

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**DECEMBER 10, 2015
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, December 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
Julie Landis
Kathleen Phan

ALSO IN

ATTENDANCE: Kristen Denne, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Mark Hodgkinson, Director of Wastewater Treatment Plant
Barbara Lindeman, Director of Finance
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Lt. Todd King, Police Department
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. Oath of Office

- 1) Patrolman Craig Helm
- 2) Patrolman Frank Jones, III

SWOMLEY Chairman Swomley led both Patrolman Helm and Patrolman Jones in the Oath of Office.

KING Lt. King presented each Patrolman with their official badges and provided information concerning their background and education. He explained that each officer had been pre-service selections before graduation from HAAC and had been hired out of 80 applicants. He congratulated and welcomed them to the Police Department.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley announced that there had been no Executive Sessions since the last regular board meeting. An Executive Session was scheduled for this date immediately following adjournment to discuss potential litigation involving the Pleasant Valley Development and litigation concerning Darrah Motorsports and Graham Street.

3. COMMUNICATION FROM CITIZENS

ROSEVEAR Bill Rosevear, 645 Marlow Drive, together with his neighbor, Fred Smith, 3390 Harrowgate Drive, spoke to the board concerning storm drainage problems between Marlow Drive and Harrowgate. The outcome of a very lengthy discussion was that Mr. Luciani and the Public Works Department will investigate the drainage pipes, the rights-of-way, responsibilities, costs, all surrounding issues and discuss options in a work session.

HELLER Jane Heller, 1819 Idlewild Road stated that there were a number of residents who had anticipated that the board would vote on the rezoning and/or denial of the Spring Lane plan. She noted that it had been difficult to determine whether a vote would take place and thought the public should have been notified of the status in that it was not on the Agenda for this date.

PHAN Ms. Phan noted that a Public Hearing had been held earlier so that the public could voice opinions.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart-Horn, Inc.

CRABILL Mr. Crabill stated he had provided his monthly report and had no changes. He offered to respond to questions; however, there were none.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani stated he had provided a monthly report as well. He reported that an extra cost related to the Graham Street Culvert in the amount of \$4,296 is on the Agenda for approval. This was the result of discovery of a ghost pipe that was not on any mapping and involved raising the footers one foot to avoid a conflict.

5. CONSENT AGENDA

A. Acknowledge Receipt of November 30, 2015 Treasurer’s Report

B. Board of Supervisors Budget Work Session Minutes – October 26, 2015

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- C. Board of Supervisors Budget Work Session Minutes – October 28, 2015
- D. Board of Supervisors Budget Presentation Minutes – November 18, 2015
- E. Board of Supervisors Regular Meeting Minutes – November 18, 2015
- F. Regular Payables as Detailed in Payable Listing of December 10, 2015
- G. CriLon Corp. – Graham Street Culvert Replacement Project – Change Order No. 1 in an amount not to exceed \$4,296.24
- H. CriLon Corp. – Graham Street Culvert Replacement Project –Application for Payment No. 1 in an amount not to exceed \$52,219.22

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH H. MS. PHAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Execute Sewer Utility Easement Agreement – East Market/Rockburn (Hart)

MR. SCHENCK MOVED TO AUTHORIZE THE EXECUTION OF THE SEWER UTILITY EASEMENT FOR THE HART PROPERTY. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

SCHENCK Mr. Schenck stated that he was privileged to MC the Christmas Tree Lighting Ceremony. He noted that there were groups from York Suburban Middle School and Central York Middle School that did an unbelievable job, and the Marine Corp League was present collecting Toys-for-Tots. It was a very successful evening and one he hoped would be continued in the future.

DVORYAK Mr. Dvoryak acknowledged the fact that this date was Ms. Landis' last meeting with the Board of Supervisors. He noted that he personally had found Ms. Landis to work diligently and professionally with passion about issues important to her and the township. He thanked her for her years of service and wished her well in the future.

LANDIS Ms. Landis thanked Mr. Dvoryak and the constituents of Springettsbury Township. She stated it had been an honor to serve, and she will continue to be a resource. She indicated there are new ventures in her future, but she hoped to continue to be involved in the township. She thanked her husband, Dave Trott,

who had attended many meetings with her. She stated that she loved the township and hoped it would continue in the right direction.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated he had nothing to add to his written report.

10. MANAGER'S REPORT

DENNE Ms. Denne reminded the board of a pension resolution for approval if the board chose to do so this date. In addition, she noted that the public may now pull into the parking lot where the signage indicates Safe Internet Parking Spaces. Those spaces are under camera view so that people are able to do a transaction in a safe manner. Ms. Denne requested a Work Session with the board on January 28th at 6 p.m. to review the new playground design and to discuss progress made with the DCNR conversion of 3.7 acres, which was included in the mapping under the Federal Waterways Grant.

A. Pension Board Resolution

MR. SCHENCK MOVED FOR ADOPTION OF THE RESOLUTION DESIGNATING THE ACTUARIAL ASSUMPTIONS USED IN THE POLICE PENSION FUND. MOTION UNANIMOUSLY CARRIED.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2015-13 – Amending Chapter 325 “Zoning” of the Code of Ordinances to Amend Article XVIII, “F-P, Floodplain Overlay”

MR. DVORYAK MOVED FOR THE ADOPTION OF ORDINANCE 2015-13. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2015-54 – 2016 Budget Adoption

MR. SCHENCK MOVED FOR THE ADOPTION OF RESOLUTION 2015-54, ADOPTION OF THE 2016 BUDGET.

LANDIS Ms. Landis apologized for her non-attendance during the budget season as she had been ill with bronchitis. She asked Ms. Denne to provide a quick overview regarding Capital expenditures and why she felt the tax levy was necessary.

DENNE Ms. Denne responded that during the presentation she had gone through an entire PowerPoint outlining the budget. She noted that it was not her decision; it was the board as a whole. The Capital expenditures related to police vehicles, computer needs, software updates, necessary building updates. The largest item

related to using additional portions of the fund balance to close the budget. The suggested millage (.1 mil) of tax takes some burden off the fund balance.

An additional lengthy discussion included a summary of the following:

- Administration/police/community building - \$50,000 for engineering studies.
- Playground - \$500,000 – Rec Board Input; Evaluation by original contractor.

MOTION CARRIED. MESSRS. SWOMLEY, SCHENCK, DVORYAK AND MS. PHAN VOTED IN FAVOR. MS. LANDIS VOTED OPPOSED.

C. Resolution No. 2015-55 – 2016 Tax Levy

MR. SCHENCK MOVED FOR THE ADOPTION OF RESOLUTION 2015-55 SETTING THE 2016 TAX LEVY. MOTION CARRIED. MR. SWOMLEY, SCHENCK, DVORYAK AND MS. PHAN VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

D. Resolution No. 2015-56 – Approval of 2016 YAUFRR Budget

MR. SCHENCK MOVED FOR THE ADOPTION OF RESOLUTION 2015-56 APPROVING THE 2016 YORK AREA UNITED FIRE AND RESCUE BUDGET. MOTION CARRIED. MESSRS. SWOMLEY, SCHENCK, DVORYAK AND MS. PHAN VOTED IN FAVOR. MS. LANDIS VOTED OPPOSED.

12. OLD BUSINESS

LANDIS Ms. Landis brought forward the issue regarding the Spring Lane Rezoning. There was a great deal of discussion relating to why it was or was not listed on the Agenda.

RAUSCH Solicitor Rausch stated that the last action taken in October was to table discussion of the rezoning until the November meeting, and no action was taken at that time. The motion to table discussion remains and must be removed before it can be discussed.

MS. LANDIS MOVED TO UNTABLE THE VOTE WITH REGARD TO THE SPRING LANE REZONING REQUEST. MOTION CARRIED. MR. DVORYAK, MS. PHAN AND MS. LANDIS VOTED IN FAVOR. MR. SCHENCK AND MR. SWOMLEY VOTED OPPOSED.

MS. LANDIS MOVED TO DENY THE REQUEST FOR THE SPRING LANE REZONING.

DVORYAK Mr. Dvoryak stated he was interested in Mr. Schenck's questions and comments.

SCHENCK Mr. Schenck made several comments/thoughts:

- The corner of Mt. Zion/Market Streets has continued to be a traffic concern. Additional traffic issues through access to Industrial Highway and alignment with Bloomingdale may not be viable.
- Review the area overall to determine if it should be extended. Property owners had requested rezoning of unique parcels which may not be right for the township. Additional parcels further down Market Street should be rezoned consistently especially for historic preservation.
- Absent rezoning all the individual parcels can be redeveloped into more intense uses with more traffic.
- Not necessary to rush re-zoning requests.

PHAN Ms. Phan voiced several of her concerns:

- Traffic studies – In the hearing the developers had not yet addressed any traffic issues.
- Historic Preservation Issues – What criteria is used to determine historic property.
- Lack of rezoning enables other development within current zoning. There is more regulation with an Overlay. Need to get ordinances updated.
- Zoning issues to be addressed more proactively.
- Many pros and cons – Revenue, taxes, jobs, traffic

LANDIS Ms. Landis noted her comments:

- Timing to provide township and the board to determine historic property matters.
- Overlays provide restrictions and criteria with regard to zoning and building.
- Traffic continues to be congested and will increase with an additional mall, restaurants, etc.
- Safety for residents.
- Not just a Springettsbury issue; a York County Planning Commission issue.

SWOMLEY Chairman Swomley commented that voting no on the re-zoning does nothing to prevent the demolition of buildings on the properties, including some that are deemed historic. The township cannot withhold a reasonable request for development.

LANDIS Ms. Landis noted that there would be a 90 day waiting period.

SWOMLEY Chairman Swomley stated that if someone's property is taken and told they cannot use it for a specific purpose without compensation, it would border on eminent domain.

DVORYAK Mr. Dvoryak had taken time to review the history of the re-zoning request. He noted that he respected all the comments made; however, the board is faced with making a decision to the specific zoning request. He indicated that it had been weighed extensively at the public hearing, and the developer had presented its case. As Mr. Dvoryak had reviewed this case, he indicated he was ready to make a decision. However, he added that, if the yes vote passed, he was convinced that the township would be in court on a spot-zoning issue. One additional point that Mr. Dvoryak made was if the township had to re-advertise, there would be costs involved, and he did not see the need to spend additional funds.

SWOMLEY Chairman Swomley questioned Solicitor Rausch if this request is denied, how it would affect future requests for re-zoning for that parcel.

RAUSCH Solicitor Rausch responded that re-zoning is a matter before the board. The applicant could come back in and request re-zoning. The board, on its own initiative, could review the re-zoning and determine what would be in the best interests of the township.

SCHENCK Mr. Schenck stated that he wanted to make sure everyone on the board was clear that a yes vote is a denial.

SWOMLEY Chairman Swomley re-stated for clarification that a yes vote is a denial.

MOTION CARRIED. MESSRS. DVORYAK, SCHENCK, MS. LANDIS AND MS. PHAN VOTED IN FAVOR. MR. SWOMLEY VOTED OPPOSED.

13. NEW BUSINESS

There was no New Business for discussion.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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