

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JANUARY 10, 2019
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, January 10, 2019 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
Charles Wurster
Justin Tomevi
Robert Cox

MEMBERS NOT

IN ATTENDANCE: George Dvoryak, Vice Chairman

ALSO IN

ATTENDANCE: Ben Marchant, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Teresa Hummel, Finance Director
Mark Hodgkinson, Director of Public Works/WWT
Jessica Fieldhouse, Director of Community Development
Nitza Sanchez-Bowser, Director of Human Resources
Dan Stump, Police Chief
Dan Hoff, Chief, YAUFRR
Andy Hinkle, Manager of 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.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

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

3. COMMUNICATION FROM CITIZENS

SHAFFER Robert C. Shaffer, 1783 Tulsa Road, came before the board to discuss a violation letter he had received concerning water management on his property. He stated that during 2018 it was reported as the second highest amount of rainfall received

with excessive runoff from his neighborhood. He and his neighbors had been provided options for consideration for handling the runoff; however, the options were cost prohibitive. He requested exemption from the violation and cited his personal issues:

- Notice of Violation – Stormwater piped into public right-of-way Citing Chapter 281 of Stormwater Management; pipe must be relocated 10 feet from right-of-way.
- Cutting pipe back will not be a solution due to the super-saturated ground and may exacerbate the problem.
- His sump pump pipe had been in place since 1998 during his ownership and never was a problem; excessive rainfall and groundwater springs are the issue. Ground is saturated.
- Pre-existing conditions not grandfathered; must conform to current laws.

COX Mr. Cox reported that he had driven Mr. Shaffer’s entire neighborhood, and it is correct that the water only flows about two feet onto the roadway and borders all of the front yards of the houses along Tulsa and then flows down to San Gabriel. He commented that he did not think it would cause any major problems; however, he did not know how to resolve it.

SWOMLEY Chairman Swomley questioned whether granting relief would cause a precedence.

RAUSCH Solicitor Rausch responded that they could be handled on an individual basis based on the individual circumstances.

WURSTER Mr. Wurster suggested that Mr. Shaffer be given a temporary variance and a term of some period to give the homeowner time for further investigation and some evaporation of the overall flooding condition.

MARCHANT Mr. Marchant stated that, from a DEP or EPA standpoint, they review violations and how the township handles them, and the concern is about where the pipe outlets. There is nothing that puts the township in violation with having water run across the ground and move to the street. It is about where the water is allowed deliberately, and if it starts 10 feet back on the property, it is less of a violation with DEP and EPA for the overall Stormwater Management Plan. Mr. Marchant favored working with Mr. Shaffer to allow some time for review.

RAUSCH Solicitor Rausch commented that the water is clean until it hits the road and picks up the pollutants and sediment that then flows into the streams. That is the issue with which the township is confronted.

SWOMLEY Chairman Swomley commented that digging up his yard won’t fix anything.

RAUSCH Solicitor Rausch recommended that the board place the violation in abeyance in order to review what might take place in the next six months, that the saturation goes down and the issue disappears.

TOMEVI Mr. Tomevi stated he would be in favor of doing something like that.

SWOMLEY Chairman Swomley noted that this is a dilemma that the board has as a township in that there are DEP and EPA rules and unfunded mandates placed that must be followed. The township has very little say in what it can and cannot do with stormwater management. Providing an abeyance for now will provide some time to see what can be done to come into compliance. It may not change anything, but it puts both the township and Mr. Shaffer in a position that the EPA won't be revisiting the issue and causing further problems.

MR. TOMEVI MOVED TO HOLD THE VIOLATION AT ISSUE HERE IN ABEYANCE FOR SIX MONTHS FROM TODAY'S DATE. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had submitted a monthly report and had no changes. He offered to respond to questions.

WURSTER Mr. Wurster questioned whether the FOG project is still on target.

CRABILL Mr. Crabill responded that it is moving forward slowly.

SWOMLEY Chairman Swomley questioned the punch list/walk through scheduled for the East York Interceptor.

CRABILL Mr. Crabill responded that it was held last week, and the number of items dropped from 98 down to 5 or 6.

SWOMLEY Chairman Swomley indicated that there had been some progress.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had submitted a monthly report and had nothing to add. He offered to respond to questions.

WURSTER Mr. Wurster noted that First Capital Engineering will be at PSATS.

LUCIANI Mr. Luciani stated that Mr. Wurster was welcome to attend the Flood Plain Management Discussion on Tuesday at 1:30 p.m.

5. CONSENT AGENDA

A. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – October 15, 2018

B. Board of Supervisors Work Session Minutes – November 8, 2018

- C. Board of Supervisors Work Session Minutes – November 14, 2018
- D. Board of Supervisors Public Hearing Minutes – December 13, 2018
- E. Board of Supervisors Regular Meeting Minutes – December 13, 2018
- F. Regular Payables as Detailed in Payable Listing of January 10, 2019

MR. WURSTER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED WITH ITEMS A THROUGH F. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Execute Scope of Services from First Capital Engineering, Inc. to Provide Property Corner Reestablishment Land Surveying Services in Springettsbury Township Park in an amount not to exceed \$15,000

MR. WURSTER MOVED TO ENGAGE FIRST CAPITAL ENGINEERING FOR LAND SURVEYING SERVICES FOR SPRINGETTSBURY TOWNSHIP PARK, SPRINGETTSBURY TOWNSHIP BASED ON THE REVISED QUOTE FOR SERVICES DATED JANUARY 8, 2019 IN THE AMOUNT OF \$500. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

There were no Supervisor comments.

9. COMMITTEE REPORTS

There were no Committee Reports.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch had submitted a monthly report and had nothing to add.

11. MANAGER'S REPORT

MARCHANT Mr. Marchant reported that he and Mr. Cox had a very informative and productive tour of the Hollywood Casino facility in Grantville. He noted that they are very committed to moving forward through the process. Some of their comments follow:

- They are in process with the Gaming Control Board for the license.
- Development phase will move forward once they obtain the license.
- Planning for a Building Permit issued in June with a year of construction; a \$30 million investment in the facility.
- Numerous jobs to be provided, mostly for second jobs; part-time.

- They are committed to responsible gaming.

MARCHANT Mr. Marchant reported that he and Mr. Luciani had been discussing how to resolve outstanding bond issues with Candlewood Suites and Pleasantries.

SWOMLEY Chairman Swomley indicated that there is a process in place that is to be followed for a bond reduction request. He did not believe that the process was being followed and noted that there needed to be better internal communication happening. He understood that if there is a formal request to be followed, then Candlewood Suites needed to follow the process.

MARCHANT Mr. Marchant indicated that the practice has been to avoid the formal process, because the formal process triggers the MPC, and the deemed approval outcome results if it's not handled promptly. The township had been negotiating an in-between, informal process, which is where they have encountered some difficulty.

SWOMLEY Chairman Swomley indicated that if the informal process is to be followed then the communication has to be much better.

WURSTER Mr. Wurster asked for a better understanding of the process and whether it is all MPC driven or township-driven.

FIELDHOUSE Ms. Fieldhouse stated that if the developer wants to request a bond reduction, they need to send a Certified letter, a hard copy of that request along with supporting documentation. When the township receives it, that starts a time clock with a 10-day response requirement and 30-day response time requirements. The township is required to act within a certain amount of time. She stated that Community Development would be happy to go the MPC route exactly the way the Commonwealth dictates.

WURSTER Mr. Wurster questioned whether the developers know to follow the formal process.

FIELDHOUSE Ms. Fieldhouse responded that some do and some don't. Sometimes there are issues, but if not, everything goes well. They will be happy to go MPC all the way.

WURSTER Mr. Wurster asked if the MPC is followed, what level of service standards and turnaround time can be expected.

FIELDHOUSE Ms. Fieldhouse responded that the township will hit the metrics identified within the MPC and if not, the entire bond gets returned to the developer. There is only one way to reduce a bond, and that is through written communication with the Township Engineer to the board. The board takes the written communication and reduces the bond. What has been done in a working relationship with the developer is, with a written letter via email and supporting documents, it can

happen more quickly. It doesn't matter to staff, as they are happy to formalize the process with deadlines.

SWOMLEY Chairman Swomley stated that at the very least, the township needs to formalize the internal process.

TOMEVI Mr. Tomevi suggested that the issue be added to the Work Session on development coming up in February. The proposal might be a decision to follow the MPC to the letter.

FIELDHOUSE Ms. Fieldhouse stated that she will recommend exactly that as the Director.

WURSTER Mr. Wurster asked when the MPC was last amended.

FIELDHOUSE Ms. Fieldhouse responded that it was amended in 2015.

WURSTER Mr. Wurster asked whether they consider the use of email in lieu of using Certified Mail.

FIELDHOUSE Ms. Fieldhouse responded that they have not.

MARCHANT Mr. Marchant questioned whether a partial request for a bond reduction, if it does not meet the deadline, would result in a total bond reduction.

RAUSCH Solicitor Rausch respond no, that it would only be with what they requested. The only reason for the response time is in case there are inspections to be done or if more time is needed for some other reason. It's best to follow the MPC guidelines.

WURSTER Mr. Wurster questioned whether Community Development could provide a list of all the outstanding bonds, perhaps on a quarterly basis, to know when they trigger.

FIELDHOUSE Ms. Fieldhouse responded that they would certainly do that, and they had started the process and are about halfway through the book.

LUCIANI Mr. Luciani noted that the price of materials goes up over time. An approved plan could have \$1 million worth of improvements and the price goes up 20 percent; and the bond is \$1.2 million, so the amounts have to be raised annually.

COX Mr. Cox asked about the mechanism for increasing a bond.

RAUSCH Solicitor Rausch responded that the MPC allows a ten percent annual increase of the remaining improvements.

SWOMLEY Chairman Swomley questioned whether that has to be triggered by a specific mechanism or whether it is automatically increased every year.

RAUSCH Solicitor Rausch stated that the township notifies the developer that they need to increase their bond by 10 percent.

WURSTER Mr. Wurster commented that would then require the township to assess what new construction cost would be for any remaining improvements to be done.

SWOMLEY Chairman Swomley asked whether it would be just 10 percent more than the existing bond.

RAUSCH Solicitor Rausch responded it would be 10 percent of the remaining bond or the value of the remaining improvements, whichever is greater.

Consensus of the board was to add the subject to the February Work Session.

SWOMLEY Chairman Swomley asked for comments on the recycling letter.

MARCHANT Mr. Marchant stated he had been impressed that a 10-year old could write such a thoughtful and insightful letter. It was thoughtful and passionate, and the letter was considered and deserved a response. The Recycling Committee will be reviewing it in a couple of months when they meet. There were interesting issues he raised. The Recycling Industry itself is changing quickly and the economics are getting away from what the state law is on recycling and what we have on the books. The township follows the Code, but he has raised new issues that are not addressed in the Code.

12. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2019-01 – Amending Chapter 325 “Zoning” to Permit Research and Testing Laboratories as Accessory Uses in the Township

MR. WURSTER MOVED WITH REGARD TO ORDINANCE NO. 2019-01, TO APPROVE THIS ORDINANCE, AN ORDINANCE OF SPRINGETTSBURY TOWNSHIP CODE OF ORDINANCES CHAPTER 325 ZONING TO PERMIT RESEARCH AND TESTING LABORATORIES AS ACCESSORY USES IN THE TOWNSHIP AS PRESENTED. MR. COX WAS SECOND. MOTION CARRIED 3/0. MESSRS. WURSTER, COX AND SWOMLEY VOTED IN FAVOR. MR. TOMEVI ABSTAINED BASED ON WORK HE AND HIS FIRM HAVE DONE FOR THE APPLICANT.

13. OLD BUSINESS

A. Old Business

SWOMLEY Chairman Swomley requested an update on The Mercantile or Business Privilege Tax Listings for York/Adams Tax Bureau. He had read Ms. Hummel’s memo but had not seen a list of businesses.

HUMMEL Ms. Hummel responded that there is no formal list that had been requested from York/Adams Tax Bureau. What was provided was the number of businesses that

are registered with the Bureau and how many are filing taxes along with the record.

SWOMLEY Chairman Swomley commented that it noted that when notices are sent out, they receive approximately 50% compliance.

HUMMEL Ms. Hummel stated that YATB goes through the process and provides an idea of what the first response is and then what the next steps are to collect the tax liability.

SWOMLEY Chairman Swomley noted that it looks like they are doing better than was thought.

HUMMEL Absolutely, yeah.

SWOMLEY Chairman Swomley asked whether YATB still has a request to provide the township a list of businesses or is that not being pursued at this point.

HUMMEL Ms. Hummel responded that she could certainly request that and work with them to achieve it.

SWOMLEY Chairman Swomley asked whether there would be any value in obtaining the list. He didn't want to create extra work. He questioned whether she could find out what the percentage of uncollected taxes might be. If it's a small enough percentage or small enough dollar value, there is no point in pursuit. He would just like to know the magnitude of it.

HUMMEL Ms. Hummel indicated that in the next couple of weeks they will have the final 2018 Year End Report.

SWOMLEY Chairman Swomley asked for an update on the Wallace Street property.

RAUSCH Solicitor Rausch responded that they had the Sheriff's Sale and they are waiting on the Sheriff's Deed to come in and then the board can decide what to do with it. He noted it could be donated to charity.

WURSTER Mr. Wurster was aware of a Lutheran Congregation that may be interested in a Habitat for Humanity project.

WURSTER Mr. Wurster reported that he had a wonderful opportunity to speak to Girl Scout Troop 20020 January 4th. He gave them an assignment to create some Community Awareness Posters on MS4, which will be submitted to Ms. Fieldhouse. He would like to bring them in to show them off when they are submitted.

SWOMLEY Chairman Swomley noted that over the New Year's Holiday, his family had celebrated with his niece/Goddaughter, who was telling him about her civil engineering schooling. They had a MS4 conversation for about two hours.

14. NEW BUSINESS

A. Authorization to add One Wastewater Treatment Operator Position in January

MR. TOMEVI MOVED TO APPROVE THE HIRING OF THE ONE OPERATOR POSITION AS OUTLINED IN THE MEMORANDUM DATED JANUARY 2, 2019. MR. WURSTER WAS SECOND.

MOTION UNANIMOUSLY CARRIED.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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