

# **Board of Supervisors**

## ***Meeting Minutes 12/11/06***

The Dover Township Board of Supervisors regular meeting for December 11, 2006 was called to order at 7:00 PM by Chair Shane Patterson in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Chair Shane Patterson, Duane Hull, 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 Sprengel, Zoning Officer, Bradley Hengst, Sewage Enforcement Officer, and Dawn Slegel, Recording Secretary. Also in attendance were approximately 12 citizens and 2 reporters. This meeting has been recorded for minutes purposes only.

Chair Patterson announced that Supervisor Husson were absent this evening due to illness. He also noted that a work session was held with the Sewer Authority regarding the refinancing of the 2001 Sewer Bonds and other mutual matters at 6 PM. The pledge of allegiance to the flag was recited.

### **MEETING MINUTES FOR NOVEMBER 27, 2006**

Motion by D. Hull and second by M. Shermeyer to approve the meeting minutes for November 27, 2006 as presented. Passed with 3 ayes and 1 abstention by S. Patterson.

### **TREASURER'S REPORT**

Chair Patterson reported that the warrant total for December 11, 2006 was in the amount of \$350,962.24. Supervisor Shermeyer questioned the services of Blakey, Yost, Bupp & Rausch for October/November as associated with D'Altilio lawsuit, the Stauffer's invoice on the cost of an artificial Christmas tree, and the legal ad for advertisement of the health cooperative. Supervisor Hull inquired about the O-N Minerals/Penn Roc invoice of \$234.00 for stone at Brookside Park Building No. 2. Motion by D. Hull and second by C. Kann to approve the December 11, 2006 warrant totaling \$350,962.24. Passed with 4 ayes.

### **PUBLIC COMMENT PERIOD**

Steve Roberts of 2540 Carriage Lane was not present as listed on the agenda. There was no additional public comment at this time.

Mr. Myers introduced Corey McCoy, a Senior at Dover Area High School, who is in the audience because he has been shadowing the civil engineers at C. S. Davidson as a part of his Senior Focal Project and is present to view the municipal engineer responsibilities.

## ZONING OFFICER'S REPORT by Georgia Sprenkel

**PL06-25 - Steven Miller - Juskenabrit Lane (off of 2000 Block of George St.) - Clark Craumer** presented the Steven Miller 3-Lot Subdivision Plan which reconfigures three existing lots and proposes changes to the lot lines to create three new lots. There will be no increase in the number of dwelling units proposed. The new Lot No. 19 is in the northeast corner and will be a three acre lot. Lot No. 18 is an existing (previously approved) lot enlarged from 3.9 acres to 8 acres. The previous Lot No. 28 will be increased from 20+ to 28 acres. A proposed turn-around will serve the three lots. Mr. Myers stated that there is a 50 foot right-of-way so that future development could construct a cul-de-sac if the street would become a public street. Atty. Rausch questioned whether a deed restriction should be imposed because the well distance from Lot No. 19 extends into Lot No. 28 with the indication that the area should be preserved or include a note for future reference. Mr. Myers stated that it becomes incumbent when the well is placed. It is only being proposed at this time. **Motion** by M. Shermeyer and second by D. Hull to grant the waiver for the preliminary plan. **Passed with 4 ayes.** **Motion** by S. Patterson and second by M. Shermeyer to approve the 3-lot subdivision plan for Steven Miller conditioned on the completion of the following outstanding items: 2. GIS disk; 20. Planning module approval; 25. Access and Maintenance Agreement for the private street approved by the Township Solicitor; and 26. Widening of the private street to 16 feet or provide security for private street prior to the recording of the plan. **Passed with 4 ayes.**

**PL 06-27 Nevin Waltersdorff - 5555 Davidsburg Road - David Hoffman** presented the Nevin Waltersdorff 3-Lot Subdivision Plan. Mr. Waltersdorff has a 50 acre farm on the west side of Davidsburg Road and is proposing to convey 13 acres to the original 14 acre farm parcel with an existing farmhouse and creating a 17 acre parcel on the other side of the Davidsburg Road to be approved as a Conservation conforming lot with 3 acres being retained and retaining the 21 acres attached with the existing home and a proposed building lot in the Agricultural Zone. Atty. Rausch advised that Mr. Waltersdorff did file a protective appeal from his variance denial by the Zoning Hearing Board. The appeal may not be pursued with the Board's plan approval.

W. Michael Hoffman, 3441 Admire Road, commented that the land pieces do not fit the zoning. Mr. Waltersdorff could subdivide two acres in the Ag. Zone and build a home, but the remainder of the land must stay attached to the farm. In the Conservation Zone, he can take 3+ acres to build a home. He has a building lot in the Agricultural Zone that is greater than two acres, which is what is wrong.

**Motion** by M. Shermeyer and second by C. Kann to grant the three waivers for the preliminary plan, contours, and road improvements. **Passed with 4 ayes.** **Motion** by D. Hull and second by C. Kann to approve the 3-lot subdivision plan for Nevin Waltersdorff conditioned on the completion of the following outstanding items: 8. Planning module approval and 12. Recreation fees for one new lot. **Passed with 4 ayes.**

**PL 06-26 - George Livingston - 3591 West Canal Road** - David Hoffman presented the George Livingston 2-Lot Subdivision Plan along West Canal Road. Mr. Livingston is proposing subdividing four and a half acres into one 1.5 acre parcel with an existing home, garage, and shed and one 3 acre parcel as a proposed future building lot in the Agricultural Zone. A variance was granted by the Zoning Hearing Board for the minimum lot depth to create Lot No. 1. Mr. Livingston is reconfiguring the lots into their original state. Lot No. 1 contains public sewer, an existing well, and an existing dwelling. Lot No. 2 will connect to the public sewer system from an extension to the rear of Lot No. 1, a proposed new well and a dwelling. **Motion** by M. Shermeyer and second by D. Hull to grant the three waivers for preliminary plan, road widening and additional right-of-way dedication, and contours. **Passed** with 4 ayes. **Motion** by M. Shermeyer and second by C. Kann to approve the 2-lot subdivision plan for George Livingston conditioned on the completion of the following outstanding items: 2. Owner's signature; 9. Planning module approval; and 25. Sewer extension improvements must be completed, tested, and accepted by the Township or provide security for those improvement prior to the recording of plan". **Passed** with 4 ayes.

**PL 06-07 Ashcombe West, Phases 4, 5, and 6** - Ms. Sprenkel requested that the Board reapprove the Ashcombe West Plan for Phases 4, 5, and 6. Final approval was not received from York County Conservation District for this plan to be recorded. **Motion** by D. Hull and second by M. Shermeyer to reapprove the Ashcombe West Plan for Phases 4, 5, and 6. **Passed** with 4 ayes.

**PL 06-14 Brownstone Land Development Plan** - Ms. Sprenkel requested the Board to reapprove the Brownstone Land Development Plan. Final payment was needed on their SARP Agreement and the Township withheld building permits. **Motion** by C. Kann and second by D. Hull to reapprove the Brownstone Land Development Plan. **Passed** with 4 ayes.

Ms. Sprenkel requested the Board to authorize the Township Secretary to sign the Planning Module Component 1 for the Steven Miller Subdivision Plan. **Motion** by D. Hull and second by M. Shermeyer to authorize the Township Secretary to sign the planning module for the Steven Miller Subdivision Plan. **Passed** with 4 ayes.

**Pro-Pallet Screening** - The Board held discussion on the requirements of commercial outside storage. The Zoning Officer had recently sent Pro-Pallet a violation letter for screening. The Board viewed photographs of the Pro-Pallet property. The Zoning Officer advised that in the Commercial Zone of outside storage in the side yard, it must be screened. Ms. Sprenkel's interpretation of screening is vegetation, walls, fences, or earth berms. The Zoning Officer did not consider the pine tree plantings sufficient screening. Further discussion ensued by the Board which resulted in the Zoning Officer meeting with the property owner to discuss the addition of more trees planted to meet the 50% screening requirement of the Zoning Ordinance.

**ENGINEER'S REPORT** by Terry Myers

**Brookside Park Building No. 2 Replacement** - Mr. Myers reported that Payment Application No. 1 has been submitted by Yorkco Builders Inc. The total contract is \$70,800. They have requested \$47,964 with a 5% retainage making the net amount for payment \$45,565.80. The building sides are framed and the roof rafters are attached. Motion by D. Hull and second M. Shermeyer by to approve Payment Application No. 1 to Yorkco Builders Inc. in the amount of \$45,565.80. Passed with 4 ayes.

**Construction Specification Revisions** - Mr. Myers advised that he gave copies of the amendments to the Construction Specifications to the Township Secretary. Modifications were made to the Construction Specifications based on staff comments. Mr. Myers acknowledged that the Construction Specification amendments are ready for adoption.

#### **SOLICITOR'S REPORT by Atty. Rausch**

**Authorization to Advertise Zoning Amendments to Chapter 27-402.4B.(1)** - Atty. Rausch reported that the Zoning Hearing Board Solicitor recommended revising the zoning ordinance since there are certain circumstances in the Agricultural District that due to the soil conditions require a hydrological study from DEP for a residence that the maximum lot size needs to be increased to allow for soil absorption of nitrates. A special exception before the Zoning Hearing Board requested this amendment to allow for this exception in the case that the hydrological study indicates that the size of the tract needs to be larger than the allowable two acres.

Mr. Hengst explained that whenever there is a well within a quarter of a mile of a parcel being subdivided that reflects nitrate levels higher than five, a hydrological study is required by DEP regulations. The hydrological study dictates the minimum lot size.

W. Michael Hoffman, 3441Admire Road, commented that an ordinance should not be written that provides for a loophole for a developer. He states that if the zoning changes so should the methodology of how the lot size is determined.

Atty. Rausch suggested considering placing a cap on the maximum lot size.

Supervisor Shermeyer noted that there are many areas in Admire that a two acre lot can be sold and then all of sudden, it has to be three, four, or five acres.

Tom Bechtel, co-owner of Heritage Lawn Landscape Care Inc., commented that this situation is exactly what they are facing. They own thirty-three acres and have decided to subdivide a residential lot of two acres. After a hydrological study was done, the results were that 2.67 acres were needed. They are seeking a variance for that reason.

Mr. Hengst explained that the property owner has a hardship that he did not create, which would have a legitimate argument for a variance before the Zoning Hearing Board.

Ms. Sprenkel will present this draft ordinance to the Planning Commission for their comments or recommendations.

Atty. Rausch advised that as a policy matter on proposed ordinances that the Planning Commission give comment before the advertisement of proposed ordinances.

**Authorization to File Notice of Intervention in Nevin Waltersdorff v. Dover Township ZHB** - Atty. Rausch reported that Mr. Waltersdorff did file a zoning appeal. The Township will file a Notice of Intervention to preserve their appeal rights. Atty. Rausch stated that he may withdraw that appeal since his plan is moving forward. **Motion** by C. Kann and second by D. Hull to authorize the Solicitor to file a Notice of Intervention in Nevin Waltersdorff v. Dover Township ZHB if appropriate. **Passed** with 4 ayes.

**Glen Gery Stipulations** - Atty. Rausch and Atty. Ober have everything worked out for the filing of the Glen Gery stipulations. It should be completed within the next week or two.

#### **MANAGER'S REPORT by Laurel Wilson**

Manager Wilson requested an Executive Session on a real estate matter.

Manager Wilson informed the Board that Dover Township received a Safety Award for the Year 2005 from Susquehanna Municipal Trust for the fewest number of lost time days.

Manager Wilson reported that an information packet was received today from the County for the Community Development Block Grant for Clair-Mar Drive. The income surveys were sent to the Clair- Mar Drive residents today. The income surveys will determine the grant qualification for the stormwater project.

Manager Wilson has not received a response from Richard Farr regarding his status on the Planning Commission. He did not request a hearing as required under the Municipal Planning Code. She believes that the Board can move forward with removing him as a member of the Planning Commission. Chair Patterson will make contact with Mr. Farr in an attempt to obtain a letter of resignation.

**Ordinance 2006-09** - Manager Wilson reported that this ordinance authorizes the Township's participation in a different trust for the purchasing of health care benefits for the employees for dental and vision coverage. **Motion** by C. Kann and second by D. Hull to adopt Ordinance 2006-09 for authorization to join and participate in the Pennsylvania Municipal Health Insurance Group. **Passed** with 4 ayes.

**Resolution 2006-22** - Manager Wilson stated that Resolution 2006-22 contains the amendments to the Construction Specifications. These amendments will also allow for the implementation of the new meters for the water system. **Motion** by M. Shermeyer and second by C. Kann to approve Resolution 2006-22 amendments to the Construction Specifications. **Passed** with 4 ayes.

**Award the Sale of the 1995 Elgin Whirlwind Sweeper to Ross Industries, Inc. for \$11,000** - Manager Wilson reported that \$11,000 from Ross, Industries was the highest bid received. **Motion** by D. Hull and second by C. Kann to award the sale of the 1995 Elgin Whirlwind Sweeper to Ross Industries, Inc. for \$11,000. **Passed** with 4 ayes.

**Approval of the 5 Year Lease with York County for DJ Shoemaker's Office** - Manager Wilson reported that this lease is the same except for the change in the monthly rental rate. It is a 4.2% increase. Supervisor Hull was concerned over continued leasing or the purchase of property for the DJ by the County. Chair Patterson expressed the space issue of the Community Building. Supervisor Hull noted the safety issue of prisoners near the public library. The Board was not satisfied with the rental amount and the location. The original five year lease will be changed to one year. **Motion** by C. Kann and second by D. Hull to renew the lease for one year. **Passed** with 4 ayes.

**Acknowledgment of Shawn Appler's Completion of his 6 Month Probationary Period** - Manager Wilson announced that Shawn Appler is a sewer line employee hired in June. **Motion** by C. Kann and second by S. Patterson to approve Shawn Appler as a permanent employee of Dover Township. **Passed** with 4 ayes.

**Conditional Approval of the Teamsters Contract for 2007 thru 2010** - Manager Wilson reported that the Teamsters are meeting tomorrow evening to approve the contract. If they do not ratify the contract, negotiations would continue. Manager Wilson highlighted the increased benefits without additional cost to the Township, a sixty cent hourly salary increase, established a sick time accumulation ceiling of 360 hours, and an extra personal day. **Motion** by M. Shermeyer and second by C. Kann to conditionally approve the Teamsters Contract for 2007 through 2010 as accepted by Teamsters Local 776. **Passed** with 4 ayes.

**Forgiveness of \$25,000 Fire Truck Loan Repayment** - Manager Wilson explained that discussion took place in September 2005 during a workshop meeting regarding a loan to the fire department in the amount of \$100,000 of which they paid \$75,000 back to the Township. It was discussed by the Board that the \$25,000 could be forgiven, but it never was officially acted upon. **Motion** by D. Hull and second by M. Shermeyer to forgive the \$25,000 fire truck loan. **Passed** with 4 ayes. Discussion of the fire department issue will take place further in the Executive Session as acknowledged by Supervisor Shermeyer. Atty. Rausch stated that it is not necessarily considered a personnel issue, but rather the angle of potential litigation that may involve the Township.

Acknowledgment of Ag. Security Application for Glenn & Bonny Myers, 4210 & 4220 Davidsburg Road - The Board acknowledged receipt of the agricultural security application for Glenn & Bonny Myers for 4210 & 4220 Davidsburg Road.

## OLD BUSINESS

Chair Patterson stated that proposed ordinances will be presented in 2007 for accessory family dwelling and the recreation-in-lieu-of fee amendment.

## COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

Supervisor Kann reported that Supervisor Hull's question regarding the inflow and infiltration situation of Tall Oaks. He stated that after discussion with Ms. Simon he discovered that Thunderbird Trailer Park is in the same situation. He also reported that Tall Oaks did have some work done this summer to address the problem. Follow-up work by the Township Sewer Crew will take place in the Spring of 2007.

Supervisor Kann advised that Erich Hoffman, a member of the Sewer Authority, will not be accepting reappointment. Supervisor Kann would like to have a resolution prepared recognizing his years of service to the Township on the Water and Sewer Authorities.

Supervisor Kann inquired on the progress of the leaf collection. Manager Wilson replied that it has been completed with some additional overtime. The crew managed to get around most areas three times.

Supervisor Kann noted his appreciation of the board packets organized into a binder. It works well. He wants to continue using the binder next year. The Board has decided to stay with the meeting notebooks. Chair Patterson suggested that the color of the notebook be changed to reflect a different year.

Supervisor Shermeyer commented that two firefighters were injured in the Conewago fire call a few weeks ago. They were billed \$780 times two because the ambulance service made two calls. Workman's Compensation does pay for the calls. Manager Wilson explained it is considered a claim.

Supervisor Shermeyer informed the Board that Paul Duryea in the Rotary Club asked her if there are any community service projects for the cost of approximately \$3,000. He suggested a memorial honoring firefighters or park benches. The Board would like the Rotary Club to purchase park benches for the Tower Village Recreation Area. Chair Patterson appreciated the Rotary Club asking to assist in a community project.

**Admire Tank T-Mobile Tower Lease Agreement** - Manager Wilson received the T-Mobile Tower Lease Agreement today. Atty. Rausch advised that he reviewed the agreement and they added that the Township's consent is needed to place anything on the tower and that they must remove their things when maintenance is required.

They agreed to the Township's pricing that was renegotiated and the Township Solicitor's language was added. Motion by C. Kann and second by D. Hull to approve the T-Mobile Tower Lease Agreement for the Admire Tank. Passed with 4 ayes.

Chair Patterson informed the Board of a meeting scheduled by Supervisor Shermeyer with representatives from Senator Punt's Office, Chair Patterson, Supervisor Shermeyer, the Township Manager, the Township Engineer, PennDOT representatives, and Royal Farm representatives to discuss the Royal Farms' right-in/right-out proposal at their site on Route 74. PennDOT does not feel that the right-out is necessary. They could apply for a waiver, but PennDOT indicated they have never granted a waiver.

Supervisor Shermeyer added that Ryan Myers from Rock Real Estate, who is working with Royal Farms, called her today. He asked for the Board's support in utilizing the existing curb cut at the site. They would then approach PennDOT to see if they would allow the existing ingress and egress, even though it is a different use. She noted that Royal Farms has done everything that the Planning Commission and the Board of Supervisors has asked. PennDOT is not cooperating with the Township or Royal Farms.

#### **ADJOURNMENT**

Motion by D. Hull and second by C. Kann to adjourn the regular meeting at 10:20 PM. Passed with 4 ayes.