



## Mount Joy Borough Council

### Administration & Finance Committee Meeting Minutes

February 24, 2022

Members Present: Chairman Youngerman, Councilor Hall, Counselor Roering.  
Others Present: Borough Manager, Mark Pugliese; Assistant Borough Manager, Jill Frey; Dennis Nissley, Public Works Director; Barry Geltmacher, Parks Superintendent; Part-time Receptionist, Linda Gainer  
Present Remotely: Stacie Gibbs, Codes and Zoning Officer; Mayor Timothy Bradley

Executive Session: Nothing at this time. May meet at the end of the meeting.

Chairman Youngerman called the meeting to order at 6:30 pm.

On a **MOTION** by Hall and a second by Roering, approval was given for the Agenda for the February 24, 2022, Administration and Finance Committee meeting with a correction to 6B, addresses 702 – 720 Arbor Rose Avenue. *Motion carries unanimously.*

Public Input Period: Mark Myers, representing residents of 702 – 720 Arbor Rose Avenue, thanked the committee for putting him on the agenda. Myers is asking for the homeowners to be able to plant up to 6 feet on either side or one side of the storm swale behind their homes for privacy. Youngerman asked for clarification on whether homeowners could choose which side of the easement to plant on, all on one side, both sides or either side. Homeowners could choose where to plant. Bruce Haigh, also representing the homeowners, reminded the committee that the HOA owns the easement and will act in good faith to make corrections if the plantings create any problems in the easement.

Bruce Haigh spoke as a Council Member about 6F, MOU with Lancaster County Conservation District. The MOU is standard, sent to all municipalities. It does not need to be signed until June 6. He has six examples in twelve years where the Conservation District usurped the authority of boroughs and impacted land development plans. The boroughs were not copied in correspondence. He feels the MOU should be sent to the Public Works for signature, not the Council President.

Al Melhorn, 40 Donegal Springs Road, representing Sandra Melhorn, regarding the easement on Farmview Rd in the Orchards. The easement has been held by the borough for twenty years for a bike path or a road. There's been no need for a road in that time, he is asking to have the land turned over to property owner. Maps from different years show the easement does not go through to Donegal Springs Road from the cul de sac in the Orchards

**On a MOTION** by Hall, and a second by Roering, approval was given for the Minutes from the January 27, 2022, Administration & Finance Committee meeting. *Motion carries unanimously.*

#### **Administration, Budget, and Finance:**

##### **Manager's Report**

Pugliese provided a written report and highlighted several items.

#11. Pugliese has been struggling with the Commonwealth Financing Authority to receive reimbursements on BMP 125. It has been worked out now. #16. He has been working with PennDOT.

Roering asked about costs involved in processing Right to Know requests. Pugliese responded that it depends on how easy or hard the request is. The easy requests take an hour; some are more time consuming.

Hall asked about #8 in reference to the Police Contract. Pugliese said there are minor details to work out. The Police Association document is with our attorney, as the language is not proper. He needs to follow up.

Hall asked for names on BMP 107 and BMP 125. BMP 107 is the Melhorn Basin. BMP 125 is the Borough basin at Public Works.

Discussion on allowing homeowners from 702 -720 Arbor Rose Ave to plant up to 6 feet on either side or one side in the storm swale behind their homes. Youngerman stated this issue is difficult legally to figure out. It may come down to an agreement between the Borough and the Homeowners Association. Hall asked if this is an easement or a swale? It is not clear whether the visual buffer will be on one side of the easement or on both sides, do the homeowners select which side of the easement they plant on. He is opposed to changing the easement at all. Further discussion centered on whether the easement/swale will do the job it's designed to do with the plantings. If the HOA is the responsible party for repairs and removal of plantings if they interfere with the easement/swale, does it matter. Gibbs stated that the easement is on the records plan and stormwater plan. Those would have to be changed. Borough ordinance does not allow anything to be changed or planted. Allowing the plantings would set a precedent for future requests in other areas. More specifics are needed from the engineer, and we need to look at what the solicitor advises.

Further Discussion on Video Conferencing Policy: Pugliese created a video conference statement that could be viewed on the website while waiting to start a meeting. Hall requested the wording be brought into line with Borough code. "May observe" rather than "may not participate"; "any disruption" rather than "inappropriate" are suggested. When we have a policy, it needs to go to the solicitor; at some point we need to open the meetings virtually. There was also discussion if zoom could be used for meetings. Cameras and microphones are controlled by the desk not by those who attend via zoom. The drawback is that while presenters can control their own microphones, the presenter is all that would be seen on the screen.

On a **MOTION** by Hall, and a second by Roering, to move to Council to approve Borough Policy of authorizing the Borough Manager to grant up to five (5) days of medical leave at their regular pay to non-uniform staff who are required to quarantine due to positive Covid-19 test, with the clarification of the Covid-19 test of the employee. Time will not count against any other accrued time and staff shall be required to provide medical return to work notice from physician. Review Act 17. *Motion carries unanimously.*

Discussion centered around the intent for employees who are sick to stay home without penalty. If someone in the household is sick, employee can work if they have been vaccinated; if they have not been vaccinated, they cannot work.

Discussion on the Parks Commission. Is it time for Mount Joy to have a commission or advisory board for the parks? Would a commission or advisory run programs, make recommendations on playground equipment, and collect money similar to GEARS in Elizabethtown. Such a group could be set up autonomously. There would need to be an agenda and a meeting. Public Works could handle, and the Parks Supervisor could make recommendations at appropriate times. Bradley feels Mount Joy needs to identify it's needs and build around that. He mentioned Columbia's Advisory Board. He feels there is a real need for a group who would decide how playground equipment is chosen. Who better to have a say in equipment than parents who utilize the various parks with different types of play equipment? Our parks have areas that are really under-utilized. We would be well served to have a body with naturalists on it who can oversee gardens and wildflower fields. An advisory board would be open to folks in the community. Ideas would be presented and would come to a body for decisions. Surrounding communities that use a board have long range plans and a focal point. A board would ensure public spaces are approached with a

vision. Roering suggested a collaboration between districts. Hall stated that a regional board would make sense as some parks touch each other. Youngerman asked if the Public Works can do some of this work if they have the authority. He stated that projects have been done such as the frisbee golf, Westfield Park was rebuilt, Kunkle Field is coming along. Public Works gets things done. Youngerman thanked the Mayor for his input. Youngerman suggested the Public Works Committee take it up and the Mayor can consult with them.

Discussion on moving to full Council authorizing Council President to sign the Memorandum of Understanding (MOU) with Lancaster County Conservation District. Youngerman questioned if we need to sign the MOU. Pugliese stated it would behoove us to sign the MOU as we would, otherwise, be responsible for taking on all the parts under the MOU rather than piece meal. Nissley felt it would be irresponsible of us not to sign the MOU as there would be fierce activity from DEP if we don't follow the stormwater activities and it would be expensive for us to do on our own. Youngerman would want to hear from Council members on recommendations. Mr. Haigh stated he would be glad to get specifics. Hall pointed out that Lancaster County Conservation District facilitates the compliance we need to do. Pugliese will put this item on the Public Works Committee agenda. No action taken.

On a **MOTION** by Hall, and a second by Roering, to recommend to Council to authorize the Borough Manager to work with the Chamber of Commerce and Lancaster Barnstormers in facilitating a "Mount Joy Night" at an evening game this season. *Motion carries unanimously.*

Pugliese wanted to make members aware of the opportunity for Mount Joy Night as we can invite twenty businesses to set up on the concourse at the game to put out handouts and sell products.

On a **MOTION** by Hall and a second by Roering, to recommend to Council to authorize the Borough Manager to work with Penn State Health on hosting a Vaccination Clinic in the Borough at their facility. *Motion carries unanimously.*

On a **MOTION** by Hall, and a second by Roering, to recommend to Council to authorize the Assistant Borough Manager to attend PSAB 110<sup>th</sup> Annual Conference & Exhibition on May 22, 2022, through May 25, 2022, in leu of the Borough Manager and to pay for and/or reimburse authorized expenses as provided by Section 701 of the Borough Code. (Registration is \$250.00 and the Assistant Borough Manager would be driving to and from the Conference each day). Also, to name the Assistant Borough Manager, Jill Frey, as the "Voting Delegate" for the PSAB 111<sup>th</sup> Annual Conference & Exhibition. *Motion carries unanimously.*

Discussion on Melhorn Stormwater Basin: Council asked for this to be on the agenda. There is no action to be taken. This will be in the report for the Council meeting.

On a **MOTION** by Hall, and a second by Roering, to recommend to Council the acknowledgement of receiving the Civil Service Commission's 2021 Annual Report. *Motion carries unanimously.*

Discussion on filling vacant Public Works Position. The job description was put together by Nissley and Salley. The position has an MS4 requirement and does a lot of grant tracking. Suggestions made for the title to have Stormwater Coordinator rather than MS4 Coordinator. Also, as the title reads, Community Development listed first looks more important than the MS4 Coordinator. It is suggested that the title be reversed. The position encompasses a lot of items; it was questioned if this a job for one person or two. It also looks to be more administrative with grant tracking as part of the job rather than hands on. Pugliese felt if the right person can be found, it can be done by one person.

Youngerman asked how the position is being handled on Monday with the position empty. Nissley stated that Public Works will be consulting with Rettew for our stormwater items for the time being.

On a **MOTION** by Hall, and a second by Roering, to recommend to Council to approve the Job Description with changes in duties and job title changed to Stormwater Officer/Planning Coordinator. *Motion carries unanimously.*

On a **MOTION** by Hall, and a second by Roering to move to full Council Resolution 2022-03, application for a DCED DCNR Grant. *Motion carries unanimously.*

Discussion on easement at 40 Donegal Springs Road. Youngerman stated this has come before Council previously. Gibbs stated this came about with a petition to vacate the right of way for a future borough road if the borough chooses. The easement on the Orchard plan is for a path. In 2018 this came to the Planning Commission with a petition to vacate but there was not a second. Discussion centered around why hold the right of way if there is not intent to build a road in this easement. Hall stated that if the right of way is gone another house could be built on the spot. A. Melhorn stated that no house would be built as this is his property. The Planning Commission can review at their next meeting.

### **Land Development, Zoning, & Codes**

The Zoning & Codes report is presented. No highlights.

### **Grant Updates**

Pugliese referred to the Grant Tracking Document. Nothing to highlight.

### **Project Updates**

Train Station. Nothing to report. No further information about paid parking.

Ground Service Ambulance Agreement with PSH Life Lion LLC. No further information

Borough Building Project

Authority Agreement. The agreement was discussed at the Building Committee meeting. It is suggested that a line be added addressing health and safety of employees. This was taken to the Authority's board. There has been nothing on the recommendation.

Financing. At this point, the Ad Hoc is floundering on what direction to go. There are several options, renovating the current location, updating the Grandview site, building at the Grandview site for the borough and fixing the current space for the Authority. A fourth option is to do nothing and leave the offices in their current location. A fifth option would be to do a smaller renovation. Could also extend into the grassy area beside the current building. Youngerman pointed out that there is no money set aside, budgeted and no fundraising. Josh Deering, as Planning Committee member was called on. There is an issue with the Police Station. If the current building is renovated, we lose parking for the police vehicles. The project is more program driven for spacial needs than budget driven. The committee needs direction on the next step. Youngerman asked if a needs analysis has been done. Pugliese stated yes, but no agreements have been reached. Hall feels we need to move forward. The Ad Hoc Committee needs to say what they want. They need to be able to do their job. Deering stated at this point the architect cannot do more work on a pro bono basis. Some funds have been budgeted, so it's inaccurate to say there's no money there. If we sign a B101 agreement, it does not lock us in but gets us to the next step.

Pinkerton Road Curbing. There have been two good meetings.

North Angle Street. There will be a meeting with North Angle Street residents this week.

Update on Brady's Alley. Should have the survey this week.

Police Collective Bargaining Agreement. Attorneys are discussing the language and how the pension plan is affected. We should hear back in 2 weeks.

Re-routing of State Route 772. Pugliese has requested a meeting on Rt 772 and New Haven but has had no response.

Turnback of New Haven Street Bridge. Correction to Market Street Bridge not New Haven Street. Hall stated that we don't want a bridge especially not over a railroad track.

**Legislative Updates.** Nothing to report.

**Public Input Period.**

Al Melhorn, 40 Donegal Springs Rd stated he has a map showing the easement on his property. Gibbs asked what year the map is. Melhorn has a 1979 map. The 50' easement includes the bike path, the stone alley, and the easement. The development has been built for 25 years, there has been no need for a road in that time. Roering had suggested a time limit for the borough to keep the easement, then release it to Melhorn.

As a council member, Hall stated that a lot has been said on the correction of the Public Works position. Public Works needs to look at the need for someone to do grant writing and maintain the MS4 program.

Deering, 33 Frank Street, stated that a right of way can exist for an eternity. It is not in the best interest to give up a right of way. It can create access and another way to get into the Orchards development. On video conferencing, the community could zoom in to participate in meetings. Some members of the community don't have the ability to zoom into a meeting. BMP 107 – the Melhorn Basin – there have been constant comments about the progress on the basin. No letters of violation have been sent out.

**Executive Session.** None

**Any Other Matter to Come Before the Committee.** A handout was given for the Lancaster County Conservation District Regional Municipality Outreach Meetings.

On a **MOTION** by Hall, and a second by Roering, approval was given to adjourn the meeting at 9:46 pm. *Motion carries unanimously.*

NEXT ADMINISTRATIVE AND FINANCE COMMITTEE MEETING  
Thursday, March 24, 2022, at 6:30 pm in Council Chambers

Respectively Submitted,



Mark Pugliese I  
Borough Manager/Secretary