

DILLSBURG BOROUGH COUNCIL MEETING
May 8, 2007 – 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 Mark Ryder, Vice-President Jeff Griffin, Holly Kelley, Kathryn Zeiders, David Baldwin, Michael Whitzel and John Richardson. Also present were the following: Mayor Hank Snyder, Borough Solicitor Mark Allshouse, Borough Engineer Tim Knoebel, Borough Manager Karen Deibler, and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Edward McCoy from Citizens' Hose Fire Company #1, Heidi Houck and Randy Nisly from Citizens' Hose #1 EMS, Andrea Ciccocioppo from the Patriot-News, Mary Lou Bytof from the Dillsburg Banner, DAA Representative Brian Radcliffe, Planning Commission Representative Leon Zeiders, Dillsburg Revitalization Committee Representative Brian Lisenbach, Doug Gosik of J. Michael Brill, Ron Lucas of Stevens & Lee, Mike LaCesa and Bill Gladstone representing Sheetz, and Dillsburg Borough Residents Stacey Ryder, Larry and Joanne Klase.

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

APPROVAL of the AGENDA

Manager Deibler deleted #13C under Administrative Committee, due to Ronald Rosenberger unable to be present. Council Member Baldwin motioned to approve the agenda with one deletion noted. Seconded by Council Member Richardson. – Motion Carried.

APPROVAL of the MINUTES

April 10, 2007 Council Meeting – Council Member Zeiders moved to approve the Council Meeting minutes of April 10, 2007 with corrections noted. Seconded by Council Member Baldwin. – Motion carried with six votes to one no vote by Council Member Whitzel.

May 1, 2007 Committee Meeting – Council Member Zeiders indicated on page three, the last sentence, should read “FEMA” not PEMA. Council Member Zeiders moved to approve the Committee Meeting minutes of May 1, 2007 with corrections noted. Seconded by Council Member Richardson. – Motion Carried.

DEPARTMENT REPORTS

Police Department Report

No one was present to give an oral report, but a printed report was provided to Council and Mayor.

Ambulance Service Report

Heidi Houck presented a report for the month of April to Council and Mayor. There were a total of 97 calls in the month of April and 18 of them were in Dillsburg Borough, which included 17 medical emergencies, and one fire call. For year-to-date

there were a total of 77 calls in the Borough of Dillsburg and a total of 451 for all municipalities.

Fire Company Report

Deputy Chief Ed McCoy presented a report for the month of April to Council and Mayor. Mr. McCoy indicated for the month there were 23 runs, three were in Dillsburg Borough, of which one was a medical assist, one miscellaneous and one gas/odor. He also presented a report with the membership responses and ranking for April.

Mr. McCoy indicated the final report wasn't available regarding the Cinco de Mayo event.

He indicated to date they had 788 training hours done in the department, which are done on the first and third Tuesdays and on the second and fourth Saturdays of the month.

He also stated they had events at South Mountain's May Fair and at Wellsville.

Council Member Whitzel asked why the brush truck was dispatched on April 14th at approximately 1:19 AM for an inside smoke investigation instead of an engine truck? Mr. McCoy indicated they were on a call in Latimore Township, additional companies were alerted and the police department cancelled everything prior to the fire department's arrival.

Council Member Whitzel asked why a brush truck went out on an oil spill call for debris removal? Mr. McCoy asked if he was referring to Franklinton Fire Department? Council Member Whitzel indicated "yes". Mr. McCoy indicated the boxes were setup that way by Fire Chief Blough. He also stated boxes were being changed and would be implemented within the next two-weeks per York County. Council Member Whitzel asked if Council would be reviewing them before they would be signed off? Mr. McCoy indicated Council has already reviewed them. Council Member Whitzel asked President Ryder for copies of the boxes in order to review.

Treasurer's Report

The Unpaid Bills Detail and a list of Additional Expenditures were given to each Council Member and the Mayor in their packet of information. The total General Fund expenditures for April would be \$51,366.38. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and the Mayor. In addition to the report, \$60.00 payment was added payable to Stacey Ryder for typing of the May 2007 Committee Meeting minutes. Council Member Zeiders questioned the \$25 payment to Stephanie Wertz for parking ticket #240? Secretary /Treasurer indicated the parking ticket was paid after the ticket had already been forwarded to the District Justice for non-payment. Council Member Zeiders moved to approve the payment of all Unpaid Bills as presented. Seconded by Council Member Baldwin. Council Member Richardson abstained because of an insurance payment and President Ryder abstained because of a payment being made to a family member. – Motion Carried.

Planning Commission Report

Mr. Brian Radcliffe indicated there was nothing to report due to there not being an April 2007 meeting.

Logan Park Authority

Vice President Griffin reported on Logan Park's monthly meeting held on April 18th.

He indicated the concession stand had been moved and is fully functional. The site needs to be graded and the slab put down for the barn before they seek bids.

He indicated Carroll Township approved giving money for the new playground equipment for Logan Park.

Vice President Griffin indicated the walking path funds aren't currently available to start the project.

He stated Penn Waste did exchange one large dumpster for two smaller dumpsters, however, they left two portable trash cans and were being notified to remove them.

He indicated construction was occurring in the park, so the repairing posts project would have to be put on hold for the time being.

Council Member Zeiders asked if the reimbursement from Waste Management had been received. Council Member Kelley indicated that it had not been received as of yet. Manager Deibler stated she was told the check was being put into the mail.

Dillsburg Area Authority

Mr. Brain Radcliffe indicated he was reporting on the April 17th meeting. He indicated DAA received an advance-warning letter from PennDOT indicating they would be resurfacing Old York Road beginning at Cocklin's Funeral Home sometime next year.

He indicated the nitrogen funding agreement to handle the plant changes that are needed for the new nitrogen and phosphorous for the plant has been approved. He stated four (4) developers have pledged the funding and signed the agreements.

Mr. Chuck Comrey, 16 Dove Court, Dillsburg, asked what an EDU was? Mr. Radcliffe indicated it's an "Equivalent Dwelling Unit".

Engineer's Report

Borough Engineer Tim Knoebel provided Council and Mayor with a written report for April 2007 work performed.

Engineer Knoebel indicated they advertised for the 2007 Street Maintenance paving project for bids.

Council Member Baldwin asked what the status was on the Autumn Woods Court street dedication? Engineer Knoebel indicated there are outstanding items on their punch list and he is not prepared to recommend it at this point.

Solicitor's Report

Borough Solicitor Allshouse provided Council and Mayor with a written report for April 2007 work performed and indicated mostly addressing "clean-up" issues.

He indicated the initial year is up regarding the landlord/tenant ordinance and the borough had a good success with it. He stated there are three or four technical issues, and/or stubborn property owners that are being addressed.

Tax Collector

The Tax Collector wasn't present to give an oral report but a printed report was provided to Council and Mayor.

Borough Staff Report

Borough Manager Deibler provided Council and the Mayor with a Manager/Staff Report and had nothing to add.

PUBLIC COMMENT

There was none.

CORRESPONDENCE

Manager Deibler indicated Dillsburg Borough Council received a thank-you note from The Northern York County Historical and Preservation Society (NYCHAPS).

MAYOR'S REPORT

Mayor Snyder indicated he attended a breakfast meeting on May 7th at the American Legion regarding identity theft sponsored by Senator Pat Vance.

PRESIDENT'S REPORT

President Ryder thanked Manager Deibler and her husband for helping with the recycling event held on April 28th and indicated it was well advertised and well attended.

He indicated he attended the Council on Government meeting held on April 16th, getting ready for an auction scheduled for July, and waiting on getting name officially changed from the IRS. He mentioned their next meeting is scheduled for Monday, May 21st at 7 PM.

President Ryder reminded everyone about the Memorial Day Parade and not to forget the veterans on Monday, May 28, 2007. The parade will form at the VFW at 12:45 PM and starts at 1:00 PM. The parade route starts at Franklin Street to South Baltimore Street and stops at the firehouse for a ceremony, then proceeds to the square and turns left for the official ceremony at the cemetery on Mountain Road.

He reminded everyone about PickleFest on Saturday, May 19, 2007 to be held at the Maple Shade Barn, the Dill Tavern and other surrounding areas.

President Ryder indicated he, Vice President Griffin, Manager Deibler, Council Member Kelley and Mayor Snyder attended Scott Perry's Legislative Breakfast held on Friday, May 4th at the VFW. He indicated there would be another one held sometime in October and stated Representative Perry has an office in Dillsburg along Route 15 beside the Paintball shop.

COMITTEE REPORTS

Public Works Committee

- A. Discuss/Take Action – 2007 Street Maintenance Bids – Council Member Whitzel stated the Borough received three (3) bids which were opened at the advertised, public meeting held on Friday, May 4, 2007 at 1 PM in the Borough Office building located at 151 South Baltimore Street. The Borough received bids from C.E. Williams and Sons, Inc. for \$45,835.00, Pennsy Supply for \$34,013.50 and Kim-Bob, Inc. for \$40,295.00. The Borough Engineers of KPI Technology had reviewed all bids and Solicitor Allshouse reviewed all bonding information. Council Member Whitzel moved to accept the bid received from Pennsy Supply in the amount of \$34,013.50. Seconded by Council Member Zeiders. – Motion Carried.
- B. Discuss/Approval – Preliminary Land Development & Subdivision Plans-Sheetz - Council Member Whitzel stated the Preliminary Land Development & Subdivision Plans for Sheetz were submitted to the Borough of Dillsburg. The Borough Planning Commission reviewed the plans and recommended approval, with the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.C. of KPI Technology dated May 1, 2007. Council Member Whitzel moved to approve the Preliminary Land Development and Subdivision Plans for Sheetz subject to the conditions as outlined in the

memorandum from Borough Engineer Timothy R. Knoebel, P.C. of KPI Technology dated May 1, 2007. Seconded by Council Member Zeiders. Solicitor Allshouse asked the persons representing Sheetz if they would accept the conditions of the letter dated May 1, 2007 of KPI Technology? Ron Lucas, attorney-representing Sheetz, indicated condition #9, was discussed at the Dillsburg Borough Planning Commission meeting and was a condition up to PennDOT as to what would be done there. He indicated their statement to the Planning Commission which was believed to have been accepted was when the Highway Occupancy Plan (HOP) is submitted the Borough Engineer would submit a letter of acknowledgment to PennDOT. Engineer Knoebel indicated he understood that it's in the PennDOT right-of-way, however the Borough's ordinance has certain requirements that relate to the release of stormwater. He stated the comment was brought up because KPI/Borough had a concern about it and felt that it should be addressed in a little more detail in terms of what is happening to the water in that area. He indicated a letter of acknowledgement could be written but ultimately the approval for connection and any work that's done in a PennDOT right-of-way is a PennDOT permit issue. He stated the concern isn't from a PennDOT's perspective, but from the ordinance's perspective and its requirements. He indicated if that were a condition, we would acknowledge it and ultimately any work being done in the right-of-way is subject to PennDOT's approval and won't interfere and would write the letter of acknowledgment in any regards so PennDOT could review the application. Mr. Knoebel stated he would like to reserve the right to be involved with the information because it relates to the ordinance. Ron Lucas indicated they fully anticipated the issues are raised to PennDOT. Doug Gosik indicated their concern is they anticipated their final plan preceding the comments from PennDOT. He stated their traffic impact study has been submitted to PennDOT and it's being commented on, we resubmitted addressing those comments and likely would take 4-6 weeks before they would hear back from PennDOT. He indicated they are hoping to submit their final plans next week for review by both the Borough Council and Carroll Township. Engineer Knoebel stated there would be plenty of time to get this issue resolved and indicated if it would turn out the analysis indicated something needs to be done, we would pass that onto PennDOT, because we don't have jurisdiction in a PennDOT right-of-way. He stated for the Council to make any conclusions or recommendations to PennDOT we need the information. Council Member Baldwin asked if their concern was to 84 Lumber the amount of stormwater running down into the creek? Engineer Knoebel indicated the outlet from the site for stormwater ties into a drain that runs along Route 15, the drain traces down ultimately outlets into what appears to be an open hole and out of the hole there is no discharge to be found. He indicated this condition was to be addressed from the beginning. Mr. Gosik indicated the site currently discharges into the system along Route 15, which isn't being changed, however reducing the way it's being discharged because stormwater management is provided according to the ordinance. Discussion. Solicitor Allshouse indicated the Borough ordinance is what PennDOT would be looking at. Discussion. Engineer Knoebel stated Council is asking for Sheetz to provide an analysis of the condition and capacity of the down slope properties affected in order to make recommendations. Ron Stevens asked what he meant by "down slope properties"? Engineer Knoebel indicated how far, he didn't know that is something they need to look at. Discussion. Solicitor Allshouse rephrases comment #9 to read as "Sheetz shall provide a more detailed analysis of the

condition and capacity of the down slope properties affected by stormwater runoff subject to Sheetz obtaining access from the properties' owners after reasonable effort and including but not limited to the current accessible areas within Sheetz existing easements or right-of-ways." Solicitor Allshouse asked the representatives from Sheetz if this language was acceptable? They indicated that it was. Council Member Whitzel withdrew his motion and Council Member Zeiders withdrew her second. Council Member Whitzel moved to approve Preliminary Land Development and Subdivision Plans for Sheetz subject to the conditions outlined in the memorandum and addendum to #9, from Borough Engineer Timothy R. Knoebel, P.C. of KPI Technology dated May 1, 2007. Seconded by Council Member Zeiders. – Motion Carried.

- C. Discuss/Take Action – Street Line Painting - Council Member Zeiders stated members of the York County Municipal Administrators Association joined together in the bidding process for line painting. On April 18, 2007, bids were opened for line painting/pavement markings. The bid was awarded to Mid-Atlantic Marking, Inc. of New Market, MD. Council Member Zeiders moved to authorize Council President Mark Ryder to sign the necessary line painting/pavement markings contract on behalf of the Borough of Dillsburg. Seconded by Council Member Whitzel. Council Member Whitzel asked how much this was going to cost the Borough? Manager Deibler indicated the Borough's portion would be estimated around \$400. – Motion Carried.

- D. Discuss/Take Action – Revitalization Easements – Attorney Brian Lisenbach indicated he and Manager Deibler attended a meeting with PennDOT in Harrisburg on Thursday, May 3, 2007, with the main focus on the easements that are required for the Revitalization Downtown project. He indicated PennDOT has requested the Council make a decision to either take a formal or informal approach.

The formal approach would take a lot longer and appraisals would have to be made, but if a property owner didn't agree, eminent domain would be allowed. The informal approach would take the eminent domain off the table and couldn't do it, therefore if someone wouldn't agree, you would then have to skip over their property. He indicated the advantage of the informal approach would be that it could be done quickly. Council Member Richardson asked if there was anyone that wouldn't agree? Attorney Lisenbach indicated there might be one person to cause some difficulties. He indicated with the formal approach, PennDOT would have to decide whether the committee could do the appraisals or if they would want their own people to do them. It's a long process. Manager Deibler stated it wouldn't be complete until sometime next year and this is the first step in the process. Solicitor Allshouse asked if any of the arrogant landlords own any of the properties involved? Manager Deibler indicated everyone was in favor of the project. President Ryder asked what the next step or timetable was getting the project started? Attorney Lisenbach stated if a decision were made tonight, he would get back to PennDOT immediately and they would let the committee get started contacting the landowners. If the Council went with the formal route, we would have to present our plan to PennDOT and then they would decide whether or not the committee can go ahead with the plans or if they would take over the task of contacting the landowners. The next step would then be the appraisals. Discussion. Vice President Griffin asked if we would go with the informal approach, now the landowners are on board, and then some change their minds, are we out of luck. Attorney Lisenbach indicated yes, there would be no turning back. Larry Klase, Member of the Revitalization Committee, indicated they only

had issues from one resident, and the committee is fully prepared to go up and down his property with no problems. Attorney Lisenbach indicated the limiting factor is that he wouldn't be able to contact each landowner and ask them if they would be onboard or not, because then he violated the first step. Council Member Zeiders moved to proceed with the easement without condemnation. Seconded by Council Member Richardson – Motion Carried.

Public Safety Committee

Neither Council Members Richardson nor Baldwin had any items to discuss.

Administration Committee

- A. Resignation of Gene Fisler as DEMA Coordinator - Council Member Kelley stated Council has received a resignation letter from Dillsburg Emergency Management Coordinator Eugene Fisler. Gene has served as coordinator for almost 7 years and has done an exceptional job. He will continue to be involved as a member of the Emergency Management and Community Emergency Response Teams and share his knowledge and training with the other members. Council Member Kelley moved, with deep regret, to accept Mr. Eugene Fisler's resignation effective immediately. Seconded by Vice President Griffin. – Motion Carried.
- B. Resolution 2007-7 – PSAB Management Caucus – Vice President Griffin stated Pennsylvania State Association of Boroughs (PSAB) has established a Borough Management Caucus Initiative. This initiative will enhance the Borough management function with communication between Pennsylvania Boroughs, the sharing of information and immediate legislative updates. Vice President Griffin moved to adopt Resolution 2007-7 authorizing participation in the PSAB Management Caucus. Seconded by Council Member Kelley. – Motion Carried.
- C. Resolution 2007-6 – Recognizing Zoning Hearing Board Member Ronald Rosenberger – Removed from agenda.
- D. Discuss/Take Action – Appointment of Dillsburg Emergency Management Coordinator - Council Member Kelley indicated with the resignation of Eugene Fisler the position of Dillsburg Emergency Management Coordinator is vacant. Council has reviewed the names of available persons and has selected Mr. Timothy Hildebrand of 105 North Baltimore Street to fill the vacant position. Council Member Kelley moved to appoint Timothy Hildebrand to serve at the pleasure of Council as the Dillsburg Emergency Management Coordinator. Seconded by Vice President Griffin. – Motion Carried.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Council Member Zeiders spoke on behalf of our Relay for Life Team. She indicated she had the forms to sign up for the walking times and one would have to walk for only an hour. She also indicated on Monday, June 11th there would be a Community Night at Hoss's in Mechanicsburg.

Council Member Whitzel asked when the box alarms were discussed? President Ryder indicated he didn't remember the date. Manager Deibler asked what had to be approved? Council Member Whitzel indicated Council had to approve the boxes and

should be put on the agenda for discussion at the next Workshop meeting, which would be held on Tuesday, June 5, 2007.

Mr. Larry Klase representing NYCHAPS indicated the generous gift from the Council had been used toward the purchase of pavers for the courtyard at Dill's Tavern. He also informed Council there is a pledging group of service organizations, called The Dillsburg Area Service Advisory Group, which will start meeting in an effort to provide things like Color Guards and assistance to Veterans.

Council Member Kelley thanked Council for the cards and thoughts she received upon the death of her grandfather.

ADJOURNMENT

Since there was no further business, Council Member Richardson moved to adjourn the meeting. Seconded by Council Member Whitzel. – Motion Carried. The meeting was adjourned at 8:11 PM.

Respectfully Submitted,

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse