

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**SEPTEMBER 10, 2015  
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, September 10, 2015 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  
Bill Schenck  
Kathleen Phan

**MEMBERS NOT**

**IN ATTENDANCE:** Julie Landis

**ALSO IN**

**ATTENDANCE:** Kristen Denne, Township Manager  
Charles Rausch, Solicitor  
Patricia Lang, Director of Community Development  
Dennis Crabill, Environmental Engineer  
John Luciani, Civil Engineer  
Dori Bowders, Manager of Administrative Operations  
Betty Speicher, Director of Human Resources  
Dan Stump, Chief, Police Department  
David Wendel, Director of Parks and Recreation  
Mark Hodgkinson, Director of Wastewater Treatment Plant  
Jean Abreght, Stenographer

**1. CALL TO ORDER**

A. Opening Ceremony

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

B. Oath of Office – Patrolman Brett R. Fishel

**SWOMLEY** Chairman Swomley introduced Patrolman Brett R. Fishel and led him in the Oath of Office. He congratulated him and indicated those in the Police Department are a great group to work with and that he looked forward to Patrolman Fishel's service to the community.

**STUMP** Chief Stump congratulated Patrolman Fishel and stated that he had graduated from Red Lion High School and Shippensburg University with a Bachelor of

Science Degree in Criminal Justice, followed by the Act 120 class at HAAC. He had experience with another police department and out of 48 candidates he had come out on top. He encouraged him to do his best and the department would stand beside him.

**FISHEL** Patrolman Fishel thanked him and the board.

**2. ANNOUNCEMENT OF EXECUTIVE SESSIONS**

**SWOMLEY** Chairman Swomley announced that there had been no Executive Sessions since the last meeting and none were scheduled for this date.

**3. COMMUNICATION FROM CITIZENS**

**FITZPATRICK** Bill Fitzpatrick, 410 Quaker Drive indicated that he opposed the Spring Lane project. He asked whether the board had initiated a Referendum to the public taxpayers either for or against the project.

**RAUSCH** Solicitor Rausch responded to Mr. Fitzpatrick that the board cannot issue a Referendum. There are only specific issues under State law that are permitted for Referendum. The decision of whether or not to rezone lies solely on the Board of Supervisors.

**FITZPATRICK** Mr. Fitzpatrick asked what the body of taxpayers could do to channel its opinions for or against the project.

**RAUSCH** Solicitor Rausch responded that the citizens will have an opportunity to come to and speak at the Public Hearing to be scheduled.

**4. ENGINEERING REPORTS**

A. Environmental Engineer – Buchart Horn, Inc.

**CRABILL** Mr. Crabill had submitted a written monthly report. He had no changes to his report and offered to respond to questions. There were none.

B. Civil Engineer – First Capital Engineering, Inc.

**LUCIANI** Mr. Luciani had submitted a written monthly report. He had no updates but mentioned he had provided the board with the newest version of the Pennsylvania Traffic Calming Handbook and noted that there is a flow chart of the process that might be helpful.

**SCHENCK** Mr. Schenck commented that one thing that had been helpful was the purchase of some temporary speed humps. He wondered whether some of those temporary

humps could be placed on North Russell for several weeks to determine if there is some measurable effect.

**LUCIANI** Mr. Luciani responded that he was not certain how quickly Public Works could get them installed but they will see if it's possible before leaf season and snow starts falling. He noted the process is to first verify the speed and then try some physical measure such as temporary speed humps.

**SCHENCK** Mr. Schenck commented that he read in the handbook that for those to be effective on a long street they have to be close together by 300 feet.

**LUCIANI** Mr. Luciani indicated that there can be more than one on a block and a determination can be made to see if there's a measurable reduction.

**SCHENCK** Mr. Schenck noted that there are two sets available.

**PHAN** Ms. Phan thought it was a great idea before any investment is made. She noted those streets are very narrow, and an area of importance is for the fire apparatus and plowing equipment to be able to navigate through.

**SWOMLEY** Chairman Swomley noted there was an option where the humps can be split side for side and separated.

**LUCIANI** Mr. Luciani noted that with all the traffic calming measures put in place over the last 10 years, there had been very few complaints by the Fire Chief and they were implemented without a problem.

## **5. CONSENT AGENDA**

- A. Acknowledge Receipt of July 21, 2015 York Area United Fire and Rescue Commission Minutes
- B. Board of Supervisors Strategic Planning Meeting Minutes – June 4, 2015
- C. Board of Supervisors Regular Meeting Minutes – August 27, 2015
- D. Regular Payables as Detailed in Payable Listing of September 10, 2015
- E. Marona Construction Co. – I-83 Sanitary Sewer Realignment Project – Application No. 8 in an amount not to exceed \$39,330

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

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

- A. Authorization to Execute Release an Amendment to Traffic Signal Contribution Agreement, Whiteford York, LLC.

This item was tabled until the Board of Supervisors meeting on September 24, 2015.

**7. SUBDIVISIONS AND LAND DEVELOPMENT**

**A. LD-15-02 – U-Gro Learning Center Expansion (10/15/2015)**

**LANG** Ms. Lang provided background information regarding the project, which proposed an approximately 6,700 square foot expansion as documented in the September 10<sup>th</sup> briefing memorandum. She presented a PowerPoint overview of photographs showing an aerial view, as well as a similar facility in Lancaster and reviewed the few waivers and administrative items. The applicant made changes involving landscaping. Planning Commission recommended the project for approval.

**MR. SCHENCK MOVED WITH REFERENCE TO THE FINAL LAND DEVELOPMENT PLAN LD 15-02 KNOWN AS THE U-GRO CENTER EXPANSION TO APPROVE WITH MODIFICATIONS 1 THROUGH 8 AND WITH THE SAME PLAN MOVED TO APPROVE THE PLAN WITH THE CONDITIONS IDENTIFIED IN THE BRIEFING. MOTION UNANIMOUSLY CARRIED.**

**B. SD-15-02 – 2900-2960 Whiteford Road (10/18/2015)**

**LANG** Ms. Lang presented SD-15-02, a Subdivision Plan identified as Land Development Plan 2900 – 2960 Whiteford Road. The briefing memorandum identified the plan as an existing small shopping area, which would be creating lot lines around the existing structures. Each of the lots will share lighting, storm water management and additional infrastructure that serves the development. Ms. Lang presented a PowerPoint overview of the existing facility showing Susquehanna Bank and east of the bank as Lumber Liquidators. She showed the layout of the subdivision as the bank would be on Lot 3; Lot 1 is the rear building and Lot 2 is the building to the east. There are two administrative items, which had been reviewed by the Zoning Hearing Board.

**SWOMLEY** Chairman Swomley indicated that an additional discussion deals with the authorization to execute, to release an amendment to the traffic signal contribution that was tabled earlier. The full lot has a contribution to the traffic signal and what the developer is attempting to do is buy these lots and place the burden of that contribution solely on Lot 3.

**RAUSCH** Solicitor Rausch questioned whether it was for Lot 3 or Lot 1. He stated that the attorney for the plan had called him and stated he had misspoken at the Planning Commission meeting and that they intended for it to be for Lot 1.

A lengthy discussion ensued and some of the main points are summarized:

- Planning Commission recommendations were based on erroneous information.
- All the lots are currently owned by the same person; ownership could change.
- Once the warrants are met for that Whiteford Road intersection then the contribution kicks in, regardless of where the traffic's coming from and which lot doesn't matter.
- Take action on the sub-division but not on the agreement; traffic signal contribution would be an independent obligation responsible for the funding.
- Could add a condition that didn't allow the plan to be recorded until there is a satisfactory agreement.
- Plan could be tabled until October 8<sup>th</sup> for approval; however, there are no issues with the plan, only the allocation of responsibility for the funding.
- One owner owns all three lots; only table the agreement and not the plan.
- Approve the subdivision and revisit the agreement to be 100% sure of responsibility for \$100,000.

**MR. SCHENCK MOVED TO APPROVE SUB-DIVISION 15-02 WITH THE MODIFICATIONS OF LANDSCAPE AND BUFFER YARD REQUIREMENTS AND FURTHER MOVE TO APPROVE THE PLAN WITH CONDITIONS 1 AND 2 AS IDENTIFIED ON THE BRIEFING. MOTION UNANIMOUSLY CARRIED.**

**SWOMLEY** Chairman Swomley noted that the authorization agreement will be tabled until the next meeting.

C. Authorization to Advertise Public Hearing for Request to Rezone +/- 12 acres R-1 and 1.95 acres G-1 to Flexible Development – York Container

**MR. SCHENCK MOVED TO AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING FOR CONSIDERATION OF A REZONING REQUEST BY YORK CONTAINER COMPANY ON OCTOBER 8, 2015 AT 6:30 P.M. MOTION UNANIMOUSLY CARRIED.**

D. Authorization to Advertise Public Hearing for Request to Rezone 12.237 acres N-C to C-H with Town Center Overlay – Spring Lane, LLC

**MR. SCHENCK MOVED TO AUTHORIZE STAFF TO ADVERTISE FOR A PUBLIC HEARING WITH REFERENCE TO WHAT IS KNOWN AS THE SPRING LANE PROJECT ON OCTOBER 22, 2015 AT 5:30 P.M. MOTION UNANIMOUSLY CARRIED.**

**RAUSCH** Solicitor Rausch provided information with regard to the Spring Lane Public Hearing. The applicant has the opportunity to present their request and they go first. Then the board has the opportunity to ask questions. Thirdly anyone in the audience has the opportunity to ask questions followed by any testimony or exhibits to be presented.

