

MOUNT JOY BOROUGH COUNCIL
August 3, 2015 Minutes

The Mount Joy Borough Council held its regular meeting on August 3, 2015, at the Mount Joy Borough Office.

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

President Glessner gave the invocation, and the Pledge of Allegiance followed.

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

Councilor Bower, Codes and Zoning officer, Stacie Gibbs and Mayor Bradley were absent.

Glessner announced that there will be an executive session at the end of the meeting to discuss personnel matters and possible litigation.

Presentation

Officer Jose Ortiz presented Interim Police Chief, Maurice Williams with the Patriotic Employer Award. The award is in recognition of employer support for employees who serve in the Guard and Reserve. Glessner thanked Ortiz for his years of service with the Reserve and noted he retired just two weeks ago after 33 years of service.

After discussion, Glessner announced there will be public input period now and again following the reports.

Public Input Period

Ned Sterling, 13 W. Main St., reported that page two is missing from the June 1, 2015, council minutes on the Borough Website. He also reported two street trees are dead. Nissley said he would check them out.

Sterling asked if it is a typical Emergency Management Agency (EMA) policy to call volunteers before an event. He said a volunteer was going to work at the car show event and received phone calls that the volunteer felt were harassing. Rick Hamm, Mount Joy Borough Deputy Emergency Management Coordinator, said he could address this issue whenever Council President deems appropriate. Glessner said to elaborate now. Hamm said about a week ago he received complaints concerning EMA and Main Street Mount Joy (MSMJ) members that could be damaging to EMA. He said he received written statements of allegations and rumors going around the Mount Joy Borough involving individuals using EMA data for personal use and members of the EMA (Ferne Silberman and Josh Deering) acting inappropriately. He said the allegations were investigated and determined to be unfounded. He said there were no tones of harassment and all issues have been cleared related to complaints against the EMA. Sterling asked if calls are ever made to volunteers prior to an event. Hamm said yes, when necessary.

Ferne Silberman, 630 Florin Ave., complimented Fire Department Mount Joy. She said there was a gas leak last week and they addressed the problem efficiently, preventing what could have been a tragedy.

Joanne Pinkerton, 127 Park Ave., spoke representing Kids Joy Land. She reported the committee is getting excited; there will be pre-construction activity going on this week with construction planned for the week of September 22 – 27. They are working hard on getting volunteers and donations.

Report of Mayor

Mayor Bradley provided a written monthly report for July 2015.

Report of the Chief of Police

A written monthly report was provided for June 15, 2015 through July 14, 2015. The report showed 32 traffic arrests and 19 criminal arrests for the month. There were 94 UCR reportable incidents and 356 CAD incidents for the month, with a total of 2557 incidents year to date. Monies collected by the Police Department for the month for tickets, permits, reports, and services totaled \$4,086.46.

Reese asked why there is a large difference in the number of detective cases from last year to this year. Williams said it is due to a change in personnel. Mowrer asked how many officers are on duty and if any are out sick. Williams reported there is one officer out with an injury and there were two new officers hired; both have been trained and assigned permanent shifts. In addition a new part time officer has been hired. He said there are a total of seven officers, two sergeants, one detective, and a chief.

Report of Fire Department Mount Joy (FDMJ)

William Hall, Fire Chief, Fire Department Mount Joy, provided and reviewed the written monthly report for July 2015.

Hall reported they received official notice of approval for a federal grant for new breathing apparatus. He said they will make a decision on the manufacturer at their next meeting.

Youngerman gave a personal thank you for the handling of the gas leak at Florin Ave. He asked what the protocol is for a natural gas leak as far as evacuation and notifying residents. Hall said that each situation is assessed individually and if there is a threat to occupants they will evacuate. He said they have an emergency contact system in place for contacting residents.

Report of Main Street Mount Joy (MSMJ)

Kim Brewer, MSMJ manager, spoke concerning the state of affairs with MSMJ. She said she is at a loss as to which direction to go. She started by saying the car show was a huge success and that Harvey's BBQ has re-opened since the fire.

She said she had a volunteer from EMA come to her upset from a phone call that the volunteer had received and that the volunteer was concerned that Councilor Deering would scrutinize her words and use them to come against Brewer. Brewer said MSMJ has been damaged from the abuse of a person sitting on Council. She said it is difficult when you have to face someone who is trying to destroy you personally, professionally about something you are so passionate about. She said she is tired of the

harassment and not going to keep her mouth shut anymore. She asked Deering to leave her alone. She said he needs to have respect for the position on Council that he has been given. Brewer said MSMJ does not know which way they are going and how they will recover from the constant abuse. She said there were untruthful bills made up to drain the organization and she gave a packet of information to councilor Murray.

Glessner said this has been an on-going conflict and the Borough has consulted legal counsel on what to do. He said he has been a supporter of MSMJ and everything they do. He said there has been misleading information discovered and as Council President, he cannot fix it. He cautioned Council members when approaching constituents and that they not represent themselves as speaking for the Council in negotiations and without permission of Council. He said there is a clash of personalities and strong willed individuals and that the organizations and individuals have to strive to work together. If we do not work this out together, we are going to sink together. He said we will continue to investigate and try to find a way.

Murray said he heard testimony at Public Safety meeting and it seems Deering does have an undermining agenda concerning MSMJ and that it needs to end and end now. He said MSMJ is the only entity eligible for certain, very important grants. He said he completely supports the vision and mission of MSMJ. He said our town needs someone to help bring businesses in, give guidance and make business decisions. He said out of town developers need someone local with a passion for the town and it is of utmost importance to support MSMJ.

On a **MOTION** by Murray, and a second by Glessner, approval was given to reaffirm the stated vision and mission of Main Street Mount Joy and Council's appreciation of the efforts of all involved to bring economic development to Mount Joy Borough.

Metzler stated that he feels it is important to support MSMJ. He said he tried to keep MSMJ out of the negative press. He said MSMJ is limited to just Main Street with funding and such, and this can possibly cause jealousy. He said Ms. Brewer is his friend and there were terrible, embarrassing rumors going around town about them. He said he feels partly responsible because he encouraged his friends from MSMJ to stay calm and stay quiet and just deal with it.

Roll call vote given for the **MOTION**. All council members voting yes. *Motion carries unanimously.*

Deering said he never once said he did not support MSMJ and that he does support it.

Reese said he appreciates MSMJ providing Council with the reports requested. He said it is helpful to have this information during the budget season as a means to avoid the problems we had last year with the budget and the cut of MSMJ's contribution amount. He said we are trying to look at this on a business level and not a personal level. Murray said we will require reports of the other organizations as well. Glessner thanked Brewer for all the hard work she does for MSMJ.

Deering asked about payroll expenses for MSMJ and reimbursement for them. Hershey explained how the Borough covers the payroll for MSMJ and bills them monthly for reimbursement. He said it just a pass through expense only.

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.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Murray, and a second by Youngerman, approval was given for the minutes from the Regular Borough Council Meeting held on July 6, 2015. Reese and Deering abstaining because they were not present at the July 6, Council meeting. *Motion carries unanimously.*

Administration and Finance Committee

On a **MOTION** by Youngerman, and a second by Murray, approval was given to accept a Petition from H & R Transload, LLC, located at 900 Square Street, Mount Joy, to rezone 207 S. Market Avenue and the land immediately to the south (containing 8' by 216') from Medium Density Residential to Light Industrial Zoning District, and authorize the Borough Solicitor, Borough Engineer, Borough staff and the Lancaster County Planning Commission to commence review. Hershey said this is a procedural step to begin the process and allow the reviews to start. *Motion carries unanimously.*

On a **MOTION** by Youngerman, and a second by Murray, approval was given to authorize Borough Staff to research electricity pricing and execute agreements as needed to secure best pricing for up to 36 months.

On a **MOTION** by Youngerman, and a second by Murray, approval was given to authorize hiring a full-time Administrative Assistant and a part-time Receptionist.

Reese asked if this will have an impact on the budget this year. Hershey said no. Reese asked what the hours for the part-time receptionist would be. Hershey said 20 hours a week. Reese asked that if we approve this motion, if we are committing to next year's budget. Hershey said yes. Murray said this motion seems to be a better fit for the administrative operations. *Motion carries unanimously.*

Youngerman introduced discussion of the LERTA Draft Ordinance Update and Hershey reviewed. Hershey stated this was discussed at the July Council meeting and it appeared Council found the proposed property list acceptable as recommended by Mount Joy Planning Commission and Administration and Finance Committee. He said the committees agreed there should be a "dual relief schedule" where developed properties would be subject to a ten year relief schedule and undeveloped properties would be subject to a five year relief schedule.

Hershey asked if there should be a minimum value threshold set for improvements to qualify and stated that it seems this would be advantageous. Murray suggested updating the draft to change the table to include mix-used properties. Hershey said staff will do the research for these changes. He said the next step would be to have the solicitor draft the ordinance and share the proposal with the School District and the County to see if they find it acceptable.

Report of the Public Safety Committee

Metzler reported that the Police Chief search is under way and the Committee is narrowing down the list of candidates to interview. Metzler said Council needs to extend the interim Chief agreement for another 60 days.

On a **MOTION** by Metzler, and a second by Reese, approval was given to extend the Interim Chief Agreement with Maurice M. Williams, Jr., for an additional 60 days, from the original date of expiration. *Motion carries unanimously.*

Seidel asked if there is any new word on Police regionalization. Metzler said that the Borough contacted another department. Information was provided and there has been no response as yet. Seidel asked to what municipalities we reached out? Metzler said Marietta Borough, East Donegal Township, and Conoy Township. Hans asked what information was given to these other municipalities. Metzler said the budget costs to run the Police department, number of calls the department receives, and basic information commonly given in a format that is easy to digest. Seidel asked if he can get a copy of the report. Hershey responded that he will send it to all of Council.

Report of the Public Works Committee

Nissley provided and reviewed the monthly written report for July 2015. Nissley reported that some members of the Borough Public Works Department will be volunteering on Saturday, August 8, to assist with site preparation. Nissley reported the Marietta Ave. bridge work scheduled for the upcoming weekend has been postponed until the next weekend and residents will be notified. He said the project is still anticipated to be completed by the end of the year.

On a **MOTION** by Mowrer, and a second by Seidel, approval was given for a request by Harvey Schademan for a waiver of Chapter 232, Section 59E, as restated by Ordinance #2-15, prohibiting downspouts and rain gutters from being placed within the sidewalk and/or curb at 304 East Main Street.

Deering asked what the process is for inspection when someone is re-doing a sidewalk. Nissley said Commonwealth Code is called to do an inspection before the concrete is poured and again when the project is complete. He said this is the first property since the change in the Ordinance and it had an existing pipe through the sidewalk. He said the inspector missed this and the owner automatically replaced it, not realizing the Ordinance changed. He said since then, Public Works put together a packet of information to inform of the change for the contractors in the Borough.

Reese asked what type of precedent this is setting and why we are giving waivers. Hershey said waivers are considered on a case by case basis. Mowrer said there was a mistake made; not the owner's mistake, but ours. Deering said it was not our mistake and asked if we could go back to the inspector. He also asked what type of water collection would be used if they want to do outdoor dining. Metzler said it would be a pervious design. Nissley said we would have to look at the new plan and go from there. Metzler asked what the recommendation is for the resident to fix this issue. Nissley said it is the responsibility of the homeowner to correct. Metzler said right now it is an opportunity to make plans to educate the public. *Motion carries unanimously.*

On a **MOTION** by Mowrer, and a second by Seidel, approval was given for a request by Mary Kathryn Eberly for a waiver of Chapter 232, Section 59E, as restated by Ordinance #2-15, prohibiting downspouts and rain gutters from being placed within the sidewalk and/or curb at 207 West Main Street. *Motion carries unanimously.*

Mowrer announced discussion and possible action on a request by The Charlan Group, LP, for the Borough to consider accepting dedication of certain streets in the Lakes Subdivision.

Murray said that Charlan Blvd. is not done and they should not accept dedication until it is complete. Nissley said the residents want the streets finished. He said the developer would have to look at an extended warranty. He said the 18 month final warranty period would begin subdivision in 95% built out. Hershey said when the streets are dedicated, the Borough can provide Police service and snow removal. Metzler said it has to have the final paving and in good working order before the Borough would be responsible. He asked what the push is to accept it before it is done. Nissley said there have been concerns by the residents. Metzler said he does not see why the government has to get involved.

Hershey said this is why we asked for the extended street warranty. Seidel asked if there is a way for the Borough to force completion of the roads. Hershey said we would require a bond or letter of credit to cover unexpected or unforeseen costs. Murray asked if they can just have it paved and then come and ask for dedication at a later time. Hershey said they are asking for dedication now and wants to know if Council will support it. Glessner asked if Council is going to accept or not accept the proposal before us.

There was a **MOTION** by Seidel, and a second by Mowrer, 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. Roll Call vote with Deering, Glessner, Metzler and Youngerman voting no. Mowrer, Murray, Reese and Seidel voting yes. Tie Vote. Mayor absent, so could not cast a tie breaking vote. *Motion Fails.*

Public Input Period

Kim Brewer, MSMJ manager, stated that our Interim Police Chief and our officers stand out in this town when visitors come. She said they offer exceptional service.

Any other matter proper to come before Council

Youngerman wanted to thank Ken Barto for arranging an outreach to distribute material on Fourth Friday about mulch. He said he would like to set up another outreach.

There was a **MOTION** by Seidel, and a second by Mowrer, to direct staff to contact Susquehanna Regional Police Department and Northwest Regional Police Department to inquire about interest in regionalization.

Murray said we have already talked to Susquehanna Regional. Seidel said we should talk to them again. Reese said it is not as simple as it sounds and that we should let those that started the process continue as they are. Glessner agreed. Metzler said the Borough does the math and provides the information they request. He said we have had discussions multiple times with multiple people, even at the state level, and that you can turn someone against the idea if you urge or nag them. He said we would need a partner on this venture and people are aware we are looking for a partner.

Glessner called for a Roll Call vote. Seidel withdrew his **MOTION**, Mowrer withdrew his second.

Authorization to Pay Bills

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

GENERAL FUND	\$	370,993.43
REFUSE/RECYCLING	\$	43,905.24
CAPITAL IMPROVEMENTS FUND	\$	5,750.00
HIGHWAY AID FUND	\$	32,905.52
TAX ACCOUNT	\$	37,400.49
ESCROW FUND	\$	5,729.63
JOY LAND ACCOUNT	\$	0.00
GRAND TOTAL EXPENDITURES	\$	496,681.31

Motion carries unanimously.

Meetings and dates of importance

See the yellow calendar for the month of August 2015.

Council went into executive session at 9:55pm. Executive session ended at 10:40pm.

Adjournment

On a **MOTION** by Murray and second by Youngerman, Council approved adjourning the meeting at 10:45pm. *Motion carries unanimously.*

Respectfully Submitted,



Scott Hershey
Borough Manager/Secretary