DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
October 11, 2010

The Dover Township Board of Supervisors regular meeting for Monday, October 11, 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; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. There were 5 citizens and a news reporter seated in the audience. This meeting has been recorded for minute purposes only.

Chair Kann announced that a budget work session was held at 6:00 PM this evening to discuss 2011 Proposed Budget. 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 27, 2010
Motion by M. Shermeyer and second by D. Hull to approve the work session minutes for September 27, 2010 as presented. Passed with 5 ayes.

APPROVAL OF MEETING MINUTES FOR SEPTEMBER 27, 2010
Motion by M. Shermeyer and second by M. Love to approve the meeting minutes for September 27, 2010 as presented. Passed with 5 ayes.

TREASURER’S REPORT
Chair Kann reported that the warrant for October 11, 2010 was in the amount of $291,795.20.

Motion by M. Love and second by M. Shermeyer to approve the warrant for October 11, 2010 in the amount of $291,795.20 as presented. Passed with 5 ayes.

PUBLIC COMMENT PERIOD
Listed on the Agenda
Atty. John Herrold - Zoning Change Proposal for Flohr Estate Property - Atty. John Herrold was present, representing Esther Flohr Estate, along with Tim Flohr, Executor of his mother’s estate. The property is located north of Dover along both sides of Route 74. There are three separate tracts of land because of the roads that divide it which are Blackberry, Carlisle, and Old Carlisle Roads. They are all one parcel for tax assessment purposes and were never subdivided. Their request was to have the twelve acre parcel south of Blackberry Road and west of Carlisle Road changed from the current Agricultural Zoning District to the Conservation Zoning District to conform with their other land zoned Conservation. This change could be made along with the proposed zoning map changes. He noted that this zoning change would only make sense to have all the property zoned the same.

Supervisor Shermeyer referred to a similar zoning circumstance with the Smitties Soft Pretzels’ property when Route 74 was run through that property and divided their land.
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Motion by M. Shermeyer and second by M. Love to change the zoning of the twelve acre parcel of the Esther Flohr property on the west side of Carlisle Road (Route 74) from Agriculture to Conservation. Passed with 5 ayes.

Atty. Rausch explained that the Township is currently in the process of finalizing the Zoning Ordinance. The new Zoning Map may not be officially adopted until the beginning of next year.

Dan Pike - Waiver Request to Connect to Public Water at 5010 Carlisle Road (Good’s Property) - As co-owners of the Dover Area Veterinarian Hospital, he and his brother purchased the former Good’s Furniture property. Future plans may be to move the veterinarian hospital to this location due to the increased square footage. Ray Bassett, owner of ID Designs, requested permission to rent one of the storage buildings on the former Good’s property for his business. The problems exists that there is no water in the storage building for a restroom facility. They are proposing to connect to the water at the Good’s Furniture Showroom which is supplied by a well. The lease may only be for two or three years until Mr. Bassett becomes established in his business and can relocate to his own commercial site.

Supervisor Shermeyer commented that she would not have a problem with that situation, but after three years she thought that would be sufficient time at which the property should then be made to connect to the public water system.

Supervisor Love inquired whether two commercial properties are allowed to be metered on one meter.

Mr. Farley responded that there are some other similar cases in the Township.

Supervisor Shermeyer noted that would include all buildings on the property to be hooked up to the system.

Motion by M. Shermeyer and second by D. Hull to grant the waiver from connecting to the public water system for a maximum period of three years after which a connection to the public water system is required at 5010 Carlisle Road, including all of the rental units. Passed with 5 ayes.

Atty. Rausch informed Mr. Pike that he would prepare a letter style format with room for their signatures at the bottom as a counterpart.

Not Listed On Agenda
Jason Wolfe, 3436 Cardinal Lane - Mr. Wolfe reported that there are approximately twenty-five trees blocking the Fox Run Stream to the rear of his property. He has been hauling the brush and lumber to the Township’s drop-off which amounted to at least 30 truckloads. Currently, due to the backup, the water has diverted creating a 20' x 10' x 6' deep hole in his yard. He inquired about an agencies that could assist him in correcting this situation.

Supervisor Shermeyer reported that DEP has full control of the waterways.
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Supervisor Love suggested to him to contact Gary Peacock at Watershed Alliance of York (WAY) for assistance.

SOLICITOR’S REPORT by Atty. Charles Rausch
Road Right-of-Way and Easement Agreements with Carl F. Brosend, Jr. and Jean E. Nagle - Atty. Rausch reported that there also is settlement agreement between Carl F. Brosend, Jr. and Jean E. Nagle that belongs with the road right-of-way and easement agreements. The compensation for the right-of-ways as determined in the settlement was $2,500 for Mr. Brosend and $3,000 for Ms. Nagle. From the arborist’s appraisals, the Township offered Ms. Nagle $2,600 for removal of trees from her property and approximately $4,000 for the removal of two trees from Mr. Brosend’s property. Also, $1,000 was paid in their attorney’s fees by the Township. Wording was added by the parties for the drainage under the sidewalk to handle any blockage on both properties.

Motion by D. Hull and second by M. Husson to approve the settlement, road right-of-way and easement agreements with Carl F. Brosend, Jr. and Jean E. Nagle. Passed with 5 ayes.

Draft Alternative Energy Use Standards - Atty. Rausch reported that the Dover Township Planning Commission reviewed the draft standards of alternative energy uses to the Zoning Ordinances and made some recommendations which will be incorporated with the other zoning text amendments.

MANAGER’S REPORT by Laurel A. Wilson
Authorization to Advertise Ordinance 2010-04 Repealing Previous Non-Uniform Pension Ordinance and Adopting a Pension Plan Document - Manager Wilson corrected Section 3 stating the annual employer contribution was equivalent to 10% instead of the 8% noted.

Motion by M. Shermeyer and second by M. Husson to authorize the advertising of Ordinance 2010-04 repealing previous non-uniform pension ordinance and adopting a pension plan document. Passed with 5 ayes.

Procurement of Professional Pension Services Policy - Manager Wilson reported that this document is a requirement of Act 44 of September 18, 2009 which establishes a procedure for selecting a pension plan provider by requesting proposals.

Motion by M. Love and second by M. Shermeyer to approve the procurement of professional pension services policy. Passed with 5 ayes.

Resolution 2010-25 - Authorizing Chairman to Sign PennDOT Agreement No. 089432 - Manager Wilson related that this resolution is one of various previous resolutions approved by the Board for the South Salem Church Road Bridge Project. She indicated that PennDOT seems to be having difficulty getting the paperwork in order.
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Motion by M. Husson and second by M. Love to approve Resolution 2010-25 authorizing the Chairman Curtis Kann to sign and Secretary Dawn Slegel to attest the PennDOT Agreement No. 089432. Passed with 5 ayes.

Award Bid for Sale of 1999 Chevy 2500 Crew Cab Truck - Manager Wilson reported that two bids were received for the sale of the 1999 Chevy 2500 Crew Cab Truck. The highest bid was $400 from Heath Trout.

Motion by M. Shermeyer and second by D. Hull to award the bid of the 1999 Chevy 2500 Crew Cab Truck to Heath Trout for $400. Passed with 5 ayes.

Approval of SCADA System Proposal from Keystone Engineering Group - Manager Wilson reported that $200,000 has been budgeted in 2011 and $100,000+ in this year’s budget for the SCADA System.

Motion by M. Husson and second by M. Love to approval the SCADA System Proposal submitted by Keystone Engineering Group in the amount of $233,000. Passed with 5 ayes.

Letter of Request from Mr. & Mrs. Stanley W. Pratt of 1640 Hilton Avenue for Waiver of Mandatory Water Connection - Atty. Rausch advised that if the Board is inclined to grant waivers which they have the right to do to their own ordinances, then this Board must decide the criteria of the waiver. He suggested that it be for economic reasons. The decision cannot be based on the dislike of the Township’s water. He questioned whether the waiver would be forever, from the mandatory connection ordinance or only to delay the process.

Manager Wilson consulted with the County regarding the financial assistance programs available to these residents. The USDA structures are lower than the County. Through USDA, a maximum of $7,500 in grant money is available instead of the loan.

Atty. Rausch reiterated that the Board has offered to finance the tapping fee over five years at $500 per year at no interest. The property owner will have to pay for the plumber to do the hook-up. He prepared a draft copy of an agreement for the Board’s review. If it were decided that the Township would delay the process for five years, in which the property owner would then have to pay the full cost upfront. The tapping fee could potentially increase in five years. He noted that they may just be postponing what may cost them more five years from now. The Board also does not want to grant a waiver and then in five years, the property owner would still debate the validity the ordinance. He inquired whether the Board would want to file a lien on the property now in case the property would be transferred at some future time.

Supervisor Husson questioned whether the Board would consider a longer time period than the five years. If the Board would chose eight years, it would meet the Pratt’s criteria.

Atty. Rausch responded that hopefully there may be employment for the unemployed family member in a year or so.
Supervisor Love suggested that if they start paying on the payment program, at that time they will lock into the tapping fee. If they wait and don’t make any payments, they pay what the tapping fee is at that time.

Supervisor Hull mentioned that E.K. Services, the project contractor, also does residential hook-ups. If the property owners banded together, they could obtain a better price because the contractor already has the equipment and manpower on site. The residents have been given this information, but he does not know whether any of them took the initiative.

Chair Kann noted that the Board must decide on this specific waiver at this time.

Supervisor Shermeyer requested her preference for a motion dealing with all of the waivers which may be forthcoming.

Chair Kann indicated that no one else has requested a waiver at this point.

Atty. Rausch stated that this request has expressed a financial hardship. He advised that the Pratt waiver would be granted under the conditions discussed. He clarified the conditions for the record that the Board would be willing to waive the payment of the tapping fee for up to five years. At that time, the property owner will tap in and connect to the public water system. Payment in full will be accepted at any time within the five year period. The agreement also states that the Township may file a lien which means that Dover Township has the right to file a lien and the property owner would have to pay the costs involved. The current tapping fee of $2,527 will only be locked in if they start on the payment plan which will be billed on their quarterly utility bill for five years.

Manager Wilson reported that the interest free five year payment plan was the original agreement.

**Motion** by M. Shermeyer and second by D. Hull to extend the time for the mandatory water connection for sixty months subject to Mr. and Mrs. Stanley Pratt of 1640 Hilton Avenue signing an agreement with the Township in the form provided by the Township Solicitor. **Passed** with 5 ayes.

**SSM Group, Inc. Request to be Included on the List of Consultants Qualified to Complete Environmental Impact Assessment Reports for Dover Township** - Supervisor Love asked whether this requirement had been removed from the Subdivision and Land Development Ordinance Amendments. She stated that after reviewing their information, they seem to be a very competent group.

Manager Wilson noted that Spotts, Stevens, and McCoy prepared the Township’s Water Plan through the State.

**Motion** by M. Love and second by M. Shermeyer to approve SSM Group, Inc. to be included on the list of consultants qualified to complete Environmental Impact Assessment Reports for Dover Township. **Passed** with 5 ayes.

**Executive Session** - Manager Wilson requested an Executive Session on a matter of real estate.
Questions for the Manager - Supervisor Husson inquired about the outcome of the meeting with the residents on Fish and Game Road.

Manager Wilson reported that there were several issues contributing to their situation. There was a drainage pipe on Skytop Trail that was filled in by a neighboring property owner which caused the water to pool on Skytop Trail and then flow down to Fish & Game Road. A gutter with stone was placed on both sides of the curve on Fish & Game Road to transition the water flowing down and to keep the water along the edge of the road. This has improved the situation and the only remaining issue is that stones are washing on to the roadway. She assured them that it will be monitored. The residents along the lane will be doing some lane repairs.

Supervisor Husson asked whether a response was received from Mr. Neiman.

Manager Wilson answered negatively.

Supervisor Husson questioned the regulations for driveway improvements and the requirement to pave the first 25 feet of a stone driveway.

Manager Wilson responded that this requirement is found within the Subdivision & Land Development Ordinances. This situation only applies to new land development, new subdivisions, or for driveway permits.

Supervisor Hull commented that residents are just expanding their driveways with stone without obtaining a permit. The Zoning Officer will have to check the addresses referenced to determine whether they obtained the required permits.

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 Love explained that she has concerns about the McClintock property/salvage yard. The site does not look like any clean-up work is in progress.

Manager Wilson noted that the whole situation is very complicated.

Chair Kann mentioned he received a complaint from a neighbor of the McClintock property on the opposite side of Fox Run Road about ATVs riding too close to their property which is being addressed by Northern York County Regional Police.

Supervisor Love felt that the Township may have some obligation to try to get something done on this property.
Chair Kann commented that the Board members should support the Zoning Officer’s continual efforts in this situation.

Atty. Rausch recalled a former Court Order on the McClintock property and will check into this matter further. The Zoning Officer may be able to issue a Cease and Desist Order.

Supervisor Love requested more knowledge on the history on this property. She does not want to let this matter sit idle and would like to see some progress get underway.

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

Chair Kann adjourned the meeting at 8:39 PM into an Executive Session on a matter of real estate.

Respectfully submitted by: _________________________________
Dawn D. Slegel, Township Secretary