

MOUNT JOY BOROUGH COUNCIL
January 4, 2021 Minutes

The Mount Joy Borough Council held its regular meeting on January 4, 2021. In light of the Coronavirus this public meeting was held as a virtual meeting.

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

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

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

President Hall announced there were no Executive Sessions held since the last Council Meeting however, there will be one at the end of tonight's meeting for personnel and litigation matters.

On a **MOTION** by Eichler, and a second by Ginder, approval was given to accept the agenda for the January 4, 2021, Borough Council meeting. An **AMENDMENT** by Hall, seconded Reese, a request was made to move item 10-L to become item 10-J then 10-J becomes 10-K and 10-K becomes 10-L. *Amendment carries unanimously.* An **AMENDMENT** by Youngerman, seconded by Reese, a request was made to change the dollar amount of the new item 10-J to read \$8,500 not \$8,250. *Amendment carries unanimously. Main motion as amended carries unanimously.*

Public Input Period

Ned Sterling, 13 W. Main St., asked if the Borough is still considering replacing the small trees on Main Street with larger street trees at this late date. Sterling commented on item 10-C on the tonight's agenda. Sterling also commented on the Gerberich sketch plan regarding the entrance.

Report of Mayor

Mayor Bradley sent a report via email to Council for November 2020.

Report of the Chief of Police

Robert Goshen, Police Chief, provided a written monthly report for November 1, 2020, through November 30, 2020. The report showed 19 traffic arrests and 31 criminal arrests for the month. There was a total of 497 incidents for the month of October, with a total of 6,303 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$1,815.78.

Report of Fire Department Mount Joy (FDMJ)

Matt Gohn, FDMJ Fire Chief, provided a written monthly report for November 2020.

Report of SVEMS

SVEMS provided a written report for December 2020.

Report of EMA

No report.

Report of Main Street Mount Joy (MSMJ)

Dave Schell, Executive Director, provided a monthly report for December 2020. Schell informed Council of two new businesses in town; Witz End Pub where the former Rosie's was located and Jon's Tax Service where the former Exquisite Nail Salon was located.

Report of the Milanof-Schock Library (MSL)

Barbara Basile, Executive Director of Milanof-Schock Library, provided an oral monthly report for November 2020. Basile said the Library plans on going back to in person programming in February. Basile announced her retirement. She will be retiring March 11, 2021.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for December 2020 and 2020 Annual reports.

Report of Stormwater Officer

Dave Salley, Stormwater Enforcement Officer, provided a oral monthly report for December 2020.

Report of Public Works Director

Dennis Nissley, Public Works Director, provided a written report for December 2020.

Report of the Borough Authority Manager

Joseph Ardini, Authority Manager, provided a written monthly report December 2020.

Report of the Borough Manager

Casey Kraus, Borough Manager, provided a written monthly report for December 2020.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Reese, and a second by Youngerman, approval was given for the minutes of the regular Borough Council meeting held on December 7, 2020. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve, ratify, and confirm the ad and draft job description for a Borough Manager. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve, ratify, and confirm the publishing of the advertisement for Borough Manager. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve, ratify, and confirm the advertisement to amend The Mount Joy Borough Code of Ordinances Chapter 40 – Manager. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to adopt the amended Mount Joy Borough Code of Ordinances Chapter 40- Manager (Ordinance 3-21) as advertised. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to authorize the Fire Department Mount Joy and Fire Police to assist other departments and community organizations for non-emergency activities for calendar year 2021 conditional upon proper notification of the Borough. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to accept conditions have been met for the Revised Subdivision Plan for Florin Hill – Blocks F & M Phase 1 and 2B, the posting of financial security in accordance with Section 240-26 is a requirement of the Municipal Planning Coad (MPC), and in accordance with Section 240-26 D the 90-day period in which to record the plan has commenced upon Council taking this action. *Motion carries 8-1, Deering voting no.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve a Waiver of Subdivision and Land Development requirements of Chapter 240, Article III to expand an existing storage building by 934 square feet, located at 104 Rear Fairview Street, Mount Joy, PA, 17552. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to recommend a Petition to Rezone 202 Fairview Street, Mount Joy, from Conservation District to Commercial Business District be authorized for review by the Mount Joy Borough Planning Commission, the Borough Solicitor, and the Borough Engineer. Scott Garber who is currently under contract with the Lions Club Pool along with his father and two brothers, spoke regarding the future use of the property for storage units. Garber indicated a need for storage in the Mount Joy area. He said currently there is only one facility located across from Hostetters Hardware Store and they are full. He said they get calls at their other storage facility, but they are full as well. Garber said there will also be outside storage for RVs and boats. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to hold a Public Hearing to accept certain streets within the Lakes of Donegal Springs Development Phase 2. *Motion carries unanimously.*

Mark Stanley representing Desmond Construction thanked the Borough staff and Solicitor for all of their assistance they provided to get them to this point to offer for dedication Charlan Boulevard, Lakeside Crossing and Waters Edge Drive.

On a **MOITION** by Youngerman, and a second by Reese, a request was made to close the Public Hearing. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to reduce the existing construction financial security for The Lakes at Donegal Springs Phase 2 from \$299,265.73 to \$8,500.00 and release any remaining escrow as recommended by the Borough Engineer. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Ordinance No. 1-21 to accept Charlan Boulevard, Lakeside Crossing and Waters Edge Drive as part of the public road system of Mount Joy Borough. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to accept a Maintenance Guaranty and Street Warranty for Charlan Boulevard, Lakeside Crossing and Waters Edge Drive in the amount of \$63,629.00 as recommended by the Borough Engineer for a period of 18 months. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve Ordinance No. 2-21 amending the Mount Joy Borough Code of Ordinances, Chapter 255, Vehicles and Traffic, to impose traffic regulations on streets within The Lakes at Donegal Springs. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to discuss a Sketch Plan for Mount Joy Senior Housing, LP, at the property located at 240 West Main Street, Mount Joy, to re-develop an existing building into 36 senior housing units consisting of 12 - 1 bedroom apartments, 24 - 2 bedroom apartments, 4,000 - 6,000 square feet of commercial space on the bottom floor elevation and 40 off-street parking spaces and provide advisory comments on the requested waivers and Sketch Plan in accordance with Chapter 240, §240-22 of the Mount Joy Borough Subdivision and Land Development Ordinance.

Andrew Haines said they have been working on this development for at least two years with the Borough staff to turn the property into 36 units of senior affordable housing. In August they were allocated low-income housing tax credits from the Pennsylvania Housing Finance Agency which they then sell to corporate investors and they also have County money committed to the project. He views it as providing affordable housing to the seniors in our community and removing a blighted property that is having a negative effect on our community and being a community asset and neighbor. He stated the site is a challenging site because of its size so unfortunately, they must ask for waivers to get around physical limitations they have on the site. Haines said they are providing as much parking as they can and is confident, they have sufficient parking spaces both under zoning and practical use.

1. Waiver request discussion of Section 240-43.H 1 Improvement of Existing Streets.

Brian Cooley with DC Gohn stated he believes the alley is 12 feet wide and the requirements are 16 feet wide. They intend to keep the alley at 12 feet wide mainly because the existing buildings on the property and the adjacent building are extremely tight in that area. They are proposing a one-way alley running North from the existing building it to Main Street. That would eliminate anyone truing into the site from Williams Alley. As you work your way farther into the site, it would become two-way traffic. This would allow people to use the parking lot and then back into the alley they could go North or South. As far as Henry Street, Cooley feels most of the traffic will not be going past the proposed entrance into the parking lot. Some concerns from Council were the number of parking spaces, delivery trucks and other truck turns, parking on Main Street, and Public Transportation. Haines commented on the number of parking spaces and the studies they have done. Cooley said as far as the truck concerns, they are going to run truck turning templates. Haines said he will be in contact with the Transit Authority and make sure they are aware of what they are planning. Hall said for the Borough to move forward with this, according to the Borough's Solicitor's letter the Borough should have proof of restricted occupancy. Haines stated they have a regulatory agreement with their financing agency.

2. Waiver request discussion of Section 240-57 (D) (1) Dedication of Recreation.

Brian Cooley with DC Gohn stated that the site itself is a little over an acre and if you look at the calculation based upon 36 units, they would have to dedicate almost an acre of land which would be almost the entire portion of the property. Given the existing building and amount of parking in the back, it is not feasible to dedicate that amount of land on the project site itself.

3. Waiver request discussion of Section 240-57 (G) Fee in Lieu of Dedication.

Brian Cooley with DC Gohn stated the Borough has an Ordinance requirement that if you are not going to provide the recreational open space, you need to provide a fee in lieu of. Cooley said the Developer and the Borough staff are working on what that number would be.

4. Waiver request discussion of Section 240-62 B Traffic Study.

Brian Cooley with DC Gohn stated they would like to submit a traffic assessment in lieu of a traffic study. He said because of the age restricted community, there is not as much traffic and the existing street network is adequate to deal with the amount of traffic related to the proposed use. The Borough Engineer did review the assessment and made some comments that the developer will address. The Borough Engineer is recommending granting the waiver. The majority of Council members are leaning toward granting the waiver but are not comfortable with the amount of information currently provided. Hall feels there is additional information needed. He suggested he discuss with Chief Goshen his concerns. Colley said they can do that and provide the additional information.

5. Waiver request discussion of Section 240-62 B (5) Fee in Lieu of Traffic Impact Study.

Brian Cooley with DC Gohn stated similar to the fee in lieu of the dedication they are requesting a fee in lieu of providing a traffic study.

On a **MOTION** by Youngerman, and a second by Reese, a request was made to approve the Mount Joy Borough/Mount Joy Borough Authority reimbursement agreement effective January 4, 2021 through December 31, 2022. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Fahndrich, and a second by Eichler, a request was made to authorize the hiring of a full-time police officer to fill a position due to an officer retiring. *Motion carries unanimously.*

President Hall added an item 11B, hiring a part time police officer. At this time Hall opened Public Input specifically for this item. There were no comments. Hall closed Public Input.

On a **MOTION** by Castaldi, and a second by Eichler, a request was made to offer part time conditional employment to Jeremy Kauffman as police officer. *Motion carries unanimously.*

Ginder felt this would be the correct Committee to discuss possible curb side pickup for struggling business downtown. Her request is to have the Committee talk to certain businesses downtown so that we do not have a ghost town downtown. Fahndrich said they have discussed that at several Public Safety meetings but there were a lot of questions. She said it is a good idea in theory but trying to make it work is where some of the problems are. The Mayor suggested anyone who has contacted Ginder should communicate to the Public Safety Committee in detail their thoughts and ideas on this topic. Fahndrich agreed that the businesses should present a proposal to the Public Safety Committee. Hall said the Chief of Police has the authority to issue temporary parking regulations and he would feel comfortable delegating this to him so that if something reasonable comes forth, it can be done quicker than going through Committees and Council. Chief Goshen said he will contact Dave Schell and see what the best way will be to mitigate this. Goshen said there are so many businesses that are a wide variety of services up and down Main Street that there is not really an easy solution.

Report of the Public Works Committee

Deering opened the floor to Councilman Youngerman for a discussion of holiday decorations at Gateway Park. Hall suggested Youngerman get in contact with the other organizations/groups that currently do the holiday decorations throughout Mount Joy.

Public Input Period

Ned Sterling, 13 W. Main St., expressed his opinion regarding Old Standby Park, and the entrance to the Gerber Payne building.

Dave Schell, Executive Director of MSMJ, expressed his disappointment in how the conversation between Council and the new owners of the Gerberich Payne Building went this evening. He feels this project is a benefit to Mount Joy and the community and Council should be looking at that rather than being so focused on the need to meet all guidelines and Ordinances.

Any other matter proper to come before Council

On a **MOTION** by Youngerman, and a second by Reese, a request was made to make Councilor Josh Deering Vice President of Council. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, a request was made to make Councilor LuAnn Fahndrich President Pro-Tem. *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	\$	237,197.98
REFUSE/RECYCLING	\$	57,340.09
CAPITAL IMPROVEMENTS FUND	\$	-
HIGHWAY AID FUND	\$	8,969.50
ESCROW FUND	\$	9,233.14
JOY LAND ACCOUNT	\$	-
GRAND TOTAL EXPENDITURES	\$	312,740.71

Motion carries unanimously.

Meetings and dates of importance

See the White calendar for the month of January 2021. Hall told Council on Monday, January 25th at the Public Safety Committee meeting, a quorum of Council will be needed for an item potentially on the Agenda to make conditional offers for the Police Department so that can move forward and be prepared for the full February Council meeting. Hall also told Council that the meeting between Council and the Mount Joy Community Foundation will be held either at the Public Safety Committee meeting or the January Administration and Finance Committee meeting.

Council went into Executive Session at 10:39 PM for personnel issues and litigation issues. Council came out of Executive Session at 11:40 PM. No decisions were made.

Adjournment

On a **MOTION** by Eichler, and a second by Castaldi, approval was given to adjourn the meeting at 11:41 PM. *Motion carries unanimously.*

Respectfully Submitted,

Charles M. Kraus, III

Charles M. Kraus, III
Interim Borough Manager/Secretary