

DILLSBURG BOROUGH COUNCIL MEETING

July 14, 2015 – 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 John Richardson, Vice President Holly Kelley, Dave Baldwin, Jeff Griffin and Yvonne Laukemann. Also present were the following: Mayor Wendell Hollinger, Borough Manager Karen Deibler and Borough Secretary Debbi Beitzel. Council Members Hal Anderson and Matt Fawber, Solicitor Mark Allshouse and Borough Engineer Tim Knoebel weren't present.

The following visitors were present: Chief Thomas Wargo and Patrolman Ronald Stiles from the Carroll Township Police Department, YCBA and COG Representative Mark Ryder, Planning Commission Representative Leon Zeiders, DAA Representative Brian Radcliffe, Michael Whitzel from Franklinton Fire Co., Carroll Township Supervisor Andy Ritter, Curt Werner and Mary Lou Bytof from the Dillsburg Banner, Tricia Kline from PennLive, Matt Carroll and Steve Spuler from Life in Christ Fellowship and Dillsburg Borough Residents Michael Scott and Dave Krall.

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

APPROVAL of the AGENDA

Council Member Griffin amended the agenda by adding two items to Public Works: Life in Christ Parking Lot Land Development Waiver and Life in Christ Parking Lot Land Development Approval. Vice President Kelley moved to accept the agenda as amended. Motion was seconded by Council Member Griffin. – Motion carried.

APPROVAL of the MINUTES

June 2, 2015 Committee Meeting – Council Member Baldwin moved to approve the Committee Meeting minutes of June 2, 2015 as presented. Motion was seconded by Council Member Griffin. – Motion carried.

June 9, 2015 Council Meeting – Council Member Griffin moved to approve the Council Meeting minutes of June 9, 2015 as presented. Motion was seconded by Council Member Laukemann. – Motion carried.

DEPARTMENT REPORTS

Police Department Report

Chief Wargo reviewed the June, 2015 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. He indicated for the month of June 2015, there were 108 calls for service for a year-to-date total of 718. There were five (5) traffic accidents in June 2015 for a year-to-date total of 41 and the officers issued a total of 36 traffic citations in June 2015 for a year-to-date total of 165.

Part I offenses for June 2015, there was an overall clearance rate of 84%. Part II offenses for June 2015, there was an overall clearance rate of 96%. The combined clearance rate was 92% for Part I and Part II offenses.

The contracted hours were right on schedule for the year (210).

President Richardson stated the Council Members and the Mayor wish to recognize and thank Officer Ron Stiles for his dedication and service to the Borough of Dillsburg and its Residents. Among the many other contributions and volunteer efforts in the Community, Patrolman Stiles served and protected the Borough faithfully and with honesty and integrity, giving of his time, experience and enthusiasm as the Borough's Police Liaison. The Mayor, Council and Staff of the Borough of Dillsburg hereby extend their warmest and sincere appreciation to Patrolman Ron Stiles for his service to the Borough and its citizens and heartily congratulate him on his retirement and achievements and wish him good health and happiness. President Richardson moved to adopt Resolution 2015-3 recognizing the service performed for the Borough of Dillsburg and its Citizens by Officer Ron Stiles. This resolution will be spread upon the Minutes of the Borough of Dillsburg and a copy given to Ronald Stiles in remembrance and appreciation of the Borough of Dillsburg, Borough Council, Mayor and Staff. Ron has been one of the Borough's biggest supporters.

Officer Ron Stiles stated he was with Carroll Township Police for 12 years. On his first day, Mark Ryder came to the station and met with Keith Miller to see if Ron could be the liaison officer for Dillsburg Borough. Officer Stiles indicated that the greatest thing he ever did, was being the liaison officer for Dillsburg. He stated he had donated his time to be at the events, baseball parade, 5-K, Pickle Drop and Farmers' Fair, but it was for the people of Dillsburg, which was most important to him. He indicated he was going to miss the meetings before each event with the Borough staff and being with the people of Dillsburg. Officer Stiles stated it was a honor and privilege to be the liaison officer for Dillsburg. Officer Stiles thanked the Borough Council, staff and Mark Ryder for allowing him to be the liaison officer for Dillsburg Borough.

Ambulance Service Report

No representative was present but Council and Mayor were provided with a written report for June, 2015 in their packets.

Fire Company Report

Citizens' Hose Fire Company #1 – Mark Ryder provided a report for the month of June 2015 to the Council and Mayor. Mr. Ryder indicated for the month of June 2015 there were 54 incidents; ten were in Dillsburg Borough.

Mr. Ryder indicated the annual fund drive information will be mailed out soon.

He stated they would be participating in the National Night Out event in August along with the police department and will be assisting Wellsville with their carnival in August.

Franklinton Fire Company – Michael Whitzel provided a report for the month of June 2015 to the Council and Mayor. Mr. Whitzel indicated for the month of June 2015 there were 53 calls; four (4) were in Dillsburg Borough which included one residential structure, one fire police dispatch, one auto accident with injuries and one automatic fire alarm.

He indicated they did some joint training with Citizens' Hose and Monaghan. They will be assisting with the "Big Love Project" and the National Night Out event.

Mr. Whitzel stated they will continue to meet with the other fire departments.

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 June 2015 were \$66,486.89. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Council Member Baldwin moved to approve the payment of all bills as presented. Motion was seconded by Council Member Griffin. President Richardson abstained. - Motion carried.

Planning Commission Report

Leon Zeiders indicated the June meeting of the Dillsburg Borough Planning Commission was held on June 24, 2015. He indicated one of the items on the agenda was the recommendation of approval with consideration of the engineer's comments for Dunkin Donuts. It will involve tearing down the old car wash building at the old Lefever Brothers. There will be a drive-thru window and limited seating. Mr. Zeiders stated the PC had no major issues with the project.

Mr. Zeiders indicated the second item was the PC gave the Colgan proposal an extension until August 11, 2015 to get some items cleaned up.

Mr. Zeiders indicated the third item was the review of the Life in Christ Fellowship parking lot request back on Beaver Street and the PC had no problems with the project.

Dillsburg Area Authority

Brian Radcliffe reported on the June 16, 2015 meeting. He stated they had two water and sewer permitted for the month. He indicated routine maintenance activities have been taken place such as meter replacements. He indicated there is an area within the Borough that will need some attention; Gettysburg Street and South Second Street. There is some old original cast iron water main piping that will need replaced at some point. Council Member Baldwin asked if it would include going all the way up to the water tower. Mr. Radcliffe stated no, there is some new pipe that runs up to the tower.

He indicated Mr. Williams is looking to pursue grant opportunities to replace the older lighting at the pumping stations and the sewage plant.

Mr. Radcliffe indicated the Board approved the removal of a hydrant between Autumn Woods Court and Dillsburg Heights. The hydrant sits in the middle of a grassy area and there is no ability to access it. He stated DAA can't get in to maintain it and there are other hydrants nearby. He indicated DAA gave Citizen's Hose an opportunity to comment, but as of the meeting they hadn't responded.

Community Groups

There were none.

YCBA & COG

YCBA – Mr. Ryder indicated he attended the annual picnic at Lake Redman on June 25th. Mr. Ryder indicated the Borough was the grand prize winner of ½ off the fall conference registration. The conference happens to be the weekend of Farmers' Fair. Mr. Ryder indicated he would see if the Borough could get a raincheck for the spring conference. The next meeting will be held on September 23, 2015 in Dallastown and the second Saturday in November will be the annual banquet and installation of officers.

Solicitor's Report

Solicitor Allshouse wasn't present but provided the Council and Mayor with a written report for June, 2015.

Engineer's Report

Engineer Knoebel wasn't present but provided the Council and Mayor with a written report for June, 2015.

Tax Collector Report

Debbi Beitzel provided the Council and Mayor with a written report for taxes paid and sent out in June, 2015.

Borough Staff Report

Borough Manager Deibler provided the Council and Mayor with a written report for June, 2015.

PUBLIC COMMENT

Michael Scott, 5 Harrisburg Pike, indicated he recently had an apartment inspection, which he understands to deal with fire safety and other safety issues. During the inspection, he indicated he told the inspector about an issue he had with the Comcast cable box not being properly grounded. This caused an electrical shock and shorted out two TVs and computers. Mr. Scott stated he asked the inspector if Comcast could be cited and have this taken care of. Mr. Scott indicated he dropped off pictures, there is a notation on the inspection report and nothing has been done. Mr. Scott asked how this issue could be taken care of. Manager Deibler stated Mr. Scott was asked to file a written complaint with the Borough office which includes details of what the problem was, who he spoke with at Comcast, dates and times, etc., so she knew who to go to in order to help him with this problem. She indicated the building codes inspector told Mr. Scott, at the time of the inspection, that this had nothing to do with the Borough or the rental property inspection; it was written on the report as a courtesy to Mr. Scott because Mr. Scott asked him to. Manager Deibler also stated the inspector told Mr. Scott that he personally couldn't help him. Manager Deibler indicated to Mr. Scott that if he provided her with the written complaint, she then can make phone calls and try to help. Manager Deibler indicated this is what the Borough is waiting for. Mr. Scott stated as far as the inspection go, this should be covered under the inspection because it's an electrical issue, a shock issue, a fire hazard and this is what inspections are for.

Mr. Scott indicated he called the UCC and the PUC and they told him just to tell the Borough about the issue and if the Borough is already aware of the issue, they should take care of it. Mr. Scott stated he shouldn't have to file any complaint or provide any information because it is stated on the inspection report there is a problem. President Richardson asked Mr. Scott if he had contacted Comcast. Mr. Scott stated yes. President Richardson asked what happened. Mr. Scott stated they left and did nothing. Manager Deibler stated again that the Borough works with certain policies and the policy in the Borough is if someone wants the Borough to handle a complaint, they must provide a written complaint and then the Borough will follow through. She indicated she needs certain information stated on the complaint. President Richardson indicated the Borough is willing to help and doesn't feel the Borough is asking a lot. Mr. Scott stated he spoke with UCC and they

indicated all that is required was the Borough to write up a citation. Vice President Kelley asked Mr. Scott if he could put that in an email. Mr. Scott indicated he did put that in an email and he sent pictures and he also provided the codes in violation. Council Member Laukemann asked Mr. Scott when the incident happened. Mr. Scott stated the first time was end of May. Council Member Laukemann asked Mr. Scott if he called an electrician. Mr. Scott stated he was an electrician; he had three years of electrical experience. Council Member Laukemann asked if an outside electrician was called to verify this and to see what was going on. Mr. Scott stated he realized what was going on and this was what the inspection was for; it showed there was no problems with the electrical side. Mr. Scott stated the only thing that wasn't grounded properly was the cable box. Vice President Kelley asked if he had UPS (uninterrupted power supply) breakers. Mr. Scott stated they wouldn't affect this because of the cable box, the only thing that would occur is the surge protector would get fried. Vice President Kelley stated not with the correct ones. Mr. Scott stated it would cost him a couple of hundreds of dollars, which he doesn't have. He indicated all that needs to be done is a metal stake driven into the ground and a wire attached to the box.

Manager Deibler indicated she will try to help him if he provides the formal complaint form that was given to him with detailed information she has requested. She stated to Mr. Scott that until he fills out the complaint form, she can't help him. Mr. Scott stated he doesn't know what other detail he can give other than the box isn't grounded and none of this is his responsibility. Mr. Scott indicated he called UCC and PUC and both utility companies have told him to make the Borough aware of the issues; which he has. President Richardson stated they aren't governing the Borough's ordinances and laws. Mr. Scott stated in April, 2004, Dillsburg Borough opted in, which means Dillsburg Borough is responsible for enforcing and writing citations for UCC code violations. Manager Deibler stated that wasn't 100% true and told Mr. Scott that if he gives her what she needs, she will follow through. President Richardson asked Mr. Scott if there was a reason why he didn't want to file the written complaint with the Borough. Mr. Scott stated he has done this. President Richardson stated obviously he didn't. Mr. Scott indicated he wrote an email, but his computer and printer were fried, so he brought up a flash drive, which Manager Deibler refused. President Richardson stated he wouldn't accept a flash drive either because he wouldn't compromise the Borough's computer system with a possible virus. President Richardson told Mr. Scott if he took the flash drive to the library and printed out the information, the Manager will accept it. Mr. Scott stated he understands what Council is saying, but this wasn't his responsibility. Vice President Kelley stated it is a matter of you helping us to help you, so if Mr. Scott can put the information together in writing, we would be able to help. Mr. Scott stated he wrote down the code violation and his address. Council Member Laukemann stated the complaint form needs to be filled out and she indicated every municipality has to follow certain procedures. Mr. Scott indicated his concern was if the Boroughs was doing rental inspections to protect the residents and an issue was found and then made to file a written complaint, what the point of the inspection is. Council Member Laukemann told Mr. Scott the Borough's hands are tied and can't do anything until the complaint form is turned in.

Manager Deibler indicated as she has told Mr. Scott before, that was a rental inspection and Mr. Wessels isn't responsible for your Comcast, it is a company you chose to pay for service which wasn't part of the rental inspection and Mr. Shelly explained that to Mr. Scott and explained that he had no authority over Comcast. Mr. Scott indicated he understood that. She stated again to Mr. Scott that if he wanted the Borough's help, he needed to provide a detail complaint in writing. President Richardson stated this was going in circles. Mr. Scott asked what detail information is and

what else does he have to do; it's a simple code violation. Council Member Baldwin stated utilities come under different rules than other people, such as Comcast, Verizon and everyone else, you must follow certain rules. He indicated to Mr. Scott if he wants to file a complaint, he must file with the FCC, that is who controls them. Mr. Scott stated the UCC told him to file the complaint with the Borough and if the Borough didn't follow through with it, then he was to file a complaint with the UCC, the PUC and the attorney general's office. Mr. Scott indicated his hands are tied because he can't legally touch the box and can't pay anyone to touch the box, only Comcast can touch the box. Council Member Baldwin indicated to Mr. Scott that he should be calling Comcast every day until they come out and fix it. Mr. Scott stated he has and didn't get him anywhere. Council Member Baldwin told him not to pay the bill until they come out and fix the issue. Mr. Scott stated they would cut off his service and wouldn't help him. Mr. Scott stated he was at the point that every time it rains, he has to unplug everything. Vice President Kelley stated to Mr. Scott that if he would be able to help us with the information, the Borough would be happy to help. Mr. Scott asked if this was enough. Council and Manager Deibler stated no. Mr. Scott asked what else he needed. Manager Deibler indicated that on July 2, 2015, she explained that she needed detailed information in writing in order for her to find the proper inspector to look at the issue. Mr. Scott indicated he wasn't trying to be difficult but was only following UCC instructions. He made the Borough aware of the issue, provided the code and the site of the issue and there shouldn't be anything else to be done. Vice President Kelley stated that it seems like a relatively easy task to document what you have been through, provide and show the Borough the papers and you can move forward. Mr. Scott stated he wrote a brief outline in an email and he wasn't required to do anything. Manager Deibler indicated that UCC told Mr. Scott to contact the Borough, but they didn't tell Mr. Scott how Dillsburg Borough handles things because they don't know. Mr. Scott indicated the Borough has to handle things under the state guidelines. Mr. Scott told Manager Deibler to call the UCC and talk to Dave for two minutes this issue would be resolved. He indicated that UCC told him to come to the Borough to fix the problem and shouldn't have to fill out any paper work, the Borough is telling me different. President Richardson stated to Mr. Scott that he doesn't want the Borough to help him. Mr. Scott stated he does. President Richardson indicated the Borough can't cite Comcast because the Borough doesn't have the facts per say, Mr. Scott is saying it is a violation. Mr. Scott indicated the Borough does know because the inspector documented it on the inspection report. President Richardson stated it was documented per your (Mr. Scott's) request. Mr. Scott stated because it was a legal fire hazard. Manager Deibler stated that they could talk all night and Mr. Scott's five minutes was up. Manager Deibler indicated she would be at the Borough office tomorrow and that Mr. Scott could drop off the written complaint.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Hollinger had nothing to report.

PRESIDENT'S REPORT

President Richardson had nothing to report.

COMMITTEE REPORTS

Public Works Committee

- A. Discuss/Take Action – Time Extension Request – Colgan Land Development Plan - Council Member Laukemann stated the developer of the Colgan project, CC Land Development, LP, previously submitted a Land Development plan. As part of the preliminary review process a number of issues and questions have arisen, in particular about Penn DOT’s response to an HOP request. In light of this, the developer will grant a time extension to the review period until August 11, 2015. This should be time enough to obtain all review agency approvals relative to the plan. Planning Commission recommended that Council agree to the extension. Council Member Laukemann moved to approve the Time Extension until August 11, 2015 for the Colgan Land Development Plan. Motion was seconded by Vice President Kelley. – Motion carried.
- B. Discuss/Take Action - Dunkin Donuts Land Development Waiver Request – Council Member Laukemann stated at the June 2015 Planning Commission meeting it was decided that the Dunkin Donuts Land Development Waiver Request should be reviewed and voted on by Borough Council. Lobar Properties has requested that Dillsburg Borough Council waive the following requirements: Chapter 22, Section 403 pertaining to preliminary plan application. A waiver was requested to allow the plan to be reviewed as a Preliminary/Final Plan. Council Member Laukemann moved to approve Lobar Properties’ request to waive the requirement, per Borough Code Chapter 22, Section 403 and allow the plan to be reviewed as a Preliminary/Final Plan. Motion was seconded by Vice President Kelley. - Motion carried.
- C. Discuss/Take Action – Dunkin Donuts Land Development Approval – Council Member Laukemann stated the Preliminary/Final Land Development Plan for the Dunkin Donuts was submitted to the Dillsburg Borough Council for review and action. The Borough Planning Commission reviewed the Plan and recommended approval with the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated June 22, 2015 and completion of all outstanding items required by other agencies, such as DAA, YCPC, York Conservation, etc. Council Member Laukemann moved to approve the Preliminary/Final Land Development Plan for the Dunkin Donuts subject to the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated June 22, 2015 and completion of all outstanding items required by other agencies, such as DAA, YCPC, York Conservation, etc. Dillsburg Borough Council will sign the plan after all conditions have been met. Motion was seconded by Vice President Kelley. – Motion carried.
- D. Discuss/Take Action – Life in Christ Parking Lot Land Development Waiver Request – Vice President Kelley stated at the June 2015 Planning Commission meeting it was decided that the Life in Christ Parking Lot Land Development Waiver Request should be reviewed and voted on by Borough Council. Life in Christ Church has requested that Dillsburg Borough Council waive the following requirements: Chapter 22, Section 502.7.A (4) pertaining to the number of driveways per lot not exceed one (1). Per a suggestion from the Borough’s Engineer, two (2) entrances /exits will be placed on the parcel so a waiver has been requested. Vice President Kelley moved to approve Life in Christ Church’s request to waive the requirement, per Borough Code Chapter 22, Section 502.7.A.(4) and allow two (2) entrances/exits be

placed on the property. Motion was seconded by Council Member Laukemann. – Motion carried.

- E. Discuss/Take Action – Life in Christ Parking Lot Land Development Approval – Vice President Kelley stated Dillsburg Borough’s Engineer, KPI, has been working with Life in Christ Church on a site and stormwater plan for a parking lot located on a separate parcel on Beaver Street. KPI has suggested that Borough Council review the site plan and stormwater agreement and accept the plan with the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated June 22, 2015. Vice President Kelley moved to approve the Preliminary/Final Land Development Plan for the Life in Christ Church subject to the conditions as outlined in the memorandum from Borough Engineer Timothy R. Knoebel, P.E. of KPI Technology dated June 22, 2015. Dillsburg Borough Council will sign the Stormwater Management agreement after all conditions have been met. Motion was seconded by Council Member Laukemann. – Motion carried.

Public Safety Committee

Council Member Baldwin had nothing to report.

Administration Committee

- A. Discuss/Take Action – Park Payment – Vice President Kelley stated on April 14, 2015 the Borough accepted the bid received from Lobar Associates in the amount of \$275,600.00, of which \$233,600.00 was for Park work and \$40,000.00 was for Penn DOT HOP work. As of June 18, 2015, all of the E & S Controls had been set in place and inspected and most of the site preparation work was completed. Lobar Associates is requesting a payment of \$41,357.16 for this work. Vice President Kelley moved to authorize that payment in the amount of \$41,357.16 for work at the Park location be forwarded to Lobar Associates. Motion was seconded by Council Member Griffin. – Motion carried.
- B. Discuss/Take Action – Tax Requests – Council Member Griffin stated Dillsburg Borough Council has received 5 tax requests. The first is a Real Estate Tax partial refund notice #RE2015-1 from York County. The property value was lowered part way through the year because of a building removal. The refund has been reviewed by the Borough Manager and the Tax Collector, who concur that the refund needs processed. The next three, PC2015-1, PC2015-2 and PC2015-3, are from the Tax Collector requesting that they be removed from the delinquent tax records. In all three cases, the taxpayer had moved and paid their Per Capita taxes elsewhere. The Borough Manager concurs with the Tax Collector. The fifth request, PC-2015-4, is from the taxpayer requesting that 2014 Per Capita and Occupation taxes due be removed from the delinquent records and forgiven by the Borough. The taxpayer claims to have never received the tax bill or any notices. The matter was reviewed by the Tax Collector and Borough Manager and they do not believe this request is valid or follows the Borough’s Administrative Policy for Occupation and Per Capita Tax Collections. Council Member Griffin moved to approve the Real Estate Tax partial refund #RE2015-1. Motion was seconded by Vice President Kelley. – Motion carried. Council Member Griffin moved to approve the removal of PC-2015-1, PC-2015-2 and PC-2015-3 from the delinquent tax records. Motion was seconded by Vice President Kelley. – Motion carried. Council Member Griffin moved to deny the removal of PC-2015-4 from the delinquent tax records. Motion was seconded by Vice President Kelley. – Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Mark Ryder thanked Officer Ron Stiles for his service to the Borough and to enjoy his retirement effective July 31, 2015. Mr. Ryder stated that Officer Ron Stiles was installed into the National Police Hall of Fame in Florida.

ADJOURNMENT

Since there was no further business, Council Member Griffin moved to adjourn the regular meeting. Motion was seconded by Vice President Kelley. – Motion carried. The regular meeting was adjourned at 7:45 pm.

Respectfully Submitted,

Debbi L. Beitzel

Debbi Beitzel
Borough Secretary

cc: Borough Council Members
Mayor Hollinger
Tim Knoebel
Mark Allshouse