

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
October 23rd, 2023**

The Dover Township Board of Supervisors for Monday, October 23rd, 2023, was called to order at 6:59 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisors present were Charles Richards, Stephen Parthree, Robert Stone, and Michael Cashman. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Charlie Rausch, Township Solicitor; John McLucas, Planning Director; Michael Fleming, Public Works Director; Terry Myers, Township Engineer; Cory McCoy, CS Davidson; and Brooke Scarce, Township Secretary. There were 28 members of the public present.

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

Chairperson Stephen Stefanowicz announced that a Work Session was held prior to the evenings regularly scheduled Board of Supervisors meeting to interview James Turnure for the open volunteer board position.

**APPROVAL OF THE BUDGET WORK SESSION MEETING MINUTES FOR
OCTOBER 9TH, 2023
APPROVAL OF THE REGULAR BOARD OF SUPERVISOR MINUTES FOR
OCTOBER 9TH, 2023**

Motion by R. Stone and seconded by S. Parthree to approve the Budget Work Session Minutes from October 9th, 2023 and the Regular Board of Supervisor Minutes from October 9th, 2023, as presented. **Passed** with 5 ayes.

TREASURER'S REPORT

**APPROVAL OF THE OCTOBER 12TH, 2023 WARRANT IN THE AMOUNT OF
\$21,385.70**

**APPROVAL OF THE OCTOBER 19TH, 2023 WARRANT IN THE AMOUNT OF
\$463,596.38 (2020 BOND)**

**APPROVAL OF THE OCTOBER 19TH, 2023 WARRANT IN THE AMOUNT OF \$561.27
(EAGLE VIEW PH II)**

**APPROVAL OF THE OCTOBER 19TH, 2023 WARRANT IN THE AMOUNT OF \$371.25
(EAGLE VIEW PH I)**

**APPROVAL OF THE OCTOBER 20TH, 2023 WARRANT IN THE AMOUNT OF
\$388,508.33**

**APPROVAL OF THE OCTOBER 23RD, 2023 WARRANT IN THE AMOUNT OF
\$130,478.14 (FIRE RELIEF)**

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

PUBLIC COMMENT

Jamie Schlesinger from PFM stated that he attended a meeting last month to discuss capital projects which included the potential expansion of the Municipal Building. Tonight, he is asking the Board's for the approval of Ordinance 2023-02. The ordinance describes the necessary means to approve the financing by a maximum borrowing amount of 10 million dollars with a maximum interest rate of 7%, and a maximum final maturity.

Roll Call

Stephen Stefanowicz- Aye

Robert Stone- Aye

Charles Richards- Aye

Stephen Parthree- Aye

Michael Cashman- Aye

Curt Lamparter from 1281 Butter Road questioned what is happening with the curve located on Butter Road. From his understanding, there is a utility pole which is located on his property that will need to be moved when the curve in the road is fixed.

T. Myers stated C. S. Davidson has looked at the curve to see what it would take to straighten the curve out, which would mean the road would need to be widened on the southside.

C. Lamparter stated that the utility pole is located 30 feet back from the road on his property.

T. Myers stated that according to the sketch plan that was drawn up for cost estimate proposes, the road would only need to be widened about 9.5 feet.

S. Stefanowicz stated that the Township Engineer will be covering discussion regarding Butter Road under his report.

Wanda Stover from 1280 Butter Road questioned if the public will be allowed to comment during the engineer's report.

S. Stefanowicz stated that he will allow some discussion from the public once we get to that section on the agenda.

Neil Lamparter from 1029 Butter Road questioned if the Board has reviewed the traffic study and when a decision will be made on the recommendations that were in the traffic study.

Manager Oswalt stated that the Board members are not allowed to meet outside of a public meeting to discuss items; therefore they have not had the opportunity to discuss the materials that have been gathered on the subject.

S. Stefanowicz stated there will be another public comment section which is located at the end of the meeting.

George Holder from 1818 Virginia Avenue stated that he received a letter from the Code and Enforcement Officer about his property that he rents out at 1918 Virginia Avenue. He stated he reached out to the Township on multiple occasions throughout the months of June through August and left voicemails for the Code and Enforcement Officer regarding the situation. On October 1, he provided a letter to the tenant stating they need to clean up the property or they had 30 days to move out. Later in October he received another letter from the Code and Enforcement Officer stating that fees will be assessed since the property has not been cleaned up.

J. McLucas provided G. Holder with his business card and told him to reach out to him on Tuesday so they can get the issue resolved.

G. Holder questioned if Walnut Avenue between Salem Avenue and Covington Avenue is a private road. There is a sign on the road that states no through traffic, private road.

J. McLucas stated that road has been abandoned and technically, every property owner on that street has rights to that access. It is a civil matter between all of the property owners who share that access.

G. Holder questioned if there is going to be a traffic improvement at the intersection of Hilton Avenue and Carlisle Road.

J. McLucas stated that Wawa is developing a convenience store on the empty lot between Poplars Road and Hilton Avenue. Part of the plan will be making road improvements at that intersection.

Mark Eckenrode from 845 Butter Road questioned what the Board will be doing at the intersection of Butter Road and Bull Road. He lives right on the corner of the intersection and expressed concerns about the Township taking some of his property to make the road wider.

T. Myers stated C. S. Davidson was asked about 6 months ago to take a look at that intersection to recommend improvements to the movement of trucks onto Butter Road. At that intersection they would be putting a large radius on the south side of Butter Road. Nothing has been set in stone, they have just looked at the intersection for a cost estimate.

Brian Inners from 810 Butter Road questioned if the Board moves forward with the improvements at the intersection of Butter Road and Bull Road, how will the property owner at 845 Butter Road be notified when the project will be happening and if the Township will need to take some of his land to make the improvements.

C. Rausch stated that beyond the right-of-way, the process would start with negotiations with the property owner or condemnation if the Board is inclined to do so.

Manager Oswald stated that once it has been determined how much land is needed, there would then be an appraisal completed of that piece of land, the Township would then offer the value of said appraisal. If the resident is not satisfied with the appraisal amount, they have the option to have their own appraisal completed but the Township would be able to pay the new appraisal

amount An average of the two appraisals would be what could be offered. Eminent domain is referred to as a “taking of a property” However, the property owner would still be paid for the land by proceeding through a court process to determine the value to be paid.

Adam Cataldi from 1590 Butter Road expressed safety concerns about the curve on Butter Road. His property is located right at the curve on Butter Road and vehicles do not obey the speed limit that is posted. He also expressed concerns about the intersection at Fox Run Road and Butter Road.

Mike Chapman from 950 Butter Road questioned who made the decision that allowed over 800 acres of solar panels and who gets the final approval.

S. Stefanowicz stated that the Board of Supervisors would make the final approval of the plan.

M. Chapman questioned how long is the term of a Board of Supervisors member.

R. Stone stated that the Board of Supervisors terms are 6 years.

M. Chapman expressed concerns about the traffic on East Canal Road and Bull Road. The other day, he was coming through that intersection and the traffic was backed up passed Greenbriar Road.

R. Stone stated that is the worst intersection for congestion in York County, of which both the County and PENNDOT are aware.

S. Stefanowicz stated that the County and the State are looking into ways to make improvements at that intersection.

T. Myers stated that part of the warehouse development a traffic study has been completed and, they have proposed a traffic light as an improvement.

Darrel Peters from 4490 Nursery Road stated that what preempted the previous residents comment, was the approval of the warehouses.

Manager Oswalt stated that no warehouses have been approved. The plans have been presented to the Planning Commission, but a formal recommendation has not been made. The industrial zone allows for warehouses.

