

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, January 3, 2011 at 7:00 pm. All council members and the mayor were present. President Sabold called the meeting to order. A moment of silent prayer was observed.

The December 6 regular minutes were reviewed. Mrs. Koch referred to page 4, in the Engineer's Report, and the last line. She stated she reported the CFA board only granted funds for alternative energy projects. She did not say anything about H2O grants. Ms. Bishop pointed out a spelling error on page 4, in the Manager's Report, and the fifth line. The word 'note' should be 'noted'. Ms. Bishop then called attention to page 2, second paragraph, and the fourth line. A word was missing in the beginning of the second sentence. It was suggested it should read "This leaves an area *at the back* of the house". Mr. Eisenhart made a motion to approve the December 6, 2010 minutes, as corrected. Ms. Bishop seconded the motion and all were in favor.

The December 7 special meeting minutes were reviewed. Ms. Bishop called attention to page 1, last paragraph, and the 13th line. The sixth word is misspelled. It should be 'to'. Mr. Lentz requested a line be added regarding a comment made by Mrs. Koch stating she is making less than the Borough manager and she had been working many more years. Mrs. Koch stated if one person's comments are recorded then everyone's comments would need to be included in the minutes. Mr. Herrold interjected only the Council has the right to amend or correct the minutes. The minutes are prepared and submitted to the Council. It is up to them to decide if changes need to be made. Mr. Lentz then asked if he is aware of an error in the minutes, is he allowed to point it out. Mr. Herrold clarified that only the Council has the right to amend the minutes. It is at the discretion of the Council if they want to allow anyone to make suggestions for corrections. Mr. Eisenhart stated if the manager feels it is important to add Mrs. Koch's comment, then it should be added. Mr. Eisenhart made a motion to approve the December 7, 2010 minutes, as corrected. Mr. Dentler seconded the motion. Four were in favor, and Mr. Seidel, Mrs. Koch and Mr. Hess were opposed.

The December 20 special meeting minutes were reviewed. Mrs. Shirey stated she found a spelling error on page 3, third paragraph and the second line, after she printed the minutes. The word 'board' is missing the letter 'o'. In addition, in this paragraph, she reported she had answered Mr. Lentz incorrectly. Glenda Lentz had been appointed to the Recreation Board at the October 2010 meeting. She asked Mr. Herrold for the proper way to correct this in the minutes because the minutes are correct, but the information is incorrect. He suggested a note could be added at the end of the paragraph. Mr. Lentz pointed out page two, and the ninth line. He asked if a comment he made could be corrected. The first word in the line is 'continue'. He stated the word he used was 'afford'. Several council members agreed this was the way they recalled his comment, so the correction would be made. Mr. Dentler made a motion to approve the minutes, as corrected, with a second by Mr. Seidel. All were in favor.

Mr. Sabold stated he had asked the secretary to have the minutes completed within 10 days of the meeting date.

PUBLIC COMMENT

Fire Chief, Rodger Flohr, reported the fire company responded to 38 calls during the month of December. Only six of those calls were in the Borough. They responded to a total of 318 in 2010, with 50 of those in Dover Borough. There was one fire loss of \$2,000. They assisted 19 other fire departments in 21 different boroughs and townships. There are 39 active firefighters, with an average of 10 responding per call. Of these active members, there was an average of 105 hours of training per person. The January activities calendar was reviewed. Mr. Seidel made a motion to approve the activities on the January 2011 calendar. Mr. Dentler seconded the motion, and it carried.

Darwin Frey, 62 Amberview Drive, asked for an update on 58 Amberview Drive. He stated last month he was told a letter would be sent to Mr. Mengelkamp, giving him ten days to address the problems. It did not appear that Mr. Mengelkamp had done anything, so he returned to ask if Mr. Mengelkamp had received a letter. He provided pictures of the piles of brush and trash which concern him. Mr. Lentz

reported he visited the property and based on Mr. Frey's comments at the last meeting he thought there were piles of trash. He found a pile of brush, and other items which are normal for a backyard. He called Mr. Mengelkamp and left voicemails several times during the past month, but Mr. Mengelkamp has not returned his calls. Mr. Frey reported there is also an unregistered vehicle on the property. Mr. Lentz reported a violation letter had been sent for this in the past, and the vehicle had been inspected and registered. Mr. Frey stated the vehicle's inspection and registration have expired again. Richard Rudicille, 60 Amberview Drive, also wanted to express concern about the Mengelkamp property. He stated there is a dumpster just sitting in front of the property and Mr. Mengelkamp has not been using it. He has been seeing rats around his home, which were not there before the basement wall collapsed next door. Mr. Sabold instructed Mr. Lentz to send Mr. Mengelkamp notices regarding each of the zoning and code violations for his property. Mr. Frey and Mr. Rudacille stated they would both be willing to help Mr. Mengelkamp clean up the property, if Mr. Mengelkamp was willing to accept their help.

Beverly Fauth, 124 Cranbrook Drive, stated she had several things to discuss. First, she thought it was commendable that Mr. Frey and Mr. Rudacille offered to help their neighbor. Second, she stated she had gone past the Borough office late one evening, and was concerned that the secretary's car was there that late. She does not feel it is safe for any woman to be working late and leaving alone. Third, she announced she was elected head auditor. She wanted to inform Mrs. Shirey that she plans to perform a more thorough audit. She was appointed as an auditor and did not know what to expect. She is a business owner and must provide documentation for everything. If she has been trusted with the responsibility she wants to do a thorough audit.

Michelle Griffin, owner of A M Communications at 1 North Main Street, was present to request the Council apply for a "Do Not Block Driveway" sign from Penn DOT to be installed at the driveway to her business. Mr. Lentz explained people have trouble attempting to enter or exit the driveway of this property. During high volume traffic vehicles waiting at the stop light block the driveway. Mr. Lentz referred Mrs. Griffin to Penn DOT because East Canal Street is a state road. Mrs. Griffin stated she has been working to find a solution for a year and a half. She contacted Representative Seth Grove's office for assistance. Installing the sign is the solution Penn DOT suggested. They told Mrs. Griffin that the Borough would need to request the sign. The Council had no objection to requesting the sign, but it was noted the procedure is not as simple as just requesting the sign. There are legal requirements which need to be met before posting a sign. Mr. Herrold noted a traffic study would need to be done first to allow the sign to be installed, and for the sign to be enforceable. The requirements of how to proceed were debated. Mr. Lentz would make some calls to determine the steps required to proceed. Mr. Sabold suggested perhaps the curbing at the driveway could be painted yellow to delineate the driveway more clearly. Mr. Eisenhart noted even with a sign he thinks it will be difficult to enforce because drivers are not very courteous.

SEWER

Manager's Report - Mr. Lentz reported Commonwealth Code Inspection did an accessibility inspection at the new office and everything passed. In the chemical building, he asked Rodney Anderson to build a small platform over the lines that run from the alum tank. If someone was to fall and the valve snapped off, the tank could empty into the building. He also thought he would ask Mr. Anderson to build a workbench. Mr. Sabold suggested the guys could build the bench and save on the cost. Kline's provided a quote of \$735 per load to remove the grit and grease from the scum collection pit. This cost includes processing and disposal. Since this has not been done before, he cannot predict how many times it will need to be done per year, but he estimated no more than four times a year. Mr. Lentz reported Kappe and Associates rebuilt the ultraviolet modules. He recommended they should be rebuilt every five years, and should be placed on the budget on this schedule. Mr. Eisenhart made a motion to accept the proposal from Kline's to use their supervac to remove grease and grit from the scum collection pit, at a cost of \$735 per load. Mr. Hess seconded the motion. Six were in favor. Mrs. Koch was opposed. Mr. Lentz reported Kline's is also preparing a quote to haul sludge. Mr. Seidel asked if the results of Dover Township's televising north of the Borough had been received. Mr. Lentz reported no major problems were seen.

Engineer's Report - Mr. Clark reported Conewago Enterprises submitted a request to be paid all of their retainage, for a total of \$286,519.70. He stated Conewago has a 'punch list' of small items to complete. Rather than payment of the entire retainage, he is recommending they be paid only \$276,219.70. This will leave retainage of \$10,300. Payment of this bill would be approved with the treasurer's bills.

Mr. Clark reviewed the contents of a letter Mr. Wallace received from Stephen Lasko, Project Manager for I. B. Abel, Inc, regarding change orders they are requesting. They are all listed as Change Order # 5, and each item is given an issue number. (A copy of the letter will be included with the permanent record of these minutes, rather than including all of the detail in these minutes.)

- Issue # 1: Provide and install (1) new GFI receptacle, box and cover in Chemical Feed Building, at a cost of \$297.32. Mr. Lentz stated this was missed on the project specs, and was needed. Mr. Sabold felt the cost was excessive, and should not have required 3.5 hours of labor.
- Issue # 2: Repair broken conduit at pole base for dusk to dawn light at Delwood Lift Station, at a cost of \$454.35. This was unexpected and could not have been foreseen. There were no objections to this issue.
- Issue # 3: Relocate DO nitrate conduit on west aerator tank, at a cost of \$1,383.70. The plan design showed the conduit at one location, but the operation is based on it being three-quarters of the way around the circumference of the tank from the inlet pipe. Abel re-excavated and relocated the conduits so the project would not be delayed. Mr. Seidel asked who missed this. Mr. Lentz reported there were plans from a number of different companies and the location of this conduit was not coordinated by the manufacturer. This was not Abel's fault, and they made corrections quickly so the work could continue.
- Issue # 4: Provide labor and materials for extra work due to new mezzanine storage area above lab and office, at a cost of \$3,248.60. Mr. Lentz explained the background of this issue. Brian Schultz, the job supervisor for Abel, came to him and asked if he would like a mezzanine area for storage, otherwise it would be unusable space. Mr. Schultz said this would make their job easier because they could run the wiring differently if it would be enclosed. Mr. Lentz purchased sheets of plywood to make flooring. Mr. Schultz recently told Mr. Lentz that he told his employer he took complete responsibility for making this suggestion. The Council did not feel they should have to pay for this issue since this job was done at the suggestion of I. B. Abel's employee.
- Issue # 5: Labor and equipment needed to install telephone/data wiring in the new lab and office building, at a cost of \$2,280. Mr. Lentz stated the system was designed for emergency call-out, but the plan did not include the installation of the telephone lines for it. The boxes and the conduit are there, but the lines have not been run. The Council felt the cost seemed excessive to install telephone lines. Mr. Lentz noted the call-out system is more specialized and would require a contractor who is familiar with these systems.

Mr. Clark stated issue # 2 is something Conewago Enterprises should bill for, but as general contractor they will add 15% to their cost. He suggested it would be better to pay I. B. Abel directly. The conduit was not located before digging. Mr. Sabold asked since this letter was not an official change order, how should the Council proceed. Mr. Clark stated the engineer's office would convey the Council's response to Mr. Lasko. The Council's response was as follows: Issue # 1 - The council feels the labor cost for this was excessive and requests the labor be reduced by \$150, for a revised total of \$147.32. Issue # 2: The Council had no objections to this item. Issue # 3: The Council had no objections to this item. Issue # 4: The Council would not pay for this because it was done at the suggestion of their employee. Issue # 5: The Council felt the cost was too high, and they would get other estimates to have the work done. Mr. Lentz suggested getting a quote from Control Systems 21, who also installs these types of systems.

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

Old Business - None.

New Business - None.

WATER

Manager's Report - Mr. Lentz made a wording correction in his written report. In the third item, and the last sentence it should state "The water main was closer to the *edge* of the right-of-way than the plans showed." The Council discussed the tree Detraglia cut down, which was closer to the right-of-way than expected. Mrs. Heagy wants the Borough to replace it. Mr. Lentz reported it was a red maple, which was approximately 10 inches in diameter. Mr. Herrold stated the agreement says the Borough has the right to remove anything blocking the right-of-way. Mr. Eisenhart suggested Mr. Lentz talk to Mrs. Heagy to

determine if she wants a small tree to replace it, or one of similar size, since the cost difference would be significant.

Engineer's Report - Mr. Clark presented a change order for the Groundwater Rule work done at well # 5 by Detraglia Excavating. When they excavated, they found the main was 8-inch, rather than 6-inch. This increased the cost of the valve and the fittings. Due to the way the project was bid, the change order would only be for the cost of the larger valve at a cost of \$1,300. Mr. Seidel made a motion to approve change order # 1 for Detraglia Excavating, in the amount of \$1,300. Mr. Eisenhart seconded the motion and all were in favor. Mr. Clark reported a recommendation of payment for Detraglia is included in the treasurer's report for a total of \$17,075. Mr. Clark called the PA DEP and spoke to several people regarding well # 4. He had difficulty getting anyone to give him a definitive response about what the Borough should do regarding the Groundwater Rule for this well because the deadline is April 1 of this year. The engineer's office recommends the Borough Council send a letter to DEP requesting a one year extension to April 1, 2012. This would allow time for Rutter's report, which was due by 12/26/10, to be evaluated by the DEP to determine if they or some other source is at fault for the contamination. Mr. Eisenhart asked if the Council could wait until February to send the letter so they could see if there are any findings from Rutter's report. Mr. Clark replied this would not give the Borough sufficient time to bid the project, and get the project done, if the extension is declined. Mr. Clark reported Chad Kehew would draft a letter to print on Borough letterhead, and have Mr. Sabold sign it. The people with whom Mr. Clark spoke would not indicate any blame on anyone for the contamination, but the consensus was that the well would not be used again. Mr. Clark noted DEP may require the Borough to physically cut the line which allows the water from this well to enter the system to ensure water from this well can't get into the water system even accidentally. Mr. Clark pointed out Rutter's could claim the contamination came from Tom's Exxon or some other source which leaked into the well.

Solicitor's Report - Nothing to report.

Old Business - None.

New Business - None.

BOROUGH

Manager's Report - Mr. Lentz reported PA One Call started a new policy whereby they will charge the municipality if they have to make an emergency callout. The Borough received a bill for \$12.75 for an emergency call on a Sunday evening to repair the conduit for the dusk to dawn light at the Delwood Lift Station. This was not an emergency. Verizon chose to respond to the repair on a Sunday evening. PA One Call allows you to opt out of this emergency call system. He suggested since the Borough would be contacted by the police or fire company in case of a true emergency that the Borough opt out of the program. Chief Flohr agreed with Mr. Lentz. Mr. Eisenhart suggested Mr. Lentz monitor the cost to see if it becomes an issue. The Council agreed with this suggestion. Mr. Lentz asked if the Council would authorize him to take a chemical dosage class for pumps for water and wastewater on January 26 in East Petersburg, at a cost of \$20. There were no objections. Mr. Lentz reported the York County Planning Commission is revising the County Comprehensive Plan to be the Growth Management Plan Component and the Integrated Water Resource Plan Component.

Engineer's Report - Mr. Clark reported the DCNR completion report for the Ketterman Park grant has been approved. The reimbursement check should be received in 4 - 6 weeks.

Solicitor's Report - Mr. Herrold had been asked to research the requirements for purchasing used vehicles or equipment by municipalities. He reported Section 1402D; subsection 4 states vehicles purchased from a public utility are exempt from bidding. A public utility would include those which are subject to the PUC. Purchasing from another municipality would be another situation which would be exempt. He drafted an ordinance for the Council to adopt the new section of Allen Lane. He asked if the Council wanted him to proceed with advertising. Mr. Seidel made a motion to authorize the solicitor to advertise the ordinance to adopt Allen Lane. Mr. Dentler seconded the motion, and all were in favor. Mr. Herrold was asked to explain the process of reopening the budget. The budget can only be reopened in January following a municipal election. There was not a municipal election in the fall, so the budget cannot be

reopened. Money can be shifted within the budget, but the amount budgeted cannot be changed. The Council can also opt not to spend money they allocated.

Police Report - Mayor Pope reported there were 26 more calls for the year-to-date compared to last year.

Ambulance Club Report - The January meeting was not held yet.

Recreation Board Report - Mr. Dentler reported six people entered the House Decorating Contest. Unfortunately when they judged the houses, only three of them had their lights on. First place was awarded to 41 Rachael Road for the second year in a row. Second place went to 13 East Canal Street, and third place was awarded to 603 Oakwood Drive. Mayor Pope helped with the judging. A representative from the Dover Elementary School PTO attended the meeting to request permission to hold a Relay For Life for the American Cancer Society in Ketterman Park on June 4. It would run from 4 pm until approximately 10 pm, with a movie being shown after dark. Their plan is to have one large event for all the Dover schools, and possibly some churches. Mr. Dentler reported the organizers plan to speak to the sports teams who use the park to be sure there are no conflicts. The organizers asked the Recreation Board if they would assist with promoting the event and for free use of the park. Dover Elementary School will be under construction, so they cannot use the school property. The request was debated and several problems were noted. First, the park rules state the park closes at dusk, so Borough Council would need to waive this rule. Second, sufficient parking for the number of people they estimate is a major concern. Mr. Eisenhart made a motion to waive the park rules to allow Dover Elementary PTO to have the Relay For Life at Ketterman Park on June 4, including allowing them to have a band and to show a movie after dark. Mr. Dentler made a second to the motion. Under the question, Mr. Seidel asked if the motion should include a stipulation that the organizers must submit a parking plan acceptable to the Borough Council. Mr. Eisenhart amended his motion to include the stipulation regarding the parking plan. All were in favor, and the motion carried. Mr. Dentler reported Wray Bassett and Jan Eisenhart's terms expired in December. Mr. Eisenhart does not wish to be reappointed. Mr. Seidel made a motion to reappoint Wray Bassett to the Recreation Board, for a term of five years. Mr. Eisenhart seconded the motion and all were in favor. Hallie Elicker has not been attending meetings. Mr. Dentler felt she should be replaced. He asked for suggestions for replacements for two open positions. It was suggested the openings could be advertised on the park sign and the website.

Treasurer's Report - Mrs. Shirey reported there were two bills she was not certain how the Council would wish to pay. First, the membership dues for the PA Borough Councils Association cost \$25. She noted the Council has not used this membership and suggested not to renew. The Council agreed with this suggestion. Secondly, two bills were received from York Tractor. One is for the hydraulic blade and strobe light for the new tractor, at a cost of \$4,100. Second, a bolt-on cutting edge was purchased for \$253. Payment for the tractor was split four ways, so she did not know which fund to use to pay these bills. She reported there is a shortfall in the General Fund again this month. Mr. Eisenhart suggested the 2008 payroll reimbursements for sewer and water that were forgiven in 2009 could be made now since these accounts have the funds available. Mrs. Shirey briefly left the meeting to calculate the figures. Mr. Eisenhart made a motion for the Sewer Fund to reimburse the General Fund in the amount of \$52,516 for the 2008 payroll reimbursement. Mr. Seidel seconded the motion. Six were in favor, and Mrs. Koch was opposed. Mr. Eisenhart made a motion for the Water Fund to reimburse the General Fund in the amount of \$40,552. Mr. Dentler seconded the motion. Six were in favor. Mrs. Koch was opposed. Mrs. Shirey was asked to provide the revised balances for each of these accounts. It was noted the balance of the sewer loan money would be used to pay the Conewago Enterprises bill. Mr. Eisenhart made a motion to pay the bills, as amended, with the exception of invoice # 18022 from Holley's office. The motion died due to due lack of a second. Mr. Seidel made a motion to transfer \$276,002.40, the balance of the sewer loan funds, to pay the sewer loan bills. Ms. Bishop offered a second to his motion. Six were in favor, Mrs. Koch was opposed. Mr. Eisenhart made a motion to approve payment of the bills, as amended, with the exception of Holley's invoice # 18022. Ms. Bishop seconded the motion, with six in favor. Mrs. Koch was opposed.

Old Business

- The Council discussed the options for employee health insurance. Mrs. Koch stated she was hesitant to switch to Aetna through the Central Pennsylvania Health Insurance Trust because they require a minimum two year commitment. Mrs. Shirey announced she would be removing her daughter from her plan for approximately one year. She asked if she would be allowed to put her

back on her policy later. There was no objection. This would reduce the weekly payroll deduction to \$9 a week for Mr. Lentz and Mr. Grim. Since the Council covers a single policy in full, Mrs. Shirey would not have to contribute. Mr. Seidel made a motion to stay with the same insurance plan, Health America PPO1000, for 2011. In addition, if Mrs. Shirey needs to add her daughter back on her policy she may do so. Mr. Dentler seconded the motion and all were in favor.

- Mrs. Shirey presented two names, Maria Augustyniak and Karen Sipe, for approval as candidates for the part-time secretary position to replace Mrs. Hartzler. Mr. Sabold asked because it is a very tight budget year if this position could be eliminated. Mrs. Hartzler indicated a willingness to help with the quarterly billing. If she did this would a part-time person be necessary on a weekly basis. Mrs. Shirey stated she did not feel she could manage the workload alone. The decision was debated. Mr. Seidel made a motion to authorize the hiring of Maria Augustyniak for the part-time secretary position, at a rate of \$9 per hour. Mr. Eisenhart seconded the motion. Six were in favor. Mr. Sabold was opposed. Mr. Lentz asked who would supervise this person. He wanted clarification if he was responsible for them, based on his job description. Mr. Eisenhart felt it made sense that the person working with her the most would supervise her. Mr. Sabold stated he asked Mrs. Shirey to draft a job description for this position.

New Business

- The Personnel Committee made a recommendation to change the payroll week from Friday to Thursday, from the current Saturday to Friday schedule. This way the paychecks are not done before the work week is completed. Mr. Seidel made a motion to change the payroll week to Friday to Thursday, with a second by Ms. Bishop. The motion carried.
- Next, the Personnel Committee recommended the overtime policy, in the Employee Handbook should be revised. The handbook states - "Employees will be paid time and one-half for hours actually worked in excess of 8 hours in one day, or 40 hours in one week." They suggest it should be revised to state employees are only paid overtime wages if they work over 40 hours in one week. Mrs. Koch stated this would make it compliant with the Labor and Industry laws. Mr. Lentz stated this would make it very difficult to get temporary workers to help with snow plowing if they will not receive overtime for working long hours. Mrs. Shirey reported this issue was discussed after the snow storm last February. At that time she verified with Mr. Schaumann, the attorney who drafted the Employee Manual, the law states overtime must be paid when an employee works over 40 hours in one week. This is the minimum requirement by the state to protect employees. If the employee chooses to pay overtime wages at a standard other than this, it is up to the employer, as long as they met the minimum limit set by the law. This was debated, but no agreement on changing the policy was reached. It was decided the issue should go back to the committee for additional consideration.
- A special meeting to discuss adjustments of expenditures in the 2011 General Fund budget would be scheduled. A shortfall of \$95,000 in the General Fund budget will need to be covered by transferring money from savings. Mr. Eisenhart also noted there was a difference of \$150,000 between the end of year checking account balance and what showed on the projected totals 2010. Mr. Sabold needed to check his personal calendar and a meeting would be scheduled for January 11 or 12 at 7 pm. Mrs. Shirey would notify council members and the mayor by telephone or email of the date.

With no further business to discuss Mr. Eisenhart offered a motion to adjourn, with a second by Mr. Dentler. The motion carried. The meeting adjourned at 10:35 pm.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer