

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, September 10, 2012 at 7:00 pm. All council members and the mayor were present. President Sabold called the meeting to order. This was followed by a moment of silent prayer.

The August minutes were reviewed. There were no additions or corrections. Mr. Dentler made the motion to accept the minutes, as presented. Mr. Hess seconded and all were in favor.

PUBLIC COMMENT

Chief Flohr provided the fire company update.

- They responded to 17 calls in August. Four of these calls were in the borough. There was a \$1,000 loss.
- He had no additions or changes for the monthly activities calendar. Mr. Seidel made a motion to approve the September calendar of activities. Ms. Bishop seconded the motion and it carried.
- The annual fireman's carnival went well. The income was comparable to 2010.

Gayle Heagy, 100 Frederick Court, stated she was "wearing multiple hats" and had several items to discuss.

- First, the Conewago Garden Club was very grateful for the donation they received from the borough.
- Second, last year the Greater Dover Historical Society submitted a request to the York County Planning Commission to have the blacksmith shop added to a York County map of historic places, as part of the York County Heritage Program. They recently received a letter stating the blacksmith shop will be added to the map.
- In addition, as a member of the GDHS, she has been sorting through Dover Borough Council records stored in the old safe at Borough Hall. It contained: Expenses for 1893 - 8/1906, 1932 - 1935 and 1943 - 1946; Borough Council Minutes for 3/27/1900 - 1/7/1907. She provided a list of excerpts from these records and shared several with the council.
- Third, Mr. Lentz notified her that she needs to trim trees on her property, which extend over Lewis Lane. She noted the section of the street beside her property is a dead end and questioned if it is necessary to spend the money to repave it. In addition, she feels the stormwater project done last year did not work, so perhaps the street should not be paved until this is addressed. Mr. Lentz reported a sewer project was done on the street a number of years ago and the stormwater work was done last year. He felt the unevenness of the street was contributing to stormwater not draining properly and repaving the entire street will help this problem. She asked what the standard curb 'reveal' depth is. Mr. Clark stated it is 8 inches. Currently, her curbing in this area only has a 3-inch reveal. She also does not feel the street was engineered correctly because the street is raised in the middle and slopes to the sides. Also, water pools at the end of her driveway which has caused the curbing to deteriorate. Mr. Lentz stated streets are paved with a 'crown' in the middle so the water is directed to the side of the street and into the stormwater collection areas. In response to Mrs. Heagy's comments, Mr. Lentz reminded the council that trimming of trees is required by a borough ordinance, which states trees are not allowed to extend over the street unless they are kept trimmed to a height of 14 feet above the street. Mr. Sabold asked how low the branches are hanging. Mr. Lentz stated they extend about four feet into the road and are lying in the street. Mr. Sabold explained that the 14 foot height is the standard in municipalities to allow access of emergency vehicles. Some of the paving equipment is also quite tall and the branches from her trees will be in the way. More importantly, the street needs to be kept clear for emergency vehicles. Last, she stated she knows the borough has a property maintenance code and she feels it should be enforced. This summer it appeared that every street had properties with tall grass and weeds, weeds growing in the curbs and sidewalks, and houses with noticeable property maintenance violations. Mrs. Shirey informed her that a copy of the complaint form she filed in July was given to the council members.
- She thanked the council for their time. Mr. Sabold thanked Mrs. Heagy for her work with various community organizations.

Peggy Durnin, EMS Coordinator for the Dover Area Ambulance Club, provided an update on recent issues which have affected their income. She wanted to speak to the council before they prepare the 2013 budget. She provided a handout which showed the percentage of income from each source and copies of insurance benefit explanations to document low payments and claim denials. About 85% of their income comes from billing for services. Medicare implemented benefit cuts in April 2012, and will no longer reimburse for ambulance transportation for someone 65 years or older unless they have a life-threatening medical problem. A large percentage of their calls are for the elderly, so this has had a significant impact on their income. Further complicating the problem, many of the elderly cannot afford to pay the non-covered costs. In 2011, the total of unpaid services was over \$216,000. They are currently operating with a \$37,000 deficit despite eliminating one daytime crew and cutting expenses. There is a real threat the ambulance club may close down after over 50 years of service. She reported Dover Township donates the fuel used by the ambulances, but they had stopped their monetary contribution for 2012. She made a presentation to the township supervisors last week and they committed to restart their cash donation for 2013. She requested that the council continue the annual donation in the 2013 budget and asked them to consider increasing it.

Joe Gurney, with First Capital Engineering, was present on behalf of the Shipley Family Limited Partnership to inform the council of the plan to demolish and rebuild the convenience store and bank at 1 South Main Street. (It was noted the address on the plan was incorrectly listed as 11 South Main Street.) Copies of the existing and proposed site plan, proposed new signage and a picture of a similar building design were provided. The plan will go before the Planning Commission and Zoning Hearing Board, but the engineers wanted input from the council first. The proposed plan will join four lots for the site. The convenience store and bank will each occupy about 3,000 square feet. There will be 12 fueling stations and about 42 parking spaces. The maximum impervious surface allowed in the Village Center Zone is 80%. This plan has 77%. The driveways have been reconfigured for better traffic flow. There will be three driveways, with one entering from South Main Street, East Canal Street and City Hall Drive. It is possible City Hall Drive may be an "exit only" for customers exiting from the bank drive-thru. The property at 8 East Canal Street will be demolished which will allow for widening of City Hall Drive from East Canal Street to the fire company driveway. Mr. Gurney stated he met with Mr. Lentz and Mr. Clark recently to discuss the proposed plan and some changes had already been made based on their suggestions. Council members recommended prohibiting left turns when exiting to South Main Street or East Canal Street. It was suggested that concrete traffic triangles could be installed in these driveways to direct people to the correct side. This should discourage left turns when exiting. John Luciani, also with First Capital Engineering, elaborated on the traffic flow. He recommended a corrugated barrier would clearly demonstrate to drivers they are exiting incorrectly. Mr. Gurney explained that the plan will require Penn DOT approval because vehicles will be entering and exiting to state roads. Mr. Kroft noted there is a lawn area at the rear of the convenience store and suggested they consider including an outdoor seating area in this green space.

SEWER

Manager's Report

- Last month Mr. Lentz was asked to contact the PA DEP to ask if the annual cap load limits for the NPDES permit would be increased when the permit is renewed in 2014, since the wastewater plant capacity had been increased. The PA DEP informed him the annual cap load limits for the NPDES permit will not increase even though the WWTP capacity was expanded. The DEP's Chesapeake Bay Tributary Strategy (CBTS) states that any wastewater plant that received approval for an expansion after August 29, 2005, would be held to their existing flow. The borough received approval in 2008, so the cap loads will not change.
- Mr. Lentz believed a lightning strike was responsible for wiping out the programming for the Programmable Logical Control (PLC). Until it is fixed, a timer is being used. This is much less efficient at keeping the nitrate levels low and they have increased. He contacted Schaedler-Yesco and a service technician is scheduled for tomorrow to see if the program can be restored. Mr. Sabold asked if an

insurance claim was submitted. It had not been yet. Mrs. Shirey recommended Mr. Lentz contact PIRMA tomorrow to make them aware of the damage because the insurance company wants claims filed as quickly as possible after an incident. If it turns out that the cost is minimal, and the council decided not to use insurance to pay for the damages the claim could be cancelled.

- Mosquitos collected at the WWTP tested positive for West Nile Virus. Mr. Sabold asked what action would be taken. Spraying was being done in Dover Township this week and he questioned if the township was doing this or if the state or county was requiring it. Mr. Lentz was to get information regarding spraying.
- Mr. Sabold asked if there was a report yet of any findings from the additional nitrite testing. Mr. Lentz stated Dennis Sarpen was compiling the information to see if recent process changes had any impact on the levels. Mr. Lentz noted the new tank more efficiently processes nitrates. Since the PLC has not been functioning, the nitrate levels have spiked up in the older, refurbished tanks. He reported it may be necessary to buy nutrient credits in October to prevent a civil penalty in 2012.

Engineer's Report – Mr. Clark reported he submitted the final Fitz & Smith request for payment of the Dover Intermediate School sewer lateral project, in the amount of \$1,500. It is included on the bill list.

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

Old Business – None.

New Business – None.

WATER

Manager's Report

- Mr. Lentz reported an additional 17 meter problems were found in the Delwood development when the meter readings were collected in August. He explained that the majority of water meters in Delwood are installed vertically and will require a flexible axis Master Meter. A total of 118 would be needed if all the homes in Delwood require one. The initial 10 'flex' meters purchased have already been used. Unless more are purchased he cannot replace any of the additional non-reading meters in Delwood. He explained that a standard water meter must be installed horizontally to function normally. The 'flex' meter is designed to be installed in any situation where the meter cannot be installed horizontally. He requested the council authorize purchasing additional flexible axis meters so he can proceed with replacing blank meters, which will require this type of meter. There was a discussion regarding the number of flex meters to purchase. Mr. Kroft asked if the borough should only purchase the flexible axis meters. Mr. Lentz explained the flex meters cannot be installed horizontally, so they cannot be used in every property. Mr. Seidel made the motion to authorize the purchase of 20 flexible axis meters at a cost of \$3,960. Ms. Bishop seconded the motion and it carried.
- The training for the new meter reading software and reading unit will take place September 18 to 20.
- A water sample from the borough office tested positive for total coliform. Mr. Lentz disputed the finding and believed it was a lab error, because the chlorine residual in the sample was high enough that coliform should not have been present. All follow-up tests collected the next day were negative.
- The water repairs discussed last month were completed in August.

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 reported Mr. Herrold reviewed a letter he had prepared to send to property owners regarding the ordinance requirement to pave driveways 25 feet from the roadway. Mr. Herrold reported he did not feel the wording of the ordinance was strong enough to enforce it. He stated pre-existing conditions cannot be forced to comply with ordinances enacted later, unless the property owner applies for a permit to replace an existing driveway.
- Mr. Lentz reported he filed numerous civil complaints against 89 North Main Street and 73 North Main Street. The ones filed against 73 North Main Street included pool and property maintenance code violations, such as: a non-operational pool, downspouts which had fallen from the house and a large brush pile in the rear yard.
- Mr. Lentz asked how the council wanted him to proceed with paving Lewis Lane, in light of Mrs. Heagy's comments. He informed the council that the curbs she referred to are in bad condition and Mr. Clark had recommended they should be replaced. The handicap access in the curb also does not comply with current regulations. The council debated her requests. Mr. Lentz summarized their discussion, stating he would check with the contractor to determine how high the trees must be trimmed to be out of the way of their equipment. He would inform Mrs. Heagy of the required height. Mr. Lentz reported Fitz & Smith is behind schedule paving, and there is a chance the work could be postponed until next year. Mr. Clark noted paving must be completed before an October 15 deadline, or Liquid Fuels money cannot be used to pay for it.
- Mr. Lentz reported Mr. Mengelkamp has completed the exterior work at 58 Amberview Drive. The trees have been trimmed, the downspouts cleaned out, top soil was placed in the areas where the foundation had been repaired and it was seeded.

Engineer's Report

- Mr. Clark reported Dave Lipinski is working on the MS4 Stormwater Permit application and waiver request. There is a \$500 cost for the application, but no cost for the waiver. The purpose of the waiver is to request exceptions. If granted, the borough would not be required to conform as strictly to the requirements. Mr. Clark explained, if the waiver is not approved it will create a lot of additional work for Mr. Lentz. Mr. Seidel made a motion to authorize the council president to sign the MS4 application and waiver. Mr. Dentler seconded his motion. All were in favor. A motion to authorize the \$500 MS4 permit application fee was made by Mr. Dentler with a second by Mr. Kroft. The motion carried.
- Mr. Clark reported he would likely not be attending a meeting again until January. He will be out of the office for personal business.

Solicitor's Report

- The council requested Mr. Herrold's opinion regarding a per capita tax exoneration request, which was tabled last month. Brian Kearsse's request claimed \$0 income for the year. The ordinance stipulates income of \$5,000 or less for the year to qualify for the exemption. The council asked if they could request documentation to prove his claim. Mr. Herrold referred to Section 143-4. Exemptions in the Dover Borough code book. He quoted – "The Borough Council shall have the authority to adopt regulations for the processing of claims for exemptions which must be complied with by any person claiming entitlement to an exemption." He asked what regulations were in place. He was told there are none, other than the requirement to submit the appropriate form. Mr. Herrold thought the council could request Mr. Kearsse provide a tax return. He suggested the council consider whether this was necessary for a \$5 exoneration request. Mr. Seidel made a motion to approve the per capita tax exoneration request for Brian Kearsse, Jr. Ms. Bishop seconded the motion. The motion passed.
- Mr. Herrold presented an ordinance to prohibit parking on East Canal Street from Edgeway Road to a point 325 feet west of the intersection. Mr. Lentz was asked if he notified residents of this change. He stated letters were sent to all residents in this block of East Canal Street and the Cranbrook Acres development. Mr. Seidel made a motion to adopt Ordinance 2012-03, which prohibits parking on the north side of East Canal Street from Edgeway Road to a point 325 feet west of the intersection. Mr. Kroft seconded the motion. Six were in favor. Mrs. Koch was opposed. Mr. Lentz reported the school district improperly installed the No Parking signs required by this ordinance. He stated he would follow up to be sure they are corrected. Mrs. Koch questioned if the ordinance pertaining to adding the

turn lane on East Canal Street had been passed. Mr. Herrold reported Ordinance 2012-02 was passed in May. Mr. Lentz and some council members expressed concern about the transition into the westbound lane location after you pass Edgeway Road. It was suggested that the pavement marking should be adjusted to the left as you pass the school so vehicles proceed through the intersection safely.

- Mr. Seidel and Ms. Bishop reported the Solid Waste Committee recommended updates to the Solid Waste Ordinance. The existing ordinance does not include recycling information and this service was added to the trash contract several years ago. The borough has also received grant assistance when purchasing recycling bins from the York County Solid Waste authority. The grant program, through the YCSWA, makes the cost of the bins minimal for the borough. The last time they were ordered the YCSWA informed the borough that future grants will specify that the municipality must have recycling included in their ordinances to be eligible to receive this grant assistance. Mrs. Koch expressed concern about the trash contract being advertised for bids before the ordinance updates are adopted. Mr. Herrold stated that as long as any changes in the ordinance are adopted prior to the beginning of the new contract there was no problem advertising the contract for bids.

Mr. Seidel and Ms. Bishop outlined the suggested changes, which were as follows:

* Section 131-7. Requirements for contract collector. A. (1) (a) The current ordinance states twice a week collection is from May 1 to September 30. Twice a week collection has occurred from June 1 to September 30 for many years. This should be changed.

* Section 131-7. Requirements for contract collector. A. (1) (b) The borough eliminated semi-annual bulk item collection a number of years ago. Residents can dispose of one bulk item each week, on the year round collection day. This should be updated to agree with the current service.

* Section 131-7. Requirements for contract collector. A. (1) (c) This item states the trash collection day will only change for Christmas and New Year's Day. This should be changed to state 'any holiday' will move the trash collection to the following day.

* Section 131-9. Disposal of refuse. Add wording regarding tipping fees. Penn Waste informed Mrs. Shirey that most municipalities' solid waste ordinances include wording regarding 'tipping fee' charges. They requested wording regarding tipping fees and the trash contractor's ability to pass tipping fee increases be added to the contract and/or ordinance, as needed to allow this. They requested this because otherwise the contractor must absorb these costs for the duration of the contract. The sample supplied by Penn Waste was given to Mr. Herrold.

Mrs. Koch asked Mr. Herrold if he was aware of new case law, which does not allow for the extension of a contract. The borough's refuse and mowing contracts include a stipulation allowing this. She believed it is no longer allowed. Mr. Herrold stated he was not aware of this and he would research it. Mrs. Koch offered to forward the information she read. Mr. Seidel thanked Ms. Bishop for the effort she put into preparing the information for the changes.

Police Report

- Mayor Pope reported there were 8 less calls in August, and 85 less calls for the year-to-date compared to the same period last year.
- He informed the police that the No Parking signs they requested for Ketterman Park were installed.
- A speed trap on East Canal Street, at Cranbrook Drive, yielded 42 citations and six warnings.
- The 2013 proposed police budget includes a 4.56% increase. The borough purchases 6.5 units, which equates to 65 hours per week. The unit cost for 2013 will be \$36,138.82, which is an increase of \$1,646.26 per unit and an overall cost increase for the budget of about \$10,000 for next year. The council felt he should vote in favor of the proposed budget.

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

Recreation Board Report

- Mayor Pope reported attendance at the August Sundaes in the Park was less than the one in July. They believe this was due to weather.
- National Night Out was a huge success! Attendance was estimated at 1,000 people. Dover Township had the most residents in attendance, but Dover Borough was a close second. Conewago Township submitted a request to host it next year, but they do not have a location with the ease of access and parking as the fire company. Due to this they rescinded their request and recommended National Night Out should be held in Dover Borough again next year.

Treasurer's Report

- Mrs. Shirey reported the bill for the new handheld meter reading device was received. The total cost was \$13,900. She recommended the cost should be split equally between the Sewer and Water Funds, which would be \$6,950 each. Mr. Seidel made a motion to pay the bills, including splitting the cost of the new handheld meter reading unit as amended. Mr. Kroft seconded the motion. All were in favor.
- Mrs. Shirey explained it may be necessary to purchase an additional device 'port' connection, from the utility billing software company. This would be used for the new meter reading device to be able to transfer readings. The cost is \$1,000. Master Meter recommended the council approve this so it could be purchased and the training can proceed as scheduled. The money won't be spent unless the connection is necessary. Unfortunately, they will not know if it is necessary until they attempt to load the device the first time. Mr. Seidel made a motion to authorize the purchase of the additional 'port', if needed, at a cost of \$1,000. Mr. Hess seconded his motion, and the motion passed.
- As required by Act 205, the Chief Administrative Officer of the employee pension plan must inform the governing body of the MMO before September 30 of each year. Mrs. Shirey informed the Council that the estimated employee pension minimum municipal obligation (MMO) for 2013 would be \$11,479. Mrs. Koch asked if the employee pension was fully funded. Mrs. Shirey reported the amount received in state aid has been more than the amount required for the last several years.

Old Business

- Mrs. Koch noted the General Fund bill list showed a number of reimbursement payments to Recreation Board members for supplies for Sundaes in the Park. She felt it would be more efficient, and better for auditing purposes, for one person to purchase the supplies or to write checks to a vendor rather than an individual. Mayor Pope reported the purchase of supplies was divided up so it wasn't too much for one individual to handle and receipts were provided to document the purchases.

New Business

- The mowing contract will be advertised for bids this month and awarded at the October meeting. Mr. Lentz and the Buildings and Grounds Committee had reviewed the bid specs. Several minor changes had been made. Several council members provided comments regarding the competence of the current contractor, Off Duty Property Maintenance. Ms. Bishop pointed out the September 2011 minutes stated ODPM would mulch. Mrs. Shirey reported Mr. Hovis mentioned this to her and claimed he was told by Mr. Lentz that a member of the Building and Grounds Committee did not feel he should do it without permission of the council. Mr. Lentz claimed this was not true. The consensus was the council had not been as satisfied with the work done by ODPM as they had been with previous contractors.
- Mr. Lentz reported the school district changed the start and dismissal times for the schools again. This means the times on School Zone signs must be updated. Mr. Lentz noted the school district has made changes several times in the school start times in the last few years. Each time the borough has to pay to have the signs corrected. Mr. Lentz suggested the council may want to bill the school district for the cost to correct the signs. The council was in favor of this.
- The York County Boroughs Association dinner will be held on Thursday, September 27 at Hellam Fire Company. If anyone is interested in reservations they should contact Mrs. Shirey.
- Mr. Hess reported stones are accumulating at the intersection of Mayfield Street and Kenray Avenue, near his home. He stated it is ¾-inch stone and he is concerned about where it is coming from and that it is accumulating in the intersection.
- Mr. Kroft reported a volunteer firefighter, Dave Erney, was injured while tearing down from the fireman's carnival. A workers compensation claim was filed.

- Mr. Kroft reported the fire company tour of Dover Elementary School was rescheduled, but he did not know the date. He would contact Mrs. Shirey with the information and she would notify the members.
- Mr. Seidel stated he wants to have a Personnel Committee meeting. A date of September 25 at 7 pm was chosen.
- Budget meeting dates were set for October 16 and 23 at 7 pm.

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

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer