

DOVER TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
April 11th, 2022

The Dover Township Board of Supervisors for Monday, April 11th, was called to order at 7:00 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisors' present were Charles Richards, Steve Parthree, 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; Greg Anderson, Police Lieutenant; Brooke Scarce, Recording Secretary; and John McLucas, Zoning Officer. There was also 9 members of the public present.

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

APPROVAL OF THE BOARD OF SUPERVISORS MINUTES FOR MARCH 28TH, 2022

Motion by R. Stone and seconded by M. Cashman to approve the Regular Meeting Minutes from March 28th, 2022, Meeting, as presented. **Passed** with 5 ayes.

TREASURER'S REPORT

APPROVAL OF THE APRIL 8TH, 2022 WARRANT IN THE AMOUNT OF \$ 24,057.68(LIQUID FUELS)

APPROVAL OF THE APRIL 11TH, 2022 WARRANT IN THE AMOUNT OF \$548,350.79

Motion by C. Richards and seconded by S. Parthree to approve the above referenced warrant totals, as presented **Passed** with 5 ayes.

PUBLIC COMMENT

Kathy Klingaman from 5550 Crone Road stated she has concerns about the solar farm proposal. Mrs. Klingaman stated the solar farm will have a negative impact on wildlife and will decrease property values. Also, she had heard that Enel created the ordinance for the Township.

Linda Snyder from 1745 Temple School Road stated she has concerns about residents not knowing what is going on in the Township. An email was sent to Manager Oswalt with a suggestion about making a Township Group to email residents with information that is happening within the Township.

Manager Oswalt stated that the suggestion was noted to the Board of Supervisors in a previous report.

S. Stefanowicz stated The Board has been trying to improve communications, the problem is how do we determine what information needs to be shared out residents and with whom.

R. Stone stated all of the agendas and meeting minutes are posted on our website. As a Township, we have to be careful because we can not advocate for one side or the other on a particular issue. There is a responsibility on part of the residents to step forward and find the information.

Mrs. Klingaman stated not all of the information is posted on the website. Even if you read the minutes not all of the information is put on them.

Manager Oswalt stated that minutes are not a word for word account of what happens at a meeting, it is a summary. There is a stenographer at the Zoning Hearing Board that takes creates a word for word accounting. Because the Hearing has been continued the record is not closed on the matter and the stenographic record is not available. The Zoning Hearing Board minutes that are posted on our website are written by someone not employed by the Township and then the Zoning Hearing Board approves the minutes.

S. Stefanowicz stated minutes can not be posted on the website until the minutes have been approved by the Boards.

Mr. Klingaman stated that more residents need to come to the meetings, so residents know what is happening in the Township.

C. Rausch stated the Solar Farm was discussed at multiple meetings for over a year. The ordinance that was submitted by Enel was not the ordinance that was adopted by the Board.

R. Stone stated there was a group of property owners that wanted to pursue this use on their land.

C. Rausch stated that there was an ordinance in place before this newly revised ordinance. The new ordinance provides for more stringent development provisions.

S. Stefanowicz stated there was many meetings with the Township to determine an ordinance that would best suit the Township. There are other Townships around us that have solar farms, and those Townships did not require a special exception use, instead the use is allowed by right.

C. Rausch stated the Board made a special exception which required the solar company to go to the Zoning Hearing Board and if the opposition can prove that there are environmental dangers or it will adversely affect the public, the Zoning Hearing Board must take that into consideration.

Manager Oswalt stated the Board created the ordinance; the Zoning Hearing Board makes the decision on whether the special exception gets granted. If it is granted the plan will go through a land development process which would come back to the Board. If the Zoning Hearing Board denies the solar farms, it can be appealed.

Steven Beyer from 5560 Crone Road stated there a lot of residents within the Township that are upset with this decision.

Manager Oswalt stated the State Legislature says you have to plan for every type of use, it is a state law. If we do not adequately plan for all uses, we can end up in court defending against a petition to allow the use in the Township.

David Witt from 2901 Village Square Drive stated he was unaware of the emergency repair that is necessary at Emig Mill Village. There was no communication as to what was happening, there was a meeting a month prior to the letters being sent out which was not received until after the contractors were on the property.

S. Stefanowicz stated this item is further down in the agenda for the evening and he would prefer to address Mr. Witt's comment at that time.

Bill Messinger from 5320 Bull Road stated they live down a long driveway with multiple houses back the lane and do not have enough room to fit all of the toters in the assigned spot at the end of driveway. Penn Waste was contacted and stated they would send someone out to look at the issue and they have not heard back.

Jo Messinger stated she spoke with Manager Oswalt who contacted Penn Waste on this matter, but still has not heard back from Penn Waste. Previously due to their driveway situation and not having enough room for the toters, they were given permission to stick trash bags out at the curb instead of the toters.

Bill Messinger stated they are looking for a solution since they do not have enough room for all the toters.

Jo Messinger stated they were not notified about the change going from bags to toters.

J. McLucas stated he went through a similar issue with Penn Waste, but he understands that they are extremely short staffed.

Manager Oswalt stated the contract, and the ordinance state all trash must be in the toters, with that being said, previous to Mid-March 2022, Penn Waste was making exceptions. However, they have decided to no longer make exceptions because they have been moving forward with automation. They have a truck that is operated by one person which is safer and is helpful in this time of labor shortages. Penn Waste has acknowledged that there are certain situations where they may have to make exceptions. She will reach out again on the Messengers' behalf.

ZONING OFFICER'S REPORT, J. MCLUCAS

Approval to advertise the Joint Zoning Revision RFP with Dover Borough.

Motion by C. Richards and seconded by R. Stone to approve the advertisement of the Joint Zoning Revision RFP with Dover Borough, as presented. **Passed** with 5 ayes.

TOWNSHIP MANAGER REPORT, L. OSWALT

Resolution # 2022-11 amending the 2022 Budget for the use of ARPA Funds.

Motion M. Cashman and seconded by S. Parthree to approve Resolution # 2022-11 amending the 2022 Budget for the use of ARPA Funds, as presented. **Passed** with 5 ayes.

Resolution # 2022-12 authorizing an Asphalt Escalator in the 2022 Road Work Bids.

Motion by R. Stone and seconded by C. Richards to approve Resolution # 2022-10 authorizing an Asphalt Escalator in the 2022 Road Work Bids, as presented. **Passed** with 5 ayes.

Synagro request for consideration of fuel escalator amendment to the Biosolids Contract.

Manager Oswalt stated the contract was not submitted with a fuel escalator and we are under no obligation to grant this request.

Consensus of the Board was to deny the fuel escalator amendment to the Biosolids Contract.

2001 Pierce Dasher Pumper Truck/Approval to a neighboring municipality.

Manager Oswalt stated Paradise Township was not willing to pay the higher price, and they would like to purchase the truck for \$30,000.00 which is what they bid when the fire truck was on MuniciBid.

Motion by C. Richards and seconded by R. Stone to approve 2001 Pierce Dasher Pumper Truck to a neighboring municipality, as presented. **Passed** with 5 ayes.

PUBLIC WORKS DIRECTOR REPORT, M. FLEMING

Approval of the Flyway Excavating, Inc. to complete the emergency repairs to the Emig Mill Village Pond and discussion regarding repayment by the HOA.

M. Fleming stated there were three bids that were submitted, Flyway Excavating came in at the lowest cost of \$58,515.00 to do the repair. There are also engineering costs associated with the inspection of the work. There are 78 property owners that will be responsible to cover the cost of the emergency repair.

Manager Oswalt stated there was an HOA declaration filed with the Township. The HOA was never started. In 2008 the residents who were mowing the area stopped mowing it, as such the Township started getting complaints about it. After research, it was discovered that a declaration of covenants was filed with all 78 properties which means, the stormwater for the development is owned by the 78 individuals. This stormwater structure must continue to function whether it is maintained by an HOA or not. If it does not function it will cause issues up stream and in the

development. The Township took over the maintenance of the area and has been billing the property owners once a year in November with their quarterly water and sewer bills.

David Witt from 2901 Village Square Drive stated that he purchased his home five years and is upset that the Township is on his property without permission.

Manager Oswalt stated when the Township took over the mowing, all of the residents in the development were sent a letter. When the home was purchased, the buyer should have disclosed the information regarding the stormwater basin.

Mr. Witt stated if the Township is maintaining the retention area, why did they not retain the area better because what happened could have been preventable. He is under the impression that since the Township maintains the area, they are responsible for the cost.

C. Rausch stated the development could form an HOA and could hire their own contractors to do the work, but since there is no HOA, the Township had to take over because it could become a public health problem.

Manager Oswalt stated in 2008 there were actually two developments that received letters regarding the Township taking over maintenance of their retention ponds: Emig Mill Village and Barwood developments. Since then, the Township has had to fix the retention pond in the Barwood development. In this particular case, this is an outfall of the stormwater pipe, it will not function properly without the issue being fixed. There are trees that will be removed and some of the fencing will be replaced.

David Witt stated if the meeting was in February why did he just receive a letter in April.

Manager Oswalt stated the meeting in February was to get authorization from the Board to move forward with the emergency repair to find out how much it was going to cost, so we can then let the property owners know what the cost is going to be, and when the work will be done so the property owners can properly plan for it.

S. Stefanowicz stated we are trying to solve the problem that has been brought to our attention. We always try to spend the least amount of money as we can with that objective in mind.

M. Fleming stated there's going to be more cost because of the engineering cost, the maintenance cost, and the mowing contract that has been in place for years. The cost that was given is an estimated cost. There was a 50-foot section of fence that was taken down by a property owner. The Township is only replacing the fence that is collapsed. It appears that the 36-inch pipe is rotted out at the bottom, the bank gave away, and the tree fell over on the fence.

C. Richards stated that he feels we should replace the other 50-foot section of fencing.

M. Fleming stated the contract is written that the cost for the fence is per foot, so we could add the extra 50 foot.

R. Stone questioned if the fence is required to be around the stormwater basin.

J. McLucas stated it is required in the stormwater ordinance that there has to be a fence around the retention area.

S. Stefanowicz stated the Township is not taking ownership of the retention pond, we just see that is not working properly and we are required to fix it.

David Witt questioned why the Township is fixing the issue but charging the residents in the development.

Manager Oswalt stated when a subdivision or a land development plan is passed, it details on it where the stormwater is to go and who is responsible for it, This retention pond is the responsibility of the 78 residents in the development. It is not that the Township did not want to communicate with the residents, we just want to make sure we have all the information in place before sending out letters notifying the residents.

Bob Beyer questioned why we don't use the Township employees to fix the issue.

Manager Oswalt stated we do not have the equipment to fix the stormwater issue, we would have to rent the equipment.

M. Fleming stated we are short staffed just like everyone else, we have five open public works positions available now.

Manager Oswalt stated according to the proposal, the contractor is saying the work will be done by October.

R. Stone stated we are required to take the lowest bid.

Manager Oswalt stated in addition to the 50-foot fence, there will be extra fees for engineering with an estimate of \$3,300.00 and that is for the inspection and to make sure it is installed correctly. Without the extra 50 -foot section of fence, it was estimated to cost each resident about \$889.11.

M. Fleming stated it would roughly be about \$6,000.00 to add the extra 50 foot of fencing.

S. Parthree questioned David Witt his opinion and how he would like to be billed.

David Witt stated, he does not know everyone's finances but personally he would prefer to make monthly payments.

Manager Oswalt stated we bill water and sewer accounts quarterly, but residents can budget to pay monthly to catch themselves up. The easiest and the cheapest way to bill the residents for this expense is through the quarterly water and sewer bill, as we are already mailing them to the residents.

Motion by R. Stone and seconded by C. Richards to approve Flyway Excavating, Inc. to complete the emergency repairs to the Emig Mill Village Pond, as presented. **Passed** with 5 ayes.

R. Stone left the meeting at 8:40 PM due to family commitment.

Motion by S. Parthree and seconded by M. Cashman to bill the 78 residents at Emig Mill Village in equal installments over the course of one year with their quarterly water and sewer bill, as presented. **Passed** with 3 ayes and 1 nay.

M. Fleming stated when the homes on Wheatland Drive were built, there were swales, but the builder then took out the swales. When we had the two floods this year, some of the residents had their basements flooded due to the swales not being there. The new HOA of the development reached out and would like to install the swales. They would be covering all the cost of the work. They are requesting a temporary construction easement on Dover Township land for this project. M. Fleming asked if the Board would consider granting this necessary construction easement.

Consensus of the Board was to consider a Temporary Construction Easement for this project, so that the HOA can perform this work at their cost.

MS4 UPDATE

Next Joint MS4 Public Education Session April 20th at Manchester Township.

OLD BUSINESS

None to note.

COMMENTS FROM THE BOARD

M. Cashman stated as a solution to the frequent speeding that happens in areas like Butter Road and Emig Mill Road, we should consider targeting these specific areas in the Township with license plate recognition readers to catch repeat offenders. Each stationary LPR is \$20,000.00 to \$30,000.00.

COMMENTS FROM THE PUBLIC

None to report.

With no further business, Chairman Stephen Stefanowicz concluded the Board of Supervisors meeting at 8:58 PM and the full Board of Supervisors then entered into an Executive Session to discuss personnel evaluations.

Respectfully submitted by: Brooke Scarce

Brooke Scarce, Recording Secretary