

**DILLSBURG BOROUGH COUNCIL MEETING**  
**AUGUST 12, 2014 – 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, Hal Anderson, Matt Fawber, Jeff Griffin and Yvonne Laukemann. Also present were the following: Mayor Wendell Hollinger, Borough Manager Karen Deibler and Borough Secretary Debbi Beitzel. Vice President Holly Kelley, Council Member Dave Baldwin, Borough Engineer Tim Knoebel and Solicitor Mark Allshouse weren't present.

The following visitors were present: Chief Thomas Wargo from the Carroll Township Police Department, Ed McCoy from Citizens' Hose Fire Co. #1, Hector Morales from Dillsburg EMS, YCBA and COG Representative Mark Ryder, Mary Lou Bytof from the Dillsburg Banner and Tricia Kline from the Patriot News.

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

APPROVAL of the AGENDA

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

APPROVAL of the MINUTES

July 1, 2014 Committee Meeting – Council Member Fawber moved to approve the Committee Meeting minutes of July 1, 2014 as presented. Motion was seconded by Council Member Laukemann. – Motion carried.

July 8, 2014 Council Meeting – Council Member Griffin moved to approve the Council Meeting minutes of July 8, 2014 as presented. Motion was seconded by Council Member Anderson. – Motion carried.

DEPARTMENT REPORTS

*Police Department Report*

Chief Wargo indicated the National Night Out event held on August 5<sup>th</sup> had a great turnout and thanked all those that volunteered and came out for the event.

Chief Wargo reviewed the July, 2014 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 July 2014, there were 76 calls for service for a year-to-date total of 634. There were eight (8) traffic accidents in July 2014 for a year-to-date total of 49 and the officers issued a total of 42 traffic citations in July 2014 for a year-to-date total of 226.

Part I offenses for July 2014, there was an overall clearance rate of 72%. Part II offenses for July 2014, there was an overall clearance rate of 96%. The combined clearance rate was 89% for Part I and Part II offenses.

The contracted hours were right on schedule for the year.

President Richardson thanked the chief and all his officers for a fine job with the National Night Out event.

#### Ambulance Service Report

No representative was present but Council and Mayor were provided with a written report for July, 2014, in their packets.

#### Fire Company Report

**Citizens' Hose Fire Company #1** – Ed McCoy provided a report for the month of July 2014 to the Council and Mayor. Mr. McCoy indicated for the month of July 2014 there were 28 incidents; six (6) were in Dillsburg Borough which included two (2) medical calls, two (2) public service calls, one (1) fire police call and one (1) fire-wires for a year-to date-total of 36 for the Borough. He indicated the Board of Directors and the line officers are exploring the options on the Fire Safety House. The house is in need of significant repairs; due to being kept outside and getting weather beaten. Mr. McCoy stated the house is out of inspection. The cost would be at least \$3,000.00 to get it back up and running. Mr. McCoy stated they are looking at whether to fix it and get rid of it. Mr. McCoy indicated the Fund Drive information has been mailed to the residents. Council Member Laukemann asked if they have checked with the school and the Ag Department if they could fix it as a project. Mr. McCoy stated that it was suggested to contact the school or a local contractor. Council Member Laukemann asked how much they originally paid for it. Mr. McCoy stated a couple of thousand dollars. Council Member Laukemann asked if they had ever advertised for a person with a garage to store it. Mr. McCoy stated no, because they need to have availability when they need it.

**Franklintown Fire Company** – No representative was present and no report was provided.

#### 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 July 2014 were \$61,873.52. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Council Member Fawber 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

Planning Commission didn't meet in July 2014.

#### Dillsburg Area Authority

There was no representative present.

Community Groups

There were none.

YCBA & COG

COG – Mr. Ryder indicated he attended the COG meeting held on July 21st. The Sunoco Pipeline issue was discussed and the COG is against it. There is no meeting in August and the COG Annual picnic will be held on Monday, September 15th at Sunset.

YCBA – Mr. Ryder indicated the next meeting will be held in Wellsville on September 25<sup>th</sup> beginning at 6:30 pm at the fire hall.

Mr. Ryder indicated the Wellsville Fire Carnival is being held on August 14, 15 & 16<sup>th</sup>.

Solicitor's Report

Solicitor Allshouse wasn't present but provided the Council and Mayor with a written report for July, 2014.

Engineer's Report

Engineer Knoebel wasn't present but provided the Council and Mayor with a written report for July, 2014.

Tax Collector Report

Debbi Beitzel provided the Council and Mayor with a written report for taxes paid in July, 2014.

Borough Staff Report

Borough Manager Deibler provided the Council and Mayor with a written report for July, 2014.

PUBLIC COMMENT

There was none.

CORRESPONDENCE

Manager Deibler showed Council and guests a picture that was given to the Borough by Butch Starner. President Richardson asked if she knew when the picture was done. Manager Deibler stated no, but they will be looking into it.

MAYOR'S REPORT

Mayor Hollinger had nothing to report.

PRESIDENT'S REPORT

President Richardson had nothing to report.

## COMITTEE REPORTS

### Public Works Committee

- A. Discuss/Take Action – Resolution 2014-8 – Federal Clean Water Act - Council Member Laukemann stated the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers have released a 371-page draft regulation, redefining the Waters of the U.S. under the Clean Water Act. Both agencies are seeking a rule change to give the federal government more authority and control by expanding the definition of “navigable waters” in the Clean Water Act. The rule change proposed by the EPA and the Corps will subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds and flood plains, to the jurisdiction of the Clean Water Act. The change will stall the development of businesses, take control of lands, and negatively impact borough-owned and maintained infrastructure such as roadside ditches and flood-control channels. The proposed rule change, if adopted, will cause significant harm to local farmers, adversely impacting Pennsylvania’s number one industry. The definitions in the rule could bring MS4 stormwater systems under greater regulation and expense through Total Maximum Daily Load. The costs to our farms, the borough and taxpayers will be enormous creating another unfunded mandate and it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some vague connection or “significant nexus”, miles away, to a body of water currently defined as "navigable". Council Member Laukemann moved to adopt Resolution 2014-8, opposing the expansion of federal control under the Clean Water Act. Motion was seconded by Council Member Anderson. - Motion carried.
- B. Discuss/Take Action – Resolution 2014-9 – Sunoco Pipeline – Council Member Anderson stated the Pennsylvania Municipalities Planning Code Act 247 of 1968, as reenacted and amended, allows and authorizes local government entities to exercise an important role: that of land use planning and designing their municipalities based on the needs of their community. The local governments have planned their communities with consideration of fairness and in an equitable manner. A local government’s zoning ordinance continues to be an effective way for municipalities to plan their communities using smart growth and allow for the classification of all land uses, taking consideration of the unique needs and goals of each community. The Pennsylvania Supreme Court in a 2013 ruling noted: “The impact on the quality, quantity, and well-being of our natural resources cannot reasonably be assessed on the basis of a statewide average. Protection of environmental values, in this respect, is a quintessential local issue that must be tailored to local conditions." Also noted in this decision by the Pennsylvania Supreme Court was the affirmation that local governments have the right to regulate pipelines, affiliated pumping and valve stations, and all other oil and gas operations. The complete disregard of a local government’s zoning ordinance would disable and frustrate the municipality’s legal ability to ensure desired, proper and planned land use in accordance with the PA Municipalities Planning Code and local and county comprehensive plans. The power of Eminent Domain requested to be afforded Sunoco Pipeline in order for it to implement its own design will ignore and disrupt the plans

of local communities and municipalities already in place and interfere with their planning goals in the future. The designation of Sunoco Pipeline as a public utility corporation, under PUC rules and regulations, would afford Sunoco Pipeline undue and unchecked power in disregard of local government zoning and allow it to utilize Eminent Domain in acquiring various lands for its use. Council Member Anderson moved to adopt Resolution 2014-9, opposing the request of Sunoco pipeline to be designated a utility by the public utility commission. Motion was seconded by Council Member Laukemann. – Motion carried.

- C. Discuss/Take Action – Time Extension for Street Repairs – Council Member Laukemann stated the Borough contracted with Rogele, Inc. to complete the necessary 2014 Street Maintenance on East York Street. It was estimated that all repairs would be complete on or before August 8, 2014. This deadline was not met because of the asphalt schedule. Therefore, through no fault of their own, it was impossible for Rogele to complete the Borough 2014 Street Repairs on schedule. Council Member Laukemann moved to grant Rogele, Inc. a time extension until August 22, 2014. Motion was seconded by Council Member Anderson. – Motion carried.

Mr. Ryder asked what the problem was with Pennsy. President Richardson stated Rogele had to wait to get on Pennsy's schedule for the asphalt delivery.

- D. Discuss/Take Action - Partial Payment for 2014 Street Maintenance – Council Member Anderson stated in March of 2014, the Borough contracted with Rogele, Inc. to complete the 2014 Street Maintenance on East York Street. The contractor has completed a substantial amount of the work associated with the contract and that work has been inspected and approved by KPI Technology. A request for a partial payment has been received by the Borough in the amount of \$45,967.50. The original contract price total was \$194,873.20. Council Member Anderson moved to authorize that a partial payment in the amount of \$45,967.50 for the 2014 Street Maintenance work on East York Street be forwarded to Rogele, Inc. Motion was seconded by Council Member Laukemann. – Motion carried.

#### Public Safety Committee

- A. Discuss/Take Action – Carroll Township Police Contract - Council Member Fawber stated Carroll Township presented Dillsburg Borough Council with a 5-year police contract for the years 2015-2019. Dillsburg Borough agrees to purchase 2,500 hours per year of police services throughout the contract and pay Carroll Township at a rate of \$76.63 per hour in 2015. There will be a 2.75% increase for each of the following four (4) years. Council Member Fawber moved to direct Council President Richardson to sign the contract for Dillsburg Borough and accept the agreement for a five (5) year police contract with Carroll Township for service in the years 2015-2019. Motion was seconded by Council Member Griffin. – Motion carried.
- B. Discuss/Take Action – 2014 Fire Police – Council Member Fawber stated Fire Police have been selected by the Dillsburg Fire Police Organization and Citizen's Hose Fire Company No. 1. Dean Trump, Fire Police Captain, has forwarded the name of a possible new appointment to Fire Police for 2014 to the Borough for approval. Mr. Trump is requesting that Jeff Walters of Dillsburg Borough be appointed at this time. Council Member Fawber moved to appoint Jeff Walters, who was selected by the Dillsburg Fire Police Organization

and Citizen's Hose Company No. 1, as a member of the Fire Police. Mr. Walters should contact the Mayor or District Justice in order to take the oath of office and be sworn as required. Motion was seconded by Council member Griffin. – Motion carried

Administration Committee

Council Member Griffin has nothing to report.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

ADJOURNMENT

Since there was no further business, Council Member Fawber moved to adjourn the regular meeting. Motion was seconded by Council Member Griffin. – Motion carried. The regular meeting was adjourned at 7:25 pm.

Respectfully Submitted,

*Debbi L. Beitzel*

Debbi Beitzel  
Borough Secretary

cc: Borough Council Members  
Mayor Hollinger  
Tim Knoebel  
Mark Allshouse