

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
April 22nd, 2024**

The Dover Township Board of Supervisors for Monday, April 22nd, 2024, was called to order at 7:02 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisors present were Charles Richards, Michael Cashman, Robert Stone and Stephen Parthree. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Christian Miller, Township Solicitor; Michael Fleming, Public Works Director; Cory McCoy, CS Davidson; John McLucas, Zoning Officer; David Lash, Northern Regional Police Chief; and Brooke Scarce, Township Secretary. There were 38 members of the public present.

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

APPROVAL OF THE REGULAR BOARD OF SUPERVISORS MINUTES FOR APRIL 8TH, 2024

Motion by C. Richards and seconded by M. Cashman to approve the Regular Board of Supervisors Minutes for April 8th, 2024, as presented. **Passed** with 3 ayes, Robert Stone and Stephen Parthree abstained since they were not present at the previous meeting.

TREASURER'S REPORT

APPROVAL OF THE APRIL 19TH, 2024 WARRANT IN THE AMOUNT OF \$4,121.20 (HMGP)

APPROVAL OF THE APRIL 19TH, 2024 WARRANT IN THE AMOUNT OF \$1,517.03 (LIQUID FUELS)

APPROVAL OF THE APRIL 19TH, 2024 WARRANT IN THE AMOUNT OF \$246,882.11 (2020 BOND)

APPROVAL OF THE APRIL 22ND, 2024 WARRANT IN THE AMOUNT OF \$492,141.20

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

PUBLIC COMMENT

C. Miller stated that public comment is for any items that are not on the agenda. There may be residents present at the meeting with concerns at the warehouse project. However, the Land Development Plan that was presented at the Planning Commission meeting on April 3rd was recommended for approval to the Board of Supervisors. The plan is not before the Supervisors yet because there are still some comments that need to be addressed. After speaking with the developer, the plan will not be before the Supervisors until at the earliest late May. There will be at least one Supervisors' meeting where the plan will be the only topic of the meeting. As of right now, the Supervisors have not seen the plan nor know enough about the plan to be able to respond to specific questions about it. If there are any public comments regarding the plan, the

Supervisors cannot answer anything about it; however, if there are any questions about the procedure, responses can be provided on that topic.

SOLICITOR'S REPORT

Butter Road- Truck Restriction Ordinance

C. Miller stated that an ordinance has been published for adoption. The ordinance is for a specific segment of Butter Road that would restrict any vehicles over 30 feet long unless it is for a local delivery.

R. Stone questioned what the definition is for a local delivery.

C. Miller stated that if the only way to go to and from the business is by accessing the specific segment of Butter Road, that would be considered a local delivery. If there is a vehicle over 30 feet delivering to someone on Butter Road that would also be a local delivery. If the vehicle is using the restricted area to get from point A to point B, that is throughfare and that would be subject to the restriction.

Sean Summers from Summers Nagy Law Office representing Pro Pallet stated there was a traffic study in April of 2020 which is now 4 years old. The bridge on Butter Road was also recently replaced within the past couple of years and should be able to handle any of the necessary traffic. If the Ordinance is passed by the Board and Pro Pallet trucks make a left out of the driveway that would mean they would have to use Fox Run Road and Canal Road. That intersection of Fox Run Road and Canal Road is not safe for cars to turn let alone tractor trailers. Also, the owner of Pro Pallet has not been made aware of any complaints from any of the residents on Butter Road. The Ordinance will also change the way Pro Pallet does business.

C. Richards stated that Pro Pallet can use Meadow Road in the Borough and then from there, the trucks can go left or right onto Canal Road. Meadow Road is specifically built for trucks, that's why it is as wide as it is.

Mark Shaffer, the owner of Pro Pallet stated that Meadow Road is a very nice road, however making a right onto Canal Road from Meadow Road is difficult and then that brings the tractor trailers to the square. From the square it is also difficult to make a left or right turn due to vehicles being past the stop bar. When the trailers are hooked to the tractors it brings them to a total of 68 feet long. If the tractor trailers go to the intersection of Bull Road and Canal Road, they have the same issues with turning because the intersection is not wide enough for them to make their turns.

S. Parthree questioned how Pro Pallet will be affected by the Ordinance.

S. Summers stated according to the Ordinance, Pro Pallet would have to turn right out of the parking lot proceed into the Borough or turn left out of the parking lot and take Fox Run Road.

R. Stone stated that he did not fully understand that any of the local businesses would not be allowed to travel on Butter Road.

S. Summers stated that the Ordinance is unclear whether it will affect Pro Pallet or not.

S. Stefanowicz stated that a local delivery shall be defined as any delivery to or pick up from a specific address on Butter Road, between Fox Run Road and Bull Road.

C. Miller stated that purely by the definition to be a local delivery, the business would have to be located between Fox Run Road and Bull Road. The definition comes from the Pennsylvania Motor Vehicle Code.

S. Summers stated that it is not safe for tractor trailers to turn left or right at the intersection of Fox Run Road and Canal Road.

C. Miller stated that since there appears to be a misunderstanding of the definition of a local delivery, the agenda item can be tabled and a correction to the Ordinance draft can be completed. However, the Ordinance has been advertised and may need to be readvertised for adoption to occur.

R. Stone stated that he does not feel comfortable making tractor trailers go to intersections that are not adequate for them to make the turns.

M. Shaffer stated that during his land development plan, the Township asked Pro Pallet if they could have an easement through the property to build a future road that would then connect to Raycom Road. Pro Pallet granted the easement to the Township for the future road.

S. Summers stated that Pro Pallet is partnership oriented. In the summertime when there are sporting events happening at Ketterman Park, Pro Pallet allows vehicles to park in their parking lot since there is not a lot of parking at the park.

M. Cashman stated that there is an alternative route study that is in process but has not yet been completed.

Manager Oswald stated the Township also needs approval from PennDOT to place a sign on their road for tractor trailers turning onto Butter Road from Bull Road. The Township has not received confirmation from PennDOT as to whether they are going to approve the signs being on their road.

M. Fleming stated that PennDOT has 60 days to approve or deny the sign placement on their road.

Neil Lamparter from 1029 Butter Road stated that the tractor trailer issue is not something that evolved overnight, this issue has been going on for years. If the tractor trailers cannot make the turn off of Fox Run Road, they also can't make the turn off of Butter Road onto Nursery Road. He stated that 59 trucks between the hours of 7 AM and 5 PM traveled on Butter Road today.

Matthew Mann from 2605 Victorian Drive questioned if there is a difference between residential local deliveries and commercial local deliveries.

C. Miller stated that it applied the same across the board. So, if the truck is over 30 feet long but the only way to get to the delivery location is to go on that section of road, then they are allowed to go on that section of road.

Brian Klinger, the owner of Spring Valley Mulch stated every now and again he does get complaints and when he does, he makes sure that he speaks to the drivers about the complaint. He has GPS on all of his trucks and gets notified when they are driving 8 miles per hour over the speed limit, and he does not get notification when his trucks are driving across Butter Road. He also stated that his business does work with Pro Pallet.

Todd Bartos from Spruce Law representing Spring Valley Mulch agreed with Attorney Summers mentioned the traffic study is outdated, it is 4 years old. Section 4902 requires finding that there be health or safety issue or structural issue to the road. There are still items that the Township is waiting on; the alternative route study and the PennDOT approval. He stated that due to the Township waiting on some outstanding items, they should table the item.

B. Klinger stated that if you do a traffic study at most intersections in York County, none of them would be safe for tractor trailers.

Matt Lamparter from 4090 Bull Road stated that the Supervisors should be pushing the tractor trailer traffic to PennDOT roads. There are other Industrial zoned areas within the United States that only have one way in and one way out.

Sharon Hurd from 4280 Nursery Road stated that Spring Valley trucks do use Nursery Road.

M. Cashman stated what is the timeline for making changes to the Ordinance and then making a final decision.

C. Miller stated that there will need to be further discussion about the Ordinance whether that be at the next meeting or at a future meeting.

S. Stefanowicz requested to have the agenda item added for the next meeting.

M. Cashman questioned where the alternative route study stands.

Manager Oswalt stated that the Township Engineer has received some feedback from what was collected but he has not reviewed the information yet.

C. McCoy stated that the traffic study at the intersection of Fox Run Road and Canal Road is happening now.

Motion by S. Parthree and seconded by R. Stone to table Ordinance 2024-01 Butter Road Truck Restriction, as presented. **Passed** with 4 ayes, Charles Richards voted nay.

Zoning Ordinance/ Map Update

C. Miller stated the Zoning Ordinance has been advertised for a hearing and potential adoption on May 13th. Staff received comments from the York County Planning Commission which provide an extremely clean comment letter and recommends approval. The minor comments are currently being addressed.

J. McLucas stated that the Planning Commission will meet on Thursday, April 25th for their final review of the comments.

S. Stefanowicz questioned when the public will be able to review the updated Ordinance.

J. McLucas stated that the draft Ordinance has been on the website for the public to view for several weeks.

ENGINEER'S REPORT, C. MCCOY

Bid Award for the Creekside Village Basin Conversion Project

C. McCoy stated that the bids were opened on Tuesday, April 16th. Miller Soil Solutions, LLC is the apparent low bidder with a price of \$120,366.67. The most recent construction cost estimate was \$97,000.00. Since Miller Soil Solutions, LLC is a newer company, CS Davidson has requested a list of similar projects that they have completed as well as references and feels they are qualified to complete the work.

Manager Oswalt noted that this project was not budgeted for 2024 but there are funds in the reserve that can be used for the project. If the Board approves the project, a Resolution will need to be approved at the next meeting to amend the 2024 budget.

Motion by S. Parthree and seconded by C. Richards to award the bid to Miller Soil Solutions, LLC for the Creekside Village Basin Conversion Project, as presented. **Passed** with 5 ayes.

Consideration of Proposal to Complete a Truck Restriction Study for Nursery Road and George Street

C. McCoy stated that at the previous meeting, it was determined that a truck traffic study has not been completed on George Street or Nursery Road. Therefore, they received proposals from ELA Group and TPD, Inc. to perform a truck restriction study. The first proposal from TPD, Inc came in at \$6,850.00 and the second proposal from ELA Group came in at \$5,500.00.

Motion by S. Parthree and seconded by C. Richards to approve the proposal from ELA Group to complete a truck traffic study on Nursery Road and George Street, as presented. **Passed** with 5 ayes.

Pine Road Demo Phase 4

Change Order #2 for consideration

C. McCoy stated that there was an unmarked utility that needed to be removed.

Motion by M. Cashman and seconded by R. Stone to approve Change Order #2 for the Pine Road Demo Phase 4 in the amount of \$1,425.00, as presented. **Passed** with 5 ayes.

Application for Payment #1 for consideration

C. McCoy stated that they are retaining \$2,500.00 to ensure final restoration.

Motion by M. Cashman and seconded by R. Stone to approve Payment Application #1 for the Pine Road Demo Phase 4 in the amount of \$52,725.00, as presented. **Passed** with 5 ayes.

Requesting authorization to advertise for bids for the George Street Guiderail Replacement CDBG project

Motion by R. Stone and seconded by M. Cashman to authorize the advertisement bids for the George Street Guidetail Replacement CDBG Grant, as presented. **Passed** with 5 ayes.

ZONING OFFICER'S REPORT, J. MCCLUCAS

J. McLucas stated that he does not have any action items but did provide the Board with a report if they have any questions.

MANAGER'S REPORT, L. OSWALT

Approval of Resolution No. 2024-15 Amending an Investment Policy Statement for the Employee 457(b) Plan

Manager Oswald stated that from time to time, Kamstra Wealth Management makes recommendations to the Township's Employee 457(b) to stay in compliance with the IRS regulations. This is also something that the auditors look for to ensure that we are acting as good fiduciaries of the plan.

Motion by R. Stone and seconded by S. Parthree to approve Resolution No. 2024-15 Amending an Investment Policy Statement for the Employee 457(b) Plan, as presented. **Passed** with 5 ayes.

Approval of the following Payment Applications from Triangle Fire Protection, Inc. for the Fire Department Dorm Project

- #3 in the amount of \$13,500.00**
- #4 in the amount of \$18,000.00**
- #5 in the amount of \$7,020.00**
- #6 in the amount of \$1,341.00**
- #7 and Final in the amount of \$5,729.00**

Motion by C. Richards and seconded by R. Stone to approve the following payment applications from Triangle Fire Protection, Inc.; Payment Application #3 in the amount \$13,500.00, Payment Application #4 in the amount of \$18,000.00, Payment Application #5 in the amount of \$7,020.00, Payment Application #6 in the amount of \$1,341.00, and Payment Application #7 and Final in the amount of \$5,729.00, as presented. **Passed** with 5 ayes.

Review of Updated Eagle View Park Master Plan

Manager Oswalt stated that some changes have been necessary to the original Eagle View Park Master Plan due to field conditions as well as decisions that were made by the Staff and Board. To have a better visual for the public on what is coming in the park as well as be able to provide a more accurate concept of the plan for submission with grant applications, changes were made to include relocation of the existing path to match as built conditions, removal of the lower baseball field that didn't adequately fit in the location, removal of the walking bridge behind the house on Brooklyn Road, and reorientation of the playground facility and splashpad to coincide with the decision to pursue a larger building built around the footprint of the diving range.

Award of Janitorial RFP to Mint Condition

Manager Oswalt stated that we received a proposal from Mint Condition, who provides the current service. The proposal covers service until the end of this year and all of 2025.

Motion by S. Parthree and seconded by M. Cashman to award the Janitorial RFP to Mint Condition, as presented. **Passed** with 5 ayes.

PUBLIC WORKS DIRECTOR'S REPORT, M. FLEMING

Approval of Change Order #3 to Lobar Site Development Corp. in the amount of \$50,254.29 for the 2022 Bridge Improvements

Motion by C. Richards and seconded by S. Parthree to approve Change Order #3 to Lobar Site Development Corp. in the amount of \$50,254.29 for the 2022 Bridge Improvements, as presented. **Passed** with 5 ayes.

Approval Payment Application #10 and Final to Lobar Site Development Corp. in the amount of \$12,843.54 for the 2022 Bridge Improvements

Motion by C. Richards and seconded by S. Parthree to approve Payment Application #10 and Final to Lobar Site Development Corp. in the amount of \$12,843.54 for the 2022 Bridge Improvements, as presented. **Passed** with 5 ayes.

Approval of Change Order #3 to Doli Construction Corp. in the amount of \$1,460.30 for the North of the Borough Water Facilities Improvements

Motion by R. Stone and seconded by M. Cashman to approve Change Order #3 to Doli Construction Corp. in the amount of \$1,460.30 for the North of the Borough Water Facilities Improvements, as presented. **Passed** with 5 ayes.

Butter Road 2024 Budgeted Improvements

M. Fleming stated that this item will be tabled since the Ordinance got tabled.

R. Stone questioned why the budgeted improvements would not be completed.

M. Fleming stated that it was budgeted to make improvements to the curve on Butter Road and improvements at the intersection of Bull Road and Butter Road.

C. Richards stated that the money budgeted was \$500,000.00.

M. Fleming stated that most of the improvements were for the relocation of the utility pole.

C. Richards stated that the money budgeted needs to be moved to fix the intersection at Fox Run Road and Canal Road.

B. Klinger stated that improvements at Fox Run Road and Canal Road are not going to make a difference until there are improvements at Bull Road and Canal Road.

Randy Stover from 1280 Butter Road questioned why the Township would spend money to fix Butter Road.

S. Stefanowicz stated that fixing the curve on Butter Road would make it safer for truck traffic.

Motion by C. Richards and seconded by S. Parthree to table the discussion about the Butter Road 2024 Budgeted Improvements, as presented. **Passed** with 4 ayes, Robert Stone voted nay.

Discussion regarding Moove- In Self Storage existing storm sewer pipe

M. Fleming stated that last week issues were discovered with the existing storm sewer pipe. There was a 36-inch corrugated metal pipe that was replaced with a 42-inch reinforced concrete pipe. The pipe is not in the easement, it is underneath the proposed building's location. There is an easement agreement from 1976 that states preexisting pipe was owned and maintained by the Township.

Tom Keller from IRE stated that they asked RL Livingston, who is the site contractor, to put together a quote to see how much it will cost to replace the existing pipe and fix two of the inlets that are no longer in the correct orientation. The plastic pipe is about \$83,000.00 and RCP is about \$115,000.00. The lead time on that would be 2 weeks for the concrete, 2-3 weeks for the plastic pipe, and the inlets will be about 6 weeks.

C. Richards stated that one of the concrete pipes has already been broken but could the second pipe be moved over and reused if extracted carefully.

T. Keller stated that he can ask RL Livingston, but the inlets will still need to be remade.

C. McCoy stated it was new information that the pipe is the Township's responsibility to maintain. His thought is the Township and the builder need to work together to come up with a short-term solution.

S. Parthree questioned how much it would cost to have another 42-inch pipe installed.

M. Fleming stated that the Assistant Public Works Directors got a quote of \$142.00 a foot.

S. Parthree questioned why a 42-inch pipe was installed to begin with.

M. Fleming stated that he does not know why. There was an improvement made to the property with some inspection notes in the address file. The Commonwealth Agency inspected the pipe in 2000 which coincides with the information from 1999 showing that it was a 36-inch pipe.

M. Cashman questioned if construction had stopped.

T. Keller stated that construction has come to a halt at the moment.

C. McCoy stated there is storm sewer outside the existing easement and an easement that goes through the parking lot that is being developed for commercial purposes. It would not hurt to take a better look at the alignment that is not as impactful to the lot.

M. Fleming expressed concerns about permits.

C. McCoy stated that anything within Carlisle Road will require a PennDOT highway occupancy permit.

S. Stefanowicz questioned whether these questions will be answered by the next meeting.

C. McCoy stated that by next month, they should have something together to be able to provide a couple different solutions.

T. Keller stated that there is a meeting on site tomorrow with our contractors on site. They need answers so the project can continue to move forward.

C. McCoy stated one option on the table now is to temporarily relocate a portion of the pipe that is conflicting with the project and then next month have more discussion on who is responsible for replacing the pipe.

The consensus of the Board was to allow for the contractors to temporarily relocate the pipe so they can continue construction.

Approval of Resolution No. 2024-16 National Public Works Week May 19-25- “Advancing Quality of Life for All”

Motion by C. Richards and seconded by S. Parthree to approve Resolution No. 2024-16 National Public Works Week May 19-25- “Advancing Quality of Life for All”, as presented. **Passed** with 5 ayes.

MS4 UPDATE

M. Fleming stated that we received a close out letter from the Federal Government for the investigation of our MS4 program.

OLD BUSINESS

There is no old business at this time.

COMMENTS FROM THE BOARD

S. Parthree stated that installation of the disc golf course is in process.

COMMENTS FROM THE PUBLIC

Wanda Stover from 1280 Butter Road stated that at a previous meeting it was mentioned that an alternative route study was not required. Spring Valley also started a composting endeavor and has hired a third-party company to haul the waste so the truck traffic will be increasing even more.

Matt Lamparter from 4090 Bull Road questioned if the warehouse trucks will be considered a local delivery.

C. Miller stated that no, they would not be considered a local delivery. The business would need to be located on Butter Road between Fox Run Road and Bull Road.

N. Lamparter stated that there is an outside business that is using the Township Road when they have other roads that could be used. There are 67 tractor trailers driving past his house every day. He has asked the Board to get the trucks off Butter Road and do not spend the money to make improvements to the road.

Luis Krone from 1471 Lamplite Drive stated that the business owners stated that they cannot make the turn at the intersection of Bull Road and Canal Road, and he uses the intersection everyday and sees other trucks making the turns.

Adam Cataldi from 1590 Butter Road stated that he has never seen a tractor trailer pulled over on Butter Road but does not understand why they are not pulled over because they are speeding. He has asked for more speed enforcement on Butter Road. He also stated that every time a tractor trailer goes over the bridge it shakes his whole house.

With no further business, Chairman Stephen Stefanowicz concluded the Board of Supervisors meeting at 9:00 PM.

Respectfully submitted by: Brooke M. Scarce
Brooke M. Scarce, Township Secretary