

**MOUNT JOY BOROUGH COUNCIL**  
**August 7, 2023, Minutes**

The Mount Joy Borough Council held its regular meeting on August 7, 2023.

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

Roll Call- Present were Councilors, Dominic Castaldi, via Zoom, LuAnn Fahndrich, Mary Ginder, Bruce Haigh, Bob Ruschke, Brian Youngerman, President William Hall and Mayor Timothy Bradley, Jr., via Zoom. Staff present were Borough Manager, Mark G. Pugliese I; Assistant Borough Manager/Finance Director, Jill Frey; Public Works Director, Dennis Nissley; Codes, Zoning and Planning Administrator, Duane Brady, Jr.; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley. David Eichler, joined via Zoom after roll call.

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

President Hall announced there was no Executive Session held outside of regular meeting between July 3, 2023, and August 7, 2023. There may be an Executive Session under Item 18 tonight.

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to accept the agenda for the August 7, 2023, Borough Council Meeting Agenda. An **AMENDMENT** by Haigh, with a second by Ginder, a request was made to add 12f, Handicap ramps on Wood Street to the Agenda. *Amendment passes. Main Motion as amended carries unanimously.*

**Public Input Period**

Wendy Melhorn, 612 W Main St., said the neighbors of 114 South Market Avenue, were notified by letter of a zoning hearing Board meeting in which the owner was seeking a variance, to turn the former Mount Joy auto-parts store into an apartment. The applicant was requesting to remove the commercial use on the premises. At the public hearing it was determined that commercial use was not convenient, as it sits on a side street off the main drag of the borough commercial area, and the use as a third apartment would require much less parking than commercial use. The findings of fact contain the following, this area of the borough has consistent issues with crowded street parking and requiring the applicant to keep a commercial use, will only further congest the neighborhood, parking his use as a third unit will require much less parking, and will have no detrimental impact on the surrounding community or neighboring property owners. The applicant's request for a variance from ordinance, 270 was granted, stating the applicant must comply with their plans and promises as presented to the Zoning Hearing Board. Imagine our alarm at seeing a zoning permit posted giving the same owner permission to convert vacant commercial space into a firearms store. We were led to believe it was going to be an apartment. Why was the neighborhood not informed of the change back to commercial use? Additionally, the owner of the firearm store approached a neighbor and informed them of his intent to build a studio on the second floor and give classes on self-defense. That is a different use than customers coming to buy a product and leaving. Due to the lack of parking on site. Where are these class participants going to park? Are not the zoning laws made to limit uses that would have a negative effect on residential neighborhoods and promote downtown revitalization. I'm requesting that you, our elected Council members, tasked with representing our borough constituents make a zoning change that regulates firearms. I believe in our constitutional right to bear arms. However, I do believe there is a location that is better suited for a store that sells firearms than in the neighborhood commercial district, especially one with congested parking. She is asking for future zoning changes that say from now on firearms are not allowed in the neighborhood district.

Ned Sterling, 13 W Main St., asked if the Borough funds the Mount Joy Community Foundation. He asked where they get their money.

Mike Reese, 318 Locust Ln., spoke regarding future budget projections and asked if Council has done this. He said he looks at future costs like the Police Department. There are currently 4 with a base salary that exceeds \$100,000 or more. Looking forward with all the pressure on the Police and that the numbers are difficult to gain, we know in 3 years those numbers will exceed \$100,000. Also, looking at future salaries of other Borough employees and now, adding the pressure of an \$8M or \$9M building to the budget. He hopes that the Admin and Finance Committee has done those projections.

**Report of Mayor**

Mayor Bradley provided and reviewed a written report for July 2023.

**Report of the Chief of Police**

Robert Goshen, Police Chief, provided a written monthly report for June 1, 2023, to June 30, 2023. The report showed 39 traffic arrests and 25 criminal arrests for the month. There was a total of 680 incidents for the month of June, with a total of 4,163 incidents year to date.

**Report of Fire Department Mount Joy (FDMJ)**

Brett Hamm, FDMJ Fire Chief, provided and reviewed a written monthly report for June 2023.

**Report of PSH Life Lion**

Adam Marden provided and reviewed a written monthly report for July 2023.

**Northwest EMA**

Provided a written report for July 2023.

**Report of EMA**

No report.

**Report of the Milanof-Schock Library (MSL)**

Joseph McIlhenney provided a written monthly report for June 2023.

**Report of Code/Zoning & Planning Administrator**

Duane Brady, Jr., Codes, Zoning and Planning Administrator, provided a written monthly report for July 2023.

**Stormwater, Projects & Grants Coordinator**

No report.

**Report of Public Works Director**

Dennis Nissley, Public Works Director, provided a written report for July 2023.

**Report of the Borough Authority Manager**

Scott Kapcsos, Authority Manager, provided a written monthly report for July 2023.

**Report of the Assistant Borough Manager/Finance Officer**

Jill Frey, Assistant Borough Manager/Finance Officer, provided a written report for July 2023.

**Report of the Borough Manager**

Mark G. Pugliese I, Borough Manager, provided a written report for July 2023.

**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 July 3, 2023. *Motion carries as unanimously.*

**Building Ad Hoc Committee**

Deering told Council the geo-Tech boring was completed and provided Council with a copy of the Geo-technical engineering report. He said it is all good stuff. Vukmanic gave a power point presentation of the 10% reduced square footage plan layout. Mayor Bradley said he does not feel the minimal savings of less the 1% is worth the reduction in space and materials. He feels there may be a real potential to run out of office space and encouraged Council to stay with the original size due to the minimal savings. Hall commented that he was the one who suggested the 10% reduction of the building and that the new reduced plan meets the Borough needs and allows some growth. He feels even though it is a minimal price reduction, it is still a reduction. He is good with the new reduced plan. On a **MOTION** by Ginder, and a second by Ruschke, a request was made to accept the proposed design plan which includes the 10% reduction and all the program features. Youngerman stated that the motion was not on tonight's agenda, he is not certain if a vote on this matter would be legally binding or would hold up in court. He feels the public should have a chance to comment on it. Hall said he will rule the motion out of order and will give guidance that this is the best we have and to move forward. Deering stated that we will continue to move forward.

**Administration and Finance Committee**

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to adopt Resolution 2023-12 as well as Intermunicipal Agreement allowing the residents and local contractors from Rapho Township to temporarily utilize the Mount Joy/East Donegal Compost Site. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was to adopt the Chief of Police Compensatory Time Proposal. An **AMENDMENT** was made by Youngerman, and a second by Ruschke, to add "subject to modification or revocation by Borough Council". *Amendment passes. Main motion as amended carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to approve the Mount Joy Borough and Authority Employee Appreciation Day at a cost of not more than \$1,520. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to renew the 2023-2024 Municipal Winter Agreement and authorize Council President and Borough Manger to ratify the agreement. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to adopt the Job Description for the Codes, Zoning, & Stormwater Administrator. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to increase the current yearly salary of the Codes & Zoning Officer by \$3,000 for the added responsibility of stormwater requirements. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to acknowledge receipt of 2023/2024 Budget Calendar. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to adopt Ordinance 02-2023, an ordinance to amend the Mount Joy Borough Code of Ordinance, Chapter 255, Vehicles and Traffic, to revise regulations governing size of vehicles and truck traffic restrictions. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Greineder, a request was made to adopt the "Quick Ticket" form/document as required by Chapter 195, Section 107.7.4 of the Mount Joy Borough Code. *Motion carries unanimously.*

Brady gave a briefing of Zoning Hearing Board Case 23-04 for Sporting Valley Feeds Variance with a hearing date of August 23, 2023. On a **MOTION** by Haigh, and a second by Castaldi, that the Mount Joy Borough does not oppose the 54-foot silo but does oppose the buffer requirement variance and want them to be considered a corner lot. Motion carries 8-1, Ginder voting No.

#### **Report of Public Works Committee**

Discussion of Borough Sidewalks. Nissley led the discussion on the guidelines the Borough currently has for maintenance of the Borough Sidewalks. After the discussion, Hall suggested that the current Ordinance the Borough has regarding this be sent back to the Public Works Committee to get it fixed as soon as possible to avoid any problems or issues in the future.

Discussion of water cascading across sidewalks. Haigh led the discussion regarding this issue and the current Borough Ordinance that pertains to this issue and the problems with the Ordinance. After the discussion Hall sent the current Ordinance back to the Public Works Committee to be rewritten.

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to accept the resignation of Wyatt Franks from the Parks and Recreations Advisory Board for the master site development plan for Little Chiques Park. *Motion carries unanimously.*

Discussion, RETTEW review of Pink Alley basin calculations. Haigh led a discussion regarding the Pink Alley basin calculations. On a **MOTION** by Haigh, a request was made to have the Borough direct RETTEW to do items 8 a, b, & c, letter dated July 7, 2023, and if they confirm, then do an as built survey at a cost not to exceed \$4,900. *Motion dies due to lack of second.*

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to award seal coat bid to Martin Paving with a bid of \$57,498.00. *Motion carries unanimously.*

Haigh led a discussion on handicap ramps on Wood Street. Haigh feels the construction company awarded the work will not be able to meet the deadline. He said the road work cannot be started until the ramps are finished. Hall asked the Borough Manager and Nissley to keep an eye on the situation.

#### **Report of the Public Safety Committee**

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to authorize the Borough Solicitor to amend parking ordinance to permit parking on the east side of Pinkerton Road from South Alley to Borough Line. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve the request for Fall Family Fun Night on October 27, 2023, from 5:00 pm until 8:00 pm with the following road closure; East Main Street from New Haven Street to Baarbara Street, Delta Street from East Henry Street to East Main Street, and Marietta Avenue from East Main Street to East Henry Street. *Motion carries unanimously.*

**Public Input Period**

Ned Sterling, 13 W. Main St., asked if the Borough found anyone to sit on the Zoning Hearing Board.

Josh Deering, 33 Frank, St., commented on the subject of cascading water over the sidewalks and how it was handled in the past.

**Any other matter proper to come before Council.**

Hall said tonight we approved a new job description which basically moves storm water to the Zoning Officer in that job description. I threw that out to the committee. The committee approved it. We talked a lot of times about what we are doing about economic development. He said his thought process is economic development paired with the grants. They're kind of tied together in other ways and rewrite the job description. So, we don't create a new position. We realign.

Hall said he is going to start working on that and has already been talking with staff. He said his other thought is that as we start to refine this. He feels we should sit down with the organizations that are involved in economic development or events downtown, or things like that and get some input so that we're all moving in the same direction. Hall said he will work on it and run it through the committee so look for that coming forth in the future. Hall said we have these organizations and they do not always cooperate, and sometimes worked in opposition, and that has to stop. We've got a town to run.

**Authorization to Pay Bills**

On a **MOTION** by Youngerman, and a second by Greineder, Council approved paying the bills as presented from July 1- July 31, 2023. *Motion carries 8-1, with Hall voting no.*

|                           |    |            |
|---------------------------|----|------------|
| GENERAL FUND              | \$ | 157,931.74 |
| REFUSE/RECYCLING          | \$ | 81,578.68  |
| CAPITAL IMPROVEMENTS FUND | \$ | 58,771.57  |
| HIGHWAY AID FUND          | \$ | -          |
| ESCROW FUND               | \$ | -          |
| JOY LAND ACCOUNT          | \$ | -          |
| GRAND TOTAL EXPENDITURES  | \$ | 298,281.99 |

**Meetings and dates of importance**

See the blue calendar for the month of August.

**Executive Session**

Council went into Executive Session at 10:16 PM to discuss a personnel matter. Council came out of Executive Session at 10:25 PM.

**Adjournment**

On a **MOTION** by Ruschke, and a second by Ginder, approval was given to adjourn the meeting at 10:25 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese  
Borough Manager/Secretary