

DILLSBURG BOROUGH COUNCIL MEETING
November 12, 2019 – 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 Holly Kelley, Vice President Matt Fawber, Mike Gaffney, Jeff Griffin, Mark Ryder and Isaac Tucker. Also present were Borough Manager Karen Deibler and Borough Secretary Debbi Beitzel. Mayor John Richardson, Council Member Dave Baldwin, Borough Engineer Tim Knoebel and Solicitor Mark Allshouse weren't present.

The following visitors were present: Chief Wargo from the Carroll Township Police Department, Donald Nye & Carla Snyder from NYCFR, Mary Lou Bytof from the Dillsburg Banner, LPA Representatives Bob Ingham and Bil Cressler, Aaron, Nathan and Ryan Garner from Boy Scout Troop 192 and Dillsburg Borough Residents Chris Del Vecchio, Andrea Brillhart, Sandy Auxt, John and Mary Reed.

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 Griffin. – Motion carried.

APPROVAL of the MINUTES

October 1, 2019 Committee Meeting – Council Member Griffin moved to approve the Committee Meeting minutes of October 1, 2019 as presented. Motion was seconded by Council Member Ryder. – Motion carried.

October 8, 2019 Council Meeting – Council Member Griffin moved to approve the Council Meeting minutes of October 8, 2019 as presented. Motion was seconded by Council Member Gaffney. – Motion carried.

DEPARTMENT REPORTS

Police Department Report

Chief Wargo reviewed the October 2019 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 October 2019, there were 75 calls for service, for a year-to-date total of 1,078. There were four (4) traffic accidents in October 2019, for a year-to-date total of 60 and the officers issued a total of 19 traffic citations in October 2019, for a year-to-date total of 259. Chief Wargo indicated the monthly report was different but somewhat consistent with what the previous reports looked like and will remain to look like this. Council Member Tucker asked why the spike in foot patrol. Chief Wargo stated the officers are required to list it on their daily log sheets, some guys do an incident report, some don't, so that number can go up or down.

Ambulance Service Report

No one was present nor was a report provided for the month of October 2019 to the Council and Mayor.

Fire Company Report

Lt. Donald Nye reviewed the October 2019 report with Council and Mayor. He indicated for the month of October 2019, there were 41 calls for a year-to-date total of 444. For the month of October there were twelve calls in the Borough, for a year-to-date total of 87.

He indicated fire prevention was done at Filey's Daycare, prepping for more fire prevention at schools, daycares, etc and all three elementary schools were completed in one day.

He stated Farmers Fair was completed and on the books for another year.

He indicated they haven't received anything back from ISO and state grants were submitted for both stations.

Lt. Nye stated they participated in the Halloween activities by handing out hot dogs, candy, activity books, pencils and literature and Smokey the Bear was present.

He stated their tower received it's annual PM and Aerial certification and some minor repairs were needed.

He reminded everyone that Rescue 15-2 is out of service for 8-10 weeks because of the warranty paint work.

He indicated the Tower and Rescue 15-1 were rebranded and the Duty Officer Vehicle and R15-2 are the only units left for rebranding.

Lt. Nye apologized for the delay of the budget and all municipalities should receive the final business plan with financials soon, if they haven't received them already. Rob will be setting up a meeting after the first of the year to discuss the plan with all municipalities.

President Kelley asked about Rescue 15-2 being out 8-10 weeks. Lt. Nye indicated that was from the time they sent it out; that is not where they are now, it's in the middle of that 8 weeks.

Council Member Griffin asked if the two medical calls on October 19th at North Baltimore Street and East Harrisburg Street two separate incidents or were they entered twice. Lt. Nye indicated he believed it was two separate incidents.

Council Member Ryder asked how the standby companies did during Farmers Fair. Lt. Nye stated they did great and provided great service for them during Farmers Fair.

President Kelley asked if Farmers Fair was profitable for them. Lt. Nye indicated they did OK, it wasn't the best year, but it wasn't the worst year.

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 October 2019 were \$62,708.11. 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 \$62,708.11 pending audit approval. Motion was seconded by Council Member Gaffney. Council Member Griffin abstained. - Motion carried.

Planning Commission Report

There was no representative present.

Dillsburg Area Authority

There was no representative present.

Community Groups

Logan Park – Bob Ingham, Chairman of the LPA, introduced the LPA Treasurer, Bil Cressler. He indicated he was before Council tonight to ask for help in three regards: 1. That the Township and Borough coordinate with them when a permit or other permission is sought which explicitly or implicitly comes with a request for permission to access a backyard through the park, such as, when a permit to construct a pool is

sought by a neighboring property with a gate directly into the park. This isn't an unreasonable request of the lessee of the land with a public trust to protect it for continued park use. If the anticipated use will or may harm the public asset, then the LPA would have to deny approval without written assurances and perhaps a bond that any damage will be addressed. 2. Amend the existing park rules (Ordinance noted) to include the following new rule: "Access from and to private properties by trailers and motor vehicles of any sort through park property is prohibited except with written permission of the Chairman of the LPA. 3. Issue the letter (provided to Council) to those property owners abutting the Park. Mr. Ingham thanked the Borough and Council for their consideration of this request for cooperation and to let him know if they had any questions.

Mr. Ingham indicated back in 2012 they established along with their mission statement which has been in effect for probably ten years, their goals for 2012, one would be #4, to determine appropriate action be taken regarding property owners' intrusion into park property. Since the path has been established, they had more than a half of dozen incidents that were considered serious.

He indicated the LPA rules and regulations have been in effect for many years, updated every three to four years, which are posted at the park state: That all motor vehicles should be parked only in designated areas, not on the paved recreation path within the park. Motor vehicles should be driven only on the access drives and designated parking areas, not on the paved recreation path within the park. Nothing in this section should be interpreted to interfere with the normal operation and maintenance of the park. He stated they have a problem and he provided all the literature they need and hope that Council would support their efforts.

Council Member Griffin indicated they needed to approve the letter but need to discuss the issue at their December workshop meeting. Mr. Ingham stated he would like to get this out by the first of the year.

Vice President Fawber asked if this was just reinforcing what was already in place. Mr. Ingham stated yes and just wanted to draw the neighboring properties attention that the park has certain rules that must be followed.

Council Member Tucker asked what side of the park he was referring to. Mr. Ingham stated there has been some instances with some of the new houses. One of the neighbors called LPA and asked if he could take some trees down which were on the park's property, so they went and took the trees down for him. He indicated that they are not bad neighbors, they are good neighbors and are willing to work the neighboring properties. Mr. Cressler stated a few years ago they had an issue with a neighbor putting in a pool on the township side. The township issued the permit and the property owners put the pool in the back of their property by accessing it through the park.

Solicitor's Report

Solicitor Allshouse wasn't present but did provide the Council and Mayor with a report for services provided in October 2019.

Engineer's Report

Engineer Knoebel wasn't present but did provide a combined invoice for services provided in September and October 2019 to the Council and Mayor.

Tax Collector Report

Debbi Beitzel provided the Council and Mayor with a written report for October 2019.

Borough Staff Report

Manager Deibler provided the Council and Mayor with a written report for October 2019.

PUBLIC COMMENT

President Kelley welcomed and recognized some of the guests that were in attendance, Aaron, Nathan and Ryan Garner from Boy Scout Troop 192, from New Cumberland. They indicated they were working on their Communication, Citizenship and Community badges.

John Reed, 12 East York Street, indicated there is a plate in the middle of the intersection at Dill Alley and East York Street, when someone hits it, it rattles. He thinks if it's raised ½ inch, it could be corrected. He indicated cars visiting the firehouse are coming out of Dill Alley the opposite way onto York Street. He stated cars coming into Dill Alley are moving and wonders why there aren't more accidents there. Mr. Reed stated two years ago, some teenage girls came down the alley the wrong way and scrapped his house, they weren't looking where they were going and got off the alley and into his house. Last year, two trucks, thirteen-foot-high, came in and knocked his rain spout down; they bent it off his roof and this year two more trucks did the same thing and its costing him money to have the spouting fixed. He indicated he did catch the people that did it twice and they paid to have it fixed. Vice president Fawber asked which side he lived on. Mr. Reed stated he lives on the inside coming up York Street and turning into Dill Alley; the red brick house. Council Member Tucker asked if this was the first time, he has ever voiced his complaint. Mr. Reed stated yes.

Andrea Brillhart, 20 East York Street, indicated she lives on the opposite of the alley from Mr. Reed. She is expressing some concern about East York Street having no speed limit signs. It's a small street from stop sign to stop sign, but there are major concerns with the speed in which people travel. It's excessive with the amount of traffic on the road, which can't be helped, but it would help if there were speed limit signs; there is none in either direction. They have seen some police enforcement, but during busy times, especially with children walking down to the bus stop, which is in front of Road Hawg, that speed is a major concern. She also agreed with Mr. Reed regarding the amount of people that go in and out of Dill Alley the wrong way, especially with kids being all around the area, riding their bikes. President Kelley asked if the alley was marked. Ms. Brillhart stated yes, the alley is marked. She also, indicated speed is also a concern, the alley is posted 5 MPH and doesn't see a lot of enforcement on the Dill Alley, occasionally she will see an officer walking, but it's not consistent. She mentioned there are a lot of kids that play back there, with the baseball fields there are kids everywhere, with the Boy Scouts and there are constant kid's activities, along with the church across the street having events and the kids walk back there to do things. She indicated there is a sign at the end of the Dill Alley with a "no truck sign", does this mean a box truck or any truck, there are no specifics about what trucks are allowed. With the construction of the old schoolhouse, there were a ton of big trucks going up and down the road entering from the Dill Alley. She stated if anyone has ever driven on Dill Alley between her house and Mr. Reed's, it is very tight. She indicated the firehouse often has meat auctions, but there are big trucks that pull in and try to fit into Dill Alley and they have been told that people have seen some of those trucks hit my cement walkway or Mr. Reed's rain spout.

Sandy Auxt, 21 East York Street, indicated the report she provided to Council and Staff was a result of an unofficial traffic count she did on Thursday, October 10th. She indicated she also had the working papers with all her hash marks and a couple of expert witnesses that stopped by and noticed she was doing the count. The report is divided into three sections: vehicle traffic, commercial construction traffic and bus traffic. She started at 6:30 am and went to 6:30 pm. She also managed to capture the vehicles up and down. She reviewed the report with Council; vehicle traffic - 502 up and 554 down for a total of 1056; commercial traffic - 85 up and 80 down for a total of 165; and bus traffic - 12 up and 9 down for a total of 21, for a grand total of 1,242 cars using East York Street in 12 hours; which is an average of 103 per hour. The last column shows thoroughfare traffic, baseball traffic, Road Hawg traffic use of Dill Alley right at 21 East York Street, she wasn't able to capture the traffic coming out of Dill Alley onto EYS and out to York Road, but for the 12 hour time frame there were 134 cars that used Dill Alley.

She indicated the next two pages consisted of the breakdown of commercial and construction traffic that she was able to capture from A-Z. The numbers listed beside the name of the company is how many times they used the street during the day. The greatest number showed miscellaneous box, truck/trailer, commercial – not identified was 55. She stated the issue to notice is that no delivery or work was done on EYS by any of these 165 vendors on this day. The last sheet provided the bus traffic that uses EYS from 6:31

am to 3:40 pm. She indicated to the best of her knowledge the highlighted one 81K was the only legitimate stop on the street.

Ms. Auxt stated the out of control free for all is totally unacceptable, inexcusable and irresponsible for the residents that live in town; not just those who live on EYS but all streets in Dillsburg. She indicated she wanted to say how badly she feels as a resident that pays taxes about the way, some of the disrespect has been shown to her by the Borough Manager's office and by some members of Borough Council. She has owned her house for 25 years and she pays her taxes that helps to pay the salaries and the elected officials. She indicated when she thinks about the facts that behind closed doors comments are made like "why doesn't she just move out of town". Vice President Fawber asked how she knows this is being said behind closed doors, because he never heard it being said. Ms. Auxt stated OK. Vice President Fawber stated this is a big statement, so he would like Ms. Auxt to help him understand how she came to make a statement like this. He asked her if she was told by somebody. Ms. Auxt stated yes. Vice President Fawber stated OK, that's fine. Ms. Auxt started to say whether that's. Vice President Fawber stopped her and indicated she answered his question and that was all he needed to know.

President Kelley stated some of the email trails with the photos, etc that Council have been receiving seem to have started around September was there a significant change or anything that made you start capturing data. Ms. Auxt stated yes, she had decided after years of the mounting free for all out of control and saw this happening on a regular basis and escalating. She decided to put her mind to it when she drove down Gettysburg Street and saw the rumble strips and the traffic speed sign and the same thing on Greenbriar Lane. So, she made a conscious decision, she knew what would be involved and the energy and effort it would take to fight city hall. She counted the cost and put her nose to the grindstone and that's what happened in September. President Kelley indicated the data helps; this was what a neighbor did that resulted in some changes in Greenbriar, the due diligence is appreciated. She stated that Council has been and will continue to talk through what's appropriate, what can be done and can't be done based on moving commerce through the Borough. They can't stifle commerce, they have to make sure it moved through appropriately for all, so they will continue to look at this and she appreciated Ms. Auxt's efforts.

Ms. Auxt stated one of the first things that was said to her when she met with the Borough Manager was the issue of paving and paving material. She first laughed it off. She then started to think through that five years ago they had major repaving on EYS. She then started thinking about paving material and that comment and knew she wouldn't get the help from the elected officials who are supposed to represent her. So, she had a conversation with an engineer which was very helpful. She indicated back in 2014 when EYS was paved, there were decisions made that the paving material used would handle more construction commercial traffic and EYS would take it.

She asked when SAC Energy calls the Borough or calls the Chief of Police after she has spoken with their cooperate office and reported that their trucks are overweight on EYS, what does the Borough office tell them. Vice President Fawber stated all that we can tell them is that they are overweight, we can't give them a ticket based off that or anything and there is a lot that needs to be done to get the vehicle's weight. He mentioned Council talked about the rumble strips on EYS, but the issue is with the incline, the Borough isn't permitted to do that. Vice President Fawber indicated the Borough is looking into doing a traffic study and because some things that were done with that road, there is even questions to see if the Borough is allowed to do the things they have already done. Ms. Auxt asked again, what does the Borough Manager's office tell SAC Energy when they call and follow up after she has taken her time to call their cooperate office and tell them their trucks are overweight, because the police only have 2.4 hours per shift (she asked MaryLou to put that on public record). Manager Deibler indicated the she has never spoken with anyone from SAC Energy, they never called and asked for her and she never has spoken to them. Ms. Auxt thanked Manager Deibler for that information. Vice President Fawber indicated he doesn't speak for anyone else here, but he honestly doesn't want the Borough Manager tracking down every one of these companies daily. He stated to Ms. Auxt that he appreciates the information and he can assure her that the Borough will do some sort of traffic study to

see what can be done on EYS. There has been litigation done that says as a municipality, can't shut off getting from one road to another. So, when everybody says, let's move it somewhere else, we have to figure out where can we move it. So, with that all being said, we need to do traffic studies before we start shifting around traffic. Ms. Auxt stated she gets that.

Vice President Fawber asked her to let him finish, and as far as the vehicles up and down, EYS is a public street and people are allowed to come down from the high school and turn. Ms. Auxt stated she didn't bring up the vehicle traffic. Vice President Fawber indicated he understands where she is coming from, but EYS is the first road once you come there to turn. Ms. Auxt stated she is aware of that and that she is not talking about vehicle traffic even though it's an out of control free for all, she was zeroing in on the commercial traffic. Vice President Fawber stated so is Council and they have to do studies before they can change things. The Borough can't just put up signs. Ms. Auxt stated she understands that, but the issue right know is the enforcement of the ordinance that is already in place and is a mismanagement issue by the Borough Council and the Manager's Office. She indicated the finances and responsibilities to get the police presence they need is not happening. Vice President Fawber stated if they have police presence there, they can't do anything there. He learned through the solicitor that even if the weight of a vehicle says that is the weight of it, you cannot take that as a police officer and hand out a ticket based off of that, you have to do an official weight. Ms. Auxt stated she understands that, but you need the police presence to even get to that point. Vice President Fawber indicated the other thing is the expense and the Borough can't have people there around the clock weighing trucks. Ms. Auxt stated she understands that. Vice President Fawber indicated there is only a certain amount and they have to go certain places. Ms. Auxt stated she understands. Vice President Fawber stated he didn't think she did. Thinks this is where the disconnect is. Ms. Auxt stated she totally understands. Vice President Fawber stated that Dollar General doesn't want the Borough weighing trucks in their parking lot, which is their right. We can't take them all the way to the Giant because then you start to get too far away. He thought it was a lot easier himself. He doesn't mean to disregard what she was trying to say, but the Borough has to do certain studies to see what they can do. Vice President Fawber indicated the report has everything they need to take back to the solicitor and engineer to get this moving. Ms. Auxt asked when did Council envision the timeframe being. Vice President Fawber indicated that they have already started talking about it and they need to get it through to York County. Ms. Auxt asked who York County was. Manager Deibler stated York County Planning Commission. President Kelley and Vice President Fawber both stated that when the Borough worked on Greenbriar Lanes for Mr. Burgess it took a year.

Ms. Auxt indicated she would like to go back to the pavement issue. President Kelley appreciated all the information she provided, but it's five minutes per person, which we have extended and appreciated her time. Ms. Auxt indicated she has asked several questions that she has not received answers for. President Kelley stated some of them they don't have off the cuff just to respond to the continuous emails that come in. Ms. Auxt stated some of them were just yes or no questions. President Kelley stated some of them are not as easy as a yes or no answer.

CORRESPONDENCE

There was none.

MAYOR'S REPORT

Mayor Richardson wasn't present.

PRESIDENT'S REPORT

President Kelley thanked everyone for their cooperation during the monsoon of Trick-or-Treat.

COMMITTEE REPORTS

Public Works Committee

Neither Council Member Ryder nor Council Member Tucker had anything to report.

Public Safety Committee

Vice President Fawber had nothing to report.

Administration Committee

- A. Discuss/Take Action – Resolution 2019-9 -Appointing Auditor – Council Member Gaffney stated as Council Members are aware, the Borough appoints an Auditor each year to independently audit all Borough Accounts. Resolution 2019-9 was developed to appoint Kochenour, Earnest, Smyser and Burg of York, Pennsylvania as the Auditor for the Borough of Dillsburg for the fiscal year 2020. Council Member Gaffney moved adopt Resolution 2019-9 appointing the Auditor for the fiscal year 2020. Motion was seconded by Council Member Griffin. – Motion carried.
- B. Discuss/Take Action – Resolution 2019-10 - 2020 Fee Schedule – Council Member Griffin 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 low rates and all fees and charges will stay at 2019 rates. Council Member Griffin moved to adopt Resolution 2019-10 establishing the Borough Fee Schedule as of January 1, 2020. Motion was seconded by Council Member Gaffney. – Motion carried.
- C. Discuss/Take Action - Resolution 2019-11 – 2020 Meeting Schedule - Council Member Gaffney stated as Council Members are aware, each year we develop a Meeting Schedule for the coming year and adopt the Schedule by Resolution. The Schedule of Meetings is distributed and advertised in the local newspaper. Please note that Council meetings will be held at the Dillsburg Area Authority Building, 98 West Church Street in Dillsburg Borough. All other meetings including Committee meeting will be held in the Dillsburg Borough Office, 151 South Baltimore Street. Council Member Gaffney moved to adopt Resolution 2019-11 setting the 2020 meeting schedule for the Borough of Dillsburg. Motion was seconded by Council Member Griffin. – Motion carried.
- D. Discuss/Take Action –2020 Proposed Budget – Council Member Griffin stated the 2020 Proposed Budget has been prepared and was reviewed by Council at their recent Committee Meeting. The Proposed Budget consists of Total Estimated Revenues of \$1,105,860.00 and Total Estimated Expenses of \$1,105,150.00 and a one half-mill real estate tax increase (from 2.37 to 2.87...\$50.00 increase/\$100,000.00). While real estate tax income in the Borough has been relatively the same since 2006, expenses, because of inflation and new government programs and laws, have increased. In 2006, the Borough spent about \$4,000.00 on stormwater. It is estimated that the Borough will spend over \$35,000.00 in 2020 because of the new government’s MS4 regulations and Chesapeake Bay program and more regulations and requirements are to come. Worker’s Comp insurance has increased over the years because of additional benefits and changed calculations per the government. There is talk about adding even more benefits and additional reasons that would be considered under Workers Comp Insurance which will again increase fees. It has recently been discovered that the Borough’s aged stormwater system is in need for some major upgrades. The Borough must complete over \$60,000.00 of those upgrades next year. As for inflation, it has affected most of the expenses necessary to run the Borough (like oil, gas, electricity, postage, etc.). These are just a few of the increases to the Borough. The 2020 Proposed Budget will be placed on public display from now until the December 10, 2019 Council Meeting at which time formal action by Council will be taken. Council Member Griffin moved that the 2020 Proposed Budget be approved and adopted as presented, and that any revisions be prepared for the 2020 Final Budget, to be voted on at the December 10, 2019 meeting of Borough Council. Motion was seconded by Council Member Gaffney. – Motion carried.

OLD BUSINESS

Council Member Griffin asked if anyone knows of anyone that would like to serve on the Logan Park Authority Board as the Borough’s representative to please contact the Borough Office. They need two representatives.

NEW BUSINESS

Council Member Ryder indicated he represented the Borough by attending the annual meeting of the York County Boroughs Association in Red Lion on Saturday. He was sworn in as County’s Second Vice President. He also presented Council Member Jeffrey Griffin with the York County Borough Association Service Award in recognition to 20 years of service to Dillsburg Borough.

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 7:46 pm.

Respectfully Submitted,

Debbi L. Beitzel

Debbi Beitzel
Borough Secretary

cc: Borough Council Members
Mayor Richardson
Tim Knoebel
Mark Allshouse