

***DILLSBURG BOROUGH COUNCIL MEETING***  
***August 14, 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, David Baldwin, Kathryn Zeiders, Michael Whitzel and John Richardson. Also present were the following: Mayor Henry Snyder, Borough Solicitor Mark Allshouse, Borough Engineer Mike Begis, and Borough Secretary/Treasurer Debbi Beitzel.

Borough Manager Deibler was not present.

The following visitors were present: Ed McCoy from Citizens' Hose Fire Company #1, Keith Heckert and Randal Nisly from Citizens' Hose Company #1 EMS, Chief Jack Francis from Carroll Township Police, Andrea Ciccocioppo from the Patriot-News, Mary Lou Bytof from the Dillsburg Banner, the Borough's DAA Representative Brian Radcliffe, Planning Commission Representative Leon Zeiders, Steve Quigley of H. Edward Black & Associates, and Vernon Sealover of Sealover Group and Dillsburg Borough Residents Stacey Ryder, Tony Baker, Jeff Beitzel, Deb Weiser, John and Pat Bechtel, James and Phyllis Byers.

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

Council Member Zeiders moved to approve the agenda as presented. Seconded by Council Member Baldwin. – Motion Carried.

APPROVAL of the MINUTES

July 10, 2007 Council Meeting – Council Member Zeiders moved to approve the Council Meeting minutes of July 10, 2007 as presented. Seconded by Vice President Griffin. – Motion Carried.

August 6, 2007 Committee Meeting – President Ryder indicated on page seven, item #24, the next to last sentence should be deleted. Council Member Richardson moved to approve the Committee Meeting minutes of August 6, 2007 with corrections noted. Seconded by Council Member Baldwin. – Motion Carried.

DEPARTMENT REPORTS

*Police Department Report*

Chief Francis opened his report by introducing two new officers, Dave McCoy formerly from Mt. Holly Springs and Justin Rogerson formerly from Gettysburg. Chief Francis reviewed the July 2007 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 July were 84, which was two less than the same time period last year, year-to-date total 726, which was 78 more than the same time period last year. There were five traffic accidents for the month of July,

year-to-date 32, which was four less than the same time period last year. There were 26 traffic citations for the month of July, year-to-date 160, which were 58 less than the same time period last year.

Part I offenses for the month of July, there were a total of three, which included one commercial burglary and two larceny thefts, for a year-to-date total of 33. He indicated clearance rate was only 6%. Part II offenses for the month of July, there were nine incidents, which included seven criminal mischief/vandalisms, one disorderly conduct, and one harassment complaint, year-to-date 45 of which 27 were cleared, with a clearance rate of 60%. The overall clearance rate is 37%.

He indicated one individual was arrested and one warrant is out for other person involved in regards to the Gruber Pharmacy robbery. He also stated Mr. Tom Gruber acted in a heroic manner for what he did and his actions were directly responsible for the department making the criminal complaints.

Chief Francis indicated the National Night Out event was a big success. He estimated 450-500 people being in attendance. He thanked all those who donated items and participated in the event.

Council Member Zeiders asked what the difference between burglary and larceny was. Chief Francis indicated burglary is the entering of a building to commit a crime and larceny is the stealing of something. He also stated burglary is the more serious one of the two.

A Dillsburg Borough Resident asked what the painted lines on Ridgeview Drive were for. Chief Francis indicated they were put there to engage the officers to do speed checking. He also stated he received a list of some problem areas from the Borough Manager and would add Ridgeview Drive to that list. He indicated it's very difficult to enforce speed on the side streets, because the difficulty is getting there at the time the speeding is happening. Another Dillsburg Resident indicated the police officers have her permission to park in her driveway in order not to be seen. Chief Francis asked if the lines were still visible from the driveway. She indicated yes.

Council Member Richardson asked if the crosswalks at the square are flashing "Don't Walk" and a pedestrian does walk, is it open season. Chief Francis indicated if a pedestrian crosses against the "don't walk" sign and gets hit, there would be small evidence in favor of the driver. Chief Francis stated the sign in the streets doesn't indicate that pedestrians can just walk out into the street; the driver needs time to be able to stop. Leon Zeiders indicted a problem at the square has double jeopardy; the walk light is on, but the traffic can make a right or left-hand turn. Chief Francis indicated the traffic that has a green light in conjunction with a white walk light and there is a pedestrian in the crosswalk, the driver making the turn is obligated to stop.

President Ryder thanked the Carroll Township Police Department for the National Night Out Event.

#### Ambulance Service Report

Keith Heckert provided a report for the month of July to Council and Mayor. There were a total of 105 calls in the month of July and 22 of them were in Dillsburg Borough, which included 18 medical emergencies, one fire call, two motor vehicle accidents and one miss call. For year-to-date there were a total of 138 calls in the Borough of Dillsburg and a total of 781 for all municipalities.

#### Fire Company Report

Deputy Chief Ed McCoy presented a report for the month of July to Council and Mayor. Mr. McCoy indicated for the month of July there were 26 runs, for a year-to-date total of 232; nine were in Dillsburg Borough, for a year-to-date of 49, of which three

were medical assists, one control burn (trash barrel), three motor vehicle accidents, and two odor or gas in a building. He also presented a report with the membership responses, ranking for July and year-to-date totals.

He indicated the Fire Safety House was out at the National Night Out event and was very successful.

Mr. McCoy stated they have organized a support group and looking for additional memberships.

He also indicated the Fund Drive letter would be mailed out to the residents this month. He stated there have been some significant changes to the letter; it will be more of an eye catcher. Mr. McCoy indicated last year they averaged about 17% returned on the general and 3% on the businesses.

He indicated the Arial Truck had been inspected and would be out of service for a couple of days. The truck needed only some basic repairs and general maintenance.

Mr. Baker indicated the total funds raised for the Safety House was \$12,391.20 and Deputy Chief McCoy thanked the Borough for their contribution.

Council Member Whitzel asked what the width of the ladder truck is. Mr. McCoy and Tony Baker answered 12-feet. Council Member Whitzel asked what the width of the ladder truck is with the beams set up and the outriggers out. Mr. McCoy answered 14-feet.

President Ryder thanked the Citizens' Hose Fire Company and EMS for their participation in the National Night Out Event.

#### 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 would be \$52,151.48. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Council Member Richardson moved to approve the payment of all Unpaid Bills as presented. Seconded by Council Member Zeiders. Council Members Baldwin and Kelley abstained because of payments being made to a family member and/or family member's business. – Motion Carried.

#### Planning Commission Report

Leon Zeiders reported on the July 25, 2007 meeting. He indicated ECI is proposing to build a two-story 10,000 square foot building; the first floor will be rented to a medical group and the second floor isn't rented yet. He indicated there is an easement; there are two entrances onto Route 15; one entrance is owned by ECI and the other is owned by the Borough and the verbiage needs to be worked out to clear up the deeds. Mr. Zeiders indicated the first item is a waiver to change the Preliminary Plan to a Preliminary/Final Plan, which the Planning Commission has recommended the Borough Council to do and the second item the Planning Commission has recommended the Borough to approve is to allow ECI to go ahead with Phase 2 and subject to the developers satisfactory of meeting all the Borough Engineers comments according to the engineer's memo dated June 20, 2007 and subject to the satisfactory addressing the solicitor's requirements for the cross easement access easement to the Borough property and satisfactory addressing comments from York County Planning Commission.

Mr. Zeiders indicated the next item on the agenda was the Winfield Project. The first item the Planning Commission is recommending the Borough Council to approve is the Winfield Revised Final Subdivision Plans. The next item was the Preliminary Land Development Plans which the Commission isn't recommending approval from the Borough Council at this time. The third item was there are seven waivers that are being

requested from the developer. The fourth item was the Commission has suggested the Second Street connection of the two streets, there is a Winfield Drive and Second Street, both of them need to be complete to have a through foot access to the development. If Phase 1 is put in as its proposed right now, there would only be one access into the development at the present time. Because of this, the Planning Commission has asked there be an escrow account sufficient enough to pay for putting in Second Street in the event the project wouldn't get completed. He indicated the traffic study needs to be done. He indicated the Planning Commission has accepted the plan, but has been tabled.

#### Logan Park Authority

Council Member Kelley reported on Logan Park's monthly meeting held on July 18, 2007.

She indicated the playground equipment was professionally installed and ready for the National Night Out event.

She indicated there was an incident at the pavilion during the rental use from the Lion's Club; a member was standing on the seat of the picnic table and the seat flipped, so they are going to bolt down the seats.

Council Member Kelley stated there is a lockbox issue for the electric; it seems the combination lock had been change to something that LPA doesn't have access to.

She indicated the State grant funding would be less available in the future, so they are looking into some Federal grants.

She indicated Kornicopia was going to use the space at Farmer's Fair that has been allotted to Logan Park Authority.

Council Member Kelley stated the September meeting would be held at Dills Tavern beginning at 6:30 PM followed by the social at 7 PM. The change would be advertised to the public.

She indicated McCurdy's have some trees they are selling for a discount to plant in the park.

She indicated a water meter would be placed on the line so that LPA wouldn't be charged any sewer charges for the water used outside the building.

Council Member Kelley indicated there would be no December meeting and the next meeting would be held on August 15, 2007 at 7 Pm at the Carroll Township Building.

Vice President Griffin added LPA is beginning to receive restitution from Serradella for the damage that was done to the park.

#### Dillsburg Area Authority

Mr. Brian Radcliffe indicated he was reporting on the July 17<sup>th</sup> meeting.

He indicated the Authority had budgeted for five adapters for on the hydrants for this year which haven't been installed yet.

He indicated the Winfield Development nitrogen funding capacity agreement and the additional reservation that were put on hold have been approved. He also indicated they received Phase 1 water and sewer extension plans and have been reviewed by the Authority's engineer and comments have been provided back.

Mr. Radcliffe indicated a new biosolids disposal contract was awarded to Waste Management.

He also stated the waste water treatment facility's generator radiator needed to be repaired. He indicated it needed recoring due to having a leak and being 20 years old.

Council Member Whitzel asked how many hydrants in the Borough were getting pressure fittings. Mr. Radcliffe indicated he did not know. Tony Baker indicated he

talked with Sheldon Williams and was told that ten hydrants along Baltimore Street were getting the adapters.

John Bechtel, Autumn Woods Court, asked about the status of the Monroe Acres hook up. Mr. Radcliffe indicated he didn't have an answer because he was the Dillsburg Borough Representative.

#### Engineer's Report

Borough Engineer Mike Begis provided Council and Mayor with a written report for July 2007 work performed.

He indicated an additional item to add regarding Sheetz; as part of their Highway Occupancy Permit, they were required to get a concurrence from the Borough indicating the Borough had reviewed the HOP application being submitted. A letter was generated on Borough letterhead and submitted to Penn DOT requesting them to look at the area of concern (stormwater issue) as part of the HOP application process and asked President Ryder to sign on behalf of the Borough Manager's in her absence.

#### Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for July 2007 work performed. He indicated he dealt with some land development issues, which action was to be taken later on in the meeting, and some additional remaining issues on the Sheetz property. He also reviewed and suggested changes and revision to the Intergovernmental Comp. Plan agreement, which is the agreement the municipalities signed to make small amendments to the Regional Comp plan.

He also stated the Borough was involved in four district justice matters; two involving high weed growth and are scheduled later and two involving failure to inspect under the Landlord/Tenant ordinance and are scheduled for Wednesday, August 15<sup>th</sup>.

#### Tax Collector

Cristina Speicher wasn't present to give an oral report but provided Council and Mayor a written report.

#### Borough Staff Report

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

#### PUBLIC COMMENT

John Bechtel, 201 Autumn Woods Court, indicated he was there regarding a situation he had at his property relating to moving into his home September 2006; East Coast Contracting apparently didn't put a swale in and he was unaware that there was one to be placed on his property and they put a pipe underground that ran into the drainage system at the end of the property. He continued by stating the neighbors have problems with water gathering out behind their homes (203, 205, 207 & 209 AWC). He indicated he was approached by Larry Kostelac of ECC and stated his landscaping wasn't to the drawing approved by the engineers and had to put a swale in. He indicated he didn't want a swale in and didn't buy the property with one in. He contacted the Borough Manager and she had the engineer come out and inform him the swale was supposed to be there and showed him on the drawings. Mr. Bechtel asked the Council why they would allow a swale be put in that allows water to drain out over the pavement and go down into the drainage system. The problem with this was in the winter time, the sun came out and melted the snow and then in the evening the water would freeze and make

