

DILLSBURG BOROUGH COUNCIL MEETING
April 13, 2021 – MINUTES
7:00 PM

The Dillsburg Borough Council held their monthly business meeting at the Dillsburg Borough Office on the above-mentioned date. Council Members attending were: President Holly Kelley, Vice President Matt Fawber, Chris Del Vecchio, Mike Gaffney, and Isaac Tucker. Council Member Dave Baldwin joined the meeting via Facetime. Also present were Mayor John Richardson, Borough Manager Karen Deibler and Borough Secretary Debbi Beitzel. Council Member Ryder wasn't present nor was the Borough Engineer or the Borough Solicitor.

The following visitors were present: Chief Wargo from Carroll Township Police Department and Mike Kistler from Lobar Associates.

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

APPROVAL of the AGENDA

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

APPROVAL of the MINUTES

March 2, 2021 Committee Meeting – Vice President Fawber moved to approve the Committee Meeting minutes of March 2, 2021 as presented. Motion was seconded by Council Member Tucker. – Motion carried.

March 9, 2021 Council Meeting – Council Member Gaffney moved to approve the Council Meeting minutes of March 9, 2021 as presented. Motion was seconded by Vice President Fawber. – Motion carried.

NEW BUILDING UPDATE

Mike Kistler from Lobar Associates undated Borough Council on the status of the new building and the progress they've experienced over the past month and where they see things tracking along. They received the full final NPDES for Phase 2 from Borough Manager Deibler. They had the NPDES for Phase 1 which was for the fill process, which is slowly ongoing and now the full Phase 2 is completed. He indicated all the infrastructure; all the building are all approved from a DEP and County standpoint.

As far as the other portion of the permitting, which is the building permit application part of it. The permit was submitted to the Borough on March 17th, so they should be receiving some feedback from the code reviewer hopefully by the end of the week. Mr. Kistler indicated any comments from the code inspector will be addressed, but he doesn't foresee any problems.

He indicated they approached Hempt Brothers and asked them as far as in their process on the work on Route 15, when would we see much of their material coming out. They have been doing a lot of the road crossings on Route 15, and some trenching which hasn't generated a lot of material. They have stated that late this week and into next week is when they could be running up to a couple thousand yards of material, which we need about six thousand yards. Mr. Kistler indicated there is a lot of good communications between their supervisor on site doing the road work and Lobar Associates and with the weather looking nice for next week, they should see a change with the grading portion on the site. He wanted to make Council aware of this because the neighbors will begin to see a higher volume of truck traffic coming in and out of the site. Mr. Kistler asked if Greg was able to come in and get special permission for hauling through the Borough. Manager Deibler indicated that he did, and the police already know about it. He was going to talk to all those he needed to and tell them to come in through Baltimore Street. Mr. Kistler asked if the route was published in the letter. Manager Deibler stated yes. He asked if he would be able to get a copy of the letter. Manager Deibler stated yes. Vice President Fawber asked once on

Baltimore Street where will they be turning. Manager Deibler indicated they can either turn onto Greenbriar Lane or Welty Avenue.

Mr. Kistler indicated the not-so-great news is the material procurement. The commercial construction especially over the past couple months, the market is extremely valuable and it's really from a procurement standpoint and timing. He indicated they joked about Farmers' Fair but where they are with steel deliveries at this point, his metal building vendor doesn't want to commit until August or September.

Vice President Fawber stated with that being said, if prices spike, how does this get handled. Mr. Kistler indicated the Borough has a contract with a design build for the project and aren't talking about any price increases; the contract is in place and will work it out.

Mr. Kistler stated that he doesn't even know when to tell them. Manager Deibler asked if they could start the piping and the sewer. Mr. Kistler stated their first objective is getting the grading up to subgrade. They are going to go ahead and get the foundations and anchor bolts and everything in and we will probably be ahead of the building by a couple of months. They will probably pour the slab and will have it ready so that when the building can be delivered, they might have some leverage with some metal building vendors and when he sends them pictures of foundations and anchor bolts, he can state that he's waiting on them and they can't deliver for another three months; it might help and be able to trim sometime later in that phase.

President Kelley asked what the status of the design board was so that they could have it for display at Picklefest. He will follow up on that.

DEPARTMENT REPORTS

Police Department Report

Chief Wargo reviewed the March 2021 Dillsburg Borough Police Report with Council and Mayor. The report listed the numbers and types of offenses and traffic incidents and a breakdown of hours worked. He indicated for the month of March 2021, there were 222 calls for service, for a year-to-date total of 598. There were four (4) traffic accidents in March 2021, for a year-to-date total of 11 and the officers issued 27 traffic citations in March 2021, for a year-to-date total of 68.

President Kelley asked if the department was worried about the suspicious person(s). Chief Wargo stated he didn't know but will look into it and get back with Council. She asked about the hit and run. Chief Wargo again indicated he would get back to Council on that too.

Council Member Tucker asked if the ambulance calls were normally around 30. Chief Wargo stated yes.

Chief Wargo asked to schedule a meeting with the Public Safety to discuss the snow ordinance and the two-hour parking. Vice President Fawber and Council Member Baldwin set the meeting for April 23rd at 10:00am.

Ambulance Service Report

No one was present but a report was provided for the month of February 2021 to the Council and Mayor.

Fire Company Report

No one was present and no report was provided for the month of March 2021 to the 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 March 2021 were \$173,546.50. The Profit & Loss Budget vs. Actual Detail Report and a Cash Flow Report were also given to each Council Member and Mayor. Vice President Fawber moved to approve the payment of all bills as presented in the amount of \$173,546.50 pending audit approval. Motion was seconded by Council Member Baldwin. President Kelley abstained. - Motion carried.

Planning Commission Report

There was no representative present.

Dillsburg Area Authority

There was no representative present.

Community Groups

There were no community groups present.

Solicitor's Report

No one was present but an invoice was provided for services provided in March 2021 to Council and Mayor.

Engineer's Report

Engineer Knoebel wasn't present but did provide an invoice for services provided in March 2021 to the Council and Mayor.

Tax Collector Report

Debbi Beitzel provided the Council and Mayor with a written report for March 2021.

Borough Staff Report

Manager Deibler provided the Council and Mayor with a written report for March 2021.

PUBLIC COMMENT

There was none.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Richardson indicated he took care of the ex-mayor's issue with a neighboring property's stones washing into the alley way.

PRESIDENT'S REPORT

President Kelley stated for everyone to try and make a presence at the upcoming events in the Borough.

COMMITTEE REPORTS

Public Works Committee

Neither Council Member Del Vecchio nor Council Member Tucker had anything to report.

Public Safety Committee

Neither Vice President Fawber nor Council Member Baldwin had anything to report.

Administration Committee

- A. Discuss/Take Action – Fowl Permit - Council Member Gaffney stated Section 2-101 of Chapter 2 of the Code of the Borough of Dillsburg states that it shall be unlawful for any person, firm, corporation, or other entity to engage in the keeping or housing of poultry or other undomesticated animals in the Borough without first obtaining a permit. Ralph & Bonnie Sadler of 251 Harrisburg Pike have applied for a permit in order to raise only chickens. The Borough has been provided with the purpose for keeping the fowl, the description of the quarters where the fowl will be maintained, the process for waste removal and the expected noise level. Council has reviewed the information and application and found everything in order. Council Member Gaffney moved to approve the application as submitted and authorize the Borough Manager to notify the applicants of the approval and process the permit with an expiration date of December 31, 2021, with the understanding that Council may withdraw a permit at any time whenever such keeping, or housing of the fowl shall have a detrimental effect upon the health, safety or welfare of the Borough or its

residents. If a permit would be withdrawn, the applicant shall be notified in writing of the reasons therefor and be ordered to remove such fowl within a specified time. Motion was seconded by Vice President Fawber. – Motion carried.

- B. Discuss/Take Action – Resolution 2021-4 – Declaring Its Zoning Ordinance Substantively Invalid For Failing To Provide A Use For The Sale And Distribution Of Medical Marijuana, And Authorizing The Preparation Of A Municipal Curative Amendment To The Zoning Ordinance – Council Member Gaffney stated the Pennsylvania Municipalities Planning Code (the “MPC”), 53 P.S. § 10609.2, provides procedures for a municipality that determines that its zoning ordinance or any portion thereof is substantively invalid. Upon review of the Borough of Dillsburg Zoning Ordinance, Chapter 27 of the Borough of Dillsburg Code, as amended from time to time (the “Zoning Ordinance”), it is apparent that the Zoning Ordinance does not expressly provide a use for the sale and distribution of medical marijuana within the Borough. The Borough of Dillsburg Council has determined that the Zoning Ordinance is invalid for failing to expressly permit a use for the sale and distribution of medical marijuana in any zoning districts within the Borough. The Borough desires to comply with the procedures of Section 609.2 of the MPC by declaring its Zoning Ordinance invalid, as set forth herein, and by proposing a municipal curative amendment to expressly permit a use for the sale and distribution of medical marijuana and provide regulations for the same. A curative amendment shall be reviewed and adopted by the Borough of Dillsburg Council, at a public meeting, after public notice of the proposed ordinance, within one hundred eighty (180) days of the date of this Resolution. Council Member Gaffney moved to adopt Resolution 2021-4, declaring its zoning ordinance substantively invalid for failing to provide a use for the sale and distribution of medical marijuana and authorizing the preparation of a municipal curative amendment to the zoning ordinance. Motion was seconded by Vice President Fawber. – Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Vice President Fawber reminded everyone that visiting hours to see Council Member Ryder were from 1:00-5:00 pm. It was suggested to call the hospital before visiting to see if visiting him for the day was allowed.

Council Member Tucker asked if there was any movement on the federal stuff for the sidewalks. Manager Deibler indicated she hadn’t had time to work on it because she was dealing with banks for the new building funding. We have things out to fifteen different banks. She indicated that they have responses from twelve of them; Fulton Bank and Members 1st think they can do better. We should have all the information by April 30th and can discuss it at the next workshop meeting.

ADJOURNMENT

Since there was no further business, Vice President Fawber moved to adjourn the regular meeting. Motion was seconded by Council Member Del Vecchio. – Motion carried. The regular meeting was adjourned at 7:39 pm.

Respectfully Submitted,

Debbi L. Beitzel

Debbi Beitzel
Borough Secretary

cc: Borough Council Members
Mayor Richardson
Tim Knoebel
Salzman Hughes, PC