

DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
NOVEMEBER 23, 2015

The Dover Township Board of Supervisors regular meeting for November 23, 2015, was called to order at 7:00 PM by Chair Matthew Menges in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Matthew Menges, Charles Richards, Monica Love, Stephen Stefanowicz, and Stephen Parthree. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Attorney Charles Rausch, Township Solicitor; Terry Myers, Township Engineer; Georgia Sprenkel, Township Zoning Officer; Cory McCoy with C. S. Davidson; and Trena Hall, Recording Secretary. There were 39 citizens in the audience. This meeting has been recorded for minute purposes only.

A moment of silence was requested, followed by the reciting of the Pledge of Allegiance to the American Flag.

The meeting was taken out of scheduled agenda order to approve Resolution 2015-24 Recognizing Members of the Dover Township Volunteer Fire Department. After M. Love read the resolution aloud, Board member shook the volunteer fire fighters hands as they came forwards to accept their recognition. Resolution 2015-24 is attached to the end of these minutes.

Motion by M. Love and seconded by C. Richards to approve resolution 2015-24 recognizing members of the Dover Township Volunteer Fire Department, as presented. **Passed** with 5 ayes

APPROVAL OF THE MEETING MINUTES FOR OCTOBER 26, 2015

Motion by C. Richards and seconded by S. Stefanowicz to approve the meeting minutes for October 26, 2015, as presented. **Passed** with 5 ayes

TREASURER'S REPORT

Motion by S. Stefanowicz and seconded by M. Love to approve the warrant total for November 9, 2015, in the amount of \$564,823.84 and the warrant total for November 23, 2015, in the amount of \$218,197.21, as presented. **Passed** with 5 ayes

PUBLIC COMMENT PERIOD

On the agenda

Cindy Schroader – 3139 Faire Wynd Place – Faire Wynd Place HOA – Questioning Road Adoption – Ms. Schroader was speaking on behalf of the Homeowner's Association for Faire Wynd Place. They wanted to sincerely thank the Board, Manager Oswalt, Terry Myers and C. Richards for coming out and personally evaluating their development.

In regards to this evening's street adoption, they wanted to bring attention to a few issues. Street covers have been raised, except for one, and the paving has not been completed around them. One cone is still sitting on top of one of the covers, in the middle of the road. There is a messy sealant sprayed on the curbing in front of about 10 houses. Terry Myers noted that he will work with the developer to have this seal removed.

There are many items that the developer has addressed but owners have not determined if these fixed items are working properly. Some items were promised by the developer and not yet received. The HOA will continue to notify the Township on any issues that are still outstanding or arise.

After the streets are adopted, the residents questioned how to coordinate the snow plowing of driveways and sidewalks with their own contractors and if there is anything they can do to make plowing easier for the Township. The Board noted to not have cars parked on the street and to not have residents shovel snow back into the streets after the Township would come through. They also recommended not shoveling the end of driveways before Township plowing has occurred. Developments are normally the last areas to be plowed. The Township will only plow, cinder and salt streets that have been paved. If there are more snow/ice related issues the Township should be contacted. Ice and snow on sidewalks is not the Township's responsibility.

The residents inquired if they have the right to say that they do not want the walking path installed that is on the original plans for the development. Many residents in this community do not want the walking path because they do not want outside people walking behind their homes. The walking path is part of the recorded plan but Terry Myers noted that they could do a revision. They should contact the developer and advise that the walking path is not wanted.

Terry Myers noted that the developer has not met all of the requirements, referring to the Maintenance Guarantee and the check for the Liquid Fuels allocation. The Resolution will not be considered this evening and should be tabled.

Not on the agenda

David Erney – 5761 Old Carlisle Road – Mr. Erney is currently mowing this property and is interested in purchasing it. All paperwork has been dropped off at Attorney John Hamme's office. Mr. Erney questioned if there was a time frame for demolishing the home, after he has taken possession of the property. He noted that he should have this structure demolished in less than 6 months. Mr. Erney inquired if there was a way to get the total cost of all taxes and liens so he has an idea of what cost he is looking at. Mr. Erney's attorney should acquire all of this information. He can contact the Township for lien fees and Manager Oswalt requested that he call ahead to give staff time to provide up to date figures. Mr. Erney asked if the penalties on the taxes could be waived. The Tax Claim Bureau would need to be contacted. He also inquired if the garbage fees will occur after the structure is removed. No fees will occur after the removal of the structure.

Mr. Erney is proposing to pay off all of the back taxes, the liens on the property, and the demolition of the home so the owners can walk away, owing nothing. Mr. Erney noted that he has spoken to the homeowner and may need the Township's help in motivating the sale of the property.

Mr. Erney noted that when the house is demolished, the basement will be filled and compacted with a testing report completed. Georgia Sprenkel noted to post the property with signs and caution tape after purchased.

Kathy Pentz – 2180 Sky Top Trail – Ms. Pentz addressed the Board on how unhappy she was when attending the last Supervisor meeting. She noted that she was appalled by the disrespect shown by the Chairman and that he should be a leader of the Township. The Chairman should not be making snide comments to the questions raised by residents nor making threats to residents. This action was uncalled for. Residents left that Board meeting feeling that their concerns were not addressed and that the Board did not have any interest in the issues being questioned. Ms. Pentz was unsure of where the rest of the Board stood and stated that the Chairman is very condescending to fellow Board members.

Charles Rauhauser – 3161 Admire Road – Fireworks on Admire Road – Mr. Rauhauser noted that the fireworks being set off at the Snyder Farm, for wedding receptions, is unacceptable. The fireworks are extremely loud and area houses are shaking when these fireworks are set off. Mr. Rauhauser has spoken to the Fire Chief about this issue and all events held have been in compliance to the ordinance. Mr. Bentzel has also been notified and noted that his police staff only enforce the law. Mr. Rauhauser would like to see this ordinance reviewed.

Michael Husson – 1681 Park Street – On behalf of the citizens he wanted to thank the Volunteer Fire Department on the resolution that was created for a job well done. Mr. Husson was questioning the property that was purchased by the Township Fire Department on Greenfield Drive. He read this in the newspaper. He was not aware the Township Fire Department was in the position to purchase properties to remodel. He thought anything in reference to purchasing properties would need to go through the Township Board to be approved. Mr. Husson also noted that he thought the Township Fire Department was insured through the Township. He questioned who would be responsible for any incurred losses to the property if anything would happen. The Township Fire Department should begin displaying better public relations and attitudes with surrounding Municipal Fire Departments. Mr. Husson commented if this purchase was done without the Board's approval.

ZONING REPORT by Georgia Sprenkel

PL 15-9 Glen Hollow – 3201 & 3203 Glen Hollow Drive – Wentz and Arnold/McQuiston Properties – Revised Final Subdivision Plan – All homeowners are in agreement with this subdivision. Stacia Wentz provided the Termination Declaration of the Condominium Association. She also provided the two new deeds which were notarized and signed by all four

homeowners. The proposed property is listed as a condominium and the homeowners want to subdivide so the properties can be listed as separate lots. Georgia Sprenkel noted that if there are no outstanding issues, the Board of Supervisors and Planning Commission can sign the revised plan. Ms. Wentz can then have the plans recorded and proceed with the sale of the property.

Motion by C. Richards and seconded by S. Stefanowicz to grant the requested waiver for PL 15-9 Glen Hollow Revised Final Subdivision Plan for 3201 & 3203 Glen Hollow Drive as follows: 1. Where a subdivision abuts or contains an existing street of inadequate width, the developer shall provide sufficient additional right of way and cartway widths to meet the following standards (§ 22-704.B), as presented. **Passed** with 5 ayes

Motion by M. Love and seconded by S. Parthree to approve PL 15-9 Glen Hollow Revised Final Subdivision Plan for 3201 & 3203 Glen Hollow Drive, as presented. **Passed** with 5 ayes

PL 15-10 Leonhard/Hang and Han Properties – Revised Final Subdivision Plan – 3215 Glen Hollow Drive – Daniel Leonhard provided a revised plan. This is a property listed as a condominium and the homeowners want to subdivide so the properties can be listed as separate lots.

Motion by C. Richards and seconded by S. Stefanowicz to grant the requested waiver for PL 15-10 Glen Hollow Revised Final Subdivision Plan for Leonhard/Hang and Han Properties as follows: 1. Where a subdivision abuts or contains an existing street of inadequate width, the developer shall provide sufficient additional right of way and cartway widths to meet the following standards (§ 22-704.B), as presented. **Passed** with 5 ayes

Motion by S. Parthree and seconded by S. Stefanowicz to approve PL 15-10 Glen Hollow Revised Final Subdivision Plan for Leonhard/Hang and Han Properties, as presented. **Passed** with 5 ayes

Mr. Leonhard addressed the Board on the \$6,000 cost that this process has created. The Board noted that he will receive the unspent portion of his deposit back, if all money is not used in the engineering and review process.

PL 15-11 Monumental Property Endeavors – Land Development Plan – David Hoffman was present to represent this plan. This property is located at the intersection of Royal Street and Carlisle Road. The owner is looking to construct a 1,000 square foot building to run a retail sales business while trying to provide the appropriate amount of parking facilities with an access drive to Royal Street.

The property has two front setbacks which makes the property small. The buyer would like to keep the existing right of way as it is without additional dedication. The buyer is asking permission for the buffer yard on the northwest side of the property to be reduced from 20' down to 11' to allow the 24' building to fit on the site. The Planning Commission discovered that the

buffer yard is mentioned in 3 separate sections in the Dover Township Ordinance and suggested requesting modifications to all 3 sections. There will be screening along the parking area.

Motion by M. Love and seconded by S. Stefanowicz to grant the requested waivers for PL 15-11 Monumental Property Endeavors – Land Development Plan as follows: 1. All Stormwater management facilities are considered structures and must comply with building setback requirements (§ 19-301.11); 2. The landscape plan must be sealed by a registered landscape architect and approved by the Township Engineer (§ 22-602.7); 3. Where a subdivision abuts or contains an existing street of inadequate width, the developer shall provide sufficient additional right of way and cartway widths to meet the following standards (§ 22-704.B); 4. The side yard of a lot abutting a designated arterial roadway shall be increased by an additional width of 20 feet as an easement exclusively for planting and screening to be provided by the developer along the arterial street (§ 22-704.M.4); 5. Vehicular parking facilities for land uses other than single-family residences shall have screening and/or buffering provided where a parking area is adjacent to single-family residential properties or a residential zone. The screening or buffering shall be at least 20 feet wide (§ 22-707.2.A); 6. A buffer yard of not less than 20 feet shall be provided by a nonresidential use or multi-family use or multi-family use with abutting a residential district or single-family residential use (§ 22-721.2); 7. Approval of the erosion and sedimentation plan control must be obtained from the York County conservation District prior to final approval (§ 22-1004), as presented. **Passed** with 5 ayes

Motion by M. Love and seconded by C. Richards to approve PL 15-11 Monumental Property Endeavors – Land Development Plan contingent on the completion of the following open items: 1. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system, should be provided (§501.2.A); 2. The legal and/or equitable Owner's notarized signature must be added to the plan certifying concurrence with the plan (§501.2.H); 3. Approval of the Stormwater management plan should be obtained from the Township Engineer (§502.8); 4. Public improvement security shall be provided prior to final plan approval (§602.1), as presented. **Passed** with 5 ayes

Discuss Code Issues at 5371 Davidsburg Road – Herbert Miller Property – A structural Engineer will be visiting the home to determine the structural integrity of the building. Police may be needed if the Engineer would need to view inside the property. Chair Menges inquired if the York County Agency on Aging has been contacted and Ms. Sprenkel noted that they have been contacted. York County Planning has been contacted in the past to help with getting finances to help repair his roof. Township staff and Fire Chief Jansen have met with Mr. Miller many times on bringing the property into compliance, with offers to help him. Mr. Miller is not interested in any help and refuses to give any personal information on nearby family members. Brian Widmayer noted that the building is deemed “Do Not Enter” and fire staff would need to evaluate the situation if a fire would occur. This home is close to other homes and in a non-hydrant area. There are many factors to review on this property before moving in to put a fire out. The Fire Chief has made numerous requests to address this property. The Township may

have to condemn the property and demolish it if it is structurally unsafe. A citizen from the audience noted that Brian Miller is a son of the property owner and lives in Llewellyn's Mobile Home Park. Brian Miller owns the propane tank company on Canal Road. Fire Chief Jansen has been working on the Canal Road property because of all the cylinders lying around, creating an unsafe environment.

ENGINEER'S REPORT by Terry Myers

2015 Water System Improvements – Change Order No. 1 - \$4,876.00 – The majority of the main has been installed and the testing process has begun. The change order is from after the bids were opened. The Township Water Operator requested to upgrade from a 350 pressure class to a Class 52, which is a thicker wall pipe. This is currently being installed.

Motion by S. Stefanowicz and seconded by C. Richards to approve the 2015 Water System Improvements, Change Order No. 1 of \$4,876.00, as presented. **Passed** with 5 ayes

SOLICITOR'S REPORT by Attorney Charles Rausch

Approve Ordinance 2015-07 Amending Chapter 4, “Building” Part 1, “Floodplain Building Regulations” – Changes have been made and the ordinance has been advertised.

Motion by M. Love and seconded by S. Stefanowicz to adopt ordinance 2015-07 Amending Chapter 4, “Building” Part 1, “Floodplain Building Regulations”, as presented. **Passed** with 5 ayes

Authorization to Advertise Ordinance 2015-09 Repealing the Per Capita Tax Ordinance – The ordinance will go along with approving the 2016 Budget and Establishing Tax Levies for 2016. It will repeal the original tax ordinance. Advertisement will be made for adoption at the December meeting.

Motion by S. Stefanowicz and seconded by S. Parthree to authorize the advertisement of ordinance 2015-09 repealing the Per Capita Tax ordinance, as presented. **Passed** with 4 ayes and **Opposed** by M. Love

Authorization to Sign the Seasons Agreement – Letter of Credit – Notice was received from the bank holding the Letter of Credit that they will not be renewing the Letter of Credit for the Seasons which expires December 26, 2015. The developer, Tim Pasch, is currently in a legal battle with the bank and will not be able to renew the Letter of Credit or provide a substitute. Attorney Rausch is advising the Township to cash in on the Letter of Credit. Once the Township collects the money it is the Township's obligation to use that money for improvements, if Mr. Pasch does not follow through with improvements. Mr. Pasch does fully intend to complete the improvements. Attorney Rausch has created an agreement to cash in the Credit Letter and hold the money pending the completion of Mr. Pasch's improvements. If the Letter of Credit is not cashed in, the Township will lose the opportunity to collect the money. Terry Myers noted that

there is about \$10,000 needed for the basin, \$75,000 for the wearing course, \$132,000 for the sidewalk, \$13,000 for some miscellaneous items like street lights, \$13,000 for street trees, and \$25,000 for contingency. This totals around \$276,000.

This plan may come back to the Board because of the rezoning that was accomplished years ago allowing more density to be added. Mr. Pasch would need additional EDU's. A new Letter of Credit will be needed if Mr. Pasch comes back with additional work.

Motion by S. Stefanowicz and seconded by C. Richards to authorize the signing of the Seasons Agreement, as presented. **Passed** with 5 ayes

MANAGER'S REPORT by Manager Laurel Oswalt

Approve Resolution 2015-18 - Application for Traffic Signal Approval – This was tabled on September 28, 2015. Originally the application was suggesting retiming of the signals on Route 74.

Motion by C. Richards and seconded by S. Parthree to reject resolution 2015-18 for the retiming of the signal lights on Route 74, as presented. **Rejected** with 5 ayes

Approve Resolution 2015-22 – Amended Application for Traffic Signal Approval – M. Love noted that the adaptive signalization on Route 74 will only work during high volume traffic. North and south bound traffic lights will move well but the east and west traffic lights will not flow as well. PENNDOT has not defined how they will address this, causing some Board members to have concerns not to adopt this resolution. Manager Oswalt understood that the camera system was to recognize what was in the queue and adjust for the queue based on the memory of the time of day and real time incidents. PENNDOT will need to adjust the system if the flow is not working correctly. The signal lights will be the Township's responsibility to maintain, with a warranty for a period of time. There will be additional costs associated with the adaptive signals. This signalization will take place in the spring of 2016.

Motion by S. Stefanowicz and seconded by S. Parthree to approve resolution 2015-22 to amend the application for the adaptive traffic signalization, as presented. **Passed** with 3 ayes and **Opposed** by M. Love and C. Richards

Approve Resolution 2015-23 – Faire Wynd Place Road Adoption – All information has not been received to adopt this resolution.

Motion by M. Love and seconded by S. Parthree to table resolution 2015-23 to adopt the roads in Faire Wynd Place, as presented. **Tabled unanimously**

Approve Resolution 2015-25 – Disposition of Municipal Records – This is in accordance with the Museum Commission guidelines.

Motion by C. Richards and seconded by S. Stefanowicz to approve resolution 2015-25 for the disposition of Municipal Records, as presented. **Passed** with 5 ayes

Approve Resolution 2015-26 – Adoption of the 2016 Budget –

Motion by S. Parthree and seconded by S. Stefanowicz to approve resolution 2015-26 adopting the 2016 Budget, as presented. **Passed** with 4 ayes and **Opposed** by M. Love

Approve Resolution 2015-27 – Tax Levy, Fixing Tax Rate 2016 – This is the millage rate for Real Estate Taxes.

Motion by C. Richards and seconded by S. Stefanowicz to approve resolution 2015-27 fixing the Tax Rate for 2016, as presented. **Passed** with 5 ayes

Approve Resolution 2015-28 – Establishing and Fixing Tax Levies for 2016 – The Per Capita Tax has been eliminated. This resolution still includes the Real Estate Transfer Tax, Earned Income Tax, Amusement Device Tax, Mercantile License Tax, and Local Services Tax.

Motion by S. Stefanowicz and seconded by C. Richards to approve resolution 2015-28 establishing and fixing Tax Levies for 2016, as presented. **Passed** with 5 ayes

S. Stefanowicz questioned how the Earned Income Tax applies to non-residents. This 1% is taken out of a person's paycheck.

Manager Oswalt noted that she would need a short Executive Session on Personnel Matters.

Manager Oswalt questioned whether she should put the Emig Mill Road paving work in her letter to the residents for the winter newsletter, due to the water line issue. Chair Menges questioned Corey Flythe, who was in the audience, as to any changes since last discussed. Mr. Flythe noted that he did meet, on site, with Doli Construction. The Township has not received any bills from E.K. Services for the main breaks. If bills come in over \$10,000 then the Township will consider pursuing this matter. The hydrant is in working condition after a rubber gasket was found. Doli Construction noted that they do not use any of the items that were found in the water lines.

S. Stefanowicz inquired when these damaged pipes would have been replaced, if these issues would not have happened. Mr. Flythe noted that they may have been replaced in the next few years since they are in a higher pressure area. More problems may occur if piping is not replaced before paving. Shiloh Paving is under contract to pave this area by May 31, 2016 unless notified otherwise. Paving should have been completed in 2015.

C. Richards would like to see all the work done at once. One contract will also save money and could eliminate the chance of involving two separate contractors.

Board Consensus was not to pave until the waterline is replaced.

Mr. Myers suggested completing the prep work to have the road in decent shape before pursuing the waterline project. Then pave in a few years. This project would take about 6 months to complete with the 37 needed connections.

Manager Oswalt will let this issue out of the newsletter and inform Shiloh Paving that the Township will not complete the paving project.

Corey Flythe will have the patches restored on Emig Mill Road and mark so the snow plows are not hitting them.

Manager Oswalt asked the Board whether additional information is needed to make a decision on this water project. The Board would like a more detailed plan with cost estimates on the project, including the base repair and paving. Mr. Myers and Corey Flythe will meet and provide more preliminary engineer planning on this issue for the December 14, 2015 meeting. This should be applied to Old Business for the next scheduled meeting.

COMMENTS/NEW BUSINESS FROM BOARD OF SUPERVISORS

M. Love questioned the accident at Fox Run Road and Palomino Road. She questioned if the driver will be billed for the repair of the guiderail.

M. Love noted that the Chesapeake Bay Pollution Reduction Prevention Plan Management Committee has put both of the Dover Township projects on the short list. This does not mean that these projects will be funded. The Thunderbird project is currently fully funded with the Township funding some and the Danielle Drive and Willapa Drive project is in the Township 2016 budget.

S. Stefanowicz noted that bids will be going out for the Centrifuge to replace the belt presses. Refinancing has been discussed for the sewer collection system projects which will be in the \$9 Million range.

S. Stefanowicz noted that there was an informal meeting held on the north of the Borough project. He thought the meeting was very productive with many good ideas discussed. The urgency of this project was agreed. Buchart Horn has asked for C.S. Davidson's preliminary numbers on this project. Manager Oswalt has sent this information to Paul Gross.

S. Stefanowicz discussed the email that he had sent to all Board members on questions that arise from the public during the public comment period. He handed out the Township Resolution on Rules and Regulations for Board Meetings. He wanted the Board to review this resolution and see if there is any need to improve the current agenda setup so residents have a better understanding of when questions can be presented.

S. Parthree noted that a host is needed for the New York City bus trip. He asked if anyone would be interested.

S. Stefanowicz questioned the Farmer's Market on the Recreation calendar for May through October. This is something Chalet Harris is going to try for 2016. She had a large response of interest on Facebook.

C. Richards wanted to thank the all of the Crews that have been helping with leaf collection.

Chair Menges noted that he received a letter from Kinsley Properties, Mike Jeffers, regarding the Donwood Development. The letter requested that the Township consider the extension of Palomino Drive from the Members 1st back into the development. The Board of Supervisors has discussed this before. Township staff members were under the impression that Members 1st would like to see this work completed.

Kinsley Properties would like to move along the development of the property by improving the access to Route 74. Chair Menges inquired if there is a way the Township can help move this project forward. He questioned if a written agreement could be made between Members 1st and Kinsley Properties. Terry Myers noted that maybe a plan could be put into place before a road would be dedicated with right of ways and setbacks. With no formal commitments, Kinsley Properties have expressed that they are willing to participate in the construction of the road way.

Board Consensus was to approach Members 1st about their willingness to discuss this matter further.

COMMENTS FROM THE PUBLIC PRESENT

No comments

With no further business, the meeting was adjourned at 9:15 and carried into an executive session on personnel matters.

Respectfully submitted by:

Trena M. Hall, Township Secretary