

Board of Supervisors

Meeting Minutes 08/14/06

CORRECTION TO MEETING MINUTES FOR AUGUST 14, 2006

Atty. Rausch made a correction to the Glen Gery Settlement Agreement in the Solicitor's Report on Page 3 of the meeting minutes of August 14, 2006, the last sentence before the motion: He noted that Glen Gery's obligations do not *arise* until any appeal period has expired from the rezoning (remove *apprise*). Motion by M. Husson and second by C. Kann to approve the meeting minutes for August 14, 2006 as corrected. Passed with 5 ayes

The Dover Township Board of Supervisors regular meeting for August 14, 2006 was called to order at 7:01 PM by Chairman Shane Patterson in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Shane Patterson, Duane Hull, Michael Husson, Madelyn Shermeyer, and Curtis Kann. Other Township Representatives in attendance were Atty. Charles Rausch, Township Solicitor, Laurel Wilson, Township Manager, and Dawn Slegel, Recording Secretary. Also in attendance were 16 citizens and 2 reporters. This meeting has been recorded for minutes purposes only. The Pledge of Allegiance was recited.

WORK SESSION MINUTES FOR JULY 24, 2006

Motion by M. Shermeyer and second by D. Hull to approve the work session minutes for July 24, 2006 as presented. Passed with 4 ayes and 1 abstention by S. Patterson.

MEETING MINUTES FOR JULY 24, 2006

Supervisor Husson requested that the addition of a swimming pool be included as a part of the community facility in the Brownstone Manor Land Development Plan on Page 4 and he corrected the spelling of *rebar* in the Brookside Pedestrian Bridge section of the Engineer's Report on Page 5 of the meeting minutes of July 24, 2006. Motion by D. Hull and second by C. Kann to approve the meeting minutes for July 24, 2006 as corrected. Passed with 4 ayes and 1 abstention by S. Patterson.

TREASURER'S REPORT - Chair Patterson presented the warrant total for August 14, 2006 in the amount of \$242,602.17. Motion by M. Husson and second by M. Shermeyer to approve the current expenditures for August 14, 2006 in the amount of \$242,602.17. Passed with 5 ayes.

PUBLIC COMMENT PERIOD

Persons on the Agenda

Michelle Daniels, 1818 Spangler Avenue, explained an incident at her home with a salesman which resulted in her phone call to 911 to remove him from her property. He left a black mark on her cement walkway and scratched her door with the cleaning product he was selling. She phoned the cleaning product company and received no satisfaction. She proposed to the Board changing the ordinance to make door-to-door solicitation more restrictive in the Township. Atty. Rausch responded that door-to-door solicitation is restricted as much as possible in the ordinance by requiring solicitors to first obtain a permit with Northern York County Regional Police. He also suggested that Mrs. Daniels contact the Attorney General's Office, the Bureau of Consumer Protection, to file her complaint. Supervisor Kann told her to contact Representative Beverly Mackereth's Office to obtain the Attorney General's Office phone number. Atty. Rausch will research the options for amending this ordinance. Chair Patterson gave Mrs. Daniels a copy of the ordinance for her review and thanked her for making the Board aware of the situation.

Ryan Myers of Rock Commercial Real Estate and Atty. Ron Perry of Katherman, Heim, and Perry were present on behalf of Royal Farms, 3120 Carlisle Road. The site is being proposed as a convenience store with gas pumps and a car wash. They have proposed a deceleration lane along southbound Carlisle Road prior to their store entrance. A request was submitted to PennDOT for a right-in/right-out access to Carlisle Road. PennDOT has not given any indication of granting this access. PennDOT is willing to allow Royal Farms the right-in on Carlisle Road, but not the right-out. They are requesting the Township draft a letter to PennDOT in support of their access design along Carlisle Road. Supervisor Shermeyer would only agree to a right-in/right-out access if it was a wall and motor vehicles could not make a left turn to head north onto Carlisle Road or turn left from Carlisle Road into their store. Atty. Perry stated that his client would agree to a higher profile pork chop for the access. The Board agreed to send a letter to PennDOT requesting their reconsideration of a right-in/right-out access to Carlisle Road for Royal Farms. The Board stressed their issue with the design of the pork chop and was adamantly against any left turns into or out of Royal Farms at Carlisle Road.

There were no other public comments at this time.

SOLICITOR'S REPORT by Atty. Rausch

Notice of Intervention Filing - Atty. Rausch expounded on the background of a Zoning Hearing Board variance denial which resulted in Central Penn Property Services filing an appeal to operate a mobile home park in the Township. He instructed the Board that filing a Notice of Intervention is a standard procedure protecting the appeal rights of the Township in the event of the Township's dissatisfaction with the Court of Common Pleas' decision. No obligation or requirement is involved, but it formally places Dover Township as a party to the lawsuit. It preserves the Township's rights to appeal if warranted. Supervisor Shermeyer informed the rest of the Board of the property location on Pine Road. **Motion by M. Shermeyer and second by D. Hull to file**

a Notice of Intervention for Central Penn Property Services v. Dover Township Zoning Hearing Board, 2006-SU-2338-Y08. Passed with 5 ayes.

Donald Doolittle Hearing, 941 Conewago Road - Atty. Rausch advised the Board on a hearing held for Donald Doolittle of 941 Conewago Road regarding a retaining wall, an obstruction, placed within the Township right-of-way. He was cited by the previous Zoning Officer and the District Magistrate found him guilty. Mr. Doolittle filed an appeal with the Court of Common Pleas in which he was found not guilty. The findings were that he obtained a building permit to replace an existing wall and moved it further away from the Township right-of-way, but still within the right-of-way. Atty. Rausch stated that the 2005 citing demonstrated the Township's attempt so if an incident would arise pertaining to the retaining wall, it proved an effort on the Township's part to correct the situation and would help with any future liability issues.

Glen Gery Settlement Agreement - Atty. Rausch reported on the negotiations held between Glen Gery Corporation and Dover Township. He further explained the background for the terms of a settlement agreement. Atty. Rausch presented the substance of the agreement that the Board tentatively reached with Glen Gery. It has been accepted by Glen Gery. This agreement would end all litigation and resolve all issues concerning shale quarrying in the Township. The terms of the agreement are as follows. Glen Gery is willing to donate twenty-five acres more or less of land to the Township. This reclaimed land is located behind Northern Regional off of Canal Road. Glen Gery will donate 100,000 bricks to the Township. Glen Gery has agreed to reimburse \$100,000 for costs. Glen Gery will also donate \$100,000 to defray past and future inspection fees. When the first ton of shale is removed from either the Lamparter tract or the Davidsburg Road tract and ending with the last ton removed from the Dover quarry, the Binder quarry, and the Lamparter tract, Glen Gery will pay the Township \$1,500 annually. When the first ton of shale is removed from either the Lamparter tract or the Davidsburg Road tract or the overlay area, Glen Gery will pay the Township 2 ½ cents per ton of shale mined and removed with a minimum of \$2,000 guaranteed annually. Dover Township, in consideration for that, will rezone the Dover quarry, the Binder quarry, and the Lamparter tract (currently zoned Conservation) to Industrial to allow shallow resource recovery quarry operations. There will be no haulage through Dover Borough. The Davidsburg Road tract will be reclaimed to the Agricultural use. Glen Gery agrees to operate within daylight hours only. There will be no blasting. They will follow all DEP regulations for shallow resource recovery quarrying. The Township also will create an overlay district to allow shallow resource recovery quarrying operations for the area that is surrounded on the north by Schoolhouse Road, on the south by Canal and Davidsburg Roads, on the east by North Salem Church Road, and on the west by Clearview Road. This area includes the tract that Glen Gery purchased that is along Davidsburg Road. The settlement agreement will be confirmed through a court order after the rezoning is completed. Atty. Rausch considered this to be a fair settlement agreement and stated it resolves all of the issues. In his opinion, Glen Gery has demonstrated that they are a good citizen of the Township and will continue that relationship and have negotiated in

good faith to get this resolved. It is his recommendation, as Solicitor of the Township, that the Board approve the settlement agreement as presented. He noted that Glen Gery's obligations do not apprise until any appeal period has expired from the rezoning. **Motion** by D. Hull and second by C. Kann to accept the terms of the Glen Gery Settlement Agreement. **Passed** with 4 ayes and 1 nay with opposition by M. Husson.

MANAGER'S REPORT by Laurel Wilson

Departmental Budget Preparations - Manager Wilson reminded the Board to email her available dates and times to schedule budget meetings with each department head.

Verizon Cell Lease - Manager Wilson received a check in the amount of \$58,000 for Verizon's past due cell lease payments.

On-Lot Septic Baffle Issue - Manager Wilson reported that a letter was received from DEP on their interpretation of the baffle replacement issue. It stated that if a tank is precast/concrete and the baffle is precast along with the tank, then the tank would have to be replaced and would have to meet all sections of the Code. It also implied that a baffle that is bolted to the tank, only needs to meet the requirements of the baffle section of the Code which does not require compartmentalization and other noted requirements per the SEO. Mr. Hengst should be made aware immediately of DEP's determination on that issue. **Board Consensus** to inform Mr. Hengst by letter of DEP's interpretation on the baffle replacement issue and to also inform the residents which this issue may have affected of the interpretation. Chair Patterson commended Manager Wilson for acquiring the information from DEP regarding this controversial issue.

Advanced Skills Center Proposals - Manager Wilson presented two proposals submitted by the Advanced Skills Center which promotes training for technically based trades amongst York County individuals with GIS as the main training source. One proposal was for the estimated total of \$500 and the other proposal was for \$1,991.00. Upgraded information will be added to the GIS System for the water and sewer lines. **Motion** by D. Hull and second by M. Shermeyer to accept the two proposals of \$500 and \$1,991.00 from Advanced Skills Center to provide assistance with information to be added to the GIS System on the Township water and sewer lines. **Passed** with 5 ayes.

Ordinance 2006-02 - Manager Wilson requested that the Board consider adoption of Ordinance 2006-02 which had some minor revisions made from the previous meeting. **Motion** by M. Shermeyer and second by M. Husson to adopt Ordinance 2006-02 with the minor revisions to the zoning amendments. **Passed** with 5 ayes.

Resolution 2006-14 - Manager Wilson explained the fee structure for the resolution of fire rescue services. **Motion** by M. Shermeyer and second by M. Husson to approve

Resolution 2006-14 for the Dover Township Volunteer Fire Department to seek reimbursement costs incurred in responding to hazardous material and environmental incidents. **Discussion** - Supervisor Husson asked about the billing procedure. Manager Wilson replied that the Fire Department will handle the billing through their Finance Committee on a weekly basis. They will be sending the bills via email to the auto insurance providers only. Chair Patterson itemized the fees according to the incident levels. A Level One incident requires cleanup and traffic control and has a rate of \$300. A Level Two incident involves injuries, cleanup and traffic control and has a rate of \$400. A Level three incident involves entrapment, injuries, cleanup, and traffic control and has a rate of \$500. There is an itemized listing for haz mat spills. **Passed with 5 ayes.**

Resolution 2006-15 - Manager Wilson noted amendments to certain job descriptions outlined in Resolution 2006-15. **Motion** by D. Hull and second by M. Husson to approve Resolution 2006-15 amending the job description for the positions of Administrative Clerk and Building Permit Officer and Geographic Information Specialist. **Passed with 5 ayes.**

Appointment of Dover Township Zoning Officer - Manager Wilson requested the appointment of Georgia Sprenkel as the Dover Township Zoning Officer. **Motion** by M. Shermeyer and second by D. Hull to appoint Georgia Sprenkel as the Zoning Officer for Dover Township. **Passed with 5 ayes.**

Heritage Senior Center Lease Agreement - Manager Wilson reported that the lease agreement with the Heritage Senior Center was due to be renewed last year. She wanted to formally present the lease agreement to the Board for approval. It is the same lease in existence with the Senior Center for a long time. **Motion** by M. Husson and C. Kann to approve the lease agreement with the Heritage Senior Center. **Passed with 5 ayes.**

Braking the Cycle Approval of Event - Manager Wilson revisited the Braking the Cycle Event to obtain formal approval for the bikers to ride through the Township on Friday, September 15, 2006. The Board had previously asked the Interim Manager to notify the organization that this was not a convenient time of the day along Route 74. Northern York County Regional Police has approved their route through the area. Supervisor Husson questioned whether there would be any road closures. He was informed by Manager Wilson that the event does not involve any road closures and the bicycle riders would just be passing through the Township. The route is down Davidsburg Road to Route 74 and out Church Road. The Community Building will be used as a rest stop. Chair Patterson noted that this was a three day event benefitting HIV/AIDS services and hosts approximately 140 riders to raise money and awareness to fight the disease that affects millions of Americans. **Board Consensus** to allow the Braking the Cycle Event to ride their bicycles through Dover Township on Friday, September 15, 2006.

Trick-or-Treat Night - Manager Wilson asked the Board to designate Trick-or-Treat Night throughout the Township for publication in the newsletter. Chair Patterson recommended that the Board consider trick-or-treating to be celebrated on a weekend night because of the involvement of small children. **Board Consensus** to set Trick-or-Treat Night in Dover Township on Tuesday, October 31, 2006 from 6 to 8 PM regarding the weather.

Executive Session - Manager Wilson requested an Executive Session after this meeting to discuss two personnel matters.

School Crossing Guards - Manager Wilson explained that currently there are two crossing guards for the crosswalks at the High School and Weigelstown Elementary School. These guards have not received a wage increase for a number of years. Northern York County Regional Police has requested that the Board of Supervisors consider a pay increase for these two crossing guards. The Dover Area School District does reimburse the Township for half of their wages. Supervisor Hull, Liaison to the Police, added that the crossing guard job entails one half hour in the morning and then one half hour in the afternoon. He reported that the ladies do an excellent job and presently are paid \$13.65 an hour. He reported that Central School District just raised their crossing guard wages to \$14.80 an hour. **Motion** by D. Hull and second by M. Shermeyer to raise the school crossing guard salaries to \$15.00 an hour. **Passed** with 5 ayes.

OLD BUSINESS

Sign Ordinance - The Board is currently working on revising the sign ordinance. Atty. Rausch stated that the next step will complete the draft amendments and incorporate them into a proposed ordinance which will be submitted to the Board for their final review. Manager Wilson and Atty. Rausch will coordinate the next work session to decide if another workshop is needed for attached signs or if the Board can work on the ATV Ordinance. Chair Patterson asked the Board to plan on another work session for Monday, August 28, 2006 at 6 PM with the agenda to be determined by Township Staff.

ATV Ordinance - Atty. Rausch reported for the Board's awareness that the constitutionality of Windsor Township's ATV Ordinance was challenged by a resident and the Court upheld the constitutionality of the ordinance.

Personnel Policy Update - The Board is still reviewing the update to the Personnel Policy.

Accessory Family Dwelling - The Board will review the ordinance for accessory family dwelling after the above ordinances have been finalized.

Chesapeake Bay Initiatives - This is an ongoing issue between the State and local municipalities.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

Supervisor Kann expressed concern with receipt of numerous garbage complaints. Manager Wilson asked for the particular issues. Supervisor Kann replied that York Waste was not responding to phone calls. The residents are getting answering machines with no call backs. Supervisor Husson concurred with Supervisor Kann stating that he had to call twice to get his garbage collected within their six weeks of service. His calls were made after working hours and he would have preferred speaking to a person rather than their answering machine. He admitted that his garbage was picked up the next day after his calls. Manager Wilson suggested that if customer service cannot be reached, then the Township should be called because she has direct contact with their personnel. Supervisor Husson relayed his concern with the recycling truck's one man operation. The Board requested that Manager Wilson contact the York Waste representative and report the Board's concerns.

Supervisor Husson announced the free concert at the Dover Area Community Park this Sunday.

Supervisor Hull recommended that the Board make a \$1,000 donation again this year for the Dover Halloween Parade. **Motion** by M. Shermeyer and second by C. Kann to donate \$1,000 to the Dover Halloween Parade. **Passed** with 5 ayes. Supervisor Hull thanked the Board in advance for their generosity.

Supervisor Shermeyer responded to a letter received by a resident addressing the conduct of Supervisor Hull and her during the DeHoff Local Agency Hearing with Mr. Hengst regarding a septic permit denial. She also took issue with discrepancies of articles in the Weekly Record, an insert to the York Daily Record.

Supervisor Shermeyer acknowledged Andrew Wallace, a Dover Township Volunteer Firefighter and on staff with Medic 102, who rescued a male that had been shocked with 7,000 volts of electricity from a railroad platform about 25 or 30 feet high in York Haven Borough on July 15, 2006. The man had third and fourth degree burns and no feeling in his hands and arms. Andrew accredited his heroic achievement and rope skills to the training he received with the Dover Township Volunteer Fire Department and the ATR which gave him the knowledge and confidence to save the patient safely and quickly. **Board Consensus** to send Andrew Wallace a commendation letter for his lifesaving rescue and his dedicated service to the York County and Dover Township residents.

Supervisor Shermeyer reminded the Board about the Dover Jail Open House on Saturday, October 21, 2006 from 9 to 11 AM. State Representative Beverly Mackereth, Gayle Heagy, and Supervisor Shermeyer will solicit donations to get out of jail. These donations will be given to the Patience Assistance Fund for cancer patients.

COMMENTS FROM THE PUBLIC PRESENT

Hope Herrington, 2567 Danielle Drive, questioned the next workshop to be held on the ATV Ordinance and her ongoing problem with neighboring ATV riders. She encouraged the Board to continue to work toward a resolution. Chair Patterson advised Mrs. Herrington to check with Manager Wilson regarding the next work session agenda and asked for her patience in the Board's preparation of a fair resolution for all parties.

Betty March, 2832 Grandview Avenue, agreed with Supervisors Kann and Husson relating the numerous trips the garbage trucks make through her neighborhood in a week's time. The Board acknowledged her concern and will request improvement of the garbage service.

Charles Rudy, 3241 Staunton Avenue, discussed updated information to the Dover Township website specifically with the Board of Supervisors meeting dates and minutes. Mr. Rudy also asked for clarification of the baffle issue. Supervisor Shermeyer explained in detail DEP's requirements for the replacement of a baffle.

Philip Keeney, 6471 B Old Carlisle Road, admitted that he was misled and apologized for the comments in his letter to the Supervisors. He hoped that the Board will continue working on the ATV Ordinance.

ADJOURNMENT

Motion by C. Kann and second by M. Husson to adjourn the regular meeting at 9:16 PM into an Executive Session on personnel matters. **Passed** with 5 ayes.