

MOUNT JOY BOROUGH COUNCIL
September 9, 2019 Minutes

The Mount Joy Borough Council held its regular meeting on September 9, 2019, at St. Marks Church.

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

Roll Call - Present were Councilors Joshua Deering, David Eichler, Lu Ann Fahndrich, David Feuerstacke, Mary Ginder, Jon Millar, Michael Reese, President William Hall and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Samuel Sulkosky; Public Works Director, Dennis Nissley; Police Chief, Maurice Williams; and Administrative Assistant, Lisa Peffley. Absent were Stormwater Officer; Dave Salley; Codes and Zoning Officer, Stacie Gibbs. Councilor Brian Youngerman joined the meeting at 7:09.

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

President Hall announced there was an Executive Session held on August 5, 2019, for personnel issues. No decisions were made.

On a **MOTION** by Ginder, and a second by Eichler, approval was given to accept the agenda for the September 9, 2019. *Motion carries unanimously.*

Officer Gordon gave a presentation regarding a proposed K-9 Unit. Officer Gordon then answered any questions from Council and the public regarding the proposed K-9 Unit.

Public Input Period

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

Ken Ober, 621 Water St., reviewed and provided Council with a copy of a plan he came up with that he believes can eliminate the need for sidewalks on N. Angle Street.

Barbara Basile spoke on behalf of Rotary, she invited everyone to the Suicide Awareness and Prevention Walk on September 14th at Rotary Park.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided a written monthly report for July 2019. Basile said the Library had a wonderful summer with over 1350 children participate in the summer reading program.

Raeann Schatz, 24 Fairview Ave., Marietta, inquired as to what has been done in the last two months concerning the Borough's basin behind Gus's. She also asked where the Borough stands with the Engineer's design.

Jim Miller, 1250 Donegal Springs Rd., trustee at Glossbrenner United Methodist Church, voiced his concerns with water run off if there are more impervious surfaces are present. Miller spoke about a project being done in Maytown and the cost to the residents there.

Terry Zeller, 224 Pinkerton Rd., spoke concerning the Attachments listed on tonight's Agenda. Request a transparency of the attachments be put on the screen so the public could see what is being discussed. He also commented on the fact that public comment comes after amendments are discussed and then vote on.

Dale Murray, 120 Farmington Wy., encouraged Council to move forward with making a decision concerning the sidewalk Ordinance.

Bruce W. Haigh, 504 Rose Petal Ln., spoke on behalf of his client, Schatz Garage. Haigh asked what the results were of the Topography survey that was to be done on the Borough basin at Gus's Restaurant.

Report of the Mayor

Mayor Bradley provided and reviewed a written monthly report for August 2019. Mayor Bradley presented the following Mayoral Proclamation. **WHEREAS**, in the United States, one person dies by suicide every 11.1 minutes; and, **WHEREAS**, in Pennsylvania, suicide is the 2nd leading cause of death for those age 15-34 and is the 4th leading cause of death for people age 35-54; and, **WHEREAS**, most of these deaths are preventable; and, **WHEREAS**, many of the people who died never received effective behavioral health services, for many reasons including the difficulty of accessing services by healthcare providers trained in best practices to reduce suicide risk, and the prejudice and discrimination surrounding the

use of behavioral health treatment; and, **WHEREAS**, each person's death by suicide exposes at least 135 other people, with over 6.9 million newly bereaved each year; and, **WHEREAS**, local and statewide evidence-based suicide prevention initiative and awareness programs should be encouraged and supported by the community. **NOW, THEREFORE IT BE RESOLVED** that, I, Mayor Timothy D. Bradley, Jr, do hereby designate September 8th through 14th, 2019, as **Suicide Prevention Week**, and call upon all citizens of Mount Joy to participate in appropriate programs to learn how they can help because suicide prevention is a community issue. **I FUTURE** call upon all citizens of Mount Joy to join in observance on Saturday, September 14th, 2019, **Suicide Awareness Day** in honor of those who have lost their lives or the lives of loved ones to suicide. In Witness Whereof, I have hereunto set my hand, and have caused the Official Seal of the Borough of Mount Joy to be affixed this 8th day of September 2019. Timothy D. Bradley Jr., Mayor

Report of the Chief of Police

Maurice Williams, Police Chief, provided and reviewed a written monthly report for July 1, 2019, through July 31, 2019. The report showed 22 traffic arrests and 34 criminal arrests for the month. There was a total of 593 incidents for the month of July. Total incidents year to date are 4,015. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$2,954.45. Chief Williams announced the Police Department will be participating in the 2019 Child Passenger Safety Enforcement Mobilization the week of September 15-21, 2019. The Chief informed Council in support of Breast Cancer Awareness month, the Department designed a pink patch which they will wear on their uniforms for the month of October. The Department is selling the patches for \$10 each and all proceeds go toward breast cancer research.

Report of Fire Department Mount Joy (FDMJ)

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

Report of SVEMS

Candy Blanchflower provided a written monthly report for August 2019.

Report of EMA

Matt Kratz provided a written report for August 2019.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a written monthly report for August 2019. Schell reported to Council that 25 new Hometown Hero Banners were installed and he will be putting up 17 more next week. Schell said there are 25 more ordered and will be delivered in late October.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for August 2019.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a written monthly report for August 2019.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written monthly report for August 2019. Nissley gave an update of a few items: (1) Marietta Avenue Pedestrian Project and repaving- Construction activity has begun with tree trimming and removal, overhead utility work is scheduled to continue the rest of 2019, and stormwater, sidewalks and road construction and paving is scheduled for 2020. (2) ARLE Grant – Pedestrian signal upgrades: We received word that the ARLE grant was awarded, we are waiting notice to schedule a kickoff meeting with PennDOT. (3) 902 Recycling grant – We have not received word on the status of this grant but expect to hear something in the next month.

Report of the Borough Authority Manager

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

Report of the Borough Manager

Samuel Sulkosky, Borough Manager, provided and reviewed a written monthly report for August 2019. Sulkosky reported the Capital Budget Project was submitted for Municipal Building Expansion and Mount Joy Area Recreation and Aquatic Facility. Sulkosky also told Council the Refuse Contract Bid Opening Meeting was held today and he will have a full report next Council Meeting.

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 August 5, 2019. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Feuerstacke, a request was made to approve the Laurel Harvest Labs, LLC, request for a 60-day extension, until December 1, 2019, in accordance with Section 240-29 of the Borough Subdivision and Land Development Ordinance. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve the request by MSMJ for Winterfest for road closure of Main Street from Market Street to Barbara Street and Delta Street from Main Street to East Henry Street on December 7, 2019. *Motion carries unanimously.*

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to recommend the Borough Manager send a letter to PennDOT recommending implementation of Option B of Route 772 Routing Study. Option B would relocate 772 to Union School Road to South Angle Street to West Main Street to Manheim Street. *Motion carries unanimously.*

Chief gave an update on the Part-time Police Officer. He stated that as of today all testing results are back and officer in question has passed all tests.

On **MOTION** by Fahndrich, and a second by Eichler, a request was made to approve the Indemnification Agreement between the Borough of Mount Joy and the Make-A-Wish Foundation dated August 28, 2019. *Motion carries unanimously.*

Report of the Public Works Committee

On a **MOTION** by Deering, and a second by Millar, a request was made to approve the Sidewalk Street Exemption as prepared by the Solicitor and properly advertised. *Roll call vote. Deering, Eichler, Feuerstacke, Millar, Youngerman and Hall voting Yes. Fahndrich, Ginder, and Reese voting No. Motion carries 6-3.*

Ginder commented and expressed her feelings on this. She believes a criteria-based Ordinance would be best. Ginder feels there is a need for sidewalks but does not believe they need to be everywhere. A concern she has with passing this Ordinance, is the Borough will be set up for possible litigation from residents that were required to put in sidewalks prior to this. Ginder said whatever the majority of Council votes for she will back that.

Reese commented and expressed his feeling on this. He feels pedestrians are safer on sidewalks. Reese agrees with Ginder, it should be a criteria-based system and he also believes there is a need for sidewalks in certain areas but not everywhere. Reese feels curbs should almost always be mandatory when doing paving.

Millar said he drove the streets listed and talked to the people on those streets. By doing so, he feels Council is making the right decision by passing the Ordinance. Millar believes we are following the Completes Streets Guide with this Ordinance. He said Council needs to listen to the people.

Youngerman comment that what the people say does matter.

Fahndrich commented and expressed her feelings. She said she will continue to be a No vote. She agrees with Ginder and Reese that it should be a criteria-based system and she feels there is a need for sidewalks in certain areas, but they do not need to be everywhere. She said she appreciates all of President Hall's work. Fahndrich feels we are almost there but still need a little more work.

Eichler feels this moves us in the right direction.

Deering thanked all for coming out and voicing their opinions the last 18 months. He believes the cost of the sidewalks is the issue not the physical sidewalk itself. He commented that we started out with a criteria-based system and this is where we ended up. He said he will be voting in favor of the Exemption list tonight. Deering feels as streets come up for paving Council can look at them at that time and if there is a need for sidewalks the street can be taken off the exemption list at that time.

Fahndrich sees this just as a temporary fix. Hall said we always have the ability to make changes as needed. Deering commented that Ordinances are not locked in stone and can be amended when needed. Deering said most of the Boroughs in Lancaster County have some type of sidewalk Ordinance.

On a **MOTION** by Deering, and a second by Millar a request was made to authorize the Borough Manager to sign an agreement with Sensenig Roofing Co. for the re-roofing of the Florin Fire Company Building under COSTARS contract number 008-556 for an amount not to exceed \$69,700.00. After some discussion Deering offered an amendment to the

original Motion, with a second by Millar, to accept Alternate 1 and 2. *Amendment was approved unanimously. Main Motion as amended carries unanimously.*

Deering led a discussion on the Pinkerton Road design. Maps were provided to Council to follow along with the discussion.

On a **MOTION** by Deering, and a second by Ginder, a request was made to approve the request from SM Johns & Sons Construction to excavate and replace the curbing as described in their letter. *Motion carries unanimously. Hall abstained.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to remove from the table and consider amendments to the Sidewalk Ordinance Chapter 232-60(A)(7)(9) and add Chapter 232-60(D) as proposed by the Public Works Committee and direct the Solicitor to prepare amendments to the Sidewalk Ordinance. *Motion carries unanimously.*

232-60(D) Update. D - Bituminous concrete (asphalt) sidewalks. Property owners may install bituminous concrete (asphalt) paving in place of concrete sidewalks in accordance with all requirements of this §232-60D.

- A. Excavation- any existing sidewalk shall be removed to the required depth below finished grade. All soft yielding material shall be removed and replaced with a suitable material. Any new sidewalk being installed shall be graded to the required depth below grade.
- B. Property owners may use this method for sidewalks, but it must have a minimum of a one block agreement between all property owners to install bituminous concrete. A "block" has been defined by the Mount Joy Borough SALDO.
- C. Gravel bases of six-inch depth, after compaction, shall be placed between wooden forms online and grade, allowing two inches for the placing of bituminous concrete.
- D. A bituminous concrete surface shall be a hot mix using Type II Standard Specification. It shall be rolled with a roller weighing not less than 500 pounds. Sidewalks should have a compacted binder course one inch in thickness and compacted wearing course one inch in thickness. Any bituminous pavement delivered to the project having a temperature lower than 250 degrees Fahrenheit shall not be used. The pavement shall be thoroughly compacted before the mix cools to 180 degrees Fahrenheit. Mixtures shall be placed only when the underlying surface is dry, frost-free and the surface temperature and air temperature is above 40 degrees Fahrenheit.
- E. Sides of the sidewalk shall be backfilled with suitable material thoroughly compacted and finished flush with the top of the sidewalk.
- F. This section will not apply to new developments and any properties with sidewalks on Main Street.
- G. Permits shall be required for the installation of sidewalks.
- H. A driveway sidewalk apron/ramp may be replaced with bituminous concrete. This must have the same base as the driveway. All ADA regulations must be adhered to when replacing the sidewalk.

On a **MOTION** by Deering, and a second by Millar, a request was made to amend the Sidewalk Ordinance and direct Solicitor to prepare amendments to the Sidewalk Ordinance, Section 232-60 to add new subsection D- Bituminous concrete (asphalt) sidewalks.

Nissley questioned the binder course in item D and the wearing course in item D.

Deering offered an Amendment, with a second by Ginder, to take out the reference to "binder course" in item D and change the wearing course to three inches. *Amendment passed unanimously.*

Deering offered an Amendment, with a second by Ginder, to item C to change two inches to three inches. *Amendment passes unanimously.*

The Mayor reminded Deering of Item I – "If a driveway apron/ramp is changed from concrete to bituminous asphalt and the width is greater than a typically standard one car of 10 feet – 12 feet the homeowner must have white lines painted to show the path of the sidewalk and keep those lines in good repair." that was intended to be added to the updates to D.

Deering offered an Amendment, with a second by Youngerman, to include I into the Ordinance. After some discussion, Deering withdrew this Amendment due to wording.

Deering offered an Amendment, with a second by Youngerman, to add item I – "If a driveway apron/ramp is changed from concrete to bituminous asphalt and the width is greater than 24 feet the homeowner must have white lines painted to show the path of the sidewalk and keep those lines in good repair". *Roll call vote with Deering, Eichler, Fahndrich, Ginder and Youngerman voting Yes and Feuerstacke, Millar, Reese and Hall voting No. Amendment passes 5-4. Main Motion as amended carries 8-1 with Reese voting no.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to amend the Sidewalk Ordinance and direct Solicitor to prepare amendment to the Sidewalk Ordinance, Section 232-60(7), "Where a strip is provided, if planted with grass and shall at all times be kept closely trimmed. Planting of trees in the grass strip area shall be in accordance with the

approved tree species as listed and provided at the Borough office. Planting of shrubs or hedges shall be prohibited. The strip may, if laid with non-woven fabric, consist of a mulch or decorative stone (#1 or #2 grade) and must be kept well maintained. Placement of any other non-plant matter shall be approved by the Borough."

Hall moves to send this back to Committee.

On a **MOTION** by Deering, and a second by Millar, a request was made to amend the Sidewalk Ordinance and direct the Solicitor to prepare amendment to the Sidewalk Ordinance Section 232-60(9), "Wherever possible, property owners shall maintain a uniform design for curb and sidewalk replacement within the block. If a grass strip exists between the curb and sidewalk, the grass strip shall be preserved or updated in accordance with section 232-60(7) when the sidewalk is replaced, particularly when the majority of sidewalks within a block contain strips. If a sidewalk without a grass strip is replaced and a majority of sidewalks within the block have a grass strip, a strip shall be provided in accordance with section 232-60(7)."

Hall moves to send this back to Committee.

On a **MOTION** by Deering, and a second by Millar, a request was made to amend the Sidewalk Ordinance and direct the Solicitor to prepare amendment to the Sidewalk Ordinance, Section 232-61(A), removing the last sentence. *Motion carries unanimously.*

On a **MOTION** by Deering, and a second by Youngerman, a request was made to amend the Sidewalk Ordinance, Section 232-65, "In the event of the failure or neglect of any such owner or owners to comply with the terms and conditions of such notice within 20 days from the date of service thereof in the case of repair work, the Council shall cause such work to be done at the cost of the owner or owners of such property, and the cost thereof, and 10% additional, not to exceed \$500, together with all charges and expenses, shall be collected from such owner or owners by the Borough, which may file a municipal claim thereof or collect the same by action in assumpsit, as Council may direct." *Motion was defeated.*

On a **MOTION** by Deering, and a second by Ginder, a request was made to amend the Sidewalk Ordinance and direct the Solicitor to prepare amendment to the Sidewalk Ordinance, Section 232-62, "Borough Council may, by Resolution or by Motion, authorize or defer the construction of curbs and/or sidewalks other than specified herein upon written request from the property owner within 90 days after preliminary engineer design plans have been approved."

Hall moves to send this back to Committee.

Public Input Period

Raeann Schatz, 24 Fairview Ave., Marietta, asked for a time frame on the design plans for the Borough basin. She said her Engineer has made recommendations and asked if those recommendations were discussed with ARRO. Schatz feels one of the biggest problems is the Amtrak culvert and wants to know if anyone is going to contact Amtrak regarding that.

Bruce W. Haigh, 504 Rose Petal Ln., commented and gave his opinion concerning the Borough basin.

Beth Brelje, 550 N. Angle St., inquired about the WalkWorks Grant and spoke concerning emails between Brad Stewart from the Lancaster County Planning Commission, Borough staff, and the Borough Planning Commission.

Jim Miller, 1250 Donegal Springs Rd., stated his concern about the financial impact sidewalks could have on the Church.

Bobby Hart-Love Fronczek, 300 School Ln., thanked everyone on Council that voted yes for the exemption. She spoke and gave her opinion on Pinkerton Road. She asked if something could be put on the ballot.

Steve Snyder, 213 School Ln., spoke concerning Pinkerton Road and his thoughts regarding sidewalks on Pinkerton Road.

Terry Zellers, 224 Pinkerton Rd., said he checked into putting something on the ballot and he does not believe it would something that would be allowed. Zellers gave his opinions regarding the automobile traffic and pedestrian traffic on Pinkerton Road, the need to widen Pinkerton Road and the unnecessary need for sidewalks on both sides of Pinkerton Road.

Ken Ober, 621 Water St., spoke concerning Hill Street. He said he sees a lot of traffic going the wrong way on that one-way street. He was asking if maybe there could be more, or bigger signage put up to let people know it's a one-way street.

Jeff Cassel, 230 Park Ave., offered an apology to Deering and Ginder for an incident that happen at the last Public Works Committee meeting. Cassel also thanked Council for all they did for the citizens of Mount Joy.

Any Other Matters Proper to Come Before Council

None

Authorization to Pay Bills

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

GENERAL FUND	\$	104,007.03
REFUSE/RECYCLING	\$	45,465.52
CAPITAL IMPROVEMENTS FUND	\$	6,314.38
HIGHWAY AID FUND	\$	18,622.07
ESCROW FUND	\$	846.00
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	175,255.00

Motion carries unanimously.

Meetings and dates of importance

See the green calendar for the month of September 2019.

Council went into executive session at 11:30 pm for real estate issues. Council came out of executive session at 11:55 pm. No decisions were made.

Adjournment

On a **MOTION** by Deering, and a second by Ginder, approval was given to adjourn the meeting at 11:56 pm. *Motion carries unanimously.*

Respectfully Submitted,



Samuel Sulkosky
Borough Manager/Secretary