

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
BOARD MEETING MINUTES**

JULY 27TH, 2020

The Dover Township Board of Supervisors' Meeting for Monday, July 27th, 2020, was called to order at 7:00 PM by Chairperson Stephen Stefanowicz in the Garage Facility of the Dover Township Municipal Building. Supervisors present were Michael Cashman, Stephen Parthree, Robert Stone and Charles Richard. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; John McLucas; Township Zoning Officer; Terry Myers, Township Engineer; Michael Fleming, Township Public Works Director; Tiffany Strine, Township Secretary and Solicitor Shane Rohrbaugh, Blakey, Yost, Bupp and Rausch. There were eight citizens present. This meeting is being recorded for the purpose of minutes only.

Chairman Stefanowicz stated that a Work Session was held prior to the beginning of this evening's Dover Township Board of Supervisors meeting for the purposes of discussing the Carlisle Road, Harmony Grove Road and Intermediate Avenue Intersection.

APPROVAL OF THE BOARD OF SUPERVISORS' WORK SESSION MEETING MINUTES FOR JUNE 22ND, 2020

Motion by R. Stone and seconded by S. Parthree to approve the Board of Supervisors' Work Session Meeting Minutes for June 22nd, 2020, as presented. **Passed** with 5 ayes

APPROVAL OF THE BOARD OF SUPERVISORS' MEETING MINUTES FOR JUNE 22ND, 2020

Motion by R. Stone and seconded by M. Cashman to approve the Board of Supervisors' Meeting Minutes for June 22nd, 2020, as presented. **Passed** with 5 ayes

APPROVAL OF THE 2020 JOINT COMP PLAN MEETING MINUTES FOR JULY 13TH, 2020

Motion by C. Richards and seconded by S. Parthree to approve the 2020 Joint Comp Plan Meeting Minutes for June 22nd, 2020, as presented. **Passed** with 5 ayes

TREASURER'S REPORT

Approval of Current Expenditures

Motion by R. Stone and seconded by M. Cashman to approve the warrant total for July 27th, 2020, in the amount of \$433,857.12 (2020 Expenses Warrant) as presented. **Passed** with 5 ayes

Motion by R. Stone and seconded by M. Cashman to approve the warrant total for July 10th, 2020, in the amount of \$325,672.11 (2020 Expenses Warrant) as presented. **Passed** with 5 ayes

Motion by R. Stone and seconded by M. Cashman to approve the warrant total for July 1st, 2020, in the amount of \$80,266.11 (2020 Expenses Warrant) as presented. **Passed** with 5 ayes

INFORMATION ON EVENTS AND LOCAL ANNOUNCEMENTS

Manager Oswalt informed the Board of Supervisors and public present that Dover Township will be holding Dinner and a Movie Nights in the Park. August 21st, 2020 and August 28th, 2020, 6:00 PM at Brookside Park. August 21st, 2020 showing is the movie Onward and the August 28th, 2020 showing is the movie Toy Story 4.

M. Cashman stated that the Northern York County Regional Police Department will be holding their Annual National Night Out Tuesday, August 4th, 2020 at the Dover Borough Fire Department. A free concert and refreshments are planned.

PUBLIC COMMENT

None to note.

ENGINEER'S REPORT by Township Engineer Terry Myers

Mr. Myers informed the full Board that he has supplied his Engineer's report, containing project updates, and accepted any questions.

ZONING OFFICER'S REPORT by Township Zoning Officer John McLucas**Consideration of Plan for Brad Kraft, 3971 West Canal Road, SWM Waiver Request**

Motion by R. Stone and seconded by S. Parthree to approve the SWM Waiver Request for the Plan for Brad Kraft at 3971 West Canal Road, as presented. **Passed** with 5 ayes

Consideration of Plan for Robert Minnich, 4738 Bull Road, SWM Waiver Request

Motion by R. Stone and seconded by S. Parthree to approve the SWM Waiver Request for the Plan for Robert Minnich at 4738 Bull Road, as presented. **Passed** with 5 ayes

Consideration of Plan 19-7 Dover Highlands, 180 Unit Residential Preliminary Land Development Plan Approval of Resolution No. 2020-19 for Plan Revision for New Land Development for dover Highlands and Authorization for the Township Secretary to Sign the Necessary Components of the Sewage Facilities Planning Module

M. Fleming stated that the number of units being requested by Dover Highlands is greater than what is currently outlined in the Township's proposed connection management plan.

M. Fleming noted that a narrative was not supplied, for submission and review, within the Sewage Facilities Planning Module supplied for Plan 19-7 Dover Highlands project.

R. Stone inquired with M. Fleming as to the impacts of the greater number of units being requested.

M. Fleming stated that a schedule must be worked out with regards to the build out of units and M. Fleming stated that the schedule is not included within Dover Highlands plans.

Stacey MacNeal – Katherman & Perry Law Firm

Attorney MacNeal stated that she represents the interests of Dover Highlands. Attorney MacNeal stated that she has spoken to the Sewer Authority Solicitor about attending the Sewer Authority meeting the previous week and was advised against it. Attorney MacNeal stated that Dover Highlands is not connecting 191 Units to the sewer system within one year. Attorney MacNeal stated that within accordance to the Sewage Connection Management Plan and the amount of connections that the developer plans to create, at most would be forty to fifty annually.

R. Stone stated that Dover Township is under a consent order from The Department of Environmental Protection and the Sewer Authority is highly sensitive to matters as these. R. Stone stated that he does not want to jeopardize efforts to exit the current DEP Consent Order.

Chairman Stefanowicz inquired if a detailed narrative was present to better explain the proposed process.

Engineer John Runge, from Gordon L. Brown and Associates, Inc. was present and stated that a narrative has been prepared for the proposed Dover Highland Sewage Facilities Planning Module and that he will supply the narrative detail.

Chairman Stefanowicz respectfully requested that if the Dover Highlands developer is not going to implement 190-unit connections within the first year, that a narrative be included stating such and the necessary implementation plan.

Attorney MacNeal stated that Dover Highlands can include and submit the necessary request for the detailed narrative.

Motion by C. Richards and seconded by M. Cashman to grant conditional approval for the Dover Highlands Sewage Facilities Planning Module, contingent upon supplying the necessary Sewage Facilities Planning Module Narrative, reviewed by the necessary individuals from the Sewer Authority and for the Dover Township Secretary to sign the necessary components of the Sewage Facilities Planning Module, as presented. **Passed** with 4 ayes 1 nay per R. Stone

Motion by C. Richards and seconded by M. Cashman to approve Plan 19-7 Dover Highlands, 180 Unit Residential Preliminary Land Development Plan, Resolution No. 2020-19, as presented. **Passed** with 5 ayes

Discussion Regarding Dover Highlands Development Agreement

Attorney MacNeal restated that she is the attorney representing Dover Highlands, LP. Attorney MacNeal stated that she would like to discuss the Developer's Agreement to give a tentative agreement to everyone involved, that all are comfortable with. Attorney MacNeal stated that Dover Highlands is bringing development to Dover Township as well as assisting in the implementation of a proposed new roadway extension. Attorney MacNeal stated that she would

like to discuss the timing of fees and budgeting for the proposed projects to help work with both the Developer and Dover Township moving forward. Attorney MacNeal discussed the following proposals to the Dover Highlands, LP Developers Agreement.

The Dover Highlands, LP Developer's Agreement was outlined and presented to the full Board of Supervisors for review.

Attorney MacNeal discussed Recreation fees. Attorney MacNeal is requesting that the developer agrees to construct and maintain on-site recreational elements in conformance with the Final Plan. Dover Highlands, LP is proposing to pay the first portion of recreation in lieu of fees in increments including: the first twenty-five (25%) percent of the total fee shall be paid no later than June 30, 2021; the second twenty-five (25%) percent of the total fee shall be paid no later than December 31, 2021; and the remaining fifty percent (50%) of the total fees shall be paid no later than June 30, 2022. Attorney MacNeal stated that this timetable will help Dover Highlands, LP developer to have generated cash flow at that time and make undertaking the financial burden easier.

C. Richards stated that he is concerned that if Dover Township does not collect all recreation fees initially, he is concerned about having to follow suit in future matters with others and would like everyone treated equally and fairly.

Chairman Stefanowicz stated that the proposed Dover Highlands, LP is a large project and he understands that a phased approach, while all funds are still entirely collected, he has no issue with the proposed request.

R. Stone stated that he feels that the qualification for the aforementioned style of this phasing approach makes sense.

Manager Oswalt stated that not every developer coming forth is going to be necessarily helping to install a new roadway.

