

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, June 7, 2010 at 7:00 pm. All members were present. Mr. Sabold called the meeting to order. A moment of silent prayer followed.

The May minutes were reviewed. Mr. Eisenhart called attention to page 2, and the last paragraph. It was the Recreation Board, not the historical society who assisted with planting in the park. Mr. Eisenhart suggested it should be included that Craig Gross also helped. Mr. Dentler offered a motion to approve the minutes, as corrected. Mr. Eisenhart seconded the motion. Five were in favor. Mrs. Koch was opposed.

PUBLIC COMMENT

Rodney Reed, owner of 121 South Main Street, was present to request approval of the land development plan for Affordable Auto/Cycle Sales. Mr. Reed's surveyor, Dave Hoffman, was also present to discuss the plan. Mr. Clark provided a letter from Dave Lipinski, also with Holley's office, with comments on the plan review and stormwater plan. Mr. Clark reported the stormwater plan did not pass. Mr. Lipinski had an on-site meeting with Mr. Reed and Dave Hoffman, this past Friday. The ground would not perk, so the proposed retention basin will not manage the stormwater. The solution suggested was a detention basin with a drain pipe which could run to an existing storm drain on Park Street. Mr. Reed stated he has had a conflict with the landowner, whose land the pipe would cross, and he does not believe she would agree to allow him to run the pipe across her property. Mr. Clark encouraged him to pursue this because this stormwater management could assist the adjacent property owners. Mr. Sabold asked if Drain Guard, a drainage product, would work. Mr. Clark stated he had discussed this option with Mr. Lipinski. Mr. Reed noted it was suggested he tie this drain line into a storm drain on the opposite side of Park Street, but there is a storm drain on the south side of Park Street, which would be closer. Dover Township supervisor Madelyn Shermeyer was in attendance at the meeting. She asked Mr. Hoffman if the option of using the storm drain Mr. Reed described was presented as an option to the Dover Township supervisors, when they reviewed the plan. Mr. Hoffman reported it had not been offered as an option. Mr. Hoffman discussed the easement allowing access to 121 South Main Street, through 4103 Carlisle Road (Affordable Auto Sales). Mr. Herrold noted an easement is not necessary until the property would change ownership, and Mr. Reed owns both properties. Mr. Herrold recommended the plan should include a note, to be placed on both properties, noting if either property is sold that the buyer is aware an easement is required. Mr. Sabold referred to the letter from Holley's office and noted there are five general items to be addressed, and 14 stormwater items. Mr. Hoffman stated all of these items would be addressed. In light of the number of issues to be addressed, Mr. Sabold suggested the issue should be tabled until all of the items are resolved. The alternative would be to approve the plan contingent upon the items in Mr. Lipinski's letter being addressed. Mr. Eisenhart suggested tabling the discussion until such time as the issues listed in the letter from the borough engineer's office are addressed. Mr. Herrold asked if postponing approval of the plan would give the plan 'deemed approval'. There is a 90 day time limit from the date of submittal for the governing body to approve or deny a plan. The timeline was discussed. If Mr. Reed does not grant an extension, the Borough Council would need to deny the plan, so the plan would not receive 'deemed approval'. Mr. Herrold explained to Mr. Reed that if the plan is denied he would have to begin the entire process again. Mr. Herrold drafted an extension letter during the meeting, and Mr. Reed signed it. Mr. Eisenhart made a motion to table the plan, and accept a 90 day extension from the owner, so the issues in the borough engineer's letter can be addressed. Mr. Dentler seconded the motion and all were in favor.

Keith Gabage, Director of Corporate Development with Aqua American, was present in follow up to a letter he sent inquiring if the Borough was interested in selling the water system. Aqua Pennsylvania, Inc is the division of the company working in PA. He provided a folder of background information to each of the council members, mayor and borough manager. If the Borough Council is interested in getting a purchase price quote, he would need some financial information. They evaluate the condition of the water system and what capital improvements they may have to do. Initially, Aqua Pennsylvania would adopt the existing rates for one and one-half or two years. The Borough would begin to pay for water service provided to Borough buildings and fire hydrants.

Troy Dettinger provided the fire company report. They responded to 19 calls in May, with only two of those in the Borough. They feel the website has been very beneficial in educating and providing information. He reviewed some of the statistics they gathered from the website. He thought it was of interest that people from as far away as China, Canada, Europe and Malaysia had visited the website. The fire company now requires background checks on firefighters, fire police and any active members who engage with the public. Mr. Sabold complimented the fire company for the excellent job they do, and for the effort of their members to keep their training up to date. The monthly calendar of activities was reviewed. Mrs. Shirey asked if the fire company has a Standard Operating Procedures Manual. During the recent insurance company risk management assessment they suggested the Borough should have a copy of this since the fire company is covered under the workers compensation insurance. Mr. Dettinger replied they have a guideline manual. They were advised not to make it a formal policy manual because if for some reason a procedure would vary from the written policy, it makes them vulnerable to lawsuits. In addition, procedures are being updated frequently through training so it would be difficult to keep the manual up to date. Mr. Seidel made a motion to approve the activities on the fire company calendar for the month of June. Mr. Eisenhart seconded the motion, and all were in favor.

Tax Collector Sam Herman stated he would like the Council to revise Ordinance 2001-2, which set the fees he can charge for tax certifications, bill collections and returned checks. The only increase he is seeking is for the tax certification fee. This is the fee he is allowed to charge for certifying the real estate taxes for real estate transfers. The fee is currently \$10 per certification, and he would like to increase the fee to \$15. The Council had no objection to his request. Mr. Seidel made a motion to authorize Mr. Herrold to draft an ordinance to increase the tax certification fee from \$10 to \$15. Mr. Hess seconded the motion and all were in favor. Mr. Herman reported on the status of tax collectors' lawsuit against the school district. A similar lawsuit in Berks County recently was ruled in favor of the tax collectors. When it was appealed in the PA Superior Court, the decision was overturned. The judges stated the school district can set the tax collection rate wherever they wish as long as they can justify that they can collect the taxes at that rate.

SEWER

Manager's Report - Mr. Lentz briefly discussed the possibility of installing safety barriers around the tanks at the plant. Mr. Sabold suggested a yellow stripe could be painted on the concrete walkways around the tanks. Mr. Eisenhart suggested it could be budgeted for next year. Mr. Lentz announced several representatives from Schreiber would be visiting the plant on Thursday, June 10. He reported the plant would not have water service for about one month while the new sewer and water lines are installed between South Main Street and the plant. Conewago Enterprises was going to provide a temporary water supply. Mr. Lentz discussed a change order to slope the sides of the wasting tank, to make it easier to clean. The cost would be \$7,500. This cleaning is only done about six times a year. Since this was not included in the expansion/upgrade, the Council decided to wait until the end of the current project to see if there are any funds available.

Mr. Eisenhart asked Mrs. Shermeyer if the Dover Township supervisors had discussed the letter the Council sent to them regarding infiltration in the sewer main which collects sewage from 32 Dover Township customers north of the Borough. She said they had not.

Engineer's Report

- Mr. Clark circulated some pictures showing the progress at the WWTP.
- Mr. Clark presented two requests for payment. RFP # 6 for Conewago Enterprises, Inc. in the amount of \$214,539.30. RFP # 3 for I. B. Abel, Inc. in the amount of \$52,323.60. These bills are included in the treasurer's report.
- Mr. Clark had two change orders. Change Order # 2 for Conewago Enterprises requested a 14 day extension for completion of the expansion/upgrade. (This does not include completion of the new office/lab.) The extension was approved by the PA DEP. Mr. Seidel offered a motion to approve Change Order # 2 for Conewago Enterprises requesting a 14 day extension of the construction deadline. Mr. Eisenhart seconded the motion and all were in favor. Change Order # 3, from Conewago Enterprises, was to relocate the sump pump discharge and to provide a 4 inch bypass line around the automatic valve if the automatic valve fails. The cost of the change order is \$7,513. Mr. Eisenhart made a motion to authorize the relocation of the sump pump discharge and the addition of a 4 inch line to bypass the automatic valve, at a cost of \$7,513. Mr. Seidel seconded the motion with five in favor. Mrs. Koch was opposed. Change order # 4, for Conewago Enterprises, addressed replacement of the 2 inch water line with a 4 inch water line, from Main Street to the area between the two new tanks and adding a hydrant in this area, at a cost of \$7,035. Mr. Eisenhart made a motion to this effect. Mr. Hess recalled Mr. Wallace stating this water line would be replaced during the explanation of the plan to the Council. The sewer line is directly below the water line, so replacement of this line was planned due to the likelihood of damage during replacement of the sewer line. Mr. Eisenhart rescinded his motion. Upon further discussion, Mr. Clark believed the description was not clear. The cost of the change order was minimal compared to the cost required to replace the entire line from Main Street to the plant. He believed the change order was actually to upgrade the planned two inch line to a four inch line from the border of the property, at Mill Alley and City Hall Drive, to the area between the two new tanks, including adding a hydrant. Mr. Seidel made a motion to approve Change Order # 4 to install a four inch line beginning at the property line and extending to the area between the two new tanks, and to add a hydrant subject to the engineer's office confirming the change order is not a duplicate cost. Mr. Eisenhart seconded the motion. Five were in favor. Mrs. Koch was opposed.
- Mr. Clark reviewed the Summary of Televising report he provided. (A copy will be included with the permanent record of these minutes.) 1) In the Intermediate School lateral, there are many leaking joints. Most of the line was under water. It is 129' from the manhole to where the line makes a 45° turn to the school's lateral. From there the camera was able to travel 200'. The camera was mostly under water. Mr. Clark recommended adding a manhole at the 45° degree turn. The cost estimate to replace the Borough's portion of the line, including adding a manhole, was \$19,150. The estimate for the school portion was \$17,150. He noted it would be most cost effective for the Borough and the school district if the projects are done at the same time. Mr. Eisenhart asked if this project could be delayed until the WWTP project is completed. Mr. Clark felt it could because summer is the dry season. 2) In Doovertowne Apartments, the televising did not indicate as much of a problem as suspected. They did find one lateral with a 'T', with heavy flow coming from one side of the pipe. This needs further investigation. 3) Several issues were found on Gross Avenue.

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

Old Business - None.

New Business - None.

WATER

Manager's Report - Mr. Lentz reported they found a six inch, truss cement line, during the valve repair for valve # 68 on West Canal Street, and they do not know what it is. He does not think it is a stormwater line. He planned to abandon the fire hydrant, due to the proximity of two others. The remainder of the repair will be done once school is out for the summer, due to the conflict with school traffic. Mr. Lentz reported one more blank water meter was found when reading meters for the current bills. Elster has requested additional information from Delta Engineering. They also claim they are still bench testing the meters. He is replacing the dead meters as time allows.

Engineer's Report - Mr. Clark reported Chad Kehew completed the Groundwater/4-Log Rule report for the PA DEP. The report outlines the plan to meet the requirements, and is not a report DEP approves or denies. Two wells will need additional piping to add 'contact time', and one well can have a spigot added to meet the requirements. The initial estimate to do the work was \$50,000. Mr. Clark explained he can give a more accurate estimate now that all the measurements have been done for the report. Mr. Eisenhart asked if the project could be postponed until the spring of next year to allow more time to save money for the project. Mr. Clark reported the deadline for compliance is the spring of 2011, so it could probably be postponed. He would check the exact deadline date. The issue was tabled pending a revised estimate.

Solicitor's Report - Nothing to report.

Old Business - None.

New Business - The presentation from Keith Gabage, earlier in the meeting, was discussed. Due to the fact that Mr. Gabage reported Aqua's water rates are about 50% higher than the Borough's rate, the Council did not want to pursue getting a purchase offer from them.

BOROUGH

Manager's Report - Mr. Lentz asked if he should proceed with getting quotes for a new tractor. Since this was budgeted, there was no objection. He gave an update on the zoning issues at 89 North Main Street. He feels they are making progress. He spoke to Kim Livingston, property manager for 93 North Main Street, and she is satisfied with the progress they are making. He has also been keeping watch on the property at 52 Mayfield Street. There were three abandoned vehicles, and only one of them has been moved. There are animal feces all over the driveway and there are tall weeds again. The next step would be for him to file a complaint with District Justice Shoemaker.

Mr. Lentz responded to three questions in a 4/23/2010 email from Mrs. Koch.

- Question - "Has Emig Funeral Home submitted plans to pave the parking lot next door created when he demolished the house? I believe there was an agreement by him to pave this lot in accordance with the zoning ordinance." Response - Mr. Lentz reported the plan was approved in 2006. As part of the plan, Mr. Cupp was required to install a seepage pit. Mr. Lentz spoke with him, and he decided he does not want to install a seepage pit. He is looking into alternate drainage options. Mr. Herrold referred to the Dover Borough codebook Chapter 160-48. A. (2), which states "a variance expires six months from the

date of authorization". Mr. Lentz will inform Mr. Cupp he will need to return to reapply for the variance.

- Question - "Zoning should be addressed for property owners in the Village Center regarding providing off-street parking. If it cannot be enforced, can we expand the parking passes utilized on Canal and Mayfield to include all of Main Street? Yes, I know this area was discussed at the time we adopted the parking passes, but parking situations on Main Street have become worse by residents parking 2-3 vehicles per household on the street. This is not a property dispute between neighbors . . . it is zoning enforcement." Response - Mr. Lentz reported he cannot enforce time limit parking. The police are responsible for this. Mrs. Koch stated she felt some type of parking restrictions should be instituted either with time limit parking or parking by permit. She believes property owners should not be parking multiple vehicles on the street. They should utilize off street parking. To limit this she suggested parking permits so people are limited to parking one vehicle on the street. Mrs. Shirey reported the parking permits were not set up this way. The permits are assigned to a specific vehicle so the police could enforce they were being used legitimately. Also, residents can get one permit per vehicle. This would not prohibit them from parking more than one vehicle on the street. The Council took no action on this issue.
- Question - "I have seen several properties throughout the Borough that should be notified about the property maintenance code, including several so-called garages on S. Main St." Response - Mr. Lentz is aware of this, and he will address them.

Engineer's Report - Mr. Clark reported DCNR has given permission for the grant project in Ketterman Park to proceed, since the land issue has been resolved. The project is out for bids, with bids due July 8. This project includes the basketball court, a small parking lot by the blacksmith shop, and walking paths into the new tot lot area and the basketball area.

Solicitor's Report - Mr. Herrold reported everyone had signed the agreement regarding the Edgeway Road land, except the Snelbakers. Mr. Lentz expected to have their signatures shortly. He had researched Mr. Eisenhart's question regarding billing the school district for the engineering fees associated with reviewing the high school and elementary school projects. There is nothing in the Municipalities Planning Code which prohibits it. Dover Borough's code, Section 138-75. B. (1) states the developer is responsible for the fees associated with the review of land development plans.

Police Report - Mayor Pope reported there was not a commissioners meeting in May due to the primary election. Calls were down for the month at 5.26%, but still higher for the year-to-date. Mr. Sabold thanked the mayor for presiding at the May meeting.

Ambulance Club Report - Mr. Hess reported most of the ambulance clubs are adding paramedics, as discussed previously. Due to the higher salaries for paramedics, membership dues will need to be increased. There are still some issues to be resolved.

Recreation Board Report - Mr. Dentler reported Sundaes in the Park is scheduled for August 8 from 3 to 5 pm. They will be selling ice cream, root beer floats, soda and soft pretzels. A bluegrass band will provide music. They are discussing a Night of Music in the Park for an undetermined date in September. Mr. Dentler asked if some of the flowers in front of the park sign could be moved, because they grow tall enough to block part of the sign. Mr. Lentz would check to see if the Conewago Garden Club wanted to be responsible for transplanting them.

Treasurer's Report - Mrs. Shirey reported the annual donations for the Dover Area Ambulance Club, Conewago Garden Club, and Dover Area Community Library were included on the bill lists. Mrs. Shirey called attention to the quote for the computer server, provided by NetComm Solutions. The revised quote was reviewed, and it was about \$3,000 more than what was

budgeted. The Council elected to postpone the purchase, and revisit it in September. The tractor will likely be purchased by then, and they will know if there is enough unused money available in the Capital Equipment budget. Mr. Eisenhart made a motion to transfer \$290,700 from the sewer loan to the Sewer Loan Disbursement account to cover the bills. Mr. Seidel seconded the motion. Five were in favor. Mrs. Koch was opposed. Mr. Eisenhart made a motion to pay the bills, as presented. Mr. Dentler seconded the motion. Five were in favor. Mrs. Koch was opposed.

Old Business – Mrs. Shirey offered a Red Flags Rule Policy for approval by the council. Last month Mr. Herrold provided Mrs. Shirey with the information to draft a Red Flags Rule policy for the office. This policy is required by the Federal Trade Commission to establish rules to help prevent identity theft. The governing body is required to approve the policy. The Council had reviewed copies of the policy prior to the meeting. The FTC website had a template, which she used to draft a policy for the Borough. Based on the questionnaire the Borough is at low risk for identity theft. Mrs. Shirey reported the policy would be reviewed annually. Mr. Seidel offered a motion to approve the Dover Borough Red Flags Rule policy. Mr. Dentler seconded the motion, and it carried.

New Business – Mrs. Koch stated she wanted to discuss a letter sent to the Dover Township supervisors regarding the Royal Farms store opening. She felt the letter contained misinformation. She also did not believe it should have been sent from Dover Borough Council, when the other council members had not been consulted. Mr. Sabold apologized for this, and in retrospect felt it should not have been sent from the Council. Since the incident occurred in between meetings, and the mayor was told the supervisors were upset, Mr. Sabold was concerned about waiting until the June meeting to address it. Mrs. Koch stated Dover Borough's mayor performing the ribbon cutting was a breach of protocol. The mayor should have declined so a township supervisor could be invited. The consensus of the Council was that they supported the mayor's decision to accept or decline any invitation. It was Royal Farms' decision to ask a mayor to perform the ribbon cutting, and it was a community event. Mr. Eisenhart pointed out Mrs. Shermeyer had been present and she did not bring it up. He believed since there was no official contact from the Township this indicated the Township did not consider it an issue. Mayor Pope expressed regret that his actions caused a problem between the municipalities. He was also concerned whether he should perform three weddings he was to officiate in Dover Township in the next several months. Mr. Seidel stated he felt the mayor should feel free to accept any invitation which is within the scope of his duties.

Mr. Sabold announced an invitation to the York County Boroughs Association annual dinner meeting/picnic, which will be held at Lake Redman on Thursday, June 24. The cost is \$12 per person. Anyone who wants to attend should contact Mrs. Shirey to make reservations.

A motion to adjourn was offered by Mr. Hess, with a second by Mr. Dentler. All were in favor. The meeting adjourned at 9:49 pm.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer