

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 12, 2018
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, April 12, 2018 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Kathleen Phan, Assistant Secretary/Treasurer
Charles Wurster

MEMBERS NOT

IN ATTENDANCE: Blanda Nace

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Teresa Hummel, Finance Director
Jessica Fieldhouse, Director of Community Development
Mark Hodgkinson, Director of Public Works/WWT
Dan Stump, Police Chief
Andy Hinkle, Manager, Information Systems
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance. He welcomed the Boy Scout from Troop 25 attending the meeting working on his Citizenship in the Community and Communication badges.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley announced that there had been no Executive Sessions since the last meeting.

3. COMMUNICATION FROM CITIZENS

STUHRE Charles Stuhre, 3680 Trout Run Road commented on the traffic at the intersection of Druck Valley Road and Mt. Zion Road. He noted the dangerous situation with cars pulling out of Druck Valley Road in times of high traffic. He commented on the need

for a traffic signal even though it is on a hill and cited other areas in the township where traffic signals on a hill exist.

LUCIANI Mr. Luciani commented that PennDOT frowns upon traffic signals on a hill.

STUHRE Mr. Stuhre added that it is a bad intersection, and he hoped with the primary emphasis on traffic during the creation of the new Comprehensive Plan that area could be reviewed for change.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had provided his monthly written report. He had no changes to his report and offered to respond to questions.

SWOMLEY Chairman Swomley questioned the project status on the East York Interceptor Project.

CRABILL Mr. Crabill responded that the indications are that things are back on track. A special inspector checks progress every week especially on the roads and sedimentation control. A meeting will be held on April 13th with the Kesslers and other property owners as they are concerned about removal of the trees.

WURSTER Mr. Wurster noted that the agenda includes an invoice for approval for the contract. He asked whether there is any recourse in the contract with regard to the whole soil erosion matter and the extensions.

SWOMLEY Chairman Swomley responded that the township holds 10 percent back on every invoice.

RAUSCH Solicitor Rausch noted they are holding money and that will be adjusted.

CRABILL Mr. Crabill indicated that the money will be reviewed by the two municipalities. Springettsbury engineering costs have been tracked separately for use when it comes time to release retainage.

WURSTER Mr. Wurster questioned whether the engineering costs constitute the same amount in the retainage in the contract or whether they exceed it.

CRABILL Mr. Crabill indicated he would have to review it but he thought it would be much less.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided his monthly report and had one update. He reported that the Volunteer Fire Company is building a fire training tower on North Sherman Street. They met on Tuesday. They submitted a plan, and they were given engineering

comments on stormwater and sewer facilities, sidewalk and curbing. He stated that they may request relief from waivers.

FIELDHOUSE Ms. Fieldhouse stated that they are asking for a straight waiver for Section 289 Subdivision and Land Development and a waiver of the fees. The waiver of the fees is probably going to be the engineering review fee; however, if granted the engineer will still review the plan through the Building Permit process, and the engineer still will conduct the Stormwater Management Review. Staff will still conduct the necessary review to make sure that all life safety issues are being taken care of so there's no issue there. In addition, they still will incur fees from the engineer's review, the Building Permit and then we assess the Building Permit fee. She estimated that to be around \$6,000 to \$8,000. It's probably in the area of what they're asking us to waiver in addition to waiving Subdivision and Land Development Ordinance itself.

SWOMLEY Chairman Swomley commented that the decision basically is whether this is of benefit to the township if we would want to come up with that money and cover these costs for them.

LUCIANI Mr. Luciani added that behind their facility is a park that the township leases for \$1.00.

SWOMLEY Chairman Swomley asked about the implications of the at-grade crossing on North Hills Road.

LUCIANI Mr. Luciani responded that this is the Early Action Project involving the widening of North Hills Road and includes the at-grade crossing. For PennDOT this will be automatic, as PUC will grant the widening as a procedural matter.

SWOMLEY Chairman Swomley asked if that will impact the township's efforts at Davies Drive.

LUCIANI Mr. Luciani responded that he did not think it will. He recalled some other at-grade crossings in York County which had gone through easily. PennDOT and the PUC are brother state agencies and they work together. He had seen some PennDOT drawings that involve significant impacts both to Springettsbury and other surrounding communities. Those may include taking some real estate out on North Hills and perhaps the Rutter's store.

WURSTER Mr. Wurster asked Ms. Fieldhouse to bring up the website of I83 North, Option 1 to view some of the changes. He noted Option 1 preserves some of the real estate. He added that it was important to preserve the homes in Old East York.

FIELDHOUSE Ms. Fieldhouse commented that there had been a lot of residents coming in looking for information that they don't have yet. It is on the minds of a lot of residents.

LUCIANI Mr. Luciani stated it is a \$270 million project but won't occur for a few years.

5. CONSENT AGENDA

**SPRINGETTSBURY TOWNSHIP
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- A. Board of Supervisors Regular Meeting Minutes – March 22, 2018
- B. Board of Supervisors Work Session Minutes – March 27, 2018
- C. Board of Supervisors Work Session Minutes – April 4, 2018
- D. Regular Payables as Detailed in Payable Listing of April 12, 2018
- E. Anrich, Inc. – East York Interceptor Upgrade Project – Application for Payment No. 4 in an amount not to exceed \$149,526.43

SWOMLEY Chairman Swomley requested a change to the March 22nd minutes, changing the word trucks to tracks on page 4.

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH E WITH THE MODIFICATION DISCUSSED. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Award 2018 Line Painting Contract to Alpha Space Control Co. for the Grand Total Amount of \$145,858.97

MARCHANT Mr. Marchant noted that the bid represents the totality of all the municipality bids combined. Springettsbury’s portion is about \$15,000.

MR. DVORYAK MOVED TO AUTHORIZE AWARDING THE 2018 LINE PAINTING CONTRACT TO ALPHA SPACE CONTROL FOR THE AMOUNT OF \$145,858.97. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

DVORYAK Mr. Dvoryak reported that recently he had attended a session with Representative Saylor. One of the things that was discussed was the Grant Program for the state along with other programs provided. There were several important points: (1) If the township applies for a grant one time and it’s rejected, always reapply the next time that funding becomes available. (2) Always call his office when a Grant is submitted so that he aware of it and can do whatever he can do to help it through. He reminded those present that he is one of the most powerful Representatives in Harrisburg. Another item discussed related to the discussions the township has had about hiring a Transportation and Planning Engineering firm. During the meeting the County Planning Commission spoke. Felicia Dell was there and discussed the process they go through in assisting PennDOT prioritize the projects throughout York County. Mr. Dvoryak reached out to Ms. Dell to gain a better understanding of the process. She has agreed to having a meeting with her transportation person so Mr. Dvoryak is going

to set that up and invite anyone from the board who would like to join him. He will coordinate the date.

Mr. Dvoryak stated that he is personally anxious to see the Five-Year Forecast with Capital Projects in order to take a closer look at the needs including the police station. He added that understanding what the budget can sustain over the next five years will be important.

WURSTER Mr. Wurster reported that he had several opportunities to see several presentations by some law firms on tax-exempt financing as it rolls around to the discussion of conduit financing. There are only a certain number of Development Authorities in the area that can do such projects. Springettsbury Township has one, so as opportunities are made known, there might be a non-profit looking for some tax-exempt financing that could be a candidate. The Development Authority may be able to handle some of that capacity.

SWOMLEY Chairman Swomley noted two items. An interview was held earlier with Carol Tanzola, and she provided a document that discussed the sub-surface geophysical imaging for archeological artifacts at Camp Security. He gave it to Mr. Marchant with a request to give to all the supervisors. It can be discussed more at a later date.

Chairman Swomley noted that on April 4th a work session was held with YAUFR. The consensus among the supervisors was that there should be a larger training/information session for all three townships affected including commissioners, supervisors, managers, public works, police and YAUFR. He asked Chief Hoff to pull something together as it would be very beneficial to the communities to be better aware of what the capabilities and responsibilities are in any given emergency situation. Total cooperation and communication is essential.

9. COMMITTEE REPORTS

There were no committee reports.

10. SOLICITOR'S REPORT

A. Solicitor's Report

RAUSCH Solicitor Rausch reported that the original Indemnification Agreement, the Operation and Maintenance Agreement for stormwater facilities at Pleasant Valley Road and the Deed of Dedication related to the project conditions and final approval have been received. He requested a motion to approve execution by the Chairman as the township must counter-sign all the documents.

MR. WURSTER MOVED THAT THE CHAIRMAN COUNTER-SIGN THE DOCUMENTS RELATED TO THE INDEMNIFICATION AGREEMENT AND OPERATION AND MAINTENANCE AGREEMENT FOR STORMWATER FACILITIES AND THE DEED OF DEDICATION. MS. PHAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SWOMLEY Chairman Swomley asked for an update on the fireworks vendors and whether the law supersedes township zoning.

RAUSCH Solicitor Rausch responded that fireworks operators must obtain a license from the Department of Agriculture even for the temporary structures. The requirements they have to meet are very stringent. The township has a requirement for temporary sales that the sale must be a part of the main business. Solicitor Rausch was unsure if the tents are permitted, but he did not believe the township could prohibit the sale.

SWOMLEY Chairman Swomley commented that as long as it was within the zoning ordinance it would be allowed.

RAUSCH Solicitor Rausch added that it would have to be in a commercial zone and not in a residential area.

PHAN Ms. Phan mentioned that now that the Springettsbury Volunteer Fire Company is moving forward with the building at the Commonwealth, there is no reason for Solicitor Rausch not to move forward with transferring the property ownership.

RAUSCH Solicitor Rausch commented that the Volunteer Fire Company still owns the land on which the fire station is built. The agreement indicated that, once the building was built, the Volunteer Fire Company would transfer the property over to the township, and they continue to have the right to use the building under the terms of the agreement. He added that he would coordinate the transfer with Mr. Marchant and prepare a Deed for the Volunteer Fire Company to execute for the land.

Solicitor Rausch commented on the Wallingford HOA matter. He stated that the board needed to make a decision on the 10 acres the HOA originally offered to the township. The latest correspondence from the HOA indicated that they're looking to get \$130,000 presumably from the developer, and they want the township to enter into an agreement concerning the township's plan for the 10 acres. Solicitor Rausch stated that he would not be in favor of any agreement with the HOA for the 10 acres.

11. MANAGER'S REPORT

A. Manager's Report

MARCHANT Mr. Marchant directed the board's attention to the Community Development report. They had collected nearly 40 "We Buy Houses" signs attached to road signs throughout the township and other infrastructures in the rights-of-way. The company was called and informed that they would be fined should the practice continue. It appears that they have been compliant so if you see anything, let us know.

Mr. Marchant reported that there are on-going conversations with Penn National Gaming. They reviewed the Springettsbury Township Overlay ordinance and provided a draft of their own to review. That will be provided to the Planning Commission for their review.

Mr. Marchant brought forward the Wallingford matter and requested the board's indication as to how to proceed. He noted two options:

- Entertain their request for compensation and identify the compensation amount and move forward with the HOA vote and place it with the developer.
- Abandon the project and have Keystone Custom Homes complete the walking trails and landscaping for the development bond.

Mr. Marchant continued that the township still has access to the same section of creek from the opposite side, and a project could be done there. It would not be as expansive as what was on the illustrative display. An additional alternative is to move the project upstream to Camp Security where the township owns all the property and it wouldn't affect it. That part of the stream had not been designated as an impaired stream, but Felicia Dell recently advised him that a new impaired stream study had been issued and it increased the number of streams that are impaired by 50 percent. There are other projects that had been identified and will continue to be identified for the stormwater compliance.

Consensus of the board was to have Keystone Custom Homes complete the walking trails and the landscaping and finish the development.

MARCHANT Mr. Marchant mentioned that the township's Water Quality Program Annual Meeting is scheduled for Wednesday, April 18th at 6 p.m. in the board room. This will bring the township in compliance with its public engagement portion of the MS4 program to share overall goals, the annual report for 2017, the 2018 program goals and other activities. Residents can have their questions answered, give comments and concerns about water quality and learn what is being done.

MARCHANT Mr. Marchant responded to the board concerning the Five-Year Forecast. He noted it is a high priority for the Finance Department and it will be provided as soon as the Audit is completed. There are a few weeks left to finish the Audit.

Mr. Marchant reported that he had received a voice mail from Kenetha Hansen asking about the township's Development Authority's willingness to participate in a tax-exempt financing request from a non-profit. A lender is looking for a bank-qualified issuance and tax-exempt issuance. He had called her back, but she is out all week. When she returns he will discuss specifics with her. He indicated he was not familiar with how that works and what the benefits and incentives are for the township other than to facilitate non-profit growth. I'm not sure what the liabilities are either for issuance or whether there are typical at-risk underpayment concerns.

RAUSCH Solicitor Rausch noted that when the Development Authority was set up it was for the acquisition of real estate. It may be necessary to file an amendment to the articles to include the text in financing. He cautioned Mr. Marchant to keep that in mind.

MARCHANT Mr. Marchant indicated he would prepare a brief for the board with the details.

SWOMLEY Chairman Swomley brought up the subject of the Quattro development. He asked if the statement was true that Lidle backed out. He understood that Royal Farms continues to move forward and that they are looking for other tenants. He asked if it would mean a redesign of that portion.

MARCHANT Mr. Marchant responded that he was correct, there would be a new revised Land Development. He asked Ms. Fieldhouse to respond.

FIELDHOUSE Ms. Fieldhouse stated that Royal Farms continues with business as usual. Building Permits are expected before the spring is over. They currently are looking for tenants for the other piece of property. Overall Lidle's North American expansion plans were far too aggressive, and they weren't prepared. When it came to the fact they had to scale back, they did not like the site.

SWOMLEY Chairman Swomley asked about the Apple Nissan development. He asked what the implications are with the stormwater issue and with MS4 and the state getting involved. Also, if the township grants them any relief, whether that would cause any issues.

RAUSCH Solicitor Rausch responded that the project will be before the Planning Commission on April 19th. Following that, the issue will be before the board.

DVORYAK Mr. Dvoryak noted an item in Mr. Marchant's report and requested that he hold any payments to the library in order to further discuss it.

12. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2018-32 – Reappointment of Abegale Gibb as Right-To-Know Officer

MR. WURSTER MOVED FOR RESOLUTION NO. 2018-32 TO APPOINT ABEGALE GIBB AS THE RIGHT-TO-KNOW OFFICER FOR SPRINGETTSBURY TOWNSHIP UNTIL A SUCCESSOR IS APPOINTED. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Advertise Ordinance for Truck Prohibition on North Northern Way and East Market Street

MR. WURSTER MOVED TO AUTHORIZE ADVERTISEMENT OF ORDINANCE FOR TRUCK PROHIBITION ON NORTHERN WAY. MS. PHAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

There was no Old Business.

14. NEW BUSINESS

A. York County Convention and Visitors Bureau – Tourism Update

There was no Tourism Update given.

B. Consideration of Appointment to Zoning Hearing Board – Alternate Member

MR. WURSTER MOVED TO APPOINT MARK A. BAIR, 3005 FOREST LANE, TO THE ZONING HEARING BOARD ALTERNATE POSITION. MS. PHAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Consideration of Appointment to Historic Preservation Committee

MR. WURSTER MOVED TO APPOINT CAROL A. TANZOLA, 3009 TROUT RUN ROAD, TO THE TOWNSHIP HISTORIC PRESERVATION COMMITTEE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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