

**DOVER TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING MINUTES  
AUGUST 23<sup>RD</sup>, 2021**

The Dover Township Board of Supervisors for Monday, August 23<sup>rd</sup>, 2021, was called to order at 7:01 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; Charles Rausch, Township Solicitor; Michael Fleming, Township Public Works Director Terry Myers, Township Engineer; Corey McCoy, CS Davidson; Police Chief David Lash and John McLucas, Zoning Officer. There were also 50 members of the public present.

This meeting is being recorded for the purpose of minutes only.

**APPROVAL OF THE BOARD OF SUPERVISORS/BOROUGH COUNCIL MEETING MINUTES FOR AUGUST 9<sup>TH</sup>, 2021**

**Motion** by R. Stone and seconded by S. Parthree to approve the Minutes from August 9<sup>th</sup>, 2021, Meeting, as presented. **Passed** with 5 ayes.

**TREASURER'S REPORT**

**Approval of Current Expenditures**

APPROVAL OF THE AUGUST 12<sup>TH</sup>, 2021 WARRANT OF \$148.35 (LIQUID FUELS)  
APPROVAL OF THE AUGUST 13<sup>TH</sup>, 2021 WARRANT IN THE AMOUNT OF \$806,984.55  
APPROVAL OF THE AUGUST 23<sup>RD</sup>, 2021 WARRANT IN THE AMOUNT OF \$118,232.72

**Motion** by C. Richards and seconded by M. Cashman to approve the above referenced warrant totals. **Passed** with 5 ayes.

**PUBLIC COMMENT**

**Marlin Messinger of 3101 Faire Wynd Place and President of the Faire Wynd HOA.** Mr. Messinger expressed gratitude toward the Township Staff for the answers to many calls that the residents have made regarding the completion of this development. Mr. Messinger reported he had three main issues to address. The first being the plowing by the developer in the area is haphazard and residents are very displeased with the communication from the developer. In addition, there is usually damage associated with the plowing. The stormwater pond is overgrown, incomplete and needs finalized. Common areas are now turned over to the HOA and they are responsible for the maintenance, but they were turned over in sub-par conditions. The tree line was never fully installed along Hilton Avenue to the farmhouse. Mr. Messinger questioned why the trees were not completed by Mr. McNaughton. There are also missing sidewalks that need completed. Mr. McNaughton is non-responsive to phone calls and even their attorney has not been able to prompt a response. When he did speak to Mr. Messinger, he indicated that the development would be complete by November. Mr. Messinger commented

that he understands the Township's hands are somewhat tied by Pennsylvania State Law. He has contacted Representative Grove's Office to discuss a need for a timeframe to be established in the law for developers to finish developments. He suggested that the Board of Supervisors and other residents contact their state legislators to push forward this initiative to a resolution.

Attorney Rausch reported the Township has been having issues with this developer as well. He was invited to tonight's meeting, but he is not in attendance. The Township has had to file an action against the developer for non-payment of approximately \$50,000 in fees for inspection services on the development. On the agenda tonight, the Board will need to decide whether to allow an existing letter of credit to be transferred to a surety bond. This is not recommended as a letter of credit is much easier to collect on than the bond. Attorney Rausch stated that the Board can then pull the letter of credit funds and finish the development with the funding. If there is not enough funding the remaining amount will come from taxpayer dollars. Attorney Rausch questioned Mr. Messinger as to when he spoke with Mr. McNaughton.

Mr. Messinger indicated this occurred in the April/May timeframe.

Attorney Rausch stated that Mr. McNaughton is well aware that he needs to have roads on the agenda for adoption prior to September 1, for Liquid Fuels funding to be received by the Township to fund the road maintenance.

Supervisor Richards questioned Terry Myers on how much work needs completed prior to road paving and how the sub-base is holding up.

T. Myers indicated the work is not significant.

Mike Mummert, 3246 North Wynd Avenue questioned why this developer has started another development in the Township when there were so many issues with Faire Wynd. He also asked for the letter of credit to be explained again.

Attorney Rausch responded the law does not allow the Township to stop someone from pursuing another development as long as they comply with all the regulations in the approval process. Past behavior cannot be used as an excuse to disapprove a development. The developer is asking for a surety bond to replace the existing letter of credit. With a letter of credit, the Township can go directly to the bank and get the money. With a surety bond, the company can fight releasing the funds which can lead to the need to litigate the matter. This matter is on the agenda for the Board of Supervisors to decide to reject the bond in favor of keeping the letter of credit.

Kathy Buckingham, 3231 Faire Wynd Place commented that she and her husband were here to support the Board in getting the plans for the development complete as recorded in the York County Courthouse. The stormwater pond is located to the rear of their home and there are issues with the grading, seeding and maintenance of the property. Mrs. Buckingham has spoken with Tom Smith of York County Conservation District numerous times, and they are unable to force Mr. McNaughton to complete the pond. Mrs. Buckingham requested the Board of Supervisors help ensure the stormwater pond is completed.

Joanne Gohn, 3290 Cardinal Lane stated that they have owned their property since 2011 and are having stormwater issues with the Fountain Rock Development to the rear of their property. This occurs in small rain events as well as the larger ones. During the most recent storm, Cardinal Lane was flooded, and cars could not pass and there were houses flooded. Mrs. Gohn's front yard was damaged. Mrs. Gohn asked for the Township to pursue a potential resolution to this matter.

C. Richards commented that he spoke with a stormwater management specialist that indicated rains where there are 5.25 inches in less than an hour cannot be managed by any infrastructure system. This is considered a 100-year storm, which is not what systems are built to manage. He questioned M. Fleming regarding the status of the pond conversion.

M. Fleming stated this pond is intended to discharge underground to another pipe, instead of over the surface as it is currently. Tomorrow the Conservation District will be on site to examine the situation. The developer and his attorney have not been working to finalize the pond.

Attorney Rausch commented the original developer for Fountain Rock went bankrupt and the Township is in litigation with the surety company for the funds to complete the work. Attorney Rausch questioned M. Fleming as to whether the issue was maintenance related or structural.

M. Fleming stated that the pipe was intended to be 24-inch but is instead 18-inch. During a rain event about a year and a half ago, this pipe lifted.

T. Myers remarked that the new owner is the responsible party under the NPDES Permit.

Joseph Richburg, 3394 Cardinal Lane stated that he is down grade from Mrs. Gohn. This stormwater flows behind his property. He only moved into his home one month ago and this is the second time the yard has flooded in that month.

Terry Griffin, 3388 Cardinal Lane stated he has been attending meetings for years and there is no budget or plan to fix this issue. He had 2 feet of water in his garage and his house. He has six drains that drain to his property. Mr. Griffin stated the drainage system goes under his property and he was told was installed by previous property owners.

R. Stone commented the Township is working to address stormwater throughout the community and has spent millions of dollars to do so.

Chairman Stefanowicz stated this Board will look into addressing this situation.

M. Fleming handed out flyers from York County Emergency Management to the affected residents as they are collecting information for possible FEMA reimbursement.

George Albright, 3211 North Wynd questioned the source for additional funds should the letter of credit not be enough: the residents of the development or the Township as a whole?

Attorney Rausch commented that it would come from General Fund dollars and the Township could also pursue the developer for the additional funds.

### **ENGINEERS REPORT, T. MYERS**

#### **APPROVAL OF RESOLUTION 2021-15, ADOPTING THE CUL-DE-SAC, WATER AND SEWER LINES IN LAUREL MANOR:**

T. Myers commented we have the maintenance bond in place, and he is not aware of any issues with this development.

M. Fleming stated there are still some items the developer is finalizing with stormwater, but there are no issues with the road, sewer, or water.

**Motion** by R. Stone and by S. Parthree to approve Resolution 2021-15 adopting the cul-de-sac, water, and sewer lines in Laurel Manor, as presented. **Passed** with 5 ayes.

#### **APPROVAL OF RESOLUTION 2021-16 ADOPTING CHAPMAN COURT IN THE PALOMINO HEIGHTS SUBDIVISION:**

T. Myers stated the sidewalks were completed today, but there may be a few signs that are not up.

M. Fleming stated the signs were installed.

**Motion** by M. Cashman and seconded by R. Stone to approve Resolution 2021-16 adopting Chapman Court in the Palomino Heights Subdivision as presented. **Passed** with 5 ayes.

#### **APPROVAL OF RESOLUTION 2021-17 ADOPTING THE SEASONS PHASE I ROADS AS DETAILED:**

T. Myers stated there are three streets involved with this development. The paving is complete. The outstanding items are speed limit signs, a section of sidewalk that needs poured, and the streetlights are not installed. The developer does have a lighting agreement with Met-Ed for completion of this work. A check for approximately \$30,000 was dropped off to the Township to ensure enough monies are on hand for the maintenance bond requirements and the remaining incomplete items.

R. Stone questioned T. Myers on whether he was recommending the adoption of these roads. He was concerned for the residents that the snowplowing would again need to be performed by the developer.

T. Myers stated it is really up to the Board to determine whether adopting the roads to get them on the Liquid Fuels list is more important for the amount of funds that would be received versus the issues that remain outstanding. His estimation of the amount of funds to be received was in the area of \$3,000.00.

C. Rausch commented in 2015 an agreement was completed with this developer because he could not renew his letter of credit. It was instead withdrawn, and the Township is holding the funds. If the Board of Supervisors is going to approve this resolution it will need to include an addition to amend the agreement to allow for these funds to be converted from a performance fund to a 18-month maintenance

guarantee.

M. Fleming commented he was not in agreement with accepting these roads due to all the outstanding items. He indicated the developer was aware of these items for months and has not successfully completed them. He receives the complaints from the residents when these items are not complete and does not want to see a situation where the improvements are left go. The Emergency Accessway is also an issue.

C. Richards stated he was not in agreement with adopting the roads.

Chairman Stefanowicz noted we would miss the Liquid Fuels money for this year if we waited until next month.

T. Myers agreed and reiterated the amount of money is likely only in the \$3,000 range.

Chairman Stefanowicz suggested waiting until next month to consider this matter again.

**Motion** by S. Parthree and seconded C. Richards to table Resolution 2021-17 adopting the Seasons Phase I roads, as presented. **Tabled** with 5 ayes.

Chairman Stefanowicz questioned the status of the bridge improvements.

T. Myers responded the Department of Environmental Protection will allow for the permit to be amended to adjust for the larger pipe that is needed on Bridge #9. Once they approve the amendment, the projects can be bid.

## **ZONING OFFICER REPORT, J. MCLUCAS**

### **FAIRE WYND PHASE III REQUEST OF CONSIDERATION OF ACCEPTANCE OF A PERFORMANCE BOND IN PLACE OF THE EXISTING LETTER OF CREDIT:**

J. McLucas reviewed the materials in the Board packet referencing this matter and reiterated the need to decline acceptance of the surety bond in place of the existing letter of credit.

L. Oswalt added a decision was also needed on a deadline for the remainder of the work to be completed in the Faire Wynd Phase II development or the letter of credit will be invoked.

Mike Mummert questioned whether the Township would review the developer's work.

Attorney Rausch stated the work would be required to be inspected.

It was suggested the work needed to be completed by PENNDOT's last day to accept blacktop which is October 15<sup>th</sup>.

Chairman Stefanowicz indicated this does not mean the roads will be paved this year.

**Motion** by R. Stone and seconded by M. Cashman to reject acceptance of the performance bond for Faire Wynd Phase III in place of the existing Letter of Credit, as presented. **Passed** with 5

ayes.

**Motion** by R Stone and seconded by C. Richards to issue a notice to Mr. McNaughton requiring the Faire Wynd Phase III development punch list be completed by October 15, 2021, or the Township will pursue the letter of credit, as presented. **Passed** with 5 ayes.

**REAUTHORIZATION OF CONDITIONAL APPROVAL FOR PL 21-1  
BUPP/MCNAUGHTON PHASE II-19 LOT FINAL SUBDIVISION PLAN:**

J. McLucas is asking the Board of Supervisors to re-authorize the conditional approval of this plan as Mr. McNaughton has not completed the items in the previous conditional approval. The re-approval would be subject to the same conditions.

Chairman Stefanowicz questioned why we are granting a reapproval.,

Attorney Rausch stated the developer has 90 days to meet the conditions. Often times some of the outstanding items take longer to get approval.

**Motion** by R. Stone and seconded by M. Cashman to reapprove PL 21-1 Bupp/McNaughton Phase II-19 Lot Subdivision Plan with the following outstanding conditions: 1.) Proposed Home Owner's Association documentation must be submitted to the Dover Township Solicitor for approval (§22-602.1); 2) Verification shall be provided indicating that the Erosion and Sedimentation control plan was approved by the York County Conservation District (§22-602.4); 3). The amount of land required to be provided for public recreational purposes for all residential subdivision or land development plans shall be a minimum of 0.025 acres per lot or dwelling unit. Dedication of recreation land or fees in-lieu-of for each dwelling unit is required on all residential subdivision, and all multi-family developments; 4.) regardless of whether private recreational facilities are also provided. (§22-718.1); 5.) Public Improvement Security is required in a form and amount acceptable to the Township, prior to final plan approval (§22-1201.1); 6.) Pursuant to Dover Township's Subdivision and Land Development Ordinance, Dover's "Board of Township Supervisors shall prescribe that [an] applicant shall reimburse the Township for reasonable and necessary expense incurred for the inspection of improvements." *See* § 22-1206 of Dover Township's Subdivision and Land Development Ordinance and Pursuant to Dover Township's Subdivision and Land Development Ordinance, Dover's "Board of Township Supervisors shall set fees, payable in advance, for review of plans." *See* § 22-316 of Dover Township's Subdivision and Land Development Ordinance. As such, Faire Wynd Associates, L.P. owes \$54,940.80 in review and inspection fees and pursuant to the Pennsylvania Municipalities Planning Code Section 515.1(b) and Sections 22-1206 and 22-316 of Dover Township's Subdivision and Land Development Ordinance must be paid as a condition of final plan approval, as presented. **Passed** with 5 ayes.

Bob Gilbert, 3230 North Wynd Avenue questioned why the Township is letting this developer continue to develop in the Township.

Attorney Rausch stated there is case law that says that you cannot judge a developer's future conduct based on a past situation. With Faire Wynd, there are remedies which are being pursued

to remedy the problems.

### **DISCUSSION OF 3350 PARTRIDGE DRIVE WAIVER OF LIENS AND TAXES.**

J. McLucas presented a request to consider the possibility of waiving taxes and liens on this property. He was contacted by Habitat for Humanity because they discovered that the property is scheduled for tax upset sale. There are also liens for both mowing and water/sewer bills in the amount \$6,017.79. The question of whether the Board would waive the liens and taxes now a matter for consideration. The taxes are around \$2,200, but the Township is just a small portion of those monies.

Chairman Stefanowicz questioned who would be responsible to pay the taxes.

Attorney Rausch responded that Habitat would pay for the taxes and then have the new home owner reimburse them as these would be the only fees assessed to the new owner for the land.

After some general discussion the Board of Supervisors members were concerned about shifting this burden to the taxpayers. It was suggested that Habitat could attend a future meeting where this matter could be discussed in more detail.

**Motion** by S. Parthree, seconded by R. Stone to table the waiver of liens and taxes for the 3350 Partridge Drive, as presented. **Tabled** with 5 Ayes.

### **TOWNSHIP MANAGER REPORT, L. OSWALT**

#### **APPROVAL OF RESOLUTION 2021-14, APPROVING HEIDELBERG TOWNSHIP AS A MEMBER OF THE NORTHERN YORK COUNTY REGIONAL POLICE DEPARTMENT POLICE COMMISSION:**

**Motion** by M. Cashman and seconded by R. Stone to approve Resolution 2021-14 admitting Heidelberg Township as a member of the Police Commission for Northern York County Regional Police Department, as presented. **Passed** with 5 ayes.

#### **APPROVAL OF THE 2022 SPCA ANIMAL HOUSING AGREEMENT:**

**Motion** by M. Cashman and seconded by C. Richards to approve the 2022 SPCA Animal Housing Contract, as presented. **Passed** with a 3-2 vote: S. Parthree and S. Stefanowicz voted nay.

#### **DISCUSSION REGARDING THE SETTING OF THE DATE AND TIME FOR TRICK OR TREAT NIGHT IN DOVER TOWNSHIP:**

L. Oswalt stated the Township usually authorizes this activity on October 31<sup>st</sup>, except when it falls on a Sunday, in which case it is held on Saturday, October 30<sup>th</sup>.

**Motion** by R. Stone and seconded by C. Richards to approve Saturday, October 30<sup>th</sup> from 6-8 PM as Trick or Treat Night in Dover Township, as presented. **Passed** with 5 ayes.

**PUBLIC WORKS DIRECTOR REPORT, M. FLEMING****APPROVAL OF THE YORK COUNTY DETOUR PLAN FOR BRIDGE 181 POPLARS ROAD.**

M. Fleming reported this bridge work needs completed by the County and the Second-Class Township Code requires the Board to authorize any detours.

**Motion** by C. Richards and seconded by R. Stone to approve the York County detour plan for Bridge 181-Poplars Road, as presented. **Passed** with 5 ayes.

M. Fleming reported the rain from Wednesday, August 18<sup>th</sup> caused much damage in the Township including to individual homes. The flows at the plant are detailed in the Public Works report. The Wastewater Treatment Plant was under water. The Water Department staff helped Wastewater pump out their facilities. Later that afternoon, the crews were all out on Carlisle Road, clearing a Sewer Collection Line in which a manhole insert had been forced down into the pipe and caused a blockage. There was much cooperation from all the departments.

There was additional discussion about addressing the stormwater situation on Cardinal Lane. Glen Hollow needs a letter regarding repairing the damages caused by the storm. There are several systems that are outside of public easements that would need dealt with to address the matter, as well as the developer at Fountain Rock would need to address the work needed in his development. York County Conservation District will be out tomorrow to look at the stormwater pond.

C. Richards questioned whether it is possible to get more money in the bonds to aid with rising costs of projects over time.

T. Myers stated we can review the bonds annually by law and increase that number by up to ten percent.

Consensus of the Board was to institute this practice.

**Nursery Road**

Chief Lash reported that one of the drivers from Pro Pallet was cited with harassment charges last month.

**COMMENTS FROM THE BOARD**

Supervisor Cashman provided a manning study from Northern Regional Police Department, which indicates that Dover Township needs service hours in the amount of approximately 20 hours.

Chief Lash reported that this would equate to approximately \$89,000. Dover is currently looking at achieving a historic 8300 to 8400 call volume in 2021. Numerous other municipalities are adding service next year including Manchester Township at 40 hours. Adding hours will help Dover to keep the level of service up for the community.

L. Oswalt remarked the Draft 2022 Budget contains an additional 20 hours of service in it for the Board's consideration through the budget process.

In addition, M. Cashman reported that the Police Department has engaged in a Feasibility Study for expansion of the current building in Dover Township or relocation of the Department Offices. Supervisor Cashman will be serving on a committee for this project.

Chief Lash reported the building was last expanded in 1997. At that time, it was expanded to accommodate 40 police officers and as of 1/1/2022, the department will have 64 officers. There are currently 3 female officers without a female locker room. The study did not include the Heidelberg Township sub-station. Due to its location, it is not feasible to run calls in Dover Township from that station. Dover Township alone buys more police services than the 6 municipalities that surround the sub-station.

Chairman Stefanowicz inquired as to whether the expansion would occur at the current location.

Chief Lash stated the current location is unlikely for the expansion as he has not been able to gain a return call from the neighboring property owner. Finding a location which will allow for the firing range to be located where it will not disturb the neighborhood will be difficult.

M. Cashman stated he would love to see the department remain in Dover Township.

C. Richards inquired whether the Harlacher property was investigated.

Chief Lash stated he has only looked at 10 acres on Hilton Avenue suggested by J. McLucas.

R. Stone was enthusiastic about the fact that with all of the flooding last week we did not have an overflow in the sanitary sewer collection system. This means the work that has been deployed in this department is making a difference.

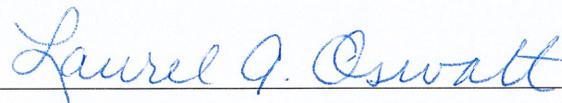
C. Richards handed out a list of items for consideration at a future date from the Fire Marshall.

C. Richards thanked all of the crews and fire department volunteers for their efforts during the storm.

## **PUBLIC COMMENT**

**With no further business, Chairman Stefanowicz concluded the Board of Supervisors meeting at 9:05 PM and the full Board of Supervisors then entered into an Executive Session to discuss the Township Union Contract and potential acquisition of 4800 Carlisle Road.**

Respectfully submitted by:



Laurel A. Oswalt, Township Manager