

## MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, March 1, 2010 at 7:00 pm. Mr. Seidel was absent, the remaining Council members and Mayor were present. President Sabold called the meeting to order. A moment of silent prayer followed.

The February minutes were reviewed. Mr. Eisenhart referred to page 1, the third paragraph under Public Comment. He noted it states a motion was made to approve the 'fire company activities calendar'. Mr. Herrold suggested it could be revised to say 'fire company activities on the calendar' to clarify the statement. Mr. Herrold noted a name correction on the first page and the fourth paragraph under Public Comment. The attorney's name is Ness, not Nell. Ms. Bishop noted a correction in the last paragraph of page one. She was absent from the December meeting, not the last meeting. Mr. Eisenhart made a motion to approve the minutes as corrected. Ms. Bishop seconded the motion. Five were in favor, Mrs. Koch abstained.

Mr. Sabold stated he wanted to publicly thank the borough employees for their work during the snow storms in February. They worked long hours and did a good job keeping the streets clear. He noted the office staff was included in his thanks because additional reports and work were required on their part also. Mrs. Shirey reported the number of telephone calls thanking the Borough for the snow plowing work was the most received in the ten years she has worked for the Borough. Mayor Pope informed the Council that Police Chief Segatti told him Dover Borough's streets were kept in better condition than any of the other municipalities they serve. He asked the Mayor to pass along the thanks of the Northern Regional police officers.

## PUBLIC COMMENT

Troy Dettinger reported the fire company responded to 24 calls during February, but only two of those calls were in the Borough. A Boot Drive is planned for May 15 from 9 am to 4 pm, at the square. He also thanked the Borough employees for the excellent job they did plowing during the snow storms. He noted residents did a good job of making sure fire hydrants were shoveled in case of emergency.

The fire company activities calendar for March was reviewed. Mr. Eisenhart made a motion to approve the fire company's activities for March 2010. Mr. Dentler seconded the motion. Five were in favor, Mrs. Koch abstained.

Tax Collector Sam Herman asked the Council to create a Per Capita Tax Exoneration Form for Dover Borough. He had provided copies of the Dover Township and Dover Area School District forms for reference. Mr. Eisenhart felt the social security number, date of birth, and financial details should not be included. The Borough's exemption amount would need to be verified. Mr. Herrold offered to research the ordinance now, but suggested the Council move on to other business while he did this. The issue was temporarily tabled.

## SEWER

*Manager's Report* - Mr. Lentz reported a spare bearing for a screw pump is defective. When they pulled out the back-up bearing, it was leaking oil. It had been rebuilt in 2006 by Ross Industrial Services. It was sent to Ross, and he was not able to fix the leak. He is refunding the full cost of the rebuild. Mr. Lentz noted the screw pump assembly is not being replaced during the expansion/upgrade, so the existing one must be repaired. The cost for a new bearing assembly from Schreiber is \$3,036. Once the new one is installed, the defective one will be sent to Ross to see if it can be rebuilt to use as a back-up. Mr. Eisenhart made a motion to purchase a new bearing assembly at a cost of \$3,036. Mr. Hess seconded his motion. Five were in favor, Mrs. Koch abstained. The Building and Grounds Committee met to choose trim and roofing products for the

exterior of the new office/lab/garage building at the WWTP. The building will be cement block up to the gable ends. Gray siding was chosen for the gables. The downspout and soffit will be white. Upgraded roofing felt was chosen, as well as Storm Guard for extra roof protection in cold weather. The shingles are speckled white, gray and royal blue.

#### *Engineer's Report*

- Mr. Clark reviewed the February progress report for the wastewater treatment plant. The concrete wall for the new aeration tank was completed. He presented a change order to replace about 20 feet of fence and railing around the outfall. The ground around the posts of the existing fence have been eroded by high flows in the stream and deteriorated from age. The current fence is five feet tall. The new fence will be six feet tall; a new gate will be added at the bottom and an entry gate in the fence. The change order is a total of \$14,853. Mr. Clark realized the contractor included sales tax in the bid. He deducted the tax, which reduces the total to \$14,564.70. Mr. Eisenhart offered a motion to approve general construction change order # 1, to replace the fence at the outfall, at a cost of \$14,564.70. Mr. Dentler seconded the motion. Five were in favor, Mrs. Koch was opposed.
- Mr. Clark reviewed the summary of televising for Fairview Avenue. Gross Avenue was also televised, but the work was incomplete. Area # 1 between manholes 86 and 85 showed the total gallons per day during low ground water as 10,800 per day. Area # 2 between manholes 85 and 79 showed 88 joints, with failure in 17 joints. The cost estimate to replace the wyes and service laterals for 13 services at \$3,000 per service would be \$39,000. No action was determined.
- Mr. Clark reported Conewago Enterprises submitted a request for payment in the amount of \$138,945.60. The bill is included in the bills to be paid.

*Solicitor's Report* - Mr. Herrold had nothing to report.

*Old Business* - None.

*New Business* - None.

#### **WATER**

*Manager's Report* - Mr. Lentz reported four more blank meters were confirmed, when the quarterly readings were taken in mid February. Fifty meters were shipped from Elster. The wires to connect the meter to the TClarity transmitter were missing. Mr. Lentz spoke to Bernard Dunham, and he is shipping some to the Borough.

#### **PUBLIC COMMENT**- Cont'd

Mr. Herrold reported the per capita tax ordinance assesses a tax of \$5 per person. There is an exemption in section 143-4 of the Code of the Borough of Dover, for an individual with an annual income of less than \$5,000. Mr. Eisenhart asked if the exemption would then be \$10,000 for a married couple. Mr. Herrold responded the only exemption included is for an individual. Mr. Herrold stated he would also check the Local Tax Enabling Act to be certain the exemption amounts had not changed since the ordinance was adopted. The items to be included on the Borough's form were debated briefly. Since the due date for the tax is in April, there will not be any exemptions this year. Mr. Herman reported he normally receives about four exoneration requests for the school district each year, so he isn't expecting many for Dover Borough. Mr. Herrold would do additional research into the Local Tax Enabling Act and inform the Council of his findings. Mrs. Shirey was instructed to work on a draft form for Dover Borough. The issue was tabled until April.

#### **WATER** - Cont'd

*Engineer's Report* - Nothing to report.

*Solicitor's Report* - Nothing to report.

*Old Business* - None.

*New Business* - Mr. Sabold reported a letter was received from Aqua PA, Inc inquiring about the Borough's interest in selling the water system. The Council would like more information before considering the request. Mrs. Shirey was instructed to get additional information or ask a representative to attend a meeting to discuss what an offer would entail. The issue was tabled pending more information.

## **BOROUGH**

### *Manager's Report*

- Mr. Lentz responded to a question raised regarding a Zoning Hearing Board meeting. He was asked if letters were sent to the properties adjoining the school. He stated this is not required according to the PA Municipalities Planning Code.
- The Planning Commission is scheduled to meet on March 9 to review two plans. First, the Dover Area School District land development plan for renovations to the stadium and fields. Second, 26 South Main Street, owned by Jerry and Ellen Shaffer, for commercial use of a building at the rear of the property. There are not enough parking spaces, as required by the zoning ordinance.
- The Zoning Hearing Board is scheduled for March 16 to consider Shaffer's plan.
- During the first snow storm in February, Mr. Lentz backed into a light pole while driving the 2009 Ford truck. There is a dent in the rear bumper.
- Mr. Lentz suggested the Solid Waste ordinance should be reviewed. It has not been updated since 1975. The trash contract will expire in December, and the new contract will go out for bids in the fall. Any changes should be made prior to that.
- Mr. Lentz asked the Council to consider hiring a part-time employee. He noted warm weather maintenance work will be starting and additional help will be needed. He felt 25 hours a week would be sufficient. The person would work from 7a to 12p, Monday to Friday. This was discussed and Mr. Lentz was told to interview people and return with a recommendation at the April meeting. Mrs. Koch noted some of the money, which was budgeted for an additional person, has been used to pay the people who did snowplowing. Mr. Sabold pointed out a full-time person had been budgeted for the year, so sufficient money is available.

*Engineer's Report* - Mr. Clark had researched the C2P2 grant information Mr. Eisenhart gave him last month. He reported this would be the same grant the Borough received several years ago for Ketterman Park. He checked to see if you are allowed to file for another grant while one is still open, and this can be done. The grant application stipulates priority would be given to projects that focus on playground rehabilitation. He was also informed that funding for 2010 had been cut. The grant application deadline is April 21, so the Council will need to decide quickly on what equipment they want to add to the park. There are other requirements which need to be met prior to submitting the application. The grant would cover up to \$20,000 of equipment, and anything over that amount is a dollar for dollar match. The grant will be awarded in August. The Council suggested this should be referred to the Recreation Board, so they can make suggestions on what facilities could be added.

### *Solicitor's Report*

- Mr. Herrold reported that he had finished negotiations with the Gross family for the land along Edgeway Road. Dale Forry still had not signed and returned his documents. Mr. Forry's attorney would not give him clear answers. He also needed to confer with Poff's and Snelbaker's.
- Mr. Herrold reviewed a letter, received by the Borough, from FEMA regarding possible updates to the Floodplain Ordinance. Dave Lipinski, with Holley's office, had sent an email

to the municipalities they represent, and he is reviewing the information to determine what changes FEMA may require. Since Mr. Lipinski is doing this work, Mr. Herrold will not proceed until Mr. Lipinski determines if any changes must be made to the ordinance. He reminded the Council the ordinance must be compliant with FEMA's requirements for residents to be eligible for flood insurance.

- Mr. Lentz asked Mr. Herrold about a letter he received from York County Planning Commission (YCPC) regarding the zoning updates passed in December. Mr. Herrold explained the zoning amendments were adopted in December, before comments were received from the YCPC. He felt JMT Engineering led him to believe the YCPC comments were minor, and had been addressed. When he received comments from the YCPC, he spoke to Tina Fackler at JMT. They agreed none of the changes were major so Mr. Herrold did not feel the ordinance had to be amended.
- Mrs. Shirey provided a copy of a recent Right To Know request received from a York Dispatch reporter. It requested information such as employee's names, annual pay and benefits. Mr. Herrold verified the information requested was allowed under the law. She asked if it was acceptable to create a spreadsheet for the requested information. It would require many copies and significant redacting to provide copies of original records. He saw no reason a spreadsheet could not be created to comply with the request. If the newspaper wanted copies of original records, they would contact the Borough.
- Mr. Herrold noticed the code update information in the minutes. He recommended the Borough should check with General Code to verify there is no contract still in effect. The Council agreed with his suggestion.

*Police Report* - Mayor Pope reported calls in the Borough for February had increased by 5.41% over the same period in 2009. At the February meeting, the police commissioners voted to appoint Assistant Chief Mark Bentzel as Police Chief when Chief Segatti retires on April 20. Mrs. Koch asked the mayor if Northern Regional considered interviewing outside the department for the position. He stated because Chief Segatti recommended Assistant Chief Bentzel to succeed him, due to his experience with the department, no one else was considered. Chief Segatti was asked what differences he saw in the 40 years as Chief of Police. He replied there is a significant difference in the schools. For example, NYCRP responded to 385 calls, between Dover and Northern Area School Districts last year. This is significant considering there are only 180 school days per year. Also, since businesses started operating 24/7 there has been increased crime. Mr. Sabold thanked the mayor for taking the time to ride with the guys while they were plowing so he had an understanding of the work and the challenges they face.

*Recreation Board* - Mr. Dentler reported only a brief meeting was held in February. The egg hunt was the only business conducted.

*Ambulance Club Report* - They responded to 129 calls during February. There were 16 transport calls. There was no board meeting in February.

*Treasurer's Report* - Mrs. Shirey recommended \$148,000 should be transferred from the sewer loan to the sewer loan checking account to cover the bills for the WWTP expansion/upgrade. The annual computer maintenance contract expires this month. NCSI (NetComm Solutions, Inc.) will renew the COA (Continuous Operations Agreement) for \$2,500. This will be the third year at the same price. She had contacted two companies for alternate proposals, but they did not submit proposals. Mrs. Koch asked if this had been budgeted. Mrs. Shirey responded it was budgeted under the secretary/treasurer office expenses. Mr. Eisenhart made a motion to approve the computer maintenance contract with NCSI, at a cost of \$2,500 for the year. Ms. Bishop seconded the motion. Five were in favor. Mrs. Koch abstained. Mr. Eisenhart asked if the interest payment shown for Fulton Bank was for the most recent loan. He questioned the amount of the interest being billed less than three months from the beginning of the loan, when the other loan payments are at six month intervals. Mrs. Shirey reported the bill included the loan expenses of over \$15,000 and the first draw of \$225,000. She was instructed to contact Fulton Bank to clarify this bill. There were no changes to the bill lists. Mr. Eisenhart made a motion to pay the bills, as presented. Mr. Dentler seconded his motion. Five were in favor. Mrs. Koch abstained.

*Old Business* – The code update discussion resumed. The Council requested references should be obtained from Keystone.

*New Business*

- Mr. Sabold reminded the council members of their obligation to vote on each motion, unless there is a conflict of interest.
- Mrs. Koch called attention to the committee list, included in the Borough contact list. She suggested Brad Lentz and Janet Shirey should be designated as advisory members since they are non-voting members on the committees. Mr. Sabold noted the committees do not vote, and only provide recommendations to the Council, so no change was necessary.
- It was noted the recommendations made by the Building and Grounds Committee for the exterior finishing products for the new WWTP office/lab/garage had not been approved earlier in the meeting. Ms. Bishop made a motion to approve the recommendations for siding, soffit, fascia and roofing products for the new wastewater treatment plant office/lab/garage. Mr. Eisenhart seconded the motion, with five in favor. Mrs. Koch was opposed.
- Mrs. Koch believed the overtime issue in the employee manual should be clarified. She disagrees with part-time employees being paid overtime pay for less than 40 hours per week. Mr. Sabold stated he believes if an employee is working more than eight hours in extreme conditions, such as a snow storm, that they deserve to be paid overtime. Also, the Employee Manual states an employee will be paid time and one-half if they work more than eight (8) hours in one day or 40 hours in one week. Mrs. Koch contacted the PA Department of Labor and Industry who told her employers are only required to pay overtime for over 40 hours in one work week. Mrs. Shirey spoke with Dave Schaumann, who drafted the Employee Manual for the Borough. He stated what Mrs. Koch was told by L & I was correct; however, it is at the discretion of the employer if they have a policy to pay overtime for less than 40 hours in one week. The law was established to protect employees by mandating an employer must pay overtime for anything in excess of 40 hours in one week. Mr. Schaumann also noted policies established in the Employee Manual must be followed until the are changed. Mr. Eisenhart suggested the Personnel Committee or the Council could meet, in executive session, to debate the issue further. Mr. Sabold asked for a show of hands of anyone who felt the issue required further discussion. There was no response. The issue was dropped.

With no further business to discuss a motion to adjourn was made by Mr. Hess, with a second by Mr. Dentler. All were in favor. The meeting dismissed at 9:05 pm.

Respectfully submitted,

Janet T. Shirey  
Secretary/Treasurer