

**DILLSBURG BOROUGH COUNCIL MEETING
NOVEMBER 10, 2009 – MINUTES
7:00 PM**

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

The following visitors were present: Traci Cook from Citizens' Hose EMS, Chief Jack Francis from Carroll Township Police, Paul Reichart from the Patriot News, Mary Lou Bytof from the Dillsburg Banner, Dillsburg Area Authority Representative Mervin Ice, Planning Commission Representative Leon Zeiders, Dillsburg Farmers' Fair Representatives Carl Shearer, John Kitner and Paul Tucker, Joel and Fran McNaughton from The McNaughton Group, Joshua Havens owner of the Polar Bear Den Barber Shop and David Bushey.

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 13B – Resolution 2009-17 – 2010 Appointments under Administration be removed from the agenda. Vice President Ryder moved to approve the agenda with one deletion. Motion was seconded by Council Member Kelley. – Motion carried.

APPROVAL of the MINUTES

October 6, 2009 Committee Meeting – Council Member Richardson moved to approve the Committee Meeting minutes of October 6, 2009 with written corrections noted. Motion was seconded by Council Member Kelley. – Motion carried.

October 13, 2009 Council Meeting – Council Member Zeiders moved to approve the Council Meeting minutes of October 13, 2009 with written corrections noted. Motion was seconded by Council Member Baldwin. – Motion carried.

DEPARTMENT REPORTS

Police Department Report

Chief Jack Francis reviewed the October 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 October, were 115, which was 28 more than the same time period last year; year-to-date total was 974, which are 111 less than the same time period last year. There were five traffic accidents for the month of October, three were reportable and two were non-reportable; year-to-date total was 57, which is equal to the same time period last year. There were 22 traffic citations for the month of October; year-to-date total was 379, which are 79 greater than the same time period last year.

Part I offenses for the month of October, there were a total of five, which were all larceny thefts, four of them have been cleared by an arrest; year-to-date was 42, which sixteen of them were cleared by an arrest, with a clearance rate of 38%.

Part II offenses for the month of October, there were ten incidents, which included three criminal mischief/vandalisms, two drug offenses, two harassments and three miscellaneous; year-to-date was 88, which 77 were cleared by an arrest for a clearance rate of 87%. The overall clearance rate is 71%.

Chief Francis stated he had given the Borough Manager signed and sealed copies of the police services contract.

Chief Francis provided Council and Mayor a copy of an incident report regarding the traffic and speeding issue reported to him last month on Welty Avenue. He indicated they have been in contact with the Borough Manager and have been interactive with the complainants; they have done some preliminary speed checking. Chief Francis stated there were incidents where vehicles were going 10-12 mph over the speed limit of 25mph. The average speeds were generally within the limit. He indicated the problem is to be able to enforce the speed limit; signs will need to be installed. Mayor Hank Snyder asked if this was in the regulations as far as requiring signs. Chief Francis stated yes and attached to the report he provided the applicable section which clearly requires the signs to be in place. Council Member Baldwin asked if there was a regulation on how far a sign can be away from the road. Chief Francis indicated the way the code reads is they can't be any greater than ½ mile apart. However in this situation, his opinion is the borough would have to have signs entering at each end of the two block stretch and two in the middle. Council Member

Baldwin stated what he was questioning was the width from the roadway. Chief Francis stated traditionally they place them in the grass strip but Hank may know more. Mayor Snyder indicated he didn't know

Ambulance Service Report

Traci Cook provided a report for the month of October to Council and Mayor. There were a total of 118 calls in the month of October and 11 of them were in Dillsburg Borough, which all were medical calls, for a year-to-date of 130 calls in the Borough of Dillsburg and a total of 1,073 for all municipalities.

She indicated they're starting to manually verify their statics due to computer issues and to make sure they are 100% accurate. They are looking into the venture of bringing in Advance Life Support to the station and some other ventures to help bring in more income.

She indicated they signed for their new ambulance which was \$143,000.00 and would be delivered in May 2010.

She stated ten people went through an International Trauma Life Support training. The course was a 36 hour course and all ten people passed. The course will be offered again in February 2010.

She stated in January 2010, they will be doing a PEP class, which is a Special People Pediatric Patient.

Ms. Cook stated they are looking into bringing a medical director aboard and a C-Pap Program for the new year.

Fire Company Report

Citizens' Hose Fire Company – Tony Baker presented a report for the month of October to Council and Mayor at the Committee Meeting held on Tuesday, November 2, 2009.

Franklinton 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 October were \$54,241.90. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Secretary/Treasurer Beitzel indicated under the Carroll Township Police, the first two payments shown on the report were from last month, so they should be deleted. Council

Member Baldwin moved to approve the payment of all Unpaid Bills with corrections noted. Motion was seconded by Council Member Zeiders. Council Member Richardson abstained.
- Motion carried.

Planning Commission Report

No one was present to report. Engineer Knoebel indicated the item discussed is on the agenda for tonight.

Logan Park Authority

Council Member Kelley indicated the meeting was very brief due to the Annual Social at the Tavern.

Dillsburg Area Authority

Mervin Ice reported on the October 20th meeting. He indicated they are finishing up on some projects (Monroe Township and Berkshire Hills).

He indicated Well 7 is complete and would be adding the water to the system sometime in the first of the year.

He stated they are working on finishing up on some road disturbances and seeding.

Engineer's Report

Borough Engineer Tim Knoebel provided Council and Mayor with a written report for work performed in October 2009 and indicated he had nothing to add.

Solicitor's Report

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

Tax Collector

Cristina Speicher wasn't present but provided Council and Mayor with a written report for October 2009.

Borough Staff Report

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

PUBLIC COMMENT

Joshua Havens, owner and operator of the Polar Bear Den Barber Shop, asked if the Borough was a “dry” borough or not. He indicated his customers were questioning why they had to drive to Camp Hill to get a bottle of wine or why can’t the Borough have a decent restaurant or pub in town. He feels this would bring more business back in the town. He stated he went to high school here and has never seen the town in such bad shape. The businesses on Baltimore Street have been empty for over a year now. Mr. Havens stated if the Borough would get a decent restaurant with a bar, a lot more businesses would come back into town and so would the people. President Griffin stated Council is dealing with this issue at the present time. Mr. Havens asked how. Solicitor Allshouse indicated a gentleman came to the last work session and presented information to Council of his intentions. Solicitor Allshouse stated there is a zone in the Dillsburg Borough which allows for alcohol to be sold. He stated the answer to the question is Dillsburg Borough a dry town is no. There isn’t an ordinance in Dillsburg; however a person/business would have to comply with the zoning regulations. Mr. Allshouse indicated within Dillsburg Borough there is one zone which alcohol is allowed to be served with proper licensing from the LCB. He indicated the owner of the New York Oven has come into the Borough and stated they would like to begin serving wine and liquor, which is currently pending. Solicitor Allshouse stated the owner would have to get the proper permits, such as a liquor license.

Mr. Havens asked regarding a Wine & Spirits shop in town. Council Member Richardson stated this is state regulated. Solicitor Allshouse indicated this could be done because our zoning is for retail sale. He stated as far as he is aware, there is no law in the Dillsburg Borough that says this is a dry community. The zoning sets what use is allowed in certain areas. Mr. Havens asked what he had to do to get a Wine & Spirits shop in the Dillsburg Borough. Solicitor Allshouse stated first you would have to get a license and the LCB would determine whether Dillsburg Borough is a good location.

Mayor Hank Snyder asked if a referendum would be required when alcohol comes into an area. Solicitor Allshouse stated a public opinion poll either started by petition by the public or decided to be held by the Borough Council could be started but it’s not required. He stated the Borough Council creates use allowances or disallowances through the zoning; and currently there is zoning which allows for sale of alcohol in the MU-C (Mixed Use Center) District.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Snyder indicated he had nothing to report.

PRESIDENT'S REPORT

President Griffin announced the following events: November 14: An Evening of Special Music held at Christ Lutheran Church (Filey's) beginning at 7:30 PM to benefit New Hope ministries. You can bring a non-perishable item or make a donation; November 15: A Spaghetti Dinner sponsored by the Northern Football Booster club, football players and coaches from 12-3 PM at the Franklinton Fire House. Proceeds from the dinner will provide financial assistance to the families of Northern Polar Bears Football Player Justin Fuss and Cheerleader Brittini Hippensteel. Advance tickets may be purchased from a football member or at the Northern High School. Tickets \$5 (Adults/students) in advance; \$7 (adults/students) at the door; November 15: At the Monaghan Presbyterian Church will be a Spirit Fest beginning at 7PM. Music will be lead by the SOAR band and the guest speaker will be Dr. Christine Curran of the Cornerstone Chiropractic Wellness Center; November 17: An Open House held by New Hope Ministries for Volunteer Income Tax Assistance (VITA). This program provides free tax assistance to low and moderate income families making less than \$49,000/year. No experience in taxes is required and all training will be provided. If anyone is interested, stop by the open house; November 26-27: The Borough Office will be closed in observance of Thanksgiving Day Vacation; November 29: The House Tour sponsored by NYCHAPS and DABA. Tickets are \$10 in advance and can be purchased at the Book House, The Spring House, The Blossom Shop and Country Collectibles. Tickets will be available at the Dill's Tavern on the day of the tour for \$12. For more information contact Yvonne Laukemann at 432-1122.

President Griffin wished everyone a Happy and Safe Thanksgiving.

