

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, February 7, 2011. The meeting was called to order at 7:04 pm. Mr. Sabold was absent. Mrs. Koch presided in his absence. The remaining Council members and mayor were present. Mrs. Koch called the meeting to order and a moment of silent prayer followed. She announced Mr. Sabold was absent due to the death of his father.

The January regular minutes were reviewed. Ms. Bishop called attention to page two, the third full paragraph, and the ninth line. At the end of this line, the word 'as' should be added. Mr. Seidel called attention to page four, in the Engineer's Report, and the thirteenth line. The third word should be 'evaluated' not 'evaluation'. Ms. Bishop called attention to page five, under the Borough, in the Solicitor's Report. In the third line, the word 'from' needs to be added between 'exempt' and 'bidding'. She moved on to page seven, under New Business at the end of the first line. The word 'from' should be deleted. Mr. Eisenhart called attention to page six, in the Treasurer's Report, and the third line. This sentence would be clarified to state she 'suggested not to renew'. In this same paragraph, in the fourteenth line Mr. Eisenhart also pointed out there was no second or vote on his motion. Mrs. Shirey was instructed to check her notes and add the second to the motion and the vote to amend this. Mr. Eisenhart then called attention to page seven, and the last item under New Business. He recalled the discussion of the special meeting included mention of a \$95,000 shortfall in the General Fund budget which would be covered by transferring money from savings. Also, there was \$150,000 difference between the end of year checking account balance and what showed in the projected totals for 2010. He felt it was important to include this. Mr. Seidel made a motion to approve the January 3 minutes, as corrected. Mr. Dentler seconded the motion and all were in favor.

The January 12 special meeting minutes were reviewed. There were no additions or corrections. Mr. Seidel made a motion to approve the minutes as presented. Ms. Bishop seconded, and the motion carried.

PUBLIC COMMENT

Justin Shappell, with United Environmental Services (UES), was present to discuss the Preliminary Site Characterization Report done on well # 4. The release of gasoline was discovered on 9/16/10. There was a leak at the top of a submersible pump at Rutters Farm Store on East Canal Street. The leak was just one drop at a time, and did not trigger the leak alarm. The problem also only seemed to occur during heavy use of the pumps or during dry weather. Four shallow test wells were installed at a depth of 9 feet to check for contamination. Four bedrock wells were also installed at a depth of 30 feet. Gasoline contamination of well # 4 was confirmed. A copy of the Preliminary Site Characterization Report was submitted and accepted by the PA Department of Environmental Protection. Once they narrow down the area contaminated the next step will be to evaluate the remedial options. Rutters' liability insurance should pay part of the additional expenses incurred by the Borough. Pennsylvania has an Underground Storage Tank Indemnification Fund (USTIF) which was established specifically to help cover the cost of contamination such as this. UES obtained permission from the fire company to dig test wells on the fire company property to help determine how far the contamination may have spread. Mr. Seidel asked if it is likely this municipal well will be shut down permanently, because the well is 800 feet deep and contamination was found in the water. Mr. Shappell reported the well will be off-line for a minimum of two years. Then four quarters of testing within normal limits is required before the well can be brought back on-line. Chad Kehew, from the Holley's office, also attended the meeting to help answer any questions the Council may have regarding the use of this well. Mr. Kehew stated the deadline for compliance

with the Groundwater Rule is April 1. He spoke to representatives at the PA DEP regarding getting an extension for the Borough to allow them time to determine if this well will have to be shut down permanently. Unfortunately, the law does not allow for any extensions. The Borough will need to decide if they want to invest the money in installing the additional piping necessary to meet the deadline, or give up the permit to use the well. If the Borough gives up the permit for the well, and after remediation they wish to use the well again the Council would need to go through the permitting process as if it is a new well. Mr. Kehew noted that with the proximity of this well to the underground gasoline storage tanks that is was unlikely DEP would allow the use of the well. ICF International, a third party insurance administrator for USTIF, contacted Mr. Lentz. They wanted an estimate of what additional expenses the Borough has incurred from the shut down of the well. Mr. Lentz will call to discuss the process Borough must follow if the well has to be replaced. Mr. Kehew reported the PA DEP geologists will need to approve the proposed site of a new well, and normally you are required to own or control a 100 foot radius around the well. The number of places in the Borough available for a well is limited. Mr. Kehew further stated the Council needs to make decision if they are going to proceed with installing the contact pipe required to be compliant with the Groundwater Rule or give up the permit to use well # 4. He felt it did not make sense to spend the money on this when it is unlikely the well can be used again. Mr. Dentler made a motion to initiate a claim with ICF International for reimbursement of expenses incurred as a result of the gasoline contamination, and to rescind the permit to use well # 4. Mr. Seidel seconded the motion, and all were in favor. Mr. Herrold did not recommend giving up the permit for well # 4 before discussing this with ICF. USTIF may want to wait until it is determined if the well can be remediated. They may prefer to pay for the Groundwater Rule piping because this would be less expensive in the long run than drilling a new well. The Council agreed with Mr. Herrold's suggestion. The motion was rescinded by Mr. Dentler and Mr. Seidel. Mr. Kehew would not take any action regarding the permit at this time.

Gayle Heagy, 100 Frederick Court, provided a copy of a letter, and copies of pictures she planned to send to Detraglia Excavating. Her daughter, Dianne Whitten, spoke on her behalf. Mrs. Heagy wanted the Council to be aware she planned to send this letter and asked for their input. She and her husband encountered problems with Detraglia when they performed the Groundwater Rule work in the right-of-way for well # 5, at the rear of their property. She stated numerous trees, shrubs and plants were damaged or destroyed. A mature red maple was cut down unnecessarily. Mr. Eisenhart referred to a copy of the right-of-way map. He suggested it would be beneficial to have the location of the house, and the tree added to the drawing to make it easier to visualize. Mr. Lentz reported the water main was closer to the edge of the right-of-way than expected and that is what caused some of the problems. Mr. Herrold stated the Council cannot tell Mrs. Heagy if she should proceed. He advised her to speak to her attorney regarding this issue.

Troy Dettinger reported the fire company responded to a total of 27 calls in January. He did not have a count of the calls just for the Borough. They are in the process of the preparing a fundraising letter, which they send every other year. They want to replace the brush truck, and are investigating the options. It will be more practical to purchase a vehicle which will have multiple uses, rather than just as a brush truck. The old truck is a 1972. He provided an updated list of fire company officers for the Borough office. There were no changes in the fire company officers, and only one in the fire police. Mr. Seidel made a motion to approve the February calendar of activities for the fire company, as presented. Ms. Bishop seconded the motion, and it carried.

Steve Laslo, Project Manager for I. B. Abel, Inc., was present to discuss the Council's response to the five items in Change Order # 5, discussed at last month's meeting. Mr. Laslo provided a packet of information which included a copy of the email he received from Tom Wallace, which outlined the Council's reply to Change Order # 5. He also provided a copy of the letter he sent to Mr. Wallace for this change order. He stated he was confused by Mr. Wallace's response because

the change order items and amounts in the email did not to match up with his letter. Mr. Laslo began reviewing this information, and stated he would review his letter in order and attempt to match it to Mr. Wallace's response. As Mr. Laslo reviewing the items, Mrs. Shirey read the Council's response from the January 3 minutes. As Mr. Laslo proceeded she noticed the order of items in the minutes also did not match the order of items Mr. Laslo reviewed. She referred to the letter from Mr. Laslo that Mr. Wallace had forwarded to the Borough. She pointed the change order items were in a different order in the letter Mr. Laslo referred to, compared to the copy of the letter Mr. Wallace received. Mr. Laslo stated he would still like to address issue # 4. Mr. Lentz reported Abel's employee Brian came to him and asked if Mr. Lentz would like to have some storage space over the lab/office area. Brian stated this would make his job easier because he would be able to install junction boxes. Mr. Lentz stated John Hertzog and Melvin Riser, with Conewago Enterprises, witnessed this conversation. Tom Knaub, general superintendent for Abel's, stated he believes this situation is the result of miscommunication. He complimented Mr. Lentz, and stated he was very good to work with. Bill Ramage, electrical engineer with Paragon Electric, was also present to lend his knowledge of the situation. He stated normally if a change is requested that work comes to a stop, and a Request For Information (RFI) is prepared. Once this is done, a change order is authorized before work continues. They were aware of the time constraints of the project and Abel proceeded with some things before change orders were approved so the project could continue. This was done in good faith. He noted the total in change orders was about 2.5% for this project which is low for a project of this size. He reported Tom Knaub called him to discuss the suggestion to include the mezzanine. The sequence of events and how it transpired was debated on both sides. Mr. Eisenhart suggested it would be helpful to see the cost estimate for the project as originally bid, and asked for a cost breakdown as completed for the mezzanine. Once they receive this information the Council would give consideration to the request for the change order. The cost of the other issues the Council disputed in Change Order # 5 can be discussed with engineer's office, and they can discuss their recommendations with the Council. Mr. Laslo stated Abel did absorb some costs for things to keep the project moving and they only requested that the Council would consider this when making a decision on these items.

SEWER

Manager's Report -Mr. Lentz got quotes from Miller's and Kline's to haul sludge. Miller's quote was \$205 per load. Kline's quoted was \$0.035 per gallon, which equates to \$192.50 per 5,500 gallon load, which is the standard size load. Mr. Herrold asked if this service was done by a yearly contact. There was not a set schedule for hauling the sludge, and Miller's has been called as needed. He noted sludge will need to be hauled more often since the upgrade. Mr. Herrold felt this would qualify as something which should be bid because the Borough is paying more than \$10,000 per year for the service. Mr. Lentz would prepare the bid for advertising. Mr. Lentz reported the gearbox for one of the return screws locked up. He was able to get it running again, but does not think it can be repaired if it breaks down again. They were budgeted for replacement for this year, and he is getting quotes to replace both screw pumps. Mr. Lentz reported he obtained a bid from Control Systems 21 to install the telephone and data lines for the new office/lab. Their bid was \$3,430.45. Abel's bid was \$2,280. Mr. Clark stated he had prepared a separate change order for this, Change Order # 6, since he knew the other items were unresolved. Mr. Seidel made a motion to accept Change Order # 6 from I. B. Abel, at a cost of \$2,280. Ms. Bishop seconded the motion, and it carried. In Mr. Sabold's absence, Mrs. Koch was asked to sign the change order. Mr. Seidel made a motion to authorize the Council vice-president to sign the change order. Mr. Hess seconded the motion. All were in favor. Mr. Eisenhart asked if the televising north of the Borough had been reviewed. Mr. Lentz stated no issues were found. Mr. Eisenhart felt this should be documented and wanted Mr. Clark to review the tapes.

Engineer's Report - Mr. Clark had nothing to discuss, other than Change Order # 5, which was already addressed. He would hold this until the issues are resolved.

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

Old Business – Mr. Holley had provided some dates for the Council to consider for a special meeting to discuss the plant upgrade change orders. None of the dates were convenient for the Council. Mr. Holley would be asked to provide some dates in March.

New Business – None.

WATER

Manager's Report – Mr. Lentz had no additions to his report. Mr. Lentz received a complaint from a resident in Dovertowne Apartments on a Sunday. The problem was in the water heater, and was not the Borough's problem. Mr. Eisenhart suggested Dovertowne Apartments should be billed for one hour of overtime since it was not a Borough problem.

Engineer's Report – Mr. Clark had nothing to report.

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

Old Business – None.

New Business – None.

BOROUGH

Manager's Report – Mr. Lentz provided an update on the Mengelkamp property at 58 Amberview Drive. The unregistered vehicle and the dumpster have been removed. On 2/4 a meeting was held with Mr. Mengelkamp's attorney and an engineer from the insurance company to evaluate the damaged foundation of the property. A report on the engineer's findings is to be released the week of February 21. Mr. Mengelkamp reported he removed the brush from the back yard and put it in the dumpster before it was removed. Mr. Mengelkamp claimed he saw no evidence of rats. Mr. Lentz also updated Mr. Frey, Mr. Mengelkamp's neighbor, on the status of the violations. Ms. Bishop asked about the status of complaints regarding 206 Maplewood Drive. When Mr. Lentz drove by the doors appeared to be closed. He sent a violation notice regarding the camper, and it was moved. He thinks the owners have abandoned it. Mr. Herrold noted this is a problem in many municipalities now with the mortgage foreclosure crisis. He advised Mr. Lentz to keep an eye on properties like this. The mowing contractor for the Borough should mow the grass as needed and a lien can be filed against the property for the cost. Crime Intervention Alarm Systems, a security alarm company, asked to provide a quote to install a security system for the Borough office. Mr. Lentz outlined the quote, but due to budget constraints it would not be pursued.

Engineer's Report – Mr. Clark asked if the Council wanted to apply for a DCNR grant for Ketterman Park this year. The Council did not budget any money for matching funds, so no grants would be pursued this year. Mrs. Shirey reported the \$20,000 reimbursement for a previous grant was received last week.

Solicitor's Report – Mr. Herrold reported he missed the advertising deadline which would allow the adoption of the ordinance for the new section of Allen Lane. It was submitted to the newspaper and will be ready to be adopted at the March meeting. Mr. Herrold stated he saw Mrs. Koch's comment in the January 12 meeting regarding legal advertising. Mr. Herrold was under the impression that any advertising is run in both newspapers, but as long as Mrs. Shirey has a Proof of Publication that the Borough has met the legal requirements. He also researched several

questions regarding taxes and sent a letter outlining the rules associated with them. Instituting a fire tax to help cover the cost of the annual fire company donation was discussed briefly. It was noted the proceeds for the Emergency and Municipal Services Tax (EMST) had been earmarked for this purpose; however, this was then changed to the Local Services Tax (LST). Mr. Herrold stated the allowed uses of this tax revenue changed when it changed from EMST to LST. He did not recall the specific allowed uses. Mr. Herrold still needed to research the Act 167 stormwater study in follow-up to a letter from Mr. Holley's office. During the pension audit the auditor asked if the Borough had "a written procedure for the procurement of professional services as required by Act 44". This was not a 'finding', but she did tell Mrs. Shirey it may become a requirement in the future. Shortly after this the PSAB sent an email announcing they have a handbook available regarding Act 44 compliance, at a cost of \$100. Mr. Herrold asked if the Borough would purchase a handbook for him, and he would reimburse the cost. Mrs. Koch stated she would check with the Public Employee Retirement Commission (PERC) to see if they have a manual available at no cost, or a lower cost.

Police Report - Calls for the month of December were 21 less than the same period last year, and the Borough finished the year up five calls over 2009. A study was done to evaluate the amount of staff to see if they need to hire additional officers to provide adequate coverage. The results for the Borough show we use 1.62 officers for the amount of time we purchase. They recommend this should be increased to 2.105 officers. The Council would consider this when budgeting for 2012.

Ambulance Club Report - Mr. Hess reported a new chassis was scheduled to be installed for Ambulance 6-3, but it was delayed because the ambulance was involved in an accident.

Recreation Board Report - Mr. Dentler reported the Relay for Life committee agreed to supply a parking plan for them to be allowed to hold the event. He had received a resignation letter from Glenda Lentz. There are two openings on the board. He submitted Cathy Pope and Geri Miller as people to fill these vacancies. Mr. Eisenhart offered a motion to appoint Cathy Pope for a five-year term and Geri Miller for a two-year term on the Recreation Board. Mr. Hess seconded the motion, and all were in favor. The board has begun planning for the Egg Hunt and Sundaes in the Park, but dates have not been scheduled.

Treasurer's Report - There were no changes in the bill lists. Several invoices from Holley's office for Project Administration and Shop Drawings (Invoices # - 18022, 18154, and 18208) and one for Inspections (Invoice # 18207) were debated. It was decided these specific invoices would not be paid until a special meeting is held to discuss them. Mr. Eisenhart made a motion to pay the bills, as adjusted. Mr. Seidel seconded the motion and all were in favor. Mrs. Shirey suggested the sewer loan checking account could be closed since all of the sewer loan funds had been spent. The only money remaining in the account is the interest earned during January. Mr. Seidel made a motion to authorize the Secretary/Treasurer to close the sewer loan checking account, and transfer the remaining balance into the Sewer Fund checking account. Ms. Bishop seconded his motion, and it passed.

Old Business - NetComm submitted a quote to purchase a new computer, to replace the one in which the back-up failed, at a cost of \$1,199. They estimated five to six hours of technical time for set up of the new computer and to transfer the data from the old one, at a cost of \$100 per hour. Mr. Seidel made a motion to authorize the purchase of a new computer from NetComm, at a cost not to exceed \$2,000 for the computer and technical time to install it. Ms. Bishop seconded the motion, and it carried.

New Business

- Mr. Eisenhart reported on a recent meeting of the York Adams Tax Bureau, from the meeting minutes. He reported un-audited income for 2010 totaled \$110,415,278.46. This included \$4,849,634 in delinquent taxes. The estimated income for 2010 was \$111,000,000, so it was short of the projected amount by almost \$585,000.
- Ms. Bishop reported she emailed Mark Clark information about a dog park for Ketterman Park. She also provided information regarding electronics recycling events being offered during 2011 by the York County Solid Waste Authority. She would like to see this information included in the newsletter and on the website.
- Mayor Pope reported he works for a printing company, and they print newsletters for other municipalities. He checked and it would cost less than \$100 to print a newsletter on 8.5" x 11" size paper. Mrs. Shirey reported the Borough had paid about \$400 for printing of the newsletter in the past.
- The Mayor reported during the first snowstorm this year, when a state of emergency was declared, there were 25 - 30 cars which had not been moved off the streets. This was much more than last year. Mr. Lentz reported he put a sign at the square listing the television and radio stations which will announce the state of emergency. This information was also added to the website. He planned to change the sign to state vehicles must be moved off the street when a state of emergency is declared.
- Ms. Bishop asked Mrs. Shirey to provide updated copies of the General Fund budget since amendments had been made to some of the income accounts.

With no business to discuss, a motion to adjourn was offered by Mr. Eisenhart with a second by Mr. Dentler. The vote was unanimous. The meeting adjourned at 10:05 pm.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer