

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**SEPTEMBER 26, 2019
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, September 26, 2019 at 7 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
Charles Wurster, Assistant Secretary/Treasurer
Robert Cox
Justin Tomevi

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Teresa Hummel, Finance Director
Mark Hodgkinson, Director of Public Works/WWT
Jessica Fieldhouse, Director of Community Development
Colin Lacey, Director of Parks and Recreation
Todd King, Chief, Police Department
Abby Gibb, Communications Manager
Andy Hinkle, Manager, Information Systems
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

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

B. Recognition of Daniel Stump

SWOMLEY Chairman Swomley stated that it was his honor, pleasure and regret to bring Dan Stump to the podium. He noted it was beyond his ability to express in words his high esteem for Chief Stump as he served the township. He specifically mentioned the work he had done in bringing the Police Department to its current level in the last few years. He read the Certificate of Recognition and Appreciation noting his career which began on September 16, 1996, his many promotions through the years to Chief of Police on March 26, 2015. He stated that the Board of Supervisors and Township Manager, on behalf of all the citizens, expressed sincere gratitude to him for his years of dedication, leadership and faithful service on this date, September 26, 2019. Chairman Swomley

thanked Mrs. Stump for sharing Dan with the township for so many years. He then recognized Representative Stan Saylor.

SAYLOR Representative Saylor echoed Chairman Swomley's remarks about Chief Stump. He noted as a State Representative one looks to law enforcement as those who are held in high esteem as heroes because every day they put their lives on the line. With Chief Stump's retirement Representative Saylor indicated he will lose an important friend, who had done much for the community. He had set a bar that will be difficult for Chief King to keep, but he also noted that he will be able to do it. He wished Dan and his family the best in Florida. On behalf of Representative Keith Gillespie and himself, he presented a House Citation recognizing Chief Stump and stated that the Commonwealth of Pennsylvania paid a respectful tribute to Chief Stump upon his richly deserved retirement with pride and gratitude. He noted his record of service far exceeds the standards normally ascribed to this position. He offered him best wishes for a very successful future and happiness.

KING Kyle King spoke on behalf of District Attorney Dave Sunday and their entire office to thank Chief Stump for his service, not only to Springettsbury Township, but also York County as a whole for his service as Team Commander of the Quick Response Team. He echoed what Representative Saylor had stated concerning the bar he had set. He thanked him for all of the Chiefs in York County, and he personally thanked him for his friendship and mentorship.

KING Chief Todd King spoke of his time together with Chief Stump as they had come up through the ranks together. He noted Chief Stump as a maverick, an individual who breaks the mold and never a cliché. With this retirement he will be leaving many things behind and beginning a new life. He cited some of the many things Dan had done during his career in the department, one specifically inviting the Department of Justice to come in and reveal any blind spots. This effort brought the department to the best standards and practices, a model department in the nation, all of which took place with the team that had been put into place including Lt. Tony Beam and himself. Chief Stump made them a better department, better officers, and better people. Chief King presented Chief Stump with his retired badge, his service weapon and his hat.

STUMP Chief Stump thanked the board, Chairman Swomley, and previous board members for an awesome career of 23 years. He thanked his peers which are true professionals. He indicated it had been an honor to serve and be part of Springettsbury Township and stated that one of the best things was being the township's representative. He thanked his family for sticking with him and being very supportive. He especially thanked his wife, who had fought for them and him his whole career as his constant supporter. He indicated it had been very difficult for him to walk away from everything which had been his passion and love for the community. He wanted the best, and the officers have delivered by

becoming an extraordinary department of professionals. He added his support for Chief King, as well as Lt. Tony Beam and the staff. They were part of the team that made the department what it is today. He thanked everyone for the support for which he is eternally grateful.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

- A. September 12, 2019 – 6:40 p.m. – Contract Negotiations (YAUFR)
- B. September 12, 2019 – 8:30 p.m. – Litigation (Davies Drive)

SWOMLEY Chairman Swomley announced that two issues were discussed in Executive Sessions on September 12, 2019, a Contract Negotiation and a Litigation issue.

