

MINUTES

The regular monthly meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, August 6, 2012 at 7:00 pm. Mrs. Koch and Mayor Pope were absent. President Sabold called the meeting to order. This was followed by a moment of silent prayer.

The July minutes were reviewed.

- Page 5, the last line under New Business. The second 'Mr. Grim' in the line should be deleted.
- Page 3, New Business under Water, in the first bullet item. Mr. Seidel noted nowhere in this section did it state who was speaking. The section will be revised to state – “ Mr. Seidel reported the Water Committee met . . .”
- Page 3, in New Business under Water, between the end of item # 3 and the next paragraph there is an extra line. This will be deleted.

Mr. Kroft made a motion to approve the July minutes, as corrected. Mr. Hess seconded the motion and all were in favor.

PUBLIC COMMENT

Fire Chief, Rodger Flohr, provided the fire company report.

- They responded to 16 calls during July. Three of those calls were in the borough. There were no losses.
- He encouraged everyone to attend National Night Out which will be held at the fire company tomorrow night from 6 to 9 pm.
- He provided one addition to the activity calendar. They will provide standby for the York County Convention at the Wellsville Fire Company on August 18. Mr. Seidel offered a motion to approve the August calendar of activities for the fire company, as corrected. Ms. Bishop seconded his motion and it carried.
- Chief Flohr reported the federal government has decided all emergency services should move to the 700 MHz (megahertz) radio band in the next two or three years. The intent of this change is to put emergency services on the same frequency band all over the US. They have budgeted \$7 billion for this project. Most emergency services use the 500 or 800 MHz frequency. The current 500 MHz, used in York County, was only implemented a few years ago and all emergency services groups in the county had to purchase new radio equipment. This change will require them to purchase new equipment again. Chief Flohr was asked if there will be any financial assistance. He stated the federal government proposes the states will supply 20% of the cost. The government claims this will allow them to sell use of the 500 and 800 MHz bands which will recoup the cost of this program.

Mr. Sabold thanked the fire company for their part in organizing National Night Out.

Darwin Frey, 56 Amberview Drive, was present to discuss several items.

- He asked who is responsible for maintaining the curb, sidewalk and right of way along the street. Mr. Lentz stated the property owner is responsible for this. Mr. Frey stated there are weeds in the curb at the water tower. If the borough expects property owners to maintain their property then the borough should set a good example.
- He stated silt from 58 Amberview Drive has been running down the street from the heavy rains. Mr. Mengelkamp has not seeded the area where the wall was repaired. Mr. Lentz stated he took pictures at the property today and will send Mr. Mengelkamp a violation notice. Mr. Frey asked if this would be verbal or written. Mr. Lentz stated it would be a written notice. He also plans to speak with Mr. Herrold regarding the problems. Mr. Frey asked if the violation notice would include the trash pile in the rear yard. Mr. Lentz stated it would. Mr. Frey noted that next week will be the two year anniversary of the rear wall collapse.

- Mr. Frey noted a lot of people walk their dogs in the park. There are trash cans on the north, east and west sides of the park but none at the south end. He sees more dog feces left in this area than any other area in the park. He believes it is because there is no trash can close by. Mr. Lentz asked if the council wanted him to add a trash can at the south end of the park. The council instructed him to add a trash can in this area.

SEWER

Manager's Report

- In tank # 3, there is a 6" x 1' x 1' ledge around the interior wall which makes it difficult to clean the tank. He would like to fill this ledge with cement. He reviewed the prints and is not sure if the ledge will hold the weight of the cement. He wanted permission to have the engineer's office research this to see if his suggestion is viable. He recalled there was some question about the design of this when the tank was being built. He got two quotes for this work: C. M. Gross & Son- \$4,950 and Wagner Construction - \$4,450. Mr. Sabold stated it was probably designed this way for a reason, so it should not be changed without research. Mr. Lentz suggested he could also check with Schreiber to see if they know the reason.
- A discussion regarding the Cap Load Violation resumed from the last meeting. Mr. Lentz spoke to Victor Landis, with the PA DEP, several times over the last month. The DEP is willing to reduce the penalty by 10%, from \$10,376 to \$9,338. Dennis Sarpen did research and found the standard across the state (in milligrams per liter) is 6 mg/l for Total Nitrogen (TN) and 0.8 mg/l in Total Phosphorus (TP). The borough received their total cap load in 2005 when the new NPDES permit was received. This permit established a TN Cap (lbs/yr) of 7,306 and TP CAP (lbs/yr) of 974. Since then, the WWTP capacity was increased from 0.400 MGD to 0.500 MGD. The increase in capacity should have increased both Cap limits. Mr. Lentz noted if the Cap limits were based on the new plant capacity, it would reduce the fine by \$4,700. He asked Victor Landis to clarify why the limits had not changed when the capacity of the WWTP increased. In an email, dated 8/6/2012, Mr. Landis stated - "The Department's Chesapeake Bay Tributary Strategy (CBTS) states that any facility that receives Department approval for an expansion after August 29, 2005, will be held to their existing flow. The Dover Borough WWTP did not receive planning approval until mid-2008;" It is unclear if the additional plant capacity will be taken into consideration when the permit is renewed in August of 2014. Mr. Kroft referred to a letter from the PA DEP, dated 2/27/2009. Page 3, the second paragraph, and the second line stated - "The limits will be in the form of annual maximum values, with a targeted compliance date of September 20, 2012." Mr. Kroft asked if this compliance date had not been reached yet, could the PA DEP fine the borough. The practicality of pursuing an appeal was debated. There were several questions the council wanted to have clarified. Could the borough apply for a new NPDES permit prior to August 2014 if it would allow them to get the higher Cap load? Did the September 20, 2012 compliance date still apply? Mr. Herrold explained if the borough wanted to appeal the civil penalty they would need to hire an attorney who specializes in environmental law. The cost for this would quickly exceed the cost of the fine. Mr. Seidel asked if testing more frequently would help reduce the overall average. Mr. Lentz explained it takes several weeks to receive results. At that point, it is too late to do additional testing. Mr. Lentz further explained if the borough's Total Nitrogen level is below the annual Cap limit, the unused portion can be sold as 'credits' to another WWTP. Ultimately, the borough had to decide if it was financially practical to appeal the fine, when litigation would cost more than just paying the fine. Mr. Seidel made a motion to pay the civil penalty, as amended, in the amount of \$9,338. Mr. Kroft seconded the motion. All were in favor. Mr. Sabold and Mr. Lentz signed the copies of the Consent Assessment of Civil Penalty to be returned to DEP.
- Mr. Lentz reported there was a problem with a back-up generator at the plant over the weekend that may have been caused by lightning. A circuit board was replaced and this corrected the problem.

Engineer's Report – Mr. Clark 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 the water leak on Oakwood Drive was a leaking valve rather than a water main break.
- The last shipment of meters from Elster was all programmed for cubic feet instead of gallons. Fortunately, none of them were installed. Elster is shipping 40 replacement meters programmed to read in gallons. Mr. Sabold stated these would be used for warranty replacement of meters.
- Exeter Supply shipped 64 of the 100 Master Meters ordered. Training for the new software and equipment is scheduled for September 18 – 20. They requested Mr. Lentz install 20 - 30 meters before the training. He planned to begin installation of them this week.
- Mr. Lentz discussed several projects to be done. First, the removal of the interconnection with Dover Township on Butter Road. The quote from H & H to remove the interconnect was \$4,995. Mr. Lentz stated there is a "T" to be removed, but as part of this project he recommended adding a new valve. This valve would allow flow to be shut off to Amberview Drive without affecting water pressure to on the opposite side of the valve. Second, the replacement of several valves on East Canal Road at the intersection of Willow Run Road. He did not have a quote for this, but he estimated the cost at about \$4,000. Third, the valves at well # 4. The quote from H & H for this was \$2,750. The cost of this would be reimbursed by USTIF, since DEP requires it. He planned to discuss this with Justin Shappell first to determine if USTIF would require preapproval of the expense. The council wanted to have written quotes for each of these projects, so they would know the total expenditure. Mr. Lentz requested authorization to get these projects done at a cost not to exceed \$12,000 total. Mr. Seidel made a motion to authorize the various contracts for the interconnect, Willow Run Road and well # 4 at a cost not to exceed \$12,000. Mr. Dentler seconded the motion and all were in favor.

Mr. Seidel announced the Water Committee did not meet in July. They plan to meet with Becky to discuss the meter replacement procedures.

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 repaired the basketball hoops in Ketterman Park. He reported he visited the park several times and spoke to people using the court about the damage to the hoops. He also encouraged them to dispose of their trash when they finish.
- Chase Pentz was hired for the part-time laborer position. He started on August 3.
- Mr. Lentz stated he would be working on zoning violations this month.
- He is making revisions to the mowing bid specifications prior to them being advertised for bids in September. He wants to add mowing the hill around the primary tank at the WWTP to be done several times during the mowing season. He will also speak to them about string trimming the weeds in the curb line at the water tower. Ms. Bishop asked if trimming the bushes was covered by the mowing contract. She noticed some shrubs at the Delwood Lift Station should be trimmed. Mr. Lentz reported this is not covered in the contract.

- Mr. Sabold asked Mr. Lentz to begin considering items for the Capital Budget.
- Mr. Sabold asked if there was any damage from the recent strong thunderstorms, other than the generator problem. Mr. Lentz reported there was nothing more than some debris.

Engineer's Report – Nothing to report.

Solicitor's Report

- Mr. Herrold reported he received the revised traffic study for East Canal Street to add the turn lane at the Edgeway Road heading west from the intersection. The revised study reduces the No Parking Zone to 325 feet, rather than ending at Fairview Avenue. He advised the council that he revised the first draft of the ordinance and had submitted it to the newspaper to be advertised for adoption at the September meeting. Mr. Sabold asked if there was any requirement to notify the property owners of the change. Mr. Herrold stated there is no legal requirement to do so because it will be advertised; however, from a public relations standpoint it is a good idea.
- He has received a number of liens to file and/or update. He noted he has been filing many more of these for municipalities due to the current economy.
- Mr. Lentz reported there are still problems with the owner of 89 North Main Street. A warrant has been issued for her arrest for other issues.
- Mr. Lentz stated Dale Miller asked if the sludge hauling contract could be extended. The trash and mowing contracts both include this option. Mrs. Shirey reported both of these contracts include the option to extend the contract if both parties agree. Mr. Herrold stated Mrs. Shirey was correct. The contract must include this stipulation. If it does not, the contract must be advertised for bids each year.

Chief Flohr reported Dover Elementary School will probably not be completed before the start of the new school year. The fire company will be touring the school on August 22 at 7 pm. Several council members expressed an interest in touring the school. He stated the borough council, mayor and employees were welcome to join them.

Police Report – The monthly report was reviewed in the mayor's absence. There were 31 less calls in June, and 56 less calls for the year-to-date compared to the same period last year.

Ambulance Club Report

- Mr. Hess reported the club is having difficulty getting Medicare to pay claims. They are denying claims if they feel the person could have been transported in a vehicle. This is causing the club to put a lot more time into collecting bills. They need \$10,000 a month just to be able to pay their bills.
- Mr. Hess reported the club is struggling financially because Dover Township stopped giving them an annual donation of \$15,000 and/or free fuel for the ambulances. Mr. Hess was unclear if they lost one or both donations.

Recreation Board Report

- Mr. Dentler reported National Night Out is scheduled for tomorrow night from 6 to 9 pm at Dover Fire Company. There will be food, door prizes and entertainment. Everything is free. He encouraged everyone to attend.
- Sundaes in the Park will be held again on August 19 from 3 to 5 pm. Crossroads Bluegrass Band will supply the music this time. Mr. Dentler reported most of the supplies were purchased planning enough for both events, so the expenses for this one will be much less. Mr. Kroft stated Mrs. Botterbusch asked if she could receive a check to pay for Smittie's Soft Pretzels rather than submitting a receipt for reimbursement. There were no objections.
- Mr. Dentler recalled the Rec Board expressed an interest in coordinating a community yard sale with the car show/yard sale to be held by the fire company on October 6. Chief Flohr stated the fire company had no objection to this, but he had not heard anything more after it was discussed at a prior meeting. Mr. Dentler stated he would bring this up for discussion at the next Rec Board meeting.

Treasurer's Report

- Mrs. Shirey updated the bill total for the Sewer Fund, after adding the DEP penalty. There were no other changes. Mr. Dentler's motion to approve payment of the bills was seconded by Mr. Seidel. The motion carried.
- Mrs. Shirey provided QuickBooks budget reports for the council to review. A report was included for each of the five checking accounts and showed the income and expenses, for the first six months of the year, versus the total budgeted .

Old Business

- Mr. Kroft reported the YATB board approved the committee recommendation for a new Gettysburg office location.

New Business -

- Mr. Kroft reported the York Adams Tax Bureau (YATB) and Cumberland County Tax Bureau (CCTB) own the rights, software and servers for the PA Lite on-line tax filing system for filing local taxes. There are eight tax bureaus, including York and Cumberland, who use this on-line system. The other bureaus are required to purchase licenses to use it. The CCTB is considering dropping out. The servers need to be replaced this year, at an estimated cost of \$100,000. If the CCTB withdraws, the YATB would need to cover this cost alone. If this is not cost effective, they may not renew the license for the service.
- Mr. Lentz asked to comment on two items in the July minutes.
 - 1) Page 5, under the New Business heading, the last bullet item - Mrs. Shirey had requested that the Personnel Committee not allow two people who can cover the office to take a week of vacation at the same time. Mr. Lentz stated he only took one vacation day. Two days were comp time and the other day was a holiday. Mrs. Shirey explained her request had nothing to do with the use of vacation time. It was that since he and Mrs. Hartzler were both on vacation all week, there was no one to else to cover the office if she had to take time off unexpectedly. Also it was a particularly busy week to manage the office alone. Referring to a later sentence in the same section, Mr. Lentz stated he agreed with Mrs. Shirey's comment that when he was off, Mr. Grim would be too busy to help cover the office. Mr. Seidel suggested that perhaps the part-time public works man could be used for this. Mr. Lentz and Mrs. Shirey agreed this was not practical because the person must be trained to work in the office.
 - 2) Page 6, second paragraph –Mrs. Koch's comments regarding Cap Load Violation. He thought giving Mr. Sabold a verbal report and including an item in the Manager's Report would be sufficient. In addition, Mrs. Koch asked him to send her a copy of the letter. He recalled she was going to speak to PA State Representative Seth Grove. There was no mention of her findings in the minutes. Mr. Sabold stated the council left the June meeting with the understanding that Holley's office and the borough manager would be working together to gather information to help them determine if they had grounds to appeal the fine. Then, at the July meeting, there was no one was present with enough information to help them decide if they should appeal the violation or pay the fine. Also, there was only 10 days remaining to respond before the deadline and once Mr. Lentz and Mr. Herrold returned from vacation there be would only 4 days before the response deadline. Mr. Seidel believed the basis of Mrs. Koch's frustration was that it appeared there had been nothing done between the June and July meetings. Mr. Clark had stated Mr. Lentz did not meet with Mr. Sarpen until the week before the meeting. Also, if the borough did not respond in time, the PA DEP could increase the amount of the Civil Penalty. In response to this, Mr. Lentz stated he has a good working relationship with the DEP representatives and believed they would work with him.
- Mr. Seidel presented an Employee Disciplinary Form, created by the Personnel Committee for approval. It was noted the font should be changed to make it easier to read. It was also suggested using colored paper would make it stand out in the employee's personnel file. Mr. Kroft made a motion to approve the Employee Disciplinary Form. Mr. Dentler seconded and all were in favor.
- Next, Mr. Seidel reported the Personnel Committee recommended adding an official Leave Policy to the Employee Handbook. They feel any situation which requires an employee to spend time away from work, during their normal work hours, must be taken as vacation time or without pay. This 'leave time' must be taken in 30 minute increments. Employees should not be allowed to 'make up' time by starting

work early, working through their lunch break or staying after work hours. Employees are to be at work only during their scheduled work hours, unless overtime is required. Mrs. Shirey asked if there had been an issue when an employee abused the unofficial policy of making up time. Mr. Seidel stated the Personnel Committee believed there needs to be a written standard. He did not believe that most employers allow this. Mrs. Shirey disagreed and Mr. Seidel challenged her to provide him with a list of employers who do. Mr. Kroft and Mr. Dentler stated their employers allow it. Mr. Lentz asked if it was okay for an employee to use overtime to take off early, rather than taking overtime pay or using comp time. In light of this discussion, he wondered if that was okay. Mr. Seidel stated he did not feel this was a problem. Returning to the discussion of making up time, Mr. Lentz stated when Mrs. Koch was Council President she did not require the employees to deduct time taken off for doctor appointments. Mr. Lentz stated when Mr. Sabold became president he asked him about the policy. Mr. Sabold discontinued Mrs. Koch's policy, but he did not have a problem with employees making up time. Mr. Lentz stated he has comp time so this is not an issue for him and Mr. Grim only does this a few times a year. Mrs. Shirey asked Mr. Sabold why his position had changed. He replied it was the committee that developed the policy, not him. He further explained, "Over the last year or year and a half there was a lot of stuff going on and some council people were uncertain, you know, who was doing what, when, where. They knew certain things, but they didn't always know." Mrs. Shirey stated if there was not an issue, but it appeared she had done this more than Mr. Lentz or Mr. Grim, then she could only presume the decision to make an official, written policy was directed at her. Mr. Seidel stated she should not take it personally. Mrs. Shirey did not feel she could take it otherwise. In recent months, the Personnel Committee had recommended, and the council adopted, a number of things which only have an effect on her job. She questioned why an employer would implement or change a policy rather than confronting an employee if they believe there is a problem. She also felt some of these changes were made to force her to quit. Mr. Seidel stated he did not believe this was the case. Mr. Seidel recommended employees could use 'sick time' for any doctor's appointments. Mrs. Shirey asked him to clarify his statement. She was not aware employers allowed employees to use sick time for anything other than time off for illness. Mr. Seidel thought it made sense to use sick time if the employee was taking time off for a doctor's appointment. He asked how much sick time the employees are allowed. The Employee Handbook allows for five days. Mr. Seidel stated the reason the Personnel Committee was concerned about people not being at work during their normal work hours was because the office was sometimes closed during the posted hours. If the posted office hours are 9 am to 5 pm the office should be open these hours unless there is an emergency. Mrs. Shirey noted this reinforced her claim that the policy is directed at her, since the office hours only apply to her and Mrs. Hartzler. She pointed out that during the four months she worked alone, and while Mrs. Hartzler was on vacation for three weeks in July, Mr. Lentz was not always available to be in the office. Mr. Sabold stated this policy would apply to the people who work until 3:30 and 5 pm. Mr. Seidel stated unless there is an emergency the office is to be open from 9 a.m. to 5 p.m. He stated this was included in the job descriptions approved by the council and it is up to the employees to work it out. He made a motion to adopt a Leave Policy for the Employee Handbook. There was no second, and the motion died, although discussion of the issue resumed again. Mr. Hess suggested a time clock might be helpful. This was discussed, but would not be pursued at this time. Mr. Dentler stated he did not think the council needed to tell the employees when or how they can use their sick time and vacation days. The borough only has three full-time employees and he was not sure this needed to be an issue, unless there is a problem he is not aware of. In conclusion, Mr. Seidel stated the Personnel Committee would discuss the issue again and return to the council with a revised recommendation. It appeared from this discussion that some members of the council were in favor of allowing employees to make up time. He was emphatic that in his opinion if employees are allowed to make-up time, the rules must be specific and included in the handbook as a written policy.

- The Personnel Committee also recommended giving all part-time employees 24 hours of paid personal time per year. This would be available after their 90-day probationary period. Also, the amount of hours they received would not be based on the number of hours they work per week. Other council members questioned why a part-time person would need personal time when they could schedule appointments or other activities outside their work hours. The committee felt since part-time employees do not receive benefits, this a 'benefit' the borough could provide. Mr. Kroft proposed

rather than giving a new part-time person 24 hours after 90 days that perhaps it should be phased in. For example, 8 hours after one year employment, 16 hours after two years and the maximum of 24 hours after three years. He believed most employers followed this type of policy for vacation and personal days for full-time employees. Mr. Seidel stated it was just a recommendation from the committee and it was up to the council to make the final decision regarding any policies. He decided this would also go back to the committee for further discussion.

- Mr. Seidel reported the Personnel Committee was also developing an annual review form which would be submitted for approval soon. The committee planned to have Mr. Lentz perform reviews with the employees he supervises. The committee will review these with him and they will also conduct a review with the employee. The committee will do the annual review of Mrs. Shirey.
- A per capita exoneration form was submitted by Brian Kearse, 60 F Stony Lane. He claimed income of \$0 for the year. Mr. Seidel questioned the lack of any income. The council wanted to request proof of Mr. Kearse's financial status before approving the exemption. Mrs. Shirey pointed out the form does not require documentation but the person completing the form swears to the validity of their request. Mr. Seidel suggested the request be tabled until the next meeting, when they will ask Mr. Herrold's opinion.
- Ms. Bishop reported the Solid Waste Committee did not meet as planned. Mrs. Shirey had requested the committee review several items to be updated. She asked Mrs. Shirey which of these she required to proceed with advertising the trash contract for bids in September. First, and most importantly, she needed to know what collection options were to be bid when the trash contract is advertised in September. Ms. Bishop reported the committee would like it to be advertised with the same two options as it was two years ago. Option 1 – No change. Option 2 - Decrease to 4 bag limit. Second, the Solid Waste ordinance should be updated. The current ordinance stipulates twice a week collection from May to September. Also, the ordinance was not updated since weekly recycling was added. Also, bulk item collection was changed from once a year to weekly. In addition, the borough cannot enforce recycling until the ordinance is updated. The borough has been able to receive grant assistance with the cost of purchasing recycling bins. Unless recycling is added to the ordinance the borough may no longer receive this assistance. Third, the waste hauling contract with the hauler should be reviewed and updated. Penn Waste made a recommendation that the borough change the contract to include the option to increase the contract cost, only if tipping fees are raised by the York County Solid Waste Authority. In this way they can pass along the addition fees to the municipality rather than the waste hauler absorbing them for the length of the contract. Penn Waste had informed Mrs. Shirey that many municipalities have added this stipulation to their contracts. She asked Mr. Herrold to review the contract and he recommended it should be updated to be more comprehensive to protect the borough's interests. Ms. Bishop suggested she would meet with Mrs. Shirey to review the other changes needed.
- Mr. Dentler asked when the next newsletter will be sent out. Ms. Bishop was planning on October. Anyone submitted article would need to submit them by early September.
- Ms. Bishop reported Dover Township was asking people to 'adopt a fire hydrant'. The goal is to have people be responsible for keeping the hydrant clear of any debris and snow. She inquired if this was something the borough council might want to consider. Mr. Lentz explained that in the borough the hydrants are in the sidewalks and property owners are responsible for keeping the hydrants accessible. Mr. Kroft further explained that because Dover Township is so much larger that there are hydrants along roads where there are no sidewalks or houses. Their program to adopt a hydrant is a more practical way for them to deal with this.

Mr. Kroft made a motion to adjourn and Mr. Seidel seconded the motion. The motion carried. The meeting adjourned at 9:20 pm.

Respectfully submitted,

Janet T. Shirey, Secretary/Treasurer