

**DILLSBURG BOROUGH COUNCIL MEETING  
MARCH 11, 2008 – MINUTES**

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 Mark Ryder, David Baldwin, Holly Kelley, John Richardson, Michael Whitzel and Kathryn Zeiders. 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: Ed McCoy from Citizens' Hose Fire Company #1, Traci Cook from Citizens' Hose Fire Company #1 EMS, Chief Jack Francis from Carroll Township Police, Mary Lou Bytof from the Dillsburg Banner, the Borough's DAA Representative Mervin Ice, Planning Commission Representatives Brian Radcliffe and Leon Zeiders, NYCHAPS Representatives Joanne and Larry Klase, Logan Park Authority Representative Sam McKinney, visitors John Shambaugh, Brad Pealer and Dane Lauver and Dillsburg Borough Residents Jeff Beitzel and Stacey Ryder.

The meeting was called to order by President Griffin at 7:03 PM followed by the Pledge of Allegiance to the flag and an invocation.

APPROVAL of the AGENDA

President Griffin added item #4A – Discuss Votes. Vice President Ryder moved to approve the agenda with one addition as noted. Motion was seconded by Council Member Zeiders. – Motion Carried.

- A. Discuss Votes – President Griffin indicated there are problems with the microphone not picking up the members of the Council's votes and each member will now be voting separately by a roll call.

APPROVAL of the MINUTES

February 19, 2008 Council Meeting – Council Member Zeiders moved to approve the Council Meeting minutes of February 19, 2008 as presented. Motion was seconded by Council Member Baldwin. – Roll call was taken and motion was carried unanimously.

March 4, 2008 Committee Meeting – Council Member Richardson moved to approve the Committee Meeting minutes of March 4, 2008 as presented. Motion was seconded by Council Member Zeiders. – Roll call was taken and motion was carried unanimously.

## DEPARTMENT REPORTS

### Police Department Report

Chief Jack Francis reviewed the February 2008 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 and Mayor with a “crimes clear rate” and a breakdown of hours worked. The total incidents filed for the month of February were 71, which was 38 less than the same time period last year, for a year-to-date total of 189. There were three traffic accidents for the month of February, which was four less than the same time period last year, for a year-to-date total of nine, and included one reportable traffic accident and two non-reportable accidents. There were 23 traffic citations for the month of February, which was eight more than the same time period last year, for a year-to-date total of 47.

Part I offenses for the month of February, there was one larceny, with a year-total of three, with a clearance rate of 33%. Part II offenses for the month of February, there were five incidents, which included one criminal mischief/vandalism, one harassment, one liquor law offense, and two others, of which all five were cleared, with a clearance rate of 82%. The overall clearance rate is 75%.

Chief Francis supplied the Borough Manager and the Secretary/Treasurer with a copy of a model curfew ordinance. He indicated a Curfew Task Force was formed in York County, for the purpose to see if it’s possible to have a uniform juvenile curfew ordinance throughout the county. Chief Francis indicated one of the problems within the County is that a young person may be permitted to be out anytime of the day or night in one community, but not a surrounding community. Chief Francis recommended to Council to consider having the Borough’s curfew ordinance reviewed by the solicitor. He also indicated it would be helpful if all the municipalities’ curfew ordinances were consistent.

Council Member Kelley asked if the Myers’ property could be watched more closely due to the weather becoming nicer and the kids out and about on skateboards, etc. Chief Francis stated that wouldn’t be a problem and he would make his staff aware of the issue. He also asked what the status of the property was. Council Member Kelley indicated it was under contract.

Chief Francis commented on the aftermath of the cooking oil spill on Bomar Alley and stated there was an arrest made and the one individual was in prison.

### Ambulance Service Report

Traci Cook provided a report for the month of February to Council and Mayor. There were a total of 103 calls in the month of February and 13 of them were in Dillsburg Borough, which include twelve medical calls and one fire call, for a year-to-date of 28 calls in the Borough of Dillsburg and a total of 205 for all municipalities.

She indicated the membership pamphlets would be mailed out no later than Monday, March 17<sup>th</sup> and if anyone doesn’t receive one or has any questions to contact them.

Fire Company Report

**Citizens' Hose Fire Company** – Deputy Chief Ed McCoy presented a report for the month of February to Council and Mayor. Mr. McCoy indicated for the month of February there were 16 runs; three were in Dillsburg Borough, which included one CO emergency, one EMS assist and one investigation. He also presented a report with the membership responses for February.

He indicated the grant money that was received went toward the debt reduction of the ladder truck and the purchase of two gas meters to be housed on the rescue and tower trucks.

**Franklinton Community Fire Company** – No one was present and no report was provided.

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 February would be \$45,625.91. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Council Member Zeiders moved to approve the payment of all Unpaid Bills as presented. Motion was seconded by Vice President Ryder. – Roll call was taken and motion was carried unanimously (6-1). Council Member Richardson abstained due to a conflict in interest.

Planning Commission Report

Mr. Brian Radcliffe indicated the Planning Commission met on February 27<sup>th</sup> and the primary issue reviewed was the Winfield Development Phase 1 Final Development Plans extension letter from the developer to extend the review period until May 31, 2008. He stated the recommendation of the PC would be approval, if the developer provides a plan with time tables and milestones outlining how they intend to progress forward.

Logan Park Authority

Council Member Kelley indicated the LPA met on February 20<sup>th</sup> and discussed how the barn project was progressing. There was a rough estimate of \$4,500.00 needed to finish the upstairs meeting room. She also indicated a tour would be held on March 4<sup>th</sup> for the group to see the progress and that Carroll Township was working on completing the bathrooms by the opening day of baseball and softball season. She also indicated the security of the barn was discussed; how to keep the bathrooms secure after hours.

Council Member Kelley indicated the walking path would be completed with the grant received from DCNR.

She also stated the LPA was invited to participate in the 175<sup>th</sup> anniversary of the Dillsburg Borough.

She stated the next meeting would be held on Wednesday, April 16<sup>th</sup> at 7 PM at the Carroll Township Building.

### Dillsburg Area Authority

Mr. Mervin Ice indicated Senator Vance helped DAA in getting a \$62,000.00 grant to help with the Chesapeake Bay Strategy cost.

Mr. Ice stated the residents should have received a notice regarding the sewer rate increase. The rate increase for the Dillsburg Borough would go in place on April 1<sup>st</sup> and the first change will show up on the August 10<sup>th</sup> bills.

Council Member Zeiders asked if the grant was just for DAA and was it state money. Mr. Ice stated it came to the Authority to reimburse them for engineering and legal expenses in making decisions with the Chesapeake Bay issues and it was state money.

### Engineer's Report

Borough Engineer Tim Knoebel provided Council and Mayor with a written report for February 2008 work performed.

He commented on the progress of the 5-Year Street Plan. He stated there were some technical problems which caused the slow progress and hopes to have the complete plan finished by the workshop meeting held on Tuesday, April 1st; if that's not possible, the portion of the report relating to the work being recommended for this year would be provided. Vice President Ryder asked if the inspections would be included in the report. Engineer Knoebel stated that work had already been done, but would meet with Council for their input.

Council Member Kelley asked him to elaborate on the outstanding conditions for the Sheetz Convenience Store. Engineer Knoebel stated they are waiting for a signed developer's agreement and some bonding and minor issues.

### Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for February 2008 work performed. He indicated there was one land development and subdivision issue which would be discussed later on in the meeting and working with the Borough Manager on some minor issues

### Tax Collector

Cristina Speicher wasn't present but provided Council and Mayor with a written report.

### Borough Staff Report

Borough Manager Deibler provided Council and Mayor with a written report and had nothing to add.

### PUBLIC COMMENT

John Shambaugh, Dillsburg Borough property owner, asked for clarification on Ordinance 2008-1, confirming the Borough's authority per the PA code. Solicitor Allshouse indicated under the Pennsylvania code all Pennsylvania municipalities have the ability to utilize and access ordinances and laws regarding street easements, sidewalks

and right-of-ways. He stated specifically Dillsburg Borough is passing an ordinance for the purpose for the Revitalization Committee reaffirming the Borough's authority to control maintenance requirements and access easements of egress and regress over public sidewalks on Baltimore Street. The reason for this is Penn DOT wants to see an affirmative ordinance setting forth the power already granted in the Pennsylvania State Code before signing off on the new lamps, garbage cans and park benches proposed for Baltimore Street. Mr. Shambaugh asked for clarification on Ordinance 2008-2, amending the Parking regulation. Council Member Baldwin indicated the Ordinance 2008-2 specifically pertains to Autumn Woods Court making a "no parking" on one side.

Larry Klase, Dillsburg Borough Resident, mentioned two programs. 1. York County Heritage: a new program from the YCPC which recognizes natural historical cultural places and things. An application is required and in return you would be listed in a countywide program. 2. He indicated with the help from the Borough Manager, they've been trying to acquire the funds to match a DCNR grant to obtain the three acres between Dill's Tavern and Route 15, so if anyone knows where they might come up with any funds; to let him know. Solicitor Allshouse and President Griffin asked the amount of funds were needed. Larry Klase stated they would need \$250,000.00.

#### CORRESPONDENCE

There was none.

#### MAYOR'S REPORT

Mayor Snyder had nothing to report.

#### PRESIDENT'S REPORT

President Jeff Griffin indicated he attended the following meetings/events: High School Musical on March 1<sup>st</sup> and also was called in on the oil spill at Millenium Pizza; 175<sup>th</sup> Anniversary meeting on March 5<sup>th</sup>, along with Vice President Ryder and Council Member Kelley.

He reminded Council, Mayor and Borough Staff about the Pandemic Flu workshop at the Middle School on Wednesday, March 12<sup>th</sup>, beginning at 6 PM hosted by Dillsburg Emergency Management Association (DEMA) and Representative Perry's meeting on Thursday, March 13<sup>th</sup>, beginning at 8 AM at the Capital City Airport.

President Griffin stated if anyone on Council hadn't submitted their newsletter information, they had until Thursday morning, March 13<sup>th</sup>.

President Griffin indicated the Borough received a grant in the amount of \$1,853.00 for recycling based on collecting 138.4 tons of recyclable materials. Manager Deibler stated it was for 2006 and since the mandatory recycling program went into effect the tonnage for 2007 had increased greatly.

He reminded everyone that the April Council meeting will be held on Wednesday, April 9<sup>th</sup> to coincide with the date the Borough was incorporated and would be held at the Maple Shade Barn (NYCHAPS headquarters) beginning at 7 PM. Refreshments will follow the meeting and everyone is invited to attend.

He wished everyone a "Happy Easter".

## COMITTEE REPORTS

### Public Works Committee

Vice President Ryder added 11C per the Solicitor's request: eci Preliminary/Final Land Development Plan

- A. Discuss/Take Action – Ordinance 2008-1 – Confirming the Borough's Authority to Regulate Sidewalks - Vice President Ryder stated the purpose of this Ordinance is to formalize and reaffirm by codification those powers specifically given to the Borough of Dillsburg Pursuant. The Pennsylvania Borough Code Title 53 § 1202, et. seq. specifically gives Boroughs certain powers. Among other things, the power of a Borough to regulate public sidewalks with regard to health and cleanliness, street lighting, ornamental illumination, planting of street trees, shade trees and other vegetation and the undertaking of development, urban renewal and revitalization projects within local neighborhoods along and upon public sidewalks. This Ordinance will formalize and reaffirm by codification those powers. Vice President Ryder moved to adopt Ordinance 2008-1, confirming the Borough of Dillsburg's authority to regulate the entire width of all sidewalks along roadways, alleys and/or thoroughfares pursuant to 53 Pa. C.S. § 1202, ET. SEQ. Motion was seconded by Council Member Whitzel. - Roll call was taken and motion was carried unanimously.
- B. Discuss/Take Action – Time Extension Request for Winfield Final Phase 1 Land Development Plan – Vice President Ryder stated the developer of the Winfield Subdivision submitted a Final Phase 1 Land Development plan to the Dillsburg Planning Commission in July of 2007. At this time there are certain deficiencies, matters of incompleteness or other similar items by reason of which the Council cannot approve the plans. The Borough has received correspondence from the developer requesting that a time extension be granted in order for this situation to be resolved before further action is taken. Dillsburg Borough Planning Commission reviewed the agreement for time extension and requested that the Winfield Developer provide Council with a Project Plan that includes expected milestones and progress. Planning Commission recommended that Council agree to the extension once this report has been received and reviewed. Vice President Ryder moved to grant a Time Extension until May 31, 2008 for the Winfield Final Phase 1 Land Development Plan. Motion was seconded by Council Member Whitzel. President Griffin asked if the letter was received. Borough Manager stated the letter was received and Council should have a copy of the letter. Mr. Radcliffe stated the plans don't show any milestones or dates in which they expect things to happen; some things have occurred with their plans. Council Member Kelley asked if Council could amend the motion. Solicitor Allshouse indicated he wouldn't recommend granting an extension with conditions. Borough Manager Deibler indicated there are numerous items which are outside sources. Engineer Knoebel indicated it's the PC recommendation based on what they provided and the

status of the plan that Council would accept the extension. Roll call was taken and motion was carried unanimously.

- C. Discuss/Take Action - Eci Preliminary/Final Land Development Plan – Vice President Ryder stated the Preliminary/Final Land Development Plan for eci was submitted to the Borough of Dillsburg. The Borough Planning Commission reviewed the plan on July 25, 2007 at the regularly scheduled Planning Commission meeting and recommended approval, with the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated July 20, 2007. Vice President Ryder moved to approve the Preliminary/Final Land Development Plan for eci subject to the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated July 20, 2007. Dillsburg Borough Council will sign the plan after all conditions have been met. Motion was second by Council Member Whitzel. Council Member Baldwin asked if this was already approved in August. Council Member Richardson indicated it was. Council Member Baldwin asked why Council has to re-approve it, when it wasn't followed through by the developer. Solicitor Allshouse stated it didn't need to be re-approved; the additional note needed is acceptable. Engineer Knoebel asked if the note language was acceptable. Solicitor Allshouse indicated it was and stated a motion should be made to sign the plan based upon the representations of the Solicitor and Engineer as to the completeness of the plan and that the plan complies with the conditions of the KPI memorandum dated July 20, 2007. Vice President Ryder and Council Member Whitzel withdrew their amendments. Council Member Baldwin moved based upon what the Solicitor stated. Motion was seconded by Vice President Ryder. - Roll call was taken and motion was carried unanimously.

Public Safety Committee

- A. Discuss/Take Action – Appoint 2008 Fire Police - Council Member Richardson stated Fire Police have been selected by the Dillsburg Fire Police Organization and Citizen's Hose Company No. 1. Dean Trump, Fire Police Captain, has forwarded the list of appointments of Fire Police for 2008 to the Borough for approval. Council Member Richardson moved to appoint Fire Police Officers, Dean Trump, Jan Trump, Leon Trump, John Zimmerman, Arlene Zimmerman, Richard Wirt, Butch Starner, Randall Nisly, Brad Lavelle, and Steve Stahlman for 2008 who were previously selected by the Dillsburg Fire Police Organization and Citizen's Hose Company No. 1. If there are any new Officers to be appointed who have not previously taken the oath of office they should contact the Mayor or District Justice in order to be sworn in as required. Motion was seconded by Council Member Baldwin. - Roll call was taken and motion was carried unanimously (6-1). Council Member Whitzel abstained due to a conflict of interest, member of Citizen's Hose Fire Co #1.
- B. Discuss/Take Action - Ordinance 2008-2 – Amend Chapter 15, Part 4, General Parking Regulations, of the Borough Code – Council Member Baldwin stated the

streets in Autumn Woods were dedicated to the Borough in December of 2007. Parking along all of Autumn Woods Court and parking on both sides of the portion of Clemens Drive that is located within Autumn Woods can create hazardous conditions and impede Borough access to Right-of-Way areas. In order to correct these situations, parking must be restricted on the south side of Clemens Drive that is located in Autumn Woods and a portion of Autumn Woods Court. Council Member Baldwin moved to adopt Ordinance 2008-2, Amending Chapter 15, Part 4, General Parking Regulations, of the Borough Code. Motion was seconded by Council Member Richardson. - Roll call was taken and motion was carried unanimously.

#### Administration Committee

- A. Discuss/Taken Action – Resolution 2008-3 - Borough’s 175<sup>th</sup> Anniversary Celebration Appropriation – Council Member Zeiders stated the Commonwealth of Pennsylvania’s Borough Code states in Section 1202.67 that Boroughs have the power to appropriate, in any year out of the general funds of the Borough for the observance of holidays or centennials or other anniversaries. This year marks the 175<sup>th</sup> anniversary of the Borough’s incorporation and plans are being prepared for a celebration. The Borough Council would like to set funds, in the amount of \$5,000.00, aside to be used for this event. Council Member Zeiders moved to adopt Resolution 2008-3 appropriating funds to be used for expenses incurred by the Dillsburg Borough’s 175<sup>th</sup> Anniversary Celebration. Motion was seconded by Council Member Kelley. - Roll call was taken and motion was carried unanimously. Vice President Ryder indicated to the Council and public if anyone had concerns and/or questions to contact himself, President Griffin and/or Council Member Kelley. Council Member Kelley indicated they have been working diligently getting things together and there is an e-mail address set up for any feedback or participation at [dillsburg175@hotmail.com](mailto:dillsburg175@hotmail.com).
- B. Logan Park Authority Presentation - Council Member Kelley presented Sam McKinney/Logan Park Authority with a check in the amount of \$4,000.00 from the Parks and Rec. Fund.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

Vice President Ryder indicated the VFW Easter Egg Hunt would be held at the Franklin Township Park due to some land development changes at Logan Park beginning at 1 PM on Saturday, March 22<sup>nd</sup>. Donation of eggs will be collected at the VFW on Friday, March 21<sup>st</sup> beginning at 5PM.

Vice President Ryder stated the York County Borough Association’s secretary/treasurer has been ill and the invitations are in the process of being sent out for the meeting on Thursday, March 27<sup>th</sup> at 6:30 PM at the Spring Grove Fire House.

Vice President Ryder indicated at the last meeting of West Shore COG they discussed the Chesapeake Bay issue and the Executive Director for the Harrisburg Area Humane Society talked about the cost increase on the handling of animals.

ADJOURNMENT

Since there was no further business, Council Member Richardson moved to adjourn the meeting. Motion was seconded by Vice President Ryder. – Roll call was taken and motion carried unanimously. The meeting was adjourned at 8:01 PM.

Respectfully Submitted,

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Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members  
Mayor Snyder  
Tim Knoebel  
Mark Allshouse