

MOUNT JOY BOROUGH COUNCIL
September 10, 2018 Minutes

The Mount Joy Borough Council held its regular meeting on September 10, 2018, at the Mount Joy Borough Office.

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

Roll Call - Present were Councilors Joshua Deering, Lu Ann Fahndrich, Mary Ginder, William Hall, Jon Millar, Michael Reese, Jake Smeltz, Brian Youngerman, President Glessner and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Samuel Sulkosky; Public Works Director, Dennis Nissley; Stormwater Officer, Dave Salley; Police Sergeant, Scott Drexel; Zoning and Codes Officer, Stacie Gibbs; and Administrative Assistant, Lisa Peffley.

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

President Glessner announced there was an Executive Session held on August 6, 2018, and September 10, 2018, to discuss real estate issues. No decisions were made. There will be an Executive Session tonight following the Council meeting for personnel considerations.

On a **MOTION** by Reese, and a second by Deering, approval was given to accept the agenda for the September 10, 2018, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

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

Barbara Basile announced that the Rotary Club Clock will be rededicated during an unveiling ceremony to be held on Friday, September 28, 2018 at 6 :00pm. Basile also announced that the Milanof-Schock Library will be holding a community blood drive on Saturday, September 29, 2018 from 10:00am to 2:00pm. At this point Basile presented her monthly report for Milanof-Schock Library.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided and reviewed a written monthly report for July 2018. Basile reported that 1539 kids signed up for the summer reading program, 52% of the children completed the program. The Library offered 95 different programs this summer with 3542 kids participating in those programs.

Raeann Schatz, 24 W. Fairview Ave., Marietta, spoke regarding her business located at 1090 W. Main Street. Schatz said the water detention basin owned by the Borough is an on-going problem with the water overflowing onto their property. Schatz feels between the roof run off from the building to the left of their property, the Florin Hill Development, the Restaurant's parking lot expansions, the water from the Boroughs Maintenance building and additional run off from Melhorns is the cause for all the problems. She said that before all of these projects they had no issues with flooding. Schatz asked Council, since when is it legal for stormwater to run onto another person's property. Schatz stated that something is definitely wrong and needs to be corrected. She is hoping that someone in the Borough can help them. She said it is not a matter of if it will happen again but when it happens again. Schatz thanked the Borough for the dumpster that they provided to people affected by the flooding.

Misty Lauver, 134 Lauver Ln., told Council her basement wall collapsed due to the force of the water when the basin overflowed. Her husband, son and father-in-law were in the basement when the wall collapsed. They had seven feet of water, mud and debris in their home. Lauver said she understands this was an unusual rain event, but the basin has been full on several other occasions. She feels the basin is not big enough and has not been updated since the projects that Schatz talked about have been done.

Councilor Hall spoke at this time regarding this issue. He said he went up to the above mentioned properties to assess what had happened. After accessing the situation, Hall contacted Nissley, from the Borough's Public Works Department, and asked him to go look at that area. Nissley found some debris partially blocking the pipe. Nissley said he feels it was a piece of trash that floated in there and got sucked into the pipe. Upon removing the debris, the water was able to flow better. Hall wondered how often these things are checked and how we would figure out if the basin is adequate for that area.

Salley commented on Hall's questions stating that they do their best to clean inlets and grates before a storm event. They went through and regraded the Borough detention pond to get the correct fall to allow for better drainage. Unfortunately, debris got stuck in the pipe during this event.

Glessner commented that unfortunately we did have an unprecedented amount of rain in the last few weeks and the ground was saturated. Glessner said this is something we can discuss, and Public works can look at and maybe come up with alternatives. Hopefully this will not happen again.

Bruce Haigh, 504 Rose Petal Ln., commented on item 11a on tonight's Agenda concerning the vacation of a portion of an unopened street, known as the extension of Farmview Lane. Haigh referenced the letter dated May 29, 2018, from the Borough's Solicitor. Haigh feels at this time the Borough is not in the position to petition for vacation.

On a **MOTION** by Ginder, and a second by Reese, a request was made to open a public hearing for consideration of an application by Giant Food Stores LLC for an Inter-Municipal Transfer of a Restaurant Liquor License for its store located at 789 E. Main Street, Mount Joy, PA. Councilor Hall realized the public hearing began without a vote. At that point a **MOTION** was made by Hall, and a second by Youngerman, to have all the testimony presented prior to the vote be entered. *Motion carries unanimously.*

Ellen Freeman, Esquire, with Flaherty & O'Hara and Colin Heap, Manager of Special Projects for Giant Food Stores were present. Court Reporter, Michelle Parke was also present.

On a **MOTION** by Reese, and a second by Ginder, a request was made to close the public hearing for the consideration of an application by Giant Food Stores, LLC of an Inter-Municipal Transfer of a Restaurant Liquor License for its store located at 789 E. Main Street, Mount Joy, PA. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Deering, a request was made to approve the application by Giant Food Stores, LLC for a liquor license transfer by adoption of the appropriate Resolution No. 25-18. *Deering, Ginder, Reese, and Glessner voting Yes. Millar, Fahndrich, Hall, Smeltz, and Youngerman voting No. Motion denied 5-4.*

On a **MOTION** by Smeltz, and a second by Youngerman, a request was made to deny the application by Giant Food Stores, LLC for a liquor license transfer by adoption of the appropriate Resolution No. 26-18. *Millar, Fahndrich, Hall, Smeltz, and Youngerman voting Yes. Deering, Ginder, Reese, and Glessner voting No. Motion carries 5-4.*

Glessner thanked Police, Firemen, Borough employees, Emergency Management crews, Traffic crews and the Mayor for their support and help during the flooding on August 31, 2018. Glessner said the community really came together to help one another.

Report of the Mayor

Mayor Bradley gave a verbal monthly report for August 2018. During the flooding event Bradley asked EOC be activated and requested a Disaster Declaration be put into place by the Borough Manager. Bradley ordered the Police Chief to report to a unified command post located at the Fire Department and requested the EOC be established there as well. Bradley also requested that the Fire Department begin assisting with damage assessment. Bradley visited many of the hardest hit areas and assisted with disaster assessment. Bradley was in contact with the Lancaster County EMA Director and MJB EMA Coordinator concerning these assessments. Bradley requested the Borough Manager formulate a plan for excessive curbside and dumpster refuse associated with the flood damage. Bradley thanked local emergency responders and public works officials along with communities throughout the region, volunteers and aid organizations for their help and support during the August 31, 2018, flooding event.

Report of the Chief of Police

Maurice Williams, Police Chief, provided a written monthly report for July 1, 2018, through July 31, 2018. The report showed 85 traffic arrests, 4 juvenile arrest and 24 criminal arrests for the month. There were 84 UCR reportable incidents and 595 CAD incidents for the month, with a total of 4001 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$3,355.64. Sergeant Drexel reported that the Department received PennDOT funded grant money for Child Passenger Safety Enforcement. Child Passenger Safety Enforcement week is September 23-29, 2018.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided and reviewed a written monthly report for July 2018. Gohn thanked the Mayor, Borough, Public Works and Police for all their help on August 31, 2018.

Report of SVEMS

Candy Blanchflower provided a written monthly report for August 2018.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided and reviewed a written monthly report for August 2018.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided and reviewed a written monthly report for August 2018. Gibbs noted that the events of August 31, 2018 were not included in her report. Mayor Bradley thanked Gibbs for all her work during the August 31, 2018 flooding event.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for August 2018. Salley told Council it was a very busy month for stormwater due to the large amounts of rainfall. Salley said staff is getting a lot of phone calls from residents about flooding, storm related issues and damage. Salley said they are working on the calls case by case trying to come up with solutions for residents.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided and reviewed a written monthly report for August 2018. Nissley commented that the Public Works Department has been very busy the past week due to the August 31st flooding event. They have been working with Lebanon Farms and managing the dumpsters that were put in three different locations throughout the Borough for the residents affected by the flood. Nissley announced that the New Haven Street project is complete. Nissley informed Council that everything has been cleared for the right of way acquisition for the Marietta Ave project and is on schedule for 2019. The Jacob Street bridge project is also on schedule for 2019.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for August 2018. Sulkosky announced that the LCBA meeting date has changed, new meeting date is October 17, 2018. Sulkosky told Council a Disaster Declaration was issued late Friday afternoon on August 31, 2018. The Borough made a decision to temporarily waive fees for oversized items and extra bags until September 14, 2018, for residents affected by the flood. The Borough also provided nine dumpsters at three different locations for the residents to use at no charge for Borough residents and businesses until September 14, 2018. The Borough posted a link to Lancaster County Emergency Management on the Borough's website for the residents to be able to easily access the Individual Assistance Damage Assessment Form. Forms were also available for residents to pick up at the Borough office. The Borough office staff collected and submitted the completed forms to Lancaster County Emergency Management. This was done on a daily basis. Sulkosky reported the approximate amount of damage to date is 3.3 million dollars and forms are still coming in. Sulkosky has been in contact with State Representative Hickernell, Congressman Smucker, Senator Aument, LEMA, PEMA and FEMA regarding assistance for flooding event of August 31, 2018. Sulkosky thanked first responders and individual citizens who helped during this event.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Youngerman, and a second by Reese, approval was given for the minutes of the regular Borough Council meeting held on August 6, 2018, with corrections. *Motion carries. Smeltz abstained due to absence.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Solicitor to prepare and send notices to the Lancaster County Planning Commission and advertise an ordinance for a Petition to Vacate a portion of unopened street, known as the extension of Farmview Lane, as requested by Sandra R. Melhorn with her primary residence located at 40 Donegal Springs Road, Mount Joy, PA. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Resolution No. 24-18, a Resolution appointing or reappointing depositories and naming authorized signatures for all accounts with Northwest Bank. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Borough Manager to research electricity and natural gas pricing and execute agreements as needed to secure the best pricing for up to 36 months. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, as provided in the Mount Joy Community Foundation Bylaws Article II Section 2.2(g), a request was made to approve the selection of Robert Foltz as the Mount Joy Community Foundation President. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Borough Zoning, Code and Planning Administrator to waive any Construction Permit fees for permits that might be necessary associated with flood damage clean-up efforts. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and second by Reese, a request was made to Authorize the Borough Zoning, Code and Planning Administrator to waive the requirement for Temporary Obstruction Permits for dumpsters in the right-of-way associated with clean-up efforts from flood damage. *Motion carries 8-1 with Hall voting No.*

Report of the Public Safety Committee

On a **MOTION** by Hall, and a second by Reese, a request was made to approve Florin Church of the Brethren to hold a controlled burn or bonfire on October 20, 2018 located at 815 Bruce Avenue conditioned upon a low or moderate rating by the USFS Wildland Fire Assessment System on the day of the event. *Motion carries unanimously, with correction to the address.*

On a **MOTION** by Hall, and a second by Smeltz, a request was made to approve the Client Agreement with Michael Baker International to conduct the Parking Utilization Study. *Motion carries unanimously.*

On a **MOTION** by Hall, and a second by Smeltz, a request was made to close Main Street from the intersection of Barbara Street to South Market Street and closure of Delta Street from Main Street to Henry Street for the 2018 Winterfest Event on December 1, 2018, from 2:00 pm to 8:00 pm conditional on submission of all required documents and insurance certificates. There was a **MOTION** made by Hall, and a second by Youngerman to amend the time 2:00pm to 8:00pm to 1:00pm to 9:00pm. *Motion carries unanimously, with amendment.*

Report of the Public Works Committee

On a **MOTION** by Deering and second by Ginder, a request was made to approve the request from Soccer Shots Lancaster/Lebanon to hold a soccer program in Borough Park for September 26, October 3, 10, 17 and 24, 2018 from 5:30 pm to 6:45 pm pending all required documents and proof of insurance. *Motion carries unanimously.*

Public Input Period

Larry Boozer, 204 Midland Circle, said he was here tonight to voice his concerns regarding the intersection of Manheim St, Main St. and New Haven St. Boozer feels it would be beneficial to have a left turn signal. Boozer said he spoke with the Borough Manager and he told him the study that was done showed there is no need for one. The Borough Manager suggested contacting his State Representative. Boozer stated that he did just that and was told a representative for PennDOT would be at the Council meeting tonight, however no one showed up from PennDOT. Smeltz said he has the study and feels that something can be done and should be done. Smeltz told Boozer he would like to talk about it but asked if it would be ok to do that at the next meeting. Boozer said yes. Boozer said what the Borough did for the residents of Mount Joy concerning the flooding event on August 31, 2018, was monumental. Having the dumpster available for the residents with flood damage items was wonderful.

Dale Murray, 120 Farmington Way, questioned Nissley about the two Alleys in the Borough that are scheduled to be paved this year. He asked if they will be required to install curbs and sidewalks because of the paving that is being done. Nissley's response was no, that they have never done curbs and sidewalks in Alleys. Murray proceeded to say that it should apply to Alleys because of the Ordinance regarding curb and sidewalk requirements and there is not a separate Ordinance for Alleys. Murray feels the Ordinance needs to be looked at. Millar told Murray they are looking at a criteria-based ordinance and that the Public Works Committee will be presenting something to Council at the next meeting concerning the Ordinance.

Any Other Matters to come before Council

Deering and Millar said that they created a subcommittee consisting of three people to gather information concerning the curbs and sidewalk issue. Deering then said it was just brought to his attention that a committee cannot form a committee. At this point Mayor Bradley commented that the terminology Deering used was incorrect. Bradley told Council it is more of an information gathering group, not a committee. Bradley said what happened was, the Public Works Committee was working on the curbs and sidewalk issue and it was dominating the discussion. Bradley said since there is so much information out there, he volunteered to work with a member of the Public Works Committee and a person from the community to gather information and put it into a digestible format and bring it back to the Public Works Committee. That way they could tackle it and discuss the issue. Nissley feels there should be a staff person involved in this group.

On a **MOTION** by Youngerman and a second by Millar, a request was made to have Mount Joy Borough Council suspend its 2019 paving schedule for Borough streets and alleys, to resume the paving program after a careful review of the Borough's sidewalk policy and completion of a criteria-based sidewalk and curb policy. *Motion carries 6-3 with Deering, Fahndrich and Glessner voting No.*

On a **MOTION** by Hall, and a second by Reese, a request was made to waive the requirements for curbs and sidewalks as part of the paving of Spring Alley and Green Alley in 2018. *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	\$	165,711.36
REFUSE/RECYCLING	\$	83,552.46
CAPITAL IMPROVEMENTS FUND	\$	33,258.94
HIGHWAY AID FUND	\$	23,243.71
ESCROW FUND	\$	87.50
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	305,853.97

Motion carries unanimously.

Meetings and dates of importance

See the purple calendar for the month of September 2018.

Council went into executive session at 10:30 pm to discuss personnel issues. Council came out of executive session at 11:30 pm. No decisions were made.

Adjournment

On a **MOTION** by Reese and a second by Youngerman, approval was given to adjourn the meeting at 11:31 pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary

