

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
October 25, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, October 25, 2010 was called to order at 7:00 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.; Georgia Sprenkel, Zoning Officer; and Dawn Slegel, Recording Secretary. There were 6 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 the 2011 Proposed Budget. He commented that November 2nd is coming soon and urged the public to vote. 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 BUDGET WORK SESSION MINUTES FOR OCTOBER 11, 2010

Motion by M. Shermeyer and second by M. Husson to approve the budget work session minutes for October 11, 2010 as presented. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR OCTOBER 11, 2010

Motion by M. Love and second by M. Husson to approve the meeting minutes for October 11, 2010 as presented. **Passed** with 5 ayes.

TREASURER'S REPORT

Chair Kann reported that the warrant for October 25, 2010 was in the amount of \$2, 117, 943.82.

Motion by M. Husson and second by M. Shermeyer to approve the warrant for October 25, 2010 in the amount of \$2,117,943.82 as presented. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

Listed on the Agenda

Fred Williams, 4046 Majestic Court - No Parking Signs in the Salem Run Development - Mr. Williams represented Lennar and noted that the development was just turned over to the Homeowners' Association. They wanted to post signs on the private roads and requested a speed limit sign on the newly adopted portion of Nittany Drive. He questioned their responsibilities for signs on the private roads.

Manager Wilson responded that the speed limit signs on Nittany Drive is the Township's responsibility and the traffic studies are currently being performed. As for the private roads, the Township does not have any jurisdiction or responsibility for those signs.

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Atty. Rausch stated that no parking signs can be posted by the Homeowners' Association subject to the provisions in the Motor Vehicle Code and enforceable by towing vehicles through a private towing company.

Supervisor Hull advised that if the streets are blocked with motor vehicles, then that creates a hazardous situation for emergency vehicles, i.e. ambulance or fire engines to get through also.

Robert Boyer, 4132 Strawbridge Court - Waiver Request for Fence due to Sewer Easement -

Mr. Boyer indicated that he is the Vice President of the Homeowners' Association in Salem Run. He requested permission to install his fence within a sewer easement in the rear of his property. He could install a PVC fence in which the six foot panels would be removable so heavy equipment could get into the sewer easement.

Supervisor Shermeyer explained that the six foot width may not be enough room for the equipment. Previously, the Township has allowed fences within easements with the stipulation that if the Township must enter the easement area, the property owner must remove the fence including the posts. If any damage was caused by the Township to the fence, they would not be held responsible.

Mr. Myers stated that Mr. Boyer does not need a waiver if he is not infringing upon the easement. As long as Mr. Boyer is staying on his property, he does not need a waiver.

Mr. Boyer noted that he is planning on staying six inches inside his property markers.

Ms. Sprenkel indicated that the Permit Officer has been handling this matter. She requested the Board grant Mr. Boyer's waiver so that he does not have to wait should the fence need to be located in the easement.

Mr. Boyer reported that there is a potential of 31 other homes running into this same type of situation in his development.

Atty. Rausch advised that if he is impeding into the right-of-way, there is a fence agreement which must be signed.

Board Consensus to allow the fence at 4132 Strawbridge Court as laid out to infringe in the Township's sewer easement with a signed and notarized fence license agreement by the property owners.

Sherry Francis, 3295 Partridge Drive - Waiver Request for Fence due to Drainage Easement -

Ms. Francis stated that she has a similar issue. Her intention is to build a six foot high PVC privacy fence into a drainage easement on the side of her property. The fence will be parallel with the easement. The fence would run down the center of the easement area.

Mr. Myers noted that this is basically a swale in which both neighboring properties slope into the drainage area.

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Atty. Rausch advised that this situation will also need a signed and notarized fence license agreement.

Motion by D. Hull and M. Love to grant the fence waiver at 3295 Partridge Drive into the drainage easement with a signed and notarized fence license agreement by the property owners. **Passed** with 5 ayes.

Robert Stevens, 2736 Danielle Drive - Dog Ordinance Enforcement - Mr. Stevens was not present for his requested comment period.

James Lecrone, 1548 Hilton Avenue - Carousel Building & Water Hook-up on Hilton Avenue - Mr. Lecrone commented that the people he spoke with about the Carousel Building are sad to see it demolished. He also commented on the nice article about the Carousel Building in Sunday's newspaper. His friend, Steve Irwin of Green Hills Timber Frames does reconstruction and supplied the Board with his information for their consideration.

Chair Kann stated that this building is a liability issue at this time. It is structurally unsound which does not give the Board any other option.

Manager Wilson reported that the Township will be required to publicly bid the rebuilding of the Carousel Building. The Notice to Bid will be publicly advertised in the newspaper.

Mr. Lecrone indicated that his friend does mostly restoration work. He proceeded to thank the Board for granting the waiver to the Pratts for the public water connection.

ZONING OFFICER'S REPORT by Georgia Sprenkel

PL09-6 Cornerstone Bible Church Land Development Plan - Ms. Sprenkel reported that she needs two plan reapprovals. Cornerstone Bible Church has resolved their financing issues and they are ready to move forward with their plan.

PL10-1 Brownstone Phase 4A - Ms. Sprenkel noted that Brownstone has received their County Conservation approval and are ready to proceed with Phase 4A.

Motion by M. Shermeyer and second by M. Love to reapprove PL09-6 Cornerstone Bible Church Land Development Plan and PL10-1 Brownstone Phase 4A. **Passed** with 5 ayes.

Advantage Engineers to be Approved to Perform the Environmental Impact Assessment Report for Member's 1st Federal Credit Union - Mr. Myers stated that the Subdivision and Land Development Ordinance requires approval from the Board for qualified engineers to perform the Environmental Impact Assessment Reports. Advantage Engineers has completed the EIA Report for Member's 1st.

Supervisor Love questioned Mr. Myers whether this provision was removed from the SALDO amendments.

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Mr. Myers responded affirmatively.

Motion by M. Shermeyer and second by M. Love to approve Advantage Engineers to perform the Environmental Impact Assessment Report for Member's 1st Federal Credit Union. **Passed** with 5 ayes.

McClintock Property Update - Ms. Sprenkel gave the Board an update on her dealings with Chris Tine who owns the junk on the McClintock property. She reported that three trucks and four vehicles have been towed in the last two weeks along with a trailer load of car parts.

ENGINEER'S REPORT - Terry Myers

Approval of Application for Payment No. 5 to E.K. Service, Inc. in the Amount of \$74,163.62 - Mr. Myers reported that the total work and material to date is \$1,113,066.50 for the Hilton Avenue Water Line Project less the amount that was previously paid of \$990,967.49 with 5% retainage leaves a net amount approved for payment of \$74,163.62.

Motion by M. Shermeyer and second by M. Husson to approve Application for Payment No. 5 to E.K. Service, Inc. in the amount of \$74,163.62. **Passed** with 5 ayes.

Mr. Myers informed the Board that E.K. Service has submitted an additional work claim where they have provided extra time, material, and equipment for unmarked facilities. C. S. Davidson is reviewing this claim. They will provide a recommendation prior to the next meeting.

Mr. Myers reported that he had a meeting with Mr. Pasch this morning regarding the water line connection of the Seasons Phase II. Mr. Pasch signed an easement agreement with the Township to cross the Seasons Development for compensation of \$5,000. The Township's options are to either not install that section of water line; proceed with the process of condemnation of the Pasch property; or accept this offer of \$5,000. He also noted that there is currently a soybean crop planted on the property and disturbance would cost \$750 per acre. Mr. Myers estimated that the disturbance would be less than an acre or approximately \$500. The contractor is ready to proceed at the end of this week. Mr. Myers remarked that he would contact the farmer about picking the soybeans prior to the construction.

Motion by M. Love and second by C. Kann to approve the easement agreement for \$5,000 with Timothy Pasch. **Passed** with 5 ayes.

Well No. 10 Assistance - Mr. Myers indicated that he was asked by the Public Works Director to provide assistance for the nitrate removal in Well No. 10. Mr. Farley requested an estimate from C. S. Davidson to provide assistance in designing the unit, applying for the permitting to DEP, and preparing the bid documents for the unit. The deadline to get the well into service is sometime in April to avoid any additional testing requirements. John Leen of C. S. Davidson has been working with the Public Works Director. Mr. Leen would prefer to work on a time and material basis with a not to exceed amount of \$10,000.

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Motion by M. Shermeyer and second by M. Husson to approve C. S. Davidson to assist with Well No. 10 on a time and material basis not to exceed \$10,000. Brought to discussion by second. DISCUSSION - Supervisor Husson inquired on the output of this well.

Manager Wilson reported it is an artesian well.

Passed with 5 ayes.

Tower Village Sidewalk - Mr. Myers reported that after the sidewalk along the Straley property in the Brownstone Development is complete, there will be a 25 to 30 foot section in the Tower Village Development on the McCleary property to make the sidewalk connection complete. The property owner claimed that a sewer contractor had removed the sidewalk. Mr. Myers suggested obtaining a quote from the contractor installing the sidewalk along the Straley property on Stonehouse Lane to install the missing section of sidewalk on Tower Drive. If the cost is under \$1,000, then have the contractor install the sidewalk on Tower Drive.

Motion by M. Love and second by M. Husson to authorize the Township Engineer to obtain a quote from the contractor installing the sidewalk on Stonehouse Lane to install the 25 to 30 foot section of sidewalk on Tower Drive and proceed with that installation if the quote is under \$1,000. **Passed** with 5 ayes.

SOLICITOR'S REPORT by Atty. Charles Rausch

Hadley Drive Property Dedication offer to Dover Township by Tobin Johnston - Atty. Rausch related that he notified Mr. Johnston via letter that the Township was planning on executing on the liens for the Hadley Drive property. Mr. Johnston's secretary called to inform Atty. Rausch that Mr. Johnston was interested in offering the property to the Township. The property consists of 5.8 acres. Atty. Rausch reported that he would be conducting a title search on the property. Mr. Johnston is looking for the Township to forgive the liens.

Manager Wilson stated that the taxes on the property are current, except for this year's taxes.

Mr. Myers informed the Board that the property is within the floodway noting that nothing can be placed in the area that will impede the flow.

Board Consensus was to have the Township Solicitor proceed with the title search and the transfer of the Hadley Drive Property.

MANAGER'S REPORT by Laurel A. Wilson

Ordinance 2010-04 Repealing Previous Non-Uniform Pension Ordinance and Adopting a Pension Plan Document - Manager Wilson reported that this ordinance was authorized for advertisement at the last meeting.

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Motion by M. Husson and second by M. Shermeyer to adopt Ordinance 2010-04 repealing the previous non-uniform pension ordinance and adopting the current pension plan document. **Passed** with 5 ayes.

Authorization to Advertise the 2011 Proposed Budget - Motion by M. Shermeyer and second by D. Hull to advertise the 2011 Proposed Budget. **Passed** with 5 ayes.

Waiver Requests from Hilton Avenue Property Owners Lecrone and Rapp - Manager Wilson reported that two waiver requests were received from Evelyn and Albert Rapp and Sally and James LeCrone late on Friday. She questioned whether the Board wanted to address these waivers tonight or wait until the next meeting. She noted that usually she would notify the property owners that their requests will be on the agenda.

Board Consensus was to wait until the next meeting so the property owners had ample notification.

Executive Session - Manager Wilson requested an Executive Session on personnel matters relative to the Teamsters' contract.

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 Shermeyer noted that she distributed to each Supervisor a list of the grants that the Dover Township Fire Department received.

Supervisor Love commented that she attended the York Counts Meeting of the Public Safety Committee. She indicated that they are looking for a Liaison from this Board to be on the committee.

The Board acknowledged that Supervisor Love could continue to attend the York Counts Meetings.

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

Chair Kann adjourned the meeting at 8:09 PM into an Executive Session on personnel matters regarding the Teamsters contract.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary