

**DOVER TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
November 22, 2010**

The Dover Township Board of Supervisors regular meeting for Monday, November 22, 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.; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. There were 10 citizens and a news reporter seated in the audience. This meeting has been recorded for minute purposes only.

Chair Kann welcomed Boy Scouts Pack 22 from Weigelstown to the meeting.

Chair Kann requested a moment of silence 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 NOVEMBER 8, 2010**

Supervisor Shermeyer added on Page 2 of the November 8, 2010 Meeting Minutes in the paragraph where she had presented facts about chlorine in the second sentence: She reported that chlorine is not poisonous *in the Dover Township water*.

**Motion** by D. Hull and second by M. Shermeyer to approve the Meeting Minutes for November 8, 2010 with Supervisor Shermeyer's addition. **Passed** with 4 ayes and 1 abstention by M. Husson.

**TREASURER'S REPORT**

Chair Kann reported that the warrant total for November 22, 2010 was in the amount of \$350,330.08.

**Motion** by M. Shermeyer and second by M. Love to approve the warrant for November 22, 2010 in the amount of \$350,330.08 as presented. **Passed** with 5 ayes.

**PUBLIC COMMENT PERIOD**

There were no comments from the public present at this time.

**ZONING OFFICER'S REPORT**

**PL09-2 Kelly Bradburn Subdivision Plan Reapproval for 1901 Hilton Avenue** - Manager Wilson reported that a reapproval is needed for the Kelly Bradburn Subdivision Plan.

Supervisor Husson questioned whether all of the comments have been addressed.

Mr. Myers replied that the motion should state with the completion of any outstanding items.

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**Motion** by M. Husson and second by M. Shermeyer to reapprove PL09-2 Kelly Bradburn Subdivision Plan for 1901 Hilton Avenue conditioned on the completion of any outstanding items. **Passed** with 5 ayes.

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

**Approval of Contract Change Order No. 3 to E.K. Service, Inc. an Increase of \$14,035.50** - Mr. Myers reported that this change order was due to the downtime incurred from the contractor hitting incorrectly marked sanitary sewer, storm sewer, and water lines. There were a total of thirteen incidences. The incidents were confirmed by the C. S. Davidson Inspector as justified downtime. Mr. Myers noted that even with the change orders, this project will be completed under the original contract price.

**Motion** by M. Husson and second by M. Love to approve Contract Change Order No. 3 in the amount of \$14,035.50 to E. K. Service, Inc. for the Hilton Water System Improvements Project. **Passed** with 5 ayes.

**Approval of Application for Payment No. 6 to E.K. Service, Inc. in the Amount of \$222,560.19** - Mr. Myers reported that the total value of the work to date with the change orders is \$1,348,781.29 less the amounts previously paid of \$1,065,131.11 with a 5% retainage leaves the amount due the contractor of \$222,560.19.

**Motion** by M. Shermeyer and second by D. Hull to approve Application for Payment No. 6 in the amount of \$222,560.19 to E. K. Service, Inc. for the Hilton Water System Improvements Project. **Passed** with 5 ayes.

**Approval of Application for Payment No. 5 to B & R Construction Services, Inc. in the Amount of \$1,500.00** - Mr. Myers reported that the outstanding items have been resolved by the contractor. He is recommending that the \$1,500.00 retainage be released to B & R Construction Services, Inc.

**Motion** by D. Hull and second by M. Husson to approve Application for Payment No. 5 in the amount of \$1,500.00 to B & R Construction Services, Inc. for the Tower Drive Stormwater Improvements Project. **Passed** with 5 ayes.

**Approval of Contract Change Order No. 1 Final to Fitz & Smith, Inc. an Increase of \$1,126.77** - Mr. Myers reported that this change order adjusts the estimated quantities to the final quantities. The additional paving for the box culvert indicates a significant increase. He explained that the original contract price was \$122,556.40. This change order would increase the total contract amount to \$123,683.17.

**Motion** by M. Husson and second by M. Love to approve Contract Change Order No. 1 in the amount of \$1,126.77 to Fitz & Smith, Inc. for the Rohlers Church Road Culvert Replacement Project. **Passed** with 5 ayes.

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**Approval of Application for Payment No. 2 Final to Fitz & Smith, Inc. in the Amount of \$25,655.17** - Mr. Myers reported that Application for Payment No. 2 to Fitz & Smith, Inc. includes the total value of work to date is \$123,683.17 less a previous payment of \$98,028.00 leaving the total amount for payment of \$25,655.17.

**Motion** by D. Hull and second by M. Shermeyer to approve Application for Payment No. 2 to Fitz & Smith, Inc. for the amount of \$25,655.17 for the Rohlers Church Road Culvert Replacement Project.

Supervisor Husson proposed a question whether this payment amount was for returning the retainage.

Mr. Myers replied that the \$25,655.17 was for restoration and trench restoration work. The contractor has completed all of the punch list items.

**Passed** with 5 ayes.

**Approval of Quote from L. S. Lee, Inc. in the Amount of \$2,499.95 for Guiderail Installation** - Mr. Myers reported that this request came from the property owner who had given right -of-way for the Rohlers Church Road Project. He added that in order to acquire this quoted price, used materials will be installed and a date cannot be scheduled as they will proceed with the project when the contractor is working in the area with his equipment. Mr. Myers presented this quote to the Board since it was over their maximum price of \$2,000.

**Motion** by M. Love and second by M. Shermeyer to approve the quote from L. S. Lee, Inc. in the amount of \$2,499.95 for the guiderail installation at the intersection of Rohlers Church/Mountain Roads. **Passed** with 4 ayes and 1 nay with opposition by M. Husson.

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

**Agreement between Dover Borough/Dover Township with the Dover Area School District** - Atty. Rausch reported that the previously approved Dover Area School District land development plan showed the relocation of a sanitary sewer line. Rather than performing the relocation, they have reached an agreement with Dover Borough to slip line the sewer lateral to save cost. They have requested that the Township acknowledge the agreement since it was part of the land development plan approval. He advised that technically they are changing the plan, but rather than resubmitting the plan they chose to do an agreement.

**Motion** by D. Hull and second by M. Love to consent to the agreement between Dover Borough/Dover Township with the Dover Area School District. **Passed** with 5 ayes.

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

**Ordinance 2010-05 Amending the Non-Uniform Pension Ordinance to Comply with the Heroes Earning Assistance and Relief Tax Act of 2008** - Manager Wilson reported that the Ordinance has been advertised for consideration of adoption.

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**Motion** by M. Shermeyer and second by D. Hull to adopt Ordinance 2010-05 amending the non-uniform pension ordinance to comply with the Heroes Earning Assistance and Relief Tax Act of 2008. **Passed** with 5 ayes.

**Resolution 2010-27 Adoption of the 2011 Budget** - Manager Wilson reported that the 2011 Budget does not propose a tax increase, but it does include an 8% increase to the water rates.

**Motion** by M. Shermeyer and second by M. Love to approve Resolution 2010-27 adopting the budget for Dover Township for the Year 2011.

QUESTION ON THE MOTION - Supervisor Husson inquired about the accuracy of the advertisement.

Manager Wilson responded that the Township Solicitor felt that it was okay as advertised. She added that the adoption date in the ad was correct. The only error was the year of the budget. Every other aspect of the budget was advertised correctly.

Atty. Rausch noted that it is clearly apparent that it is the 2011 Budget. The stated numbers are for the 2011 Budget. It was a harmless error. No reasonable person would assume that it was the 2010 Budget. Anyone can come to Dover Township and make an inquiry which is the whole point of the advertisement.

**Passed** with 5 ayes.

**Resolution 2010-28 Tax Levy Resolution for 2011 - Motion** by M. Husson and second by D. Hull to approve Resolution 2010-28 Tax Levy Resolution for the Year 2011. **Passed** with 5 ayes.

**Resolution 2010-29 Establishing & Fixing Tax Levy, Other than Real Estate for 2011 - Motion** by M. Shermeyer and second by D. Hull to approve Resolution 2010-29 establishing and fixing tax levy, other than real estate for the Year 2011. **Passed** with 5 ayes.

**Resolution 2010-30 Amendments to the Conditions of Employment and Work Rules, Policies Regarding Computer Usage, and Drug and Alcohol Policy in the Dover Township Employee Policy Manual** - Manager Wilson reported that the Drug and Alcohol Policy needed to have some revisions due to the recent seminar she attended on this matter. The other policies were adopted at the September Board Meeting but were not formally approved by resolution so they were also included in this resolution.

**Motion** by M. Shermeyer and second by M. Love to approve Resolution 2010-30 amendments to the Conditions of Employment and Work Rules, Policies Regarding Computer Usage, and Drug and Alcohol Policy in the Dover Township Employee Policy Manual.

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QUESTION ON THE MOTION - Supervisor Hull addressed several of his concerns with the policies. In the Conditions of Employment and Work Rules, he inquired about the section on Outside Employment/Conflict of Interest questioning the opportunity for any Township employee to acquire a part-time job or only if the other job would not conflict with their employment at Dover Township.

Manager Wilson replied only if the job does not conflict with their primary employer which would be Dover Township.

Also in that same section, Supervisor Hull questioned the *reasonable* request time in Work Rules No. 5 that employees shall request compensatory time/vacation time off through their immediate supervisor, in excess of 1 working day, *at least 2 weeks in advance of the requested time off*.

Manager Wilson reminded Supervisor Hull that the Employee Policy Manual is superceded by the Union Contract for unionized employees.

Under Township Vehicles, Supervisor Hull asked who was considered the department director noting that: Use must be authorized by the department director.

Manager Wilson answered that it would be the head person of that department. She added that these policies have not changed since 2007.

Supervisor Hull stated that he had not thoroughly read these policies before.

Supervisor Love noted that he should have read this manual when he became an employee of the Township.

Supervisor Hull proceeded to the next question under Licenses which stated: Any other licenses or certifications necessary to perform job functions will be the responsibility of the employee to maintain.

Manager Wilson responded that if a license/certification is needed to perform their job, then the employee must maintain it.

Supervisor Hull asked whether the employee gets reimbursed for the cost of the license/certification and why that isn't indicated explicitly in that sentence.

Manager Wilson said that the Township has been reimbursing the employees. This has not changed.

Supervisor Hull commented that there are too many gray areas. It should be printed in black and white.

Supervisor Hull proceeded to Call-outs which read: A call-out is a telephone call (or personal visit) from a resident that an employee receives at home regarding work that the employee must attend to prior to the start of the next working day.

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Manager Wilson reported that an employee must be dispatched either by their Crew Chief or 911.

Atty. Rausch stated that these provisions can be clarified if need be.

Manager Wilson added that the Employee Policy Manual, as it stands today, has this language. The Board can direct her to amend sections later, but for now the Drug and Alcohol Policy needs to be adopted. This is the only section that has been amended at this time.

Supervisor Hull had an additional question on V. Drug and/or Alcohol Testing Requirement Consent Forms of the Drug and Alcohol Policy in the second paragraph which states: Employees will not be subjected to random medical testing. This is contradictory to the previous section, Conditions of Employment and Work Rules under Post-Entry Physical Examination, which indicates: In order to ensure continued fitness for duty, employees may be required to undergo, but not necessarily be limited to, a medical, psychological, or functional capacity examination at any time that is job-related and consistent with business necessity.

Supervisor Love replied that those sections mean two different things.

Manager Wilson reiterated that this was not something that was changed from the previous policy. She explained that the only thing that changed in the Drug and Alcohol Policy was that CDL drivers are now required to be tested for *ecstasy* along with the other drugs involved. The other provision that has changed was any employee with a positive breath alcohol result between .02 and .039 will be removed from safety-sensitive duties for 24 hours and any employee with a positive breath alcohol result >.04 will be removed from safety-sensitive duties and referred to a Substance Abuse Professional.

Supervisor Hull remarked that in the Drug and Alcohol Policy under III. Regulations Concerning Use, Possession and Sale of Alcohol or Illegal Drugs on Township Property, C. states Prescription drugs must be kept in their original container identifying the drug, dosage, date of prescription and physician. He questioned the ability to carry pills in a pill case to work.

Chair Kann responded that on the job, those pill cases are not allowed.

Supervisor Husson added that this regulation also applies to the real world.

**Passed** with 5 ayes.

**Resolution 2010-31 Accepting the Offer of Dedication by Gift Parcel 24-000-13-0001A Located Along Hadley Drive - Motion** by M. Shermeyer and second by D. Hull to approve Resolution 2010-31 to accept the offer of dedication by gift Parcel 24-000-13-0001A located along Hadley Drive.  
**Passed** with 5 ayes.

Supervisor Husson questioned whether the plan designated this area as a recreational property.

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Manager Wilson replied negatively.

**Acceptance of Resignation Letter from Jared Mellott, Elected Township Auditor** - Manager Wilson reported that by the Board accepting Jared Mellott's resignation, they must place a resident in that vacant position within thirty days of their acceptance.

Chair Kann inquired whether there was anyone for their consideration.

Manager Wilson noted that there were two potential candidates which have submitted resumes. The resumes were not for this position specifically since this is an elected position. She also suggested Carl Nelson since he previously held that position. The person would only serve for one meeting which would be the first Tuesday in the month of January, 2011. The new municipal election will occur in November of 2011 and the new auditor would then take office in 2012.

**Motion** by M. Husson and second by M. Love to accept the resignation letter from Jared Mellott resigning from his position as Elected Auditor for Dover Township, effective immediately. **Passed** with 5 ayes.

**Approval of Kitchen Design for the Dover Township Volunteer Fire Department** - Manager Wilson explained that the remodeling of the Dover Township Volunteer Fire Department kitchen will be totally paid by the Fire Department. The agreement with the Fire Department requires them to notify the Township of any changes to the building. She requested a drawing from them showing the renovations.

**Motion** by M. Shermeyer and second by M. Love to approve the kitchen design for the Dover Township Volunteer Fire Department.

QUESTION - Supervisor Husson asked whether they obtained a cost estimate for the entire project.

Manager Wilson reported that she was told it would cost approximately \$50,000.

Supervisor Husson questioned whether the existing kitchen is not functional.

Joe Wallace, President of the Fire Department, stated that the present kitchen facility is the original kitchen built in the 1990's. They have outgrown its use. It is not functional as it is currently set up. There is not enough space. They have residential appliances and not much preparation space. The idea is to make a more user friendly area.

Supervisor Shermeyer noted that the existing bar counter area will be removed.

**Passed** with 5 ayes.

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**Cable Franchise Ordinance** - Manager Wilson reported that she received the ordinance for the cable franchise agreement today. The agreement has been finalized with Comcast. There are several municipalities involved in this agreement, which was negotiated by Atty. Daniel Cohen, along with Dover Township were Lower Windsor, Manchester, Manheim, Springettsbury, West Manchester and Windsor Townships. Atty. Cohen was hired by these municipalities to help negotiate a new contract with Comcast. Highlights of the contract dealt with the consolidation of the two current agreements with Comcast. One was the previous Cable TV of York Agreement which involved the bulk of the Township users. The other agreement was the old GS Communications, Inc./Adelphia Agreement which was bought out by Comcast. Both agreements had different expiration dates and they will be incorporated into one document. The second agreement will also include an increase in franchise fees to 5% in order to make the new agreement consistent. There are also some additional revenue sources which had been missed. As a result of these changes, the Township will see a significant increase in the franchise fees. A franchise grant was obtained in the amount of \$22,000 for the first year. The customer service standards were strengthened. One free internet connection was acquired. An educational/governmental channel was negotiated. Services in neighboring counties can be petitioned to be available to the residents. The reporting requirements of Comcast have been increased so the Townships can audit them. Liquidation damages may now be charged for unfulfilled obligations. A performance bond is now being required by the municipalities in the amount of \$20,000. The length of the contract will be ten years.

**Motion** by M. Shermeyer and second by D. Hull to authorize the advertisement of the cable franchise ordinance for adoption. **Passed** with 5 ayes.

**902 Grant Reimbursement** - For informational purposes, Manager Wilson reported that a check from the State in the amount of \$28,000 was received reimbursing the Township for old expenditures involving 2006 recycling grant requirements and the purchase of the new leaf vacuum under the 902 Grant.

### **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 Hull requested a updated Board/Member List.

Supervisor Hull requested that the old Escrow Accounts be cleared from the books.

Mr. Myers stated that he would check on his punch list for Glen Hollow II and have the Township sewer and water crews perform the necessary work in order for the Township to retain the escrow money.

Supervisor Shermeyer reported that Baker Road will be closed temporarily for deck repairs only.

Manager Wilson noted that Baker Road has already been repaired and has been reopened.



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Supervisor Shermeyer reported that there are several matters of concern which the Zoning Officer wanted shared with the Board regarding the property at the intersection of West Canal and Salmon Run Roads where the recent fire occurred.

Manager Wilson added that the Township Code Officials visited the property and the standard letter was mailed to the property owner advising them that the property must be cleaned up within thirty days.

The Board discussed possible options if the letter was disregarded.

Supervisor Hull expressed his concern with the potential for the structure to fall toward the road pending on weather conditions.

Mr. Myers requested a possible work session for December 13, 2010 at 6:00 PM to discuss the Carousel Building. He also asked the Board to consider the placement of a leveling course on Poplar Road should the Hilton Avenue Water Improvements Project finish significantly under its contract.

There was no public present for any comments at this time.

Chair Kann adjourned the meeting at 8:16 PM.

Respectfully submitted by:

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Dawn D. Slegel, Township Secretary