

**DILLSBURG BOROUGH COUNCIL MEETING**  
**JANUARY 12, 2010 – MINUTES**  
**7:00 PM**

The Dillsburg Borough Council held their monthly business meeting at the Dillsburg Area Authority Building on the above-mentioned date. Council Members attending were President Jeff Griffin, Vice President Holley Kelley, Hal Anderson, David Baldwin, Matt Fawber, and John Richardson. Also present were the following: Mayor Henry Snyder, Borough Engineer Tim Knoebel, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Tom Lucas and Carla Snyder from Citizens' Hose #1 EMS, Tony Baker from Citizens' Hose Fire Company #1, Chief Jack Francis from the Carroll Township Police Department, Paul Reichart from the Patriot News, Mary Lou Bytof from the Dillsburg Banner, Dillsburg Area Authority Representative Mervin Ice, Visitors Stacie Ritter, Thyra Sperry, Dick Hartz, Charlie and Flossie Ryder and Dillsburg Borough Residents Mark and Stacey Ryder, Larry and Joanne Klase, Jed Shumaker, Eric and Ruth Shumaker.

The meeting was called to order by President Griffin at 7:00 PM followed by the Pledge of Allegiance to the flag and an invocation.

APPROVAL of the AGENDA

Council Member Richardson moved to approve the agenda as presented. Motion was seconded by Council Member Baldwin. – Motion carried.

APPROVAL of the MINUTES

December 1, 2009 Committee Meeting – Council Member Baldwin moved to approve the Committee Meeting minutes of December 1, 2009 as presented. Motion was seconded by Council Member Richardson. – Motion carried.

December 8, 2009 Council Meeting – Council Member Richardson moved to approve the Council Meeting minutes of December 8, 2009 as presented. Motion was seconded by Council Member Baldwin. – Motion carried.

January 4, 2010 Re-Organizational Meeting – Council Member Richardson moved to approve the Re-Organizational Meeting minutes of January 4, 2010 as presented. Motion was seconded by Vice President Kelley. – Motion carried.

DEPARTMENT REPORTS

*Police Department Report*

Chief Jack Francis reviewed the December 2009 Dillsburg Borough Police Report with Council and Mayor. The report listed the numbers and types of offenses and traffic incidents. The report also supplied the Council with a “crimes clear rate” and a breakdown of hours worked. The total incidents filed for the month of December were 75, which were six more than the same time period last year; year-to-date total was 1,140, which were 102

less than the same time period last year. There were five traffic accidents for the month of December, they were all non-reportable; year-to-date total was 67, which was four more than the same time period last year. There were 18 traffic citations for the month of December; year-to-date total was 423, which was 100 greater than the same time period last year.

Part I offenses for the month of December, there was one larceny theft; year-to-date was 43, which sixteen of them were cleared by an arrest, with a clearance rate of 37%.

Part II offenses for the month of December, there were seven incidents, which included one DUI, one drug offense, one harassment, one fraud offense and three miscellaneous; year-to-date was 89, which 75 were cleared by an arrest for a clearance rate of 84%. The overall clearance rate is 68%.

Chief Francis mentioned they are looking for the owner of a Shetland pony mare which was found running down the middle of Warrington Road on Monday, January 11<sup>th</sup>. Mrs. Kimmel has taken it in and is caring for it. He indicated if anyone hears or knows anything about the owner, please let the police department know.

#### Ambulance Service Report

Tom Lucas provided a report for the month of December to Council and Mayor. There were a total of 122 calls in the month of December and 13 of them were in Dillsburg Borough, which included 11 medical calls and two fire calls, for a year-to-date of 157 calls in the Borough of Dillsburg and a total of 1,292 for all municipalities.

He indicated Traci Cook was working with York County and hopes to have the yearend reports by the next Council Meeting. Mr. Lucas stated if there were any questions, they could contact Traci at the Fire House.

#### Fire Company Report

**Citizens' Hose Fire Company #1** – Tony Baker presented a report for the month of December to Council and Mayor. He indicated for the month of December there were 36 runs; six were in Dillsburg Borough, which included one residential rescue, two structure fires and three medical assists, for a year-to-date total of 64 in Dillsburg Borough and a total of 381 for all municipalities. He reported there were three failed calls for the month of December; for a total of 39 for the year. He also presented a report with the apparatus responses and the membership responses for December. He also presented a report which included the amount of training hours each member had; the department had a total of 799 hours of training for 2009.

He indicated during the month of December, they conducted two out of the three Santa runs. The third one was cancelled due to the snow.

He indicated on February 2, 2010, they will be hosting a series of classes at the station entitled “Mode A Class” These classes are an introduction to the fire service and a corner stone to building firefighters and a refresher course for the senior and seasoned firefighters. He indicated he hoped to have the classes completed by August. At the end of the classes, all who have successfully passed will be certified firefighters. Mr. Baker indicated some joint training with the EMAs and the CERT teams in the area would be conducted.

Mr. Baker indicated the ladder truck has been out of service since Monday, January 4, 2010 getting some repairs done. He indicated due to the age of the truck, they need to have the ladder portion of the truck inspected yearly.

Mr. Baker stated he was looking forward to another good year working with the different municipalities and is very excited to be able to bring the progress the department personnel has been doing to better protect and serve the community.

Council Member Anderson stated on the first page of the report, there are four calls for the year to York City. He asked if this was common to go 25-30 miles to a call. Mr. Baker stated they are fire police calls. He indicated with the new paging system, the county can alert all of the fire police in the county, which creates a failed call for the smaller departments. He indicated they don't respond to them.

**Franklintown Fire Company** – No one was present to report, however a 4<sup>th</sup> quarter report was provided to Council and Mayor.

#### Treasurer's Report

The Unpaid Bills Detail and a list of Additional Expenditures were given to each Council Member and Mayor in their packet of information. The total General Fund expenditures for December were \$50,571.93. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Vice President Kelley moved to approve the payment of all Unpaid Bills as presented. Motion was seconded by Council Member Baldwin. Council Member Richardson abstained. - Motion carried.

#### Planning Commission Report

The Planning Commission didn't meet in December.

#### Logan Park Authority

The LPA didn't meet in December.

#### Dillsburg Area Authority

Mervin Ice reported the Dillsburg Area Authority Re-organizational Meeting would be held on Tuesday, January 19, 2010 at 9:30 AM.

He stated on behalf of the board he thanked Council for reappointing Mr. Brian Radcliffe to the board; he is a real asset to the board.

#### Engineer's Report

Borough Engineer Tim Knoebel provided Council and Mayor with a written report for work performed in December 2009. He stated they primarily did follow up work relative to the development plans which were acted on last month. He indicated they looked into some alternatives for the upcoming street work in 2010.

He thanked the Council for having the opportunity to be of service to them in 2010.

#### Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for work performed in December 2009. He indicated he continued to work on the land development and subdivision issues and the day to day administrative issues with the Borough Manager. He stated he was preparing for the upcoming Revitalization Streetscape in the spring.

Tax Collector

Cristina Speicher wasn't present but provided Council and Mayor with a written report for December 2009 and uncollected real estate taxes report for 2009.

Borough Staff Report

Borough Manager Deibler provided Council and Mayor with a written report for December 2009 and indicated she had nothing to add.

PUBLIC COMMENT

There was none.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Snyder indicated he had nothing to report.

PRESIDENT'S REPORT

President Griffin welcomed the newest Council Member Matt Fawber. He stated at the Re-Organization Meeting held on the 4<sup>th</sup> of January, he was reelected as President, Holly Kelley was elected as Vice President and John Richardson was elected as President Pro Temp.

President Griffin announced the following events: January 13- Penn Waste would be picking up Christmas trees with the normal trash pickup; February 5 - First Friday at Dill's Tavern will be from 7-10 PM. This is an over 21, BYOB event. Admission is \$10; and February 6 – NYCHAPS is sponsoring a Pancake Breakfast from 7-11 AM. Featuring Chocolate Chip Pancakes! Regular pancakes will be offered and a variety of toppings, bacon, sausage and beverages. It's an all you can eat for \$6 for adults, \$4.50 for kids 4-12 years, and kids under four are free. Tavern Keepers eat for \$4 and Founders are free.

Resolution 2010-02 - Recognizing Mark S. Ryder - President Griffin indicated the Council Members and the Mayor wish to recognize and thank Mr. Mark Ryder for his dedication and service to the Borough of Dillsburg and its Residents. Among the many other contributions and volunteer efforts in the Community, Mark served for twelve (12) years faithfully and with honesty and integrity, giving of his time, experience and enthusiasm. He has represented the Borough at many State, County and Local functions and meetings, held numerous Council Committee positions, held both the Vice President and President positions on Council and was involved with a variety of community groups and events. He has been one of the Borough's biggest supporters. President Griffin moved to adopt Resolution 2010-02 recognizing the service performed for the Borough of Dillsburg and its Citizens by Mr. Mark S. Ryder. Motion was seconded by Council Member Richardson. – Motion carried. President Griffin presented Mark Ryder with the framed resolution.

## COMMITTEE REPORTS

### Public Works Committee

A. Discuss/Take Action – Ordinance 2010-1 – Amend Garbage Disposal Ordinance 2009-3 – Council Member Fawber stated the Borough of Dillsburg presently has in force Ordinance 2009-3, Garbage Disposal. This requires all residential dwellings, which do not use an onsite commercial trash container provided by the property owner, to retain service from the Borough's contracted trash hauler. Over 20% of the required households in the Borough do not participate in the Borough's contracted quarterly program, but sign up for "pay per bag" option. This has created quite a problem in the Borough since many of these households do not actually purchase bags. This creates a situation in which the other residents of the Borough are subsidizing the households that choose not to purchase bags and are not on the quarterly program. In order to alleviate this situation, Dillsburg Borough will require that a minimum of 26 bags per year must be purchased for each dwelling unit that is not on the Borough's contracted Trash Hauler's quarterly program or does not have use of an onsite commercial trash container provided by the property owner. Council Member Fawber moved to adopt Ordinance 2010-1 amending Ordinance 2009-3 by requiring a minimum number of 'pay per bag' purchases for each dwelling unit that is not on the Borough's contracted Trash Hauler's quarterly program or does not have use an onsite commercial trash container provided by the property owner. Motion was seconded by Council Member Anderson.

Ruth Shumaker, 205 N. Baltimore Street, asked when the contract is signed with the trash company, is it based on the residents within the Borough. She indicated she didn't understand why the Borough states the residents who pay for trash are paying more because not everyone participates. Manager Deibler indicated what is happening is the residents who stated they are on the bag program are putting their bags out along with their neighbors' trash. She also stated the residents not putting out the bags are putting out recycling. The residents paying the quarterly fees feel they shouldn't pay for the residents who aren't paying for their own trash. Mrs. Shumaker stated instead of penalizing everyone, why doesn't the Borough go after the residents who are putting trash out on someone else's property. Manager Deibler indicated she wasn't sure how to go about doing that unless she went through people's trash to track them down. Manager Deibler stated according to the reports in this area from all the trash haulers the percentage of residents in the borough which aren't on a quarterly program is three to four times higher than any other municipality in this area; it making the Borough the highest. Mrs. Shumaker asked why the Borough doesn't address that issue. She indicated they have two rental properties and they pay for the trash service at those two properties, but for their own property they don't pay for trash pickup because they have a business. The business isn't in the Borough, but it is where they dispose of their trash. She doesn't feel they should pay for a third residence. She asked why the Borough doesn't approach those residents who aren't signed up and asked them where they dispose their trash. Manager Deibler stated most of the residents will have answers. Jed Shumaker stated the bag customers can't put trash out without using an orange bag. Manager Deibler stated they are putting it out in regular trash bags and sitting it with a quarterly customers' trash. She also stated the orange bags (for bag customers) can be used to put out large items as well. Council Member Richardson stated the cost of running the trash truck increases and

when 15% of the residents are abusing the system, it basically affects the quarterly paying residents and without having the police sitting on all the streets at night, it would be next to impossible to catch the abusers. Jed Shumaker asked if the minimum number of bags required to purchase could be changed. He indicated when the contract started, he purchased five bags and he still has them; he doesn't put trash out. He stated he might as well buy the 26 bags; use one and throw the other 25 away. Mr. Jed Shumaker stated there are retirees, senior citizens and people who don't generate any trash and the Borough is requiring them to buy 26 bags. He indicated he wouldn't use 26 bags for the rest of his life and is being penalized for someone who put their trash out with a quarterly customer. The Shumakers asked how much the bags were. Manager Deibler indicated the cost of the bags would not increase and remain at \$4.00 per bag. Mr. Jed Shumaker stated it was going to cost them \$104.00 a year. Manager Deibler stated yes. Mr. Jed Shumaker indicated the bags don't benefit him and the Borough should raise taxes. Council Member Baldwin stated when Council bid the current contract, most of the haulers didn't want to do a per bag option, they wanted strictly quarterly payments from every resident. The Borough asked for the pay per bag option to try to keep the cost down for the older residents. At the time of the contract, which was three years ago, the three bidders were really against the per bag option. Mrs. Shumaker indicated the Borough has a lot of senior citizens who don't generate that much trash and this amended ordinance is unfair to them. Council Member Baldwin stated this is why the Borough asked for the per bag option. Manager Deibler stated this means only setting trash out every two weeks. Mrs. Shumaker indicated she understands, but some people don't generate that much trash and are able to set out their recycle for nothing. She asked if the Borough receives any funds for recycling. President Griffin stated the Borough received grants from the recycling, which enabled the Borough to purchase the leaf vac. Mrs. Shumaker stated if residents have to purchase bags, they might put their recycling in the bags. Vice President Kelley asked if Penn Waste was open for more discussion or alternatives as far as residents being able to opt out of the program. Manager Deibler indicated it would be up to the residents to discuss with Penn Waste. The Borough has extended their contract which states every resident in the Borough will have trash service through Penn Waste. Mrs. Shumaker indicated since there is a Borough ordinance stating we have to do it, this would become an issue with the Borough not Penn Waste. Manager Deibler stated Penn Waste will be doing all the billing; the residents will be receiving a letter from the Borough and Penn Waste explaining this. President Griffin stated the 26 bags wouldn't have to be purchased at one time; it will be broken down into two payments. Mrs. Shumaker asked if the agreement with Penn Waste was already done and doing the ordinance is being done after the fact. President Griffin indicated the agreement hasn't been signed. Mrs. Shumaker stated it was mentioned a letter would be mailed and an agreement was made with Penn Waste. Manager Deibler stated only if this ordinance is passed. She indicated Council worked very hard to extend the current pricing for another two years. This extension would benefit the majority of the residents in the Dillsburg Borough tremendously; the quarterly price and the bags wouldn't increase for a total of five years. Council Member Anderson stated there have been significant increases around us on the trash and when this plan was first devised a couple of years ago, the bag option was brought in because it would be more fair and equitable to the smaller families and the senior citizens. Mrs. Shumaker asked if there was a way to be exempt if you have a business

dumpster. Manager Deibler stated the original ordinance for trash was written many years ago, which states all residential customers must have a trash service with the Borough's contracted carrier. Mrs. Shumaker asked since there is already one exemption in, can another one be put in. Manager Deibler asked an exemption for what. Mrs. Shumaker indicated if a resident gives the Borough a good reason not having trash service like already paying for trash service at a business. Manager Deibler stated if Council passes this ordinance, you could contact Penn Waste. Mr. Jed Shumaker asked if Penn Waste set the number of bags or did the Borough. Manager Deibler stated Council thought this was a fair number and was suggested by Penn Waste. She reiterated that most municipalities in this area don't have a bag program, every resident has to pay a quarterly fee. Vice President Kelley asked if Penn Waste allows a resident to opt out of any trash collection, does this put them in violation of the ordinance. Solicitor Allshouse stated the ordinance requires them to have a contract; it doesn't dictate the terms of the contract. Council Member Anderson asked if it's reasonable to have exceptions. Vice President Kelley stated it was up to Penn Waste to manage. Solicitor Allshouse indicated if Council makes exceptions, those exceptions have to be written exceptions not case by case basis. He indicated the Borough can't enforce an ordinance on a case by case basis. President Griffin asked Council what their decision was. Council Member Richardson stated to vote on it. There was discussion between the Council Members. Manager Deibler stated it would be very hard to put every exception into the ordinance in order to accommodate every resident. Council Member Baldwin indicated he agrees with exempting someone who owns a business and has an offsite contract or a trash hauler. He feels the business doesn't fill their dumpster and bringing trash from their home at no extra charge is a business expense. Council Member Baldwin stated he sees this as a valid exception to the resident being charged. Manager Deibler stated she felt Penn Waste might too. Council Member Baldwin indicated the way the ordinance is written this isn't an option; it reads onsite commercial trash container. Council Member Anderson stated he didn't see how Council could regulate or police how many trash bags are being used and don't feel senior citizens should be penalized. He doesn't see any easy solution to this. He doesn't feel it's fair for the residents who don't pay for any trash collection. Council Member Anderson asked when the contract becomes effective. Manager Deibler stated April 1<sup>st</sup>. Council Member Baldwin indicated this was an extension of the current contract and didn't need to be rebid. Mrs. Shumaker stated she received a letter stating her residence actually didn't have a contract and she called the Borough and Penn Waste and they have a contract but don't pay for anything and are allowed to put out recycling. Solicitor Allshouse indicated it only requires a resident to have a contract and they have a contract, what the terms of it are between the resident and Penn Waste.

Council Member Fawber and Anderson rescinded their motion. Council Member Anderson moved to table the contract issue until the next meeting and continue the hearing. Motion was seconded Council Member Fawber. – Motion carried.

#### Public Safety Committee

- A. Resolution 2010-03 – Appointing New CERT Members - Council Member Richardson stated the Dillsburg Borough Council recognizes the need for a

Community Emergency Response Team (CERT) in the event of a disaster. Council understands that members of this team are required to complete specific training courses and must continue to stay current with any future training necessary. Six (6) dedicated Dillsburg Area residents recently completed the required training held by the Dillsburg Emergency Management Agency. Council would like to thank these six dedicated individuals and officially appoint them to the Dillsburg Community Emergency Response Team. Council Member Richardson moved to adopt Resolution 2010-03 appointing Amy Erb, Eric Johnson, Barb Murray, Michelle Stultz, Chris Taylor and Vikki Heath to the Dillsburg Community Emergency Response Team. Motion was seconded by Council Member Baldwin. – Motion carried.

- B. Discuss/Take Action – 2010 Fire Police Authorization – Council Member Baldwin stated Citizens’ Hose No. 1’s Fire Police do not only serve the community when dispatched to emergency calls, but also when assisting at community events. The Borough must authorize the Fire Police to assist at events when not dispatched through the emergency call system. Council Member Baldwin moved to authorize the Citizens’ Hose No. 1’s Fire Police to voluntarily assist with traffic situations and concerns during, and pertaining only to, the following 2010 Dillsburg Borough events: Dillsburg Youth Baseball Parade, Picklefest, Memorial Day Parade, Farmers’ Fair, Annual Tree Lighting and Pickle Drop. Motion was seconded by Council Member Richardson. – Motion carried.

Administration Committee

- A. Resolution 2010-01 – Appointments – Vice President Kelley stated the Borough of Dillsburg needs persons who are willing to serve their community. Each year Council reviews for any upcoming openings on Committees and Authorities that serve the Borough and considers appointments for those positions. Council would like to recognize people who have responded to the need for volunteers and appoint those persons to serve by adopting Resolution 2010-01. Vice President Kelley moved to adopt Resolution 2010-01 appointing the following to serve the Borough of Dillsburg: Cristina Speicher to a two-year term on Logan Park Authority Board (01/01/10 – 12/31/11). Motion was seconded by Council Member Baldwin. – Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

ADJOURNMENT

Since there was no further business, Council Member Richardson moved to adjourn the regular meeting. Motion was seconded by Vice President Kelley. – Motion carried. The meeting was adjourned at 7:55 PM.



Respectfully Submitted,

*Debbi L. Beitzel*

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members  
Mayor Snyder  
Tim Knoebel  
Mark Allshouse