

**DALLASTOWN BOROUGH  
175 E. BROAD STREET  
DALLASTOWN, PA 17313  
BOROUGH COUNCIL MEETING MINUTES  
MAY 11, 2015**

**CALL TO ORDER**

The May 11<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  
Tomas Metz – Vice President (arrived late)  
Gina Smith – President Pro Tem  
Quay Markel  
Karen Hoyt-Stewart  
Paul Liesman

**ALSO PRESENT**

Terry Meyers - Mayor  
Connie Stokes – Borough Manager  
David Jones – Stock & Leader - Solicitor  
Steve Malesker – C.S. Davidson - Engineer

**ABSENT**

Bernell Kohler

**ANNOUNCEMENTS**

- May 19<sup>th</sup> – Primary Elections
- May 25<sup>th</sup> – Memorial Day – Office will be closed.
- May 25<sup>th</sup> – Memorial Day Parade sponsored by the American Legion @ 9:00 AM
- June 12<sup>th</sup> & 13<sup>th</sup> – Free Yard Sale
- June 16<sup>th</sup> – Baseball game @ York Revolution sponsored by C.S. Davidson

**APPROVAL OF 4/13/15 MEETING MINUTES**

**Motion:** Mr. Liesman moved and was seconded by Ms. Hoyt-Stewart to approve the 4/13/15 meeting minutes as presented.

**Motion carried 5-0.**

**APPROVAL FOR PAYMENT OF BILLS**

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

**Motion carried 5-0**

**APPROVAL OF FINANCIAL STATEMENTS**

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

**Motion carried 5-0.**

**YORK AREA REGIONAL POLICE DEPARTMENT**

Sgt. Damon was present to give the police report. The preliminary numbers for the month of April were 78 calls for service. There were 2 traffic accidents, 3 DUIs, 4 thefts, 1 burglary, 2 assaults, 3 drug arrests, plus 2 other minor arrests. He stated that the department is seeing an increase in calls in the Dallastown Borough.

**FIRE COMPANY REPORT**

Chief Darryl Ehrhart was present to give the fire company report. There were 9 calls during the month of April with no damage. He stated that there was nothing new to report.

**MAYOR’S REPORT**

Mayor Meyers had nothing new to report for the month of April other than helping to organize the National Day of Prayer which was held on May 7<sup>th</sup>.

**VISITORS/PUBLIC COMMENT**

Bill Davis – Site Design Concepts

Mark Zigler – White Rose Credit Union – 3498 Industrial Dr., York

Deb Kauffman – White Rose Credit Union – 3498 Industrial Dr., York

- Bill Davis, from Site Design Concepts, represented White Rose Credit Union on the construction of their new office on E. Main Street. There were some changes made to the pork chop island, driveway & sidewalk in order to comply with PennDOT. Mr. Resh also added a waiver for a planning module submittal to DEP because there will be no increase in the amount of sewage. All items from the conditional approval were met: the HOP was received from PennDOT and recorded, a check for stormwater management and a letter of credit were also received.

**Motion:** Mr. Metz moved and was seconded by Mr. Liesman to give official final approval of the White Rose Credit Union land development plan including the new waiver.

**Motion carried 6-0.**

**Motion:** Mr. Liesman moved and was seconded by Mr. Markel to accept and execute the Stormwater Management Agreement for White Rose Credit Union.

**Motion carried 6-0.**

**SOLICITOR’S REPORT**

- The new PA Act 153 is being invoked on all volunteers within the state who have interaction with children. According to Chief Ehrhart, there are three tiers to the certification including a background check and finger printing. All information must be kept secure. Attorney Jones extended an invitation to a seminar that Stock & Leader is holding for the municipalities on the subject.
- A draft of the new Snow Emergency Ordinance #583 to be advertised was distributed to all Council members. Council agreed that the draft was satisfactory for advertising.
- The residence at 48 S. Pleasant Avenue was converted from a two unit property to a one unit back in 2007. A building permit was issued by the Borough for the conversion, however changes were not made to the sewer/trash account from a double to a single. The homeowner, being a 24/7 care giver for her husband who suffered a stroke, did not realize that the bill should have been adjusted and that she was being over charged. It was not until her husband passed and her health began to decline, that it was discovered by her son who took over the financial responsibilities for his mother. The son provided records for the conversion and payments made from that time until now. He was requesting a refund in

the amount of \$5615.80 on behalf of his mother for that time period. Attorney Jones stated that from a legal stand point, the Borough would only need to go back 4 years. At the recommendation of Attorney Jones, the homeowner was offered a refund of \$2826.00. The son then requested that Council also take a look at the situation, still seeking total reimbursement for the second unit. Council felt, due to extenuating circumstances, that the Borough bears more of the responsibility, both morally and ethically. After some calculations, the dollar amount agreed upon was \$5346.00.

**Motion:** Mr. Metz moved and was seconded by Ms. Smith to refund no more than \$5346.00 to the homeowner at 48 S. Pleasant Avenue as reimbursement for incorrect billing of sewer/trash on the second unit that was removed.

- 1 East Main Street has been sold. There are 11 units in the building and the property is billed for trash accordingly per Ordinance #325. The new owner requested that the Borough reduce the trash bill to only 1 unit in order for him to obtain a dumpster for the building. Council refused due to being bound by contract and ordinance.
- Attorney Jones is working with David Garabedian, the Borough Zoning & Codes Officer, on a home within the Borough that should be condemned. The York Area Regional Police were there on a call and stated that there is a pregnant woman and a 2 year old child living in the home. They said that the home is unlivable. Child & Youth Services will be contacted.

#### **ENGINEER'S REPORT**

- The renovation at Bethlehem United Methodist Church is ready to get started this summer. They are in the process of getting the Borough the letter of credit, paying the stormwater management fee and having the O&M recorded.
- Last month the Sewer Maintenance Program was awarded to Pipe Services. The Agreement now needs signed, plus the Notice to Proceed.

**Motion:** Mr. Liesman moved and was seconded by Mr. Markel to execute the Sewer Maintenance Agreement with Pipe Services.

**Motion carried 6-0.**

**Motion:** Mr. Liesman moved and was seconded by Mr. Metz to execute the Notice to Proceed, starting 5/12/15 and ending 7/11/15.

- SWERP will be starting the 2015 Sewer Rehabilitation Program in the next couple of weeks.
- The bids for the 2015 Equipment & Materials were opened last Thursday. They are as follows:

**Crushed Aggregate** – 2 bids received with the low bid being York Building Products at \$14,037.50 (FOB Plant – 7.8% increase) and \$21,465.00 (Delivered at Site – 1.6% increase)

**Motion:** Mr. Liesman moved and was seconded by Ms. Smith to award the bid for crushed aggregate to York Building Products.

**Motion carried 6-0.**

**Bituminous Materials – 9.5 mm** – 2 bids were received with the low bid being Highway Materials, Inc. at \$57.35 (FOB Plant – 2.6% decrease) and \$63.45 (Delivered at Site – 1.8% decrease)

**Bituminous Materials – 25 mm** – 2 bids were received with the low bid being Highway Materials, Inc. at \$48.20 (FOB Plant – 3.2% decrease) and \$54.30 (Delivered at Side – 2.2% increase)

**Motion:** Mr. Markel moved and was seconded by Mr. Liesman to award the bid for Bituminous Materials (9.5 & 25 mm) to Highway Materials, Inc.

**Motion carried 6-0.**

**Equipment Rental** – No bids

**Snow Removal** – No bids

**Milling Materials/Equipment** – Only 1 bid was received from Recon Construction, Inc. at \$26,549.25 which is an 8.3% increase over last year.

**Motion:** Mr. Markel moved and was seconded by Mr. Liesman to award the bid for Milling Materials/Equipment to Recon Construction, Inc.

**Motion carried 6-0.**

Mr. Malesker feels that the Equipment Rental should be re-bid. The documents are already prepared, so the advertising would be the only additional cost to the Borough.

There is also a new process for street paving using a polymer modified asphalt aggregate called Micro Surfacing. This is a more cost efficient substitute for street overlays.

**Motion:** Mr. Liesman moved and was seconded by Mr. Metz to advertise for bids for both Equipment Rental & Micro Surfacing.

**Motion carried 6-0.**

### **BUSINESS FOR ACTION**

- Councilman Bernell Kohler submitted his resignation from Council due to moving out of state. The vacancy will need to be filled. It will be advertised, plus put on the Borough website. Applicants must be a Borough resident for at least one year and a registered voter. A letter of interest should be submitted to the Borough Manager no later than 5/21/15 at 4:30pm. Interviews to fill the position will then be held at the 5/26/15 meeting with a decision being made either that night or the first meeting in June.

**Motion:** Mr. Metz moved and was seconded by Mr. Liesman to accept Mr. Kohler's resignation from Council with regrets.

**Motion carried 6-0.**

- Mr. Markel attended this year's Pennsylvania Borough's Association Conference in Lancaster. He handed in a bill of expenses in the amount of \$588.24 for reimbursement by the Borough. This bill included 3 nights lodging at \$174.37 per night, mileage at \$39.10 (.575 per mile), meals & tips at \$23.00. Mr. Markel had been told prior to the conference that the Borough would not pay for lodging due to the conference being within driving distance, but would reimburse him for the mileage, meals and tips. Mr. Smith stated that lodging is only paid for conferences that are a distance, such as Seven Springs, which is approximately 150 miles away. Mr. Smith asked Mr. Markel, "Do you honestly feel in your heart that the tax payers of Dallastown Borough should reimburse you for 3 nights lodging (\$526.14) for a 34 mile drive?" Mr. Markel's response was "Yes". Ms. Hoyt-Stewart stated that Mr. Markel gave of his time to represent the Council at the conference. Mr. Smith stated that Council discussed in the past to tighten the belt on this type of expense. Mr. Smith also stated that a fair number of private businesses use 60 miles or approximately 1 hour drive time as a standard. Mr. Smith asked Attorney Jones whether this would need to be voted on to be paid. Attorney Jones stated that it would need to be voted on unless approved prior. Ms. Hoyt-Stewart also stated that at a conference a lot of networking is done in the morning & evening. Mr. Smith also asked Mr. Markel about the report for the classes he attended during the three days he was there. Ms. Smith also questioned Mr. Markel's lack of attendance to the classes. From Ms. Smith's past history at the conferences, she stated that Mr. Markel's lack of regular attendance was very noticeable, plus he did not bring anything back to the Borough to share. Mr. Smith thinks this is a wasteful spending of money due to the distance of the conference, but that is not his

decision to make, so he will entertain a motion to reimburse Mr. Markel \$588.24 for mileage, meals, tips & hotel.

**Motion:** Ms. Hoyt-Stewart moved and was seconded by Mr. Markel to reimburse Mr. Markel \$588.24 for mileage, meals, tips & hotel.

**Motion did not carry 2-3 with 1 abstention (Mr. Markel was advised by the Solicitor) – Ms. Hoyt-Stewart & Mr. Liesman for – Mr. Smith, Mr. Metz & Ms. Smith opposed**

Mr. Metz stated that he agreed with the comment made by Ms. Hoyt-Stewart about things happening in the morning, however, \$600.00 for a 34 mile trip he has problems with. He was willing to make a motion to reimburse Mr. Markel for half of his hotel costs, plus mileage, meals & tips. He also feels, moving forward, a pre-approval should be done so this situation is not encountered again. Ms. Smith & Mr. Smith stated that it was their understanding that Mr. Markel was told up front that his lodging would not be covered due to the close proximity of the conference. Ms. Smith also stated that classes should be attended the entire conference and a report presented to Council.

**Motion:** Mr. Metz moved and was seconded by Mr. Liesman to reimburse Mr. Markel half of his hotel plus 100% of mileage, meals & tips for a total of \$325.17.

**Motion carried 4-1 with 1 abstention (Mr. Markel) – Mr. Smith, Mr. Liesman, Mr. Metz & Ms. Hoyt Stewart for – Ms. Smith opposed**

Attorney Jones recommended that next year, everything be approved prior to the conference. Mr. Smith feels a policy should be established plus a report should be presented to Council after the conference.

#### **ZONING/CODES REPORT**

Mr. Garabedian was not present, but his monthly report for April was distributed to all Council members.

#### **REPORTS**

- Police Reports
- Allegiant Animal Care
- York Adams Tax Bureau minutes
- Red Lion Area Community Services, Inc. – 2014 Annual Report

#### **ADJOURNMENT**

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

**Motion carried 6-0. 8:29 PM**

Respectfully Submitted,

Susan A. Wertz