

DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
MAY 28, 2013

The Dover Township Board of Supervisors regular meeting for May 28, 2013, was called to order at 7:06 PM by Vice Chairperson Madelyn Shermeyer in the Meeting Room of the Dover Township Municipal Building. *Chair Monica Love was absent, with prior notification.* Supervisors present were Madelyn Shermeyer, Michael Husson, Charles Richards, and Matthew Menges. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Attorney Charles Rausch, Township Solicitor; Terry Myers, Township Engineer; Karen Wilson, C.E. Davidson, Inc.; Georgia Sprenkel, Zoning Officer; and Trena Hall, Recording Secretary. There were 4 citizens in the audience. This meeting has been recorded for minute purposes only.

Prior to this meeting there was an Executive Session regarding real estate matters involving Member's First, a proposed New Well, Solar Village and a potential matter of litigation on the Wheatland Condominium Development swale issue.

A moment of silence was requested for remembrance of those who stand in harm's way and their families, followed by the reciting of the Pledge of Allegiance to the American Flag.

APPROVAL OF THE WORK SESSION MEETING MINUTES FOR APRIL 22, 2013

Attorney Rausch noted that Terry Myers and he were not in attendance for the work session meeting and to remove their names from the minutes.

Motion by M. Husson and seconded by C. Richards to approve the work session meeting minutes for April 22, 2013, as amended. **Passed** with 4 ayes.

APPROVAL OF THE MEETING MINUTES FOR APRIL 22, 2013

Motion by M. Menges and seconded by C. Richards to approve the meeting minutes for April 22, 2013, as presented. **Passed** with 4 ayes.

TREASURER'S REPORT OF CURRENT EXPENDITURES

Motion by C. Richards and seconded by M. Husson to approve the warrant total for May 14, 2013, in the amount of \$176,170.30, as presented. **Passed** with 4 ayes.

Motion by M. Menges and seconded by C. Richards to approve the warrant total for May 28, 2013, in the amount of \$415,975.37, as presented. **Passed** with 4 ayes.

PUBLIC COMMENT PERIOD

Not on the agenda

John Stewart, 2499 Danielle Drive – Discussion of Water Problem Behind Danielle Drive –

Mr. Stewart is concerned with the properties behind 2500 Danielle Drive that are being affected by water coming down from Ashley Farms and St. David's baseball fields.

Terry Myers believed that Basin B & C, in Ashley Farms, contribute to this situation. Last month when Mr. Myers reported to the Board, he asked them to consider reducing the discharge flow from the smaller storms, which are the storms that are of issue.

M. Menges mentioned having a more defined water flow through some of the areas that are overgrown.

Terry Myers explained how some of the areas channels on these properties have been silted closed. The water flows through this area fast and then levels out, moving slower and dropping siltation, closing up the channel.

The property owners need to open up about 100 feet to repair this issue. This would require a ditch for water to flow through only when it is raining. Mr. Myers explained that since the drainage area is less than 100 acres, no permit would be required.

M. Menges provided pictures that he had taken just minutes after a storm in that area.

Vice Chair Shermeyer inquired on the work needed to correct this issue. Mr. Myers stated that the channel needed to be opened up. These homes were built in the 1970's when there was no stormwater management and no easements. When Mr. Myers evaluated this issue, he advised the property owners that it would be their responsibility to have the swale put back in.

Mr. Stewart is requesting permission to correct this issue. He inquired if the Township is able to help with any of the repair costs, since there was no prior stormwater maintenance agreement. Coordination will be needed between property owners when rebuilding the channels. Terry Myers advised putting what is removed from the swale onto a berm on the downstream side, as extra protection when the water flow is going around the 90 degree corner.

Attorney Rausch suggested establishing a stormwater easement agreement for surrounding property owners. This will help allow the Township to enforce keeping that area open and not recreating this problem. He suggested that Mr. Myers speak to neighboring property owners about establishing easement agreements. Attorney Rausch also stated that the Township could take care of the easement agreements costs. Mr. Stewart is fine with completing this work and having an easement agreement made.

Terry Myers suggested looking at basins up stream to see if there is any advantage to installing a baffle or plate on the outlet structure to help slow down the erosion from the small storms. There is much erosion forming downstream and utilities are becoming exposed.

Attorney Rausch questioned where the water goes when through these properties. The water flows back into a more defined 4' channel downstream. The Township does have drainage rights downstream and would need to get easement agreements from a few other home owners downstream. St. David's Church will need some maintenance and they are willing to do what is needed to help out.

Board Consensus to authorize Terry Myers to discuss with neighboring property owners about the drainage easements and receive verbal commitments to dedicating a drainage easement on the back of the properties.

ZONING OFFICER'S REPORT – Georgia Sprenkel
PL 12-5 Shelly's Restaurant – Land Development Plan

David Hoffman discussed the requested waivers and the open items for Shelly's Restaurant. The property owners at 3071 Carlisle Road wish to establish a sit down/drive-thru restaurant at the former site of Crone's Gas and Goodies. Much work has been completed to fulfill all of the environmental items needed to make this property feasible. There will be public water, sewer and gas. The restaurant will hold around 50 people. Outside they will have a garbage dumpster pad, loading and unloading area and handicap spaces. The fruit and vegetable stand will still be in use.

An entrance and exit will be on the southern end of the property and has been reviewed by PENNDOT. They modified the angle of the driveway to encourage a right turn only. PENNDOT will have a NO LEFT TURN sign on the opposite side of the road. An exit only area has been established on the northern end. This exit is to accommodate delivery trucks. M. Husson questioned what the plan is to mandate this as an exit only. Mr. Hoffman stated that the exit is narrow and there is only room for one vehicle. The approaching angle width and the signage should be enough to deter people from going that way.

The parking lot paving will be closer than 6' to the building. This will allow for the drive-thru.

The stormwater control facilities are all underground. Due to the small size of the property, above ground facilities would exceed the setback. There are control facilities in front of the building and at the southern border.

A sidewalk connected to the sidewalk of Advanced Auto and ending at the southern boundary will be provided outside of PENNDOT's Right-Of-Way. A pedestrian easement has been established.

Vice Chair Shermeyer mentioned that previous plans have been granted waivers for the sidewalks with a note indicating a 6 month requirement to install a sidewalk upon the request of the Township.

Mr. Hoffman stated that the sidewalk is on the plans to be installed.

C. Richards asked if the owners will be filing for a liquor license. The owners responded no.

M. Husson questioned how much space is in front of the building for cars to pass side by side. There is 24 feet and one-way traffic around the building.

Vice Chair Shermeyer questioned the kind of curbs being used. Mr. Hoffman responded that standing curbs will be used.

M. Husson wanted to verify that there are adequate parking facilities.

Open Items for PL 12-5 Shelly's Restaurant

Vice Chair Shermeyer noted that a copy of the HOP to the Township is completed and can be removed from the list.

Mr. Hoffman said that the Manufacturer's Operation and Maintenance Manual for the grease trap has been submitted to Charles Farley. Georgia Sprenkel will make sure this has been received.

Mr. Myers noted that the as-built plans can only be submitted after the structure is complete.

Mr. Hoffman questioned where the operation and maintenance fees, for stormwater, are generated from and how that fee is required to be paid. Terry Myers explained that Mr. Farley has a table that is used. This fee is paid prior to the recording of the plan and is a one-time fee paid up front. There are certain inspections required by the property owner and Township inspections required by the MS4 permits. These fees cover the Township inspections for the first 10 years.

Motion by M. Menges and seconded by C. Richards to grant the requested waivers for the PL 12-5 Shelly's Restaurant Land Development 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.B).; 2. Access drives for

non-residential and multi-family residential uses shall be paved and shall not be less than eighteen (18) feet in width nor exceed thirty-five (35) feet in width within twelve (12) feet of the street right of way line (§ 709.7).; 3. No parking lot shall be located closer to a building than 6 feet to allow adequate room for landscaping unless a waiver for this requirement is approved by the Board of Supervisors (§ 1103.12.B).; 4. Stormwater control facilities shall not be located within the building setback (§ 19-301.11). **Passed** with 4 ayes.

Motion by M. Husson and seconded by C. Richards to approve the PL 12-5 Shelly's Restaurant Land Development 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 legal and/or equitable Owner's notarized signature must be added to the plan certifying concurrence with the plan (§ 501.2.H).; 3. Public improvement security shall be provided prior to final plan approval (§ 602.1).; 4. An Operation and Maintenance Manual for the grease trap should be provided.; 5. The developer shall deposit fees into the Municipal Stormwater Maintenance Fund to help defray periodic Operation & Maintenance (O&M) inspections required by the Township. The owner shall sign and record an O&M agreement covering all stormwater control facilities which are privately owned (see Township Stormwater Ordinance Appendix 19-A for a template) (§ 19-401.2.C, 401.2.E.9 § 19-Part 6).; 6. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM site plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Township. **Passed** with 4 ayes.

The owners are hoping to open by November of 2013.

M. Menges announced that the Township appreciates the work they are doing.

Glenn Hollow Phase 5 Revise Subdivision Plan – Authorization for Township Secretary to Sign the Request for Planning Waiver & Non-Building Declaration for Sprenkel/Lighty, and Malehorn

There are no new buildings proposed on these properties. Homes already exist. The owners are subdividing to remove the condominium deed language and make the properties single family semi-detached.

Motion by C. Richards and seconded by M. Menges to authorize the Township Secretary to sign the Planning Waiver & Non-Building Declarations for Sprenkel/Lighty, and Malehorn, as presented. **Passed** with 4 ayes.

ENGINEER'S REPORT by Terry Myers
Daidsburg/Tower Drive/Jayne Lane Turning Lane

Mr. Myers met with PENNDOT and spoke about the two possibilities of lay outs. There will be a 75' turning lane which will stack about 3 cars for the left hand turns. The sidewalk has been extended up Tower Drive. The lay out of the turning lanes is to encourage people to cross Tower Drive and then come across Daidsburg Road, keeping pedestrians out of the turning lane. When there is a crosswalk, you must have a sidewalk, so pedestrians can get off the street, and they must be handicap accessible. The radius will be improved so a full stop is not needed to make the right hand turn onto Tower Drive. A few more properties will need to be notified to obtain their Right-Of-Ways (ROW's).

Attorney Rausch questioned the breakdown of the costs. Mr. Myers stated that the cost estimate is utilizing C.S. Davidson's standard pricing units that are used for security estimating, including prevailing wage. Mr. Myers explained that the sewer items, widening of the radiuses, the sidewalk, crosswalks, and paving that will occur on Tower Drive, as the Township's responsibility. He took those costs and the general cost of the contractor, the mobilization, the maintenance and protection of the traffic, finish grading, seeding, and E & S controls, as a percentage of the overall construction cost. The actual construction cost is about 48,000 plus the 10% prevailing wage bring the total for the Township's construction around \$53,000 and the developer around \$178,000. The utility relocation cost is associated with the widening so this should be for the developers costs. Right-Of-Way cost acquisition is empty because C.S. Davidson did a cost estimate for engineering with obtaining ROW's and all the requirements to dedicate them to PENNDOT. This would be paid by the developer and is reflected in the engineering and design cost. Hopefully the project can be completed at a lesser cost by the developer than by the Township.

Attorney Rausch questioned the cost of the left hand turn lane into Tower Drive to the developer. Mr. Myers explained that the developer would need to complete this work to widen the left turn lane even if the Township would not want to be completing this work.

Mr. Myers would like to coordinate a meeting with the developer and engineer to review this lay out. He will then come to the next Board meeting with an engineered proposal, including a better scope, budget, and schedule. In November, a submittal to PENNDOT can be made and hopefully the permit can be obtained by early 2014. Meanwhile, he will begin obtaining the ROW's from the adjacent property owners. In the spring/summer, the Township would receive PENNDOT's permit and begin construction while school is out in the summer of 2014.

Attorney Rausch questioned which property ROW agreements are needed. Mr. Myers responded that ROW's are necessary where improvements are being made. When a person dedicates

additional ROW and is recorded, the Township has never adopted these ROW's. If the Township would have, we could transfer our rights to PENNDOT. Properties shown as offered ROW's on a subdivision plan are not acceptable to PENNDOT. PENNDOT is making the Township go back and retain that area. Attorney Rausch asked if the dedicated ROW's were obtained within the last 21 years. The Ashley Farms properties probably were obtained in that time frame but the rest are older. The Township should be making resolutions every time there is a subdivision plan where we are accepting the additional ROW and then record the acceptance at the clerk of courts.

It is the intent to budget for this project in 2014.

Board Consensus was to authorize Mr. Myers to meet with the developer and discuss the project.

NITRATE REMOVAL SYSTEM FOR WELL NO. 10

Karen Wilson noted that the bids were opened on Tuesday, May 28, 2013, at C.S. Davidson. There were two bidders and one that was late which could not be opened. C.S. Davidson recommended awarding the bid to E.K. Services, Inc. with a total of \$299,088.00.

Motion by C. Richards and seconded by M. Husson to accept the bid from E.K. Services, Inc. for the Nitrate Removal System for Well No. 10, and bring the matter to discussion.

Mr. Husson questioned the \$299,088.00 amount compared to Johnston Construction Company amount of \$384,240.00 and the pricing of equipment to materials.

The Board then reviewed some of the pricing differences. The Board wanted to make sure that because of the dollar amount differences, E.K. Services, Inc. would not be coming back, realizing they bid too low.

Passed with 4 ayes.

DRAINAGE INVESTIGATION

Mr. Myers updated the Board and provided pictures that M. Menges took of Danielle Drive, after a recent storm. Mr. Myers recently walked the discharge flow path of basin C. This overflow discharges to the street at Claremont. Mr. Myers does not recommend the water to go that way. If the Township would reduce the flow from the smaller storms, the overflow water should be taken out to the street, opposed to going thru Claremont and flooding backyards. The Ashley Farms Development is interested in converting some of their basins this year. If they are replacing structures, Mr. Myers would like to provide correct information on what work to complete so they would not have to go back and modify later.

MEADOWVIEW BRIDGE ACQUISITION FROM PENNDOT

Terry Myers explained that PENNDOT would not be providing the permits to install the bridge. Through researching, if the bridge goes in where there is currently not a bridge, the township will have to go through what is called a small projects or joint permit. This would require the approval from the Core of Engineers and cost around \$25,000. If the bridge is where a bridge currently is located, only a general permit (GP11) would be required, costing around \$10,000. PENNDOT would need to move the bridge here by the spring of 2014 since bids go out the end of 2013. Mr. Myers noted that the joint permit will take about 6–8 months to obtain, where the GP11 can be issued within a month. Manager Oswalt stated that if the Township would not be placing the bridge when delivered, storage will be needed. PENNDOT can place the bridge, if the designated location is known, when delivering. Mr. Myers asked the Board to verify where the bridge will be located and go from there.

2013 ANNUAL CONTRACTS

Mr. Myers will be giving Trena Hall, Township Secretary, the 2013 Annual Contracts to be signed. They will go into effect the beginning of June.

SOLICITOR'S REPORT by Attorney Charles Rausch

Attorney Rausch made the Board aware that the Dollar General Contractor requested to post the financial security for the development. It is the Township's position that the owner of the property should post the security. They will be submitting a surety bond, but the Township also needs to have a site improvement agreement to accompany the bond that sets a completion time frame.

MANAGER'S REPORT by Laurel Oswalt**Acknowledgement of Six Month Probation for Judd T. Wolfe****Approve Dawn D. Slegel as Designated Accident and Illness Prevention Program Coordinator**

Motion by M. Menges and seconded by C. Richards to approve Dawn D. Slegel as Designated Accident and Illness Prevention Program Coordinator, as presented. **Passed** with 4 ayes.

Decision Regarding the 2008 Sewer Authority Bond – Manager Oswalt and the Sewer Authority were both in favor of Option Two with the savings of about \$480,000.00.

Motion by M. Husson and seconded by M. Menges to approve Option Two for the 2008 Sewer Authority Bond, as presented. **Passed** with 4 ayes.

Approval of Dawn D. Slegel as Plan Trustee for the Dover Township Deferred 457 Plan

Motion by M. Menges and seconded by M. Husson to approve Dawn D. Slegel as Plan Trustee for the Dover Township Deferred 457 Plan, as presented. **Passed** with 4 ayes.

Approval of the Dover Borough/Township Sewer User Letter of Agreement – A letter was sent to the Borough with a time line to try and control I and I issues on the line going down 74. The Township explained that they were under a consent order, hence the Borough agreed to move forth with the letter agreement outlining task one and two.

Motion by C. Richards and seconded by M. Husson to approve the Dover Borough/Township Sewer User Letter of Agreement and bring it to discussion. C. Richards questioned what effect this will have on the Dollar General. This agreement is outside of the Dollar General issue. **Passed** with 4 ayes.

York County Hazard Mitigation Plan – Manager Oswalt explain that the plan is online and is about 233 pages long. The Township has always participated in the county's plan. If this is how the Board would like to proceed, a Resolution will be presented at the next Board meeting.

Letter to U.S. Congressman and Senator – According to the USDA Rural Housing Services, our 2010 population has excluded the Township from the rural designation. Because of this, our residents and the Township will not be eligible for some USDA sponsored programs. It was suggested to write a letter to our U.S. Senator and Congressmen to consider changing the rural designation from 20,000 to 50,000 people. The Dover Township Board thought 35,000 would be sufficient. Size and density are not being considered.

Motioned by C. Richards and seconded by M. Husson to have Manager Oswalt create a letter to our U.S. Senator and Congressmen to consider changing the rural designation to 35,000. **Passed** with 3 ayes and 1 nay. Opposed by M. Menges. M. Menges believed the amount should stay at 20,000.

Approval to Sell Xerox Phaser, HP Deskjet 550 and HP Deskjet 1000 on Municibid - Manager Oswalt discussed that no set amounts were allotted and bids have not been high. The Board questioned if they are worth selling for the small amount or keeping them to use as a backups.

Motion by M. Menges and seconded by C. Richards to approve the sale of the Xerox Phaser 3300 for \$26.00 and not to approve the sale of the HP Deskjet Printers, as presented. **Passed** with 4 ayes.

Consensus of the Board for the Potential Sale of 18 EDU's to Manchester Township – Manager Oswalt was contacted by Paul Gross, the Sewer Authority Engineer, about the potential

sale of 18 Dover Township Equivalent Dwelling Units (EDU's) to Manchester Township. This is being requested from the developer not Manchester Township. Manchester Township has depleted their EDU's.

M. Husson noted that the Township may need this flow in the future. Manager Oswalt suggested, if the Board chose to sell, there may be a need to make other changes to the agreement as well.

Board Consensus was to do nothing until officially asked by Manchester Township.

Approve Resolution 2013-12 Authorizing Re-Appropriation of Road Project Funds – Mr. Myers previously suggested having the materials monies come from the Liquid Fuels for ease of the auditing process. This resolution formally stated how the projects will be split between Liquid Fuels and the Construction Fund. The costs of the projects will remain the same.

Motion by C. Richards and seconded by M. Menges to approve Resolution 2013-12 Authorizing Re-Appropriation of Road Project Funds, as presented. **Passed** with 4 ayes.

Advertised Truck on Municibid – Currently the bid is at 3,710.00 and there is still a week left for bidding.

Motion by M. Menges and seconded by C. Richards to authorize the sale of the 1995 Ford Truck at a purchase price at or above of \$3,710.00, as presented. **Passed** with 4 ayes.

Items not on the Agenda

M. Menges and M. Shermeyer were contacted about the trash haulers being in area developments prior to 6 AM. Manager Oswalt contacted Ed Ward at Penn Waste and was told the trucks have GPS systems and both route drivers were in their areas early. The matters have been addressed with the individual drivers.

Manager Oswalt was inquiring on dates to plan the Township picnic. The Board was asked to submit dates that they are not available.

PUBLIC WORKS DIRECTOR'S REPORT by Chuck Farley/Laurel Oswalt Authorize the Township Secretary to Sign the Sewer Planning Module for Dollar General

Motion by C. Richards and seconded by M. Husson to authorize the Township Secretary to sign the Sewer Planning Module for Dollar General, as presented. **Passed** with 4 ayes.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

C. Richards inquired if Nathan Stone and the sewer crew could have found the manholes when plotting for the GPS. Manager Oswalt indicated they could have, but the process would have taken longer. Because of the consent order, information was needed so we could move onto modeling as quickly as possible. The interns have been helping collect and inputting data for stormwater and the water crew is currently collecting data on the hydrants.

C. Richards asked if the Township would be interested in donating to the National Night Out. This year they are expecting over 2,000 people to attend.

Motion by C. Richards and seconded by M. Menges to donate \$1,000.00 to National Night Out, as presented. **Passed** with 4 ayes.

Vice Chair Shermeyer commented that each liaison position should be present during National Night Out to offer any help.

C. Richards congratulated the Public Works Crew on the fine job they do in honor of Public Works Week.

M. Husson mentioned that the advertisement at Brookside Park needed to be changed.

M. Menges wanted to compliment Dawn Slegel and Trena Hall on the minutes. He has been reviewing minutes from other municipalities and our records are maintained very well.

Vice Chair Shermeyer noticed that the traffic coming south on Route 74 was backed up beyond CVS and blocking the intersection to turn onto Davidsburg Road. The lights are working properly but the drivers are blocking the intersection. She called PENNDOT and explained the situation. She was told to contact her Township. The Township can put up a Do Not Block Intersection sign. No traffic study is needed. The sign could be put on the south side before the turn at CVS. The cost was questioned. No ordinance is needed.

Board Consensus was to install the sign.

COMMENTS FROM THE PUBLIC PRESENT

No comments.

With no further business, the meeting was adjourned at 9:20 PM by Vice-Chair Shermeyer.

Respectfully submitted by:

Trena M. Hall, Township Secretary