

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
January 25, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, January 25, 2010 was called to order at 7:07 PM by Chairman Curtis Kann in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Chair Curtis Kann, Madelyn Shermeyer, Michael Husson, Duane Hull, and Monica Love. Other Township Representatives in attendance were Laurel Wilson, Township Manager; Atty. Charles Rausch, Township Solicitor; Terry Myers, Township Engineer; Georgia Sprenkel, Zoning Officer; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. Also in attendance were 15 citizens and a newspaper reporter. This meeting has been recorded for minute purposes only.

Chair Kann announced that a Work Session was held with representatives of the York County Library System at 6 PM to discuss their proposed plans for the Dover Area Community Library Expansion Project. After which an Executive Session was then held to discuss potential litigation.

Chair Kann requested a moment of silence in remembrance and thanks to all those who stand in harm's way followed by the reciting of the Pledge of Allegiance.

Chair Kann greeted the Boy Scouts present in the audience. The Scout present was Kenyon Hoopes from Troop No. 177 of Lewisberry.

APPROVAL OF WORK SESSION MINUTES FOR JANUARY 11, 2010

Motion by M. Shermeyer and second by M. Love to approve the work session minutes for January 11, 2010 as presented. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR JANUARY 11, 2010

Motion by M. Shermeyer and second by M. Husson to approve the meeting minutes for January 11, 2010 as presented. **Passed** with 5 ayes.

TREASURER'S REPORT

Chair Kann reported that the total of the January 25, 2010 Warrant was in the amount of \$387,104.89.

Motion by D. Hull and second by M. Husson to approve the January 25, 2010 warrant total of \$387,104.89 as presented.

QUESTION - Supervisor Shermeyer inquired about the Kinsley Materials Invoice for anti-skid material to Dover Borough and whether the Township then bills the Borough.

Manager Wilson replied that the road materials were bid collectively. When the materials are needed by them, the Borough picks them up and then the Township bills them.

Chair Kann asked if they are billed on weight of the materials.

Meeting Minutes of 1/25/10 - Page 2.

Manager Wilson stated that she was uncertain of the particulars since the billing is handled by the Treasurer.

Passed with 5 ayes.

There were no public comments at this time.

ZONING OFFICER'S REPORT by Georgia Sprenkel

Craig Mellott, TPD - Access Drive vs. Local Road Concept Plans & Cost Estimates - John Lippas with Members 1st Credit Union performed the presentation and with him was Craig Mellott of Traffic Planning Design and Jon Andrews of McNees, Wallace, and Nurick. The proposed site location is on the Poe property opposite Palomino Road at Route 74. They will be constructing a small credit union branch at this location with a subdivided lot to the rear of the property. They were made aware that the Township would like to create a public street through the property that would connect with the development to the rear instead of an access drive. They presented two concept plans which are similar and deal primarily with the width of the road right-of-way. The difference of adding the public street is approximately \$450,000 which includes the loss of the value of the land and \$150,000 to \$175,000 for the added street construction improvements. Mr. Lippas also mentioned a potential permanent variance because of the setback line created by the public street.

Mr. Mellott indicated that he believed the upgrade to a local road would require a southbound turn lane.

Chair Kann questioned whether the right turn deceleration lane had already been discussed with PennDOT.

Mr. Mellott reported that it was just based on the projection of how much traffic would use this turn. PennDOT has a right to request a right turn lane irregardless of the amount of traffic that may use it, mainly based on volume.

Supervisor Husson addressed his concern with the stacking onto Route 74 off the new road because of cars backing out from a parking space in the credit union parking lot.

Mr. Mellott responded that one of the ways to deal with this issue was to make the entrance to the credit union a one way in and the exit a one way out.

Chair Kann inquired about the type of banking business anticipated whether it be mostly walk-in or drive thru.

Mr. Lippas stated this branch will take care of both.

Supervisor Shermeyer asked about the lot size located in the rear of their property.

Mr. Mellott replied about 3/4 of an acre.

Meeting Minutes of 1/25/10 - Page 3.

Supervisor Shermeyer commented on relocating the existing house to the rear of their property.

Mr. Lippas answered that he did not consider that at all. The home will be demolished.

Supervisor Shermeyer was concerned with the historical value of the house.

Mr. Mellott mentioned the reduction of the road right-of-way from the required 60 feet to 42 feet.

Mr. Myers added that it may only take a pedestrian easement for the sidewalks or street signs.

Mr. Mellott addressed upgrades to all of the handicap ramps at the Route 74 intersection along with his uncertainty as to whether the right turn deceleration lane would be required by PennDOT.

Supervisor Love questioned some land acquisition from Wellspan in order to meet the deceleration length requirement.

Mr. Mellott replied that his preliminary calculations indicate that right-of-way from Wellspan would be necessary.

Mr. Lippas stated that the Members 1st Credit Union is committed to being in this community. His beliefs that this is the best site for them.

Chair Kann expressed that the Board has interest in the construction of the local road.

Mr. Myers questioned whether the right-of-way from Members 1st was a negotiable item. He noted that their cost of the road acquisition was 2/3 of the overall estimate difference.

Mr. Lippas indicated that it could be negotiated.

Mr. Myers reported that \$307,000 was for Members 1st to dedicate the right-of-way across their property. This amount was the raw land value which was the difference between their amount of the sale and the usable amount.

Mr. Lippas remarked that he does not expect any type of answer from the Board this evening. He will allow them time to digest the information that was presented and assess their financial contribution toward the project.

PL09-5 Bruce & Melinda Dillon 3-Lot Subdivision Plan - Keith Dillon was present to represent the 3-lot subdivision plan for Bruce & Melinda Dillon. The subdivision is located on Rohlers Church Road at Circle Drive. There are two tracts being divided into three lots. The existing house and barn are on one lot with another acre and a half on the other side of the road. Lot No. 2 is considered to be a flag lot with most of its acreage behind Lot No. 1. Lot No. 3 contains the remaining land which consists of all the land on the west and south side of Circle Drive and Rohlers Church Road and the triangle on the other side of the road and the area of land to the west of the schoolhouse.

Meeting Minutes of 1/25/10 - Page 4.

Mr. Myers stated that the deeds will be written so that the bearings and distances go around the exterior perimeter and taking the right-of-way from the middle so that there are not two tracts.

Atty. Rausch recommended that a key map be placed on the plan showing the configuration of the newly created lots because of the confusion with determining the lot lines.

Motion by D. Hull and second by M. Shermeyer to grant two waivers as follows: 1. The preliminary plan requirement of §304.2 and; 2. The required right-of-ways and cartway widths for Rohlers Church Road and Circle Drive for §704.b. **Passed** with 5 ayes.

Motion by M. Shermeyer and second by M. Husson to approve the Bruce & Melinda Dillon 3-Lot Final Subdivision Plan contingent on the completion of the following outstanding items: 1. Submission of the GIS disk; 2. Engineer's/Surveyor's seal, signature, and date on the plan; 3. The Owners' notarized signature on the plan; 4. The payment of the recreational fee in-lieu-of land dedication; and 5. Placement of a key map diagram displaying the configuration of the new lots. **Passed** with 5 ayes.

PL08-14 Weigelstown Elementary School Land Development Plan Revision - Justin Kuhn of Kurowski and Wilson, LLC was present on behalf of the Dover Area School District. The project contract was received under budget so it was decided to undergo more site improvements. They have chosen to pave the bus access loop, construct six additional parking spaces at the western baseball field and five parallel parking spaces across from the dentist office. The major improvement is the installation of drainage pipe just north of the access drive on Fox Run Road along their property to the inlet west of McDonald's Restaurant instead of installing the proposed 18 foot wide swale.

Supervisor Shermeyer questioned whether this drainage improvement will help alleviate the major flooding/icing problems at the intersection of Route 74 and Fox Run Road.

Mr. Kuhn replied that it may not completely resolve the problem, but it will capture the water up to the vacant lot which will resolve the drainage issues along the School District's property. It will definitely be beneficial.

Mr. Myers added that he will try to be on the site during the drainage work to assess the grading.

Motion by M. Husson and second by D. Hull to approve the Revised Weigelstown Elementary School Land Development Plan submitted. **Passed** with 5 ayes.

Authorization for Township Secretary to Sign the Planning Module for the Catherine Small 2-Lot Subdivision Plan - **Motion** by D. Hull and second by M. Husson to authorize the Township Secretary to sign the planning module for the Catherine Small 2-Lot Subdivision Plan. **Passed** with 5 ayes.

Meeting Minutes of 1/25/10 - Page 5.

ENGINEER'S REPORT by Terry Myers

Approval of Contract Change Order No. 1 in the Amount of \$4,385.17 to B & R Construction Services, Inc. - Mr. Myers reported that when the larger diameter pipes were installed along Tower Drive, there were situations where the existing utilities had to be adjusted which consisted of an electrical line, a gas service, and the filling of an existing pipe. The Contractor requested reimbursement for the additional work and equipment used. Mr. Myers felt that the incurred costs were reasonable and recommended payment.

Motion by M. Shermeyer and second by M. Love to approved Contract Change Order No. 1 in the amount of \$4,385.17 to B & R Construction Services, Inc. **Passed** with 5 ayes.

Approval of Application for Payment No. 2 in the Amount of \$20,860.07 to B & R Construction Services, Inc. for the Tower Drive Improvements Project - Mr. Myers reported that the total value of the work to date with the change order is \$60,467.17 less the amount previously paid of \$36,803.00 and a recommended retainage of only 5% since they have completed 50% of the project brings the total net amount for payment to \$20,860.07.

Motion by M. Shermeyer and second by D. Hull to approve Application for Payment No. 2 in the amount of \$20,860.07 to B & R Construction Services, Inc. **Passed** with 5 ayes.

Question for the Engineer - Supervisor Love questioned the time frame for the replacement of the Rohlers Church Road culverts.

Mr. Myers replied that C. S. Davidson will be performing the surveying next week. It is hoped that the culverts can be constructed late Summer or early Fall. General permits will need to be obtained from DEP for some of this work.

SOLICITOR'S REPORT by Atty. Charles Rausch

Brownstone Manor Development - Atty. Rausch updated the Board on the meeting held by Township Staff (the Township Engineer, Manager and Solicitor) with the new developer of Brownstone Manor, Marty Dywer, George Desmond, and their Attorney Mark Stanley. \$225,874 was received from the surety company for the default of Altieri Homes in completing Phases 1 & 2, which has been segregated into a separate account. The club house is close to completion and will eventually be turned over to the Homeowners' Association. The initial functioning of the Homeowners' Association through settlements, assessments, and payments has raised around \$30,000. The street trees have been planted in Phase 1. Three bids were received by the developer and he decided to award the contract to Kreider for approximately \$253,000 to complete the paving work in Phases 1 & 2. The Township provided unpaid engineering invoices to the new developer for Phases 1, 2, and 3. It was requested that the developer consider some reimbursement from the surety money for those invoices. The developer will be preparing an agreement for the completion of Phases 1 and 2. A draft agreement should be before the Board at one of their February meetings. The developer has also agreed to reimburse the Homeowners' Association for the snowplowing and salting this year.

Meeting Minutes of 1/25/10 - Page 6.

Supervisor Husson inquired about the outcome of the meeting with the homeowner of the old stone farmhouse.

Mr. Myers will be contacting Mr. Straley sometime in March prior to the paving in April.

MANAGER'S REPORT by Laurel A. Wilson

Authorization to Advertise Ordinance 2010-01 To Incur Debt through Susquehanna Bank Up to \$2.3 Million for Water System Improvements Project - Supervisor Hull questioned the reference in the draft ordinance to a bond and the payment of a Bond Counsel.

Manager Wilson responded that the Township must comply with the Local Government Debt Act to borrow money which requires an ordinance and certain DCED filings.

Motion by M. Love and second by M. Shermeyer to authorize the advertisement of Ordinance 2010-01 to incur debt of up to \$2.3 million through the Susquehanna Bank for the Water System Improvements Project. **Passed** with 5 ayes.

Resolution 2010-07 Deletion of Recorded Audio Tapes from Township Meetings - Manager Wilson reported that it is a long standard that the recorded tapes are deleted or taped over after the Board approves the previous meeting minutes. It was recommended that a written policy be established.

Motion by M. Shermeyer and second by D. Hull to approve Resolution 2010-07 the deletion of recorded audio tapes from Township meetings. **Passed** with 5 ayes.

Resolution 2010-08 Revised 2010 Fee Schedule - Manager Wilson reported that there are two changes to the new fee schedule. One change is the Commercial/Industrial Water User Rate which usually has the same minimum user rate as the residential user rate. This amount should be \$123.52. The second revision is to add the hourly rate for the lift truck of \$45.00 per hour plus labor to the Equipment Rental Fees.

Motion by M. Husson and second by M. Love to approve Resolution 2010-08 the Revised 2010 Fee Schedule. **Passed** with 5 ayes.

OLD BUSINESS

Chair Kann requested that the other Boy Scouts who were in attendance introduce themselves. The other Scouts present were William Shearer, a First Class Scout, and Ian Mott, a Star Scout. He thanked the Scouts for their attendance.

COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Shermeyer announced that on February 22, 2010 from 1:30 to 3:00 PM, there will be a seminar held by the York Newspaper Company relating to getting your news published. She stated that she will be attending.

Meeting Minutes of 1/25/10 - Page 7.

Manager Wilson reported that there were several articles published concerning Dover Township upcoming events in the Dover/West York section of the *Weekender*.

Supervisor Husson informed the Board that he will be out of town and will be unable to attend the next meeting on February 8th.

Discussion ensued on interviewing for the open positions on the various Township boards.

Manager Wilson noted that the vacancies consist of a regular member on the Sewer Authority, an alternate position on the Planning Commission and an alternate position on the Zoning Hearing Board.

Chair Kann asked the Township Manager to arrange the interviews for the 6:00 PM work session prior to the BOS Meeting on February 8th.

There weren't any additional comments from the public present.

Chair Kann adjourned the meeting at 8:29 PM into an Executive Session for a personnel matter.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary