

MOUNT JOY BOROUGH COUNCIL
September 8, 2015 Minutes

The Mount Joy Borough Council held its regular meeting on September 8, 2015, at the Mount Joy Borough Office.

Council President Glessner called the meeting to order at 7:00 pm.

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

Roll Call- Present was: Councilors Deering, Metzler, Reese, Seidel, Youngerman, President Glessner, and Mayor Bradley. Also present were Borough Manager, Scott Hershey; Public Works Director, Dennis Nissley; Interim Police Chief, Maurice Williams, Jr.; and Codes and Zoning officer, Stacie Gibbs. Councilors Mowrer and Murray were absent.

Glessner announced there will be an executive session following the council meeting.

Public Input Period

Ned Sterling, 13 W. Main St., asked about the hiring status of the new Police Chief. Metzler reported that the first rounds of interviews were conducted. Sterling asked for an update concerning Regionalization efforts. Mayor Bradley reported that there has been no feedback thus far. Sterling said there was a request and possible motion for a written response from the municipalities we are talking to regarding this and asked if we received anything. Metzler said he called and asked for a response and has not heard anything back. Sterling suggested writing to the entities. Metzler said the previous motion to do that was withdrawn.

Sterling asked the status of the train station and when work will begin there. Hershey reported the word from PennDOT is that we are waiting for Amtrak to sign some of the agreements. He said the bids are ready to go, but PennDOT cannot advertise the bids until the agreements are signed. Sterling asked if we have to have a parking study done for PennDOT for the train station and if there is a date for that to be submitted. Hershey reported there was already a study done approximately two years ago. There are still a few things that need to be worked out, but we have not heard anything more where parking is concerned.

Ed Bartakovitz, Co-chairman, Kids Joy Land Committee, reported playground construction will begin in two weeks. He said he gave a proposal to paint the block building that is in the park and did not receive a response as to whether they were allowed to do that. He gave a simple sketch/design, and verbally described what he proposes to do to the building to all Council members and asked for approval. Seidel reported that Public Works Committee did not make a decision on an earlier proposal. Bartakovitz said that since the playground will be new, he would like something new be done to that building. He thought his design would be nice until something better is designed since the media will be covering the story and since there is always a process of time before decisions are made. Glessner requested they go back to Public Works Committee for further discussion.

Metzler suggested a temporary sign, thanking all the volunteers for now, and that the request be taken to the Public Works Committee to go through the process and really come up with something that reflects the hard work, effort, and sense of community we want to portray. Bartakovitz said that Ron Carper from Carper's Signs was going to design and do the work for the sign and that he is very professional. Metzler said he likes what is suggested, but feels there needs to be more time to decide on the design and two weeks is not enough.

Drew Helm, 301 Alden St., spoke concerning Florin Hill Development. He said he and his wife are medical professionals who moved to the Mount Joy area because they thought it was (and were told it was) up and coming; improving and growing as a community and town. He said he has concerns with the Florin Hill development where they live. He said they took a trip to Honduras and the roads in Florin Hill are just as bad as they are there. He said he was awakened at 2am and 5am with excessive noise from modified muffler kits on cars driving by and called police. The police told him they could not properly enforce the laws because the streets are not dedicated. He said there are a lot of challenges and issues with this development and asked if Council will put pressure on Charter Homes to see the roads are dedicated.

Josh Weaver, 1101 Reagan St., asked what the Borough's official position is with the dedication of the streets here. He said he heard the Borough is holding it up. Hershey said this was discussed and a proposal was offered to accept dedication. He said there was an offer to Charter Homes for Charter to provide an extended warranty on some of the streets until the subdivision is 90% built out. He said the Borough cannot force Charter to do this. He said that without the extended warranty, the Borough is taking a risk to have heavy construction equipment running on streets that are dedicated and which are the Borough's responsibility to maintain. Council did not make the decision to do that.

Weaver said it was his understanding there was going to be a thoroughfare that remains unfinished for access to the construction site and that Charter was willing to do that. He asked what the holdup is. Hershey said that with the thoroughfare, the Borough would have to go across an undedicated street, which is private property, to access public property and that does not work. He said if there is a proposal that Melhorn Drive remain undedicated and the other streets become dedicated, the Borough still has no way to access those public streets over public right of way. Public streets cannot be accessed from private property. He said this is why the Borough made the offer of the extended warranty.

Glessner reported that this was brought to Council many times before. Metzler said Charter is saying they can pave the streets and give them back to the Borough, but why don't they just pave the streets and keep them. Charter could pave the streets and not offer them for dedication. He asked if there was a law against this. Hershey said no, Charter could pave it, but the Borough has regulations for curbs and handicapped ramp, etc., and does the inspections. He said it would be better for the Borough to be able to inspect the streets prior to the final paving being placed.

