

DILLSBURG BOROUGH COUNCIL MEETING
JUNE 9, 2008 – 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 Mark Ryder, David Baldwin, Holly Kelley and Michael Whitzel. Also present were the following: Mayor Henry Snyder, Borough Solicitor Mark Allshouse and Borough Secretary/Treasurer Debbi Beitzel.

Council Members Kathryn Zeiders and John Richardson, Borough Engineer Tim Knoebel and Borough Manager Karen Deibler weren't present.

The following visitors were present: Ed McCoy from Citizens' Hose Fire Company #1, Traci Cook from Citizens' Hose Fire Company #1 EMS, Sergeant John Schreiner from Carroll Township Police, Planning Commission Chairman Allen Reeves and Dillsburg Borough Residents Stacey Ryder, Chris May and Rudy Wolf.

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 Kelley added under Administration item 13F-ZHB Appointment. Council Member Kelley moved to approve the agenda with one addition. Motion was seconded by Vice President Ryder. – Motion Carried.

APPROVAL of the MINUTES

May 13, 2008 Council Meeting – Council Member Baldwin moved to approve the Council Meeting minutes of May 13, 2008 as presented. Motion was seconded by Vice President Ryder. – Motion Carried.

June 3, 2008 Committee Meeting – Council Member Baldwin moved to approve the Committee Meeting minutes of June 3, 2008 as presented. Motion was seconded by Vice President Ryder. – Motion Carried.

DEPARTMENT REPORTS

Police Department Report

Sergeant John Schreiner reviewed the May 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 May was 119, which was 36 more than the same time period last year. The year-to-date total was 540, which was 86 greater than the same time period last year. There were five traffic accidents for the month of May, which included one reportable accident and four non-reportable accidents for a year-to-date of 21, which was three less than the

same time period last year. There were 44 traffic citations for the month of May, year-to-date 131.

Part I offenses for the month of May, there were a total of four, which included one burglary and three larceny thefts, for a year-to-date total of 25, with a clearance rate of 16%.

Part II offenses for the month of May, there were 12 incidents, which included four criminal mischief/vandalisms, one disorderly conduct, two DUIs, one liquor law offense and two harassment complaints and two others, for a year-to-date total of 55 of which 44 were cleared, with a clearance rate of 80%. The overall clearance rate is 60%.

Ambulance Service Report

Traci Cook provided a report for the month of May to Council and Mayor. There were a total of 109 calls in the month of May and 13 of them were in Dillsburg Borough, which include ten medical calls, two fire calls and one motor vehicle accident, for a year-to-date of 77 calls in the Borough of Dillsburg and a total of 510 for all municipalities.

She indicated the only time there will be a number in the missed call section is when she has a confirmation from York County which is given out quarterly.

She also indicated the end of the year reports will now become quarterly reports.

Fire Company Report

Citizens' Hose Fire Company – Deputy Chief Ed McCoy presented a report for the month of May to Council and Mayor. Mr. McCoy indicated for the month of May there were 39 runs; nine were in Dillsburg Borough, which included three medical assists, one motor vehicle accident, two automatic fire alarms, one standby, one (1) mulch and one call for fire police. He also presented a report with the membership responses for May.

He indicated as far as activities, it was a slow month and they stayed in the quarters due to high fuel pricing. They have been doing some in house training.

He indicated they had a water slide on Saturday during the Little League Championship in order to help cool off the kids and adults.

Council Member Kelley asked what “mulch” meant. Mr. McCoy stated there was some tanbark at the M&T Bank that started to burn.

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 May were \$43,228.41. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Council Member Baldwin 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.

Planning Commission Report

Mr. Allen Reeves indicated the Planning Commission met on May 28th and several items were on the agenda and discussed.

He indicated the owners of the property at the corner of Greenbrier Lane and Harrisburg Pike provided a proposal and they were willing to drop the requests for most of the variances and agreed to comply with the Borough ordinances. He stated the one waiver they wanted to keep was regarding the shared driveway, but they agreed to pave it. He indicated they agreed to have a drainage study done, move the fire hydrant and the utility pole and plant street trees. He indicated during the discussion it was pointed out to them that they would need several more variances that weren't thought of earlier and it's his understanding the Mikos' are going before the ZHB. Mr. Reeves stated he noticed there are "For Sale" signs up at the property. He indicated the PC had a generally positive response to their willingness to comply with the mass majority of problems.

Mr. Reeves indicated the PC reviewed and discussed the new plan from Mr. McNaughton. He stated the sketch plan was an improvement from the previous plans that had been submitted. He indicated there are still many details that need to be worked out.

Mr. Reeves indicated the Winfield project is still before the PC and nothing happened at the meeting.

Council Member Kelley asked if Winfield is still under the time extension and what the date is. Mr. Reeves stated yes and thought the deadline was August. Council Member Baldwin stated he thought it was the end of September beginning of October.

Logan Park Authority

Council Member Kelley indicated she didn't receive any updates but provided a brief recap of the last meeting. She stated they discussed what they would be contributing for the 175th Anniversary; the status of the barn and what needs to be done in order to move forward with the project; and the latest grant that was forwarded to them.

Dillsburg Area Authority

No one was present to report.

Engineer's Report

Borough Engineer Tim Knoebel wasn't present but provided Council and Mayor with a written report for May 2008 work performed.

Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report and had nothing to add.

Tax Collector

Cristina Speicher wasn't present and a written report wasn't provided.

Borough Staff Report

Borough Manager Deibler wasn't present but provided Council and Mayor with a written report.

PUBLIC COMMENT

Chris May, 24 Clemens Drive indicated his concern was the drainage issue to the rear of the units between Autumn Woods and Chestnut Hollow and asked if anyone had complained. Council Member Whitzel stated he had asked about this issue several times. Mr. May indicated he had pictures that were taken in 2004 and from the last storm on May 27th. He stated nothing had change as far as the flooding. Mr. May asked if the builder was going to do something at Chestnut Hollow. Council Member Whitzel stated the Borough Engineer indicated they had put ballast rock in there and that would solve the problem. He stated he had asked several times if this issue was cleared up and no one has come forward. Mr. May indicated someone had mowed the drainage easement today. He indicated he walked down through the drainage easement and stated there is an inlet structure with a grate on top with a heavy duty silt fence in it, which isn't allowing the water to drain through it. Council Member Baldwin asked if the drain is part of Autumn Woods or Chestnut Hollow. Mr. May stated it belongs to Chestnut Hollow. Council Member Baldwin indicated they could ask the developer to clean the drain out, but we don't have a say until the development is dedicated. Solicitor Allshouse asked what the status of Chestnut Hollow was and has the final plan been approved for Chestnut Hollow and Autumn Woods. Council Member Baldwin stated Autumn Woods has been dedicated to the Borough. Solicitor Allshouse recommended to the Council that Mr. May give his name and phone number to Secretary Beitzel and the information be forwarded to the Borough Engineer; let the engineer see the pictures and meet with Mr. May and the engineer write a letter to the developer explaining what they need to do to resolve the issue. Mr. May stated the engineer had been contacted. Solicitor Allshouse asked if anything was resolved. Mr. May stated no and was told to hold off until further stages of Chestnut Hollow were completed. Mr. May stated in 2004/2005, East Coast came back through and placed ballast rock in but since then everything has overgrown and there is nowhere for the water to go. Solicitor Allshouse asked when was the last time the engineer was contacted. Mr. May indicated it was approximately two years ago. Solicitor Allshouse stated he was guessing the engineer thinks it's resolved. Solicitor Allshouse indicated he wasn't trying to give Mr. May the run around but the Council Members don't know what to do to fix the problem because they aren't engineers; his suggestion to Council was to request the Borough Engineer to meet with Mr. May directly and report back at next month's Council Meeting as to the findings. Mr. May indicated right now it's a breeding ground for mosquitoes because it's always wet and not being taken care of. Solicitor Allshouse indicated his second recommendation is to get this done immediately and send a letter out to the developer stating there are flooding conditions and to clean out the drainage area. Council Member Baldwin asked if East Coast was the developer for Autumn Woods but not the developer of Chestnut Hollow. Mr. May indicated that was correct. He also indicated East Coast took care of Autumn Woods properly by putting in ballast rock. Solicitor Allshouse asked if both portions were problematic or just the one. Mr. May stated both.

Discussion. Solicitor Allshouse indicated his concern was there is probably a stormwater management easement from Chestnut Hollow to Autumn Woods, and the question is under the stormwater management easement agreement whose responsibility is it for the maintenance. There were several discussions among the Council members. President Griffin recommended Council have Borough Secretary/Treasurer Beitzel contact the Borough Engineer to meet with Mr. May to discuss the problem. He also indicated the Borough Engineer should decide whose problem it is and report back to Council at next month's meeting of his findings. President Griffin indicated to have Borough Engineer Knoebel put it on his high priority list because of the health issues with the mosquitoes.

Mr. Rudy Wolf, 50 Clemens Drive indicated the area behind his home was wetlands and had pictures showing swamp growth. He indicated in the middle of 24 and 50 Clemens Drive there is a stormwater sewer collection with a silt trap. Mr. Wolf indicated he didn't see the reason for that being there because the construction of homes above the drain area is finished. He also stated the silt trap is causing the water not to go down the drain and causes flooding in the yards.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Snyder had nothing to report

PRESIDENT'S REPORT

President Jeff Griffin announced the following events: June 10th - Graduation at Messiah College; June 14th - Work Day at the NYCHAPS Barn and anyone wishing to help should contact Mark Moore; June 18th - Support Group for families and friends of military personnel being held at the Franklintown Fire Company from 7:30-9:00 PM sponsored by the Student Center and NYCS, Inc.; June 19th - Representative Perry will be holding a town meeting at the Carroll Township Building beginning at 7 PM to discuss recent legislative issues; June 20th & 21st - Relay for Life Cancer Walk at Bostic Field; June 21st - Relay for Life 3rd Annual Car Show from 8 AM-1 PM; June 23rd - NYCS, Inc Summer Recreation Program begins; June 29th - the NYCS, Inc will be sponsoring a free family film at the Citizen's Hose Community Hall, doors will open at 1:30 PM and movie begins at 2 PM. President Griffin wished everyone a safe and happy July 4th. He indicated on June 15th, Vice President Ryder will be celebrating his birthday.

COMITTEE REPORTS

Public Works Committee

- A. Resolution 2008-7 - Participating in updating Transportation Element of the Northern York County Regional Comprehensive Plan (NYCRCP) - Vice President Ryder stated Dillsburg and Franklintown Boroughs and Carroll and Franklin Townships have adopted the Northern York County Regional Comprehensive Plan as a Multimunicipal Comprehensive Plan. The participants recognize that the Motor Vehicle Traffic portion of the Transportation Element

of the NYCRCP provides a valuable basis for future planning efforts and that motor vehicle traffic has been increasing at a substantial pace within the region. The Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Land Use Planning and Technical Assistance Program and the York County Planning Commission will make application for such a grant on our behalf. Participating Municipalities will be asked to allocate municipal resources to the said project. If the grant is approved, a committee consisting of representatives from each of the participating municipalities will then participate in the firm selection process. Vice President Ryder moved to adopt Resolution 2008-7, authorizing the participation in an intermunicipal, cooperative project to update the Motor Vehicle Traffic portion of the Transportation Element of the NYCRCP by authorizing York County Planning Commission to make application for such a grant on our behalf and allocating up to \$1,500.00 to said project. Vice President Ryder also moved to appoint Council Member David Baldwin as Dillsburg Borough's Representative on the Multimunicipal Transportation Committee. Motion was seconded by Council Member Whitzel. Roll call was taken and motion was carried unanimously.

- B. Discuss/Take Action – 30 Greenbrier Lane Subdivision Time Extension Request – Council Member Whitzel stated Mr. and Mrs. Daniel Mikos of 945 Mount Zion Road in Dillsburg, PA submitted a subdivision plan for 30 Greenbrier Lane to the Dillsburg Planning Commission in January of 2008. 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 Mr. & Mrs. Mikos requesting that a time extension of 90-days be granted in order for this situation to be resolved before further action is taken. Council Member Whitzel moved to grant a 90-day Time Extension valid through September 23, 2008 for the 30 Greenbrier Lane Subdivision Plan. Motion was seconded by Vice President Ryder. Roll call was taken and motion was carried unanimously.

Public Safety Committee

- A. Ordinance 2008-6 – Repealing Dillsburg Borough Code Chapter 6, Part 2, establishing a curfew for minors and providing penalties for the violation thereof. - Council Member Baldwin stated all York County Municipalities were asked by the York County Curfew Task Force to adopt countywide curfew standards and penalties. In response to the request Dillsburg Borough will enact a new ordinance that will repeal Dillsburg Borough Code Chapter 6, Part 2 and prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets or public places at night, for the protection of said minors in this Borough from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for said minors, for the protections of the public from nocturnal mischief by minors and for the reduction of the incidence of juvenile criminal activity, for the furthermore of family responsibility, and for the promotion of the public good, health, safety, and welfare of the residence of this Borough.

Council Member Baldwin moved to adopt Ordinance 2008-6, an ordinance of the Borough of Dillsburg, York County, Pennsylvania, repealing Dillsburg Borough Code Chapter 6, Part 2, establishing a curfew for minors and providing penalties for the violation thereof. Motion was seconded by Vice President Ryder. President Ryder indicated on the last page, under section four, #A, he didn't like the wording "shall be cited" because we shouldn't be telling the police how to do their jobs. Solicitor Allshouse indicated the crimes code says a police officer pulls someone over for speeding, they shall give you a speeding ticket, there still would be a discretion whether they charge you or not; even if the law says "shall". Vice President Ryder indicated he felt the "emergency errand" exception was a gray area. Solicitor Allshouse indicated under this ordinance the police would have the discretion to interpret the ordinance whether it's an emergency or not. Roll call was taken and motion was carried unanimously.

Administration Committee

- A. Resolution 2008-8 – Approving the submission of applications for funding to the York County Planning Commission - Council Member Kelley stated the York County Planning Commission Housing and Community Development staff announced the availability of application forms for public facilities, public services and planning projects proposed for funding under the 2009-2011 CDBG Three Year Project Plan. The Borough of Dillsburg has at least three projects that may be considered eligible under York County Planning Commission's 3-Year project plan. Council Member Kelley moved to approve Resolution 2008-8, approving the submission of applications for funding to the York County Planning Commission. Motion was seconded by Council Member Baldwin. Council Member Whitzel asked what the projects were. Vice President Ryder stated they were Curbs on North Second Street, ADA Improvements at the Borough Office and Blight of Properties. Council Member Baldwin stated they are listed under 8a of the June 3rd Committee Meeting minutes. Roll call was taken and motion was carried unanimously.
- B. Resolution 2008-6 – Transportation Enhancement Program - Council Member Kelley stated the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, approved August 10, 1995, provides for the reimbursement of a portion of costs of projects approved by Penn DOT. One of the projects approved by Penn DOT is the Revitalization of the first block of Baltimore Street, which is in the Borough, therefore, Council Member Kelley moved to adopt Resolution 2008-6, authorizing the Borough Council President or, in his absence, the Vice President and the Borough Manager to execute on behalf of the Borough and agreement between the Borough and Penn DOT for reimbursement under the SAFETEA-LU Act. Motion was seconded by Council Member Baldwin. Roll call was taken and motion was carried unanimously.
- C. Discuss/Take Action – Local Let and Waiver Requests – Council Member Kelley stated one of the next steps in the revitalization of the first block of Baltimore Street, would be to "let", or put out to the bid, the contract for the project. Approval from Penn DOT is needed in order to proceed. It has also been suggested that the Borough ask Penn DOT for a waiver from their "pre-

qualification of contractor and subcontractors”. If this waiver were to be granted, it would open up bidding to a larger field of contractors and will result in a more competitive bid. Therefore, Council Member Kelley moved to authorize Borough Council President Griffin to sign a letter to Penn DOT requesting approval to “let” the project and requesting a waiver from the prequalification of contractors and subcontractors. Motion was seconded by Vice President Ryder. Roll call was taken and motion was carried unanimously.

- D. Ordinance 2008-7 – Authorizing the entry into an Intergovernmental Cooperative Implementation Agreement – Council Member Kelley stated Northern York County Municipalities previously got together to adopt the Northern York County Regional Comprehensive Plan. The Intergovernmental Cooperative Implementation Agreement by and between the Boroughs of Dillsburg and Franklinton and the Townships of Franklin and Carroll will address the implementation of the Northern York County Regional Comprehensive Plan and will be adopted pursuant to the authority set forth in the Intergovernmental Cooperation Act of December 19, 1966, 53 Pa.C.S.A. and Article XI of the Municipalities Planning Code, as amended. It will also allow the Municipalities adopting the plan to take advantage of opportunities provided in the MPC. Council Member Kelley moved to adopt Ordinance 2008-7, authorizing the entry into an Intergovernmental Cooperative Implementation Agreement. Motion was seconded by Vice President Ryder. Council Member Kelley indicated she would like to have the opportunity to vote separately on the official map and not have this be applied to that vote as well. Vice President Ryder concurred with Council Member Kelley also. Roll call was taken and motion was carried unanimously.
- E. Ordinance 2008-5 – Amending Borough Code Chapter 13, Peddlers and Canvassers transient retail businesses, Part 1 – Council Member Kelley stated Dillsburg Borough Code Chapter 13, Part 1, provides regulations for Transient Retail Business in the Borough. Borough Council recently reviewed this ordinance and concluded that this section needed updated in order to comply with Federal Regulations. Council Member Kelley moved to adopt Ordinance 2008-5 Amending Borough Code Chapter 13, Part 1 which provides regulations for Transient Retail Business. Motion was seconded by Council Member Baldwin. Council Member Whitzel asked if nonprofit organizations would fit under Section C, item #4. Solicitor Allshouse indicated both item #2 & #4 deal with charitable and philanthropic purposes, so long as the nonprofit is established for a charitable purpose or a philanthropic purpose, which doesn’t believe a nonprofit in the state of Pennsylvania can be established for something other than that would fall under this section. He continued by stating he didn’t believe you could be a nonprofit and not have a charitable cause or fall under the Charitable Purpose Act in the state of Pennsylvania. Solicitor Allshouse indicated to be clear it could say “nonprofit” but everything should be covered in the language as set forth by the ordinance. Mayor Snyder asked if this also covers religious nonprofit organizations. Solicitor Allshouse stated it may or may not, for example you can have a religious nonprofit organization that’s not charitable. He indicated one of the requirements of the Pennsylvania Charitable

Purpose Act is conducting a religious function. Solicitor Allshouse indicated 99.9% of the things the Borough would run into are churches, and other nonprofits; Salvation Army, Goodwill and New Hope are all covered. He indicted something that wouldn't be covered would be something that was never thought of and in that case; it would have to be looked into as to what they actually do and why they are asking for it and make a determination. Solicitor Allshouse stated the minutes from the Committee Meeting and the Council Meeting are clear that it's the Council's intention to cover the nonprofits as well as the charitable. Roll call was taken and motion was carried unanimously.

- F. Discuss/Take Action – ZHB Appointment – Council Member Kelley stated because of the recent resignation of Douglas Boelhouwer, there is currently a vacancy on the Dillsburg Zoning hearing Board. Council has reviewed the names of available persons and has selected Gregory Wonders of 341 South Baltimore Street in the Borough to fill the vacant position. Council Member Kelley moved to appoint Gregory Wonders to the vacant position on the Zoning Hearing Board to fill the remainder of the term that expires on December 31, 2009. Motion was seconded by Vice President Ryder. Roll call was taken and motion was carried unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Vice President Ryder indicated he would be traveling to Somerset, PA to receive an award from PSAB on Tuesday, June 10th. He also stated on Monday, June 16th, he would be attending the monthly COG meeting and if the staff or Council has anything they would like to get rid of for the auction to let him know.

Council Member Whitzel indicated he would like to see the ordinance for the curfew is posted in the Dillsburg Banner. President Griffin stated it was advertised twice. Solicitor Allshouse asked if he wanted it advertised as being passed. Council Member Whitzel stated yes.

ADJOURNMENT

Since there was no further business, Council Member Baldwin moved to adjourn the meeting. Motion was seconded by Council Member Kelley. – Motion Carried. The meeting was adjourned at 7:58 PM.

Respectfully Submitted,

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse