

MOUNT JOY BOROUGH COUNCIL
January 4, 2010 Minutes

The Mount Joy Borough Council held its regular meeting on January 4, 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.

Oath of Office to Re-Elected and Newly Elected Council Members

Mayor Ginder administered the Oath of Office to Council members, William Hall and Rick Shaffer, and newly elected member, Josh Bower.

On a **MOTION** by Glessner, and a second by Shaffer, approval was given to appoint Chris Metzler to a two year term to fill a vacant position on Borough Council. *Motion carries unanimously.*

Mayor Ginder administered the Oath of Office to appointed Council member, Chris Metzler.

Mayor Ginder congratulated and welcomed the new members to Council.

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

Reorganization of Borough Council – Mayor Ginder

Mayor Ginder opened the nominations for Council President. Councilor Glessner made a motion to nominate John Rebman; the nomination was seconded by Councilor Shaffer. There were no other nominations. The motion to close nominations for President was made by Councilor Metzler. The nomination for President was voted on by Council, and the motion carried unanimously.

Mayor Ginder opened the nominations for Council Vice-President. President Rebman made a motion to nominate Charles Glessner; the nomination was seconded by Councilor Bower. There were no other nominations. Motion to close nominations for Vice-President was given by Councilor Metzler. The nomination for Vice-President was voted on by Council, and the motion carried unanimously.

Mayor Ginder opened the nominations for President Pro-Tem. Councilor Hall made a motion to nominate Dale Murray; the nomination was seconded by Councilor Metzler. There were no other nominations. The motion to close nominations for President Pro-Tem was made by Councilor Glessner. The nomination for President Pro-Tem was voted on by Council, and the motion carried unanimously.

Mayor Ginder turned the meeting over to Council President Rebman.

New Council Committees

President Rebman reassigned the Council committees.

Admin and Finance: Charles Glessner as Chair, John Hiestand and John Rebman.

Public Works: Ricky Shaffer as Chair, and Robert Golicher and Josh Bower.

Public Safety: William Hall as Chair, Dale Murray and Chris Metzler.

Report of the Mayor

A written report was provided.

Report of the Chief of Police

Chief O'Connell highlighted the monthly report for November 2009. The report shows there were 27 traffic arrests and 9 criminal arrests for the month. There were 162 calls answered for the month, and a total of 2,076 calls answered for the year. Monies collected by the Police Department for the month of November for tickets, permits, reports, and services totaled \$3,229.49.

Report of the Emergency Service Providers

A written report was provided.

The Report of Main Street Mount Joy (MSMJ)

Main Street Manager Stacy Rutherford was unable to attend.

Hershey reported for Rutherford that the Main Street Exiting Grant was sent to the Dept of Community & Economic Development for our request of \$60,000.00 (max request).

Hershey reported for Rutherford that the quarterly Main Street Mount Joy Business & Property Owners meeting is scheduled for January 20, 2010, at 8am at the MSMJ office.

Hershey reported for Rutherford that Fourth Friday is January 22, 2010, with the theme "Death by Chocolate". The committee is working on a new twist to the chocolate tour with a murder mystery.

Report of Planning and Zoning Director

Staci Gibbs, Codes and Zoning Officer, reviewed the monthly written report for December 2009.

Report of the Special Projects Manager

A written report was provided.

Report of the Borough Manager

Hershey reviewed the monthly written report for December 2009.

Public Input Period

Don Zurphy and Willis Spangler spoke concerning the tax increase. They feel the tax increase is wrong and would rather see the Borough reducing their services than increasing taxes. They asked if the budget could be re-opened. Rebman stated that the budget had been available for public review with several public meetings for residents to voice their concerns before it was approved. Hershey stated that they spent numerous hours cutting costs to get it down to where it is and that opening the budget would require full Council's approval. Councilors Murray and Metzler expressed interest in discovering what type of service trade offs the residents would be interested in seeing; it could be helpful for the future. Rebman said if the budget were to be re-opened, it would have to be closed again by February, and there is not enough time, besides the fact that they have already cut everywhere they possibly could.

Approval of the Minutes of the Previous Meeting

On a **MOTION** by Murray, and a second by Metzler, the minutes from the regular meeting on December 7, 2009, and the minutes from the special budget meetings on December 8, and December 22, 2009, were all approved. *Motion carries unanimously.*

Administration and Finance Committee

President Rebman opened the Public Hearing to consider the vacation and abandonment of Patterson Alley.

Rob Stoner of St. Mark's United Methodist Church gave an overview of the church, with a brief history. It was established in 1860, with 2010 marking their 150th anniversary and commitment to being a vital part of Main Street, Mount Joy, and service to the community. In the 1950's, after a fire at the lumber yard, they purchased the property, which is now the parking lot for the church, as well as the community, including the Borough. He said there are roughly 150 vehicles in that parking lot on a daily basis. In the 1950's they also acquired what was the Brubaker property, on the corner of Patterson Alley, which they used for a parsonage and the education wing for the church. In 1999 St. Mark's moved forward with the acquisition of the Shock Home, with renovations to the home as well as the church, with a total investment of approximately 1.8 million dollars. Through the course of the last 10 years they have managed to reduce that debt to under \$190,000.

The vacation of Patterson Alley has been an on-going pursuit since 2008. The expansion of their children's outreach, Shepard's Flock and Shining Stars, has precipitated St. Mark's coming to Council with the proposal to close the Alley. Stoner feels the vacation will be beneficial to their outreach, and ultimately the community as well.

There are issues with traffic in Patterson Alley, such as the time of day that traffic goes through relative to their children's program, and that the children coming across the walkway often do not see the cars coming down the Alley, which poses a concern for their safety. S. June Smith drops and picks up children twice a day. Stoner stated that due to the amount of children they have, most of the traffic throughout the daytime is stemming from the church.

St. Mark's would also like to provide more green space for the children who currently have a black top parking lot and a small front yard for recreational purposes.

They approached the Borough in 2008 to transfer the ownership of Patterson Alley to St. Mark's. The Borough asked that they move forward with their master plan, and Council gave a non-binding vote that when the plan was complete, they would consider the petition. The master plan is now complete. There is no other land that would be suitable to use for their master plan other than the parking lot, which would not be beneficial to the community. St. Mark's was also asked to address the concerns from Council, Public Safety, and the Planning Commission. This was all completed in 2009, along with a formal petition to Council which they accepted in a unanimous vote in October of 2009, which brings this matter to the public hearing today.

Stoner mentioned the points of concern from Council and their committees because they have been addressed and are part of the petition. St. Mark's would provide shrubbery or fencing of some kind along Appletree Alley to block the access of vehicles once Patterson Alley would be transferred. In addition, they would be replacing the curb and sidewalk along the Main Street side, along with the brick beauty strip and proper curb elevations. They would also enhance the pedestrian corridor along the west side of the sanctuary by the gazebo for public access between Main Street and the parking lot. The storm water system on the far side, which runs underneath Patterson Alley will be moved and captured and channeled out to Main Street with another catch basin on Main Street. The storm water portion would have to be complete before PennDot does the repaving on Main Street, which is to be done in 2010. The final development plan will address the drop off points and the alley widths. The land development and sub division process the church will go through with the Planning Commission will make sure those items will be designed the way the Borough wants. Any other storm water issues will be address as well, and handled as the Borough deems necessary.

Stoner stated that the primary benefits to vacating the Alley would be the safety, the decrease and elimination of the traffic, and the availability to increase the size of the playground.

A resident of Detweiler Avenue, Mr. Good stated that he uses Patterson as an egress to Main Street quite regularly and stated that the Alley will be missed. He came to try to persuade Council to look for another solution. He feels the idea the church has is very admirable and can not criticize it; however he has spoken with other residents of Detweiler Avenue that are also opposed to the closing of Patterson.

Ms. Zeigler, address unknown, asked if there has been a traffic study done. Stoner said yes, and that he has that report here tonight. He said there is a question of the accuracy of the study. Working at the church daily, he sees most of the traffic is coming from St. Mark's with parents dropping off and picking up their children, with maybe 10 cars an hour from other sources. Zeigler said that often times there are trucks blocking traffic from the flour mill and they use the alley way to get through.

Zeigler asked what is inside the current fence they have at the church. Stoner said it is a stone play area and that their hope is to combine that along with the area of Patterson to develop one big green space for the children within the confines of three structures to create a natural enclosure with one entrance way. This would alleviate a lot of safety concerns.

Zeigler said she is concerned about the residents on the North side who have to, for example, go to the post office, they would either have to go to Barbara Street and come the whole way back up, or go out at the Market Street light, which often has traffic tied up there already with cars turning into the Post Office. She feels that could be a problem. She feels the programs the church has to offer are wonderful, but that some of these issues should have been thought of before they developed it.

Zeigler asked if anyone that is voting tonight is a member of St. Mark's. Rebman said no.

Hall said that he is one of the Council members that can not vote because his wife is an employee of St. Mark's. He said his children also go to the children's programs. He said the safety concern is very legitimate, and that at this point, the children are protected by a 12" orange cone to make the cars stop, and most of the cars do not stop. He also said that when the church inherited the program, they did not know it would grow like it has. He said that since he can not vote, he would like Council to ask themselves if there is compelling need to have that Alley in the Borough. He said it is not about once it is vacated, how they will use it.

Metzler asked if the church has a crossing guard. Stoner said the parents generally escort the children.

Metzler stated how the two ends that would be most used as an access way to Main Street if the Alley were to close are N. Barbara Street and Market Street. He said how they are very difficult to maneuver around as it is, and that if the Alley were closed more cars would be

forced to use the two ends. He feels there needs to be a plan and a commitment to execute the plan to improve those areas before the approval is given to vacate.

Metzler asked if the growth of the congregation or the growth of the children's program is creating the need for expansion. Dave Schell, 524 Peace Ave., who works for the church with the children's program, stated that both of those entities have created the need. In addition, the church is trying to reach out with more programs that are currently not offered anywhere else in the Borough, such as a soup kitchen, as well other things that have necessitated the master planning of the church. Metzler asked if, in the master plan, they have accounted for even more growth. Stoner stated that they are not near their full capacity and do have room for future growth. Metzler asked if they will be coming back in 5-10 years asking to build something in the back parking lot. Stoner said the only thing they would ask would be something the church and the Borough would do cooperatively, such as a parking garage. It would have to be something where the Borough would benefit as well as the church and the community.

Stoner said the master plan includes restructuring their facilities to expand not only the children's programs but the grounds and the sanctuary as well. He said the church has been involved with the planning of the new train station and possibilities of utilizing the church parking lot for that, along with cooperative efforts with Main Street Mount Joy and their ideas for improving and growing the downtown corridor.

Stoner said that all these ideas have to go through the proper channels and all concerns need to be addressed, and that nothing can be done until the land development plan is approved. He said that to some degree the Borough, and the different committees there are going to drive that process, where if they have concerns, they will need to be worked through before it goes any further.

Murray asked how the church would fund these projects. Stoner said the church has the bulk of their debt paid, so the funding will be there. He said they need to know what they are looking at, dollar wise, before they finalize who they want to deal with. He also said the congregation has been very responsive.

Joan Good, Detweiler Avenue, said how they are expanding for the children, which is great, but asked if they will have enough room or will they still use the back parking lot for a play area. Dave Schell stated that they will have room for a gym which will allow for indoor and outdoor play. They are also planning on putting fences up in the grassy areas so the children can not get out. They will be eliminating play in the parking lot.

Murray said that it was mentioned that most of the traffic numbers are coming from the church, and the church has planned to close off 3 sides to make the front of the church the entrance way. He asked what portion of the traffic generated from the church will shift to the front for drop off and pick up, or does all the traffic have to find another way out. Stoner said they are still assessing the possibilities as far as traffic. One idea has been to make Appletree Alley a one way. They would like to try to make the entrance way as accessible as possible. All of this would still have to be worked out.

Stoner said that even though an Ordinance is a contract, it is more upcoming, in that we say, we are going to do this, and we are going to work through these points, and we are going to come to a conclusion that makes the most sense for everyone.

Ned Sterling, 13 W. Main St. asked what the dimensions are for Patterson Alley. Stoner said approximately 16 feet by 180 feet. Sterling suggested making the pedestrian walk way the size of Patterson Alley and moving it to the western boundary, then there would be 9 feet left over between the land area and the beginning of the building. Stoner said that if Sterling is talking about creating a storm water easement and a pedestrian walk way and looking for the Borough to have ownership, that is not out of the question. He said he thinks it is more an area of right-of-way design to figure out what is necessary to make it happen. He said it may be more logical to put together some type of easement agreement that would cover that versus the physical transfer of property. He said the church would be willing to look at it.

Sterling said he thought of the Borough owning the property because there is no requirement in the Ordinance now that says the church has to have the pedestrian access. Stoner said the Ordinance can stipulate those requirements, and that is why the petition has them listed. The Ordinance of vacation is based on the petition, and the petition is the binding document. We would still need to work through all the other easements or access agreements.

Hershey said that all the Ordinance does is vacate the alley. The rest is achieved in the petition between the Borough and the church, which is like a contract. You can't put conditions in the Ordinance. He said the church has to go through land development as well, and it sounds like they are willing to do their best accommodate. Sterling said that we should have a petition drawn up so the Borough can give the church an indication of what their expectations are ahead of time. Hershey said the Borough has a petition that says they are willing to put that walk way in, and that we can work out language with the easement to make that happen.

Stoner said that if the Ordinance is adopted and approved, that does not mean the Alley is vacated that day. Hershey said it is his understanding that the petitioning should be worked out before the Ordinance is adopted, and that the Borough has until February 12, 2010 to adopt the Ordinance. This means we have the February 1 Council meeting and, if necessary could go to the February 9 Public Works meeting.

Sterling asked if the Ordinance is ready yet. Hershey said the Ordinance is ready to go, but if there are things that Council wants to work out, there is time to do that. Stoner said if the Ordinance is not adopted by February 12, they would have to advertise this whole process again for an extension.

Dave Schell said as a reminder that the church has a huge parking lot that they allow the Borough to use, and the Police Department, and Spangler's Flour Mill, and Main Street Mount Joy. They have always been more than generous with their property in service to the community and they will continue to do so. He said they would never stop anybody from walking on the side walk next to the church or on a walkway from the parking lot to Main Street.

Zeigler said there have been so many ideas thrown out there. She said Metzler has a very good point with congestion now at the ends of the alley at Barbara Street and Market Street, and Stoner mentioned possibly turning Appletree Alley into a one way. She said she is concerned that this whole project could snowball, and the next thing you know they will have to close this alley or that street. She said it is all about the precedence.

Metzler said if Patterson Alley were to be vacated, that Appletree Alley would have to be a one way. Shaffer said that Appletree Alley is a two way now and that traffic gets by without a great deal of difficulty. He does not feel it will change Appletree in a great way. Metzler said it will increase traffic. Shaffer said it will increase traffic, but that it is not going to change what it is now, that it is still a two way. He agreed that to turn right onto Barbara is difficult. Metzler said he sees potential problems and safety concerns.

Murray said he feels Council needs to discuss this further, and that the solution needs to be more than just the vacation of the Alley, they need to think through the end zones. He said the traffic going out on Market Street is often backed up and the light is long and the set back is short. Going out Barbara Street is hard to see. He recommends Appletree Alley be a one way.

Schell mentioned that Patterson Alley was closed for a few days for roof repairs and asked if there were any calls or complaints to the Borough because of that. Jill Frey, Borough Secretary/Receptionist, said no. Zeigler said that it was a temporary closure and people were made aware of it so they could accommodate. It was not a permanent thing, so we would not be able to see the residual effects from that.

Nicole Bomberger, 226 Charlan Blvd., said that as a resident of the Borough, she totally supports the closure of the alley. The one big concern here tonight has been about where the traffic is going to go. She said she understands that, but that this was brought to Borough Council over a year ago, and should not be held up when they were given ample time to discuss these things. The church has done everything that was asked of them and is more than willing to comply as this project moves forward.

Scott Albert, 50 E. Main St., said that from a historical perspective, that alley way was used by the public when the Borough building was an Acme grocery store, and then the alley was closed by the Borough and used for the police cars. He said there was talk about precedence here tonight, and he feels the real issue would be to understand the vision St. Mark's has for its property and the commitment to the community. It would be a big stumbling block for the church and their vision without the vacating of the alley.

A member of the church, name unknown stated that there was traffic concerns mentioned tonight. He said he has concerns with the fact that when you use Patterson Alley, you can not see well to turn onto Main Street. He said if the Borough needs the alley to get to Main Street, then Main Street needs work at the alley.

President Rebman asked for a motion to close the Public Hearing. On a **MOTION** by Glessner, and a second by Metzler approval was given to close the Public Hearing to consider the vacation and abandonment of Patterson Alley. *Motion carries unanimously.*

President Rebman opened discussion and possible action on the vacation and abandonment of Patterson Alley- Ordinance # 01-10. Rebman proposed to Council that they review the petition with tonight's concerns, take it to all 3 committee meetings and come back to Council next month. Council agrees and no action is taken.

On a **MOTION** by Glessner, and a second by Metzler, approval was given to adopt Resolution # 01-10 authorizing the issuance of Tax Anticipation Note series 1 of 2010, payable within the 2010 calendar year. *Motion carries unanimously.*

Report of the Public Works Committee

Ken Barto, Assistant Public Works Director, reviewed the monthly written report for December 2009.

Report of the Public Safety Committee

No report given for the Public Safety Committee.

On a **MOTION** by Shaffer, and a second by Murray, approval was given to accept the 2009-2010 Eligibility List for the hiring of a Police Officer. Shaffer stated that we need to move quickly to not loose good officers to other municipalities *Motion carries unanimously.*

Request for a committee to interview candidates from the list for the position of police officer. O'Connell stated that last time the committee consisted of the chief of police, the mayor, and the public safety committee. The final candidate was brought before Council for review. Rebman said it would be fine to do it that way again and asked if anyone had objections. There were no objections.

Any Other Matter Proper to Come Before the Council

Murray asked the time frame to re-open the budget. Hershey said there is a small window of 45 days to do that and it would also have to be advertised. Murray said we could get input from the public to where we could cut costs and services. Metzler said we need to listen and re-consider looking at the budget again. Hershey said if they are looking for big cuts, the department heads can not make that decision. They have already cut everywhere they could and Council would have to make those types of decisions, such as possibly eliminating staff, or cutting down on street repair, or reducing police coverage, or exactly what the Borough should stop doing for these big cuts. Hall said he thinks that opening the budget will not do any good. Rebman agreed. He stated that we started out with a million dollar overage and did a lot of work to cut it down to where we are. We've talked about all these things and he that does not know where else we can make cuts in the next 45 days. He said he pays the same tax too, and does not like it, but they worked hard at it and did the best they could do, and this is where it ended up. He said we plan on doing some things with the healthcare cost in the coming year when the police contract expires, but that is not happening in time for this year. He said that all the budget meetings were advertised public meetings, everyone worked hard to get it where it is, the budget was finally passed, and now the room fills up with public input, after the fact.

No motion was given to open the budget.

Authorization to Pay Bill

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

GENERAL FUND	\$	119,413.65
REFUSE/RECYCLING	\$	116,864.14
EMA	\$	-
CAPITAL IMPROVEMENTS FUND	\$	-
HIGHWAY AID FUND	\$	13,547.12
TAX ACCOUNT	\$	19,049.95
COMMUNITY PLAYGROUND	\$	27,453.10
ESCROW FUND	\$	17,507.18
GRAND TOTAL EXPENDITURES	\$	313,835.14

Motion carries unanimously.

Meetings and dates of importance: See the teal colored calendar for the month of January.

Adjournment

On a **MOTION** by Metzler, and a second by Shaffer, it was approved to adjourn the meeting at 9:30pm.

Motion carries unanimously.

Respectfully Submitted,

Scott Hershey
Interim Borough Manager