

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
BOARD MEETING MINUTES
JANUARY 25TH, 2021**

The Dover Township Board of Supervisors' Meeting for Monday, January 25th, 2021, was called to order at 7:00 PM by Chairperson Stephen Stefanowicz by means of a virtual meeting forum. Supervisors present were Michael Cashman, Stephen Parthree, Charles Richards and Robert Stone. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; John McLucas, Township Zoning Officer; Chalet Harris; Township Recreation Director, Terry Myers, Township Engineer; Solicitor Charles Rausch and Michael Fleming, Township Public Works Director. There were three citizens present. This meeting is being recorded for the purpose of minutes only.

Chairman Stefanowicz announced that an Executive Session was held prior to the regularly scheduled Board of Supervisors meeting regarding personnel and potential land acquisition.

APPROVAL OF THE BOARD OF SUPERVISORS' WORK SESSION MEETING MINUTES FOR JANUARY 11TH, 2021

Motion by R. Stone and seconded by S. Parthree to approve the Board of Supervisors' Work Session Meeting Minutes for January 11th, 2021, as presented. **Passed** with 4 ayes

APPROVAL OF THE BOARD OF SUPERVISORS' MEETING MINUTES FOR JANUARY 11TH, 2021

Motion by R. Stone and seconded by S. Parthree to approve the Board of Supervisors' Meeting Minutes for January 11th, 2021, as presented. **Passed** with 4 ayes

TREASURER'S REPORT

Approval of Current Expenditures

Motion by R. Stone and seconded by M. Cashman to approve the warrant total for January 25th, 2021, in the amount of \$206,593.47 as presented. **Passed** with 4 ayes

Dover Township Board Supervisor Charles Richards joined the public meeting.

PUBLIC COMMENT

Mr. Gary Boring – 3475 Summer Drive – Airbnb Restrictions

Mr. Gary Boring is a Dover Township resident who resides at 3475 Summer Drive, Dover. Mr. Boring participated in public comment regarding matters related to Airbnb's and Rooming Houses. Mr. Boring is not in favor of Airbnb's and Rooming Houses, in residential zones, in Dover Township and Mr. Boring feels that these uses should not be permitted the R3 District of the Dover Township Zoning Ordinance.

Chairman Stefanowicz stated that there is currently no particular Dover Township Zoning Ordinances adequately addressing Airbnb's.

Zoning Officer John McLucas stated that there have been recent issues with an Airbnb on Summer Drive within Dover Township. J. McLucas stated that the property in question currently does not have permission to open Airbnb's or Rooming Houses. J. McLucas stated that the issues surrounding the current matters involving an Airbnb and Rooming House are extreme; however, J. McLucas provided a snapshot of how this can be addressed within the Dover Township Zoning Ordinance.

Township Solicitor Charles Rausch stated that the proper attention should be given to the matters of Airbnb's and Rooming Houses, or otherwise known as short term rentals, in the R3 District and subject to certain supplemental regulations. C. Rausch qualified that matters of short-term rentals have become a large topic for discussion. C. Rausch has provided J. McLucas with further information regarding the necessary information that should be considered regarding short term rentals in terms of incorporation within an official ordinance.

Both R. Stone and Chairman Stefanowicz would like to see documents or the possibility of holding a work session regarding short-term rentals.

Mr. Boring stated that he is not in favor of Airbnb's and Rooming Houses within his neighborhood.

C. Rausch stated short term rentals language does need to be applied to the Dover Township Ordinance and thoughts should be given as to the details and as to where short-term rentals should be placed within the Dover Township Zoning Ordinance.

J. McLucas added that this use could be classified as various uses such as Bed and Breakfasts, Halfway Houses and Rooming Houses.

Chairman Stefanowicz stated that he feels as though the full Board of Supervisors should further research the Dover Township Zoning Ordinance regarding the discussed uses.

ENGINEER'S REPORT by Township Engineer Terry Myers

T. Myers presented a written report to the full Board of Supervisors and there are no matters to currently note.

ZONING OFFICER'S REPORT by Township Zoning Officer John McLucas

ZHB Case 20-4 Riding Academy-Boarding Stables- Crossroads Village Overlay District – 6810 Detters Mill Road

J. McLucas informed the Board of Supervisors that Zoning Hearing Board Case 20-4, regarding the Riding Academy and Boarding Stables within the Crossroads Overlay District located at 6810 Detters Mill Road, was granted variances on December 16th, 2020. J. McLucas presented the full Board of Supervisors with the formal written decision for this Zoning Hearing Board Case 20-4.

Plan 20-04 - Hoffman 2 Lot Revised Final Subdivision Plan - 4202 Davidsburg Road -R3 Zoning District

Mr. David Hoffman, Land Surveyor, was present to review Plan 20-04, Hoffman 2 Lot Revised Final Subdivision Plan, Engineer's Project No. 1619.3.08.29. The Hoffman 2 Lot Final Subdivision Plan was revised on January 14th, 2021 by David A. Hoffman and reviewed by C.S. Davidson on January 20th, 2021.

The following Subdivision and Land Development Ordinance comments are outstanding: 1.) Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system should be provided (§22-501.2.A), 2.) All legal and/or equitable Owner's notarized signatures must be added to the plan certifying concurrence with the plan (§22-501.2.H), 3.) The applicant shall obtain approval of the sewage planning module from PA DEP (§22-502.2). 4.) Public improvement security shall be provided, or the required improvements be constructed, prior to final plan approval (§22-602.1). 5.) The applicant shall pay a fee in lieu of providing land for public recreational purposes prior to final plan approval (§22-718). 6.) The applicant shall address all comments from the Township Public Works Director.

Motion by R. Stone and seconded by M. Cashman to approve Plan 20-04, Hoffman 2 Lot Revised Final Subdivision Plan, Engineers' Project No. 1619.3.08.29, subject to the satisfactory resolution of the following: 1.) Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system should be provided (§22-501.2.A), 2.) All legal and/or equitable Owner's notarized signatures must be added to the plan certifying concurrence with the plan (§22-501.2.H), 3.) The applicant shall obtain approval of the sewage planning module from PA DEP (§22-502.2). 4.) Public improvement security shall be provided, or the required improvements be constructed, prior to final plan approval (§22-602.1). 5.) The applicant shall pay a fee in lieu of providing land for public recreational purposes prior to final plan approval (§22-718). 6.) The applicant shall address all comments from the Township Public Works Director., as presented. **Passed** with 5 ayes

Amendment to the Dover Township Zoning Ordinance to Permit a Solar Energy System (PSES).

J. McLucas presented an amendment to the Dover Township Zoning Ordinance to Permit a Solar Energy System (PSES) by Special Exception in various districts. J. McLucas added that two versions of the proposed Solar Energy System Ordinance are being presented. One of the proposed Solar Energy System Ordinances is being recommended by the Dover Township Planning Commission on December 2nd, 2020 with a revision date of November 11th, 2020. The second Permit Solar Energy System Ordinance is the preferred Ordinance being presented from the prospective applicant with a revision dated December 29th, 2020. J. McLucas added that a consensus is needed to select one Permit Solar Energy System Ordinance for the necessary advertisement and necessary Hearing.

Attorney David Jones, from Stock and Leader Attorneys at Law, participated in this evenings meeting. Attorney Jones stated that he represents the interests of a client who is looking at Dover Township to install a solar project. Attorney Jones's client acquired the necessary land options and leases along Canal Road and Butter Road. Attorney Jones stated that he has drafted

an Ordinance for proposal to address large scale solar facilities as he feels that Dover Township's ordinance does not adequately address such facilities. Attorney Jones stated that Dover Township Ordinance depicts large scale solar facilities within the Agricultural and Conservation zones; however, not within Industrial or any other zones.

Attorney Jones stated that his client had him draft a proposed Solar Energy System Ordinance and that Attorney Jones has worked with Dover Township staff to create requirements. Attorney Jones stated that he had gone before the Dover Township Planning Commission on two occasions to present the proposed Solar Energy System ordinance. Attorney Jones informed the Board of Supervisors that COVID19 had hit during this time frame and a different developer had purchased the project and the new developer will now construct and implement the project moving forward, so long as the ordinance is approved.

Attorney Jones is asking for Board of Supervisor consensus to proceed with his client's proposed draft Solar Energy System Ordinance. Attorney Jones stated that he feels as though he and his client's hold good reason as to why prime soil restrictions should not be required or necessary for a solar project, as well as why such an ordinance could be present with in an R1 Zoning District.

Chairman Stefanowicz inquired upon the issue of prime farmland and where Attorney Jones's proposed ordinance depicts this matter?

Attorney Jones stated that he has struck the prime farmland clause from the Planning Commission's final comments version and has added in the R1 Zoning District as a Special Exception.

Attorney Rausch stated that his comments regarded glare and reflection. The proposed Solar Energy System Ordinance, from Attorney Jones, references a number of standards and Attorney Rausch added that he is unaware if any of the standards reference glare and reflection.

Attorney Jones stated that the Federal Aviation Administration sets forth a glare standard and that the FFA allows large scale solar energy fields near airports, as these are designed to absorb light and not to reflect light. Attorney Jones stated that he and his clients will be performing a glare study in accordance with FAA standards and safety. Attorney Jones stated that he can add language to reflect FFA standards, should the Board of Supervisors so choose.

Attorney Rausch inquired with Attorney Jones if such of the performance of the FAA standards is written within the proposed Solar Energy Systems ordinance?

Attorney Jones stated that the FAA standard that he referenced is not present within his proposed Solar Energy Systems ordinance. Attorney Jones stated that the Dover Township Ordinance has an overall nuisance portion that relates to glare, sound, vibration; however, he and his clients feel as though they would be okay with the addition of a glare and reflection clause and that further research would be needed to institute a glare and reflection clause.

Attorney Rausch stated that the necessary changes are needed now to prevent extended turnaround time and are essential for applicable standards.

Attorney Rausch added that the Board of Supervisors needs to decide which ordinance to set forth for proposed adoption, either the approved proposed Solar Energy Systems ordinance by the Dover Township Planning Commission or the proposed Solar Energy Systems ordinance being proposed by the applicant, Attorney Jones and his client.

Attorney Jones wanted to qualify, that the changes proposed by the Dover Township Planning Commission, were never vetted due to feelings that a fair hearing was not necessarily given.

Attorney Rausch stated that the Dover Township Planning Commission did listen to Attorney Jones requests. Attorney Rausch stated that the Dover Township Planning Commission listened to requests for not putting in prime agricultural soils and placing solar in the R1 Zone and ultimately rejected the proposal.

Attorney Jones stated that these matters were not proposed at the outset and that Attorney Jones feels that the Dover Township Planning Commission stated such at their own volition.

Attorney Rausch stated that the Dover Township Planning Commission has the right to do so and that the Dover Township Planning Commission sets forth the proposed ordinance that ultimately the Dover Township Planning Commission feels as though the Dover Township Board of Supervisors should adopt.

Attorney Rausch stated that the Dover Township Board of Supervisors needs to choose one ordinance proposal to set forth, either the Dover Township Planning Commission Solar Energy Systems ordinance proposal or the applicant's Solar Energy System ordinance proposal.

Attorney Rausch added that Attorney Jones can give and provide a presentation to the Board of Supervisors as to why he feels that his Solar Energy Systems ordinance proposal should be chosen.

Chairman Stefanowicz stated that he agrees with Attorney Rausch's comment regarding such presentation, as the Board of Supervisors has not been given formal time for discussion for such an ordinance.

J. McLucas stated that the Board of Supervisors has already been provided the Dover Township Planning Commission's Solar Energy Systems ordinance proposal in December 2020 and not Attorney Jones's amended document.

Attorney Jones stated that his proposed Solar Energy Systems ordinance is a good, low impact use, because the properties are not being rezoned and that the properties are being requested to be given an additional permitted use on R1 land that has been used for farming purposes for the past two years. Attorney Jones qualified that his proposed Solar Energy Systems ordinance does

not permanently convert the land and allows for these kinds of properties to stay within families generating an income, the potential for the regeneration of soils and nutrients, very little excavation of such properties is needed, bonding and decommissioning of the sites is incorporated. No homes will be added, there is no need for added public or municipal services and there is no need for police or fire. The addition of this use will generate additional tax revenue by way of a mercantile business tax as this use will generate revenue within Dover Township. Higher real estate taxes will be incurred as a result from the value added to the applicable lands. Attorney Jones added that the ideas of the prime farmland's prohibition, is that it is a permanent conversion of the soils therefore one would lose the farmland forever, should an individual choose to place a warehouse or such on the property. Attorney Jones stated that the developers are planning to convert the underneath land into a voltaic state.

Chairman Stefanowicz inquired with Solicitor Rausch in asking that the purpose of a public hearing on this matter would be to give the public the option to voice opinions on the proposed ordinance and not to decide as to whether one type of ordinance or another would be best.

Attorney Rausch replied in stating yes to Chairman Stefanowicz's inquiry.

Chairman Stefanowicz reaffirmed that the Board of Supervisors needs to choose one Solar Energy System ordinance proposal for the York County Planning Commission.

Attorney Rausch respectfully informed Attorney Jones that he and his client's draft Solar Energy System ordinance proposal has a lot of good components within it and Attorney Rausch appreciates Attorney Jones and the applicants coming forward and presenting such an ordinance.

Chairman Stefanowicz qualified that strong opinions surround this topic regarding the designation of R1 and prime soils topics.

C. Richards stated that he feels the same as Chairman Stefanowicz and that additionally he feels as though an individual should be able to decide what is done on personal land.

M. Cashman stated that he feels as though an individual who owns a farm, and the land meets all of the necessary requirements and restrictions, should be able to do so as they wish with their land.

J. McLucas stated that he agrees with the applicant in terms of presenting an ordinance with minimal adverse effects and that both proposals possess pros and cons.

S. Parthree inquired with Attorney Rausch in asking if the Board of Supervisors could advertise both proposed ordinances?

Attorney Rausch stated that you could advertise both proposed ordinances; however, he would not recommend doing so.

Attorney Rausch qualified that the applicant is looking for consensus to proceed this evening with their proposed Solar Energy System ordinance, forwarding such onto the York County Planning Commission and then advertising the proposed Solar Energy System ordinance and holding a public hearing.

J. McLucas inquired with Attorney Rausch in that the proposed Solar Energy System ordinance being granted with the provision of an R1 Special Exception; whereas the Dover Township Planning Commission does not wish to permit a Special Exception in an R1 district, would the proposed Solar Energy System ordinance revert back to the Dover Township Planning Commission for consideration.

Attorney Rausch replied in fact stating procedurally yes; however, the Dover Township Planning Commission has already viewed the proposed Solar Energy System ordinance and made their recommendations.

Attorney Jones stated he and his client wish to follow procedural processes and pursue the Dover Township Planning Commission again regarding their proposed Solar Energy System ordinance.

Board consensus was reached, and it was collectively determined to support Attorney Jones' proposed Solar Energy System ordinance, to have the proposed ordinance presented to the Dover Township Planning Commission, presented to the York County Planning Commission and to advertise and hold a public hearing on the proposed ordinance tentatively scheduled for March 6th, 2021.

RECREATION DIRECTOR'S REPORT by Township Recreation Director Chalet Harris

Eagle View Park Pavilion Selection Review

Recreation Director Chalet Harris informed the Board of Supervisors that Eagle View Park has now reached the progress stage in which Dover Township is now entering the recreation portion of the park project. C. Harris informed the Board of Supervisors that she has a design and price to construct a new pavilion that will be located at the top of the sledding hill in Eagle View Park. C. Harris noted that the new pavilion will be purchased on a State Contract and will be installed as part of a public bid process. C. Harris stated that a final determination on the chosen design and price for a new pavilion must now be made so that the new pavilion can be ordered.

C. Harris has provided the full Board of Supervisors with documents and a sketch plan depicting the pavilion proposed and a quote on the cost. C. Harris stated that a proposal to add wrapped river rock columns is desired and being sought; however, is not included in the proposed cost estimate. The proposed cost estimate is forty-one thousand, four hundred forty-five dollars (\$41,445.00). The cost estimate does not include unloading, storage, installation, masonry materials and masonry labor.

Board consensus was reached, and it was collectively determined to move forward with the chosen Eagle View Park pavilion proposal.

MANAGER'S REPORT by Township Manager Laurel Oswalt

Approval of Resolution No. 2021-05 Recognizing Maureen App for her Service to Dover Township

Manager Oswalt stated that Resolution No. 2021-05 is recognizing Maureen App for her service to Dover Township. Maureen App has dedicated thirty years of service to Dover Township. Maureen App began her career with Dover Township as a Part-Time Recreation and Parks Facilities Administrator, Dover Township's first Geographic Information System (GIS) Specialist and most recently in her role as Permit and Enforcement Officer.

Motion by R. Stone and seconded by M. Cashman to approve Resolution No. 2021-05 recognizing Maureen App for her service to Dover Township, as presented. **Passed** with 5 ayes

Approval of Resolution No. 2021-06 Recognizing Dan Weikert for his Service to Dover Township

Manager Oswalt stated that Resolution 2021-06 is recognizing Dan Weikert for his service to Dover Township. Dan Weikert has dedicated nineteen years of service to Dover Township in providing computer/information technology (IT) consulting work.

Motion by M. Cashman and seconded by S. Parthree to approve Resolution No. 2021-06 recognizing Dan Weikert for his service to Dover Township, as presented. **Passed** with 5 ayes

Approval of Land Studies Agreement for Maintenance and Monitoring at Eagle View Park

Manager Oswalt informed the Board of Supervisors that the Floodplain Restoration Project completed under the Growing Greener Grant Program will require maintenance and monitoring from Land Studies and is necessary to qualify that the work being completed will continue to serve and operate as a functioning pollution reduction system.

Land Studies will agree to perform monitoring, maintenance, and training to staff on aspects and functions regarding how to maintain the project in compliance with the Growing Greener Grant guidelines. Housekeeping items will include general maintenance, proper weeding out of invasive species and treatment of warning signs of maintenance at the site. The scope of work for 2021 Monitoring & Maintenance will include Floodplain Maintenance, hand removal and spot treatment of invasive plant species, removal of trash, Meadow Maintenance, hand removal and spot treatment of invasive plant species, Floodplain Repairs, stabilization and reseeded of minor erosion, Monitoring and Reporting with the completion of yearly inspection reports and submission to Dover Township or PA DEP.

Contingencies will be placed within the agreement and will be listed for 2021. The 2021 contingencies are to include turf repairs, turf maintenance with fertilizer and herbicide, floodplain maintenance and repairs and engineering support and coordination.

M. Cashman inquired as to how long this agreement will last?

Manager Oswalt stated three (3) years is the expected time frame, allowing for Dover Township personnel to be self-sustaining and able to manage the site.

Motion by S. Parthee and seconded by C. Richards to approve the Land Studies Agreement for Maintenance and Monitoring at Eagle View Park, as presented. **Passed** with 5 ayes

Discussion of Execution of 30 Water and Sewer Customer Liens

The full Board of Supervisors were provided with information on water and sewer accounts with liens filed against customers in Dover Township. There are currently thirty-one (31) utility billing accounts with liens filed against them, twenty for nonpayment and ten are sewer only customers. The sewer only customer do not have water service and therefore they do not have a water service to be shut off when nonpayment occurs. The total amount that is due to Dover Township, of the thirty-one (31) delinquent accounts, is fifty-three thousand (\$53,000.00).

Manager Oswalt added that the delinquent water and sewer accounts with liens filed against them range in charges of four hundred fifty dollars (\$450.00) to eight thousand dollars (\$8,000.00).

Manager Oswalt inquired with the full Board of Supervisors on how they would like to proceed with collections for the aforementioned delinquent water and sewer accounts.

Manager Oswalt added that she is most concerned about collecting necessary costs from the sewer only customers, as there is no easily enforced repercussion for the delinquent sewer only customers. Manager Oswalt stated that she would recommend seeking the recouping of sewer only customer costs first and then pursuing the next necessary grouping of delinquent costs.

R. Stone stated that he feels that this is a great plan to begin recouping the necessary funds due to Dover Township.

M. Cashman stated that he too likes the plan for the recouping of necessary Township funds and inquired as to setting a dollar figure to the first grouping for collection. M. Cashman recommended that any individual that is past due in Dover Township sewer fees in/or over the amount of twenty-five hundred dollars (\$2,500.00) or any individual that is past due in/or over on the past two quarters, should be collected upon.

Motion by M. Cashman and seconded by R. Stone to approve of the execution thirty (30) sewer only customer liens, as presented. **Passed** with 5 ayes

Discussion on Fox Run Creek Phase 1 Winter Maintenance Notice

Manager Oswalt presented a letter that was received from Fox Creek/Fountain Rock Phase 1 attorney representation named Road Home LLC. Road Home LLC has bought all of the lots within the Fountain Rock Development. No developer was previously present for quite some

time, so plowing and mowing was not be maintained on various lots and the necessary Dover Township liens were filed. All of the lots that were not developed went up for Sherriff's Sale. Mr. Rebert; whom represents Road Home LLC, purchased the lots and paid all the costs in liens for the lots. Mr. Rebert has begun reselling the lots at this time. In the past, Mr. Rebert has maintained the maintenance and repair for the streets noted but has now issued a letter to Dover Township stating that Road Home LLC is no longer willing to do so effective January 22nd, 2021.

Manager Oswalt stated that she would like guidance on how to proceed with this matter, as the letter presented is stating that Road Home LLC is no longer willing to perform the necessary maintenance within the Fox Creek/Fountain Rock Development. A matter of public safety is in question and the matter is in need of a decision.

Board consensus was reached, and it was collectively determined to have Dover Township perform necessary winter maintenance to the Fox Creek/Fountain Rock development on an as needed basis.

Approval of Resolution No. 2021-07 Authorizing Financing through Truist for the Purchase of a Dump Truck

Manager Oswalt presented the Board of Supervisors with Resolution 2021-07, authorizing the financing of a new dump truck. Manager Oswalt stated that the Highway Aid/Liquid Fuels Budget for 2021 contained the purchase of a new dump truck. The new dump truck is to be purchased and a municipal lease term of seven (7) years will be acquired. Manager Oswalt stated that Resolution 2021-07 will authorize Dover Township to proceed with the financing and purchase of the new dump truck.

Motion by C. Richards and seconded by M. Cashman to approve Resolution No. 2021-07 authorizing financing through Truist Bank for the purchase of a Dump Truck, as presented. Passed with 5 ayes

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

Approval of the Buchart Horn Proposal for Engineering Services for the WWTP NPDES Permit Renewal

Public Works Director Michael Fleming presented a proposal for Engineering Services for the WWTP NPDES Permit Renewal from Buchart Horn. M. Fleming informed the Board of Supervisors that this service is required every five years and the cost proposed is fifteen thousand seven hundred dollars (\$15,700.00).

Motion by C. Richards and seconded by M. Cashman to approve the Buchart Horn Proposal for Engineering Services for the WWTP NPDES permit renewal, as presented. Passed with 5 ayes

MS4

Notice of Violation to the Reserve At Copper Chase

M. Fleming informed the Board of Supervisors of a Notice of Violation that was sent to the Reserve at Copper Chase due to the failure of an existing spreader basin embankment. The failure of the existing spreader basin embankment then allowed for an illicit discharge into the waters of the Commonwealth.

M. Fleming stated that the stormwater basin in question was not maintained properly and the property manager was not pleasant to work with for remedy; therefore, the matter has been turned over to PA DEP.

Little Conewago Creek Feasibility Study Update

Manager Oswald provided an update on the Little Conewago Creek Feasibility Study. Land Studies has begun the work on the Little Conewago Creek for the necessary Feasibility Study.

Solar Drive Project

Dover Township has been asked to present to the York County Stormwater Consortium Management Committee, the Solar Drive project for additional funding that was requested by Dover Township. Manager Oswald stated that she will be available during the presentation for any questions that may arise regarding the project. The nearby church provided the necessary dimensions to be sure that any bioretention facility that would be located on their property would not cause any issues for a proposed soccer field.

OLD BUSINESS

None to note.

COMMENTS FROM THE BOARD

M. Cashman – M. Cashman stated that the Northern York County Regional Police Department has worked out a lease between the Officer Tome Substation and Spring Grove Area Ambulance Club for five years. The lease will serve as a great capture for funds that will be utilized for upgrades that will be completed on the Officer Tome Substation. Overall, the lease will help to lessen costs of operation of the Officer Tome Substation.

PUBLIC COMMENT

None.

With no further business, the meeting was adjourned by Chairman Stefanowicz at 9:40 PM.

Respectfully submitted by: _____

Tiffany Strine, Recording Township Secretary