The Dover Township Board of Supervisors regular meeting for Monday, April 26, 2010 was called to order at 7:02 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, Inc.; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. There were 1 citizen and 1 newspaper reporter seated in the audience. 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 Bradley Hengst concerning proposed amendments to the Well Ordinance.

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 WORK SESSION MINUTES FOR APRIL 12, 2010
Motion by M. Shermeyer and second by M. Love to approve the work session minutes for April 12, 2010 as presented. Passed with 5 ayes.

APPROVAL OF MEETING MINUTES FOR APRIL 12, 2010
Motion by M. Shermeyer and second by M. Husson to approve the meeting minutes for April 12, 2010 as presented. Passed with 5 ayes.

TREASURER’S REPORT
Chair Kann reported that the April 26, 2010 Warrant to be approved is in the amount of $1,779,097.71.

Supervisor Love questioned the service of Buchart-Horn associated with the warrant report.

Manager Wilson replied that Buchart-Horn is used as the engineer services for the Sewer Authority.

Motion by M. Husson and second by M. Love to approve the warrant for April 26, 2010 in the amount of $1,779,097.71 as presented. Passed with 5 ayes.

There weren’t any public comments at this time.

ENGINEER’S REPORT by Terry Myers
Water System Improvements Project - Mr. Myers reported that bids were opened on April 22, 2010 for the Water System Improvements Project. There were 12 bids received ranging from a low bid of $1,653,499.00 to the high bid of $2,738,071.00. The bid tabulation has been attached to the minutes. The Township Engineer’s estimate on the construction cost was $2,100,000. Ms. Karen
Wilson researched the low bidder since they were unfamiliar with the work of E. K. Services, Inc. of New Cumberland, PA. Positive references were received from United Water, Borough of Strasburg, Mount Joy Township Authority’s Engineer, the PennDOT Construction Engineer, and Pennsylvania American Water. The Township Engineer recommended that the Board award the bid to E. K. Services, Inc. for the low bid of $1,653,499.00.

Supervisor Shermeyer inquired about the limitation of change orders.

Mr. Myers responded that it is anticipated that Dover Township will be responsible for operating their valves. If their system cannot be shut down and the services of the contractor must be utilized, that is extra work not anticipated in the scope of project. Any additional work outside of the contract would constitute a change order.

**Motion** by M. Husson and second by M. Love to award the low bid for the Water System Improvements Project to E. K. Services, Inc. of New Cumberland, PA in the amount of $1,653,499.00. **Passed** with 5 ayes.

**Rohlers Church Road Culvert Replacements** - Mr. Myers reported that in order to complete the culvert replacements on Rohlers Church Road this summer, authorization is needed to proceed with the project schedule so bids can be opened on May 21; awarding of the contract on May 24; and the start of construction in early June with a 60 day construction period. He reviewed the overall project which will take place on Rohlers Church Road between Conewago and Mountain Roads. There are five culverts to be replaced. The first two culverts are relatively small roadside drainage. Culvert No. 3 has a large drainage area. Culvert No. 4 has a stream running along the roadway. All of the culverts are presently made of corrugated metal pipe. Culvert No. 3 will be replaced with a 36" smooth-line plastic pipe. Additional work must be performed downstream and a deflection wall will be installed. Culvert No. 4 will be replaced with a 2' x 6' box culvert and downstream deflection work must be done. Some relocation work is also involved to better the flow. Elliptical concrete pipe will be utilized with end walls and rip rap both up and downstream. He noted that part of Rohlers Church Road will be closed during the construction. The detour route will use Crone and Conewago Roads.

Supervisor Love inquired whether easements will be needed from any of the neighboring property owners.

Mr. Myers answered affirmatively. He stated that the three major property owners are satisfied with the project. A few other minor infringement easements are needed. He was uncertain whether the Township adopted the right-of-ways on the subdivision plan. Further discussion with the Township Solicitor must transpire to determine a procedure for accepting the dedication of additional street right-of-ways on subdivision plans.

**Motion** by M. Shermeyer and second by D. Hull authorizing C. S. Davidson to proceed with the bidding for the Rohlers Church Road Culvert Replacement Project. **Passed** with 5 ayes.
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**Tower Drive Right-of-Ways** - Mr. Myers reported that Mr. Schue has indicated that he is willing to negotiate the additional right-of-way needed by the Township.

**Marlborough Drainage** - Mr. Myers distributed maps of the stormwater situation at the Edgewood Park Phase 1 Development proposing new inlets and perforated pipe with an under drain system to handle the excess water. There would be connection points where these residents could attach their own drainage pipe to alleviate the water from their individual backyards. Mr. Myers prepared an approximate construction cost estimate of $35,000 and additionally an engineer cost of $10,000 would make the total project cost in the range of $45,000. The project cannot be accomplished without the cooperation of all of the affected property owners because the water must be conveyed across neighboring properties.

The Board agreed that the only way they would consider this project would be if all the affected property owners agree to grant the Township easements along their properties.

**Community Park New Bathrooms** - Mr. Myers reported that the location of the new bathrooms in the Community Park lies within the floodplain area according to the new FEMA Floodplain Elevation Maps. A Letter of Map Amendment (LOMA) is needed to revise the floodplain map. This will delay the installation of the new bathrooms until later in the Fall.

**Motion** by M. Shermeyer and second by D. Hull to authorize the Township Engineer to prepare a LOMA to the FEMA Floodplain Elevation Map for the Community Park area. **Passed** with 5 ayes.

**Question to Engineer**
Supervisor Hull asked when the Natalie Lane connection would be started.

Manager Wilson responded that the road materials contracts have been awarded, but the Performance Bonds were not all received and Notices to Proceed have not been sent to the contractors.

**SOLICITOR’S REPORT** by Atty. Charles Rausch  
**Proposed Agreement for Brownstone Manor Phases I & II** - Atty. Rausch reported that the agreement was revised to include payment of an additional $10,000 in engineering fees negotiated with Kings Court. This additional $10,000 will be paid within one year of the contract signing. He noted that Kings Court does not want to pay for any other fees related to Phases 1 & 2 improvements, such as inspections, etc.

Manager Wilson advised the Township Engineer that inspections in these phases should be kept to a minimum.

Mr. Myers recommended that Dover Township and C. S. Davidson should work together to perform the inspections reducing the cost factor. Assistance from the Township Staff with the inspections will make this possible.
Motion by M. Husson and second by M. Love to accept the Brownstone Manor Phases I & II Improvements Agreement as revised. Passed with 5 ayes.

Zoning Ordinance Amendments Update - Atty. Rausch reported that the amendments were made to the Zoning Ordinance that were recommended by the Dover Township Planning Commission. The final marked-up version was provided to the Township Manager. Keystate Publishers will receive the Zoning Ordinance amendments for formatting. Then this final official version will be sent through the entire process one last time. He stated that the adoption of the Zoning Ordinance could take place sometime at either the July or August Board of Supervisor Meeting. The Township Manager will distribute a copy of the final marked-up version to the Board to review the changes made by the Dover Township Planning Commission.

Subdivision and Land Development Ordinance Amendments (SALDO) - Mr. Myers recommended that the amendments to the SALDO wait to be adopted at the same time as the Zoning Ordinance amendments.

Supervisor Love expressed her issue with the Environmental Impact Assessment Report located within the SALDO requiring a third party independent consultant to perform the work. The third party should not be required if a qualified professional is already doing the EIA Report. She feels that Section 22-720.3 should be reworded to state that the report should be prepared by a qualified consultant and the consultant shall have sufficient documented prior environmental study experience to qualify him to prepare the report and render opinions and recommendations set forth therein.

Mr. Myers questioned whether that change constituted a resubmittal to the York County Planning Commission.

Atty. Rausch stated that if this is generated as a comment by the York County Planning Commission, then it must be resubmitted. He suggested that the SALDO could be adopted as-is and then make this change as an amendment.

Mr. Myers noted that the applicant could request a waiver. An amendment to the SALDO will require the entire review process.

MANAGER’S REPORT by Laurel A. Wilson
Royal Farms Wellhead Protection Area Operating Permit - Manager Wilson reported that Royal Farms has submitted their Preparedness, Prevention, and Contingency (PPC) Plan to Dover Township as required in order to obtain their Wellhead Protection Area Operating Permit which allows them to sell gasoline at the time of the store opening. The insufficient timing of the PPC Plan submission by Royal Farms does not allow the Board of Supervisors to approve the Wellhead Protection Area Operating Permit at the next meeting and would also postpone the opening of their convenience store facility scheduled for some time in the beginning of May.
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**Motion** by M. Shermeyer and second by D. Hull to approve the Wellhead Protection Area Operating Permit contingent on the approval of the final PPC plan review by the Township Staff and Solicitor. **Passed** with 4 ayes and 1 nay with opposition by C. Kann.

**Summer Schedule for Board of Supervisors Meetings** - Manager Wilson questioned whether the Board would like to consider going to one meeting per month for their summer meeting schedule as has been done previously for June, July, and August.

**Board Consensus** was to cancel the second Monday meeting for the months of June, July, and August and only hold the meetings on the fourth Mondays in June, July, and August.

The Summer Board of Supervisors Meeting Schedule will be held as follows: The meeting dates of June 14, July 12, and August 9, 2010 are cancelled. The Board will hold their meetings this summer only on June 28, July 26, and August 23, 2010. Their regular meeting schedule will resume in September.

**Executive Session** - Manager Wilson requested an Executive Session after this meeting to discuss a personnel matter.

Chair Kann also requested an Executive Session on a potential litigation matter.

Supervisor Shermeyer added that she needed a short Executive Session on some land acquisition problems.

**OLD BUSINESS**

**Temporary Vendor Ordinance** - Manager Wilson stated that she will schedule a work session to discuss the temporary vendor ordinance for Monday, May 24, 2010 at 6 PM.

**Dover Area Community Park Hillside Slide** - Supervisor Love distributed information on a company that sells embankment slides.

Supervisor Husson spoke with Steve Hemler of General Recreation, Inc. at the PSATS State Convention. He will be working with the Recreation Director concerning this company and their play equipment.

Manager Wilson reported that this company did return the Recreation Director’s phone call but could not confirm whether the manufacturer has the International Play Equipment Manufacturers Association (IPEMA) Certification. She also noted that those slides are only constructed at a 35 degree angle. The hill where the slide would be placed is a 49 degree angle. The slide would have to be custom made because the longest slide they manufacture is 24 feet long. Some type of climbing structure was also discussed for the hill, but it was not advisable because of the cemented posts sticking up out of the ground.
The Board suggested that the Recreation Director continue to research other options for the hill at the Dover Area Community Park.

**COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS**

Supervisor Husson announced that the Dover Area Ambulance Club received two grants. One grant was from EHFS (the Emergency Federation) in the amount of $4,370. The other grant was from PEMA (the Pennsylvania Emergency Management Association) in the amount of $5,205. The purpose of the grants is to purchase additional radios for the management personnel and personal protective gear for the employees. These grants and donations will assist in reducing the operating and maintenance costs to substantiate the low emergency call rates.

Supervisor Shermeyer commented on the improvement of the creek bank at the Community Park since the removal of the cluttered mess of trees.

Chair Kann informed the Board that he made a motion to move the Request for Police Manpower to September at the Police Commissioners Meeting on Tuesday evening. It resulted in a dead issue for lack of a second on his motion. He thought that the Township Solicitor should review Resolution 99-2 for issues that are not in the best interest of the municipalities.

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

Chair Kann adjourned the meeting at 8:30 PM into an Executive Session regarding matters on personnel, potential litigation and land acquisition.

Respectfully submitted by: 

Dawn D. Slegel, Township Secretary