

DILLSBURG BOROUGH COUNCIL MEETING
OCTOBER 14, 2008 – MINUTES
7:00 PM

The Dillsburg Borough Council held their monthly business meeting at the Dillsburg Area Authority Building on the above-mentioned date. Council Members attending were President Jeff Griffin, Vice President Mark Ryder, David Baldwin, John Richardson, Kathryn Zeiders, Michael Whitzel and Holly Kelley. Also present were the following: Mayor Henry Snyder, Borough Solicitor Mark Allhouse, Borough Engineer Tim Knoebel, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Ed McCoy from Citizens' Hose Fire Company #1, Traci Cook from Citizens' Hose Company –EMS, Sergeant John Schreiner from Carroll Township Police, Mary Lou Bytof from the Dillsburg Banner, Paul Reichart from the Patriot-News, Planning Commission Representatives Paul Eurich and Leon Zeiders, and Dillsburg Resident Ken O'Connor.

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 requested 12B, Police Service Agreement be added to the agenda. Vice President Ryder indicated under 11C, there would be four separate motions. Council Member Baldwin moved to approve the agenda with additions. Motion was seconded by Council Member Richardson. – Motion Carried.

APPROVAL of the MINUTES

September 9, 2008 Council Meeting – Council Member Zeiders moved to approve the Council Meeting minutes of September 9, 2008 as presented. Motion was seconded by Vice President Ryder. – Motion Carried.

October 6, 2008 Committee Meeting – Council Member Zeiders moved to approve the Committee Meeting minutes of October 6, 2008 as presented. Motion was seconded by Council Member Baldwin. – Motion Carried.

DEPARTMENT REPORTS

Police Department Report

Sergeant John Schreiner reviewed the September 2008 Dillsburg Borough Police Report with Council and Mayor. The report listed the numbers and types of offenses and traffic incidents. The report also supplied the Council and Mayor with a "crimes clear rate" and a breakdown of hours worked. The total incidents filed for the month of September were 127; year-to-date total was 998, which is 94 greater than the same time period last year. There were ten traffic accidents for the month of September, for a year-to-date of 47, which is seven greater than the same time period last year. There were 45 traffic citations for the month of September, for a year-to-date total of 280, which is 59 greater than the same time period last year.

Part I offenses for the month of September, there were a total of two, which included two larceny thefts, for a year-to-date total of 37, with a clearance rate of 21%.

Part II offenses for the month of September, there were ten incidents, which included four fraud offenses, two harassments, and one liquor law offense, for a year-to-date total of 94, of which 78 were cleared, with a clearance rate of 82%. The overall clearance rate is 65%.

Ambulance Service Report

Traci Cook provided a report for the month of September to Council and Mayor. There were a total of 98 calls in the month of September and 19 of them were in Dillsburg Borough, which included 17 medical calls, one fire, and one motor vehicle accident, for a year-to-date of 133 calls in the Borough of Dillsburg and a total of 962 for all municipalities.

Traci Cook indicated the deadline for vendors to provide a preliminary quote for a new ambulance is this week. She stated they would narrow the bids down to two or three based on their specs and hopefully be ready to order by the end of the year. Council Member Whitzel asked what the ballpark figure was. Traci Cook indicated with the trade-in of the other unit, it's around \$40,000.00. Council Member Whitzel asked how old the unit being traded in was. She indicated it's a 2002 and has approximately 123,000 miles on it. Council Member Whitzel asked why they haven't looked into a new chassis for it. She indicated they discussed it and the board chose to go with a new ambulance. Council Member Whitzel asked what the cost was for a new chassis. Traci Cook indicated it was approximately \$90,000.00-\$100,000.00 and the trade-in value would be approximately \$2,500.00 to \$3,000.00; which is high because once the box is off, it leaves an open cab and no one wants just a cab. Ed McCoy stated with a new box all the new updated warranty packages and safety features comes with it. Council Member Zeiders asked once the unit is ordered how long it would take to receive it. Traci Cook indicated it would take approximately six months.

Fire Company Report

Ed McCoy presented a report for the month of September to Council and Mayor. Mr. McCoy indicated for the month of September there were 19 runs; five were in Dillsburg Borough, which included three medical assists, one motor vehicle accident and one structure fire. He also presented a report with the membership responses for September.

Mr. McCoy stated the safety house had been taken to several of the schools and other local events doing demonstrations for the children and schools were coming to the fire house.

He indicated they received approximately \$24,000.00 from the first round of the fund drive and the second mailing should be going out soon. He indicated if the normal average continues, they will be down 25% overall.

Mr. McCoy stated Farmers' Fair begins Thursday night with them hosting a dinner from 4-9 PM at the fire house.

He stated they participated in the Task Force Drill with the Northern Regional Task Force.

He indicated they received the new pagers and the portables.

Mayor Hank Snyder asked if Carroll Township was receiving more calls than the Dillsburg Borough. Mr. McCoy stated yes.

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 September were \$110,009.14. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Council Member Zeiders moved to approve the payment of all Unpaid Bills as presented. Motion was seconded by Vice President Ryder. Roll call was taken and motion was carried unanimously.

Planning Commission Report

Paul Eurich indicated he was reporting on the meeting held on September 24, 2008. He indicated the first item on the agenda was the Mikos' Subdivision Plan and the requested waivers. He stated after extensive discussion, the Planning Commission voted to recommend the Borough Council approve the following waivers:

1. To allow the access drive to be less than 18 feet.
2. To allow the access drive to be within 10 feet of a fire hydrant.
3. To waive the requirement that two off street parking spaces under a beech tree be paved.
4. To allow an access drive to be located within 3 feet of a property line.

He indicated the Planning Commission voted to recommend the Borough Council grant a 60 day extension if requested by the Mikos'. If a request isn't received, the Planning Commission recommends the Mikos' plan be disapproved.

Mr. Eurich indicated the second item on the agenda was a request for a 91 day time extension for Phase 2 of Chestnut Hollow; the Planning Commission voted to recommend the Borough Council approve the request of the 91 day extension.

He stated the third item on the agenda was the Minor Subdivision update of Fred Smith on Welty Avenue and there was no action required by the Planning Commission.

He stated the fourth item on the agenda was Meadows Edge Development. He indicated this was the second meeting attended with representatives from the McNaughton Group to discuss their plan and there are many issues on the preliminary plan which need to be settled; the Planning Commission tabled the plan for continuing review of the outstanding engineering issues.

Logan Park Authority

Council Member Kelley indicated the September meeting was held at the Tavern with a meet-n-greet and a tour of the updated portions of the tavern.

She stated the mugs sold at the 175th Anniversary Celebration made approximately \$1,500.00 and there is still a significant amount left. LPA will be joining the 175th Borough Booth at Farmers' Fair to continue selling the mugs.

Council Member Kelley indicated there was discussion on how to keep the bathrooms clean and maintained. She indicated the public has been kind with the facilities.

She indicated there was a soccer tournament at the park last weekend.

Dillsburg Area Authority

There was no one present to report.

Engineer's Report

Borough Engineer Tim Knoebel provided Council and Mayor with a written report for work performed in September 2008. He indicated they did various inspections with developments and the street paving project. He indicated he reviewed the subdivision plans with the Planning Commission.

Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for work performed in September 2008. He indicated section one outlined the middle work done for the subdivision and land development and the revitalization projects. He indicated some other issues were in regards to a stormwater management permit the Borough was signing, tax appeal, follow-up on the Myers' property and attending the normal Planning Commission and Council meetings.

Tax Collector

Cristina Speicher provided a report for September but wasn't present.

Borough Staff Report

Borough Manager Deibler provided Council and Mayor with a written report and indicated Dale Shearer came back to work at the end of September and is cleared at 100% to resume his duties.

PUBLIC COMMENT

There was none.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Snyder had nothing to report.

PRESIDENT'S REPORT

President Griffin reminded everyone that Farmers' Fair officially started this evening with the opening remarks. He announced the following events: October 15 – The Queen Contest at the High School Auditorium beginning at 8PM; October 16 – The exhibits open to the public from 5:30-10PM, the Ice Cream Churn Off begins at 6PM behind the Community Hall, the Baked Goods Auction begins at 7PM, and the Cross Cut Sawing Contest begins at 8:30PM; these are all held at the Community Hall; October 17 – The Farm Festival Games at the Athletic Field from 9:30AM – 4PM, Fun Day for Kids from 10AM – 12PM, a Hay Maze at the Athletic Field from 12 – 5PM and the Children's Parade begins at 7PM; October 18 – A flea market (Hanover St) from

6AM – 3 PM., the Open Air Market (St Paul’s Lutheran Church) from 8AM – 4:30PM, the Craft Fair (Dillsburg Elementary Playground) from 8:30AM – 4:00PM, the Business Fair (downtown) from 8AM – 8PM and the Fantastic Parade begins 8PM; He indicated the Dill Pickle is available at the Press table and people can check the activities out on the Dillsburg Borough and Farmers’ Fair website; Council Member Kelley added the Will Fisher Orchestra would be performing at the Queen Contest; October 25 - Wellsville’s 3rd Annual Fall Festival and Parade. Activities will start at 7AM with a Community Breakfast at the Wellsville Fire Hall and Parade starts at 1PM; October 30 - Trick-or-Treat Night in the Borough from 6-8PM; and November 4 - Election Day, the polls will be open from 7AM – 8PM at the Dillsburg Senior Center.

President Griffin indicated the York County Borough Association Dinner is on November 1st and if anyone from Council is planning on attending please let the Borough Office know by October 20th. He indicated Vice President Ryder is being sworn in as President of the YCBA. Vice President Ryder indicated the key note speaker is Gary Sutton of WSBA Radio.

President Griffin wished everyone a fun and safe Farmers’ Fair weekend.

COMITTEE REPORTS

Public Works Committee

- A. Discuss/Take Action – CE Williams’ Sons, Inc. Payment for 2008 Street Maintenance - Vice President Ryder stated in May of 2008 the Borough contracted with CE Williams’ Sons, Inc. to complete the 2008 Street Maintenance. The contractor has completed all work associated with the contract and the work has been inspected by KPI Technology. A request for payment had been received by the Borough in the amount of \$55,111.00. The original contract price was for \$41,773.00. The difference in cost is from additional base repair made on Belair Drive, an increase to prevailing wage and a payment of 50% of the escalated cost of the asphalt. Vice President Ryder moved to authorize the payment in the amount of \$55,111.00 for the 2008 Street Maintenance work to be forwarded to CE Williams’ Sons, Inc. Motion was seconded by Council Member Whitzel. Roll call was taken and motion was carried unanimously.
- B. Discuss/Take Action – Time Extension Request – 30 Greenbrier Lane Subdivision – Council Member Whitzel stated Mr. and Mrs. Daniel Mikos of 945 Mount Zion Road in Dillsburg, PA submitted a subdivision plan for 30 Greenbrier Lane to the Dillsburg Planning Commission in January of 2008. At this time there are certain deficiencies, matters of incompleteness or other similar items by reason of which the Council cannot approve the plans. The Borough has received correspondence from Mr. & Mrs. Mikos requesting that a time extension of 60 days be granted in order for this situation to be resolved before further action is taken. Council Member Whitzel moved to grant a 60-day Time Extension valid through October 23, 2008 for the 30 Greenbrier Lane Subdivision Plan. Motion was seconded by Vice President Ryder. Roll call was taken and motion was carried unanimously.

- C. Discuss/Taken Action – 30 Greenbrier Lane Waiver Requests – Vice President Ryder stated the Planning Commission moved that the 30 Greenbrier Lane Subdivision Waiver Requests should be reviewed and voted on by Borough Council before any further review of the plan occurs. Mr. & Mrs. Mikos requested that 4 waivers be granted. The 4 waivers are as follows:
1. Vice President Ryder moved to waive the requirement of Borough Code 506.7.A - To allow the access drive to be less than 18 feet (14 feet proposed). Motion was seconded by Council Member Whitzel. Roll call was taken; Council Members Baldwin and Richardson opposed. Motion was carried with a 5-2 vote.
 2. Vice President Ryder moved to waive the requirement of Borough Code 506.7.A.5(b) - To allow the access drive to be within 10 feet of a fire hydrant (the existing driveway is currently 5 feet from the fire hydrant). Motion was seconded by Council Member Whitzel. Council Member Kelley asked if there were any requirements for no parking within so many of feet within the driveway itself; and is there any reason to look at this as a three point access. Engineer Knoebel indicated the thought was the driveway exists and it's not going to serve any more people than it currently does. He indicated the Mikos' were going to have the hydrant moved however it would cause damage to the street and we weren't interested in having the street cut for this purpose. He stated based on the width of the driveway and the five feet, there is sufficient distance. Council Member Richardson asked if there were any other options to bring the driveway in anywhere else on the property. Engineer Knoebel stated no. Council Member Richardson clarified it was a shared access drive. Engineer Knoebel stated yes and was authorized by the Zoning Hearing Board. Solicitor Allshouse stated the state law overrides; you can't park within 15 feet of a fire hydrant. Leon Zeiders stated DAA doesn't want to touch the lines because they're brittle. Engineer Knoebel indicated they would have to dig a new service line to the middle of the street and put in a new service line in to move the hydrant; they didn't feel this justified damaging the street. Roll call was taken; Council Members Baldwin and Richardson opposed. Motion was carried with a 5-2 vote.
 3. Council Member Whitzel moved to waive the requirement of Borough Code 506.7.B(2) - To waive the requirement that off-street parking spaces be paved. (Two spaces under an older beech tree will not be paved.) Motion was seconded by Vice President Ryder. Council Member Baldwin asked if the waiver was for two spaces only. Engineer Knoebel clarified it for the two spaces under the beech tree because the Historical Society requested the spaces under the tree not be paved. Roll call was taken and motion was carried unanimously.

4. Council Member Whitzel moved to waive the requirement of Borough Code 506.7.A (5) (d) -To allow an access drive to be located within 3 feet of a property line (Will fall right along property line). Motion was seconded by Vice President Ryder. Roll call was taken and motion was carried unanimously.
- D. Discuss/Taken Action – Release Letter of Credit for Sheetz – Vice President Ryder stated last month, Sheetz requested the release of their Letter of Credit numbered 030408A for the amount of Three Hundred Eight Thousand, Two Hundred Ninety-Three Dollars and Four Cents (\$308,293.04). At that time Council authorized KPI to inspect all work performed to date at the Sheetz location, advise Council of the findings and indicate if the release should be considered. Engineer Tim Knoebel of KPI indicated all the work was finished and they are entitled to get the money back. Vice President Ryder moved to authorize the release of the Sheetz Letter of Credit numbered 030408A for the amount of Three Hundred Eight Thousand, Two Hundred Ninety-Three Dollars and Four Cents (\$308,293.04). Motion was seconded by Council Member Whitzel. Roll call was taken and motion was carried unanimously.
 - E. Discuss/Take Action – Release Performance Bond for eci – Vice President Ryder stated last month, eci requested the release of their Performance Bond submitted to the Borough on October 23, 2007 in the amount of \$80,100.00. At that time Council authorized KPI to inspect all work performed to date at the eci location, advise Council of the findings and indicate if the release should be considered. Engineer Knoebel stated Council needs to authorize KPI to inspect the work. Vice President Ryder moved to authorize KPI to inspect all work performed to date at the eci location, and advise Council of the findings and indicate if the release should be considered. Motion was seconded by Council Member Whitzel. Roll call was taken and motion was carried unanimously.
 - F. Discuss/Take Action – Time Extension Request – Chestnut Hollow Final Subdivision & Land Development Plan for Phase 2 – Council Member Whitzel stated the developer of the Chestnut Hollow Development submitted a Final Phase 2 Land Development & Subdivision plan to the Dillsburg Planning Commission in October of 2007. At this time there are certain deficiencies, matters of incompleteness or other similar items by reason of which the Council cannot approve the plans. The Borough has received correspondence from the developer requesting that a time extension be granted in order for this situation to be resolved before further action is taken. Council Member Whitzel moved to grant a Time Extension until January 13, 2009 for the Chestnut Hollow Final Subdivision & Land Development Plan for Phase 2. Motion was seconded by Vice President Ryder. Roll call was taken and motion was carried unanimously.

Public Safety Committee

- A. Fire Police Appointment - Council Member Richardson stated Dean Trump, Fire Police Captain, is requesting the Borough appoint William R. Feist as a member of the Fire Police. Bill is a Dillsburg area resident, an active member of Citizens Hose Company No. 1 and will be an asset to the Fire Police. Council Member Richardson moved to appoint William R. Feist as a member of the

Dillsburg Fire Police organization. Bill must take the oath of office; therefore, he must contact the Mayor or District Judge in order to be sworn in as required. Motion was seconded by Council Member Baldwin. Roll call was taken; Council Member Whitzel abstained due to being member of Citizens Hose Fire Company #1. Motion carried.

- B. Police Service Agreement – Council Member Baldwin moved the Borough Secretary and Council President sign the new police contract with Carroll Township for the year 2009. Motion was seconded by Council Member Richardson. Vice President Ryder asked Council Members Baldwin and Richardson if they were satisfied with the changes made to the contract. They both stated yes. Council Member Whitzel asked if the public should be notified how much the Borough is paying for police service and the amount of hours they are receiving. Council Member Richardson stated it will become public knowledge once the document is approved. Roll call was taken and motion was carried unanimously. Council Member Whitzel indicated since the motion was approved, can the public be told the payment and amount of service hours. Council Member Richardson stated the contract for 2009 includes 57 hours at \$71.55 per hour totaling \$212,074.20. Council Member Baldwin indicated there was no change in service hours, just change in price. Vice President Ryder thanked the Public Safety Committee and Council for voting on the contract and not reducing the police hours due to a price increase.

Administration Committee

- A. Discuss/Take Action – Tax Refund Requests - Council Member Zeiders stated the Borough has received requests for two (2) Real Estate Tax refunds. Cases #2008-6 and #2008-7 were paid in full before the reassessments of the properties were completed. These reassessments lowered the value of the properties. The refunds have been reviewed by the Borough Manager and the Tax Collector, who concur that the refunds need processed. Council Member Zeiders moved to approve the two (2) requests for Real Estate Tax refunds. Motion was seconded by Council Member Kelley. Roll call was taken and motion was carried.
- B. Discuss/Take Action – Tax Exoneration Request - Council Member Kelley stated the Borough has received a request for Tax Exoneration for Per Capita and Occupation Tax from Tax Exoneration Case #2008-8. 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 Kelley moved to grant the request for 2008 Per Capita Tax and 2008 Occupation Tax Exoneration Case #2008-8 as submitted. Motion was seconded by Council Member Zeiders. Roll call was taken and motion was carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Vice President Ryder thanked President Griffin and Manager Deibler for attending the Carroll Township and Dillsburg Area Regional Emergency Drill along with him on Saturday, September 27th in the rain.

Vice President Ryder thanked President Griffin and Council Member Zeiders for attending the York County Borough Association's dinner in East York and touring the 911 Center.

Vice President Ryder indicated he received a complaint/request from Carroll Township Police regarding residents on Clemens Drive not getting their mail. The police indicated the car was properly parked, but the mail truck won't swing in to deliver it because of not having enough swinging room. He indicated they have filed a complaint with the post office. President Griffin indicated he received a phone call from a resident and he told the person to call the police; the police stated there wasn't anything they could do legally.

Council Member Baldwin asked the solicitor regarding the reassessment of Myers; it was his understanding that if it is lowered, can back years be requested. Solicitor Allshouse stated back years can be requested; but in order to request back years an explanation is needed as to why it wasn't requested before. Solicitor Allshouse gave an explanation on the process. Council Member Baldwin asked the solicitor if there was a need for the Borough to attend the reassessment. Solicitor Allshouse indicated if it's a standard appeal, no. Council Member Baldwin asked what was requested. Manager Deibler indicated the Borough has the appeal; but it only states they are requesting an appeal.

ADJOURNMENT

Since there was no further business, Vice President Ryder moved to adjourn the regular meeting. Motion was seconded by Council Member Richardson. – Motion Carried. The meeting was adjourned at 7:53 PM.

Respectfully Submitted,

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse