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MOUNT JOY BOROUGH COUNCIL
June 7, 2021, Minutes

The Mount Joy Borough Council held its regular meeting on June 7, 2021. In light of the Coronavirus this public meeting was held as a virtual meeting.

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

Roll Call- Present were Councilors Dominic Castaldi, Joshua Deering, David Eichler, Lu Ann Fahndrich, Mary Ginder, William Hall, Michael Reese, Bob Ruschke, Brian Youngerman and Mayor Timothy Bradley, Jr. Staff present were Interim Borough Manager, Mark G. Pugliese I; Interim Borough Manager, Jill Frey, Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Codes and Zoning Officer; Stacie Gibbs; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley.

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

President Hall announced there was no Executive Sessions held since the last meeting. There will be an Executive Session held tonight directly following the approval of the May Minutes for personnel issues. No decisions will be made in that session; however, there may be one made after they come out of Executive Session.

On a **MOTION** by Youngerman, and a second by Reese, approval was given to accept the agenda for the June 7, 2021, Borough Council meeting with the addition of two items under Administration and Finance; consider a motion to adopt Resolution 4-21, appointing the Borough Manager, Mark G Pugliese as Borough Secretary and add item H, to consider a motion to authorize the Borough Manager to apply for funds allocated for Mount Joy Borough through the Department of Community and Economic Development as a result of The American Rescue Plan Act of 2021. *Main motion as amended carries unanimously.*

Public Input Period

Dale Murray, 120 Farmington Wy., stated as President of the Board for Main Street Mount Joy he wanted to offer some comments regarding the personal post on Facebook by the Main Street Mount Joy Manager. He apologized for the Managers post and said it has been removed and the issue has been delt with accordingly by the Board. Murray stated as an organization Main Street Mount Joy looks forward to continue focusing on the needs and health of our small business community.

Eric Roering, 319 Berry St., shared his recent experience he and his wife had downtown Mount Joy over the Memorial Day weekend (Saturday). They visited some business downtown and asked how things were going. He also commented on traffic, pedestrian crosswalks and speed downtown.

Rodney Wilbert, 119 David St., wanted to make a statement of his support for Main Street Mount Joy. He and his wife are business owners downtown and Main Street Mount Joy has done everything possible to help their business get started and continue to bring money into their businesses even through the hard times. He feels that when a person has a personal Facebook page that is exactly what it is, personal. He feels dragging that into a public forum is absolutely ludicrous and to drag it out any further really doesn't do the Borough or Main Street any good. He commented that both he and his wife have the greatest respect for Main Street Mount Joy and Dave Schell.

Collete Wagman, 65-C East Main St., said she is a business owner downtown and Main Street Mount Joy has been a blessing. She commented that the last year has been rough with Covid but said you have to hold onto hope that business will thrive again. They have been extremely happy with the help that Dave has given them. She stated she agrees with Mr. Wilbert 100%, Facebook is just that, it does not take away from the person this is actually getting everybody together in Main Street. She has no complaints and feels very fortunate and extremely happy for what Main Street Mount Joy and Dave Schell has provided to all of us.

Bruce Haigh, 504 Rose Petal Ln., commented on item 11b on the Agenda. He gave his opinion and some suggestions of the type of air cleaners that will be discussed later in the meeting.

Ned Sterling, 13 West Main St., said he fully supports Dave Schell and his work. He said he has been on the Board for at least three years and has seen Managers come and go and that Dave Schell is by far the most superior one. Since he has been with Main Street Mount Joy he has turned the town around and has won numerous awards. He said he is fully supportive of his actions and his plans for the future downtown. Sterling asked it was possible to have woody waste picked up weekly instead of bi-weekly.

Karen McCrady, 315 Berry St., said she wanted to make note of the people who are fond of Dave Schell and that it is great that he has helped some of the business on Main Street. That is what he is there to do. However, she said he does not stop in at her place of business or even wave as he passes by. McCrady feels the comment Schell made on his Facebook page was disgusting and distasteful and disagrees with Mr. Wilbert and Ms. Wagman regarding Facebook.

Report of Mayor

Mayor Bradley sent a report via email to Council for May 2021. Mayor Bradley stated that on May 30, 2021 the VFW held a celebration for their 75th Anniversary and he was asked to speak on the behalf of the Borough. The Mayor issued the following Proclamation:

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

WHEREAS, the Veterans of Foreign Wars (VFW), Post 5752 was chartered on June 11, 1946; and,

WHEREAS, the actions of the VFW Post 5752, both past and present, reflect their dedication to their mission of fostering camaraderie among United States veterans of overseas conflicts; as well as their service to our veterans, the military and our communities; and,

WHEREAS, VFW Post 5752 has fulfilled a critical role in honoring the service and sacrifice of the veterans of our community through their participation in our annual Memorial Day and Veterans Day activities, the biannual placement of flags at the Eberle Cemetery, and their instrumental role in the construction of Memorial Park and its regular upkeep; and,

WHEREAS, VFW Post 5752 demonstrates its commitment to the community through its philanthropic efforts, to include the annual giving of \$2000 in scholarships to our local graduates, the volunteering of over 10,000 hours of community service, and the annual donation of \$50,000 to a variety of community programs; and

WHEREAS, the high standard by which the VFW Post 5752 conducts itself has been evidenced by its reception of All- American honors (Top 5% Posts in the Nation) and repeated All-State honors (Top 10% in the State); and

WHEREAS, June 11, 2021 will mark the 75th anniversary of VFW Post 5752 .

NOW, THEREFORE, I, Timothy D. Bradley Jr., Mayor of the Borough of Mount Joy, on behalf of our citizens, do hereby congratulate VFW Post 5752 on their 75th Anniversary,

FURTHERMORE, I recognize the faithful devotion, dedicated service, and personal sacrifice the members of VFW Post 5752, both past and present, have rendered to their country, community, and comrades, by proclaiming June 2021 VFW Post 5752 Appreciation Month.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for April 1, 2021, through April 30, 2021. The report showed 85 traffic arrests and 20 criminal arrests for the month. There was a total of 763 incidents for the month of April, with a total of 2,555 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$5,491.40.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for April 2021.

Report of SVEMS

No report. Hall said she provided one at the Public Safety meeting.

Report of EMA

Matt Kratz gave an oral report for May 2021.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a monthly report for May 2021.

Report of the Milanof-Schock Library (MSL)

Joseph McIlhenney provided and reviewed a written monthly report for April 2021.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for May 2021.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for May 2021.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written report for May 2021.

Report of the Borough Authority Manager

Joseph Ardini, Authority Manager, provided a written monthly report for May 2021.

Report of the Borough Manager

Jill Frey, Interim Manager, provided a written monthly report for May 2021. Mark G. Pugliese I, Borough Manager, provided a written report for his first week as Borough Manager.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Ginder, and a second by Ruschke, approval was given for the minutes of the regular Borough Council meeting held on May 3, 2021. *Motion carries 8-1, Reese abstained due to absence.*

Council went into Executive Session at 7:57 PM to discuss a personnel issue that the new Manager has brought forth. No decisions were made, however, two additional items have been added under Public Works.

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to open a public hearing for F2B Holdings LLC, located at 860 Milton Grove Rd, Mount Joy, and Shawn and Jill Erb, 221 W. Henry Street, Mount Joy, to change the zoning classification of a tract of land containing 5.29 acres located at 202 Fairview Street, Mount Joy, and to change the zoning classification of a tract of land containing 0.503 acres located at 104 Fairview Street Rear, Mount Joy, from Conservation Zoning District to Commercial Business Zoning District.

Motion carries unanimously.

Mike Davis with Barley Snyder, Todd Smeigh with DC Gohn and Scott Garber F2B Holdings LLC were present at the meeting and gave a presentation and answered any questions.

Davis was the first to start the presentation with making Council aware that the particular property is subject to an environmental covenant that was recorded back in January 2019, that limits the use of the property to nonresidential use and requires vapor barriers to be installed under any future building designed for human occupation. The environmental covenant relates to the environmental impact of the former manufactured gas plant that was on an adjacent property that impacted soils and groundwater on the 202 Fairview property. He also informed Council that there is a second property that is subject of this petition, and that property is owned by Shawn and Jill Erb. That property was included in the rezoning request and will be used for interior storage for construction equipment.

Smeigh shared with Council the exhibit that was submitted with the rezoning petition and briefly went through and explained it. He explained the way the situation exists now, both properties are zoned conservation, and the adjoining properties are medium density residential district. There are some conservation district zoning which is part of Rotary Park on the other side of the Fairview Street to the East and Northeast and on the West side of Fairview Street immediately joining the property to the East is the Mount Joy Historical Society.

Davis stated it is their view that this is a logical extension of the Commercial Business District based upon existing adjacent nearby zoning. He also said the request is consistent with the Donegal Regional Comprehensive plan and the Counties Places 2040 Comprehensive plan and it is consistent in that it furthers the goals for urban growth areas as set forth in those planning documents and it also aligns with the goals of the county plan because it will allow for the redevelopment and efficient use of the land. It is also consistent with the goal of making Boroughs central hubs of urban growth. It also achieves greater consistency in the pattern of development and zoning in the Borough. Davis stated at the March 10, 2021, public meeting the Borough Planning Commission unanimously recommended approval of the requested rezoning subject to the comments of the Borough Solicitor and the Borough Engineer being satisfied. Also, at the March 22, 2021, public meeting the Lancaster County Planning Commission unanimously recommended approval of the requested rezoning.

Davis stated the anticipated use of the property is self-storage use which is permitted by right in the requested zoning district. This would be dead storage only and would be both indoor and outdoor storage. The benefit of this use is the very minimal traffic impact associated with this use and basically there would almost be no impact during peak traffic hours. He also added if this were to move forward there would be a tax benefit to the Borough.

Youngerman asked if there would be certain time of the day the facility would be accessible. Garber commented that at their other facilities they allow their clients to come in and be out by certain times and they would be willing to do the same at this facility.

Sterling, speaking as part of the Historical Society, had some question regarding Brady Alley and if there are any plans for it and if there were plans on having it paved or if they anticipate any entrance coming off the Alley. Garber replied they are unsure at this point but most of the traffic entrance would be off Fairview Street.

Eichler asked if the facility will be climate controlled. Graber replied at this point it is undetermined.

Mayor Bradley asked how the change in zoning and the anticipated project would help to make the Borough a central hub of urban growth. Davis responded with the idea of infill development, concentrated development not sprawl. They feel that gets accomplished here by taking this underutilized property and bringing it back into a productive reuse and doing it without expanding the footprint of the impacted property. Bradley is concerned about the aesthetics and the outdoor storage and it looking like a big parking lot. Garber said they would be mindful of where the outdoor storage would be and use of possible fences or barriers. Also, they would be selective on what could be stored outside, for example all vehicle would have to be titled and registered and be able to drive on and off the lot to avoid junk vehicles sitting around. They would be looking more at outdoor storage for recreational vehicles like boats, etc. He said it is in their best interest to keep the facility well kept and looking nice so that people would be comfortable with using their facility.

Reese asked approximately how many motor homes or that type of vehicles would you typically have. Garber replied he is unsure because they do not have the design of the facility done yet due to the fact they were not sure the rezoning would be granted or not.

Eichler asked if this goes through would it be a possibility of the 15 to 20 pine trees, about 10 to 12 feet in height, to be repositioned in parks instead of just being demolished. Garber said they have not even thought about that yet but is something to definitely consider.

Hall said his concern is also about the aesthetic of the outdoor storage. Hall said he is going to count on their good reputation and family businesses reputation and that there should not be any concerns. Hall said there is a lot of vote on faith not just in what the zoning laws say but what has been presented so far. Hall said there are still a lot of people in the community that would love to see the pool come back, but in reality, that is not going to happen. No one has stepped forward or has come up with the money to do that. Garber said their real goal is to serve the community well. They grew up going to the pool as well and they get it. They get the fact that it feels like something is missing but it is their full intention to serve the community well by revitalizing this property, so it looks nice again. It would be their goal to put this property to use with something that could really benefit the community and keep it looking great. Hall would like it to be aesthetically pleasing.

Reese commented that the property as it is now, is not very attractive and he feels this will be an upgrade to the property. He believes they will do the right thing.

Dale Murray asked if it could be approved under conditional use without the outdoor storage. He trusts they would do the right thing, but these are becoming great investment properties and someday they could sell it.

Bradley asked if there is any other type of zoning district that would allow for indoor self-storage but would not allow for outdoor storage. Bradley said back to his original point, regarding large vehicle outdoor storage literally in the middle of town. Reese asked if this property is visible from Main Street. Hall said yes, you could look back along the rail line, through Old Stand By Park and through the Legion parking lot. Youngerman stated he believes you could see it within line of sight from the Old Shoe Factory.

Reese commented that Council turned down a property at the last Council meeting without even getting to the preliminary part. He does feel like this a big deal and thinks this would work out great.

On a **MOTION** by Youngerman, and a seconded by Castaldi, a request was made to close the public hearing. Bradley commented that he has not gotten an answer to his question yet. Youngerman rescinded his Motion at this time.

Gibbs gave the answer to Bradley regarding other types of zoning districts that would allow for indoor self-storage. She said self-storage developments is permitted by rights in the commercial business district light industrial, camps industrial, general industrial and permitted by special exception in the general commercial. It is not permitted in neighborhood commercial. Gibbs said in the commercial business district the use for example where they start to store things or build things must be a minimum of 200 feet from Main Street so their plan was to create a buffer which would be required by the zoning.

Pugliese commented that the zoning ordinance does address some of the concerns from Council for example it is not permitted of any outdoor storage of junk and junk cars. That is prohibited in all districts.

Ned Sterling commented that with buffers around all four sides of the property there should not be a problem with seeing vehicles that are being stored there. With an extensive tight buffer with trees, pine trees and all kinds of shrubs you will not be able to see the vehicles.

Garber said to bring some clarity their long-term goal is not for outdoor storage to be the primary thing. In terms of security, they have full security at all of their locations. They have a monitoring system and can see what is going on at any time of the day or night. Davis stated that outdoor storage is not the long term plan relative to this property. It is our vision that within two years, there would be no outdoor storage occurring at this property. The Garber family would be willing to make a commitment that in fact that would be the case after two years if that allows for Council to be more comfortable.

Hall said there was a chat from Karen McCarty that a skate park or mini golf course would be nice. As a family who swam there for years will be blown away no matter how nice the shrubs.

Bruce Haigh commented that the environmental covenant on this property that restricts all residential and office uses unless someone wants to go in and put in a vapor barrier and that would be very expensive. He does not feel you find anyone to come in and spend the money that it would take to turn this into a neighborhood. If all your doing is a zoning reclassification and that's all they asked for then that is well and fine otherwise this property will sit vacant for the next 15 years.

Fahndrich commented that Sherri Barr had a comment in the chat. She asked if this will affect the Historical Society property in terms of access to the rear part of their property.

On a **MOTION** by Youngerman, and a second by Castaldi, a request was made to close the public hearing. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Ruschke, a request was made to approve Ordinance 4-21, to change the zoning classifications of tracts of land containing 5.29 acres located at 202 Fairview Street and 0.503 acres located at 104 Fairview Street Rear from Conservation District to Commercial Business District. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Amendment No. 1 to the original client agreement for professional services with Michael Baker International for the Active Transportation Guidebook. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Ordinance 7-21 to extend the Local Economic Revitalization Tax Assistance Act (LERTA) for an additional 5 years commencing on August 1, 2021. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Deering, a request was made to approve a legal invoice in the amount of \$2,000.00 to Katten Muchin Rosenman LLP for a Right of Way Easement Agreement for CVS for the ARLE Grant. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to adopt Resolution 4-21 appointing the Borough Manager, Mark G. Pugliese, the Borough Secretary. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Borough Manager to apply for funds allocated for the Mount Joy Borough through the Department of Community and Economic Development as a result of the American Rescue Plan act of 2021. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve the REYS Organization's request to close Hemp St., Strawberry Alley, 2nd St., and Forlorn Alley on Friday, June 25, 2021, from 5:00 pm to 8:00 pm for the 2021 REYS Fundraising event. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Castaldi, a request was made to approve the to purchase HEPA air filters at a cost of approximately \$3,596.00. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve the conditional offer of employment to hire Zachary Steffen as a full time Police Officer with Mount Joy Borough Police Department. An **AMENDMENT** by Castaldi, seconded by Fahndrich, should the applicant fulfill the conditions it then becomes an offer of employment. *Amendment carries. Main Motion carries as amended.*

Report of the Public Works Committee

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to award the 2021 Seal Coat bid to Martin Paving Inc. for \$118,849.40. An **AMENDMENT** by Deering, and a second by Ginder to remove Blossom Trail from the 2021 Seal Coat bid. Amendment carries unanimously. The main Motion amended will award the bid for seal coat to Martin Paving in the amount of \$97,195.40. *Main Motion carries as amended.*

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made to award the 2021 Concrete Bid to S M Johns & Son Construction LLC. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to enter into a Memorandum of Understanding with the Lancaster County Redevelopment Authority to allow qualified homeowners to apply for assistance for certain Borough mandated repairs. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made to approve Resolution No. 5-21 directing staff to submit an application for the Growing Greener Grant administered by the Pennsylvania Department of Environmental Protection for planning and design of streambank restoration along Little Chiques Creek and drainage improvements to Little Chiques Park. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to approve Resolution No. 6-21 directing staff to submit an application for the Growing Greener Grant administered by the Pennsylvania Department of Environmental Protection for implementation of streambank restoration at Little Chiques Creek and drainage improvements to Little Chiques Park. *Motion carries unanimously.*

Deering announced that Mr. James Messersmith has given notice as of July 2, 2021, he will be retiring after 34 years of service to the Borough. Wishing him the best and stated that he has been a valued part of the organization.

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to offer Jacob Houck the position of Crew Leader within the Public Works Department effective July 5, 2021, pending acceptance of the offer set by Council. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made to authorize the Public Works director to fill the vacant Maintenance Technician position created by the promotion of Jacob Houck. *Motion carries unanimously.*

Public Input Period

Ned Sterling, 13 W. Main St., inquired about the demolish of part of the property located at 75 E. Main St. on Stacie's report.

Any other matter proper to come before Council

Deering asked about the status from the Ad Hoc committee regarding in person meetings. Hall responded that at this time there has not been any specific action, but the Mayor has been looking closely at it along with Youngerman and the Borough Manager. Deering commented that when we do get back to in person meetings, he hopes the Committee with consider keeping some sort of online Zoom presence at least for the public to view the meeting. Castaldi echoed Deering's comments regarding keeping the online option.

Ginder offered her congratulations to the graduating Donegal Seniors and wishes them success in their future.

Authorization to Pay Bills

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

GENERAL FUND	\$	130,256.46
REFUSE/RECYCLING	\$	50,900.18
CAPITAL IMPROVEMENTS FUND	\$	36,567.00
HIGHWAY AID FUND	\$	903.62
ESCROW FUND	\$	6,017.10
JOY LAND ACCOUNT	\$	60.11
GRAND TOTAL EXPENDITURES	\$	224,704.47

Motion carries unanimously.

Meetings and dates of importance

See the Yellow calendar for the month of June 2021

Executive Session

Council went into Executive Session at 10:18 PM for a personnel issue. No decisions anticipated. Council came out of Executive Session at 10:35 PM. No decisions were made.

Adjournment

On a MOTION by Reese, and a second by Eichler, approval was given to adjourn the meeting at 10:36 PM. *Motion carries unanimously.*

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark G. Pugliese I', written over a horizontal line.

Mark G. Pugliese I
Borough Manager/Secretary