

**DILLSBURG BOROUGH COUNCIL MEETING**  
**September 10, 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, Carla Snyder from NYCFR, Scott Shughart from Dillsburg Senior Center, Carroll Township Supervisor Kelley Moyer-Schwille and Dillsburg Borough Residents Chris Delvecchio, Jim Burgess and Susan Nelson.

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

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

APPROVAL of the MINUTES

August 5, 2019 Committee Meeting – Council Member Griffin moved to approve the Committee Meeting minutes of August 5, 2019 as presented. Motion was seconded by Council Member Ryder. – Motion carried.

August 13, 2019 Council Meeting – Council Member Griffin moved to approve the Council Meeting minutes of August 13, 2019 as presented. Motion was seconded by Vice President Fawber. – Motion carried.

DEPARTMENT REPORTS

Police Department Report

Chief Wargo reviewed the August 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 August 2019, there were 62 calls for service, for a year-to-date total of 927. There were seven traffic accidents in August 2019, for a year-to-date total of 53 and the officers issued a total of 21 traffic citations in August 2019, for a year-to-date total of 208.

Council Member Tucker indicated it was awesome to see two police officers walking around the Farmers' Market on Saturday meeting people.

Chief Wargo stated this wouldn't affect the Borough directly but traffic wise it might, because they would be closing down Route 15 South for approximately an hour on Friday at 10:00am to do an accident reconstruction of the pedestrian fatality accident that had occurred. President Kelley asked if

there was an alternate route. Chief Wargo stated yes, fire police will shut it down in Upper Allen at Lisburn Road and redirect them towards Williams Grove Road.

#### Ambulance Service Report

No one was present and no report was provided for the month of August 2019 to the Council and Mayor.

#### Fire Company Report

Carla Snyder reviewed the August 2019 report with Council and Mayor. She indicated for the month of August 2019, there were 51 calls for a year-to-date total of 360. For the month of August there were eight calls in the Borough, for a year-to-date total of 71.

She indicated for the month of August, they participated in the National Night Out event, did a two hour walk-through at the high school, which consisted of going down to the boiler room, saw all the sprinkler shut-offs, and went to the pool and looked at all the chemicals. They were given software which gives all the emergency contact phone numbers and gives a visionary of inside the school and each room. She stated later that night they gave an impromptu training on the ladder truck. They also participated in a line of duty death funeral for an officer/fire chief in Adams County. They did a pipeline training class with one of the pipeline companies. Ms. Snyder stated they are ramping up for fire prevention and will be doing a program to all the elementary schools and then doing a special program for all the special need classrooms.

Ms. Snyder stated they will be voting for new officers; the elections will be in September and October and then in November they will vote for new fire officers.

President Kelley asked if the elementary and middle schools had similar program of the layouts of those school. Ms. Snyder stated she didn't know, but it would be nice to know.

#### 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 August 2019 were \$57,417.03. 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 \$57,417.03 pending audit approval. Motion was seconded by Council Member Griffin. - Motion carried.

#### Planning Commission Report

There was no representative present.

#### Dillsburg Area Authority

There was no representative present.

#### Community Groups

**Dillsburg Senior Center** – Scott Shughart reported on the period of March through August. He indicated some of the trips at the Senior Center included: AACA Museum in Hershey, Biglerville Apple Museum, Penn Waste Recycling Center, Concert on the Lawn at the Warehime/Myers Mansion in Hanover, Whitaker Center, Martins Potato Chip Factory, took a train ride on the M&H Railroad and took people for a hike on the Cumberland Valley Rail Trail. Speakers and Presentations included: Storyteller, Concert with Chad Bruce and Grant Bell, former director of the Cumberland County Historical Society,

special effects makeup artist, PA Dept of Health on Lyme Disease, Foods for Brain health, Closed captioned phones, and Lancaster County Historical Society on WWII. Community Service Projects included: Partnered with the Farmers 'Market to provide boxes of fruits and vegetables to the meals on wheels people, they distributed 20 food boxes in August and partnered with the Aging Office to provide \$20 value Farmer's Market nutritional vouchers, they distributed 64 vouchers in July. They wrapped up a diabetes prevention program with Geisinger Health in May. They were the host site for the Farmer's Market kickoff event in the spring and also for the Give Local York event in May. They opened the center for Rep. Dawn Keefer to do a town hall meeting in July.

Mr. Shughart stated for the last six months they had served 3,013 daily lunches and delivered 4,277 meals on wheels, which are both down from the time frame last year. He indicated one of the things that is affecting the meals-on-wheels program is the County Aging Office has now established a waiting list for services. The state budget that was passed included a small increase in funding for adult protecting services, but no increases for other aging programs and the Aging Office is estimating a budget deficit for the fiscal year, so they are implanting waiting lists for services. The waiting list will only affect older adults requesting services for the first time.

#### Solicitor's Report

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

#### Engineer's Report

Engineer Knoebel wasn't present but did provide the Council and Mayor with an invoice for services provided in August 2019

#### Tax Collector Report

Debbi Beitzel provided the Council and Mayor with a written report for taxes paid for August 2019.

#### Borough Staff Report

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

#### PUBLIC COMMENT

Mr. Jim Burgess, 116 Greenbriar Lane, thanked Manager Deibler and Council for the portable speed limit apparatus placed on Greenbriar Lane.

Ms. Susan Nelson, 47 S Baltimore Street, Apt 7, indicated she was having an issue with her landlord. She went to the Borough Office and filed a complaint. She stated Manager Deibler had called her back and basically explained that she had spoken with the inspector and because the inspection was done in April nothing could be done. Manager Deibler told her that she could pay for a new inspection. Ms. Nelson stated the building inspector didn't do a thorough inspection and some of it are lies. The inspector literally walked into the three-bedroom apartment, checked the smoke detectors, checked one outlet in the kitchen and asked if all the windows work. He never went down her back-staircase entrance, which is rotting out and there is a mold like substance on the walls. The roof has been leaking since she lived there which has done damage to her kitchen. She stated per her complaint, there are so many things wrong. She indicated she wanted the Borough to be aware that they pay to have a company do rental inspections, but it's fraudulent. She provided pictures for Council to look at, which included external and interior pictures and rotting out entrance way pictures. She stated she doesn't use the third

bedroom because there is mold on the wall and the landlord won't fix it. She thought with the building code inspector coming, she would get some help. Ms. Nelson indicated Bob Shelly, the former inspector was fabulous, but the current inspector was in her home for all but three minutes. She stated her apartment is on the second floor, which runs the whole length of the building. It has 15 windows and the inspector didn't check any of them. She stated with the rain that we had last week, it looked like a waterfall in her living room. She stated she didn't know what the Borough could do, but she wanted to make the Borough aware that the building inspector didn't do his job. President Kelley asked how many other tenants are in the building. Ms. Nelson stated there are nine units total and a lot of problems. President Kelley asked if the other tenants are experiencing similar issues. Ms. Nelson stated yes, but everybody is afraid to say anything because she is now in a position where, the landlord is trying to force her out rather than fixing things, but if they are collecting rent, they have an obligation to fix things. Manager Deibler indicated the office has tried to explain to Ms. Nelson for the last three years, this is a landlord/tenant dispute at this point, and she needs to go see District Judge Thomas. She stated the Borough doesn't have to provide inspections, but we do, that's not the law. Ms. Nelson stated that's not true because when Mr. Shelly was here, he did a proper inspection and found many things. She realizes the ordinances and what is on the sheet have changed, but if you pull the inspection report when Bob Shelley was doing it, it was insane. Ms. Nelson indicated if the Borough is going to have building inspections, even though they aren't required, they have to be done right, otherwise the taxpayers are paying for inspections and they aren't being doing right. She now has to pay out of pocket to have the inspection done properly. Manager Deibler stated taxpayer dollars aren't used, the landlords pay for all the inspections. Ms. Nelson apologized for the incorrectness, but when the landlord is standing right beside you and they know what's on the list. President Kelley asked if the landlord was present during the inspection. Ms. Nelson stated absolutely. President Kelley thanked her for the information and asked if she had appealed before the DJ. Ms. Nelson actually called, and the woman misunderstood her and asked her if it's a landlord /tenant dispute, she stated no it's a tenant/landlord dispute and the women indicated there is no such thing. She indicated she could hear the woman talking to Judge Thomas and he said the best she could do was to pay to fix everything and submit to small claim. Ms. Nelson stated she couldn't afford that. She indicated she wasn't sure where this was going.

**Possible Traffic By-Pass Plan Presentation** - Kelley Moyer-Schwille provided copies of the proposed Route 74 re-route. She indicated this was an idea she was kicking around. She is going to all the municipalities this would affect and asking for two members from Council and Township Supervisors to sit down and talk about this and give them your opinion. She understands not everyone is going to agree with everything, but that's OK and it's why she would like to have open discussion. She asked if Council would be willing to give her two people from Council so they can sit down and discuss what this Council is thinking and don't take up time from the meetings. Ms. Moyer-Schwille stated they would meet at another time to discuss everyone's concerns and answer their questions. President Kelley asked what was the drive that started these discussions. Ms. Moyer-Schwille stated the last straw was the vehicular death at Golf Course Road and she also knew that Council has been wanting to get Route 74 out of the Borough. President Kelley asked if this was for Glenwood. Ms. Moyer-Schwille stated yes. Council Member Tucker stated this wouldn't affect the Borough. Ms. Moyer-Schwille stated it would affect the Borough by taking 74 out of downtown, which is what Council wants and is an idea that Council desires. She is hoping everyone can come together and talk as a unit because PennDOT is forcing what they want on us and we need to stand up to them. She indicated she was not a big fan of the comprehensive plan; the Township isn't either. President Kelley stated the Comp Plan was to make sure collectively going with the same ideas and the same collective reasoning or what we wanted to see on Route 15. Ms. Moyer-Schwille said if PennDOT has their way, you are going to see 74 go up Golf

Course Road and that is not safe. Twenty-five years ago, they didn't have this property that we have now to be able to take 74 across to connect to 194 & 74. We have that opportunity now; the landowner is willing to let us put it on his land. President Kelley stated there are several landowners. Ms. Moyer-Schwille stated no, off of Glenwood out by Kings Kids Camp, a new person owns Rinehart's land. President Kelley indicated the diagram shows it coming through several properties, not just the interchange, but the connection. Ms. Moyer-Schwille stated she understands that, so when they sit down and talk, she can explain that, because there are people who are willing to do this. President Kelley asked what kind of timeline she was looking for to get these two people to the table. Ms. Moyer-Schwille stated whenever they wanted. President Kelley asked if this was just for Dillsburg Borough and Carroll Township or is there anyone else. Ms. Moyer-Schwille stated they can, because she is collecting all the information and as they move forward; because she already went to Franklin Township and met with Mike Ryan and Kevin Cummings, they liked it, but don't think their supervisors are going to go for it, but they are still in the talks. She indicated everything is still in the talking and working out phase, and now wants to bring in the Borough and her next stop is Wellsville Borough, because it will affect them taking 74 out of their Borough. President Kelley asked if anyone else had any questions. Vice President Fawber indicated he knows it starts at Glenwood and then it cuts across at the "Y" by the football field but where does it end up. Ms. Moyer-Schwille indicated it comes out across at Orebank Road. Vice President Fawber stated he got it. He indicated he was all for diverting traffic and create more overpass or less access on Route 15. He would be willing to volunteer to help with it, but he knows that in the past PennDOT will do whatever, because they told the Borough limited access on Route 15, but they have granted three additional accesses. Ms. Moyer-Schwille indicated Rep. Dawn Keefer and Congressman Scott Perry are on board and the more people who can come onboard with this and agree, then we go to PennDOT and tell them what we want and advise them as Townships and Boroughs, this is what we think is best for the area. Ms. Moyer-Schwille indicated PennDOT doesn't know about crossing at 194 and bringing 74 up through the farmland. She started this is the plan that she would like to present to them and make them rethink and have their engineers look at it. President Kelley asked if York County Planning has been contacted. Ms. Moyer-Schwille stated yes, they have already talked to Will Clark. She indicated Mr. Clark is still addiment going up Golf Course because it's an existing road, but he likes it because according to him it will still go with the comprehensive plan. She can talk with Mr. Clark more so, but she needs the Borough and other municipalities to be onboard with it for Mr. Clark to agree. She thinks Mr. Clark will help them eventually. VP Fawber stated he did noticed that a big chunk was going through the land for sale for 54 homes by the football field. Ms. Moyer-Schwille indicated she has already met with the new owner, Mike Kennedy. Mr. Kennedy redid Allenberry and is building a lot of nice homes out that way as well, he is very willing to put 74 through his land because it will increase the value of his land. She indicated on Carroll Township's side of the road would be more commercial because they are doing rezoning, which will get them some new businesses as well. President Kelley stated Council would talk about who should be a part of the group and get back with her. Ms. Moyer-Schwille stated to write down any concerns anyone would have. Council Member Ryder asked if the plan was proposing just the one traffic light. Ms. Moyer-Schwille stated yes, the one would be at Old York Road. Ms. Moyer-Schwille indicated right now what they have coming off of Orebank is a 30-home development and a church coming out that way, so this was one of the reasons why we can't put 74 across Spring Lane to Orebank, which would affect way more properties. Mr. Jim Burgess stated that it's great that they are getting government officials to work together, but have they considered an informational meeting for the public. Ms. Moyer-Schwille indicated yes once they get everything worked out.

#### CORRESPONDENCE

There was none.

## MAYOR'S REPORT

Mayor Richardson wasn't present.

## PRESIDENT'S REPORT

President Kelley had nothing to report.

## COMMITTEE REPORTS

### Public Works Committee

- A. Discuss/Take Action – Annual MS-4 Report – Council Member Tucker stated the Borough must submit renewal applications to the PA Department of Environmental Protection Agency for the National Pollution Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer Systems (MS4) General Permits (PAG-13). Council Member Tucker moved to authorize KPI Technology representatives to complete the application for the Borough, Manager Deibler to sign any and all necessary paperwork for the Borough and checks to be written for any and all application and renewal fees. Motion was seconded by Council Member Ryder. – Motion carried.
- B. Discuss/Take Action – Kinsley Payment for 2019 Street Maintenance – Council Member Ryder stated the Borough contracted with Kinsley Construction, Inc. through CAPCOG to mill, repair and repave both East Hanover Street and Harrisburg Street Extended for a price of \$34,425.50. The contractor has completed all work associated with the contract. A request for payment has been received by the Borough in the amount of \$33,038.70. The difference in pricing is because the actual quantities used were less than the estimated quantities. All work has been inspected in the field and verified by Dillsburg's Public Works Supervisor, Brian Gayman. Council Member Ryder moved to authorize that payment in the amount of \$33,038.70 for the 2019 Maintenance work be forwarded to Kinsley Construction, Inc. Motion was seconded by Council Member Tucker. – Motion carried.

### Public Safety Committee

- A. Discuss/Take Action – Carroll Township Police Contract - Vice President Fawber stated Carroll Township presented Dillsburg Borough Council with a proposed 5-year police contract for the years 2020 - 2024. Dillsburg Borough agrees to purchase 2,140 hours per year of police services throughout the contract and pay Carroll Township at a rate of \$87.99 per hour in 2020. There will be a 3.0% increase for each of the following 2 years and a 2.5% increase for each of the last 2 years. Vice President Fawber moved to direct Council President Kelley to sign the contract for Dillsburg Borough and accept the agreement for a 5- year police contract with Carroll Township for service in the years 2020 - 2024. Motion was seconded by Council Member Griffin. – Motion carried.
- B. Discuss/Take Action – Ordinance 2019-1 – Amending Chapter 15, Part 3, Restriction on Size, Weight and Type of Vehicle and Load – Vice President Fawber stated truck traffic on residential streets in the Borough was increasing at a very high rate on Greenbriar Lane, Welty Avenue and Clemens Drive. This was creating both premature failing of existing pavement course and unsafe conditions for Borough Residents. KPI Technology Consultant Engineers was hired to do a traffic count study, as well as, a pavement study. These studies found that

certain weights and types of trucks should not be traveling on these residential streets and the information was reviewed by Penn DOT. Vice President Fawber moved to adopt Ordinance 2019-1, amending Chapter 15 Part 3 of the Borough Code by enacting truck restrictions on parts of Greenbriar Lane, Welty Avenue and Clemens Drive. Motion was seconded by Council Member Tucker. Chief Wargo indicated overall, he feels it's a good thing what the Borough is doing. He understands there are going to be two types of signs, axle restrictions and weight restrictions. He stated to differentiate between the two; the axle restriction, you had the study done, the signs should be properly posted, and any police officer can enforce an axle restrictive roadway, no special training is needed. He indicated weight restrictive roadways require more to it; you have to have proper equipment and certified. The officers have to be properly trained, and currently not all the officers are trained for this. Chief Wargo stated looking into the future, the next time the weights and measures trainings come available, he will try and send some additional officers to those trainings. President Kelly asked if the two officers are part of the normal rotation for Dillsburg Borough. Chief Wargo stated yes. President Kelley asked if the equipment is readily available to those two officers at any time. Chief Wargo stated it is, they have a van specifically for the motor carrier enforcement, so they would have to be in the van. He mentioned this is where they can talk further and, in further detail, because they would have to literally be in the van and to see the violation happen. Then once they pull over the truck, they then have to take the truck to a safe location to do the inspection. Chief Wargo stated his goal was the next time they offer the training is to send additional officers to get that training. President Kelley asked if there were any benefits putting both types of restriction on the same road, so that more officers could enforce something. Chief Wargo stated no. President Kelley asked if a weight restriction because it's more restrictive does that back feed into an axle restriction. Chief Wargo indicated when they get into more of the topics, he will pull Officer Dave McCoy into the discussion because he is more knowledgeable. – Motion carried

#### Administration Committee

- A. Discuss/Take Action – Approval for Municipal Pension Funding – Council Member Griffin stated each year the Borough determines the specific funding necessary to meet its financial obligation for funding of the Non-Uniform Employees' Pension Fund. The Borough Manager, along with the Actuary, has determined that the Minimum Municipal Obligation (MMO) for 2020 should be \$13,804.00. This funding obligation will be met through a combination of State and Borough funds. The obligation will become part of the Pension Plan calculations for 2020 and will also be considered as a General Fund expense for the Borough Budget. Council Member Griffin moved to approve the specific funding for the 2020 MMO to be paid for the Borough Non-Uniform Employees' Pension Fund in the amount of \$13,804.00. Motion was seconded by Council Member Gaffney. – Motion carried.
- B. Discuss/Take Action – Resolution 2019-8 – Opposing the Proposed Amendment to the Municipalities Planning Code under House Bill 103 – Council Member Gaffney stated Municipalities have developed a Subdivision and Land Development Ordinance "SALDO" to promote the orderly development of the municipality and provide for the health, safety and welfare of its citizens. HB 103 would require the Municipality to amend its SALDO to exempt from their planning regulations the creation of two (2) or more

"Nonbuilding lots" if approved by the Pennsylvania Department of Environmental Protection Agency. Taking away the municipalities rights and turn them over to the PA DEP. Council Member Gaffney moved to adopt Resolution 2019- 8, Opposing the Proposed Amendment to the Municipalities Planning Code Under House Bill 103. Motion was seconded by Council Member Griffin. – Motion carried

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

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 7:49 pm.

Respectfully Submitted,

*Debbi L. Beitzel*

Debbi Beitzel  
Borough Secretary

cc: Borough Council Members  
Mayor Richardson  
Tim Knoebel  
Mark Allshouse