

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
March 14, 2011**

The Dover Township Board of Supervisors regular meeting for Monday, March 14, 2011 was called to order at 7:00 PM by Chairwoman Shermeyer in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Chair Madelyn Shermeyer, Monica Love, Michael Husson, and Curtis Kann. Supervisor Duane Hull arrived later after the start of the meeting. Other Township Representatives in attendance were Laurel Wilson, Township Manager; Atty. Charles Rausch, Township Solicitor; Terry Myers, Township Engineer; Georgia Sprengel, Zoning Officer; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary. Tammy Rinehart of Rinehart Reporting Services attended the meeting to prepare a stenographic record of the public hearing. There were 9 citizens seated in the audience. This meeting has been recorded for minute purposes only.

Chair Shermeyer announced that a work session was held prior to this meeting at 6:30 PM to discuss the availability of State Asset Equipment addressed by Fire Marshal Glen Jansen. She then requested a moment of silence and remembrance for all those who stand in harm's way and their families, followed by the reciting of the Pledge of Allegiance.

PUBLIC HEARING ON ZONING ORDINANCE AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS

Atty. Rausch stated that public comment will be taken on the proposed Zoning Ordinance and the proposed Subdivision and Land Development Ordinance. Both ordinances and the notice of public hearing have been advertised. The Dover Township Planning Commission has recommended adoption. Both ordinances were sent to the York County Planning Commission for comments. He addressed the Zoning Ordinance first noting that it was a major rewrite. He reviewed the contents of the proposed Zoning Ordinance. The York County Planning Commission recommended that the proposed new Zoning Ordinance not be adopted as presented and offered the following comments: 1. The creation of a Conservation Overlay Zone with density requirements incorporated rather than requiring an arbitrary minimum lot size of 5 acres; 2. Concerning regulations for energy uses, they noticed that for wind turbines, the proposed maximum height is 15 feet but the overall height in the districts where permitted is 35 feet which may create a problem if the wind turbine cannot be higher than a building; 3. Concerning wood-fired boilers, the proposed setback regulation is 100 feet from any property line and the state regulation requires 150 foot setbacks; 4. The definition of "clean wood" should be identified; 5. In Part 6, Specific Standards for Uses, they believe that rather than requiring minimum lot sizes for certain uses that it should be the total lot area necessary when setbacks, lot coverage, open area are factored so that as long as the regulations are met, the use can be scaled to fit the lot. The zoning map comments consisted of the map is not consistent with the Dover Borough/Dover Township Comprehensive Plan's Future Land Use Plan which includes mixed residential/commercial area and that district has been deleted from the proposed zoning map. Other inconsistencies between the proposed zoning map and the future land use map are that parcels on the east side of Rohlers Church Road and north of Kunkles Mill Road have been removed from the Conservation zoning district and added to the Agricultural zoning district and parcels on the south side of Carlisle Road at the eastern most part of the Township are being rezoned from R-1 to Commercial.

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Jonathan Andrews with McNees, Wallace, and Nurick, LLC of Harrisburg on behalf of Terra Vista Associates commented that the proposed Zoning Ordinance would downsize their 45 acres from R-3 to R-1. Their concern is that a preliminary subdivision and land development plan was submitted several years ago showing 170 single family semi-detached/duplex units. Being grandfathered under the old ordinance would make the uses nonconforming from the time of completion which creates further complications. The Wheatland Subdivision has also been downsized to R-1. Whereas, Ashley Farms, which is a traditional single family detached subdivision, will be up zoned from R-1 to R-3 for no real purpose because that is a lower density development. He agreed with York County Planning that the Zoning Ordinance should not be adopted at this time. He noted that if indeed the Township is trying to limit the amount of R-3, there is a large mass on the east side of Carlisle Road that is currently Residential Open Space and has been proposed to be zoned R-3.

There were no other comments from the public regarding the proposed Zoning Ordinance.

Atty. Rausch noted that the York County Planning Commission did not have any comments on the proposed Subdivision and Land Development Ordinance.

Mr. Myers stated that the only major change to the Subdivision and Land Development Ordinance was a requirement for conservation subdivision in regards to the process design identifying all the items to be preserved on a tract to be shown on a sketch plan for review by the Township Staff or possibly the Dover Township Planning Commission. The rest of the ordinance contained some revisions to conform with the Zoning Ordinance. The stormwater requirements were removed from the Subdivision and Land Development Ordinance. They will be addressed in a stand alone ordinance referred to as the Stormwater Management Ordinance.

There were no comments from the public regarding the proposed Subdivision and Land Development Ordinance.

Chair Shermeyer closed the public hearing at 7:19 PM.

APPROVAL OF WORK SESSION MINUTES FOR FEBRUARY 28, 2011

Motion by C. Kann and second by M. Love to approve the work session minutes for February 28, 2011 as presented. **Passed** with 5 ayes.

APPROVAL OF MEETING MINUTES FOR FEBRUARY 28, 2011

Motion by M. Love and second by M. Husson to approve the meeting minutes for February 28, 2011 as presented. **Passed** with 5 ayes.

TREASURER'S REPORT

Chair Shermeyer reported that the warrant total for March 14, 2011 was in the amount of \$176,424.42.

Supervisor Husson questioned the expenditures for David E. Hoffnagle.

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Manager Wilson replied that these expenditures are not only for new radios of the Township's internal radio system but to expand the tower in order to install an antenna to acquire better radio service on the back side of Skytop Trail.

Supervisor Love expressed concern with the late fee on the BJ's Business Card. She commented that another credit card should be obtained that will work with the Township's payment schedule.

Chair Shermeyer agreed that the Treasurer should continue to pay BJ's in advance to avoid those late fees.

Supervisor Hull inquired about the charges for Ground Hog Day on the BJ's Card since the event was cancelled.

Manager Wilson responded that there were items purchased for the Spaghetti Dinner which may have been sold to West Manchester Township for one of their upcoming events.

Motion by D. Hull and second by M. Husson to approve the warrant total of \$176,424.42. **Passed** with 5 ayes.

PUBLIC COMMENT PERIOD

There weren't any comments from the public present at this time.

ENGINEER'S REPORT by Terry Myers

Authorization to Advertise the 2011-2012 Road Materials Bids - Mr. Myers reported that the roads to be paved this year include Hilton Avenue from Bull Road to Carlisle Road, Brookside Avenue from Virginia Avenue to the dead end; and Tower Drive from Stonehouse Lane to Tiffany Drive.

Supervisor Kann requested that the manholes be adjusted when the new surface is placed on Hilton Avenue.

Supervisor Hull questioned the installation of additional stormwater catch basins on Hilton Avenue prior to paving.

Mr. Myers responded that placing a crown on the street will get the water off of the street. He also noted that there will be contracts for crushed aggregate, stone, bituminous pavement; a separate contract for the paving; another contract for curb and sidewalk on Tower Drive; and finally, a contract for equipment rentals. Mr. Myers informed the Board that the easement agreement has not been signed by Richard Schue for the additional easement to smooth out the curve on Tower Drive. Mr. Myers will try to finalize the negotiations with Mr. Schue.

Motion by C. Kann and second by M. Love to authorize the advertisement of the road material bids for 2011-2012. **Passed** with 5 ayes.

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Mr. Myers reported that road material bids will be opened on April 6th in order to award the contracts at the April 11th Board of Supervisors Meeting.

Carousel Building Update - Mr. Myers updated the Board on the new Carousel Building noting that flashing will be used at the roof edges and the interior walls will be insulated. An alternate bid will be included to determine the cost for roof insulation. Cement board will be used on the walls and standard windows with full screens have been recommended. Bids will be advertised on March 28 and 31. A preconstruction meeting will be held on April 6. The bid opening will be on April 20 and award of the contract at the April 25th Board of Supervisors Meeting. The notice to proceed should be issued around May 23. The new Carousel Building should be completed by August 16.

Cardinal Lane Options for Traffic Hazard - Mr. Myers reported that warning signs are non-regulatory type signs so that a traffic study would not be needed for the S curve on Cardinal Lane. A warning sign consideration for this area would be to post advance curve signs which could also include a recommended speed limit. Another option would be to install delineators along the curve. In-pavement reflector markers or small grooves may work along the center and the edge lines. Laminated plastic curve signs may also be placed on the street as a warning.

Chair Shermeyer informed the Board that the structure at the corner of East Canal and Cardinal Roads will be demolished in the Spring by the property owner. She also stated that there have been no reportable accidents at that intersection in the past five years according to the Northern York County Regional Police Department.

SOLICITOR'S REPORT by Atty. Charles Rausch

Donwood SARP Agreement for Phases I & IIA - Atty. Rausch reported that a request was received by KPH Donwood, LLC to arrange a payment plan for the SARP Agreements of Donwood Phases I & IIA which have a current balance of \$93,380. The request was to make monthly payments over the next two years of approximately \$4,000. A bond remains in place. Due to the economic downturn, there has been no real estate sold there for two years.

Mr. Myers added that if they would utilize the reservation, it would have to be paid at that time.

Motion by M. Love and second by C. Kann to agree with the terms set in Mr. Fink's letter of March 2, 2011. **Passed** with 5 ayes.

MANAGER'S REPORT by Laurel A. Wilson

Ordinance 2011-04 Zoning Ordinance Amendments - Supervisor Husson commented that the Zoning Ordinance has some issues which need to be addressed, but he believed that the Board should proceed with adoption and make the revisions later.

Chair Shermeyer agreed that the Zoning Ordinances are constantly changing.

Motion by M. Husson and M. Shermeyer to adopt Ordinance 2011-04 the Zoning Ordinance and Zoning Map Amendments. **Passed** with 5 ayes.

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Ordinance 2011-05 Subdivision and Land Development Ordinance Amendments - Motion by D. Hull and second by M. Husson to adopt Ordinance 2011-05 Subdivision and Land Development Ordinance Amendments. **Passed** with 5 ayes.

Ordinance 2011-06 Stormwater Management Ordinance - Mr. Myers reported that Ben Baltzer was present to give a brief overview of the stormwater ordinance. Mr. Myers reported that this ordinance was modeled after the DEP Ordinance. Also, the York County Planning Commission has an Integrated Water Resource Plan or Act 167 Plan with some additional requirements. C. S. Davidson is preparing a flow chart for the Township Staff to ease the process. This ordinance will be a complicated process for all parties involved.

Motion by M. Love and second by C. Kann to adopt Ordinance 2011-06 the Stormwater Management Ordinance. **Passed** with 3 ayes and 2 nays with opposition by M. Shermeyer and D. Hull.

Decision on Loan Final Draw-Down of Remaining \$168,443.33 for Hilton Avenue Water Project - Manager Wilson reported that the last day to draw down the loan for the Hilton Avenue Water Project is March 15, 2011. The remaining project cost is \$168,443.33.

Motion by D. Hull and second by M. Husson to authorize the final draw-down on the loan for the Hilton Avenue Water Project of \$175,000. **Passed** with 4 ayes and 1 nay with opposition by C. Kann.

Bid Award for 2011 Line Painting & Pavement Markings Contract to Alpha Space Control, Co., Inc. - Manager Wilson reported that this contract is a result of a joint bidding process with eight other York County municipalities.

Motion by D. Hull and second by M. Love to award the bid contract to Alpha Space Control for the 2011 Line Painting & Pavement Markings. **Passed** with 5 ayes.

Promotion of Duane Hull to Water Operator II Effective March 27, 2011 - **Motion** by M. Love and second by M. Husson to approve the promotion of Duane Hull to Water Operator II effective March 27, 2011. **Passed** with 4 ayes and 1 abstention by D. Hull.

Reapproval of PL07-6 Cornerstone Bible Church Final Land Development Plan - Manager Wilson reported that the time has lapsed and they are posting their security.

Motion by M. Husson and second by M. Love to reapprove PL07-6 the Cornerstone Bible Church Final Land Development Plan. **Passed** with 5 ayes.

Crone's Gas & Goodies - Manager Wilson reported that the Public Works Director asked for direction from the Board on whether the leaking gas tank at Crone's Gas & Goodies should be replaced with single or double wall tanks.

Board Consensus was to have the leaking tank at Crone's Gas & Goodies be replaced with a double wall tank.

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Open Range Lease Agreement - Manager Wilson reported that the Public Works Director has recommended that the Township not pursue the lease agreement with Open Range.

The Board was in agreement with the Public Works Director's recommendation.

OLD BUSINESS

There was nothing at this time.

COMMENTS/NEW BUSINESS FROM THE BOARD OF SUPERVISORS

Supervisor Love inquired as to whether the Dover Township Board of Supervisors would want to consider an Ordinance prohibiting protesting within a certain reasonable distance from a funeral, the funeral home, the funeral procession, and the cemetery. She suggested a distance of 5,000 feet to be reasonable. She noted that State Representative Seth Grove reported that no new state legislature was forthcoming and advised to proceed with this at the local level.

Atty. Rausch advised a similar case was challenged in Springettsbury Township with regards to the right to assembly and the ACLU became involved. He will give the Board an opinion if the Board so desires.

Board Consensus was to have the Township Solicitor research and give the Board a legal opinion on proceeding with establishing an Ordinance prohibiting protesting within a reasonable distance from a funeral, the funeral home, the funeral procession, and the cemetery.

Supervisor Husson informed the Board that more than the required number of signatures were received for the liquor referendum. It is now up to the voters to decide on May 17th.

Supervisor Hull reported that the Save Smart Store in Dover will be closing. He also questioned the purchase of the paint for the repainting of the new bathroom facilities. Previously, it had been decided by the Board that volunteers from the Greater Dover Area Historical Society would be allowed to paint the new bathroom facilities to resemble the Log House at the Dover Area Community Park.

Chair Shermeyer stated that she would pay for the paint if the Township would not supply it. The Board has the option to rescind their motion if they do not want the bathrooms painted as was previously discussed.

Board Consensus was to continue with painting the new bathroom facilities to resemble the Log House.

Chair Shermeyer requested to see all of the styles of bricks from the Glen Gery York Plant for the patio/pavement at Brookside Park.

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Supervisor Love suggested that the Township ask the Dover Area Library to post the online survey notification on their community bulletin board.

There weren't any comments from the public present.

Chair Shermeyer adjourned the meeting at 8:53 PM.

Respectfully submitted by:

Dawn D. Slegel, Township Secretary