

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 8, 2021
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, April 8, 2021 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA by Zoom technology.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Charles Wurster, Assistant Secretary/Treasurer
Don Bishop
Robert Cox

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Diana Young, Environmental Engineer
Dori Bowders, Director of Administrative Operations
Todd King, Police Chief
Dennis Crabill, Director of Public Works/WWT
Nitza Sanchez-Bowser, Director of Human Resources
Ray Markey, Acting Director of Community Development
Abby Gibb, Communications Manager
Sue Sipe, 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 there had been no Executive Sessions since the last meeting.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Diana Young stated that she had provided a monthly report and there were no updates.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI John Luciani indicated he submitted his monthly report. He noted the only modification is they have in the queue the following three projects for conditional uses:

- 150 Memory Lane- the applicant is proposing a vape shop within the Town Center Overlay, which is a change of use.
- Village Green Shopping Center – the applicant is proposing a marijuana distribution facility, also a change of use.
- Market Street – the most recent use was a Chinese Restaurant and the applicant is proposing a Popeye’s restaurant with a drive-through window, which within the Town Center Overlay is not a permitted use but could be permitted with conditions.

COX Mr. Cox had two concerns – one with the marijuana dispensing facility proposed at the Village Green Shopping Center, which will make three units within a mile of each other between the Embers, the Village Green and the one at the intersection of Eastern Boulevard and Haines Road. He noted there is an additional one in what formerly was the Outback Restaurant area. He wondered what the limit is for how they could compete successfully.

Mr. Cox indicated his other concern was listed in the consent agenda which is the release of the bond for the property at the intersection of Eastern Boulevard and Royal Street. He noted he is not in favor of the release since they have not installed curbs or sidewalks for the second unit, and rather than rely on a building permit as leverage to get them to do it, he would rather hold onto the bond and use that as leverage to get it done when they build the second unit. They want to delay it now because the price of lumber has risen.

DVORYAK Mr. Dvoryak stated he had a question about the Eastern Boulevard development that is in Mr. Luciani’s report. He asked if this is the same site where they had problems with the neighbors complaining about the site for several months.

LUCIANI Mr. Luciani indicated the complaints have been occurring for several years.

DVORYAK Mr. Dvoryak asked what the wisdom is with releasing the bond.

LUCIANI Mr. Luciani stated the manager received numerous requests from the new owner. The first request was to look at the property and see if everything was done. He noted only about 30-40% of the required improvements were in. The first unit is a duplex which took several different developers and approximately seven years to get to the current stage. The second duplex requires the turning of the corner at Royal Street in order to have a handicapped ramp and a length of sidewalk and curbing on Royal

Street and Eastern Boulevard The current owner is saying he does not want to proceed with the project until the price of lumber comes down as noted by Mr. Cox. Mr. Luciani indicated in discussion with Mr. Markey and Attorney Rausch they determined those improvements could be covered under the building permit.

SWOMLEY Chairman Swomley asked why would they give the bond money back.

RAUSCH Solicitor Rausch stated the issue is those two parcels were already separated so there was no land development plan in which to do the bonding on both parcels. The bonding being held was for the improvements for the first parcels where the two condos have been built. He noted all of that work has been done. The bonding was not for the second parcel. They would be holding money for work that has already been completed.

SWOMLEY Chairman Swomley asked why they do not have money for the work that has not been completed.

RAUSCH Solicitor Rausch stated the developer has not yet submitted a building permit for that unit. He further noted they agreed to do the bonding which was mostly related to stormwater and putting in the sidewalk in the front of that parcel. For stormwater purposes the bonding can be secured. But it was not done under the subdivision and land development ordinance so that is what complicates this issue. He reiterated the money that is being held is for work that has already been done.

SWOMLEY Chairman Swomley noted he felt this goes back to disagreement on the Board as to how things are bonded that are so-called offsite improvements.

WURSTER Mr. Wurster commented he did not think this has anything to do with it. He believed it sounded like there was no development plan in this particular circumstance.

SWOMLEY Chairman Swomley stated that was to help get around bonding.

WURSTER Mr. Wurster stated he did not feel that was the case. He further noted he did not think there was a subdivision plan for the lot in question.

RAUSCH Solicitor Rausch affirmed there was not.

WURSTER Mr. Wurster stated that is where they would make the decision as to whether to bond or not bond which is usually done at the Board level whenever they have a subdivision and land development ordinance question before the Board.

COX Mr. Cox asked if the corner parcel, the entire acreage, is already subdivided into two separate developments and one is bonded and the other is not because the one has not been submitted.

RAUSCH Solicitor Rausch indicated those parcels were pre-existing so possibly in the past they were divided, but they are two individual parcels.

COX Mr. Cox stated by law they are obligated to refund the bond on the first parcel. He believed they should have both been tied together.

LUCIANI Mr. Luciani stated because they were proposing four dwelling units and the municipality's planning code describes a land development as two or more dwelling units built on a lot, they were obligated to do a land development plan for their original four units. When they came to the Board they indicated they would do everything a land development would provide, i.e., sidewalks, widening, stormwater, plantings, but in lieu they did not want to go through the process. At that time the Board waived the land development component of it, but they agreed to secure the required improvements.

SWOMLEY Chairman Swomley stated that was his recollection as well.

WURSTER Mr. Wurster asked when this occurred.

LUCIANI Mr. Luciani looked at the plan and determined it was in 2014.

WURSTER Mr. Wurster stated that was long before this Board started having the debate as to waiving anything of a bonding nature at this level.

COX Mr. Cox commented if there are minutes which reflect they were promised all of these things and they have not been completed, then he believed they would have the ability to hold on to the bond.

RAUSCH Solicitor Rausch stated if they were going to do anything they would at least have to reduce the bond for the work that has been done. If they wanted to hold the bond for the cost of the remaining sidewalk, Mr. Luciani could calculate what that amount might be. However, he did not believe they could hold the entire bond if they have done the work under the bond.

WURSTER Mr. Wurster asked Solicitor Rausch if what he is saying related to whether they agreed to do the improvements on just one of the two lots.

LUCIANI Mr. Luciani responded no, he sent out the Site Design concept plan which shows the four dwelling units. It was his understanding the bonding was for stormwater, landscaping, sidewalks and curbs on all four units. As explained, only the two units away from the corner have been built - the other two units have not. What is remaining to be done on those two corners is sidewalk along Eastern Boulevard and along Royal Street and then there is a parking area that goes in the front with

stormwater under it and also stormwater to be installed in the back. He believed the water and sewer line for the third and fourth units had been installed.

WURSTER Mr. Wurster asked if the plan required them to put in the sidewalk whenever they develop the remaining lot, in which case they would have to post the bond if they issued the permit as Attorney Rausch indicated.

LUCIANI Mr. Luciani confirmed that was correct.

RAUSCH Solicitor Rausch noted that was the stormwater plan Mr. Luciani referenced.

LUCIANI Mr. Luciani stated the developer submitted a site plan. He noted there is stormwater showing on the site plan, but there is also curbing along Eastern Boulevard and Royal Street. That was added as part of this submittal.

COX Mr. Cox asked Mr. Luciani if he could calculate the unfinished work and refund a portion, if not half of the bond they are requesting, based on whatever is left to be done, the curbs, sidewalks, etc.

LUCIANI Mr. Luciani indicated yes noting the estimates were done in 2014 and with material prices and labor going up since then, he determined it should be calculated based on the anticipated year the other lot would be complete. He indicated they could determine what those required improvements would be on the other lot and from the improvements on the first two residential units which have been put in with the value reflected as X. The future improvements for Lots 3 and 4 would be reflected as Y and whatever the difference is between what they have and what they would be required to put in would be the refunded amount.

WURSTER Mr. Wurster asked Solicitor Rausch if that would be legally acceptable.

RAUSCH Solicitor Rausch stated he believed it would be, but noted it would depend on if the developer is agreeable. He indicated he was under the impression that a bond that is held was for work that would be done on the first lot of which all of that work has been completed.

BISHOP Mr. Bishop commented would it be prudent for the Board to make sure the Solicitor and the Engineer are working with the same set of facts before getting their advice on what to do next.

All were agreed to table this discussion until the next meeting to allow Solicitor Rausch and Mr. Luciani to determine the costs for the sidewalks and curbing and determine the bond number to make a recommendation to the Board.

5. CONSENT AGENDA

- A. Acknowledge Receipt of January 19, 2021 York Area United Fire and Rescue Regional EMA Cooperative Meeting Minutes
- B. Acknowledge Receipt of January 19, 2021 York Area United Fire and Rescue Commission Meeting Minutes
- C. Acknowledge Receipt of February 16, 2021 York Area United Fire and Rescue Commission Meeting Minutes
- D. Regular Payables as Detailed in Payable Listing of April 8, 2021
- E. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2020 - 212 Ventures LLC, 4000 East Market Street (Parcel #46-KJ-102) in the amount of \$21.81
- F. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2020 - 125 Stonewood LLC, 125 Stonewood Road (Parcel #46-KJ-105) in the amount of \$43.53
- G. York Excavating Co., Inc. - Augustus Schaefer Park Project - Application for Payment No. 4 in an amount not to exceed \$11,506.01
- H. Eastern Boulevard Development, LLC, 2222-2224 and 2226-2228 Eastern Boulevard - Reduction of Financial Security in the amount of \$110,058.87 (**TABLED FOR THE NEXT MEETING.**)

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH G. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Enter into Escrow Agreement with LMS Commercial Real Estate for Expansion of Building at 1248 Greenspring Drive in the amount of \$18,986.42

Solicitor Rausch indicated he reviewed this agreement and he was in favor noting it is similar to what was done at Coventry Court.

MR. WURSTER MOVED TO ENTER INTO THE ESCROW AGREEMENT WITH LMS COMMERCIAL REAL ESTATE FOR EXPANSION OF BUILDING AT 1248 GREENSPRING DRIVE IN THE AMOUNT OF \$18,986.42 AS PRESENTED. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster announced that York Traditions Bank formally announced earlier this week of a name change to Traditions Bank. He noted Traditions Bank has a branch in Springettsbury Township and will have new signage in the near future.

Mr. Wurster extended his thanks to Chief Todd King for an excellent presentation to the Rotary Club of York East, at which time he highlighted many of the challenges the police encounter with certain calls. Mr. Wurster noted Chief King provided great value to the club with a Q&A before and after the meeting.

9. COMMITTEE REPORTS

A. Presentation of Results of 2020 Excavation at Camp Security - John Crawmer and Carol Tanzola

CRAWMER Mr. Crawmer gave a presentation on the work done this past fall at Camp Security, which is located at the intersection of Eastern Boulevard and Locust Grove Road. He noted the earliest occupation of Camp Security was the late Archaic Period 6,000 years ago. It was the site of British POWs between 1781 and 1783. He noted this was the primary focus of their project which was to expand previous work to collect artifacts and spatial data. He noted they plowed 7.3 acres. Areas were chosen to test spaces that were not captured by the previous studies and to provide a bigger picture of where artifacts are on the property. Their methodology began with a surface collection after the site has been plowed, then move into metal detecting. They shoveled test pits in the tree line between the Wiest upper field and the Wiest lower field. Terraces were found which were thought to be related to the camps where huts were built and prisoners or guards lived. They also followed up with block excavation in the fields, focusing their excavation wherever there were interesting clusters of artifacts found in the surface collection while metal detecting.

Mr. Crawmer stated their survey findings resulted in 659 artifacts from the surface collection and metal detecting. They also found three interesting artifact clusters. In the Roe lower field they found a defined grouping and then a less defined grouping on the opposite side of the field near the road with heavy refuse. The northwest group had numerous pottery fragments and they also found shotgun ammunition, shells and clay pigeons. They did not find anything historic in those areas. In the Wiest lower field there was a diffuse patterning of artifacts with the exception of one corner, which coalesces into a linear pattern. This could be due to many things, some of

which are natural or erosion coming down from the hill. It could also be due to foundries, i.e., walls, fence lines or roads.

Mr. Crawmer indicated they followed up with excavation and with the block excavation they found two major features. The first was a large pit which was previously discovered in 2015 by Steve Warfel, however, he did not have time to excavate it fully. It turned out to be far larger than originally thought, which was 9 ft. in diameter and 4 ft. deep. They were only able to excavate approximately a quarter. They did not find anything noteworthy. The second major feature found was a posthole in the Wiest lower field which was one foot in diameter and a foot deep. It punches through an extremely dense natural subsoil surface. It looked like it was dug out by hand and a post was set in it and then it was backfilled. Any stone removed was placed along the sides of it and then it was reburied. Eventually, the fence line fell out of use and was pooled. When the pool happened they found evidence of stone tumbling back in. They did not find any additional postholes. He noted it is a promising posthole which is structural given its location and historic in that it is hand dug. Additional postholes would be needed in order to make a determination of whether it is a hut or part of a fence line or possibly extension of a stockade.

Mr. Crawmer noted they found 1,138 total artifacts which is the most they have ever collected. They found 89 prehistoric artifacts dating between 600 and 6000 years of age. The vast majority of the artifacts are chipped stone, such as arrowheads, quartz flakes from refining arrowheads. They also found some ground stone, hammer stone and part of a chipped stone axe.

Mr. Crawmer reported 69 eighteenth century artifacts – the majority were musket balls. Many of the artifacts were small, personal type items which would be worn or carried in pockets. One of the more popular items found was a brass rumbler bell, commonly known as a sleigh bell which they believe was out of a Williamsburg foundry in Virginia. He noted the bell still rings.

Mr. Crawmer stated the most significant finding was a 33-button foil. This is a tin alloy with a stamp 33 in it. The foil would have been wrapped around a wooden button. The 33 refers to the British 33rd regiment. This was noted in a letter from George Washington in which he lists all of the regiments captured at the Battle of Yorktown. The button was worn by someone who was captured at Yorktown and stayed at Camp Security from January 1782 to May 1783.

Mr. Crawmer indicated based on the artifact data they collected and the features found, they determined a high probability of areas where the Camp Security stockade is located. The purpose of this year's excavation was not necessarily to find the exact location of Camp Security, but to take the large amount of space and whittle it down and that is what this map shows.

Mr. Crawmer stated his recommendations for this site include finish the survey of the terraces, because they need to know whether or not the terraces are related to the camp. Once that is complete, to mechanically strip the Wiest lower field, stripping away the plow zone in trenches in order to find that feature. Once those two things are complete, then it would be time to start looking at National Register applications. He noted the site has national significant because it was related to the American Revolution and also has local significance. Having it on the national register will increase interest in the site, along with tourism and possibly provide federal funding.

WURSTER Mr. Wurster asked about the lower regions of the map for probability of finding the stockade. He questioned whether that meant there is no need for any future archeological excavations or that is not the area of focus for the short-term.

CRAWMER Mr. Crawmer stated there is likely no need for archeological excavations as it is related to finding Camp Security. If the Township wanted to use this property for a park or similar, the property will still fall under state guidelines in terms of cultural resources so there may have to be some archeology done prior before that type of work would occur. He further noted this project is focused on the historic site and Camp Security but there are 6000 years of Native American occupation on this site that also falls into archeological interest.

RAUSCH Solicitor Rausch indicated he was curious about the posthole that was found and whether there is a certain measurement that would be searched for in terms of spacing. He asked if they would be a certain distance apart.

CRAWMER Mr. Crawmer stated the spacing will vary. Once they find several more postholes then the spacing will be known and more could be easily found.

COX Mr. Cox asked how deep they would need to go to excavate to find what they think is buried 250 years ago.

CRAWMER Mr. Crawmer responded at Camp Security they have to remove the plow zone, which is approximately 8 inches to a foot. This reveals the subsoil which is extremely old. It is very shallow because it has not been affected by any river deposits or others since it is on a sloping plane.

SWOMLEY Chairman Swomley asked if plowing the field would do anything to damage any additional findings.

CRAWMER Mr. Crawmer responded the plow goes approximately 6-8 inches down so at times it will clip the plow zone, but it will never be deep enough to go a foot down to destroy the posthole.

COX Mr. Cox asked Mr. Crawmer if there were any plans to re-excavate the 9-foot pit further.

CRAWMER Mr. Crawmer indicated they are looking to come back in September to excavate the pit and also attempt to strip some of the plow zone. He noted the only downside to doing a mechanical stripping of the plow zone is there is a potential to lose artifacts.

WURSTER Mr. Wurster asked what timeline is needed in order to submit the application for National Historic Registry.

CRAWMER Mr. Crawmer responded for the National Register they will need to define the boundaries of the site, which is part of the reason they are doing so much archeology. The Register requires the applicant have maps and are able to denote the boundaries. Once that is determined, it takes approximately a year from start to finish. He noted there is still more work to be done for boundary identification and more questions that need to be answered, i.e., the terraces. If they know the terraces are a part of the site, that is important to the application process. They also need to know the location of the stockade.

RAUSCH Solicitor Rausch asked Mr. Crawmer if they filled in all the holes that were created.

CRAWMER Mr. Crawmer indicated Township Public Works assisted with pushing the dirt back into the holes for them. They are mapped with a GPS down to sub-centimeter which is kept in mapping software.

TANZOLA Ms. Tanzola stated one of the big questions as they move forward is the fact they know the site is eligible for the National Register but they need to pursue the avenues to get it there. She noted that will bring a great deal to the Township. She indicated what they need is for the artifacts to be signed off by the Township so they can return them or get them to the state museum for curation. The hope is when they have the new Township building, they will be able to bring some of the artifacts back and put them on display as a loan from the state.

B. Authorizing Township Manager to Execute PA Historical and Museum Commission Accessions and Gift Agreement Forms for Artifact Collection of 2020 Camp Security Archaeology Project

MR. WURSTER MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO EXECUTE PA HISTORICAL AND MUSEUM COMMISSION ACCESS FORMS 606 OBJECTS AND 923 OBJECTS AS PRESENTED. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED

SWOMLEY Chairman Swomley referred to a question asked in the chatroom: Is there a website that gives information for September? How to contact Mr. Crawmer and provide Camp Security information.

TANZOLA Ms. Tanzola noted the information will be posted on the website:
www.campsecurity.org.

WURSTER Mr. Wurster asked if Ms. Tanzola if Friends of Camp Security would be providing a presentation for the public at some venue.

TANZOLA Ms. Tanzola indicated they would like to do an in-person presentation at an outside venue, possibly in the park.

COX Mr. Cox thanked Mr. Crawmer and Ms. Tanzola for their presentation which he felt was very enlightening.

WURSTER Mr. Wurster concurred and stated he felt it was a worthwhile endeavor.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated they received another Business Privilege Mercantile tax appeal from H.R. Pharmaceutical. He noted the issue is to determine what they do is manufacturing. If it is, they are exempt from the tax. He noted they will be setting up a hearing to take on that appeal and get a decision.

11. MANAGER'S REPORT

A. Manager's Report

HODGKINSON Mr. Hodgkinson added to his written report, noting Tuesday the Board wrapped up their preliminary meetings for the Strategic Planning. The Board asked him to establish deadlines for documentation. He noted he will gather the information with the detailed minutes and attempt to compile the information under each focused area in a rough draft format to present to the Board. His goal is to have it completed by the second Board meeting in May.

12. ORDINANCES AND RESOLUTIONS

A. Ordinance 2021-03 - Amending Code of Ordinances, Chapter 29, Identity Theft Prevention Program

RAUSCH Solicitor Rausch stated this ordinance has been advertised for adoption. The purpose is to clean up language from the original ordinance. These were the red flag rules because

they bill for the sewer accounts which need to follow federal guidelines on effective communication with customers.

MR. WURSTER MOVED FOR ADOPTION OF ORDINANCE 2021-03 - CLARITY TO THE IDENTITY THEFT PREVENTION PROGRAM. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED

13. OLD BUSINESS

A. Old Business Listing

WURSTER Mr. Wurster asked if there is a date for the implementation of the speed humps on 11th Avenue, Whiteford Road and 10th Avenue.

HODGKINSON Mr. Hodgkinson replied it would be approximately 2 weeks. He noted the police department is wrapping up their speed surveys at the end of next week and that will allow scheduling the time to put the temporary humps in afterwards.

SWOMLEY Chairman Swomley asked if there was any further work on the ATV disturbance.

HODGKINSON Mr. Hodgkinson replied no work was done internally other than provide the sample ordinances to the Board. He provided the same sample ordinances to the gentleman who spoke at the last Board meeting.

SWOMLEY Chairman Swomley asked Mr. Hodgkinson to work with Solicitor Rausch to develop content for discussion at the next meeting.

BISHOP Mr. Bishop stated Mr. Hodgkinson's Manager's Report indicated there have been very few complaints regarding the ATV disturbances. He asked what is known about it and whether there is a way to find out any other complaints to determine what type of ordinance would make sense.

RAUSCH Solicitor Rausch indicated the two ordinances from Windsor and Dover were generated out of two specific conflicts and one way or another they were resolved. There have not been any additional issues. He did not recall if the situation was a general outcry from the residents, or from specific incidents.

HODGKINSON Mr. Hodgkinson stated those were the only complaints he was aware of.

KING Chief King stated he was not aware of any other complaints of that nature.

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14. NEW BUSINESS

There was no new business.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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