

**DALLASTOWN BOROUGH
175 E. BROAD STREET
DALLASTOWN, PA 17313
COUNCIL MINUTES
AUGUST 12, 2019 – 7:00 PM**

CALL TO ORDER

The August 12th meeting of the Dallastown Borough 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 – C.S. Davidson – Engineer
David Garabedian – Borough Zoning Officer
Joe Joines – Borough Maintenance

ANNOUNCEMENTS

- Aug 13-17 – Dallastown Carnival

APPROVAL OF 7/8/19 AND 7/22/19 MEETING MINUTES

Motion: Mr. Liesman moved and was seconded by Mr. Capatch to approve both the 7/8/19 and the 7/22/19 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. Liesman moved and was seconded by Mr. Metz to approve the financial statements as presented.

Motion carried 7-0.

POLICE REPORT

Sgt. Good was present, representing York Area Regional Police Department. He had no report to share with Council, but asked if there were any questions or concerns. There were none.

FIRE COMPANY REPORT

Chief Shields was present, representing Dallastown Rescue Fire Company #1.

- The company responded to 61 calls during the month of July with 11 of those calls being in the Borough. July was the busiest month of 2019 so far. Year-to-date they have responded to 318 calls.
- They have their stand set-up and are ready to go for the Carnival.

- Currently there are only 2 fire companies merging, Dallastown and Yoe. Chief Shields requested a letter of written approval from Council in order to move forward with the merger

Motion: Mr. Metz moved and was seconded by Mr. Liesman to give written consent for the merger of the two fire companies.

Motion carried 7-0.

Attorney Ruth will draw up the letter.

MAYOR'S REPORT

Mayor Meyers had nothing to report for the month of July.

VISITORS/PUBLIC COMMENT

Russell Seifert – 450 W. Main Street, Dallastown

Matt Shields – Dallastown Rescue Fire Co #1

Tyler Boyce – Dallastown Rescue Fire Co #1

Barbara Knaub – 391 S. Walnut Street, Dallastown

Joel Washok – Penn Waste

Eric Sentz – Penn Waste

Blaine Markel – James R. Holley & Associates – 18 S. George Street, York

Rick Bogart – Kaltreider-Benfer Library

Kim Pavlick – 69 W. Main Street, Dallastown

Bill & Deb Henry – Dallastown

Matt McClure – 664 Colonial Drive, Dallastown

Tracy Myers – 446 W. Maple Street, Dallastown

Pat Sliver – 256 N. Poplar Street, Dallastown

Roger Mentzer – 109 E. Main Street, Dallastown

Roger Martin – 355 W. Main Street, Dallastown

Shawn Hoffmaster – 388 W. Cherry Lane, Dallastown

- Rick Bogart spoke to Council regarding Kaltreider-Benfer Library. He gave a synopsis of Dallastown Borough's resident activity for last year stating that 65% of the Borough residents have library cards. He asked that the Borough keep the library in mind at budget time again this year. The York County Libraries are starting a Capital Campaign in order to raise funds to improve and renovate some of the libraries, with Kaltreider-Benefer being one of them.
- Pat Sliver – 256 N. Poplar St. – Mrs. Sliver's concerns were fireworks in the Borough. Every holiday so far this summer, there have been fireworks in the Borough. It sounds like gunfire outside her house starting at dusk and continuing until midnight. It goes on for approximately 3 weeks surrounding each holiday, not just the holiday itself. The police have been contacted. There is not a property within the Borough that contains enough area to be 150 feet away from residences to even shoot off fireworks. She was asking if there is something that the Borough along with the police department would be able to do to curtail this problem. Mr. Smith responded, telling her that the problem is that the State dictates what's allowed. The State law supersedes the Borough law. He also spoke with the police department concerning this matter and was told that the only way the police can cite the people is to physically see and identify the person actually lighting the fireworks. A list of fireworks complaints is

being compiled across the county. She was told to continue to call the police in order to get it on record.

- Roger Martin, of 355 E. Main Street, addressed Council concerning curbing & sidewalk that needs to be replaced in front of his home. The reason the curbing needs to be replaced is due to the PennDOT plow trucks and feels he should not be held responsible, that PennDOT should. Attorney Ruth responded by telling him that unfortunately curbing is the homeowner's responsibility. He suggested that Mr. Martin document the damage then contact PennDOT.
- Matt McClure of 664 Colonial Drive spoke to Council concerning the future of a sewer project in Colonial Heights. He had his home on the market and had a contract on it until the new buyer discovered that sewer is due to be installed in that area within the next few years at the cost of upwards of \$18,000.00. He asked Council what the plans were for the sewer installation in order to disclose that information to potential buyers. Ms. Stokes told him that several notices were sent out to all the homeowners in that area as early as 2010 from both the Borough and C.S. Davidson (Borough Engineer). Mr. Malesker, the Borough Engineer, stated that the project is DEP driven. There were a few properties in the development at that time that were experiencing problems with their septic systems. It was at that point that DEP got involved and said everyone would need to connect to public sewer within the next couple years. This caused an uproar within the community. There was a public meeting to which DEP was invited. Surveys were done and found that no one else was experiencing issues, so DEP allowed the Borough to push the project back 10 years. The schedule right now is to have everyone connected by 2025. Construction would start in 2024. Mr. Sterner said he spoke to Carrie Wilt at DEP and they will accept another 537 for an additional 10 years, provided the residents in Colonial Heights keep up with the 3-year inspection and repair/fix any issues in the lines. Mr. Smith said, if that's the case, DEP needs to contact the Borough. Mr. Sterner said that he was told the 537 must be renewed every 10 years. Ms. Stokes said she did not hear anything on that. Mr. Sterner said he would have Ms. Wilt contact the Borough. Mr. Smith said he would like it in writing. Mr. Sterner went on to say that unless this project is done as a joint venture with York Township, including putting in a pump station, all the homeowners would have to install a grinder pump. Mr. Metz stated that if DEP will grant another extension that would be wonderful, but Mr. Sterner should have let Council in on this conversation with DEP. Mr. Sterner said he just spoke to Ms. Wilt at DEP that morning. Mr. Metz went on to say that there would need to be another public meeting in order to see where the homeowners stand, but right now, Council needs to answer Mr. McClure's question. Mr. Malesker stated that in accordance with DEP's last correspondence with the Borough on the Colonial Heights Sewer Project, everyone must be connected by 2025. Mr. McClure then asked if someone has a functioning septic system, will they still be mandated to connect to public sewer at their expense. The answer was yes. Mr. McClure stated that he would appreciate any information/documentation that the Borough can supply in writing to share with his realtor and any prospective buyers. Mr. Garabedian & Mr. Malesker is researching and gathering information such as minutes, notices that went to the homeowners, official notices from DEP, etc. Mr. McClure then asked under what obligation is he to disclose this information. Attorney Ruth asked how long he has owned the home and if there was any disclosure given at that time. Mr. McClure said 3 years and there was no disclosure given at that time. Attorney Ruth then told him that he might want to contact an attorney to see if there was a failure to disclose on that end. Typically, the York County Association of Realtors requires any information received from municipalities, regardless of whether it's contemplated or concrete, be disclosed on the residential contract of sale. Then Mr. McClure asked about which avenue the proposed 2024-2025 project will take, the joint project with York Township and

a pumping station or grinder pumps. Attorney Ruth stated that both he and Mr. Malesker attended a York Township Sewer Authority meeting and they have no plans thru 2025 to do any type of improvements. They also said that the residents on the York Township side have not experienced any type of failures, therefore they feel it is not in their best interest. The fact that York Township is not interested does not mean that takes the pumping station off the table. The reason for the residences getting grinder pumps was because they had problems that needed to be addressed immediately prior to the sewer project. Mr. McClure asked for direction as to what to tell a potential buyer concerning the possible cost to the homeowner. He was told that the connection fee would be between the resident and a plumber of their choice and the tapping fee would be to the Borough, giving a total cost of approximately \$12,000.00. Mr. McClure also wanted to know if the word “mandated” was documented somewhere. Attorney Ruth told him that the Borough has a Mandatory Connection Ordinance which states if a property is within a certain number of feet from where a line goes in, said property is required to connect. Ms. Stokes took Mr. McClure’s number in order to get documentation to him.

- Kim Pavlick of 69 W. Maple Street addressed Council concerning minutes on the website. She was told they are up to date and where to look for them. She was also concerned about the garage on Willow that is falling down. She said it is dangerous and was wondering if the Borough will be addressing it. Mr. Garabedian stated that he has been working with the homeowner but there is not a timeline at this point. He and Ms. Stokes went out to look at it and they feel there is some structural faults, so his next step will be to work with the homeowner to either demolish or repair the building. A letter will be sent to him addressing it.

SOLICITOR’S REPORT

- Only two trash bids were received, Penn Waste & Republic. Five different scenarios were requested on the bids.

The bids were as follows:

- 1) Basic: Two refuse collections, one recycling and one large item per week for 1,860 customers which the Borough currently has. (Penn Waste - \$294.00 per unit/per year & Republic did not bid)
- 2) Basic A: One refuse collection, one recycling and one large item per week. (Penn Waste - \$288.00 per unit/per year & Republic - \$240/00 per unit/per year)
- 3) Basic B: Two refuse collections and one large item per week – no recycling. (Penn Waste - \$270.00 per unit/per year & Republic did not bid)
- 4) Basic C: Two refuse collections, one recycling and one large item per week, plus contractor does invoicing instead of the Borough. (Penn Waste - \$306.00 per unit/per year & Republic did not bid)
- 5) Basic D: Two refuse collections, one recycling and one large item per week, for 1,465 potential customers. This allows the opt-out users, which are businesses and multiple units (5+), to contract their own service as long as they provide the Borough with a copy of that contract. (Penn Waste - \$300.00 per unit/per year & Republic did not bid)

The contract would be for 3 years with the option for 2 extra years. Council felt they wanted to stick with the twice per week collection, keep recycling, eliminate the contractor invoicing and allow multi-units (5+) to opt out and contract their own service.

Motion: Mr. Simpson moved and was seconded by Mr. Metz to approve the Basic D service thru Penn Waste at a cost of \$300.00 per unit/per year.

Motion carried 6-0 (Mr. Smith abstained due to potential conflict of interest.)

Joel Washok from Penn Waste was present to answer any questions.

Roger Mentzer, Pastor of Bethlehem United Methodist Church, asked what the best practice would be for the Church with the large events they hold a few times per year, especially Christmas in Dallastown. The Church owns a few properties for which they pay refuse bills, but these events produce quite a bit of trash. Mr. Washok told him to contact Penn Waste and they will make sure it's cleaned up.

- There were no comments on the Fire Company Lease. It is to be executed before October.
- The Ordinance concerning restrictions for parking a motorhome on certain streets within the Borough is still in process. Attorney Ruth asked that Council, along with Ms. Stokes & Mr. Garabedian try to identify the roads that need that restriction. Some measurements will be obtained also before coming back to Council.
- Blaine Markel, from James R. Holley & Associates, addressed Council concerning the Final Reverse Land Development Plan for Bethlehem United Methodist Church. They were in front of the Planning Commission plus the Zoning Hearing Board on several issues.
 - 1) There is an area behind the Church, between Maple Street & E. Park Lane, where there are 4 properties, parcels 98, 99, 100 & 101, that the Church owns. Currently this area is being used for the parking lot for the Church. They would like to merge those parcels into one lot. It will be used then for a semi-public parking lot. In April 2018, they went before the Zoning Hearing Board who granted them a special exception.
 - 2) On E. Main Street, across from the Church & Coffee Shop, the Church owns parcels 232, 233, 234 & 234A. Those properties were just demolished. They also want to merge those parcels into one lot to be used as a semi-public parking lot. This would be a conventionally paved parking lot. There will be 16 parking places with access off of Charles Street only and no access off of Main Street. A 6-foot fence will screen the neighboring property from the parking lot. Inlets are also being proposed, plus an underground seepage pit that would take care of the 100-year storm & will all be infiltrated into the ground. A perk test was also done, there will be lighting and curbing.
 - 3) On Maple Street, there is a grassy area which will be used for over-flow parking only. It would provide for 10 additional spaces. The Zoning Hearing Board granted them a variance in order to use a turf material on that grassy area instead of pavement or macadam, however the Zoning Officer must inspect the turf annually for the next 3 years. They are also proposing a 6-foot fence between the parking lot and the neighboring residence.
 - 4) The Church was asking for 4 waivers on the plan (3 out of the Sub-division Land Development Ordinance and 1 out of the Stormwater Management Ordinance):
 - a) Submission of a preliminary plan – This plan was submitted as a final and the Planning Commission was in favor of it.
 - b) Plan Scale – This plan 1 inch represents 20 feet, which is greater than what is required.
 - c) Existing lot lines within 200 feet of property owners.
 - d) Submitting the Erosion/Sedimentation Control Plan to the York County Conservation District and getting their approval – the area is less than 500 square feet. They prepared an E&S Plan for this plan that meets Chapter 102 criteria, so they would like to by-pass the Conservation District. Their E&S Plan is on the final plans so the contractor knows what he needs to implement.

Mr. Malesker has reviewed the plan and had no comments. Mr. Markel was looking for a conditional approval of the plan and approval of the waivers. There are still some outstanding items such as the Public Surety Estimate, the Stormwater Maintenance Fund Fee, recording of the O&M Agreement which was signed by the Church and given to Mr. Garabedian for Council to sign, and building permits to be obtained from the Borough by the Church.

Motion: Mr. Metz moved and was seconded by Mr. Capatch to approve the waivers as requested by Bethlehem United Methodist Church concerning Land Development Plan #2019-01.

Motion carried 7-0.

Motion: Mr. Liesman moved and was seconded by Mr. Capatch to conditionally approve the Plan #2019-01 subject to completion of outstanding items referenced by Mr. Markel.

Motion carried 7-0.

ENGINEER'S REPORT

- Concerning the West Maple Street Project, Kinsley has not completed the gas company's portion. There is a pre-construction meeting on Wednesday, August 14th at 9:00 am.
- York County Planning has withdrawn the CDBG money that was originally promised due to the census. The Borough has appealed and surveys were delivered to all residents in that area to be completed and returned to York County Planning for reconsideration. Certain income limits must be met in order to qualify for the grants. At this point, the project is uncertain.
- The Final Application for Payment #2 to Mr. Rehab in the amount of \$44,556.63 for the 2019 Sewer Maintenance Project was ready for Council's approval. This is about \$15,000 less than the contract amount which was originally awarded.

Motion: Mr. Simpson moved and was seconded by Mr. Liesman to approve Final Application for Payment #2 to Mr. Rehab in the amount of \$44,556.63 for the 2019 Sewer Maintenance Project.

Motion carried 7-0.

- The contracts with Long's Asphalt for the paving of Frederick Street that were awarded the second meeting in July were ready for Council to execute.

Motion: Mr. Capatch moved and was seconded by Mr. Metz to execute the contracts with Long's Asphalt for paving of Frederick Street.

Motion carried 7-0.

BUSINESS FOR ACTION

There was no business for action.

BUSINESS FOR INFORMATION/DISCUSSION

- **Zoning Officer's Report**
 - 1) Shawn Hoffmaster of 388 W. Cherry Lane addressed Council & Mayor Meyers concerning a new trailer they would like to purchase to replace their existing one that is to be demolished. The new trailer is a little bit bigger in square footage. In order to put a trailer on a Borough property, the Mayor must give his approval. Mayor Meyers will provide a letter of approval to Mr. Hoffmaster.
 - 2) Yohn Properties is selling the property they just purchased at 100 E. Broad Street. They have a potential buyer that would like to do 45-50 units for people 55+. They will need to go back thru zoning. Parking will be a big problem.

- 3) A tattoo shop is going in the commercial space at the corner of E. Main & N. Pleasant. He will go before the Zoning Hearing Board the end of the month.

REPORTS

- Police Reports
- York Adams Tax Bureau

Respectfully Submitted,

Susan Wertz