the sidewalk a hazardous place to walk. He also asked the status of the ECC turnover and the issues that are keeping the Borough from taking over the development and were the issues public information and would like to obtain a copy. Engineer Begis indicated the contractor put a piping system in which wasn't on the approved plans or approved by KPI and it didn't work. The developer was asked to submit KPI with some asbuilt plans for approval and required to rework the HOA documents because the access easements for maintenance to that and the responsibility for maintenance to the piping system, which isn't currently in the HOA documents or to repair the issue according to the approved plan. The developer decided to repair the matter. He also stated typically drainage from property do drain on the sidewalks and could have the developer take a look at that area. Mr. Bechtel again indicated he wanted his ground flat. Engineer Begis stated it's completed in accordance to the approved plans. Mr. Bechtel provided Council and Mayor with pictures and indicated the problem isn't resolved with the other property owners either. Council Member Zeiders asked if the drainage problem was fixed. Engineer Begis indicated a swale has been put in. Engineer Begis indicated a revised punch list would be worked on and resubmitted to the developer and the Borough Office. Mr. Bechtel asked if the punch list is public information. Engineer Begis indicated that it's submitted to the Borough Office and to check with the Borough Manager.

Discussion.

#### CORRESPONDENCE

Borough Secretary Treasurer Beitzel indicated the Relay for Life people sent a letter thanking us very much for the Borough's participation and the Borough's residents' participation in this event.

#### MAYOR'S REPORT

Mayor Snyder had nothing to report.

#### PRESIDENT'S REPORT

President Ryder opened his report by thanking the Council Members who went to the National Night out event.

President Ryder reminded Council, Mayor and other organizations about the Borough Fall Newsletter to be mailed out the first week of October and articles to be into the office no later than Friday, September 7, 2007.

President Ryder thanked all who attended the July 23<sup>rd</sup> Appreciation Dinner.

He indicated he and Council Member Richardson would be attending the West Shore Council of Governments Annual Picnic held at the Sunset Country Club in Middletown on Monday, August 20<sup>th</sup>.

He reminded everyone about the Regional Comp Plan meeting held on Monday, August 20 at the Carroll Township Building at 7 PM.

President Ryder also reminded everyone that the first day of school is Tuesday, September 4, 2007 and to be careful driving.

#### COMITTEE REPORTS

##### *Public Works Committee*

- A. Discuss/Take Action – Pennsy Supply, Inc. Payment for 2007 Street Maintenance - Council Member Whitzel stated in May of 2007, the Borough contracted with Pennsy Supply, Inc. for the amount of \$34,013.50 to complete the 2007 Street

Maintenance. The contractor has completed the work associated with the contract and KPI Technology has inspected that work. A request for payment for the completed work has been received by the Borough in the amount of \$34,088.84. KPI Technology has reviewed this request and recommended that payment in full be made. Council Member Whitzel moved to approve payment in the amount of \$34,088.84 for the 2007 Street Maintenance work be forwarded to Pennsy Supply, Inc. Seconded by Council Member Zeiders. Engineer Begis indicated an addition should be made with regards to the pending maintenance bond being submitted and satisfactorily reviewed by KPI. Council Members Whitzel and Zeiders amended their first motion to hold the payment until the maintenance bond is received and reviewed by KPI and the Borough Solicitor. – Motion Carried.

B. Discuss/Take Action – Winfield Land Development Waiver Requests – Council Member Zeiders stated the Planning Commission moved that the Winfield Land Development Waiver Requests should be reviewed and voted on by Borough Council before any further review of the plan occurs. Winfield has contacted the Borough and requested that seven (7) waivers be granted. The seven (7) waivers are detailed in the waiver request letter received from H. Edward Black and Associates on Winfield’s behalf and dated July 3, 2007. The seven (7) waivers are as follows:

1. Section 401.A.1 (Stormwater Management Ordinance). The plan clearly and legibly drawn at a maximum scale of fifty (50) feet to the inch. A waiver was requested in order to draw the plans at 1”=60’ so that the entire site may be shown on one (1) plan sheet.

