

DILLSBURG BOROUGH COUNCIL MEETING
November 12, 2007 – MINUTES

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

The following visitors were present: Tony Baker from Citizens' Hose Fire Company #1, Traci Cook from Citizens' Hose Company #1 EMS, Chief Jack Francis from Carroll Township Police, Planning Commission Representative Leon Zeiders, Steve Quigley of H. Edward Black & Associates, Dave Getz, Solicitor for Winfield Development, Dillsburg Borough Tax Collector Cristina Speicher, Wayne Kober representing NYCRCF Trans. and Dillsburg Borough Residents Stacey Ryder, Jeff Beitzel, and Chris Klugh.

The meeting was called to order by President Ryder at 7:00 PM followed by the Pledge of Allegiance to the flag and an invocation.

APPROVAL of the AGENDA

Council Member Richardson moved to approve the agenda as presented. Seconded by Vice President Griffin. – Motion Carried.

APPROVAL of the MINUTES

October 9, 2007 Council Meeting – President Ryder indicated on page five under the President's Report, the fifth line, the word "banquets" should be "banquet". Council Member Zeiders moved to approve the Council Meeting minutes of October 9, 2007 with one correction noted. Seconded by Council Member Baldwin. – Motion Carried.

November 7, 2007 Committee Meeting – Council Member Zeiders indicated on page six, the last sentence, the word "suspend" should be "adjourn". Council Member Zeiders moved to approve the Committee Meeting minutes of November 7, 2007 with one correction noted. Seconded by Council Member Baldwin. – Motion Carried.

DEPARTMENT REPORTS

Police Department Report

Chief Francis reviewed the October 2007 Dillsburg Borough Police Report with Council and Mayor. The report listed the numbers and types of offenses and traffic incidents. The report also supplied the Council and Mayor with a "crimes clear rate" and a breakdown of hours worked. The total incidents filed for the month of October were

110, up 12 from last year, year-to-date total 1,014, which was 71 more than the same time period last year. There were seven traffic accidents for the month of October, year-to-date 47, which was nine less than the same time period last year. There were 23 traffic citations for the month of October, year-to-date 244, which was 32 less than the same time period last year.

Part I offenses for the month of October, there was a total of one, which was a larceny theft, for a year-to-date total of 44, with a clearance rate of 9%. Part II offenses for the month of October, there were 13 incidents, which included five criminal mischief/vandalisms, one disorderly conduct, four harassments, one liquor law offense, and two miscellaneous, year-to-date 72 of which 41 were cleared, with a clearance rate of 56%. The overall clearance rate is 38%.

He indicated Farmers' Fair went smoothly and was not aware of any significant problems and thanked the community for their cooperation. Traci Cook thanked the Chief and his department and the Fire Police for a job well done at Farmers' Fair.

Council Member Whitzel asked if the incident at the Citizens' Bank was on the report. Chief Francis indicated the incident happened in November.

Ambulance Service Report

Traci Cook provided a report for the month of October to Council and Mayor. There were a total of 124 calls in the month of October and 20 of them were in Dillsburg Borough, which included 19 medical emergencies and one motor vehicle accident. For year-to-date there were a total of 190 calls in the Borough of Dillsburg and a total of 1,104 for all municipalities.

She indicated some grants have been applied for but as of tonight's meeting there was nothing to report. One of the grants was for the fire department and the EMS getting some new equipment.

She stated an e-mail was received indicating Medicare would be placing some stipulations on them for their billings effective January 1, 2008 and she would be attending a seminar on December 6, 2007 to get more information.

Council Member Whitzel asked what types of grants they were applying for. She stated the Fire Commissioners Grant (state), one for fire and one for EMS; Scott Perry's office assisted them with a \$5,000.00 one; and then a couple of smaller ones.

Fire Company Report

Citizens' Hose Fire Company – Assistant Chief Tony Baker presented a report for the month of October to Council and Mayor. Mr. Baker indicated for the month of October there were 44 runs, for a year-to-date total of 328; 12 were in Dillsburg Borough, for a year-to-date of 76, of which six were medical assists, one control burn, two motor vehicle accidents, two miscellaneous, and one transformer. He also presented a report with the membership responses, ranking for October and year-to-date totals.

He indicated on December 5, 2007, from 5-9 PM, 20% of your bill at Hoss's would be donated to the fire company. He indicated Stacey Ryder had the cards which were needed to be presented.

He stated they had a good Farmers' Fair as far as income however, the final figures weren't in yet.

Council Member Whitzel asked how much money Carroll Township donated last year. Mr. Baker indicated the amount was \$15,500.00, which doesn't include the \$50,000.00 for the new apparatus.

Council Member Zeiders asked how the Schartner House affected the calls. He indicated not as much as it should. He indicated they responded out there last Saturday for a fire in the trash shoot. He stated each time they go there, they find something new; there was another alarm for the same thing and found out there was a faulty sensor in the trash shoot. He also indicated there were 51 alarms since the panel was in operation and they only received about five or six alarms. He indicated they don't want the fire company coming out for every little thing; he stated they needed to go out for every little thing.

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 would be \$65,212.68. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. President Ryder asked if the bill for RAS Engineering in the amount of \$3,027.50 was for one month. Secretary/Treasurer Beitzel indicated it was for one month. Manager Deibler stated most of it was for rental inspections. Council Member Richardson moved to approve the payment of all Unpaid Bills as presented. Seconded by Council Member Zeiders. – Motion Carried.

Planning Commission Report

No one was present to report.

Logan Park Authority

Council Member Kelley reported on Logan Park's monthly meeting held on October 17, 2007.

She indicated a bidder was able to obtain bonding for the barn project and was awarded; Sam McKinney was hired to oversee the construction. The deadline for completion is December 31, 2007.

She indicated \$2,100.00 worth of trees were planted in the park.

She indicated part of the walking path was obstructed and wanted the crew from the township to come through with a backhoe and clear a path; Williams Excavating is going to do the work.

Council Member Kelley stated the amphitheater grass was discussed as to how to keep it alive and growing.

She also indicated nominations would be taken at the November meeting for the next term and elections would be held in January 2008.

She indicated the next meeting would be held on Wednesday, November 14, 2007 and there would be no December meeting due to the holidays.

Dillsburg Area Authority

No one was present to report.

Engineer's Report

Borough Engineer Mike Begis provided Council and Mayor with a written report for October 2007 work performed; predominantly entailed the review of the preliminary land development plan and the Phase 1 final plan for Winfield, Chestnut Hollow Phase 2 final subdivision plan, and some work associated with the street dedication of Autumn Woods. Council Member Richardson asked if Council could request monies from the developer of Autumn Woods since the liquid fuels date has passed. Engineer Begis indicated they have already and the developer has agreed to put the money in escrow.

Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for October 2007 work performed and had nothing to add to the report. Council Member Whitzel indicated 2B5 (on report) should be House Bill "1133". Council Member Baldwin asked if 2A (on report) was totally done. Solicitor Allshouse indicated it was. Vice President Griffin asked regarding 2B1 (on report) what was decided or was anything done. Solicitor Allshouse indicated the answer provided to the Manager was generally it becomes a DAA issue unless it becomes a public health or safety issue, then the Borough would have the authority to take action. Vice President asked if DAA has been aware of the issue. Manager Deibler stated no, because there have been no signs of a problem found. Council Member Whitzel asked how the complaint was brought to the attention of the Borough. Manager Deibler indicated a phone call was received. Council Member Whitzel stated it would be courteous to let DAA know. Manager Deibler stated the rats were seen in the storm drain system which belongs to the Borough. Vice President Griffin indicated if it's not DAA's problem, they shouldn't have to be notified.

Tax Collector

Cristina Speicher provided Council and Mayor with written report and had nothing to add.

Borough Staff Report

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

PUBLIC COMMENT

Wayne Kober – Area Transportation – He indicated an effort was started about 2 years ago to address the problem of Route 15 intersections from growing traffic and accidents. The main focus is from Range End Road to Soft Ridge Road in Huntington Township. He indicated since August, when the NYRCP had their public meeting, Dillsburg Borough and Franklinton Borough wanted to become more active in the

efforts. Mr. Kober provided Council and Mayor with an addendum scope of work summary. He went over the five objectives of the proposed addendum:

1. Reevaluate all the Route 15 recommendations included in the 12-year program and with the Metropolitan Planning Organization.
2. Make the transportation element of the NYCRCP consistent with the York and Adams County long range plans.
3. Develop a traffic model for use by the municipalities in evaluating transportation aspects of proposed land uses changes.
4. Identify improvements at the Route 15 intersections and the requirements to build those improvements.
5. Identify land use strategies to preserve right-of ways.

Mr. Kober indicated in the early 70's, the traffic on Route 15 was 5,000 vehicles a day; today it's over 30,000 vehicles. He stated this was the point of what was trying to be done. He indicated to see what the story is right now and look out 20-30 years and not let the municipalities, where there are areas of potential improvement, build up. He then went over the scope of work highlights:

1. Working Group
2. Public Involvement
3. Information gathering on Route 15 to look at current and future trans, develop a model, look at the improvements, identify the right-of-ways and identify the strategies.

Mr. Kober indicated what was expected of the Borough was to look at the strategies, look at the planning and zoning and if there would be anything to help in the future at the intersections.

4. Identify the pedestrian traffic issues on Route 15 and identify the single occupancy vehicle issues.
5. Documentation

He indicated he would be back at the December meeting with the full scope of work and would like to receive a letter of support from the Dillsburg Borough Council. President Ryder asked when the letter of support would be needed. Mr. Kober stated it would be needed in December. Council Member Baldwin indicated he didn't feel comfortable with the way it's being handled or being done. He also stated this shouldn't be part of the Comp Plan that has already been adopted; the only changes to the comp plan were zoning issues and now Mr. Kober wants more added. He indicated the study may be needed, but Adams County should not be part of our comp plan. Mr. Kober indicated the traffic analysis would be the only part of the study involving Adams County. He stated as far as changing the NYCRCP, the transportation addendum has five elements in it at a high level and has never been flushed out. Manager Deibler stated to Mr. Kober, he needed to get the information to her before December 4, 2007, in order to have for the workshop session. Mr. Kober asked if anyone had any questions, he would be glad to meet with them and provide more information. Council Member Baldwin indicated he sat in on a few of the meetings that involved the changes to the comp plan and none of this had been brought up at any of those meetings. He indicated the discussion regarding anything to Route 15 with Senator Vance, Representative Perry and Penn DOT all pertain to the four

traffic lights and felt the effort and money needed to be put here. He stated the Dillsburg Borough Council along with Carroll Township recommended the southern interchange.

Tony Baker, member of the Dillsburg Fire Company, thanked the Council for the opportunity to hold the public comment session regarding the fire tax. He stated he had a personal problem with individuals within the community coming into our home (fire house) and bashing them saying they spend money like drunken sailors. He indicated any individual who contributes is a part of the fire department and they appreciate any dollar that is donated. He stated for them to come into the home (firehouse) of individuals who go out during the night through snow, rain or sleet; drawn away from their dinners; Christmas with their families to take care of other people's problems; to respond to other individuals homes because they need help, disgusted him. He asked the Council to stand up for the fire company if the fire tax issues continue. Mr. Baker stated if any individuals want to come to the fire department and look at their records, they can do so. Mr. Baker challenged anyone to come into the fire department and show them where they can save money as long as it doesn't jeopardize the safety of any personnel.

Chris Klugh, Pin Oak Trailer Park, indicated he felt a fire tax on the community was out of the question right now. He stated there are residents that are on Medicare and have health problems, older adults having problems with finances, and so on and would be ridiculous to put a tax on people for this issue. He stated it needs to be looked at further and a long term investigation on what a feasible solution to this problem would be. Mr. Klugh indicated taxing people for this tax at this time would be out of the question right now; with times of war, businesses laying off people, the situation of health care fees and medicines increasing. He asked when the police go and raid drug people, where does the drug money go. President Ryder stated it goes to the State and County Drug Task Force to fund their operations. Mr. Klugh stated people in the community are going through difficult times and to dump something else on them is unfair.

Cristina Speicher, 147 S Baltimore St, asked in regards to the fire tax issue, when would there be a question and answer type session. Mr. Klugh interrupted in and indicated he would like to see the rest of the community to voice their opinions on this issue beside the Borough Council. President Ryder stated there could be a question and answer session sometime after the holidays, but it wouldn't turn into a debate or argument session.

Mike Whitzel, 206 Keystone Alley, thanked the Borough residents of Dillsburg coming out and expressing their opinions on the fire tax. He also stated the residents are displeased with the financial situation that is occurring with Carroll Township to the fire department. He indicated Dillsburg Borough is paying their fair share and looking at a proposal of \$50,000.00 to the fire company. Mr. Whitzel indicated last year Carroll Township donated \$15,500.00 to the fire department and stated it wasn't fair to the residents of Dillsburg Borough to pay for Carroll Township's fire protection. Mr. Whitzel indicated it was time for the Borough Council to stand behind the fire department and ask Carroll Township why they aren't supporting the fire company. He also indicated he would like to see the Public Safety Committee meet with Carroll Township and resolve this issue. He also indicated the residents of the Borough are funding the fire

department, not to the expectations of the fire company, but the tax money and revenue is funding the fire department very well.

Jeff Beitzel, 25 W Franklin St, asked if it was correct that only 17% of the residents in the Borough donate and if 100% of the people donated would the fire tax still be necessary. Tony Baker indicated out of the 5,000 letters that were sent out and if 100% of the people would donate appropriately; the tax wouldn't be needed. He also asked if the Borough Council would approve a fire tax, would the fire department still be able to do donation drives. Mr. Tony Baker indicated if the fire tax bill be accepted, then the annual fund drive for the Borough would be eliminated. Mr. Beitzel also asked if there was a fire tax, would the fire department still seek donations from the Borough. President Ryder indicated they would not be able to. Council Member Kelley indicated this was some of the additional information which Mr. Boelhouwer was trying to point out at the public meeting. She indicated Council talked about this issue and wanted to get public comment, but a lot more discovery work needs to be done before the Council can take this intelligent plan to the public, knowing that we don't know a lot of the answers. She stated she hoped the Council didn't call for public comment on something so prematurely to only get the message out to the surrounding municipalities that their fair share wasn't being distributed because then we intently tweak our noses at the community and that wasn't the intent. Council Member Kelley indicated she was all for public comment and therefore made the motion to publicly advertise the meeting so as we look at potentially hitting people's income, people would be made aware of the situation.

Bob Kinney, Barrens Valley indicated it's a good idea for the public to get answers to some of the questions they have. He asked what was going to be taxed, real estate, cars, individuals, etc., what is the ACT 884 and how this comes into play, and what is the Dillsburg Volunteer Firefighters Relief Association and how are they related to Citizens' Hose Company.

CORRESPONDENCE

Secretary/Treasurer Beitzel read a letter from New Hope Ministries thanking the Dillsburg Borough Council for their generous donations in 2007 and they served over 1,200 families in 2007.

MAYOR'S REPORT

Mayor Snyder indicated the Farmers' Fair String Lighting Committee held a special recorded meeting last month and the minutes would be received at a later date.

PRESIDENT'S REPORT

President Ryder announced the Tree Lighting Ceremony would be held on Friday, December 7th on the Square, beginning at 7 PM; rain, snow, or sleet. East Harrisburg Street would be closed from the Square to Harrisburg Pike for about one hour. The Mayor would once again make a Proclamation and officially open the Holiday Season in Dillsburg. President Ryder invited all Dillsburg area Residents to attend.

He thanked the Borough staff and Council and all the volunteers it took to make Farmers' Fair happen.

He indicated he was out-and-about the community on Trick-or-Treat night and publicly thanked the American Legion for the pizza.

He stated he attended the York County Borough Association (YCBA) banquet on Saturday, November 10th at the York Expo Center and was reinstated as first Vice President. He stated the Mayor of Wellsville presented him with a 10 year service award for serving on the Council.

President Ryder congratulated Vice President Griffin, Council Members Zeiders and Baldwin on the election Tuesday and stated they would be serving for four more years.

He also indicated he attended the street light meeting.

He closed his report by wishing everyone a Happy Thanksgiving and holiday season.

COMITTEE REPORTS

Public Works Committee

- A. Leaf Pick-Up – Council Member Zeiders stated Dillsburg Borough will be collecting leaves with our new leaf vacuum, courtesy of the PA DEP, this year on November 19, 20, 26 and 27 and on December 3 and 4 – Weather Permitting. All persons who reside in residential dwellings and all persons responsible for the management or operation of multiple-family housing properties, commercial, municipal and institutional establishments who gather leaf waste (“Leaf Waste” – Leaves fallen from trees, bushes or the like only). Does not include garden waste, tree trimmings, shrubbery, chipped shrubbery and/or other vegetation. MUST source separate all leaf waste and place in a loose, unconfined pile for collection within 2 feet of the curbline, but not on the sidewalk, no earlier than 24 hours before advertised collection date and no later than 9 AM on day of pick up.
- B. Discuss/Take Action – Winfield Preliminary Land Development Plan – Council Member Zeiders stated the Preliminary Land Development Plan for Winfield was submitted to the Borough of Dillsburg. The Borough Planning Commission reviewed the Plan on October 24, 2007 at the regularly scheduled Planning Commission meeting and recommended approval, with the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated October 19, 2007, in the response from Trans Associates dated October 11, 2007 and in the York County Planning Commission’s report dated August 17, 2007. Also with the condition that the Borough Solicitor finds the Winfield Condominium Association Agreement satisfactory and a final decision about the future installation of a traffic signal and/or other related improvements at Baltimore Street and Winfield Drive is reached. Council Member Zeiders moved to approve the Preliminary Land Development Plan for Winfield subject to the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated October 19, 2007, in the response from Trans Associates dated October 11, 2007 and in the York County Planning Commission’s report dated August 17, 2007. Also with the condition that the Borough Solicitor finds the Winfield Condominium Association Agreement

satisfactory and a final decision about the future installation of a traffic signal at Baltimore Street and Winfield Drive is reached. Dillsburg Borough Council will sign the plan after all conditions have been met. Seconded by Council Member Whitzel. Council Member Kelley asked if we would approve the amendment as it was written, and then by approving it, does it mean we want the developer to continue to do a further traffic study for the sake of the light, and is this correct. Mr. Quigley indicated he believed so. Engineer Begis indicated there are four issues on the letter dated October 29, 2007 addressing outstanding comments from Trans Associates. He indicated Trans Associates believes it would be conservative to look at the traffic study. Mr. Stephen Quigley indicated a question was brought up by Borough Engineer Knoebel; he wanted to know by adding the McNaughton property to the traffic study, how close would it be to what is required to have a traffic light. Solicitor Allshouse stated the question from Mr. Knoebel was if the McNaughton property was added to its highest best use as currently zoned, how close would it be to warrant a traffic signal. Mr. Quigley stated if we went beyond that; when they do the traffic study the minor street that is used for the analysis of the intersection is the higher of the two sides, not both put together or not the subject which is Winfield. The higher traffic volume would come out of Pheasant Ridge. He indicated the graph (presented) was in the traffic study and is the indication of whether it would come close to warrants at peak hours. The graph showed full build out for the peak PM traffic; on Baltimore Street there would be 1,025 and presently the higher of the two side streets would be Pheasant Ridge at 33 trips at the peak hours. He continued by stating if there would be six Pheasant Ridges added it doesn't make the traffic signal, which is why it's not necessary to add a smaller project to see if it comes close to warrant a traffic signal. Council Member Baldwin asked about the fact that Windy Heights is connected to Pheasant Ridge. Council Member Kelley asked why this would be Winfield's concern. Council Member Baldwin indicated because it's traffic that would be coming out at the intersection and a development that is already in and being used. Mr. Quigley indicated Windy Heights was included in their traffic study. Engineer Begis confirmed it was. Mr. Quigley indicated if they doubled the traffic in both directions (S Baltimore St and side streets) they still wouldn't come close to the count that is needed to warrant a traffic signal and don't understand the value to go back and study and spend \$2500 to come up with the same answer. Council Member Kelley asked if the graph presented was based on the September 2007 study. Mr. Quigley stated that is correct. Council Member Kelley indicated we are asking a further study beyond what was already done in September 2007. Engineer Begis stated there was a difference in the way they presented it and the traffic signal warrant analysis wasn't actually completed. Mr. Quigley indicated it was done, but not with the McNaughton property included. Engineer Begis stated Trans Associates understand the Borough may in the future want to use the McNaughton property as a dependent; Winfield does have a sub-street going into the property it gets the Borough's attention to use the property for what it's zoned

for. Mr. Quigley indicated Winfield Drive coming through the development to the McNaughton property where a temporary cul-de-sac is during construction. He continued they (McNaughton) would have the ability to add on to. He also stated if McNaughton or someone else develops the property, they would have the full right to the street Mr. Sealover paid for. Council Member Baldwin indicated the Borough would take dedication of. Mr. Quigley asked if Mr. Sealover and the Winfield project would be contributing to a traffic signal and no one over in the other development is stepping up to the plate and saying we are going to develop this property and would pay back the Borough or developer for their portion of the road. Engineer Begis indicated what they are asking is the intersection being designed and thought out properly for the best interest of the Borough. Mr. Quigley indicated the traffic study was revised to the scope that was requested by the Borough and the Borough's traffic engineer. Manager Deibler indicated Engineer Knoebel mentioned the traffic study needed to include the McNaughton property before September 2007. Mr. Quigley stated everything that was in the scope letter that came from the Borough was included and the issue about the McNaughton property came up after the study was done. He indicated he didn't know how to include a property that's not developed. Council Member Kelley questioned number 7 of Trans Associates letter dated October 11, 2007, it concurs with this assessment, but suggests reevaluation including potential traffic from the McNaughton development, which is Meadows Edge and has no plans. Engineer Begis states the Borough anticipates the property will be developed and needs to plan correctly for the future of the Borough. Discussion. Engineer Begis indicated several plans have been submitted for the property over the years and yes, we could come up with the appropriate number of units. Mr. Quigley indicated there were 72 units on the last plan that was done. Council Member Kelley indicated Trans Associates based the study on 120 units. Mr. Quigley indicated that was correct; 120 units for Winfield and has less traffic than what is anticipating to come out of the Pheasant Ridge Development at full build out in 2018. Vice President Griffin asked how much is coming out of the Pheasant Ridge side adding in Windy Heights. Mr. Quigley indicated it's based on having Windy Heights and having 33 peak hour trips. President Ryder asked for verification on 33 per peak hour. Mr. Quigley indicated it's the pm peak hour which is the worst time frame; it's the single worst hour during the rush hour. Discussion on the graph's figures. Council Member Baldwin asked when getting into a traffic study, what is being looked at in reference to the developments; is it the number of houses and their anticipated way to go or do you look at the potential for through traffic. Mr. Quigley indicated there is some potential through traffic included. Council Member Baldwin indicated knowing the traffic flow anticipated when Windy Heights is build out, the intersection is going to be a cross street from Old York Road to Baltimore Street, and the 33 figure is very low. Mr. Quigley stated the study is based on one peak hour during the day. Council Member Baldwin asked who picks the peak hour. Mr. Quigley indicated when the traffic counts are done there are certain formulas being used.

Discussion on the graph figures and peak hours. Council Member Richardson indicated a nice job was done on the graph, but the Borough is paying KPI and if the developer and KPI can't agree on something the Council would have to back KPI because it's the ultimate decision. Council Member Baldwin indicated he had issues with the Condominium Association that weren't discussed in the developers' meeting. Mr. Quigley stated in lieu of coming to an agreement on the traffic study, could preliminary approval be granted in order to work with utility companies and some potential buyers are waiting. Manager Deibler indicated Council didn't state they wouldn't give Winfield preliminary approval; the actual plans wouldn't be signed until the traffic study came to a conclusion. Discussion on the way the motion was written regarding the conditions. Dave Getz, Solicitor for the project, indicated if there were any questions, he would be happy to address them with any of the Council Members. President Ryder stated he had issues with the 7-year limit agreement for the public safety, EMS and fire. Council Member Kelley indicated that was answered and explained why. Council Member Baldwin indicated at the developers' meeting, there was no talk about any agreement. Mr. Getz stated that was true; and at the meeting there was discussion for the developer to buy a piece of fire apparatus for the fire department, which couldn't be done. Council Member Baldwin indicated if there would be a time frame put on this; it should be done after complete build out. He also indicated he didn't want to designate a fire company; it should be at the Borough's discretion, because of the fact Council doesn't know who would be the fire company down the road. Mr. Getz stated he would change the wording to read whatever fire department and ambulance service provides coverage. Council Member Baldwin asked if there was a penalty because it's a private street. Solicitor Allshouse indicated the police would enforce the no parking under Borough Code. President Ryder asked how they could since the street isn't dedicated. Solicitor Allshouse indicated because the Borough has a public safety code. Council Member Baldwin indicated to change the EMS dollar amount to read not to exceed the membership fee for the association. Mr. Getz indicated his concern was what if their fund drive continues to fall and they charge the association whatever they want. Manager Deibler stated the ambulance is a paid service and there is a membership fee and they have no idea how many Borough residents join. Council Member Richardson indicated it's about 20%. Mr. Getz indicated they were trying to keep it in line with what seemed fair, but willing to relook at it. Solicitor Allshouse indicated before the vote, he asked the developer or the representative if the conditions (4) set forth by the Council made in the motion are acceptable. Mr. Quigley indicated in terms of the traffic and Trans Associates comments; he was looking for the ability for the traffic engineers to talk and see why the study is really necessary. Manager Deibler stated the Council wanted the traffic study to come to a conclusion. Discussion. Mr. Getz indicated the conditions are acceptable and if there are any comments on the Condominium Association Agreement to contact him. – Motion Carried.

C. Ordinance 2007-9 – Dedication of Streets in Autumn Woods – Council Member Zeiders stated the Autumn Woods Development has now been completed. The Borough Engineers, Tim Knoebel and Michael Begis of KPI, have completed inspections of infrastructure, set the necessary maintenance bond amount and have reviewed the legal description for accepting portions of Clemens Drive, as well as, Autumn Woods Court located in Autumn Woods. The Borough Solicitor, Mark Allshouse, has reviewed the deed and maintenance bond. There are outstanding issues involving an escrow account and the dedication of the sewer and water lines to the Dillsburg Area Authority. Council Member Zeiders moved to adopt Ordinance 2007-9, accepting and ordaining Autumn Woods Court and a section of Clemens Drive being a portion of and contained within Autumn Woods Development within the Borough of Dillsburg with the following conditions:

- 1) The required escrow account is funded by Developer.
- 2) The sanitary sewer and water lines are dedicated to Dillsburg Area Authority. All paperwork necessary for dedication will be signed by Council after the conditions are met. Seconded by Council Member Whitzel. Council Member Kelley asked if there was a time frame for the compliances to be met. Engineer Begis stated if Council conditionally approves the ordinance, there would be no time frame. He asked what the time frame was to have the ordinance take effect. Solicitor Allshouse stated it must be no sooner than seven and/or no more than thirty before the enactment of passing unless Council continues action on the ordinance and brings it up at another meeting, so essentially Council has 29 days. Council Member Baldwin asked for them to meet the conditions. Solicitor Allshouse indicated to enact the ordinance. He continued by stating if Council takes action tonight and passes the ordinance, the ordinance is passed and the ordinance better have the conditions stated in it, otherwise Council passed the ordinance and made it a law without conditions. He also stated if Council wants conditions to be met, then the conditions have to be met before the ordinance is passed if the ordinance doesn't have the conditions in it. Discussion. Council Whitzel asked if the water issue was taken care of. Manager Deibler indicated it was her understanding; it was all handled and inspected by KPI. Council Member Zeiders and Whitzel withdrew their motions. Discussion on the conditions. Council Member Zeiders moved to table Ordinance 2007-9 until the conditions are met. Seconded by Council Member Whitzel. – Motion Carried.

Public Safety Committee

Council Member Baldwin and Richardson had nothing to report.

Administration Committee

A. 2008 Proposed Budget – Vice President Griffin stated the 2008 Proposed Budget had been prepared and was reviewed by Council at their recent Committee Meeting. The Proposed Budget consists of Total Estimated Revenues of \$806,455.00 and Total Estimated Expenses of \$821,695.00. Expenses include

contributions of \$75,350.00, street light fees of \$30,000.00, traffic signal charges of \$8,700.00, weed control payments of \$5,800.00 and pay 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 2008 Proposed Budget will be placed on public display from now until the December 11, 2007 Council Meeting at which time formal action by Council will be taken. Vice President Griffin moved that the 2008 Proposed Budget be approved and adopted as presented, and that any revisions be prepared for the 2008 Final Budget, to be adopted at the December 11, 2007 meeting of Borough Council. Seconded by Council Member Kelley. Council Member Whitzel opposed. – Motion Carried.

- B. Ordinance 2007-8 – Local Service Tax – Council Member Kelley stated the Commonwealth of Pennsylvania enacted Act 7 of 2007 that amends the Local Tax Enabling Act, Act 511 of 1965, to make major changes to the Emergency and Municipal Service Tax (EMST), including a name change. Even though the rate of the EMST/LST will not be changed, municipalities that enacted the EMST since December 1, 2004 and where the combined rate (with its school district) exceeds \$10.00 must reenact their EMST ordinance to reflect the new LST provisions. Council Member Kelley moved to adopt Ordinance 2007-8, repealing Ordinance 2005-4 and enacting Ordinance 2007-8 providing for the assessment of a local services tax. Seconded by Vice President Griffin. – Motion Carried.
- C. Resolution 2007-14 – Appointing an Auditor – Vice President Griffin stated as Council Members are aware, the Borough appoints an Auditor each year to independently audit all Borough Accounts. Resolution 2007-14 was developed to appoint Kochenour, Earnest, Smyser and Burg of York, Pennsylvania as the Auditor for the Borough of Dillsburg for the fiscal year 2008. Vice President Griffin moved to adopt Resolution 2007-14 appointing the Auditor for the fiscal year 2008. Seconded by Council Member Kelley. – Motion Carried.
- D. Resolution 2007-15 – Appointing a Wage Tax Collection Agency for 2008 – Council Member Kelley stated each year the Borough appoints a Collection Agent for collecting the Wage and Occupation Taxes, appoints an Income Tax Officer and assigns Representatives to the Collection Agent’s Board of Directors. The West Shore Tax Bureau has served as the Borough’s Collection Agent in the past. Council Member Kelley moved to adopt Resolution 2007-15 designating the West Shore Tax Bureau as its Collection Agent, appointing the WSTB’s Executive Director as its Income Tax Officer and assigning Council Member Baldwin as Representative and Council Member Zeiders as Alternate Representative to the Board of Directors of the West Shore Tax Bureau. Council Member Kelley also moved to approve the 2008 West Shore Tax Bureau Budget of \$1,310,680.00 as approved and adopted by their Board of Directors and provided to Council prior to this meeting. Seconded by Vice President Griffin. – Motion Carried.
- E. Resolution 2007-12 – Appointments – Vice President Griffin stated the Borough of Dillsburg needs persons who are willing to serve their community. Each year Council reviews for any upcoming openings on Committees and Authorities that

serve the Borough and considers appointments for those positions. Council would like to recognize people who have responded to the need for volunteers and appoint those persons to serve by adopting Resolution 2007-12. Vice President Griffin moved to adopt Resolution 2007-12 appointing the following to serve the Borough of Dillsburg:

Stacey Ryder to a three-year term on the Logan Park Authority
(01/01/08 – 12/31/10)

Lynn Sanders to a two-year term on the Logan Park Authority
(01/01/08-12/31/09)

Timothy Keirn to a one-year term on the Vacancy Board
(01/01/08 – 12/31/08)

Joseph Robinson to a two-year term on the Planning Commission
(01/01/08 – 12/31/09)

Jeffrey Beitzel to a three-year term on the Zoning Hearing Board
(01/01/08 – 12/31/10)

Seconded by Council Member Kelley. President Ryder abstained due to an immediate family member being appointed. – Motion Carried.

OLD BUSINESS

Council Member Kelley indicated DABA would be decorating the square on Monday, November 26, 2007 at noon and anyone wanting to help can do so.

NEW BUSINESS

Council Member Whitzel asked if the fire tax issue would be discussed at the next workshop meeting and put on the agenda. President Ryder stated it would be put on the agenda; however it wouldn't be a long discussion.

ADJOURNMENT

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

Respectfully Submitted,

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse