

MOUNT JOY BOROUGH COUNCIL
August 6, 2018 Minutes

The Mount Joy Borough Council held its regular meeting on August 6, 2018, at the Mount Joy Borough Office.

Councilor Youngerman called the meeting to order at 7:05 PM.

Roll Call - Present were Councilors Joshua Deering, Lu Ann Fahndrich, Mary Ginder, William Hall, Jon Millar, Michael Reese, Brian Youngerman, and Mayor Timothy Bradley, Jr. Staff present were Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Police Chief, Maurice Williams; Zoning and Codes Officer, Stacie Gibbs; and Administrative Assistant, Lisa Peffley; Councilor Jake Smeltz was absent.

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

Councilor Youngerman announced there was an Executive Session held on July 2, 2018, to discuss personnel and real estate issues. No decisions were made.

On a **MOTION** by Hall, and a second by Reese, approval was given to accept the revised agenda, the one with the colored ink at the bottom, for the August 6, 2018, Borough Council meeting. *Motion carries unanimously.*

Council President, Charles Glessner and Borough Manager, Samuel Sulkosky joined the meeting at this point. Glessner apologized for being late. Unexpected issues came up.

Public Input Period

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

Ned Sterling, 13 W. Main Street, asked if the Borough plans to remove the tree that appears to be dead outside the coffee shop. Nissley replied yes.

Bruce Haigh, 504 Rose Petal Lane, informed Council that there was Railroad spike sticking out of the ground about 4 inches on W. Main Street near the Mount Joy Diner around 9:00 am and by 10:00 am the Chief had taken care of it. Haigh asked if the Borough could use the Borough's website and Fall Newsletter to educate the residents about the changes in Recycling. Sulkosky informed Haigh that we attended a meeting this week held by LCSWMA and will continue to add more educational information to our website as we receive it from LCSWMA. Haigh would also like for the Borough to provide the residents information as to where they can take their magazines and newspapers.

On a **MOTION** by Hall, and a second by Reese, to open Hearing of the Appeal filed by D & R Charles Construction LLC of the Property Maintenance Violation Letter dated July 16, 2018 issued by the Borough's Zoning and Building Codes Official. *Motion carries.*

David Charles and Jeff Funk were present to represent D & R Charles Construction LLC. Court Reporter, Michelle Parke was also present.

On a **MOTION** by Hall, and a second by Millar, but after further discussion Millar, to partially grant relief of the July 16, 2018, Property Maintenance Violation Letter that the owner must board up with hard sheeting, the partially exposed first floor and the first fully exposed floor, conditioned upon the sales agreement that was entered as exhibit 6 is executed by June 1, 2019. The owners have 30days in which to comply. After further discussion, Millar withdraw his second, Reese then seconded the motion. *Councilors Fahndrich, Hall, Millar, Reese, Youngerman and Glessner voting yes and Councilors Deering and Ginder voting no. Smeltz was absent. Motion carries 6-2.*

On a **MOTION** by Youngerman, and a second by Reese, to approve Resolution No. 23-18; the establishment of the Mount Joy Community Foundation (MJCF), MJCF Bylaws, Articles of Incorporation as a 501(c)(3) Tax-exempt organization. *Motion carries.*

Attorney Randy Moyer from Barley and Snyder was present to explain how the Foundation works, the Bylaws and to answer any questions.

On a **MOTION** by Youngerman, and a second by Reese, to approve the Barley Snyder Engagement Letter, Policies and Procedures, and Scope of Work. *Motion carries.*

On a **MOTION** by Reese, and a second by Hall, to approve five Board of Directors for the Mount Joy Community Foundation. The five Board of Directors will be Carl Hackman, Sam Sulkosky, Mayor Bradley, Mary Ginder, and Rob Foltz. *Motion carries.*

Sulkosky explained to the public that the Borough is trying to redevelop the Lions Club Pool property and possibly have a year around Aquatic and Recreational Facility. There are two things that are accomplished by creating the Foundation. One of those is to be able to raise funds to do marketing and feasibility studies that will indicate whether a project like that will be viable or not. Sulkosky explained that it will get done a lot quicker by having the Foundation. The second, is to see how much of an interest the Community has in a project like this and how much support there is.

Report of the Mayor

Mayor Bradley gave a verbal monthly report for July 2018.

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for June 1, 2018, through June 30, 2018. The report showed 97 traffic arrests, 3 juvenile arrest and 47 criminal arrests for the month. There were 74 UCR reportable incidents and 549 CAD incidents for the month, with a total of 3322 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$5,198.28.

The Chief reported that this year's annual Car Show was the most heavily attended in the past 4 years. He was happy to report that there were no incidents this year.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for June 2018. Gohn reported that there are two members of FDMJ currently in training for PEMA.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided and reviewed a written monthly report for July 2018. Schell talked about the offering of the east display window of the MSMJ building to Mount Joy Artists. MSMJ will rotate one Artist each month. The window is already booked until July 2019. Schell told Council that the first Artist sold a piece of art while setting up their display in the window.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for June 2018. Basile said July topped June with over 2500 people attending programs. Basile announced starting in September 2018, the Library will once again be closed on Fridays. Basile highlight a few upcoming events like the annual benefit auction being held on September 22, 2018, with this year's theme being the 80's and October 15, 2018, the PA Digital Project is offering a free service for the public to bring in their pictures, slides or negatives and have them converted to digital images.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for July 2018.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for July 2018. Salley said it was a very busy month for stormwater due to the large amount of rainfall.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided and reviewed a written monthly report for July 2018. Nissley stated that the Environmental Clearance is complete for the Marietta Avenue Pedestrian Improvement Project and the Borough can now move forward with the right of way acquisition. Nissley gave an update on the Jacob Street bridge project, he said PennDOT is currently working on the right of way acquisition. Nissley said the N. Plum street project paving is completed but due to excessive rain the grading and seeding has been pushed back. Nissley gave an update for the New Haven Street project stating that he spoke with UGI and they will be finishing up with their part of the project this week.

Report of the Borough Authority Manager

John Leaman, Authority Manager, provided a written monthly report for July 2018.

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for July 2018. Sulkosky reminded Council that the LCBA meeting date changed to October 3, 2018.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Ginder, and a second by Millar, approval was given for the minutes of the regular Borough Council meeting held on July 2, 2018. *Motion carries 6-1 with Reese abstained due to his absence on July 2, 2018.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 22-18; a Resolution supporting the DCED Keystone Communities Facade Grant application *Motion carries unanimously.*

Report of the Public Safety Committee

No formal action to take tonight.

Report of the Public Works Committee

On a **MOTION** by Deering and second by Ginder, a request was made to approve staff recommendations according to the May 11, 2018 Public Works Department correspondence. *Councilors Deering, Fahndrich, Hall, Millar, and Reese voting yes and Councilors Ginder, Youngerman and Glessner voting no. Smeltz was absent. Motion carries 5-3.*

Staff is recommending that Council does not offer waivers to the sidewalk ordinance. In the interest of keeping the street maintenance program moving forward, and not getting derailed by the ongoing discussion, the Committee could consider this:

1. Require curbs and sidewalks to be completed from W. Main St. to Hill St. because it is on the Official Map as a Pedestrian Corridor
2. Require curbs to be repaired or replaced on N. Angle St. from Hill St. to Terrace Ave, and on all of Bernhard Ave. per the inspections.
3. Require curbs to be installed on N. Angle St. from Terrace Ave to Bruce Ave at the width consistent with the existing curbs at Terrace Ave.
4. Allow a deferment of the installation of sidewalk north of Hill St and on Bernhard Ave until a Complete Streets/Sidewalk Committee can develop a comprehensive plan for the entire borough to determine the areas where sidewalks should or should not be installed. This committee could also look at creative ways to help the property owners fund their sidewalks if necessary.

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve a request from UGI Utilities, Inc. to excavate two 2' x 3' utility spot holes on Bailey Lane in accordance with Section 232-10, conditioned upon street restoration approval. *Motion carries unanimously.*

Public Input Period

Dale Murray, 120 Farmington Way, said he has been trying to get through to Council for months that the idea that they are doing things per the Ordinance is a false statement. Murray feels the Manager is making a false statement by saying that the Ordinance says, when repaving you must install curbs and sidewalks. Murray stated that is actually in a Policy dated 11 July 2011 not in the Ordinance. He then said the Policy does not have the force of an Ordinance. Murray told Council that Ordinance 232-58 states if you own property on a street or an alley, thou shall have sidewalk and curbs. Murray commented that the Borough would have to send out hundreds of letters if you are going to enforce that. Murray continued by saying, Ordinance 232-63 states, for state highways, if you do not have curbs and sidewalks you must install them, and that Paragraph 2 covers non-state highways, existing curbs and sidewalks must be brought up to specs. Murray said that Ordinance is silent on the issue of installing curbs and sidewalks but that is what Council has interpreted. Murray said, when it comes to repaving, that comes from a Policy not an Ordinance. Murray feels Council needs to fix the Ordinance.

Beth Brelje, 50 N. Angle St., asked what happens next. If they are required to put in curbs and then later are required to put in sidewalk will they have to tear up the curbs in order to do so. Deering explained that ideally, they would go in at the same time, but they could be done later without tearing up the curbs.

John Yavor, 557 N. Angle St., wanted to know if there was a traffic study done that shows the road needs to be widened. If there was a traffic study done, Yavor wants to know where it is published. Bradley responded by saying to his knowledge there was no traffic study done. Sulkosky explained that in order to use liquid fuels money there are certain standards that need to be met.

Bruce Haigh, 504 Rose Petal Ln., spoke concerning the contractors for Pink Alley and Rotary Park projects. His opinion is they did not properly install E&S control measures throughout the projects. He suggested that staff shut them down.

Sherry Torres, 404 N. Angle St., wanted an explanation as to what was just passed here tonight concerning the sidewalk. Deering responded by saying, if you live between W Main and Hill you are required to put curbs and sidewalks in. If you live

between Hill and Bruce, you are required to repair or replace any existing curbs. If you live between Terrace and Bruce, you are required to install just curbs.

Joyce Stabler, 720 Terrace Ave., asked where they go from here. Deering replied by saying, we wait for the Complete Streets Study to come back which should be sometime late this year or early 2019. We will then form a committee made up of staff, Council members and people from the community, to look at what should be done and whether sidewalks really need to be installed. Sulkosky noted, that the committee for complete streets is not a sidewalk committee, it will be a Multi Modal Complete Streets committee. Therefore, the committee will not be looking at all the streets in the Borough or be solving all the sidewalk issues.

Bill Gorman, 725 Bernhard Ave., asked why you would proceed with the work on Angle Street and then somewhere in the future, plan a committee to see whether you will require sidewalks to be installed. Gorman asked why you would do that and not just defer the whole thing until a decision is made. What if you decide later that curbs and sidewalks are not needed. He feels it does not make sense. Deering said that curbs are a separate from the sidewalks. The curbs are there to protect the roads. Mayor Bradley clarified the deferment by saying, there was a decision made to move ahead with the curbing because they feel that curbs are necessary. They are deferring the installation of sidewalks in certain areas until they have criteria that determines if they are necessary.

Ken Ober, 621 Water St., said you just passed an amendment tonight and he asked why you would start a project when you require half the street to do something and the other half not to. You say you try do this fairly. How is this fair?

Larry Derr, 715 Terrace Ave., said they have attended numerous Council meetings already on this issue and does not think it is fair to put them through this again. He thinks that the deferment should be permanent regardless of what the study comes back and says. Derr feels that Council should not put them through this again.

Emanuel Hoffer, 82 E. Main St., commented that he does concrete work and has worked in many developments that sometimes they have sidewalks one on side of the streets and make a deferment for the other side. Hoffer does not understand why sidewalks must be everywhere and that sometimes it just does not work everywhere.

Ken Ober, 621 Water St., said at the last Public works meeting that Mayor Bradley asked Sulkosky to possibly include them in the Multi Modal Grant. Ober wants to know if that happened. Sulkosky said he spoke to an analyst that handles the Multi Modal Grant. The analyst told Sulkosky that he is only allowed to write a single project at a time. If he were to do include them, that it would be considered more than one project, so therefore it would make it an ineligible application. So, no he was not able to do that.

Rick Hamm, 755 Terrace Ave., said its time to put this thing to bed. Hamm asked Council to make it a final decision instead of a deferment.

Dale Murray, 120 Farmington Way, asked if the public could see the letter Sulkosky talked about between the Borough and the Borough's Solicitor. Sulkosky replied, no, that it is attorney client privilege.

Ferne Silberman, 630 Farm Ave., thanked the Borough and the Authority for their assistance concerning an issue with a property and for helping out a resident with a trash issue.

Authorization to Pay Bills

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

GENERAL FUND	\$	119,535.77
REFUSE/RECYCLING	\$	43,122.26
CAPITAL IMPROVEMENTS FUND	\$	25,441.00
HIGHWAY AID FUND	\$	7,114.75
ESCROW FUND	\$	66.26
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	195,280.04

Motion carries unanimously.

Meetings and dates of importance

See the green calendar for the month of August 2018.

Council went into executive session at 10:35 pm to discuss real estate issues. Council came out of executive session at 11:12 pm. No decisions were made.

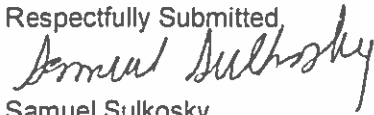
Sulkosky informed Council that the Borough received today a Request for a Hearing on the Inter-municipal Transfer of a Liquor License into Mount Joy Borough from Giant Foods Stores, LLC. The Borough also received a letter reimbursing the Borough for expenses associated with the Liquor License Transfer. Council was advised that a hearing should be scheduled within 45 days per PLCB or the Liquor License will go into effect by default. Sulkosky also recommended having a court reporter as we did with the Turkey Hill hearing in 2017. On a motion by Reese, seconded by Hall, to hold the hearing on September 10, 2018, unanimously approved.

A discussion was held concerning the need for a new generator for the Borough Building. The current one will not last much longer and due to the unit's age, parts cannot be found. A new generator would cost about \$28,000. The Borough Building is also having an issue with water entering during a heavy rain storm in the front corner of the building next to the carport. The cause and location of the water leakage has not been identified.

Adjournment

On a **MOTION** by Reese and a second by Hall, approval was given to adjourn the meeting at 11:16 pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary

