

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**FEBRUARY 23, 2017
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, February 23, 2017 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
Bill Schenck
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
Jessica Fieldhouse, Director of Community Development
Mark Hodgkinson, Director of Wastewater Treatment Plant
Colin Lacey, Director of Parks and Recreation
Barbara Lindeman, Director of Finance
Dan Stump, Chief, Police Department
Dan Hoff, Battalion Chief, YAUFRR
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

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

3. COMMUNICATION FROM CITIZENS

FORRY Jeff Forry, 3910 East Sloway Circle appeared as a representative for the Wallingford Development. He understood that a walk through the development for the purpose of examining punch list items had been scheduled for March 15, 2017. He questioned whether a representative of the development would be permitted to join the walk through.

LUCIANI Mr. Luciani responded that there should be no issue with a representative joining the walk through. However, he did not believe that March 15 would be the scheduled date.

FIELDHOUSE Ms. Fieldhouse stated that the March 15 date is the date that the developer indicated they were committed to starting the documentation for the adoption process. Their written documentation should be received by March 15.

HELLER Jane Heller, 1819 Idylwyld, questioned whether the township had any precedent for spot zoning.

RAUSCH Solicitor Rausch responded that there is no precedent for spot zoning. As far as property within a historic district, there is a very rigorous and lengthy process designated by the Pennsylvania Museum Commission to preserve the property. He noted, additionally, that there is very little that can be done to preserve historic properties unless the owner desires it.

HELLER Ms. Heller asked whether the township would allow the properties to be taken by eminent domain.

NACE Mr. Nace responded that he had met with Ms. Heller for 3-1/2 hours in his office explaining that there is no eminent domain proceeding that would allow the properties to be taken for commercial development. There is no mechanism in place for that to legally occur.

STULL John Stull, 1105 Eberts Lane, noted that he had been attempting to purchase the property at 1107 Eberts Lane, a vacant lot. He questioned the status of his offer, as he is willing to purchase the land.

FIELDHOUSE Ms. Fieldhouse responded that she had spoken with Mr. Stull several times and had discussed it with Solicitor Rausch. She would like to re-visit the matter noting that there is a process to follow.

SCHENCK Mr. Schenck noted that the board would gather all the information and review the situation.

SWOMLEY Chairman Swomley requested that the information be disseminated to the board.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had submitted his monthly report and had no updates. He offered to respond to questions, but there were none.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had submitted his monthly report as well. He updated the board on the Quattro Development at Mt. Zion and Concord Road. He noted that they did resubmit their plan, and there are substantial traffic matters that need to be discussed with the board involving significant changes to Concord Road and Mt.

Zion Road intersection. He requested a work session be scheduled for discussion and feedback.

FIELDHOUSE Ms. Fieldhouse commented that the appropriate forum would be for the developer to request waivers to the section of Subdivision and Land Development dealing with traffic impacts. The Planning Commission would then have an opportunity for review and vetting. Following that with the Planning Commission's and the Township Engineer's recommendation, it will go before the board for discussion.

PHAN Ms. Phan requested that the board be kept informed of the traffic issues and progress with that development.

SWOMLEY Chairman Swomley indicated the board needed to be refreshed on the entire plan.

5. CONSENT AGENDA

- A. Acknowledge Receipt of January 31, 2017 Treasurer's Report
- B. Acknowledge Receipt of York Area United Fire and Rescue Commission Minutes – October 18, 2016
- C. Acknowledge Receipt of York Area United Fire and Rescue Commission Minutes – November 15, 2016
- D. Acknowledge Receipt of York Area United Fire and Rescue Commission Minutes – December 20, 2016
- E. Board of Supervisors Regular Meeting Minutes – January 26, 2017
- F. Regular Payables as Detailed in Payable Listing of February 9, 2017
- G. Regular Payables as Detailed in Payable Listing of February 23, 2017
- H. SD-16-02 – G. Edward Saxe Subdivision, Ridgewood Road (Reapproval)

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH H. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Advertise for Bids for the Springetts Castle Park Project

MR. SCHENCK MOVED TO AUTHORIZE THE BIDS BE ADVERTISED FOR THE SPRINGETTSBURY TOWNSHIP CASTLE PARK PROJECT. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There was none for action.

8. COMMUNICATION FROM SUPERVISORS

SCHENCK Mr. Schenck reminded the board and staff of their invitation to attend an Appreciation Dinner by the Springettsbury Township Volunteer Fire Company, which is February 25, Saturday night from 5 to 9 up at Commonwealth.

NACE Mr. Nace noted two items: 1) Kudos to staff and Mr. Lacey in getting the pickets back to residents. 2) Kudos to staff for their help for a pastor, who is opening a church in the township. He learned he had to put sprinklers in, which is a setback for anyone. He is working with Ms. Fieldhouse and her staff and because of the interaction, he has had with them he was praiseworthy of everything that had been done so far.

PHAN Ms. Phan commented on the fact that there are a number of older churches within the township that have many steps. They are looking at chair lifts for assistance. She hoped that the township could find ways to assist them in getting the chair lifts. She added that many of the churches are not ADA compliant, and she hoped the township could assist them.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch brought forward an upcoming Zoning Hearing regarding putting residential units in the Commercial Highway district on Eastern Boulevard. His request was whether the board wanted him, as Solicitor, and Mr. Luciani, as Township Engineer, to attend to respond to any technical questions. He provided some important facts concerning the issues:

- Property is directly across from the Senior Living Center, the Stonybrook Gardens.
- Two of the properties are in Commercial Highway, which does not allow that type of use so there is a use variance being requested. There are a number of variances on dimensional issues.
- Two of the parcels are in the R1 district, which allows that multi-family use, but they are also requesting significant increase in the density that is allowed within that district.
- Stonybrook Gardens, which is in the Commercial Highway district, was referenced in their application. In 2004, the Zoning Ordinance included a definition called Hotels/Apartment; however, it was not in any district. An Appeal took place, which was resolved by a Settlement Agreement. The definition is no longer in the Zoning Ordinance.

SWOMLEY Chairman Swomley noted his concern that a developer could request a use variance at the Zoning Hearing Board and not go through actually requesting a zoning change to conform to what they want to do.

RAUSCH Solicitor Rausch responded that the traditional requirement for a use variance is that nothing else can be done on the property except for what is requested, and it is a very, very high standard, almost impossible to get.

SCHENCK Mr. Schenck noted that this is an extreme case to take to the Zoning Hearing Board. Everything in this issue is really a re-zoning, and to think it could be done through a simple zoning variance is too extreme. He appreciated Ms. Fieldhouse's report. He agreed that Solicitor Rausch and John Luciani should attend to assure the board's position.

- RAUSCH** Solicitor Rausch indicated he wanted to get the Stonybrook situation on the record.
- DVORYAK** Mr. Dvoryak questioned whether the Zoning Hearing Board has its own Solicitor.
- RAUSCH** Solicitor Rausch responded that he was correct; however, his position is to advise the Zoning Hearing Board. He is not an advocate for the township.
- DVORYAK** Mr. Dvoryak understood; however, he thought he or she would raise the same issues.
- NACE** Mr. Nace agreed with respecting the process of a board to occur.
- SWOMLEY** Chairman Swomley indicated he would feel better protected to have the township's Solicitor and Engineer represent the board's interests as it is a judicial body, and a decision will be made.
- PHAN** Ms. Phan noted that all board members have every right to attend. She agreed to have the board's representatives, Solicitor and Engineer, there to make sure of the best decision.
- RAUSCH** Solicitor Rausch indicated that once there is an Appeal, the court will not hear the case again and will only refer to the record.
- SCHENCK** Mr. Schenck indicated the board had requested representation at hearings in the past and exercised its right to Appeal the Zoning Hearing Board's decision, which is within the board's direct authority. This is to be an impartial hearing, and it will be completely appropriate for the board to present its side of the argument, which is why he wanted Solicitor Rausch and Mr. Luciani to be present.

Consensus of the board was to send both Solicitor Rausch and Township Engineer, John Luciani to the Hearing.

10. MANAGER'S REPORT

- MARCHANT** Mr. Marchant had submitted his monthly report. He did not have anything to add to his report or those of staff, but there were a few questions sprinkled throughout the reports. He asked for the board's feedback on the audio/visual presentation and proposal.
- PHAN** Ms. Phan indicated that over all she thought it was good. Her only issue with the unit that was in front of her in that it was too small and she had difficulty seeing the screen.
- NACE** Mr. Nace agreed with her comments. He wondered what the difference would be between the screen mic and the regular mic, i.e., could there be a cheap mic and a \$60 monitor.
- SCHENCK** Mr. Schenck asked whether they could quote what they presented and request alternative options.
- SWOMLEY** Chairman Swomley indicated he really liked the units the board was looking at, but suggested a request for some alternative options.

MARCHANT Mr. Marchant indicated they would request some alternates and options and bring it back before the board.

DVORYAK Mr. Dvoryak commented that his thoughts related to the discussion during the budget process relating to the long-term facilities plan. He wondered whether the system could be adaptive to another facility.

MARCHANT Mr. Marchant responded that this system is completely portable, and that was an advantage. He agreed that the facility conversation is a bigger conversation, which will be discussed in the Strategic Planning meeting.

Work Sessions

MARCHANT Mr. Marchant brought forward a number of Work Sessions to address different topics:

- Land Water Conservation Fund/Land Conversion Issue – Dormant with change of administration and staff. However, timing is of the essence in terms of making facility discussions concerning the police station. Potentially discuss during work session on February 27 if time permits.
- Timber Sale – Work Session t/b/a
- MS4 – Work Session t/b/a
- Quattro Development – Time Sensitive – Immediate. Consensus of the board was to meet for a work session on Monday, February 27, 2017 – 6 p.m.
- Medical Marijuana Dispensary – Need to invite all, not just one, potential distributors to join in a Town Hall meeting. Not an immediate urgency.

Consensus of the board was to schedule an additional work session for Thursday, April 6, 2017 at 6 p.m. at the Wastewater Treatment Plant Conference Room.

SWOMLEY Chairman Swomley noted that Mr. Marchant had submitted a potential questionnaire to be issued soon.

MARCHANT Mr. Marchant had submitted a draft version to the board. Additionally, there will be a cover letter sent with the questionnaire.

SWOMLEY Chairman Swomley stated he had a few comments with regard to the questions; however, through the discussion indicated that Mr. Marchant should go ahead and submit the questionnaire.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2017-01 – Amending Zoning Map to Rezone Certain Parcels of Land from the N-C, Neighborhood Commercial District to the M-U, Mixed Use District and to Add Said Parcels to the Town Center Overlay.

MR. NACE MOVED TO APPROVE ORDINANCE NO. 2017-01 AMENDING THE ZONING CHANGE FROM CERTAIN PARCELS OF LAND FROM N-C TO M-U AND ADDING PARCELS TO THE TOWN CENTER OVERLAY.

DVORYAK Mr. Dvoryak thanked all of the people for the time and effort that went into bringing this to where it is now, which began with a proposal in 2015 that was

voted down. He thanked Ms. Fieldhouse and the Community Development staff, the Planning Commission, the York County Planning Commission, as well as the community for coming and voicing their comment. He stated that their voices were heard.

NACE Mr. Nace echoed his comments. He thanked those who are in opposition as well, because it makes the board look more in depth at the issues. It is not an easy process. Many had testified against spot zoning, and this date came and asked for spot zoning, or discussed traffic getting worse and now getting better. He indicated that, despite the rumor, the board does not have a developer ready to demolish properties and make people homeless. The board is attempting to make right decisions, and in his personal opinion, the Town Center Overlay is key. It promotes pedestrian safety and walkability. He, too, thanked the staff and volunteers and everyone who worked so diligently as it was really appreciated.

PHAN Ms. Phan agreed that to have the residents come forward with their opinions, which are very important. The board does hear what is said and cares about the historical issues as well, which is a difficult situation. Consideration is given to what could be built and what rezoning does for the community as a whole. She issued kudos to everyone who had attended and added his or her voice.

NACE Mr. Nace added one additional guiding principle and that was the upcoming Comprehensive Plan. The York County Planning Commission often had referred to the current Comprehensive Plan, which was the vision of 11 years ago. The new Comp Plan update will be starting soon, so as those of the community who are passionate about these issues are the individuals who should be engaged and involved to provide input.

SWOMLEY Chairman Swomley agreed with the other board members. He would welcome the community to join in the Comprehensive Plan process, which will begin shortly. There will be a lot of input for how the future of the township is shaped moving forward.

MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Land and Water Conservation Fund 1979 Grant

SWOMLEY Chairman Swomley stated that the Land and Water Conservation Fund issue was moved to a work session.

MARCHANT Mr. Marchant commented that the item is on the Agenda as a placeholder.

13. NEW BUSINESS

A. Appointment(s) to Zoning Hearing Board and Parks and Recreation Board

MR. SCHENCK MOVED TO APPOINT NANCY MCDOWELL AND SEAN GEORGI TO THE PARK AND REC BOARD. MOTION CARRIED 4/1. MS. PHAN ABSTAINED, AS SHE WAS NOT PRESENT DURING THE INTERVIEWS.

SWOMLEY Chairman Swomley suggested that the appointment to the Zoning Hearing Board be tabled.

C. Historic Preservation Committee Report

SMITH Steve Smith, Historic Preservation Committee reported on several items.

- Feedback from homeowners and the pinpointing of 1860 properties produced additional structures that warrant site visits, which are being scheduled now. Evaluation of those site visits will determine if any additional historic properties will be placed on the list. Terrence Downs' favorable site evaluation of farmhouse at 4160 Old Orchard Road resulted in the committee voting on 1/26/17 to include that property on the list of the most historically significant sites and structures in the township. The count on that list now stands at 103.
- A handout was presented to the board showing Karl Ort's aerial views of Old East York in 1930. In addition, it was determined that a collection at the Hagley Museum in Delaware claimed to have an original copy of the aerial photograph. They are attempting to determine the connection between Karl Ort's collection at the York County History Center, and the connection at Hagley Museum.
- Old East York is on the National register of Historic Places in Springettsbury Township. There are several properties and neighborhoods on the National Register.

SMITH Mr. Smith reported that there is a collection of historical items, which Ms. Fieldhouse is attempting to get more available to the public. They will be placed on line. He has about 400 articles on his website that are Springettsbury Township oriented, and he wondered if they could be placed on the township website as well.

NACE Mr. Nace noted that he had noted a Retro York/Preserving York link earlier and indicated it was phenomenal.

SMITH Mr. Smith commented that officially the South Central Pennsylvania Genealogical Society is going to put that in a book.

PHAN Ms. Phan thanked Mr. Smith for bringing these to the board's attention. It is important that this is available regardless of what is developed. She felt a connection because her family from her great-grandparents had been citizens in York County. She questioned what makes something historic.

SMITH Mr. Smith responded that something historical must maintain its integrity as far as going back to a specific time period. In addition, if a building goes back to the time period along with an important person from that area, that makes it historic. It does not necessarily mean the architecture or how it was built, but it is like what happened there. Basically, there are those two criteria. Because of the criteria, there are committees reviewing the properties. The township's Historic Preservation Committee has an Architectural Historian in Terry Downs, as well as input from professional individuals besides the Committee members.

SCHENCK Mr. Schenck commented on a matter that he had on his mind, which is not just about structures. Several years ago, under the threat of development, the township spent well over a million dollars to acquire Camp Security. At that time, there were individuals from all over these United States as well as people from the United Kingdom indicating that Camp Security was the most active, historic property in the country related to the Revolutionary War. That property was secured by spending over a million dollars to keep a large chunk of acreage Open Space and preserved for what might be there.

Mr. Schenck noted that the digs and other things they are doing at Camp Security is separate and a focused effort primarily led through the Friends of Camp Security. It rolls into the Historic Preservation Committee, and he had asked them if some of those artifacts could be acquired. He was aware that they have to be turned over to the state. He had talked to the Chairman of the Friends to see if maybe some artifacts could be displayed at the township, which ties into Mr. Smith's request, to have a place to properly display historic items.

Mr. Schenck noted that the Friends of Camp Security had advised that a few key people have underwritten all the interest in historic preservation. He had asked for a figure, which was somewhere close to \$30,000 a year on the digs. Mr. Schenck noted that the emphasis on historic preservation might indicate it was time to consider helping the Friends monetarily. As much as everyone wants historic preservation, no one wants to help pay for it.

SMITH Mr. Smith noted that the Friends group has fund raising slated for the entire year because in 2018 they want to hire someone that has grounds radar, which they want to use prior to any more digs.

SCHENCK Mr. Schenck noted that he had been advised there likely would not be a dig in 2017; however, in 2018 they want to go in depth with some sophisticated equipment.

SMITH Mr. Smith indicated that the equipment will cost somewhere around \$28,000.

SCHENCK Mr. Schenck stated he only had heard of a \$1,500 cost for liability insurance.

SMITH Mr. Smith noted that he had participated every year in the digs. They usually have between 60 to 80 volunteers every summer, so they rely heavily on the volunteers.

SCHENCK Mr. Schenck added that they need the professional help to make sure it is done right and everything is properly preserved, which is where they are running into the expenses. He stated that he was not expecting any decision this date but wanted to get it on the record.

MARCHANT Mr. Marchant stated he had conversations with the Friends of Camp Security and they are interested in having a location where they can display and get artifacts from the state archives back here to the township, and it needs to meet certain secure criteria. It would be nice to have a space for them to have a regular meeting and even have volunteer open hours where people could have access.

The township has some limited facilities, not just in the lobby here where there could be a display case, but also in the farmhouse next door, and if the board was amenable to that, a proposal could be put together.

SCHENCK Mr. Schenck clarified that he was not thinking of a museum but rather a place where things could be properly preserved, especially the paper archives.

DVORYAK Mr. Dvoryak stated that the History Center is going through a downsizing. It would be wonderful if anything east of 83 would come to Springettsbury.

SMITH Mr. Smith indicated an artifact collection becomes very expensive to maintain.

SCHENCK Mr. Schenck noted that just a small case of what is found for display in the lobby would be fine.

SMITH Mr. Smith commented that a small case on the wall in the boardroom or in a case in the lobby would work well.

SWOMLEY Mr. Swomley suggested a revolving display not to keep or maintain but to borrow for a period of time and then exchange for something else.

PHAN Ms. Phan noted that with what Mr. Smith and Jess are working on just to preserve the pictures is wonderful. She thanked Mr. Smith and the committee for all they do.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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