Council Member Zeiders moved to approve Winfield’s request to waive the requirement, per Borough Code, Section 401.A.1. Seconded by Council Member Richardson. – Council Member Whitzel asked what the purpose of the change was for. Mr. Steve Quigley indicated the purpose of the change was so that the plan fit on one sheet rather than multiple sheets. Council Member Baldwin asked the Borough Engineer if this caused any problems. Engineer Begis stated that it actually helps facilitate the overall review. – Motion Carried.

2. Section 502.1.a.6 (SALDO) Private Streets not to be offered for dedication are prohibited. A waiver was requested to allow private access drives within the development. None of these access drives shall be used as through-roads. These access drives shall be maintained by the Condominium Association (Homeowners Association).

Council Member Zeiders moved to approve Winfield’s request to waive the requirement, per Borough Code, Section 502.1.a.6. Seconded by Council Member Richardson. – Council Member Whitzel asked how wide the private road was going to be. Mr. Steve Quigley indicated 30 feet. Council Member Whitzel asked what types of homes were being built on the private drives. Mr. Quigley indicated they would be single family attached dwellings. Council Member Whitzel asked the fire department representative if there were any safety factors for the people to move around the apparatus at 20 feet. Deputy Chief McCoy answered no. Council Member Kelley asked if there would be parking on both sides of the street. Mr. Quigley stated there would be no parking on either side. President Ryder asked who enforces no parking on a private street. Solicitor Allshouse indicated it is enforceable; the Homeowners Association would be the ones to call the police to have the vehicle ticketed to have it towed. Council Member Baldwin asked if the police could just go in and ticket the vehicles parked illegally. Solicitor Allshouse stated not on a non-public street. Council Member Whitzel asked the fire company representative if there was accessible

amount of room for another apparatus truck to pass by with the 30 foot street and the outriggers set up on the ladder truck. Deputy Chief McCoy answered no. Council Member Whitzel asked if all the roads had accesses from either direction. Mr. Quigley indicated the only one that didn't was Wheatly and what was proposed was to have access out to Bomar Alley for emergency purposes only. Mr. Quigley indicated it was recommended that the access be more in line with Butler Street, so that the equipment would be able to go straight through. Council Member Kelley asked how many private access roads there were. Mr. Quigley indicated the roads the houses front on are private access roads. Council Member Whitzel asked approximately how many miles of private access roads is there. Mr. Quigley estimated  $\frac{3}{4}$  of a mile or 3400 feet. President Ryder asked with parking on private streets, would there be a contract or agreement with Carroll Township Police to enforce the no parking. Mr. Quigley had to refer to Mr. Sealover. Mr. Sealover indicated it would be up to the Homeowners Association and what action they would want to take. Council Member Kelley asked how many overflow parking spaces there were and if the overflow parking would be a first come first serve basis. Mr. Quigley indicated there were a total of 39 spaces on site and yes, it would be first come, first serve. Council Member Zeiders stated there are 39 visitors' parking spaces for 120 units. Mr. Quigley answered yes, but there are total of 166 parking spaces in driveways, the 39 spaces in the visitors' areas, 22 spaces at the community center and the additional parking in the garages. He indicated for the 120 units including the community center, there are a total of 395 parking spaces. – Motion Denied (4 to 3 votes). Those who voted no were President Ryder, Vice President Griffin, David Baldwin and Michael Whitzel.

3. Section 502.1.e (SALDO) Curbs shall be provided and constructed in accordance with the Boroughs Ordinance and Specifications. A waiver was requested to allow the use of slant curbs only on the private access drives. Because of the close proximity of the driveways to each other, the use of slant curbs provides the curb line with a straight smooth appearance while avoiding multiple curb cuts and small lengths of dull height curb that may be hazardous to drivers and pedestrians.

Council Member Zeiders moved to approve Winfield's request to waive the requirement, per Borough Code, Section 502.1.e. Seconded by Council Member Richardson. – Council Member Kelley asked what the correct height of a curb and what would the variance be. Engineer Begis indicated the Borough Ordinance requires standard vertical curbs which are 8" and the reason for this request is to allow more of a smooth sidewalk instead of an up and down sidewalk. Engineer Begis indicated there is no benefit to the slant curbs over the vertical curbs on the Borough's behalf, but other municipalities have had complaints regarding residents going up and down on the sidewalks. Mr. Steve Quigley indicated it would be safer for walkers and the drivers backing out of their driveways. Council Member Whitzel asked if there would be any grass between the curb and the sidewalk. Mr. Quigley indicated that would be correct. Council Member Baldwin asked Engineer Begis if the current code is 18", why on the plans does it showed them going down 12". Engineer Begis stated on a vertical curb it is 18"; 10" below street level and 8" above street level. Discussion. – Motion Carried.

4. Section 502.1.j.2 (SALDO) Minimum sidewalk width in the right-of-ways width shall be 5 feet. A waiver is requested to allow four (4') foot wide sidewalks only on the private access drives. These walks are not

within any public right-of-ways and will be maintained by the Condominium Association (Homeowners Association).

Council Member Zeiders moved to approve Winfield's request to waive the requirement, per Borough Code, Section 502.1.j.2. Seconded by Council Member Richardson. – Council Member Whitzel asked the Solicitor if the Council didn't grant waiver for the private access drives, would the Council have to continue with this waiver. Solicitor Allshouse stated the waiver #3 that was approved applies only to private access drives, which there are no private access drives, #4 applies only to private access drives. He continued by indicating the waiver for private access drives was denied, Council can approve or deny it, but it only applies to private access drives. He stated in other words, unless private access drives shows up on the plans, #3 doesn't apply. Mr. Quigley asked if the private streets were at the regulation of 32', would the waiver be approved. Council Member Baldwin indicated they couldn't answer that. Council Member Whitzel indicated Council needed to discuss that further. Council Member Baldwin indicated the Planning Commission, Engineer and Solicitor need to review the matter. Borough Solicitor Allshouse indicated Mr. Quigley was looking for some guidance in order to move forward with the project. Council Member Baldwin indicated he was speaking for himself, and his concerns are the way it would be constructed, the width, parking issues, the emergency access, and having residents pay the Borough tax money and they also would have to pay to maintain their own streets. What would happen if the Homeowners Association goes default and the residents complain to the Borough when their private streets aren't maintained? Mr. Quigley indicated it was a legal question he was unable to answer. Council Member Whitzel asked why they had to have private streets. Mr. Quigley indicated the shape and ability to develop the property, the way to handle this was to have private streets. Council Member Baldwin asked why the buildings couldn't be moved back further. Mr. Quigley indicated they were trying to maximize as much open space as they could by keeping them close to the street. Borough Solicitor Allshouse directed the Council back to the waivers and stated the Planning Commission hasn't made any recommendations or review of this plan, they simply set up for approval of the waivers and suggested if Council had any specific questions regarding the plans, send them to the Planning Commission for their next meeting. Council Member Kelley asked if Council should take the recommendations to table all of the waivers. Solicitor Allshouse indicated Planning Commission stated there are waivers requested; and we want Council to rule on the waivers. Leon Zeiders indicated the Planning Commission could only look at the plans and say there are no private streets, the Council hasn't given any direction other than there would be no private streets; part of the direction has to be what Council would be willing to approve. - Motion Carried.

5. Section 502.a.p (SALDO) Proposed streets which are aligned with existing streets shall bear the name of the existing street. A waiver was requested from this requirement in order to allow the use of Winfield Drive. This issue had been discussed under the previously approved plan and the use of the name Winfield Drive was approved. The borough's letter of approval is on file.

Council Member Zeiders moved to approve Winfield's request to waive the requirement, per Borough Code, Section 502.a.p. Seconded by Council Member Baldwin. – Motion Carried.

6. Section 502 (SALDO) Minimum distance between center lines of intersections for minor roads (Barley Circle, Branfield Lane, Wheatley

Lane, to South Second Street and Barley Circle to Wheatley Lane). A waiver was requested from this requirement. These intersections with Winfield Drive are all controlled by stop signs and the clear sight triangles shown on the plan indicate that there was adequate visibility to see activity at or near a neighboring intersection.

Council Member Zeiders moved to approve Winfield's request to waive the requirement, per Borough Code, Section 502. Seconded by Council Member Richardson. – Council Member Baldwin asked what the minimum sight distance was. Engineer Begis indicated the waiver was for the distance between intersections. Mr. Quigley indicated all the sight triangles overlap in order to see the other activity at other intersections; these would be all stop sign controlled intersections. Discussion. - Motion Carried.

7. Section 403.g.6 (SALDO) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units depicted on the primary plan. A waiver was requested from this requirement for Phase 1, in which 27 units of the total 120 units are being constructed. The requirement for 25% would equal 30 units, however only the units on Lot 1 are being developed in Phase 1.

Council Member Zeiders moved to approve Winfield's request to waive the requirement, per Borough Code, Section 403.G.6. Seconded by Council Member Baldwin. – Council Member Whitzel asked what the benefit of this waiver was. Mr. Quigley indicated Lot #1 would be developed and an additional three lots out of the area would have to be developed, that is why the waiver is being requested to reduce the number. – Motion Carried.

Council Member Richardson indicated direction should be given to the developer regarding the width of the streets. Mr. Quigley indicated he would appreciate that and if direction could be given and direction on going to a 32' private access drive, which is the same requirements for Second Street, then could go back and discuss with the owner; otherwise we're looking at losing about 47-52 lots. Council Member Baldwin indicated why not go and ask for a waiver in the width of those streets and dedicate them instead of making them private. Mr. Quigley indicated the difference is with the setbacks issues on the roads. He stated if they went with public streets the width would be a 32' wide road, which would mean a 52' right-of-way; 47-52 units would be lost. Council Member Baldwin asked if they could change the setbacks to accommodate the lost. Mr. Quigley indicated they could. He also indicated they would have to come back with a new request and would the Council be in favor of a narrower right-of-way. Solicitor Allshouse indicated it would be a zoning issue. Council Member Baldwin stated to set different setbacks, narrower right-of-ways and dedicated streets. Council Member Zeiders ask what setback the developer was looking at. Mr. Quigley indicated there are no setbacks because there were private streets. Discussion. Mr. Radcliffe asked if Council reduces the setback would that be a precedent for other developers. Solicitor Allshouse stated no and indicted precedent isn't set by giving an exception to one individual based upon their individual circumstances. If there is no reason to do it; they just ask for it, when they could clearly meet the code; then a precedent might be set. Mr. Vernon Sealover indicated the waivers that were requested were reasonable and would make this project move forward. He indicated this project had been in the works for six years and by denying that public street waiver, he's losing 51 units and would be bankrupt. He would

appreciate and asked the Council to reconsider this. Mr. Sealover indicated five of the waivers were originally on the other plan and the other two were errors that needed to be corrected in accordance with the Borough ordinances and were put in there as a corrected measure.

- C. Discuss/Take Action – ECI Waivers – Council Member Whitzel stated the Planning Commission moved that ECI must request the Borough Council to waive the requirement that a Preliminary Land Development Plan be submitted and approved before consideration of a Final Plan. ECI has contacted the Borough and requested that a waiver to Section 22-403 of the Borough’s Subdivision and Land Development Ordinance Code be granted. Council Member Whitzel moved to approve ECI’s request to waive the requirement, per Section 22-403 of the Borough’s Subdivision and Land Development Ordinance Code, that a Preliminary Plan be submitted and approved before consideration of a Final Plan. Seconded by Council Member Zeiders. – Motion Carried.
- C2. Discuss/Take Action – ECI Sewage Planning Exemption – Council Member Whitzel moved to approve the Sewage Planning Exemption for submission to DEP upon the receipt of a letter of adequate capacity from the Dillsburg Area Authority. Seconded by Council Member Zeiders. – Motion Carried.
- D. Discuss/Take Action – ECI Preliminary/Final Land Development Plan - Solicitor Allshouse indicated the motion listed in 11D failed to take in consideration the information previously provided with regards to working out the easement language and location for the secondary or the movement of the easement which would be approved by the Solicitor and KPI. The memo of KPI dated July 20, 2007 section 13, merely states there has been discussion that there may be an existing access easement across the property on from Church Street to the Borough maintenance building. Indeed, the Planning Commission recommended the issues with regards to that easement’s placement and notation on future recording of maps should be left to the Borough Engineer and Borough Solicitor. Solicitor Allshouse suggested adding to any motion a recommendation that the language and placement of the easement from Church Street to the Borough maintenance building be approved by both the Borough Engineer and Borough Solicitor. Council Member Whitzel asked if it would be better to table the motion and get the correct language in place. Borough Solicitor indicated it didn’t need to be tabled; the Planning Commission made the recommendation, it just didn’t make the agenda. Council Member Baldwin asked if their consideration is to move that right-of-way to another location. Solicitor Allshouse indicated that was correct; the right-of-way would move from one side of the building to the other side of building and running closer to Route 15 into the horseshoe. Solicitor Allshouse read a proposed motion; Council Member Zeiders moved to approve the Preliminary/Final Land Development Plan for ECI subject to the conditions as outlined in the memorandum from the Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated July 20, 2007 and subject to the recommendation of Dillsburg Borough Planning Commission with regards to the access easement extending from Church Street to the Borough maintenance building which location and description and the notation on the map shall be approved by the Borough Engineer and the Borough Solicitor. Borough Council will sign the plan after all conditions have been met. Seconded by Council Member Baldwin. – Motion Carried.

