

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, October 4, 2010 at 7:00 pm. Mr. Sabold was absent. The remaining council members and mayor were present. Vice-President Koch called the meeting to order at 7:05 pm. A moment of silent prayer was observed.

The September minutes were reviewed. The following changes were requested: 1) Page 7, under the Treasurer's Report, in the fourth line. Mrs. Koch asked that the minutes reflect that she was opposed to payment of the bills. 2) Page 6, under the Engineer's Report, in the fourth line. Mr. Clark stated it was Ely and Associates, not Fitz and Smith who would replace the tree. 3) Page 1, first paragraph under Public Comment, and the end of the second sentence. The word 'is' should be changed to 'has', 4) Page 8, in the fourth line, in the first paragraph, and the first sentence. The word 'does' should be added after 'she'. Mr. Seidel made a motion to accept the minutes, as corrected. Ms. Bishop seconded the motion and all were in favor.

PUBLIC COMMENT

Jeff Shyk and Mark Kurowski, with Kurowski and Wilson Engineers, and Dave Nelson, Director of Building and Grounds for DASD, were present to discuss a sewer lateral which was to have been replaced as part of the stadium renovation project at the high school. Mr. Eisenhart stated the plan submitted, and approved by the Borough Council, showed a section of sewer lateral and a manhole, which is under the bleachers, was to be eliminated. An existing lateral was to be replaced with PVC pipe, which was terra cotta, and would take over this flow. Mr. Nelson stated the existing line was inspected prior to construction, and they felt the line was in excellent condition, so they opted not to eliminate the old line, or replace the existing line. Mr. Eisenhart asked why they made a decision to alter the approved plan without approval. Mr. Nelson stated the school district did not view this as a requirement, but rather an option. It was noted the existing terra cotta line, which runs under the field, was crushed during construction, and rather than replacing it the contractor slip-lined it to repair the damaged area. Mr. Kurowski stated he understood it is the responsibility of the school district to repair the sewer lateral if there are any breaks in the future, so he believed replacement or repair was at the discretion of the school district. Mr. Eisenhart reiterated the school district received approval for a plan from the Borough Council, and the approved plan is to be followed unless changes are authorized. Mr. Kurowski stated he would need to check with legal counsel to verify this. Mr. Herrold stated he was not familiar with the specifics of the situation, but typically a plan is to be followed in accordance with the approved plan. He would have to do research to determine if there are exceptions. Mr. Eisenhart asked Mr. Herrold if the Borough had the option of pulling the bond for the project to force the school district to replace the line, as specified in the plan. Mr. Herrold stated he would not give further advice without researching the situation further. Mr. Seidel made a motion to authorize the solicitor to investigate the ramifications of the school district deviating from the approved plan to renovate the high school stadium. Mr. Eisenhart seconded the motion, and the motion carried.

Mr. Kurowski asked to address the elementary school plan. Mr. Clark reported the engineer's office had just received updated drawings tonight. Mrs. Shirey reported the engineer's office sent an email today stating K & W had been informed they were not ready to return to the Council yet, due to the number of items still to be addressed. Mr. Kurowski asked if the Council would give conditional approval, contingent upon the comments being addressed, because there would be no significant changes to the plan itself from the comments. The school district hoped to have the plan out for bids in November, and they needed to keep moving forward for this to happen. Mr. Eisenhart noted the Council would not sign the plan until all of the conditions are

met, and the plan cannot go out for bids until the plan is approved, so conditional approval would not allow them to move forward. The issue was tabled.

Chief Flohr provided the fire company report. They responded to 24 calls during September, with only six of those calls in the Borough. The annual carnival was a big success, and the car show also went well. There were 128 cars on display. He thanked Mr. Lentz and Mayor Pope for acting as judges for the Halloween Parade. This is Fire Prevention Week, and they will host their annual open house on Wednesday. There will be free food and activities for children. Stat Medivac helicopter is to be on site. Officer Dorothy from Northern Regional Police will be there also. They will be providing information on home sprinkler systems. He added two items to the October calendar. On 10/16, they will provide standby service for Felton Fire Company during a banquet. On 10/17, they may take part in the Manchester/Mt Wolf Halloween Parade. They would be paid \$25 per piece of equipment, which covers their fuel cost. On 10/23 they will be offering a Fire Prevention program at Spangler's Ace Hardware. The York County Fire School has begun to charge a \$200 fee to join. Chief Flohr and Deputy Chief, Tom Strine, met with Andy Wallace and Glen Jansen from Dover Township's Fire Company. He felt the meeting was productive and hopefully will resolve some issues. Mr. Seidel offered a motion to approve changes to the October fire company activities calendar. Mr. Dentler seconded the motion, and it carried.

TRASH BIDS

The bid opening for trash bids was held on September 30. Penn Waste was the only bidder. The bid results are as follows:

Contract – No change (Six bag weekly limit, twice a week collection June – Sept, recycling and bulk item once a week)

1 Year - \$115,713

3 Year - \$382,777 (\$127,592.33 per year)

Contract – Alternate Bid (Decrease to 4 bag weekly limit, twice a week June – Sept, recycling and bulk item once a week)

1 Year - \$114,713

3 Year – 379,777 (\$126,592.33 per year)

Mrs. Koch was concerned that there was only one bid, so there were no other prices to compare. Also, the bidders only had 10 days to respond. Ed Ward, Contract Manager for Penn Waste, was present and asked to comment. He reported there are only three trash haulers who work in this area - Penn Waste, Waste Management and York Waste Disposal. The only other hauler to request bid specs was York Waste Disposal, and they did not submit a bid. He does not think re-advertising for bids, or for a longer period of time will generate any additional bidders. Mr. Eisenhart made a motion to accept the one year contract price, with no change in the service, from Penn Waste, at a cost of \$115,713. Mr. Seidel seconded the motion and all were in favor. It was noted that this price will allow the annual cost charged to Borough customers to remain the same. Mr. Ward asked if the new contract would still include the option to extend the contract for an additional one or two year term. It was confirmed the contract will have the option for the Borough and waste hauler to agree to extend the term of the contract for an additional one or two-year term with no change in the contract price.

Mr. Ward offered to provide information regarding yard waste service, in response to the Council's interest. He reported some municipalities are required to provide curbside yard waste collection, twice a year, based on their size. He stated yard waste collection does not include grass clippings, and yard waste facilities do not accept grass clippings. Yard waste is limited to

vegetation, plants, and wood waste. Of the municipalities Penn Waste serves, most are providing yard waste services on a monthly basis from April to October. Mrs. Koch does not feel residents should be allowed to place grass clippings out for trash collection, due to the weight. She suggested people should be encouraged to use a mulching mower to eliminate the need to dispose of grass clippings. Mr. Ward noted some municipal solid waste ordinances do not allow grass clippings to be put in the trash.

Mr. Ward thanked the Council for the opportunity for Penn Waste to continue to serve Dover Borough. Mr. Lentz complimented Penn Waste's route supervisor, Andy Raffensberger. He told Mr. Ward that Andy is very easy to work with, and has been very helpful.

MOWING BIDS

Nicky Stine, one of the owners of Clippers Lawn and Landscape, asked to address the Council regarding the mowing bids. She reported they did not see the advertisement for bids, and found out only two hours before the bids were due. Also, their service to the Borough has included more than just the mowing. They have provided mulch and the labor to spread it in Ketterman Park and at the Borough office, free of charge. They have also donated trees. Her husband is experiencing some health issues currently and they would really appreciate being able to keep this contract. Mr. Herrold explained the law pertaining to bids requires the Council to accept the lowest responsible bid. The Council cannot deviate from this without being able to document the reasons for rejecting lower bids.

Bid results:

<u>BIDDER</u>	<u>1 YEAR</u>	<u>3 YEAR</u>
-	<u>General / Park</u>	<u>General / Park</u>
Clippers Lawn & Landscape	294 / 298	294 / 298
Hoem, Inc.	245 / 250	270 / 275
Kennedy's Lawn Care	180 / 290	180 / 290
Scarborough & Son	300 / 500	300 / 500

The bid from Kennedy's Lawn Care stated the quote was a projected price, and included a stipulation allowing a price increase "in the event of large fuel inflation". Mr. Herrold was asked to review this prior to the meeting. Since there is no indication of what would constitute "a large fuel inflation", and the specs did not allow for a fuel surcharge, Mr. Herrold reported he feels this made the bid non-responsive, and recommended it should be rejected. Mr. Lentz informed the Council an area was missed on the mowing specs. There is a small grass area to be mowed in between the fire company and 54 East Canal Street in the swale area, which was not included. This land was purchased after the last contract was signed. In light of this, the Council felt all the bids should be rejected. Mr. Eisenhart made a motion to reject all of the mowing bids, and re-advertise the corrected mowing specifications for bids for the November meeting. Mr. Seidel seconded his motion, and it passed.

SEWER

Manager's Report - Conewago Enterprises started work on the Delwood Lift Station upgrades. The entrance to the development from East Canal Street to Delwood Drive will be closed for about two weeks. There was a significant rain event in September, during which there was an average of 1.7 million gallons per day flowing through the plant. The upgraded plant handled this flow without any problems. This was a good test of the capabilities of the upgraded plant. Mr. Lentz reported he spoke to the contractor about the drainage lines from the sand bed. He

asked them for a price to replace the pipes to beyond the blacktop, so the newly paved area would not have to be dug up to replace the lines. The quote was \$16,000. Mr. Lentz asked Mr. Herrold if another contractor would be allowed to perform work, while the initial contractor has not completed the work. Mr. Herrold asked if the proposed work was part of the bid specifications, and it was not. Mr. Herrold felt this could cause a conflict if problems develop later because portions of the work were done by two different contractors.

Engineer's Report

- Mr. Clark reviewed Change Order # 11 for Conewago Enterprises, for a total of \$8,694. This change order included adding an entry door between the lab and the garage, and an additional area of paving. The total of the change order would be \$11,694; however, there was a \$3,000 credit for the elimination of some air lines, which did not need to be replaced. Mr. Lentz explained the additional paving would create a blacktop area for a crane to access the new tank. Mr. Eisenhart made a motion to approve Change Order # 11, for Conewago Enterprises, in the amount of \$8,694. Mr. Hess seconded the motion. Five were in favor, and Mrs. Koch was opposed.
- Mr. Clark also reported he submitted two RFP's. The first one is for Conewago Enterprises, in the amount of \$49,305. The second RFP is for I. B. Abel, Inc with a total of \$37,148.26. These are included in the Treasurer's Report.
- Mr. Clark reported Mr. Wallace asked to meet with Mr. Seidel to discuss Mr. Seidel's questions about the change orders. Mr. Seidel and Mr. Wallace would discuss dates. The rest of the Council would be informed to see if they also wanted to attend.
- Mr. Clark reported on a meeting with Dover Area School District to discuss the problems with the intermediate school lateral. Mr. Clark, Mr. Seidel, Mr. Lentz, school superintendent Dr. Krantz and Mr. Nelson were in attendance. They discussed the estimated cost of the project, which is \$50,000 for the entire project. They discussed that it would be less expensive if the project is bid as one rather than separately.
- Mr. Clark also reported his office compared the cost Dover Borough residents pay for sewer fees compared to Dover Township customers. The average Borough customer pays \$181.50 per quarter, or \$726 per year. The 32 Dover Township customers, who are on the Borough sewer system north of the Borough, pay the Township \$123.52 per quarter, or \$494.08 per year. Dover Township is paying Dover Borough at the rate their customers are charged. The wording in the 1985 sewer agreement 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*". This equals 27,300 gallons based on 300 GPD multiplied by 91 days per quarter. Borough residents pay \$362.60 for this amount of usage. Mr. Eisenhart suggested an additional rate class could be created for customers who are outside of Dover Borough. Currently there are two rate classes - residential and school. Mr. Seidel made a motion to authorize the solicitor and engineer to review the sewer agreements, between the Borough and Township, and make a recommendation to the Council regarding a rate to charge the 32 Dover Township customers discussed above. Mr. Eisenhart seconded the motion and all were in favor.
- Mr. Clark responded to a recent email regarding new nutrient limits the EPA released, which will reduce the current limits. Tom Wallace researched the last four years of the daily average per gallon. The current license limits for the WWTP are 6 mg/L for Nitrogen and 0.8 mg/L for Phosphorus. Before the upgrade, the average was 3.6 mg/L for Nitrogen and 0.47 mg/L for Phosphorus which is well below the limit and these numbers should be even less with the upgrades. Mr. Lentz noted these totals are based on the average, so even if some results are higher, they would not be over the limit when averaged.

Solicitor's Report - Nothing to report.

Old Business - Mr. Eisenhart asked if televising of the lines north of the Borough, on the Borough's sewer system would be done during wet weather. Mr. Lentz would contact Dover Township and request this be done.

New Business - None

WATER

Manager's Report - Mr. Lentz had no additions to his report. Mr. Eisenhart asked how much extra water the Borough was purchasing from Dover Township while well # 4 is out of service. Mr. Lentz reported it averages about 25,000 gallons per day. Mr. Lentz stated the PA DEP is still investigating the source of the contamination. Other tests have shown 'hits' for other contaminants, which were not over the limits and all of these are petroleum by-products. Mrs. Shirey reported that he and Mr. Lentz are going to work together to keep a record of the additional expenses this is generating, in case the cause of contamination is traced back to a responsible party.

Engineer's Report

- Mr. Clark reopened discussion of the Groundwater Rule bids. He spoke to Detraglia and they would still be willing to do the project if it was only one well, instead of two. They had one request. The cost of the pipe is cheaper for the larger quantity originally quoted, and only 70 feet is needed for well # 5. Detraglia asked that the Council pay the cost for the minimum 80 feet of pipe they will need to buy. Based on the estimated quantities, the cost to do the work on well # 5 would be approximately \$18,000. Mr. Clark also reported if the problem with well # 4 can be corrected, the second part of the project would not have to be re-bid. However, if well # 5 is done separately, it is under the \$25,000 threshold, so the prevailing wage rules would not apply. Mr. Clark recommended re-bidding the project to get a better price. Mr. Seidel made a motion to reject the bids, and re-bid the Groundwater Rule improvement project. Mr. Dentler seconded the motion, and it carried.
- Two phone bids were obtained for the Groundwater Rule project to install a yard hydrant at well # 6. Dash Mechanical bid \$1,818.36, and H & H General Excavating submitted a bid of \$1,590. Mr. Eisenhart made a motion to approve the quote from H & H, at a cost of \$1,590 to install a yard hydrant at well # 6. Mr. Seidel seconded the motion and all were in favor.

Solicitor's Report - Mr. Herrold researched the Pennsylvania Fair Credit Extension Uniformity Act in response to information in a recent PSAB Update. It was thought billing on postcards, as the Borough does for water, sewer and trash service, might be prohibited based on this act. Mr. Herrold reported he does not feel the act applies.

Old Business - None.

New Business - None.

BOROUGH

Manager's Report - Mr. Lentz reported Hively Landscaping evaluated the tree in Ketterman Park, which was damaged during the installation of a bench. They feel the tree will survive. If it does not survive, Ely and Associates will replace it. Hively's charged \$45 for this evaluation, which will be reimbursed by Ely and Associates. Ms. Bishop asked about water that runs across the walking path in the area of the tot lot. Mr. Lentz reported there is a spring in this area. During dry weather there is not a problem. Unfortunately, there is no easy way to remedy this problem.

Engineer's Report - Mr. Clark reported the installation of the basketball court is almost completed. Line painting of the court was scheduled for last week, but was delayed due to wet weather. The blacktop must be very dry for the painting to be done. The fencing has also been delayed for this reason. Mr. Clark reported on the problem with the swale off Willow Run Road, near well # 4. Permits to repair this will be required, and may require going through the US Army Corps of Engineers. This would be much more expensive and would require six to eight months. If it does not require using the Corps of Engineers, the permit would be about \$50. He informed the Council that this project might qualify for a Growing Greener grant. The scope of the project could include the problems above and below this area also. With this grant the Borough would only pay 15% of the project cost. Mr. Clark will get additional information on this grant for the next meeting.

Solicitor's Report

- Mr. Herrold researched section 160-11 B, regarding enforcing the requirement for providing off-street parking. He did not feel the ordinance applied to existing properties. This would apply if someone applied for a building permit to build something new or modify an existing property. The Motor Vehicle Code, section 6109, allows "the regulating or prohibiting of stopping, standing or parking." If the Borough chooses they can regulate parking on South Main Street that is approved by a traffic study by the York County Planning Commission. The ordinance can limit the number of permits allowed. Mr. Lentz informed the Council that the YCPC now charges \$250 for a traffic study. The issue was tabled pending further consideration.
- The temporary construction easement with Heagys is complete. This easement allows access to well # 5 during the Groundwater Rule project, and for the stormwater utility. Mr. Herrold noted the Heagys requested it include the right for them to install a driveway if they develop the land. He added this, but also included the Borough would have no liability if it is damaged by heavy equipment should the Borough need to access the area. Mr. Eisenhart made a motion to approve the easement agreement with Heagys for access to well # 5, and the stormwater easement. Ms. Bishop seconded the motion, and all were in favor.
- Mr. Herrold researched the condemnation of unsafe buildings and this is covered in the PA borough code, section 1202. Based on this law the Borough can require the owner to improve the property. If they fail to do this, the Borough can hire a contractor to do the necessary work and file liens, plus 10%, against the property. He recommends condemning a property should be done cautiously and an ordinance should be adopted. Mr. Lentz asked if Chapter 68, Building and Property Maintenance, section 68-4, would include this. Mr. Herrold briefly reviewed this and felt it was adequate.

Police Report - The September report had not been received yet. Mayor Pope reported 10 officers received commendations for a barricade incident in Dover Township. Abbottstown Borough Council requested a quote for police service. This could cause some issues because they are in Adams County. The issue of parking restrictions not being enforced was discussed.

Ambulance Club Report - Mr. Hess reported the issue of adding paramedics to the ambulances has been dropped. There were many issues to be resolved, included Dover Township would not allow the ambulances to respond to calls south of the Borough limits. Peggy Durnin applied for a grant, which would cover the salary cost of paramedics for one year. This issue will only be pursued if they receive the grant money. The club is going to buy a new 2009 chassis and move the box from an older one. The cost to purchase the chassis and move the box will be \$37 - 40,000. The old chassis will be sold and this money will be applied to the purchase.

Recreation Board Report - The tree lighting ceremony is scheduled for November 26. They are going to ask people to donate cookies for refreshments. Mr. Dentler submitted Shawn Querry's letter of resignation. The board recommends Glenda Lentz as a replacement. Her term will expire in 2012. Mr. Eisenhart made a motion to appoint Glenda Lentz to the Recreation Board. Mr. Seidel seconded the motion, with five in favor. Mrs. Koch was opposed. Mr. Dentler reported they are planning to have the Holiday House Decorating Contest again. Anyone interested in taking part must enter. They plan to offer prizes of \$75 for first place, \$50 for second place and \$25 for third place.

Treasurer's Report - There were no changes in the bill lists. Mr. Eisenhart offered a motion to transfer \$86,441 from the sewer loan to cover the cost of bills this month. Mr. Seidel seconded the motion. Five were in favor, with Mrs. Koch opposed. Mr. Eisenhart made a motion to pay the bills, as presented, with a second by Mr. Hess. Five were in favor. Mrs. Koch was opposed. Mrs. Shirey reported she called other municipalities to get copies of their delinquent policies.

Old Business - Mr. Hess asked about the status of paving at the red shed on Reservoir Drive. Mr. Lentz reported Kinsley would be returning to do this.

New Business

- The York County Boroughs Association Annual Banquet will be held on November 13. Anyone interested should contact Mrs. Shirey for reservations.
- The Council discussed the possibility of having a booth at the fireman's carnival and other community events so the Borough government has more opportunity to educate the public about recycling, and other items of a community interest.

With no further business, a motion to adjourn was offered by Mr. Hess. Ms. Bishop seconded the motion and it passed. The meeting adjourned at 9:47 p.m.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer