

MOUNT JOY BOROUGH COUNCIL
September 12, 2022, Minutes

The Mount Joy Borough Council held its regular meeting on September 12, 2022.

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

Roll Call- Present were Councilors, Dominic Castaldi, David Eichler, Lu Ann Fahndrich, Mary Ginder, Bruce Haigh, Eric Roering, Bob Ruschke, Brian Youngerman, President William Hall and Mayor Timothy Bradley, Jr. Staff present were Borough Manager, Mark G. Pugliese I; Assistant Borough Manager/Finance Director, Jill Frey; Public Works Director, Dennis Nissley; Stormwater, Planning & Grants Coordinator, Cody Lyons; Police Chief, Robert Goshen and Administrative Assistant, Lisa Peffley. Absent was Codes and Zoning Officer, Stacie Gibbs.

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

President Hall said there will be an Executive Session to discuss a personnel matter at tonight's meeting.

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to accept the agenda for the September 12, 2022, Borough Council meeting with two minor corrections. *Main Motion carries unanimously.*

Public Input Period

Deborah Bard, 620 Water St., said she came to the meeting tonight for agenda item 13a, discussion of payment options for residents that had curbs installed as part of a street project. She was hoping to get a ruling where they could make installment payments as opposed to the entire amount at one time.

Rae Ann Schatz, Schatz Garage, 1090 W Main St, stated she knows there is a punch list for the Mount Joy basin and wants to know if ARRO and Kinsley agree on what needs to be done and if there is a timeline.

Jane Farr, 425 Columbia Ave. said she attended a meeting in July and spoke with Dennis about the plans for Pinkerton Rd project. She said the plans showed her landscaping was clear on any construction; however when they measured it puts their hedges right in the middle of where the sidewalk will be. She also commented about the four-foot bump out around the poles that would cross over the right of way. She would like Council to amend construction to three feet around the poles so that it does not cross the right of way.

Report of Mayor

Mayor Bradley provided a written report for May 2022, via email to all Council members. The Mayor said he met as part of advisory committee with Eagle Scout, Tod Dohl, Jr., for a Harold Billow Memorial.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for July 1, 2022, to July 31, 2022. The report showed 24 traffic arrests and 27 criminal arrests for the month. There was a total of 665 incidents for the month of July, with a total of 4,270 incidents year to date.

Report of Fire Department Mount Joy (FDMJ)

Brett Hamm, FDMJ Fire Chief, provided and reviewed a written monthly report for July 2022.

Report of PSH Life Lion

Adam Marden provided a written monthly report for July 2022.

Northwest EMA

Provided a report for January thru July 2022.

Report of EMA

Mayor Bradley provided a written report via email and an oral report. He said they discussed event changes concerning Trick-or-Treat in the Downtown/Fall Festival with MSMJ. Reviewing and updating event ISP.

Report of the Milanof-Schock Library (MSL)

Joseph McIlhenney, provided a written monthly report for July 2022.

Report of Planning/Zoning/Code Officer

No Report

Stormwater, Planning & Grants Coordinator

Cody Lyons, Stormwater, Planning & Grants Coordinator provided a written report for August 2022.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written report for August 2022.

Report of the Borough Authority Manager

Joseph Ardini, Authority Manager, provided a written monthly report for August 2022.

Report of the Assistant Borough Manager/Finance Officer

Jill Frey, Assistant Borough Manager/Finance Officer, provided a written report for August 2022.

Report of the Borough Manager

Mark G. Pugliese I, Borough Manager, provided a written report for August 2022.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Roering, and a second by Eichler, approval was given for the minutes of the regular Borough Council meeting held on August 1, 2022. *Motion carries unanimously.*

Building Ad Hoc Committee

Deering handed out copies of the site survey and conceptual designs for the proposed municipal building and police station to Council. He reviewed them with Council and stated this will be the same information that will be displayed and reviewed at the public meeting being held tomorrow night, Tuesday, September 13, 2022, at St. Mark's Church. Deering said this just a schematic design and nothing is set in stone.

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Roering, a request was made to authorize Council President and Secretary to execute the Lancaster County Career & Technology Center Storm Water Agreement. An **AMENDMENT** by Haigh, and a second by Roering, that Borough Council approve it contingent upon the Borough Solicitor agreeing that is consistent with the intent of the DEP MS4 model Ordinance 2022. *Amendment carries. Hall abstained. Main motion carries. Hall abstained.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to release \$550.00 of financial security to Roots Beer Distributor. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to release all remaining financial security being held by Mount Joy Dental Associates. After discussion regarding the rain garden issues and the issues listed in ARRO's letter dated August 3, 2022, Youngerman withdrew his motion.

On a **MOTION** Youngerman, and a second by Roering, a request was made to adopt Ordinance 04-2022 amending Chapter 46 of the Mount Joy Borough Code, to revise provisions of the Police Pension Plan concerning definitions and adding a Deferred Retirement Option Plan. *Motion carries 8-1, Youngerman voting No.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to adopt Ordinance 05-2022 amending Chapter 46, Article I of the non-uniformed Employee Pension Plan. *Motion carries unanimously.*

Mayor Bradley led a discussion on recommendation as presented by the Borough Solicitor for proposed Ordinance 07-2022 regarding firearms.

On a **MOTION** by Youngerman, and a second by Roering, a request was made to forward a lot add-on plan to the Borough Planning Commission and the Lancaster County Planning Commission for a small parcel of land currently owned to the rear parking lot of St. Marks United Methodist Church to KN Farms LLC, 19 North Market Street. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to enter into a franchise agreement with SHENTEL, a fiber internet/television/phone service company. Borough staff to utilize services of the Cohen Group to draw up agreement to be reviewed by the Borough Solicitor. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to change Borough Council Meetings to the first Monday and fourth Thursday of each month beginning the 2023 calendar year. *Roll Call Vote; Castaldi, Hall, Roering and Youngerman voting Yes. Eichler, Fahndrich, Ginder, Haigh, and Ruschke voting No. Motion is defeated 4-5.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to adopt Resolution 2022- 11, Kunkle Field/Borough Park Grant Application. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to appoint Commonwealth Codes Inspection Services as interim BCO/Codes/Zoning Officer through December 31, 2022. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Roering, a request was made to authorize a department head to attend the PSAB Fall Leadership Conference in Gettysburg on October 14 through the 16th, 2022 and to pay for and/or reimburse expenses as provided by Section 701 of the Borough Code. *Motion carries unanimously*

Todd Smeigh, DC Gohn, lead a discussion to consider repealing Councils decision for LCCTC be required to post financial security with the Borough and instead, require LCCTC to maintain an escrow account for the payment of invoices incurred and permit Mount Joy Township to hold financial security.

On a **MOTION** by Roering, and a second by Ruschke, a request was made to allow LCCTC to place all Financial Securities in the hands of Mount Joy Township. *Motion carries 7-1, Youngerman voting No and Hall abstaining.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to adopt Resolution 2022-12 regarding FDMJ displaying a banner across E. Main Street for a recruitment event. *Motion carries unanimously.*

Report of the Public Works Committee

Ginder led a discussion about payment options for residents that had curbs installed as part of a street project. After some comments and questions from other Council members and the Mayor, it was decided that the subject would go back to Committee for further discussion.

Nissley led a discussion regarding the responsibility of the owner of 209 Old Market St to remove sediment from the swale along Manheim Street. The Committee is recommending that the Borough provide elevations to the property owner and proceed with enforcement as necessary. On a **MOTION** by Haigh, and a second by Ruschke, a request was made to provide the property owner with the elevation of the excavation and boundaries of the swale. *Motion carries unanimously.*

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to waive the stormwater ordinance 226-37 C. (1)(a)(4) to allow for 2 – 8 inch smooth heavy-walled plastic pipes to convey stormwater across S. Market Ave. at the entrance to Wenger Feeds. *Motion carries unanimously.*

On a **MOTION** by Ginder, and a second by Ruschke, a request was made to authorize staff to contact the Borough Solicitor to prepare an amended Stormwater Ordinance as presented by Public Works Committee. *Motion carries unanimously.*

Pugliese provide an update on pedestrian walkway/easement on 40 Donegal Spring Road.

On a **MOTION** by Ginder, and a second by Ruschke, a request was made accept the resignation of Thomas J. Murray, Parks Department, effective Friday, September 9, 2022. *Motion carries unanimously.*

Public Input Period

Ron Grouse, 210 Pinkerton Rd., asked why they are leaving the big maple tree out in front of his neighbor's house on Pinkerton Rd. He said that the roots are now exposed due to construction and installation of an inlet box and feels it is no longer safe and it probably will not survive. He suggested Dennis Nissley look at it.

Ned Sterling, 13 W. Main St., said rumor has it that the person who was taking care of the street trees is no longer interested in the street tree program and he is wondering if the Borough has contacted someone else to replace the two dead trees and plant new ones. He also asked if the Borough has received any application to fill the vacancy on the Zoning Hearing Board.

Charles Groff, 211 Frederick St., commented on the swale on Old Market St. He also commented that he likes having only one meeting a month and that Council members should be prepared when coming to the meetings by reading the Council packets that are provided to them prior to the meeting.

Josh Deering, 33 Frank St., asked if the Council packets could be projected during the meeting. He said it would be much easier to read than on his phone, plus it drains his battery. He also commented on the three-minute rule for public comment and said its not a law and you could extend the amount of time you wanted to.

Any other matter proper to come before Council

Mayor Bradley comment on the three-minute rule for public comment. He said it would be beneficial to have a clock or timing device visible to the public, so they know how much time they have when making their comments.

Councilor Haigh asked Council for permission to attend the PSAB Fall Leadership Conference for Saturday only. He is interested in the Transportation Water and Sewer needs through the Infrastructure Investment and Jobs Act. On a **MOTION** by Roering, and a second by Ginder, a request was made to send Councilor Haigh to one of the PSAB Fall Leadership Conference. *Motion carries unanimously.*

Councilor Eichler said he had a resident contact him regarding swimming at Little Chiques Park. He said in the past when the Sico Company owned the park there was an incident that happened years ago that resulted in permanent injury and a lawsuit. As a result of that there were "No Swimming" signs posted at the park. The Borough rules and regulations does not prohibit swimming and he feels like it is something that should be looked at and possibly adding no swimming to them.

Authorization to Pay Bills

On a **MOTION** by Youngerman, and a second by Roering, Council approved paying the bills as presented from August 1-August 31, 2022.

GENERAL FUND	\$	102,203.76
REFUSE/RECYCLING	\$	56,031.57
CAPITAL IMPROVEMENTS FUND	\$	250,373.67
HIGHWAY AID FUND	\$	3,261.00
ESCROW FUND	\$	26,164.55
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	438,034.55

Motion carries unanimously.

Meetings and dates of importance

See the green calendar for the month of September.

Executive Session

Council went into Executive Session at 10:22PM to discuss a personnel matter. Council came out of Executive Session at 10:55PM. On a **MOTION** by Youngerman, and a second by Ruschke, a request was made to have the Borough Manager contact the Labor Attorney to initiate separation process for Stacie Gibbs. *Motion carries unanimously.*

Adjournment

On a **MOTION** by Haigh, and a second by Eichler, approval was given to adjourn the meeting at 10:58 PM. *Motion carries unanimously.*

Respectfully Submitted,



Mark G. Pugliese
Borough Manager/Secretary