Public Safety Committee

- A. Discuss/Take Action – NYRPD Document Execution – Council Member Richardson moved that Council President Mark Ryder execute the documents discussed in the executive session for litigation held on July 10, 2007 following a regularly scheduled public meeting of the Dillsburg Borough Council. Seconded by Council Member Baldwin. – Motion Carried.

Administration Committee

- A. Discuss/Take Action – Ordinance 2007-7 - Amend Tax Appeal Process – Vice President Griffin stated in reviewing the Borough of Dillsburg’s Taxation Ordinances it was decided that some updates were required. Amendments and adjustments to the administrative processes available to receive and make determinations on petitions from taxpayers relating to the assessment, determination or refund of an eligible tax. Vice President Griffin moved to adopt Ordinance 2007-7, Amending Chapter 24, Part 5, Section 10, Local Taxpayers Administrative Appeals, of the Borough Code. Seconded by Council Member Kelley. – Motion Carried.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Council Member Whitzel indicated he would like to see the Borough look into a Jake brake ordinance becoming a Borough ordinance; with the speed limits in town it’s not necessary for Jake brakes’ to be used. He would like to add this item to the workshop session agenda.

He also indicted he would like to see the Borough put on the referendum for this year regarding a fire tax. He stated up to three mills you could do it without a referendum, but after that you need one. This would be to help support the local fire companies, Citizens’ Hose Co #1 and the area fire companies. Council Member Whitzel indicated if a referendum doesn’t have to be done for less than 3 mills, he would like to see a fire tax in the Borough.

President Ryder indicated he worked on his first item several years ago; it failed because Penn DOT wouldn’t improve the grade on Baltimore Street. Discussion.

Council Member Zeiders asked the Council if they would like to be involved in the 2008 Relay for Life event. President Ryder stated he would be more than happy to participate.

Vice President Griffin indicated on Saturday, August 18<sup>th</sup>, the NYCSF is holding a yard sale at the Sports and Learning Center from 8 AM to 3PM. The fire company is also helping out and will have displays set up.

Vice President Griffin also stated on September 8, 2007, there will be an All-You-Can-Eat breakfast held at the Citizens’ Hose Fire Company is sponsoring along with NYCSF. The breakfast will be held from 6-10 AM.

Vice President Griffin indicated on September 21 & 22, 2007 the Fire Company would be sponsoring an Old Fashion Carnival for the NYCSF at the Old Giant store and from 4-10 PM.

Council Member Whitzel asked if the fire company would supply the numbers from their solicitation drives for the last five years and see that the Borough Manager receives that information.

ADJOURNMENT

Since there was no further business, Council Member Baldwin moved to adjourn the meeting. Seconded by Council Member Zeiders. – Motion Carried. The meeting was adjourned at 9:01 PM.

Respectfully Submitted,

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Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members  
Mayor Snyder  
Tim Knoebel  
Mark Allshouse