

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, October 1, 2012 at 7:00 pm. All council members and the mayor were present. David Lipinski was present for the engineer's office. President Sabold called the meeting to order. A moment of silent prayer followed.

The September minutes were reviewed. There was one correction. On page 4, Engineer's Report in the first line the name should be changed to Dave Lipinski. Mr. Dentler made a motion to approve the September minutes, as corrected. Mr. Hess seconded the motion and all were in favor.

PUBLIC COMMENT

Fire Company Report

- They responded to 17 calls during September. There were no losses.
- Additions to the October activities calendar: 10/9 – School students will be visiting the fire company as part of Fire Prevention Week activities; 10/11 – May assist Strinestown Fire company with their Fire Prevention Week program for students; 10/12 – Fire drills at the schools in the borough; 10/24 – Fire training at West York Fire Company; 10/28 – Live burn training at the York County Fire School; 10/31 – Trick or Treat. Mr. Seidel made a motion to approve the October calendar of activities, as corrected. His motion was seconded by Ms. Bishop. All were in favor.

Tom Fadley and Duane Hull, representatives of the Dover Lions Club, were present to ask if the Borough Council would like to have additional trees planted in Ketterman Park next year. The Dover Lions Club budgeted \$400 for this and they need to determine if the council is willing to contribute toward this again. Mr. Sabold stated the council would be preparing the 2013 budget soon and would consider the request.

Mr. Herrold introduced Scott Lineberry, a new attorney from his office. The council welcomed him.

BID RESULTS

			<u>One Year</u>	<u>Three Year</u>
<u>TRASH</u>	Penn Waste	Bid # 1	\$126,750	\$380,250
		Bid # 2	\$124,800	\$374,400
	York Waste	Bid # 1	\$146,358	\$438,984
		Bid # 2	\$146,358	\$438,984

The bid opening was held on Thursday, September 27 at 1:30 pm. The contract was bid two ways. Bid # 1 – no change in the existing service. Bid # 2 – Reduce the number of bags allowed per collection from six to four. Eric Sentz, representative for Penn Waste, asked to address the council. He stated Penn Waste had provided the borough's trash service for a number of years and they had a proven record of service. He recommended the council accept the three year contract price since it breaks down to the same cost per year as the one year contract. This would guarantee the price for three years and still have the option to extend it. Mr. Seidel made a motion to approve the three year contract with Penn Waste for a total cost of \$380,250. Mr. Hess seconded the motion and it carried.

		<u>One Year</u>	<u>Three Year</u>
		<u>General / Park</u>	<u>General / Park</u>
<u>MOWING</u>	Best Wash, Inc	\$635 / \$335	\$605 / \$335
	Clippers Lawn & Landscape	\$295 / \$298	\$295 / \$298
	Mallows Outdoor Maintenance	\$400 / \$600	No Bid
	ODPM	\$315 / \$325	\$315 / \$300
	Rogers & Son	\$295 / \$190	\$295 / \$190
	Trump Lawn & Land Co.	\$500 / \$250	\$550 / \$300

The bid opening was held on Thursday, September 27 at 2 pm. Mrs. Shirey reported that the three year bid from Rogers & Son included a stipulation to allow a 3% increase in the cost per mowing for year two and three to cover increases in his costs. Mr. Herrold felt this disqualified Rogers' three year bid, but the one year bid was still valid. It was noted the next lowest three year bid was from Clippers Lawn & Landscape. Mr. Sabold asked Mr. Herrold if the council was required to accept Roger's one year low bid. Mr. Herrold stated it was up to the council to decide whether to accept the low bid for one year or three years. Mr. Seidel made a motion to accept the three year bid from Clippers Lawn & Landscape for General mowing at a cost of \$295 per mowing, and for the Park at \$298 for the park. Mr. Dentler seconded the motion. All were in favor.

SEWER

Manager's Report

- Mr. Lentz reported the PLC program, which was wiped out by a lightning strike, was emailed to him by Schreiber. The program was reloaded and is functioning normally. A disk was created in case this occurs again. A program for the pumps was also downloaded, and a disk created, should it be needed.
- Mr. Lentz received a UV burn on his eyes last week, which damaged his corneas. Mr. Sabold asked if warnings would be placed in the policy for working on the equipment. Mr. Lentz explained how the injury occurred and what procedures will be changed to prevent it from recurring.
- Mr. Lentz reported he had observed the stormwater runoff on Lewis Lane during a rain event and it was draining as it was engineered.

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

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

Old Business – None.

New Business – None.

WATER

Manager's Report

- Mr. Lentz reported 23 new meters were installed.
- The training on the new meters and meter reading software was completed and it went very well. The equipment is easy to use, and appears to work exactly as promised. The software will identify a number of reading irregularities, which show in a printable report for follow-up.
- Mr. Lentz reviewed a quote from H & H General Excavating for a 9' x 27' final street restoration patch on Willow Run Road. Since this project was part of abandoning well # 4, USTIF will reimburse the expense. Mr. Lentz noted the quote included the cost of labor and blacktop. Since the borough can purchase the blacktop at a lower price through a cooperative bid contact with Dover Township, the cost for H & H will be much less. Mr. Seidel made a motion to approve the \$2,300 expenditure to patch the blacktop from the abandonment of well # 4. Mr. Hess seconded and the motion carried.
- Mr. Lentz informed the council of a problem with the water main on Willow Run Road. While removing the valve connecting well # 4 to the water system, it was discovered that Schedule 40 pipe was used for part of the water main. Schedule 40 pipe is equivalent to drain pipe and is not intended for high pressure use such as a water main. He suggested slip-lining the pipe could be possibility rather than replacing the line. This would be more cost effective. He would discuss this with the engineer's office.
- H & H submitted a quote for \$8,950 to perform final street restoration for multiple water repair projects throughout the borough. This quote also included labor and the cost of blacktop. He reiterated the cost would be less if the borough purchases the blacktop. One of the areas is on East Canal Street, at the end of Willow Run Road. The temporary patch sunk causing a dip in the road. It needs to be repaired as soon as possible. It was noted all street restoration must be completed before Penn DOT's October 15 fall paving deadline. Mr. Seidel made a motion to accept the quote from H & H, for multiple street patches, not to exceed \$8,950. Mr. Dentler seconded and all were in favor.

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

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

Old Business – Mr. Seidel asked if there was an update on the proposed well site on the fire company property. Mr. Lentz had not heard anything and stated he would follow up with Justin Shappell.

New Business – None.

BOROUGH

Manager's Report

- Mr. Dentler praised Mr. Lentz for the paving work on Lewis Lane. Mr. Lentz reported Mrs. Heagy's trees and flowers were covered with tarps to protect them.
- Mr. Lentz reported a hearing was scheduled tomorrow with Candy Reed at the district justice's office, regarding her property at 89 North Main Street. Mr. Herrold would be attending with him. Mr. Lentz reported notices are posted on the property stating the gas and electric had been turned off. Mr. Lentz reported a Sheriff's Sale was held in June, but the borough had not been notified.
- Mr. Lentz requested permission to spend \$59 to purchase a hands-free device to use with his cell phone. He frequently receives calls when he is driving. AT & T has a wireless speaker device he can attach to the visor in the truck to use while driving. He reported he tried a hands-free earpiece, but it was uncomfortable. Mr. Dentler made a motion to authorize the \$59 purchase of a hands-free device for the borough manager to use in his truck. Mr. Kroft seconded his motion. Six were in favor. Mrs. Koch was opposed.

Darwin Frey, 56 Amberview Drive, asked Mr. Lentz about the status of Mr. Mengelkamp's property at 58 Amberview Drive. Mr. Sabold asked Mr. Frey to address his questions to the council. Mr. Frey stated the property is looking very nice. He questioned how much more was required on the permit before the property could be occupied again. Mr. Lentz stated he was only responsible for the zoning and code enforcement issues. The building permit inspections are done by Commonwealth Code Inspection Service (CCIS), but a final inspection would be required before an occupancy permit would be issued. Mr. Lentz reported trees were removed and grass had been planted. Mr. Frey asked why the tree growing up through the antenna frame was not removed. Mr. Lentz stated that would be Mr. Mengelkamp's decision. Mr. Sabold noted the borough and fire company had condemned the house. He asked Mr. Herrold if any action was required by the borough before the home could be occupied again. Mr. Herrold stated no other action was necessary because CCIS was acting on behalf of the borough.

Engineer's Report

- Mr. Lipinski stated he was present to review the proposed Stormwater Ordinance and to answer questions for the borough council. He stated the majority of the recordkeeping and enforcement will be the borough manager's responsibility. He explained that new impervious surfaces are calculated cumulatively. Each time additional impervious surface is added, this will increase the cumulative total. Mr. Lentz would need to keep permanent records of each time impervious surface is added to a property. Mr. Lipinski explained the stormwater requirements started with the federal EPA. They delegated state enforcement to the PA DEP, who in turn delegated it to county government, which then funneled down to municipalities. York County developed an Integrated Water Resource Plan (IWRP) and an Act 167 Study as required at the County level. The IWRP included a 'model' ordinance municipalities could use and customize for their particular needs. The intent of it is to control stormwater in the Chesapeake Bay Watershed. Every municipality in York County is required to adopt a stormwater management ordinance consistent with the model ordinance approved by the PA DEP. The original deadline for municipalities to pass an ordinance was in 2011. This deadline passed with many municipalities not adopting an ordinance due to lengthy negotiations about exemptions and the wording of some sections. Ultimately, if a municipality does not adopt a stormwater ordinance,

consistent with the model ordinance, the state will stop the distribution of state aid monies until it is adopted. Mr. Lipinski explained they have negotiated to 'soften' the language to make the ordinance less burdensome for local government and the residents. In Section 133-13 of the model ordinance, there are no true exemptions, except for the new impervious surface coverage of 100 square feet or less; however, this area is counted as part of the cumulative total for exemption status. Everyone who installs any type of impervious surface must install stormwater management facilities to control the stormwater runoff from these new impervious surfaces. Exemptions relate to specific situations where submission of a stormwater plan will not be required. A table is included in the Exemptions Section, which includes the following:

- If the plan covers 100 square feet or less of impervious surface, no action is required.
- For plans covering surfaces up to 1,000 square feet, residents are exempt from submitting a stormwater plan, but must still install stormwater management facilities for the new impervious surface.
- For impervious surface plans of 1,001 to 5,000 square feet a simplified plan can be used. Included with the stormwater management application form will be simple guidance and seepage pit detail to assist them. The intent is for it to be simple enough for someone to create a stormwater plan without hiring an engineer. The applicant will be required to sign a statement saying they are aware they are required to do stormwater management and they agree to do so. The municipality will be required to keep this form on file. If a stormwater problem arises the borough has a statement proving the property owner was aware of the requirement to manage the stormwater and the applicant must resolve the stormwater problem.
- Any plan covering over 5,000 square feet of new impervious surface requires an engineered stormwater plan.

Holley's office created a sample stormwater plan application that municipalities can use. Included with the application will be simple guidelines and seepage pit detail to assist them. The intent is for it to be simple enough for someone to create a stormwater plan without hiring an engineer. The applicant will be required to sign a statement saying they are aware they are required to do stormwater management and they agree to do so. The municipality will be required to keep this form on file. If a stormwater problem arises later the applicant must resolve the stormwater problem. Each municipality must decide if they want the lower limit for their ordinance to be 100, 500 or 1000 square feet. In the exemption section, the ordinance has a table for varying amounts of impervious surface based on the lot size; however, the model ordinance allows up to 1,000 square feet of new impervious surface before requiring plan approval. He noted that for small lots, 1,000 square feet of new impervious surface might be a significant portion of the lot.

In addition, Mr. Lipinski reported an MS4 application was submitted recently to the PA DEP for the upcoming 5 year permit cycle, starting March of 2013. A stormwater waiver was requested, but the federal EPA indicated no one in the Chesapeake Bay Watershed will receive one. The new permit will be effective in March 2013. One of the requirements will be to collect samples at each outfall (stormwater discharge pipe, swales, channels, etc.) for nitrates, phosphorus and sediment. The testing is required at a rate of 25% of the total number per year. Mr. Lipinski stated he will need feedback from the council regarding changes to the model ordinance.

Solicitor's Report

- Mr. Herrold reported the Cohen Law Group provided a copy of the proposed Cable Franchise Agreement for each municipality participating in the consortium to review. The proposed agreement had also been submitted to Comcast for them to review.
- Mr. Herrold made the requested updates to the Solid Waste Ordinance, with the exception of adding the wording regarding tipping fees, under Section 131-9. Mr. Herrold explained he gave this additional thought and felt it would be better to include this in the bid specifications and contract. If this was not included in the bid documents, then Penn Waste cannot pass the increase on to the borough. The

proposed changes were contained in Ordinance 2012-4. Mr. Seidel made a motion to adopt Ordinance 2012-04. Ms. Bishop seconded the motion and all were in favor.

- Mr. Herrold opened discussion of Ordinance 2012-05, which will be Article 2 of Chapter 131 – Solid Waste, which adds recycling to the ordinance. Ms. Bishop asked him to research if a section regarding the recycling of electronic devices had to be included in the ordinance. He reported the statute requires the manufacturers of electronic devices to provide programs for the collection and disposal of them. Consumers cannot place electronic items out for normal trash collection and waste haulers are not allowed to take electronic items. It was noted the York County Solid Waste Authority holds an electronics recycling event on the third Saturday of every month. Mr. Seidel made a motion to authorize the borough solicitor to advertise the recycling ordinance for adoption. Discussion of the ordinance continued, including who would be responsible for enforcement of recycling. It was noted the contractor will not collect unacceptable items. Mr. Herrold recommended the council take a month to review the proposed ordinance prior to approving it for advertising. Mr. Seidel withdrew his motion. The issue was tabled.
- Mr. Herrold reported he researched Mrs. Koch’s question regarding new case law involving the extension of contracts. He reported his findings in an opinion letter, which was supplied for the council members. His research showed the case in question involved a municipality negotiating a lower price for a contract extension. This violated competitive bidding laws required for municipal contracts. It was his opinion that a contract may contain a provision to extend the contract if the provision is part of the original bid specifications. The borough’s trash and mowing bid specifications and contracts include a provision for a one or two year extension of the contract, with no change in the contract price. Mr. Herrold stated it was at the discretion of council if they wanted to continue this policy. Mrs. Koch stated she is not in favor of extending contracts.

Police Report

- The September report was not available yet.
- The Mayor reviewed an independent study entitled “York Counts”, which evaluated police services in York County. Chief Bentzel thought it provided some good information, but did not feel the study was a fair comparison of costs or services. For example, some police departments have office space provided in the municipal building and this significantly reduces their overhead.
- The police commissioners asked Chief Bentzel to contact neighboring municipalities that use the PA State Police for protection and do not pay for police services. He was to inquire if they would be interested in purchasing time from the Northern York County Regional Police.
- A prescription drug take back collection was held recently at the Giant store in Dover. Over 250 pounds of drugs were collected. This is more than the first two events combined.

Ambulance Club Report – Mr. Hess had nothing to report.

Recreation Board Report

- The annual Tree Lighting Ceremony will be held on Friday, November 23 at the square. Members of the Dover High School Jazz Band will provide music. Northern Regional will close the roads leading to the square a little earlier this year.
- The Recreation Board made a recommendation that gift cards be given as prizes for the House Decorating Contest instead of cash. The council felt this was a good option.

Treasurer’s Report – Mrs. Shirey added a bill from Mr. Herrold’s office to the General Fund bill list. Mr. Kroft made a motion to approve payment of the bills, as corrected. Mr. Hess seconded and the motion passed.

Old Business

- The budget meeting dates were rescheduled to October 22 and 29 at 7 pm.
- Mr. Seidel reported the Personnel Committee recommended several changes to the Employee Manual. Mr. Sabold recommended each item should be presented for a vote individually. Mr. Seidel read the policy to the members; his statements are quoted as follows: *(All items in italics are quoted.)*

- 1) *Attendance – Each employee is responsible for calling in and reporting any absence to their supervisor by the start of the work day. This was a change in the wording of the previous policy. It previously stated the employee should report any absence to their supervisor or the office but no deadline for reporting it was given. Mr. Dentler made a motion to approve revisions to the Attendance Policy. Mr. Hess seconded the motion. All were in favor.*
- 2) *Paid Time Off – The committee recommended changing what is currently called vacation and sick time, and replacing it with Paid Time off, or PTO.*

Paid Time Off (PTO) shall be defined as any time away from the job with compensation based on years of credited service. Time away from the job includes vacation, sick leave, doctor's appointments and personal leave. Employees must use PTO and will not be permitted to make up time after normal hours of work. When an employee exhausts his or her yearly allotted PTO any time off during the remainder of the calendar year will be without pay. The minimum charge for the use of any PTO will be in one-half hour increments. Any employee who has been absent from work for three (3) days or more, due to illness, must provide a doctor's excuse upon returning to work with no medical limitations regardless of whether the time off was paid or unpaid.

Paid Time Off (PTO) shall be earned and utilized based on a calendar year. Employees shall be entitled to earn PTO at the rate shown.

Years of Service:

One full year leave hours available – 120 hours

Eleven to twenty years – 160 hours

Twenty-one years or more – 200 hours

After the 90 day probationary period the employee shall receive 4.5 hours of PTO per month for the remaining calendar year. After the first year, PTO will be prorated at 9 hours per month for the remainder of the year, at which time PTO will be earned and utilized on a calendar year.

Notice of a full week of PTO must be given to management for approval at least two weeks prior to the scheduled time off. Single days may be taken with your supervisor's prior approval.

Unused PTO, a maximum of 40 hours, may be carried over to the following year and must be used by March 31.

At this point, committee members interjected comments suggesting that employees should save time until the end of the year to use for unexpected sick or leave time. They pointed out this policy benefits the employee because it allows them to carry these hours over for the first three months of the following year.

Upon voluntary resignation any accumulated but unused PTO will be paid if the employee notifies the borough two weeks prior to his or her termination.

Mr. Lentz asked if this policy would affect comp time for a salaried employee. Mr. Sabold stated this policy would not change the comp time policy. Mr. Kroft debated the wording regarding employees making up time 'after normal work hours'. Mr. Lentz asked if this meant an employee could no longer work through lunch to make up time. Mrs. Koch pointed out that lunch breaks are unpaid and would not be part of an employee's normal work hours. Mr. Seidel stated make up time will no longer be allowed. Mr. Kroft suggested the wording should be - "outside normal hours of work". Mr. Dentler made a motion to approve the PTO policy recommended by the Personnel Committee, as amended. Mr. Kroft seconded the motion. All were in favor.

Next, Mr. Seidel stated the committee recommended a Paid Time Off policy for part-time employees. He again read the policy. It was as follows:

Part-time employees working a minimum of 20 hours per month, per work week will be entitled to a maximum of 24 hours a year of Paid Time Off, earned at a rate of two (2) hours per month.

Several people expressed confusion about how part-time employees would accumulate this. Would a part-time employee, who has been employed for more than one year, start the year with 24 hours? Mr. Seidel stated part-time employees will accumulate two hours per month, regardless of the number of years they have been employed. Also, would the employee receive credit for the time at the beginning or end of the month? Mr. Seidel stated the employee could not accumulate the time until they had worked for the month. In addition, he clarified the 90-day probationary period would also apply to part-time employees before they could begin to accumulate this time. Mr. Kroft asked to review the draft of the policy. After reading over it, he suggested the PTO policy for part-time employees should be placed in the Employee Manual so that it does not appear directly below the paragraph regarding the procedure for how a new full-time employee will accumulate PTO. Mr. Seidel made a motion to approve the new part-time PTO benefit package, with the recommended changes. Mr. Kroft seconded and the motion carried with all in favor.

Mr. Seidel recommended changes should be effective 10/1/2012. Mr. Dentler made a motion to make all of the changes recommended by the Personnel Committee should be effective October 1, 2012. Mr. Seidel seconded the motion and the motion passed.

Mr. Sabold thanked Mrs. Koch, for making all the changes in the Employee Manual during the past year. He also thanked the Personnel Committee for all their work.

New Business

- The York County Boroughs Association Annual Banquet is scheduled for Saturday, November 10, 2012. Anyone who would like to make reservations should contact Mrs. Shirey. Mrs. Shirey noted years of service, Service Awards are made at the annual banquet. Anyone who would be eligible for a Service Award for years of service should let her know, or respond directly to the YCBA.
- The Dover High School Student Council submitted a letter requesting permission to hold the annual Homecoming Parade on Friday, October 19 from 6 to 6:30 pm. They submitted the required Request for Fire Police form. Penn DOT asked them to provide a letter from the borough stating they have permission to have the parade. Mr. Dentler offered the motion to allow the Dover High School Student Council to hold the Homecoming Parade on October 19, and that the council provide the requested letter provided they get all the necessary approvals. Mr. Seidel seconded the motion. The motion carried. The requested letter was signed by President Sabold.
- Mr. Sabold thanked Ms. Bishop and the Solid Waste Committee for their work to update the ordinance.
- A thank you card was received from the Friends of Dover Library for the donation made by the council.
- Mrs. Shirey had submitted a note requesting a meeting with the council and mayor, within the next two weeks. A number of council members had commitments which would make this difficult. Mrs. Shirey agreed to allow it to go beyond two weeks. Various dates were debated. It was decided to hold an executive session at 6:30 pm on Monday, October 22 prior to the first budget meeting.

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 9:45 pm.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer