

MOUNT JOY BOROUGH COUNCIL
August 5, 2019 Minutes

The Mount Joy Borough Council held its regular meeting on August 5, 2019, at St. Marks Church.

President Hall called the meeting to order at 7:03 PM.

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

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

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

On a **MOTION** by Ginder, and a second by Reese, approval was given to accept the agenda for the August 5, 2019. *Motion carries unanimously.*

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for June 2019. Basile informed everyone of some upcoming events; Socks for School donations being accepted up until August 10th at the Library, Annual Chamber of Commerce Chick BBQ event being held August 17th, the Annual Benefit Auction being held August 24th at the Gathering Place and the Suicide Awareness and Prevention Walk on September 14th at Rotary Park.

Public Input Period

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

Jere Duke, 750 E Main St., voiced his concerns about where he would come up with \$20,000 to install sidewalks if he were to be required to do so in the future.

Dale Murray, 120 Farmington Wy., commented on item 12c on tonight's Agenda, advertising Ordinance 4-19, and encouraged Council to move forward with the advertisement.

Marilyn Shertzer, 336, Richland Ln., thanked Council for coming up with the proposed Ordinance.

Alan Bubacz, 316 Pinkerton Rd., told Council that his mother who currently lives on Pinkerton Road just lost her husband. He wants Council to keep in mind that certain changes in people's lives can affect income in their households.

Cheryl Baranski, 223 Delta St., told Council she put a lot of time into getting petitions from all the people who do not want sidewalks and Council needs to start listening to these people. The people do not want sidewalks and cannot afford sidewalks. Baranski questioned whether or not Council should have an Attorney present at the Council meeting and that she is going to check into that.

Report of the Mayor

Mayor Bradley provided and reviewed a written monthly report for July 2019. The volunteer he introduced earlier this summer to Council would like to create a promotional video for the Borough of Mount Joy. The Mayor told Council he directed the Chief of Police to research into labor attorneys and the Chief also did research on the current parking systems.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for June 1, 2019, through June 30, 2019. This report is from the new RMS system. The report showed 32 traffic arrests and 26 criminal arrests for the month. There was a total of 560 incidents for the month of June. Total incidents for January thru May reported with the old reporting system were 2862. Total incidents year to were 560 with new reporting system. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,905.47. At the current time they are unable to pull any information from the old RMS system therefore there is no history to show at this time. This issue is currently be worked on.

Report of Fire Department Mount Joy (FDMJ)

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

Report of SVEMS

Candy Blanchflower provided a written monthly report for July 2019.

Report of EMA

No report provided.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a written monthly report for July 2019.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for July 2019. Gibbs told Council the Department of Labor and Industry will be conducting their 5-year Building Code Official audit on August 7, 2019.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for July 2019. Salley informed Council Public Works installed new stormwater pipes on North Angle Street.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written monthly report for July 2019. Nissley informed Council he attended a pre-construction meeting on July 18th for the Marietta Avenue Pedestrian Project. A utility meeting was held on August 1st. Construction activity should begin mid-August with tree trimming. Overhead utility work will be done in 2019. Stormwater, sidewalks, road construction and paving is scheduled for 2020. Nissley will have more updates as the project progresses. The Jacob Street Bridge project is complete, and the final inspection meeting was held this morning, August 5, 2019.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for July 2019. Sulkosky informed Council the PA DCED Multimodal Program Grant was submitted 7/30/19 and hand delivered 7/31/19.

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 July 1, 2019, as amended by email and with correction to the spelling of Jen Granger's name on page 6. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve the Resolution No. 21-19 Opt-out of VGT's location per Act 63 of 2019. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Hall, a request was made to approve a request to participate in the Make-A-Wish Convoy scheduled for May 10, 2020, from 2 to 4 pm. After some discussion of the time frame, Fahndrich withdrew her Motion and re-offered it with 2 to 4pm time frame removed. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Hall, a request was made to adopt a no preference for the location of Flood Monitoring Cameras. *Motion carries unanimously.*

Report of the Public Works Committee

On a **MOTION** by Deering, and a second by Ginder, a request was made to reject all bids dated 7/30/2019 through PennBid for the Florin Station Roof Replacement Project. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Millar, a request was made consider amendments to proposed Sidewalk Ordinance Chapter 232 as proposed by the Public Works Committee. Hall asked Deering to give a brief overview of the five items for the public's benefit. Hall asked if Deering would be willing to allow consideration individually instead of all in one Motion. Deering replied, yes.

The following are the individual proposed amendments:

1. Chapter 232-63, changing the time frame of written notice to residents from 120 days to 24 months.

Reese commented, this is an extreme change from 120 days to 24 months. Deering stated that the last couple of years the residents have been notified approximately within a year. The feedback from the residents is that really is not enough time to save for the curbs and sidewalks.

Nissley does not see an issue with changing to the 24-month notification to residents. Mayor Bradley agrees 24 months is a good idea. He feels the greater the amount of time of notification the more beneficial it is to the residents.

On a **MOTION** by Deering, and a second by Millar, a request was made to amend code 232-63 that would change the 120-day written notice to 24 month written notification. *Motion carries unanimously.*

2. Chapter 232-60 - Construction, repair and replacement methods and specifications, to add a new subsection, Item D Bituminous sidewalks.

Property owners may install bituminous paving in place of concrete sidewalks in accordance with all requirements of this §232-60D. The balance of requirements would be similar to brick 232-60C. Such as six inches of stone compacted underneath and four inches of bituminous product. 232-60 Construction, repair and replacement methods and specifications. Needs to be uniform for minimum of one block, cannot have mix-n-match.

Deering said they are suggesting a minimum of a one block area so you would not have mix—match in that block. Deering said this is a cheaper alternative to cement and bricks. He has visited a couple of communities that have this and thinks it looks good.

Reese questioned if it is ADA approved. Nissley and Deering responded yes.

Millar said this gives residents another option that is cheaper than concrete sidewalks.

Hall said it could present a problem if not everyone on the block agrees. He feels the decision should still come back to Council.

Youngerman asked if this is a decision that is made by the residents on the block and they just go ahead and put in what they decided without any input from the Borough. Deering replied, yes but they must follow the guidelines provide for them.

Fahndrich asked if the current Ordinance prohibits bituminous that we have to specify. Deering replied, yes it does. He said the Ordinance currently allows for concrete, brick and pervious concrete. This is adding another option for residents. She asked if the Borough currently mandates a whole block with any of the other options. Deering said he does not think so. Fahndrich asked if Public Works has any concerns with this material. Nissley said, no, but the asphalt will not last as long so it may need more frequent repairs.

Gibbs said to make sure that this section refers the resident to the specification section of the Ordinance and specific specs are written in about the stone and the type of bituminous. Gibbs also recommends defining the word "Block" and "Bituminous" just to be clear. Deering said we can ask the Borough's Solicitor to define this.

Fahndrich asked if this would be an option for new construction, like Phase 3 for Florin Hill. Deering replied, correct.

Hall offered an amendment, which was seconded by Youngerman to require the approval of Borough Council to use bituminous material to create sidewalks. Reese asked why and Hall responded there are some areas where it is not a good idea for different reasons. *Motion was defeated 2-6*

Hall suggested to table this proposed amendment. Deering and Millar agreed that would be a good idea, this would allow for the Public Works Committee to refine the proposed amendment and bring a more detailed amendment back to Council.

On a **MOTION** by Deering, and a second by Ginder, a request was made to table item two of Attachment A until the September Council Meeting. *Motion carries unanimously.*

3. Chapter 232-60 – Construction, repair and replacement methods and specifications. B-new subsection (7): As it relates to the exempted list of streets; allow the engineering firm to include curbing in direct proximity of a stormwater

inlet if needed for stormwater inlet if needed for stormwater management controls and costs of that curbing would be included in the projects.

Bradley voiced his concern from lack of limitation language in the amendment.

Hall said that our engineers would know what would be best when it comes to the curbing needed for each project. Millar agreed with Hall. The Borough does get to review the project plans.

On a **MOTION** by Deering, and a second by Millar, a request was made to approve allowing the installation of curbing on exempt streets around the inlet as recommended by the engineering firm. *Motion carries unanimously.*

4. Chapter 232-59 – General regulations – G. Handicapped ramps. The cost of these ramps will be covered by the cost of the project.

Mayor Bradley commented this is a great idea due to the changing requirements of the Government.

Gibbs suggested adding language pertaining to new construction.

Deering offered an amendment, seconded by Millar, to say the cost of these ramps would be covered in the reconstruction cost of the project excluding new construction. Hall feels the wording will need to come from the Solicitor. Deering withdrew his amendment. Deering offered a new amendment, seconded by Millar, the cost of the ramps will be covered in the reconstruction cost of the project excluding new development. *Amendment passes unanimously.*

On a **MOTION** by Deering, and a second by Millar, a request was made to include, the cost of the ramps will be covered in the cost of project excluding new development as amended. *Motion carries unanimously.*

5. Chapter 232-63 – Non-conforming Curbs & Sidewalks -add a new subsection D. – Deferment – Property owners may request a deferment from curbs and/or sidewalks within 90 days of receiving the notification letter.

Mayor Bradley agrees there should be a deferment process, but he disagrees with the 90-day time frame. He feels it should be after the engineering plans are approved. He suggests maybe 60 days from the date Council approves the engineer plan instead of 90 days from receipt of the notice letter from the Borough.

Millar believes it may be beneficial to know about a deferment request before the engineer plans are done. That way the engineers could possibly work it into their plans. Deering agrees.

Hall suggest tabling this item for more discussion.

On a **MOTION** by Deering, and a second by Ginder, a request was made to table item five on Attachment A until the September Council meeting. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Millar, a request was made to approve the advertising of Ordinance 4-19 – Sidewalk Street Exemption. *Roll call vote; Feuerstacke, Millar, Youngerman, and Hall voting yes. Deering, Fahndrich, Ginder and Reese voting no. Tie vote is broken by the Mayor with Mayor Bradley voting yes. Motion carries 5-4.*

Deering led a discussion of a request for an exemption of the grass strip at 109 West Main Street. The resident submitted a letter with a request for exemption from the Ordinance regarding the grass strip between his sidewalk and curb. Reese feels you have an Ordinance for a reason, and this is in violation of the Ordinance. Gibbs recommended to Council if they are considering a waiver for 109 West Main Street maybe they should consider amending the sidewalk Ordinance to allow for certain things in the grass strip rather than just grass. Mayor Bradley said if the reason for the grass strip is for permeability, then there is no reason why it must be grass when there are other options that are permeable. Bradley agrees with Gibbs that it would be best to revisit the current sidewalk Ordinance. Fahndrich also feels it would be a good idea to revisit the sidewalk Ordinance. Deering said the Public Works Committee will look at revising the Ordinance.

On a **MOTION** by Deering, and a second by Millar, a request was made to grant an exemption to 109 West Main Street as requested by Mr. Dickason. *Motion carries unanimously.*

Deering led a discussion on removal of the garage at 15 West Main Street to provide temporary parking for Borough use. Reese asked what the cost would be. Deering responded, approximately \$3,600 to \$4,000 for the demolition and stones. Youngerman asked how many spaces there would be. Deering responded, approximately 10-12 spots. Fahndrich asked if the garage has any historical significance. Deering responded, not that he is aware of. Youngerman asked if there would

be signage stating the lot is for Borough use only. Deering responded, yes. Mayor Bradley asked if there would be a fence. Deering responded, there would be a no fence, it would just be open.

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve removal of the garage at 15 West Main Street and construct a temporary Borough Parking Lot. *Motion carries 7-1, with Hall voting no.*

Public Input Period

Brad Stewart, Senior Community Planner with Lancaster County Planning Commission, spoke to Council regarding the possible impact of the proposed street exemptions could have on future funding from grants administered by the Metropolitan Planning Organization (MPO).

Jocelyn Ritchey, Lancaster County Redevelopment Authority, said she is here tonight to make Council and residents aware of different funding programs administered by the Redevelopment Authority. Ritchey informed every one of the Community Development Block Grant (CDBG) program that would allow for possible funding of individual or single neighborhood properties for sidewalks.

Jere Duke, 750 E. Main St., spoke concerning the exemption list, he would like Council to reevaluate the list. He would like the exemption that reads, "East Main Street from Cornerstone Road to Eby Chiques Road" be changed to "East Main Street from Little Chiques creek to Eby Chiques Road".

John Krulock, 264 School Ln., proposed the question to the Borough as to who communicated with Stewart and Ritchey to be at tonight's Council meeting. He feels like it was disruptive, and it seems like was intended to "stir the pot". Krulock also feels it was an attempt to influence Council to change their minds. Krulock does not know why the County would even care.

Sulkosky responded to Krulock's question stating no one from the staff invited them. He volunteered to come to the meeting on his own. Stewart is the LCPC representative for the Mount Joy Borough and regularly attends Borough Planning Commission meetings.

Millar told Krulock he feels Council will continue to move forward with their decision. Millar stated Ritchey presented some valuable information tonight as far as funding that is available.

Dale Murray, 120 Farmington Way, asked Council for clarification of deferment. Murray voiced his concern about what might happen next month with the Ordinance. He would like any Council member that would be voting against it to explain their decision.

Ferne Silberman, 630 Florin Ave., spoke regarding the letters to residents of their requirement to install sidewalks. She told Council, once a resident receives a notice/letter about required improvements/sidewalks it must be disclosed when they go to sell and a lot of times, they need to put money in an escrow. This could create a hardship. She also asked Gibbs about the street dedication at Florin Hill.

Paul James, 306 Locust Ln., agreed with the Mayor when it comes to having a plan in place regarding the sidewalks. He said without a plan you cannot execute anything.

Terry Zellers, 224 Pinkerton Rd., said he attended the last Public Works Committee meeting and he does not understand why what they passed unanimously at that meeting was not even discussed at tonight's Council meeting. He also voiced his concern about the fact that the public did not get to see what Attachment A was before Council discussed it and voted on it and that there was no public comment period prior to that.

Ron Grose, 210 Pinkerton Rd., spoke about what was proposed at the last Public Works meeting. He told Council when he left the meeting, he walked away thinking he kind of had an idea of what was going on, but now tonight he is not sure because some things are being tabled.

Deering told Zellers and Grose he wants to clarify that what was discussed tonight was not specific to Pinkerton Rd, it was specific to the Ordinance.

Katie Stehman, 310 School Ln., inquired about service lines and who is financially responsible for moving the lines if they need to be moved due to the installation of sidewalks.

Any Other Matters Proper to Come Before Council

Discussion was held concerning a letter the Borough received August 5, 2019, from State Representative David S. Hickernell dated August 2, 2019, request for Capital Budget Projects, with a response date of September 4, 2019. On a **MOTION** by Youngerman, and a second by Millar, a request was made to authorize the Borough Manager to apply for

grants through the Capital Project Itemization Law for the following projects prioritized as follows; improvements and expansion of Borough Hall, redevelopment of the Gerberich-Payne Shoe Factory and development of a year around aquatic and recreation facility. *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	\$	174,694.77
REFUSE/RECYCLING	\$	45,805.92
CAPITAL IMPROVEMENTS FUND	\$	21,761.94
HIGHWAY AID FUND	\$	4,498.88
ESCROW FUND	\$	92.50
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	246,854.01

Motion carries unanimously.

Meetings and dates of importance

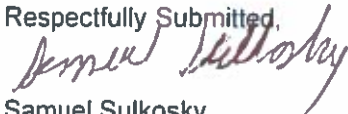
See the blue calendar for the month of August 2019.

Council went into executive session at 10:30 pm for personnel issues, legal issues and pending litigation. Council came out of executive session at 11:44 pm. No decisions were made.

Adjournment

On a **MOTION** by Fahndrich, and a second by Ginder, approval was given to adjourn the meeting at 11:45 pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary