

DILLSBURG BOROUGH COUNCIL MEETING
DECEMBER 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, Vice President Holly Kelley, Hal Anderson, David Baldwin, John Richardson, Matt Fawber and Kathryn Zeiders. Also present were the following: Borough Engineer Mike Begis, Solicitor Mark Allshouse, Borough Manager Karen Deibler, and Borough Secretary/Treasurer Debbi Beitzel. President Jeff Griffin and Mayor Henry Snyder were absent.

The following visitors were present: Tony Baker and Dave Thompson from Citizens' Hose #1, Paul Reichart from the Patriot News, Planning Commission and DAA Representative Brain Radcliffe, YCBA and COG Representative Mark Ryder, Gary Lebo, Gomer Stephenson and Dusan Bratic.

The meeting was called to order by Vice President Kelley at 7:00 PM followed by the Pledge of Allegiance to the flag and Council Member Anderson gave the invocation.

APPROVAL of the AGENDA

Council Member Zeiders moved to approve the agenda as presented. Motion was seconded by Council Member Richardson. – Motion carried.

APPROVAL of the MINUTES

November 1, 2010 Committee Meeting – Council Member Zeiders moved to approve the Committee Meeting minutes of November 1, 2010 as presented. Motion was seconded by Council Member Baldwin. – Motion carried.

November 9, 2010 Council Meeting – Council Member Richardson moved to approve the Council Meeting minutes of November 9, 2010 as presented. Motion was seconded by Council Member Fawber. – Motion carried.

DEPARTMENT REPORTS

Police Department Report

There was no one present to report but the November Dillsburg Borough Police Report was provided to 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.

Ambulance Service Report

There was no one present to report nor were there any reports provided to Council and Mayor.

Fire Company Report

Citizens' Hose Fire Company #1 – Tony Baker provided a report for the month of November 2010 to Council and Mayor. He indicated for the month of November there were 23 runs; three in Dillsburg Borough; for a year-to-date total of 78 in Dillsburg Borough and a total of 387 for all municipalities. He also presented a report with the apparatus responses, the incident types, the membership responses and the training hours for November. Mr. Baker indicated there were three failed calls for the month of November; one of them was in the Dillsburg Borough.

Mr. Baker stated the renovations at the fire station are coming to a close. The upgrading of the lighting has proved to be beneficial so far with a decrease of approximately \$157.00 in the electric bill for November.

He indicated the rescue truck will be out of service in January for approximately two weeks due to the damage it received in a minor motor vehicle accident on Route 15.

Franklintown Fire Company – There was no one present but a report was provided to Council and Mayor.

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 November were \$297,581.65. 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 bills as presented. Motion was seconded by Council Member Baldwin. Council Members Richardson and Anderson abstained. - Motion carried.

Planning Commission Report

Brian Radcliffe reported on the November 17th Planning Commission meeting. He stated they reviewed the rezoning request for property #58000020049E0000000 to a commercial highway zoning. Mr. Radcliffe indicated the Planning Commission found there were no issues from a planning standpoint and was OK to go forward with.

Dillsburg Area Authority

Brian Radcliffe reported on the November 16th meeting. He stated new developments continue to be low. There were two residential water and sewer EDU's reported for the month.

He stated the Board conducted their normal business and looked into some collection efforts that needed to be taken care of.

YCBA & COG

Mark Ryder wished the Council and staff a Merry Christmas.

YCBA - Mark Ryder stated one of their board members, Bev Scott, Mayor of Dallastown has passed away. The next board meeting will be held on January 8, 2011; they will be planning the 2011 year.

COG – Mark Ryder asked if Council Member Richardson was going to continue to be the alternate. Council Member Richardson stated yes. Mr. Ryder stated the banquet will be in January and the invitations will be mailed. The banquet will include the installation of officers and a short business meeting. He stated at the last COG meeting they suggested the municipalities should consider recycling. He indicated there is a company that helps municipalities increase their recycling.

Solicitor's Report

Solicitor Allshouse provided Council and Mayor with a written report for work performed in November 2010 and had nothing to add.

Engineer's Report

Borough Engineer Mike Begis provided Council and Mayor with a written report for work performed in November 2010. He stated the ADA Pedestrian Improvements Contract work has been completed. The contractor has submitted a payment request; there were some issues with the quantities they were requesting. Engineer Begis stated KPI had just received and reviewed the revised payment request this afternoon. The initial contract cost was \$29,950.00 and the Borough received a Community Development Block Grant for \$30,000.00. After visiting the sites, KPI had determined in order to meet Federal ADA requirements it was going to take additional lineal foot for the curb and side walk, which amounted to an additional \$7,000.00. The Borough Manager was able to secure some additional funding from York County. He stated the total grant is for \$37,000.00 and the contractor's payment request is in the amount of \$37,350.00.

Engineer Begis requested Council to authorize the Borough Manager to submit the final payment request to York County Planning Commission on behalf of the contractor. Vice President Kelley asked if the bill was \$350.00 over the grant money. Engineer Begis stated yes. Council Member Richardson asked Engineer Begis if KPI was satisfied. Engineer Begis stated yes. Council Member Richardson moved to authorize the Borough Manager to forward the payment request for the ADA Pedestrian Improvements to York County. Motion was seconded by Council Member Zeiders. – Motion carried.

Tax Collector

Cristina Speicher wasn't present and didn't provide any reports to Council and Mayor.

Borough Staff Report

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

PUBLIC COMMENT

Dave Thompson, President of Dillsburg Fire Company, indicated there was a bill submitted to the borough for payment awhile ago and the Borough Manger advised them

that the bill didn't have anything to do with public safety. Mr. Thompson asked what bills the Borough pays for the fire company. Vice President Kelley stated some of the concerns regarding the bill was the dollar amounts and was the bill directly related to truck maintenance; because there were a lot of the renovations to the building on it. Vice President Kelley indicated the allocated money Council could invoice against was put forward at the beginning of the year in the budget. Council Member Baldwin stated Council needs to make sure the donations complied to the Act 8 requirements; providing for the residents. Solicitor Allshouse stated for example part of the invoice was for motion detector on and off switches in the offices. The question is does this expenditure fall within Act 8. The answer is it may not. He indicated Council was interested in getting a further break down of the expenses for allocation purposes.

Gomer Stephenson, owner of 153 & 155 South Second Street, indicated about four or five years ago he approached Council and stated the new maintenance code that was in effect was a totally flawed code, and he still considers it unconstitutional. They were cited for a minor issue with the smoke detectors. Mr. Stephenson indicated the District Justice mentioned he wouldn't put in hard wired detectors in his own home and can't be forced to be done without any major construction changes. The ordinance was changed and Council rewrote it and included the hard wire smoke detectors the second time. There was a second inspection, the property didn't pass and wasn't cited. Mr. Stephenson stated his attorney sent the ordinance to Mr. Ballsom who is in charge of the Uniform Construction Code for the Labor and Industry. Mr. Ballsom sent a letter to Mr. Altland (Stephenson's attorney) in November to the effect that the hard wire section of the maintenance code comes under the UCC, which the Borough has no right to change and this part of the code is unenforceable. Mr. Stephenson indicated a copy of the letter was given to the Borough Manager and wanted to know what was going to be done about the ordinance. Solicitor Allshouse stated Council has instructed him to talk with Mr. Altland; the information provided to Mr. Ballsom was slightly flawed. The premise he provided in his letter to Mr. Ballsom is incorrect. Mr. Ballsom's letter states the smoke detector ordinance was adopted as part of the maintenance code of the Borough of Dillsburg, which was adopted in the 70's, prior to the UCC existence. As a result, there is at least some potential that the ordinance stands regardless of the adoption of the UCC. As Mr. Altland stated originally Mr. Shelly didn't provide Mr. Ballsom with a copy of the ordinance. Mr. Altland then sent the ordinance to Mr. Ballsom. According to the letter, he states the ordinance is part of the Borough's maintenance code; the ordinance isn't part of our property maintenance code. The ordinance is a preexisting ordinance of the Borough of Dillsburg from the 1970's. It doesn't fall under the maintenance code in our code book. As a result, Borough Council has instructed the solicitor to get in contact with Mr. Ballsom and Mr. Altland and come to a final determination based on accurate information provided by all parties to the UCC. Solicitor Allshouse indicated based upon the determination, Borough Council will decide what to do; this is why Mr. Stephenson hasn't been cited. Mr. Stephenson asked when Solicitor Allshouse expected to have the meeting. Solicitor Allshouse stated he needs to get in contact with Mr. Altland and get it on his agenda.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Snyder wasn't present.

PRESIDENT'S REPORT

Vice President Kelley announced the following events: December 18 - Breakfast with Santa at the Dillsburg VFW from 7:30-10:30 am. Cost is Ages 17 & over is \$6.00, Children 11-16 years of age \$4.00, Children 10 and under are free. This event is open to the public; December 20 - Teen Program at the Public Library from 6-8 pm – Wii Night; December 21 - Story time for Preschoolers at the Library from 10:30-11:00 am; December 23 - Borough Office will be closing at noon; December 24 -The Borough Office will be closed for the Christmas Holiday; December 31 – The Borough Office will be closed for New Years; December 31 – The Pickle Drop in Downtown Dillsburg, 4:30 – 7:30 pm – Central PA Blood Drive, 4:30 – 11:30 pm Community Hall events include entertainment, magic act, kids' games, and refreshments, 7:00 pm – Mrs. Pickle Drop, 8:00 – 11:30 pm – bingo in the fire station, 9:00 – Midnight, there will be a DJ, and at Midnight – Mr. Pickle Drop and Fireworks; January 5 & 12 - Penn Waste will be picking up Christmas Trees with the normal trash pickup.

Vice President Kelley thanked DABA for decorating the town Christmas tree and the light posts and for coordinating the Light Up Night, the Bear Singers and Dillsburg Brass for providing holiday music brass.

Vice President Kelley indicated so far this holiday season there have been some nice events beginning with the tree lighting, the Colonial Christmas and some events at the tavern and will conclude with the Pickle Drop and bringing in the New Year.

She thanked the Borough staff for their hard work keeping the Council informed and the town business running smoothly, the local organizations for supporting the residents of Dillsburg, the people for giving their time for public safety and beautification and growth of the town; their time and involvement is greatly appreciated. We look forward to more people giving their time and volunteering in 2011. She wished everyone a Merry Christmas and Happy New Year.

COMITTEE REPORTS

Public Works Committee

- A. Discuss/Take Action – Ordinance 2010-6 – Amending Borough's Zoning Map – Council Member Anderson stated the Borough received a Zoning Change Request from Mr. Dusan Bratic of 101 Office Center, Suite A, 101 South U.S. Route 15 in Dillsburg, PA. The request is for a Zoning Change from Residential-Urban (R-U) to Commercial Highway (C-H) for a portion of tax parcel number 58-02-49E. The property is located off of North U.S. Rte. 15. It is bordered by various properties located on W. Harrisburg Street, 3rd Street and/or W. York Street. The proposed zoning map amendment was advertised as required and reviewed by both the

York County and Dillsburg Borough Planning Commissions. The Borough Council reviewed comments from both Planning Commissions. Borough Council held a Public Hearing on December 14, 2010 at the 6:30PM in the Dillsburg Area Authority Office located at 98 W. Church Street in Dillsburg to review the Zoning Change Request, hear public comment and consider amending the Zoning Map. Council concluded that the proposed rezoning would be consistent with the purpose of Chapter 27, entitled Zoning, of the Code of the Borough of Dillsburg, which is to promote coordinated and practical community development and would also be consistent with the Future Land Use Map in the Northern York County Regional Comprehensive Plan. Council Member Anderson moved to adopt Ordinance 2010-6 amending the Dillsburg Borough Zoning Map. Motion was seconded by Council Member Fawber – Motion carried.

Public Safety Committee

- A. Discuss/Take Action – Ordinance 2010-4 – Amending Chapter 15, Part 4, General Parking Regulations of the Borough Code – Council Member Richardson stated Council has reviewed the parking policy in the Borough and has concluded that: It is of the utmost importance that all streets in the Borough are accessible to emergency vehicles and safely accessible to normal traffic. Currently parking on both sides of West Hanover Street during the winter months can create a hazardous condition for all traffic and impede emergency vehicle access. Council Member Richardson moved to adopt Ordinance 2010-4, Amending Chapter 15, Part 4, General Parking Regulations, of the Borough Code by enacting no parking on the south side of West Hanover Street between December 15th and March 15th. The Ordinance will become effective on December 20, 2010. Motion was seconded by Council Member Baldwin. – Motion carried.

Administration Committee

- A. Discuss/Take Action – Pet Permits – Council Member Zeiders stated Section 2-102 of Chapter 2 of the Code of the Borough of Dillsburg states that residents must have a permit in order to keep more than four (4) dogs and cats, in aggregate number, more than six (6) months of age or older. Donna J Yost of 227 South Baltimore Street and Jill Janney of 220 South Baltimore Street have applied for pet permits. All requested forms, information and fees have been supplied to the Borough. Council has reviewed the applications and has found everything in order. Council Member Zeiders moved to approve the applications as submitted and authorize the Borough Manager to notify the applicants of the approvals and process the permits with an expiration date of December 31, 2011. Motion was seconded by Vice President Kelley. – Motion carried.
- B. Discuss/Take Action – Tax Exoneration Request #2010-3 – Council Member Zeiders stated the Borough has received a request for Tax Exoneration for Per Capita and Occupation Tax from Tax Exoneration Case #2010-3. The request has been reviewed by the Council, as well as by the Borough Manager and the Tax Collector who concur that the applicant has met the requirements for tax

exoneration. Council Member Zeiders moved to grant the request for 2010 Per Capita Tax and 2010 Occupation Tax Exoneration Case #2010-3 as submitted. – Motion was seconded by Vice President Kelley. – Motion carried.

- C. Discuss/Take Action – Resolution 2010-19 - Fee Schedule – Council Member Zeiders stated various ordinances provide for the assessment and collection of fees in order to recoup the cost for professional services provided by the Borough. Council has worked to keep the fees at 2009 rates. Council Member Zeiders moved to adopt Resolution 2010-19 establishing the Borough Fee Schedule for 2011. Motion was seconded by Council Member Anderson. – Motion carried.
- D. Discuss/Take Action – Resolution 2010-13 – Amend Employee Handbook - Council Member Zeiders stated in reviewing the Borough’s Employee Manual printing errors were found in the Vacation Benefits Section. These errors require amendments. Council Member Zeiders moved to adopt Resolution 2010-13, amending the Borough’s Employee Manual. Motion was seconded by Council Member Anderson. – Motion carried.
- E. Discuss/ Take Action – Resolution 2010-18 – 2011 Appointments – Council Member Zeiders 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 2010-18. Council Member Zeiders moved to adopt Resolution 2010-18 appointing the following to serve the Borough of Dillsburg:
1. Adrian Piechowicz to a three-year term on Logan Park Authority Board (01/01/11 – 12/31/13)
 2. Timothy Keirn to a one-year term on the Vacancy Board (01/01/11 – 12/31/11)
 3. R. Brian Radcliffe to a four-year term on the Planning Commission (01/01/11 – 12/31/14)
 4. Jeffrey Beitzel to a three-year term on the Zoning Hearing Board (01/01/11 – 12/31/13)
 5. Mark Ryder to represent the Borough at both the York County Borough Association and the Capital Region Council of Governments for a term of one year (01/01/11 – 12/31/11)
 6. Leon Zeiders to a four-year term on the Planning Commission (01/01/11 – 12/31/14)
- Motion was seconded by Vice President Kelley. – Motion carried.
- F. Discuss/Take Action – Ordinance 2010-5 – The Tax Ordinance for 2011 – Council Member Zeiders stated each year the Borough is required to enact a Tax Ordinance fixing the tax rates for Real Estate and Occupation Assessment Taxes for the coming year. The rates will stay the same as they were for the last five (5) years: Real Estate - 2.37 mills and Occupation Assessment Tax - 1200 mills. Council Member Zeiders moved to adopt Ordinance 2010-5 fixing tax rates for

the non-exempt real property at 2.37 mills and the occupational assessment at 1200 mills. Motion was seconded by Vice President Kelley. – Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Council Member Zeiders requested for the press to mention the Borough is in need of a person to represent the Borough on the Logan Park Authority Board for a four year term.

Mark Ryder thanked the Council and staff for keeping the taxes the same for 2011.

ADJOURNMENT

Since there was no further business, Council Member Richardson moved to adjourn the regular meeting. Motion was seconded by Council Member Zeiders. – Motion carried. The meeting was adjourned at 7:38 PM.

Respectfully Submitted,

Debbi L. Beitzel

Debbi L. Beitzel, Secretary/Treasurer

cc: Borough Council Members
Mayor Snyder
Tim Knoebel
Mark Allshouse