technical expertise.

Deering commented every other Borough in the County has a sidewalk Ordinance and it is very similar to the current one Mount Joy has. Deering would also like some kind of technical expertise just to make sure everything that needs to be taken into consideration is.

Hall agrees but at the end of the day this is where the decision has to be made. Hall said, I do not know who you would consider a technical expert. Where do you want to go with it and also how to find the technical expert that will take you there? That is the reality.

Deering commented that he does not think it could hurt. He said ARRO has a division that are more versed in this area than we are.

Salley commented that Lancaster Civil Engineering did the Elizabethtown's Complete Street Policy.

Gibbs suggest just sitting and talking with them, maybe with one person from each committee and the mayor and get their thoughts.

Millar feels the best experts in this field are the people who actually live in the neighborhood.

Deering thinks if we take what we have drafted so far and sit down with Lancaster Civil Engineering and tell them we want to think outside the box and see what kind of recommendations they may have.

Mayor commented on having an appeals process and how it would work. The Mayor handed out a document he created titled Mount Joy Sidewalk Determination Process that includes an appeals process.

Hall decided the next step is to hold a Special Council meeting for the sidewalk issue. The special meeting will be held before the June Council meeting. Council had 48 hours to submit any dates of conflict to President Hall.

Public Input Period

Raeanne Schatz, 24 Fairview Ln., Marietta, does not understand how the Council sitting here tonight that made people on Bridge Boulevard recently put in sidewalks is now going to tell others they do not have to.

Terry Zellers, 224 Pinkerton Rd., feels the cost and the liability of the sidewalk for the residents is the issue. Zellers also feels that the Borough has a sidewalk fetish. Zellers asked if the Borough had considered maybe pedestrian asphalt paths instead of sidewalks.

Bobbi Hartlove-Fronczek, 300 School Ln., does not understand why existing developments need to put in sidewalks in order to get their streets repaired. Hartlove-Fronczek asked what is happening with their tax money they are paying.

John Krulock, 264 School Ln., feels it is a disgrace that nobody on Council knows why the sidewalk Ordinance was put into place in the first place. Krulock feels there should be real hard factual data on why there is a reason to install sidewalks. Krulock said until Council figures out why the Ordinance was put into place; Council will never be able to resolve this issue.

Beth Brelja, 550 N Angle St., thinks maybe a sidewalk tax is the way to go. Brelja understands that some people in the Borough were forced to pay for their sidewalks but a majority of them were not required to come up with a large sum of money at one time to install them. Most people already had sidewalks in when they bought their home and the amount was rolled into the cost of the home or maybe the builder on the new homes had the cost already factored into the price of the home.

Bruce Haigh, 540 Rose Petal Ln., spoke about the Borough basin behind Gus's and the preliminary design from ARRO that is needed to apply for a grant.

Joyce Stabler, 720 Terrace Ave., asked what happens if a resident is unable to pay for sidewalks.

Dale Murray, 120 Farmington Way, said he feels like he heard some progress tonight. Murray suggested that the Ordinance include a vote by Council for each paving project on curbs and sidewalks after a checklist is completed by a sidewalk commission.

Robin Hess, 214 N. Barbara St., asked what happens when Ordinance conflicts with another Ordinance? For example, part of his property is going to have a setback issue and a pervious and impervious issue in a big way.

Dave Schell, MSMJ, commented on 13c of tonight's agenda, asking to keep the project the way it is and do not cut it down to just crosswalks. Schell feels if you were to do this, it would no longer be multimodal and will not be looked favorably upon by DCED.

Any Other Matters Proper to Come Before Council

On a MOTION by Fahndrich and a second by Eichler, a request was made to direct the solicitor to draft and advertise an amendment to Ordinance section 255-63 to prohibit parking within 20 feet on the east side of Market Street North of the Frank Street intersection. *Motion carries unanimously.*

Authorization to Pay Bills

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

GENERAL FUND	\$	230,424.26
REFUSE/RECYCLING	\$	43,146.06
CAPITAL IMPROVEMENTS FUND	\$	35,557.34
HIGHWAY AID FUND	\$	9,265.40
ESCROW FUND	\$	468.00
JOY LAND ACCOUNT	\$	
GRAND TOTAL EXPENDITURES	\$	318,861.06

Motion carries unanimously.

Meetings and dates of importance

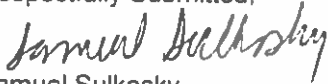
See the white calendar for the month of May 2019.

Council went into executive session at 11:22 pm for legal issues and personnel issues. Council came out of executive session at 11:41 pm.

Adjournment

On a MOTION by Ginder, and a second by Reese, approval was given to adjourn the meeting at 11:42 pm. *Motion carries unanimously.*

Respectfully Submitted,


Samuel Sulkosky
Borough Manager/Secretary

