

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 8, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, February 8, 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, Duane Hull, and Monica Love. Other Township Representatives in attendance were Laurel Wilson, Township Manager; Atty. Charles Rausch, Township Solicitor; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. Also in attendance were L. Gordon Walker, Financial Advisor with PFM Group and Atty. Steve Hovis, Bond Counsel for Stock & Leader. 2 Citizens and a newspaper reporter were seated in the audience. This meeting has been recorded for minute purposes only.

Chair Kann announced that a Work Session was held at 6:30 PM this evening to interview for an open position on the Sewer Authority. After which, an Executive Session was then held to discuss a personnel matter.

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.

APPROVAL OF WORK SESSION MINUTES FOR JANUARY 25, 2010

Supervisor Love made a correction on Page 2, second paragraph of the January 25, 2010 Work Session Minutes in which Supervisor Husson inquired about the continued use of the extra room, *formally* (should be *formerly*) a Scout Room . . .

Motion by M. Shermeyer and second by M. Love to approve the work session minutes for January 25, 2010 as corrected. **Passed** with 4 ayes.

Chair Kann announced that Supervisor Husson was absent from this meeting with prior notification.

APPROVAL OF MEETING MINUTES FOR JANUARY 25, 2010

Motion by M. Shermeyer and second by M. Love to approve the meeting minutes for January 25, 2010 as presented. **Passed** with 4 ayes.

TREASURER'S REPORT

Chair Kann reported that the warrant total for January 27, 2010 was in the amount of \$32,868.96 and total of the February 8, 2010 Warrant was in the amount of \$218,399.92.

Supervisor Love questioned whether the additional storage for the wastewater treatment plant in the amount of \$1,691.94 to Moove in Self Storage was only temporary during their construction and if this was the yearly charge.

Manager Wilson answered affirmatively.

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Supervisor Hull inquired about the multiple line items on the Spangler's Hardware Invoice and discussed only providing the total invoice amount paid on the warrant.

Manager Wilson responded that the new computer program displays the separate accounting codes for each department.

Motion by M. Love and second by D. Hull to approve both warrants as presented. **Passed** with 4 ayes.

PUBLIC COMMENT PERIOD

Listed on Agenda

Stephen Stefanowicz, 4801 Carlisle Road - Mercantile Business Privilege and Local Services Taxes

Taxes - He is the proprietor of Harbold's Trailers. He commented on the unfairness of these taxes. His issues were not the fact that there are taxes. He wanted the Board to spend time discussing "fair" taxes. He claimed that the Local Service Tax is unfair because it takes more money from the people earning less money than from the people having a higher income. The Mercantile Tax is unfair because the tax is based on the gross sales and has nothing to do with whether a profit is made. Having the cost of goods involved in the calculation would have some resemblance of fairness. His main issue was to address the fairness of the tax to the public and not the amount of the tax.

Supervisor Shermeyer explained the Board's position in instituting the Local Services Tax rather than raising the millage. The Local Services Tax will take one dollar a week from the working people rather than raising the millage for all Township residents which would take money from people who are on fixed incomes.

Mr. Stefanowicz commented that taking money from someone who is barely getting by is not fair either. He did not think that the LST Tax was a good decision. He remarked that there has to be some concern for salary. Taxes have to change, but the problem is just how do we do it.

Supervisor Shermeyer acknowledged that there are regulations on what can be done with taxes.

There weren't any other public comments at this time.

SOLICITOR'S REPORT by Atty. Charles Rausch

Atty. Rausch requested the Board's indulgence in dealing *first* with the professionals present in preparation for the adoption of the Ordinance on the agenda.

Ordinance 2010-01 To Incur Debt through Susquehanna Bank Loan Up to \$2.3 Million for Water System Improvements Project - Atty. Steve Hovis from Stock & Leader who is acting as Bond Counsel on behalf of Dover Township explained the significance of the Ordinance. The Ordinance has been duly advertised and is ready for consideration of adoption. In the passage of this Ordinance, the Board will be authorizing a general obligation note, series of 2010 in the amount of \$2.3 million for the purpose of a capital project and the costs of the note. The vote must be

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handled by roll call.

Atty. Rausch questioned the date of closing.

Mr. Walker responded that he is targeting for around March 15th.

Mr. Hovis added that it is at least twenty days after the post Local Government Unit Debt Act advertisement.

Mr. Walker indicated that he has reviewed and approved the Ordinance document as presented for adoption by the Board.

Motion by M. Shermeyer and second by M. Love to adopt Ordinance 2010-01. Roll Call Vote - D. Hull aye; M. Love aye; M. Shermeyer aye; and C. Kann aye. For the record - M. Husson was absent. **Passed** with 4 ayes.

Final Zoning Ordinance Draft - Atty. Rausch reported that the Township Manager sent him the final draft of the Zoning Ordinance. He incorporated some changes recommended by the York County Planning Commission into the final draft. He discussed his concern on the change made to the minimum acres in the Conservation District which was raised from three to five acres. He questioned their required justification for this action.

Supervisor Love provided her justification stating that the current percentage of Conservation is 45.5% and most of it has been removed from Conservation to accommodate only the natural conservation areas.

Atty. Rausch designated that all special exception uses in the Conservation District will also be five acres resulting in many non-conforming uses including home occupations.

Manager Wilson added that if the five acres is challenged and overturned in the court system, Dover Township will not have any limitations.

Board Consensus was to proceed with a minimum of five acres within the Conservation District.

The Board agreed that the Township Solicitor should incorporate that the minimum acreage does not apply to home occupations in the Conservation District.

Atty. Rausch advised that the final draft will be sent one more time to the Dover Township Planning Commission and the York County Planning Commission for their final review. A date needs to be set for the Public Hearing on the amendments to the Zoning Ordinance.

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MANAGER'S REPORT by Laurel A. Wilson

Resolution 2010-09 To Exonerate Kristine B. Keener of Uncollectible Per Capita Taxes for 2009 - Motion by M. Love and second by M. Shermeyer to approve Resolution 2010-09 to exonerate Kristine B. Keener of uncollectible Per Capita Taxes for 2009. **Passed** with 4 ayes.

Approval of Wellhead Protection Area Operating Permit No. 2010-001 for 2990 Grenway Road - Manager Wilson reported that this permit was for the new District Magistrate Office.

Atty. Rausch noted that this is the first permit issued under the Wellhead Protection Ordinance.

Supervisor Love inquired whether a representative of the Township would be periodically inspecting the recordkeeping of the required logs.

Mr. Farley replied that he would be performing the inspections. Each permit issued will require a different set of practices. Many of them will be common sense practices. The logs will be checked to see that they are being maintained and kept up to date.

Supervisor Shermeyer indicated that certain sites will be of more concern than others.

Atty. Rausch questioned whether the County was aware of this permit.

Mr. Farley stated that he has been in contact with Steve Cassel who reviewed the permit.

Motion by M. Love and second by M. Shermeyer to approve Wellhead Protection Area Operating Permit No. 2010-001 for 2990 Grenway Road. **Passed** with 4 ayes.

Ratification of Snow Emergency - Manager Wilson reported that the Highway Crew Leader declared a Snow Emergency on Friday. There is a potential that York County may be included in FEMA funding. The County EMA Office will be gathering costs to determine if York County will meet the qualifications.

Motion by M. Shermeyer and second by M. Love to ratify the Declaration of the Snow Emergency on February 5 - 7, 2010. **Passed** with 4 ayes.

Members 1st Request - Manager Wilson inquired about the Board's consideration to the request made by Members 1st Credit Union at the previous meeting. She reported that Members 1st is looking to finalize plans by the end of this month according to the Township Engineer. She stated that the Township Solicitor will have to negotiate the cost of the land acquisition for the easement through their property.

Board Consensus was to begin negotiations with Members 1st on the additional land value to develop a Township road instead of the private access.

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Comcast Cable Franchise Agreement - Manager Wilson reported that a Public Hearing is required prior to approval of the agreement with Comcast. Because Dover Township is involved with a Council of Governments to negotiate this agreement, they may participate in a Joint Public Hearing or they have the option of holding their own Public Hearing. If Dover Township chooses to participate with the joint hearing, then they would have to share in the cost of advertising this hearing.

Board Consensus was to hold their own Public Hearing in order to take comment on the Comcast Cable Franchise Agreement at the Dover Township Municipal Building.

Manager Wilson will inform the COG that Dover Township will hold their own Public Hearing.

OLD BUSINESS

Discussion on Appointments to Open Board Positions - Manager Wilson listed the open Board positions as a vacancy on the Sewer Authority and one alternate position on both the Planning Commission and the Zoning Hearing Board.

Motion by D. Hull and second by M. Shermeyer to appoint John Miller as a member to the Sewer Authority for a five year term. **Passed** with 4 ayes.

Motion by M. Shermeyer and second by D. Hull to appoint Eric Harlacher as an alternate to the Planning Commission to fulfill the term of *Robert Wright*. **Passed** with 4 ayes.

Motion by M. Shermeyer and second by D. Hull to appoint Patrick O'Connor as an alternate to the Zoning Hearing Board to fulfill the term of *Phillip Brown*. **Passed** with 4 ayes.

COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Hull updated that Board that he had not heard any more information from Kyle Lamparter on the land proposal.

Supervisor Hull commented on the unbelievable work the snowplow crew accomplished over a 48 period with merely two hours of sleep. The residents simply do not understand the snowplowing technique. With the massive amount of snow accumulation, small cuts had to be made to open the roads back to the mailboxes. The Highway Crew Leader had a huge job to ensure that everything ran smoothly in assisting each other when the trucks got stuck. He remarked that he was a part of a good bunch of hard workers.

Supervisor Shermeyer reported on the confrontation of some Township residents when the Township snow plow driver tried to clear the snow along their street because they did not want their mailboxes and driveways plowed in. A police escort was needed in order to continue along his route. That was not fair to the driver who was just trying to do his job. She did receive a lot of good reports from residents who appreciated the great job the crew did plowing. She also noted that contractors who plow along a Township road to get to their destination during a snowstorm should not continue to do that because they do not place any material on the road and the road becomes icy until the Township crew gets to that area of road.

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Chair Kann wanted to pass the message to the Township Public Works Employees from the Board of Supervisors of their appreciation on the great job plowing the streets of Dover Township during this recent snowstorm.

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

Chair Kann adjourned the meeting at 8:13 PM.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary