

**DILLSBURG BOROUGH COUNCIL MEETING
SEPTEMBER 14, 2010 – 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 Holly Kelley, Hal Anderson, David Baldwin and Matt Fawber. Also present were the following: Mayor Henry Snyder, Borough Engineer Mike Begis, Solicitor Stacie Ritter, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

John Richardson and Kathryn Zeiders were absent.

The following visitors were present: Tony Baker and Dave Thompson from Citizens' Hose #1, Chief Jack Francis from the Carroll Township Police Department, Paul Reichart from the Patriot News, Mary Lou Bytof from the Dillsburg Banner, DAA Representative Mervin Ice, YCBA & CAPCOG Representative Mark Ryder, Scott Shughart from Dillsburg Senior Center, Larry Klase from NYCHAPS, Logan Park Authority Representative Adrian Piechowicz and Dillsburg Borough Resident Deb Weiser.

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 Baldwin moved to approve the agenda as presented. Motion was seconded by Vice President Kelley. – Motion carried.

APPROVAL of the MINUTES

August 2, 2010 Committee Meeting – Council Member Anderson moved to approve the Committee Meeting minutes of August 2, 2010 as presented. Motion was seconded by Council Member Fawber. – Motion carried.

August 10, 2010 Council Meeting – Council Member Anderson indicated on page six, the twelfth line down, the work "bitter" should be "better". Council Member Baldwin moved to approve the Council Meeting minutes of August 10, 2010 as corrected. Motion was seconded by Vice President Kelley. – Motion carried.

DEPARTMENT REPORTS

Police Department Report

Chief Francis reviewed the August 2010 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 97; for a year-to date total of 835, which was 77 more than the same time period last year. There were five traffic accidents for the month of August; two reportable accidents and three non-reportable accidents; for a year-to-date total of 36. There were 13 traffic citations for the month of August; for a year-to date of 202.

Part I offenses for the month of August there was one assault and one larceny theft for a year-to date total of 19; which eleven were cleared by an arrest; with a clearance rate of 57%.

Part II offenses for the month of August, there were four incidents, which included one criminal mischief/vandalism, two DUI and one drug offense; which were all cleared by an arrest, for a year-to-date total of 58 cleared by an arrest; for a clearance rate of 85%. The overall clearance rate is 79%.

Chief Francis announced he would be retiring on October 29, 2010. He thanked Council Member Baldwin and Richardson for their efforts regarding the police contract for 2011, which is on the agenda. Council Member Baldwin indicated Council would discuss at their next workshop meeting in October.

Council Member Anderson stated over the last year the traffic citations dropped from 321 to 202, which is a difference of 119; he asked if the chief knew why? Chief Francis stated there have been a handful of cases in the borough, which don't show in the numbers but they are cases that required ongoing investigations and interviews which take up the Borough's time reducing the time for ticketing.

Vice President Kelley asked what the status about possibly placing cameras in Quay Park. Chief Francis stated they did make an arrest for the vandalism. He stated he spoke with Manager Deibler regarding cameras, the cameras are very expensive and if the Borough would want them the Borough would have to invest in them. Vice President Kelley asked if a camera would be beneficial to the department. Chief Francis indicated if the Borough bought one the Borough would own it, so the police department would place it where the Borough wanted it. Chief Francis stated the officers are familiar with the local trouble makers and that photographs would be beneficial.

Ambulance Service Report

Traci Cook provided a written report for the month of August 2010 to Council and Mayor, but wasn't present to report.

Fire Company Report

Citizens' Hose Fire Company #1 – Tony Baker provided a report for the month of August 2010 to Council and Mayor. He indicated for the month of August there were 43 runs; eight were in Dillsburg Borough; for a year-to-date total of 57 in Dillsburg Borough and a total of 289 for all municipalities. He also presented a report with the apparatus responses, the incident types and the membership responses for August. Mr. Baker indicated there were no failed calls for the month of August.

Mr. Baker indicated they are gearing up for Farmers' Fair by doing some cosmetic things to the building. Manager Deibler stated the building does look good.

Mr. Baker indicated the fund drive campaign has begun and was mailed out to the residents.

Franklinton Fire Company – A report wasn't provided and there was no one 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 \$53,838.79. 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 bills as presented. Motion was seconded by Council Member Fawber. - Motion carried.

Planning Commission Report

The Planning Commission didn't meet in August 2010.

Dillsburg Area Authority

Mervin Ice indicated there wasn't much happening concerning the Borough.

Mr. Ice stated Well 7 is now complete and is producing good water and costs less to treat to standards.

He indicated the Chesapeake Bay initiative required them to use twice as much plant capacity to treat waste; but there is some capacity remaining.

He stated with the economy, there weren't many hookups. There is a loan to be paid and with fewer customers, they are looking at ways not to increase rates. They can refinance the loan but rates might increase in 2011.

Dillsburg Senior Center

Scott Shughart discussed their totals from September 2009 to August 2010. He stated they served 2,578 daily lunches, services to an additional 3,327 people were provided, and staff and volunteers delivered 4,331 meals on wheels. He indicated the County had asked them to track the number of people the center assisted in completing PACE applications, property tax/rent rebate applications, etc; for the last seven months the total was 89 people.

He indicated the biggest challenge they face is with the County Aging Office. They revamped their funding protocol in the last year and a half. He stated they are requiring Senior Centers to serve a minimum number of daily lunches. The current minimum number is 18; this number was going to be increase to 24 lunches per day by the end of June 2011; the standard the Agency office has set was for all senior centers. Mr. Shughart stated this was going to be a significant challenge for them. He indicated based on the 2000

census, there are senior centers, in the county, that have 5 to 6 times the number of people eligible to participate in the services provided by their senior centers. He indicated in April, May and June, they averaged 16 people per day for lunch; July they averaged 18; and August they averaged 17. The County has made it clear that retaining the entire contract is contingent upon averaging 18 people per day for lunch by December 2010. They are attempted to do things to increase their totals. Mr. Shughart had discussed with the County Aging Office the disadvantages the rural senior centers face when trying to comply with the standards they have set. Council Member Anderson asked how many seniors centers there are equivalent to the Dillsburg center. Mr. Shughart stated there are twelve funded senior centers throughout the county; he feels there is one other center in a similar situation as Dillsburg. He indicated in our area, which serves the Monaghan, Carroll, Franklin, Warrington and Washington Townships and Dillsburg, Wellsville and Franklintown Boroughs, we have 28 people per square mile who are age 60 and over; other centers have 100 people per square mile; a center who has 150 people per square mile; and there is one center which has 357 people per square mile. He stated all centers are held to the same minimum standard; it's more of a challenge for Dillsburg to meet the benchmarks that have been established.

Council Member Anderson asked what their yearly budget was. Mr. Shughart indicated their expenditures are around \$120K. Council Member Anderson asked if the minimum number isn't met, how much funding would be lost. Mr. Shughart stated in the vicinity of \$30K; which is a quarter of our budget and would be a significant loss. Council Member Anderson asked if the center would have to close. Mr. Shughart stated they wouldn't have to immediately. He indicated if the Dillsburg center would lose the contract with the county, the center would no longer have county obligations. This means no more reporting to the county and there wouldn't be any more meals on wheel responsibilities. The center would become a private, non-profit senior center. Council Member Anderson asked how the County would supply the meals on wheels commitments. Mr. Shughart stated he didn't know. Council Member Anderson asked between the 4,300 meals on wheels and the 2,500 daily lunches that is a total of 6,800 meals go through the center. Mr. Shughart stated that is correct and he didn't know what the county's thinking is with respect to delivering meals on wheels in this area. Council Member Anderson feels that county had significant budget cuts with their own funding and is looking for ways to cut corners where they can. He also stated he doesn't personally think it's fair to measure all centers the same.

Manager Deibler asked if there was anything the Borough or Borough Council could do to assist in anyway. Mr. Shughart indicated they have been doing some things to promote the daily lunch program. He indicated the numbers have increased recently and the members have been made aware of the path the county has embarked on them and continuation of receiving funding from the county is contingent upon the center improving the numbers. Mr. Shughart stated in September 2009 they served 110 lunches and the numbers

were in the 100-130 meals per month range until February or March 2010 when the program was more publicized the direction the county was heading; in March -247, April - 330, May - 301, June - 316, July - 356, August - 344 lunches were served per day. He indicated they basically tripled where they have been previously, but they still don't meet the requirements set by County.

Council Member Anderson asked if the center charged for lunches. Mr. Shughart stated no, the lunch is on a donation basis. People have a confidential opportunity to donate toward the cost of meals; how much and frequency is up to the individual.

Council Member Anderson stated if Council would double the donation to the center; it still wouldn't overcome the amount of money the center will lose. Essentially, if we lose the County funding all the county reporting obligations and other obligations will go away and we will become fulltime fundraisers to raise the extra income necessary to keep the center open.

Council Member Anderson asked if the center received any income for the use of the hall during elections or a service the center gives to them. Mr. Shughart stated the election folks give them a nominal amount and they do generate some income from renting the hall.

Manager Deibler indicated she and Debbi Beitzel look at the menu each month and stated they would come a lot if they were eligible. She stated she doesn't understand why the people aren't taking advantage of this program. Mr. Shughart stated another argument they have advanced with the county was the Dillsburg Center is out performing senior centers in other areas.

Council Member Anderson asked how Council reaches the people making the requirements because it seems like they are trying to eliminate our center. Mr. Shughart stated they have speculated about County's motivation. Council Member Anderson indicated there is a disadvantage living at the peak of the county. Mr. Shughart stated they are at a disadvantage because they adjoin the Cumberland County line; they can't serve anyone from Cumberland County.

President Griffin asked if it would help if Council would send the Agency a letter expressing their concerns for the center. Mr. Shughart stated it might be interesting if a personal inquiry was made. Mr. Shughart stated he doesn't know what is going to happen and how the County is viewing this situation. Council Member Anderson asked if it would make sense to go down to their office and confront them before they eliminate the funding for the Dillsburg center. He stated if given the names, he would personally go down to the Agency and voice the need of the senior center.

New Hope Ministries

No one was present.

NYCHAPS

Larry Klase stated the structural work at the tavern has been completed; now comes the painting, finishing and furnishing. He indicated Sam is mixing all

the colors himself based on the formulas they received from the paint analysis. He stated the woodwright shop should be completely enclosed before this winter. There will be a blacksmith forge in the woodwright shop and the two fireplaces will be in two small office type buildings attached to it. Mr. Klase indicated in their effort to reproduce the things that were grown there originally; we just cut our first tobacco crop and are looking forward to smoking Dill cigars early next year. Mr. Klase stated they are working on placing a 215 year old barn from Lebanon County on the property. Mr. Klase stated the official name for the Dill's Tavern is now Dill's Tavern and Plantation.

Mr. Klase indicated an invitation was given Council and Mayor to preview the Maple Shade Barn museum which will be unveiled at Farmers' Fair. There will be a case for each municipality they represent plus three or four rotating cases.

Mr. Klase indicated First Fridays are starting on October 1st. The first event will include a couple from Churchtown, Susan and Dan Kable who are trained seasoned colonial dance instructors. Dr. Mark Augenbaugh is planning on bringing 12-15 French and Indian War reenactors to each First Friday event.

Mr. Klase thanked the Borough Council for their support. He thinks they have a good thing going and hopes in the years to come it will draw people into the Borough.

Mr. Klase indicated they are planning on a Dill's Tavern seminar in June 2011. It's a two day affair limited to fifty people; it will immerse the participants in 18th century tavern life.

President Griffin indicated someone made a suggestion for NYCHAPS to take under consideration doing picnic lunches during the Will Fisher Orchestra concert. Mr. Klase indicated with this event they are planning on going back to a World War II era. Council Member Anderson asked how the event went. Mr. Klase stated it was a little less than last year; there were approximately 170 people. Council Member Anderson asked if \$15.00 a person was a little steep. Mr. Klase stated it shouldn't be for a 20 piece professional orchestra for a three hour concert. Mr. Klase indicated historically this isn't an easy place to promote a pay for event, but judging what they see other places charging, \$15.00 is a modest amount.

YCBA & COG

YCBA - Mark Ryder indicated the next quarterly meeting is scheduled for Thursday, September 23rd at Wellsville at 6:30 PM. The keynote speaker will be District Attorney Tom Kearny from York County DA's office. The annual banquet is scheduled for November 13th at the York Expo Center.

COG - Mark Ryder indicated Holly Kelley, John Richardson and himself attended the annual picnic on September 13th, at Sunset Golf Club in Middletown. They will resume their meetings in October on the third Monday. He stated nothing has changed since July regarding the Chesapeake Bay initiative; it remains in the Commonwealth Court System. The auction went well.

Mayor Snyder asked about the salt contract. Mr. Ryder indicated Mr. Perry was working on it and should have more information at the October meeting.

Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for work performed in August 2010. Stacey Ritter indicated the report stands as submitted.

Engineer's Report

Borough Engineer Mike Begis provided Council and Mayor with a written report for work performed in July 2010. He indicated the Pedestrian Improvements Contract has been completed and will be advertised on Friday; bid opening is scheduled for October 7th at the office of York County Planning Commission at 10: 00 am. The bid documents will be able to be obtained through YCPC; and also can be reviewed at the Borough Office and KPI.

Tax Collector

Cristina Speicher wasn't present; but provided Council and Mayor with a report for the month of August 2010.

Borough Staff Report

Borough Manager Deibler provided Council and Mayor with a written report for August 2010 and had nothing to add.

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 events: The Farmers Market continues to operate at Spring House Antiques from 7:00 am to noon on Saturdays and for more information call Yvonne, at 571-2126; September 24 – New Hope Ministries will be conducting their 12th annual golf tournament at Range End Golf Course and if anyone is interested in participating contact them at 432-2087, x203; October 1 – First Fridays at Dill's Tavern from 7-10 pm. This is a BYOB and over 21 event; October 10 – The first regular day of operation for the NYCHAPS museum. The museum will be open on Sundays from 2-4 pm; tickets are \$6 and tours of the barn and tavern are included in the price; October 11 – The Farmers' Fair Queen contest is being held on Monday at 7 pm at the high

school. Tickets are \$5 and may be purchased beginning October 1 at the blossom shop; children under 12 are free but must be with a parent or guardian; and September 25 – DEMA will be conducting a POD training at the high school from 7-11 am; the scenario this year is a hurricane. DEMA is looking for the public to participate by acting as the public coming through the line for medication. He indicated members of Council will be participating.

COMITTEE REPORTS

Public Works Committee

- A. Discuss/Take Action – Ratification of Hiring Brian Gayman, Public Works Supervisor - Council Member Fawber stated the Borough recently began a search for a new Public Works Supervisor due to a resignation. Local advertisements resulted in numerous applications. The Public Works Committee, President of Council and Borough Manager conducted interviews and selected Brian Gayman as the new Public Works Supervisor. Council Member Fawber moved to ratify the recent hiring of Brian Gayman as the new Public Works Supervisor for the Borough. Motion was seconded by Council Member Anderson. – Motion carried.
- B. Discuss/Take Action – Resolution 2010-9 – Authorizing Metropolitan Edison Company to remove three (3) streetlights – Council Member Fawber stated the Streetscape project on the first block of South Baltimore Street has finally been completed and the new street lamps are working properly. Therefore, there is no longer a need for the 3 Met-Ed owned overhead streetlights. Council Member Fawber moved to adopt Resolution 2010-9 authorizing Met-Ed to remove the 3 company owned streetlights on the first block of Baltimore Street. Motion was seconded by Council Member Anderson. – Motion carried.

Public Safety Committee

- A. 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 many factors and in conjunction with surrounding municipalities, the Borough desires to set a specific date and time for the occasion. Council Member Baldwin moved to set the official 2010 date and time of Trick-or-Treat in the Borough of Dillsburg for Thursday, October 28, 2010, from 6:00 pm until 8:00 pm. Motion was seconded by Vice President Kelley – Motion carried.

Administration Committee

- A. Discuss/Take Action – Approval for Municipal Pension Funding - Vice President Kelley 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 2011 should be \$9,502.50. 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 2011 and will also be considered as a General Fund expense for the Borough Budget. Vice President Kelley moved to approve the specific funding for the 2011 MMO for the Borough Non-Uniform Employees Pension Fund in the amount of \$ 9,502.50. Motion was seconded by Council Member Fawber. – Motion carried.

- B. Discuss/Take Action – Update and Amend Employee Handbook – Vice President Kelley stated Council Members recently discussed the desire to update and amend The Borough’s Employee Manual. Procedures and regulations have been updated and amended to meet today’s standards and benefits have been adjusted. Vice President Kelley moved to accept and adopt the Dillsburg Borough’s updated Employee Manual with a revision date of August 2010. This manual will go into effect immediately; however, will not be used to negatively impact current employees. Motion was seconded by Council Member Fawber. Mayor Snyder asked if a date had to be included. Stacie Ritter stated no. – Motion carried.
- C. Discuss/Take Action – Opposition to HB1231 – Firefighter Cancer Presumption – Vice President Kelley stated House Bill 1231 which establishes a cancer presumption for paid and volunteer firefighters under the PA Workers’ Compensation Act. House Bill 1231 is a very expensive unfunded mandate with catastrophic consequences for municipal government. Under the bill, the current presumption for cancer claims is reversed. A firefighter who has contracted *any type* of cancer will merely have to show that he or she was exposed to a fire while performing his or her duties to gain the presumption that the cancer was caused by the occupation of firefighting. There is no requirement to prove medical causation between the cancer and the occupation. Additionally, the bill exempts these particular claims from the normal 300 week window for disability claims. In other words, firefighters will have an unlimited time-frame in which to make a claim. Together, the presumption and the unlimited window for claims will create an unprecedented and unquantifiable liability exposure for our Borough and the very real potential for losing coverage altogether. As stated above, the bill switches the duty to rebut the presumption to the municipality. In order to refute the claim, a municipality is required to prove through substantial evidence that a firefighter engaged in conduct or activities outside of firefighting that posed a substantial risk of causing cancer. This rebuttal standard provides no protection to our municipality because only a few types of cancer have been shown to be caused by one’s conduct, such as the link between smoking and lung cancer. Attempting to refute these claims will be very costly and time consuming. Finally, this legislation is unnecessary. Under the PA Workers’ Compensation Act, all employees,

including firefighters, already have the ability to prove that a medical condition is caused by their occupation. Furthermore, lung cancer is currently an enumerated occupational disease under the Act. Vice President Kelley moved to inform State Senator Vance and the Pennsylvania State Association of Boroughs that the Borough of Dillsburg opposes such legislation. Motion was seconded by Council Member Baldwin. – Motion carried.

OLD BUSINESS

Adrian Piechowicz stated on August 25th, LPA awarded the contract for the walking bid and thanked Council for their support and help. Council President asked how much the bid was for. Mr. Piechowicz stated \$47,000.00. Mark Ryder asked who got the bid. Mr. Piechowicz stated Sletchers from Carlisle. Manager Deibler asked when they planned on started the walk. Mr. Piechowicz stated at the end of the month and should be completed in two weeks.

NEW BUSINESS

There was none.

ADJOURNMENT

Since there was no further business, Council Member Baldwin moved to adjourn the regular meeting. Motion was seconded by Vice President Kelley. – Motion carried. The meeting was adjourned at 8:09 PM.

Respectfully Submitted,



Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse