

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
Work Session Minutes
May 24, 2010**

The Dover Township Board of Supervisors held a work session on Monday, May 24, 2010, which began at 6:00 PM in the Meeting Room of the Dover Township Municipal Building. Dover Township Supervisors present were Chairman Curtis Kann, Madelyn Shermeyer, Michael Husson, Duane Hull, and Monica Love. Laurel Wilson, Township Manager; Atty. Charles Rausch, Township Solicitor; Georgia Sprenkel, Zoning Officer; and Dawn Slegel, Recording Secretary were also present. There weren't any citizens present.

The purpose of the work session was to discuss developing a temporary outdoor sales ordinance brought to the Board's attention at a previous Supervisor's Meeting by a business owner in the Township.

Atty. Rausch had prepared an agenda with questions for Board discussion.

Supervisor Shermeyer inquired about the items being sold in the Township by temporary vendors other than flowers.

Supervisor Hull responded that fireworks are also being sold.

Chair Kann added that there are the Cub Scouts, Fire Company, Lions Club and other non-profit organizations also selling things.

Atty. Rausch stated that he has categorized them into three areas: 1. Existing for profit businesses that may want to hold a tent sale to sell off extra inventory; 2. Non-owner who may sell flowers, fireworks, etc.; and 3. Non-profit organizations such as fire companies, churches, etc.

Ms. Sprenkel indicated that the complainant had an issue with a temporary vendor selling the same items right next door to her business.

Atty. Rausch asked the Zoning Officer for the requirements of selling merchandise in Dover Township if the vendor is located outside the County.

Ms. Sprenkel replied that they must first obtain a use certificate. Their stand is usually situated on a parking lot. She added that she is able to deny the permits based on insufficient parking spaces. The permit application for the use certificate includes the size of the tent. The tent must be inspected for fire retardant material. This was her recommendation to regulate this use. The only vacant areas for temporary vendors to locate currently in the Township are the former business sites of Farrell's Nursery and Good's Furniture Store.

Atty. Rausch noted that in the Commercial District if there is to be a second use on a property, then they must meet all additional zoning requirements for the second use.

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Ms. Sprenkel reported that the use certificate is good for a thirty day time period. This type of enforcement has not been used previously, but it would be a way to regulate temporary vendors without having to enact a separate ordinance. She stated that the Weigelstown area along Route 74 can be regulated in this manner, but questioned regulating the northern end of the Township.

Supervisor Hull noted his concern with enacting an ordinance to accommodate only one business.

Manager Wilson stated that as a consumer, Dover residents should have the ability to purchase wherever they get the best deal. She added that the Township does receive Mercantile Tax from the temporary vendors for that time period.

Supervisor Husson commented that the length of the use certificate is too long allowing temporary vendors to sell their wares another two to three weeks or more after the holiday.

Supervisor Shermeyer said that's when the residents receive the best buys. She doesn't believe that the Township should regulate the school organizations, girl/boy scouts, etc.

Ms. Sprenkel responded that these organizations usually do not erect a tent.

Manager Wilson asked about the non-profit organizations holding barbeques at Walgreens.

Ms. Sprenkel answered that this benefits the community and is usually held only one day for three or four hours.

Atty. Rausch advised that once the Board decides to regulate these sales, it must be uniformly enforced.

Ms. Sprenkel recommended that she would first like to try enforcing the temporary vendor sales through the use certificate by the parking regulations and then evaluate the progress.

Board Consensus was to allow the Zoning Officer try to use the regulations in the Zoning Ordinance to enforce the temporary vendor sales.

Chair Kann closed the work session at 6:30 PM.

Respectfully submitted by:

Dawn D. Slegel, Secretary