

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 27, 2012**

The Dover Township Board of Supervisors regular meeting for Monday, August 27, 2012 was called to order at 7:05 PM by Chairwoman Shermeyer in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Chair Madelyn Shermeyer, Monica Love, Michael Husson, Charles Richards, and Matthew Menges. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Atty. Charles Rausch, Township Solicitor; Terry Myers, Township Engineer; Karen Wilson, C. S. Davidson, Inc.; Georgia Sprenkel, Zoning Officer; Charles Farley, Public Works Director; Glenn Jansen Township Fire Chief; and Dawn Slegel, Recording Secretary. There were 24 citizens and a news reporter seated in the audience. This meeting has been recorded for minute purposes only.

It was announced that a work session was held at 6 PM this evening with the Dover Area Ambulance Club and an executive session regarding a matter of litigation. 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 JULY 23, 2012

Motion by M. Husson and second by M. Love to approve the work session minutes for July 23, 2012 as presented. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR JULY 23, 2012

Mr. Myers made a correction on Page 4 of the meeting minutes for July 23, 2012 under the Discussion on the Township's Intention to Not Open the Paper Road Portion of Glenwood Road on to Carlisle Road. The motion by M. Menges and second by M. Husson was corrected to authorize the proper Township Officials to sign the *Agreement of Release* of the PennDOT Condition Statement to Auto Zone, not the Transfer Agreement as stated.

Motion by M. Menges and second by M. Love to approve the meeting minutes for July 23, 2012 as amended. **Passed** with 5 ayes.

TREASURER'S REPORT

Motion by M. Love and second by C. Richards to approve the warrant total for August 8, 2012 in the amount of \$190,099.58 as presented. **Passed** with 5 ayes.

Motion by M. Husson and second by C. Richards to approve the warrant total for August 24, 2012 in the amount of \$542,498.66 as presented. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

Listed on the Agenda

Cindy Grove, President of Tri-Town Boys Club - Activities Update - Ms. Grove reported that the football registration totaled 229 participants. Vandalism and theft seems to have subsided. Golfing is prohibited in the parks but because the signs were removed, a golfing incident occurred at Mayfield Park and was the result of some overturned ankle injuries to players on the football field.

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The snack bar has been connected to the public sewer system.

Bunny Stewart, 2499 Danielle Drive - Return Security Deposit from Community Building Rental - Ms. Stewart's daughter, Alicia, rented the Community Building for a wedding reception on July 21, 2012. Since Alicia lives in Hawaii, Ms. Stewart was present to plead her daughter's side to receive the entire \$350 deposit refunded to her. It was reported by the Parks Caretaker and the Custodian that they did not satisfactorily clean up the room after the rental and therefore only half of the deposit was refunded.

It was noted that signs are posted throughout the Community Room and kitchen with instructions to make the renters aware of their cleanup responsibilities.

Board Consensus was that half of the deposit refunded was appropriate because of the unrestored condition in which the Community Room was left by the renter. Supervisor Richards abstained because of his acquaintance with the family.

Jeff Straley, 3690 Stonehouse Lane - Wyngate Retention Pond Easement Agreement - Mr. Myers reported that because of the FEMA work to the Wyngate Retention Pond, an easement agreement is needed from the neighboring property owner, Mr. Straley. Mr. Straley proposed some additional work which was not in the original scope of the project whereby it was recommended he approach the Board of Supervisors. Mr. Straley's proposal consisted of piping the stormwater from the exit of the basin to the downstream side of his driveway bridge. His perception was that future development, such as Terra Vista, etc. will significantly increase the flow of the creek.

Mr. Myers indicated that Mr. Straley's proposal would entail about 200 feet of 24 inch pipe. The estimated cost of the extra work would be approximately \$4,000. The discharge from the retention pond will be on to Mr. Straley's property. The original project included relocating the channel and line it with rip rap.

Motion by M. Husson and second by M. Love to authorize the additional work which includes the installation of 200 feet of 24 inch storm water pipe to handle the discharge from the Wyngate Retention Pond. **Passed** with 4 ayes and 1 nay with opposition by M. Menges.

David Erney - 2012 Halloween Parade Donation - Mr. Erney is the Chairman of the Dover Halloween Parade. The Dover Halloween Parade will be held on Sunday, October 7, 2012, beginning at 3:00 PM.

Motion by M. Love and second by C. Richards to donate \$1,500 to the Dover Halloween Parade this year. **Passed** with 5 ayes.

Mr. Erney was informed that a Parade & Assembly Permit is required from Dover Township for the Halloween Parade which is available on the Township's website. The fee may be waived by the Board of Supervisors.

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Motion by M. Love and second by M. Husson to waive the fee for the Parade and Assembly Permit for the Dover Halloween Parade. **Passed** with 5 ayes.

Mr. Erney paid compliment to Maureen App, the Township's Building Code Official, for her efforts in assisting to get his neighbor's abandon property mowed.

Eric Sentz & Neil Slenker, Penn Waste - Amendments to the Refuse and Recycling Ordinance - Atty. Neil Slenker of Stock & Leader was present to represent Penn Waste in following up on a letter of June 14, 2012. Delinquent accounts have become a problem with \$42,000 invoiced to date over sixty days or approximately 12%. The Township Ordinance allows Penn Waste to prosecute through a lien route or by the legal proceedings. The majority of the other municipalities that Penn Waste serves allows mainly for the legal proceedings. To minimize the cost of attorney fees, Penn Waste utilizes in-house personnel without attorney involvement for action before the District Justice. More of the recovery fees are retained and less of a fee is passed on to the customer. To defray costs, other municipalities have set an administrative fee of \$50.00. Atty. Slenker requested the Board consider an amendment to the Ordinance to establish an administrative fee and an interest/late fee of \$10.00 per quarter.

Atty. Rausch informed the Board that their decision should be based on whether this is a cost to impose upon the residents or it is the cost of doing business for the contractor.

It was proposed that Atty. Slenker prepare the language for the ordinance amendments.

Board Consensus was to have Penn Waste submit the proposed language to the Township Solicitor for ordinance amendments to establish an administrative fee and a late fee for the collection of garbage bills.

The Township Solicitor will then provide his final review to the Board.

Not Listed on the Agenda

Caleb Lauer of Boyscout Troop No. 67 - Eagle Scout Project Presentation - He plans to construct cinder block dugouts with wooden roofs for the Dover Area Baseball Association at the ballfield in Lehr Park as his Eagle Scout Project. He requested the Board's permission to move forward with his project.

He was informed that a zoning permit was needed to accomplish his project.

Motion by M. Menges and second by C. Richards to approve Caleb Lauer's Eagle Scout Project as proposed and waive the fees for the appropriate required permits from the Township. **Passed** with 5 ayes.

Caleb Lauer noted that he is seeking donations for his project which is estimated to cost \$1,500.

Phillip Brown inquired on the reason that the Board of Supervisors cutback the hours of operation for the brush drop-off area. It's a service he utilizes frequently.

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It was explained that there has been some illegal dumping recently and the hours have been cutback to two Saturdays per month in order to staff the hours of operation.

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

ZONING OFFICER'S REPORT by Georgia Sprenkel

PL12-6 Richard D. Ruffle Land Development Plan - Mr. Ruffle was present to propose constructing a 34 foot by 64 foot nonresidential building on the property at 2261 Royal Street. The principle use will be office space on the second floor and the accessory use is a garage on the main floor.

Motion by M. Love and second by M. Menges to grant the six requested waivers as follows: 1. Soil erosion and sedimentation control plan approval from the York County Conservation District (§602.4); 2. Signed and sealed landscaping plan by a PA Certified Landscape Architect (§602.7); 3. No setback line shall be less than 50 feet from the right-of-way line or any existing collector or arterial street (§705.2.E); 4. Additional right-of-way of 80 feet for Carlisle Road (704); 5. A buffer yard of not less than 20 feet abutting a residential district (§712.2); and 6. All stormwater management facilities are considered structures and must comply with building setback requirements (§19-301.11). **Passed** with 4 ayes and 1 nay with opposition by M. Husson.

There was a concern regarding the building housing a repair service in the future. It was explained that type of use could not meet the parking requirements.

Motion by M. Love and second by C. Richards to approve the Richard D. Ruffle Land Development Plan contingent on the completion of the following outstanding items: 1. Submit GIS disk (§501.2.A); 2. Owner's notarized signature added to the plan (§501.2.H); 3. Planning module approval and DEP code number added to plan (§502.2 and §601.2.L); 4. Provide public security (§602.1); 5. Approval of the stormwater management plan by the Township Engineer (§602.3); and 6. Provide two copies of the Penn DOT permit to the Township (§602.12). **Passed** with 4 ayes and 1 nay with opposition by M. Husson.

PL12-2 Auto Zone Reapproval - Ms. Sprenkel reported that the ninety days for the plan have expired. PennDOT approval was received the week of August 20th.

Motion by M. Husson and second by C. Richards to reapprove the Auto Zone Plan. **Passed** with 5 ayes.

Steve Corsner - Rezoning Request for 3900 Carlisle Road - Mr. Corsner requested the Board's consideration before submitting a formal application on rezoning 3900 Carlisle Road from residential to commercial. He presently owns Three Monkeys Inflatables, which is a rental service of inflatables located in Red Lion and is looking to utilize this property for the expansion of his business. He has obtained the legal right-of-way agreement connecting his access drive into the Giant parking lot.

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Ms. Sprenkel explained that the two houses in front of this property are zoned commercial. There also is a 6,000 square foot pole building on the property in which a landscaping business was operated from previously without approval by the Township. The Township Solicitor had suggested that Mr. Corsner present the rezoning request to the Board.

Board Consensus was that the Board would look favorably on the filing of the formal rezoning request for 3900 Carlisle Road.

ENGINEER'S REPORT by Terry Myers

The Township Engineer had nothing to add to his written report this evening.

SOLICITOR'S REPORT by Atty. Rausch

Agreement for 1520 & 1524 Hilton Avenue - The Township Solicitor reported that a lien was placed on both properties for 1520 and 1524 Hilton Avenue because the property owners, the Rapps, did not make the mandatory water line connection when the new line was installed along Hilton Avenue. Settlement with the owners of the properties has occurred. An agreement was prepared by the Township Solicitor that the lien on 1520 Hilton Avenue would be removed so long as a residence is not built on 1520 and the two properties of 1520 and 1524 Hilton Avenue remain in common ownership. If either situation would occur, the Township has the right to reinstate the lien. The agreement has been signed by the new buyers and will be recorded. The lien was paid for 1524 Hilton Avenue.

Motion by M. Menges and second by M. Love to authorize the appropriate Township Official to sign and execute the agreement to remove the lien on 1520 Hilton Avenue. **Passed** with 5 ayes.

Discontinuation of Litigation of the Sunshine Act - The Township Solicitor read the attached statement designated to be a part of these minutes.

MANAGER'S REPORT by Laurel Oswalt

Resolution 2012-16 Planning Module Lot 3 Esther Flohr Land Development for Gerald Arnold - Motion by M. Love and second by M. Husson to approve the planning module Lot 3 of the Esther Flohr Land Development Plan for Gerald Arnold. **Passed** with 5 ayes.

DEP Final Consent Order and Agreement - Motion by M. Husson and second by M. Love to sign and execute the DEP Final Consent Order and Agreement. **Passed** with 5 ayes.

Approval of Annual Park Rental Fee Waivers for Dover Area Non-Profit Organizations Recommended by the Recreation Director - Manager Oswalt reported that the list of non-profit organizations that rent the Dover Township Parks and Facilities were given to the Board by the Township Recreation Director for approval to waive their rental fees for 2012.

Mr. Husson requested the use of the Log House for their monthly meetings of the Vietnam Veterans Association of America Chapter 1032. They meet on the second Thursday of the month.

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Motion by M. Love and second by C. Richards to approve the list of Non-Profit Organizations along with the Vietnam Veterans Association of America Chapter 1032 waiving the rental fees for use of the Township Parks and/or Facilities as recommended by the Township Recreation Director. **Passed** with 5 ayes.

PennDOT Betterment Program Discussion - Manager Oswalt reported that a letter was received from State Representative Seth Grove requesting State road improvement projects within Dover Township for the PennDOT Betterment Program.

Suggestions from the Board included East Canal Road to level the humps at Fox Run Road and Park Street for better sight distance, Admire Road between Biesecker and South Salem Church Roads on the south side for standing water, intersection of Admire and South Salem Church Road for water ponding, and delineators along Carlisle Road at McDonald's to alleviate left turns.

Accept Offer for Repository Properties - Manager Oswalt reported that the list of repository properties are for mobile homes offering a cost of \$1.00 each.

Motion by C. Richard and second by M. Menges to accept the offer for the repository properties at 2721 Genna Circle, 4550 Bull Road, 94 Cherokee Avenue, and 5551 Pine Hill Road by Jeremy Hunter. **Passed** with 5 ayes.

Park Violations and Boat/Trailer Parking Fines - Manager Oswalt acquired several other Township fine amounts for these types of violations which she presented to the Board for their review.

Motion by C. Richards and second by M. Husson to set these types of violations/fines not to exceed \$600. **Passed** with 5 ayes.

Brookside Park Rental for Hall/Davidson Reunion - Mrs. Hall, who rents Brookside Park each year for a reunion wrote the Board a letter regarding her 2010 and 2012 rental situations.

The Board agreed to roll Mrs. Hall's deposit over for the 2013 Brookside Park Rental.

OLD BUSINESS

There wasn't any old business at this time.

COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Love commented on the success of "National Night Out" and thanked the Northern York County Regional Police for the fabulous job, good food, prizes, and the support of many Dover businesses. It was a nice family event. Attendance was well over 1,000 people.

The rest of the Board agreed with Supervisor's Love coments.

Chair Shermeyer was pleased that she got to dunk Police Chief Bentzel.

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Supervisor Menges reported that the Northern Regional Police Preliminary Budget for 2013 shows a slight increase. He concurred with Supervisor Love that National Night Out which was held at the Dover Borough Fire Hall had exceeded expectations with attendance by Dover Township residents of 600 to 700. If viable, the Police's intentions are to rotate the National Night Out future events to different municipalities in their coverage area.

COMMENTS FROM THE PUBLIC PRESENT

There were no comments from the public at this time.

With no further business, the meeting was adjourned at 9:30 PM by Chair Shermeyer into an Executive Session regarding union contract negotiations.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary