

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, September 13, 2010 at 7:00 pm. Mr. Hess was absent. The remaining council members and mayor were present. President Sabold called the meeting to order. A moment of silent prayer followed.

The August minutes were reviewed. Mr. Eisenhart called attention to page three, third paragraph and the 17th line. He suggested the wording should be "a reduction of *inflow*". Mr. Seidel offered a motion to approve the minutes, as corrected. Mr. Eisenhart seconded the motion and all were in favor.

PUBLIC COMMENT

George Harlacher, 4 Willow Run Road, was present to discuss the unopened ally at the rear of his property. There is stream in this area and it is blocked by sediment. The pooling of water has caused a 6 - 8' sinkhole. Mr. Lentz stated it will need to be dredged to remove sediment to correct the problem. The York County Conservation District will need to be consulted first. Mr. Lentz also suggests a geo-textile product should be added to help prevent erosion.

Jeff Shyk, with Kurowski and Wilson Engineers, represented Dianne Whitten and Robert & Linda Woodrow. They received conditional approval last month for a simple subdivision plan for a land swap to straighten their respective property lines. Mr. Shyk informed the Council their comments had been addressed and he was returning to request the Council's signatures on the plan. Mr. Shyk did not have the Mylar copies, but they will be provided later. The Council signed the plan. Mr. Shyk thanked the Council for their time.

Troy Dettinger reported the fire company responded to 17 calls in August, with only three of those in the borough. There was no fire loss. They had great weather for the fireman's fair. The 3rd annual car show and a yard sale are scheduled for October 2. The annual Halloween Parade is October 3. Fire Prevention Week is the week of October 3, with their open house on Wednesday the 6th. The September and October activity calendars were reviewed. Mr. Seidel offered a motion to approve the activities on the September and October fire company calendars. Mr. Dentler seconded the motion and the motion carried. Mr. Sabold thanked the fire company for all the work their members put in to the fireman's fair every year. Mr. Dettinger recognized the ladies auxiliary for putting in long hours during the fair.

Jeff Shyk, with Kurowski and Wilson Engineers, presented the Preliminary/Final Land Development Plan for Dover Elementary School. He proceeded to review the comments from Holley's office in order. (A copy of this letter will be included with the permanent record of these minutes.

Subdivision and Land Development Ordinance:

1. Will be provided before the plan is recorded.
2. This was done.
3. This is still in process.
4. The traffic impact study is still being revised. The Highway Occupancy Permit cannot be submitted until this has been approved.
5. The Borough needs to approve the driveway access on Edgeway Road.
6. This is up to the Borough.
7. This will be done.
8. Street lights will be added to the Land Development Plan.
9. Mr. Dettinger reported Chief Flohr was reviewing the plans.
10. Some clarification from the Borough engineer's office is needed.

11. This will be addressed. Mr. Seidel recommended a hedge to block the reflection of car lights exiting the parking on, from after hours activities, to adjacent houses.
12. This has not been received from Penn DOT yet.
13. A masonry screen is planned.
14. Will be corrected.

General Comments:

1. This will be changed.
2. The note will be modified.
3. This will be addressed.
4. The engineer feels there are inconsistencies. This will be corrected.
5. This will be done.
6. This will be done.

Stormwater Management Ordinance:

1. A minor clarification will be made as requested.
2. This will be researched.
3. Mr. Shyk believed this had been moved out of the easement. The location will be corrected to certain it is consistent on all plan sheets.
4. This is a Dover Township sewer right-of-way. They will obtain written permission from Dover Township as requested.

York County Planning Commission Review Comments:

1. This will be addressed.

York County Planning Commission Transportation Comments:

1. The Borough will need to inform the school district of their wishes.
2. Clarification of this item will be requested from the YCPC. It appears the comment relates to extending the sidewalk farther.
3. The intent of this comment is unclear. Queuing of the buses would be an internal decision for the school district. The intent of the comment will need to be clarified.
4. These drawings have been submitted to the borough engineer's office.

Mr. Sabold asked if the existing steps entering the rear of the school property, from the end of Oakwood Drive, will be addressed in this plan. He asked if this could be reconfigured to become a gentle slope walkway and eliminate the existing steps. Mr. Shyk stated it was not possible to do this without significantly increasing the space this utilizes. Currently there is 3 ½ feet of grade change in 5 feet with the steps. Making this into a ramp would require 60 feet of space to make it handicapped accessible. Mr. Seidel asked if a switchback ramp would use less space. Mr. Shyk estimated this would add a significant cost. The current soft surface play area is being reworked so it is accessible. The planned change of grade would cause a second set of switchback ramps for access to the lower grade.

The time limit restriction from the submission of the plan was discussed. Mr. Herrold suggested the school district submit a letter giving the Borough a 90-day extension. A handwritten letter was submitted by Mr. Shyk.

SEWER

Manager's Report

- Mr. Eisenhart complimented Mr. Lentz on a cost savings of over \$6,800 accomplished by the Borough employees cleaning the bypass tank rather than Kline's. Mrs. Koch asked about the reasoning behind a joint letter being sent by Dover Borough and Dover Township to Township residents on the Borough's sewer system, as mentioned in Mr.

Lentz's report. Mr. Lentz explained these property owner's live in Dover Township, but discharge their sewage into Dover Borough's sewer system. Laurel Wilson, Dover Township's manager, suggested the joint letter since the repairs are being requested by the Borough as a result of the Consent Order and Agreement with the PA DEP.

- Mr. Lentz reported the Schreiber tanks were previously referred to as the east and west tanks. Now there are three tanks. The tanks will now be called tanks 1, 2 and 3. Tank 1 is the one closest to the control building, with number 2 and 3 in order as you move east, to the newest tank.
- The bearing and housing in the return screw is in bad shape. Part of it has rusted away. A new bearing was installed months ago, but it is misaligned. Mr. Lentz had not restarted it because the lower bearing support on the end of the return screw is bent, and this would ruin the bearing, which cost about \$3,000. The estimate to replace the bent housing is \$1,536, plus the cost of freight. To replace the entire screw pump would be \$32,900. There are two of them, and both should be replaced within the next three to four years. The Council debated this and decided the screw pump replacements should be placed on the 5-Year Capital Budget, but the repair should be done now. Mr. Lentz noted this repair is the only thing keeping the plant from running at full capacity. Mr. Seidel made a motion to purchase the tube pump lower bearing support at a cost of \$1,536, plus the cost of freight. Mr. Eisenhart offered a second the motion, and all were in favor.
- The pipes in the remaining sand bed are clogged. The cost estimate from Conewago Enterprises was \$56,704. Mr. Lentz thought this was too high. Mr. Sabold questioned why the repair or replacement of the sand bed was not included as part of the expansion plan. Mr. Lentz noted when the plant expansion/upgrade was in the design phase he and Duane made a list of items to be considered to Tom Wallace. Unfortunately, Mr. Wallace was then out of the office for a medical emergency. Mr. Wallace told him the list would be handled by Dennis Sarpen. Later Mr. Lentz was told the list would be addressed as the project progressed. He feels these change orders could have been part of the original project, rather than change orders. The Council discussed this bid and agreed additional bids should be obtained rather than doing this as a change order.
- There is a man-gate in the fence at the rear corner of the property which goes to the sewer right-of-way on the west side of Cranbrook Acres. Mr. Lentz had a suggestion for a more efficient way to relocate a gate to allow easier access with equipment. The estimated cost for Security Fence to relocate a 10-foot wide gate and a 20-foot wide gate, including labor and materials was \$995. After some discussion, the decision was made to eliminate the 20-foot gate. Mr. Seidel made a motion to expend up to \$500 to move a 10-foot wide gate, including the cost of new hardware. Mr. Eisenhart seconded the motion and it carried.
- The Township televised the sewer lateral at 106 Maplewood Drive. This determined there are roots in a portion of the lateral. Repairing it is their responsibility.

Engineer's Report

- Mr. Clark provided a worksheet showing the cost of the work completed, for the wastewater treatment plan expansion/upgrade. The total paid for construction mechanical and professional services, through August 2010, was \$3,007,287.16.
- Mr. Clark presented Change Order # 9 for Conewago Enterprises. This was to replace the existing check and gate valves at the Delwood Pump Station. Mr. Seidel made a motion to approve Change Order # 9 for Conewago Enterprises at a cost of \$2,079. Mr. Eisenhart seconded the motion. Five were in favor. Mrs. Koch was opposed.
- Mr. Clark presented Change Order # 10 to replace the screen chamber and upgrade the motor at the Delwood Pump Station, at a cost of \$2,983. Mr. Seidel presented the motion to approve Change Order # 10 for Conewago Enterprises at a cost of \$2,983. Mr. Eisenhart seconded his motion. Five were in favor. Mrs. Koch was opposed.

- Mr. Clark presented Change Order # 3 for I. B. Abel to provide additional conduit and wiring for auxiliary controls in the screen chamber. Mr. Seidel made a motion to approve Change Order # 3 for I. B. Abel at a cost of \$6,447. Mr. Eisenhart seconded the motion. Five were in favor. Mrs. Koch was opposed.
- Mr. Seidel questioned if the Borough needed to absorb the additional costs for change orders which are the result of design flaws. He felt the designer of the plan should have to reimburse the Borough for some of the cost if these issues should have been addressed in the plan design. Mr. Eisenhart noted you must be able to prove negligence, and the legal costs would probably far outweigh the cost of the change orders. Mr. Herrold suggested the engineer's office pull together all the facts and then they can schedule a meeting with Mr. Lentz and Paragon Electrical.
- Mr. Clark provided a list of major sewer projects performed between 1994 and 2000. This documentation more than meets the \$50,000 in I & I work specified in the sewer agreement with Dover Township.
- Mr. Clark reported the letter be sent to Dover Township residents, mentioned in the manager's report, will give property owners 90 days to repair their laterals.

Mr. Eisenhart requested a letter be sent to Dover Township in response to the letter from Laurel Wilson, dated June 30, 2010. That letter stated - "The agreement entered into in 1994 seems to place the responsibility for inflow and infiltration work on the Borough, not the Township." The Council disagrees with this. The issue of sending a letter was debated. Mr. Clark suggested the televising should be repeated in wet weather so I & I can be documented. Mrs. Koch noted Mr. Lentz appears to be working through this issue with Ms. Wilson. Since he seems to be making progress, sending a letter from the solicitor could be inflammatory. Mr. Herrold suggested he not get involved unless the Township refuses to proceed.

- Mr. Clark reported Conewago Contractors requested a Partial Substantial Completion Report. Language is included stipulating a Completion Report is still required. A list of the items to be completed will be included with the report. Mr. Lentz noted this report documents that the overflow line from the bypass tank was abandoned and has been removed, so the plant is no longer able to bypass. All flow can be processed through the main plant. Mr. Eisenhart made a motion to authorize the Council President to sign the Partial Substantial Completion Report for the wastewater treatment plant, based on the advice of the engineer. Mr. Seidel seconded the motion, and it carried.
- Mr. Clark reported a letter was sent to Dover Area School District Administrator, Dr. Robert Krantz, dated August 23, 2010. It requested a meeting to discuss the I & I problems with the sewer lateral at Dover Intermediate School. Mr. Seidel, Dr. Krantz, Mr. Clark and Mr. Lentz would be meeting next week.

Solicitor's Report - Nothing to report.

Old Business - Nothing to report.

New Business - Mr. Eisenhart reported Dover Township currently pays the Borough about \$4,000 per quarter for 32 Township properties on the Borough sewer system, which equates to about \$123 per household. He stated if you refer to the way the borough bills their residents for 11,000 gallons of usage, it costs Borough residents \$160. He feels the rate charged to Township residents should be equal to what Borough residents pay. He wants the Council to consider increasing the rate Dover Township pays the Borough for these customers. Mr. Herrold referred to the 1985 sewer agreement, which states "The Township agrees to compensate the Borough in an amount equal to the cost of the treatment at the Borough treatment plant plus an appropriate apportionment of all other capital expenditures based upon an equivalent dwelling unit rated at 300 gallons per day per household". The issue was debated, and Mr. Herrold suggested the engineer's office should research a rate increase for Township customers.

The sewer lateral under the new football field at the high school was crushed during construction. The plan called for this line to be replaced, but Kinsley only repaired it. Mr. Lentz reported John Hertzog, from Holley's office, put the contractor on notice that this is not what was specified in the plan. It was noted, Warfel Construction was awarded the contract, and they subcontracted the project to Kinsley. Mr. Clark was informed Warfel does not plan to replace the line. Mr. Clark was instructed to check with Mr. Hertzog to see what will be done if they refuse to repair the line.

WATER

Manager's Report - Mr. Lentz reported Well # 4 is off-line due to some complaints of an odor from the water. It will not be put back in service until the cause is found. More comprehensive testing is being done to determine the origin and cause. Trichlorethylene was found in one of the tests . This can be a byproduct of gasoline. This is the well behind Rutter's Farm Store, and there are underground gasoline storage tanks.

Engineer's Report - Mr. Clark reviewed the bid tabulation for the Groundwater Rule Improvement Project to be done at well #'s 4 and 5. DeTraglia Excavating, Inc. submitted the low bid, at a cost of \$41,655. Mr. Sabold suggested the award of the bid should be tabled until the October meeting, pending findings on well # 4. If the well is contaminated and will need to be abandoned the project would only be required for one well. Mr. Eisenhart asked if all the bids would need to be rejected and the project advertised for bids again, or if the contractor could perform the work on only one well. Mr. Clark said since the bids include unit prices the project could be done from this bid. Mr. Seidel offered a motion to table the bids for the Groundwater Rule Improvement Project until the October 4 meeting. Mr. Dentler seconded the motion and all were in favor. Mr. Clark reported the modification to make well # 6 compliant, with this new rule, will be to add a yard hydrant inside the fence at the well house. This was not included in the other bid specs because he feels it could be done less expensively as a separate job.

Solicitor's Report - Nothing to report.

Old Business - Nothing to report.

New Business - Mr. Herrold reported he is researching information Mrs. Shirey sent him from a PSAB Update article titled *Red Flag Rules, Fair Credit Act and Post Card Billings*. A law which may prohibit billing this way due to privacy laws was discovered. The Borough uses postcard type bills for the water, sewer and trash billing. He needs to research this further and will report his findings to Mrs. Shirey.

BOROUGH

Manager's Report - As a result of heavy rains, on August 12 a portion of the basement wall at 58 Amberview Drive caved in. Mr. Lentz and Fire Chief Flohr posted notices condemning the property because it was not safe to inhabit the home. Mr. Lentz reported he did contact Mr. Herrold to clarify the proper procedure to do this. When placing the order for the new tractor, Mr. Lentz discovered the mounting portion for the plow was not one which would allow quick changes back and forth between the bucket and the plow. He felt this was very important, and could save time when frequently switching back and forth during snow events. York Tractor suggested a Curtis plow, which would be compatible with the Kubota tractor. The revised price for the tractor, including a strobe light and the Curtis plow would be \$37,193.53. The original quote was \$36,200. Mr. Sabold asked for clarification of the connecting mechanism. He uses a Kubota tractor with a plow at his job and does not feel the changeover is difficult. Mr. Lentz would verify this before making the purchase. Mr. Seidel made a motion to approve the

purchase of the Kubota tractor plus the additional expenditure of a Curtis plow, and strobe light for a total of \$37,193.53. Mr. Dentler seconded the motion and all were in favor.

Engineer's Report - Mr. Clark presented a recommendation of payment for Fitz and Smith for the basketball court installation at Ketterman Park, in the amount of \$27,880.85. This bill is included in the treasurer's bills. A chestnut tree was damaged by a piece of equipment during their work in the park. This tree had been donated by Gayle Heagy. Mr. Clark spoke to Ely and Associates, and the tree will be replaced if needed.

Solicitor's Report - Mr. Herrold revised the Heagy easement agreement for work to be done at well # 5, which is located in their rear yard. He spoke with Heagy's attorney to discuss the modifications they requested.

Mrs. Shirey asked Mr. Herrold who would preside at a planning commission meeting in the absence of the chairman. At the last meeting, Mr. Seidel was absent due an emergency and neither Mr. Smith nor Mr. Strausbaugh wanted to preside. They asked Mr. Lentz to chair the meeting. Mr. Herrold stated a vice-chairman should be elected, and would preside in this situation.

Mrs. Shirey asked Mr. Herrold and Mr. Clark about the proper procedure for having a bid opening outside of a Council meeting. Bid openings have traditionally been done during the meetings, but this does not allow the Council members to review a bid tabulation sheet before making a decision. Mr. Herrold and Mr. Clark verbally reviewed the procedure. She then asked if the Council would like to have the mowing and trash contract bids due prior to the next meeting so they can have a the bid tabulation ahead of time. The Council was in favor of this.

Mr. Herrold reported he had not had time to review the information regarding Act 44, which involves changes in municipal pension system reporting requirements. He needs to research this further and will report his findings to Mrs. Shirey.

Mr. Lentz asked about the status of the adoption of Allen Lane. Mr. Herrold stated he is waiting on additional information from York Habitat For Humanity before he can proceed.

George Harlacher interjected a complaint about the cars parking along Butter Road, on the south side. He reported someone driving in the east bound lane needs to move into the opposite lane so they don't hit parked cars. It was noted the parking lot had very few cars in it. Mr. Sabold reported some vehicles are also driving through the newly paved area by the blacksmith shop and driving along the edge of the park property to get closer to the baseball fields. No action was taken.

Police Report - There were 11 less calls this year in August, compared to the same period last year. Mayor Pope will be asked to vote on the 2011 police budget at the next commissioner's meeting. The budget includes a 3.32% increase. He asked how the Council wanted him to on the budget. There were no objections to the budget from the Council, and the mayor could vote in favor of it. The Mayor noted the Borough receives about two hours of time per shift from the police.

Ambulance Club Report - The monthly reported were reviewed, but there was no other report in Mr. Hess's absence.

Recreation Board Report

- Mr. Dentler reported they received a request from a Lacrosse group to use fields at the park. There were no objections, but it was suggested that they should coordinate with

the Dover Youth Athletic Association since their baseball and soccer teams also use these fields.

- Approximately 250 people attended Sundaes in the Park. The total income from the money collected, after expenses, was \$1.31. Mrs. Koch asked if an invoice or contract was received from the band, and neither had been received. She felt documentation was important to back up checks written from Borough accounts. Mr. Dentler would remind Mr. Gross of this request.
- Shawn Query is resigning as a member of the board, but he has not submitted a letter of resignation yet. Several replacements have been suggested. Mr. Dentler will submit their names for approval once Shawn resigns.
- The tree lighting ceremony is scheduled for November 26. They are searching for another choir to provide music. Someone is also needed to be Santa Claus.
- The Board is planning a National Night Out for next year.
- The Halloween Parade is October 3. Three judges from the Borough are requested. Brad Lentz, Mayor Pope and Mrs. Koch volunteered.

Treasurer's Report - There were no changes to the bill lists. Mr. Eisenhart offered a motion to transfer \$220,219 from the sewer loan to cover the cost of bills this month. Mr. Dentler seconded the motion. Five were in favor. Mrs. Koch was opposed. Mr. Eisenhart made a motion to approve payments of the bills, as presented. Mr. Dentler seconded, with five in favor. Mrs. Koch was opposed. Mrs. Shirey reported the Borough has paid approximately 18,000 in engineering review fees for Dover Area School District and a little over \$3,000 for Affordable Auto Sales review fees. She will check with Holley's office to verify if this is all the invoices for Affordable Auto Sales for the initial plan reviews, and if so she will bill them. A CD matured after the August meeting, and the Council reviewed CD rates. Some of these funds were used to pay for new facilities in Ketterman Park., so they could not reinvest the same amount at this time. They will receive grant money to reimburse them and will consider reinvesting the money at that time.

