

DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
JULY 22, 2013

The Dover Township Board of Supervisors regular meeting for July 22, 2013, was called to order at 7:03 PM by Chair Monica Love in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Monica Love, 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; Georgia Sprenkel, Zoning Officer; Charles Farley, Public Works Director; Karen Wilson, C.S. Davidson; and Trena Hall, Recording Secretary. There were 7 citizens and one reporter in the audience. This meeting has been recorded for minute purposes only.

Prior to this meeting there was an Executive Session on Personnel Matters.

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 WORK SESSION MINUTES FOR JUNE 24, 2013

Motion by M. Menges and seconded by M. Shermeyer to approve the work session minutes for June 24, 2013, as presented. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR JUNE 24, 2013

There were two revisions made on page 4 of the minutes. The addition of Meadowview Park for suggested park names and changing Planning Module to Plan Review.

Motion by M. Husson and seconded by C. Richards to approve the meeting minutes for June 24, 2013, as amended. **Passed** with 5 ayes.

TREASURER'S REPORT OF CURRENT EXPENDITURES

Motion by M. Shermeyer and seconded by M. Husson to approve the warrant total for June 8, 2013, in the amount of \$193,726.13, as presented. **Passed** with 5 ayes.

Motion by M. Shermeyer and seconded by C. Richards to approve the warrant total for June 11, 2013, in the amount of \$15,187.74, as presented. **Passed** with 5 ayes.

Motion by C. Richards and seconded by M. Menges to approve the warrant total for June 22, 2013, in the amount of \$399,841.21, as presented. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

No comments

ZONING OFFICER'S REPORT by Georgia Sprenkel**Authorization to have the Township Secretary Sign the Non-Building Waiver for the Paradise Farm Planning Module –**

Motion by M. Shermeyer and seconded by C. Richards to authorize the Township Secretary to sign the Non-Building Waiver for the Paradise Farm Planning Module, as presented. **Passed** with 5 ayes.

PL-12-3 Pauline B. Hull, 2-Lot Revised Final Subdivision Plan – Dave Hoffman was present to explain the revised plan of the 54 acre property, located on Admire Road. The owner would like to divide the property into 3 lots for residential use. Two of the lots will be over 25 acres and the third will be a little less than two acres. This plan was on hold pending the resolution of the prime soil issues, soil testing completion and satisfying all other Township issues. Mr. Hoffman is seeking conditional approval pending the approval of the sewer planning module and one waiver request for required cartway on Admire Rd.

Motion by M. Shermeyer and seconded by C. Richards to open to discussion on granting the requested waiver for the PL-12-3 Pauline B. Hull, 2-Lot Revised Final Subdivision Plan as follows: 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 5 ayes.

Motion by M. Menges and seconded by M. Shermeyer to approve PL-12-3 Pauline B. Hull, 2-Lot 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 legal and/or equitable Owner's notarized signature must be added to the plan certifying concurrence with the plan (§ 501.2H).; 3. The Sewage Planning Module approval should be obtained from DEP (§ 502.2), as presented. **Passed** with 5 ayes.

PL-13-5 Paradise Farm, 7-Lots Final Subdivision Plan – Dave Hoffman was present to explain the subdivision plan for the 130 acre farm located on Paradise Road, with frontage on Pinchtown Road and Pine Hill Road. Lot 1, of 27 acres, is the original farm with the existing Hively Landscaping business and dwelling on Paradise Road. On Pinchtown Road, Lot 5 will be incorporated into Lot 3; Lot 3 & 5 will be attached to the neighboring Moritz property. Lot 4 on Pinchtown Road is adding an acre to the adjoining Crone Farm to enlarge the property. Another 29 + acre, Lot 6 will be added to the Moritz property. Another 25 acre parcel, Lot 7, fronting on Pine Hill Road and Lot 2, which is 35 acres, will be created as additional separate lots. Summary: Lot 1 is the original farm, adding 3 parcels to adjacent properties and two new farm parcels.

The owner is proposing to have the land approved as farm lots and proceed with sewer planning at a later date for any future buyer of Lots 2 or 7 to add a dwelling. This is not for approval of building lots, due to time restraints and planning module processes.

Chair Love questioned if there were no other accesses or easements to the back of the Lot 2. Mr. Hoffman answered that is correct.

Chair Love inquired if this was just a waiver request for the wetlands showing. Mr. Hoffman agreed.

M. Husson wanted to verify why the waiver is requested to not show the wetlands. Since the owners are not making improvement on the land, there is no value to have it on the plan. An advisory statement is on the plan about the wetlands. This places the burden on the person who wishes to complete any improvements. If a wetland study would be done now, a future owner will request a new study as wetlands do change over time.

A citizen (who did not want their name mentioned, because of a conflict of interest) thought that this land could not be subdivided because it is in an agricultural zone. Chair Love noted that as long as it is kept in to a 25 acre parcel it can be subdivided as a 25 acre farm throughout the property.

The citizen questioned if the adjacent property owners are notified when you subdivide. Chair Love answered no. If the property was to be rezoned or a hearing was needed to be held, the adjoining property owners would be notified. Notification is not needed on subdivisions.

The citizen questioned if there are any proposed buildings. Chair Love noted there are a few notes that allude to proposed new or existing buildings. Terry Myers noted that the original submittal did have some proposed building on Lot 7 and 2. They have since been removed because no sewage planning has been done.

The citizen thought a plan was shown with a proposed well and sewer. Chair Love noted that these plans are agricultural lots and the plans are not approved for building.

The citizen questioned if once the plans are approved, can the owner come back and build. Chair Love stated that the new owner would have to have a perk and probe completed, have the SEO sign off and have a planning module completed.

The citizen questioned about the several wetlands. Chair Love stated that the applicant has asked for a waiver on showing the mapping of wetlands as they are developing at the present. The wetlands can change over time. There are drainage easements restricting from doing work along the streams

Motion by M. Shermeyer and seconded by M. Husson to approve the requested waivers on PL-13-5 Paradise Farm, 7-Lots Final Subdivision Plan as follows: 1. All existing environmentally constraining resources, including watercourses and bodies; woodlands; “outstanding, “ rare, threatened and endangered” and “historic” trees; wetlands; springs; floodplains; steep slopes of 25% or greater; and other significant natural features should be shown, calculated and noted on the plan (§ 501.2.P).; 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 5 ayes.

Motion by M. Shermeyer and seconded by M. Husson to approve PL-13-5 Paradise Farm, 7-Lots 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 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 5 ayes.

PL-13-7 James R. Elicker, 2-Lot Final Subdivision Plan – Dave Hoffman was present to explain the Final Subdivision Plan for the estate of Richard E. Elicker. This property is located on the north side of Davidsburg Road between Paradise Road and Pine Hill Road. The property is a little over 3 acres and has 2 dwellings. The estate requires that the property must be divided between two parties. The two lots will be broken down into 1.7 acres and 1.8 acres, each having their own wells. The SEO has now signed off on this property, since the owner has received required permitting and completed the required repairs to the on-lot systems. The plan requested not to dedicate any additional Right-of-Way (ROW) since the buildings are so close to the roadway, but they are showing an ultimate ROW with the applicable setbacks.

Chair Love noted from the Board, that should these building be completely destroyed they can be rebuilt, exactly the way they existed.

Motion by M. Menges and seconded by C. Richards to grant the requested waiver on PL-13-7 James R. Elicker, 2-Lot 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.B), as presented. **Passed** with 5 ayes.

Motion by M. Menges and seconded by M. Shermeyer to approve PL-13-7 James R. Elicker, 2-Lot 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 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 5 ayes.

ENGINEER'S REPORT by Terry Myers

Kinsley Construction – Handicap Access Ramps - C.S. Davidson was recently reminded that Municipalities are required to install new, or bring existing, handicap access ramps up to current ADA requirements, whenever they perform certain maintenance work on streets. Pineview Drive and Pineview Circle have curb and sidewalks that do not currently meet the ADA requirements. New handicap access ramps were not included in the Annual Contract. Therefore, Kinsley Construction was asked to provide pricing to construct 6 new handicap ramps along Pineview Drive, at its intersection with Hilton Avenue, Pineview Circle and Poplars Road.

Mr. Myers provided an update on the 2013 street maintenance budget. The original budget was \$766,000. The received bid of \$695,000 with materials was accepted. C.S. Davidson is about 75% through the paving contract, providing additional needed base repair. Extra base repair and other additions totaled around \$10,000 – \$15,000. The handicap ramp bid received is around \$23,700. Street maintenance is now totaling around \$735,000. The Township is still about \$35,000 under budget.

Mr. Myers provided a change order for the handicap ramps. The proposed amount is \$23,700. The job can be completed by the end of next week. Another option is to pave this area and come back at a later time. Mr. Myers recommended having Kinsley complete the needed work.

Chair Love questioned if the curbing can be painted yellow. Mr. Myers stated no.

C. Richards questioned if there are any grants that can be applied for. Mr. Myers mentioned the possibility of a Block Grant through the Federal Government.

Motion by C. Richards and seconded by M. Shermeyer to approve the disabilities act requirements for installing the handicap access ramps through resurfacing with approval of change order 1-2 with Kinsley Construction for the amount of \$23,700, as presented. **Passed** with 5 ayes.

Meadowview Bridge Acquisition from PENNDOT - Terry Myers updated the Board on the process of applying for the DEP permit to install the Meadowview Bridge, at the future park on Municipal Road. C.S. Davidson has confirmed the unavoidable wetlands that are present at the bridge site, which now requires a Bog Turtle Habitat Screening. This screening will be performed by DEP and US Army Corps of Engineers upon receipt of the proper request documents, at no cost. C.S. Davidson will continue working on the permit. Mr. Myers is seeking authorization to have the manager sign the screening request.

Motioned by M. Menges and seconded by C. Richards to authorize the Township Manager to sign the Bog Turtle Habitat Screening request, as presented. **Passed** with 5 ayes.

Danielle Drive Drainage Investigations - Terry Myers was concerned on how to approach residents on obtaining a drainage easement. He did not want residents to believe that the Township wanted to do the work, since we are requesting an easement.

M. Menges noted to make residents aware that this became an issue because a homeowner wanted the Township's authorization to complete work. The Township could not give authorization because there was not an established easement.

Manager Oswalt noted if the other property owners do not maintain their property then the Township has a way to require them to do so. This way there would be no way the area will not be blocked by any kind of structures and/or the ground will not be altered.

Mr. Myers will approach residents letting them know there should have been an easement established along that drainage path, this is for their protection so property owners along this path don't adversely affect people up or down stream.

Chair Love noted that the last paragraph in the agreement should be taken out. Grantee will repair and restore surface features, etc. Mr. Myers noted that Attorney Rausch will be taking a closer look at the agreement.

The Municipal Building Investigation was questioned by Chair Love. A hole was dug outside of the men's locker room to determine why the floor is sinking. Another hole is needed, because there is Concrete Masonry Unit (CMU) in the way for the structural engineer to see what is happening. It is believed that the area was not backfilled properly. The engineer will be here next week. If the problem is what he thought, it should be a quick fix.

SOLICITOR'S REPORT by Attorney Charles Rausch

Attorney Rausch was contacted by the attorney, for the buyers of the property on Prospect Ave. In 2011, Jeffery Kauffman combined about 5 properties in a subdivision plan, with the lots being about 25' wide by 125' deep. In 2003, the Township was completing road work and had the adjacent property owners give the Township a deed of dedication. This was because at one point in time there was a 50' wide ROW. To confirm the township had the right to use the 25' on both sides, the Township got the deed of dedication from property owners. When a title search was completed, the owners were not sure if the 25' was included in the 125' lot depth. It is not. Charlie has created an agreement to say that the Township has 25' and no other rights to the encroachment. This agreement, just clarifies where the Township's 25' is located.

Motion by M. Shermeyer and seconded by M. Husson to approve and authorize Chair Love to sign the Prospect Avenue right of way agreement, as presented. **Passed** with 5 ayes.

MANAGER'S REPORT by Laurel Oswalt

How to Proceed with Selecting a New Animal Control Service – Hemler Animal Control Service will be closing at the end of this year. Hemler's recommended three other providers and one has already provided a proposal to the Township.

Board Consensus was that they do not need to interview the Animal Control Services, but would like to see the proposals.

Approval to Participate with the York County Chesapeake Bay Pollution Reduction Plan – The York County Planning Commission is providing a county-wide Chesapeake Bay Pollution Reduction Plan which is now a requirement of our NPDES MS4 Stormwater Permit.

Chair Love stated that this is a great idea to help make a measurable difference. This is what DEP is looking for. If this is done on a county wide level, eventually all of the municipalities in York County will be involved.

Manager Oswalt noted that the paperwork suggests naming a specific person to be a participating contact person. Chuck Farley was volunteered to be the Township's contact person. Chair Love noted that she will also be present.

Motion by M. Husson and seconded by C. Richards to allow Dover Township to participate in the York County Chesapeake Bay Pollution Reduction Plan, as presented. **Passed** with 5 ayes.

Master Facilities Plan – Discussion of the Barn – Township staff are questioning if the barn, at the golf course, will be a permanent fixture. If so, Township staff will need to budget for maintenance in the 2014 budget.

Chair Love questioned if the barn is historic. Yes, it was used by the Confederate Army.

M. Shermeyer questioned about finding groups to come in and volunteer time to paint.

M. Husson does not want to see the historic building destroyed, but if it is going to cost too much to maintain, then it may be necessary to take it down. He also noted that a newer structure is not of the same nature. He mentioned to find out the minor maintenance that is needed to keep using

the building. At this time the building is not open to the public and is being used for Township storage.

C. Richards questioned if the barn has a cement floor. Manager Oswalt noted that there is some cement, but more dirt. C. Richards noted that if the main beams come down to a dirt floor they will need to be cut and have footers but in below them.

Board Consensus was to budget for the repairs to be reviewed during the budget process. The Board noted to begin looking into grants to help restore the historic building.

Approval for Emergency Management Coordinator (EMC) to Share Fire Marshall Office Space – The EMC inquired on sharing the Fire Marshall's office space in the Municipal Building. The EMC asked if he could have his own phone line and extension. The problem is there is not another phone jack or phone to be put in that room. This will be looked into.

Board Consensus to allow the EMC to share the Fire Marshall's office space and have Nathan Stone investigate if a separate phone line and extension can be installed in that office.

Authorization for Gordon Walker to Proceed with the Refunding of the 2010 Bank Loan – Last month at the work session meeting, authorization was not given at that time or during the Board meeting to proceed with the refunding of the 2010 Bank Loan.

Motion by C. Richards and seconded by M. Shermeyer to authorize Gordon Walker to proceed with the refunding of the 2010 Bank Loan, as presented. **Passed** with 5 ayes.

Resolution 2013-16 to Adopt a Policy with Regards to the Continuing Disclosure Requirements in Connection with the Issuance of Bonds by the Township and/or the Dover Township Sewer Authority – When completing the refunding of the 2010 Bank Loan, the Township was advised to disclose financial reports on the Municipal Security Rulemaking Board through its Electronic Municipal Market Access (EMMA) system. This policy will allow Manager Oswalt or Laurie Rummel to complete this requirement.

Motion by M. Menges and seconded by C. Richards to adopt Resolution 2013-16 to Adopt a Policy with Regards to the Continuing Disclosure Requirements in Connection with the Issuance of Bonds by the Township and/or the Dover Township Sewer Authority, as presented. **Passed** with 5 ayes.

Fire Company Growth – Manager Oswalt asked the Board if they felt a Master Plan was needed for the future growth needs on the building as a whole, not just for the fire department. The Library and Senior Center could both use more space. Adding on to the building would take away parking and sport facility space. Manager Oswalt questioned if C.S. Davidson should do an estimate on upgrades.

C. Richards was concerned with the roof leaking, when looking at the list of needed repairs.

Manager Oswalt noted that some of the items on the maintenance list have been completed by Township staff.

M. Shermeyer noted that in the Fire Chiefs Office, when a ceiling panel is removed you can see the outside. She believes the facility should be repaired and painted.

Board Consensus agreed to have C.S. Davidson provide a proposal for a Master Facility Plan on the whole Community Center Building.

Authorization from the Board to Grant the Saturday Log House Rental a Refund Pending an Investigation as to what had Happened -

Motion by M. Shermeyer and seconded by C. Richards to authorize, after an investigation by the Township Manager, the refunding of the Log House rental fee, as proposed. **Passed** with 5 ayes.

PUBLIC WORKS DIRECTOR'S REPORT by Charles Farley

Approve Chair to Sign Stormwater O&M Access Agreement for Michael & Susan Husson-

Motion by M. Shermeyer and seconded by C. Richards to approve the Chair to sign the Stormwater O&M Access Agreement for Michael and Susan Husson, as presented. **Passed** with 4 ayes. Abstained by M. Husson.

Approve Proposed Amendment to the Township's SWM Ordinance – Mr. Farley noted that an amendment is needed to the stormwater ordinance. When dealing with class “D” soil, he cannot address these permits, according to the ordinance. C.S. Davidson would need to be involved. Modifications are needed to the permitting process to class “D” soils. Changes are needed to Appendix 19-B to help give some leeway for the Township to be able to give permits.

Attorney Rausch would like to create an ordinance where all of the appendices in the stormwater ordinance can be amended by a resolution. This amendment to the ordinance will need to be advertised.

Motion by M. Menges and seconded by C. Richards to advertise the changes to the ordinance so future changes can be made by a resolution, as presented. **Passed** by 5 ayes.

OLD BUSINESS

Update on Tower Drive and Clair-Mar Drive – Drainage was performed in the late 80's on the Lauer Tract side and a storm sewer was put in from Willow Road down to Holly Road. Mr. Myers believes a base repair with a wearing course would be the proper way to take care of the stormwater issues.

Chair Love noted that Tower Drive was not on the 5 year plan.

M. Menges noted that if this work is approved why not widen at that time. There are a few areas that would be in question.

M. Menges also questioned if the pipes are the appropriate sizes for drainage. Mr. Myers did not study the calculations for the drainage, but noted that the pipes are 24”.

It was noted from the last meeting that a leveling course can be done, in this area, for around \$18,000 and would last around 10 years. If this project can wait a year or two for the correct funding, a complete leveling course from the ground up can be done and could last 20 years.

Terry Myers did not evaluate Clair-Mar Drive since the Board members wanted to drive the road. Those who did, considered the situation not good. A leveling course can be done for \$24,000.

Chair Love questioned why a pile of stones is in the middle of the road, blocking thru traffic. When Laurel Manor was developed, the two sides were connected for an emergency access, but the development did not want the traffic from Canal Road. It is private. Mr. Myers thought the cul-de-sac eventually is to be part of Clair-Mar Drive with a gate and will then need to be adopted. Mr. Myers will research the matter.

One Board member was not in favor of spending funds for a road that is going to be tough to maintain and questioned if the road should even be worked on.

Chair Love and M. Menges noted that this should be put on the 5 year plan and done correctly.

C. Richards would like to see what answers Terry Myers and Glenn Kern develop.

Mr. Myers noted that core samples should be completed first.

Chair Love clarified that Terry Myers will look at plans for the cul-de-sac on Clair Mar Drive and Glenn Kern will get core samples for Tower Drive and Clair-Mar Drive.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

M. Husson questioned if Board members needed to attend the joint public water system meeting. Board members are encouraged to attend.

M. Menges is interested in attending the meeting for the Northern Regional Budget. Manager Oswalt noted that the meeting is held for the managers to be provided with budget information. The Board is fine if M. Menges attends.

Chair Love announced that National Night Out is August 6, 2013 and held at the Dover Borough Fire Hall.

Manager Oswalt announced the Old Fashion Carnival is Wednesday 24, 2013 from 4PM-8PM.

Chair Love made the Board aware that FEMA is completing a study and is changing all the flood plain maps. The meeting is Tuesday, August 6, 2013 from 10AM-12PM.

COMMENTS FROM PUBLIC PRESENT

No Comments.

With no further business, the meeting was adjourned at 9:10 PM by Chair Love.

Respectfully submitted by:

Trena M. Hall, Township Secretary