

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 28, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, June 28, 2010 was called to order at 7:05 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 4 citizens 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 to discuss the Advance Life Support Services in the 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 WORK SESSION MINUTES FOR MAY 24, 2010

Motion by M. Husson and second by M. Love to approve the work session minutes for May 24, 2010 as presented. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR MAY 24, 2010

Motion by M. Love and second by D. Hull to approve the meeting minutes for May 24, 2010 as presented. **Passed** with 5 ayes.

TREASURER'S REPORT

Chair Kann reported that the three warrants were: June 2, 2010 for a total of \$148,187.89; June 14, 2010 for a total of \$209,585.29; and June 28, 2010 for a total of \$363,015.29.

Supervisor Husson commented on the refund for park rental cancellations. He was concerned about losing revenue on rentals to potential renters told that the facilities are rented.

Manager Wilson told him that the check could be the return of the deposit money that the renter receives if everything is properly cleaned up. She will have the Treasurer specify on the warrant as "deposit return" for the rentals in the future.

Motion by M. Husson and second by D. Hull to approve the three warrants for June 2010 in the amounts of \$148,187.89, \$209,585.29, and \$363,015.29 as presented. **Passed** with 5 ayes.

Meeting Minutes of 6/28/10 - Page 2.

PUBLIC COMMENT PERIOD

Listed on the Agenda

Bill Schell with Dover Area Library Update - Mr. Schell wanted to update the Board on the progress of the library expansion project. The work will begin the first week of August and will be completed the first week of October. This time frame was chosen as to not disrupt the Summer Reading Program. At this time, there are 1,033 children enrolled in the Dover's summer program with a potential total enrollment of 1,500 by the end of the program. During the construction phase, the children's programs will be held at the Grandview Golf Course. Library materials will still be available to be picked up and dropped off at the Community Building through the construction period. As of today, the fundraising quiet phase has come to a close. Tomorrow, a press conference will kick off the public phase of the campaign. To date, they have raised 80% of their \$250,000 goal.

His associate, Carla, announced that a Spaghetti Dinner will be held in July and a Quarter Auction will be held in September to raise funds in the community. Also, they will be selling yard signs and are planning an upcoming pizza sale. To include children of all ages in their fundraising, they have distributed piggy banks to fill. They are distributing pamphlets which instruct interested patrons on ways to donate funds toward the expansion project.

Daisy Wilt, 1530 Hilton Avenue - Letter to Connect to Public Water - Mrs. Wilt was not present for her requested public comment.

Joyce Straley - Park Street Right-of-Way - Ms. Straley was not present either. Manager Wilson reported that Ms. Straley did notify the Township earlier today that she would not be attending the meeting due to a family emergency.

Kristine Keener, Dover Township Tax Collector - Community Building Room Availability - Mrs. Keener informed the Board that her lease has expired and her monthly extensions will be terminated shortly at her Carlisle Road Office. She asked when the room request granted by the Board would be available to her. She noted that the busiest time period for tax collection usually begins the week of September 13th.

Supervisor Shermeyer expressed her concern for security from the public to access the rest of the Community Building. A gate needs to be installed at the end of the hall.

Manager Wilson added that there is currently aerobic equipment stashed in that room which needs to be removed and there isn't anywhere else to go with it right now.

Chair Kann requested that Mrs. Keener meet him tomorrow at 10 AM in the Community Building.

Mrs. Keener agreed.

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

ZONING OFFICER'S REPORT

PL10-1 Brownstone Phase 4A Final Subdivision Plan Extended 90 Days - The Board acknowledged the 90 day extension of PL10-1Brownstone Phase 4A Final Subdivision Plan.

ENGINEER'S REPORT by Terry Myers

Authorization of Application for Payment No. 1 to E.K. Services, Inc. in the Amount of \$223,349.67 - Mr. Myers reported that the total value of the contract items to date for the water line improvements totals \$128,797.90. They requested payment for materials stored on-site of which the contract allows up to 70%. This cost total \$107,431.56. The total claimed by the contractor minus the 10% retainage is \$223,349.67.

Manager Wilson added that these funds are covered under the loan. The Board must approve the payment requisitions. The requisition will be faxed to the bank, transferred to the account, and a check will be issued from that account.

Motion by M. Husson and second by M. Love to approval of Application for Payment No. 1 to E.K. Services, Inc. for the amount of \$223,349.67 for the Hilton Avenue Water Improvements Project. **Passed** with 5 ayes.

Discussion on Draft Public Water Hookup Notice for Hilton Avenue Water Improvements Project - Mr. Myers inquired whether the Board reviewed the draft public water hookup notice provided in the packet.

Chair Kann questioned when the time constraints begin for the property owner to connect to the public water system.

Mr. Myers replied that the water line must be chlorinated, pressure tested, and flushed. The line will be placed in operation, then the contractor will install the services and switch the residences that currently have been served and install new services to the residences that do not have service. When the line is available, Mr. Myers will request authorization from the Board to send out the connection notices via certified mail. The residents will have 90 days to pick up the permit. The permit is valid for one year with the stipulation that work must begin within six months.

Mr. Myers inquired about the process to begin the billing of the connection financing through the Township.

Manager Wilson will have to check with the Utility Billing Clerk on establishing these water accounts.

Atty. Rausch suggested having the new water customers sign agreements.

Supervisor Husson figured the connection surcharge to be \$129.85 per quarter.

Meeting Minutes of 6/28/10 - Page 4.

Mr. Myers indicated that the public water hookup notices would be sent this week. He noted that he had Change Order No. 1 in the amount of \$825.00 at \$8.25 per square yard for a difference of \$960.50 less than the contract price. This change order establishes a price for the one inch thick wearing course as temporary restoration. There was concern of leaving Hilton Avenue in stone during the construction because of the speed of the traffic. This type of change order may also be done for Poplars Road. Virginia and Brookside Avenues have less traffic and may be left in stone for a short period of time.

Motion by M. Love and second by M. Shermeyer to approve Change Order No. 1 to reduce the contract price \$960.50 for temporary restoration of Hilton Avenue. **Passed** with 5 ayes.

SOLICITOR'S REPORT by Atty. Charles Rausch

Authorization to Advertise Ordinance Amending Property Maintenance Code and Sewer Liens in Code of Ordinances - Atty. Rausch reported that the amendments associated with the Code of Ordinances pertains to the property maintenance code and the disposal and collection of municipal waste for the filing of liens and the collection of attorney fees on delinquent accounts. He requested authorization to advertise this ordinance for adoption at the next meeting.

Motion by M. Shermeyer and second by M. Husson to authorize the advertisement of the ordinance amending the Property Maintenance Code and the disposal and collection of municipal waste for the filing of liens and the collection of attorney fees on delinquent accounts. **Passed** with 5 ayes.

Resolution 2010-15 - Nagle Condemnation Resolution/Resolution 2010-16 - Brosend Condemnation Resolution - Atty. Rausch reported that the two resolutions pertain to the Tower Drive Project for street improvements along the properties of Jean Nagle and Carl Brosend. A letter was received from Mrs. Nagle's attorney.

Mr. Myers stated that Mr. Brosend has requested a meeting with the Township.

Atty. Rausch requested a brief executive session to discuss the letter from Mrs. Nagle's attorney. He asked that the Board authorize the Chairman to sign these resolutions if necessary. Hopefully, there can be an agreement reached so there is no need for a Declaration of Taking.

Mr. Myers noted that improvements on the two properties are street improvements and not stormwater improvements as stated in the resolutions.

Atty. Rausch remarked that the resolutions will be corrected.

Motion by M. Shermeyer and second by D. Hull to authorize the Chairman to sign Resolution 2010-15 and Resolution 2010-16 as amended contingent on not reaching an agreement with either of the noted parties. **Passed** with 5 ayes.

Meeting Minutes of 6/28/10 - Page 5.

Update on Zoning Ordinance Codification - Atty. Rausch reported that the publishing company has completed the Zoning Ordinance Codification with some editing comments. He will address those comments and send the revised copy to the Dover Township Planning Commission's July Meeting to be recommended for the Board of Supervisors to continue with the adoption process. The Zoning Ordinance can be forwarded to the York County Planning Commission if authorized to begin the 45 day review process. Then the next step will be holding a Public Hearing.

Motion by M. Shermeyer and second by M. Husson authorized the Township Solicitor to continue the process for the final draft of the Zoning Ordinance to be forwarded and reviewed by the Dover Township Planning Commission and the York County Planning Commission in order for the Board of Supervisor to hold a Public Hearing. **Passed** with 5 ayes.

Members 1st Agreement Update - Atty. Rausch discussed the issues in dealing with the revised agreement prepared by Members 1st for the access drive/public street. He summarized the agreement in its current state indicating that the Township's contribution is estimated at \$376,179.00. They added on the Wellspan Right-of-Way of \$27,221 which may or may not have to be acquired per PennDOT's requirements and the Turkey Hill Right-of-Way of \$1,200, plus the responsibility of the road from the access drive road portion to the Donwood Development which will be approximately \$10,000. The Township may supply the materials in lieu of cash. The materials will be valued at the amount submitted by the bid regardless of the Township's contract price. Members 1st will invoice the Township for the actual construction costs with payment due in thirty days. It was unclear and will need to be determined which party would pay for the inspection costs. Indemnification on behalf of the Township is requested should it be determined that prevailing wage is required for the project. Any increase to the project that is not related to the new street, the related costs will be split 50/50. If there is a cost increase related to the new street, then the associated costs will be split 80/20 with the Township paying the 80%.

Mr. Myers questioned why the Township should pay for any costs unrelated to the new street.

Supervisor Shermeyer recommended that they revise the issue pertaining to the Township being responsible for the increase in costs of any construction unrelated to the new street.

Atty. Rausch noted a revision to the agreement needs to be made. Reconfiguration of the shopping center access may be required by PennDOT as the Township's total responsibility. Members 1st will be submitting a land development plan for the new street and simultaneously Members 1st wants to submit a sketch plan with the access drive because of the contingencies of the new street's actual construction. An example would be if the bids come in too high and the Township would pull out of the deal. If the contingencies are not met, then they want to be able to revise the land development plan back to the access drive with no further reviews or approvals by the Township just by the in-house staff. The Township's contingency is if bids come in over \$500,000, the Township can pull out of the project. If the Township backs out of the project, the Township would have to reimburse Members 1st for all costs related to the new street and all costs for revising the land development plan to put in the access drive. The Township will pay for 80% of the professional fees for the new street in excess of the estimated construction cost.

Meeting Minutes of 6/28/10 - Page 6.

The Board discussed the expense of the public street as proposed by the Members 1st Agreement and the option of the access drive. The whole Board was not happy with the additional fees placed on the Township concerning this project.

Atty. Rausch advised that the agreement is at the point where it has become too complicated.

Board Consensus was to have the Township Solicitor convey to Members 1st that this revised agreement is not acceptable and to explain their point of contention with all of the additional costs addressed as the Township's responsibility.

MANAGER'S REPORT by Laurel A. Wilson

T-Mobile Cellular Lease Agreement - Manager Wilson reported that this agreement is in reference to the Skytop Tower located on the Township's property. She has received preliminary approval from T-Mobile for the Township to place an antenna on this tower. Still there has been no final approval given. Manager Wilson suggested that the Board choose between two options to either table the approval of this lease agreement or approve it contingent on the final approval by T-Mobile for the Township's antenna installation.

Motion by C. Kann and second by M. Shermeyer to table the T-Mobile Cellular Lease Agreement. **Passed** with 5 ayes.

Hadley Drive Property - Manager Wilson reported that this property consists of seven acres.

Supervisor Shermeyer added that this land is constantly being sold at tax upset sales.

Chair Kann inquired from the Township Solicitor the Township's position on this land.

Atty. Rausch advised that the Township can execute on the liens. If there are any taxes owed on the property, the Township would have to pay them in order to obtain the land.

Chair Kann requested that the Township Solicitor conduct a lien search on the Hadley Drive property.

Supervisor Hull commented that if the Township is considering this land for recreation, then this Board should be developing the Tower Village recreation land.

Approval of Memorandum of Understanding with the York County Conservation District - Manager Wilson reported that this MOU establishes the protocols by which both entities adhere and also relates to who is responsible for what and how it will be handled.

Motion by M. Love and second by M. Husson to approve the Memorandum of Understanding with the York County Conservation District. **Passed** with 5 ayes.

Meeting Minutes of 6/28/10 - Page 7.

Dover Borough Sewer Issues - Manager Wilson reported receiving a letter from the Dover Borough regarding the 32 sewer customers north of the Borough on the Borough's sewer system. The Borough is requesting that the Township take action to correct the infiltration problem and remove the customers from the line by constructing an interceptor. The existing agreement with the Borough states that inflow and infiltration is the Borough's responsibility. The Township's Sewer Crew has provided the Borough with TV records of the line. She has asked for the Board's position on this matter in order to respond to the Borough.

The Board instructed the Township Manager to return correspondence to Dover Borough informing them that inflow and infiltration is their responsibility per Paragraph 3 of the Agreement.

Rettew RFQ - Manager Wilson reported that Rettew's qualifications were emailed to the Supervisors for review.

Supervisor Love questioned the work Gannett Fleming did in 2007, 2008, and 2009 and how that would mesh with the work Rettew will be performing on the water system.

Supervisor Shermeyer inquired why the Township did not continue with Gannett Fleming.

Manager Wilson explained that the former Township Manager used Gannett Fleming. They have had many personnel turnovers and some other issues.

Motion by M. Husson and second by M. Love to contract Rettew to do the well sitings and well development plan. **Passed** with 5 ayes.

Supervisor Shermeyer asked the Public Works Director about the \$200,000 change order regarding the treatment plant upgrade noted in his report.

Mr. Farley responded that since the bid was low, there were some different interpretations of the specifications between Sewer Authority's Engineer and the contractor. Further meetings will be scheduled with Buchart-Horn (SA Engineer) to discuss this matter.

Supervisor Husson requested that the leasing sign be removed at the Giant Shopping Center since there isn't any property currently available for lease.

Manager Wilson replied that she would check whether the Zoning Officer had already sent a letter.

OLD BUSINESS

Draft Well Ordinance Amendments with Brad Hengst - Manager Wilson reported an article will appear on the front page of the Township newsletter written by Mr. Hengst on this topic.

Meeting Minutes of 6/28/10 - Page 8.

Mr. Myers questioned the abandonment of existing wells and not allowing any cross-connections for the Hilton Avenue Water Line Project.

Atty. Rausch stated that there is no regulation that indicates if you connect to public water, you must abandon your well. He did mention that the letter should clarify that if you intend to keep your well in use, there can be no cross-connection.

Mr. Myers reported that he can add a paragraph to the letter that relates to cross-connections.

Manager Wilson added that Section 26-307 of the Code of Ordinances deals with the abandonment of wells.

COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Love reported that she attended a Conservation by Design, Growing Greener, and Natural Land Trust Tour near Philadelphia. She noted that it was very interesting touring five developments in existence for over twenty years that were done by the concept of conservation by design. Huge areas were preserved as woodlands. She viewed it as a neat concept if designed correctly. Each year, the tour is somewhere different.

Supervisor Love commented that there is an issue with cats being dropped off in the rural parts of the Township and the SPCA will not accept cats anymore.

Manager Wilson stated that the SPCA Agreement only covers dogs.

Supervisor Shermeyer reported on a news article placed in the Mercury Newspaper of Kent, England entitled "Fire Services Badge Celebrates Links with the Old Country" which explained the badges used by the Dover Township Volunteer Fire Department were designed from the original badges associated with the fire services in Dover, England.

Supervisor Shermeyer asked the Board to consider waiving the rental fee for the use of the Lehr Park Pavilion by the Greater Dover Area Historical Society's Annual Picnic.

Motion by M. Husson and second by M. Love to waive the rental fee of the Lehr Park Pavilion for the Greater Dover Area Historical Society. **Passed** with 4 ayes and 1 recuse by M. Shermeyer.

Supervisor Shermeyer recognized Laurel Wilson, the Township Manager, along with other staff members Dolores Ladd, Glenn Kern, and Dawn Slegel for their assistance to complete the required FEMA paperwork in order for Dover Township to receive reimbursement for this winter's snowstorm aid.

Supervisor Shermeyer informed the Public Works Director enforcement action needs to be taken on the Park Street septic malfunction. There has been an unpleasant odor detected in the neighbor's basement.

Meeting Minutes of 6/28/10 - Page 9.

The Board instructed the Public Works Director to contact the Township Sewage Enforcement Officer concerning this situation.

Chair Kann announced that he will be meeting with Police Chief Bentzel regarding the award recognition of two Police Officers and a Civilian involved in the recent North York fire.

COMMENTS FROM THE PUBLIC PRESENT

Jean Nagle, 3470 Tower Drive, questioned when the Executive Session would be held regarding the letter from her attorney.

Atty. Rausch replied that it would be held after the conclusion of this meeting.

Ms. Nagle asked if her attorney would be informed of the outcome.

Atty. Rausch responded affirmatively.

Ms. Nagle commented on the street improvements to Tower Drive would make it a race track. The present condition of Tower Drive with the bumps and potholes has slowed motorists down. She suggested putting a dog park or an orchard within the Tower Village recreation property. She noted that the dog park at Rudy Park is one of the most popular places around.

Chair Kann adjourned the meeting into an Executive Session on potential litigation for Tower Drive Right-of-Way at 9:17 PM.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary