

## MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, May 3 2010 at 7:00 pm. President Sabold was absent due to a family emergency. Mrs. Koch was delayed at work. Mr. Clark was absent due to illness. The remaining council members and mayor were present. Mayor Pope called the meeting to order. A moment of silent prayer followed.

The April minutes were reviewed. Mr. Seidel asked Mr. Herrold if someone does not vote audibly is this considered acquiescing with the motion. His question arose from the minutes stating Mrs. Koch abstained. The dictionary defines abstain as “not to vote for or against a proposal when a vote is held.” Mr. Herrold reported the Ethics Law, Section 3 (j) states if a person abstains they must give the reason for the abstention. It also requires the reason for the abstention to be submitted in writing and kept as a permanent record with the minutes. He noted a person is not required to vote, although this would be contrary to carrying out their duties. Mr. Seidel recommended an announcement should be made, when everyone is present, reminding council members of the need to vote on every issue. He believed this would resolve the issue. He was informed Mr. Sabold had done this at the March meeting but Mr. Seidel had been absent from that meeting. Ms. Bishop asked if a vote could be done by raise of hands. Mr. Herrold thought this would be acceptable, but clarified this would not qualify as a roll-call vote. Mrs. Shirey asked if it could be acceptable with the Council to change it to “Mrs. Koch did not vote.” It was agreed this was the most logical solution. Anywhere it was noted “Mrs. Koch abstained”, would be changed to “Mrs. Koch did not vote.” Ms. Bishop called attention to page 3, Manager’s Report, and the eighth line. The word ‘that’ should be deleted between ‘informed’ and ‘the’. Mr. Lentz pointed out a change in the same paragraph, and the first line. It should read he ‘or’ Mr. Clark, rather than ‘and’. Mr. Seidel offered a motion to approve the minutes as corrected. Mr. Eisenhart seconded the motion, and all were in favor. Mr. Herrold suggested copies of pages 21-23 from Guide to Borough Council Meetings, the section on Voting, should be provided to all council members.

## PUBLIC COMMENT

Fire Chief Flohr reported they responded to 27 calls in April, with five of those in the Borough. They assisted with four working fires, none of which were in the Borough. They are the recipient of a \$40,000 FEMA grant, which will be used to purchase 20 new sets of turnout gear. The fire company must supply \$5,000 of this amount in matching funds. They will be selling flowers for Mother’s Day again. Spangler’s Ace Hardware asked the fire company to bring trucks to their 10<sup>th</sup> anniversary open house over Memorial Day weekend. They will offer fire prevention information. A haz-mat operations refresher course was held yesterday.

Mr. Eisenhart noted the open house at Spangler’s was not listed on the calendar of activities. This was added for May 29<sup>th</sup> and 30<sup>th</sup>. Mr. Eisenhart offered a motion to approve the activities on the May fire company calendar. Mr. Dentler seconded the motion. Chief Flohr noted a Boot Drive, scheduled for May 15 to be held at the square, was also not listed on the calendar. Mr. Eisenhart and Mr. Dentler rescinded their motions. Mr. Eisenhart made a motion to approve the activities on the May fire company calendar, as amended. Mr. Dentler seconded the motion and all were in favor.

## SEWER

*Manager’s Report* – Mr. Lentz visited Springettsbury Township to see the brush cleaning system they have for the weirs in the tanks at the WWTP. A system like this would eliminate the manual

weekly brush cleaning that the guys do currently. The estimated cost is \$60,000. He did not recommend pursuing it at this time due to the cost. Representatives from the PA DEP visited the plant to check the progress in response to the request to grant a two week extension to the completion date. Mr. Lentz presented Change Order # 2 for I. B. Abel, Inc. to move conduit at a cost of \$1,300. Mr. Eisenhart offered a motion to authorize the council president to sign the change order for I. B. Abel, Inc. Mr. Dentler seconded the motion and all were in favor.

Mr. Eisenhart asked if a letter had been sent to Dover Township requesting they investigate infiltration problems, as discussed last month. Mr. Herrold had recommended the agreement should be reviewed before a letter was sent. Mrs. Shirey found the agreement and sent it to Mr. Herrold to review. She was instructed to send the letter to Dover Township.

*Engineer's Report* - No report.

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

*Old Business* - Mr. Seidel asked if the school district had begun repairing the lateral to the Dover Intermediate School. He was reminded the quality of the televising done by the school district was poor and the Council decided to have Utility Services Group (USG) televise the line. Mr. Clark was not satisfied with the first set of tapes done by USG, and he is still reviewing the tapes from the second televising. Mr. Seidel expressed frustration at the amount of time Mr. Lentz and the engineer's office have spent on this project and the cost to the Borough.

*New Business* - Mr. Eisenhart asked about the status of the I. B. Abel employee who had the fingers on one hand crushed by an aeration arm on a tank at the WWTP. Mr. Lentz reported he is doing well, and healing more quickly than the doctor anticipated. Mr. Eisenhart asked if the Borough's workers compensation insurance would be liable for the injury. Mr. Lentz asked Mrs. Shirey to contact the Borough's insurance carrier, H. A. Thomson. She was told the employer's workers compensation insurance would be liable for the injury. Mr. Herrold did not feel this eliminated the possibility of a lawsuit by the individual.

## **WATER**

*Manager's Report* - The water main valves were exercised. Four valves required repairs. Two have been completed by H & H. The remaining two repairs have been scheduled.

*Engineer's Report* - No report.

*Solicitor's Report* - Nothing to report.

*Old Business* - None.

*New Business* - None.

## **BOROUGH**

*Manager's Report* - Mr. Lentz reported the information sign used at the square was vandalized over the weekend. He was able to repair it temporarily so it could go back at the square to inform the residents of street sweeping. He will check into the cost of replacement parts versus buying a new sign. Street sweeping started today.

Mr. Eisenhart reported Jerry Shaffer, owner of 26 South Main Street, donated some Arborvitae trees for Ketterman Park. Ms. Bishop donated some shrubs. The historical society helped with the transplanting of these items on April 24.

*Engineer's Report* – No report.

*Solicitor's Report*

- In response to a notice Mrs. Shirey received, Mr. Herrold checked into 'Red Flag' requirements to determine if the Borough would need to comply with this law. The Red Flag requirements relate to identity theft protection. Because the Borough bills for water and sewer, it qualifies under the definition of a creditor. He gave Mrs. Shirey a packet of information to help research drafting a policy.
- Mr. Herrold is waiting for a map from Site Design Concepts so he can draft the ordinance to adopt the new section of Allen Lane.
- He provided an update regarding the land adjoining Ketterman Park. Dale Forry signed the release, but four other releases still need to be signed. Mr. Eisenhart asked how soon the Borough would have ownership of the land, so DCNR will allow the grant project to proceed. Mr. Herrold explained the state wanted proof that the Borough had title to the unopened roadway. When the Declaration of Taking was filed, title for the land transferred to the Borough, as long as there are no objections. Then it is just a question of damages and getting the interested parties to accept the amount offered and sign a release form.
- He has not heard anything more from Holley's office regarding the Floodplain Ordinance updates.
- Mr. Eisenhart asked if the Borough could bill Dover Area School District for reimbursement of the engineering fees to review the high school and elementary school plans. Mr. Herrold stated he would have to research this in the Municipalities Planning Code. He will contact Mrs. Shirey with his findings.

Mrs. Koch arrived at the meeting at 8 pm.

- Mr. Seidel asked if 'no parking' could be designated for set hours on a street. Mr. Herrold stated this could be done as long as it is supported by a traffic study. Mr. Seidel explained the school district submitted a plan to expand the elementary school and the Planning Commission has serious concerns about additional traffic in the area surrounding the school, especially on Edgeway Road. Currently, some parents park on Edgeway Road to pick up their children. With an increase in the number of students at the school, he is concerned children could be struck by a car.

Mayor Pope offered to yield the floor to Vice-President Koch. She deferred to Mayor Pope continuing as moderator of the meeting.

*Police Report* – Mayor Pope reported there were 25 more calls than in the same period last year. This is an increase of 29.41%. He did a 'ride-along' with an officer during one shift in April. There will not be a commissioner's meeting in May due to the primary election.

*Ambulance Club Report* – Mr. Hess reported the issue of paramedics switching to riding in ambulances is still being debated.

*Recreation Board* – Mr. Dentler reported the tentative date for Sundaes in the Park is August 8.

*EIT Report* – Mr. Eisenhart reported the York Adams Tax Bureau (YATB) administrator, Lois Kashner, announced she is retiring at the end of the year. Legislation was introduced to eliminate weighted voting. Mr. Seidel asked Mrs. Koch if she knew if this was progressing. She did not believe it was. This will mean the school districts will maintain control of the voting at

the tax bureau. The Tax Collection Committee has not named the YATB as their collecting agent yet.

*Treasurer's Report* – Mrs. Shirey reported a bill was faxed from Mr. Herrold's office, after the bill lists were prepared. She also added an estimated amount for the water purchase bill from Dover Township. She reminded the Council additional water had been pumped from Dover Township while the water tower was empty. She estimated the bill higher than normal, at \$8,000. Mrs. Shirey updated the totals for the General and Water Fund bill lists. Mr. Seidel made a motion to transfer money from the sewer loan to the Sewer Loan Disbursement Account, in the amount of \$1,017,000 to cover the bills for the WWTP expansion/upgrade. Mr. Eisenhart seconded the motion. Five were in favor. Mrs. Koch was opposed. Mr. Eisenhart made a motion to authorize payment of the bills, as amended. Mr. Dentler seconded the motion. Five were in favor. Mrs. Koch was opposed.

Mrs. Shirey announced she had been completing the paperwork necessary to be eligible for disaster reimbursement from FEMA for a 48-hour portion of the February snowstorm. PEMA requires a resolution from the governing body designating an agent to sign the paperwork on behalf of their agency. Mr. Eisenhart made a motion to adopt Resolution 2010-02, appointing Secretary/Treasurer Janet Shirey as the agent for Dover Borough to submit and sign paperwork submitted to PEMA for this incident. Mr. Seidel seconded the motion. Five were in favor. Mrs. Koch did not vote.

*Old Business* – Ms. Bishop asked about the status of two zoning and code violations discussed last month. Mr. Eisenhart reported the issue with cars parked at 14 West Canal Street, at the garage area in the rear across the alley from his property, is much improved. Mr. Lentz reported on 89 North Main Street. The abandoned vehicle has been removed, the pool area was cleaned and they will continue to put one large item out for pick-up each week until they get rid of the extra items. Mr. Lentz stated he is also working with another property owner at 52 Mayfield Street. They had multiple abandoned vehicles in the rear of the property. There was also a significant amount of dog feces in the driveway.

*New Business* – None.

With no further business to discuss, a motion to adjourn was offered by Mr. Hess, with a second by Ms. Bishop. Five were in favor. Mrs. Koch did not vote. The meeting adjourned at 8:34 pm.

Respectfully submitted,

Janet T. Shirey  
Secretary/Treasurer