D. Peters asked about the process when new plans are submitted.

Manager Oswalt stated that the plan is reviewed in house by staff and consultants, then it is forwarded to the Planning Commission. The Planning Commission then goes through the plan to make sure it meets the Township ordinances. Once all the required ordinances have been met, then the plan goes to the Board of Supervisors for their approval. If the plan meets all the necessary ordinances, the Board has to approve the plan.

There was conversation about Exit 26 which will also be discussed later on in the agenda.

Tracey Inners from 810 Butter Road stated that she was under the impression that Conewago Township has already sent out letters to their residents stating that there will be a round-about at the intersection of East Canal Road and Bull Road.

J. McLucas stated that he would like to see a copy of the letter. From his understanding, it was a notice of intent to inform the property owners that PennDOT will be evaluating that intersection.

Manager Oswalt stated that about two years ago, there was a meeting with PennDOT, Conewago Township, Dover Township, and York County Planning about that intersection. Both Dover Township and Conewago Townships were in favor of the round-about at that time.

T. Myers stated that PennDOT hired a consultant to study the intersection and create the design. The first process they had to go through was an evaluation of the intersection control to determine which control use would be the best. From his understanding, PennDOT was not supposed to make a final decision until they met with the two municipalities. There is a meeting in November with PennDOT, their consultant, York County Planning Commission, and the neighboring municipalities to discuss that intersection and which traffic control is going to be used before they proceed forward with a design.

Randy Stover from 1280 Butter Road stated that he would not like any trucks on Butter Road.

S. Stefanowicz stated they cannot keep trucks off Butter Road.

R. Stover stated that the traffic study states that the Township can restrict trucks that are over 30 feet long between Fox Run Road and Bull Road.

R. Stone stated that it is not that simple.

R. Stover questioned if the Board has discussed the traffic study and the recommendations that were provided.

J. McLucas stated that the Board has not discussed the traffic study yet, but it is for discussion under the Township Engineer's report.

ENGINEER'S REPORT, T. MYERS

Butter Road truck restrictions/ traffic improvements

T. Myers stated that the question that keeps getting brought up is whether the Township can post the road for truck restrictions. The traffic study does state the Township can restrict truck traffic except for local deliveries, but they do not think that's going to stop all trucks on that roadway. Northern Regional cannot fine trucks if they are going to certain facilities.

Manager Oswalt stated that there are a couple of businesses located on Butter Road and even with a sign posted, those trucks would be able to deliver to and from their business using Butter

Road.

R. Stone noted that Northern Regional has a meeting the 3rd Tuesday of every month that is open to the public where residents from Butter Road can also express their questions and concerns to them as well.

T. Myers stated that the other option they looked at is reducing the speed limit to 25 miles per hour. There was a speed study that was conducted in 1979 that set the speed limit of Butter Road to 35 miles per hour. After talking with the traffic engineer, he reviewed all the traffic and speed study documents and indicated that there is nothing on that road that would require a speed reduction. However, there is a section of the vehicle code ordinance that states if you're in a residential zoned district where the Township can choose to automatically reduce the speed limit to 25 miles per hour. However, there are requirements that need to be met before reducing the speed. One of the requirements is how densely populated the road is for it to qualify as a residential district. The section of Butter Road between Bull Road and Fox Run Road may qualify for a speed reduction due to the number of driveways that are on that stretch of road. They have also looked into the time restriction on when a truck can be on that section of road, however, there are only restricted times for landfills which comes from the State Solid Waste Management Act. In that act, municipalities have the right to restrict the times that trash vehicles can be on Township roads.

C. Rausch stated his understanding of the traffic study is that it's not the trucks on Butter Road per say it's the trucks that are turning on and off Butter Road. If the Board agrees to remove all trucks from Butter Road, they will have to do an alternative route traffic study.

Manager Oswalt stated that the only thing that did not get brought up was the traffic study discussion was the ball bank study, which is a study prepared on the curve to be conducted to justify any improvement to it.

C. Richards stated that personally he thinks they need to lower the speed limit on as much of the road as possible.

S. Stefanowicz stated that he has recently been on Butter Road between the hours of 7 AM and 7:45 AM and the most trucks he saw on that road were two.

Vicki Enders from 901 Butter Road stated the speed limit isn't the problem on Butter Road, it is the volume of traffic that goes across that road. Lowering the speed limit is not going to limit the volume of trucks that goes on the road and from her understanding, the neighboring business is looking into composting which will double the truck traffic on that road.

S. Stefanowicz stated that the residents of Butter Road can also reach out to the neighboring business to express their concerns to that business owner.

C. Richards questioned if a traffic study is required to lower the speed limit to 25 miles per hour.

T. Myers stated that a traffic study is not required, however they need to make sure it meets the residential zone requirements.

There was a question from the public that asked how the Borough can restrict roads with a

weight limit.

T. Myers stated that Butter Road was reclaimed, there was 5 inches of BCBC, and a wearing course added. The road was built with the intent that there would be truck traffic since a portion of that area is zoned industrial.

T. Myers stated he can look into what it takes to have an alternate truck study completed as well as, verify if the section of Butter Road between Bull Road and Fox Run Road can be classified as a residential district to reduce the speed limit to 25 miles per hour.

Kayla Peters from 5210 Davidsburg Road questioned that if all the requirements are met for the section of Butter Road between Bull Road and Fox Run Road to reduce the speed limit, is there some loophole to connecting the two sections of 25 miles per hour to make all of Butter Road the same speed limit.

T. Myers stated that the rest of road will not qualify because it has the correct geometry, and the road is properly built to handle trucks.

K. Peters questioned if a warning sign for school bus stop ahead near the curve could be installed.

M. Fleming stated that the sign requested by the school district has been installed.

Fountain Rock sidewalks

T. Myers stated that with the subdivision plan there was note that said curb and sidewalk on Cardinal Lane to be installed at the time of lot development. At that time, there were two things going on; the rest of the farm was under consideration for development and the Township was looking at widening Cardinal Lane and adding curbing. The property owner came in and asked for relief. After looking through minutes it was found that the property owner would not be required to widen the road or install the sidewalks until the future street is put in and lot 12 is developed. Lot 12 was the farm which has now been developed which means they are obligated to install sidewalks.

R. Stone questioned if there is an exception for the property owner if they are going through a hardship at the moment.

Manager Oswalt stated that this is the Fountain Rock development where the Township had a settlement with Lexon so the Township would be obligated to finish the improvements.

J. McLucas stated that it's a missing link as far as connectivity is concerned.

M. Fleming stated we could eliminate the grass plot to add the 4-foot sidewalk tight against the curb like what you would see in an urbanized location, which would help. The original plan showed the front lawn being regraded.

ZONING OFFICER REPORT, J. MCLUCAS

J. McLucas stated that he does not have a written report but did provide the Board with information regarding the intersection of Davidsburg Road and Canal Road. Due to the fatal accident at that intersection on October 3, he requested a 3 year crash report from Lieutenant Anderson where 27 reportable crashes occurred. This intersection was identified and recommended for improvement in the 2004 Regional Traffic Impact Study and the 2008 Comprehensive Plan. The Public Work's Director has reached out to York County Transportation Planning for assistance and potential funding sources.

TOWNSHIP MANAGER REPORT, L. OSWALT

Approval of Change Order #5 Monacacy Valley Electric, Inc. for the Fire Department Project in the amount of \$2,165.02

Manager Oswalt stated there was electrical conduit in the slab which was not noted on the as-builts. The location of this work is where the emergency exit door from the dorm space entered into the community building banquet hall area.

Motion by C. Richards and seconded by M. Cashman to approve Change Order #5 Monacacy Valley Electric, Inc. for the Fire Department Project in the amount of \$2,165.02, as presented. **Passed** with 5 ayes.

Approval of Payment Application #10 to Monacacy Valley Electric, Inc. in the amount of \$16,884.18 for the Fire Department Dorm Project

Motion by C. Richards and seconded by S. Parthree to approve Payment Application #10 to Monacacy Valley Electric, Inc. in the amount of \$16,884.18 for the Fire Department Dorm Project , as presented. **Passed** with 5 ayes.

Approval of the following payment applications to York Excavating Co. LLC for the Eagle View Park Project:

Payment Application #9 in the amount of \$67,333.74

Payment Application #10 in the amount of \$9,909.44

Final Payment Application #11 in the amount of \$12,033.33

Motion by S. Parthree and seconded by R. Stone to approve Payment Application #9 in the amount of \$67,333.74, Payment Application #10 in the amount of \$9,909.44, and Final Payment Application #11 in the amount of \$12,033.33, as presented. **Passed** with 5 ayes.

Approval of the advertisement of the 2024 Budget

Motion by C. Richards and seconded by R. Stone to approve the advertisement of the 2024 Budget, as presented. **Passed** with 5 ayes.

Approval of the Poplars Road Culvert Replacement CDBG Grant Contract with York County Planning Commission in the amount of \$55,000.00

Manager Oswalt stated that this work is included in the 2024 Liquid Fuels Budget.

Motion by C. Richards and seconded by M. Cashman to approve the Poplars Road Culvert Replacement CDBG Grant Contract with York County Planning Commission in the amount of \$55,000.00, as presented. **Passed** with 5 ayes.

Approval of the George Street Guiderail Replacement CDBG Grant Contract with York County Planning Commission in the amount of \$37,000.00

Manager Oswalt stated that this work is included in the 2024 Liquid Fuels Budget.

Motion by M. Cashman and seconded by C. Richards to approve the George Street Guiderail Replacement CDBG Grant Contract with York County, as presented. **Passed** with 5 ayes.

Approval of Resolution 2023-27 designating Laurel A. Oswalt as the agent to sign all documents associated with the \$5.8 million FEMA BRIC Grant

Motion by C. Richards and seconded by R. Stone to approve Resolution 2023-27 designating Laurel A. Oswalt as the agent to sign all documents associated with the \$5.8 million FEMA BRIC Grant, as presented. **Passed** with 5 ayes.

Approval of Klugh Animal Control Contract for 2024

Manager Oswalt stated that the service costs have increased but the retainer fee remains the same for 2024.

Motion by C. Richards and seconded by M. Cashman to approve the Klugh Animal Control Contract for 2024, as presented. **Passed** with 5 ayes.

Potential Participation in the Intermunicipal Agreement with municipalities impacted by the new Exit 26 through obtaining of Lobbyist/ Grant Writers to obtain political support and funding for the improvements

Manager Oswalt stated that she and J. McLucas attended the Exit 26 Committee Meeting on September 27th. At that meeting the main discussion was around the idea of hiring lobbyists and grant writers to pursue the funding for this project. The initial agreement would cover a 15-month window and require \$60,000 from each municipality. With the potential development of the Hines Warehouses, we are now an impacted municipality. We can see if this is something that we can ask Hines to fund as part of the Developer's Agreement we are hoping to obtain for the sewer and water improvements. No decision needs to be made on this matter tonight, but she would appreciate some discussion on questions the Board may have, so she can follow-up with answers at the next meeting in November. The next committee meeting is scheduled for November 13th, which is the date of the next Board meeting. PennDOT and York County Planning have indicated that they cannot participate in a lobbying effort. In the meantime, PennDOT will be working on getting preliminary scoping estimates and the County will try to determine what funds can be made available from their transportation allotment for the project.

Andrea Stefanowicz expressed concerns about the Township possibly helping fund the new Exit 26 ramp that will not be impacting Dover Township because a couple minutes down the road is the Emigsville Exit.

Manager Oswalt stated the improvements to the Emigsville ramp cannot be completed very easily without having a solution for where they are sending the traffic because Emigsville is so busy. The reason they are asking the Township to be involved is because of the potential Hines Warehouse project that will likely use that exit if that project is developed. It would benefit to that project to have a closer exit and potentially benefit other businesses and our residents in their travels on Interstate 83.

S. Parthree questioned how much time will be spent on traffic improvements and infrastructure.

J. McLucas stated that the total project cost that was provided to them was \$300 million dollars, which would cover building improvements, site improvements, etc.

S. Stefanowicz stated that the Township should work with them to help make some of the improvements.

Consensus of the Board was to move forward with pursuing the developer to see if they will fund the \$60,000.00 as part of their developers agreement.

PUBLIC WORKS REPORT, M. FLEMING

Approval of invoice #407A to pay RECON Construction services in the amount of \$648,873.24

Motion by C. Richards and seconded by R. Stone to approve invoice #407A to pay RECON Construction services in the amount of \$648,873.24, as presented. **Passed** with 5 ayes.

Approval of Payment Application #2 to E.K. Services, Inc. in the amount of \$9,273.00

Motion by R. Stone and seconded by M. Cashman to approve Payment Application #2 to E.K. Services, Inc. in the amount of \$9,273.00, as presented. **Passed** with 5 ayes.

Approval of proposal dated October 12, 2023 with Buchart Horn to complete a study, design, and bid for the replacement of the elevated water tank at Locust Road in the amount of \$240,520.00

M. Fleming stated they are looking at two sites, one is the current site at Locust Road and the other site is the Gerber Farm off of Davidsburg Road.

M. Cashman asked about the property on Tower Drive.

M. Fleming stated that the property owner decided not to allow an appraisal to be performed.

There was conversation about Buchart Horn providing the Township with a price and then coming back and stating they needed more money. The motion should reflect that Township will not exceed more than \$240,520.00 for the project to be completed.

Motion by C. Richards and seconded by M. Cashman to approve the proposal dated October 12,

2023 with Buchart Horn to complete a study, design, and bid for the replacement of the elevated water tank at Locust Road in the amount not to exceed \$240,520.00, as presented. **Passed** with 5 ayes.

Authorize staff to advertise the following items for sale on MUNICIBID

2003 Sterling Vactor 2100
2008 Backpack Toolbox
2012 Fabrique Par Carry- On Trailer
Chairs (3 x Lots of 40 & 3 x lots of 50)
Diaphragm Pump
Folder Inserter Machine (DS63)
Range Oven
Supera Fryers (2 x Fryers)
Trimble Geo XTs (3 x Units)

Motion by R. Stone and seconded by M. Cashman to advertise the following for sale on MunicibiBid; 2003 Sterling Vactor 2100, 2008 Backpack Toolbox, 2012 Fabrique Par Carry- On Trailer, Chairs (3 x Lots of 40 & 3 x lots of 50), Diaphragm Pump, Folder Inserter Machine (DS63), Range Oven, Supera Fryers (2 x Fryers), and Trimble Geo XTs (3 x Units), as presented. **Passed** with 5 ayes.

MS4 UPDATE

M. Fleming stated that they are still working with Thornton Automotive. Weis Markets has been completed and seeded their work.

COMMENTS FROM THE BOARD

S. Parthree expressed concerns about the recent vandalism that is happening in the Township Parks.

COMMENTS FROM THE PUBLIC

Matt Lamparter from 4090 Bull Road stated that is has been 7 years since any discussion has happened but, due to the vibration from the truck traffic on Nursery Road it is causing his chimney and footers to move. His attorney has been in contact with the Township Solicitor but have not been brought to any solutions to the problem.

With no further business, Chairman Stephen Stefanowicz concluded the Board of Supervisors meeting at 9:40 PM and the full Board of Supervisors then entered into an Executive Session to discuss personnel matters for the 2024 Budget.

Respectfully submitted by: Brooke M. Scarce

Brooke M. Scarce, Township Secretary