

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 13, 2021
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, May 13, 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
Randall Heilman, Director of Community Development
Dan Hoff, YAUFR Fire Chief
Abby Gibb, Communications Manager
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance. He asked Township Manager Mark Hodgkinson to make an introduction.

HODGKINSON Mr. Hodgkinson introduced the new Director of Community Development, Randall Heilman. He goes by Randy, and he brings many years of experience to the township and the community development world both from the public and private sector.

HEILMAN Mr. Heilman thanked the Board of Supervisors and stated he is looking forward to working with the community and everyone in Springettsbury Township.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

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

3. COMMUNICATION FROM CITIZENS

WOJCIECHOWSKI Mark Wojciechowski, 1893 Deamerlyn Drive, noted he had addressed the board on March 25th concerning a noise and nuisance issue with neighbors riding ATV's. He asked if there had been follow up and review of neighboring township ordinances with further consideration of adopting an ordinance.

SWOMLEY Chairman Swomley responded that there had been discussion, and a proposed ordinance will be addressed under Old Business.

STUHR Charlie Stuhre, 3680 Trout Run Road, requested that someone from the township would contact Penn Waste regarding trash cans being thrown all over the road. He noted that in the township Ordinance, Section 5 it speaks about placing the waste containers properly after emptying them.

SWOMLEY Chairman Swomley responded that he was sure that could be done.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Diana Young, Buchart-Horn, Inc. stated their report had been submitted. She had one update that the bypass pumps are pumping, and the installation of the new raw water pumps will be starting next week.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani had provided his written report and he had a few updaters. Township Staff, Police Chief and Public Works participated in a PennDOT meeting to discuss upcoming changes and detours. Eberts Lane will be added to the other projects on Market Street, Mt. Rose Avenue, etc. The Eberts Lane bridge will be closed in order to relocate the stream which is requiring a lot of coordination. It will be an interesting time as PennDOT moves forward with I83 and other regional projects.

HODGKINSON Mr. Hodgkinson commented that it was important to note that PennDOT planned that both Sherman Street and Eberts Lane will be closed at the same time; however, they will not proceed with that until Market Street and Mt. Rose Avenue have been completed.

SWOMLEY Chairman Swomley asked if they have to be done at the same time.

LUCIANI Mr. Luciani responded that they had done a cost analysis, and they were going to do one lane at a time.

SWOMLEY Chairman Swomley questioned whether they could do Eberts Lane and then Sherman Street.

LUCIANI Mr. Luciani indicated they are bidding them at the same time. There is a stream widening and relocation at the same time. For whatever technical reasons that they discussed, that was eliminated as an option.

HODGKINSON Mr. Hodgkinson noted that at the same time the neighborhood concern about cut-through traffic and speeding will be eliminated because there will be no need to cut through to get around one of the bridgeworks.

LUCIANI Mr. Luciani had several additional updates:

- 10th and 11th Avenue – Temporary speed humps being set by putting the 11th Avenue hump back in its identical location; and 10th Avenue resident had no problem with the speed hump in front of her home. They are happy the township is looking at ways to cut down through traffic.
- Augustus Schaefer Park – A manhole cover was pulled marked storm manhole; found it was a blind manhole with a water shutoff valve. Several items are on the Agenda - Change Order for \$14,000 to relocate the pipe and install it across the street.

WURSTER Mr. Wurster questioned whether all the applications to the Zoning Hearing Board went through as applied.

LUCIANI Mr. Luciani responded that all the applications went through, some with conditions which includes the one from former DA Kearney and other applications on the list. The Zoning Hearing Board did a very good job.

BISHOP Mr. Bishop questioned whether the Board of Supervisors receives minutes from the Zoning Hearing Board regularly.

LUCIANI Mr. Luciani responded that they may not but he would make sure they are provided.

WURSTER Mr. Wurster noted that they would be good to have from a transparency perspective.

BISHOP Mr. Bishop assumed they are on the website.

GIBB Ms. Gibb responded they are eventually posted.

SWOMLEY Chairman Swomley questioned how eventual is eventually.

BISHOP Mr. Bishop commented that they used to not go up until they were approved, which can sometimes take a long time.

BOWDERS Ms. Bowders responded that was correct.

5. CONSENT AGENDA

- A. Acknowledge Receipt of March 16, 2021 York Area United Fire and Rescue Commission Meeting Minutes
- B. Acknowledge Receipt of March 31, 2021 Treasurer's Report
- C. Board of Supervisors Work Session Minutes – November 4, 2020
- D. Board of Supervisors Work Session Minutes - April 6, 2021
- E. Board of Supervisors Regular Meeting Minutes – April 22, 2021
- F. Regular Payables as Detailed in Payable Listing of May 13, 2021
- G. York Excavating Co. – Augustus Schaefer Park Project – Change Order No. 2 in an amount not to exceed \$750
- H. York Excavating Co. – Augustus Schaefer Park Project – Change Order No. 3 in an amount not to exceed \$14,274.95
- I. York Excavating Co. – Augustus Schaefer Park Project – Change Order No. 4 in an amount not to exceed \$5,201.65
- J. York Excavating Co. – Augustus Schaefer Park Project – Application for Payment No. 5 in an amount not to exceed \$70,953
- K. AKRF Invoice No. 2 – WWT West Tributary Site – Sixty Percent Design Completion in an amount not to exceed \$71,362.61

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

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Harvest – 2300 East Market Street, Suite 10 – Medical Marijuana Facility

RAUSCH Solicitor Rausch introduced Harvest – a Medical Marijuana Facility project, 2300 East Market Street, Suite 10. He noted there are representatives present from Harvest, Attorney Farris and other colleagues in the waiting room.

MCCLURE Attorney Matt McClure introduced himself from the firm Ballard Spahr. He is a partner and colleague of Nathan Farris who was present on behalf of Harvest of South Central Pennsylvania, LLC an affiliate of Harvest, a medical marijuana business.

RAUSCH Solicitor Rausch asked Attorney McClure to tell the board what the situation exists with his client and the sequence of events, which are summarized:.

- Property is an existing facility in the Village Green Shopping Center, Suite L and will be used as a state-licensed medical marijuana dispensary.
- Harvest had been working with John Luciani in the approval process for the Mixed Use Zoning District.
- September, 2020 - Township letter indicated a permitted use of a medical office or a medical clinic
- November, 2020 – Client applied for and received final approval from PA Department of Health for a medical marijuana facility at the site.
- November 23, 2020 - Signed a 10-year lease with a four to five-year renewal option; all of this proceeded on reliance of the township
- January, 2021 – Submitted plans for the interior fit out of the space; final Building Permit received January 27, 2021. Client spent \$1.2 million in fitting out the space.
- March, 2021 – Non-residential electrical permit received.
- March 31, 2021 – Email received from township indicating a mistake was made and a Conditional Use Permit was needed; all which came after the earlier approvals and money had been spent.
- Basic Vested Right Law in Pennsylvania in effect due to reliance on the township permitting process and agreements signed.

MCCLURE Attorney McClure requested for a waiver of the Conditional Use process. He noted they have other witnesses who could explain the use; however, the township has been a part of the permitting process since they approached the township in September, 2020.

RAUSCH Solicitor Rausch asked Attorney McClure to explain what exterior improvements are going to be made at the site.

MCCLURE Attorney McClure responded that the only exterior improvement is an existing sign that's already up that says Harvest of York, as well as a protective awning in the back with cameras; awning is required by PA Regulations for medical marijuana facilities licensed by the state. No permanent improvements will be made to the building.

RAUSCH Solicitor Rausch stated that he understood all the inspections under the building permit have been completed and approved and that the client's expectation was to open during May.

MCCLURE Attorney McClure responded that he was correct along with final inspections from the Department of Health to move forward.

RAUSCH Solicitor Rausch stated that this situation has been described for the board and he believed Attorney McClure's legal arguments to be sound. There is a

presumptive tenant in the Village Green Shopping Center who is ready to open. If the board indicates they must go through the Conditional Use process, they will be set back several months. Solicitor Rausch indicated it was appropriate for the Board of Supervisors to hear their case in order to waive the Conditional Use requirement. There will be very little exterior renovation. This is a tenant situation; they don't own the land, and Village Green does not front on Market Street, rather on Royal Street; back faces Haines Road. There is a retractable fence secured area for delivering the shipments (already approved by the Township).

WURSTER Mr. Wurster asked what precedent would be set, given there are other applicants in this industry.

RAUSCH Solicitor Rausch indicated it is not precedential as every case stands on its own merit. The circumstances indicate a valid legal reason to grant the waiver based on the circumstances as presented by Attorney McClure, which he did not think would be present in any other situation.

Additional comments were made by the individual board members, and a Motion was made as follows:

MR. BISHOP MOVED TO WAIVE THE CONDITIONAL USE HEARING FOR 2300 EAST MARKET STREET, SUITE 10. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

DVORYAK Mr. Dvoryak complimented Mr. Hodgkinson for a prompt response to the mowing complaint on the Eastern Boulevard project. The complainant noticed that and was very thankful and appreciative that the township responded quickly.

Mr. Dvoryak questioned when the township newsletter will be issued.

HODGKINSON Mr. Hodgkinson responded that the final draft was sent to the publisher earlier this week on Tuesday.

DVORYAK Mr. Dvoryak commented on the fact that things are getting back to more normalcy and perhaps the board should consider going back to in-person meetings.

RAUSCH Solicitor Rausch stated that the Governor's last emergency declaration ends on May 20th, so if he does not extend it further than the emergency declaration that had authorized videoconferencing, that Act would end, so the board may not have a choice if the Governor doesn't extend that emergency declaration.

COX Mr. Cox questioned whether everyone was aware that the CDC put out guidance today that masks are no longer required inside or outside if you're fully

vaccinated except if you're traveling on public transportation - planes, buses, or trains.

SWOMLEY Chairman Swomley advised that York County Planning Commission forwarded a link to the board for feedback on prioritizing the next 25 years' worth of projects. He encouraged the board to participate.

WURSTER Mr. Wurster commented that it is a great opportunity for all of the board to provide some feedback.

SWOMLEY Chairman Swomley reminded everyone of the election on Tuesday, May 18th. He noted this election is very important because it elects who you would have as your slate of candidates for your party, and oftentimes that's more important than the actual General Election if you have an area such as ours that leans one direction more than another.

9. COMMITTEE REPORTS

There were no Committee Reports.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated he had nothing to report.

11. MANAGER'S REPORT

HODGKINSON Mr. Hodgkinson asked if there were any questions/comments on his written report.

SWOMLEY Chairman Swomley noted he was excited to see the Design a Police Car Competition coming back.

HODGKINSON Mr. Hodgkinson reported the ceremony will be on the 21st of May.

KING Police Chief King stated there will be an unveiling ceremony on May 21st at Yorkshire Elementary School. The car gets wrapped next week.

HODGKINSON Mr. Hodgkinson stated that the information and all the pictures of the finalists will be in the newsletter.

Mr. Hodgkinson had three additional items for discussion:

He requested the board's feedback for a decision regarding moving the township operations to Wastewater Treatment during construction. That included all of the staff members currently in the Administration building. Wastewater Treatment would be the center for all township business during the construction until the Administration portion is completed. Following that, everyone would be moved into their new portion of the building. He noted the benefits of not having to deal

with the difficulties of being present during construction. A summary of his review follows:

- YAUFRR is available for board meetings.
- New development to move brought forward through discussion of relocating people around during construction. No surprise.
- IT person to move equipment and labor to get everyone reconfigured. Township will pay the invoice and either deduct it from an AFP or they will send us a check for the reimbursement of those costs.
- All moving costs borne by contractor; some credits will be received for things not necessary if personnel were moved (portable toilets).
- Dollar amount presented, not negotiated, is approximately \$24,000 in a credit plus IT moving expenses estimated between \$15,000 and \$20,000.
- Be certain to recoup all the soft costs of moving – planning, etc.
- No legal ramifications.
- Tax Collector spot not clarified. Tax Collector to collect fall taxes; will need location.
- No change to mail for township; personnel will pick up at post office.

Consensus of the board to move the Administrative Staff to Wastewater Treatment building.

HODGKINSON Mr. Hodgkinson indicated that Central York School District requested an additional School Resource Office at the Middle School. Currently the Police Department has one Officer at the High School. The second Officer is requested for the upcoming school year; August/September. Mr. Hodgkinson noted that he will be working with Chief King and Ms. Sanchez-Bowser on the township's involvement and report back to the board.

SWOMLEY Chairman Swomley stated that the current Resource Officer is funded at 70%, and their reasoning is that the 30% is during the summertime when there is no school. If the township needs to hire another Officer, that Officer must be funded at 100%.

Consensus of the board agreed with Chairman Swomley: fully funded with a long-term agreement.

HODGKINSON Mr. Hodgkinson noted that internally he will follow the current CDC guidelines and the Pennsylvania Department of Health. He wanted to keep the board informed of internal follow up.

BISHOP Mr. Bishop commented that the board should consider rescinding that policy to make it more of an administrative decision. He suggested that Mr. Hodgkinson review the policy.

HODGKINSON Mr. Hodgkinson responded that he had reviewed the new guidance and wondered whether it was something he should be bringing to the board's attention each time a change is made.

DVORYAK Mr. Dvoryak stated he was happy to report that the Comcast cable restoration issues had come to an end. He thanked Mr. Hodgkinson and Mr. Crabill for their efforts. Everyone on Pilgrim Road and Denny Lane are happy with the final outcome. He thanked everyone involved.

12. ORDINANCES AND AGREEMENTS

This item was captured under Old Business.

13. OLD BUSINESS

A. Eastern Boulevard Development LLC Bond Reduction

SWOMLEY Chairman Swomley brought forward the matter of Eastern Boulevard Development LLC Bond Reduction. All of the documentation had been reviewed, which indicated that the Bond was only for the first lot.

RAUSCH Solicitor Rausch stated that the Bond included a small amount of work to be done on the second lot, and that had been done. All of the work under the Bond is complete.

SWOMLEY Chairman Swomley noted that the letter referenced by Mr. Dvoryak, along with the work that Mr. Hodgkinson did, the developer is taking care of the property and will move the items around so that it's not close to the front edge of the property.

HODGKINSON Mr. Hodgkinson responded that he was correct, and they cut the grass and began moving things.

MR. WURSTER MOVED TO APPROVE BOND REDUCTION AS OUTLINED FOR THE PROPERTY AT EASTERN BOULEVARD DEVELOPMENT 2224 AND 2222. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. ATV Disturbance – Deamerlyn and Ridgewood (Draft Ordinance)

The board discussed the initial wording "Recreational Vehicle" and recommended a slight addition to the wording. The addition: "Off Road Recreational Vehicle" was made.

MR. BISHOP MOVED TO AUTHORIZE TO ADVERTISE THE ATV DISTURBANCE DRAFT ORDINANCE WITH THAT MINOR ADJUSTMENT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

WOJCIECHOWSKI Mark Wojciechowski, 1893 Deamerlyn Drive thanked the board for the consideration. He had read the Ordinance and the setbacks and wording and

indicated that would provide the relief that he sought. He noted that the existing noise ordinances, as written, do not apply to residential areas, which may be a gap in the legislation.

RAUSCH Solicitor Rausch noted that there is a state statute for disorderly conduct, which does encompass unreasonable noise. There is some relief if someone is playing loud music in the middle of the night. The police can enforce that under state statute.

WOJCIECHOWSKI Mr. Wojciechowski indicated he understood and thanked the board.

SWOMLEY Chairman Swomley noted another item on the Old Business Listing, the Sewer Billing and Collection. He indicated that the board would address that either during the next meeting or the last meeting in June, as there was an agreement to delay Sewer Billing Enforcement through the Second Quarter of 2021.

HODGKINSON Mr. Hodgkinson stated that the subject is being discussed internally.

14. NEW BUSINESS

HODGKINSON Mr. Hodgkinson stated that the May 27th meeting will include a Conditional Use Hearing at 5:30 p.m., a Police Pension Board meeting at 6:00 p.m. and the Regular Meeting at 7 p.m.

The board discussed the May 27th meeting, which remained in question due to Governor Wolf's pending Order. If the Order is rescinded there may be a need to meet in person. Several board members will not be available except for a virtual attendance.

SWOMLEY Chairman Swomley noted it would be a full meeting. He welcomed Mr. Heilman to the township team.

HEILMAN Mr. Heilman thanked everyone. He looked forward to meeting the board members in person when the opportunity presents itself.

15. ADJOURNMENT

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

Respectfully submitted,

Doreen K. Bowders
Secretary

ja