

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
BOARD MEETING MINUTES
MARCH 22ND, 2021**

The Dover Township Board of Supervisors' Meeting for Monday, March 22ND, 2021, was called to order at 7:00 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisor's present were Stephen Parthree, Charles Richards, Robert Stone and Michael Cashman. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; John McLucas, Township Zoning Officer; Terry Myers; Township Engineer, Cory McCoy; C.S. Davidson, Solicitor Charles Rausch; Tiffany Strine, Township Secretary and Michael Fleming, Township Public Works Director. There were fourteen citizens present. This meeting is being recorded for the purpose of minutes only.

Chairman Stefanowicz announced a Public Hearing – Proposal to Adopt Ordinance No. 2021-03 Permitting Solar Energy System Use as Permitted by Special Exception to begin.

A Dover Township Hearing on the Proposal to Adopt Ordinance No. 2021-03 Permitting Principal Solar Energy System (PSES) by Special Exception was opened by Chairman Stefanowicz at 7:03 PM in the meeting room of the Dover Township Municipal Building.

Attorney Rausch stated that this Hearing has been advertised in the York Dispatch and the York Daily Record and appears on the agenda for the Board of Supervisor's consideration. Attorney Rausch briefly summarized the proposed Ordinance No. 2021-03 Permitting Principal Solar Energy System (PSES) by Special Exception.

Attorney Rausch stated that any public comments or opinions from the Board of Supervisors and the public present are welcomed during this time.

Attorney David Jones with Stock & Leader Law Firm of York, PA

Attorney David Jones, with Stock & Leader Law Firm of York, was present this evening and stated that he was engaged by Enel Green Power to attend this evenings' meeting to provide information regarding the proposed ordinance. Attorney Jones qualified that he was approached by developers to implement a solar project over a year ago. In the process, Attorney Jones stated that he had learned that Dover Township's Zoning Ordinance had minimal requirements for solar farms within the Agricultural District. Attorney Jones stated that he had drafted an Ordinance regarding the implementation and regulation of Solar projects to help regulate Solar Farms and large-scale Solar facilities within Dover Township.

Attorney Jones stated that there were two (2) components of the proposed Solar ordinance in which Attorney Jones' client and the Dover Township Planning Commission did not agree upon. Attorney Jones stated that there was conflict with seeing large scale projects within the Residential Zone. As a result, Attorney Jones stated that he and his clients have worked with Dover Township to add that a PSES will be allowed in an R1 Zoning District as long as the property possessed an active agricultural use for at least two years prior to the application for a Solar Energy System. The second component was the challenge of allowing the implementation

of a Solar Energy System on prime agricultural soils. Attorney Jones qualified that there will be no permanent transformation of the land and that over the course of the life of the PSES, the land will regenerate. Attorney Jones added that he has worked closely with the Dover Township Planning Commission and Dover Township staff to best address their concerns and comments.

Brittany Staszak, Development Manager, Enel Green Power

Brittany Staszak is a Development Manager with Enel Green Power. Ms. Staszak stated that Enel Green Power is in the United States and Canada for over twenty years and has been a renewable energy leader and innovator. Enel Green Power possesses goals to help companies, communities and consumers find value in sustainability.

The Dover Solar Project is anticipated to be 60MW, 20MW Energy Storage facility. Ms. Staszak stated that there are already leases in place with many long time Dover Township residents with a combined 535 acres prepared for participation under the long term leases and easements for the implementation of the PSES. Potential start dates are projected for 2023.

Ms. Staszak added that Enel Green Power has been working with the local Planning Commission over the past year in addressing screening, fencing, decommissioning, signage, and glare. Additionally, the proposed use of residential parcels and the protection of prime farmland was addressed to their best ability. Conservation of prime farmland soils is essential. Solar development is proagriculture and not a permanent land use change, agrivoltaics encourage soil regeneration and adherence to the Pennsylvania Department of Environmental Protection and conservation requirements will be followed.

Ms. Staszak stated that Enel is invested in being long-term partners and active participants in the Dover community by working with Dover Township and the Planning Commission to adopt the very beneficial PSES Ordinance.

Ms. Staszak stated that the direct economic impact is expected to have a life span of over thirty (30) years, with an expected implementation of real tax dollars into the Dover Township community to help support schools, infrastructure, and capital improvements. The projected capital investment is projected to be 68.5 million, school district revenue in the amount of two (2) million dollars and Clean and Green Tax revenue in the amount of five hundred thousand dollars.

Ms. Staszak stated that Enel Green Power is committed to investing in long-term relationships with Dover Township and with regards to community involvement in education, environment, and economic development.

Ms. Staszak stated that Enel Green Power is present to respectfully request the adoption of the proposed Solar Ordinance being presented.

Attorney Rausch asked Ms. Staszak to please explain the relationship in location of Solar Energy System and transmission lines.

Ms. Staszak replied that when implementing a Solar Energy facility, the Solar Energy System needs to be in close location to the transmission lines in order to install a substation. The

viability of the substation location would not be further than five miles away from the Solar Energy System placement.

Attorney Rausch added that this then further restricts where a Solar Energy System could be located.

Ms. Staszak replied that Attorney Rausch is correct. Exact parcels have been identified within Dover Township.

Attorney Rausch inquired who utilizes the solar energy produced by the proposed Solar Energy Systems?

Ms. Staszak stated that Enel possesses corporate offtake, who potentially purchases the power produced.

Chairman Stefanowicz qualified that the proposal is a solar generation ordinance, not to be confused with that of implementation of solar energy on a private home.

Chairman Stefanowicz inquired if the current power line in which Enel is proposing to utilize is above ground or below ground.

Attorney Jones replied that the current proposed power line to be utilized for their project with Enel is above ground.

Attorney David Jones with Stock & Leader Law Firm of York, PA

Attorney Jones stated that with Dover Township's close proximity to local power plants, which currently do not have as much energy flowing thru the proposed lines, making the project an ideal location for solar developers.

Attorney Rausch qualified comments from the Dover Township Planning Commission and the York County Planning Commission. Dover Township Planning Commission has reviewed the proposed Solar Energy Systems ordinance and indicated that they felt that the Solar Energy System should not be allowed within the R1 District, from purely a planning perspective. After lengthy discussions, the Dover Township Planning Commission felt that the solar panels could be installed on prime agricultural soils because they would be above the soils and allow the soil to regenerate. However, any related equipment should not be placed on prime agricultural soils and should be located in the Industrial districts. Attorney Rausch stated that the aforementioned issue may need to be addressed in stating that the solar panels themselves can be implemented within prime soils; however, the infrastructure, if there is either land that is not suitable for agricultural use or that is located within the industrial district, could be placed there so prime agricultural soils are not impacted or permanently converted.

Discussions were held debating the true location of prime soils within Dover Township.

Attorney Jones stated that he and his clients have made great efforts to address all comments from the planning commissions and that if there is a desire to place language within the proposed ordinance regarding placing some of the areas of the project on particular grounds, this will be addressed as well.

Attorney Chris Naylor with Barley Snyder Law Firm of PA

Attorney Naylor qualified that he is the Attorney representing the Lamparter's including Rick Lamparter, Tom Lamparter, Dwight Lamparter, Todd Lamparter, Matthew Lamparter and Kyle Lamparter. Rick Lamparter and Matthew Lamparter were present during this evening's meetings. Attorney Naylor indicated that his clients support the proposed Solar Ordinance being presented this evening. Attorney Naylor added that from an owner perspective, the Lamparter's would be available for any questions that the Board of Supervisors may have. Attorney Naylor stated that Enel Green Power cannot do anything unilateral, and that Enel Green Power cannot perform any action without the support of the local residents to partner with them to develop projects on properties.

Attorney David Jones expressed that the proposed Solar Ordinance provides local use that does not generate trucks, wear and tear on roadways, and added children to the school system. Attorney Jones stated that the proposed Solar Ordinance promotes a true sustainable project that generates revenue. Attorney Jones feels that the proposed uses are very nice, low impact uses to bring to the community that provides options which does not take away any use in the future.

Todd Lamparter, Dover Township Resident

Mr. Lamparter stated that there are no family intentions of selling his or his family's properties and after long discussions, Mr. Lamparter's family feels as though this is something great that they would like to see come out of their property in terms of repurposing the land.

Jim Rexroth, Dover Township Resident

Mr. Rexroth owns commercial grain farming lands in various locations of Pennsylvania and recently acquired eighty-four (84) acres of farmlands within Dover Township. Mr. Rexroth stated that his farmlands are not prime in any way and proves it very difficult to farm and produce farm products. Mr. Rexroth stated that he feels as though agrivoltaics and the various features of regenerating the land is a great option for him and his farmlands while keeping options available and creating opportunity.

David Gonzalez, York County Economic Alliance

Mr. Gonzalez, with the York County Economic Alliance, was present this evening to provide the York County Economic Alliances' support for the proposed Solar Ordinance. York County Economic Alliance feels that the Solar Ordinance promotes the conservation of land and positively adds to the diversity of the County.

With no further comments from the public and no further business, Chairman Stefanowicz concluded the Hearing at 7:53 PM.

APPROVAL OF THE BOARD OF SUPERVISORS' WORK SESSION MEETING MINUTES FOR MARCH 8TH, 2021

Motion by R. Stone and seconded by C. Richards to approve the Board of Supervisors' Meeting Minutes for March 8th, 2021, as presented. **Passed** with 5 ayes

APPROVAL OF THE BOARD OF SUPERVISORS' MEETING MINUTES FOR MARCH 8TH, 2021

Motion by R. Stone and seconded by C. Richards to approve the Board of Supervisors' Meeting Minutes for March 8th, 2021, 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 March 12th, 2021, in the amount of \$423,256.36, as presented. **Passed** with 5 ayes

Motion by R. Stone and seconded by M. Cashman to approve the warrant total for March 18th, 2021, in the amount of \$181,559.26, as presented. **Passed** with 5 ayes

Motion by R. Stone and seconded by M. Cashman to approve the warrant total for March 18th, 2021, in the amount of \$4,771.83 (LIQUID FUELS), as presented. **Passed** with 5 ayes

Motion by R. Stone and seconded by M. Cashman to approve the warrant total for March 22nd, 2021, in the amount of \$7,159.00, as presented. **Passed** with 5 ayes

PUBLIC COMMENT

None to note.

SOLICITOR'S REPORT

Attorney Rausch stated that Ordinance No.2021-03 has been advertised for adoption. Attorney Rausch stated that within his memo to the Board of Supervisors, Attorney Rausch raised conflict with the agricultural zone and the agricultural district zone about soils, limitations and special exceptions being added. Attorney Rausch added that he has had discussions with Attorney Jones about the matter and Attorney Rausch feels that such matters can be addressed separately. If the aforementioned matters can not be addressed separately, the process to adopt an ordinance will need to be repeated or the implementation of a post adoption advertisement can be published. Attorney Rausch stated that he feels that the proposed Ordinance No. 2021-03 is suitable for adoption.

R. Stone inquired if the matters of infrastructure are not addressed within the proposed Ordinance No. 2021-03 and if they can be afterwards?

Attorney Rausch agreed with R. Stone and added that matters of infrastructure are not addressed within the proposed Ordinance No. 2021-03 and these matters can be addressed to allow Solar Energy System infrastructure to be placed in the commercial and industrial districts. Such a restriction does not adversely affect the public and is simply clarifying where impervious surfaces should be located. A restriction that clarifies where impervious surfaces should be located with regards to the implementation of a Solar Energy System facility was suggested to be addressed.

Chairman Stefanowicz inquired as to the type of batteries to be utilized for the project being discussed.

Curtis Hutson, Lead Project Manager with Enel Green Power

Mr. Hutson replied that the proposed project utilizes cell batteries to prevent any issues. Mr. Hutson added that anything such as transformers and so forth, that may pose a potential risk, will have the proper containment where necessary.

Adoption of Ordinance No. 2021-03 Permitting Solar Energy System Use as Permitted by Special Exception

Motion by C. Richards and seconded by M. Cashman to adopt Ordinance No. 2021-03 Permitting Solar Energy System Use as Permitted by Special Exception with the addition of adding language that, to the extent that it is feasible, to locate impervious structures outside of the prime soils area, as presented. **Passed** with 5 ayes

ENGINEER'S REPORT

None to note.

NONE TO NOTE

ZONING OFFICER'S REPORT

Reauthorization of Plan 20-02 – Mount Zion Offroad LD Plan – 4785 Carlisle Road – 8,654 Square Feet Vehicle Repair/Sales Expansion – Commercial District

Motion by R. Stone and seconded by S. Parthree to reauthorize Plan 20-02 – Mount Zion Offroad LD Plan – 4785 Carlisle Road – 8,654 Square Feet Vehicle Repair/Sales Expansion – Commercial District, as presented. **Passed** with 4 ayes, M. Cashman Abstained

Reauthorization of Plan 19-9 – The Seasons Phase III – 29 Lot Subdivision Plan – R3 District

Motion by R. Stone and seconded by M. Cashman to reauthorize Plan 19-9- The Seasons Phase III – 29 Lot Subdivision Plan, R3 District, as presented. **Passed** with 5 ayes

Approval of Resolution 2021-09 – Hoffman 2-Lot Subdivision Plan – 4202 Davidsburg Road – R3 District

Motion by R. Stone and seconded by M. Cashman to reauthorize Plan 2021-09 – Hoffman 2-Lot Subdivision Plan – 4202 Davidsburg Road – R3 District, as presented. **Passed** with 5 ayes

Review and Acceptance of 2021 Annual Subdivision/Land Development Plan Action Report

Motion by M. Cashman and seconded by R. Stone to accept the 2021 Annual Subdivision/Land Development Plan Action Report, as presented. **Passed** with 5 ayes

MANAGER'S REPORT by Township Manager Laurel Oswalt

Adoption of Resolution No. 2021-10 Authorizing a DCNR Grant Phase 2 for Eagle View Park

Motion by R. Stone and seconded by C. Richards to adopt Resolution No. 2021-10 authorizing a DCNR Grant Phase 2 for Eagle View Park, as presented. **Passed** with 5 ayes

PUBLIC WORKS DIRECTOR'S REPORT by Public Works Director Michael Fleming**Accept Proposal from Cleveland Brothers Equipment Co. for the Purchase of Two used Generators at a cost of \$67,000.00**

M. Fleming stated that the Pennsylvania Department of Environmental Protection is requiring a backup power source at all Dover Township well houses. M. Fleming stated by purchasing the proposed equipment, all well houses would then be equipped and would meet the Pennsylvania Department of Environmental Protection requirements. The aforementioned requirement must be met by Dover Township by August 17th, 2021.

Motion by S. Parthree and seconded by M. Cashman to accept the proposal from Cleveland Brother Equipment Co. for the Purchase of Two used Generators at a cost of \$67,000.00, as presented. **Passed** with 5 ayes

MS4**Floodplain Restoration Article**

R. Stone commended Dover Township staff on a recent article published in the Bay Journal, depicting the positivity of floodplain restoration for the new Eagle View Park.

OLD BUSINESS

None to note.

COMMENTS FROM THE BOARD

S. Stefanowicz – Chairman Stefanowicz stated that a concerned resident has contacted him with regards to development occurring in the Township in the Sparrows Way development location. Chairman Stefanowicz wanted to inform the full Board of Supervisors that he has committed to visiting the individuals and viewing the concern.

Manager Oswalt informed the Board of Supervisors that she too has had contact with the concerned individual and has provided answers to the questions posed via email.

C. Richards – C. Richards stated that a letter was delivered to all local media outlets and was published in various local papers regarding the warm thank you from Dover Township to the Dover Township Community regarding the showing of support for the passing of Dover Township Volunteer Fire Department Chief Brian Widmayer.

PUBLIC COMMENT

David Gonzalez, York County Economic Alliance

Mr. Gonzalez, with the York County Economic Alliance, informed the Board of Supervisors and the public present that there is a Hospitality Grant Program currently operating, closing March 31st, 2021. Mr. Gonzalez stated that the Hospitality Grant Program is available to any local business within the hospitality industry in the amounts of five thousand dollars (\$5,000.00) to fifty-thousand dollars (\$50,000.00) as a result of the impacts from the COVID-19 Pandemic. Mr. Gonzalez feels that this grant could prove life changing for those in the industry in need.

With no further business, the meeting was adjourned by Chairman Stefanowicz at 8:48 PM and the full Board of Supervisors then entered into an Executive Session to discuss Township personnel matters.

Respectfully submitted by: _____

Tiffany Strine, Recording Township Secretary