

DILLSBURG BOROUGH COUNCIL MEETING
AUGUST 11, 2009 – 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, Hal Anderson, David Baldwin, Holly Kelley, John Richardson 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: Tony Baker from Citizens' Hose Fire Company, Chief Jack Francis from Carroll Township Police, Paul Reichart from the Patriot News, Mary Lou Bytof from the Dillsburg Banner, Dillsburg Area Authority Representative Brian Radcliffe and visitor, Andrew Paris.

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 called for an Executive Session to discuss litigation with no reason to reconvene. Chief Francis asked if Council would entertain him in an Executive Session after the police report in order to pass on information relating to some police investigations and contract issues. Council Member Richardson called for an Executive Session with the Police Chief; he stated they would have to reconvene the meeting. Council Member Zeiders moved to approve the agenda with two executive sessions added. Motion was seconded by Vice President Ryder. – Motion Carried.

APPROVAL of the MINUTES

July 7, 2009 Committee Meeting – Council Member Zeiders moved to approve the Committee Meeting minutes of July 7, 2009 as presented. Motion was seconded by Council Member Kelley. – Motion Carried.

July 14, 2009 Council Meeting – Council Member Baldwin moved to approve the Council Meeting minutes of July 14, 2009 as presented. Motion was seconded by Vice President Ryder. – Motion Carried.

DEPARTMENT REPORTS

Police Department Report

Chief Jack Francis reviewed the July 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 July were 102; which was three less than the same time period last year; year-to-date total was 641, which are 119 less than the same time period last year. There were eight reportable traffic accidents for the month of July; year-to-date total was 34, which is four more than the same time period last year. There were 33 traffic citations for the month of July; year-to-date total was 273, which are 67 greater than the same time period last year.

Part I offenses for the month of July, there were a total of eleven, which included one residential burglary and ten larceny thefts; year-to-date was 23, which seven of them were cleared by an arrest, with a clearance rate of 30%.

Part II offenses for the month of July, there were seven incidents, which included one criminal mischief/vandalism, one DUI, one liquor law offense and four miscellaneous; year-to-date was 50, which 41 were cleared by an arrest for a clearance rate of 82%. The overall clearance rate is 65%.

Council Member Richardson moved to adjourn the meeting for an Executive Session with the Police Chief, Borough Manager and Mayor at 7:08 PM. Motion was seconded by Council Member Zeiders. The regular meeting reconvened at 7:15 PM.

Ambulance Service Report

No one present to report.

Fire Company Report

Citizens' Hose Fire Company – Tony Baker presented a report for the month of July to Council and Mayor. Mr. Baker indicated for the month of July there were 36 runs; five were in Dillsburg Borough, which included three motor vehicle accidents, one medical assist and Station 64 manpower, for a year-to-date total of 33 in the Dillsburg Borough and a total of 216 for all municipalities. Mr. Baker indicated there were five failed incidents due to being in York City. He also presented a report with the membership responses for July.

He stated they are using the new radio system; the mobile units aren't in the apparatus but they are using the portable radios. He indicated the portable radios are working very well.

Mr. Baker commented on the storm which occurred on June 23rd. The Dillsburg Borough, Carroll and Franklin Township EMA and CERT teams were alerted. The headquarters was set up at Citizens' Hose and had approximately 30-45 personnel on standby.

Franklintown Fire Company – No one was present to report.

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 July were \$39,426.92. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member. President Griffin asked about the payment for Timothy Kohler, Dog Rescue service. Secretary/Treasurer Beitzel indicated it was for a particular dog was picked up several times and returned to the owner. She stated the owner of the dog was being charged for the full amount. Council Member Zeiders asked a question regarding the Occupancy/Construction Completion Permits and the dates listed. Secretary/Treasurer Beitzel indicated they were the permit numbers not dates. Vice President Ryder moved to approve the payment of all Unpaid Bills as amended. Motion was seconded by Council Member Baldwin. - Motion Carried.

Planning Commission Report

There was no meeting in July therefore there was nothing to report.

Logan Park Authority

Council Member Kelley indicated a full update will be provided at next month's workshop meeting.

Dillsburg Area Authority

Brian Radcliffe reported on the July 21st meeting. He indicated there wasn't any activity in the Borough.

He indicated most of the activity dealt with Presbyterian Homes Senior Living; the Monroe Township project, which is coming to a completion; and the Berkshire project, which there were five sewer connections and no water connections.

Mr. Radcliffe indicated the manhole risers which were put on according to Penn DOT's specs along Mountain Road need to be replaced due to putting on a thicker depth of paving. Penn DOT will take on the cost efforts for traffic control.

He stated DAA continues to review the engineering work on the waste water treatment plant upgrade.

He indicated DAA voted to donate \$125.00 to the National Night Out event.

Council Member Kelley asked if the risers were put in too low. Mr. Radcliffe indicated Penn DOT stated they were going to put down 1 1/2" of surface, but in some areas they exceeded the 1 1/2". Council Member Kelley asked if the cost was something DAA had to incur. Mr. Radcliffe stated yes, such as some labor cost and some material cost.

Engineer's Report

Borough Engineer Tim Knoebel provided Council and Mayor with a written report for work performed in July 2009. He stated they primarily worked on the 2009 Street Maintenance work, looking at some issues related to the developments and responded to some complaints which were filed with the Borough.

Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for work performed in July 2009 and had nothing to add.

Council Member Baldwin asked about item C: Telephone conversation with Franklin Township Solicitor regarding their pending police contract. Solicitor Allshouse indicated last month he received a call from the Solicitor from Franklin Township asking questions regarding the police contract; he did answer some general questions.

Tax Collector

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

Borough Staff Report

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

Council Member Kelley asked if the center lines were going to be painted on Greenbrier Lane. Manager Deibler stated no.

PUBLIC COMMENT

There was none.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Snyder had nothing to report.

PRESIDENT'S REPORT

President Griffin announced the following upcoming events: August 27-29: A timber framing workshop will be held at Dill's Tavern and for more information contact Sam McKinney at 432-4553; August 31: The first day of school, so drive carefully; September 7: The Borough Office will be closed for the Labor Day Holiday.

He reminded Council there is a seminar promoting Revitalization in Pennsylvania on September 15th and 16th at the Crown Plaza in Harrisburg; if anyone would like to attend to please let Secretary/Treasurer Beitzel know by August 21th.

President Griffin stated the Will Fisher Orchestra concert held on Saturday, August 8th was a huge success. He indicated there were approximately 150-200 people in attendance.

COMMITTEE REPORTS

Public Works Committee

- A. Discuss/Take Action – APS, Inc Payment for 2009 Street Maintenance – Vice President Ryder stated in May of 2009 the Borough contracted with Asphalt Paving Systems to complete the 2009 Alley Maintenance. The contractor has completed all work associated with the contract and the work has been inspected by KPI Technology. A request for payment has been received by the Borough in the amount of \$17,476.05 for 6,355 s.y. of material. The original contract price was for 5,630 s.y. of material at a cost of \$15,482.50. A difference in \$902.00 of the cost is from an additional 328 s.y. area being Micro-Surfaced. There is still a discrepancy with 397 s.y. of materials billed. KPI Technology recommends that Council authorize payment of \$16,384.50 at this time. Vice President Ryder moved to authorize that payment in the amount of \$16,384.50 for the 2009 Alley Maintenance work be forwarded to Asphalt Paving Systems. Motion was seconded by Council Member Anderson. – Motion carried.
- B. Discuss/Take Action – KimBob, Inc Payment for 2009 Street Maintenance – Council Member Anderson stated in April of 2009 the Borough contracted with KIMBOB, Inc. to complete the 2009 Street Maintenance. The contractor has completed all work associated with the contract. A request for payment has been received by the Borough in the amount of \$49,212.48. The original contract price was for \$39,557.70. The difference in cost is from additional base repair to several areas encountered during the project and an additional quantity of overlay paving. All work has been inspected in the field and verified by KPI Technology. The work is considered substantially complete and the contractor has provided a 2-year maintenance bond; however, the following items need to be addressed: 1) A drainage matter on Bomar Alley and 2) Curb work on West Hanover Street. Therefore, KPI recommends that Council retain \$2,800.00 until these issues are resolved and make a partial payment in the amount of \$46,412.48. Council Member Anderson moved to authorize that payment in the amount of \$46,412.48 for the 2009 Street Maintenance work be forwarded to KIMBOB, Inc. Motion was seconded by Vice President Ryder. Council Member Baldwin asked if \$2,800.00 was sufficient enough to correct the two problems. Engineer Knoebel stated yes, the amount would be more than adequate if the Borough needed to hire a contractor to complete the work. Engineer Knoebel stated he has been in contact with the contractor on both of the items; the contractor has been out to inspect the issues and feel the issues will be resolved. – Motion carried.
- C. Discuss/Take Action – Release Performance Bond for Mikos – Vice President Ryder stated last month, Jeannette and Daniel Mikos requested the release of their Performance Bond submitted to the Borough in February of 2009 in the amount of \$9,325.00. KPI inspected all work performed to date at the Harrisburg Pike and Greenbrier Lane location. KPI has completed the inspection and has recommended that Council consider the release of the financial surety in the amount of \$9,325.00 subject to Mr. & Mrs. Mikos providing the Borough with a maintenance bond or other form of financial surety in the amount of \$1,163.00 for a period of 18 months per the MPC. Vice President Ryder moved to authorize the release of the Jeannette

and Daniel Mikos Performance Bond for the property located at the corner of Harrisburg Pike and Greenbrier Lane submitted to the Borough in February of 2009 in the amount of \$9,325.00, subject to Mr. & Mrs. Mikos providing the Borough with a maintenance bond or other form of financial surety in the amount of \$1,163.00 for a period of 18 months per the MPC. Motion was seconded by Council Member Anderson. – Motion carried.

Public Safety Committee

- A. Discuss/Take Action – Carroll Township Police Contract – Council Member Baldwin stated Carroll Township presented Dillsburg Borough Council with a proposed 2010 Police Contract dated July 13, 2009. There is a 9% cost increase again this year. Dillsburg Borough Council has reviewed the proposal and is committed to providing police protection for the Borough in a manner consistent with the best interests of the Borough Residents. Council Member Baldwin moved to reject the terms of the proposed contract with Carroll Township Police for the year 2010, due primarily to the 9% price increase. Motion was seconded by Council Member Richardson. – Motion carried.
- B. Ordinance 2009-5 – Amend Chapter 8, Floodplains of the Borough Code – Council Member Richardson stated the Department of Homeland Security’s Federal Emergency Management Agency (FEMA) updated and amended the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM). This updated and amended information made it appropriate for FEMA to modify the Base Flood Elevations (BFEs) which became the new basis for floodplain management measures. The Borough’s Floodplain Ordinance must be brought up to date with these latest requirements, the National Flood Insurance Program (NFIP) and PA Act 166, The PA Floodplain Management Act. Council Member Richardson moved to adopt Ordinance 2009-5, Amending and Updating Chapter 8, Floodplains, of the Borough Code in order to be brought up to date with the current requirements. Motion was seconded by Council Member Baldwin. There was a lengthy discussion on the effective date and the Borough approving something that hasn’t been written yet. – Motion carried.

Administration Committee

- A. Discuss/Take Action – Tax Exoneration Request – Council Member Zeiders stated the Borough has received a request for Tax Exoneration for Per Capita and Occupation Tax from Tax Exoneration Case #2009-3. The request has been reviewed by the Borough Manager and the Tax Collector who concur that the applicant has met the requirements for tax exoneration. Council Member Zeiders moved to grant the request for 2009 Per Capita Tax and 2009 Occupation Tax Exoneration Case #2009-3 as submitted. Motion was seconded by Council Member Kelley. – Motion carried.
- B. Resolution 2009-3 – Recognition of Michael Whitzel – Council Member Kelley stated Michael Whitzel served the Borough of Dillsburg as a Council Member for over four years. He served on both the Public Safety Committee and the Public Works Committee. Borough Council wishes to recognize him for his service to the Borough of Dillsburg. Council Member Kelley moved to adopt Resolution 2009-3 recognizing Michael Whitzel for his service to the Borough of Dillsburg. Motion was seconded by Council Member Zeiders. – Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Vice President Ryder thanked Council and everyone who attended the National Night Out event on Tuesday, August 4th.

ADJOURNMENT

Since there was no further business, Vice President Ryder moved to adjourn the regular meeting and proceed with the Executive Session. Motion was seconded by Council Member Kelley. – Motion Carried. The meeting was adjourned at 7:47 PM.

Respectfully Submitted,

Debbi L. Beitzel

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse