

MOUNT JOY BOROUGH COUNCIL
September 13, 2021, Minutes

The Mount Joy Borough Council held its regular meeting on September 13, 2021.

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

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

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

President Hall announced they will be going into Executive Sessions now, 7:02 PM, to discuss a Public Works personnel matter. Council came out of Executive Session at 7:06 PM.

On a **MOTION** by Eichler, and a second by Deering, approval was given to accept the agenda for the September 13, 2021, Borough Council meeting. *Motion carries unanimously.*

Public Input Period

Ned Sterling, 13 West Main St., commented he is sorry to see the demolish of the historic 1874 building located at 800-802 W. Main Street across from the old Florin Bank. This building was previously a viable residential property that people were living in this April. By demolishing this building, it created just another vacant property along Main Street. He would hope the Borough could eliminate the demolition of these properties by reviewing the existing Zoning Ordinance and try to create some kind of legislation that would prohibit the demolition of these historical buildings and the creations of vacant properties on Main Street.

Bruce Haigh, 504 Rose Petal Ln., commented on Agenda item L under Admin and Finance, Act 50 of 2021, Expansion of 5G Technology. He stated that he read the letter from the Borough's Solicitor, and he feels it is the worst piece of legislation he has ever read. He questioned Pugliese about the time frame that the Borough has to deal with this item.

Steve Hammond, 545 Donegal Springs Rd., commented that he was recently on vacation with his family and came across some community parks that had splash pads for kids to play in and thought it was a pretty neat idea. He was wondering if the Brough could do a study to see if that would be viable and see if it would be possible for the Borough to consider creating a splash pad possibly at Kids Joyland and/or another park in the Borough.

Dale Murray, 120 Farmington Wy., also commented on agenda item L under Admin and Finance and asked Council to pass the sample Ordinance tonight.

Report of Mayor

Mayor Bradley provided a written report for August 2021.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for July 1, 2021, through July 31, 2021. The report showed 40 traffic arrests and 11 criminal arrests for the month. There was a total of 770 incidents for the month of July, with a total of 4,804 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,676.70.

Report of Fire Department Mount Joy (FDMJ)

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

Report of PSH Life Lion LLC

Adam Marden provided and reviewed a written monthly report for August 2021.

Report of EMA

No Report.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a monthly report for August 2021. Schell highlighted some of the money MSMJ put back into the downtown business community since January 2021. The valuation of the services and projects MSMJ is

currently working on with businesses so far this year is \$128,300. This valuation is based on market value if businesses were to obtain services outside of MSMJ. This does not include the time MSMJ provides residents with looking for apartments, jobs, unemployment questions, finding business, looking for products available in Mount Joy or the events MSMJ provides to bring a value of sales to businesses during those events.

Report of the Milanof-Schock Library (MSL)

Joseph McIlhenney provided a written monthly report for July 2021.

Report of Codes and Zoning Officer

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

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for August 2021. Salley reported they are starting the Rotary Park swale stormwater project and it should be completed by mid-October.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written report for August 2021. Nissley reported that the Borough Basin project kicks off this week and is expected to take about two weeks to complete. Eichler publicly thanked Brian Brubaker for his 21 years of service to the Borough.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Mark G. Pugliese I, Borough Manager, provided a written report for August 2021. Pugliese thanked Borough staff for the great job prior to and during the most recent rain event.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Youngerman, and a second by Ginder, approval was given for the minutes of the regular Borough Council meeting held on July 12, 2021. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Ruschke, approval was given for the minutes of the regular Borough Council meeting held on August 2, 2021. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve the future issuance of Letters of No Trespass as determined by the Chief of Police and Borough Manager with just cause and to authorize the Borough Manager to sign said letters on Council's behalf. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a seconded by Reese, a request was made to adopt Ordinance 8-21 to amend Chapter 270, Zoning to regulate personal expression signs and clarify regulations concerning special exceptions. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve a Subdivision and Land Development Plan Deferral of Chapter 240 to Mount Joy Township to subdivide and construct 2 single-family dwellings. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve a Stormwater Management Plan to construct an infiltration basin south of proposed Lot 14 as shown on the LCCTC Subdivision and Land Development Plan- Mount Joy Campus, on property owned by LCCTC (Rotary Park) next to the sub-leased area to the Borough to manage stormwater from 2 single-family lots, conditioned upon the Borough Solicitor and Borough Engineer comments being addressed, and a Stormwater Management Agreement being recorded. *Motion carries unanimously.*

Pugliese discussed the Electrical Supply Contract which is set to expire on 11/30/21. Pugliese asked Council to consider a motion to allow him, the Borough Manager, to choose and sign an agreement with an electrical supply company.

On a **MOTION** by Reese, and a second by Castaldi, a request was made to authorize the Borough Manager to enter into an electrical supply contract on behalf of the Borough to take effect after the current one expires. *Motion carries unanimously.*

Pugliese led a discussion regarding the use of funds related to the American Rescue Plan Act Grant. Pugliese asked for suggestions from Council. Hall suggested to give Council, department heads, MSMJ and citizens until the close of business October 8, 2021, to get suggestions to the Manager. The Manager will then sort through the suggestions and put forth a proposal for Council as to which would be best.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Friday, October 29, 2021, from 6:00 pm until 8:00 pm as Trick or Treat in Mount Joy Borough as recommended by the Lancaster Inter-Municipal Committee. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Hall, a request was made to approve Resolution 12-21 reducing employee contribution to the police pension plan for 2021. *Motion carries 6 to 2, Youngerman and Castaldi voting No.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Amendment No. 4 to the Non-Uniform Pension Plan defining Eligible Employees as an employee who is hired on a permanent full-time bases other than the police persons and to authorize the Borough Manager to distribute "Notice To Plan Participants" as appropriate, all in accordance with the PA Department of the Auditor General's audit findings dated 3/31/2021. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Council Resolution 13-21 appointing the Borough Manager as the Chief Administrative Officer for the Borough of Mount Joy Police and Non-Uniformed Pension Plans in accordance with the PA Department of the Auditor General's audit findings dated 3/31/2021. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize staff to work with the Borough Solicitor to amend or draft a new ordinance to address Act 50 of 2021. Youngerman offered an **AMENDMENT**, with a second by Deering, to include the advertisement of the proposed ordinance that addresses the 5G technology. *Amendment carries unanimously. Main motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Castaldi, to write our elected State Officials stating our opposition to Act 50 as adopted. Hall said this is not on the agenda, therefore the motion is not in order but can be referred to the Admin and Finance Committee.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to award contract for Manheim Street Storm Water Project to Wexcon, Inc. in the amount of \$151,485.00 to be drawn from funds received from the American Rescue Plan Act. *Motion carries unanimously.*

Pugliese discussed budget timeline with Council. The Mayor suggested planning the budget meetings when all of the other meetings for the year are planned. Hall agreed. That way everyone knows well in advance and can plan accordingly. Also, those meeting dates and be advertised along with the other meeting dates.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize staff to distribute funds received from revenue of the soda machine at Rotary Park to David Eichler for the construction, installation, and maintenance of bird habitat boxes along Little Chiques Creek in the area of Little Chiques Park as well as other locations in the Borough. *Motion carries unanimously.*

Youngerman acknowledged the receipt of the Mount Joy Borough Authority Sewer System Audit report.

Youngerman acknowledged the receipt of the 2022 Minimum Municipal Obligation (MMO) for both the Uniform and Non-Uniform Pension Plans.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize Certified Carpet to clean, sanitize and protect carpets in municipal building at a cost of \$996.00. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Borough Manager to attend the PSAB Fall Leadership Conference in Erie, PA on Oct 8 through the 10th, 2021 and to pay for and/or reimburse authorized expenses as provided by Section 701 of the Borough Code. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize staff to submit a "Request for Capital Budget Project" for design and construction public transportation to include pedestrian and bicycle transportation linking the recreational, historic, restaurants, commercial business, and other points of interest within the Borough. *Motion carries unanimously.*

On a **MOTION** by Reese, and a second by Ginder, a request was made to adopt Resolution 11-21 to encourage and support the planning, design, operation, and maintenance of streets so that they are safe for all ages and abilities and provide for a multimodal transportation network. After some discussion it was decided there are a few words that needed to be changed before moving forward. Reese and Ginder withdrew their Motion and seconded.

Report of the Public Safety Committee

On a **MOTION** by Eichler, and a second by Castaldi, a request was made to approve to authorize the Borough Solicitor to draft an Ordinance amending Chapter 255, Vehicles and Traffic of the Boroughs Code of ordinances with the following

revisions: No parking on the west side of Springville Road from Main Street to Cedar Lane; Deleting the 30-minute parking restriction on East Main Street, south side, at a point 54 feet east of High Street and a point 107 feet east thereof; Making Williams Alley a One-Way Street, traveling north from 190 feet north of Henry Street to West Main Street. *Motion carries unanimously.*

On a **MOTION** by Eichler, and a second by Castaldi, a request was made to approve the closing of Main Street from New Haven Street to the intersection with Marietta Ave and Delta Street from Henry Street to Main Street on Friday, October 22, 2021, from 4:30 pm to 8:30 pm for Main Street Mount Joy event "Downtown Trick or Treat". *Motion carries unanimously.*

On a **MOTION** by Eichler, and a second by Castaldi, a request was made to approve the closing of Main Street from Market Street to Barbara Street, Delta Street from Henry Street to Main Street and Marietta Avenue from Main Street to Sassafras Alley on Saturday, December 4, 2021, from 1:00 pm to 9:00 pm for Main Street Mount Joy event "Winterfest." *Motion carries unanimously.*

On a **MOTION** by Eichler, and a second by Castaldi, a request was made to direct the Borough Manager to negotiate the Ground Ambulance Service Provider agreement directly with Penn State Health Life Lion LLC based upon the concerns as presented by Council. *Motion carries unanimously.*

Report of the Public Works Committee

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to authorize the Borough Solicitor to draft an Ordinance amending Chapter 182, Parks and Recreation Areas of the Borough Code of Ordinances revising the park rules as presented. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made to pass Resolution 9-21 authorizing Council President to sign the 902 Recycling Grant Fund Application on its behalf. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to pass Resolution 10-21 authorizing the sale of various equipment using the Municibid online Municipal Auction Service. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made to authorize to advertise and bid the ARLE (Automatic Red-Light Enforcement) Grant project. For traffic signal improvements at five intersections on Main Street. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made adopt Resolution 14-21 authorizing the Director of Public Works to sign the traffic Signal Maintenance Agreement as required by the ARLE (Automatic Red-Light Enforcement) Grant. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to accept letter of retirement from Parks Superintendent Brian Brubaker, effective September 17, 2021, and acknowledge his 21 years of service to the Borough. *Motion carries unanimously.*

Ginder wanted to publicly thanked Brian for all the work he has done for the Borough.

Hall commented that he voted in favor of the motion with mixed emotions. Hall said it is a great loss to the Borough to accept his retirement but on the other hand Brian has worked hard and deserves his retirement. He has given the Borough 21 great years and that needs to be acknowledged and he will be missed.

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made to approve a promotion of Barry Geltmacher to the position of Park Superintendent effective September 26, 2021, as recommended by the Director of Public Works *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ginder, a request was made to raise the starting wage for Public Works Maintenance Technician and Parks Department Maintenance Technician by \$1.00 to \$16.50 per hour. *Motion carries unanimously.*

On a **MOTION** by Deering, and a seconded by Ruschke, a request was made authorize the manager to fill 1 vacant Public Works Maintenance Technician, and 1 Parks Department Maintenance Technician position. *Motion carries unanimously.*

Building Committee

Deering informed Council that the Mount Joy Borough Ad-hoc building committee looked at the Wells Fargo Bank building as suggested by members of the public. Deering shared the finding of the analysis, as compared to the current and proposed areas for the Mount Joy Borough and Mount Joy Authority areas. The available area on the first floor and the second floor is approximately 2,700 sf (2,178sf first floor and 500sf second floor). Currently the Borough and the Authority have approximately 5,200 sf. It would be possible to put a second floor in the building, but it would be pretty costly. There

would be a lot of ADA requirements with an elevator and another set of stairs. Currently the Mount Joy Borough and Authority proposed needed space is approximately 10,720 sf. The Borough's Ad-hoc committee does not feel that the Wells Fargo building suits the needs of the Borough and the Authority going into the future.

Public Input Period

Dave Schell, representing MSMJ, encouraged the Borough to not close the door on 1 W. Main St. and to take another look at it.

Ned Sterling, 13 W. Main St., asked if the correspondence that was forwarded to the Borough from MSMJ and the Historical Society regarding the zoning ordinance will be passed on to the Planning Commission. Sterling gave a brief history of the building located at 1 West Main Street.

Bruce Haigh, 504 Rose Petal Ln., questioned Resolution 8-21 that was approved at tonight's meeting and the motion. Haigh gave suggestions regarding the building for the Borough and Police Department and suggested that they could be at two different locations.

Councilor Castaldi left the meeting at this time, 9:15 PM.

Dale Murray, 120 Farmington Wy., asked for clarification of the wish list for the future Borough building. He feels it would be worthy to discuss 1 West Main Street again. Murray asked if the public is allowed to attend the Ad-hoc meetings.

Emanuel Hoffer, 82 E. Main St., asked for clarification of the ARLE Grant item on the agenda.

Any other matter proper to come before Council

On a **MOTION** by Youngerman, and a second by Reese, a request was made to reconsider Ordinance 8-21. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to adopt Ordinance 8-21, specify the version of July 14, 2021, which amends Chapter 270, Zoning to regulate personal expression signs and clarify regulations concerning special exceptions. *Motion carries unanimously.*

Authorization to Pay Bills

On a **MOTION** by Youngerman, and a second by Reese, Council approved paying the bills as presented from August 1 – August 31, 2021.

GENERAL FUND	\$	158,128.62
REFUSE/RECYCLING	\$	51,545.00
CAPITAL IMPROVEMENTS FUND	\$	136,580.58
HIGHWAY AID FUND	\$	2,820.00
ESCROW FUND	\$	11,813.50
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	360,887.70

Motion carries unanimously.

On a **MOTION** by Youngerman, and a second by Reese, Council approved paying the bills as presented from July 1 – July 31, 2021.

GENERAL FUND	\$	242,139.99
REFUSE/RECYCLING	\$	57,488.71
CAPITAL IMPROVEMENTS FUND	\$	19,704.70
HIGHWAY AID FUND	\$	261.50
ESCROW FUND	\$	3,315.63
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	322,910.53

Motion carries unanimously.

Meetings and dates of importance

See the Green calendar for the month of September 2021

Executive Session

None

Adjournment

On a **MOTION** by Reese, and a second by Youngerman, approval was given to adjourn the meeting at 9:30 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese I
Borough Manager/Secretary