

## MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, December 5, 2010 at 7:00 pm. Mr. Dentler was absent. The remaining council members and the mayor were present. President Sabold called the meeting to order. A moment of silent prayer was observed.

The November regular meeting minutes were reviewed. Mrs. Shirey called attention to page 2, in the second paragraph, and the twenty-sixth line. She left a blank for a number. In the discussion of increasing the width of the right-of-way she was not able to determine the size from her notes or the tape. Mr. Clark reported it should be 40 feet from the center line. Mr. Eisenhart referred to page 1, fourth paragraph, and the ninth line. He stated the right of way would be a total of 33 feet, and the section in parentheses should be deleted. He then called attention to page 2, first paragraph, and the third line. The word 'be' was missing between would and tied. Mr. Eisenhart moved on to page 7, in the second paragraph of the Manager's Report, and the last line. He thought the ordinance stated "25 feet from the center line" rather than "25 feet from the street". Mr. Lentz checked the code book and based on 160-13 the minutes are correct. Mr. Seidel made a motion to approve the minutes as corrected. Mr. Eisenhart seconded the motion and all were in favor.

The November 15 special meeting minutes were reviewed. Mr. Seidel called attention to page 1, in item # 6, under the Subdivision and Land Development comments, in the second to the last sentence. The second word should be informed, rather than inform. Mr. Eisenhart made a motion to approve the November 15 special meeting minutes, as corrected. Mr. Seidel seconded the motion, and all were in favor.

The November 16 special meeting minutes were reviewed. There were no changes. Mr. Eisenhart made a motion to approve the November 16 special meeting minutes, as presented. Mr. Seidel seconded his motion, and the motion carried.

## PUBLIC COMMENT

Assistant Fire Chief, Troy Dettinger, reported the fire company responded to 24 calls during November. Only three of these calls were in the Borough. They will continue the annual tradition of Santa riding through the entire Borough, on a fire truck, on Christmas morning. The December activities calendar was reviewed. Mr. Eisenhart made a motion to approve the activities on the December fire company calendar. Mr. Seidel seconded the motion, and it passed. The fire company will have the same officers for 2011. Mr. Dettinger reported the fire company will be trying a new fundraising opportunity. They are partnering with Market America. It is a pyramid type sales program where they will receive a percentage of the sales for anyone who becomes a member through the fire company. There will be no fee to join. Mr. Sabold thanked the fire company for delivering Santa to the Tree Lighting Ceremony on a fire truck. Mr. Dettinger requested that the Council waive the water and sewer fees for the fire company for 2011. Mr. Seidel made a motion to waive the water and sewer fees for the fire company for 2011. Mr. Eisenhart seconded his motion, and it carried.

Dave Nelson was present on behalf of the Dover Area School District to request final approval of the Dover Elementary School renovation plan. Mr. Nelson reported the Highway Occupancy Permit was received from Penn DOT today. Mr. Clark reported all of the comments had been addressed. The only other outstanding issue would be the letter of credit. Mr. Nelson gave copies of the escrow agreement to Mrs. Shirey today. Mr. Seidel made a motion to approve the

final land development plan for Dover Elementary School. Mr. Hess seconded the motion and all were in favor.

Mr. and Mrs. Darwin Frey, 62 Amberview Drive, stated they are frustrated with the condition of 58 Amberview Drive. This property was condemned in August. They claim the trash in the rear yard is unbearable. The tie-downs on the tarp over the back of the house have come loose and the tarp flaps in the wind. This leaves an area at the back of the house open, which will allow small animals to enter. Some neighbors have reported seeing rats. Mr. Lentz last spoke to Mr. Mengelkamp about three weeks ago. Mr. Mengelkamp reported he contacted an attorney because his insurance company denied the claim. Mr. Frey stated the family goes in the home occasionally to get things. Mr. Sabold noted they should not be entering the property unless it has been inspected by an engineer for safety. Mr. Herrold stated there are two issues the Borough zoning could address: 1) The issue of the structural integrity and safety of the property, because it is vacant; and 2) The issue of trash since the Borough has a Property Maintenance ordinance. Mr. Lentz could use this to file violations with the district justice. Mr. Dettinger reported all of the utilities were shut off at the time of the basement wall collapse. Mr. Seidel suggested written confirmation should be obtained from Mr. Mengelkamp to show he is taking action to repair the property.

## SEWER

*Manager's Report* - Mr. Lentz reported the new office/lab is waiting for the electricians to return to do more work. Mr. Lentz he and Tom Wallace would be touring the WWTP and doing a checklist of items still to be completed. Mr. Sabold asked if Dover Township provided a report on the televising done north of the Borough. Mr. Lentz reported the televising was just completed several days ago, and he had not received the report yet.

*Engineer's Report* - Mr. Clark reported the repair of the Dover Intermediate School lateral would likely be bid in May, and the work performed in late June or early July. He and Mr. Lentz plan to review the televising tapes of the line. The existing line has extra turns, and was not installed very efficiently. They feel the new line can be shorter, which will use less feet of pipe and save money. The existing line will be plugged, rather than removed. He submitted a bill for I. B. Abel, in the amount of \$8,308.46, which is included in the Treasurer's report. There were no requests for payment from Conewago Enterprises this month. Mr. Clark presented three items under change order # 4 for I.B. Abel, Inc. Item A - Add a junction box and change the wiring, allowing slack in the line, so the bar screen can be removed for repair. Without this it will be very difficult to lift the bar screen out of place without tearing the wiring loose. The wiring in this area is explosion proof, so the cost is more than if it were normal wiring. The cost for this would be \$1,243.78. Item B - The new tank (# 3) has a call out alert if there is a bridge failure. An automatic alert notifies an operator of the problem by telephone. This is standard item on the new tank. It would be beneficial to have this alert on all of the tanks. The two older, pre-existing tanks (# 1 and # 2) do not have this alert system. The cost to add this would be \$2,561.09.

At this point, Santa Claus visited the meeting and wished everyone a Merry Christmas!

The prior discussion continued. Item C - The existing lighting in the wet well, on the dry side, is minimal. Due to the additional equipment, which may require maintenance or repair, additional lighting should be added. The change order calls for three fluorescent fixtures, including the conduit, wiring and switches, at a cost of \$2,974.42. The Council felt this was expensive for this work. Mr. Eisenhart asked if a portable halogen light could be used. Mr. Lentz agreed this could be used, but it would be preferable to have a fixed light rather than maneuvering a portable light on the steps and in the narrow walkways in this area. Mr. Clark pointed out this entire project had to be paid at prevailing wage, which is about 30% more than normal wages. If item C is done as a separate project he is sure it would be less expensive. Mr. Hess asked if using a different

contractor would void any warranties. Mr. Herrold agreed that if different contractor performs items A and B that this could cause a conflict with the original contractor if problems develop later. The original contractor could claim any problems were caused by the second contractor. He felt installation of lighting fixtures, was a separate issue, which could be done at any time. Mr. Eisenhart made a motion to approve Change Order # 4, Item A, to add a junction box and change the wiring for the bar screen, at a cost of \$1,243.78, and Item B, to add bridge failure alerts to tanks # 1 and # 2, at a cost of \$2,561.09. The total of both items will be \$3,804.47. Mr. Hess seconded the motion. Four were in favor, with Mrs. Koch and Mr. Seidel opposed. Item C will be done later. Mr. Clark stated he needed Mr. Sabold to sign Change Order # 12 for Conewago Enterprises. It had been approved at the last meeting, but the change order had not been ready for signature.

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

*Old Business* - None.

*New Business* - None.

## **WATER**

*Manager's Report* - Mr. Lentz reported 17 additional blank meters were discovered when the quarterly meter readings were done in November. Elster reported they shipped 50 more meters to the Borough, but they have not arrived. Elster also said they would be providing a testing report in mid-December for the dead meters the Borough has returned to them. Mr. Sabold asked if there was any word on the testing of Well # 4. Mr. Lentz stated the PA DEP gave Rutter's 90 days to respond. There have been no updates from the PA DEP, but the 90 days will expire in December. Mr. Lentz reported a transformer burned out at Well # 3.

*Engineer's Report* - Mr. Clark reported Detraglia Excavating should begin the Groundwater Rule work on Well # 5 next week.

*Solicitor's Report* - Mr. Herrold had nothing to report. Mr. Eisenhart stated he wanted to remind Mr. Herrold and Mr. Clark that the school district had asked for permission to transfer their water supply to Dover Township, so they had higher pressure for the sprinkler system. The school district had obtained a quote to do this a number of years ago, but the cost was excessive and the issue was dropped. He thought perhaps they could do this when they repair the sewer lateral. Mr. Hess pointed out the water connection to the school is not at the same location as the sewer lateral. Mr. Eisenhart noted that the Borough is purchasing water from Dover Township, which in essence is being resold to supply the school.

*Old Business* - None.

*New Business* - None.

## **BOROUGH**

*Manager's Report* - Mr. Lentz reported the new tractor was delivered. He and Mr. Clark met with Lori Yeich, a DCNR representative, regarding closing the Ketterman Park grant. She found a few items which need to be addressed before the grant can be closed. Ms. Yeich encouraged the Borough to continue filing grant applications for additional improvements at the park. The DCNR likes to see grant applications to continue projects they have funded. Mr. Lentz attended a hearing at District Justice Shoemaker's office regarding 89 North Main Street. Earl Lauer and his daughter, Kim Livingston, also attended to represent their interests for their properties at 93 North Main Street and City Hall Drive, which border the 89 North Main Street. The Reed's did not

appear for the hearing. Judge Shoemaker found them guilty of three offences and fined them \$100 for an abandoned vehicle, and \$600 for each property maintenance violation. Recently, Kim Livingston called Mr. Lentz to inform him that part of the Reed's fence had fallen against their property at 3 City Hall Drive. Mr. Lentz took pictures to document this. He will file another complaint with District Justice Shoemaker's office. Mr. Herrold encouraged him to keep filing against the Reed's so they will continue to be fined. Mr. Lentz noted the process is frustrating because it is normally three to six months from the time he files a claim until there is a hearing. Because of this Mr. Lauer and his daughter have become frustrated and feel nothing is being done. Mr. Herrold stated the Borough could file a civil law suit, but this would be expensive. Mr. Lentz was encouraged to keep on top of this situation.

*Engineer's Report* - Mr. Clark announced the Community Development Block grants (CDBG) "will be out in February and due in April". He encouraged the Council to think about any projects they might want to do. He reminded the Council that the Borough is still on the short list to receive money for the replacement of sidewalks on North Main Street, but this will only happen if there is money leftover from other projects. Mr. Eisenhart asked if this is the money for the sewer grant the Borough applied for. Mr. Clark stated the sewer grants would be from H2O grant money, and the announcement for those had been delayed. The original announcement date was to be November 17. This was delayed by two weeks. Mrs. Koch stated the Commonwealth Finance Authority (CFA) only granted funds for alternative energy projects.

*Solicitor's Report* - Mr. Herrold presented the 2011 Tax Ordinance for adoption. There were no changes in the tax rates for 2011. Mr. Seidel made a motion to adopt Ordinance 2010-02, which sets the tax rates for 2011. Ms. Bishop seconded the motion, and it carried. Mr. Herrold reported he reviewed, and was satisfied with the escrow agreement between the Borough and Dover Area School District. The council president and secretary need to sign it. Mr. Seidel made a motion to approve the escrow agreement with Dover Area School District for the Dover Elementary School project, and to authorize the council president to sign the agreement. Ms. Bishop seconded the motion. All were in favor. Mr. Eisenhart asked if the agreement regarding the sewer line issue at the high school stadium was ready. Mr. Herrold reported he has not finished reviewing it. Mr. Seidel asked if the Council wanted to authorize Mr. Herrold to draft an ordinance to make the traffic and signage changes which will be required due to the elementary school renovations. Mr. Herrold asked if these changes were needed now. It was noted the project has not started, and the school's project engineer had stated the changes would not be needed until near the end of the project which could be eighteen months from now. Mr. Herrold stated if the changes were made now they would need to be enforced, so it would be better to wait until closer to completion of the project.

*Police Report* - Mayor Pope reported there were four less calls in October 2010, compared to the same period in 2009. The issue of Abbottstown Borough joining the Northern Regional Police has definitely been dropped. Two new officers are being hired to replace two who are retiring.

*Ambulance Club Report* - Mr. Hess reported there was no meeting in November. The next meeting would not be until January.

*Recreation Board Report* - In Mr. Dentler's absence, Mr. Eisenhart reported there was an excellent attendance at the tree lighting ceremony. The house decorating contest will be judged at the start of the December 13 meeting. Mrs. Shirey noted that the terms of two members of the board would expire at the end of the year. She asked if Mr. Eisenhart would be making the recommendations for re-appointments or new nominations for members. Mr. Eisenhart stated he thought Mr. Dentler would take care of this at the January meeting. He reported his term was one which would expire, and he was retiring from the board.

*Treasurer's Report* – Mrs. Shirey reported she researched two items, as requested during a budget meeting. First, the amount spent on engineering fees in 2009 for the WWTP expansion/upgrade was \$134,534.43. The Council indicated they may wish to reimburse this amount from the sewer loan funds. Second, it was suggested that a portion of the new tractor could be purchased with Liquid Fuels money. Up to 20% of the annual allocation can be used toward vehicles or equipment. She did not include either of these bills in the bill lists, since she did not know how the Council wanted to proceed. Also, she noted if all of the bills on the General Fund bill list are paid that there is not enough money in the General Fund to cover them. She reported money from the utility bills was due this month. She recommended the Northern Regional, Penn Waste, and Holley invoices could be held for one or two weeks until there is sufficient money to pay them. Mr. Eisenhart suggested the payroll reimbursement from the Sewer and Water Funds could be done for October and November, rather than waiting until the end of the year. Mr. Seidel made a motion to transfer the money from the sewer loan to the Sewer Loan checking account to reimburse the Holley engineering invoices from 2009 for the WWTP expansion/upgrade (a total of \$134,534.43), plus the bills listed on the December Sewer Loan bill list for a total of \$174,253.43. Mr. Eisenhart seconded his motion. Under the question, Mr. Seidel questioned Invoice # 18022, in the amount of \$10,695.75. After some discussion, it was decided this bill should be tabled until an itemized breakdown of the charges can be reviewed. Mr. Seidel and Mr. Eisenhart withdrew their earlier motions. Mr. Eisenhart made a motion to transfer money from the sewer loan, to the sewer loan checking to cover the Holley invoices from 2009, plus the December Sewer Loan bills, with the exception of Invoice # 18022. The revised total to transfer was \$163,557.68. Mr. Hess seconded the motion. Mr. Eisenhart, Mr. Hess and Mr. Sabold were in favor, and Mrs. Koch, Ms. Bishop and Mr. Seidel were opposed. Mayor Pope was asked to break the tie. He voted in favor of transferring the money, so the motion carried. Mrs. Shirey was asked to contact Holley's office to request an itemized breakdown of Invoice # 18022, as well as, additional detail for Invoice # 17795. Next, the division of payment for the tractor was debated. Mrs. Shirey explained if the cost is divided equally, and one-third is paid by General, Sewer and Water that each share would be \$11,031.29. If Highway Aid pays 20% of the cost, this would total \$6,618.71. After some discussion, it was decided the Sewer and Water Funds would each pay one-third, or \$11,031.29. The remaining third would be split as follows. The Highway Aid Fund will pay \$6,500 and the General Fund would pay the balance of \$4,531.19. Mr. Eisenhart made a motion to approve payment of the bills, with the exception of Invoice # 18022 from the Sewer Loan bill list, and as otherwise amended. Mr. Hess seconded the motion. Mr. Eisenhart, Mr. Hess, and Mr. Sabold were in favor. Mrs. Koch, Ms. Bishop and Mr. Seidel were opposed. The mayor was asked to break the tie. Mayor Pope voted in favor of paying the bills, so the motion passed. Mrs. Shirey was instructed to hold the Northern Regional, Penn Waste and Holley invoices for the General Fund, until enough money is received to cover these bills.

The Borough Council wanted it noted for the record that even though the wastewater plant expansion/upgrade was only about 2% over budget they are very upset that Mr. Wallace did not include items which had been brought to his attention. Mr. Lentz and Mr. Grim met with him and went over a list of items to be addressed prior to the upgrade. It was unfortunate that Mr. Wallace had health problems, and was out of the office for a period of time, but it was the responsibility of the engineer's office to follow-up in his absence. In addition, the amount Holley's office recommended for engineering fees for the sewer budget has been way over budget the last few years. They felt mistakes and oversights by Mr. Holley's office had cost the Borough a significant amount of extra money and they should have absorbed the cost of some of these change orders.

#### *Old Business*

- The 2011 meeting dates were reviewed. Mr. Eisenhart made a motion to approve the 2011 meeting dates, as presented. Mr. Hess seconded the motion, and all were in favor.

- The Council was reminded of the budget meeting December 7 at 7 pm. Mr. Lentz noted there was to be an executive session with the employees at the start of this meeting. He had a conflict, and asked if the executive session could start at 6:30 pm. The majority of the Council felt they could be available at 6:30 pm.
- Mrs. Shirey reported she had a revised quote to purchase a computer server, at a cost of \$5,180.13. Additionally, the installation would be an additional cost of 8 - 10 hours of labor at \$100 per hour. This was budgeted for 2011, and would not be paid until next year. Mr. Seidel made a motion to authorize the purchase of the computer server, at a cost of \$5,180.13 plus the cost of installation. There was no second. A discussion ensued, and because the final budget was not approved the Council did not want to authorize this purchase. Mr. Seidel withdrew his motion. The issue was tabled.

*New Business* - Real Places LLP, the Shipley Group property management division, sent a letter requesting the water, sewer and trash services be discontinued for 15 and 17 South Main Street. This semi-detached property was demolished in July of 2009. They may want to rebuild something on this land in the future, but they want to give up the water and sewer connections. They do not have to pay these expenses for a vacant lot. The letter does not acknowledge they are relinquishing the water and sewer connections. Mrs. Shirey requested a revised letter, including this statement, from William Rosenwinkel. The Council discussed this request, and as long as a revised letter is received, they do not have any objections to discontinuing charging for water, sewer and trash services at these addresses.

Mrs. Shirey reported Becky Hartzler submitted her resignation, effective 12/30/10. Mrs. Shirey asked the Council for permission to advertise for a replacement. The Council was concerned about the cost of advertising in the daily newspaper. Mr. Sabold suggested the job opening could be posted on the website and weekly Courier newspaper. Mrs. Koch suggested the Weekly Record. She believes they offer some free advertising. Mrs. Shirey stated she would draft a job description and place ads as soon as possible. She did not feel she could manage the work load by herself for very long. Mrs. Shirey noted the hours have increased from the initial 10 - 15 hours a week six years ago, and now there is almost enough work for a second full-time secretary. Mrs. Shirey will interview candidates, and make a recommendation to the Council.

Mr. Hess asked if there is an electrical problem with the dump truck. Mr. Lentz reported there was a problem under the dash, but it has been repaired. Mr. Hess stated this reinforced his opinion that this truck needs to be replaced.

Mrs. Koch stated she feels the property maintenance ordinance should be enforced. She stated her neighbor's garage, 75 South Main Street, is in poor condition.

Mr. Lentz reminded the Council there are two sets of plans to be signed before they leave the meeting.

With no further business to discuss, Mr. Hess made a motion to adjourn. Mr. Eisenhart seconded the motion. All were in favor. The meeting adjourned at 9:42 pm.

Respectfully submitted,

Janet T. Shirey  
Secretary/Treasurer