

**DALLASTOWN BOROUGH
175 E. BROAD STREET
DALLASTOWN, PA 17313
COUNCIL MEETING
AUGUST 13, 2018 – 7:00 PM**

CALL TO ORDER

The August 13th meeting of the Dallastown Borough Council was called to order by Council President, Ronald Smith, followed by prayer, pledge of allegiance and roll call.

MEMBERS PRESENT

Ronald Smith – President
Tomas Metz – Vice President
Gina Smith – President Pro Tem
Paul Liesman
David Simpson
Kim Sterner
Brad Capatch

ALSO PRESENT

Terry Meyers, Sr. – Mayor
Connie Stokes – Borough Manager
Peter Ruth – Stock & Leader – Solicitor
Steve Malesker – CS Davidson – Engineer
David Garabedian – Zoning Officer
Joe Joines – Borough Maintenance

ANNOUNCEMENTS

- The Carnival runs from tomorrow, August 14th thru Saturday, August 18th. Fireworks are Friday night at approx. 10:15 pm, with the rain date being Saturday.

VISITORS

Theresa Craley – 430 Dartha Dr, Dallastown
Bill & Deb Henry – Red Lion
Sandy Yancey – Rescue Fire Co
William Robinson – 150 E. Broad St, Dallastown
John Senft – 105 Leader Heights Rd, York

Walt Meyers – 233 W. Maple St, Dallastown
Matt Shields – Rescue Fire Co
Brian Wagman – Rescue Fire Co
Robert Reyes – 150 E. Broad St, Dallastown
Sgt. Peter Montgomery – YARPD – 33 Oak Rd, York

APPROVAL OF 7/9/18 MEETING MINUTES

Motion: Mr. Liesman moved and was seconded by Mr. Sterner to approve the 7/9/18 meeting minutes as presented.

Motion carried 7-0.

APPROVAL FOR PAYMENT OF BILLS

Motion: Mr. Simpson moved and was seconded by Mr. Liesman to approve the payment of bills as presented.

Motion carried 7-0.

APPROVAL OF FINANCIAL STATEMENTS

Motion: Mr. Metz moved and was seconded by Mr. Capatch to approve the financial statements as presented.

Motion carried 7-0.

POLICE REPORT

Sgt. Montgomery was present at the meeting representing the York Area Regional Police Dept.

- He did not have the police report for the month of July.
- For Carnival there will be 3 officers on the park grounds plus 2 extra patrolling the surrounding area, one on foot and the other on a bicycle.
- Mr. Sterner has seen vehicles parked the opposite direction throughout the Borough and asked if it is a ticketable offense. Sgt. Montgomery stated that it was.
- There was also an inquiry made as to some items that were stolen in the vicinity of S. Pleasant Avenue. Some of the items were then spotted at a property on S. Pleasant Avenue. Apparently junk consumes the entire backyard at this property which is also a codes violation. A police report was filed on the missing items. Sgt. Montgomery will look into it.
- There was a call on Teila Drive on the police report for the Borough that belongs to York Township.

FIRE COMPANY REPORT

- Pat Noll resigned as Fire Chief from Dallastown Rescue Fire Company and Matt Shield was appointed to replace him for the rest of 2018.
- During the month of July, there were 48 calls with 9 of those calls in Dallastown Borough. The call on S. Pleasant Avenue had a loss of \$25,000.00.
- Mr. Smith asked if there is any new information on the fire company merger, such as cost, etc. Chief Shields also sits on the merger committee and there are plans to do a presentation in September. If a positive vote is received, they will move forward. He will keep Council apprised of what's happening.

MAYOR'S REPORT

Mayor Meyers did not have a monthly report for July.

VISITORS/PUBLIC COMMENT

- Kaltreider-Benfer Library was represented by Theresa Craley. She distributed information concerning the library, including highlights of the past, current events and their expectations for the future. They've held over 285 events and provided STEM, Forensics and Arts courses for children & teens, plus partnered with the Dallastown and Red Lion Lions Clubs to provide free vision screening for children, ages 6 months to 3 years. In 2017, 61% of Dallastown residents held a library card, checking out 14,463 items. Due to funding cuts, the library has had to do more fund raising with the next one being in October. They currently have 74 volunteers, both adults and teens, that give of their time to help the library. The library is currently looking at some challenges and hopes that the Borough keeps them in mind at budget time.
- Sandy Yancey, a member of the Dallastown Rescue Fire Company, addressed Council concerning Workman's Comp and a claim that was denied by SWIF. She was told that the reason the claim was denied was due to the member being an active social member and not an active firefighter. The active social members, who help with the company fundraisers, are not covered. This also includes the Ladies Auxiliary. Sandy is very concerned about the workman's comp coverage and is looking to the Borough for some help to rectify the situation. The Borough is researching options, but needs an updated active list in order to do so. Sandy stated that she will be the contact for any additional information. Council will then review and discuss the different options. Attorney Ruth suggested that the individual whose claim was denied immediately seek legal counsel to follow-up. Mr. Metz stated that nothing has

changed in the statute, but SWIF has decided to re-interpret who they consider a member of a fire company. Nowhere in the worker's comp code is there a definition of who is considered a fire company member. SWIF is saying only those who actively respond to fire calls and some members of the state legislation plus the fire commissioner's office is saying it should be all voting members. State Representative Kristen Phillips-Hill has a bill right now to try to get a definition as to what an active member is. There is going to be a hearing at the Rescue Fire Company on October 1st at 9:00 am with members of the State House Labor & Industry Committee to try to figure out how to move forward. Ms. Stokes said that the Borough will continue to work with the insurance company in gathering information to attempt to rectify the problem and will keep Sandy in the loop.

- William Robinson of 150 E. Broad Street came to address Council concerning his parking situation. His house is actually situated on Railroad Avenue. According to Ordinance #471, there is to be no parking within 100 feet of the stop sign. Mr. Robinson is in a wheelchair, so in addition to his vehicle, he also has a trailer which hauls his wheelchair. It is hard for him to park within 100 feet of the sign and he has nowhere else to park. Other members of his family also have vehicles, plus once the Antique Shop is converted into apartments, parking will be at a premium in that area. Council mentioned a driveway, but it would need to be blacktopped due to his wheelchair. Mr. Smith said about him currently parking the wrong direction, which is a ticketable offense. He also told Mr. Robinson that he believes there would actually be more room if he parked the right direction. Mr. Metz suggested that Mr. Garabedian check to see if there was a traffic study done prior to the ordinance and table the issue until then.

SOLICITOR'S REPORT

- Attorney Ruth introduced Attorney John Senft who was representing Michael Godfrey concerning a quit claim deed for an unopened alley behind the property he just purchased at 258 Railroad Street. The unopened alley is between Railroad & Lombard. Mr. Godfrey has requested that the Borough sign-off on a quit claim deed, which basically says that the Borough has no interest to the halfway point of the unopened alley. The area is 16 feet wide, so the Borough would be quit claiming interest of 8 feet to Mr. Godfrey's property which would be to the south of that unopened alley. Attorney Ruth invited Attorney Senft to the meeting to speak to Council and answer any question they might have. According to Attorney Senft, Mr. Godfrey would like to access his property from that end also on occasion in addition to Railroad Street. In order to do that, there would be some trees that need to be removed. Mayor Meyers mentioned that some of the homes on Lombard have garages that they would need access to from that alley. Attorney Senft stated that there is still room that it would not be a problem. Mr. Simpson stated that they would need to speak to the residents that this would effect, if they haven't already. Council will re-visit once all residents that are effected are contacted.
- Resolution #5-2018 is concerning Earned Income Tax collection. The state wants to remove the tax collection from the local level and place it at the state level. The York Adams Tax Bureau has run efficiently for the past 6 years and the resolution is to show support for keeping tax collection at the local level.

Motion: Mr. Metz moved and was seconded by Mr. Simpson to approve Resolution #5-2018.

Motion carried 7-0.

ENGINEER'S REPORT

- Mr. Malesker had no update on the 2019 paving of E. Frederick Street.

- Mr. Rehab has started working on this year's 1/5th of the sewer system and has submitted Application for Payment #1 in the amount of \$13,958.87.
Motion: Mr. Simpson moved and was seconded by Mr. Liesman to approve Application for Payment #1 to Mr. Rehab in the amount of \$13,958.87.
- The Contract Change Order #10 was submitted for payment by Barrasso for the 2017 Sewer Inceptor Replacement Project in the amount of \$22,455.00.
Motion: Mr. Metz moved and was seconded by Mr. Liesman to approve Contract Change Order #10 in the amount of \$22,455.00.
Motion carried 7-0.
- Final Application for Payment #9 for the 2017 Sewer Interceptor Replacement Project was submitted by Barrasso in the amount of \$27,363.47. This closes out their contract, no retainage is being held. There is still a 2 year maintenance performance bond which started 4/1/18, so if any of the grass washes out it will be covered.
Motion: Mr. Liesman moved and was seconded by Mr. Sterner to approve Final Application for Payment #9 to Barrasso in the amount of \$27,363.47.
Motion carried 7-0.
- The MS4 audit done by DEP went well.
- Kinsley has not given Mr. Malesker an update on the 2018 street paving projects. They got backed up due to the weather. Everything must be done no later than October 15th.
- Mr. Sterner had a concern about the stormwater issue in the area of Franklin St. and Gay St. There is no storm drain in that area and with the heavy rains, it has been going up the ADA sidewalk. He asked, with the residents putting in these ADA sidewalks, are they being put in correctly. He was told that the Borough inspects every new sidewalk installed.

BUSINESS FOR ACTION – There was no business for action.

BUSINESS FOR INFORMATION/DISCUSSION

ZONING OFFICER REPORT

- Yohn Property Management is looking to purchase the Antique Shop on E. Broad Street. There will be a maximum of 28 units and 41 parking spaces for these units. The Dallastown Planning Commission has recommended approval and now it goes before the Zoning Board. They are also looking into the possibility of renting the grassy area behind the building for resident use.
- Main Street is looking better. 180 weed courtesy notices were given plus then 13 Quality of Life tickets were sent out. Of those 13 tickets, 2 have paid so far (\$50.00 each).
- Mr. Sterner commented that 61 E. Maple Street is a disgrace. Mr. Garabedian & Mr. Smith both agreed that the residents have done everything to meet Borough ordinances and there is nothing left in the Borough's power. At this point it is subjective and a civil issue between neighbors. If Mr. & Mrs. Henry want to take it further, they will need to file a civil suit thru private counsel.
- Mr. Simpson stated that the landlord has evicted the tenants who were working on vehicles in the alley with tags not belonging to those vehicles.
- There was a question about basketball hoops being set up in the alleys. It only becomes a police issue when it blocks traffic.

- Bethlehem United Methodist Church has demolished the 3 homes on Main Street to create a public parking lot. They are asking for a variance to put in 25 spaces. They will be hooking into the lot at Historical.

MANAGER'S REPORT

- The 2nd Council meeting in September will be devoted to the PennDOT project on Main Street. All residents will be invited to the meeting.
- Ms. Stokes just received and distributed to all Council members the Summary on Springettsbury Township's Sewer Fund.
- York County, spurred by York City, is encouraging municipalities to adopt a new ordinance requiring the inspection of sewer laterals when houses are sold, per Attorney Ruth.

REPORTS

- Police Reports
- York Regional EMS
- Red Lion Ambulance
- York Adams Tax Bureau

ADJOURNMENT

Motion: Mr. Liesman moved and was seconded by Mr. Simpson to adjourn the meeting.

Motion carried 7-0. 8:40 PM

Respectfully Submitted,

Susan Wertz