

**DILLSBURG BOROUGH COUNCIL MEETING**  
**SEPTEMBER 8, 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 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.

Council Member John Richardson wasn't present.

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 Planning Commission Representative Leon Zeiders.

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 Zeiders requested item 13B – Recognition of Michael Whitzel be removed from the agenda due to Mr. Whitzel wouldn't be present. Vice President Ryder moved to approve the agenda with one deletion. Motion was seconded by Council Member Zeiders. – Motion Carried.

APPROVAL of the MINUTES

August 3, 2009 Committee Meeting – Council Member Zeiders moved to approve the Committee Meeting minutes of August 3, 2009 as presented. Motion was seconded by Council Member Baldwin. – Motion Carried.

August 4, 2009 Special Council Meeting – Council Member Zeiders moved to approve the Special Council Meeting minutes of August 4, 2009 as presented. Motion was seconded by Council Member Kelley. – Motion Carried.

August 11, 2009 Council Meeting – Council Member Baldwin moved to approve the Council Meeting minutes of August 11, 2009 as presented. Motion was seconded by Vice President Ryder. – Motion Carried.

DEPARTMENT REPORTS

*Police Department Report*

Chief Jack Francis reviewed the August 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 August were 117; which was six more than the same time period last year; year-to-date total was 758, which are 113 less than the same time period last year. There were 11 traffic accidents for the month of August, two were reportable and nine were non-reportable; year-to-date total was 45, which is eight more than the same time period last year. There were 48 traffic citations for the month of August; year-to-date total was 321, which are 86 greater than the same time period last year. Chief Francis indicated there was a new category MCSAP, which means Motor Carrier Safety Assistance Program. He stated this was the for truck inspections.

Part I offenses for the month of August, there were a total of ten, which included three residential burglaries, six larceny thefts and one motor vehicle theft; year-to-date was 33, which twelve of them were cleared by an arrest, with a clearance rate of 36%.

Part II offenses for the month of August, there were ten incidents, which included one DUI, three drug offenses, one fraud offense and four miscellaneous; year-to-date was 60, which 51 were cleared by an arrest for a clearance rate of 85%. The overall clearance rate is 67%. He indicated there was some press releases regarding the drug arrests and indicated they continue to work on this case.

Vice President Ryder asked if the department was gearing up for Farmers' Fair. Chief Francis indicated there might have been a concern regarding the signs. Vice President Ryder stated he had an inside contact at Penn DOT and to let him know if there are any problems. Chief Francis indicated he isn't anticipating there will be any problems. Vice President Ryder asked if they would still be receiving three message boards. Chief Francis stated there are a total of six; one arrow board and five message boards.

#### Ambulance Service Report

No one present to report.

#### Fire Company Report

**Citizens' Hose Fire Company** – Tony Baker presented a report for the month of August to Council and Mayor. Mr. Baker indicated for the month of August there were 38 runs; nine were in Dillsburg Borough, which included one motor vehicle accident, four medical assists, one commercial fire, one AFA, one vehicle fire and one failed call due to no responders, for a year-to-date total of 42 in the Dillsburg Borough and a total of 254 for all municipalities. He reported there were six failed calls for the month of August; for a total of 32 for the year. Mr. Baker indicated the vehicle fire was on Welty Avenue and the personnel on board responded well and did an outstanding job. He also commented on how well the personnel handle the incident in Carroll Township on Sunday at 9:22 am. Council Member Kelley asked why there were 11 responders to the medical assist on Beaver Street. Mr. Baker stated the 11 is total manpower, five responded and six others showed up at the incident. Manager Deibler asked if this was to help the EMS. Mr. Baker stated yes, it could have been anything from EMS needing help to lift the patient, cardiac arrest, or possibly being out at another incident. Manager Deibler asked if EMS paid the fire personnel for this. Mr. Baker stated no. He also presented a report with the membership responses for August.

