

**DILLSBURG BOROUGH COUNCIL MEETING**  
**December 8, 2020 – 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, Isaac Tucker and Mark Ryder. Council Member Dave Baldwin joined the meeting via Facetime. Also present were Mayor John Richardson, Borough Manager Karen Deibler and Borough Secretary Debbi Beitzel. Borough Engineer Tim Knoebel and Solicitor Mark Allshouse weren't present.

The following visitors were present: Chief Wargo from Carroll Township Police Department and Carla Snyder from NYCFR.

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

President Kelley called for an executive session after the regular meeting to discuss contracts; with no need to come back into regular session. Vice President Fawber moved to approve the agenda as amended. Motion was seconded by Council Member Ryder. – Motion carried.

APPROVAL of the MINUTES

November 2, 2020 Committee Meeting – Council Member Gaffney moved to approve the Committee Meeting minutes of November 2, 2020 as presented. Motion was seconded by Vice President Fawber. – Motion carried.

November 10, 2020 Council Meeting – Council Member Gaffney moved to approve the Council Meeting minutes of November 10, 2020 as presented. Motion was seconded by Vice President Fawber. – Motion carried.

DEPARTMENT REPORTS

*Police Department Report*

Chief Wargo reviewed the November 2020 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 November 2020, there were 97 calls for service, for a year-to-date total of 820. There were five (5) traffic accidents in November 2020, for a year-to-date total of 45 and the officers issued a total of one (1) traffic citation in November 2020, for a year-to-date total of 162.

Chief Wargo stated in the future the report will show higher numbers due to York County 911 generating an incident number to all calls.

Chief Wargo indicated 2020 overall was a good year with one major incident which is soon to be wrapped up.

### Ambulance Service Report

No one was present but a report was provided for the month of October 2020 to the Council and Mayor.

### Fire Company Report

Carla Snyder reviewed the November 2020 report with Council and Mayor. She indicated for the month of November 2020, there were 49 calls for a year-to-date total of 434. For the month of November 2020 there were 8 calls in the Borough, for a year-to-date total of 71.

She indicated they still continue to do in-house training, participated in Trick-or-Treat night, and had a special event, Santa made a special trip to a home who had company visiting from California and the kids had never seen Santa on a fire truck. She stated the Santa Run for Dillsburg will be on Saturday, December 12<sup>th</sup>, however Santa will not be getting out of the truck.

Ms. Snyder gave a recap for the year 2020. She indicated they had their elections for 2021. She stated they had no health issues with the pandemic this year, which was a good thing. Council Member Del Vecchio asked if there are a certain number of terms a person could serve as chief and assistant chiefs. Ms. Snyder stated if the chief doesn't run or is voted out, then the assistant chiefs could be nominated.

### 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 2020 were \$55,668.29. 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 \$55,668.29 pending audit approval. Motion was seconded by Council Member Tucker. - 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

Solicitor Allshouse wasn't present and provided no services in November 2020.

### Engineer's Report

Engineer Knoebel wasn't present but did provide an invoice for services provided in November 2020 to the Council and Mayor.

### Tax Collector Report

Debbi Beitzel provided the Council and Mayor with a written report for November 2020.

### Borough Staff Report

Manager Deibler provided the Council and Mayor with a written report for November 2020.

Vice President Fawber asked if the Public Works Department was done collecting leaves. Manager Deibler indicated the newsletter stated the Borough would be picking up leaves until December 17th and the guys will be driving around and checking to see if there are any piles.

### PUBLIC COMMENT

There was none.

### CORRESPONDENCE

There was none.

### MAYOR'S REPORT

Mayor Richardson indicated he attended and spoke at the NYCHAPS' unveiling their new signage and attended the tree lighting.

### PRESIDENT'S REPORT

President Kelley indicated she attended the tree lighting and they had approximately 30 people. She wished everyone a safe and happy holiday.

### COMMITTEE REPORTS

#### Public Works Committee

- A. Review/Discuss/Take Action – Ruth Holdings LLC – Lot 2 Subdivision/Land Development Plan\_Waiver Requests – Council Member Tucker stated at the November 2020 Planning Commission Meeting, it was decided that Ruth Holdings, LLC should request 2 waivers from the Dillsburg Borough Council which will need to be reviewed and voted on. Ruth Holdings, LLC has requested in writing 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. Chapter 22, Section 504.3 requiring monuments to be set at the intersection of all lines forming angles in the boundaries of the tract. A waiver was requested that monuments only be placed at major line intersections. Council Member Tucker moved to approve the Ruth Holdings, LLC requests to waive the requirements, per Borough Code Chapter 22, Section 403 and 504 and allow the plan to be reviewed as a Preliminary/Final Plan and monuments to be placed only at major line intersections. Motion seconded by Vice President Fawber. – Motion carried.
- B. Review/Discuss/Take Action – Ruth Holdings LLC – Preliminary /Final Reverse Subdivision & Land Development Plan - Council Member Tucker stated the Preliminary/Final Reverse Subdivision and Land Development Plan for Ruth Holdings, LLC, was submitted to the Borough of Dillsburg. The Plans were reviewed by the Borough Planning Commission and recommended for approval of the addition to an existing building, with the following conditions as stated in the KPI memo dated November 17, 2020:

The owner's acknowledgement and professional certifications should be executed by all parties. (402.A (6)).

Approval of the E&S Plan by the York County Conservation District is required.

Sewage planning approval or exemption approval may be required. The plan should be provided to the Dillsburg Area Authority for review. (403.4.c, 503)

A wooden guiderail is proposed along the northern frontage in order to control site access to a 46-foot-wide space. The Planning Commission may wish to review this configuration.

The extent of the additional graveled parking area is shown. The plans should note that the limits of this area may not be exceeded without the prior approval of the Borough.

It is noted that sales display lighting is being removed. Proposed building lighting should be shown.

A draft Deed of Consolidation should be provided to the Borough for review.

Bonding of the related improvements is required along with any applicable security/development agreement required by the Solicitor. A cost estimate should be provided for review. (406)

Stormwater Management Comments:

Consideration should be given to overflow being located at the building downspouts rather than in the infiltration bed.

A Stormwater Management Operations and Maintenance Agreement is required. Operations and Maintenance notes for the owner to follow should be provided on the plans.

Approval from York County Conservation is also needed.

Council Member Tucker moved to approve the Preliminary/Final Reverse Subdivision/Land Development Plan for Ruth Holdings, LLC, subject to the conditions as outlined above and completion of all outstanding items required by other agencies, such as DAA, YCPC, York Conservation, etc. Dillsburg Borough Council will sign the plan for recording only after all conditions have been met and all other signatures have been obtained. Motion was seconded by Vice President Fawber. – Motion carried.

- C. Review/Discuss/Take Action – Kinsley Payment for 2020 Stormwater Maintenance – Council Member Tucker stated at the advertised, public Committee meeting held on Tuesday, September 1, 2020, Council accepted the Kinsley bid for repairs to the Borough's stormwater system at North Baltimore Street and at Harrisburg Pike & East Church Street for a total cost of \$99,900.00. The contractor has completed all work associated with the contract. The project was completed at a price of \$102,530.00. Curb and asphalt restoration, along with a credit for a C top inlet, accounted for the pricing difference of \$2,630.00. All work has been inspected in the field and verified by Borough Engineer KPI, Inc. KPI has determined a retainage figure of \$10,253.00 will be held until final restoration is completed in the Spring of 2021. Council Member Tucker moved to authorize the payment in the amount of \$92,277.00 for the 2020 Stormwater Maintenance work be forwarded to Kinsley Construction, Inc. Motion was seconded by Council Member Del Vecchio. President Kelley abstained. – Motion carried.
- D. Review/Discuss/Take Action – Reduction in required Security balance for NYCHAPS - Council Member Tucker stated on November 24, 2020, NYCHAPS requested a reduction in their Required Security and balance of the Irrevocable Standby Letter of Credit. KPI inspected all work performed to date at the NYCHAPS North Baltimore Street location, estimated the

value of the remaining improvements and provided Council with a written report. Based on inspections of the site and review of the as-built plan, KPI recommends retainage of security in accordance with the following:

1. Erosion and Sediment Control - Retain \$2,000 of the original amount for maintenance and final removal of E&S items.
2. Retain the entire storm water amount until the designed basin volume can be confirmed with the as-built and it can be determined how the infiltration basin's lack of proper functioning (de-watering) may be mitigated. (\$7,500)
3. Retain the entire bumper block amount of \$5,400, as they are not yet installed.
4. Sidewalks - Retain 50% of original amount for sidewalks/paving not yet installed (\$5,400)
5. Signage - Retain 50% of original amount for one-way and ADA signage not yet installed. (\$750)
6. Retain the entire original cost estimate 10% MPC retainage of \$12,081 for the above items and until it can be confirmed that landscape plantings have lived until spring 2021.

Therefore, it is recommended the minimum amount of surety that should be retained is \$33,131.00 which would correspond to a proposed reduction of \$99,768.03. Council Member Tucker moved to authorize a \$99,768.03 reduction in the required Security and balance of the Irrevocable Standby Letter of Credit, leaving a balance of \$33,131.00. Motion was seconded by Vice President Fawber. – Motion carried.

#### Public Safety Committee

- A. Review/Discuss/Take Action – EMS Contract – Vice President Fawber stated Dillsburg Borough is responsible for providing emergency services for Borough residents, property owners, business owners and visitors. In an attempt to make sure the best Emergency Medical Services are furnished and with a sense of community, Dillsburg Borough, along with seven (7) other area municipalities, contracted with Holy Spirit, a Geisinger affiliate, EMS to provide EMS services. Recently Penn State Health acquired Holy Spirit EMS. The services and staff previously contracted through Holy Spirit EMS will not change. Vice President Fawber moved that the Borough of Dillsburg appoint Penn State Health Life Lion, LLC as the Borough's Emergency Medical Services provider for an indefinite term at the pleasure of the Council. Motion was seconded by Council Member Baldwin. – Motion carried. Vice President Fawber moved to authorize Manager Deibler to sign the necessary paperwork. Motion was seconded by Council Member Del Vecchio. Motion carried.

#### Administration Committee

- A. Discuss/Take Action – Resolution 2020-9 - 2021 Appointments – Council Member Gaffney 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 consider 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 2020-9. Council Member Gaffney moved to adopt Resolution 2020-9 appointing the following to serve the Borough of Dillsburg:
1. Timothy Keirn to a one-year term on the Vacancy Board (01/01/21 – 12/31/21)

2. Nancy Putt to a three-year term on the Logan Park Authority Board (01/01/21 – 12/31/23)
3. Justin Davidson to a four -year term on the Planning Commission Board (01/01/21 - 12/31/24)

Motion was seconded by Council Member Ryder. – Motion carried.

- B. Review/Discuss/Take Action – 2021 Pet Permits - Council Member Ryder stated 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 and/or to keep or raise fowls outdoors. Jill Janney of 220 South Baltimore Street, Zachary Heikes of 14 South Second Street, Jackie and Minsoo Yoon of 21 Pheasant Ridge Road, John and Crystal Patterson of 7 Wayside Court, Renee King-Cunningham and Kevin Cunningham of 111 Gettysburg Street, Mark & Lisa Johnson of 101 Hollow Lane and Louie DeNofrio of 10 East Harrisburg Street have applied for pet permits. All requested forms, information and necessary fees have been supplied to the Borough. The Manager and Secretary have reviewed the applications and have found everything in order. Council Member Ryder moved to approve the applications as submitted and authorize the Borough Secretary to notify the applicants of the approvals and process the permits with an expiration date of December 31, 2021. Motion was seconded by Council Member Gaffney. – Motion carried.
- C. Review/Discuss/Take Action – Appointing New Solicitor - Council Member Gaffney stated Dillsburg Borough’s current solicitor is Mark Allshouse of Christian Lawyer Solutions of Shermans Dale, PA. He has served the Borough well for 15 years. He has decided to start preparing for retirement and his last day of service to the Borough will be December 31, 2020. A Request for Proposal for a solicitor was advertised and applications were received. Borough Code Section 1005 states Council has the power to appoint a new solicitor by motion as it is deemed necessary. Council Member Gaffney moved to appoint Salzman Hughes, P.C, Attorneys at Law as the Borough’s solicitor as of January 1, 2021. This appointee shall serve for an indefinite term at the pleasure of the Council. Motion was seconded by Council Member Ryder. – Motion carried.
- D. Discuss/Take Action – Resolution 2020-12 – Verizon FIOS Agreement - Council Member Ryder stated the Borough of Dillsburg has determined that the public interest would be served by granting a non-exclusive cable franchise to Verizon to better serve its residents with new technology, high speed internet service and improved channel selection. Council Member Ryder moved to adopt Resolution 2020-12 Authorizing the Execution of a Cable Franchise Agreement between the Borough and Verizon. Motion was seconded by Council Member Gaffney. – Motion carried.
- E. Review/Discuss/Take Action –2021 Final Budget – Council Member Gaffney stated the 2021 Proposed Budget was reviewed and adopted by Council at the November 10<sup>th</sup> Council Meeting and was put on public display between November 11<sup>th</sup> and today. Further review and discussion resulted in no major changes. The final budget consists of Total Estimated Revenues of \$1,139,160.00 and Total Estimated Expenses of \$1,138,735.00. Expenses include contributions of \$21,750.00, streetlight fees of \$47,500.00, road work expenses of \$78,300.00 and \$310,725.00 in expenses for Public Safety. This final budget will not create a necessity for a real estate or occupational assessment tax increase. The 2021 Budget is now ready for adoption at this time. Council Member Gaffney moved to adopt the 2021 Budget for the

Borough of Dillsburg as presented with projected Revenue of \$1,139,160.00 and projected Expenses of \$1,138,735.00. Motion was seconded by Vice President Fawber. – Motion carried.

- F. Discuss/Take Action - Ordinance 2020-2 – The Tax Ordinance for 2021 - Council Member Ryder 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 2021 rates will stay the same as last year: Real Estate - 2.87 mills and Occupation Assessment Tax - 1200 mills. Council Member Ryder moved to adopt Ordinance 2020-2 fixing 2021 tax rates for the non-exempt real property at 2.87 mills and the occupational assessment at 1200 mills. Motion was seconded by Council Member Gaffney. – Motion carried.

#### OLD BUSINESS

There was none.

#### NEW BUSINESS

Council Member Del Vecchio asked with the upcoming shutdown if the Borough wants to suspend the two-hour parking downtown. President Kelley stated they should wait to see how long the shutdown was going to be before making that decision. Vice President Fawber asked if Council can do that without a motion. President Kelley stated yes. Manager Deibler indicated when the Borough put the parking back into effect the last time, we put a notice on the website, Facebook, and posted bright fluorescent pink signs up and down the streets, the office received a lot of flack because people ignored the signs and received parking tickets.

Mayor Richardson indicated there is a big pothole on Route 15 South in front of the cemetery. Manager Deibler stated she will contact Faye at Carroll Township. Council Member Baldwin stated the contract runs until 2021. Mayor Richardson indicated he was aware of that but PennDOT should be notified and fixed.

#### ADJOURNMENT

Since there was no further business, Vice President Fawber moved to adjourn the regular meeting. Motion was seconded by Council Member Ryder. – Motion carried. The regular meeting was adjourned at 7:35 pm.

Respectfully Submitted,

*Debbi L. Beitzel*

Debbi Beitzel  
Borough Secretary

cc: Borough Council Members  
Mayor Richardson  
Tim Knoebel  
Mark Allshouse