

Board of Supervisors

Meeting Minutes 08/28/06

CORRECTION TO MEETING MINUTES FOR AUGUST 28, 2006 Supervisor Kann made a correction to Page 4 of the meeting minutes of August 28, 2006 under the Zoning Officer's Report for Terra Vista Time Extension, changing the time extension to February 27, 2007. **Motion** by C. Kann and second by M. Shermeyer to approve the meeting minutes for August 28, 2006 as corrected. **Passed** with 4 ayes.

The Dover Township Board of Supervisors regular meeting for August 28, 2006 was called to order at 7:07 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, Terry Myers, Township Engineer, Karen Wilson, C. S. Davidson, Laurel Wilson, Township Manager, Georgia Sprenkel, Zoning Officer, and Dawn Slegel, Recording Secretary. Also in attendance were 30 citizens and 2 reporters. This meeting has been recorded for minutes purposes only. The Pledge of Allegiance was recited.

Chair Patterson announced that the work session held at 6 PM this evening dealt with a proposed Sign Ordinance, as well as a proposed ATV Ordinance.

WORK SESSION MINUTES FOR AUGUST 14, 2006

Motion by M. Shermeyer and second by M. Husson to approve the work session minutes for August 14, 2006 as presented. **Passed** with 5 ayes.

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.

TREASURER'S REPORT - Chair Patterson presented the warrant total for August 28, 2006 in the amount of \$226,791.82. **Motion** by M. Shermeyer and second by D. Hull to approve the current expenditures for August 28, 2006 in the amount of \$226,791.82. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

Persons on the Agenda

Jeanne Fitzgibbon, 4871 Clair Mar Drive, introduced Dolly Sutton to speak on behalf of the Clair Mar residents present this evening.

Dolly Sutton, 4891 Clair Mar Drive, read from a paper which began, "We must honor the past while building the future". She was referring to the 23 homes occupied by some families that have lived on Clair Mar Drive for thirty years or more. Her concern was the preservation of the animal habitat in the wetlands and also the new development, Laurel Manor, utilizing Clair Mar Drive as an access to their private development. The residents were told that Clair Mar Drive would serve only as an emergency route. She requested that the speed limit of Clair Mar Drive be reduced to 15 miles per hour to protect their neighborhood. She ended with "Thanks for listening to us, the Clair Mar Citizens".

Supervisor Shermeyer questioned whether construction trucks were traveling on Clair Mar Drive.

A resident responded affirmatively to her question.

Supervisor Shermeyer asked the Township Engineer if the streets in Laurel Manor will be public. He answered that the Condominium Association would be responsible for their streets. They will be private streets. He noted that Clair Mar Drive will end with a cul-de-sac that will be dedicated to the Township and the Laurel Manor entrance from Clair Mar is designed to give the effect of an entrance to a development opposed to looking like just a continuation of the street. Supervisor Shermeyer remembered requesting that "No thru Street" signs be placed at the Clair Mar Drive entrance and off of the South Salem Church entrance of Laurel Manor. Mr. Myers stated that the plan showed signs in Laurel Manor indicating private street. Township staff will check the meeting minutes for discussion on an emergency access from Laurel Manor onto Clair Mar Drive.

Karen Dentler, 4806 Clair Mar Drive, commented that she noticed construction trucks through Clair Mar Drive several times a week.

Brad Zirkle, 4811 Clair Mar Drive, asked if they will be installing curbs and sidewalk along Clair Mar Drive. Chair Patterson replied that the plans show no public improvements of curbs or sidewalks for Clair Mar Drive. Supervisor Shermeyer stated that the Township will be repaving Clair Mar Drive in the near future. Encroachments on the Township's right-of-way will be removed.

The residents inquired whether the developer, Michael Barshinger, would come to the next Board of Supervisors Meeting to answer some of their questions. Chair Patterson said that the Township could contact him and make that request or he could address their questions through the Township.

JoAnne Weinbrom, 4801 Clair Mar Drive, read the questions from the Clair Mar residents. She asked about road improvements. Mr. Myers explained the Township

submitted a Community Development Block Grant Application to the York County Planning Commission for drainage and roadway improvements along Clair Mar Drive. A public meeting would be held as a part of the process. Manager Wilson added that the County will be sending an income survey to the Clair Mar residents and requested that they respond to them in order for the Township to receive the appropriate funding. Mrs. Weinbrom also had concerns about the wetlands.

Carl Leathery, 2910A West Canal Road, commented that the electric poles would have to be relocated if Clair Mar Drive was widened. He inquired about the water run-off plans for the east side of Clair Mar Drive. The Township Engineer addressed his concern. Mr. Leathery asked his options if the stormwater plan does not operate properly. Mr. Myers said the Township would ask the developer to fix or make modifications to correct the situation.

Atty. Rausch clarified Clair Mar Drive's use as an emergency access by stating that despite what the meeting minutes indicate, the recorded Laurel Manor Final Subdivision Plan does not designate Clair Mar Drive as an emergency access and the Township would have difficulty stating that Clair Mar Drive could be restricted for emergency use only.

Rhea Birch, 2930 West Canal Road, inquired about any additional construction made to Clair Mar Drive that would be the Clair Mar residents' responsibility.

Chair Patterson explained that Clair Mar Drive is a Township road which means that the Township would be responsible for the maintenance of this road.

Karen Dentler asked about the red stakes off of West Canal Road and indicated that she thought it might be for an emergency access road to Canal Road.

The Township Engineer said that was the original plan, but that the recorded plan does not show that access. He said that there is a utility easement shown there. The stakes could possibly be for the water line off of Canal Road.

Ron Bupp, 4814 Clair Mar Drive, questioned clarification to the plan notation of a first screen buffer which runs along the left side of Clair Mar Drive.

The Township Engineer stated that the developer must provide a fifty percent visual screen as initially installed and at least six feet high. This will eventually provide a full screen as the plantings grow together.

Chair Patterson invited the residents to return as they have questions on progress of the Laurel Manor Development.

Homer Dodson, 2136 Derry Road, York, PA, was present as the mobile park owner on Prospect Road requesting that the Township address his concerns from the 2003 Prospect Road Improvement Project. He had his attorney send letters to the Township

with responses that Township staff would contact him. No one has ever contacted him. He indicated that because of the project, his property receives excessive water which backups in the pipe and floods his property. He mentioned off-street parking on Park Street for his tenants was promised by the Township.

The Township Engineer explained that the pipe size was increased to handle the water run-off from Park and Prospect Streets. He asked for the particulars to contact Mr. Dodson about the issues at a later time.

There were no other public comments at this time.

ZONING OFFICER'S REPORT by Georgia Sprenkel

Newport Final 2-Lot Subdivision Plan - David Hoffman presented the final 2-lot subdivision plan for Bradley Newport of 4201 Davidsburg Road. The property is located between Harwick Road and Marlborough Drive. The subdivision will reconfigure the two existing lots. One lot contains an existing dwelling and the other lot contains an existing garage and a proposed future dwelling. The Township Engineer explained that a residential lot cannot have just an accessory structure on it. A dwelling must be placed on the proposed lot. The Planning Commission requested a timeline be associated with the plan approval. He specified that the timeline would begin with the deed transfers. Note No. 12 on the plan should be revised to state that owners, heirs, or assigns *must* obtain a building permit, complete construction . . . An estimate was provided of \$15,000 to run the water line to the property to connect to the public water system. A waiver for the public water connection was requested. The distance to hook-up to the existing water line would be approximately 250 to 300 feet. The Ordinance requires a property to connect if it is within 1,000 feet of the water line. The Township Engineer noted the matter of timing and advised that a well could have been drilled prior to the subdivision. Discussion ensued on whether to require connection to the public water system. **Motion** by M. Husson and second by M. Shermeyer to grant the waiver for Section 304.2 Preliminary Plan. **Passed** with 5 ayes. **Motion** by M. Husson and second by D. Hull to deny the waiver for Section 713.3.A. to hook-up to public water. **Passed** with 4 ayes and 1 nay with opposition by M. Shermeyer. **Amended Motion** by M. Husson and amended second by D. Hull to approve the Newport Final 2-Lot Subdivision Plan contingent on the completion of the following outstanding items: 1. GIS disk; and 2. Planning Module Exemption and payment of tapping fee; 3. Show extension of public water on the plan; and 4. Provide the financial guarantee for the water lines. **Passed** with 4 ayes and 1 nay with opposition by M. Shermeyer.

Thompson Final 2-Lot Subdivision Plan - Lee Faircloth of Gordon L. Brown & Associates, Inc. presented the final 2-lot subdivision plan for Ruthanna Thompson Estate at 3570 Davidsburg Road. This property is located at the rear of Davidsburg Road and Cypress Road South adjacent to the Ashley Farms Development. It is 3/4 of an acre and is currently landlocked. A reverse subdivision plan was created to eliminate this landlocked parcel. 1,100 Square feet will be added to the Thompson

Estate lot, which is a house that fronts on Davidsburg Road and approximately 24,000 square feet will be added the property belonging to Gary and Debra Miller, which fronts on Cypress Road South. **Motion** by M. Shermeyer and second by D. Hull to grant the three waivers of Section 304.2 Preliminary Plan, Section 501.2.O. Show existing storm sewers, sanitary sewers, and water mains, and Section 501.2R Contour intervals and benchmark. **Passed** with 5 ayes. **Motion** by D. Hull and second by M. Shermeyer to approve the Thompson Final 2-Lot Subdivision Plan contingent on the completion of the following outstanding item: 1. Planning Module Form B Waiver Approval. **Passed** with 5 ayes.

Terra Vista Time Extension - The Board acknowledged the time extension to February 27, 2006 for the Terra Vista Subdivision Plan.

Planning Module Approval for the Martha Forbes 2-Lot Subdivision Plan - Ms. Sprenkel requested signatures on the planning module for the Martha Forbes 2-Lot Subdivision Plan.

PennDOT Highway Occupancy Permit Application - Ms. Sprenkel requested signatures on the application for the PennDOT Highway Occupancy Permit for the water line across Route 74 for Ashcombe Farms South.

Planning Commission Member - The Board recommended that Richard Farr be sent an official letter regarding his numerous absences from the Planning Commission Meetings and his continued interest to be a member of the Planning Commission, and if not, the Board would appreciate his resignation within a two week deadline.

ENGINEER'S REPORT by Terry Myers

Brookside Building No. 2 Replacement - Derrick Donnelly of C. S. Davidson's Structural Department was present to update his work on the plans and specifications for the replacement of Building No. 2 at Brookside Park. He had some questions for the Board on the building's construction to maintain the original antiquity. The slope of the roof will remain the same, but roof trusses will be used. The new building will have a foundation. To keep the overhangs equal on three sides and due to the tree obstruction on the east side of the building, Mr. Myers and Mr. Donnelly recommended shifting the building two or three feet toward the Dance Hall. **Board Consensus** to shift the building to equalize the overhangs to five feet on three sides. Mr. Donnelly suggested for durability and less maintenance to construct the building of cement siding which has a wood-like appearance. It could be bid as an alternate. **Board Consensus** to bid the project with wood siding and the alternate bid for cement siding. Vertical wood siding is presently on Building No. 2 and the rest of the buildings have horizontal siding. It will be replaced with vertical siding to keep its originality. Mr. Myers informed the Board that gaps exist within the wood siding. The new building will be sealed better with the wood framing overlapped to keep out critters. The countertops will be constructed, as replaced in Building No. 3, with wide pine boards. Mr. Myers suggested keeping the electrical work out of the contract, except

for the installation of conduit. The bid contract would be for the construction of the foundation and the building shell. The Township will hire an electrician to install the electrical outlets, lights, and service. The cement slab extends over the roofline on one side only. Mr. Myers stated the finished grading will make the building handicap accessible. The Board agreed to extend the concrete slabs out over the overhangs on all three sides of the building. Supervisor Hull recommended salvaging the door sections for historical purposes. Chair Patterson suggested submitting ideas for the remnants to the Board for a later discussion. The demolition work on the existing building will be the responsibility of the Township Public Works Crew. In two weeks, the final plans and specifications will be presented for the Board's final approval.

Brookside Park Pedestrian Bridge - Mr. Myers reported that the contractor should begin work later this week on the pedestrian bridge at Brookside Park.

2006 Street Adoptions - Mr. Myers instructed that the following street adoptions have been offered for dedication this year. They are in Wandering Streams Phase 4B, Wandering Streams Phase 5, and Admire Springs Phase 3A. The wearing courses have been placed on the streets and have been offered for adoption. Inspections were performed and the maintenance guarantees have been established. He has requested that the Township Water and Sewer Crews perform their TV inspections and submit their comments to the Township Engineer. Deerfield Drive in Ashcombe Farms Phase 3 and Samantha Drive in Ashley Farms are being prepared for adoption. Mr. Myers will be requesting a meeting for the correction of the wearing course placement on Samantha Drive.

SOLICITOR'S REPORT by Atty. Rausch

SARP Bond Extension Request for Brownstone Manor Phase II - Atty. Rausch reported that the Letter of Credit for the SARP Agreement of the Brownstone Manor Phase II Development expired today. The original bond amount was posted for \$98,900 and they reduced that to \$56,644. Seventy one homes are still left to be built in Phase II. Atty. Rausch received a phone call and informed them that the Board is the only body that can approve an extension to the SARP Agreement and that they should submit an extension request letter to the Board. Ms. Sprenkel indicated that the contract requires them to pay the owed amount in full within a year. Manager Wilson reported that in checking the current amount owed it's actually \$50,864 because some building permits have been released to date. Their request is for a one year extension of the agreement. **Motion** by M. Shermeyer and D. Hull to not extend the SARP Agreement for Brownstone Manor Phase II. **Passed** with 5 ayes.

Sanitary Sewer Easement Agreement between Edward and Doris Albright and Dover Township for Donwood Project - Atty. Rausch presented the sanitary sewer easement agreement with the Albrights for the Donwood Development. This sanitary sewer line is approximately 268 feet. **Motion** by D. Hull and second by C. Kann to approve the sanitary sewer easement agreement between Edward and Doris Albright and Dover Township for the Donwood Project. **Passed** with 5 ayes.

Glen Gery Rezoning - Atty. Rausch reported that progress is being made on the rezoning of the Glen Gery property and revisions to the Zoning Ordinance for shallow resource recovery. It has been submitted for advertisement and the amendments have been submitted to the York County Planning Commission for their review. It has also been submitted to the Dover Township Planning Commission. The property will be posted. Notices have been sent to the adjoining property owners by the Zoning Officer. The public hearing will be held at the Board's second meeting in September. Shawn Frye has volunteered to post the Glen Gery property.

MANAGER'S REPORT by Laurel Wilson

Buchart-Horn Proposal for Design and Bidding Services of the Equinox Road Sanitary Sewer Replacement - Manager Wilson presented the proposal from Buchart-Horn for design work and to prepare the bid documents for the replacement of the Equinox Road sewer project. The project section totals approximately 293 feet. Supervisor Kann related that this sewer project is a 1974 line and is in a sandy area with depths anywhere from six to sixteen feet. The sewer line has sagged, buckled, and cracked for unknown reasons. Manager Wilson added that it will have to be trenched at certain locations. Extra controls will have to be taken because of its location. **Motion** by C. Kann and second by D. Hull to accept the proposal from Buchart-Horn, Inc. for a total of \$9,000. **Passed** with 5 ayes.

Executive Session - Manager Wilson requested an Executive Session on personnel matters this evening.

Budget Meeting - Manager Wilson encouraged the Liaisons to contact her to schedule department budget meetings if they haven't already done so.

OLD BUSINESS

Sign Ordinance - The Board has worked on the Sign Ordinance.

ATV Ordinance - The Board continues to work on the ATV Ordinance. Another work session will be held before the next Supervisors' Meeting on September 11, 2006 at 6 PM.

Accessory Family Dwelling - Supervisor Shermeyer recommended that the Accessory Family Dwelling Ordinance should be amended after the ATV Ordinance is complete.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

Supervisor Husson reported that Atty. Bergdoll and he attended the York County Rail Trail Authority Meeting to express a renewed interest in the establishment of the Dover Rail Trail. They received vocal supportive from the Authority members. Their funding sources could be approached for financial support of the Dover Rail Trail. A clip was recently published in the local newspaper. Supervisor Shermeyer read that

the Dover Rail Trail was being placed in this year's budget. Supervisor Husson said that it is being proposed for the 2007 Budget. Supervisor Shermeyer noted, as previously addressed by the Township Solicitor, the clear title right-of-way issue was never resolved. Atty. Rausch did not recall the circumstance.

Supervisor Husson proposed sending a letter to the York County Elections Director stating that Dover Township is interested in getting a referendum for a liquor license on the ballot as West Manheim Township is presently attempting. A petition must then be circulated with 25% percentage of the Dover Township voting population's signatures from the last Governor/Presidential Election. The Board was in agreement to have Supervisor Husson gather the necessary information. Atty. Rausch informed him that the Center for Local Government Services has a referendum handbook that should cover the process. Atty. Rausch will send an email to the Board on the required process.

Supervisor Shermeyer commented to the Board that Pro Pallet is now screening their pallets with vehicles. The Ordinance requires vehicles to be screened. She stated that Pro Pallet must screen their pallets with something other than their tractor trailers. A vehicle cannot be used to screen. Atty. Rausch advised that in the definition of screening it states that it must be either vegetation or fencing.

COMMENTS FROM THE PUBLIC PRESENT

Shawn Frye, Glen Gery Corporation, commented that the old cement slab from the demolition of the Brookside Building No. 2 can be used as clean fill in the Dover Quarry. DEP has approved the disposal of clean fill for the Dover Quarry at the far end. He told the Board that the Township is welcome to dump the cement in the quarry and should give him a call if they're interested.

ADJOURNMENT

Motion by M. Husson and second by C. Kann to adjourn the regular meeting at 9:45 PM into an Executive Session on personnel matters. **Passed** with 5 ayes.