

Board of Supervisors

Meeting Minutes 10/23/06

The Dover Township Board of Supervisors regular meeting for October 23, 2006 was called to order at 7:00 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, Inc., Laurel Wilson, Township Manager, Georgia Sprenkel, Zoning Officer, and Dawn Slegel, Recording Secretary. Also in attendance were approximately 13 citizens. This meeting has been recorded for minutes purposes only. The pledge of allegiance to the flag was recited.

Chair Patterson announced that a work session was held at 6 PM this evening to discuss the 2007 Proposed Budget.

PUBLIC HEARING FOR PROPOSED SIGN ORDINANCE

Chair Patterson opened the public hearing for the proposed sign ordinance at 7:03 PM.

Atty. Rausch summarized the various amendments to the sign ordinance that provides more flexibility in the size and location of signs in Dover Township. The zoning amendments were advertised in accordance with the law. Comments were received from the York County Planning Commission. They recommended that the proposed amendments be adopted as proposed. No comments have been received from the Dover Township Planning Commission. They have received the proposed amendments and need additional time to review them. He recommended that the public hearing be held to take public comment this evening. The Board then will have sixty days from the date of the last advertisement, which was October 15th, to adopt the ordinance. The Dover Township Planning Commission will be addressing the sign ordinance amendments at their next meeting on November 1st.

There were no public comments regarding the proposed sign ordinance.

Supervisor Shermeyer recommended that the Board wait for the comments from the Dover Township Planning Commission on the sign ordinance amendments. The Board agreed.

The public hearing was closed at 7:06 PM.

WORK SESSION MINUTES FOR OCTOBER 9, 10, AND 11, 2006

Motion by M. Shermeyer and second by M. Husson to approve the work session minutes for October 9, 10, and 11, 2006. Passed with 5 ayes.

MEETING MINUTES FOR OCTOBER 9, 2006

Supervisor Hull made a correction to the meeting minutes for October 9, 2006 on Page 2 in the Public Comment Period Section. It should read that Supervisor Hull noted that when he went to work at 5 *AM*, instead of 5 *PM*. . . Motion by D. Hull and second by M. Husson to approve the meeting minutes for October 9, 2006 with the aforementioned correction. Passed with 5 ayes.

TREASURER'S REPORT

Chairman Patterson reported that the warrant total for October 23, 2006 was in the amount of \$1,341,984.82. There was a sewer bond payment in the amount of \$1,023,000. Motion by D. Hull and second by M. Shermeyer to approve the October 23, 2006 warrant totaling \$1,341,984.82. Passed with 5 ayes.

PUBLIC COMMENT PERIOD

Martha Forbes, 5811 Kochenour Lane, was present to address the Board on a 5.5 acre parcel she purchased which contained a farmhouse and a .5 acre lot with a septic system and a shed. The land is in the Conservation District and she would need three acres in that zone to subdivide. She is proposing a three acre lot with frontage on Mountain Road and another almost three acres which will combine the farmhouse with the septic system and shed on one parcel. She was told that she needed a variance which had been denied by the Zoning Hearing Board on October 18, 2006.

Atty. Rausch stated that he talked with Mr. Myers and they concluded that a variance was not needed. He noted that this decision should be the determination of the Zoning Officer, but he believes there is a provision in the Zoning Ordinance for nonconformities that permits an expansion of a nonconformity if it reduces the nonconformity. He explained that Ms. Forbes is taking a five plus acre lot and subdividing it to make a three acre lot which will be a conforming lot. The balance of that lot will be attached to the .5 acre lot which would lessen the nonconformity. Atty. Rausch would support the Zoning Officer's interpretation of this concept. He noted that the Board of Supervisors cannot make a ruling on the Zoning Ordinance. Atty. Rausch suggested that a note be placed on the plan that states that the nonconforming lot is being created pursuant to Section 27-902 of the Zoning Ordinance.

Supervisor Husson questioned this subdivision when the .5 acre lot could be combined to the five plus acre tract to make it a larger conforming lot in the Conservation Zone. He asked if Ms. Forbes could make six - one acre lots if she so desired.

Atty. Rausch explained that Ms. Forbes still has a conforming three acre lot as allowed in the Conservation District. She is just taking the residual acreage and attaching it to the .5 acre lot making that less nonconforming. A conforming lot and a nonconforming lot still remain. The Zoning Ordinance permits that.

Ms. Forbes contested that she could just develop the .5 acre tract which she would prefer not to do.

Ms. Sprenkel reported that Mr. Myers and her discussed the issue and she is in agreement and understands that a variance was not necessary and the nonconformity section of the Zoning Ordinance is relevant in this circumstance.

Rob McIlvaine, a Dover Area School Board Member, was present on behalf of Judy McIlvaine. She is the Chairperson of the Tax Study Commission, which was created under Act 1 on the part of the General Assembly to determine if there could be some reduction in property taxes as it relates to school districts. The Tax Study Commission will be holding a meeting on Wednesday, October 25, 2006, 6:00 PM, at North Salem Elementary School. He encouraged the public to attend this meeting because this Act affects every taxpayer in Dover Township and the Dover Area School District. Various options will be reviewed to see how this Act could be implemented with as little burden as possible on the tax base.

Charles Rudy, 3241 Staunton Avenue, questioned the recent activity at the Staunton Water Tank with regards to installing security fencing. He noted that various companies still need to have access. He also mentioned a fire hydrant that would be inside the fence if installed. He inquired if an annual report must be submitted to the Township because of the posted sign at the cell tower of the Staunton Tank which reads "radio frequency dangerous" from the emissions of the antennas.

Manager Wilson responded that the Federal Communications Commission (FCC) regulates the radio frequencies. If they would be in violation, the FCC would then cite the cell phone companies.

Mr. Rudy informed the Board that two inground water pipes are located there that need to be repaired before the fence is installed.

Mr. Rudy requested a reply from the previous meeting pertaining to the installation of a buffer zone between the Brookside Heights Development and his neighborhood.

The Township Engineer replied that there is screening required on the Brookside Heights Final Subdivision Plan . Two offset rows of ten foot high pine trees are shown on this plan for that area. He stated that house construction has begun and the developer can be given notice to install the screening. He will write a letter advising the developer to begin the installation of the screening in Brookside Heights.

Michael Herrington, 2567 Danielle Drive, questioned whether the ATV Ordinance had been adopted by the Board.

Supervisor Shermeyer explained that she feels the Recreation Vehicle Ordinance was a fair ordinance that can be enforced by the Police Department.

Chair Patterson noted that if there are current problems in the Herringtons' neighborhood, that the Police Department should be contacted and their ongoing problem should eventually cease.

ZONING OFFICER'S REPORT by Georgia Sprenkel

Heritage Lawn & Landscape Land Development Plan - Stephen Guszick, First Capital Engineering, presented the land development plan for Heritage Lawn & Landscape. Also present were the owners Tom Bechtel and Dave Graeff. On the proposed land development plan is a building expansion to the existing pole building and to the existing office building and an additional approximate acre onto the existing parking area in the rear of the property located along Biesecker Road.

Supervisor Shermeyer questioned the reason for the buffer on their property. Mr. Myers replied that the property is adjacent to residentially occupied lands. He stated it was the Board's decision to waive the screening requirement since the neighboring residential property was not visible. The property owners chose to include the screening on their plan. Supervisor Husson questioned their permitted use in the Agricultural Zone. Ms. Sprenkel will check on their use certificate to verify whether the use is conforming or nonconforming. Mr. Myers reported that the outstanding item of approval by Columbia Gas to construct the seepage bed within their easement has been revised since they relocated the seepage bed outside of the easement but the open swale grading crosses the easement. Columbia Gas approved their plan as proposed, but submitted requirements which Mr. Myers wants noted on the plan. Motion by M. Shermeyer and second by C. Kann to grant the waiver from Section 704.b additional cartway width for Biesecker Road. Passed with 5 ayes. Motion by M. Shermeyer and second by S. Patterson to approve the Heritage Lawn & Landscape Land Development Plan contingent on the completion of the outstanding items: 1. GIS disk; 10. The Engineer's seal, date, & signature; 13. Erosion & sedimentation plan approval; 22. Address comments from Columbia Gas approval letter and apply to plan. Passed with 5 ayes.

Brownstone Land Development Plan - Ms. Sprenkel indicated that the Brownstone Land Development Plan was withdrawn from the agenda on Friday afternoon after the Board packet had been completed.

Reapproval of Cornerstone Bible Church - Ms. Sprenkel reported that the plan was not recorded within the ninety day timeframe and needs the Board's reapproval. Motion by M. Husson and second by M. Shermeyer to reapprove the Cornerstone Bible Church Plan contingent on the completion of the planning module approval and erosion & sedimentation plan approval. Passed with 5 ayes.

90 Day Extension Requests - Ms. Sprenkel reported that the following are the granting of ninety day extensions for record in the minutes. The Board acknowledged the following time extensions for the Locust Point Land Development Plan, the Bupp/McNaughton Preliminary Subdivision Plan, the Ashcombe South Final Subdivision

Plan, the Ashcombe Phases 4, 5, & 6 Final Subdivision Plan, the Brownstone Land Development Plan, Donwood Phase IIA Final Subdivision Plan, the Heritage Lawn & Landscape Subdivision Plan, the Brownstone Phase III Subdivision Plan, and the Fetrow/Weaver Subdivision Plan.

ENGINEER'S REPORT by Terry Myers

Brookside Building No. 2 Replacement - Mr. Myers reported that receipt of the signed contracts from Yorkco Builders is anticipated shortly. A preconstruction meeting will be scheduled for sometime within the next week or so. The Notice to Proceed will be issued after the signed contracts are received.

Supervisor Shermeyer inquired on the demolition progress of Building No. 2.

Manager Wilson responded that the building was torn down and the debris has been removed. The designated tree is supposed to be cut down this week.

SOLICITOR'S REPORT by Atty. Rausch

Ordinance 2006-08 - Atty. Rausch recommended that the Board postpone action on this ordinance until the Dover Township Planning Commission has submitted their comments. The Board was in concurrence. Atty. Rausch reported that the Board has until their December 10, 2006 meeting to act on this ordinance provided that there are no substantial changes recommended.

First Amendment to the Lease Agreement with T-Mobile - Atty. Rausch reported that originally the agreement was with Omnipoint/PCS One and T-Mobile became their successor and interest. The amendment changes the term and amount of the lease. If the Board approves, it will commence the January 1, 2007 for the next five years until 2012 with the monthly rent of \$550. Then there will be four additional five year periods with a rent increase of five percent at the end of each five year period. The amended agreement is rent locking in which T-Mobile must pay that rent unless certain serious conditions arise (such as the tower falls down or there is material interference). The only other requested provision granted was the right, without obtaining the Township's consent, to modify, replace, or upgrade the equipment related to the lessee's communication facility, increase the number of antennas, or relocate the communication facility within the premises at any time during the term of the lease. Motion by M. Husson and second by C. Kann to approve the First Amendment to the Lease Agreement with T-Mobile. Passed with 5 ayes.

MANAGER'S REPORT by Laurel Wilson

Authorization to Advertise the 2007 Proposed Budget - Manager Wilson requested the Board's authorization to proceed with the advertisement of the 2007 Proposed Budget. She noted if the budget is advertised in the newspaper this week, it will be ready for adoption at the Board of Supervisors Meeting on November 27, 2006. Chair

Patterson confirmed with the other Board members that a quorum would be present for that meeting. Chair Patterson and Supervisor Husson will not be attending the November 27th meeting. Motion by M. Shermeyer and second by D. Hull to authorize the advertisement of the 2007 Proposed Budget. Passed with 5 ayes.

Supervisor Shermeyer expressed the Board's pleasure with the completion of the budget so early this year.

OLD BUSINESS

Personnel Policy Update - Chair Patterson related that this policy is currently under review.

Accessory Family Dwelling Ordinance - Chair Patterson announced that a follow-up work session on Accessory Family Dwelling Ordinance is scheduled for November 13, 2006 at 6 PM.

Code Amendments - The Township Solicitor will be scheduling a meeting with Georgia Sprenkel, Laurel Wilson, and a Codes Board Member, to determine the changes to the International Residential, the Plumbing, and the Fire Safety Codes.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

Supervisor Kann recommended that the citizens should take pride in keeping Dover Township roads litter free.

Supervisor Shermeyer reported that the Dover Area Historical Society is participating in the Adopt-A-Highway Program along the Route 74 corridor from the Borough Line north to SkyTop Trail. The trash collected along this stretch of road is unbelievable.

Supervisor Shermeyer reported on the jail rededication which was held on Saturday from 9 to 11 AM. A total of \$1,390 in pledges were received for the York Cancer Center Patient Help Fund. She and Rep. Beverly Mackereth were the jailhouse inmates and Supervisor Hull was the jailer. Congressman Todd Platts showed up with a contribution. Susan Bowman from the Cancer Center was present to get Rep. Mackereth and her coffee and cookies. She thanked Dolores Ladd and Dawn Slegel for assisting with the refreshments for this event.

Supervisor Hull related that he overheard Ms. Bowman make the statement that the people of Dover sure seem to be very giving and caring people which made him feel good.

COMMENTS FROM THE PUBLIC PRESENT

Charles Rudy, 3241 Staunton Avenue, recently noticed two men unlock the water tank cage at the Staunton Water Tank . They had a truck with no name and a Texas license

plate. The one man in a harness climbed the tank and was taking pictures at the top of the tank. He opened up the hull of the water tank and took some pictures and then proceeded to go inside the hull.

Manager Wilson stated that all of the water tanks are undergoing inspections for the next three years. She suggested that the next time Mr. Rudy sees something suspicious happening at the Staunton Water Tank that he call into the Township Office and speak to Bill Rodgers of the Water Department.

ADJOURNMENT

Motion by C. Kann and second by M. Husson to adjourn the regular meeting at 8:25 PM. Passed with 5 ayes.