

**DOVER TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
September 27, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, September 27, 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; Karen Wilson, C. S. Davidson, Inc.; Charles Farley, Public Works Director; Corey Flythe, Lead Water Operator; Kristal Narkiewicz, Recreation Director; and Dawn Slegel, Recording Secretary. Atty. Steve Hovis of Stock & Leader, Bond Counsel was also present. There were 12 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 to discuss the SCADA System for the Township's water system. 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 WORK SESSION MINUTES FOR SEPTEMBER 13, 2010**

**Motion** by M. Husson and second by D. Hull to approve the work session minutes for September 13, 2010 as presented. **Passed** with 5 ayes.

**APPROVAL OF MEETING MINUTES FOR SEPTEMBER 13, 2010**

Chair Kann stated that the meeting minutes for September 13, 2010 on Page 3 should reflect that he voted No on the roll call vote pertaining to Supervisor Hull's motion 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.

**Motion** by M. Shermeyer and second by M. Love to approve the meeting minutes for September 11, 2010 as amended. **Passed** with 5 ayes.

**TREASURER'S REPORT**

Chair Kann reported that the warrant for September 27, 2010 was in the amount of \$541,207.83.

**Motion** by M. Husson and second by M. Shermeyer to approve the warrant for September 27, 2010 in the amount of \$541,207.83 as presented. **Passed** with 5 ayes.

**Ordinance 2010-03 Authorizing the Sixth Supplemental Lease and Guaranty Agreement** - Atty. Hovis reported that the Dover Township Sewer Authority anticipates borrowing an additional \$1.5 million to complete the project associated with the Chesapeake Bay Initiative upgrades. They have received, reviewed, and want to proceed with the proposal by Peoples Bank which is providing a tax free interest rate of 3.71%. When the Authority does a borrowing, it requires a guaranty of the Township. The Ordinance has been advertised under the Local Government Debt Act. This does not require a self-liquidating debt report, but would permit that if necessary. The definition of the project was clearly explained as to what the \$1.5 million could be used for and what requires special

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authorization from the Board of Supervisors for any other purpose in the Sewer Authority's resolution. Due to a quorum issue, the Sewer Authority had to re-advertise their regular monthly meeting to be held on Tuesday, September 28, 2010 at which time they will be approving the Resolution. The plan is to proceed with the financing and closing on or about November 1, 2010.

Chair Kann asked for any public comment on the Ordinance as proposed.

There was no public comment of relevance to this Ordinance at this time.

**Motion** by M. Husson and second by D. Hull to adopt Ordinance 2010-03 authorizing the sixth supplemental lease and guaranty agreement with the Sewer Authority for the additional \$1.5 million borrowing for the Chesapeake Bay Initiative Upgrade.

**Roll Call Vote** as follows: Hull - Aye; Husson - Aye; Love - Aye; Shermeyer - Aye; Kann - Aye.

### **PUBLIC COMMENT PERIOD**

#### **Listed on the Agenda**

**Carol Hinch, 3301 Alta Vista Road - Request No Parking Signs Along Alta Vista** - Ms. Hinch has lived on Alta Vista Road for nine years. Her concern was that vehicles are parking along the curb, at the curve, and on both sides of this area on Alta Vista Road creating a safety hazard for motor vehicles traveling up and down the road which have to cross the yellow line to get around the parked vehicles. She also noted the speeding of vehicles traveling on Alta Vista Road.

Manager Wilson stated that a traffic study is needed to install "No Parking" signs.

**Motion** by M. Husson and M. Shermeyer to have a traffic study performed along Alta Vista Road for No Parking signs from the intersection of Fox Run Road to the end of the curve by the York County Planning Commission's Traffic Engineer. **Passed** with 5 ayes.

Atty. Rausch explained that if the traffic study finds that No Parking is warranted. Then the Township can proceed to draft and pass an ordinance. After the ordinance has been passed, the No Parking signs can then be posted.

Ms. Hinch asked whether she could inquire on the progression of the no parking situation.

Manager Wilson stated that she would contact her when the Township receives the traffic study.

**Kristal Narkiewicz, Recreation Director - Carousel Building Options and Cost Estimates** - Ms. Narkiewicz reported that C. S. Davidson did a structural inspection recently of the Carousel Building. In their report, they found that there was extensive rotting and insect-damaged structural elements in most of the columns. C. S. Davidson provided three options. Option 1 was to replace the center pole to alleviate the stress of the surrounding columns. Option 2 was to replace all eight perimeter columns with structural steel tubing and strengthen the girders. Option 3 was to demolish the existing building and rebuild. She thought that the best option would be Option 3.

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Supervisor Shermeyer stated that it should be rebuilt preferably to its current state.

Ms. Narkiewicz reported that Polygon builds steel carousel buildings. A 72 foot diameter building plus installation would cost \$196,168.00. This would not include the concrete floor. According to cost estimates from C. S. Davidson, Option 1 would cost \$20,000; Option 2 would be \$40,000; Option 3A would be just the demolish work for \$12,000; and Option 3B would be demolish and new structure for \$312,000. She expressed her concern with preserving the carousel building in which the Township would just keep pouring money into repairs. Powder Post Beetles were the cause of the damage to the Carousel Building.

Manager Wilson stated that all rentals for the Carousel Building have been moved to other facilities or cancelled. This building cannot be occupied for any reason.

Ms. Narkiewicz presented her idea for the replacement building to include a small kitchen. Summer concerts could be held inside this building during inclement weather.

Supervisor Love suggested building the kitchen facility onto the back of the Carousel Building preserving the historic appearance.

Ms. Narkiewicz commented that the cupola and the windows in the Carousel Building could be auctioned in order to raise some money to offset the new building cost.

Chair Kann indicated that the Recreation Director should check if there is money available to have the Carousel Building demolished by a contractor.

Supervisor Shermeyer questioned whether the new building would be heated.

Ms. Narkiewicz said some type of heating system would be considered.

Mr. Myers added that radiant heat could be installed in the floor.

**Motion** by M. Shermeyer and second by M. Husson to demolish and rebuild the Carousel Building as it looks today. **Passed** with 4 ayes and 1 nay with opposition by C. Kann.

Jeff Straley, 3690 Stonehouse Lane, requested a definite timeframe for the sidewalk installation by Kings Court.

Manager Wilson stated that the Township is still holding the bond money.

Mr. Myers added that the sidewalk installation is one of the outstanding items on the Kings Court's punch list.

Chair Kann asked the Township Engineer to contact Kings Court to determine when the punch list items would be completed.

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Mr. Straley asked that a date be decided for the completion of the work. He also mentioned that the short portion of sidewalk that has been completed does not have any backfill and should not be left in that condition through the winter.

James LeCrone, 1548 Hilton Avenue, inquired whether there was any more discussion on the fourteen residents not having to connect to the water system per Supervisor Hull's recommendation.

Chair Kann answered negatively.

Supervisor Love suggested that the property owners who do not want to connect to the public water system apply for a waiver from the Ordinance explaining their hardship to the Board and the Board would vote on the waiver request.

Supervisor Shermeyer added that they will need to be individual waivers.

Mr. LeCrone stated that he thought that this was a start. He asked whether the hardship had to be financial in nature.

Supervisors Love and Shermeyer thought that it did not have to be just a financial hardship but that would play a part in it.

Supervisor Love remarked that it must be a letter of request. She noted that it be offered if the property changes hand through sale, etc., that the water connection would be mandated as part of the sales agreement or transfer. She considered it to be a fair compromise at this point.

Mr. LeCrone expressed his appreciation of the compromise.

Paul Neiman, 1460 Butter Road, commented that when he was speaking about the McClintock property from the previous minutes that he was not just talking about the tires, he also was referring to whole property and removing old vehicles and buried junk. He wants the Township to clean-up that property.

Supervisor Shermeyer stated that a hydrogeological study has to be performed to determine where Mr. Neiman's water supply is coming from. DEP cannot just say that it is coming from under the junkyard.

Supervisor Husson asked Mr. Neiman to inquire to the DEP Representative the reason why DEP stopped requiring the property owner to remove tires from the site.

Manager Wilson noted that the Water Quality person from DEP who checks Mr. Neiman's well water is from a totally different department in DEP. She reported that the Zoning Officer met with the neighboring property owner who agreed to get rid of the vehicles from the McClintock property.

Mr. Myers reported that even if the property is totally cleaned up, it will be years until the groundwater is straightened out.

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Chair Kann commented that Mr. Neiman should report on his progress with DEP to the Board.

### **ENGINEER'S REPORT by Terry Myers**

**Approval of Change Order No. 2 Decrease to Contract Price by \$9,967.50** - Mr. Myers reported that this change order included additional paving to Hilton Avenue from a two inch thick binder to a one inch thick binder wearing course on the temporary paving. This reduced the price from \$11.00 per square yard to \$8.25 per square yard which was a savings of approximately \$3,400.00. Also, the restoration work was changed to a binder course since the road will be paved in the near future which is another savings of about \$6,000. The net change was a total of \$9,967.50. The change order reduces the original contract price from \$1,652,536.50 to \$1,642,569.00.

**Motion** by D. Hull and second by M. Shermeyer to approve Change Order No. 2 for the Hilton Avenue Water Line Project decreasing the contract price by \$9,967.50. **QUESTION** - Supervisor Husson asked about the integrity of the road strength with these changes.

Mr. Myers replied that there would be no change indicating that the three inches of binder and 1 ½ inch wearing will be placed on Brookside Avenue. Brookside will not be receiving a new wearing course.

**Passed** with 5 ayes.

**Approval of Application for Payment No. 4 to E.K. Services, Inc. in the Amount of \$399,935.85** - Mr. Myers reported that the total value of the contract items to date was \$828,316.95 with the extra work of \$49,157.00 and other materials accepted and stored but not incorporated into the work of \$157,909.39 making the total value of all work to date at \$1,032,383.34 and holding only 5% retainage since they are over 50% of the contract amount leaving a net amount approved for payment of \$399,935.85.

**Motion** by M. Love and second by M. Love to approve Application for Payment No. 4 to E.K. Services, Inc. in the amount of \$399,935.85. **Passed** with 5 ayes.

Manager Wilson announced that the H2O Grant money in the amount of \$280,000 was received today.

**Approval of Application for Payment No. 1 to Fitz & Smith, Inc. in the Amount of \$98,028.00** - Mr. Myers reported that there was another Application for Payment for the Rohlers Church Culvert Project to Fitz & Smith, Inc. They were supposed to have completed the restoration work on Saturday. C. S. Davidson will be performing a final inspection. This payment does not cover all of the work. The total value of work to date was \$103,187.37 with only a 5% retainage (over 50% of contract amount) of \$5,159.37 so the net amount approved for payment was \$98,028.00. The total contract amount was \$122,556.40.

**Motion** by D. Hull and second by M. Husson to approve Application for Payment No. 1 to Fitz & Smith, Inc. in the amount of \$98,028.00. **Passed** with 5 ayes.

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**Guiderail Request on Rohlers Church Road** - Mr. Myers discussed with the Board a request received with a signed easement agreement for the Rohlers Church Road Project. The request was to install a section of guiderail near the intersection of Rohlers Church Road and Mountain Road.

Mr. Myers reported that the guiderail project could be completed for \$2,000 which would include 70 feet of guiderail with a flared end.

**Motion** by D. Hull and second by M. Love to install the guiderail at the intersection of Rohlers Church and Mountain Road not to exceed \$2,000.00 in cost. **Passed** with 4 ayes and 1 nay with opposition by M. Husson.

Mr. Myers requested an Executive Session to discuss an easement.

### **SOLICITOR'S REPORT by Atty. Charles Rausch**

Atty. Rausch reported that the agreement and resolution for the Donwood water and sewer lines was not ready for approval at this time. The lines need to be televised by the developer.

Mr. Myers asked the Board for a general consensus on the Board's willingness to adopt the water and sewer lines in Donwood Phases I and IIA after they are televised.

Manager Wilson added as long as they are willing to repair any problems discovered from the televising.

**Board Consensus** was that the water and sewer lines would be adopted in Donwood Phases I and IIA after the televising has been completed by the developer.

### **MANAGER'S REPORT by Laurel A. Wilson**

Manager Wilson had nothing to report at this time.

### **OLD BUSINESS**

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

### **COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS**

Supervisor Husson asked the Board for any recommendations of residents willing to serve on the Sewer Authority. He noted that there are times when they do not have a quorum for their meetings. He questioned whether he could serve on the Authority.

Atty. Rausch advised that he could serve as a member of the Sewer Authority.

**Motion** by D. Hull and second by M. Shermeyer to approve Michael Husson as a member of the Dover Township Sewer Authority. **Passed** with 4 ayes and 1 abstention by M. Husson.

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Supervisor Husson reported that he informed Troy Dettinger that he would act as a parade judge for the Dover Halloween Parade.

Supervisor Love asked whether the Board would support Neighborhood Watch Areas in Dover Township.

Manager Wilson reported on the process which the Township currently uses. The neighbors pay for the Neighborhood Watch signs which the Township will provide and install. Then they are referred to Northern York County Regional Police Department to speak with the group. Alerts are sent to the Homeowners' Associations from the Police Department. She also noted that the Police Department's website contains informative articles.

Chair Kann updated the Board on the Northern York County Regional Police's 2011 Budget which contains a 3% increase and was passed by the Commissioners.

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

Chair Kann adjourned the meeting at 9:17 PM into an Executive Session on a personnel matter and two matters of potential litigation regarding mowing liens on Hadley Drive and the Tower Drive right-of-ways.

Respectfully submitted by:

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Dawn D. Slegel, Township Secretary