

MOUNT JOY BOROUGH COUNCIL
April 5, 2010 Minutes

The Mount Joy Borough Council held its regular meeting on April 5, 2010, at the Mount Joy Borough Office.

President Rebman called the meeting to order at 7:00pm, Mayor Ginder gave the invocation, and the Pledge of Allegiance followed.

Roll Call - Present were: President Rebman; Councilors Bower, Glessner, Golicher, Hall, Hiestand, Metzler, Murray, and Shaffer. Also present were Interim Borough Manager, Scott Hershey, Chief O'Connell, Codes and Zoning Officer, Stacie Gibbs, and Mayor Ginder.

Report of the Mayor

A written report was provided.

Report of the Chief of Police

Chief O'Connell highlighted the monthly report for February 2010. The report shows there were 34 traffic arrests and 14 criminal arrests for the month. There were 172 calls answered for the month, and a total of 376 calls answered for the year. Monies collected by the Police Department for the month of February for tickets, permits, reports, and services totaled \$2,633.43.

Report of Fire Department Mount Joy

A written report was provided.

Chief, Buddy Hess made a correction. It was written they responded to a call every 11.7 hours, it was actually every 18.6 hours.

The Report of Main Street Mount Joy (MSMJ)

Main Street manager, Stacy Rutherford stated her appreciation for everyone that attended the volunteer reception last Wednesday at Bube's Brewery. She mentioned John Rebman received a plaque for serving on the Board of Directors.

Rutherford reported that the golf outing on May 7, 2010 will not be held at Groff's, but will be at Four Season's in Landisville.

Rutherford stated that the Farmer's Market will be opening May 1, 2010, and that they were awarded a \$2000.00 grant through the Department of Agriculture. The Farmer's Market has been operating for 9 years now, which a long time for a small town.

Rutherford reported that the Main Street Design Committee also gave various awards at the volunteer reception. For excellence in property improvement, the award for commercial property went to 64 E. Main St., 'Room with a View', and the award for residential property went to the Albon's at 29 W. Main St. A new award was given for excellence in transformation at 206 E. Main St.

Report of Planning and Zoning Director

Gibbs reviewed the monthly written report for March 2010.

Report of the Special Projects Manager

A written report was provided.

Report of the Borough Manager

Hershey reviewed the monthly written report for March 2010.

Public Input Period

Sandy Christian, 227 Park Ave., stated that Rotary Park now has a facebook page called, "Friends of Rotary Park". They are also planning a work day in the park on Saturday, April 10, 2010 from 7am until they are finished. She encouraged people to come out and support.

Matt Hilles, 1 Hemp St., stated that his property borders Rotary Park. He was inquiring about where his property starts and stops, who owns the ball field, if plans for the park were approved through the Borough, and if the Borough has any responsibility for privacy with the residents who live around the park. He thought when the park was being designed there was talk about having some type of coverage with either a fence or landscaping. He has experienced people on the path at 2 am and has found dog waste and trash in his yard. His property is the only one affected by the park and he is not sure where to turn concerning these issues. He likes the park, the ball field, and the path, but would like help or suggestion on how to stop these things before they get out of hand. He wondered if there are plans for signs to be posted with rules and regulations.

Public member, Sandy Christian, stated that she lives by Little Chiques Park and on occasion has had similar issues. She said that it is common when you live near a park, and when these things occur, you have to make the police aware.

Hershey suggested that he and Mr. Hilles arrange a time to meet and talk about his concerns. Bower stated that this is a new park and they are still working on deciding the details for signs, parking and other things involved when opening a new park, and that these things need to be and can be worked out. Mayor Ginder suggested that Hershey, Mr. Hilles, and the Rotary all meet to discuss this. Hershey said they will do that.

Ned Sterling, 13 W. Main St., asked if there is any positive word on the Art Brenneman property on Main Street. Rutherford said not since the last time they spoke, and that Brenneman knows there are deadlines. She said the Hoffer's are developing their property separately and she will be contacting them this week to discuss financial matters.

Ned Sterling asked if there is any progress about the hiring of the Borough Manager. Rebman said they had interviews and Council will discuss further in executive session.

Ned Sterling stated that he would like to see more street trees on Main Street. Rebman said with the budget, we may or may not be able to do more street trees.

Ned Sterling said that Item 8G on the agenda, the Ruhl waiver, he is opposed to items I and J, the curb improvements and sidewalks.

Sue Sterling, 13 W. Main St., asked what type of alcoholic beverages Two Cousin's were approved to serve. She said she was under the impression that they would just serve wine and beer, and she noticed they now serve mixed drinks. Shaffer said they are not limited to what they can serve, and their intent up front was to serve only wine and beer. He said as they went on and expanded, maybe the people wanted more of a variety. Hall said they have a full liquor license, and once that transfer was made they can serve what they want. Sterling said she thinks they misrepresented what their plans were.

Sue Sterling asked about the new residential units on Charlan Blvd. She asked what they are because they seem too close together. Gibbs said they are considered semi-detached. The definition for semi-detached is there has to be a common wall. She said the commonality is that the breezeway and the walls are fire rated to find the interpretation as common to be considered semi-detached. Rebman said the development was approved in 1999 by Borough Council. Hershey said that what is there meets the intent of the regulations. Gibbs said Commonwealth Codes reviewed and approved the plans for code compliance.

Denise Sensenig, 228 N. Market Ave., asked if there were any updates on the Grandview property. Hershey said there is a motion on the agenda tonight for a memo of understanding to be signed by Mount Joy Borough and YMCA, stating to jointly investigate the possibility of developing a partnership to develop a 5-7 year plan for utilization of the property.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Murray, and a second by Hiestand, the minutes from the regular meeting on March 1, 2010, were approved. *Motion carries unanimously.*

Administration and Finance Committee

Rebman stated that items 8D and 8E are removed from the agenda to go back to committee for further discussion.

Carol Roland from Trout, Ebersole & Groff, LLP gave an oral presentation of the 2009 Audit Report.

On a **MOTION** by Glessner, and a second by Heistand, approval was given to accept the audit report. *Motion carries unanimously.*

Hershey gave a financing update and noted that nothing has changed on the borrowing that Council approved.

On a **MOTION** by Glessner, and a second by Hiestand, approval was given to authorize the filling of the vacant full-time Parks Department Technician position. Hall suggested the possibility of covering the work with the summer help, maybe extending their time and giving them more hours. Hershey said they need to hire someone. They can not fill the gap with the summer help. He said if they do not fill the position they will have to pull someone from the street side to fill the gap and then they will not get the work done on the street and there are a lot of projects going on. Murray suggested less summer hiring then. Hershey said if they do that, they will not keep up with the parks and that hiring someone is a necessity. Rebman said there are 55 acres of park land they have to maintain over the summer. Roll call vote. Councilors Bower, Glessner, Golicher, Hiestand, Metzler, Murray, and Rebman, and Shaffer voting yes. Councilor Hall voting no. *Motion carries 8 to 1.*

Todd Smeigh from DC Gohn Associates, Inc., spoke concerning the Charles Ruhl Estate at 206 Pinkerton Road, requesting consideration for the following waivers:

- To consider a motion to approve a request for sketch plan waiver of improvement requirements per Section 404.4.A, 502.1.A and 502.1.B of the Mount Joy Borough Subdivision and Land Development Ordinance for **Pinkerton Road**, subject to the Borough Engineer, Borough Solicitor and staff comments.

- To consider a motion to approve a request for sketch plan waiver of minimum street and cartway width improvement requirements per Section 404.4.A, of the Mount Joy Borough Subdivision and Land Development Ordinance for **South Alley**, subject to the Borough Engineer, Borough Solicitor and staff comments.

- To consider a motion to approve a request for sketch plan waiver of curb improvement requirements per Section 502.1.A of the Mount Joy Borough Subdivision and Land Development Ordinance for **South Alley**, subject to the Borough Engineer, Borough Solicitor and staff comments.

- To consider a motion to approve a request for sketch plan waiver of sidewalk improvement requirements per Section 502.1.B of the Mount Joy Borough Subdivision and Land Development Ordinance for **South Alley**, subject to the Borough Engineer, Borough Solicitor and staff comments.

Smeigh stated the land owner requests these waivers from being required to make improvements to the street frontages of Pinkerton Road and South Alley. He said he does not see how widening and improving South Alley would benefit the neighborhood. He said it would be out of character with the surroundings, and would require design, planning, and construction. It would also require the installation of a new stormwater water system.

He said if you vote for requiring curb and sidewalk, should a subdivision plan be submitted, it would have to cite all the decisions by Council regarding these waivers. He does not want to design street, curb, and sidewalk if he does not have to.

He said that if the alley is widened, and curb and sidewalks were placed there, it would then become South Street. He said it does not make sense to widen a one way alley, and since the school is no longer there, the alley is not used like it was before. It has become a residential area with low traffic volume.

Placing curbs and sidewalks would not provide a connection to those existing construction items along Pinkerton Road. It would also alter drainage patterns, and the shallow depth of sewer on Pinkerton Road would make connection difficult. An alternate sewer connection does exist on South Alley for the proposed lot.

Hall said he agrees with everything except he feels there should be curb and sidewalk on the south side of South Alley.

Hershey stated that staff and the Borough engineer are recommending that the curb and sidewalk end about 30 feet from Pinkerton Road until such time when improvements are ready to be done. The reason is that we do not have any type of design for Pinkerton Road. We can't provide information such as what the curb line or elevations would be unless we did a full blown engineering study.

Hall said 30 feet is a considerable distance. He also said, although it needs done, improvements on Pinkerton Road are not going to happen any time soon.

Murray said we do not have the money to do Pinkerton Road. Hershey said that is correct right now, but there may be Grant money available to work with East Donegal Township and Donegal School District for improvements to Pinkerton Road from Marietta Ave. to the Donegal Springs Elementary at some point in time.

Hershey said we will do whatever Council decides, but keep in mind that when we've had incidents in the past where we did this same thing, and when it came time for improvements to be made it was difficult. For example, the storage garage below town. He said as far as improving one side of the street and not both sides, it was done on Hill Street with no problem.

Golicher wondered what the pros and cons were if it were to become a Street versus an Alley. Hershey said there would really be no change other than to qualify for Highway Aid. Murray said if we decide to put curbs and sidewalks, we will have to widen the roadway.

Shaffer said if we approve this tonight we are waiving the curbs and sidewalks, yet it says, "subject to engineers' comments", and the engineer is opposed to waiving this. Hershey said the intent there is if Council does approve the waiver, there may be other comments needed from the engineer. It is just standard language that is used. Gibbs said it was to bring to everyone's attention that the engineer recommends we do not accept this waiver.

Steve Gault, Planning Commission member, stated that the Planning Commission recommended approving all the waivers. Widening and installing the curb and sidewalks on Pinkerton Road would be one small piece that would be improved. They felt it would be better to do Pinkerton Road as one comprehensive project at a later time. This wasn't necessarily a permanent waiver, but a deferral until there is actually a project in place and then the property owner would be responsible for their piece of curb and sidewalk. On South Alley the recommendation was to deny the waiver for the widening. They feel it should be widened to allow for two way traffic. He said his own personal feeling on that is to allow easy access to properties without having to go the whole way around due to the one way. It is easy to get out, but hard to get in. The Planning Commission recommended approving the curb and sidewalk waivers, due to the fact that there is no actual plan at this point in time concerning drainage and the like. This would also be deferred until there is a project in place.

Sue Sterling, Planning Commission member, stated she feels the current property owner should bear the cost of this in some way. She agreed that the street needs to be widened, with curbs and sidewalks to come later as long as the new property owner is aware that this will be their responsibility at some point in time. She feels if it is not going to be done the right way, then she would change what she recommended with the Planning Commission and require everything right now before the property can be sold so that it is sure to be completed.

Josh Bower, Planning Commission member, said he feels it is either all or nothing. He would be opposed to the waivers.

Smeygh said that this can wait another month. He encouraged Council to go out and look at the property and the roads and talk more on committee levels.

On a **MOTION** by Glessner, and a second by Hiestand, approval was given to table the waivers that have been requested for the Ruhl Estate until next month Council meeting. *Motion carries unanimously.*

On a **MOTION** by Hiestand, and a second by Glessner, approval was given for a request by George Kratzert to release Letter of Credit #D004087, in the amount of \$2,000.00 for the Mount Joy Shopping Center, as recommended by the Borough Engineer. Councilor Hall voting no. All other Council members voting yes. *Motion carries 8 to 1.*

On a **MOTION** by Hiestand, and a second by Glessner, approval was given for the Mount Joy Group, LP, for reduction of Letter of Credit #1008193 by \$305,650.65 from \$2,153,000.00 to \$1,847,349.35, as recommended by the Borough Engineer. *Motion carries unanimously.*

On a **MOTION** by Hiestand, and a second by Glessner, approval was given to reaffirm the Memorandum of Understanding approved by the Mount Joy Borough Council on January 8, 2007. Councilor Hall voting no. All other Council members voting yes. *Motion carries 8 to 1.*

On a **MOTION** by Hiestand, and a second by Glessner, approval was given to adopt Resolution 03-10 authorizing Borough Secretary and/or Borough Assistant Secretary to sign all documents relative to PennDOT Highway Occupancy Permit Application #23781, for sidewalk, curb and stormwater improvements to be constructed on West Main Street in the area between Orchard Road and the Norfolk-Southern Railroad Crossing. *Motion carries unanimously.*

Report of the Public Works Committee

Scott Hershey, Public Works Director, reviewed the monthly written report for March 2010.

On a **MOTION** by Shaffer, and a second by Hiestand, approval was given to authorize the Building Committee to proceed with building upgrade study and planning. *Motion carries unanimously.*

Report of the Public Safety Committee

On a **MOTION** by Hall, and a second by Murray, approval was given for a request for a handicapped parking space at 5 North High Street. *Motion carries unanimously.*

Any Other Matter Proper to Come Before the Council

None.

Authorization to Pay Bill

On a **MOTION** by Glessner, and a second by Hiestand, it was approved to pay the bills as presented:

GENERAL FUND	\$	132,823.71
REFUSE/RECYCLING	\$	30,895.81
EMA	\$	-
CAPITAL IMPROVEMENTS FUND	\$	-
HIGHWAY AID FUND	\$	352.18
TAX ACCOUNT	\$	21,454.30
COMMUNITY PLAYGROUND	\$	-
ESCROW FUND	\$	3,380.61
GRAND TOTAL EXPENDITURES	\$	188,906.61

Motion carries unanimously.

Meetings and dates of importance: See the yellow colored calendar for the month of April.

Executive Session for personnel matters

No decisions made.

Adjournment

On a **MOTION** by Metzler, and a second by Golicher, it was approved to adjourn the meeting at 9:00pm.

Motion carries unanimously.

Respectfully Submitted,

Scott Hershey
Interim Borough Manager