He stated they are gearing up for Farmers' Fair and preparing the schedule for Fire Prevention. He indicated they had several new personnel joined the department. He indicated some had their credentials and some didn't; so they are getting them trained.

Council Member Anderson asked how they recruit members to join the fire department. Mr. Baker stated the recruitment retention isn't very strong at this time; primarily they obtain personnel by individuals moving into the area, talking with friends or through the schools. Council Member Anderson asked if the young men had uniforms. Mr. Baker stated yes. Council Member Anderson asked if the gear was supplied or did they have to purchase them. Mr. Baker indicated turn out gear and training is provided. Council Member Anderson asked if the department had anything planned for Fire Prevention month in October. Mr. Baker stated yes; he was putting the schedule together at this time.

**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 August were \$42,433.23. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member. Council Member

Zeiders moved to approve the payment of all Unpaid Bills as amended. Motion was seconded by Vice President Ryder. Council Members Kelley and Baldwin abstained due to a payment be made payable to themselves. - Motion carried with a 4 in favor and 2 abstention votes.

#### Planning Commission Report

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

#### Logan Park Authority

Council Member Kelley indicated Council was updated on the walking path at the last meeting by Sam McKinney. She also indicated LPA would be represented by Kornucopia at Farmers' Fair.

#### Dillsburg Area Authority

Brian Radcliffe reported on the August 18<sup>th</sup> meeting. He indicated there wasn't any activity in the Borough.

He indicated the Monroe Township and Berkshire Hills project is complete.

Mr. Radcliffe indicated the repairs on Mountain Road with the manhole covers are complete.

He indicated the reservoir closure project which is no longer need; they are in the process of decommissioning the reservoir. DAA had been able to save most of the budgeted allotment of \$15,000.00 due to the staff working on the project.

Mr. Radcliffe stated after extensive discussions regarding the membrane vial reactor proposal and the means to upgrade the plant. A funding program was in place base upon the development activity which was going on and was planned and in the works and hoping for some grant money. He indicated basically with the economy change; the whole bottom drop out of the process for funding of the plant. He stated the board made a decision to postpone the indefinitely the membrane vial reactor project as part of the upgrade. Mr. Radcliffe stated DAA received notification of the grant award which was \$611,038.00, which is less than 10% of what was requested. They are trying to apply the money to be able to modify upgrade to the plant.

#### Engineer's Report

Borough Engineer Tim Knoebel provided Council and Mayor with a written report for work performed in August 2009. He stated they had some last review items regarding both parts of the street projects.

He stated they reviewed the Chestnut Hollow Final Plan for Phase 2 and some of the draining issues which remain unresolved in Phase 1.

He indicated he reviewed some of the Mikos' matters and other general issues.

#### Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for work performed in August 2009 and had nothing to add other than some questions in regards to the South Mountain Development issues. He stated the attorney from the South Mountain Project said they are currently seeking a revised traffic study. Once, they received the study, they would be happy to come and talk with the Council and discuss their current plan.

President Griffin asked about the Steven's code violation. Solicitor Allshouse stated its part of the Borough ordinance. Council Member Kelley asked what Act 45 was. Solicitor Allshouse stated it is part of the same thing. Solicitor Allshouse stated this has been going on for approximately three months. He stated there is an issue with enacting of a Borough ordinance versus the UCC's power to dominate any enacted ordinance. When the existing ordinance was enacted and whether it surpassed by the UCC by adoption of the UCC

ordinance. An issue came up regarding whether the Borough properly passed or needed to re-pass an existing ordinance when the UCC was adopted.

Tax Collector

Cristina Speicher wasn't present nor provided Council and Mayor with a written report.

Borough Staff Report

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

PUBLIC COMMENT

Mary Lou Bytof indicated on behalf of Dr. Bytof he would like to know about the ordinance which restricts him from putting an awning onto his building and asked if the ordinance is outdated. President Griffin stated he did talk with him and told him he would have to go before the Zoning Hearing Board. Mrs. Bytof asked when the ZHB met. President Griffin stated whenever they have a request. Manager Deibler stated she also talked with Dr. Bytof.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Snyder stated he received an email from Gary Shenk, past State President of the Pennsylvania Elks State Association. He indicated he would like to meet with him and discuss the possibility of instituting an Elks Lodge within the Dillsburg area. Mr. Snyder stated he would set up a time to meet and report back to Council as to what had transpired.

PRESIDENT'S REPORT

President Griffin announced the following upcoming events: September 19: Clean-up day at the Maple Shade Barn begins at 9 AM; September 25: New Hope Ministries will hold its 11th Annual Golf Tournament at the Range End Golf Club in Dillsburg. The cost is \$80 per player. If anyone is interested in having a team, contact their Executive Office at 717-432-2087; October 2: First Friday at Dill's Tavern returns; October 3: NYCHAPS is sponsoring the John Eaken Trio in the Tavern Ballroom beginning at 4 PM. Tickets are \$10 per person and can be purchased at the Book House, Maple Shade Gift Shop or any NYCHAPS event; October 3: Franklin Township will be celebrating their 200<sup>th</sup> anniversary at Ponderosa Park; October 3: York County 911 is having an open house from 12-7 PM at their office on 120 Davies Drive.

He stated for Council, the 4<sup>th</sup> Annual Pandemic Influenza Summit is being held on October 22<sup>nd</sup> at the Holiday Inn in York from 8 AM to 4 PM. If interest in attending, please RSVP by October 7<sup>th</sup>.

President Griffin reminded everyone trash will be picked up on Thursday, September 10 due to the Labor Day holiday.

He stated Senator Vance is having an Octoberfest on October 4<sup>th</sup> and if anyone is interested in attending, please let him know to get tickets.

He stated the York County Victory Dinner is being held on October 8<sup>th</sup> and if anyone is interested in attending, please let him know to get tickets.

## COMMITTEE REPORTS

### Public Works Committee

- A. Discuss/Take Action – Dillsburg Borough Hometown Streetscape Project - Vice President Ryder stated the Commonwealth of Pennsylvania's Department of Transportation rejected all bids received by the Borough on August 4, 2009 for the Streetscape project. Therefore the project must be rebid. Vice President Ryder moved to authorize Manager Deibler and Lobar Associates to advertise the Invitation to Bid documents per Pennsylvania Department of Transportation's 'Procedures for the Administration of Municipal Projects Publication 39'. Motion was seconded by Council Member Anderson. Mayor Snyder asked why it was rejected. Council Member Baldwin stated there was one form missing from the document. – Motion carried.
- B. Discuss/Take Action – KimBob, Inc Balance of 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 and a request for payment was received in August by the Borough in the amount of \$49,212.48. At that time, the work was considered substantially complete and the contractor has provided a 2-year maintenance bond; however, two items need to be addressed. Those items have now been addressed and KPI recommends that Council pay the outstanding balance of \$2,800.00. Council Member Anderson moved to authorize that payment in the amount of \$2,800.00 for the remaining balance due to the 2009 Street Maintenance work be forwarded to KIMBOB, Inc. Motion was seconded by Vice President Ryder. Vice President Ryder asked Engineer Knoebel if he was satisfied. Engineer Knoebel stated yes. – 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 was a 9.36% cost increase. Dillsburg Borough Council reviewed the proposal in August and rejected the terms of the proposed contract with Carroll Township Police for the year 2010, due primarily to the price increase. Carroll Township Supervisors were notified of this decision. Dillsburg Borough and Carroll Township representatives met at the end of August to discuss and try to negotiate an agreement. Carroll Township Supervisors presented the Borough with a new proposal on September 1, 2009. The proposal had an increase of 8.96% for 2,964 hours for the year (or 57 hours per week) or an increase of 10.41% if the number of hours is adjusted. Vice President Ryder called for an Executive Session at 7:40 PM to discuss contract negotiations and return to the public session with a decision. The public session reconvened at 7:50 PM. Council Member Baldwin moved to table a vote at this time on the police contract due to discussion in executive session. Motion was seconded by Vice President Ryder. – Motion carried.
- B. Discuss/Take Action – Fire Police - Council Member Baldwin stated it is a difficult task to find volunteers. At numerous emergencies and events, lack of qualified volunteers is a common occurrence. Dillsburg Borough is working and cooperating with other Municipalities to correct this problem. Council Member Baldwin moved that Dillsburg Borough Council authorize our Borough's Special Fire Police to assist the following Municipalities' Fire Police during emergencies and at authorized events: Franklintown Borough, Monaghan Township, Wellsville Borough, Dover Borough, Reading Township and Newberry Township. Motion was seconded by

Vice President Ryder. Council Member Anderson asked if the Borough assumes any liability. Manager Deibler stated yes. – Motion carried.

- C. Discuss/Take Action – Setting of Trick-or-Treat – Council Member Baldwin stated each year the Borough designates the official date of the Trick-or-Treat festivities within the Borough. In consideration of the many factors and in conjunction with the majority of surrounding municipalities, the Borough desires to set a specific date and time for the occasion. Council Member Baldwin moved to set the official 2009 date and time of Trick-or-Treat in the Borough of Dillsburg for Thursday, October 29, 2009, from 6:00 P.M. until 8:00 P.M. Motion was seconded by Council Member Kelley – Motion carried.

Vice President asked why Franklin Township and Warrington Township weren't listed on the fire police motion. Manager Deibler stated they don't have their own fire police.

#### Administration Committee

- A. Discuss/Take Action – Approval of Municipal Pension Funding - Council Member Zeiders stated each year the Borough determines the specific funding necessary to meet its financial obligation for funding of the Non-Uniform Employees Pension Fund. The Borough Manager, along with the Actuary, has determined that the Minimum Municipal Obligation (MMO) for 2010 should be \$6,019.00. This funding obligation will be met through a combination of State and Borough funds. The obligation will become part of the Pension Plan calculations for 2010 and will also be considered as a General Fund expense for the Borough Budget. Council Member Zeiders moved to approve the specific funding for the 2010 MMO for the Borough Non-Uniform Employees Pension Fund in the amount of \$ 6,019.00. Motion was seconded by Council Member Kelley. – Motion carried.
- B. Recognition of Michael Whitzel – This was removed from the agenda due to Mr. Michael Whitzel wasn't present.
- C. Resolution 2009-10 – Recognition of Franklin Township - Council Member Kelley stated Franklin Township is celebrating the momentous occasion of its two hundredth anniversary. Originally part of Monaghan Township, the petition for the new township was signed in 1809 and began with a population of less than 200. Throughout the years, Franklin Township has strived to preserve the traditions of the past while encouraging the growth of the community and now has a population of over 4,500. Franklin Township has been fortunate to have civic leaders and citizens that have helped the municipality become a presence in the area. The Dillsburg Borough Council would like to congratulate Franklin Township and offers best wishes for growth and prosperity in the years to come. Council Member Kelley moved to adopt Resolution 2009-10, recognizing Franklin Township for its 200<sup>th</sup> anniversary and direct that a copy of the document be transmitted to Franklin Township during its anniversary celebration. Motion was seconded by Council Member Zeiders. – Motion carried.

#### OLD BUSINESS

There was none.

#### NEW BUSINESS

There was none.

ADJOURNMENT

Since there was no further business, Vice President Ryder moved to adjourn the regular meeting. Motion was seconded by Council Member Kelley. – Motion Carried. The meeting was adjourned at 7:57 PM.

Respectfully Submitted,

*Debbi L. Beitzel*

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members  
Mayor Snyder  
Tim Knoebel  
Mark Allshouse