

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
MARCH 23, 2015**

The Dover Township Board of Supervisors regular meeting for March 23, 2015, was called to order at 7:00 PM by Chair Matthew Menges in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Matthew Menges, Monica Love, Charles Richards, and Stephen Stefanowicz. *Stephen Parthree was absent with prior notification.* Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Attorney Charles Rausch; Township Solicitor; Terry Myers, Township Engineer; Charles Farley, Township Public Works Director; Georgia Sprenkel, Township Zoning Officer; and Trena Hall, Recording Secretary. There were 7 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.

Prior to this meeting a work session was held to discuss the possible purchasing of a new Tanker Truck for the Dover Township Volunteer Fire Department and an executive session was also held on the Pro Electric Litigation.

APPROVAL OF THE WORK SESSION MINUTES FOR MARCH 9, 2015

Motion by M. Love and seconded by C. Richards to approve the work session meeting minutes for March 9, 2015, as presented. **Passed** with 4 ayes

APPROVAL OF THE MEETING MINUTES FOR MARCH 9, 2015

Motion by M. Love and seconded by S. Stefanowicz to approve the meeting minutes for March 9, 2015, as presented. **Passed** with 4 ayes

TREASURER'S REPORT

Motion by C. Richards and seconded by S. Stefanowicz to approve the warrant totals for March 20, 2015, in the amount of \$292,652.24, as presented. **Passed** with 4 ayes

SEO REPORT by Brad Hengst

Brad Hengst was present to propose a Planning Module for a property owned by Kip Hershey on Pinchtown Road. The property has a malfunctioning septic system. There is no room on the lot to build a conventional on-lot septic system but there is an intermittent stream running at the back side of his property. A small flow treatment facility is being proposed, which will discharge the treated fluid into a stream. The stream does not start until 2-3 properties down the road and the neighboring property owners are agreeable to this process passing through their land. One property owner signed a waiver agreement and two did not because they did not want this waiver agreement attached to their deed. Mr. Hengst noted that DEP should approve the Planning Module even if the neighboring property owners do not sign the waiver agreement. This system is designed to have the flow go through the septic tank into a pump, then from the pump to the buried sand filter which is a gravel bed with pipes in it that goes to the stream. This slow process will only ever trickle through the piping eliminating a flush through.

The Board needs to approve Resolution 2015-10 and the Maintenance Agreement that will go along with the Planning Module required by DEP. The Planning Module has been approved through the Township's Planning Commission and the York County Planning Commission. Brad Hengst and Attorney Rausch have made some language changes to the Maintenance Agreement which is not available to date for the Board to sign, but can be approved subject to the Solicitor's approval. One change was if the property owner had a malfunction and they did not repair it, then the Township would go in and repair it. The Township does not repair septic systems. This was changed to be a violation of the Sewage Facility Act and then the issue can be enforced better through this law. The maintenance agreement will require the Township's SEO to inspect the system twice a year, with requiring the owner to pump every 3 years. The property owner will fill out a report recording the distribution of the chlorination tablets to keep the system treated and record the testing for residual chlorine monthly. This report is filed with Mr. Hengst and DEP every year.

Motion by S. Stefanowicz and seconded by C. Richards to approve Resolution 2015-10 Plan Revision for New Land Development for Kip Hershey at 5550 Pinchtown Road, as presented. **Passed** with 4 ayes

Motion by S. Stefanowicz and seconded by M. Love to authorize the Chair to sign the Maintenance Agreement subject to the solicitor's approval, as presented. **Passed** with 4 ayes

PUBLIC COMMENT PERIOD

Not on the agenda

Pam Crane – 4055 Natalie Lane – Install a Fence in an Easement – In 2008, Mrs. Crane approached the Township about installing a split rail fence and flowerbeds. At that time, she was told that a fence could be up to but not on her property line. She installed the flowerbeds and today she is ready to install the fence. Now, she has learned that she cannot install this fence where she prepped because she needs to stay 10' off of the easement. She is requesting a waiver from the Board to install her fence where she had planned. Mrs. Crane understands that if the Township would need access to the easement, a portion of the fence would need to be removed. Attorney Rausch will create a Fence License Agreement for Mr. and Mrs. Crane agreeing that the fence can be in the easement, however the fence will need to be removable if the Township would need access to their property. Attorney Rausch noted that recording fees, paid by the property owner, will be around \$125.00.

Motion by C. Richards and seconded by S. Stefanowicz to grant approval for a fence to be installed in the easement area, subject to a recorded Fence License Agreement prepared by Attorney Charles Rausch, as presented. **Passed** with 3 ayes and **Opposed** by M. Love

ZONING REPORT by Georgia Sprenkel

PL 14-2 – Glen Hollow Phase 3, Revised Final Subdivision Plan – Clark Craumer presented this plan, which will subdivide a two unit condominium into individual lots. There are no issues to be addressed.

Motion by M. Love and seconded by C. Richards to approve the waiver request on PL 14-2 – Glen Hollow Phase 3, Revised Final Subdivision Plan as follows: 1. Where a subdivision abuts or contains an existing street of inadequate width, the developer shall provide sufficient additional right of way and cartway widths to meet the following standards (§ 704.), as presented. **Passed** with 4 ayes

Motion by M. Love and seconded by S. Stefanowicz to approve PL 14-2 – Glen Hollow Phase 3, Revised Final Subdivision Plan contingent on the completion of the following open items: 1. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system, should be provided (§ 501.2.A); 2. The Engineer's/Surveyor's seal, signature and date should be added to the plan (§ 501.2.F); 3. The legal and/or equitable Owner's notarized signature must be added to the plan certifying concurrence with the plan (§ 501.2.H); and 4. Provide to the Township a copy of the letter dissolving the two lots from the Condo Association, as presented. **Passed** with 4 ayes

PL 14-6 – Terra Vista Final Subdivision Plan – Todd Curl from R.G.S. and Attorney Robert Katherman presented the plan for the Terra Vista Associates. They will be taking a single lot, which totals approximately 44.3 acres and subdividing it into 3 separate parcels. The largest lot on the north side of Davidsburg Road will be divided into two lots and the third lot will be on the south side of Davidsburg Road. There are no outstanding comments. There are a few requested waivers that were recommended by the Planning Commission.

Motion by M. Love and seconded by C. Richards to approve the waiver requests for PL 14-6 – Terra Vista Final Subdivision Plan as follows: 1. All existing or proposed streets on or within 400 feet of the tract, including name, right of way width and cartway width should be added to the plan (§ 501.2.W); and 2. Where a subdivision abuts or contains an existing street of inadequate width, the developer shall provide sufficient additional right of way and cartway widths to meet the following standards (§ 704.B), as presented. **Passed** with 4 ayes

Motion by M. Love and seconded by S. Stefanowicz to approve PL 14-6 – Terra Vista Final Subdivision Plan contingent on the completion of the following open items: 1. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system, should be provided (§ 501.2.A); 2. The sign and seal of the Professional Engineer and/or Professional Land Surveyor should be added to the plan (§ 501.2.F); 3. The legal and/or equitable Owner's notarized signature must be added to the plan certifying concurrence with the plan (§ 501.2.H), as presented. **Passed** with 4 ayes

S. Stefanowicz inquired why a waiver was needed on a dead end street. A cul-de-sac will not be needed because the Township would like to purchase the piece of land to extend the road through the property.

PL 14-6 Terra Vista Land Development Plan – This shows the build-out on the northern piece with the southern parcel being dedicated to the Township. There are still a few outstanding waivers that need to be requested.

Motion by S. Stefanowicz and seconded by M. Love to grant the requested waivers on PL 14-6 Terra Vista Land Development Plan as follows: 1. The Township staff has determined that a prior preliminary plan approval is not required and that this plan can be reviewed and acted upon as a preliminary/final plan (§ 304.2); 2. All existing or proposed streets on or within 400 feet of the tract, including name, right of way width and cartway width should be added to the plan unless a specific waiver for this requirement is obtained from the Board of Supervisors (§ 501.2.W); 3. The Township's SALDO requires the Environmental Impact Assessment report to be prepared by an independent qualified consultant who is not involved with the design of the proposed improvements (§ 720.3). The consulting engineer for the project prepared the report; 4. Dead end streets must be constructed with a stabilized all-weather turnaround of the same radius as that which would be required for a permanent street unless a specific waiver for this requirement is obtained from the Board of Supervisors (§ 703.H.8), as presented. **Passed** with 4 ayes

The emergency access has been changed from being paved to installing a grassy type mesh. This should remain open because the Fire Marshal still had some concerns.

Motion by C. Richards and seconded by M. Love to approve PL 14-6 Terra Vista Land Development Plan contingent on the completion of the following open items: 1. Zoning Ordinance – Per the Conservation-Based Design, the developer must submit a detailed statement including covenants, agreements or specific documents showing the ownership, financial responsibility, and methods of maintenance and utilization of required common open space area and buffer yards within the development. The Township Solicitor shall review such documents to determine whether they adequately provide for the creation of open space and its maintenance. The Township shall require that such documents provide that any alteration or amendment of the provisions establishing a common open space area or its maintenance cannot be accomplished without the express consent of the Township. Such documents creating the areas and providing for their maintenance shall not be altered or amended after the Township approval has been granted without the specific consent of the Township (§ 618.4.B.7); Subdivision & Land Development Ordinance – 2. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system, should be provided (§ 501.2.A); 3. The sign and seal of the Professional Engineer and/or Professional Land Surveyor should be added to the plan (§ 501.2.F); 4. The legal and/or equitable Owner's notarized signature must be added to the plan certifying concurrence with the plan (§ 501.2.H); 5. Approval of the Stormwater management plan should be obtained from the Township Engineer (§ 502.8); 6. Public improvement security shall be provided prior to final plan approval (§ 602.1); 7. Soil erosion and sedimentation control plan and NPDES permit approvals must be obtained from the York County Conservation District (§ 602.4); 8. The design details for the proposed emergency access drive off of Rock Creek Drive should be provided on the plan for review by the Fire Chief; and 9. Prior to final plan approval, the Developer's Agreement must be executed, as presented. **Passed** with 4 ayes

Terra Vista Development Agreement – This agreement involves three tracts of land. Two tracts of land are being developed and one is being dedicated to the Township. This agreement discusses the road work, obligated events for the Township (acquiring land, material for sewer line, etc.), and the developer installing the water line and the emergency access. The developer is still working with PENNDOT on items like narrowing the road and lowering the speed limit.

Motion by M. Love and seconded by C. Richards to approve and execute the Terra Vista Development Agreement, as presented. **Passed** with 4 ayes

PL 14-2 – Brookside Motors Land Development Plan – Re-Approval – Their 90 days have expired and there are no changes. Re-approval is needed. Security will be posted in the next week or two.

Motion by C. Richards and seconded by M. Love to re-approve PL 14-2 – Brookside Motors Land Development Plan, as presented. **Passed** with 4 ayes

Discussion Regarding the Bupp/McNaughton Plan Proposed Options – The McNaughton Company has requested adding an Age-Restricted development as a Special Exception or a conditional use under the R 1 Zone.

M. Love noted that the rezoning was done for a reason. There were so many areas that had large undeveloped pieces of property that they were unable to go in the R3 or R4 zones. The Zoning Board tried to keep these areas clustered to the more urban areas of the Township. Chair Menges noted that a zoning map has been put into place as a plan and it cannot keep being changed.

M. Love and Chair Menges would not like to see any changes made to the zoning. M. Love noted that maybe if a special line text could be brought in specifically for the R1 district that is a little more restrictive.

McNaughton Company will be at the next Planning Commission meeting in April. The Board noted that there were no problems with the plan; they just need to figure out how this plan would work throughout the Township on the density and special standards.

Georgia Sprenkel noted that Brian Kimmel has contacted her in regards to the archery and shooting range regulations. He will be at the Planning Commission meeting in April.

ENGINEER’S REPORT by Terry Myers

Authorization to Advertise for the 2015 Annual Street Contracts – There will be three Street Maintenance contracts. The fourth will be for some storm sewer repairs which permits are needed before a plan is developed.

Contract No. 1 is an overlay on Emig Mill Road, Oriole Drive and Robin Road. Base repair work is needed on Palomino Road, Paradise Road and Pine Hill Road. Township crews will do the base repair on Oriole Drive and Robin Road except Emig Mill Road which will have base repair added to the contract.

Contract No. 2 will be the seal coating or oil and chipping on Sky Top Trail, Crone Road, Nursery Road, Old Carlisle Road, Emig School Road, Newport Road, Schoolhouse Road, Conewago Road (from the bridge to Colonial Road), Highland Avenue, Walker Avenue, and Staunton Avenue.

Contract No. 3 will be Stormwater Repairs for Anita Drive, Emig Mill Road, and Wilmar Drive.

Contract No. 4 will be utility trench repairs

The **944 contract** consists of Contract No. 1, 2 and 3 which are labeled construction contracts.

The **963 contract** will be where they bid the crushed aggregate and bituminous materials.

The **MS970** contract is equipment rentals.

With the Board's approval, C.S. Davidson would like to advertise for April 2 & 7, 2015 with bids to be opened on April 22, 2015. Then, contract recommendations will be provided to the Board on April 27, 2015 with contracts in place by May 11, 2015, and projects to begin by June 1, 2015

Motion by S. Stefanowicz and seconded by C. Richards to authorize the advertisement of the 2015 Annual Street Contract bids, as presented. **Passed** with 4 ayes

SOLICITOR'S REPORT by Attorney Charles Rausch

Approve Ordinance 2015-04 to Amend the Dover Township Code of Ordinances Chapter 16 Parks and Recreation, Section 103 (K) Regarding Prohibited Conduct – The prohibition of the discharge of fire arms lawfully in the parks was removed so the Township is compliant with current state laws. This amendment is ready for adoption and has been advertised.

Motion by M. Love and seconded by S. Stefanowicz to adopt Ordinance 2015-04 to Amend the Dover Township Code of Ordinances Chapter 16 Parks and Recreation, Section 103 (K) Regarding Prohibited Conduct, as presented. **Passed** with 4 ayes

Authorize the Agreement of Sale to Purchase a Portion of the Gerber Farm – The appraisal price of \$2,000 has been received and is ready to propose to George and Faye Gerber for the acquisition of the 2,109 square feet of property that is needed to complete the road extension for the Terra Vista Development. The Township will also propose paying the cost of the following: 1. Subdivision to acquire the property; 2. The relocation of the existing fence for a fee of \$1,173.00; 3. The removal of the allotted trees and allowing the seller to keep any wood; and 4. The Township would be responsible for any rollback taxes as a result of the subdivision, which there will be no extra taxes for this.

Mr. Gerber originally requested action to be taken before the pasture would need to be utilized for the season.

Motion by C. Richards and seconded by M. Love to authorize Chair Menges to sign the agreement of sale to purchase a portion of land from George and Faye Gerber for the price of \$2,000, as presented. **Passed** with 4 ayes

Motion by C. Richards and seconded by S. Stefanowicz for the conditional approval of \$1,173.00 quoted from Lazy J Fence Company to relocate the fence, if Mr. and Mrs. Gerber accept the agreement of sale, as presented. **Passed** with 4 ayes

Authorize the Advertisement of Amendments to the SARP Ordinance 2015-05 – The Township would like to repeal the current Sewer Access Rights Program (SARP) that began in the mid 90's because of capacity issues. Currently, these issues do not exist and an EDU can be purchased when one is needed. A reservation capacity agreement can be added. There are restrictions under the current tapping fee laws on how much you can charge to reserve capacity in advance. The amendment will revise the Equivalent Dwelling Unit (EDU) definition and payments to connect to the Township's sanitary sewer system.

Motion by M. Love and seconded by S. Stefanowicz to authorize the advertisement of the amendments to the SARP ordinance, as presented. **Passed** with 4 ayes

Sewer Authority and Pro Electric Agreed Settlement – Attorney Rausch noted that the Board needs to approve the settlement amount of \$590,000. This would return the original escrow amount that was posted by Pro Electric to secure the performance of the job, the balance of the retainage that was held by the Sewer Authority pending the outcome which was \$110,000 and about \$91,000 which represents the accumulated interest over that period.

Motion by S. Stefanowicz and seconded by C. Richards to approve the \$590,000 settlement amount to Pro Electric to resolve the litigation, as presented. **Passed** with 4 ayes

Utility Services has signed off on the exhibits for all of the Admire Road leases for the Telecommunications Companies. Attorney Rausch will have the leases from Chantel and Verizon to approve at the next April meeting.

MANAGER'S REPORT by Manager Laurel Oswalt

Approve Resolution 2015-08 Proclamation for "National Public Works Week", May 17-23, 2015

Motion by M. Love and seconded by S. Stefanowicz to approve resolution 2015-08 Proclamation for "National Public Works Week", May 17-23, 2015, as presented. **Passed** with 4 ayes

Approve Resolution 2015-09 Exonerating G.H. Harris Associates, Inc. of Uncollectible Delinquent Per Capita Taxes for the Years 2003 to 2011 – G.H. Harris Associates attempted to collect taxes through this time period and are now closing the books. The Township has since moved onto another agency to collect delinquent taxes.

Motion by C. Richards and seconded by M. Love to approve resolution 2015-09 exonerating G.H. Harris Associates, Inc. of Uncollectible Delinquent Per Capita Taxes for the years 2003 to 2011, as presented. **Passed** with 4 ayes

Manager Oswalt will need an executive session for one personnel matter. She also noted that she will be having a start-up meeting with PEMA on April 2, 2015 for the Pine Road Grant.

PUBLIC WORKS DIRECTOR'S REPORT by Charles Farley

SSM Proposal for "Well 9 Water Quality Sampling Schedule" – This proposal deals with the active site for Crone's Gas and Goodies. This proposal states the SSM will monitor the groundwater flow, the travel time of the plume to Well No. 9, and provide a water quality sampling schedule. The estimated cost for this would be \$2,400.

Motion by C. Richards and seconded by M. Love to approve the additional services from SSM for the proposal for the "Well 9 Water Quality Sampling Schedule", as presented. **Passed** with 4 ayes

SSM Proposal for "Water Planning Study and Water System Assessment" –This proposal is for a review of the Township's Operation and Maintenance practices on water flow and pressure, provide recommendations for Capital Improvements, determine the timing of the needed Capital Improvement, review the Township's water rates, suggest future well sites, and keep permits and agreements up to date.

C. Richards inquired why the Township should have this assessment completed. Mr. Farley noted that the Township needs a more current engineered review of the system.

Chair Menges questioned if this was budgeted for 2015. Mr. Farley noted that \$30,000 was budgeted for the study. The estimated cost for the study is around \$31,000 which also includes a rate study that was not budgeted. This study would recommend rate increases as Capital Improvements are completed.

Chair Menges inquired on the time frame for this to be completed. Mr. Farley noted it will take between 2-6 months to complete. SSM already has much of the information to begin the study.

Motion by M. Love and seconded by C. Richards to approve the proposal for the "Water Planning Study and Water System Assessment", as presented. **Passed** with 4 ayes

BH Amendment for Extending Long Term Flow Meter Installation and Service Contract – This proposal is an extension on the existing service contract with Buchar Horn, Inc. (BH) of the Billing Meters for 3 additional years. This is for the long-term flow meters. This has been budgeted.

S. Stefanowicz questioned who owned the meters. BH owns and provides the service to the meters included in the contract.

Motion by M. Love and seconded by C. Richards to approve the BH amendment for extending the Long Term Flow Meter installation and service contract, as presented. **Passed** with 3 ayes and **Opposed** by S. Stefanowicz

BH Proposal for “Long Term Rate Analysis/Sewer Tapping Fee Update and Special Purpose Sewer Tapping Fee for Area North of Dover Borough” – BH will help Gordon Walker determine debt service requirements for the next 10 years for the proposed sewer system and WWTP Capital Improvements. BH will update the 2008 Tapping Fee Schedule and review the Special Purpose Tapping Fee for the area north of the Borough. This will help the Township set the Tapping Fee. A Tapping Fee can only be established by a study and then approving the fee by a resolution. This study will determine if additional Tapping Fees are warranted in the new project north of the Borough. The area north of the Borough has been added as another component to the Tapping Fee study to see if it warrants additional fees beyond the regular Tapping Fee. This has been budgeted.

S. Stefanowicz inquired on the time frame of this project. Mr. Farley noted it should be completed within a few months.

Motion by C. Richards and seconded by S. Stefanowicz to approve BH proposal for “Long Term Rate Analysis/Sewer Tapping Fee update and Special Purpose Sewer Tapping Fee for the area north of Dover Borough”, as presented. **Passed** with 4 ayes

C. Richards inquired how the sewer lining project on Canal Road was going. To date the lining is about 20% completed.

OLD BUSINESS

Potential Public Works Garage – Manager Oswalt provided a list of Public Works Garages from C.S. Davidson to go and tour. She questioned when and which ones the Board members would like to tour so they could be scheduled. Chair Menges suggested choosing one of each type and arrange a group tour.

Manager Oswalt will contact West Manchester, Springettsbury and York Townships to arrange times to visit. Manager Oswalt also suggested sending staff out to visit and from there choose which ones the Board should visit.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

M. Love and Manager Oswalt received an email from the resident at 4244 Marlboro Road, complaining about water in the back of their property. They believe it is from the neighboring development. Terry Myers noted that he will schedule time to stop out and look at the area.

M. Love inquired if the Board would like to vote on the Tanker Truck purchase for the Fire Department.

Chair Menges agreed that this request is needed and since there is a great amount of time until the new truck would be built, he suggested helping the Borough repair their Tanker Truck in the meantime. He noted for the benefit of our residents, we need to help repair our neighboring Fire Company’s Tanker Truck. By doing this, there should be an agreement that the Borough will dispatch the Tanker Truck first to a scene in our Township or allow the Township Department to help get their tanker to the scene.

S. Stefanowicz inquired if the Fire Department can get a more firm number on the cost and if not vote on a not to exceed amount.

Motion by M. Love and seconded by C. Richards to approve the not to exceed expenditure of \$195,000 from the Capital Reserve Fire Tax, for the purchase of the tanker truck, after the Fire Department has provided their share of the \$150,000, as presented. **Passed** with 4 ayes

Chair Menges inquired if money can be used from the Township's Capital Reserve to help the Borough. Through discussion, it was determined that this money can be used.

Board Consensus was to have Manager Oswalt contact to the Borough to inquire why their Tanker Truck is out-of-service and what repairs are needed to put the Tanker back into full-service. If the Borough is not in the process of repairing it, extend the Board's agreed amount of \$10,000 to help repair the tanker truck with the condition that any non-hydrant zone structure fire in the Township will require the Borough to respond with the Tanker Truck first. It was also suggested to ask Glen Jansen of any other conditions to propose. This offer will be authorized as a one-time gift to the Borough for the repair of the Tanker Truck. This money would come out of Reserve money.

S. Stefanowicz inquired about the sewer bills just coming out on Saturday and being due on Monday. Manger Oswalt noted that the postal service did not deliver them as they should have and therefore the due date was extended by three days.

C. Richards noted that he has received many good compliments regarding the Township's Road Crews clearing of the roads during the numerous snow storms this winter.

M. Menges noted to let him know their concerns on the resolution amendments for the PSATS Conference.

With no further business, the meeting was adjourned at 9:28 into an executive session on a personnel matter.

Respectfully submitted by:

Trena M. Hall, Township Secretary