

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
DECEMBER 9, 2013**

The Dover Township Board of Supervisors regular meeting for December 9, 2013, was called to order at 7:00 PM by Chair Monica Love in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Monica Love, Madelyn Shermeyer, Michael Husson, Charles Richards, and Matthew Menges. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Attorney Charles Rausch, Township Solicitor; Terry Myers, Township Engineer; Karen Wilson, C.S. Davidson; Georgia Sprenkel, Township Zoning Officer; Charles Farley, Public Works Director; and Trena Hall, Recording Secretary. There were 5 citizens in attendance. This meeting has been recorded for minute purposes only.

Prior to this meeting there was an Executive Session to discuss potential matters of litigation and personnel matters.

A moment of silence was requested for remembrance of those who stand in harm's way and their families, followed by the reciting of the Pledge of Allegiance to the American Flag.

APPROVAL OF WORK SESSION MINUTES FOR NOVEMBER 25, 2013

Motion by M. Menges and seconded by C. Richards to approve the work session minutes for November 25, 2013, as presented. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR NOVEMBER 25, 2013

On page 8 of the Board's packet, Terry Myers wanted to change his wording on the Stormwater Management (SWM) Basin Agreement. Attorney Rausch noted that the minutes need to state what was said at the meeting but suggested adding an attachment of the correct agreement wording. The following paragraph was added: "For lots that have an approved subdivision and/or land development plan and corresponding SWM plan, you are allowed to build what was approved, including any planned phasing without any additional SWM requirement. Anything built beyond what was initially planned and approved is required to apply for a SWM permit. If the applicant can prove the basin capacity exists for their proposed improvement, they may receive a waiver of rate control, up to the maximum amount assumed in the SWM plan, but they have to meet the water quality/volume requirement."

Motion by M. Shermeyer and seconded by C. Richards to add the correct policy wording stated from the Stormwater Management Ordinance to page 8 of the Board's packet at the Comment/New Business from the Board of Supervisors, as presented. **Passed** with 5 ayes.

TREASURER'S REPORT

Manager Oswalt noted that the \$260,202.27 is the correct amount not the \$260,352.27 as stated on the agenda. A check was voided for \$150.00.

Motion by M. Husson and seconded by C. Richards to approve the warrant total for December 6, 2013, in the amount of \$260,202.27, as presented. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

On the Agenda

Bobbi Joe Blanchard – 3492 Fox Ridge Court – Inquiring about having a Residential Handicap Sign Installed – Mrs. Blanchard's mother is handicapped and often neighbors park in front of their home, limiting close parking spaces for her mother. Mrs. Blanchard noted that her driveway can hold 4-6 vehicles but they are constantly moving vehicles around because of different work schedules.

The Board noted that the resident normally pays for the sign and the Township will install. Mrs. Blanchard was fine with that. Manager Oswalt noted that she will need time to calculate a cost for the sign and then she will be in contact with Mrs. Blanchard. Manager Oswalt believed the sign may cost around \$200.00.

Motion by M. Shermeyer and seconded by C. Richards to allow a Residential Handicap sign to be installed at 3492 Fox Ridge Court. Mrs. Blanchard will pay in advance for the sign and the Township will install, as presented. **Passed** with 5 ayes.

Dickie Williams – 4401 Pine Hill Road – Holding Tank Issue – Dickie Williams was requesting approval to keep her travel trailer on this property until March of 2014. The family of five moved a travel trailer onto the property around the end of September 2013. The plan was to move a double-wide trailer onto the property in the spring of 2014. Currently the travel trailer's water and septic have been winterized. When the property was purchased the buyers were not allowed to walk the property and the current owners did not disclose any information on the property. The property was sold as is. Now a septic issue has arisen.

Dickie Williams is also asking approval for a holding tank. The septic system is not working and a holding tank is the only solution to house the new double-wide trailer. Currently there is a 1,000 gallon tank with plans on installing a 2,000 gallon tank underground. Sunday Septic advised them to have the tank pumped every 6-8 weeks, depending on the amount of water being used. Each pump-out will cost around \$600.00. The tank has been pumped twice since the family moved to the property.

M. Menges asked if this travel trailer is permitted under the zoning regulations. Georgia Sprenkel noted that this trailer is not permitted because the trailer does not meet the 700 foot requirement. This regulation is in the zoning ordinance and the Board cannot make the decision on this situation.

Georgia Sprenkel noted that Dickie Williams was asking if the Board will eventually approve a holding tank for the property.

Dickie Williams again questioned if she can keep her trailer on the property until March. She is violating the zoning ordinance and she would need a variance.

The Board noted that normally when a holding tank is being requested, there is an existing structure that cannot meet the septic system's requirements. Even now when the travel trailer is taken away there is no structure and the holding tank would not be needed. To build a new structure knowing that you can only ever have a holding tank goes beyond what the Township's ordinance was written for. When the structure was taken down, the property became an unbuildable lot. The Board cannot grant permission to do this knowing that the tank will need pumped on a monthly basis and assuming the Williams Family will always be the owner's living there.

A violation letter will be sent allowing the homeowner 30 days to vacate the property.

Rausch noted that the issues in question are the size of the travel trailer and the holding tank. The holding tank issue can be voted on.

Motion by M. Menges and seconded by M. Love to deny the request for the holding tank permit for Dickie Williams residing at 4401 Pine Hill Road, as presented. **Passed** with 4 ayes and **Opposed** by M. Shermeyer.

ZONING OFFICER'S REPORT by Georgia Sprenkel

Ms. Sprenkel is seeking a re-approval on the Land Development Plan for Shelly's Restaurant. The owners are still working on some issues and will have the plans recorded in the next few months.

Motion by M. Husson and seconded by M. Shermeyer to re-approve the Shelly's Restaurant Land Development Plans with the outstanding issues being addressed, as presented. **Passed** with 5 ayes.

ENGINEER'S REPORT by Terry Myers

Change Order #4 for Kinsley Construction – This was for extra base repair work completed on Edgeway Road in the Borough. The contract has been modified and both the Borough and the Township need to sign the contract. The increased cost of \$1,554.85 will be paid by the Borough.

Motion by M. Husson and seconded by C. Richards to approve the additional cost of \$1,554.85 to Kinsley Construction for additional base repair work completed in the Borough, as presented. **Passed** with 5 ayes.

Application for Payment #3 for Kinsley Construction – The total contract cost was \$107,360.68 for the Township and \$19,082.25 for the Borough. The increased cost for the handicap ramps and quantities of materials totaled \$24,887.00. The total remaining cost due is \$25,694.63. The Township's portion is \$6,612.38.

Motion by M. Menges and seconded by C. Richards to approve payment #3 to Kinsley Construction for \$6,612.38, as presented. **Passed** with 5 ayes.

Application for Payment #1 for H & H General Excavating Company – This was work completed for the Barwood project. The concrete structure and corrugated piping was repaired. The total amount owed is \$8,755.00 with no retainage being held. Mr. Myers did ask them to return and redo some top soil. If the company does not follow through, a performance bond is in place to fall back on.

Motion by C. Richards and seconded by M. Shermeyer to approve payment #1 to H & H General Excavating Company in the amount of \$8,755.00, as presented. **Passed** with 5 ayes.

Mr. Myers extended his thanks to Michael Husson and Madelyn Shermeyer for the opportunity to work with them the last several years.

SOLICITOR'S REPORT by Attorney Charles Rausch

Revisions have been made to the Sump Pump ordinance. The word permanent was added prior to disconnection. Clarifications were also included that a surcharge will apply if there is an improper connection that is not fixed or if proper certification is not provided to the Township either by the Township inspection or a third party licensed plumber. If there are no other changes the ordinance can be advertised for a January meeting.

Motion by M. Shermeyer and seconded by M. Husson to approve the advertisement of Ordinance 2014-02 to amend the Dover Township Code of Ordinances on Inspections and Enforcement of Illegal connections to the Sewer, as presented. **Passed** with 5 ayes.

Attorney Rausch has received the signed addendum to the agreement from 1992 with the York Water Company. This agreement notes that the Township's minimum obligation to purchase 9 million gallons per month has been reduced to 6 million, beginning January 1, 2015. The right of first refusal has been added to the agreement noting if the Township would receive an offer to be purchased by another private company the York Water Company would have 30 days to counter offer.

Motion by M. Menges and seconded by C. Richards to approve the addendum to the agreement with York Water Company as submitted by the solicitor, as presented. **Passed** with 5 ayes.

MANAGER'S REPORT by Manager Laurel Oswalt

Approval to Advertise Ordinance 2014-01 to Amend the Dover Township Code of Ordinances, Designating Speed Restrictions – This ordinance refers to the section of East Canal Road around Fox Run Road. This is a PENNDOT road.

M. Husson noted that he does not agree with the posting of 25 MPH speed limit except for around the school zone area. He noted that the state created this road structure and should not require the Township to complete the road study or repair the sight distance issue in that area.

Menges noted since Ms. Carter presented her report on this intersection there have been two more accidents. He inquired where the 25 MPH speed limit would be extended to. From the study, the Board thought the 25 MPH would be from the end of the borough past Fox Run Road. Mr. Menges noted there is a change in characteristic of the area to support PENNDOT's study to change the speed limit. Mr. Menges questioned since PENNDOT has suggested lowering the speed limit, what will happen if the Township chooses not to change the speed and will the Township be held liable for this action? Attorney Rausch was unsure since the road is a state road. It is possible if someone can prove that there had been signs up, an accident may not have occurred.

Other suggestions given were to change the speed only in some areas or install a flashing, warning light sign (a post light) advertising a warning ahead. This light would involve the expenses of permits, the device, electric, etc.

M. Husson still cannot justify the 25 MPH speed change.

Motion by M. Menges to install the stop bars on Fox Run Road and to change the speed limit to 25 MPH, as indicated. Manager Oswalt noted this motion was just to advertise the ordinance. The motion was withdrawn.

Motion by M. Menges and seconded by Chair Love to advertise Ordinance 2014-01 to install 25 MPH speed restrictions on East Canal Road from the Dover Borough line to the segment/offset 0020/3350, as presented. **Motion Denied. Opposed** by M. Husson, M. Shermeyer and C. Richards.

Motion by M. Menges and seconded by C. Richards to install the stop lines recommended by PENNDOT on Fox Run Road, as presented. **Passed** with 5 ayes.

Manager Oswalt noted that the highway crew will install the stop lines when the weather is appropriate. The stop lines will be installed on both approaches on Fox Run Road to East Canal Road.

The Board would like a new letter written to PENNDOT asking them to address the sight distance issue at both intersections of East Canal Road at Fox Run Road and the other at Park Street.

M. Husson noted that it is not fair to ask residents to travel 25 MPH for this long of a stretch of traveled road.

Chair Love disagreed and noted that traffic coming from the Northern Regional Police Station is traveling faster than the 40 MPH speed limit. Board members noted to have the police enforce the speed. The police will not pull vehicles over on this dangerous stretch of Canal Road. They will near the Borough. Some Board members questioned the necessity to change the speed limit if the police will not enforce it. Chair Love noted that some people do follow the rules and this will force the others to slow down.

Motion by M. Menges and seconded by Chair Love to **table** the topic while investigating other options that may be available. **Motion Denied. Opposed** by M. Husson, M. Shermeyer and C. Richards.

Motion by C. Richards and seconded by M. Husson to send PENNDOT a letter to address the sight distance issue on East Canal Road at Fox Run Road to help increase the visibility of travel. **Passed** with 5 ayes.

Approve Resolution 2013-25 to Amend Personnel Policies and Procedures –

Motion by M. Shermeyer and seconded by C. Richards to approve Resolution 2013-25 to amend Personnel Policies and Procedures, as presented. **Passed** with 5 ayes.

Approve Resolution 2013-26 to Recognize the Services of Madelyn Shermeyer –

Motion by C. Richards and seconded by M. Husson to approve Resolution 2013-26 on recognizing the services of Madelyn Shermeyer, as presented. **Passed** with 5 ayes.

Approve Resolution 2013-27 to Recognize the Services of Michael G. Husson –

Motion by M. Menges and seconded by C. Richards to approve Resolution 2013-27 on recognizing the services of Michael G. Husson, as presented. **Passed** with 5 ayes.

Approve Ordinance 2013-06 Repealing Previous Non-Uniform Pension Ordinances and Adopting a Pension Plan Document –

Motion by M. Shermeyer and seconded by C. Richards to approve Ordinance 2013-06 Repealing the Previous Non-Uniform Pension Ordinances and Adopting a Pension Plan Document, as presented. **Passed** with 5 ayes.

Approve the Purchase of a Hopper Spreader for Truck #29 – The current truck bed on truck #31 is rusting and can no longer be used. This new spreader will be installed on the Public Work Director's truck #29. Money is available for use from the 2013 Liquid Fuels, under the Costar contract. The new spreader will cost \$5,765.00. The old spreader cannot be modified to fit the newer truck but can be sold.

The Board inquired if the new spreader will cause the same problem of rusting the bumper and inquired if work will be needed on the older truck's bumper. The spreader is a new design and can hold a larger capacity, but the truck will eventually need to be replaced.

Motion by M. Menges and seconded by C. Richards to approve the purchase of the Poly-Caster Hopper Spreader #78001 in the amount of \$5,765.00, as presented. **Passed** with 5 ayes.

Manager Oswalt read letters that were received from the Dover Food Bank thanking the Township, Weiglestown and the Dover Elementary PTO's for the 1,000 pounds of can goods that were collected during the Trunk or Treat Event. A second letter thanked the Dover Township Employees for collecting assorted groceries and monetary donations for the Thanksgiving Holiday.

Manager Oswalt announced that an Executive Session will be needed after this meeting.

PUBLIC WORK DIRECTOR'S REPORT by Charles Farley

No business to report.

OLD BUSINESS

Well Isolation Distance Waiver Policy – The SEO has given Attorney Rausch some sample water study reports for the Board to look at and present in January of 2014. Brad Hengst is getting a cost together to have the study completed.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

C. Richards attended the Christmas in the Park event and felt it was very well attended. He also noted all the compliments he received on how well the roads were cared for during the snowfall.

M. Shermeyer noted that she also complimented Mr. Kern on the road conditions.

M. Menges wanted to follow up on a concern from recent flooding. He was questioned about the fire department having to rescue people after an evacuation order has been given. He asked the Board to think about the possibility of creating a resolution or a policy statement that would detail the Township’s position. Attorney Rausch will investigate this issue.

Manager Oswalt noted that a work session can be scheduled on this issue. Chair Love noted to have Glen Jansen included.

Chair Love extended her appreciation to Madelyn Shermeyer and Michael Husson for all of their help they have given her and for their years of service to the Township. Both Supervisors responded with a thank you.

M. Shermeyer addressed the two new Board members on the importance of taking advantage of all of the training programs available. She advised them to attend the workshops and seminars at the yearly PSATS Convention in the spring. She also asked them to not make rash decisions on the use of Township property and to evaluate the past resident’s surveys to see what is in the best interest of the public.

PUBLIC COMMENTS

No comments

With no further business, the meeting was adjourned by Chair Love at 8:26 PM into an executive session on a personnel matter.

Respectfully submitted by: _____
Trena M. Hall, Township Secretary