

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
SEPTEMBER 13TH, 2021**

The Dover Township Board of Supervisors for Monday, September 13th, 2021, was called to order at 7:06 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisors' present were Stephen Parthree, Charles Richards, and Michael Cashman. Robert Stone was absent with prior notification. 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 Lieutenant Greg Anderson; Chalet Harris, Recreation Director; and John McLucas, Zoning Officer. There were also 12 members of the public present.

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

Approval of Resolution No. 2021-18, recognizing Michael D. Curley for his service to Dover Township.

Chairman Stefanowicz asked for the Board's concurrence to move the Resolution for Michael D. Curley ahead on the agenda. The Resolution was then read aloud by Chairman Stefanowicz.

Mr. Curley thanked the Board of Supervisors for the opportunity to serve the community. He indicated he greatly appreciated the Township Staff and their expertise through the course of service in the various roles. He believes we all have visions for the community, which may differ, but he knows we all want the community to be successful.

Motion by M. Cashman and seconded by C. Richards to approve Resolution No. 2021-18, recognizing Michael D. Curley for his service to Dover Township. **Passed** with 4 ayes.

APPROVAL OF THE BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES FOR AUGUST 23RD, 2021

APPROVAL OF THE BOARD OF SUPERVISORS MEETING MINUTES FOR AUGUST 23RD, 2021

Motion by S. Parthree and seconded by C. Richards to approve both the Work Session and Regular Meeting Minutes from August 23rd, 2021, Meeting, as presented. **Passed** with 4 ayes.

TREASURER'S REPORT

APPROVAL OF THE AUGUST 30TH, 2021 WARRANT OF \$16,375.57

APPROVAL OF THE SEPTEMBER 13TH, 2021 WARRANT OF \$144,685.02

APPROVAL OF THE SEPTEMBER 13TH, 2021 WARRANT OF \$424.11(LIQUID FUELS)

Motion by C. Richards and seconded by M. Cashman to approve the above referenced warrant totals. **Passed** with 4 ayes.

PUBLIC COMMENT

Patrick Ball, Habitat for Humanity Property at 3550 Partridge Road-Waiver of Liens.

Mr. Ball, Interim Executive Director, thanked the Board for their support of Habitat and attendance at the groundbreaking ceremony. Mr. Ball understood that this matter was discussed at the last Board Meeting in conjunction with the potential waiver of liens and taxes. He understood that there were questions on how Habitat works and why the fees should be waived.

J. McLucas stated the property was transferred in April of this year. It was a blighted property that needed remediated. The liens are for water and sewer fees and mowing of the property. He is unclear how these liens were not discovered during a title search. As far as the taxes are concerned, the Township is the smallest portion of that cost, and the County and Dover Area School District will need to waive their portions. The assumptions were that these costs would be passed on by Habitat to the new owner.

Chairman Stefanowicz stated the Board's concern is that by waiving the liens and taxes, the residents of the community are shouldering this responsibility instead of the property owner.

Attorney Rausch commented that the property was destroyed by fire and the property owner was in another state. In order to transfer the property and get it back on the tax rolls, it was ultimately transferred to Habitat, which was not considered a sale as we would conventionally think of it.

S. Parthree questioned the total amount to be waived.

J. McLucas stated the amount of the liens is approximately \$6,200. The taxes are around \$800.

Manager Oswalt asked Mr. Ball to explain how the Habitat program works so that the Board can fully understand the process and the new owner's responsibility. To begin with, Habitat applicants go through a vetting process and a financial literacy program that lasts about 12-18 months. They work with a Habitat representative to learn about budgeting and home ownership. Meanwhile, properties are identified and acquired that can be the location for the residences to be developed. They are asked to put "sweat equity" into the project by helping to physically build the home. The mortgage for the property is set up at 30% of their income so that it can be better assured that they will be successful in their home ownership. Habitat charges no interest and does not actually charge the value of the home. For example, the home might be worth \$100,000, but be mortgaged at \$50,000. A second mortgage of \$50,000 is also taken out, which is forgiven at 3% per year that they own the home. If they sell the home prior to mortgage satisfaction, then there is a shared appreciation clause in the contract which would result in Habitat receiving some money back. Therefore, the addition of liens and taxes owned on the property is not really a viable option for Habitat. Currently, with the cost of building materials, Habitat's ability to help people is more limited. If the fees cannot be waived, the property would

likely be left go at a Tax Sale. Mr. Ball will be appearing in front of the County Commissioners and the Dover Area School Board to try to get their portion of the taxes waived as well.

T. Myers mentioned he was not certain of the dates of the usage for the water and sewer, but it is possible that there are charges for services that were not rendered due to the property being empty. This might be a consideration for the Board.

Chairman Stefanowicz would like to support cleaning up blighted property. He would like to know the bottom line of what is owed. Attorney Rausch was asked to work on the final numbers for the Board. Chairman Stefanowicz asked if this will cause an issue for Habitat.

Mr. Ball stated it would not, but he would use Dover Township's consideration to try to obtain concurrence from the other taxing authorities.

Chairman Stefanowicz indicated there appears to be a consensus of the Board to waive fees as long the \$6,800 figure does not become \$16,000.

Manager Oswald felt it was important for the Board to understand that the Habitat applicants do not even pay the true cost of the structure and therefore these costs would not easily be passed on to the applicant.

C. Rausch indicated he would try to get the property removed from the public sale list.

Mike Fleming provided a presentation regarding flooded properties in the Township from September 1st, 2021. The presentation is attached to the minutes and consisted of various property damages to both Township infrastructure and individual residences.

The Gohn Property, 3290 Cardinal Lane was affected by a pipe that lifted at the Fountain Rock development. The developer had attempted after the storm on August 18th to address this matter, but the next section of pipe lifted during the September 1st storm. From this area, we moved down the street to the Glen Hollow Subdivision Pond. This pond has overflowed the last two storms as its discharge is not functioning properly. The Management Company for the HOA has been notified that a repair is necessary. Again, moving down the street, we approach the Griffin property at 3388 Cardinal Lane, where the water is laying in our street and then flowing into the Griffin's yard. Repairs were made to the pipe that was blocked by York Excavating at this location and at the Cardinal Lane Bridge where the road was lifted due to flooding.

There were pictures from Rocky Road in Wandering Streams Development and both property owners were present this evening with regard to the drainage swale on their properties which caused flooding in their basements.

Amongst the many public infrastructure damages that were noted in the presentation, there was also a variety of pictures of the dumping of grass clippings and yard waste into the drainage swales and inlets. Often these areas are on private or HOA property and no one is maintaining them which clogs stormwater systems. The public needs to be made aware that not disposing of

their yard waste appropriately, they can cause themselves and their neighbors to have flooding issues.

Several residents were present that were the subject of some of the slides and made public comment as follows:

Bob DeAngelo, 1627 Fountain Rock Drive. He was not personally affected by the flooding but was here in support of his neighbors in getting the swale in place that is on the original plan. He also mentioned a pile of dirt and rocks that he thinks the developer will be using to fill in a stormwater pond.

M. Fleming stated the York County Conservation District is involved with enforcement action on the developer and has asked the Township to stop issuing permits for the development, which has been instituted. There is a meeting on site tomorrow to try to get the developer to put in the swales on the property and address the issue. The three property owners present this evening all bought off of the new owner of the property.

Chairman Stefanowicz thanked M. Fleming, York Excavating and others that helped to expedite getting this information together and getting the work completed thus far.

Solicitor Rausch questioned how much of this issue is a result of the excessive storms we have had.

M. Fleming commented the Thirkell property has standing water every time it rains because there is no swale. The swale would handle the normal storms but is unlikely to manage an excessive event like these last two events.

Jeff Smith, 1725 Rocky Road was present about the swale behind his property in Wandering Streams. He and his neighbor, who was also present, have water coming into their basements damaging their appliances and their heating and air conditioning systems. It has happened three times in the last month. He has made use of sump pumps to try to mitigate the situation. His property is adjacent to a parking lot and Brookside Park Baseball Field, owned by the Township.

M. Fleming commented that a possible solution would be for the property owners to clean out and regrade their portions of the drainage swale and then the Township could look at enlarging the swale on its property to help alleviate the problem.

J. McLucas stated the sump pump could then be rerouted to the swale.

Matthew Gittrich, 1727 Rocky Road discussed the flow from Palomino Road running like a river. He has an issue with a running sump pump and no where to direct it. If the swale was improved and the Township would make their swale larger, it would definitely help the situation.

M. Fleming asked if the Board wanted the staff to explore doing remediation work on our property subject to the residents performing similar work on theirs.

M. Cashman stated that this would need to be a coordinated project with the property owners.

Mark Myers, 1631 Fountain Rock Drive commented he did not experience property damage but was here to support his neighbors in seeing something done to get the developer to put in the swale. While the developer and the equipment are there, the work needs to be completed now.

Joseph Richburg, 3394 Cardinal Lane commented that he was speaking to his neighbor Terry Griffin and there is a gas pipeline that cut the storm drain off. The pipeline representative felt it was up to the Township to repair the drain.

M. Fleming stated that the Township did not build the drain in question. It was built by the mason who previously owned the property. It was an open swale prior to that time.

Mr. Richburg indicated that technically they are not allowed to put their fence back up because it is in the pipeline's 50-foot easement. He stated the pipeline has been there since 1955.

Toni Thirkell, 1621 Fountain Rock Drive was present, and they have been experiencing issues with the swale that is missing flooding their yard as M. Fleming indicated. She wanted to know what was going to be done to fix this situation because stopping permits is not the answer she is looking to receive.

Chairman Stefanowicz commented that at this time and in this meeting, there is little that can be done other than to keep the pressure on the developer. We are currently exploring every avenue we can to force the issue.

Kevin Thirkell questioned whether approval has been granted for Phase II of the development.

J. McLucas stated they have not brought in a plan to date.

Mr. Thirkell commented that the IDA storm resulted in 30 hours of sump pump time for their property. The pump could not keep up and they had one to two inches of water in the basement. The basement is only storage, and they are upsizing the sump pump.

T. Myers indicated that the swale being installed will not completely address the water issues that the Thirkells' are experiencing in the basement. They should see improvement in the yard.

M. Fleming stated they did not have flooding in the basement during the August 18th event.

Robin Piatt, 1718 East Canal Road, commented that she has water issues on her property and there is a development up for sale directly across the street from her. She is concerned that they will not follow through to see these matters to completion. She feels it is the incumbency of the Township to see that the developer does the work as required.

Manager Oswalt stated that the Township is in a lawsuit over the Fountain Rock development because the original developer did not complete their work. The new owner has certain responsibilities to make sure that they are completing the improvements, but there are also

outstanding funds from the previous developer that were posted and are being pursued by the Township to complete some of the work.

Matthew Gittrich, 1727 Rocky Road commented it would be nice to have a meeting dedicated to updating them on the status of the progress on these concerns.

Chairman Stefanowicz stated we meet the 2nd and 4th Mondays of every month, and this topic will be on the agenda for a while until resolved.

Jeff Smith, 1725 Rocky Road stated their development is complete. How will their situation be addressed?

There was discussion on reestablishing the swale amongst the individual property owners and then the Township could address the swale on their property. Solicitor Rausch mentioned that at some point the Township may need to consider establishing stormwater districts to deal with these matters that are on private property or in HOA's that are no longer in existence.

Joanne Gohn, 3290 Cardinal Lane thanked M. Fleming for all of his efforts during the storms to try to address the residents' concerns. In addition, she requested that Cardinal Lane be looked at for speeding.

SOLICITOR'S REPORT, C. RAUSCH

C. Rausch indicated the bond must be renewed annually and is up on September 25th for Sagebrook Phase I. The developer has not provided the continuation certificate to date. Attorney Rausch is asking for a motion from the Board to execute on the Surety for Sagebrook Phase I, should we not see a continuation certificate from the surety.

Motion by C. Richards, seconded by M. Cashman to authorize the Township Solicitor to notify the surety of a default on the surety bond if a continuation certificate is not received before September 25, 2021. **Passed** with 4 ayes.

TOWNSHIP MANAGER REPORT, L. OSWALT

Discussion regarding Eagle View Park permit issues for the Outdoor Classroom.

Manager Oswalt stated the original design of the Outdoor Classroom has it located in the floodplain. The other permits the Township has obtained limit the disturbance be kept outside of the floodplain. Staff and consultants have spent quite a bit of time on calls working with the different divisions of the Department of Environmental Protection trying to develop solutions to the issue. As it stands now, a Chapter 105 Permit is necessary to complete the Outdoor Classroom at the original location. This permit will delay Phase I's completion. Other options include completing the Outdoor Classroom with the pedestrian bridge at a later date with Phase II or relocating the Outdoor Classroom. The relocation concept will raise the issue of dealing with rock removal, which will add costs to the project.

Chairman Stefanowicz asked how much more the rock issue would cost.

Manager Oswalt was unclear on the cost until the digging occurred.

Supervisor Richards asked whether rock was an issue with either location.
Manager Oswalt stated rock is only an issue in the new location as designed.

M. Fleming remarked that blasting could be an issue for the newly installed sewer line.

C. Harris commented that she prefers the original location for the Outdoor Classroom. Coming up with additional dollars for dealing with rock from our funding sources is a concern. Also, breaking the Outdoor Classroom off the Phase I Project may lessened the number of bidders as the project would be smaller.

S. Parthree questioned the term of the Department of Conservation and Natural Resources Grant.

It was noted that the term was 3 years, beginning in 2020.

S. Parthree preferred to wait and put the classroom where originally intended.

Board Consensus was to wait until the Chapter 105 Permit for the Outdoor Classroom, in the original location, can be obtained to proceed with Phase I of the Eagle View Park Improvements.

Update on Sewer Authority and Township Borrowing for 2021 and 2022 respectively.

Manager Oswalt reported the Sewer Authority and Township were both proceeding with borrowings and refinancing for projects in 2021 and 2022. Preliminary documents were included in the packet this evening and a possible schedule was made available. These matters will begin to be action items on the agenda for several meetings to pass the required ordinances to complete the bond deals. In addition, the Township borrowing will be for Water System improvements amounting to approximately 3.8 million. As such, a rate increase is likely warranted to both quarterly bills and tapping fees. Spotts, Stevens, McCoy has indicated these studies can be performed by October 1st at a cost of \$5,500. Manager Oswalt stated there is money in the budget for this task and asked for a motion to approve moving forward with that study.

Motion by S. Parthree, seconded by M. Cashman to authorize the water rate and tapping fee study at \$5,500 with Spotts, Stevens, McCoy. **Passed** with 4 ayes.

MS4

Manager Oswalt reported there will be a Joint Public Education session Tuesday, September 15th at 6:30 on Riparian Buffers in the Board Room at the Municipal Building.

Nursery Road

Lieutenant Anderson reported that a Pro Pallet driver was cited for harassment in conjunction with a complaint from Mr. Lamparter on Nursery Road. There will be a hearing before the district magistrate on the matter in the near future.

In addition, Lieutenant Anderson stated the Northern Regional Police Department responded to 64 calls related to the flooding event on September 1st.

COMMENTS FROM THE PUBLIC

Glenn Gohn, 3290 Cardinal Lane questioned the shed located at the intersection of East Canal and Cardinal Lane. It is a sight distance issue and should be removed.

J. McLucas stated this was a matter that has been raised before and he will attempt to address it with the property owner again.

COMMENTS FROM THE BOARD

C. Richards thanked all of the organizations and individuals that helped with the flooding event which included all the Township crews; Dover Borough, Glen Rock and Dover Township Fire Departments; Barry Emig helped out with the EMC duties; Dover Ambulance was involved in several calls; and the American Red Cross aided with displaced individuals. The Dover Area School donated some mats to the Township for people to rest on. There were 50 water rescues in the Township. He felt with everything that went on, all did an outstanding job.

C. Richards also commented he felt it was time to move forward with the plans to renovate the dorms at the Dover Township Volunteer Fire Station.

S. Parthree commented that he understood the Township Manager and Township Treasurer were involved in staffing the Emergency Operations Center for displaced residents until late into the evening.

Manager Oswald thanked T. Hall for her efforts and the Dover Township Volunteer Fire Department for transporting a stranded family to their home so that the Center could be closed in the early morning of September 2nd. Additionally, the Recreation Director, Chalet Harris and Facilities Crew Person, Tracy Krieger helped by supplying food for the people and also activities for the children. McDonald's also donated some food.

PUBLIC COMMENT

With no further business, Chairman Stefanowicz concluded the Board of Supervisors meeting at 9:02 PM and the full Board of Supervisors then entered into an Executive Session to discuss the Township Union Contract, Personnel Promotions, and the Lexon Litigation.

Respectfully submitted by: Laurel A. Oswald

Laurel A. Oswald, Township Manager