

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 22, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, February 22, 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; Karen Wilson, C. S. Davidson; Georgia Sprenkel, Zoning Officer; and Dawn Slegel, Recording Secretary. 7 Citizens and a newspaper reporter were seated in the audience. This meeting has been recorded for minute purposes only.

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 announced that a Work Session was held at 6:30 PM this evening with the Library representatives to update the Board of their progress on the library expansion project and fundraising campaign.

APPROVAL OF WORK SESSION MINUTES FOR FEBRUARY 8, 2010

Motion by M. Shermeyer and second by M. Love to approve the work session minutes for February 8, 2010 as presented. **Passed** with 4 ayes and 1 abstention by M. Husson.

APPROVAL OF MEETING MINUTES FOR FEBRUARY 8, 2010

Supervisor Love made a correction on Page 5 of the meeting minutes for February 8, 2010 indicating that on the two motions for the new alternate member appointments were reversed. Eric Harlacher will fulfill the term for *Robert Wright*, instead of *Phillip Brown*, and Patrick O'Connor will fulfill the term for *Phillip Brown*, instead of *Robert Wright*.

Atty. Rausch amended the first sentence of the Solicitor's Report on Page 2 of the February 8, 2010 Meeting Minutes with the following word insertion: Atty. Rausch requested the Board's indulgence in dealing *first* with the professionals present . . .

Motion by M. Shermeyer and second by M. Love to approve the meeting minutes for February 8, 2010 as amended. **Passed** with 4 ayes with 1 abstention by M. Husson.

TREASURER'S REPORT

Chair Kann reported that the warrant total for February 22, 2010 was in the amount of \$329,664.30.

Motion by D. Hull and second by M. Husson to approve the February 22, 2010 Warrant totaling \$329,664.30 as presented. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

Listed on Agenda

Neil Rabinowitz, 3932 Sheppard Drive - Snowplowing on Unadopted Road - Mr. Rabinowitz presented several issues to the Board. One issue dealt with the visibility problem for a regular car to exit from Sheppard Drive on to Palomino Road due to the high snow pile at that intersection. He stated that it's a simple issue to resolve, but that this unsafe condition still exists days after the storm. Another issue involved his dissatisfaction of the snow removal by the developer during the recent snowstorms. His prospective was that the developer should follow the Township's Ordinance of Section 21-303 Snow Removal from Streets. He indicated that his developer is not complying with the Ordinance by not plowing the entire width of the street. His final complaint related to the mountains of dirt in the open space and its erosion and dredging of mud from the developer's dump trucks onto the street. He stated that there should be Township standards set for the developers.

Manager Wilson reported that the Township crew is currently in the process of clearing back all intersections.

Atty. Rausch advised that the Ordinance should be interpreted in a reasonable manner. It states a clear and sufficient pathway for vehicular traffic. Based on the evidence shown, Sheppard Drive was plowed adequately.

Mr. Rabinowitz stated that his unadopted street should be plowed by the developer in the same manner as a Township road. The developer should be held to that same standard which is enforceable through the Ordinance.

Atty. Rausch advised that Mr. Rabinowitz should contact the York County Conservation District regarding the dirt piles. This would be their jurisdiction because they have control of the erosion and sedimentation plan.

Sylvia Rabowitz commented that Mr. Nadu used a truck with a plow on the front to clear their street and only made one pass down the middle. She stated that this was inadequate noting that there was a car parked along the street.

Not Listed on the Agenda

Marty Dwyer of King's Court Associates, was present along with Atty. John Mateyak, their legal counsel, with a request of the Board to help in securing their financing for the remaining phases of the Brownstone Manor Development.

Atty. Mateyak of Hartman Underhill & Brubaker in Lancaster stated that the bank is seeking some assurance that the project will be developed in accordance with the preliminary plan. They are requesting an extension of the vesting period on the original preliminary plan which is typically five years in order to proceed with construction. The Brownstone Manor Preliminary Plan was approved by the Board in February of 2004 and therefore the five years expired in 2009.

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Mr. Dwyer stated they are trying to obtain the revolving line of credit to complete the infrastructure improvements in Brownstone for the remaining phases.

Mr. Myers reported that Section 22-310 of the Subdivision & Land Development Ordinance allows for the filing of a schedule annually after the approval of the preliminary plan in which deadlines are established for final plan phases. His recommendation was that the developer provide a new schedule for the Board's review and approval.

Mr. Dwyer requested an extension of another five years on the preliminary plan.

Atty. Rausch was concerned about the legal aspect of the Board taking action on the preliminary plan which has already expired. He thought that because they are operating under the original preliminary plan that just extending the schedule would resolve the issue. He advised Atty. Mateyak to check with the bank to determine if they would accept that action.

Atty. Mateyak suggested that amending the old schedule under the original preliminary plan would get the same result.

Atty. Rausch noted that the other option would be to get the preliminary plan reapproved.

Atty. Mateyak stated that the preliminary plan is still valid to the extent that there are no changes in the zoning.

Mr. Dwyer said that the bank asked them to secure additional assurances through additional vesting conditions. The term of the revolving infrastructure loan is three years and would also cover the completion of Phases 3 and 4.

Mr. Myers suggested that the Township allow an extension of three years and they may return with a schedule to phase out the rest of the development and establish deadlines.

Motion by M. Husson and D. Hull to extend the vesting/protection period to King's Court Associates for the Brownstone Manor Preliminary Plan pursuant to Section 508 of the Municipalities Planning Code for a period of three years, or through February 22, 2013, and to require the Developer to submit a revised phasing schedule with the next plan submission to the Township. **Passed** with 5 ayes.

Charles Rudy, 3241 Staunton Avenue, commented on the better condition of the Dover Township roads in comparison to the roads in the Shiloh area. He indicated that the intersections still need some attention. He also informed the Board of a three foot pothole in the right lane of Hilton Avenue between Staunton and Brookside Avenues.

Chair Kann added that road repairs are needed at intersection of Lexington and Virginia Avenues.

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

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ENGINEER'S REPORT by Terry Myers

Approval of Change Order No. 2 in the Amount of \$6,761.00 to B & R Construction - Mr. Myers reported that the Tower Drive Improvements Project required more trench restoration work than anticipated which was primarily due to the utilities adjustments.

Motion by M. Shermeyer and second by D. Hull to approve Change Order No. 2 to B & R Construction in the amount of \$6,761.00 for the Tower Drive Improvements Project.

QUESTION - Supervisor Hull inquired about the numerous change orders which alter the original low bid contract price of bid projects.

Chair Kann responded these change orders are mainly due to unforeseen circumstances.

Mr. Myers added that this particular project required the utilities to be readjusted in the first change order. The reason for Change Order No. 2 was the amount of trench restoration work was estimated too low in the original contract. The bids are based on unit price calculations.

Passed with 5 ayes.

Approval of Application for Payment No. 3 to B & R Construction in the Amount of \$23,272.15 for Tower Drive Improvements Project - Mr. Myers reported that the total amount of completed work by B & R Construction to date is \$84,964.17 of which \$57,663.07 was previously paid so the net amount for payment retaining 5% totals \$23,272.15.

Motion by D. Hull and second by M. Love to approve Application for Payment No. 3 to B & R Construction in the amount of \$23,272.15 for the Tower Drive Improvements Project. **Passed** with 5 ayes.

Rohlers Church Road Culvert Replacements - Mr. Myers reported that the surveying work on Rohlers Church Road has been completed and the plans are being prepared to replace five culverts. He will review the final design with the Board next month. He noted that culvert pipe size requirements to accommodate a twenty five year storm will not work in some areas so they plan on utilizing the maximum size of elliptical reinforced concrete pipe possible with minimal stone coverage but this will not meet the normal design criteria. He stated that as long as the Township is significantly increasing the capacity of the existing pipe, DEP will not enforce the design criteria standards for a twenty five year storm. He noted that where the minimum stone coverage is possible corrugated plastic pipe will be utilized. The project will be bid in order for construction to be scheduled during the summer months of June, July, and August.

SOLICITOR'S REPORT by Atty. Charles Rausch

Atty. Rausch had nothing to report at this time.

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MANAGER'S REPORT by Laurel A. Wilson

Resolution 2010-10 Amendment to Job Description for Township Administrator/Payroll - Manager Wilson reported that the amendment is to comply with the HIPPA regulations.

Motion by M. Shermeyer and second by D. Hull to approve the amendment to the job description for the Township Administrator/Payroll Position. **Passed** with 5 ayes.

Resolution 2010-11 To Ratify and Confirm Appointments to the Dover Township Zoning Hearing Board - Manager Wilson reported that this resolution is to add Patrick O'Connor as an Alternate Member of the Zoning Hearing Board.

Motion by M. Husson and second by M. Shermeyer to ratify and confirm the appointments to the Dover Township Zoning Hearing Board. **Passed** with 5 ayes.

OLD BUSINESS

No old business to be discussed at this time.

COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Hull requested that the legal services total be removed from the Treasurer's Memo to the Board.

Supervisor Hull commented that he received his Municipal Tax Bill in the mail today and is happy to pay \$144.00 to Dover Township which computes to 39 cents per day for all of the Township services he receives throughout the year.

Supervisor Shermeyer stated that the entire one mill does not all go to the Township. She noted that .165 of a mill is designated for the Fire Department.

Supervisor Shermeyer stated that she and Georgia Sprenkel attended the memorial service for Russell Shive on Saturday, February 6, 2010, at the Dover Township Volunteer Fire Department. It was well attended by many area fire departments. Mr. Shive played a major role in the Dover Township Volunteer Fire Department and was a member of the Dover Township Recreation Board for many years. He initiated the organization of the Junior Fire Department in Dover Township.

Supervisor Shermeyer reported that she attended the York Daily Record Seminar today. She will provide copies of the materials she received to the Township Manager.

Supervisor Love reported that she attended the Growing Greener Conservation by Design Seminar conducted by Farm & Natural Lands Trust last Thursday. Terry Myers, the Township Engineer, also attended this seminar. He had incorporated some of the concepts mentioned into the amendments to the Township's Subdivision & Land Development Ordinance. She discussed the use of a large loop street with open space as an alternative to the cul-de-sac street design. She will inform the Board of an upcoming tour which will be hosted by the Trust sometime in June.

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Chair Kann updated the Board on the last Police Commissioners Meeting. The current Chief of Police will be retiring in April. The Commissioners voted at the meeting to give the Deputy Chief a salary raise for his promotion to the Police Chief position. Chair Kann, Dover Township's Police Liaison, commented that he voted against the raise because the amount was a little excessive.

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

Chair Kann adjourned the meeting at 8:29 PM.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary