

**DALLASTOWN BOROUGH
175 E. BROAD STREET
DALLASTOWN, PA 17313
NOVEMBER 12, 2013 – 7:00 PM
MEETING MINUTES**

CALL TO ORDER

The November 12th 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
Richard Bogart – Vice President
Tomas Metz – President Pro Tem
Gina Smith
Karen Hoyt-Stewart

MEMBERS ABSENT

Quay Markel – Fire Company Meeting
Bernell Kohler – Fire Company Meeting

ALSO PRESENT

Terry Meyers, Sr. – Mayor
Connie Stokes – Borough Manager
David Jones – Stock & Leader – Solicitor
Steve Malesker – C.S. Davidson – Engineer
Richard Resh – C.S. Davidson
Joe Joines – Borough Maintenance
David Garabedian – Borough Zoning
Cpl. Michael Georgiou – YARPD

VISITORS

Darryl Peck – Concord Public Finance
Julia K. Rawling – 170 Maylyn Ave, Dallastown
G. Grove – 181 Maylyn Ave, Dallastown
Jodi Deller – 131 Maylyn Ave, Dallastown
Max Kopp – 661 Colonial Dr, Dallastown
Jason Wise – 231 Kirsta Ln, Dallastown
Kimberly Billet – 221 Kirsta Ln, Dallastown
Kim Sterner – 211 Kirsta Ln, Dallastown
Paul & Pam Grove – 220 Kirsta Ln, Dallastown
Richard Fallert – 640 Colonial Dr, Dallastown
Ernest Smeltzer – 251 Kirsta Ln, Dallastown
Brady Stearn – 145 April Ln, Dallastown
Heddy Neal – 693 Colonial Dr, Dallastown
Stavros Niphakis – 250 Kirsta Ln, Dallastown
Justine Harr – 629 Colonial Dr, Dallastown

Chip Zager – 602 Carrie Dr, Dallastown
Scott Hicks – 618 Carrie Dr, Dallastown
Mike Moritz – 155 April Ln, Dallastown
Charles Mooney – 660 Colonial Dr, Dallastown
Tiffany Kauffman – 637 Colonial Dr, Dallastown
Rick Robinson – 625 Colonial Dr, Dallastown
Keith Metzel – 115 April Ln, Dallastown
Jerry Duncan – 120 Maylyn Ave, Dallastown
Gloria & Gordon Fleming – 645 Colonial Dr, Dallastown
Elaine Fass – 633 Colonial Dr, Dallastown
Rick LoBianco – 230 Kirsta Ln, Dallastown
Nick Bullock – 261 Kirsta Ln, Dallastown
Art Herrold – 681 Colonial Dr, Dallastown
Jenn Stein – 110 Maylyn Ave, Dallastown
Chrissie Thompson – 629 Colonial Dr, Dallastown

ANNOUNCEMENTS

- ♦ November 23rd – Ron Miller will have an Open House as part of Christmastime in Loganville – 9:00 to 4:00 pm
- ♦ November 28th & 29th – Thanksgiving Holiday – Office will be closed
- ♦ November 30th – Tree Lighting Ceremony starts at 6:30 pm in front of the American Legion, followed by party with Santa at the Fire Hall
- ♦ December 24th & 25th – Christmas Holiday – Office will be closed

APPROVAL OF 10/15/13 MEETING MINUTES

Motion: Mr. Bogart moved and was seconded by Mr. Metz to approve the 10/15/13 meeting minutes as presented.

Motion carried 5-0.

APPROVAL OF 10/28/13 BUDGET MEETING MINUTES

Ms. Hoyt-Stewart stated that some items should be added to the minutes: Discussions on the budget over runs, Zoning Officer, computer services & miscellaneous one-time revenues from Springettsbury Township.

Motion: Mr. Bogart moved and was seconded by Ms. Smith to approve the 10/28/13 Budget Meeting Minutes as amended.

Motion carried 5-0.

APPROVAL FOR PAYMENT OF BILLS

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

Motion carried 5-0.

APPROVAL OF FINANCIAL STATEMENTS

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

Motion carried 5-0.

YORK AREA REGIONAL POLICE DEPARTMENT

Cpl Michael Georgiou was representing the YARPD.

- ◆ There have been some arrests at the park for fighting which involved juveniles and also a suspicious person. There was no vandalism during the month of October.
- ◆ The robbery at 202 E. Main Street is an ongoing investigation and Cpl Georgiou was not able to elaborate on it. He was able to state that it was not a random act and was a drug act violation. He also stated that the rumor concerning several home invasions was not true.

FIRE COMPANY REPORT

Chief Ehrhart was not present due to a meeting at the Fire Company.

MAYOR'S REPORT

Mayor Meyers will have his report at the next meeting.

RECREATION ACTIVITIES

- ◆ The Halloween Parade was held on Thursday, October 17th. It turned out to be a nice night and there was a great turn out.
- ◆ The rain held off for Trick or Treat and Witch Watch and there was a huge attendance.
- ◆ Christmas in Dallastown was another success. The weather was great and there were many positive comments. There was quite a bit of networking going on for everyone.

SOLICITOR'S REPORT

- ◆ Ordinance #577-2013 prohibiting the consumption of alcoholic beverages in open containers on public property was ready for adoption. This does not include anyone who has a liquor license including temporary.

Motion: Mr. Bogart moved and was seconded by Mr. Metz to adopt Ordinance #577-2013 prohibiting the consumption of alcoholic beverages in open containers on public property.

Motion carried 5-0.

The Ordinance will be advertised for the next 60 days.

- ◆ Last month Council entertained a possible change to the park rules in regards to littering. Attorney Jones researched what constitutes litter and cigarette butts is not one of them. He also made a few suggestions, but enforcing will be the problem. The subject is to stay on the agenda to discuss further.
- ◆ Approval was needed for advertising of the 2014 Borough Budget as presented at the Budget meeting on October 28, 2013.

Motion: Mr. Bogart moved and was seconded by Ms. Smith to approve the 2014 Borough Budget for advertising.

Motion carried 4-1. (Ms. Hoyt-Stewart voted against)

- ◆ Research was done concerning enforcing Borough Ordinances and whether or not police time can be charged with the prosecution. The answer is no. He suggested that Council review the Borough's penalties and fees and possibly raise them to cover the police time involved.
- ◆ Attorney Jones is still working on an answer concerning slip lining.

ENGINEER'S REPORT

Richard Resh:

- ◆ SWERP began relining several sections of the sewer on November 6th. They completed E. Frederick Street (193-194), E. Market Ave (190-198), S. Park St (originally scheduled for 2014, but asked if they could do since they had the main line equipment here and it was the only one scheduled for 2014), 2 manhole runs on E. Market (191-190). The relining work will continue this week. Sunil Desai, of DEP, is scheduled to meet Mr. Resh on Wednesday morning, November 13th to observe the sewer lateral relining as part of the Correct Action Plan. The work is going along smoothly and they have until December 19th to finish.
- ◆ Colonial Park – Mr. Resh gave a brief re-cap of the events leading up to the Colonial Park Sewer Plan plus timeline of events to current day. The bidding for the project will most likely take place in June or July of 2015 with the work actually starting in 2015 and ending in 2016.

Darryl Peck of Concord Public Finance put together several different preliminary financing and rate study scenarios for the Colonial Park Sewer District. These options were distributed to all Council members plus the residents that were present at the meeting. Borrowing approximately \$3,000,000.00, he looked at 20 & 30 year terms, plus the new Colonial Park EDU's (75) and the existing EDU's (1810) to come up with his calculations. The quarterly payments for Colonial Park were calculated to be between \$200.00 and \$275.00 with the quarterly payments for the existing EDU's ranging from \$141.00 to \$150.00 cumulative over the next 3 years.

Mr. Bogart asked at what point the Colonial Park rates will kick in. Mr. Peck told him not until the project is completed.

There was also a discussion concerning the cost impact if the project is held. If inflation starts, the interest rates will rise plus construction costs.

The floor was then opened for questions:

- **Ernest Smeltzer – 251 Kirsta Dr.** – Asked about implementing costs to Colonial Park before the project is done. He was told that is not legal. Mr. Smeltzer also asked about the York Township impact. York Township is sending a letter to their residents in the Colonial Park area concerning hooking up, but are not forcing them. It would all be on a volunteer basis, but there could possibly be another 10 to 15 homes. He then asked if DEP can force York Township's hand and he was told that DEP already declined to make them involved in the project. He also asked about grants. Mr. Resh stated that there was already a meeting with PennVest and the project did not qualify for either a grant or a low interest loan. Mr. Smith stated that the Borough is constantly looking and applying for grants for all the projects.
- **Charles Mooney – 660 Colonial Dr.** – The sewer rates will not stay constant over the next 30 years due to costs and inflation. He thinks that should be considered as a factor and should be figured in.
- **Chip Zager – 602 Carrie Dr.** – Mr. Zager was talking about 2 homes on Carrie Dr. that might need to go with a pressurized system. Mr. Resh stated that a few properties have the 1st floor sitting several feet below the street level. A basement survey will need to be done on each home during the design process to make that determination. He believes there might be some on Colonial Dr. also.
- **Max Kopp – 661 Colonial Dr.** – Mr. Kopp has been on the Windsor Borough Water & Sewer Authority for the past 38 years and has been involved with building sewage treatments plants, etc. There was a discussion concerning the fact that this whole thing got started because two homes were having problems. He spoke about Doug Bray having a development behind Colonial Park called the Pines that is coming in. Council told him that project was never approved due to the slope of the land. He stated that Council is pushing this project thru when it is not needed or wanted. Mr. Smith stated that DEP was at a public meeting at the very beginning to discuss Colonial Park. He also stated that DEP got involved when the Borough was trying to help the two homes that were having problems. It was at that time that DEP required the Borough to put sewer in the whole development. If the Borough did not comply, there would be fines each day that the sewer was not in plus they would also require that it be installed. The Borough had no choice in the matter. Mr. Kopp then stated that Colonial Park is footing the bill for these other developments to be done. He stated that Mr. Bray's plans were submitted in October 2006 and couldn't be approved until the sewer went into Colonial Park. Council told him that those plans were rejected and has nothing to do with this project.
- **Brady Stearn – 145 April Lane** – He stated he has not been to any of the previous meetings but has tried to educate himself thru a visit to DEP. He found that when DEP required the plan for Colonial Park from the Borough they also requested the participation of York Township. According to a representative at DEP, they were unaware that York Township was not participating. He was able to review the entire file on this process and had a copy of a proposal (Exhibit DB-3), dated 1/26/2010, that was sent to DEP by C.S. Davidson. It included proposals in addition to Colonial Park, 97 apartments in Doug Bray's complex, The Pines, the Deller Farm and several other potential developments. At previous meetings it was stated that Mr. Bray's area was zoned sloped and the plan for the complex was not approved. The figures for the current system are coming in higher than the initial proposal and his question was what this \$3,500,000.00 price tag is for and what exactly C.S. Davidson is providing? He feels that the estimates were not complete and paving and stormwater control were not included. He also asked if the system was going to be large enough to accommodate all the proposed homes in

addition to Colonial Park. Mr. Resh stated that there is a complete breakdown in the booklet that was given to the Borough Office for Council and residents to review. The resurfacing of the street is not part of this project and will be done when all the underground work is finished and paid out of General Fund. This plan has not gone to DEP at this point and won't be sent until early next year. Mr. Stearn also asked when the meeting occurred with York Township and DEP. Mr. Resh stated the first meeting with York Township was on 3/30/12 with additional meetings on 6/20/12 and 8/16/12. There was a meeting with Pennvest and DEP on 10/8/12 and then another with the York Township Water & Sewer Authority on 10/10/12. The meeting on 10/10/12 was when York Township told the Borough that they were not going to participate. Mr. Stearn feels it is a lot of money for 75 residents and stated that if DEP was made aware of the cost per resident, they might require York Township to participate.

- **Chip Zager – 602 Carrie Dr.** – Asked if the Borough was still considering a surcharge with each of the proposed options. The answer was no, the surcharge is out of the picture.
- **Scott Hicks – 618 Carrie Dr.** – Why wouldn't Option 4 be chosen over Option 1. Attorney Jones stated that the term, 20 or 30 years, is the payback on the Borough's borrowed debt. The residents would still be paying the \$200.00 (payment for option) regardless.
- **Rick LoBianco - 230 Kirsta Dr.** – Mr. LoBianco asked what the interest rate would be on the borrowed funds. Mr. Peck estimated the interest rate to be mid 4%'s. Numerous banks would be shopped for the lowest annual rate. Mr. LoBianco also asked about the Deller Farm and whether the residents are paying for that. Mr. Resh stated that the Borough must pay to get the sewer down to the farm and a force main to come back up. The cost to operate the pump station for the 75 homes will eat up most of the quarterly bill amount.
- **Jerry Duncan – 120 Maylyn Ave.** – Asked Council for some consideration be given to the residents of Colonial Park. Every Colonial Park property owner will be paying the quarterly fee plus run lines and hookup fee out of pocket. Some of the estimates to run the lines are \$25,000 to \$30,000 which some residents can't afford. Some residents might have to walk away from their properties which will affect the taxes and potentially run down the community. He asked Council to please bear with the residents when they talk amongst themselves in their community because they are concerned. Mr. Duncan also asked about paving the street and when it will be done. Mr. Resh stated that they will wait for natural settlement to occur after all the underground work is finished before the paving is done. Mr. Duncan asked if a grinder pump must be put in some of the homes due to topographical features, will that be at the cost of the homeowner. Yes.
- **Pam Grove – 220 Kirsta Ln.** - Mrs. Grove stated that they will most likely need to sell their home because they will not be able to afford the sewer installation. She asked Attorney Jones if they put their house on the market, will money need to be put in escrow for the installation of the sewer. He said that depends what is negotiated with the buyer. She said she has been writing numerous letters to the York County Planning Commission with a rejection letter in response to each one. Attorney Jones told them to continue to write the letters to York County Planning of their needs each year since the project is a few years out.
- **Paul Grove – 220 Kirsta Ln.** – Mr. Grove asked the question if they are not able to pay, will their house go to Sheriff Sale and they be out on the street. Attorney Jones stated that Council could potentially consider hardships, and make the decision whether or not to put a lien on the property. The lien would then be collected whenever the house would sell or they pass away. Attorney Jones urged Mr. Grove to speak to either an attorney or real estate professional to

- discuss his circumstances. Mr. Grove also asked about the installation of risers for the septic tank. If sewer is going in anyway, would that still need to be done? He was told that was not necessary.
- **Tiffany Kauffman – 637 Colonial Dr.** – Ms. Kauffman stated that her home is situated where she will need a grinder pump. At her age, she would like to be able to plan for the next few years in order to have the funds to pay for the project. She asked where she would need to go for an estimate on how much the grinder pump and hookup would cost. Mr. Resh told her to consult a plumber or C.S. Davidson could give her some options once the basement survey is done. One of the other residents told her she could look at between \$20,000 & \$25,000.
 - **Charles Mooney – 660 Colonial Dr.** – Mr. Mooney just wanted to thank Council and let them know that is seems like a reasonable approach.
 - **Brady Stearn – 145 April Ln.** – Mr. Stearn was questioning the statement Mr. Resh made that this project is a prevailing wage project and why prevailing wage is so much higher. Council told him it is a state & federal law for any project exceeding \$25,000.00. The State Department of Labor & Industry will supply a scale of wages that will be charged. The project must be publically advertised. Contractors are attracted from PA, MD, NY & NJ.

Steve Malesker:

- ♦ The Howard Street Project is completed and Application for Payment #1 to Barnes & Barnes in the amount of \$62,734.98 was ready for approval.

Motion: Mr. Metz moved and was seconded by Mr. Bogart to approve Application for Payment to Barnes & Barnes in the amount of \$62,734.98.

Motion carried 5-0.

- ♦ The CDBG grant for curb & sidewalk on Howard Street was \$100,000.00 and the cost only came in at approximately \$62,700.00, plus approximately \$21,000.00 was moved to water which leaves about \$16,000.00 not used. The project can be extended with these excess funds to replace some additional sidewalk prior to paving.

Motion: Mr. Bogart moved and was seconded by Mr. Metz to extend the project.

Motion carried 5-0.

- ♦ New for MS4 (Stormwater), the Borough must have an advertised annual meeting prior to March of 2014. Council decided to hold it at the February 2014 meeting.
- ♦ Attorney Jones spoke to Mr. Deller's attorney and he would like to see a copy of the Appraisal of the Deller Farm prior to their meeting. Council approved.

BUSINESS FOR ACTION

- ♦ Approval was needed for the Yoe Fire Company Ambulance Service contract to be the Borough's exclusive ALS provider. The contract is a 5 year contract, starting at \$8,000 for 2014, \$8,240 for 2015, \$8,487.20 for 2016, \$8,741.82 for 2017 and \$9,004.06 for 2018. It increases by 3% each year.

Motion: Mr. Metz moved and was seconded by Mr. Bogart to approve the 5 year contract (2014 – 2018) with Yoe Fire Company Ambulance Service.

Motion carried 5-0.

- ♦ Approval was needed by Council to make "Acting" Zoning Officer, David Garabedian the permanent Zoning Officer. Ms. Hoyt-Stewart asked Attorney Jones if there is anything in the Borough Code that states the position must be advertised. The answer was no, but the person must be qualified. She thought the Borough should have checked out others for qualifications. Ms. Stokes stated that she

followed Council's instructions with cross-training and Mr. Garabedian was cross-training with Mr. Taggart, the previous Zoning Officer for several months. At that time Mr. Garabedian was a part-time maintenance person. That part-time position in maintenance was not re-filled when Mr. Garabedian became the full-time "acting" Zoning Officer. Mr. Smith stated that the Borough Manager is within her rights to promote from within. A question was asked from the floor whether Mr. Garabedian was qualified for the position. Ms. Smith stated that he has quite a list of accomplishments since he's been on the job. He has a Bachelor's Degree in Business Administration with a minor in Industrial Relations. Also, since he's been on the job he's received his B.C.O. and took classes for residential building inspector.

Motion: Ms. Smith moved and was seconded by Mr. Metz to make David Garabedian the permanent full-time Zoning Officer.

Motion carried 4-1 (Ms. Hoyt-Stewart voted against)

BUSINESS FOR INFORMATION/DISCUSSION

- ◆ Mr. Metz inquired about the progress of the credit cards. Ms. Stokes stated that both the credit cards and new website will be up and running by the beginning of 2014.

REPORTS

- ◆ Yoe Ambulance Report
- ◆ Red Lion Ambulance Report
- ◆ Police Reports

COUNCIL APPROVAL TO ADVERTISE TAX LEVY ORDINANCE

Motion: Mr. Bogart moved and was seconded by Ms. Smith to approve the advertisement of the 2014 Tax Levy Ordinance #578-2013 at a milage rate of 1.65%.

Motion carried 5-0.

ADJOURNMENT

Motion: Mr. Metz moved and was seconded by Ms. Smith to adjourn the meeting.

Motion carried 5-0. 9:20 PM

Respectfully Submitted,

Susan A. Wertz