

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**OCTOBER 22, 2020
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, October 22, 2020 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
Brian Funkhouser, Buchart-Horn, Inc.
Dennis Crabill, Environmental Engineer
Dori Bowders, Director of Administrative Operations
Todd King, Police Chief
Teresa Hummel, Director of Finance
Nitza Sanchez-Bowser, Director of HR
Colin Lacey, Director of Parks and Recreation
Ray Markey, Community Development
Dan Hoff, YAUFRR Chief
Abby Gibb, Communications Manager
Jean Abrecht, 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

A. October 8, 2020 – 6:15 p.m. Collective Bargaining

SWOMLEY Chairman Swomley announced that an Executive Session was held on October 8, 2020 at 6:15 p.m. for the purpose of Collective Bargaining Unit discussion.

3. COMMUNICATION FROM CITIZENS

SWOMLEY Chairman Swomley noted that Mark Robertson's Granddaughter, Rachel was in the audience. She is a student at York College and one of her class requirements is to attend Development and Planning meetings. Since the normal sessions had

not been held, they attended this meeting instead with their Professor's permission. Chairman Swomley added that the Planning Commission meetings are sponsored by the Board of Supervisors. All the members are appointed by the Board of Supervisors, and they are an Advisory Board to the Board of Supervisors. Anything that they do comes before the Board to review and for approval. In a manner of speaking the Board of Supervisors is at the top level of the group that Rachel is reviewing for her classes.

STUHRE Charles Stuhre, Trout Run Road, spoke concerning the need for police presence for speeding on Trout Run Road. He asked for a speed sign to be placed on Trout Run to do some timing. He offered his driveway for police to park.

SWOMLEY Chairman Swomley noted that was one of the unintended consequences because of fixing Trout Run Road.

KING Police Chief King stated that they would put something out for enforcement.

FUNKHOUSER Brian Funkhouser, President/CEO of Buchart-Horn commented that they were sorry to see Mr. Crabill depart, but he wanted to assure the township that they will be working to fill his position and continuing to work with Springettsbury Township. He noted they appreciated all the years that Buchart-Horn had been working with the township.

SWOMLEY Chairman Swomley thanked him for the service that had been provided to the township and will be happy to continue that.

FUNKHOUSER Mr. Funkhouser stated that Buchart-Horn plans to put the township in good hands again.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill had provided his written monthly report. He had no changes to his report but offered to answer any questions. There were none.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI John Luciani had provided his written monthly report as well. He had several updates.

- Residential Uses in the Town Center Zone – AECOM – Marian Hull reports that if the board is truly interested in moving forward with residential at the Galleria, a better way might be to place it in the Flex Zone.

Consensus of the board was to bring Ms. Hull in for the Zoning Hearing Board meeting on November 5th at 6 p.m.

LUCIANI Mr. Luciani noted that Abby Gibb and Ray Markey will assist with setting up a Zoom link, but also have the meeting in the township building.

Consensus was to have Marian Hull present her interpretation of the Town Center Zone to the board prior to the Budget Meeting on November 4, 2020.

RAUSCH Solicitor Rausch stated that the township is always a party to a Zoning Hearing, and it would not be necessary to appear. If the board is not satisfied with the Zoning Hearing Board's decision, there is a right to appeal.

- Pleasant Acres/York Housing Authority – The Variance and an Interpretation Request will be heard by the Zoning Hearing Board on November 5th. He was unsure whether the board wanted to send a representative. The meeting will be held in person.

Consensus of the board is to take a neutral position.

SWOMLEY Chairman Swomley stated that the Pleasant Acres building appeared to him as a very reasonable repurposing of the building.

BISHOP Mr. Bishop agreed but wanted to be clear on how it is done and whether there will be any ramifications for the township, such as if it is a more or less intense use of the property.

SWOMLEY Chairman Swomley commented to Ms. Rachel in the audience that there are some planning issues that never even get to the Planning Commission, so she could report back to her professor what she had learned.

5. CONSENT AGENDA

- A. Acknowledge Receipt of September 30, 2020 Treasurer's Report
- B. Board of Supervisors Regular Meeting Minutes October 8, 2020
- C. Regular Payables as Detailed in Payable Listing of October 22, 2020
- D. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2020 – Springettsbury Investors LLC Parcel No. 46-02-03 in an amount not to exceed \$228.93.

WURSTER Mr. Wurster removed Item B for discussion.

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A, C, AND D. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. DVORYAK MOVED TO APPROVE THE BOARD OF SUPERVISORS REGULAR MEETING MINUTES AGENDA ITEM B AS AMENDED. MR. COX WAS SECOND. MOTION CARRIED. MR. WURSTER ABSTAINED AS HE WAS NOT PRESENT.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Extend Community Life Team Ambulance Services Agreement for the Period January 1, 2021 through December 31, 2021

MR. WURSTER MOVED TO AUTHORIZE EXECUTION OF THE MUNICIPAL AGREEMENT FOR PROVISION OF AMBULANCE SERVICE WITH COMMUNITY LIFE TEAM FOR THE CONTRACT PERIOD ENDING DECEMBER 31, 2021. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Advertise Bids for a Five-Year Farming Lease of 70 Acres of Farmland at the Wastewater Treatment Facility

MR. WURSTER MOVED FOR AUTHORIZATION GIVING THE TOWNSHIP MANAGER THE AUTHORITY TO ADVERTISE FOR FARMING SERVICES ON THE 70 ACRES. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

SWOMLEY Chairman Swomley noted for Ms. Rachel this section on the Agenda for Subdivision and Land Development had none specifically to act on; however, the earlier discussion during the Engineering Report covered potential land developments for her interest.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster stated that he is about to cast his ballot for the 2020 PSATS's Executive Board. The slate of Officers is all running unopposed.

MR. WURSTER CONFIRMED THAT HIS VOTE WILL BE CAST ON OCTOBER 23, 2020 FOR THE UNCONTESTED SLATE OF OFFICERS.

DVORYAK Mr. Dvoryak stated that he would like to review the topic of permits for Glenn Olson and the Christmas Tree Sale. The discussion was lengthy, and a summary of main points follows:

- Comparison of his permit request to be consistent with the Ordinance.
- Outcome of whether he could legally sell Christmas trees in Springettsbury Township. Ordinance was written to allow brick and mortar businesses, example, Boscov's to do their tent sale.
- Ollie's sponsored Mr. Olson for several years selling trees as an extension of their business model; this year he was denied.
- He is looking for another opportunity; however, Life Path is not a retail operation, but the Ordinance does not specify it has to be retail. Life Path does sell seasonal merchandise.
- Guidance from the last Board of Supervisors meeting was to ensure the decision would comply with the Ordinance.

COX Mr. Cox stated that he had read the emails from Mr. Olson; he had discussed the matter with Mr. Luciani, and with everything he was told Ollie's decided it was not in their best interest to let him continue to sell trees where he was. Mr. Cox

indicated he is not in favor of letting him try and use Life Path as the equal to Ollie's for a 30-day period. He advertises heavily as the York County Food Bank Christmas Tree Sale but gives a nominal contribution to them from his income.

SWOMLEY Chairman Swomley agreed with Mr. Cox's comments.

RAUSCH Solicitor Rausch indicated he did not know what percentage Mr. Olson gives to the Food Bank as it had never been confirmed one way or another. However, you know, if it's for-profit then really what you're dealing with then is a second business going on at that site and that raises different issues because it's not the same business as Life Path, which is allowed to hold a tent sale outside to sell its merchandise.

WURSTER Mr. Wurster commented that would be mixing a non-profit operation with a for-profit, which might be more of a nexus challenge than the Christmas tree sales.

DVORYAK Mr. Dvoryak brought a further point of whether there would be a different outcome if Mr. Olson applied through Big Lots and they indicated he could sell the Christmas trees. He asked whether the issue is the fact that it is misrepresented how much he is giving to charity or is it the business entity that he is trying to go through at the time.

SWOMLEY Chairman Swomley commented that the first time he was involved, it came through as the Central Pennsylvania Food Bank fundraiser Christmas Tree Sale. Supposedly the board was being considered Scrooges and may have taken some latitude there that would not have been taken otherwise.

LUCIANI Mr. Luciani noted that when he read the ordinance, if someone wanted to have a Christmas Tree lot somewhere, even if the lot were vacant, because they don't have a brick and mortar store, it would be a prohibited activity.

DVORYAK Mr. Dvoryak brought up the Girl Scouts selling their cookies at Sam's Club. That is clearly a non-profit mode, and it is clearly not for profit.

LUCIANI Mr. Luciani stated that there is a Special Provision of the board that allows a 10X10 table and there is a \$5 permit.

DVORYAK Mr. Dvoryak thanked the board. He promised Mr. Olson he would get back to him with information so that he knows exactly why it is being declined.

COX Mr. Cox indicated it was his understanding that he can appeal the Zoning Officer's decision to the Zoning Hearing Board, but he chose not to do so.

WURSTER Mr. Wurster pointed out that the York County Food Bank has a presence in Springettsbury Township.

SWOMLEY Chairman Swomley noted if the Central Pennsylvania Food Bank wants to petition Springettsbury Township for a non-profit sale, maybe the board could review that. It would be a different way to approach it, and he was unsure as to whether it would pass or not.

LUCIANI Mr. Luciani responded that the maximum would be a two-day permit.

SWOMLEY Chairman Swomley stated that, from the comments made, the board is not requesting that the Zoning Officer change his opinion.

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

A. Manager's Report

HODGKINSON Mr. Hodgkinson reported the results of the Cares Act funding. The township had requested \$187,000 but received \$177,000. He thanked Ms. Hummel and Ms. Gibb for all their work in submitting the claims.

DVORYAK Mr. Dvoryak had reviewed the reason for the difference between the \$177,000 and the \$187,000. York County capped the amount of reimbursement based on a headcount of the population, which was approximately \$6.70 per resident. Springettsbury's allotment was within \$1,000 of that so it was very close to the full allocation. He added that he had reviewed some of the other municipalities in the county that had applied for funding. Many of the organizations did not appear to have taken the time or made the effort into getting the funding like Ms. Hummel and Ms. Gibb did because some of the reimbursement amounts were quite small. Perhaps there might be money left over now after the initial pass and Springettsbury can go back and request more.

HODGKINSON Mr. Hodgkinson responded that he and Ms. Hummel had the same conversation this date. They will review the budget to see what needed to be spent and they will do as many requests as possible.

DVORYAK Mr. Dvoryak commented that York City received a very large sum of money. He wondered what funding they were reimbursed for to see if there are other things Springettsbury can include.

WURSTER Mr. Wurster noted that a Right to Know Request could be issued.

DVORYAK Mr. Dvoryak questioned whether Mr. Hodgkinson had any response from the subcontractors concerning the work being done in his neighborhood. His lawn had been dug up for the last two months and neighbors with trenches, piles of dirt and rocks.

HODGKINSON Mr. Hodgkinson responded that he had not learned the name of the contractor, but he will contact Comcast if there was no response.

12. ORDINANCES AND RESOLUTIONS

There were none for action.

13. OLD BUSINESS

There was no Old Business.

14. NEW BUSINESS

There was no New Business.

15. ADJOURNMENT

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

Respectfully submitted,

Doreen K. Bowders
Secretary

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