

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**APRIL 22, 2021  
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, April 22, 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  
Dennis Crabill, Director of Public Works/WWT  
Todd King, Police Chief  
Dan Hoff, Fire Chief  
Ray Markey, Code Compliance Supervisor/BCO  
Abby Gibb, Communications Manager  
Jean Abreght, Stenographer

**1. CALL TO ORDER**

A. Opening Ceremony

**SWOMLEY** Chairman Swomley called the Regular Meeting to order and led the Pledge of Allegiance.

**2. ANNOUNCEMENT OF EXECUTIVE SESSIONS**

**SWOMLEY** Chairman Swomley announced 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 – Buchar Horn, Inc.

**YOUNG** Ms. Young reported that there were no updates or changes to their report previously submitted. She offered to respond to questions, but there were none.

B. Civil Engineer – First Capital Engineering, Inc.

**LUCIANI** Mr. Luciani reported that he had no changes to his report previously submitted. He noted the Agenda items regarding the Bond Reduction and the Town Center process to be discussed. He offered to respond to questions.

**COX** Mr. Cox voiced a question for Mr. Luciani concerning an Exhibit D in his report. The item was not for action. It related to the property at the intersection of Routes 24 and 124, a Springettsbury property. The northern-most property parcel of the 6-acre parcel is zoned commercial, but multi-family dwellings are being planned. On the south side of Carol Road, there is nothing but businesses. He asked Mr. Luciani if he was in favor of that or if it had gone through the Planning Commission process.

**LUCIANI** Mr. Luciani responded that the plan had gone before the Planning Commission, but the zoning had been modified to Mixed Use for infill development. The plan is for a 65-unit apartment complex which is a permitted use for which they have conditional approval from York County. Mr. Luciani noted his concern related to traffic.

**5. CONSENT AGENDA**

- A. Board of Supervisors Work Session Minutes – March 24, 2021
- B. Board of Supervisors Conditional Use Hearing Minutes – March 25, 2021
- C. Board of Supervisors Regular Meeting Minutes – March 25, 2021
- D. Board of Supervisors Work Session Minutes – March 30, 2021
- E. Regular Payables as Detailed in Payable Listing of April 22, 2021
- F. Garden Spot Electric, Inc. – Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project – Change Order No. 11 in an amount not to exceed \$3,095.40.

**MR. WURSTER MOVED FOR APPROVAL OF THE CONSENT AGENDA ITEMS A THROUGH F AS PRESENTED. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

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

- A. Authorization to Advertise Bids for Pulverized Quicklime

**MR. DVORYAK MOVED TO APPROVE ADVERTISING FOR THE PULVERIZED QUICKLIME BIDS. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

- B. Authorization to Execute Chesapeake Bay Countywide Action Plan (CAO) Implementation Grant Agreement with York County Planning Commission for Construction of WWT West Tributary Stream Restoration Project in the amount of \$100,000.

**MR. WURSTER MOVED FOR THE EXECUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO THIS AGREEMENT WITH THE YORK COUNTY PLANNING COMMISSION RELATIVE TO THIS GRANT. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**7. SUBDIVISION AND LAND DEVELOPMENT**

**A. Discussion on Conditional Use Application for 150 Memory Lane**

**LUCIANI** Mr. Luciani introduced the discussion on what does or does not trigger the need for a Conditional Use Hearing. The lengthy discussion is summarized:

- 150 Memory Lane – Vaping shop retail establishment; new use is another retail establishment.
- Fast food restaurant converted to a fast-food restaurant – tenant internal renovations; only change to exterior is signage.
- Casino – Major outside construction triggered need for Conditional Use Hearing
- Marijuana dispensing business declared a Medical Clinic, different from retail.
- Material exterior improvement triggers a Conditional Use in the Town Center Overlay
- Windows were a design matter on the Marijuana dispensary.
- Review developments on a case-by-case basis; Board to determine need.
- Zoning Officer responsible for advertising, fees and preparing documentation.
- Application process for Conditional User would be 105 days.
- Buildings that need an appendage for deliveries – exclusive of internal improvements.
- Potential for creating a list of interim guidelines defining what is and what is not material in an addition. Defaulting to a gray area triggers a Conditional Use situation.
- Special session to be scheduled to create a clearer set of circumstances triggering a Conditional Use Hearing.

**BISHOP** Mr. Bishop suggested that the Board make a determination for the 150 Memory Lane Applicant to move forward without having a Conditional Use Hearing.

**Consensus of the Board was to allow the Applicant for 150 Memory Lane to move forward without a Conditional Use Hearing.**

**LUCIANI** Mr. Luciani stated he would communicate the decision to the Applicant.

**8. COMMUNICATION FROM SUPERVISORS**

**WURSTER** Mr. Wurster called attention to the letter that Chief Hoff received from PennDOT highlighting a lot of the planned roadwork disturbances. Chief Hoff is present. He reported that earlier this week at the York Area United Fire and Rescue

Commission meeting, Chief Hoff did present his response to that where he has highlighted the concerns that some of this will have on response time. Mr. Wurster commended Chief Hoff for his quick response in identifying this is a serious emergency services matter and that YAUFRR has certainly given PennDOT an expression of concern as to their activities.

**HOFF** Chief Hoff responded that the letter was in collaboration with Mr. Luciani. It was communication with him and both the Spring Garden and the Springettsbury Managers that weighed in on directing that letter to PennDOT. It was a team effort, but the feedback was appreciated, and the dialog with PennDOT is continuing. They hope to get some answers for the Commission, which he will share upon receipt.

**9. COMMITTEE REPORTS**

There were no Committee Reports.

**10. SOLICITOR'S REPORT**

**RAUSCH** Solicitor Rausch indicated he had nothing to report.

**11. MANAGER'S REPORT**

**HODGKINSON** Mr. Hodgkinson had nothing to add to his written report.

**DVORYAK** Mr. Dvoryak asked Mr. Hodgkinson for a report on the Summer Parks Program and the Concert Series.

**HODGKINSON** Mr. Hodgkinson reported that all but one event had been booked for the Summer Concert Series and he was confident that date will be booked as well as advertisements for the entire series will be done shortly. Regarding the Summer Programs, they have had several Park Supervisors meetings, and they have been moved to the Amphitheater Office. Applications are being received for the Park Leaders. Registration has been posted and are being received.

**DVORYAK** Mr. Dvoryak questioned whether there are any restrictions from the Governor that could impact the events.

**HODGKINSON** Mr. Hodgkinson responded that, as far as the concerts are concerned, there are some outdoor restrictions but none which will hamper the concerts. People may have to do the social distancing that everyone is used to right now, but that should not prohibit the concerts other than the capacity. With the Summer Parks Programs, most of that entire team are teachers and they are very used to what they must do in the classrooms. They have a whole plan together of how they are going to address the children and the parents with that.

**12. OLD BUSINESS**

A. Eastern Boulevard Development, LLC, 2222-2224 and 2226-2228 Eastern Boulevard – Reduction of Financial Security in the amount of \$110,058.87 (tabled on 04/08/2021)

- SWOMLEY** Chairman Swomley introduced the discussion on the Bond Reduction matter. He asked Solicitor Rausch for his understanding of the project.
- RAUSCH** Solicitor Rausch responded that there were two parcels, Parcel A which has the two condos on it, and Parcel B, which is still vacant. The Bonding was for Parcel A with some improvements to Parcel B.
- SWOMLEY** Chairman Swomley questioned where any documentation indicates that they Bonded Parcel A separate from Parcel B. He added that in most developments the developer is bonding the improvements for the development and not for a particular parcel.
- RAUSCH** Solicitor Rausch responded that was just the way it was set up because they were just doing the two units on Parcel A to begin with and Parcel B was being held out until they completed Parcel A.
- SWOMLEY** Chairman Swomley indicated that was not clear to the Board when that was approved. The Motion of the Board was to approve the Waiver Request of Submission of a Final Development Plan Conditioned upon them complying with the four items bulleted in the Briefing Memo. So, the Briefing Memo did not divide it out by property, it divided it out by improvement.
- RAUSCH** Solicitor Rausch responded that was correct, but the Bonding itself did not include everything that was to occur on Parcel B.
- SWOMLEY** Chairman Swomley called attention to the Minutes of July 24, 2014 where he had questioned the development of condominiums on Royal Street and Eastern Boulevard and after Miss Lang noted that there had been an update and that the developer is moving access to Royal Street and as a result, no land development would be necessary. Chairman Swomley noted that the Board wanted to ensure that there would be full opportunity to protect the Township.
- RAUSCH** Solicitor Rauch indicated that if the Board were to have collected Bonding for both parcels, the Township would have collected over \$200,000. Only \$135,000 was collected for Parcel A and some work that has been done in Parcel B.
- SWOMLEY** Chairman Swomley requested that the owner be required to grade the Parcel B lot and make it presentable.
- HODGKINSON** Mr. Hodgkinson noted that there are some construction materials and roughed-in sewer connections on the lot, which the Township could require to be removed.
- BISHOP** Mr. Bishop questioned what Bonding documents Solicitor Rausch referred to during the conversation.

**RAUSCH** Solicitor Rausch responded that he referred to correspondence along with a Site Design letter of January 29, 2021 concerning the Eastern Boulevard Development. The work has been done. He added that this was back in 2017 when there was a letter from First Capital to Jessica Fieldhouse discussing this whole approval process and it seems clear from the Township's perspective that the permit was being accepted along with the Bonding for Parcel A and that Parcel B would have to be re-evaluated when proposed for a construction permit at a later time. From the Township's perspective, there is enough documentation to indicate that the two parcels were being treated separately.

**COX** Mr. Cox questioned whether there might be a specific Bonding document that explains exactly what that money was applied towards.

**RAUSCH** Solicitor Rausch responded that he had not seen any.

**COX** Mr. Cox questioned that perhaps Ms. Bowders could do some research to see if it is possible to find a Bonding document. He added that it seemed to be a very gray area to him as to whether the money applied to Parcel A or Parcel B or the entire parcel. He added that he drives by that nearly every day and the curbs and sidewalks are not in on Royal Street.

**SWOMLEY** Chairman Swomley commented back in the time when Miss Lang was the Community Development Director, there were several discussions about the fact that the Bonds were not being entered in a timely fashion, and there was a lack of paperwork on several of them.

**HODGKINSON** Mr. Hodgkinson stated that he met with Ray Markey about the issue, and he had never been able to find a Bond document for this property.

**WURSTER** Mr. Wurster questioned whether Site Design might have a copy.

**SWOMLEY** Chairman Swomley suggested that there would be one last opportunity to see if there is any Bonding documentation with Site Design Concepts. In the meantime, he asked Mr. Hodgkinson to see if he can get that property cleaned up. He added that the property be revisited prior to making a final decision at the next meeting.

**DVORYAK** Mr. Dvoryak asked for clarification regarding Parcel B that there had been no site work whatsoever done on that to date.

**WURSTER** Mr. Wurster noted that there were sewer rough-ins.

**SWOMLEY** Chairman Swomley noted that there had been some digging and storage for other materials. The ground had been disturbed.

**LUCIANI** Mr. Luciani noted that there was always curb on Eastern Boulevard, and they were supposed to put a handicap ramp on the corner of Royal and Eastern

Boulevard. In addition, there is some equipment for stormwater stored on that corner parcel, plastic stormwater pieces that must be installed when the house gets built in there. He referred to another discussion on this project by the Board as to what it would take to finish everything. In his report he had estimated, in present-day dollars, to be about \$90,000.

**BISHOP** Mr. Bishop noted that the Township needed to take into consideration that two units were built, and those residents are living next to the ugly disturbances. The Township has a responsibility to make sure to protect the health and safety of those residents who live next to the lot that has been dramatically disturbed and then neglected.

**SWOMLEY** Chairman Swomley read a quote from Minutes of July 24, 2014: “Mr. Swomley noted, he wanted to be sure that there would be full opportunity to protect the Township.” He stated that he did not believe that has happened. He stated that there is a path forward for this. There will be an additional documentation at the next meeting. In the meantime, Mr. Hodgkinson will see what can be done to get the developer to clean up the corner.

- a. Old Business Listing

There was nothing for discussion.

## **15. ADJOURNMENT**

**SWOMLEY** Chairman Swomley adjourned the meeting at 7:57 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

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