**8. COMMUNICATION FROM SUPERVISORS**

**SCHENCK** Mr. Schenck advised the board that YAUFR Commission (York Area United Fire and Rescue Commission) meeting will be held on Tuesday, September 15, 2015 at 6 p.m. at which time the 2016 proposed budget will be presented. YAUFR is required to present its budget to both Springettsbury and Spring Garden Townships. He encouraged board members to attend if possible.

**SCHENCK** Mr. Schenck noted that a number of commercial properties, as well as a condo development are redoing their landscaping rather significantly. During land development planning landscaping is a high priority item as far as screening. As they change that landscaping they may have no idea that it was part of a planned screening. If that is enforceable there should be some communication.

**LUCIANI** Mr. Luciani indicated that it would be enforceable as the landscape plan is recorded.

**SCHENCK** Mr. Schenck commented that he had received feedback on some of the items he mentioned during the previous board meeting. There was one item for which there had been no response, a stone parking lot being constructed on East Market Street.

**LANG** Ms. Lang responded that there is an existing permit. She had discussions with the engineering firm that was hired to do the land development plan. Unfortunately, the person in charge had been on vacation. She talked with him this date and advised him to come in for a review of the size of the parking lot, the permit and any future expansion.

**PHAN** Ms. Phan requested Ms. Denne to contact PennDOT to fix the signage heading north on North Hills Road. Getting off 83 you come to a light and there are two lanes crossing over Market. The sign on the right lane says 30 and on the left says 83 with a left arrow and the cars get over in the right lane. Then further down, almost at the light at Rutters, now the right lane says cars have to be in the left lane to go to 30. She had someone cut in front of her and hit her car. She would appreciate Ms. Denne getting in contact with PennDOT to get the signs corrected.

**PHAN** Ms. Phan thanked everyone scheduled to volunteer for Saturday in the Park. She encouraged anyone who wanted to volunteer to come out, as well as everyone come for a good time.

**SWOMLEY** Chairman Swomley asked Chief Stump to comment on the good press for one of the police officers recently.

**STUMP** Chief Stump responded that one of the department's officers had been sitting in a parking lot writing a report. Two people came up to him and started talking to him and in the middle of the conversation they started recording him. It was a 30-second clip. It was a very positive message as he was speaking passionately about what it takes to be a police officer and be successful in their career. He did an awesome job speaking the truth and just telling it the way it is. Chief Stump credited him with representing the department very well. He encouraged anyone who hadn't seen it to go online and see it. It was posted on Facebook and when he looked at it there were around 12 million views.

**DENNE** Ms. Denne added that it had been shared by Bill Maher who had positive things to say.

## **9. SOLICITOR'S REPORT**

**RAUSCH** Solicitor Rausch reported that he had received two temporary construction easement agreements from Kinsley Entities for the Beaverson Interceptor/East York Interceptor Project. He requested the board to approve the two agreements for the Chairman's signature.

**MR. SCHENCK MOVED TO APPROVE THE TWO CONSTRUCTION EASEMENTS AS REFERENCED BY SOLICITOR RAUSCH. MOTION UNANIMOUSLY CARRIED.**

## **10. MANAGER'S REPORT**

**DENNE** Ms. Denne noted that the dates for budget work sessions had been advertised. She asked the board to review those dates. She asked the board if they wanted to use the September 30<sup>th</sup> date for another review of capital and brainstorming. Official presentation would be October 12<sup>th</sup>.

**DENNE** Ms. Denne noted that she had advised the board by email that the Storm Water Feasibility Presentation will be held at Dover and she will attend. If anyone else wanted to attend let her know to add their names.

Ms. Denne responded to some of the citizen complaints brought up during the last board meeting.

- The utility pole on Trout Run was called in to Met Ed. They will have a Supervisor go out, check it and remove it if needed.
- East Philadelphia Street issue. She had personally driven past the church a number of times. There is activity late, eight to nine o'clock. However, it was not causing noise on the road. Cars involved are parked in the church parking lot. The lights are on at the rear of the school and not in the front. Solicitor Rausch had provided correspondence. Chief Stump had several officers sitting in the area writing reports, etc. Because of the structure of the street VASCAR cannot be used, and there is a speed bump present on the street. Monitoring will continue; however, there was nothing that would provide a violation.
- Russell and 7<sup>th</sup> Avenue – Random patrols have been done for over a month, and they have yet to get a Citation out of it. Chief Stump has been keeping track and having additional officers in the area with more of a presence and doing directive patrol. These are issues that will be reviewed with the Traffic Committee.

**RAUSCH** Solicitor Rausch followed up on her comment regarding the East Philadelphia Street issue. He noted that Mr. Gunning had questioned when the church had received its zoning approval. In that zoning district, both the school and a house of worship are permitted uses, so they would not have needed to get any zoning approval; it is an allowed use.

**DENNE** Ms. Denne commented that they had asked about accessory use for the dance schools, but that would fall under the school use.

**RAUSCH** Solicitor Rausch responded that she was correct. The township had reviewed the school definition and the house of worship definition a number of times. The school and the church has an attorney, and he has made it quite clear as to what his position is, and it is a very delicate situation. There is not enough clear evidence of a commercial operation to take enforcement action. Solicitor Rausch recommended that the township not take any action at this time.

**DENNE** Ms. Denne commented that there is a clear difference in identifying a commercial entity of someone teaching piano lessons versus someone running a dry cleaning business out of there.

**RAUSCH** Solicitor Rausch added that every church in the township would have to be investigated as to what they are doing. He did not think the board would want to go down that road.

**SWOMLEY** Chairman Swomley noted that he has a conflict on September 30<sup>th</sup> for budget discussion.

**DENNE** Ms. Denne indicated that the meeting could be held on October 1<sup>st</sup>, a Thursday evening at 6 p.m.

**RAUSCH** Solicitor Rausch noted that the Zoning Hearing Board meets that night at 7 p.m.

**DENNE** Ms. Denne indicated the board could meet at the Waste Treatment Plant Office, which would be confirmed at a later date.

**11. ORDINANCES AND RESOLUTIONS**

A. Resolution No. 2015-47 – Authorizing the Township Manager to Execute all Documents with PennDOT for Installation and Upgrades of Traffic Signals

**MR. DVORYAK MOVED TO APPROVE RESOLUTION 2015-47. MOTION UNANIMOUSLY CARRIED.**

**12. OLD BUSINESS**

There was no Old Business for discussion.

**13. NEW BUSINESS**

A. Authorization to Advertise Ordinance Adopting the Local Economic Revitalization Tax Assistance (LERTA) Program Providing for Tax Exemption for Certain Deteriorated Areas within the Township, Providing for an Exemption Schedule and Establishing Standards and Qualifications for Participants.

**SWOMLEY** Chairman Swomley noted that the item covers Authorization to Advertise the Ordinance Adopting the Local Economic Revitalization Tax Assistance Program, LERTA, which had been discussed during the Public Hearing. Two items are to be determined: one is authorizing it and the other is selecting the schedule of tax rate.

A lengthy discussion took place which is summarized:

- Property meets the definition in order to put a LERTA in place.
- Part II is establishing the exemption schedule.
- LERTA is a situation where current property taxes on the property today are still paid; property taxes on the improvements to the site are delayed over time; phased in over a 10-year period. Used as a tool to upgrade blighted properties.

- Typical schedule is done on a straight line, 10% first year, 20% second, up to 100% in the 10<sup>th</sup> year.
- Township provides traffic control, fire protection and emergency medical services day one that the facility opens. As a result preference would be 10% per year through the 10-year period.
- School districts and the County can choose a completely different schedule.

**MR. SCHENCK MOVED TO AUTHORIZE THE ORDINANCE TO ADOPT THE LERTA FOR THE PROJECT KNOWN AS THE WEST CAMPUS OF THE OLD HARLEY SITE WITH THE EXEMPTION SCHEDULE TO BE 10% A YEAR OVER THE 10-YEAR PERIOD LEVEL SET.**

**RAUSCH** Solicitor Rausch commented for clarification, the Ordinance reads that the schedule of real estate taxes to be exempted shall be in accordance with the following portion of improvements to be exempted each year. The first year will be 90% exempted. The 10<sup>th</sup> year it will be zero and the 10<sup>th</sup> year they have to pay full freight.

**MOTION UNANIMOUSLY CARRIED.**

#### **14. ADJOURNMENT**

**SWOMLEY** Chairman Swomley adjourned the meeting at 8 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

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