

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 25, 2013
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, April 25, 2013 at 7:00 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Don Bishop, Vice Chairman
Julie Landis
George Dvoryak
Mike Bowman

MEMBERS NOT

IN ATTENDANCE: Bill Schenck, Chairman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Thomas Hyers, Police Chief
Jay Van Pelt, YAUFRR Battalion Chief
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

BISHOP Vice Chairman Don Bishop called the meeting to order at 7 p.m. He announced that Mr. Schenck would not be in attendance. He led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. April 11, 2013 – 8:00 p.m. – Personnel and Collective Bargaining

BISHOP Mr. Bishop announced that a Executive Session was held on April 11, 2013 following the regular meeting to discuss personnel and Collective Bargaining issues. No additional meetings were scheduled at this time.

3. COMMUNICATION FROM CITIZENS

WEIKERT Bob Weikert, 827 Locust Grove Road stated that he was disappointed to learn that both Mr. Bishop and Mr. Bowman were not running for re-election to the board. He had been a resident of Springettsbury Township for 30 years and stated that the residents have many things that other townships wish they had, which was a

result of good leadership. He stated that he had known candidate Mark Swomley for a number of years and indicated he has the character and leadership skills to be a Supervisor. He thanked Mr. Bishop and Bowman for their service to the township.

HELLER Jane Heller, 1819 Idylwyld Road, spoke of her displeasure that the Avalong barn had been demolished. She provided some documentation on the Codorun barn in York County built in the 1930's which was a duplication of the Avalong barn. She expressed concern that the township had enacted no ordinances to preserve and protect historic properties within the township. She questioned why the Planning Commission had not stopped the demolition during its review process.

BISHOP Mr. Bishop responded that the township does not have a mechanism in place to preserve properties because the board had never enacted one. However, the Supervisors had put into place a Historic Preservation Committee, which had created a list of historic properties, and makes recommendations to the board, which is their role. He noted that a number of years prior a decision had been made that HARB was not appropriate at that time for Springettsbury Township.

RAUSCH Solicitor Rausch commented that, as a legal matter, it was not so simple as to enact an ordinance. First, a historic district needed to be created and certified by the Historic and Museum Commission, which has jurisdiction over historic properties. The Avalong barn site would have had to be certified by the state as part of a historic district. Susquehanna Bank went to the Historic and Museum Commission with this issue, and a letter was received from the Commission stating that the Avalong barn was not a historic property. He added that a copy of the letter could be provided to her. He stated that the township does not have the ability to tell a property owner what to do with their property and/or remove their property rights. The Planning Commission did exactly what it is charged to do, to review plans, and they reviewed the Susquehanna Bank plan in November, 2012 as a briefing item. They discussed with the bank the historic nature of the property. They required the bank to certify that there was no historic value to the property, thus the letter from the Historic and Museum Commission was received. In January or February, 2013 the Planning Commission asked again about the historic nature of the property. The property owner advised them that they received certification from the state that it was not historic. If the Planning Commission or the Board of Supervisors takes action that they willfully know is not legal, they can be personally sued. There was no basis for denial of that plan.

BISHOP Mr. Bishop stated that Mrs. Heller apparently had no understanding of how the township board or the Planning Commission functioned. The board has an interest in preservation of that type, but so far no one on the board had come forward and suggested that the issue should be addressed and drafted a recommended ordinance. No one on this board has the will to take away property rights from individuals who own these properties.

VALELLA Mark Valella stated he had lived in Springettsbury Township for over 50 years and he was sorry to see Mr. Bishop and Mr. Bowman go. He stated that Springettsbury is one of the best townships in York County with the best tax structure. He commented that he was upset with the negative rumors being spread about those who want change, badmouthing the police department, wanting to fire the Manager, Engineer and Police Chief. He noted the Police Chief has an impeccable record, and the police officers do an outstanding job. He wanted those spreading the negative rumors stopped. He noted that Mark Swomley and Mr. Bumsted are both good candidates for Supervisor.

ROBERTSON Mark Robertson, Planning Commission Member, provided information with regard to the responsibilities and actions of the Commission. He noted that they assure that plans meet township ordinances, which are based upon the Pennsylvania Municipal Planning Code. One thing they cannot do is tell people what they can do with their properties. If people are interested in preserving historic properties, someone will have to pay for it. He cited the Camp Security property for which the township had invested a significant amount of money.

LANDIS Ms. Landis brought forward the RV ordinance passed some months ago, which advised what property owners could have on their properties. She noted that he had mentioned that the Planning Commission's responsibility was not telling property owners what they can do with their property which she thought was contradictory and not 100% accurate.

ROBERTSON Mr. Robertson responded that some residents had voiced their appreciation for Springettsbury Township and the fact that there aren't a lot of properties that have items sitting around, junked cars, etc. That particular ordinance was modified to meet the needs of the people. That's what the ordinances were enacted for and are created under the Municipal Planning Code. Nothing that was put together goes in violation of the MPC. If the Planning Commission votes contrary to the ordinances, the members, as well as the Board of Supervisors could be held personally liable. He personally was sworn to a Code of Ethics for nearly 40 years, long before his time on the Planning Commission.

LANDIS Ms. Landis commented that as she drives through the township since that ordinance was enacted, she still sees some areas that do not adhere to it.

ROBERTSON Mr. Robertson responded that if she saw something that she felt did not meet the ordinance, then she was bound by her Code of Ethics as a Supervisor to report it to the enforcement people.

LANDIS Ms. Landis clarified that his comment that they are not telling property owners what they can do with their properties was not necessarily true.

ROBERTSON Mr. Robertson responded that his comment concerned whether they had to keep their property or tear it down, and what she was discussing was out of context.

Mr. Robertson added that as with any ordinance that the Planning Commission reviewed, there are briefings, public hearings, postings in the newspaper. In addition, the Board of Supervisors and the Planning Commission met together jointly and did the homework. Many other municipalities ordinances were reviewed prior to making any changes, and they responded to the constituents as well. The ordinance was modified to meet the needs of the constituents.

BISHOP Mr. Bishop clarified that the Planning Commission does not set ordinances in Springettsbury Township. If there is a problem with the ordinances, that responsibility lies with the Board of Supervisors.

BOWMAN Mr. Bowman commented that if any member would have voted to deny the request of Susquehanna Bank for the barn, they could have been personally sued.

ROBERTSON Mr. Robertson responded that the waivers and conditions did not violate anything in township ordinances. Had they voted to deny the plan, not only would the Planning Commission members have been sued, but also the Board of Supervisors could be sued as well.

DVORYAK Mr. Dvoryak thanked Mr. Robertson for his service, as well as all the Planning Commission members, who volunteer their time to do what they do.

ROBERTSON Mr. Robertson thanked him and stated that he enjoyed it and it is his way of giving back to the community.

LANDIS Ms. Landis brought up a comment Mr. Bishop made to Mrs. Heller that there was no one on the board who had proposed an ordinance or that the board would look at doing anything further with respect to historic preservation. She stated that during the board meeting two weeks ago, she had brought up the subject, as well as the article in the PSATS newsletter and some of the things that could be done. She thought his comment had been misleading because that was what she was attempting to do. She had brought up the National Trust Month, the PSATS book, a newspaper article with respect to the Strickler house, and noted that in some areas the township is ahead and in some areas there are things to be improved upon. She added that there are a number of historical places that could be preserved, and if there are things that can be done to be proactive, she wanted to pursue those ideas. The list of historical places is a document that continuously needed to be revised.

BISHOP Mr. Bishop responded that work toward preservation of the Avalong barn should have been done years ago. He suggested that if she really wanted to have change, she should come forward with a realistic suggestion of what to do and how to do it, and then it either would be or would not be supported. Any time a board member wanted to change something, they don't necessarily have to write an ordinance, but to state, that a certain number things should be done, and work collectively to figure out how to get things accomplished rather than just stating

there is a problem. As far as Historic Preservation, there will always be another side to that. If something is to be preserved, then someone else is going to lose some rights, and that needed to be balanced.

LANDIS Ms. Landis agreed and stated that she had contacted the Historic Preservation Committee and discussed it with Mr. Sowers and some other individuals as well. Mr. Sowers basically told her that they do not have any power.

BISHOP Mr. Bishop noted that the time for legislation was over years.

LANDIS Ms. Landis commented that she wanted the fact stated in the minutes that there was a Supervisor two weeks ago that did try to bring it to the table with respect to what could be done going forward and as far as the fact after the barn was razed, and yes, she had been gone and was not at the meetings during December, January and February.

RAUSCH Solicitor Rausch recommended that, if there is an interest, a work session could be held with some people from the state in order to know what tools are available. The Second Class Township Code allows an individual to buy whatever historic property that might be of historic value. Every property that's on the list can be purchased. A decision must be determined how to and what if any of those properties need to be preserved into perpetuity by the township. Education is the key because it is a very complicated process. The right of the citizens to have and preserve the historic value and must be balanced with private property rights. In Pennsylvania private property rights trump mostly everything else, so going forward it must be thought through carefully.

LANDIS Ms. Landis thanked him and indicated that was what she was trying to express two weeks ago.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had provided a monthly report and had no changes. He offered to respond to any questions that the board might have. There were none.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a monthly report. He noted that two items appeared on the agenda this date and he would respond to any technical questions at that time.

DVORYAK Mr. Dvoryak questioned an item regarding Harley-Davidson and his reference to the Uniform Construction Code. He asked if that was the same as the Building Code that had been adopted some years ago in Springettsbury Township.

LUCIANI Mr. Luciani responded that he was correct. With regard to the Harley-Davidson item, they plan to occupy the former Butterfly site off of Memory Lane. Based on the current Building Code they needed a waiver. Originally the Board of Supervisors was the Appeals Board, but that responsibility had been given to the County Building Code Appeals Board. Harley went to the County Building Code Appeals Board and was successful in granting their waiver for specific Building Code relief. Because of that they were prepared to go either way, but they did get the waiver of the Building Code requirement.

DVORYAK Mr. Dvoryak noted that the Galleria has some current issues with the Building Code, and they should then appeal to the county.

LUCIANI Mr. Luciani responded that he was correct. The Building Code individuals are more technically involved in the code, and the Supervisors had elected that responsibility to the county some years ago, and Mr. Luciani thought the move was prudent.

HOLMAN Mr. Holman clarified that the company in question is Syncreon, a subcontractor for Harley. They will occupy the industrial center at the former York Caterpillar plant. All their supplies go to Harley.

LUCIANI Mr. Luciani noted they are a vendor to Harley.

5. CONSENT AGENDA

- A. Acknowledge Receipt of March 31, 2013 Treasurer's Report
- B. Board of Supervisors Regular Meeting Minutes – April 11, 2013
- C. Regular Payables as Detailed in the Payable Listing of April 25, 2013
- D. SD-13-01 – Time Extension – Firehouse Square SD – Plan Expires 05/21/13 (New Plan Date 08/21/13)
- E. LD-12-08 – Time Extension – Firehouse Square – Plan Expires 05/21/13 (New Plan Date 08/21/13)
- F. LD-08-12 – Time Extension – Yale Electric – Plan Expires 05/25/13 (New Plan Date 08/25/13)

**MS. LANDIS MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH F.
MOTION UNANIMOUSLY CARRIED.**

6. SUBDIVISIONS AND LAND DEVELOPMENT

- A. FO-13-01 – HAAS Architectural Flex Overlay Request for 3750 East Market Street (Fincor Building)

LUCIANI Mr. Luciani brought forward background information regarding the plan which was documented in a memorandum dated April 25, 2013. The applicant, 4 Partners LLC, a manufacturer of molded urethane millwork, requested the township to allow a Flexible Development Overlay for the property at 3750 East Market Street, formerly known as the Fincor building. Mr. Luciani provided PowerPoint overviews of the site plan. The current site is zoned B1, and the existing conditions meet the requirements outlined for the Flexible Development Overlay. They will have adequate parking on the site. There will be no Land Development because the building itself will be adequate for their needs following some internal renovation. At that time a Certificate of Occupancy will be needed, and they will need the Flexible Development Overlay zoning designation.

MR. DVORYAK MOVED WITH REFERENCE TO THE APPLICATION FOR FLEXIBLE DEVELOPMENT DISTRICT OVERLAY, 4 PARTNERS LLC, TO APPROVE THE APPLICATION TO ALLOW THE FLEXIBLE DEVELOPMENT OVERLAY FOR THE PROPERTY LOCATED AT 3750 EAST MARKET STREET.

HOLMAN Mr. Holman suggested an amendment to the motion which would document the statutory reasons for approval.

- The structure of the site had been vacant for one calendar year;
- The property has environmental hazard conditions in the building or land, which documents your reasons for approval.

The motion was amended as follows:

MR. DVORYAK MOVED WITH REFERENCE TO THE APPLICATION FOR FLEXIBLE DEVELOPMENT DISTRICT OVERLAY, 4 PARTNERS LLC, TO APPROVE THE APPLICATION TO ALLOW THE FLEXIBLE DEVELOPMENT OVERLAY FOR THE PROPERTY LOCATED AT 3750 EAST MARKET STREET WITH THE STATUTORY REASONS THAT THE STRUCTURE OF THE SITE HAD BEEN VACANT FOR ONE CALENDAR YEAR, AND THE PROPERTY HAS ENVIRONMENTAL HAZARD CONDITIONS IN THE BUILDING OR LAND. MOTION UNANIMOUSLY CARRIED.

- B. SD-07-01 – Beatrice Rowe Subdivision (Schultz House) – Request from Historic York, Inc. for Plan Modification Agreement.

HOLMAN Mr. Holman reported that the original plan for the Beatrice Rowe Subdivision, previously approved by the board, included that the Schultz House be connected to both public sewer and public water. The board provided a five-year time window as Historic York had requested time to raise the funds in order to do the connection. Historic York has been unable to raise said funds. The property currently is for sale and they believe the property would sell more easily if the board agreed to a Plan Modification Agreement. Said plan would allow them to stay on septic, as well as continue using spring water coming from a spring house located on the township-owned Walters property. The Plan Modification Agreement is an easement agreement, which would allow the use but would not place any responsibility on the township for maintenance or guarantee that water will continue to flow from the springhouse.

MR. BOWMAN MOVED TO APPROVE THE PLAN MODIFICATION AGREEMENT FOR SUBDIVISION 07-01, BEATRICE ROWE SUBDIVISION (SCHULTZ HOUSE). MOTION UNANIMOUSLY CARRIED.

C. Request for Approval of Easement Agreement between Historic York, Inc. and Springettsbury Township

MR. DVORYAK MOVED TO APPROVE THE EASEMENT AGREEMENT BETWEEN HISTORIC YORK, INC. AND SPRINGETTSBURY TOWNSHIP. MOTION UNANIMOUSLY CARRIED.

7. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

BISHOP There were no Supervisors comments.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported that he received a decision from the Office of Open Records regarding Mr. Darrah's Right-To-Know Appeal. He sought internal records from the township concerning his violation at 1190 Graham Street of the township's Flood Plain Ordinance, and the Office of Open Records upheld the township's denial of those records.

10. MANAGER'S REPORT

HOLMAN Mr. Holman provided an update with regard to the kiosk issue at the Galleria Mall. The cut sheets had been received from the manufacturer of the kiosk which indicated it was fire retardant, and the kiosk was approved for the Galleria.

Mr. Holman reported that he and Supervisor Bowman had attended a PennDOT noise abatement meeting for Route 83. Three areas are being considered for sound walls: one south going from the nursing home about a mile and a half, southbound on the east side of Route 83, and an area south on the Spring Garden side. They review the need, its effectiveness (reduce noise by 10 decibels) and whether residents want it. Mailings will go out to approximately 23 resident properties, and they will follow up

BOWMAN Mr. Bowman added that he understood it would go to the intersection of 9th Avenue and the nursing home. He stated that it would be up to the residents if they want the sound walls. If not enough residents indicate they want the walls, they won't ever get the chance again.

11. ORDINANCES AND RESOLUTIONS

There were none for action.

12. OLD BUSINESS

A. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop stated that he had received no update. He indicated that perhaps the matter had been completed.

DVORYAK Mr. Dvoryak responded that he thought another initiative with the city schools had taken precedence but that he would follow up.

B. Request for Relief of Petitioned Street Lighting Tax – 1700 Deamerlyn Drive

HOLMAN Mr. Holman noted that Mr. Kahlbaugh was in the audience. He stated that he had provided the board with documents related to the request. If the board decided to provide some relief, it would be authorized under Section 300.50.

DVORYAK Mr. Dvoryak indicated that it was true that there is some offer of relief under Section 300.50, but he believed that Mr. Kahlbaugh's appeal assessment was based on Section 300.49, which stated that the assessment would be in proportion to the number of feet the property fronts on the street or highway or portion thereof to the light. Mr. Kahlbaugh had presented pictures and proof that his property fronts on Deamerlyn Drive which has no street lights and, therefore,

receives no benefit from that. Mr. Dvoryak noted that, based on the evidence, his opinion was that the street light tax would not apply to this property.

MR. DVORYAK MOVED TO APPROVE KEITH KAHLBAUGH'S REQUEST FOR RELIEF OF PETITIONED STREET LIGHTING TAX FOR 1700 DEAMERLYN DRIVE AND CANCEL ANY BILLINGS THAT HAVE BEEN ISSUED TO DATE. MOTION UNANIMOUSLY CARRIED.

KAHLBAUGH Mr. Kahlbaugh thanked the board and he wanted to commend the two gentlemen who had resided in Springettsbury Township for many years for coming to the meeting and thanking the Board of Supervisors and the township and the Police Department. He noted it would be nice to see more people coming to meetings, who were thankful for the positive things that are happening rather than focusing on just the negatives.

13. NEW BUSINESS

A. Authorization to Approve Intermunicipal Sewer Fund Reimbursement per the April 25, 2013 Distribution Schedule

HOLMAN Mr. Holman reported that over the years money had been saved for sewer improvement in the Intermunicipal Sewer Fund. The approval being sought this date had been discussed during the budget work sessions. They expected to distribute \$3.7 million in surplus funds to the various municipalities to provide effluent to our facility, which included Dallastown in the amount of \$111,000; Manchester \$148,000; Red Lion \$159,100; Spring Garden \$259,000; Springettsbury \$1,968,400; Windsor Borough \$33,300; Windsor Township \$314,500; Yoe Borough \$18,500 and York Township \$688,200 for a total of \$3,700,000. The dates for distribution are based upon when investments will come due in order to maintain a proper cash flow. The distribution to Springettsbury will go back to the Springettsbury Sewer Fund towards Long Term Capital Improvements for lines, etc.

BISHOP Mr. Bishop clarified that the matter all had to do with the Intermunicipal Fund and not necessarily Springettsbury Township funds.

HOLMAN Mr. Holman added that a balance will be maintained of approximately \$4 million in surplus in the event of emergencies or problems at the Sewer Plant.

BISHOP Mr. Bishop noted that the Sewer Plant is one of the best examples around of intermunicipal cooperation. It is a different kind of model than many take on in that this sewer plant is managed by Springettsbury Township, and the township is

paid a fee to manage it by all of the other municipalities. This has been working for many, many years and it continues to work very successfully.

MR. DVORYAK MOVED TO AUTHORIZE APPROVING THE INTERMUNICIPAL SEWER FUND REIMBURSEMENTS PER THE APRIL 25, 2013 DISTRIBUTION SCHEDULE. MOTION UNANIMOUSLY CARRIED.

B. Penn Waste, Inc. – Purchase of 32 Gallon Recycling Containers

HOLMAN Mr. Holman stated that Ron DiAngelo, Recycling Committee, was present in the audience, along with Ed Ward and Scott Wagner of Penn Waste. Penn Waste proposed to purchase 8,000 32-gallon recycling containers for the residents of Springettsbury Township. The containers will be owned by Penn Waste. The purpose is to increase the size of the recycling containers. Previous recycling containers had worked well, however, moving to a larger container will increase the recycling percentages. Residents can continue to use the smaller containers as well.

DIANGELO Mr. DiAngelo stated that the smaller ones could be used for recycling yard waste through the purchase of a sticker for 50 cents. He noted, in addition, that Mr. Wagner planned to purchase 500 lids for anyone who wanted a lid for their container. Mr. DiAngelo noted that if the residents increase recycling by 400 tons with the new containers, that means waste could go down possibly to 300 tons, which would be a win/win situation. They request the board approve Mr. Wagner's proposal.

HOLMAN Mr. Holman stated that the new containers would be delivered in June, and notices will be sent out by Penn Waste, as well as placed on the township website and in the newsletter.

BISHOP Mr. Bishop thanked Mr. DiAngelo and his committee for the hard work they do. He asked him to extend the board's thanks to the entire committee.

DIANGELO Mr. DiAngelo responded that he was very proud of the Recycling Committee for a good job.

MS. LANDIS MOVED TO APPROVE ACTION ITEM B, PENN WASTE, INC. PURCHASING OF 32-GALLON RECYCLING CONTAINERS. MOTION UNANIMOUSLY CARRIED.

BISHOP Mr. Bishop noticed that information had been provided to the board regarding the bid opening for the new fire building.

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 25, 2013
APPROVED**

HOLMAN Mr. Holman responded that it was just to update the board. He noted there were a large number of bidders for the project for General, Electrical, Plumbing, Fire Suppression. He commented that it was an excellent bid list.

BISHOP Mr. Bishop thanked him, as well as Don Eckert for all their efforts.

14. ADJOURNMENT

BISHOP Vice Chairman Bishop adjourned the meeting at 8:30 p.m.

Respectfully submitted,

John Holman
Secretary
ja