Helm stated that this project was supposed to be done in six years and we are in year nine, going on ten years. He said he and members of this development are here tonight to see that something gets done about this. He asked that Council put pressure on Charter Homes to get these problems resolved.

Seidel said he presented this problem at Public Works Committee meeting at the request of the residents. He said it is his understanding, at this point in time, Charter Homes does not want to commit to the money involved in the streets, so one way around that may be to contact Charter and state that the roads are in disrepair and we do not feel that the bond they currently have with the Borough is enough to cover the cost to repair the streets, and that might force Charter to engage in more conversation to

come up with a solution. He said it is not the Borough's responsibility to accept dedication or force a private entity to repair those roads unless it is not up to code or gross negligence.

Mayor Bradley said it is his understanding that the Borough does not want to take on dedication when construction vehicles are going to be driving over the roads. He said he does not understand why Charter does not want to take on the extended warranty. He said it might be helpful to set up a meeting with the Borough and Charter Homes and the concerned residents and put pressure on Charter Homes to accept the extended warranty offer. Weaver said there have been other issues with Charter Homes and the residents find they do not get satisfactory results. Mayor Bradley said he will come to the meetings to try and help in whatever way he can.

Report of Mayor

Mayor Bradley provided and reviewed a written monthly report for August 2015.

Report of the Chief of Police

A written monthly report was provided for July 15, 2015 through August 14, 2015. The report showed 30 traffic arrests and 41 criminal arrests for the month. There were 110 UCR reportable incidents and 405 CAD incidents for the month, with a total of 3072 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$3,775.66.

Report of Fire Department Mount Joy (FDMJ)

William Hall, Fire Chief, Fire Department Mount Joy, provided a written monthly report for August 2015.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ manager, spoke concerning the state of affairs with MSMJ. She said that after a meeting that Main Street Mount Joy executive board had with several councilors on September 1, 2015, the decision was made to dissolve the program at the end of the month. She spoke of all the advantages of the program and said that without the program, events, businesses, and the store fronts, there will be an empty town. She spoke of former managers and complaints that were brought against them. She said that Council has never taken in and protected the organization or the managers of the organization. She said she is disappointed it has come to this.

Reese asked why the organization is disbanding. Brewer said because they do not have the funds to keep fighting the battle against the people that do not want the organization to exist. He asked how those people affect the organization's finances. Barry Smedley, MSMJ board member, said he perceives there to have been problems with the funding when Kids Joy Land funding came into play, with letters being generated with MSMJ's letterhead indicating MSMJ was the organization soliciting the funds for Kids Joy Land. He said people were giving money to Kids Joy Land, thinking they were giving to MSMJ, therefore, not giving to MSMJ. Brewer said the Borough will be paid by the end of the month.

Reese asked, other than funding, what Council has to do with MSMJ closing their doors and where does the Borough fit in to that? He said it is his understanding that MSMJ is supported by the businesses. Brewer said Council should ask themselves that question. She said some Councilors held a private meeting concerning the affairs of MSMJ, an organization that has done so much for the community and the Borough. Reese asked why that would be offensive. Brewer said because that has an impact on the organization when MSMJ's partners were called by Councilors.

Mayor Bradley said that everyone's frustrations are warranted. He said the community only functions when all aspects of the community are functioning well. He said that, unfortunately, much of this has turned personal and that becomes harmful to the community. He said that it does seem MSMJ clearly has to go through a series of questions that other entities supported by the Borough do not. He said from an economic development stand point, it could be detrimental in the future if the doors close. He said there are so many gifted people that come together within the community organizations and it is sad that it has come to this.

Brewer said our budget in 2009 was \$240,000.00 and now we are below \$100,000.00. We get criticized for charging for events, yet we do not have the financial support we once had. She said it is ridiculous. She said we are not receiving state funding like we had when the organization started. We have to do things differently now and we do not have support. We are more than happy to explain it to anyone.

Nelson Shertzer, owner of Keystone Pet Place, 100 W. Main St., said there has not been one Councilor who has come into his business to see if there is anything the Borough can do to help with his business. He said Ms. Brewer has done that. He said it is hard to run a business and does not understand why the decision makers would not rally around those who are supporting and helping the downtown businesses. The Borough needs this agency. Reese said running a business has nothing to do with this. He said the Borough gives X amount of dollars to the MSMJ program and have no control over what they do or don't do, so it is up to the business community and all the people with the MSMJ organization to support the organization. He asked what Council can do to influence this. The people who should be rallying around MSMJ are the businesses.

Glessner stopped all speaking and called for order. He asked Brewer what will happen to Soul Flats if MSMJ closes. Brewer said nothing will happen and the project will not continue. Glessner asked what will happen to the grant money. Brewer said there will no longer be a 501C3 to apply for that grant or any other grant and that is what is required by the State of PA. They all lead with the 501C3, as well as the county money. Glessner said he thought that money was already in place. Brewer said that at the last MSMJ's board meeting it was said the PA's budget has not been approved, and until the budget is approved the money will not be given and they need that money. It all depends on the State budget being approved.

Glessner asked what MSMJ needs financially to keep the doors open. Brewer said their biggest concern is the beginning of next year. Glessner asked what they need for this year. Brewer said they can cover what they owe the Borough and their doors will stay open until everyone's grant money is received, and she will do whatever needs to be done as Executive Director of the organization to follow through with the people who still have funding applications pending. She said she cannot take on another project like Soul Flats not knowing until the middle of next year, what money is coming in for them.

Gibbs said that grants have to be approved and nothing is ever promised. If this project is banking on a grant, maybe they should not continue on with it. Right now the project is in a study period until December 14, 2015. We all work to assist businesses to come into the Borough and be successful here.

Deering spoke to Mr. Shertzer and said that he did reach out to him concerning his business, inquiring about how things were going there. Shertzer said that although Mr. Deering did not ask what the Borough could do for him, he did reach out. Deering asked Brewer the amount of grant funding for Soul Flats. Brewer said it depends on what the State says they can apply for, but that

it is the full amount, which means \$500,000.00. She said that although she will share that information, she prefers not talking about the financials of individuals in a public setting for the privacy of the individuals. Deering said he respects that and thank you.

Metzler said there are economic issues and structural issues and the issues go on beyond the Codes Officer. He said the bridge that is built by the Main Street partnership is crucial for the day to day operations of the Borough and something we need to consider. Mayor Bradley said that economic development is something that we all seem to want for the town. He said his hope is that we can get past the personality conflicts and find some middle ground and a way to work together to build the community up to what it can be.

Glessner said he will be closing public input now. Brewer stated that the majority of the people here with MSMJ will be leaving the meeting. She said she was instructed to ask for relief as MSMJ liquidates their assets and move forward to close out the organization. She said there may be a firestorm of drama associated with this and asked that the Borough and Council members not contribute to the drama and give the organization a little peace throughout the process. She asked the Borough Manager to forward concerns or requests directly to MSMJ or the board members.

Chris Efthymiades, 93 E. Main Street, and business owner since 2001, said he thinks Mount Joy is an excellent community. He said he invested money here because he believes in Mount Joy and that there is great potential here. He said people come, not just from Mount Joy, but from all over.

Seidel said he does not want to see MSMJ go but that he would like to speak his mind. He said that if the dissolving of MSMJ was done to produce funds, it was a poor route to choose. He said that this last budget season Council relayed the desire to see results, and that is what Council received from the MSMJ. He said it has been told that since 2009 MSMJ has brought three million dollars into this town with grant money and such. He said it seems that in 2013 the program lost some kind of structure and there was a lack of grants or something and Council asked for MSMJ to turn things around. It seems that MSMJ did just that. Now MSMJ is starting to generate grant monies again and now you want to say you are dissolving at the end of the month. He said he does not understand that.

Brewer responded and said that when the meeting came to the attention of MSMJ concerning complaints and concerns and personal attacks on the MSMJ program, and there were no supporters of the program invited, it caused discord. Seidel asked that they ask the board to reconsider and hold off in closing the organization. She said she is torn. She said she could continue to fight to keep things going but she feels what will happen is the program and the people involved with the program will be ripped apart for whatever they do. Seidel asked that they ignore what happened in the past and see how things can change going forward. She said she would have liked to have seen some respect with the way the organization was treated.

Reese said that he does not know what Council can do for MSMJ now. He said the community organization is based on the businesses support and contribution and what have you. He said he does not think anyone on Council wants MSMJ to go away. He said he just does not understand this. Negativity comes from the people that choose not to participate in the program.

Deering asked what kind of money the businesses that are in the Main Street corridor are contributing. Brewer said MSMJ has a partnership plan that is difficult to get because of the history that follows along with the program. MSMJ can approach the businesses about the partnership plan, but it is up to the businesses owner as to what they do with it. She said there is not enough money to keep the organization operating. To maintain a successful Main Street organization, there has to be a three prong partnership; you have a great partnership with the municipalities, where there is a give and take, you have community money that comes in, and you have event money. She said the municipal funding, as well as state funding have been reduced and the events are pretty much break even. Deering asked if there could be a restructuring of the events. Brewer said they tried that. Deering asked how capital campaigning is going this year. Brewer said capital campaigning has been through the partnerships.

Glessner asked Brewer if the organization can continue after September 30, 2015. Brewer said decisions are made through the voting board and she said she will take this conversation back to them and have the discussion again. She said there is constant talk with DCED and PDC about what the organization can do going forward. Glessner asked what MSMJ needs to keep going past the end of September. Brewer responded a combination of the three prong partnership. She said she will continue working with the people that have monies pending from the State. Deering asked to have a copy of the by-laws of MSMJ.

Report of the Milanof-Schock Library

No report given.

Report of Codes and Zoning Officer

Stacie Gibbs, Codes and Zoning Officer, provided a written monthly report for July 2015.

Report of Stormwater Officer

Ken Barto, Stormwater Enforcement Officer, provided a written monthly report for July 2015.

Report of the Borough Authority Manager

Authority Manager, John Leaman provided a written monthly report for July 2015.

Report of the Borough Manager

Hershey provided and reviewed the written monthly report for July 2015.

Seidel asked to see copies of other municipal Authority's debt loads as it relates to the borrowing for the new water treatment plant.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Youngerman, and a second by Seidel, approval was given for the minutes from the Regular Borough Council Meeting held on August 3, 2015. *Motion carries unanimously. I had Deering voting No.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Metzler, approval was given for a request by Keystone Pet Supply, 100 West Main Street, for release of financial security in the amount of \$24,988.93. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Metzler, approval was given for a request by Reist Seed Company, 113 Manheim Street, for approval of a Waiver of §240-62, Wetland Study. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Metzler, approval was given for a request by Reist Seed Company, 113 Manheim Street, for approval of a Waiver of Section 240-25, Preliminary Plan process. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Metzler, approval was given Request by Reist Seed Company, 113 Manheim Street, for approval of a Waiver of Section 240-46.C(1), Concrete Curb. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Metzler, approval was given for a request by Reist Seed Company, 113 Manheim Street, for approval of a Waiver of Section 240-55.G., Street Trees. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Metzler, approval was given for a request by Reist Seed Company, 113 Manheim Street, for approval of a Waiver of Section 240-61.C(3), Location of existing items within 200 feet of the subject tract. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Metzler, approval was given for a request by Reist Seed Company, 113 Manheim Street, for approval of a Lot Add-On plan and a Final Land Development Plan to consolidate three existing properties into one located at 113 Manheim Street, to construct a 1,552 square foot building addition connecting two existing buildings, and to construct six (6) new grain bins. Approval is conditioned upon a new single lot perimeter legal description being recorded within 30 days after the release of the Plan. *Motion carries unanimously.*

Gibbs gave a brief update on the H&R Transload Rezoning and Lot Add-On plan.

On a **MOTION** by Youngerman, and a second by Metzler, approval was given for the Borough Solicitor to draft an ordinance to establish a Local Economic Revitalization Tax Assistance Act District (LERTA) and to advertise the ordinance and a public hearing as required. Hershey gave a brief update. Mayor Bradley suggested making sure there is no money spent until the school board is in agreement. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Metzler, approval was given a request by William Eisenhart to set up a payment plan to retire within three years, charges, penalties and interests totaling approximately \$2,800.00, for past due refuse invoices. As part of the plan, no additional interest or penalties will accrue as long as Mr. Eisenhart abides by the conditions of the payment plan and remains up to date with current refuse invoices. Metzler stated that this is in line with what we did previously. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Seidel, approval was given to accept the resignation of Joshua Bower from the Mount Joy Borough Planning Commission. Bower's letter was read for the record by Youngerman. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Reese, approval was given to accept the resignation of Joshua Bower from the Mount Joy Borough Council. Bower's letter was read for the record by Youngerman. *Motion carries unanimously.*

Hershey discussed process for filling the Council vacancy. Reese suggested doing interviews prior to council as we did before. Council agreed on 6:00 pm to start interviews at next Council meeting, October 5, 2015, with meeting starting at 6:00pm.

Hershey presented the 2016 Minimum Municipal Obligations for the Borough of Mount Joy Police Pension Plan and the Borough of Mount Joy Non-Uniformed Employee Pension Plan as required by Act 205 of 1984 and answered any questions.

Report of the Public Safety Committee

On a **MOTION** by Metzler, and a second by Reese, approval was given to adopt Resolution #13-15, authorizing Police Chief Maurice M. Williams, Jr., to execute any and all documents as may be required by the dealer in connection with the purchase of a new, 2016, Ford Fusion Police Sedan from Whitmoyer Auto Group. Scott reported that this is budgeted in Capital fund, under the Co-Starr requirement. *Motion carries unanimously.*

On a **MOTION** by Metzler, and a second by Deering, approval was given to hire Mason M. Shelly as patrol officer with the Mount Joy Police Department. *Motion carries unanimously.*

Report of the Public Works Committee

Nissley provided and reviewed the monthly written report for August 2015.

There was a **MOTION** by Seidel, and a second by Metzler, to authorize the appropriate Borough officials to execute the Rotary/Kids Joy Land Memorandum of Understanding (MOU). Following discussion, Seidel amended the motion with a second by Metzler to revise section 4.f. of the MOU, adding "including construction, improvements, and maintenance" to the end of the first sentence. Seidel then amended the motion with a second by Metzler authorizing Borough Staff to correct typographical and syntax errors in the MOU as needed. Seidel then amended the motion with a second by Metzler to revise the build dates from "September 22-25, 2015" to "September 22-27, 2015". *Motion carries unanimously.*

Public Input Period

Ferne Silberman, 630 Florin Ave., asked if the Borough was allowed to charge for right-to-know requests. Hershey replied that THE Borough can charge for copies only.

Joanne Pinkerton, 127 Park Ave., spoke representing Kids Joy Land and gave an update on the project. She said if anyone would like further information they can go to kidsjoyland.com.

Nelson Shertzer, owner of Keystone Pet Place, 100 W. Main St., reported that his business installed security cameras which capture the full view of the intersection (West Main and Manheim/New Haven Streets) if police need it.

Any other matter proper to come before Council

Ed Bartakovitz, Co-chairman, Kids Joy Land Committee, stated that he would prefer to do a painting on the building at Kids Joy Land, instead of a vinyl sign. He said that Ron Carper will do it and it will be very neat and clean. Reese said he understands the intent, but that we make other people go through approvals for things of this nature.

Seidel made a **MOTION** to allow Ron Carper to design and paint a sign on the building at Kids Joy Land. No second. Motion fails.

Youngerman asked that a more complete design be done. Metzler stated that we have a process in place where this type of thing goes to committee. He said if we allow this we would be setting a precedent.

Seidel made a **MOTION**, with a second by Youngerman, to give authority to the Borough Council Public Works Committee to review and approve if appropriate an acceptable design submitted for the painting of the building at Kids Joy Land. *Motion carries.* Reese voting no.

Deering stated that the Borough is ultimately responsible if it is not what we all like.

Seidel made a **MOTION** to accept a proposal from the Charlan Group, LP, to offer for dedication certain streets in The Lakes Subdivision with the Charlan Group, LP, providing an extended warranty on those streets until the subdivision reaches 95% build out and then a warranty on those streets for an additional 18 months. *There was no second- motions dies.*

Glessner stated that the Borough had unexpected money come in from Real Estate Transfer tax on the sale of properties. He suggested the Borough give \$10,000.00 to MSMJ. He said we could amend the budget to transfer the money to the MSMJ budget line. Glessner asked Main Street Manager Brewer if \$10,000.00 would be sufficient to carry MSMJ through the rest of 2015. Brewer responded that MSMJ will provide the amount of funding needed along with what is in the pipeline in the future..

Authorization to Pay Bills

On a **MOTION** by Youngerman, and a second by Seidel, the Council unanimously approves paying the bills as presented:

GENERAL FUND	\$	95,307.76
REFUSE/RECYCLING	\$	41,169.34
CAPITAL IMPROVEMENTS FUND	\$	10,297.50
HIGHWAY AID FUND	\$	9,996.49
TAX ACCOUNT	\$	36,477.12
ESCROW FUND	\$	27,440.00
JOY LAND ACCOUNT	\$	11,864.80
GRAND TOTAL EXPENDITURES	\$	232,553.01

Motion carries unanimously.

Meetings and dates of importance

See the purple calendar for the month of September 2015.

Council went into executive session at 10:42 PM. Executive session ended at 12:07 AM, September 9, 2015.

Metzler made a motion with a second by Reese to hire Maurice M. Williams, Jr. Following brief discussion, Metzler amended the motion with a second by Reese adding "*pending final details of the agreement being worked out the acceptance of both parties*".

There was discussion on Police Department Regionalization.

Adjournment

On a **MOTION** by Youngerman and second by Reese, Council approved adjourning the meeting at 12:25 AM, September 9, 2015. *Motion carries unanimously.*

Respectfully Submitted,

Scott Hershey
Borough Manager/Secretary