3. COMMUNICATION FROM CITIZENS

ALWINE Dana Alwine, 180 South Royal Street, came forward for an update on the construction site at the corner of Eastern Boulevard and Royal Street. She noticed that Kinsley’s trucks are there, but she hadn’t seen a lot of progress except digging.

FIELDHOUSE Ms. Fieldhouse stated that the project engineer’s inspector has been at the site multiple times over the last several weeks. Currently the Kinsley contractors are working on stormwater management, which is a critical piece needed in order for the remainder of the utilities to be constructed. Progress is being made. The township is sending a maintenance contractor out to take care of the weeds around the intersection.

ALWINE Ms. Alwine responded that it was good news. She and her neighbors wondered whether the construction would go into year three.

FIELDHOUSE Ms. Fieldhouse responded that their timeline is their own. They are under roof and they could get everything done except the seeding which would have to wait until spring.

ALWINE Ms. Alwine asked if it was her impression that they would try to build the second unit or sell the remaining lot.

FIELDHOUSE Ms. Fieldhouse responded that she had not heard one word. They had been focusing on their getting done what is currently open ended.

ALWINE Ms. Alwine thanked her and stated she would return in October.

4. ENGINEERING REPORTS

- A. Environmental Engineer – Buchart Horn, Inc.

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

WURSTER Mr. Wurster asked if the FOG project is on schedule.

CRABILL Mr. Crabill responded that it is on schedule at this time.

SWOMLEY Chairman Swomley questioned the extra work letter that was to be sent out on the 19th.

CRABILL Mr. Crabill responded that the letter did go out. He could provide copies if the board would like to review it, but it was short and sweet. Solicitor Rausch received a copy of it. There has been no response at this time; however, he did get a Return Receipt that they received it. He added he has receipts for the last two letters as well.

SWOMLEY Chairman Swomley commented that they were claiming extra work and wanted compensation and staff was watching for that due to an issue where they were fined.

CRABILL Mr. Crabill stated that there were a myriad of items, which they had gone through very carefully. During their negotiations with them, it would have taken days to go through every one for review. They just figured out the numbers and to speed up the process gave them what the township wanted. There had been no response.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided his monthly report as well. He had several updates.

- Pleasantrees - a fairly old development that had their recreation area complete with parking spaces. Unfortunately, they didn't have record drawings, so that will come forward next board meeting to adopt as a formal township piece of ground to be maintained.
- Fycon - 3750 East Market Street near Kinsley's industrial park on Innovation Drive. A developer from New York intends to knock that entire building down and put a 240,000 square foot warehouse. During a PennDOT meeting they discussed the HOP. An old driveway permit from Bendix was found so that helped. However, to get onto Innovation Way there is an eight-foot piece of right-of-way they will need from Kinsley. That connection is PennDOT's and Mr. Luciani's preference. However, there is concern that Kinsley planned for a few more lots to build out, and they don't want to force a signal out on Market at Innovation.
- Additionally, they had received another submission for a warehouse distribution facility for further out Market Street in an industrial park near American Hydro. There is a move from the Interstate to parts of Springettsbury where they can develop large structures. The traffic impact

typically runs over a 24-hour period as opposed to a school or work force with an 8 a.m. and 5 p.m. peak hours.

SWOMLEY Chairman Swomley questioned whether their preferred route would be through Hellam and onto Route 30.

LUCIANI Mr. Luciani responded that it would be difficult to determine whether they want to get back to 30 and head towards Lancaster or back to the Interstate.

WURSTER Mr. Wurster asked Mr. Luciani if he had discussed the National Fish and Wildlife grants with staff.

LUCIANI Mr. Luciani responded that he had not. He had provided it to the board, but one of the things in that grant is that it can't be used for the MS4 credits – only over and above what is secured in the MS4 work. When the county was discussing an Authority they had thought about getting grants, but this first one has a restriction on it. As the township moves forward with AKRF, the deadline or the minimum credit will be met, and what is over and above that, possibly those credits could be included for that grant money. He added he will be sharing the information with Ms. Fieldhouse.

5. CONSENT AGENDA

- A. Acknowledge Receipt of August 31, 2019 Treasurer's Report
- B. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – May 21, 2019
- C. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – June 18, 2019
- D. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – July 16, 2019
- E. Board of Supervisors Regular Meeting Minutes – September 12, 2019
- F. Regular Payables as Detailed in Payable Listing of September 26, 2019
- G. Goddard School Expansion – Authorization of Bond Reduction in the amount of \$27,155.70 (Remaining Bonded Amount \$1,100)
- H. Harley-Davidson Motor Company Operations, Inc. – Authorization of Bond Reduction in the amount of \$1,314,768.40 (Remaining Bonded Amount \$115,720)

MR. TOMEVI MOVED TO APPROVE ITEMS A THROUGH H OF THE CONSENT AGENDA. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Penn National Casino – Ordinance Waivers to Chapters 289 Subdivision and Land Development Ordinance and 281 Stormwater Management

This item was postponed.

- B. SD-19-04 – Gang Estates, LP Minor Subdivision Waiver, 2050 & 2970

ENGLERTH Tom Englerth of Site Design Concepts presented the plan, a minor subdivision and minor subdivision plan waiver. He was accompanied by the landowner, Joshua Group and his legal counsel, Kurt Blake. The plan is a simple lot addition with one Parcel 134, unimproved 28 acres with access to Deininger Road via a 50-foot private roadway and 100-foot frontage on Deininger Road, to adjoin Parcel 68A, four acres and improved with a single-family dwelling served by public water, on-lot septic and a driveway. The land owner owns both lots and wants to subdivide two acres off the four-acre parcel 68A and add it to parcel 134, which will become 30 acres and Parcel 68A with the house will remain with two acres. They were present for a Minor Subdivision Waiver according to township definitions.

The board discussed the request for a minor subdivision noting a number of issues that would be potential problems if and when a Land Development Plan comes forward.

- Rights-of-way and direct access driveways, frontage, sidewalks, curbing, easement and road issues
- Zoning – R-20, density is detached, single-family dwelling, 20,000 square feet
- Township Engineer’s comment letter focusing on potential Land Development Plan issues.
- Decision was not whether or not it meets the subdivision requirements; it is whether or not to grant waivers to the sub-sections listed.

MR. WURSTER MOVED WITH REGARD TO SD-19-04, GANG ESTATES, LP MINOR SUBDIVISION, TO RECOMMEND APPROVAL OF THE FOLLOWING WAIVERS IN SECTION 289-14 MINOR SUBDIVISION WAIVER AND SECTION 289-1 PRELIMINARY PLAN; SECTION 289-11 PRELIMINARY PLAN SPECIFICATIONS; SECTION 289-13 FINAL PLAN SPECIFICATIONS; SUBSECTION 289-24 FEASIBILITY REPORT ON SEWER AND WATER; ARTICLE IV ENVIRONMENTAL IMPACT STUDY; ARTICLE V IMPROVEMENT SPECIFICATIONS; AND EXCEPT SUBSECTION 289-26 MONUMENTS; ARTICLE VI DESIGN STANDARDS; EXCEPT 289-41 PROPOSED STREET SYSTEMS, SUBSECTION E, ARTICLE VI. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster reported that he had participated in the Pennsylvania State Association Township Supervisors Conference Planning Committee, and it was a good experience. He noted he is looking forward to the upcoming PSATS Convention in May.

DVORYAK Mr. Dvoryak provided an invitation that came from Chief Hoff and YAUFRR to attend the Fire Training that’s going to take place on October 30th, 6:00 to 9:00 p.m. He stated if anyone would like the experience of what it’s like to be in a burning building, the opportunity will be available. Clothing sizes must be provided ahead of time.

9. COMMITTEE REPORT

There were no Committee Reports.

10. SOLICITOR'S REPORT

A. Solicitor's Report

RAUSCH Solicitor Rausch provided an update on the property at 1759 East Wallace Street. Wells Fargo filed a mortgage foreclosure complaint against the property. Solicitor Rausch filed a Preliminary Objection claiming the township has a Sheriff's Deed with three months to challenge it. They did not and should be thrown out. Solicitor Rausch noted that he intended to contact the reporter, with the board's agreement, and update her on the interference by Wells Fargo to transfer the property to a nonprofit.

WURSTER Mr. Wurster commented that he did not understand how they could do this following a Sheriff's Sale.

RAUSCH Solicitor Rausch added that the township has a lien on the property that beats their mortgage foreclosure. He added that he tried to tell them there is no property on the lot.

TOMEVI Mr. Tomevi questioned whether they probated sanctions on the property.

RAUSCH Solicitor Rausch stated that, once the property is disposed of, there is potential for filing a petition for counsel fees. However, everything is held up until this can be resolved.

Consensus of the board was agreement that Solicitor Rausch reach out to the reporter.

11. MANAGER'S REPORT

A. Manager's Report

MARCHANT Mr. Marchant reported that he had no updates to his report. He commented on Chief Hoff's invitation to the Fire Apparatus Dedication on October 6th at 2:00 p.m. at the Commons Drive station, 89.1. Secondly, he referred to the monthly Police Department report. He asked Chief King to share some good news.

KING Chief King announced that at the beginning of September, four of the department's officers, an entire Platoon, had been awarded the DUI Top Gun Award from the Pennsylvania DUI Association. There will be a ceremony on October 24th in Pittsburgh that they will attend with them. It is a very prestigious award. There are two additional officers in the department who had been awarded this as well. They are very proud of this Platoon and look forward to attending the event.

RAUSCH Solicitor Rausch questioned what the officers had to do to receive the award.

KING Chief King responded that as the Chief Resident Commanding Officer of a Law Enforcement Agency, the department can submit certain officers who have shown dedication to DUI enforcement. These officers were submitted to Chief King by their Sergeant, Rick Thomson. It was then forwarded to the Pennsylvania DUI Association, which uses certain criteria and statistical data in order to decide who gets the award.

WURSTER Mr. Wurster asked whether a press release will be submitted.

KING Chief King agreed.

MARCHANT Mr. Marchant brought the board's attention to the Community Development Report and the item of the AKRF Contract, which will be on the Agenda for October 10th for review and possible approval. In addition the other components of the Budget. Fee Schedule and Appeal Process pertaining to the Water Quality Management Program will be on the Agenda for the 24th. He noted that for either of those subjects, the Agreement is a fairly lengthy document. He, Ms. Fieldhouse and Solicitor Rausch have reviewed it extensively and negotiated back and forth with AKRF. However, if the board would like to have a Work Session prior to the meeting in order to review and discuss first, he asked for their preference.

FIELDHOUSE Ms. Fieldhouse questioned that if a Work Session is planned, whether the board would want staff to cover any of the information related to the Fee that is going to be assessed, the Policy and Procedures Manual and the Implementation Schedule in advance of the meeting on the 24th.

Consensus of the board was to schedule a Work Session at 6:00 p.m. on October 10, 2019.

WURSTER Mr. Wurster questioned an item in the Parks and Recreation area with regard to the Cooper Development. There is a fee coming in with a recommendation for a split. He requested an update regarding the status of the Augustus Schaeffer Renovation as far as the grant results.

MARCHANT Mr. Marchant responded that he and Mr. Lacey had discussed it and expect to hear back about the grant by November 15th.

WURSTER Mr. Wurster noted that before any commitment or allocation of the funds be made, he would like to hold off depending on the outcome of that grant.

MARCHANT Mr. Marchant responded that they can certainly bring that before the board at that time.

12. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2019-03 – Amending the Code of Ordinances Chapter 312 “Vehicles and Traffic”

MR. TOMEVI MOVED TO ADOPT ORDINANCE NO. 2019-03. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

There was no Old Business for discussion.

14. NEW BUSINESS

There was no New Business for discussion.

15. ADJOURNMENT

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

Respectfully submitted,

Doreen K. Bowders
Secretary

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