S. Parthee inquired that if all buildings are not built, will Dover Township still collect the proposed, entirety of the Recreation In Lieu of Fees.

Attorney MacNeal replied to S. Parthree's inquiry, yes, all Dover Township Recreation In Lieu of Fees will be paid by the end of 2022, regardless of the number of built units.

Attorney MacNeal discussed Sanitary Sewer. Attorney MacNeal stated that Dover Highlands, LP outlines, within the Developers Agreement, the terms of Dover Township's requirements and is satisfied with the proposed terms.

Attorney MacNeal discussed Water. Attorney MacNeal stated that early on, the existing water line that runs along the property being discussed which will service the property, was installed by the Dover Area School District in the 1970's. The water line in question was constructed outside of the right-of-way. Attorney MacNeal stated that her clients would like to have this corrected. Dover Highlands, LP is requesting, as part of the project, a portion of the existing

water main shall be relocated in accordance with the Final Plan and Dover Township's specifications. Attorney MacNeal is requesting that the developer pay the contractor in accordance with the contract, and that Dover Township shall provide a credit in an amount equal to the cost of the water main relocation. The amount of credit is expected to be \$40,000.00. Attorney MacNeal stated that the reduction would be in the amount of the six hundred thousand (\$600,000.00) dollar water tapping fees to five hundred sixty thousand (\$560,000.00) dollars to correct the situation.

R. Stone qualified that he is very excited for the proposed project of Dover Highlands, LP; however, R. Stone feels as though his fiduciary duty is to protect and safeguard the water system, along with its many needed improvements. R. Stone state that he appreciates the six hundred thousand (\$600,000.00) dollars in fees; however, Dover Township needs the necessary fees for the twelve million (\$12,000,000.00) dollars in improvements needed to the Dover Township water system. R. Stone stated that if such fees are waived, he feels as though that all participants in the water system are adversely affected as a result.

Attorney MacNeal stated that her clients feel as though the relocation of the line is a financial burden that Attorney Macneal's clients will undertake in return. Attorney MacNeal stated that her clients feel as though Dover Township previously accepted the installation of the aforementioned water line outside of the easement area, that Dover Township should have required the line to be relocated, or should have acquired an additional easement from the property owners predecessor. As an alternative, Attorney MacNeal suggested an even split of the costs resulting in an approximate outlay of \$20,000.00 for each party. Members of the Board were agreeable to considering this alternative.

Attorney MacNeal discussed Open Space. Attorney MacNeal briefly discussed plans for Open Space within the Dover Highlands, LP Developer's Agreement. Attorney MacNeal stated that the open space areas are not subject to mowing.

J. McLucas stated that he is not comfortable with the Dover Highlands, LP Developer's Agreement wording under Section No. 6, Open Space subtitle, regarding "or other conditions". J. McLucas stated that he does not agree with the aforementioned terminology.

Attorney MacNeal stated that she will check the topography with the project engineer for further clarification and correction as needed.

Attorney MacNeal discussed Emergency Access. An emergency access will be installed and maintained by the Developer, allowing emergency vehicle access from Stony Lane to Intermediate Avenue. Attorney MacNeal stated that a request was made that until the proposed emergency access is installed, a rough-graded emergency access with stone stabilization, as shown on the necessary plans, will be implemented. Attorney MacNeal qualified that before the receipt of a building permit for the eighth (8th) apartment building on the property, the Dover Highlands, LP Developer will install furnish and construct the rough graded emergency access. Attorney MacNeal stated that initially, the proposal for the emergency access was proposed to occur at the time of the building of the fifth (5th) apartment building and Attorney MacNeal is now requesting this be done at the building of the eighth (8th) apartment building.

C. Richards stated that he has concerns with access for any number of units.

Attorney MacNeal stated that in her experience, emergency services will access the necessary property if and when needed. Attorney MacNeal stated that with the main access, she feels it not necessary to add the second emergency access until the completion of the seventh (7th) unit.

Attorney MacNeal additionally addressed matters with the water line. Attorney MacNeal stated that contemplation is being given to the installation of the new water line during the implementation of the Intermediate Road extension or installation of the new water line during the implementation of the new emergency access.

Attorney MacNeal stated that she can place additional wording in the Dover Highlands, LP Developers Agreement stating that an emergency access must be installed before the implementation of the eighth (8th) building but no later than eight (8) months after the receipt of the permit building of the fifth (5th) apartment building.

The Board of Supervisors agreed to acknowledge and discuss the Dover Highlands Developer's Agreement Draft, with the proposed amendments, from the Dover Township Board of Supervisors.

Consideration of Plan 19-8 Sparrows Way, 23 Unit Residential Land Development Plan

Attorney David Getz, with Wix, Wenger & Weidner Attorneys at Law, was present this evening regarding Plan 19-8 Sparrows Way, Residential Land Development Plan. Attorney Getz stated that special conditions apply to the Plan 19-8, Sparrows Way. Attorney Getz stated that the plan requesting the relocation of a parking space for a nearby neighbor were underway at the time of plan approval. Occurring almost at the same time of these discussions, the neighbor sold the property to another individual. The condition that was previously imposed, was not disclosed to the new property owner, which required a temporary grading easement to accommodate a new sidewalk extension along Pine View Drive to the Poplars Road extension. Attorney Getz stated that the representatives of Sparrows Way would like to have Condition No. 10 removed from the proposed plans, Condition 10 stipulated securing an off-site easement.

Attorney Getz presented three additional options to accomplish the implementation of the necessary sidewalks within the existing right of way. Option 1 includes roadway widening with curbing and concrete sidewalk, utilizing up to a 2-foot-high cheek wall to avoid grading impacts on the neighboring property. Option 2 includes roadway widening with curbing only plus payment of a fee in lieu of sidewalk improvements for Dover Township to use elsewhere in the community to improve pedestrian circulation systems. Option 3 includes paved roadway widening on both sides of the street to adjust the centerline of the street to achieve two, twelve-foot travel lanes as well as a striped five-foot asphalt walkway.

Of the options presented, Attorney Getz stated that the Dover Township Engineer has reviewed the options and favors option one. Option one institutes the necessary sidewalk as an extension of Sparrows Way property with the installation of a cheek wall. The Dover Township Engineer

favors this option in which the pedestrian walkway will be installed at a different height and a curb as protection to walkers.

Attorney Getz stated that the property owner of 2120 Poplars Road is present this evening and that his firm has spoken with the property owner and has reached an agreement that allows the current property owner to park on properties belonging to Sparrows Way for the continued use of the existing gravel parking space. Moving forward, Attorney Getz added that his firm is happy with any one of the three options that Dover Township chooses to pursue to institute the necessary pedestrian walkways.

Mr. Brandon Johnson, developer for Sparrows Way, clarified that himself and attorneys have met with the adjoining property owner and their agent. Mr. Johnson stated that the adjoining property owner is desiring option three. Option three widens the street to the right of way with asphalt and then there would be no curb or sidewalk, there would essentially be a stripped pedestrian walkway on the asphalt.

C. Richards stated that pedestrian connectivity is a top priority within Dover Township, pedestrian connectivity and pedestrian walkways were greatly addressed as a need during the Dover Township 2020 Joint Comprehensive Planning process.

The new owner of the property located at 2120 Poplars Road is not in favor of any option except option three. The owner of 2120 Poplars Road stated that she does not want sidewalks close to her home, as contained within the other options. The property owner of 2120 stated that the surrounding properties do not have sidewalks.

Chairman Stefanowicz stated that the implementation of sidewalks as plans become presented, is the current initiative underway.

J. McLucas stated that he is in agreement with T. Myers and feels that option one is the best option. J. McLucas qualified that option three does not follow the Dover Township 2020 Joint Comprehensive Plan needs as well as option one.

R. Stone informed the new owner of 2120 Poplars Road of his sincerity of her situation. R. Stone added that moving forward, Dover Township does maintain a vision for the community, and he would like to fulfill the vision.

C. Richards inquired as to if Option 1 could include a step, for safety, as well.

Attorney Getz stated that he can include the necessary step for safety.

Motion by C. Richards and seconded by R. Stone to approve Option 1 which includes roadway widening with curbing and concrete sidewalk, utilizing up to a 2-foot-high cheek wall to avoid grading impacts on the neighboring property, with the necessary safety step being put into place, regarding properties located at 2120 Poplars Road and Plan 19-8 Sparrows Way, Land Development Plan, subject to satisfactory review and recommendation from C.S. Davidson Structural Department. **Passed** with 5 ayes

Discuss Kimmel Letter

J. McLucas provided the Board of Supervisors with information regarding a property located at 4071 Carlisle Road. Dover Township has received multiple complaints regarding the property located at 4071 Carlisle Road. The complaints that have been received encompass a yard sale being held at the location repeatedly. Currently, there is not ordinance that dictates or regulates yard sales within Dover Township.

J. McLucas stated that he is working with local individuals to monitor the situation.

J. McLucas issued a letter to the property owner regarding the occurrences at 4071 Carlisle Road. The letter addresses the illegal operation of a retail establishment on a property that is only approved for single family dwelling use. The letter addresses sanitation issues on the property as well.

C. Richards stated that he has witnessed a safety issue with the recurrent yard sale that is held at 4071 Carlisle Road regarding the current traffic as well as the parking traffic concerns.

J. McLucas stated that there is currently a struggle with the ordinance clarification with regards to a hobby, home based business, and a mercantile retail business.

Attorney Rohrbaugh noted that looking into other local municipal ordinances for and amending Dover Township ordinances to help create a better and well-articulated ordinance for enforcement, may be just cause.

J. McLucas stated that he wanted to make the full Board of Supervisors aware of the aforementioned situation and will report back with further information when available.

MANAGER'S REPORT by Township Manager Laurel Oswalt**Authorization to have the Dover Township Manager Execute all Documents Associated with the Sale/Temporary Easement for the Baker Road Bridge**

Motion by S. Parthree and seconded by R. Stone to authorize the Dover Township Manager to execute all documents associated with the Sale/Temporary Easement for the Baker Road Bridge, as presented. **Passed** with 5 ayes

Extension of the Disaster Declaration

Manager Oswalt is proposing the extension of the Disaster Declaration and is recommending such so that non-profits in Dover Township are eligible for funding available through the State and Federal Government.

Motion by S. Parthree and seconded by R. Stone to approve the extension of the current Disaster Declaration, as presented. **Passed** with 5 ayes

Approval of Ordinance No. 2020-05 Authorizing Changes to Chapter 15 Regarding Motor Vehicles

Manager Oswalt informed the Board of Supervisors that the changes being proposed within Ordinance No. 2020-05 are a result of traffic studies that were previously completed by Pennoni Associates, therefore setting forth the necessary amendments.

Motion by S. Parthree and seconded by C. Richards to approve Ordinance No. 2020-05 authorizing changes to Chapter 15 regarding Motor Vehicles, as presented. **Passed** with 5 ayes

Approval of Ordinance No. 2020-06 Authorizing Amendments to Chapter 21, Parts 5 and Parts 6 Regarding Street Obstructions and Overhanging Trees

Manager Oswalt noted that the full Board of Supervisors previously held two work sessions regarding the drafting of Ordinance No. 2020-06. Ordinance 2020-06 has been advertised and prepared for adoption.

Motion by S. Parthree and seconded by C. Richards to approve Ordinance No. 2020-06 authorizing amendments to Chapter 21, Parts 5 and Parts 6 regarding street obstructions and overhanging trees, as presented. **Passed** with 4 ayes and 1 nay

PUBLIC WORK'S DIRECTOR'S REPORT by Public Works Director Michael Fleming

M. Fleming informed the full Board that he has supplied his Public Works report, containing updates, and accepted any questions.

MS4 PERMIT UPDATE

None to note.

OLD BUSINESS

None to note.

COMMENTS FROM THE BOARD

R. Stone – R. Stone informed the full Board that there are issues and need for crucial updates within the water division as well as the sewer division of the Township. R. Stone stated that there is currently a consent order in place with the sewer system and large-scale interceptors are currently being replaced. The connection to the interceptor is affecting the connection to York Water. R. Stone stated that a meeting is to be held with the contractor, Anrich, Inc., regarding the contractors plans and the plans for the necessary solution implementation.

M. Cashman – M. Cashman stated that there have been discussions regarding the possibility of Northeastern Regional Police Department disbanding. Therefore, Northern York Regional

Police Department has made contact to determine whether there is interest in their organization submitting a proposal.

PUBLIC COMMENT

None.

With no further business, the meeting was adjourned by Chairman Stefanowicz at 8:50 PM.

Respectfully submitted by: _____
Tiffany Strine, Recording Township Secretary