

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
April 12, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, April 12, 2010 was called to order at 7:00 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; Charles Farley, Public Works Director; Andrew Wallance, Dover Township Fire Chief; and Dawn Slegel, Recording Secretary. There were 3 citizens seated in the audience along with a news reporter. This meeting has been recorded for minute purposes only.

Chair Kann announced that a work session was held at 6:00 PM this evening with the York County Conservation District to review their template of a Memorandum of Understanding with Dover Township.

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 THE PUBLIC HEARING MINUTES FOR MARCH 22, 2010

Motion by M. Shermeyer and second by M. Love to approve the public hearing minutes for March 22, 2010. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR MARCH 22, 2010

Supervisor Husson made a correction in the Zoning Officer's Report on PL07-16 Kunkel/Snyder 2-Lot Subdivision Plan noting that Ms. Sprenkel reported that *an extension* (not waiver) was being granted. . .

Motion by M. Husson and second by M. Shermeyer to approve the meeting minutes for March 22, 2010 as amended. **Passed** with 5 ayes.

TREASURER'S REPORT

Chair Kann reported that there were two warrants. The Warrant for March 30, 2010 totaled \$136,365.93 and the Warrant for April 12, 2010 totaled \$193,004.04 which amounted to a grand total of \$329,369.97.

Motion by D. Hull and second by M. Husson to approve the two warrants totaling a grand total of \$329,369.97 as presented. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

Listed on Agenda

Dante Ravetti, 3030 Schoolhouse Road, Joggers/Bicycles on Schoolhouse Road - Mr. Ravetti was not in attendance to address his concern.

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Fire Chief Andrew Wallace, Dover Volunteer Fire Dept. - Fire Police Equipment - Chief Wallace provided information for the Board on the required equipment that Fire Police must carry to an emergency scene. This list has been mandated by the State and the County in order to effectively control traffic. The *Manual on Uniform Traffic Control Devices* of the Pennsylvania State Motor Vehicle Code regulates the Fire Department's responsibilities for controlling traffic. The Fire Department recently purchased a 2010 Ford F110 in order to consolidate and carry all of the required Fire Police equipment. They previously had a 1994 Ford Explorer which was in need of major repair and was not adequate to carry all the signage, cones, and other safety related items. With all of the safety lighting, striping, etc., the total cost of the vehicle will be approximately \$40,000. The vehicle was purchased through the State Contract. He requested that the Board designate a line item in future budgets for payment on this vehicle loan and begin a savings account for a future replacement when needed. He asked that a specific amount be determined by the Board of Supervisors to be earmarked for this purpose. The imperativeness of this safety issue was realized from the development of recent Fire Police accidents within the area in which the property safety equipment was not utilized and resulted in severe injuries or death to the Fire Police personnel on the scene.

Supervisor Husson questioned whether the pick-up truck would be enclosed.

Chief Wallace replied that one of York Water Company's old toppers with an extendo bed was secured for their truck.

Supervisor Hull inquired whether the vehicle would remain in Dover Township.

Chief Wallace responded that it will be in Dover Township unless the Dover Township Fire Police would respond to a call from outside of the Township.

Supervisor Love asked whether the Fire Police would receive special training to drive this vehicle.

Chief Wallace answered affirmatively. They will be receiving the EVOC (Emergency Vehicle Operators Course) which is a special training through VFIS, their local insurance carrier. Emergency personnel drivers must have that certification which covers driving in emergency situations and driving defensively.

Supervisor Husson offered the services of the Dover Area Ambulance Club who have staff that are Certified EVOC Instructors. He also questioned where the new vehicle would be stored.

Chief Wallace replied that it would be stored outside of the Station, at the Fire Police Officers' private residences, or for the use by on-call personnel.

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

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ENGINEER'S REPORT by Terry Myers

Approval of Change Order No. 3 to B & R Construction Services, Inc. in the Amount of \$438.44 for Tower Drive Improvements - Mr. Myers reported that this is the final change order closeout. There were decreases in quantities of stone backfill tonnage used, transition curbing, and paving restoration, and increases in quantities of rolled curb, 4" and 6" sidewalk, and 12' on the sanitary sewer project. The total increase of Change Order No. 3 was \$438.44.

Motion by M. Shermeyer and second by D. Hull to approve Change Order No. 3 to B & R Construction Services, Inc. for \$438.44 on the Tower Drive Improvements Project. **Passed** with 5 ayes.

Approval of Application for Payment No. 4 to B & R Construction Services, Inc. in the Amount of \$5,612.39 for Tower Drive Improvements - Mr. Myers reported that the total amount of work to date was \$88,047.61 with \$80,935.22 already paid. A final inspection was performed and a punch list was developed listing additional paving restoration work on the sanitary sewer trench repair and reseeding and re-topsoiling of the work areas. This additional work amounted to approximately \$1,000. The contract requires a retainer of 150% which would be \$1,500. Therefore, the net amount for payment is \$5,612.39.

Motion by M. Shermeyer and second by M. Husson to approve Application for Payment No. 4 to B & R Construction Services, Inc. in the amount of \$5,612.39. **QUESTION** - Supervisor Hull questioned holding additional money so that the contractor would be forced into completing the project.

Mr. Myers explained as per the contract requirements, final payment is made and then 150% of the estimated value of the uncompleted items is held. The substantial completion allows a thirty day time period to finalize the project.

Passed with 5 ayes.

Tower Drive Street Improvements - Mr. Myers reported that the street widths of Tower Drive from Tiffany to Rock Creek transition from 25 to 35 feet. The continuation of curb and sidewalk are recommended on the west side of Tower Drive. The curve on the upper portion of Tower is proposed to be softened. In order to do this proposed project, additional right-of-way must be acquired from Frank (deceased) & Jean Nagle of 3470 Tower Drive and Carl Brosend, Jr. of 3460 Tower Drive. In Mr. Myers' discussion with both property owners, they were not willing to negotiate any additional right-of-way. To meet the 25 feet street width from the centerline of Tower Drive, an additional 8 ½ feet of permanent right-of-way and 10 feet of a temporary construction easement is needed from both property owners. Plus, two utility poles on the west side of Tower must also be relocated.

Atty. Rausch explained the legal procedure for acquiring land through eminent domain which includes the adoption of a resolution, a declaration of taking, a 30 day time period for the filing of objections, and a tender of just compensation for rights-of-way.

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Motion by M. Shermeyer and second by M. Husson to authorize the Township Solicitor to prepare a resolution for the declaration of taking for the affected properties on Tower Drive. **Passed** with 5 ayes.

Mr. Myers indicated that additional right-of-way should also be negotiated with Richard Schue of 3461 Tower Drive located on the opposite side of Tower Drive. If he does not cooperate, Mr. Schue will also need to be included in the legal proceedings.

SOLICITOR'S REPORT by Atty. Charles Rausch

Proposed Agreement for Brownstone Manor Phases 1 & 2 - Atty. Rausch reported that a proposed agreement was received for Brownstone Manor Phases 1 and 2 from Kings Court. They have agreed to finish the punch list items for Phases 1 and 2 prepared by C. S. Davidson. They will install the final paving asphalt course and the street trees in accordance with the Phases 1 and 2 plans. The Township will pay Kings Court for the improvements of Phases 1 and 2 from the escrow money. The Township will adopt the streets within 30 days of completion. Kings Court will post a maintenance security of 15% for eighteen months for Phases 1 and 2 streets. \$20,000 of the escrow money may be kept by the Township for engineering costs of Phases 1 and 2 and therefore release Kings Court of any previous Altieri obligations associated with outstanding engineering fees. He discussed with the Board the remaining engineering fees totaling \$45,000 with the bulk of the fees from Phase 3. Atty. Rausch suggested that the agreement include Phase 3.

Manager Wilson and Mr. Myers questioned whether inspection fees on the punch list items are to be covered in the \$20,000.

Atty. Rausch said that the agreement wording was unclear.

Board Consensus was to have the Township Solicitor negotiate a better commitment from Kings Court on the reimbursement of engineering fees.

MANAGER'S REPORT by Laurel A. Wilson

Resolution 2010-12 - Designation of an Agent for the February 2010 Blizzards - Manager Wilson reported that in this resolution she was designated as the Township agent for all PEMA or FEMA documentation regarding the February 2010 blizzard disaster relief.

Motion by M. Shermeyer and second by D. Hull to approve Resolution 2010-12 naming Laurel Wilson as the designed Township agent for PEMA/FEMA. **Passed** with 5 ayes.

Resolution 2010-13 - DCNR Skate Park Grant Agreement - Manager Wilson reported that since the Township did not receive the skate park grant for Lehr Park last year, the grant application can be resubmitted to DCNR this year.

Motion by D. Hull and second by M. Husson to approve Resolution 2010-13 authorizing the Skate Park grant application to be resubmitted to DCNR. **Passed** with 5 ayes.

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Road Materials and Equipment Rental Bid Awards for 2010-11 - Motion by M. Shermeyer and second by M. Love to approve the bid awards recommended by the Highway Crew Leader for the road materials and equipment rentals for 2010-11. **Passed** with 5 ayes. The bid tabulations along with the Highway Crew Leader's recommendations are attached to the minutes.

Approval of 2010 Conservation Easement Applications from York County Ag Land Preservation Board - Manager Wilson stated that the York County Planning Commission is requesting any comments or concerns from the Dover Township Board of Supervisors on the 2010 list of conservation easement applications.

Supervisor Husson shared his concern with the Wayne & Susan Myers property on the eastern side of South Salem Church Road noting that this area abuts the Village Square Development and would conflict with the future land use map for Dover Township because it serves as the future growth area.

Motion by M. Love and second by M. Shermeyer to approve the 2010 Conservation Easement Applicants as presented by the York County Ag Land Preservation Board. **Passed** with 4 ayes and 1 nay (opposition from M. Husson).

Approval of the EnerNOC Demand Response Sales and Services Agreement for the Sewer Treatment Plant - Manager Wilson reported that this program would pay the treatment plant to use their back-up generator system during peak usage times. She added that it is a cost savings measure and strictly voluntary.

Motion by M. Husson and second by M. Shermeyer to approve the EnerNOC Demand Response Sales and Services Agreement. **Passed** with 5 ayes.

Discussion on New Hill Slide Options for Dover Community Park - Manager Wilson reported that two options for a new hill slide were provided by the Recreation Director. The two options consist of a sidewinder which is an open slide or a tunnel slide which is enclosed. The Recreation Director submitted the pro and cons associated with both options. Wood carpet was not recommended by the Staff as a safety surface under either of the options because of it being located on the hill.

Discussion ensued on playground safety codes pertaining to sliding boards.

Supervisor Shermeyer requested the Board table the decision until she has some of her questions addressed by another township recreation director.

Board Consensus was to table the slide selection until more information is received.

Newport Road Work - Manager Wilson reported that the Highway Crew Leader did not include repairs to Newport Road in the 2010 Liquid Fuels Budget. Newport Road is in desperate need of repair from the winter season. The work to Newport Road was included in the road materials bid with the repair work performed by the Township Road Crew. The expenditure of the repair is

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estimated to be \$70,000 and will not require an amendment to the budget.

Motion by M. Shermeyer and second by D. Hull to authorize the Liquid Fuels expenditure for the repair to Newport Road. **Passed** with 5 ayes.

Cable Franchise Fee - Manager Wilson questioned the percentage of the franchise fees that would be acceptable to the Board in the negotiations to combine the two cable agreements.

Board Consensus was to negotiate the cable franchise fee for the highest percentage which was 5%.

Edgewood Park Development Residents Petitions - Manager Wilson received a petition from some residents in the Edgewood Park Development regarding stormwater issues in their backyards.

Supervisor Shermeyer stated that she received concerns from the Edgewood Park residents and requested that the Township Engineer check them out. He indicated that a connection to a nearby inlet would resolve their problems. Supervisor Shermeyer did inform these residents that funds were not included in this year's budget for this work to be completed.

Executive Session - Manager Wilson requested an Executive Session after this meeting to discuss a matter of potential litigation for a Brookside Park rental and a land acquisition matter.

Question for the Manager - Supervisor Husson questioned necessary repairs to sections of Deep Hollow Road.

Manager Wilson responded that she will inform the Highway Crew Leader so that he can assess the condition of the road.

Mr. Farley reported that the Highway Crew Leader is currently addressing road repairs and large potholes on the township roads from the bad winter.

OLD BUSINESS

Temporary Vendor Ordinance - Supervisors Shermeyer and Husson agreed that the Board should discuss this situation.

Manager Wilson indicated that Mrs. Crone did provide the Board with a copy of Springettsbury's Ordinance concerning temporary vendors. Springettsbury Township has the ordinance incorporated into their Zoning Ordinance.

Atty. Rausch advised that their ordinance requires some ownership in the property must be acquired before a temporary vendor may sell their products on a local commercial site. He gave an example of a recent event held in Springettsbury Township.

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COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Hull listed various future recreation projects suggested by the Township Recreation Director. They consisted of installing a basketball court in place of the ice rink at the Dover Area Community Park, installing the basketball court planned for Lehr Park, and a five year plan to install permanent safety surfacing of either artificial turf or poured rubber at the playgrounds in all the Township parks. He will obtain the associated costs for these projects from the Recreation Director.

Supervisor Husson requested that someone take a look at the timing on traffic signal at the intersection of Route 74/Fox Run Road.

Manager Wilson responded that she had another report and she has called the contractor to handle the signal repair.

Supervisor Husson commented on the enforcement of non-permanent signs, specifically referring to the temporary reader board signs located on commercial properties along Route 74.

Supervisor Shermeyer presented an appreciation award to Dover Township from the Dover Township Volunteer Fire Department for their collaborative spirit and support over the years.

Supervisor Shermeyer questioned the Supervisors' email addresses posted on the Dover Township website.

Manager Wilson replied that it was decided that either all of the Supervisors' email addresses would be posted or none of them.

Chair Kann commented on an email received from the Grandview Golf Course in support of the Township proceeding with a liquor referendum on an upcoming election ballot.

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

Chair Kann adjourned the meeting at 8:44 PM into an Executive Session regarding a matter of potential litigation on a park rental and a land acquisition matter.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary