

DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
AUGUST 26, 2013

The Dover Township Board of Supervisors regular meeting for August 26, 2013, was called to order at 7:02 PM by Chair Monica Love in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Monica Love, Madelyn Shermeyer, Charles Richards, and Matthew Menges. Supervisor Michael Husson was absent, with prior notification. 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 19 citizens in the audience. This meeting has been recorded for minute purposes only.

Prior to this meeting there was an Executive Session on potential matters of litigation and personnel issues.

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 MEETING MINUTES FOR JULY 22, 2013

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

TREASURER'S REPORT OF CURRENT EXPENDITURES

Motion by M. Menges and seconded by C. Richards to approve the warrant total for August 12, 2013, in the amount of \$357,627.34, as presented. **Passed** with 4 ayes.

Motion by C. Richards and seconded by M. Menges to approve the warrant total for August 23, 2013, in the amount of \$478,726.24, as presented. **Passed** with 4 ayes.

PUBLIC COMMENT PERIOD

On the Agenda

Scott Cline – 3520 Bull Road – Property Line Dispute – Mr. Cline wanted the Township to know that the neighboring Developer is moving his property line stakes. He was inquiring who he should contact about this issue. He has spoken to the Developer, State Engineer and the Township Engineer about this issue. Chair Love suggested that he submit a Right-to-Know Request for the subdivision plans for his property and the property the Developer is working on. She also suggested taking this issue to the District Magistrate or Attorney Rausch suggested the Court of Common Pleas.

William S. Cline – Father of Scott Cline at 3520 Bull Road – Mr. Cline has spoken to the State of Pennsylvania and the Township's Engineer and there has been no access permit issued in the last two years for this project.

Terry Myers wanted to clarify that when he went to evaluate the issue, the property line was marked with stakes and flags and he only looked at the improvements that were staked out on the McNaughton's property. At that time, the sidewalk and curbing appeared to be on the Developers property. The grading work completed on Mr. Cline's property was done for the line of sight going up the Bull Road.

Mr. Cline stated that the Developer asked the state for eminent domain and was turned down. The Developer wanted this piece of property at no cost but Mr. Cline said that the property could be bought. Mr. Cline wanted the Township to have all of this on record. The property will be surveyed and he will be hiring an attorney to correct this issue.

Keith Heckert – Dover Ambulance Club - Update on Medic Unit Issues – There are many changes coming to the Emergency Medical Services (EMS) in York County. Dover Township currently has Wellspan and Memorial Hospital medic providers stationed at the Dover Township Fire Department, Station 9. Beginning December 31, 2013, Wellspan will no longer be providing care. Memorial will be the only provider for Dover Township. Dover Ambulance Club is currently pursuing options. Advanced Life Support (ALS) is being looked at. This would give the Township ALS coverage in the area. There is a question of how long Memorial Hospital will continue funding the EMS unit.

M. Shermeyer questioned what an ALS is. Mr. Heckert explained that an ALS is a Medical Intensive Care Unit (MICU) that works 24/7. A MICU consists of one EMT and one paramedic. She then inquired on the cost of a paramedic 24/7 and how this cost would be managed.

C. Richards questioned if equipment would change or if additional equipment would be needed.

M. Menges inquired what Wellspan is going to do with their equipment when discontinued. County EMS organizations have questioned this and are going to try and cooperate.

Dover Ambulance is working on finding the most beneficial way to serve the community and will continue to keep the Board of Supervisors informed with this matter.

Nicholas and Terry Griffin – 3388 Cardinal Lane – Stormwater Issue – Nicholas and Terry Griffin were present to talk about continuing water drainage issues. Until two years ago, Terry Griffin had no idea there were pipes buried under his property, which are now creating sink holes. The Township is aware that there is no longer an open easement on his property and drainage pipes are still directed onto his property from the Fountain Rock Development. Terry Myers noted that when the roads and easements were created, the pipes were already there.

Chair Love tried to explain to Mr. Griffin that the Board is aware of the issue and they are trying to come up with a possible solution. Chair Love noted that the Township has televised the lines, which have provided more information on the issue. The Board believes the prior owner choose to pipe the water flow to have more land usage. A homeowner can do what they want on their property to some extent. The Township does not have ownership of the easement or the pipes.

Mr. Griffin questioned how the Township allowed an open easement to be altered and now all this storm drainage is running under his property and is causing the sink holes. According to old Board minutes, the Township was asked to complete work for the property owner, but the Township indicated it was not their responsibility. The Board stated it was the homeowner's property and the Township did not approve the work or take responsibility for work that was done. Chair Love noted if Mr. Griffin would like to take the pipe out and recreate the original swale he can but he cannot block the flow of the water or remove Township pipes.

Mr. Griffin was advised he would be receiving a letter advising him of the Township's position in this matter.

Not on the Agenda

John and Bonnie Stewart - 2499 Danielle Drive – Mr. and Mrs. Stewart provided an update on the stormwater work they have completed behind 2500 and 2499 Danielle Drive. They created a berm which has accepted the stormwater flow. Now that some of the water is controlled, they can tell that more water is coming from St. David's Church. Water is going behind the ball field and not into the drainage area. Mr. Stewart suggested asking the church to create a larger catch basin to help the properties downstream. Terry Myers thought the church was willing to help with this issue and he will contact the church to set up an appointment to discuss the matter.

Terry Myers noted that the newly created berm needed to be stabilized somehow. He suggested seeding. Mrs. Stewart suggested the Township help with supplying the rocks.

Shane and Hope Beck – 2560 Tower Drive – Mr. and Mrs. Beck are seeking help to install the backflow prevention valve needed for their sewer drain. They have received estimates to install a flat valve and feel the Township should be providing assistance in this matter. Mrs. Beck noted that they will be responsible for the clean out care.

The Board agreed to provide the labor to dig the hole. Manager Oswalt needed to insure the Township can complete the job and the plumber would have the proper shoring equipment. Manager Oswalt will be in contact with Mrs. Beck.

Motioned by M. Menges and seconded by M. Shermeyer for the Township to provide the excavation for the installation of the flat valve and fill back in when the work is completed, provided the Township has the proper equipment to do so safely; The owner will purchase the valve, take full responsibility for the functioning of the valve, and hire the plumber to install the valve, taking responsibility for the plumber to enter the hole.; This will be completed with an agreement drafted by Attorney Rausch stating that the Township will not take ownership or have any further liability. **Passed** with 4 ayes.

Jeff Firestone – Discuss Oakmont Road – Mr. Firestone was present to ask the Township for a two week extension on adopting Oakmont Road. The work will be completed in 14 days.

Attorney Rausch noted that the Resolution could be approved, contingent on the needed items to be completed. The dead line for road adoptions to PENNDOT is September 1, 2013.

This will be discussed later on the agenda. Mr. Firestone asked to be notified of the answer.

Andrew Stube – 3154 Jayne Lane – Mr. Stube was present to make a few suggestions. He believes sidewalks should be installed at the HOA's cost on Davidsburg Road along the Ashley Farm Development and also on Carlisle Road from Walgreens to Weis. He thought campers should not be allowed to park in driveways and should use storage facilities. He suggested a Central Business District at the area of Palomino Road and Members 1st. The Township should encourage a dry cleaner, Burger King or a Wine and Spirit store to come to the area.

Shawn Platts – Dover Union and Hose Fire Department – Mr. Platts was present to request a Township donation for the Dover Halloween Parade, which will be held October 6, 2013 at 3PM. He inquired what was needed to hold the parade. Manager Oswalt explained that a Parade and Public Assembly Permit is required and to go online or stop at the Township office to obtain the application. There is a \$40.00 permit fee which the Board can waive.

Motion by C. Richards and seconded by M. Menges to donate \$1,500.00 to the Dover Halloween Parade and waive the Parade and Public Assembly Permit fee, as presented. **Passed** with 4 ayes.

ZONING OFFICER'S REPORT by Georgia Sprenkel

PL 13-6 Hilton Avenue Partners, LLC. – Final Subdivision Plan – Dave Hoffman was present to discuss this 165 acre, 4-lot subdivision plan. The first lot consists of 14 plus acres which includes an existing dwelling and building that access Hilton Avenue. A second lot of 11.4 acres will be sold and attached to a neighboring lot owned by Russell Jacobs. A third lot of 10.6 acres, includes an existing dwelling and barn that accesses on the Bull Road. Lastly, a 128 acres lot will be used as agricultural land.

The last of the monuments will be placed after the crops have been harvested and will be completed within a year. This waiver is for the markers that monument on the lots themselves and does not include the right-of-ways.

The Board wanted this in writing and Attorney Rausch recommended applying a note on the plan enforcing the time frame.

Attorney Rausch addressed the LLC being signed by a partner on the plan and asked to have the signature adjusted. The plan showed Andrew Collins as the partner and that he owns the property. It should reference that he is signing as a LLC member.

Waiver Requests: 1. All existing environmentally constraining resources, including watercourses and bodies; woodlands; "outstanding, rare, threatened, endangered and historic" trees; wetlands; spring; floodplains; steep slopes of 25% or greater; and other significant natural features should be shown, calculated and noted on the plan (§ 501.2P). Note 6. states that wetlands are present on this site; however, no wetland delineation has been performed. A waiver

request for quantifying the wetlands should be submitted.; 2. The location of proposed survey monuments and property markers, in accordance with Section 706, should be shown on the plan (§ 601.2.H). A waiver request should be provided for not providing property markers at places where they would be inaccessible.; 3. 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).

Motion by M. Menges and seconded by M. Shermeyer to approve the requested waivers on PL 13-6 Hilton Avenue Partners, LLC Final Subdivision Plan contingent on item No. 2 that the monuments be delayed up to one year from the date of recording and that some corners are requested not to be put in because they are located within the stream area, as presented. **Passed** with 4 ayes.

Terry Myers noted that pedestrian access easements are not set and that it could be added to the Sanitary Sewer Easement Agreement. If these easements are not set aside now, they will need to be obtained from the then current property owner. The applicant did not agree.

M. Shermeyer noted, for the minutes, that this Board tried to obtain this easement agreement.

Mr. Hoffman will add to the plans Mr. Jacob's signature agreeing to provide proof of the deed, in open item No. 3, to the Township. This will put the burden on Mr. Jacobs.

Motion by M. Shermeyer and seconded by C. Richards to approve PL 13-6 Hilton Avenue Partners, LLC 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 (§ 501.2A).; 2. The legal and/or equitable Owner's notarized signature must be added to the plan certifying concurrence with the plan (§ 501.2H).; 3. Proof that a deed combining the properties should be provided back to the Township, as presented. **Passed** with 4 ayes.

ENGINEER'S REPORT by Terry Myers

Kinsley Construction – All jobs are completed except Pineview Drive and Pineview Circle. The handicap ramps will soon be installed, followed by the road wearing course.

C.S. Davidson will be within the original contract, including the change order for the handicap curbing. C.S. Davidson has received the application for payment of \$88,628.08 from Kinsley Construction and is recommending a 10% retainer be held until work is complete. The amount to be approved would be \$79,765.27.

Motion by M. Shermeyer and seconded by C. Richards to approve \$79,765.27 be paid to Kinsley Construction for the 2013 Annual Contracts, as presented. **Passed** with 4 ayes.

C.S. Davidson has received the application for payment of \$69,334.85 from Recon Construction and is recommending a 10% retainer be held until work is complete. The amount to be approved would be \$62,401.37, for the Alta Vista project.

Motion by M. Shermeyer and seconded by C. Richards to approve the application for payment of \$62,401.37 to Recon Construction, as presented. **Passed** with 4 ayes.

Community Center Master Plan Proposal – The proposal was given to Manager Oswalt.

Members 1st – Wellspan has been experiencing surface water runoff from the neighboring property of Members 1st. Members 1st has agreed to pipe their water into the storm sewer through Wellspan. A drainage easement agreement has been made and signed by Wellspan. This agreement is only for the purpose of conveying stormwater runoff. Mr. Myers is asking authorization for the Chairperson to execute the easement agreement.

Chair Love wanted to make sure the pipes are big enough and that the Township is not responsible for the pipes

Motion by M. Menges and seconded by C. Richards to approve the Chairperson to sign the drainage easement agreement with Wellspan Properties Inc., as presented. **Passed** with 4 ayes.

SOCICITOR’S REPORT by Attorney Charles Rausch

Approve Ordinance 2013-04 to Amend Dover Township’s Stormwater Management Ordinance Chapter 19 – This Amendment allows changes to the Appendices and Tables attached to this Ordinance to be made from time to time by Resolution of the Board of Supervisors.

Motion by C. Richards and seconded by M. Menges to approve Ordinance 2013-04 to Amend Dover Township’s Stormwater Management Ordinance Chapter 19, as presented. **Passed** with 4 ayes.

Approve Resolution 2013-17 to Revise Appendix A “Operation and Maintenance Agreement” for Stormwater Management Ordinance No. 2011-06 -

Motion by M. Menges and seconded by C. Richards to approve Resolution 2013-17 to revise Appendix A “Operation and Maintenance Agreement” of the Stormwater Management Ordinance, as presented. **Passed** with 4 ayes.

Discuss York Water Company Agreement and Approve Attorney Rausch to Draft an Amendment to the Current Agreement – The York Water Company has agreed to reduce the Township’s minimum required water purchase to 6,000,000 gallons, effective in January of 2015. In exchange, York Water Company has requested a Right of First Refusal be added to the contract. This would allow York Water Company to have the right to counter offer any other companies proposing to buy the Dover Township Water System.

Motion by M. Shermeyer and seconded by C. Richards to approve the amendment which would reduce the minimum required water purchase to 6,000,000 gallons in January of 2015 and add the Right of First Refusal language, as presented. **Passed** with 4 ayes.

Lot 5 in Solar Drive – This lot was never attached to the correct property and was then sold at a sheriff's sale. The current owner is not maintaining the property and her attorney has been contacted and asked to sell to an adjoining property owner. In exchange Attorney Rausch agreed to talk to the Board about waiving the \$1,500 lien on the property.

MANAGER'S REPORT by Laurel Oswalt

Set Date for Trick or Treat Night for October 31, 2013 from 6-8PM -

Motion by M. Shermeyer and seconded by C. Richards to approve Trick or Treat Night for October 31, 2013 from 6PM – 8PM, rain or shine, as presented. **Passed** with 4 ayes.

Acknowledgement of Six Month Probation for Tiffany Strine

Discuss Barwood and Emig Mill Village Stormwater Basins – The costs to repair the stormwater basins are going to be more costly than what the residents are anticipating. The first option is to replace the discharge pipe with the thought on dropping discharge, tear down the fence, install some rip rap, haul in some good clay dirt and put everything back in place. This may cost each property around \$100 for that year. The second option is to replace the discharge structure, drop it a foot along with the discharge pipe so an under drain can be put up through the middle of the basin to help the water drain. This may cost each property around \$140 for that year.

Chair Love suggested making this a MS4 project by using vegetation filters and eliminating some tree growth around the fence, if the under drain is not installed.

The Board suggested that if the Township is completing the work, making repairs and upgrades to reduce the future costs. The Emig Mill Village work can be completed by the Township. Terry Myers believed that the Barwood project can be completed this year, if quotes are received by the next Board meeting.

Board Consensus was to receive quotes on the discussed options and allow Manager Oswalt to send a letter to the residents advising them of the increase for their quarterly bills which will include the current maintenance and a yearly maintenance fee from the Township.

Discuss Loaning Highway Equipment to Lower Windsor Township – Municipalities are loaning Lower Windsor Township equipment to use, since their fire. Dover Township is able to loan a large and small dump truck until leaf collection begins. Both Townships use the same insurance company and Lower Windsor has additional insurance on borrowing and leasing equipment.

Board Consensus was to loan out equipment.

Discuss the Needs of the Fire Department/Community Building Facilities – The fire department is seeking additional space at the Community Center. Since Wellspan is discontinuing medic service, Manager Oswalt will contact the Memorial medic staff to attempt to renegotiate the contract and inquire on moving the medic staff to another area in the building.

Personnel should not be moved until there is written notification.

Board Consensus was to have Manager Oswalt contact the appropriate medic staff to renegotiating the contract.

Authorization to Notify Benchmark of Township's Intent to Terminate Agreement – Benchmark is the Township's Energy broker and the Management Service Agreement expires in February of 2014. Manager Oswalt would like to give notification to terminate now, due to problems involving late invoicing.

Board Consensus was to have Manager Oswalt notify Benchmark of the Township's intent to terminate the agreement.

Approve Resolution 2013-18 to Adopt Oakmont Road – Mr. Firestone would like two more weeks to get his bond in place and pave the road.

Motion by M. Shermeyer and seconded by C. Richards to approve Resolution 2013-18 to adopt Oakmont Road contingent upon the bonding and completion of the road work with a satisfactory inspection, as presented. **Passed** with 4 ayes.

PUBLIC WORKS DIRECTOR'S REPORT – Charles Farley

Authorization to have the Township Secretary or Chair Sign the Planning Waiver & Non-Building Declaration – Mr. Farley modified his request to have the waiver signed for the 1515 Hilton Avenue Partners Subdivision. The SEO will not sign off since the system is malfunctioning. This waiver is not needed since the property will be connecting to public sewer, but if needed, DEP can issue an emergency hook-up with a consent order. Mr. Farley will contact DEP to make sure this is correct.

Chair Love questioned if the plan can be recorded if this is not taken care of. Mr. Myers thought it needed to be resolved. A letter would need to be sent to the partners indicating that the recording of the plan will be held off until this issue is resolved.

OLD BUSINESS**Tower Drive and Clair-Mar Drive**

Core samples have been received for Clair-Mar Drive. Mr. Barshinger is willing to remove the dirt pile and complete the cul-de-sac. This private road can be added to the liquid fuels list when completed. The Township Engineer submitted three proposals: Option one is to do cold-in-place recycling with a wearing course, costing around \$70,000. Option two is to reclaim the road and then apply a binder course, costing around \$59,000. Option three is to remove the worn material and apply a binder course, costing around \$50,000. Options two and three will additionally need a wearing course, costing around \$20,000.

Mr. Myers believes the Township can have Clair-Mar repaired this year with just a possible wearing course. This can be repaired from money left from the budget, not liquid fuels. Mr. Myers does not think a base coat will last on Tower Drive since it is heavily traveled. There are many spots with base failure.

M. Shermeyer requested to have Clair-Mar completed for this year and fill in on Tower Drive.

Glenn Kern will not have time to complete base repair work on Clair-Mar Drive. Mr. Myers will see if Kinsley can add this new work to the schedule when they are back in the area.

C. Richards did not want to spend the rest of the budgeted money. He is concerned about other expenses arising with the wet season coming.

Board Consensus was to have any needed base repair and wearing course completed on Clair-Mar and hold off on maintenance to Tower Drive.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

M. Shermeyer noted bridges in Dover Township that will be worked on between 2013-2016.

M. Shermeyer noted that the Dover Township Volunteer Fire Department attended a county convention and won two awards for Best Appearance Equipment Rescue and Best Appearing Apparatus.

M. Menges mentioned branches hanging over the road at the intersection of Oakland Road and Claremont. He also noted that there are many vehicles trying to make a left turn onto Carlisle Road, off of Oakland Road. He questioned what could be done. One suggestion was to put a no left turn sign at the Grenway noting the best route to 74N with an arrow towards the signal light. A traffic study may be needed. Chair Love requested that Northern Regional be contacted for an accident report.

C. Richards noted that National Night Out was a great success. He has been receiving many good comments on the road repairs.

COMMENTS FROM PUBLIC PRESENT

No Comments.

With no further business, the meeting was adjourned at 9:57PM by Chair Love.

Respectfully submitted by:

Trena M. Hall, Township Secretary