

DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
JANUARY 28, 2013

The Dover Township Board of Supervisors regular meeting for January 28, 2013 was called to order at 7:00 PM by Chairperson Love in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Chair Monica Love, Madelyn Shermeyer, Michael Husson, Charles Richards, and Matthew Menges. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Attorney Charles Rausch, Township Solicitor; Terry Myers, Township Engineer; Georgia Sprenkel, Zoning Officer; Charles Farley, Public Works Director; Karen Wilson, C.S. Davidson; Dawn Slegel, Secretary; Trena Hall, Assistant Secretary and Tammy Rinehart, Stenographer. There were 80 citizens in the audience. This meeting has been recorded for minute purposes only.

A moment of silence was requested, followed by the reciting of the Pledge of Allegiance to the American Flag.

PUBLIC HEARING ON REZONING AMENDMENTS

Attorney Charles Rausch announced the hearing on the rezoning for six parcels.

1. Property owned by Pennfield Corporation; located at 2950 Bull Road; Parcel 24-000-KG-0049-0000000 changing from R-3 Residential District to C-Commercial District
2. Property owned by Miriam Lamparter; located on Butter Road; Parcel 24-000-LG-0148C-0000000 changing from R-3 Residential District to A-Agricultural District
3. Property owned by Todd M. Lamparter; located on Cardinal Lane; Parcel 24-000-KG-0104-0000000 changing from R-3 Residential District to R-1 Residential District
4. Property owned by Thomas R. Lamparter; located on Butter Road; Parcel 24-000-KF-0107E-0000000 changing from R-3 Residential district to I-Industrial District
5. Property owned by Paul A. Neiman and Alyce E. Neiman; adjacent to Parcel 104; Parcel 24-000-KF-0107C-0000000 changing from R-3 Residential District to A-Agricultural District
6. Property owned by Ashcombe Products Company; located off Sheppard Drive, adjacent to Stauffer of Kissel Hill; Parcel 24-000-34-0134-0000000 changing from R-3 Residential District to C-Commercial District

Attorney Rausch stated that the York County Planning Commission provided recommendations for the rezoning of the properties.

Parcel 49 owned by Pennfield was recommended not to be adopted as submitted. The rezoning of this site is not compatible with the surrounded zoning. They recommended the entire parcel be zoned Medium Density Residential.

Parcels 148C, Parcel 107C and Parcel 107E were all grouped together and recommended to be adopted. The proposed rezoning is appropriate in that it is compatible and consistent with the surrounding zoning.

Parcel 104 owned by Todd M. Lamparter was recommended to be adopted as submitted. The proposed rezoning is appropriate in that it is compatible and consistent with the surrounding zoning.

Parcel 134 owned by Ashcombe Products Company was recommended not to be adopted as submitted. The property only has road frontage on a street in a residential development, Sheppard Drive. Attorney Rausch noted that there is access through the Stauffer's of Kissel Hill property, which the owner would use for Commercial purposes.

Attorney Rausch stated that the purpose of the Public Hearing is to listen to any comments from the public, on any of the parcels to be rezoned. Those coming forward to speak, need to state their name and address, for the record. The following residents spoke of their concerns with the rezoning:

ED HARVEY - 1743 OAKLEY DRIVE – Mr. Harvey was concerned about why this rezoning was taking place and what the future plans are for the property. The Board of Supervisors advised Mr. Harvey that the changes would help lessen the impact on school population and help bring business to the Township.

BONNIE FIKE - 1900 HILTON AVENUE – Ms. Fike was concerned with the traffic flow problems. She was asking the Board to look into changing the speed limit signs and taking better care of the road maintenance. She also thought there should be no more housing until the water and drainage problems were solved. Attorney Rausch made Ms. Fike aware that the purpose of the rezoning was to help reduce housing and in the State of Pennsylvania you cannot stop someone from developing their property. Attorney Rausch also stated that whoever develops this property would have to submit stormwater plans. The new property owner would need to improve the stormwater situation.

CHARLES SUNDAY – FARMS THE LAND ON HILTON AVENUE – Mr. Sunday wanted the public to know that the land is not sold and he is currently the one farming the land.

TODD LAMPARTER – 1341 BUTTER ROAD – Mr. Lamparter did not understand why the land owners cannot decide what to do with their property. He questioned why the Township can tell the landowners how their property will be zoned, why did the Township wait until now to stop the density and why can't the property stay zoned R3 until the property owner would want to change the zoning? Mr. Lamparter was advised that he has the option to come back and request changes to the zoning should he choose to do so.

RAY SHOEMAKER - 1746 OAKLEY DRIVE – Mr. Shoemaker was concerned with the traffic flow at the intersection of Hilton and Bull. The Board advised that any commercial business that would go on this property would have their traffic flow coming from Bull Road. Any business that would come in would have to have a full land development plan and traffic study completed. Mr. Shoemaker wanted to make sure that the Township was promoting commercial development to help contain population growth.

CHARLES BENTON - 1270 E. CANAL ROAD – Mr. Benton was questioning the difference between R1 and R3. R1 was described as one unit per half acre and R3 is 2 units per half acre.

DAVE LOGAN – 1747 GREEN MEADOW DRIVE – Mr. Logan was concerned about the flood plain area and how close a business can build to the nearby creek. The Board advised him that a business would need a detailed study of stormwater and buffers at the creek. Mr. Logan wanted to clarify that there are no submitted plans for development on the property and why this rezoning issue occurred. The reason for the rezoning was because the Board reviewed the Township's R3 zones and felt the Township had adequate land zoned R3.

JOYCE PERBETSKY – 3017 IMPERIAL DRIVE – Ms. Perbetsky was concerned about how much of a buffer would be between the residential properties, if this property was being zoned commercial and what would the required size of buffer area be. The Board advised her that a business is required to have a buffer yard, which is around 300 feet and the Board could require a high berm.

RAY KNAUB – 1390 HILTON AVENUE – Mr. Knaub was concerned about water coming from the property, on Hilton Avenue, and flooding his barn. This water has flooded his barn previously. The Board said that the construction on the Hilton Avenue property may be an asset for him.

DAVID BYER – 1795 OAKLEY DRIVE – Mr. Byer was concerned about the increased traffic, specifically the different types of vehicles. The property does not have good access for larger trucks. Mr. Byer stated that this property would be best served as a warehouse facility.

Attorney Rausch stated that the ordinance has been advertised and appears on the agenda for the Board's consideration.

With no further comments, the Public Hearing was closed at 7:51 PM.

APPROVAL OF MEETING MINUTES FOR DECEMBER 10, 2012

Motion by M. Shermeyer and second by M. Menges to approve the meeting minutes for December 10, 2012 as presented. **Passed** with 5 ayes.

APPROVAL OF REORGANIZATION MEETING MINUTES FOR JANUARY 7, 2013

Motion by M. Shermeyer and second by M. Husson to approve the reorganization meeting minutes for January 7, 2013 as presented. **Passed** with 5 ayes.

TREASURER'S REPORT OF CURRENT EXPENDITURES

Motion by C. Richards and second by M. Husson to approve the warrant total for January 7, 2013 in the amount of \$22,309.87 as presented. **Passed** with 5 ayes.

Motion by M. Husson and second by M. Shermeyer to approve the warrant total for January 11, 2013 in the amount of \$67,258.92 as presented. **Passed** with 5 ayes.

Motion by M. Husson and second by C. Richards to approve the warrant total for January 14, 2013 in the amount of \$442,472.23 as presented. **Passed** with 5 ayes.

Motion by M. Menges and second by M. Husson to approve the warrant total for January 25, 2013 in the amount of \$293,529.32 as presented. **Passed** with 5 ayes.

SEO REPORT – RICHARD BAADE, ALTERNATE SEWER ENFORCMENT OFFICER

Richard Baade reported to the Board that the homeowners at 3481 Conewago Road have requested the approval of a holding tank. The property is less than a half acre and split by the Conewago Creek, limiting the type of septic system to be installed. There are two alternatives, a holding tank or a small flow system with a stream discharge. A small flow system ranges from \$15,000 to \$20,000 and takes a little over a year to complete. The Township and property owner would both have to meet state requirements of Act 537 and the Clean Water Act. The existing property had an antiquated septic system which was destroyed when the home was demolished after a fire. The Board inquired how often the tank would need to be pumped. Mr. Baade stated that the owners are building a three bedroom home and estimated that the tank should be pumped at least once a month. Mr. Baade also stated that the tank will be equipped with an alarm system and the tank will be inspected yearly. A hauler must be contracted by the home owner and a copy of the manifest provided to the Township each time the tank is pumped. The Board recommended the property owner first test the well. The Board questioned the size of tank and Mr. Baade stated that the minimum they can put in is 1,500 gallon. The first step to this process is to acquire written approval from the Board.

Motion by M. Shermeyer and second by C. Richards to approve the owners at 3481 Conewago Road to install a holding tank as presented. **Passed** with 4 ayes and 1 nay. Opposed by M. Menges.

PUBLIC COMMENT PERIOD**Listed on the Agenda**

Scott Potts – Shiloh American Legion Post #791 – Mr. Potts was inquiring about having a double faced sign installed, at the corner of Poplars Road and 74, with the Shiloh American Legion name and a directional arrow. Mr. Potts has a phone call into the corporate office for Rite Aid and is waiting for an answer back. The Board thought a sign might need approval by PENNDOT. If the sign would be on Rite Aid's property, PENNDOT would not need to be notified. If the sign would not be in the Township's Right Of Way, then the Legion would only need Rite Aid's approval.

Motion by M. Shermeyer and second by M. Husson to authorize the Shiloh Legion to post a sign in the Townships ROW. **DISCUSSION**- the Board discussed limiting the size of the sign. **Amended motion** by M. Shermeyer and agreed by M. Husson to include the size of the sign to be no larger than 12" high and 24" wide. **Passed** with 5 ayes.

Thomas Fadely – Dover Lions Club – Mr. Fadely and many other Lions Members and Boy Scout supporters attended in support of Boy Scout, Caleb Lower. Tabitha Lower, Caleb's mother, stated that his Eagle Scout Project should be complete by April of 2013 because of the baseball season beginning, but if needed the absolute latest date would be June of 2013. Caleb first contacted the Township in August of 2012. At the present time, all the supplies and volunteers are in place and are waiting for the Township's assistance to dig the footers and remove the old benches. Mr. Fadely was asking the Board to help Caleb get this project completed in a timely manner. Supervisor Richards noted that Wayne Latchaw will begin digging on February 7, 2013 and also be hauling materials to the site on February 9, 2013. This

project was delayed because of weather and stormwater issues. Ms. Lower also noted that the Township would be providing and maintaining the rain barrels in compliance with the stormwater requirements. Mr. Fadely thanked the Board for their time and assistance.

RON ETHERIDGE – GUARDIAN KNIGHTS – Mr. Etheridge spoke on behalf of Robert Swords, of the Guardian Knights, who was ill and could not attend. Mr. Etheridge was asking for approval to have a memorial motorcycle ride to benefit Zachary Clouser who was killed in Iraq in 2007. The ride will take place on June 1, 2013. The ride of 50 to 100 motorcycles will begin at the York Fairgrounds and end at Brookside Park where there will be food and craft vendors and a live band. A Parade and Assembly Permit Application must be completed and submitted to the Township.

Motion by M. Menges and second by C. Richards to approve the memorial motorcycle ride sponsored by the Guardian Knights on June 1, 2013 and grant the waiver of the permit fee. **Passed** with 5 ayes.

DEB ETHERIDGE – MOTHER OF ZACHARY CLOUSER - Mrs. Etheridge asked for permission to allow craft vendors to sell products at Brookside Park during the event, on June 1, 2013. Proceeds will go to the Zachary Clouser Scholarship Fund sponsored by the Guardian Knights.

Motion by M. Menges and second by M. Husson to allow craft vendors at Brookside Park on June 1, 2013. **Passed** with 5 ayes.

GEORGE MARSHALL – 3714 WHEATLAND DRIVE – Mr. Marshall was requesting permission to install a fence and shed in two easement areas which are in the back and side of his property. Prizm Vinyl Corporation suggested installing removable sleeves on the fencing that would be in the stormwater easement areas. Attorney Rausch will prepare the standard agreement for recording.

Motion by M. Shermeyer and second by C. Richards to grant a waiver to install a 6' vinyl fence and a 10' x 16' shed in the easement area at 3714 Wheatland Drive with the required standard fence license agreement and associated fees paid by the property owner. **Denied** by M. Husson, M. Menges and M. Love.

Mr. Marshall agreed to meet the standard set backs to install the shed on his property.

Motion by M. Husson and second by M. Shermeyer to grant the waiver to install a removable sectioned fence across the drainage easement area at 3714 Wheatland Drive. **Passed** with 4 ayes and 1 nay. Opposed by M. Love.

Chair Love asked for any further public comments.

BOB MYERS – 2613 DANIELLE DRIVE – Mr. Myers had questions regarding the Dover Township Fire Department. He was inquiring about fire personnel living arrangements and appropriate use of tax payers' money. The Board assured him that the rules and regulations are strictly enforced for those residing at the Fire Department and fundraised money is used for other miscellaneous expenses. Mr. Myers also stated that the firefighters have been seen driving around in Township vehicles other than on fire calls.

ENGINEER'S REPORT

Terry Myers thanked the Board for his reappointment. Mr. Myers presented the Straley/Watson Easement Agreement and Letter Agreement for the Boards review and approval.

Motion by M. Shermeyer and second by M. Menges to approve the Dover Township Stormwater Agreement and Letter Agreement with Straley/ Watson. **Passed** with 5 ayes.

Mr. Myers will be sending a notice of award and contract to H & H. H & H was awarded the bid at the December Board meeting. This project should be complete in March.

Karen updated the Board on Well 10 nitrate removal equipment bidding schedule. C.S. Davidson just received the permit from DEP and can now proceed with the bidding process.

C. Richards questioned if any additional information was received on South Salem Church Road stormwater issue. Mr. Myers stated that he had just given Manager Oswalt a set of plans. He had an inquiry about the location of the proposed pipe. This project is slowly moving forward.

SOLICITOR'S REPORT

Ordinance 2013-01 amending the Dover Township Zoning Map has been advertised and is ready for the Board's action or it can be postponed, 60 days from the last advertisement.

Motion by M. Shermeyer and second by M. Husson to adopt Ordinance 2013-01 to amending the Dover Township Zoning Map as presented. **DISCUSSION** - C. Richards commented that perhaps the vote should be postponed due to the large amount of residents that were present. The Board chose to take the vote. **Passed** with 5 ayes.

Ordinance 2013-02 which amends the Dover Township Code of Ordinances, Chapter 20, Solid Waste, Section 20-223, Billing and Collection Procedures, which includes the collection of costs and reasonable attorney's fees for the filing of a civil action. The Township or contractor will also be entitled to recover part of its costs of a \$50.00 administrative fee and interest on the outstanding balance.

Motion by M. Shermeyer and second by Chair Love to adopt Ordinance 2013-02 for amending the Dover Township Code of Ordinances, Chapter 20, Solid Waste, Section 20-223, Billing and Collection Procedures as presented. **Passed** with 4 ayes. Opposed by C. Richards.

Attorney Rausch updated the Board on the meeting with the McNaughton's regarding the well location agreement. Attorney Rausch said that a meeting with neighbors still needs to be scheduled.

MANAGER'S REPORT

Manager Oswalt asked for the approval of the 2013 lease agreement with the tax collector. A one year lease was established because Mrs. Keener's position expires at the end of 2013. A longer term lease can be discussed after elections.

Motion by M. Husson and second by C. Richards to approve the lease agreement with the tax collector as presented. **Passed** with 5 ayes.

Manager Oswalt asked for the authorization to accept the Request for Proposal (RFP) which was prepared for the Mowing of Township Properties. After discussion with the Township Solicitor, this issue does not need to be bid since it is a maintenance issue. The Township Solicitor suggested that the Township do a RFP giving the Township the opportunity to choose which contractor can offer the best options. The proposal was divided into three different areas, the well facilities, the Township Building and all Township Parks, and the Waste Water Treatment Plant. This would be a two year contract for the term of 2013 and 2014. The contractor's proposal must provide information on how they plan to accomplish the job by the number of estimated hours, equipment utilized, required staffing, etc. The golf course and Hadley Drive were not included in the proposal because the Township currently mows these two properties.

Motion by C. Richards and second by M. Husson to accept the RFPs for the Mowing of Township Properties as presented. **Passed** with 5 ayes.

Manager Oswalt presented a concern to the Board about a recent renter who experienced power outages at the Log House but choose to continue to hold her event. The renter first requested a discount on a future rental but later decided that it should be a future rental at no charge. At this point the entire rental amount was returned to the renter. **Board Consensus** was that the returned rental fee was sufficient.

M. Husson expressed for the record that he did not agree with the rest of the Board and thought that the Board could have been more accommodating.

PUBLIC WORKS DIRECTOR'S REPORT

Mr. Farley asked for the Board's approval to have Manager Oswalt sign the DEP Sewer Planning Module for Shelly's Restaurant.

Motion by M. Shermeyer and second by M. Menges to authorize Manager Oswalt to sign the DEP Sewer Planning Module for Shelly's Restaurant. **Passed** with 5 ayes.

Mr. Farley addressed the Board to suspend the services of Sunday's Septic Services if they do not pay on their past due account owed to the Township. The delinquent amount is \$8,500. Mr. Farley did note that their previous agreement was broken. Mr. Farley believed that Sunday's Septic may have paid \$5,000 on their account today.

Motion by M. Menges and second by M. Shermeyer that if the \$5,000 is not paid by the close of business Friday, February 8, 2013, Mr. Farley can suspend Sunday's Septic Services License. **Passed** with 5 ayes.

Mr. Farley would like to establish a policy to deal with delinquent waste hauler accounts. He is proposing to closely monitor the hauler accounts on a quarterly basis. If a hauler becomes past due, Mr. Farley will notify the Board and require payment arrangements be established by the hauler.

Board Consensus to have Mr. Farley proceed with his policy as described above.

M. Shermeyer inquired about the Dollar General Sewer Planning Module. M. Shermeyer stated the Township Board and the Sewer Authority need to seriously start resolving the Inflow/Infiltration (I/I) issues at the Northern end of the Borough line and propose a plan to put the residences that are currently flowing to the Borough sewer into the proposed Northern Interceptor and to the Township sewer. The lines would have to be disconnected and new lines created. Mr. Myers suggested negotiating an agreement with the Borough to allow The Dollar General connection to their sewer system, then the Township would pursue the residential sewer disconnections in a reasonable time frame after the approval from DEP. The Board agreed to send out a letter advising the Borough Council that the Township will be addressing the I/I issues and that the Township will obtain the necessary approval from DEP. Mr. Farley was instructed to draft a letter to Borough Council for Manager Oswalt's review.

OLD BUSINESS

The Tax Collector's compensation for the 2014–2018 term must be set before the petition deadline. In her last two terms, Mrs. Keener has not received a pay increase. The Board discussed increasing her cap from \$18,500 to \$20,500.

Motion by M. Menges and second by M. Shermeyer to set the Tax Collector's compensation cap to \$20,500 (Resolution 2013-04). **Passed** with 5 ayes.

Mr. Myers reviewed the Ashley Farms Developer Agreement addressing improvements for turning lanes at Jayne Lane and Tower Drive. After previous Board discussions, Mr. Myers requested direction from the Board in order to proceed with this project and agreement as presented. Over the next year, work would begin on the design plans and application for the required permits in order for construction to begin in 2014. Easements will be needed from the Jayne Lane side of Davidsburg Road.

Motion by M. Shermeyer and second by M. Husson to move forward with the project including the design and cost estimates in coordination with the Ashley Farms Developer. **Motion Withdrawn** by M. Shermeyer and M. Husson.

Motion by M. Shermeyer and second by M. Menges to authorize the Township's Engineer and Solicitor to review and finalize the developer's agreement. **Passed** with 5 ayes.

Mr. Myers will present the finalized agreement for approval and needed signatures at the March Board Meeting.

Manager Oswalt reported that the Highway Crew Chief advised that the only roads that met PENNDOT's criteria, for brake retarder signs, are Route 74 from Conewago Road to Blackberry Road. **Board Consensus** was not to install brake retarder signs.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

M. Menges noted that he would be updating the Board on a police personnel matter at the executive session.

M. Shermeyer announced that Fire Chief Jansen applied and was awarded a grant for \$12,146.00. M. Shermeyer wanted to thank Mr. Kern, the Highway Crew Chief, the Highway Department, the Water Department and Facility and Maintenance Department for providing the great service of cindering the Township roads in the early morning of January 28, 2013. M. Love also thanked the crew for a job well done.

C. Richards agreed that the crews did an excellent job on the roads and he had heard many compliments. Dover was one of the few school districts that were not delayed. C. Richards commented that Shiloh Veterinarian's upgrade showed pride in their business and the Dover community.

COMMENTS FROM PUBLIC PRESENT

Adjourned at 10:13 PM to Executive Session on personnel and police personnel matters.

Respectfully submitted by: _____
Trena M. Hall, Township Assistant Secretary