

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 13, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, September 13, 2010 was called to order at 7:04 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; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. There were 9 citizens 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 with the Sewer Authority regarding a bank loan proposal to complete the upgrade of wastewater treatment plant. He requested a moment of silent and remembrance for all those who stand in harm's way followed by the reciting of the Pledge of Allegiance.

APPROVAL OF MEETING MINUTES FOR AUGUST 23, 2010

Supervisor Love corrected the spelling of the word singled to be *shingled* on Page 3 of the minutes, the fourth sentence of Kristal Narkiewicz's report on the new bathrooms at the Community Park.

Motion by M. Shermeyer and second by M. Husson to approve the meeting minutes for August 23, 2010 as corrected. **Passed** with 5 ayes.

TREASURER'S REPORT

Chair Kann reported that the warrant for September 3, 2010 was in the amount of \$35,023.58 and the warrant for September 13, 2010 was in the amount of \$294,944.25.

Supervisor Hull questioned the SEO services for the month of August noting payment to both Richard Baade and Brad Hengst.

Manager Wilson replied that they both worked in the month of August.

Supervisor Hull asked how the money is acquired to pay for their services.

Manager Wilson responded from permit fees for on-lot septic systems or enforcement actions.

Motion by M. Husson and second by M. Love to approve the two warrants for September 2010 in the amounts of \$35,023.58 and \$294,944.25 as presented. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

Listed on the Agenda

James LeCrone, 1548 Hilton Avenue, read a letter from Scott and Lynn Enders of Virginia Avenue which stated their position against the mandatory connections to the public water system explaining that during these tough economic times, people just can't afford this type of expense. Mr. LeCrone

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showed a photograph of the house for sale in the area which belongs to Michelle Pratt who previously asked for the Board's reconsideration. He claimed that she did not fall into the eligibility for any financial assistance. He stated his case of meeting all three of the criteria in Ordinance 2009-04 so as not to have to connect to the public water system. Mr. LeCrone disclosed a discussion between Duane Hull and himself while Mr. Hull was working on the curb box by Mr. LeCrone's property in which he admitted to Mr. LeCrone that this situation could have been handled better in his opinion by discussing the matter with public comment and having the ordinance distributed and read before a vote was taken. In Mr. Hull's opinion, these residents met the third requirement in Ordinance 2009-04 or everyone would be connected. Mr. LeCrone stated that the Board claimed the Hilton Avenue Water Project was a new water system. This is not true. Mr. Hull told him that this should all end at the curb box.

Supervisor Hull confirmed the comments made by Mr. LeCrone on his behalf.

Mr. LeCrone remarked that Chair Kann was not off to a good start in this decision on his campaign to be a State Representative in the upcoming elections.

Supervisor Hull related the development of the Tower Village recreation land which the area residents protested at a Board Meeting and the Board dropped the project. The Hilton residents do not want to connect and this Board keeps pursuing the issue. He explained his concern with the tough economic times and people losing their jobs. Now is not the time to make these residents connect to the water system.

Supervisor Shermeyer insisted that Mr. LeCrone does not meet the third requirement of Ordinance 2009-04 because there was a previous ordinance prior to September 2, 2008 requiring connection to the existing water system. In her words, Mr. LeCrone has taken this sentence out of context.

Mr. LeCrone responded that the Township did not enforce the connection and that means that he was not required to connect.

Supervisor Hull agreed that the Township did not enforce their Ordinances and asked the Board to reconsider.

Chair Kann stated that these residents are reaping the benefits of the public water system because it exists in their front yards with the fire protection they are receiving from the hydrants. If their wells were to go bad, he was not sure that DEP would allow them to drill another well because a water system exists at their front door.

Mr. LeCrone related the health risks associated with drinking chlorinated water. Chlorine contributes to cancer and birth defects. He stated that chlorine gas is not something that should be in the body.

Supervisor Hull referred to the BOS Minutes of August 23, 2010 noting Supervisor Shermeyer's comment that the Township did not enforce their Ordinance requiring the connection. So they

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weren't required to connect prior to September 2, 2008.

Supervisor Shermeyer said an Ordinance was in place before 2008.

Supervisor Husson agreed that they were required, but it just wasn't enforced by the Board at that time.

Not Listed on the Agenda

Dick Rapp, 1524 Hilton Avenue, commented that the Supervisors have a big responsibility of looking out for the health and welfare of everyone in the Township. The curb boxes are there if these residents want/need to connect at a later time. The word "required" is defined as a command by virtue of law. It was not required for all those years.

Supervisor Shermeyer explained that an ordinance is a law.

Chair Kann advised that now the Board is requiring the hook-up according to the Ordinance.

Mr. Rapp commented that the Township will be billing us quarterly for something we do not want. He is on a fixed income and can't afford it.

Supervisor Hull inquired whether Ordinance 2009-04 will be enforced over the whole water system distribution area throughout the Township. He commented that sometimes the ordinances are enforced and sometimes they aren't. Ordinances should be enforced equally on the whole Township.

Motion by D. Hull and second by M. Love that the Board does *not* require the property owners along the Hilton Avenue Water Project to connect to the public water system if they are not currently connected for financial reasons at this time. He requested a roll call vote on the motion.

Supervisor Husson questioned at what *time* should they be made to connect. He stated that the motion is too vague.

Supervisor Hull replied that he believes it is unfair to place such a financial burden during these tough times where investments have taken a beating and the economy is bad. He himself could not come up with that kind of extra money.

Supervisor Love stated that in Mr. LeCrone's case, the money isn't the primary issue. He just doesn't want the chlorinated water.

Mr. LeCrone responded that his well water is very good.

Roll Call Vote:

Hull - Not to connect at this time.

Husson - Voting No because the motion was too vague.

Love - Voting No for the same reason as Supervisor Husson.

Shermeyer - Voting No because when will the Board require them to connect.

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Kann - Did not officially state his vote for the record.

Supervisor Husson commented that it is important to get people connected in the residential districts. He apologized for the burden but he believed the Township is helping by not charging any interest to connect and allowing these property owners to make payments over time to subsidize the connection fee.

Supervisor Hull expressed his issue with selective enforcement. There are other areas of the Township where water lines exist within 150 feet and the properties are not connected to the Township's water system.

Mr. LeCrone questioned Supervisor Husson's comments at the previous meeting for not waiving the Library's building permit fees for a public library project.

Supervisor Husson replied that Dover Township makes a donation annually to the Library plus also provides the library with a building free of rent.

Evelyn Rapp commented that not everyone on Hilton Avenue is hooked up to the public water system and asked the Board to think about what they are doing.

Sally LeCrone questioned the benefit of their vote to help the residents commenting that she is a resident and it does not benefit her.

ZONING OFFICER'S REPORT

Affordable Auto Sales Land Development Plan - Manager Wilson reported that the stormwater easement has been signed and the plan is back again before the Board for acknowledgment.

Rob Reed, 4103 Carlisle Road, reported that the Dover Borough Council has signed the plan.

Discussion ensued on the Township/Borough line and the storm drain connection.

Supervisor Husson inquired to the Township Engineer whether the stormwater pipe line was adequate.

Mr. Myers reported that Bob McCoy, a C. S. Davidson Inspector, has inspected this location. There needs to be an adjustment to the gas line before the work can be completed. The Township will be taking responsibility for the portion of storm sewer within Park Street.

Motion by M. Shermeyer and second by M. Love to acknowledge the portion of the Affordable Auto Sales Land Development Plan within Dover Township. **Passed** with 5 ayes.

ENGINEER'S REPORT by Terry Myers

Approval of Application to the Pennsylvania Community Transportation Initiative for the Palomino and Carlisle Road Intersection Improvements Project in the Amount of \$1,030,407.00 - Mr. Myers clarified that the Pennsylvania Community Transportation Initiative

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Project Application is not a grant. It is a reimbursement. Construction must be ready in 2012. The application has been prepared to receive all the engineering and construction costs to do the improvements at the intersection of Palomino and Carlisle Roads and construct the western section of Palomino Road from Route 74 to the Donwood Development. Dover Township would be responsible for the acquisitions of the right-of-ways from Members 1st, Wellspan, and Turkey Hill. Mr. Myers requested a decision on whether the Board wanted to apply for the entire construction and project costs or the Township could negotiate the necessary right-of-ways. It was the Township Engineer's position that more support could be obtained from YAMPO if the Township would assume some of the responsibility rather than seeking funding for the entire project.

Paul Neiman, 1460 Butter Road, interrupted to inquire about the progress on the clean-up of the McClintock property.

Chair Kann stated that this topic should have been discussed during Public Comment Period because the agenda has moved along to other Township business.

Mr. Neiman claimed that he has lead in his well water because his water source runs under the junk yard and into his well. DEP checked his well within the past two months. He demanded the Township give him clean water. He commented that no one is doing anything about trying to clean up the McClintock junk yard. He threatened to take higher action.

Manager Wilson replied that she will check with the Zoning Officer to follow-up on the clean-up progress of the McClintock property.

Returning to the Pennsylvania Community Transportation Initiative topic, Manager Wilson noted that a plus in the process of acquiring this money is that Dover Township has a township/developer partnership with an economic business development which would benefit referring to the Member 1st Credit Union proposed on the site.

Motion by M. Love and second by M. Shermeyer to apply for the Pennsylvania Community Transportation Initiative Project for the Palomino/Carlisle Road Intersection Improvements Project in the amount of \$1,030,470.00 removing the right-of-way acquisitions. **Passed** with 5 ayes.

2012-2014 Community Development Block Grant Application - Mr. Myers stated that he was requested by the Township to check on the sidewalk in the Village of Davidsburg as a possible block grant project. He determined the issues to be: that it is along a State Highway; the grade differentials of the sidewalk along the western portion; the relationship between the foundation of the houses and the sidewalk; parking areas along the Davidsburg Road; and a huge tree that needed to be removed. This area would not automatically qualify for the grant. A survey must be completed by the property owners and one hundred percent participation is necessary. A request from a resident along Clearview Road was made to the Township Manager to replace these dilapidated sidewalks.

Manager Wilson reported that she will respond to the resident indicating that the application for the 2012-2014 Community Development Block Grant cannot be applied for until February 2011. The Board will decide on the potential projects at that time.

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SOLICITOR'S REPORT by Atty. Charles Rausch

Resolution 2010-24 - Accepting the Offer of Dedication for Lot 41 in Wandering Stream Estates Phase V - Atty. Rausch reported that Dover Township is being asked to formally accept the dedication of Lot 41 in the Wandering Stream Estates Phase V. VAS-LAND, Inc. has prepared the deed. If the Board accepts the resolution, the deed can be recorded.

Motion by M. Shermeyer and second by M. Love to accept the offer of dedication for Lot 41 in Wandering Stream Estates Phase V. **Passed** with 5 ayes.

Salem Run Phase 4 Alternate Lighting Agreement - Atty. Rausch advised that at a previous meeting, the Board accepted the proposal to modify the street lighting plan in Salem Run Phase 4. This agreement will accomplish the amendment.

Supervisor Husson questioned the Township's plan of action to collect the Met-Ed invoice for maintenance if the Homeowners' Association would be defunct.

Manager Wilson answered that the Township could impose a Street Lighting Tax on the affected residents.

Supervisor Husson inquired whether all the Salem Run residents have to agree to this agreement.

Chair Kann replied they have through the Salem Run, Phase 4, Planned Community Association, Inc. which is the Homeowners' Association.

Motion by M. Husson and second by M. Shermeyer to accept the agreement with Salem Run, Phase 4, Planned Community Association, Inc. **Passed** with 4 ayes and 1 nay with opposition by D. Hull.

MANAGER'S REPORT by Laurel A. Wilson

Employee Policy Manual Changes - Manager Wilson has added changes to the Employee Policy Manual which involve telephone usage, requiring the wearing of break-away vests, instituting the Safe Operating Procedures, requiring seat belts to be worn in Township vehicles, abandonment of the use of cell phones while driving Township vehicles, and the disposition and retention of emails.

Supervisor Love requested language be added to the cell phone usage similar to the Internet usage referring to no assurance of privacy of Township provided cell phones.

Motion by M. Shermeyer and M. Love to accept the changes to the Employee Policy Manual with Supervisor Love's additional change. **QUESTION ON THE MOTION** - Supervisor Hull asked if the wearing of the break-away vests included *all* Township employees working along the street-of-ways.

Manager Wilson responded it would include all of the Township employees within the street right-of-way.

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Passed with 5 ayes.

Municipal Requirement and Minimum Municipal Obligation for 2011 - Motion by M. Shermeyer and second by M. Husson to approve the Municipal Requirement and Minimum Obligation for 2011. **Passed** with 5 ayes.

Trick-or-Treat Night Date Set for Saturday, October 30, 2010 from 6 - 8 PM - Motion by D. Hull and second by M. Love to set the date for Trick-or-Treat in Dover Township for Saturday, October 30, 2010 from 6 - 8 PM. **Passed** with 4 ayes and 1 nay with opposition by M. Husson.

2011 Hemler Animal Control Services Contract Renewal - Manager Wilson reported that Item C changed \$1 or \$2 per hour. Otherwise, all of the costs are identical to last year's contract.

Motion by M. Love and second by M. Husson to accept the 2011 Hemler Animal Control Services Contract Renewal. **Passed** with 4 ayes and 1 nay with opposition by M. Shermeyer.

2011 SPCA Animal Care and Housing Agreement - Manager Wilson reported that the agreement does not indicate an increase for 2011.

Motion by M. Husson and second by M. Love to accept the Animal Care and Housing Agreement for 2011 with the York County SPCA. **Passed** with 5 ayes.

Supervisor Love requested that an article be published in the Township Newsletter explaining the benefits that the SPCA provides to the Township residents.

Authorization to Advertise for Sealed Bids of the 1999 Chevy 2500 Crew Cab - Motion by D. Hull and second by M. Shermeyer to authorize the advertisement for sealed bids of the 1999 Chevy 2500 Crew Cab. **Passed** with 5 ayes.

York County Quick Response Team Contribution - Manager Wilson reported that a letter was received asking for a contribution of \$500 to the York County Quick Response Team. Northern York County Regional Police Department does make a contribution.

No motion was generated.

OLD BUSINESS

Draft Well Ordinance Amendments with Brad Hengst - There was nothing to report at this time.

COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Shermeyer recommended that any graffiti discovered in the Township be photographed and given to the Northern York County Police Department. Gangs do exist in Dover Township. She also inquired about the Township wells offline and the progress to get them up and running, specifically Well No. 7 which contains a turbidity meter.

Mr. Farley reported that a meeting was held with DEP in regards to the liner of the retention pond near Well No. 7.

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Supervisors Shermeyer and Husson requested that the developer be directed to get that liner placement completed now.

Supervisor Hull asked the Public Works Director about the seminar he attended with Mr. Latchaw on underground storage tank operators.

Manager Wilson stated that they will be responsible for the operation of the Township's underground tanks. Licensed operators are now required.

Supervisor Hull inquired on the progress of removing tires from the McClintock property.

Manager Wilson reported that no clean-up progress has been seen lately.

The Board felt that DEP could issue stronger enforcement action.

There wasn't any public present for comment at this time.

Chair Kann adjourned the meeting at 9:16 PM.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary