

**DALLASTOWN BOROUGH  
175 E. BROAD STREET  
DALLASTOWN, PA 17313  
BOROUGH COUNCIL MEETING MINUTES  
MAY 14, 2018 – 7:00 PM**

**CALL TO ORDER**

The May 14<sup>th</sup> 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  
Gina Smith – President Pro Tem  
Paul Liesman  
Kim Sterner

**ABSENT**

Tomas Metz  
David Simpson  
Brad Capatch

**ALSO PRESENT**

Terry Meyers, Sr - Mayor  
Connie Stokes – Borough Manager  
Peter Ruth – Stock & Leader – Solicitor  
Steve Malesker – C.S. Davidson – Engineer  
Joe Joines – Borough Maintenance

**VISITORS**

Chief Patrick Noll – Dallastown Rescue Fire Co. #1  
Deb & Bill Henry – Red Lion  
Keith Metzler – 115 April Lane, Dallastown

**ANNOUNCEMENTS**

- May 15<sup>th</sup> – Primary Election
- May 28<sup>th</sup> – Memorial Day Parade – 9:00 AM
- May 28<sup>th</sup> – Memorial Day – Office Closed
- June 8 & 9 – Free Yard Sale

**APPROVAL OF 4/9/18 MEETING MINUTES**

**Motion:** Mr. Liesman moved and was seconded by Mr. Sterner to approve the 4/9/18 meeting minutes as presented.

**Motion carried 4-0.**

**APPROVAL FOR PAYMENT OF BILLS**

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

**Motion carried 4-0.**

**APPROVAL OF FINANCIAL STATEMENTS**

**Motion:** Mr. Liesman moved and was seconded by Ms. Smith to approve the financial statements as presented.

**Motion carried 4-0.**

**POLICE REPORT** – Cpl. Boyce gave the police report for the York Area Regional Police Department

- He reported the numbers for April 1-30 of this year: 2 DUI's, 8 Motor Vehicle Accidents & 2 Intentional Overdoses. 83 Traffic Citations were issued and 38 Traffic Warnings. The Department answered 115 call for service during the month of April. Activity level rises with the warmer weather.
- National Night Out will be Tuesday, August 7<sup>th</sup> at Dallastown Community Park.
- Mr. Smith asked Cpl. Boyce if there is any criteria that would prohibit playing basketball in the alleys or street when the basketball net is actually on private property. The only issue would be if the net was actually on the roadway, causing a traffic hazard or a danger to the person playing ball.
- Cpl. Boyce inquired as to whether there has been any problems at the park. Ms. Stokes stated that not that she is aware of, but school is not out yet. Cpl. Boyce told Council that he tries to swing by the Park whenever he gets a chance, just to check on things and sometimes actually gets out & walks the park. He said it's been quiet so far.

**FIRE COMPANY REPORT** – Chief Noll gave the Dallastown Rescue Fire Company report for the month of April.

- There were 36 calls during the month of April. Of those, 5 were in the Borough. There was no loss.
- The Fire Police responded to 36 calls; 59 fire police responded, 6 calls for traffic for a total of 27.48 man hours. There were no non-emergency events.
- April was a quiet month, but they've already had 30 calls for the month of May.

**MAYOR'S REPORT** – There was no Mayor's Report.

**VISITOR'S/PUBLIC COMMENT** –

- Keith Metzel from 115 April Lane wanted to discuss the sewer project going on at Colonial Drive. He spoke to both Mr. Malesker & Mr. Garabedian and told them that he never received notification of the project. He never received an answer from either one as to why he wasn't notified. In talking with the neighbors, no one was notified of the project. The way he found out was coming home to lines painted in his yard. He was never told anything about what was going to happen to his property, but it turned out the whole one side of his property was dug up. Mr. Malesker had explained to him that it was cheaper to go thru his yard than going down the street. He is very confused with the whole lack of communication. He was also told that his property would be repaired with top soil and sod, but it was only grass seed which is being washed away. Mr. Malesker stated that door hangers were discussed, but not sure what happened that it fell thru the cracks. Restoration was discussed at a preconstruction meeting. The contractor recognized that Mr. Metzel had a very nice yard, so they tried to save it as much as possible by boring underground. They were able to get under his driveway and didn't have to remove his mailbox, but then hit rock when trying to go under the yard. So, the contractor had to abandon that procedure. At that point, the contractor was going to try to save the grass, but there was not enough top soil attached to the grass to save it. The bid that was given was to excavate with top soil and grass seed. A price for sod was requested of the contractor and it came back at \$5,000.00 which the Borough & Engineer thought was a ridiculous price. Six inches of top soil went back and it was seeded. The project is now complete and waiting for DEP's go ahead in order to connect. Mr. Metzel is concerned about the grass coming up. Only about 2/3s of the grass has germinated. Mr. Malesker stated that the Borough is holding a retainage and the contractor is on the hook for 2 years until the grass comes in properly. If there is a problem, the contractor will need to strip the area, put more top

soil down and re-seed. The project had to be done per DEP due to a violation with a collapsing septic system.

### **SOLICITOR'S REPORT**

- At last month's meeting, fees for demolition, archery control/fines within the Borough, nuisance definition, minimum fire safety devices in rental properties and prohibited parking on lawns or landscapes area were visited. Attorney Ruth did revisions to the ordinances/codes which needed to be reviewed by Council.

Mr. Garabedian emailed Attorney Ruth about roosters and other foul running at large in the Borough. Currently the Borough has an ordinance specifically for dogs & cats running at large. Mr. Garabedian asked Attorney Ruth to look into extending this to include chickens, roosters & ducks, etc. Attorney Ruth has also made some revisions to section 78-3 to extend the running at large.

**Motion:** Mr. Sterner moved and was seconded by Mr. Liesman to approve the advertising of the ordinances outlined in the ordinance code revision presented by the solicitor.

**Motion carried 4-0.**

- The fireworks law has changed to broaden the use and ability of citizens to use fireworks. The local government was given permission to restrict not only the ability to purchase and discharge the fireworks but also where the fireworks are able to be sold. Stock & Leader developed an ordinance internally which he distributed to Council for their review. There might be a few items that would need some feedback, such as fees, hours or discharge & possibly agricultural fireworks. Attorney Ruth would like Council to take a look at it and either email him with questions or it can be discussed at the next meeting. The ordinance will make it easier for York Area Regional Police to enforce and would like all municipalities that they cover to be on the same page.

### **ENGINEER'S REPORT**

- Since the last meeting, a walk-thru was done for the sewer inceptor project with Barrasso. There were some punch-list items that had been noted and were completed. The property owners were happy with the restoration of their properties. Barrasso added some rolled curbing to help with the drainage coming from the apartments to the surrounding homes, the bump at the bottom of the one property owner's driveway was addressed, plus additional rolled curb was put in along Walnut Street. The last thing they need to do is the paving of the one property owner's driveway that was used as the construction entrance. Barrasso would like to extend their contract time an additional month at no cost just in case things don't get dried out and they need to get in again. Mr. Malesker had a Change Order to extend Barrasso's contract time until July 1, 2018 at no-cost to the Borough.

**Motion:** Mr. Sterner moved and was seconded by Mr. Liesman to approve the Change Order extending the sewer interceptor project contract with Barrasso until July 1, 2018 at no-cost to Dallastown Borough.

**Motion carried 4-0.**

- For the Colonial Drive sewer project, Barrasso used about double the amount for the trench paving than was originally bid for the project without letting anyone in the Borough or the Engineer know. The trench was actually wider in some places, plus the street needed some additional paving due to the breaking up of some of the adjacent area. The amount that they went over was \$5,701.00 for the additional. A change order was required for the additional since it was over the contract amount. There was discussion on the lack of communication and responsibility for additional payment. Mr. Smith

suggested that payment be withheld until Mr. Malesker speaks to Barrasso concerning the Borough's dissatisfaction and all of Council is present to discuss the situation.

- The Colonial project is in and done. DEP has had the planning module for a little over a month now. Mr. Malesker contacted DEP last Friday and spoke to Kerry who said that due to it being an abatement of an existing malfunction, it will be expedited and should be approved in the next 3 weeks or so.

- An approval was needed for the Application for Payment to Barrasso before the change order.

**Motion:** Mr. Liesman moved and was seconded by Mr. Sterner to approve Application for Payment #7 to Barrasso in the amount of \$58,050.25 (amount prior to change order).

**Motion carried 4-0.**

- All the street projects were bid. There are 11 General Funds projects and 2 Liquid Fuels projects. There were only 2 bidders, Kinsley Construction and Stewart & Tate. Mr. Malesker met with Ms. Stokes and Joe and bid items 1 & 2, plus 3F (retaining wall) were deleted. The lowest bid was Kinsley Construction. Awarding the bid will need to be for the total bid amount of \$338,245.00 with a change order deleting bid items 1, 2 & 3F (\$49,093.75). This would make the bottom line amount at \$289,151.25 after the change order.

**Motion:** Mr. Liesman moved and was seconded by Ms. Smith to award the street project to the lowest bidder, Kinsley Construction, at a bid amount of \$338,245.00,

**Motion carried 4-0.**

**Motion:** Mr. Liesman moved and was seconded by Ms. Smith to approve Contract Change Order #1 with Kinsley Construction, deleting projects 1 & 2 plus 3F, decreasing the contract price by \$49,093.75.

**Motion carried 4-0.**

Ms. Stokes stated that some of the projects will be done using Highway Aide and the rest with General Fund.

**BUSINESS FOR ACTION** – There was no business for action.

#### **BUSINESS FOR INFORMATION/DISCUSSION**

- The Legion donated \$5,000.00 for fireworks for the Carnival for either Friday or Saturday. They asked in return that the Halloween Parade go past the Legion. Council was disappointed with this request. Before the parade route was even changed, the police and fire police were consulted for input. The change was all about safety. Council is opposed to changing the parade route so the check will be returned to the Legion.
- The June Council meeting will begin at 6:00 pm in order to address the E. Maple Street residents.

#### **REPORTS**

- Police Reports
- Klugh Animal Care
- Red Lion Ambulance Report

#### **ADJOURNMENT**

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

**Motion carried 4-0. 8:15 PM**

Respectfully Submitted,  
Susan Wertz