Old Business - The mowing and trash contracts will be advertised for bids this week. No changes were suggested for the mowing contract. Ms. Bishop reported the Solid Waste Committee recommends the trash contract be bid two ways. First to advertise for no change in the current services, which is: Six bag limit, twice a week collection June - Sept, recycling and bulk item once a week. And one alternate bid to reduce limit to four bags, and continue twice a week collection June - Sept, and recycling and bulk item once a week. Mrs. Koch suggested the Council should consider adding yard waste collection to the contract. The pros and cons of adding this service was debated. Of the 36 municipalities Penn Waste serves, only six offer yard waste collection. Since information on the possible cost and the options was not available, they chose not to add this service to the contract bids pending additional research. Also, since the existing contract is in its fourth year, and the percentage of possible increase is unknown, it was suggested that the contract may only be awarded for one year and yard waste could be added for 2012. Mrs. Koch had inquired about the possibility of requiring residents to use 'toters' supplied by the waste hauler. Ms. Bishop investigated this and reported it will not be pursued at this time. A trash truck with a special arm is required by the trash company to dump the toter in the back of the truck. Mr. Sabold and Ms. Bishop suggested the Borough should hold a recycling forum/discussion meeting, as well as, provide mailings encouraging people to recycle more. The byproduct of increased recycling is less tonnage the contractor has to remove. Decreased tonnage should affect the trash contract bids.

Mr. Eisenhart asked when the macadam sidewalks, on North Main Street, will be replaced. Mrs. Shirey reported the Borough had applied for a block grant, but the Borough did not receive any money in the initial round. If there is money left over from other projects the Borough is on a waiting list. Mr. Eisenhart suggested the replacement of the macadam with cement for these sidewalks should be budgeted for next year.

Mrs. Koch asked to discuss ongoing parking problems on South Main Street. She referred to Dover Borough's code section 160-11 B., which states each property is to provide two off street parking spaces per residential dwelling. One of her neighbor's consistently parks three vehicles on the street. She does not have the option of parking in front of her house due to the number of cars her neighbor's park on the street. The issue was debated. Mrs. Shirey was instructed to contact Mr. Herrold and ask him to research the zoning code to see if anything can be done using the existing ordinances, or if implementing permit parking (including limiting the number of permits) is allowed on a state road.

Mrs. Koch asked if the new copier can be used as a fax machine. She asked in reference to the bill to repair a cable for the copier which was damaged when the fax machine damaged the network cable. Mrs. Shirey reported an additional module is available for the copier. Nothing would be done at this time.

New Business

- Budget meeting dates were discussed for the 2011 budget. November 15 and 16 at 6:30 pm were chosen. The Personnel Committee was reminded they will need to meet prior to the budget meetings to discuss recommendations for raises and recommendations for employee insurance. Since the Personnel Committee will need to know the total amount the Council wishes to budget for health insurance, it was decided an executive session will be held at 6:30 pm, before the October meeting, to discuss this.
- The York County Boroughs Association quarterly meeting will be held on Thursday, September 23 at the Wellsville Fire Company. Reservations should be made by contacting Mrs. Shirey.
- Mrs. Koch suggested the Borough should establish a written policy for delinquent utility billing accounts. Mrs. Shirey was instructed to check with PSAB and John Herrold about this. She will also check with other municipalities to get copies of other policies
- Ms. Bishop asked if Mr. Lentz had sent any zoning or code violation notices to 206 Maplewood Drive. Mr. Lentz was working with Mr. Anderson.
- Mr. Lentz suggested a newsletter should be sent before the onset of cold weather to remind people of the requirement to shovel snow, and about snow emergencies.

Mr. Eisenhart offered a motion to adjourn. Ms. Bishop seconded the motion. The meeting adjourned at 11:16 pm.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer