

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, December 5, 2011 at 7:00 pm. Mr. Hess arrived late due to work. The remaining members and mayor were present. President Sabold called the meeting to order. A moment of silent prayer followed.

The November 7 regular meeting minutes were reviewed.

- Page 3, Mr. Eisenhart stated he asked Mr. Herrold what the purpose of a capital reserve was, not if municipalities are required to have one. *1/3/12 Addendum* – The tape recording was checked. The 11/7/11 minutes were correct as presented.
- Page 3, in addition, Mr. Eisenhart felt the definition supplied by Mr. Herrold should have been included. The definition, from the PA Borough Code, Section 1202 (33) is as follows: “Creation of a capital reserve fund for anticipated capital expenditures. To create and maintain a separate capital reserve fund for anticipated legal capital expenditures. The money in the fund shall be used, from time to time, for the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the borough and for no other purpose.”
- Page 4, Police Report, second bullet point, first line. The word ‘at’ should be ‘as’.
- Page 5, Treasurer’s Report, second bullet point. Mr. Lentz stated he contacted Mr. Sabold, informed him of the repair estimate, and Mr. Sabold authorized him to proceed with the repair of the truck. This was not included in the minutes; however, the minutes are correct as written because this was not discussed. For the record it will be included in these minutes that Mr. Lentz had authorization to have the truck repaired.

Mr. Dentler made a motion to approve the November 7 minutes, as amended. Mr. Seidel seconded his motion, and all were in favor.

The November 10 special meeting minutes were reviewed.

- Page 3, paragraph three, in the last line. The vote should be 5 to 2, instead of 6 to 1.

Ms. Bishop offered a motion to approve the minutes, as corrected. Mr. Seidel seconded the motion. The motion carried.

PUBLIC COMMENT

Fire Chief Flohr gave the fire company report.

- They responded to 25 calls in November. Eight of those calls were in the Borough. The Tree Lighting Ceremony went very well on their end. They will recommend some minor traffic changes for next year. Mayor Pope thanked the fire company and fire police for their assistance with the event. The Mayor stated he planned to send thank you notes to the groups who helped.
- Ms. Bishop asked if the Recreation Board could borrow the fire company’s sign to put at the square. They would like to use it to announce the House Decorating Contest. There was some discussion that this sign is larger than what is allowed by the Borough’s ordinance. Mr. Herrold stated it is a prior non-conformity. The majority of the Council had no objection to the Recreation Board using the sign. The announcement should also be placed on the park sign.
- Chief Flohr submitted the Mutual Automatic Aid/Mutual Aid Agreement for Fire & Rescue Services for approval. This agreement includes West Manchester Township, West York Borough, Dover Township, and adds Dover Borough to it. A motion to approve the Mutual Automatic Aid/Mutual Aid Agreement for Fire & Rescue Services was made by Mr. Seidel, with a second by Mr. Dentler. All were in favor.
- The December fire company calendar of activities was reviewed. Santa Claus touring the Borough was added on December 25. Mr. Dentler made a motion to approve the fire company December calendar of activities. Ms. Bishop seconded the motion and it carried with all in favor.

Darwin Frey, 56 Amberview Road, asked for a status report on 58 Amberview Drive. A code violation letter was sent on October 28, which gave Mr. Mengelkamp 30 days to respond. He claimed the time limit expired, but nothing had been done. Mr. Lentz stated he met with Mr. Mengelkamp last week. Mr. Mengelkamp reported a settlement had been reached with the insurance company and he was ready to apply for a building permit to repair the rear foundation wall. Mr. Lentz met with him and since he was moving forward he did not feel he needed take legal action. Mr. Herrold stated he agreed with Mr. Lentz's position. He did feel Mr. Mengelkamp should be encouraged to submit the building permit application as soon as possible. Mr. Frey stated he is not concerned about the wall. He is more upset about the trash and brush which has not been cleaned up. Mr. Lentz stated if he feels a code violation letter is necessary he will send one, but he will not send a letter based on someone else's opinion. Mr. Frey asked him also to check the antenna, which is loose on one end of the house and dead trees which will hit his house if they fall. Mr. Frey asked if the Borough had received any written confirmation that Mr. Mengelkamp was negotiating with his insurance company. Mr. Lentz had not received anything in writing. Mr. Herrold stated he would also contact Mr. Mengelkamp's attorney to request confirmation that a settlement was reached. Mr. Sabold asked Mr. Lentz to provide a copy of the code violation letter sent to Mr. Mengelkamp for the Council. Mr. Frey stated he was not satisfied because the problems have gone on for so long. Mr. Lentz told him he would contact him when he had checked into his complaints.

Beverly Fauth, 124 Cranbrook Drive, heard the Local Services Tax is being increased from \$15 to \$30. She is not happy she will have to pay more taxes and asked how the money from this tax is used. Mr. Sabold explained the main purpose of this tax is to support emergency services. Mrs. Fauth feels most of the jobs available in the Borough pay minimum wage and increasing this tax will affect the people with the lowest income.

SEWER

Manager's Report

- Mr. Lentz reported the abandoned influent line that comes into the wet well has a fair amount of infiltration during wet weather. Ways to resolve the problem were discussed. Mr. Clark stated he would investigate various options to plug the line.
- Several strips of siding blew off the new office/lab building during high winds. Mr. Sabold asked if the original contractor who installed it should be liable for the repair. Mr. Lentz stated the office/lab building was completed about a year ago, so he did not think the contractor would consider it under warranty. He reported the 'starter' strip at the top was not installed securely, which probably allowed the pieces to come loose.
- Mr. Lentz reported the 'stall' alarms are still not working. Bill Ramage, with Paragon Electric, is troubleshooting this, but has not been able to find the problem.
- There are seven dead trees at the plant that should be cut down. Rogers & Son provided a quote of \$3,600 to remove them. Mr. Seidel made a motion to accept the quote from Rogers & Son to remove seven dead trees, at a cost of \$3,600.
- WSG replaced the level sensor for the influent chamber, but they will charge to install it. This is the sensor which failed when it was underwater. Because this has not been operating the auger has been running constantly. It should only cycle on for 10 minutes an hour. This will reduce the life of the motor.
- The alarms are still not operational. Since they are not designed to be under water, Mr. Lentz suggested using a float system to trigger the alarm. Mr. Sabold stressed the issues with the sensors and alarms needs be resolved.
- **Sludge Hauling Bids:** Only two bids were received. The first was from Dale Miller & Sons at a cost of \$198 per load. The second bid was from Kline Services, Inc. with a cost of \$204.75 per load. Mr. Eisenhart made a motion to accept the bid for sludge hauling from Dale Miller & Sons, Inc. at a cost of \$198 per load. Mr. Hess seconded the motion. The motion passed with all in favor.

Engineer's Report – Mrs. Shirey gave Mr. Clark a statement from I. B. Abel, Inc. for \$3,000. He thought all the contractors were paid. He would check with his office.

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

Old Business – None.

New Business – None.

WATER

Manager's Report

- Mr. Lentz believes there is a water leak but they have not been able to find it. The PA Rural Water Association sent him a locating device. They do this free of charge for members
- York Excavating hit a water main today while working on the stormwater inlet repair on Delwood Drive. The repair was completed late this afternoon.

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 recommended selling the old Ford tractor. It will not start. He was instructed to have it serviced to determine what is wrong with it. He should have it repaired only if the cost is minimal to get it running.
- Mr. Lentz reported Craig Gross provided a quote of \$1,000 to clean out the swale in the lot beside 55 Newlon Road. Mr. Eisenhart asked why the Borough was doing this if the swale is on someone's property. Mr. Clark had researched this and an easement referenced in a 1959 plan, and again in 1981 stated the swale is the Borough's responsibility. Mr. Seidel made a motion to accept the quote from Craig Gross to clean out the swale on Newlon Road, at a cost of \$1,000. Mr. Dentler seconded the motion and all were in favor.
- The swale adjacent to Willow Run is still too wet to correct the problems. Mr. Lentz would get some quotes for this project.
- The Greater Dover Historical Society asked Mr. Lentz if a tree that is leaning toward the blacksmith shop could be cut down. Mr. Sabold suggested that Mr. Lentz could ask Rogers & Son if they would consider removing this tree when they do the work at the plant, for no additional charge.

Engineer's Report

- Mr. Clark submitted a Recommendation of Payment for Easy Dig Excavating, Inc., in the amount of \$4,186. They completed the work on the walkway in the park. Mr. Clark checked it and there does not appear to be moisture on the path anymore, so the repair seems to be working. The bill is included with the treasurer's report.
- York Excavating completed the stormwater repair on Delwood Drive today. They will be starting on Meadow Road later this week.

Solicitor's Report

- Mr. Herrold presented Ordinance 2011-04, which established the tax rates for 2012. The real estate millage remains at 1.69, per capita tax of \$5 per person and real estate transfer tax of 0.5%. Mr. Seidel made a motion to adopt Ordinance 2011-04, which establishes the tax rates for 2012. Mr. Eisenhart seconded the motion. All were in favor.

- Mr. Herrold presented Ordinance 2011-05, which increases the rate for the Local Services Tax from \$15 to \$30. Mr. Seidel offered the motion to adopt Ordinance 2011-05. Mr. Hess seconded the motion. Five were in favor. Mr. Dentler and Mr. Eisenhart were opposed.
- Mr. Herrold informed the Council he had received a letter from the Cohen Law Group. They specialize in assisting municipalities negotiate cable franchise agreements. Another municipality he represents was part of a consortium of municipalities who negotiated a new cable franchise agreement, and they used the Cohen Law Group. Since Cohen Law Group already negotiated another agreement in York County the process should be simpler this time. Mr. Herrold recommended the Council use the Cohen Law Group and join with other municipalities in York County to form another consortium. Mr. Dentler made a motion to authorize Mr. Herrold to contact the Cohen Law Group to inform them Dover Borough would like to be part of a York County Cable Consortium to negotiate a new cable franchise agreement with Comcast. Ms. Bishop seconded the motion. All were in favor.
- Mr. Herrold reported has a conflict with the January 3, 2012 Borough Council meeting. All municipalities must reorganize on that date. Lower Windsor Township has a land development issue to be discussed and he feels he should be at that meeting. He asked the Council if they would like someone else to attend the meeting in his place, or if he could arrive late. It was decided the agenda for the January meeting would be reviewed the week before the meeting to see if there was anything which would require legal advice. His office would be notified if he is needed.

Police Report

- The November activity report was not available yet.
- Mayor Pope informed the Council that a new report will be included in the monthly police commissioners packets. It will list unusual activity from the month.
- Three Northern Regional officers were among the top 100 in the state for DUI arrests. Officer Emenheiser was second the in state. The other two officers were 50th and 51st.

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

Recreation Board Report

- Mr. Dentler reported the Tree Lighting Ceremony went very well. He thanked everyone who participated. People enjoyed the fire truck extending over the square.
- The tentative date to judge the House Decorating is December 11. He asked if there was any reason that the date could not be changed. They considered changing the judging to one week later. No one was aware of any reason the date could not be changed.
- At the next meeting they will approve the meeting dates for 2012, reappoint members whose terms expire at the end of 2011 and make suggestions for new members to present to the Council.

Treasurer's Report – There were no additions or changes. Mr. Dentler made a motion to approve payment of the bills. Mr. Hess seconded the motion. Six were in favor. Mrs. Koch was opposed.

Mr. Seidel asked if Mr. Lentz had any information about installing a catwalk around one of the tanks which would allow the guys access to it more easily. It was decided this would be tabled until the January meeting.

Old Business

- The revised list of meeting dates for 2012 was reviewed. There were no changes. Mr. Dentler made a motion to approve the meeting dates for 2012. Ms. Bishop seconded the motion. All were in favor.
- Ms. Bishop reported the pop-up camper is still set up at the gas station 60 South Main Street. 'Herbie', the homeless man, is telling people he is living in it. Mr. Lentz will speak to the owner of the gas station and tell him this is a violation of Dover Borough's code.
- Mrs. Koch asked who is responsible for 73 South Main Street since Jack Raffensberger passed away. She reported there is junk in the back yard and the shed is in bad condition. His son, Jeff, informed the office he was moving out of the property and it would be sold.

New Business

- The microwave in the office is very old and is not working very well. Mrs. Shirey asked permission to purchase a new one. She felt she could get one for \$50 to \$75. There were no objections.
- Mr. Seidel received a code violation letter regarding the shed at the rear of his property. The letter stated he had 30 days to appeal. He asked the Council if he could patch the roof for now and replace it in the spring. There were no objections. Mr. Lentz reminded him there are also trees and shrubs on the property which need to be trimmed.
- Mr. Dentler reported the brick planter on the southwest corner of the square, in front of Botterbusch Jewelry, has a gaping crack and is badly in need of repair. It was noted the other planters also need repairs. A stone mason will be consulted to get suggestions for repairing them.
- NetComm Solutions sent a letter stating they are selling the small business service contracts to Kasual Computing, effective January 3, 2012. The continuous operations agreement (COA) with NetComm, which expires in March, will be transferred to Kasual Computing.

Budget

- Mr. Eisenhart stated he thought all of the money budgeted in Capital Reserve was removed from the budgets. He saw money is still allocated in item 429.70 in the Sewer Fund. Mrs. Shirey pointed out that income was greater than expenses and that is why it is still included. Income would have to be decreased to be able to make this item zero. Mr. Eisenhart stated that based on the definition supplied by Mr. Herrold the Borough does not have a capital reserve. It was his opinion that money should not be budgeted for savings. Mrs. Shirey asked if the Council would prefer this category be called Cash Reserve. It was felt this was a better description. Mr. Eisenhart told Mrs. Shirey the Council does not pay her to give opinions. As the elected officials it is up to the Council to make all decisions. Mrs. Shirey argued the Council hired her as treasurer, and as such she is responsible for the Borough's finances. The Council cannot make informed financial decisions without input from the person most familiar them. Mr. Eisenhart was agitated after this discussion, stated he was 'done' and left the meeting. Mr. Sabold stated he felt the Council should be allocating money for capital reserve in the budgets each year as a way for the Council to allocate money for replacement of 'capital' purchases. He also stressed the need for the Council to begin using the 5 Year Capital Budget to plan for replacement of equipment.
- Mr. Seidel suggested the Council should consider opening a Capital Reserve account. Mrs. Shirey proposed instead that saving accounts could be opened. The bulk of money from the checking accounts could be kept in them and would earn more interest than in the checking account. Money put into a capital reserve account, earmarked for a specific purchase would limit the Council's ability to use the money if a more urgent need arose.
- The renewal rates for Health America for the same plan will be 33.6% higher, which would be an increase of about \$15,000 for the year. Some alternative plans with higher deductibles were considered. The Council decided on Premier PPO \$2500 1 x, at a cost of \$4,077.01 per month. Trilogy Benefits did not request the renewal date change from February to January early enough for the change to be made for 2012. Due to this, the Borough will pay the 2011 rate for January (\$3717.42) and the new rate for 11 months. A total of \$49,000 would be budgeted, between the three funds. The amount the employees would contribute toward the insurance had not been determined yet, since the renewal rates just arrived. Mr. Lentz requested the Council inform the employees as soon as possible. Mr. Seidel made a motion to approve Health America Premier PPO \$2500 1x for employee health insurance for 2012. Ms. Bishop seconded the motion. All were in favor. Health America will change the renewal date to January 2013.
- Mrs. Shirey announced that United Concordia made an error on the renewal rates and the rates for 2012 will be about 40% less. The employees will not have to contribute because the total will be less than \$3,000.

Mr. Seidel made a motion to approve the 2012 preliminary budgets and advertise them for adoption. Ms. Bishop seconded the motion. Five were in favor. Mr. Sabold was opposed. He asked that the record reflect he voted no because he felt capital reserve should be included in the budgets. The motion carried.

A special meeting to adopt the 2012 budgets was chosen for Tuesday, December 20 at 8 pm.

With no further business to discuss a motion to adjourn was made by Mr. Seidel, with a second by Mr. Dentler. All were in favor. The meeting adjourned at 10:08 pm.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer