

## **MINUTES**

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

Mr. Sabold thanked Mrs. Koch for chairing the meeting last month. He also expressed appreciation for the condolences he received on the death of his father.

The February minutes were reviewed. Mrs. Shirey noted the meeting date on the minutes was incorrect. It should be February 7, not February 16. Mr. Sabold called attention to page 2, the third paragraph, and the third line. At the beginning of the second sentence the word 'the' should be 'they'. Ms. Bishop pointed out page 2, in the first paragraph, and the 15<sup>th</sup> line. The eighth word should be 'if' rather than 'of'. Next she referred to page 6 at the second bullet item. She suggested this information could be also included on the website. Mr. Eisenhart called attention to page 6, and the first line. He did not attend the York Adams Tax Bureau meeting, but gave his report from the minutes of that meeting. The wording of this line will be adjusted. Mr. Seidel made a motion to adopt the minutes as corrected. Ms. Bishop seconded the motion and all were in favor.

## **PUBLIC COMMENT**

Troy Dettinger reported the fire company responded to 36 calls during February. Three of these calls were in the Borough. A new fundraising program was started through Market America. People register through the fire company website and for every on-line purchase made through their website the fire company will receive royalties. Participants also receive 0.5% cash back. He encouraged people to share this program with family and friends to help them raise money. Mr. Dettinger thanked Mr. Lentz for giving the fire company officers a tour of the WWTP this past Saturday. He offered to make ID badges for the Borough Council, employees and Recreation Board members. The March activity calendar was reviewed. Chief Flohr reported the fire company would be on standby for East Berlin Fire Company on Saturday, March 12. Mr. Seidel made a motion to approve the March fire company calendar of activities, with the addition of the March 12 standby for East Berlin Fire Company. Mr. Dentler seconded the motion, and it carried.

Ron Botterbusch, 2 South Main Street, requested the council provide a Do Not Block the Driveway sign for the entrance to his driveway on West Canal Street. He stated the people who park in the area behind these houses have difficulty entering and exiting the driveway. Mr. Sabold asked if there were any studies required before the sign was posted at A M Communications. Mr. Lentz reported he spoke to Representative Seth Grove's office, because they had assisted Michelle Griffin with her request. Penn DOT must review the request. It was noted the sign is not enforceable unless the Council has a traffic study done, and adopts an ordinance. Mrs. Koch noted the Council never took formal action to have the first sign installed. Mr. Lentz stated he had been under the impression that the Council wanted him to get it installed quickly. It was agreed Mr. Lentz's actions resulted from a misunderstanding. Mr. Seidel questioned if the Council should be paying to have unenforceable signs installed. The Council was setting a precedent. He suggested if a request is for a specific property that the property owner should be responsible for the cost of the sign, but the Borough would install it. The issue was debated at length. It was noted this is only an issue with the driveways and parking areas so close to the square. If traffic cannot turn across the opposing lane it causes traffic to back up into the square. Mr. Seidel made a motion that when it comes to unenforceable signs, the property owner will be responsible for the cost of the sign, and the supplies to install it. The Borough will install and maintain the sign, as long as approval has been gained from the proper authorities (i.e. - Penn DOT). Mrs. Koch seconded the motion. Mrs. Koch, Ms. Bishop, Mr. Seidel and Mr. Hess were in favor. Mr. Eisenhart, Mr. Sabold and Mr. Dentler were opposed. The motion carried. Mrs. Koch made a motion to retroactively approve the installation of the sign requested by A M Communication Solutions. A M Communication Solutions should also be invoiced for the cost of the sign and materials. Mr. Seidel seconded the motion, and it carried. Mr. Lentz would contact Michelle Griffin to inform her of the Council's

decision. Mr. Botterbusch stated if the police cannot enforce a sign he did not feel the Council should approve it. He noted the police do not enforce the current parking restrictions.

Mr. Botterbusch requested the Borough Council have an outside audit of the Borough books performed. He stated this had not been done for many years, and he felt it was necessary. Mr. Herrold was asked to check the PA Borough Code regarding this. Mr. Herrold reported the PA Borough Code, Section 105. (7) states "To provide by ordinance passed by a two-thirds vote of the entire number of council elected, for the appointment of an independent auditor, who shall be a certified public accountant . . . an independent auditor shall be appointed, annually, by resolution before the close of a fiscal year". Mr. Herrold further clarified that a vote of five of the seven council members would be required to appoint an independent auditor to replace the elected auditors. When an independent auditor is named the office of elected auditor is abolished; however, the current elected auditors would keep their position until their term expires, but they would no longer perform the audit. Mrs. Shirey asked if the Council could have an audit of the books performed by an independent auditor in addition to the elected auditors. Mr. Herrold stated either the elected auditors or an independent auditor must do the audit, based on the PA Borough Code. The issue of the cost was debated. It was noted this service would have to be advertised for bids. The Council decided this would be placed on the July agenda to be given further consideration for 2012.

## **SEWER**

*Manager's Report* – Mr. Lentz reported there was 0.25 inch of rain on Sunday and 1.75 inches today. The EQ tanks have 8 feet in them, and there was 1.3 million gallons going through the plant at the end of the day. The new flow chart has been installed and is working. The automatic valves to empty the EQ tanks are connected. The automatic valve for the ultraviolet lights has also been hooked up. Abel still must install the signal to turn the lights on. Mr. Lentz reported he also planned to offer a tour to officers from Northern Regional Police. Dover Township's fire company will also be invited since they could be dispatched to the plant. The tank # 3 aeration bridge brake was replaced. He found it was installed at the wrong voltage. The nitrate probe failed. It is under warranty, and was shipped back to Schreiber for repair or replacement. The code for the gate at the plant will be changed once the contractors are finished. The code will then be provided for the police and fire companies so they can access the plant in an emergency. Mr. Eisenhart asked if the sludge hauling had been advertised for bids yet. Mr. Lentz stated it had not.

*Engineer's Report* – Mr. Clark discussed the Dover Intermediate School sewer lateral replacement. This project was proposed as a 50/50 cost split between the Borough and school district. With the Council's approval, he plans to have the necessary survey work done and have the project ready to award the bid at the May meeting. Mr. Seidel made a motion to allow the engineer's office to prepare the bid for the Dover Intermediate School 50/50 sewer lateral replacement project. Mr. Dentler seconded the motion. All were in favor. Mr. Clark asked Mr. Herrold if it would be wise to get a letter from Dover Area School District stating they agree to pay 50% of the project, before the project starts. Mr. Herrold agreed this was a good idea. Mr. Clark stated he expected representatives from I. B. Abel to be present again to discuss the change order items. The Council reminded him they had asked the engineer's office to meet with them and come back to the Council with recommendations at the February meeting.

*Solicitor's Report* – Nothing to report.

*Old Business* – None.

*New Business* – None.

## **WATER**

*Manager's Report* – Mr. Lentz had nothing to add to his written report. Mr. Lentz was instructed to draft a list of the extra expenses caused by well # 4 being out of service. The Groundwater Rule deadline for this well was debated. If the Groundwater Rule work is not completed the Borough will lose the license to operate this well. It will be several years until the Council knows if the well could be used again, and due to its proximity to the gasoline tanks at Rutters it

is very unlikely the PA DEP will authorize it to be used again. Mr. Clark pointed out the Council would need to determine the long term financial impact of purchasing water versus digging a new well. If a new well cannot be found the Borough may have to purchase the additional water from Dover Township long term. How long would USTIF reimburse the Borough? USTIF was contacted and they do not want to pay for the cost of the Groundwater Rule piping, while they wait to see if the well can be used in the future. To be able to keep the permit for this well the Borough would have to pay the estimated \$24,000 for the project. Mr. Seidel made a motion that since USTIF is unwilling to pay for the 4-Log piping that the Borough Council will not proceed with this project and consequently will lose the permit to operate well # 4. Ms. Bishop seconded the motion. The motion carried unanimously. Mr. Seidel then made a motion to authorize the engineer's office to start the process to search for new well sites. Mr. Eisenhart seconded the motion, and it carried.

*Engineer's Report* – Nothing to report.

*Solicitor's Report* – Nothing to report.

*Old Business* – None.

*New Business* – None.

## **BOROUGH**

*Manager's Report* – The Dover Elementary School project is scheduled to start in the next two weeks. Mr. Sabold reported a storm drain at the corner of Edgeway Road and East Canal Street is clogged with debris. Mr. Lentz reported William Mummert, 524 Oakwood Drive, has called repeatedly with complaints about barking dogs and the number of dogs at multiple properties. He says if the Borough has an ordinance about barking and a limit on the number of pets they should enforce it or change it. The Dover Borough code, Nuisances chapter 105-3.G., states people are allowed "two dogs or two cats". Mr. Lentz spoke to the owners of properties Mr. Mummert has reported, and they reported Mr. Mummert comes into their yards and incites the dogs to bark. He has been informed he can file a formal complaint form, send a letter about his complaints or attend a Council meeting to discuss them. He refuses to take any action except to call. Mrs. Shirey and Mr. Lentz reported Mr. Mummert most times slurs his words and sounds intoxicated when he calls. Mrs. Koch suggested if Mr. Mummert refuses to take the recommended action that the secretaries report the calls to the police for harassment. The Council agreed with this suggestion.

*Engineer's Report* – Mr. Clark reported applications for CDBG grants for 2012 to 2015 are due by June 2. The York County Planning Commission will be using 2000 census data as part of the criteria to determine eligibility. Mr. Clark stated since the Borough did not receive any CDBG money in the past three years that this will help their chances of receiving a grant; however, because this area contains businesses, and is not solely residential, this hurt the chances of the application the first time. The Council stated they would like to pursue the same project for a grant to replace sidewalks on North Main Street, but sections with businesses should not be deleted.

### *Solicitor's Report*

- Mr. Herrold presented Ordinance 2011-1 to adopt a portion of Allen Lane. This would extend the prior ordinance to include all of Allen Lane. Mr. Eisenhart made a motion to adopt Ordinance 2011-1. Mr. Hess seconded the motion, and it passed.
- Mrs. Shirey contacted Comcast to request an additional cable modem for the new office at the WWTP. Comcast stated they normally do not provide more than one free connection in the agreements. The prior manager, under Suscom's ownership, had offered this to the Borough if it was needed in the future. They are requesting the Borough renew the existing Cable Franchise Agreement for another 10 years. The current agreement will expire in June of 2012. Mr. Herrold recommended the Council should not sign this agreement. There has been a lot of new technology added since the original agreement, and the Borough does not receive any income from these services. Also, ten years is a long time to be locked into an agreement when the technology is being constantly updated. He reported a number of the larger municipalities in York County

formed a consortium, and hired an attorney from Pittsburgh to negotiate a new cable franchise agreement. He is the solicitor for some of these municipalities and received a copy of the new agreement. There was an Executive Summary which outlines the agreement. He will provide a copy of this prior to the next meeting.

- Mr. Eisenhart asked Mr. Herrold if there are any laws which would allow the Borough to bill Dover Area School District for the cost of the time the police spend at the high school. At the request of the Mayor and a Township supervisor NYCRP provided a report which showed they responded to calls totaling 50 hours at the high school last year. Dover Area School District was asked to consider having an officer assigned to the school full-time, but they refused due to budget constraints. Mr. Herrold stated it is a municipality's obligation to provide police protection. He would need to do research to see if the law allows for billing individuals or businesses for police service. Mr. Eisenhart stated the high school has students from Dover Township also, but the Borough is paying the entire cost. Mayor Pope reported Chief Bentzel reported the high school calls for nuisance things, such as a student who won't sit down. Mr. Eisenhart felt compelling the school to be responsible for a least part of the cost should be pursued. The police should not be called for nuisance things the school should be able to deal with.

*Police Report* – The Mayor reported Dover Township is also unhappy with the amount of time the police spend at the Dover Area Intermediate and High Schools responding to calls. This is what prompted them to request the report. The monthly police activity report for Dover Borough showed there were 8 more calls during January 2011, compared to the same period in 2010. Each Council member received a condensed copy of the annual police report. Last year was the second busiest year in their history. The greatest increase in calls was for DUI's. One of their officer's was recognized as third in the state in the number of DUI arrests.

*Ambulance Club Report* – Mr. Hess reported the monthly meeting was cancelled.

*Recreation Board Report* – Mr. Dentler asked Mrs. Koch if she would check with Hershey Foods again for candy prices for the egg hunt. Due to the number of eggs, and the amount of time to fill them, Mrs. Koch suggested they should not put candy in the eggs. Instead use a note telling the child what prize they won. The board will get an update on the Relay for Life parking plan at their next meeting. They are working on plans for National Night Out and Sundaes in the Park. Mr. Dentler reported several board members will be going to hear Hillbilly Heaven at Dover Bethany Church. They are being considered as entertainment for a night of music. Mrs. Koch asked if a receipt was received from the Ray Gross Band for the money they received for playing at Sundaes in the Park last year. Mr. Dentler reported the band did not request payment. The money they received was a donation for their services. Mr. Dentler reported the Recreation Board members would be having ID badges made, so members have official identification.

*Treasurer's Report* – Mr. Eisenhart stated he cannot reconcile the balance for the Water Fund from the balance of last month to this month, using the bills to be paid. There is a difference of about \$30,000. Mrs. Shirey would investigate this prior to the next meeting. Mr. Eisenhart felt a more thorough financial report should be provided. Mrs. Shirey would begin to provide a financial report for each account, which will include the beginning balance, income, expenses and ending balance. There were no changes to the bill lists. Mrs. Shirey explained she did not include any of the Holley invoices for Project Administration and Shop Drawings, or Inspections in the Bills To Be Paid total for the Sewer Fund. Since the Council expressed they would not pay these until they meet with representatives from Holley's office. Mr. Seidel made a motion to approve payment of the bills, as presented. Invoice #18299 for the Chapter 94 report is the only Holley invoice to be paid. Mr. Dentler seconded, and all were in favor.

#### *Old Business*

- Mrs. Shirey offered Resolution 2011-1, "adopting written procedures in how professional services are chosen for its pension plans in order to comply with Act 44 of 2009 and the auditor general's recommendation" for approval. Mr. Seidel made a motion to adopt Resolution 2011-1 for procurement of professional services for the employee pension plan. Mr. Dentler seconded the motion, and it carried.
- An attorney representing York Habitat for Humanity contacted the Borough office to request a motion from the Council, made at a regular meeting, allowing the 'common areas' of land bordering the homes on Charles Lane to be transferred to the homeowner's Association. A note was included on the plan stating if this land

was ever transferred it needed to be authorized by the Council. Eventually YHFH will not be involved with these homes and they want the land transferred to the homeowner's as originally planned. Mr. Seidel stated the Council should review a copy of the homeowner's agreement before the Council would approve the transfer. A copy will be obtained before the next meeting.

#### *New Business*

- Dave Strausbaugh resigned from the Planning Commission effective immediately. Contact President Sabold with names to nominate for the vacancy.
- The annual computer maintenance agreement expired on February 28. NetComm submitted a contract to renew this for another year, at a cost of \$2,500. This is the same amount they have charged since 2008. There were two other quotes, neither of which was all inclusive. PC Expert offered \$45 an hour for tune-ups, \$85 an hour for on-site repairs and \$1.25 per minute for dial-in support. JC Computing quoted a rate of \$85 per hour. The Council debated the economics of the annual flat rate contract versus an hourly contract. Mr. Seidel made the motion to accept the computer COA (continuous operations agreement) with NetComm Solutions, at a cost of \$2,500. Mr. Dentler seconded the motion, and the motion passed.
- The York County Boroughs Association quarterly banquet will be held on March 24. The cost is \$13 per person. Contact Mrs. Shirey to make reservations.
- Ms. Bishop informed the Council that the York County Conservation District is offering a Tree Vitalize grant. She has the details if the Council wishes to pursue this.
- Mr. Dentler noticed the planter on the southwest corner of the square is damaged. There are cracks and loose bricks. Mr. Lentz believes this damage is from skateboarders. Mr. Dentler asked Don Miller to look at the damage and provide an estimate to repair it. Mr. Hess reported Glen-Gery Brick no longer makes this style if any is needed for repairs.
- Ms. Bishop reported the York County Solid Waste Authority is holding a hazardous waste drop-off on May 7. She suggested the details could be included in the newsletter and website.

With no further business to discuss, a motion to adjourn was offered by Mr. Hess, with a second by Mr. Seidel. All were in favor. The meeting adjourned at 9:55 pm.

Respectfully submitted,

Janet T. Shirey  
Secretary/Treasurer