

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JULY 22, 2021
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, July 22, 2021 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA in person and by Zoom technology.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
Charles Wurster, Assistant Secretary/Treasurer
Robert Cox

MEMBERS NOT

IN ATTENDANCE: George Dvoryak, Vice Chairman
Don Bishop

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Diana Young, Environmental Engineer
Dori Bowders, Director of Administrative Operations
Randall Heilman, Director of Community Development
Terry Hummel, Director of Finance
Dennis Crabill, Director of Public Works/WWT
Brandy Shope, Parks & Recreation Director
Dan Hoff, YAUFRC Chief
Abby Gibb, Communications Manager
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance. He welcomed the attendees to the return of an in-person attendance after a year and a half.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. June 24, 2021 – 9:15 p.m. – HR Pharmaceutical, Inc. Tax Appeal and Other Legal Matters

3. COMMUNICATION FROM CITIZENS

POFF Charles Poff, 2852 Glen Hollow Drive spoke concerning his next-door neighbor draining his swimming pool onto his property destroying bushes, flowers, mulch, etc.

LUCIANI Mr. Luciani stated that a review could be made of the current regulatory environment, but he was not sure that there had ever been a successful enforcement concerning swimming pool drainage.

SWOMLEY Chairman Swomley indicated the staff could review and see what options there might be and be back in touch with Mr. Poff.

POFF Mr. Poff commented that an ordinance would be helpful to eliminate all the chemicals in the yard. He appreciated the Board listening and thanked them.

4. ENGINEERING REPORTS

A. Environmental Engineer -Buchart Horn, Inc.

YOUNG Diana Young indicated she had nothing to add to her report that was submitted. She noted that the pumps are up and running, and the box system is up and running. The only things remaining are punch list items and paperwork.

WURSTER Mr. Wurster questioned whether any customers have used the FOG system.

HODGKINSON Mr. Hodgkinson noted that to kickstart the grease acceptance, they had to take grease in so the first was free so there have been no paying customers to date.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a written monthly report. He had several updates:

- a) Sheetz Store on Memory Lane will be scraped and rebuilt. It is in the Town Center and there will be a Conditional Use on the project.
- b) Chick-Fil-A, also in the Town Center, plans to enlarge their drive-through lanes to two and may need a Conditional Use.
- c) Three items will come before the August Zoning Hearing Board: 1) Hookah Lounge, and an animated sign plus an enforcement in violation which is being opposed. With the two zoning cases that are coming up, he requested that the Solicitor could be authorized to attend the Zoning Hearing Board August 5th.
- d) Several meetings ago there was a discussion concerning traffic data that was collected by the police department and the running of stop signs. The Township monitored the traffic with counters and speeds. There was some discussion between the Township and a resident about whether or not they were running the sign, and the data didn't demonstrate that they were doing so. At the time Supervisor Bishop said there are video cameras that can be used. He had researched video cameras that can be used to capture violations. He noted that a mountable camera would suffice to determine whether motorists are running stop signs. He intends to do more evaluation for the Board.

- e) A request came forward surrounding Crossfield Lane near Shawan Lane and a piece of ground zoned from R10 to Open Space. The Army Corps removed flood plain requirements, but the Township was aware of flooding issues. He had contacted Attorney Lobach, and Solicitor Rausch spoke with him as well to determine if the Township could be provided with information as to where the 100-year flood level would occur. The data will be evaluated and provided, and he will advise the Board.

RAUSCH Solicitor Rausch stated for clarification that for the Hookah Lounge Attorney Lobach indicated that are only looking for a Rezoning. There will not be a need for a hearing, etc.

SWOMLEY Chairman Swomley asked about the issue brought forward concerning having Solicitor Rausch represent the Township in the Zoning Hearing Board meeting.

RAUSCH Solicitor Rausch indicated that in this case due to some of the controversy surrounding the Hookah Lounge, it may be good to have him present to make sure that all of the facts come before the Zoning Hearing Board.

Consensus of the Board was authorization for Solicitor Rausch to attend the August 5th Zoning Hearing Board, the first Thursday of August.

5. CONSENT AGENDA

- A. Acknowledge Receipt of June 30, 2021 Treasurer’s Report
- B. Board of Supervisors Regular Meeting Minutes -June 24, 2021
- C. Regular Payables as Detailed in Payable Listing of July 22, 2021
- D. Garden Spot Electric, Inc. – Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project – Application for Payment No. 17 in an amount not to exceed \$158,167.88
- E. York Excavating Co., Inc. – Augustus Schaefer Park Project – Change Order No. 6 in an amount not to exceed \$1,995.25
- F. York Excavating Co., Inc. -Augustus Schaefer Park Project – Application for Payment No. 7 in an amount not to exceed \$50,344.15
- G. Frey Lutz Corporation – Springettsbury Township Building Renovation and Project – Application for Payment No. 1 in an amount not to exceed \$25,168.50
- H. MidState Mechanical & Electrical – Springettsbury Township Building Renovation and Expansion Project – Application for Payment No. 1 in an amount not to exceed \$35,362.43

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

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorizing Execution of Settlement Agreement with HR Pharmaceuticals, Inc. - Certain Product Lines Exempt from Business Privilege and Mercantile Tax and Authorizing Tax Refund in the amount of \$30,000 for the years 2017-2020

RAUSCH Solicitor Rausch stated that the agreement was negotiated with HR Pharmaceuticals. The tax refund actually would have been \$60,000, negotiated down \$30,000 and that would be over a three-year period. If there is anything left over after that, they would be refunded the difference.

SWOMLEY Chairman Swomley stated that it is a reduction in future taxes and not an outright reimbursement unless at the end of three years there is still a balance due.

MR. WURSTER MOVED FOR ADOPTION OF THE AUTHORIZATION TO EXECUTE THE SETTLEMENT AGREEMENT WITH HR PHARMCEUTICALS AS PRESENTED. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Authorization to Award Bids for 2021 Road Materials and Resurfacing Project (as outlined in July 15, 2021 memorandum from Director of Public Works)

MR. WURSTER MOVED FOR AUTHORIZATION AND APPROVAL OF THE EXPENDITURES TO ENGAGE IN THE CONTRACT FOR 2021 ROAD MATERIALS AS OUTLINED. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- C. Authorization to Line Sanitary Sewer Pipes and Manholes through Abel Recon of Mountville, PA in an amount not to exceed \$265,050.20 (PA COSTARS)

MR. WURSTER MOVED FOR EXECUTION OF THE AGREEMENT AND THE AUTHORIZATION THEREOF TO ENGAGE IN THE CONTRACT WITH ABEL RECON OF MOUNTVILLE, PA FOR A PRICE NOT TO EXCEED \$265,050.20. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Discussion on Zoning Map Amendment – Crossfield Lane Tax Map 36, Parcel 96 (Tabled at June 24, 2021 Board of Supervisors Meeting)

This item remained tabled.

8. COMMUNICATION FROM SUP0ERVISORS

SWOMLEY Chairman Swomley recommended the microphones and sound system be fixed with the provider.

HODGKINSON Mr. Hodgkinson responded that he would address the problem with the provider.

COX Mr. Cox reported that Rich and Linda Randall had asked him to pass along how pleased they were that the Township crew came out and trimmed some dangerous

trees that were hanging over their property. They live at the bottom of Cimarron in Penn Oaks. They were very pleased and felt much more comfortable.

9. COMMITTEE REPORTS

There were no Committee Reports.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch brought forward an easement matter with Columbia Gas. The 1989 easement is fairly vague. Columbia Gas is planning a 50-foot wide easement, and the easement document does not clearly indicate that. He and Mr. Hodgkinson are working with them for a solution to insert some things needed to be placed within that 50-foot easement area.

SWOMLEY Chairman Swomley noted that he had discussed this with Mr. Luciani. He wanted to make sure that the Township is appropriately represented and to not give away too much freedom to the gas company.

HODGKINSON Mr. Hodgkinson's understanding, after Solicitor Rausch and he spoke about it, he reached out to Columbia Gas and wanted more clarification because the original easement agreement does not show 50-foot wide. The response he received from Columbia Gas was, when the easement does not specify a width, the courts have allowed in the past for the utility to set their own easement width. Based on the size and use of the existing utility, they set the width at 50. He had not confirmed that that's true, but that's the response he had received.

RAUSCH Solicitor Rausch agreed. He did not think giving them a 50-foot-wide easement is so much the issue. He added that he thought they were willing to cooperate to allow the Township to insert some of the things the Township needs to put within that 50-foot easement. It's just a matter of working out this language. They call it an Encroachment Agreement and there are some things in there that he is not comfortable with. They will do some negotiating.

11. MANAGER'S REPORT

A. Manager's Report

HODGKINSON Mr. Hodgkinson had submitted a written report and had no updates. He offered to respond to questions, but there were none.

12. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2021-38 – Authorizing Township Manager to Execute Green Light Go Grant Agreement Documents (Haines/Eastern Boulevard)
- B. Resolution No. 2021-39 – Authorizing Township Manager to Execute Green Light Go Grant Agreement Documents (Northern Way and Wolf Drive)
- C. Resolution No. 2021-40 – Authorizing Township Manager to Execute Green Light Go Grant Agreement Documents (Edgewood/Kingston)

- D. Resolution No. 2021-41 – Authorizing Township Manager to Execute Green Light Go Grant Agreement Documents (Edgewood/Eastern Boulevard)

MR. WURSTER MOVED FOR THE ADOPTION OF RESOLUTION NO.’S 2021-38, 2021-39, 2021-40, AND 2021-41 AUTHORIZING TOWNSHIP MANAGER, MARK HODGKINSON, TO ENTER INTO GREEN LIGHT GO GRANTS. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- E. Resolution No. 2021-42 – Requesting Multimodal Transportation Fund Program Grant in the amount of \$836,326 from the Commonwealth Financing Authority for the Davies Drive Extension/At-Grade Crossing Project

MR. WURSTER MOVED FOR ADOPTION OF RESOLUTION 2021-42 REQUEST FOR MULTIMODAL TRANSPORTATION FUND PROGRAM GRANT IN THE AMOUNT OF \$836,326 FROM THE COMMONWEALTH FINANCING AUTHORITY. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- F. Resolution No. 2021-43 - Authorizing Intergovernmental Agreement with Pennsylvania State Police to Provide Police Services at Penn National York Hollywood Casino at the York Galleria Mall.

MR. WURSTER MOVED FOR ADOPTION OF RESOLUTION 2021-43, AN AGREEMENT AUTHORIZING SPRINGETTSBURY TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE PENNSYLVANIA STATE POLICE TO PROVIDE POLICE SERVICES AT THE PENN NATIONAL YORK HOLLYWOOD CASINO AT YORK GALLERIA MALL. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

RAUSCH Solicitor Rausch noted to update the Board that a Draft Agreement was received from the Pennsylvania State Police. Chief King wanted some clarification surrounding the areas of jurisdiction. Under state law, the State Police police the inside of the casino, and the Township would police the outside of the casino. The clarification related to how far in the front entrance goes before the Township police don’t have jurisdiction. There is a provision of cross jurisdiction, but it needed to be clarified. He asked for approval of the Resolution due to the imminent opening of the Casino, likely prior to the August Board of Supervisors meeting.

13. OLD BUSINESS

- A. Acknowledge Receipt of 2020 Springettsbury Township Financial Statements (Tabled at June 24, 2021 Board of Supervisors Meeting)

HUMMEL Ms. Hummel requested that the item be tabled until August. They have had to make changes to the footnotes in relation to the charge of projects underway with the FOG and current construction projects. She should have a draft by Monday (July 26th) and indicated she would forward it to the Board.

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JULY 22, 2021
APPROVED**

SWOMLEY Chairman Swomley stated that the item remains tabled until the Board removes it. He asked the Board if there were any other items on the Old Business Listing for discussion.

WURSTER Mr. Wurster asked for insights or updates on the sewer billing and collection.

HUMMEL Ms. Hummel responded that she and Mr. Hodgkinson are scheduled to meet with the York Water Company on Monday. They are moving forward with the Shutdown or Shutoff Agreement. They don't anticipate any issues or changes to the agreement or changes to the fees that were discussed in early 2020.

SWOMLEY Chairman Swomley questioned the fee deferral that was extended through the second quarter of 2021, which just ended. He asked if there was a reason to extend it further.

HUMMEL Ms. Hummel responded that there was no reason to extend, but that would be up to the Board and the Manager to make that decision.

WURSTER Mr. Wurster noted agreement as it had expired, and he saw no reason to extend that period. He would suggest to resume collection activities in earnest.

SWOMLEY Chairman Swomley stated that there would be no action to take. It was only authorized through the second quarter, and without re-authorization, it would resume to normal practice.

14. NEW BUSINESS

There was no New Business.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

ja