

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
BOARD MEETING MINUTES
FEBRUARY 8TH, 2021**

The Dover Township Board of Supervisors' Meeting for Monday, February 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 was one citizen present. This meeting is being recorded for the purpose of minutes only.

**APPROVAL OF THE BOARD OF SUPERVISORS' MEETING MINUTES FOR
JANUARY 25TH, 2021**

Motion by R. Stone and seconded by S. Parthree to approve the Board of Supervisors' Meeting Minutes for January 25th, 2021, as presented. **Passed** with 5 ayes

TREASURER'S REPORT

Approval of Current Expenditures

Motion by S. Parthree and seconded by C. Richards to approve the warrant total for February 8th, 2021, in the amount of \$535,188.50, as presented. **Passed** with 5 ayes

Dover Township Board Supervisor Charles Richards joined the public meeting.

PUBLIC COMMENT

Mr. Allen Hollenbach – 4260 Admire Road – Concern with an Adjacent Property

Mr. Allen Hollenbach is a Dover Township resident residing at 4260 Admire Road, Dover. Mr. Hollenbach stated that he purchased a home in Dover Township about five years ago and during this time Mr. Hollenbach stated that he had spoken to the then, Dover Township Zoning Officer Georgia Sprenkle, regarding concerns with an adjacent subdivision. Mr. Hollenbach stated that he was informed that two properties, near his property, could not be subdivided, or further developed. Within the past two years, Mr. Hollenbach stated that one of the properties in question was placed up for sale and posted in such a manner that the property could be subdivided and was advertised with five adjoining lots. Mr. Hollenbach stated that he, two years ago, had inquired to purchase the property with intent to sell one of the lots that was subdivided an existing house and retain and merge four of the remaining lots with his property. Mr. Hollenbach stated that he was informed at that time, that the property could not be subdivided and that the written plan for it had not been followed thru and that the property could not be subdivided. Mr. Hollenbach stated that a couple years ago, a mobile home was placed on the property that he had previously looked into purchasing. Mr. Hollenbach stated that some

neighbors and himself had concerns regarding the mobile home placed on the property. Mr. Hollenbach stated he had inquired with Dover Township regarding the mobile home and he was informed the lots were separated at that time and that the placement of the mobile home was approved as an acceptable use.

Mr. Hollenbach reached out to seek the services of an attorney, as he had learned that two lots on the property in question neighboring his property, had been subdivided and sold off and that this matter prompted concern with him due to drainage issues. Mr. Hollenbach has concern that if the lots that were in fact sold, that the waterway may be affected and disrupt the drainage to his property. Mr. Hollenbach stated that he had inquired with Dover Township and the York County Conservation District and he feels as though the information was conflicting.

Mr. Hollenbach voiced concerns with an existing pole building on the property in question, and the mobile home has an eighteen hundred (1800) square foot roof. Mr. Hollenbach voiced concerns with stormwater issues as a result of the large eighteen hundred (1800) square foot roof.

Chairman Stefanowicz informed Mr. Hollenbach that the Dover Township Board of Supervisors appreciates Mr. Hollenbach's public comment and that the matter may not be given resolve at the present time, as the full board of supervisors is being presented this matter for the first time and further research is warranted.

Mr. Hollenbach stated that he would like to know why the property could not be subdivided and is now being subdivided. Mr. Hollenbach stated that the current home on the property is built over two lots, as well as a pole building on the property is built over two lots. Mr. Hollenbach is concerned that the owner will place more homes on the remaining three lots.

J. McLucas stated that there is a long history to this matter and that matter is dealing with two adjacent lots to Mr. Hollenbach's property located at 4260 Admire Road as well as a drainage easement from previous subdivision plans. J. McLucas provided exhibits of the properties in question. The first exhibit, exhibit A, depicted the drainage easement of concern. The drainage easement runs along to the next exhibit, exhibit B, as well. The property in exhibit B was subdivided into five lots in September of 1981. Two of the lots in exhibit B were recently transferred. The building that Mr. Hollenbach is referring to currently runs along a private access on one of the two recently transferred lots. J. McLucas stated that the property owner of the two newly transferred lots inquired with Dover Township regarding the construction of a home on the lots. The owner had approached the county and the county was able to separate lots 4 and 5 as a result of a previously recorded plan from September of 1981.

J. McLucas spoke to the issue of concern regarding drainage. J. McLucas informed the full Board of Supervisors that a drainage pipe is located on both Admire Road and one on Pinchtown Road. J. McLucas stated that he feels as though Mr. Hollenbach is concerned about these drainage areas. J. McLucas spoke with the York County Conservation District with regards to the drainage from the property and the properties lots in question. J. McLucas stated that if there were to be any further development of the other lots on the property in question, the applicant would have to submit to grading plans, stormwater plans and etc. J. McLucas added that the existing drainage areas would have to remain in place as a result of requirements from Pennsylvania DEP and the York County Conservation District.

Mr. Hollenbach asked J. McLucas if the owners with the mobile home did in fact have the necessary grading plan and stormwater plan when they put the mobile home in place?

J. McLucas replied yes, the necessary requirements, as any installation of a single-family home, were met.

Mr. Hollenbach inquired if the necessary requirements of the plan were being followed by the property owner of the property in question. Mr. Hollenbach's concern was that necessary BMP's were not being followed.

J. McLucas replied that the York County Conservation District was called to the property. J. McLucas added that since the Earth Disturbance was less than five thousand (5,000) square feet, an E&S plan was not required to be submitted and approved by the York County Conservation District, to the best of his knowledge necessary compliance is being obtained as a result of the visit.

Mr. Hollenbach questioned theories of future installation of mobile homes on the property in question and concerns with drainage matters should more mobile homes be installed in the future. Mr. Hollenbach would like confirmation that the drainage ditch would be protected.

J. McLucas responded in that the waterways in question are delineated drainage channels involved and also wetlands are involved as well. J. McLucas additionally responded in stating that there are ways in which drainage matters are ensured to be protected so that adjacent properties are not adversely affected.

Mr. Hollenbach added that he is in the process of making his property look better and that he purchased his home and farmland with knowledge that surrounding properties will not be subdivided. Mr. Hollenbach stated that he now feels that he has a risk of multiple mobile homes being installed surrounding him and unwanted neighbors closer to him than he has anticipated, as he stated he is trying to expand his farm. Mr. Hollenbach inquired if there is anything that can be done regarding his concern?

Chairman Stefanowicz responded in that all the required regulations will be adhered to with any installation of any future structures on properties in Dover Township deemed necessary.

Solicitor Rausch qualified that the subdivision has been completed and that the subdivision has been recorded, resulting in five legal lots, and if mobile homes are allowed to be installed within this area then the mobile homes can be installed. Solicitor Rausch added that if there is an existing water course, there are certain private rights that Mr. Hollenbach may have if an individual attempts to tamper with the said drainage course as well as Dover Township possesses certain regulations that can be enforced; however, Dover Township cannot stop an individual that does something on their property that harms their adjacent neighbor, for that is a private matter.

Solicitor Rausch added that there is currently no development and there are no current issues needing addressed, as the concerns being heard this evening are currently hypothetical in nature.

Mr. Hollenbach stated that he feels his concerns are relevant and not being addressed.

J. McLucas replied that Dover Township has been fully transparent, and Dover Township has been more than helpful on this matter. All matters have been reviewed that are in question and all proper channels have been followed.

Mr. Hollenbach stated he feels that there are matters that have occurred with the property, after the subdivision plans were approved, that void the subdivision.

Chairman Stefanowicz stated that he and the full Board of Supervisors appreciates Mr. Hollenbach's concerns and that the matter can be further researched for any remedy necessary if applicable.

T. Myers added that the existing house on the property in question, before any lots in this location were sold, is built across two lots known as lots two and three. Therefore, before lots two and lots three would be sold and separated individually, the house would have to be taken down to do so. Lots four and lots five were sold together and the existing accessory building currently located on lots four and five is built across the property line. Prior to any division of any lots to be sold separately, the removal of the current pole building would need to be taken down. At current times, building could technically only occur on lot one.

J. McLucas stated if that lot were to be developed, the necessary stormwater practices and grading plans would need to be submitted and followed and that no current drainage areas would be impacted.

Solicitor Rausch inquired with J. McLucas as to if the aforementioned regulations would be followed whether a home being built on the property would be a stick built home or a mobile home?

J. McLucas responded to Solicitor Rausch's inquiry in replying yes.

Manager Oswalt added that she had sent Mr. Hollenbach e-mail correspondence with language describing requirements within the Agriculture zone and the number of lots that could be taken, prior to Dover Township placing Agricultural zone language within Dover Township ordinances and the 1981 plan being discussed predates such Agricultural zone language. Manager Oswalt added that no future subdivisions could now be performed on the property in question.

Chairman Stefanowicz asked Mr. Hollenbach if the preceding explanations make sense to him at this time?

Mr. Hollenbach stated that the responses make sense to him.

Chairman Stefanowicz thanked Mr. Hollenbach and added that if he should have any further questions going forward that J. McLucas, Manager Oswalt or T. Myers would be more than willing to help to the best of their capabilities as time permits.

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.

MANAGER'S REPORT by Township Manager Laurel Oswalt

Authorization to Advertise the Janitorial RFP

Manager Oswalt informed the full Board that the Janitorial Bid has been reviewed with Supervisor S. Parthree and is ready for advertisement.

Motion by R. Stone and seconded by C. Richards to approve to advertise the Janitorial RFP, as presented. **Passed** with 5 ayes

Review and Authorization to Advertise Park Ordinance Revisions

Manager Oswalt informed the full Board that the Dover Township Parks and Recreation Director is present to discuss proposed changes to the Dover Township Park Ordinance. Manager Oswalt added that the proposed park revisions being made were reviewed with Supervisor S. Parthree and Township Solicitor Rausch.

R. Stone inquired with C. Harris in asking if the language is proper to give us the ability to restrict the dangerous usage of vehicles on Dover Township walking paths.

C. Harris stated that the Dover Township Ordinance language depicts various roller vehicles and their usage.

Chairman Stefanowicz addressed the proposed Dover Township Park Ordinance Revision regarding enforcement of §16-107 stating “charged with the enforcements of provisions of enforcement of part”. Chairman Stefanowicz asked C. Harris if this was the correct terminology to be utilized or if the term part should be the term park?

C. Harris replied in stating yes and the portion referenced, refers to a specific portion of the Dover Township Park Ordinance.

Chairman Stefanowicz inquired on the disposal of animal feces and that the current Dover Township Park Ordinance refers individuals to carry the animal feces away and to dispose of the animal feces in a toilet. Chairman Stefanowicz wanted to be sure that it was clarified that Dover Township is not directing individuals to flush bags of animal feces down the sanitary sewer.

C. Harris stated that the necessary correction to the verbiage, regarding animal waste, was made to the aforementioned portion of the ordinance to reflect that the animal feces be carried away for disposal. C. Harris added that there are areas provided for disposal on site.

C. Harris wanted to specifically address the section of proposed amendments to the Dover Township Park Ordinance, located in section W, regarding smoking within the park. C. Harris stated that there will be designated areas for smoking with disposal receptacles on site.

All Board members agreed with the proposed Dover Township Park Ordinance addition of designated smoking areas within the park.

R. Stone inquired on the portion of the proposed Dover Township Park Ordinance amendments regarding section B, on the issuance of a permit to use radio controlled and drone airplanes. R. Stone inquired with C. Harris in asking if Dover Township currently has the necessary permitting for radio controlled and drone airplanes?

C. Harris replied that the Township does not currently have permitting for radio controlled and drone airplanes. C. Harris stated that she feels that every matter should be handled case by case.

R. Stone suggested removing the permitting process language, within the proposed amendments, as such processes are nonexistent. Permission from Dover Township is already being required; therefore, R. Stone stated that he feels that the permitting process should be removed regarding this matter.

Clarification was provided on the correct terminology to read as follows regarding the Dover Township Park Ordinance, section W, "drones or launch rockets without the written permission of the Township" and then remove the following "requires a permit" and then leave the verbiage "with proper credentials and insurance".

C. Richards suggested adding such conditions regarding radio controlled and drone airplanes to Dover Township rental contracts.

Privacy concerns were also addressed with regards to the use and flying of radio controlled and drone airplanes.

C. Harris researched and presented language that she felt may qualify for the best practice of enforcing radio controlled and drone airplane flying within Dover Township, "the use of model airplanes and drones is restricted to designated areas and is prohibited after 9am, model rockets are strictly prohibited at all times and the restricted hours for the use of drones may be granted written permission by the Township Manager or Recreation Director and upon receipt of the written modification, the use of all drones must comply with the federal administration and aviation regulations and the drone operator is responsible for compliance". Thus, creating better language with permissions.

S. Parthree provided suggestion to omit a portion of the animal feces and defecation portion of the proposed Dover Township Park Ordinance amendments. S. Parthree suggested eliminating the portion of this ordinance, in section 1, referring to not allowing an individual's animal to defecate on Dover Township property. Personally, S. Parthree stated that he feels that this portion, known as section 1 of this category, should be removed completely as pet owners never know or be able to stop an animal or pet from defecating on Dover Township property. S. Parthree feels that the following portion of this section then proves valid and retainage of the following section should be retained solely, stating "any person having possession, property or control of an animal which permits defecation should be required to immediately remove the feces from such surface". S. Parthree feels that number one of this section has no bearing and number two of this section should remain in place.

M. Cashman inquired upon roller vehicle use in parks, and qualified that individuals like to recreate with roller vehicles and questioned where individuals should go to recreate with such? M. Cashman stated that roller vehicles or skateboard, roller blade, roller skates and so forth are and are becoming popular manners in which, the public recreates and M. Cashman voiced concern that areas for such recreating will not be available in Eagle View Park.

C. Harris stated that she agrees with M. Cashman in that there is a need for the necessary recreation space for roller vehicles. C. Harris stated that she is not opposed to such activities; however, feels that there needs to be a designated place for such recreation on its own.

M. Cashman stated that the parks are created for our citizens and that he feels that roller vehicle use should not be excluded.

C. Richards suggested the brainstorming of areas where roller vehicles could be implemented for the public.

C. Harris replied in stating that the Dover Township Park Ordinance revision will state that roller vehicles can be utilized within the park with permission, permission not needing to be solely written, yet postings along such trails within Eagle View Park that prove to be wide enough for such recreating, could be posted stating the permission of roller vehicles in that particular location.

Such will not inhibit the use of roller vehicles, yet, providing a little more control as to where the Township will allow such recreating.

T. Myers stated that he feels that what you are trying to do is to allow individuals to use it but not adversely impact someone else's ability to utilize the trail.

M. Cashman qualified that not every kid is into ball sports and that some kids are into wheeled sports and M. Cashman feels that Dover Township should give every kid the best opportunity to do so.

Motion by R. Stone and seconded by S. Parthree to approve the Dover Township Park Ordinance Revisions and to authorize the advertisement of the Dover Township Park Ordinance Revisions, as presented. **Passed** with 5 ayes

Approval for York County to use a Portion of Conewago Road for a Detour during Bridge No.166 Construction

T. Myers inquired with the full Board of Supervisors, if the Township genuinely wants to force traffic onto Colonial Road, as two cars are unable to pass in this location; however, T. Myers is unaware of any other options.

M. Fleming stated that the request was made by the county and M. Fleming feels as though traffic should be directed as requested.

Motion by S. Parthee and seconded by C. Richards to approve for York County to utilize a portion of Conewago Road for a detour during Bridge No. 166 construction, as presented.

Passed with 5 ayes

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

Approval of an Emergency Repair at the WWTP in the Amount of \$140,000.00

M. Fleming stated that the WWTP had lost power last week during the nighttime hours. It was deemed that the power outage was not due to construction work that was performed. As a result of the power outage, Garden Spot Electric was contacted for repair, as Garden Spot Electric has performed work at the WWTP recently. Garden Spot Electric provided Dover Township with a Not to Exceed price of one hundred forty thousand (\$140,000.00) dollars to do the necessary repair. M. Fleming stated that this is an emergency repair.

R. Stone stated that he has spoken with T. Biese, WWTP Superintendent, regarding the matter. R. Stone feels that this matter should be covered subject to Dover Township's deductible, including any residual damage, and resulting in any damage that includes the switching of units. R. Stone stated that indemnification will be sought from the carrier.

Motion by R. Stone and seconded by S. Parthree to approve the emergency repair at the WWTP in the amount of one hundred forty thousand dollars (\$140,000.00) and that the necessary claim is to be made to seek indemnification for the loss as a repair due to an emergency, as presented.

Passed with 5 ayes

MS4

None to note.

OLD BUSINESS

None to note.

COMMENTS FROM THE BOARD

None to note.

PUBLIC COMMENT

None.

With no further business, the meeting was adjourned by Chairman Stefanowicz at 8:14 PM.

Respectfully submitted by: _____

Tiffany Strine, Recording Township Secretary