The Dover Township Board of Supervisors regular meeting for Monday, March 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; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. There were 8 citizens 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 Public Hearing was held at 6:00 PM this evening on the cable franchise renewal with Comcast. He further announced that the Board also held an Executive Session before this meeting to discuss land acquisition/real estate.

**APPROVAL OF MEETING MINUTES FOR MARCH 8, 2010**

*Motion* by M. Love and second by M. Shermeyer to approve the meeting minutes for March 8, 2010 as presented. **Passed** with 5 ayes.

**TREASURER’S REPORT**

Chair Kann reported that the warrant total for March 22, 2010 was in the amount of $273,184.14.

*Motion* by M. Shermeyer and second by D. Hull to approve the March 22, 2010 Warrant totaling $273,184.14 as presented. **Passed** with 5 ayes.

**PUBLIC COMMENT PERIOD**

*Listed on Agenda*

Bob Sweitzer, 3261 Walker Avenue - Stormwater Drainage Easement Waiver for New Fence Installation - Mr. Sweitzer appeared before the Board to request a waiver to install a new fence within a stormwater drainage easement which runs along the west side of his property. He wants to enclose his entire backyard up to his front porch with an open rail aluminum fence. The posts would be cemented in the ground. He is aware that in case the Township would need to maintain the easement that he would have to remove/replace the fence at his expense.

*Motion* by D. Hull and second by M. Shermeyer to grant the waiver contingent on the property owner installing the fence twelve inches from the edge of the stormwater pipe, executing a fence agreement, and paying the legal and recording fees for the agreement. **Passed** with 4 ayes and 1 nay with opposition by M. Love.
Andrea Crone (Crone’s Gas & Goodies), 6851 Bluebird Lane - Temporary Vendors Cut Business Profits - Mrs. Crone was present to request that the Board consider adopting an ordinance to keep outside temporary vendors from stealing sales from the local businesses. She distributed the Transit Seasonal Sales Ordinance which was recently adopted by Springettsbury Township.

The Board discussed the impact of non-profit organizations holding fundraisers within the community.

Manager Wilson reported that the Springettsbury Township Ordinance is not a stand-alone ordinance. It was placed within their Zoning Ordinance.

Board Consensus was that the Board would address Mrs. Crone’s request to prepare a Transit Seasonal Sales Ordinance at a future date.

Eric Johnston - Environmental Impact Assessment Report for Thunderbird Preliminary Land Development/Subdivision Plan - Mr. Johnston requested the Board’s approval to accept the Environmental Impact Assessment Report that his office prepared for the Thunderbird Commons Project. He is attempting to address the outstanding item on the conditional approval received by the Dover Township Planning Commission. His predicament was that Johnston Associates is the Design Engineer for the Thunderbird Commons Land Development/Subdivision Plan and a conflict of interest has been created by his office also preparing the Thunderbird Environmental Impact Assessment Report.

Manager Wilson indicated that Johnston Associates and Rettew have been approved by the Township to prepare the EIA Reports.

Mr. Myers reported that the EIA Report has been completed for Thunderbird by Johnston Associates. It was the Township’s intent with the policy that an independent agent prepare the EIA study.

Ms. Sprenkel remarked that it is specifically stated in Section 720 of the Subdivision and Land Development Plan.

Ms. Love expressed her opinion of the authenticity of Mr. Johnston’s seal placed on the EIA Study and he would not jeopardize that seal. She does not agree with that Section in the SALDO.

Motion by M. Shermeyer and second by M. Love to allow Johnston Associates (Eric Johnston) to prepare the Environment Impact Assessment Report and also be the Design Engineer for Thunderbird Commons. Passed with 3 ayes and 2 nay with opposition by M. Husson and C. Kann.

Mr. Johnston stated that in the future, he will respect the Township’s policy.

There weren’t any other public comments at this time.
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ZONING OFFICER’S REPORT by Georgia Sprenkel
PL09-11 Catherine M. Small 2-Lot Final Subdivision Plan - Clark Craumer presented the two lot final subdivision plan for Catherine M. Small.

Ms. Sprenkel reported that there were two waiver requests: §304.2 preliminary plan and §704.b the required cartway width of Blackberry Road.

Supervisor Love requested clarification on whether it was for dedication of right-of-way or road improvements.

Mr. Myers responded it was actually for road improvements.

**Motion** by M. Love and second by D. Hull to grant the two waivers from §304.2 preliminary subdivision plan and §704.b roadway improvements to Blackberry Road. **Passed** with 5 ayes.

**Motion** by D. Hull and second by M. Love to approve the Catherine M. Small 2-Lot Final Subdivision Plan contingent on the completion of the outstanding item for payment of the recreation in-lieu-of fees. **Passed** with 5 ayes.

PL07-16 Kunkel/Snyder 2-Lot Subdivision Plan - Ms. Sprenkel reported that a waiver is being granted on PL07-16 Kunkel/Snyder 2-Lot Subdivision Plan until August, 2010. The postponement of the plan is due to the incompletion of the nitrate testing by DEP.

ENGINEER’S REPORT by Terry Myers
Water Improvements Project - Mr. Myers updated the Board that bids for the H2O Water Improvements Grant Project will be advertised and then opened on April 22, 2010 with a recommendation on award at the April 26th BOS Meeting.

Tower Drive Drainage Improvements Project - Mr. Myers reported that attempts have been made to contact the contractor in order to schedule finalizing the Tower Drive Project, but to no avail. Two handicap ramps and street restoration work is needed to complete their portion of the project. A 5% retainer of the total project cost is still being held by the Township.

Manager Wilson reported that the Township was notified by a vendor that this contractor has not paid their stone supplier.

Supervisor Shermeyer questioned the scope of the Tower Drive paving project.

Mr. Myers replied that the Highway Crew Leader was planning on paving to the end of the Rock Creek Development up to Redwood Road.

The Board discussed continuing with the paving up to Locust Road. There would still be road improvements at the intersections of Tower and Davidsburg and Davidsburg and Jayne which would be coordinated in the future.
Mr. Myers said that he will try to negotiate additional right-of-way from the property owner on the curve at the narrow portion of Tower Drive and update the Board on his progress at the next meeting.

Rohlers Church Road Culvert Replacements - Mr. Myers reported that he has two DEP permit applications ready for Township’s authorized signature. They will be submitted to DEP this week. Bids are scheduled to be open on May 21, 2010 with construction starting in late June.

SOLICITOR’S REPORT by Atty. Charles Rausch
Final Draft Zoning Ordinance Review - Atty. Rausch reported that Barbara McKinney of the York Planning Commission asked for a two week extension of the review period for the final draft of the Zoning Ordinance. This additional time will delay the public hearing for the Zoning and Subdivision and Land Development Ordinances. The public hearing date will be advertised for May 10, 2010.

Ms. Sprenkel announced that the Dover Township Planning Commission will hold their Public Meeting for the Zoning and Subdivision and Land Development Ordinances on Wednesday, April 7, 2010.

Question for the Solicitor - Supervisor Shermeyer inquired about the liability involved with the Fire Department having a basketball pole on the Township’s property and the public also utilizing it from time to time.

Atty. Rausch suggested that this issue be discussed with the Township’s insurance company.

Manager Wilson indicated that Lehr Park and the Community Building area were recently inspected by the Township’s insurance company and they made no mention of the basketball pole being a liability issue.

Supervisor Hull implied that if they posted a sign on the pole which read: For Firefighters’ Use Only, it may alleviate the problem.

Supervisor Shermeyer noted that the Police have been notified about some recent incidents involving teens at Lehr Park.

MANAGER’S REPORT by Laurel A. Wilson
Approval of the First Amendment to the Clearwire Communication Site Lease Agreement for the Locust Road Water Tank - Manager Wilson reported that Exhibit B which reflected the Site Plan was the only part of the agreement that was amended for the Locust Road Water Tank.

Motion by M. Husson and second by M. Love to approve the first amendment to the Clearwire Communication Site Lease Agreement for the Locust Road Water Tank. Passed with 5 ayes.

Approval of the First Amendment to the Clearwire Communication Site Lease Agreement for the Staunton Avenue Water Tank - Manager Wilson reported that this was the same amendment of this agreement for the Staunton Avenue Water Tank.
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**Motion** by M. Husson and second by M. Love to approve the first amendment to the Clearwire Communication Site Lease Agreement for the Staunton Avenue Water Tank. **Passed** with 5 ayes.

**SEO Agreement with Richard Baade** - Manager Wilson reported that she has the SEO Agreement with the Township’s Alternate Sewage Enforcement Officer, Richard Baade ready for the Board’s approval. She noted that this is the exact agreement that was signed by the Township’s Sewage Enforcement Officer, Brad Hengst.

**Motion** by Madelyn Shermeyer and second by D. Hull to authorize the Chairman to sign the SEO Agreement with Richard Baade as the Township’s Alternate Sewage Enforcement Officer. **Passed** with 5 ayes.

**OLD BUSINESS**
There wasn’t any old business items to be discussed at this time.

**COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS**
Supervisor Hull reported that he and Supervisors Shermeyer and Love attended the NIMS 200 Course Training this past weekend at the Dover Township Volunteer Fire Department.

Supervisor Hull stated that the “S” curves on Oak Lane have been cut short by vehicular traffic. He suggested the installation of delineators to keep tire tracks off of the road right-of-way area.

Mr. Myers thought that 2A stone should be placed along the road edge at the curves so the road surface doesn’t break off.

Supervisor Husson addressed the safety issue of vehicles still turning left into MacDonald’s from Route 74.

Supervisor Shermeyer requested that the Supervisors complete and return their proposed resolutions for the PSATS State Convention to her as soon as possible so she can determine how to vote.

Supervisor Love thanked the Fire Dept. for hosting and providing food for the NIMS Seminar this past weekend.

**COMMENTS FROM THE PUBLIC PRESENT**
James Leib, Skytop Trail, complimented the Public Works Crew for the fine maintenance job they did over the winter months.

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

Chair Kann adjourned the meeting at 8:17 PM.

Respectfully submitted by: ________________________________

Dawn D. Slegel, Township Secretary