

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
WORK SESSION MINUTES
February 22, 2016**

The Dover Township Board of Supervisors Work Session for Monday, February 22, 2016, was called to order at 6:00 PM by Vice-Chairperson Stephen Stefanowicz in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Matthew Menges, Charles Richards, Stephen Stefanowicz, Stephen Parthree and Robert Stone. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Michael Fleming, Township Public Works Director; Attorney Charles Rausch, Township Solicitor; Chalet Harris, Recreation Director and Tiffany Strine, Recording Secretary. There was one citizen present. This meeting is being recorded for the purpose of minutes only.

The purpose of this work session was to review the Dover Township Business Privilege Tax and Mercantile License Tax Regulations. The second order of business was to discuss the proposed Farmer's Market concept on Township grounds.

MERCANTILE/BUSINESS PRIVILEGE TAX GUIDELINES

Attorney Rausch began discussions on the Dover Township Mercantile/Business Privilege Tax Guidelines herein referred to as M/BP Tax. Attorney Rausch provided the Board with background material on the Township's M/BP Tax. Attorney Rausch informed the Board the tax was formerly collected by the Township but it is not now collected by the York Area Tax Bureau (YATB). Attorney Rausch stated that the Township was contacted by the York Area Tax Bureau in 2015, requesting the Township adopt and implement a set of regulations to help further explain the details of how the tax proportions are to be administered within the Township. The Township Solicitor has since created a set of guidelines to aid in the M/BP Tax collection process for the Board's consideration.

R. Stone inquired as to how much the M/BP Tax contributes to the Township's annual revenue. Manager Oswalt stated that the Township receives approximately \$360,000.00 on an annual basis as a result of the M/BP Tax.

Attorney Rausch informed the Board that the M/BP Tax is based on the fundamental principle of taxing the privilege of doing business within the Township.

Manager Oswalt reinforced the standard that in maintaining the M/BP Tax, having set guidelines in place supporting the tax, protects the public and the Township while avoiding any loss. It was noted that when the York/Adams Tax Bureau approached the Township regarding this tax, the YATB asked that the Township create a set of guidelines similar to Springettsbury Township M/BP Tax guidelines. The YATB stated that Springettsbury Township's M/BP Tax guidelines were well written and provided thorough coverage.

S. Stefanowicz spoke on the exclusions within the M/BP Tax regulations. S. Stefanowicz addressed Attorney Rausch, asking if any changes have taken place since implementation of the Township M/BP Tax guidelines.

Attorney Rausch stated that currently the Township is not expanding the tax but clarifying the guidelines. Attorney Rausch stated that changes are only made to the M/BP Tax by ordinance.

Chair Menges stated that the purpose of this work session is to review the M/BP Tax guidelines by the Board, to clarify the Township's existing practice on the M/BP Tax and to justify the guidelines into material that one may reference.

The Board read and reviewed the current M/BP Tax guidelines and proposed any changes sought.

Chair Menges noted that within the appeals process portion of the M/BP Tax guidelines; the guidelines discuss and utilize the term, Administrative Hearing Officer. Chair Menges inquired as to who holds this position within the Township. Manager Oswald stated that the Township Ordinance declares the Township Treasurer acts as the Administrative Hearing Officer in M/BP Tax matters.

S. Parthree noted the need for a correction to the M/BP Tax Guidelines; on Page 20, Section 210, and Sentence 1. The sentence should state; where a person paying taxes files a return and pays a business privilege or mercantile tax to another municipality, receipts reported to that municipality may be excluded only if the taxpayer has a base of operations in such other municipality and has properly attributed receipts to the base of operations in the municipality.

Attorney Rausch stated that if the Board is inclined to adopt the regulation; the regulation must be adopted by ordinance, and the appropriate documents as exhibits would then be attached. Attorney Rausch stated that the resolution may be changed at any time if warranted. It was made known by Chair Menges that any changes that may need to take place may be done so by resolution.

Chair Menges noted the need for a correction to the M/BP Tax Guidelines; on Page 28, Section D1, Subsection A, Sentence 3. The sentence should state; a taxpayer's representative need not be a licensed professional, but should be familiar with the Tax Ordinance, these Regulations and facts of the case.

Board Consensus was reached and it was decided; to adopt and accept the Mercantile/Business Privilege Tax Guideline by Resolution, as presented.

Board Consensus was reached and it was decided; to remove the Old Business Topic of the Mercantile/Business Privilege Tax, as it appears on the agenda.

DISCUSSION ON PROPOSED FARMER'S MARKET CONCEPT AT DOVER TOWNSHIP GOLF COURSE PROPERTY

Manager Oswald stated that Chalet Harris; Dover Township Recreation Director, has created and presented a report that she would like to implement the concept of a Farmer's Market at the Dover Township Golf Course Property. The Industrial/Commercial Development Committee was informed of the idea as well and fully supports the Farmer's Market concept and feels as though it would prove a wonderful asset to the agricultural community of Dover Township. Manager Oswald stated that she would like the Board's guidance on the proposed concept of the Farmer's Market. One key component to address first with regards to the structure of the

Farmer's Market concept is concerning the Township's tax-exempt status on the property of the proposed location. Manger Oswald spoke with Attorney Rausch on the Farmer's Market concept to discuss ideas of ways to focus the market's structure to prevent extra incurred tax costs for utilizing the property.

S. Parthree inquired as to why there would be a question of taxing. Manager Oswald stated that this style of event; a Farmer's Market, may fall under a taxing category due to the event being held on a regular basis. It was noted that when one holds a function or event on a regular basis within the Township; it constitutes operating a business, thus correlating to utilizing the grounds as a taxable commercial property. The proposed location for the Farmer's Market; the Township Golf Course property, is not currently delegated to be utilized in a commercial manner thus maintaining a tax-exempt status.

Manager Oswald stated that by considering the full ramifications of the proposed idea; the Township would like to be certain that by changing the tax status of this land for this use would justify the means for doing so.

Mrs. Harris explained her reasoning and theory on the proposed Farmer's Market concept. Mrs. Harris informed the Board that she has recently attended a seminar entitled; Get Outdoors PA, which is an organization that promotes getting individuals in communities outside and enjoying the outdoors. With respects to this idea; one suggestion to promote was to institute a local community based farmer's market. Mrs. Harris stated that she felt this was a great idea and started brainstorming options. A social media poll was initiated by Mrs. Harris and the Township received great interest in the proposed idea. Over 30,000 individuals showed interest; therefore, she would like to pursue the idea.

Mrs. Harris spoke of various location ideas to consider. One idea was to make use of the Township's Golf Course property. Another area for consideration was an open grass covered area adjacent to the front parking grounds of the Township Municipal.

R. Stone stated that the Township should consider holding the Farmer's Market in a high visibility location. As the Farmer's Market grows and the public becomes more acquainted and acclimated to it, then the Township may consider relocating to a larger and potentially less visible area if need presents itself.

Mrs. Harris stated that the Farmer's Market would consist of the selling of all fresh goods. These goods may include, but are not limited to; produce, honey, flowers, etc. Mrs. Harris stated that vendors would be sought and charged a nominal fee for a specified space. Each vendor would supply their own tent or personal set-up materials and any power source needed for their service. R. Stone suggested implementing a fee waiver to prospective vendors; whom are also participating businesses that currently operate and conduct business within the Township.

Mrs. Harris stated that a clear consensus needs decided upon with regards to the time frame in which the Farmer's Market would be held. Mrs. Harris informed the Board that she would like to hold the Farmer's Market on a weekly basis.

R. Stone inquired on the research of this idea and as to where the Township stands. Manager

Oswalt informed the Board that she wanted to speak with the Board on how they would like to pursue this idea. The I/CD Committee requested that Manager Oswalt approach the Board with the idea of the proposed Farmer's Market and begin furthering the process of implementing the idea if the Board approves. R. Stone stated that he feels this is a great idea and added that by the vast response from the social media poll, he feels there is great potential with the idea.

S. Stefanowicz asked if we would allow personal vendors of baked good products. Mrs. Harris stated that she would like to remain as centralized as possible on the idea of selling only locally harvested goods or consumables. It was suggested that only established bakeries or licensed constituents may possibly provide their baked goods. Questions of product liability arose during conversation. R. Stone recommended pursuing and reviewing the mechanics of the Township's insurance policy and any indemnification clause within the vendor agreement, to be better vigilant with regards to this matter.

Mrs. Harris added that the Township may consider marketing an informational brochure at the Farmer's Market to aide in good faith local business promotion. This brochure would advertise local businesses such as Bare Foot Farms or Harvest Moon Produce, those of which who sell produce and goods all year long.

Chair Menges inquired if the Township is trying to generate revenue with this proposed venture or if the Township is trying to make this revenue neutral in conjunction to creating an event within the Township that brings the community and local businesses together. Manager Oswalt stated that the Farmer's Market would institute both of the stated aspects.

S. Parthree stated that he feels this would be a great venture and would prove positive for the community. S. Parthree added that if this proposed idea proves a great success and growth expands; the Township could then extend the idea to an interested entrepreneur and have the said entrepreneur carry on the growing venture.

Board Consensus was reached and it was decided; to move forward in further planning of the proposed Farmer's Market concept on Township grounds.

Manager Oswalt and Attorney Rausch stated that they will research other aspects involved such as related contracts for such ventures, advertising, vendor fees and so forth.

Chair Menges announced that the Board would recess to an executive session on the potential acquisition of real property pertaining to an upcoming meeting.

The work session was adjourned at 6:45PM.

Respectfully submitted by: _____

Tiffany Strine, Recording Secretary