President Griffin stated for 94 years Farmers' Fair has been a big part of the community and an event that area residents look forward to. Dillsburg Borough Council would like to thank the Community Fair Association for working tirelessly throughout each year in order to make the Fair a reality for all to enjoy. In appreciation and support of their hard work and dedication Dillsburg Borough Council would like to present them with a check in the amount of over \$4,800.00. Karl Shearer stated on behalf of the Fair, they really appreciate this.

COMMITTEE REPORTS

Public Works Committee

A. Discuss/Take Action – Meadows Edge Final Phase 1- Vice President Ryder stated the Final Phase 1 Plan for Meadows Edge was submitted to the Borough of Dillsburg. The Borough Planning Commission reviewed the Plan on October 28, 2009 at the regularly scheduled Planning Commission meeting. The Planning Commission acknowledged that the preliminary plan has been revised to reflect the adjusted phase boundaries and recommended approval, with the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated October 22, 2009. Vice President Ryder moved to approve the Final Phase 1 Plan for Meadows Edge acknowledging that the preliminary plan has been revised to reflect the adjusted phase boundary and subject to the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated October 22, 2009 (copies attached). Dillsburg Borough Council will sign the plan after all conditions have been met. Motion was seconded by Council Member Anderson. Council Member Baldwin indicated he wasn't comfortable approving this because the preliminary plan Council approved only had two phases. We haven't received or voted on accepting a revised preliminary plan with three phases in it. He suggested tabling this until next month in order to approve the preliminary plan with the revised phasing and at the same time approve the Final Phase 1 plan. Engineer Knoebel indicated he had discussions with the engineers from Carroll Township. It's his understanding that the preliminary plan which was ultimately approved by Carroll Township is at least somewhat different than the plan the Borough had approved. The phasing boundaries have been adjusted by the time they approved it. Engineer Knoebel stated he was hoping to have received a copy of the plan to look at, in order to confirm the plan and be in a position for Council to vote on it. He indicated it would certainly make sense to table the plan. Mr. Joel McNaughton from the McNaughton Company stated a request was made for some additional copies of the preliminary plan. He indicated the preliminary plan came to the Dillsburg Borough and was ultimately approved; however, during that entire time the plan was pending and being extended in Carroll Township. The plan was recommended for approval by Carroll Township Planning Commission and prior to the plan going before the Board of Supervisors, we submitted this Phase 1 Final Plan. The Phase 1 Final Plan is a modification to the phasing schedule on the plan; Phase 1 is a single lot which was included in the

original Meadows Edge Phase 1. The single lot has now been broken out into a Phase 1. Phase 2 is basically the old Phase 1 minus the single lot and Phase 3 remains unchanged. Mr. McNaughton stated Carroll Township approved the preliminary plan that was different than the preliminary plan the Dillsburg Borough approved. He indicated it was only a timing issue which the Final plan and the Preliminary plan overlapped each other in submission. A correction was made at the request of the Township to have the preliminary plan reflect the phasing that was shown on the final plan; the correction has been done. Mr. McNaughton suggested this is a relatively minor change to the phasing, the developer is adding a phase but Phase 2 and 3 effectively are now what the old Phase 1 and 2 is. He indicated he would think in any motion to approve, if the Council was so inclined, the revised phasing would be approved as part of the motion and subject to the receipt of the revised preliminary plans. The preliminary plans only revision is there are now three phases, which is reflected on the final plan. Council Member Richardson indicated to Mr. McNaughton he was probably correct, however Borough Council would like the Borough Engineer to review it. Council Member Baldwin indicated his concern was Council has already approved Phase 1 and Phase 2; now if the single lot was changed to Phase 3, there wouldn't have been an issue. The single lot was named Phase 1, Council approved a preliminary plan with a Phase 1, which was 20 units and Phase 2 which was 80 units. He stated if Council approves Phase 1, they are actually approving 20 units until the preliminary plan which was approved is changed. Mr. McNaughton stated he didn't feel this was the case; the plan which Council is approving while it's called Phase 1 is certainly only for the single lot. He stated they aren't asking for approval of 20 units when only one is shown on the plan. Solicitor Allshouse asked what Phase 1 was on the preliminary plan approved by the Dillsburg Borough. Mr. McNaughton indicated the Phase 1 plan which was approved included a single lot and 20 units. Solicitor Allshouse stated either the motion or the plan needs to be amended because if Council approves Phase 1; there is then a disjuncture between what was previously approved and what was brought before them this evening. Engineer Knoebel stated the final plan they looked at doesn't have the phasing plan with it; we received a single sheet. Mr. McNaughton stated he knew there was a supplement that was received. Solicitor Allshouse indicated it's just a disjuncture that can be fixed. Engineer Knoebel stated they accepted the single sheet and understood the developer had modified the phasing. He indicated when he talked with Carroll Township and understood the plan was changed, he had

concern there might have been some other changes as well. Mr. McNaughton stated that might have been part of the confusion because it was his understanding KPI did received the supplement sheet. He thought Council perhaps could handle this in a motion; such as approved the revised phasing and approve a plan, but it's at Council's discretion. Vice President Ryder and Council Member Anderson withdrew their motions. Vice President Ryder moved to table the Final Phase 1 Plan for Meadows Edge until the December 8, 2009 Borough Council Meeting. Motion was seconded by Council Member Anderson. – Motion carried.

Public Safety Committee

Neither Council Members Baldwin nor Richardson had anything to discuss.

Administration Committee

- A. Resolution 2009-18 – 2010 Meeting Schedule - Council Member Zeiders stated as Council Members are aware, each year we develop a Meeting Schedule for the coming year and adopt the Schedule by Resolution. The Schedule of Meetings is distributed and advertised in the local newspaper. Please note that Council meetings will be held at the Dillsburg Area Authority Building, 98 W Church Street, Dillsburg. All other meetings will be held in the Dillsburg Borough Office, 151 S Baltimore Street. Council Member Zeiders moved to adopt Resolution 2009-18 setting the 2010 meeting schedule for the Borough of Dillsburg. Motion was seconded by Council Member Kelley. – Motion carried.
- B. Resolution 2009-17 – 2010 Appointments – Removed from the agenda.
- C. Resolution 2009-15 – Appointing Auditor – Council Member Kelley stated as Council Members are aware, the Borough appoints an Auditor each year to independently audit all Borough Accounts. Resolution 2009-15 was developed to appoint Kochenour, Earnest, Smyser and Burg of York, Pennsylvania as the Auditor for the Borough of Dillsburg for the fiscal year 2010. Council Member Kelley moved to adopt Resolution 2009-15 appointing the Auditor for the fiscal year 2010. Motion was seconded by Council Member Zeiders. – Motion carried.
- D. Resolution 2009-16 – 2010 Delinquent Tax Collector - Council Member Zeiders stated as Council Members are aware, each year we develop a Resolution appointing the Delinquent Tax Collector for the Borough. Resolution 2009-16 appoints J. P. Harris Associates as the Delinquent Tax Collector for the Borough of Dillsburg for the fiscal year 2010. Council Member Zeiders moved to adopt Resolution 2009-16

appointing the 2010 Delinquent Tax Collector for the Borough of Dillsburg. Motion was seconded by Council Member Kelley. – Motion carried.

- E. Resolution 2009-14 – Procurement Card Program – Council Member Kelley stated it is the desire of the Borough of Dillsburg to reduce economic burdens and conserve resources by increasing efficiency and reducing administrative costs via a Procurement Card program for day-to-day operations in accordance with the procurement process as established by the Municipal Code. Council Member Kelley moved to adopt Resolution 2009-14 establishing a Procurement Card program for the Borough. Motion was seconded by Council Member Zeiders. – Motion carried
- F. Discuss/Take Action – 2010 Proposed Budget – Council Member Zeiders stated the 2010 Proposed Budget has been prepared and was reviewed by Council at their recent Committee Meeting. The Proposed Budget consists of Total Estimated Revenues of \$862,925.00 and Total Estimated Expenses of \$862,765.00. Expenses include contributions of \$58,100.00, street light fees of \$29,500.00, traffic signal charges of \$6,700.00, \$316,795.00 in expenses for Public Safety and benefit adjustments for the Public Works and Office Staff. This Proposed Budget will not create a necessity for a real estate or occupational assessment tax increase. The 2010 Proposed Budget will be placed on public display from now until the December 8, 2009 Council Meeting at which time formal action by Council will be taken. Council Member Zeiders moved that the 2010 Proposed Budget be approved and adopted as presented, and that any revisions be prepared for the 2010 Final Budget, to be adopted at the December 8, 2009 meeting of Borough Council. Motion was seconded by Council Member Kelley. – Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Council Member Baldwin stated the Borough Manager hasn't received a pay increase in the last four years and won't in 2010, has taken on additional tasks as asked by Council and none of the employees will be receiving a raise in 2010 either but all have worked to maximize income and to keep expenses to a minimum. Council Member Baldwin moved that Council provide incentives be paid to the employees as discussed and the amount discussed in the Executive Session on Monday, November 2, 2009 and shown in Executive Document 09-A. Motion was seconded by Council Member Zeiders. – Motion carried.

ADJOURNMENT

Since there was no further business, Council Member Richardson moved to adjourn the regular meeting. Motion was seconded by Vice President Ryder. – Motion carried. The meeting was adjourned at 7:48 PM.

Respectfully Submitted,

Debbi L. Beitzel
Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse