

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**FEBRUARY 8, 2018  
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, February 8, 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  
Blanda Nace  
Charles Wurster

**ALSO IN**

**ATTENDANCE:** Benjamin Marchant, Township Manager  
Charles Rausch, Solicitor  
John Luciani, Civil Engineer  
Dennis Crabill, Environmental Engineer  
Jessica Fieldhouse, Director of Community Development  
Mark Hodgkinson, Director of Public Works/WWT  
Teresa Hummel, Finance Director  
Dori Bowders, Manager of Administrative Operations  
Nitza Sanchez-Bowser, Director of Human Resources  
Colin Lacey, Director of Parks and Recreation  
Lt. Tony Beam, Police Department  
Dan Hoff, Chief, YAUFRR  
Andy Hinkle, Manager, Information Systems  
Jean Abreght, Stenographer

**1. CALL TO ORDER**

A. Opening Ceremony

**SWOMLEY** Chairman Swomley called the regular meeting of the Board of Supervisors to order and led the Pledge of Allegiance.

**2. ANNOUNCEMENT OF EXECUTIVE SESSIONS**

A. January 25, 2018 – 8:00 p.m.

- 1) Potential Litigation Re: Davies Drive Project
- 2) Personnel

B. February 8, 2018 – Immediately Following Regular Meeting

- 1) Lopez v. Springettsbury Lawsuit

**SWOMLEY** Chairman Swomley announced that since the last meeting, two Executive Sessions had been held for potential litigation, personnel, Teamsters Contract, and Lopez v. Springettsbury. He announced that the order of the Agenda would be changed slightly for this date.

**7. SUBDIVISIONS AND LAND DEVELOPMENT**

A. Authorization for Staff to Circulate a Draft Zoning Text Amendment to the Township and County Planning Commissions for Review and to Advertise and Hold a Public Hearing on Said Text Amendment Related to Category 4 Casinos; also a Draft Zoning Map Amendment to Include the York Galleria Mall and Township's Campus within the Town Center Overlay

**SWOMLEY** Chairman Swomley stated that a discussion was in order to determine whether the board wants a definition of gaming or not.

**RAUSCH** Solicitor Rausch noted that currently gaming is not allowed in the township.

**MARCHANT** Mr. Marchant pointed out that the situation was created by the state in potentially pre-empting municipal authorities, and there is nothing that could prevent the state from further pre-empting Springettsbury's existing prohibition.

**SWOMLEY** Chairman Swomley noted that Springettsbury could get only small slot venues. If there is no definition of gaming, there is no ability to opt out and no control.

**RAUSCH** Solicitor Rausch wanted to be clear that the text amendment only deals with Category 4 Casinos.

A lengthy discussion took place. For the purpose of these minutes, the main points are summarized:

- Category 4 Gaming needs to be clearly defined for Text Amendment. State can make other classifications.
- Proposed Text Amendment documentation could eliminate reference to Category 4, which would include any type of gaming business.
- Class 1 allowed by townships; illegal by state versus Class 4 allowed by township and by state limiting the radius.
- Entertainment would be the category to allow gaming facility in current zoning; however, more important for gaming to be defined separately.
- Gaming Industry heavily regulated by state and Gaming Control Board; enforced by PA State Troopers in the jurisdiction. Municipality has no say in detail of operations; only Ordinances apply.

**MR. NACE MOVED TO AUTHORIZE STAFF TO CIRCULATE A DRAFT ZONING TEXT AMENDMENT WITH MODIFICATIONS AS DISCUSSED, REMOVING THE REFERENCE TO CATEGORY 4, WHICH WOULD OPEN IT UP TO CASINO AND GAMBLING FACILITY AS DEFINED AND LICENSED BY THE COMMONWEALTH. MR. WURSTER WAS SECOND. MOTION CARRIED 4/1. MESSRS. SWOMLEY, NACE, WURSTER AND DVORYAK VOTED IN FAVOR; MS. PHAN VOTED OPPOSED.**

## **12. ORDINANCES AND RESOLUTIONS**

C. Resolution No. 2018-30 – Rescinding Resolution No. 2017-53 that Prohibits the Location of a Category 4 Licensed Facility within the Township

**NACE** Mr. Nace stated that the Resolution makes reference to Category 4, which is what the state allowed for the “Opt Out” based on Act 42.

**RAUSCH** Solicitor Rausch noted that there is no turning back.

**PHAN** Ms. Phan made some personal comments as follows:

- Casinos/Small Gambling is not appropriate for Springettsbury Township.
- Asking township residents to spend money to bring revenue in is inappropriate.
- Homestead Act not appropriate for Springettsbury Township.
- Springettsbury is known for family events, historical homes, shopping, farmland, not casinos and tour buses.
- Residents want the township to balance the budget but not with casinos.
- Revenue can come to Springettsbury in other ways.
- As a board member, her answer continually will be no.

**WURSTER** Mr. Wurster provided a summary of his personal research:

- Social media resulted in “vehement” support for casinos in York County.
- Some individuals expressed some reluctance, but when educated on the benefits, changed their position.
- Some individuals, for justifiable moral grounds, were opposed to the casino.
- Federal Reserve Bank of Boston did a study of casinos and how they can live in a community and how well they can work. The study used a Pennsylvania model. Casinos that are located in strategic places that attract visitors, hire local employees where it can mix and mingle with other businesses in the township, the Federal Reserve of Boston concluded that it is a win for the community. However, a casino located out in the middle of nowhere that attracts only local customers at the expense of other businesses and employs people from outside the area, which is a loss to that community.
- Challenge is to be sure to develop a winning casino.
- For the economic opportunities that will come to the township, he is willing to support the repeal.

**NACE** Mr. Nace had done very similar research with some concerns:

- Casinos will self-consume themselves, reference Atlantic City’s failure.
- It is critical that the radius and the ability to create these protected camps should be away from each other so they do not self-consume because of the success of the facility itself.
- His initial excitement related to the fact that half the township budget could come in for revenue, which could be up to \$6 million.

- A mini casino with weekly gaming revenues ballpark somewhere between \$300,000 and \$1 million that could be used to offset property taxes.
- The revenues coupled with a catalyst could help the blighted or undeveloped areas in the community.
- The gaming industry pays \$50 million for a license to be located somewhere within 15 miles of Yoe, and they are looking at a dozen or so sites within that radius.
- Tour buses mostly carry families and couples that would go for a half-day trip.
- Individuals who are opposed are somewhat opposed; those who are supportive are extremely supportive and he stated he would vote in favor.

**SWOMLEY** Chairman Swomley indicated he was largely opposed during the earlier consideration. He continues to have concern for the following:

- There were no definitions for what gaming was and where it could be located.
- The township could lose control of a situation and end up with something in an undesirable location.
- His secondary concern agrees with Ms. Phan; however, balanced with economic development and what the board is trying to do in the community to make this a destination, he is willing to support the rescission.

**MR. NACE MOVED TO APPROVE RESOLUTION 2018-30 RESCINDING RESOLUTION 2017-53 WHICH PROHIBITS THE LOCATION OF A CATEGORY 4 CASINO WITHIN THE TOWNSHIP. IN ADDITION, HE MOVED TO AUTHORIZE STAFF TO CIRCULATE A DRAFT ZONING TEXT AMENDMENT TO THE TOWNSHIP AND COUNTY PLANNING COMMISSIONS FOR REVIEW AND TO ADVERTISE AND HOLD A PUBLIC HEARING ON SAID TEXT AMENDMENT RELATED TO CATEGORY 4 CASINOS; AND ALSO A DRAFT ZONING MAP AMENDMENT TO INCLUDE THE YORK GALLERIA MALL AND TOWNSHIP'S CAMPUS WITHIN THE TOWN CENTER OVERLAY. MR. DVORYAK WAS SECOND. MOTION CARRIED 4/1. MESSRS. SWOMLEY, NACE, WURSTER AND DVORYAK VOTED IN FAVOR; MS. PHAN VOTED OPPOSED.**

B. Resolution No. 2018-19 – Ratifying Collective Bargaining Agreement between the Township of Springettsbury and Teamsters Local 776 for the Years 2018, 2019, 2020, 2021 and 2022

**DVORYAK** Mr. Dvoryak suggested that the board table this action pending further analysis, especially the financial analysis received earlier this date.

**MR. DVORYAK MOVED TO TABLE ITEM 12. B, RESOLUTION NO. 2018-19 FOR FURTHER EVALUATION. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

A. Ordinance No. 2018-02 - Adopting Local Economic Revitalization Tax Assistance Program for Properties located at 693 North Hills Road.

**SWOMLEY** Chairman Swomley stated that a Public Hearing had been held just prior to this meeting this date.

**NACE** Mr. Nace noted that the ordinance does define the deteriorated area and also sets the exemption schedule at 10 percent per year.

**SWOMLEY** Chairman Swomley noted it is the same scale that was used for the Harley-Davidson property that was developed by NorthPoint.

**HANSEN** Kenetha Hansen assured the board that on January 31 the county had approved the 10% per year in their schedule of exemption

**MR. NACE MOVED TO APPROVE ORDINANCE NO. 2018-02 ADOPTING THE LERTA PROGRAM PROVIDED FOR TAX EXEMPTION FOR CERTAIN DETERIORATED AREAS WITHIN THE TOWNSHIP PROVIDING FOR THE EXEMPTION SCHEDULE AND ESTABLISHING STANDARDS AND QUALIFICATIONS FOR THE PURCHASE. MS. PHAN WAS SECOND.**

**WURSTER** Mr. Wurster agreed that the property is indeed a blighted property and that this is a very important economic development tool. He supported the motion overall. However, he had brought up some question as to where LERTA fits today in the new tax environment. He noted he would be interested to see over time if they can get to an answer for future consideration and for a system of checks and balances.

**DVORYAK** Mr. Dvoryak wanted to know how the township monitors the approvals in future years.

**NACE** Mr. Nace responded that it is actually tracked by the York County Assessor's Office. They have a separate Property Code that designates it as LERTA with the date on it. They alert the Tax Collector when the time comes.

**MOTION UNANIMOUSLY CARRIED.**

**Stenographer's Note: Mr. Dvoryak left the meeting at 7:30 p.m.**

**3. COMMUNICATION FROM CITIZENS**

There were no Citizen Comments.

**4. ENGINEERING REPORTS**

A. Environmental Engineer – Buchart Horn, Inc.

**CRABILL** Mr. Crabill had provided a written report and had no changes. He offered to respond to questions, but there were none.

B. Civil Engineer – First Capital Engineering, Inc.

**LUCIANI** Mr. Luciani had provided his written monthly report. He had several updates:

- North Hills Road widening – PennDOT will extend turn lanes on 30 to North Hills Road; potential for a median up and down North Hills Road. Not set in stone at this time.
- Township would be obligated to communicate the information on medians to the adjoining.
- Harley-Davidson moving jobs in from Kansas. H-D attended Developers Meeting on Tuesday; plans to be submitted to expand facility. They have 60,000 square feet plus some allocation for storm water not used from a previous Harley plan. They have extra parking never used. They have a fast-track project, and the township will work closely with their consultant, NuTech. The big issue with any development project is traffic, storm water and landscaping.

**WURSTER** Mr. Wurster asked for an update on the Quattro Development.

**LUCIANI** Mr. Luciani responded they would attend the next Planning Commission meeting. They shrank the store and moved it back, which removed the road length waiver, so they are making some steps in the right direction. They obtained some right-of-way for Concord Road for some widening. Kinsley has signed off on the Sewer Release. The Traffic Impact Study is not finalized and they need to design improvements and finalize them on 30. PennDOT permits will be some time in the future.

**WURSTER** Mr. Wurster had referenced an exhibit with regard to the intersection at Concord with reference to the York Town Center.

**LUCIANI** Mr. Luciani responded that they were attempting to create a similar roadway. York Town Center was a complete rebuild, the township had grant money up to the edge of York Town, and they took it all the way to the signal. They are hoping to mirror that kind of design.

**WURSTER** Mr. Wurster asked whether grant money would be available to help facilitate this development.

**LUCIANI** Mr. Luciani responded that it had been done through the Development Authority with money from Rick Santorum. It had been a long-anticipated plan and it dovetailed in. He was not sure if the road improvement costs could be offset with grant money, but it was a good question.

## **5. CONSENT AGENDA**

- A. Board of Supervisors Public Hearing Minutes – January 25, 2018
- B. Board of Supervisors Regular Meeting Minutes – January 25, 2018
- C. Regular Payables as Detailed in Payable Listing of February 8, 2018
- D. Anrich, Inc. – East York Interceptor Upgrade Project – Application for Payment No. 2 in an amount not to exceed \$720,581.22

**MR. WURSTER MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA AS PRESENTED. MR. NACE WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS**

There were none for action.

**7. SUBDIVISIONS AND LAND DEVELOPMENT**

Item A had been addressed earlier during the Agenda.

**8. COMMUNICATION FROM SUPERVISORS**

**WURSTER** Mr. Wurster saluted Ms. Phan for her vote on the casinos as he appreciated her position. He noted that the 4/1 split is reflective of the township as to what he had gathered from his outreach.

**PHAN** Ms. Phan noted that it depended upon talking to the constituents. The board is in different circles of influence, and that is why it is a board of five people.

**9. COMMITTEE REPORTS**

There were no Committee Reports.

**10. SOLICITOR'S REPORT**

A. Solicitor's Report

**RAUSCH** Solicitor Rausch noted the only item he had would be handled elsewhere on the Agenda.

**11. MANAGER'S REPORT**

A. Manager's Report

**MARCHANT** Mr. Marchant provided a report on his meeting with the county on Monday concerning Davies Drive. He stated it had been very positive and supportive of the township's efforts to seek an at-grade rail crossing on Davies Drive. A summary follows:

- The county was not able to communicate with the railroad any better than the township.
- They are mandated to talk to the railroad when they inspect their bridge so the railroad can make sure they are not doing anything unusual.
- The bridge inspection was done, and their engineer found deficiencies. Based on the results the gross vehicle weight limit dropped from 31 to 3 tons; potential to close it entirely.

- It is not up to the County to close it. They have to submit their report to PennDOT and they expect to hear back from PennDOT by June of this year whether it must be closed or retrofitted or reconstructed, etc.
- Letters of support were requested from the county, the 911 Center, the Prison, the Nursing Home, state affiliations like PEMA in support of this application. Even acknowledgement from PennDOT of the validity of the issues would help.

**NACE** Mr. Nace asked whether it would be appropriate for the township to request the actual Engineering Study and Analysis of the bridge from the county.

**MARCHANT** Mr. Marchant responded that he had requested it on Monday, and they indicated it had been given to PennDOT.

**MARCHANT** Mr. Marchant wanted to follow up from the Work Session with regard to the Economic Development discussion with Retail Strategies. He had a follow up phone call from them indicating they would like to move ahead with some upcoming shopping center conferences in March, late April. Mr. Marchant indicated there will be other conferences and that there was no rush.

**SWOMLEY** Chairman Swomley indicated that Mr. Dvoryak should be included in that discussion.

**MARCHANT** Mr. Marchant responded that he was looking for direction and how to respond. He could prepare something for an upcoming meeting.

**NACE** Mr. Nace commented that he did not recall the cost.

**MARCHANT** Mr. Marchant responded that the cost was \$50,000 the first year and \$40,000 the following two years each.

**NACE** Mr. Nace indicated he liked the product but he would like to see the presentation discussed with commercial brokers already in the township, such as Bennett Williams. All the brokers go to the ICSC, and they probably are the ones who brought the national retailers to the region. It would be interesting to get their feedback and understand what it is that they are doing or that they would do for a site that is under contract. In addition, he would like to know what the cost benefit analysis would be on a \$50,000 expenditure; the tax revenue or mercantile tax revenue to get to recover that expense.

**MARCHANT** Mr. Marchant stated that more analysis could be done. He had some testimonials for review. They work with brokerages, advocate for the municipalities, but the brokerage firms love Retail Strategies because they do a lot of the homework for them.

**PHAN** Ms. Phan would like to challenge the staff to let the board members know what properties are sitting out there, such as the York Valley Inn, with an opportunity. There was some discussion about properties during the Strategic Planning

meeting, but there has been no follow up. There are unoccupied buildings, but they are owned and property taxes are being paid on them. Retail Strategies is asking for a three-year commitment with a hefty price tag. She asked whether the township should be willing to commit to that price tag for an ultimate goal to fill some properties, some empty buildings that are already owned. In addition, she wanted to know why the local brokers could not be used more effectively. The township could challenge them as they attend the conferences as well. She wanted the board to reach out to the brokers and ask how they could help.

**MARCHANT** Mr. Marchant stated that he had met with people from brokerage firms and had general discussions. They are not calling for leads in the township. He had a meeting with the owners of York Valley Inn and they were interested in what the community might want to see there. They brought their own broker, not local. He indicated that Community Development is working with him and developing a map with new software. He has a list of properties on which he is developing profiles and site data sheets.

**SWOMLEY** Chairman Swomley indicated he would like to see the list. He would like to get some of the local brokers come in and talk to the board. He suggested another Work Session with the brokers.

**WURSTER** Mr. Wurster noted that having many of the local brokers here, LMS, Rock, a whole host of them represented. The point of the question is about these vacant sites and are they developable; which ones are for sale. It would be good to just get the sense of what is listed as a key component.

**SWOMLEY** Chairman Swomley asked for an update on the NS4/Wallingford HOA.

**FIELDHOUSE** Ms. Fieldhouse reported that the meeting to be held with the Wallingford HOA had to be cancelled due to weather. It is now rescheduled for the 28<sup>th</sup>. Her goal is to outline for them the benefits of the opportunity both for the township and for them. The residents of Wallingford very much enjoy the vegetative buffer that they have in place now and are very uncomfortable with change. She believes, 100 percent that the end product will blow their minds away and far surpass whatever vegetative buffer they have now, however, there are going to be some growing pains in between. It is up to them to decide whether they are willing to deal with that. Ms. Fieldhouse added that it would not be inexpensive as there is landscaping, 1100 shrubs, 500 trees and 230,000 square feet of berm, which was the landscaping that was in the Wallingford Subdivision. For them to put that in, it will increase their HOA fees by around \$100 every quarter, plus the walking paths and bare minimum maintenance.

**WURSTER** Mr. Wurster added that he hoped that there are some visuals to show them of the end product.

**FIELDHOUSE** Ms. Fieldhouse responded that they have beautiful visuals.

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**WURSTER** Mr. Wurster questioned whether Mr. Marchant had any idea of the timeline on the North Hills Road diagram.

**MARCHANT** Mr. Marchant responded that PennDOT is aiming for the end of 2018 to break ground in December with the intention of an early action. They have separated this project out of the 83 Widening Corridor Project to try to get this done early, as well as a segment of North George Street from 30 to Emigsville at Exit 18.

**WURSTER** Mr. Wurster noted that it would be important to fast track it with Harley-Davidson bringing in more people.

**LUCIANI** Mr. Luciani commented that it might get grant money.

D. Authorization to Advertise Ordinance Amending and Restating Chapter 99, "Alarm Systems" – Code of Ordinances.

**MR. NACE MOVED TO APPROVE THE ORDINANCE OF THE TOWNSHIP AMENDING AND RESTATING CHAPTER 99 "ALARM SYSTEMS." MS. PHAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

E. Authorization to Advertise Ordinance Amending Chapter 105 "Animals" of the Code of Ordinances by Adding a New Article III, "Barking Dogs"

**MR. NACE MOVED TO AUTHORIZE ADVERTISEMENT OF AMENDING THE CODE OF ORDINANCE BY ADDING THE CHAPTER 105 ANIMALS, A NEW ARTICLE III CALLED BARKING DOGS WITH THE SAID CHANGE ADDING EACH DAY OF A VIOLATION. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**13. OLD BUSINESS**

There was no Old Business.

**14. NEW BUSINESS**

There was no New Business.

**15. ADJOURNMENT**

**SWOMLEY** Chairman Swomley reminded the board of the Executive Session to follow adjournment. He adjourned the meeting at 8:10 p.m.

Respectively submitted,

Doreen K. Bowders  
Secretary

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