

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**OCTOBER 28, 2021
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, October 28, 2021 at 7:00 p.m. at the offices of York Area Fire and Rescue located at 50 Commons Drive, York, PA in person and by Zoom technology.

MEMBERS IN

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

ALSO IN

ATTENDANCE: Christopher Gibbons, Concord Public Finance, via Zoom
Jennifer F. Caron, Eckert Seamans, via Zoom

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Diana Young, Environmental Engineer
Dori Bowders, Director of Administrative Operations
Terry Hummel, Director of Finance
Randall Heilman, Director of Community Development
Nitza Sanchez-Bowser, Director, Human Resources
Todd King, Police Chief
Dan Hoff, YAUFR Chief
Abby Gibb, Communications Manager
Jean Abreght, Stenographer

1. CALL TO ORDER

SWOMLEY Chairman Swomley called the Regular 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.

14. NEW BUSINESS

SWOMLEY Chairman Swomley moved forward the item from New Business: Police Co-Responder Presentation. He asked Chief Todd King to begin the presentation and introduce Tim Barker of the York County District Attorney's Office.

KING Chief Todd King introduced First Assistant District Attorney, Tim Barker. He and Chief King presented an overview of the Co-Responder model, which had become a big issue for law enforcement with calls involving individuals with mental health issues. A summary of the presentation follows:

- York County initiated a pilot program for mental health co-responders in 2021 and received a Human Services Grant of \$17.9 million for this initiative. The Grant was used to set up the York County Co-Responder Program.
- Mental health workers will assist law enforcement in response to mental health needs.
- York County initiated a pilot program in August of 2021 that involved York Area Regional Police Department and Spring Garden Police Department that was highly successful.
- Springettsbury, along with Hellam and Lower Windsor Townships will begin the second wave of the pilot program.
- The co-responder is Erica McCoy, who has an extensive background in Behavioral Health having worked as a Psychiatric Technician, as well as working in Crisis Intervention at York Hospital. She interned as a Therapist on the Behavioral Health Unit during graduate school.
- Springettsbury has 12 Officers who are trained in Crisis Intervention.
- Administrative functions for the co-responder will be managed through WellSpan.

BARKER Tim Barker spoke from a county perspective. He commented on a Grand Jury Report that began with an investigation of a death at the York County Prison. This action covered a very in-depth review, extensive investigation involving the criminal justice system with individuals with mental health or substance use disorder issues. This investigation emphasized the important role of the crisis intervention team, CIT training and the addition of co-responders.

- A summary of additional comments follows:
- The Co-Responder program is a York County initiative.
- Angie Alvarez is a co-responder with York Area Regional and Spring Garden Officers; excellent results.
- Search for additional funding streams is ongoing by York County officials.
- The co-responder is called to the scene when it is deemed safe; she will be equipped with a police radio.
- Co-responder Oversight Board established.
- Memorandum of Understanding created and in process; covering a 3-year period.
- Diversionary actions may impact criminal sentencing and may not; depends on the crime.

- State Police Officers are taking CIT training; they are interested in working in the program

12. ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 2021-07 – General Obligation Note, Series A of 2021 in the Principal Amount of \$3,947,000

SWOMLEY Chairman Swomley stated that Chris Gibbons and Jennifer Caron were present by Zoom. He moved item 12A forward for action.

HUMMEL Terry Hummel presented Ordinance 2021-07 for consideration and approval. She noted that work had been done toward refinancing the General Fund Debt, which is the General Obligation Bond Series of 2016. The amount to refinance is \$3,947,000, which includes the outstanding principal and current settlement costs for the new loan. The refinancing will be completed by the General Obligation Note offered by Key Government Finance Incorporated. The loan has a fixed interest rate of 1.711%. The terms of the loan remain the same with 14 years remaining on the original debt. The final payment is due on November 1, 2035. The estimated date of settlement is November 30, 2021

DVORYAK Mr. Dvoryak questioned what the interest rate is on the debt to be retired.

GIBBONS Mr. Gibbons responded it is approximately 2.6%.

MR. DVORYAK MOVED TO APPROVE ORDINANCE NO. 2021-07. MR. WURSTER WAS SECOND. THE MOTION WAS CARRIED BY ROLL CALL VOTE: DON BISHOP – AYE; BOB COX – AYE; CHARLES WURSTER – AYE; GEORGE DVORYAK – AYE; MARK SWOMLEY – AYE.

4. ENGINEERING REPORTS

- A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Diana Young stated that she had presented her monthly report and had no updates. She offered to respond to questions.

WURSTER Mr. Wurster questioned an item in her report concerning the Interceptor Study. He noted that with regard to the Interceptor Study the discharge limit of 22 million gallons of flow rate includes rejections for the additional wastewater by connecting municipalities. He questioned whether that would be today’s rates or whether it reflects some growth in the municipalities over time or just deals with growth at that time.

YOUNG Ms. Young responded that it is likely a combination of growth and transfer from York to Springettsbury.

HODGKINSON Mr. Hodgkinson noted that in some of the municipalities it is mostly growth, especially in York Township.

WURSTER Mr. Wurster stated for clarification that the 20 million gallons discharge today was the initial flow rate to transfer the diversion to the pump station.

HODGKINSON Mr. Hodgkinson indicated that the Treatment Plant is 5 and there is an additional 4.8 in the City; .8 of the 4.8 is already owned by York Township.

WURSTER Mr. Wurster indicated that clarified what he was trying to figure out. They are maintaining.

YOUNG Ms. Young stated that they are maintaining .8 and adding 1.5.

HODGKINSON Mr. Hodgkinson added that it had occurred several years ago when York Township purchased 800,000 gallons of capacity from West Manchester Township in the City system but ran it through Springettsbury's lines.

WURSTER Mr. Wurster noted that the Township is still waiting for PA DEP at these levels.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided his monthly report and had several updates.

- Caliper Collision - Land Development Plan was filed under Item 1.1.5, a body shop. Shop owner filed an appeal and a special exception. This will go to the December 2nd Zoning Hearing Board.
- Green Light Go – Rebooting this project since the COVID-19 stall; met with Public Works Director and the Manager. Ms. Bowders assisted in getting the advertisements ready for Edgewood Road, Kingston and Eastern Boulevard. Pre-bid by the middle of November and open bids via PennBid on December 1.
- One Green Light Go project became an ARLE project for Haines Road and Eastern Boulevard. This project will be a complete rebuild. Two businesses on two of the corners indicate agreement for rights-of-way to be secured from McDonalds and Kloeckner Metals. There will be no work on a flooding issue as the project relates to signal modernization. Consideration to placing a crosswalk from McDonald's to Kloeckner and from Kloeckner to Sheets for pedestrian movements.

WURSTER Mr. Wurster requested clarification regarding whether the mall never put in the required sidewalk outside of Pleasant Valley in reference to Red Robin.

LUCIANI Mr. Luciani responded that a plan had come forward to remove Red Robin from the overall mall piece. There is no sidewalk extending from Kohl's on the southside of Pleasant Valley Road, and no waiver was requested. Red Robin will need to either ask for a waiver or provide a pedestrian sidewalk along that area.

WURSTER Mr. Wurster noted there is no sidewalk from about Lady Morgan Drive to the former Girl Scout building.

LUCIANI Mr. Luciani noted that there had been no development on Pleasant Valley Road in the past and over time, when Kohl's built, they put sidewalk in. Kinsley, on the other side of the road with Triplet Springs was to put in sidewalk. Kinsley recently returned their check to the Township for a Recreation Fee credit. There is a large swale, and they cannot put sidewalk in at this time, which would create the connection from Triplet Springs to the park. Mr. Luciani suggested that the Township staff meet with the developer.

5. CONSENT AGENDA

- A. Board of Supervisors Regular Meeting Minutes – October 14, 2021
- B. Regular Payables as Detailed in Payable Listing of October 28, 2021
- C. Uhrig Construction, Inc. – Springettsbury Township Building Renovation and Expansion Project – Application for Payment No. 4 in an amount not to exceed \$293,310.05.
- D. Frey Lutz Corporation – Springettsbury Township Building Renovation and Expansion Project – Application for Payment No. 5 in an amount not to exceed \$128,360.94

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

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Wyndham Pointe Apartments, Intersection of Pleasant Valley Road and Mt. Zion Road

HEILMAN Randall Heilman introduced the discussion surrounding the Wyndham Pointe Apartments proposed at the intersection of Pleasant Valley and Mt. Zion Roads. He stated that the Vanguard Group that is seeking feedback for their plan, which would require a Text Amendment. Present for the plan was Tom Nehill, Barley Snyder, Mark Horst, Vanguard, Pleasant Valley Road, LLC, Owner. A summary of the plan follows:

- Property encompasses 18.04 acres in Neighborhood Commercial District,
- Current apartment complex includes 80 units in four buildings: 20-one bedroom, 34-two bedroom, and 21 three-bedroom apartments.
- One additional parcel was to house commercial business but has found no tenant.
- Propose modification to existing Development Plan to use as an additional apartment building to include 22 apartments, 10-one bedroom, 12-two bedroom.

The issue is density which the Township uses for the property, which is a factor of the 30 units per acre; 8.04 acres times the 30 density units per acre allowed a total of 241 density units. The density factor was totally used in building the apartments in 2014. Building the additional 10-one bedroom (20 additional density factors) and 12 two-bedroom apartments would total 36 additional density

factors. They would request a simple Text Amendment to lift the density factor for a total of 297 density.

BISHOP Mr. Bishop commented that if this Text Amendment is done for this property, he questioned how that would apply to other properties. That may be difficult to quantify the impact of that change to other properties.

DVORYAK Mr. Dvoryak indicated he understood why the developer requested this, but he asked whether there is a benefit to the Township.

HEILMAN Mr. Heilman responded that one benefit would be to provide additional housing for the citizens, and those choices must be a variety available for socio-economic clients. He added that this could be covered in a discussion during the Comprehensive Plan effort.

NEHILLA Attorney Nehilla commented that this would apply only to multi-family. He noted in some discussions with other municipalities doing their Comprehensive Plans, the plan is to increase some of the density.

SWOMLEY Chairman Swomley questioned how many places the Township would have for Neighborhood Commercial that potentially would be eligible for increased density of apartments, and what does that do to the overall picture of the look of the Township.

LUCIANI Mr. Luciani commented that an analysis must be done.

SWOMLEY Chairman Swomley agreed that there should be a broader look at what the Board wants the Township to look like and what areas it would impact outside of this one particular property.

NEHILLA Attorney Nehilla noted that an analysis is something they would be more than willing to dive into. He added that meeting with the Board was to see if this is something for consideration. They will work with Mr. Heilman and the rest of the staff to address the issues.

DVORYAK Mr. Dvoryak added a statement that he heard some time ago, that for every dollar of tax revenue brought in with residential, \$1.32 will be spent in services to service that dollar.

LUCIANI Mr. Luciani stated that it came from a Penn State study.

WURSTER Mr. Wurster noted that it could contribute more to the Township than others to have more residents contributing to the Mercantile Tax. He noted he is open for more discussion of the plan as there is a need for more rental housing as the market has shifted. It does require more study.

COX Mr. Cox commented that they had been up against COVID for the last 18 months, which has hindered any efforts to market any kind of property.

SWOMLEY Chairman Swomley stated that the Board is willing to listen to options.

NEHILLA Attorney Nehilla responded that they appreciated the feedback.

8. COMMUNICATION FROM SUPERVISORS

DVORYAK Mr. Dvoryak stated that, as a follow-up to the budget meeting the other night, he had received a call from a resident concerned about the comparisons to some of the positions for the administrative position in the fire budget. He recalled that one of the comparisons that was in there was to the HR Directors position. He was aware that Ms. Sanchez-Bowser has a lot of data and she reviews salary surveys to quantify salary ranges for positions based on education, certifications, years of experience and other things that make up a competitive salary package. He asked whether the Board would agree with a suggestion that Ms. Sanchez-Bowser vet that to see how that comes out for that position, to put it to a litmus test.

Consensus of the Board was agreement to make the request of Mrs. Sanchez-Bowser.

WURSTER Mr. Wurster mentioned that he had attended the 100th Anniversary Dinner of PSATS. In addition, he had represented Springettsbury Township on the Population Standing Committee of Townships of 10,000 or more in population. On that committee Springettsbury was somewhat of an outlier. Some of the other townships, despite their size, are serviced by the state police. Springettsbury is proud to have its own police force. He was happy to discuss experiences to make sure to retain a police force. There will be a conference in April 2022, and Springettsbury will continue to be engaged. The regional forums will continue along with other standing committee opportunities.

BISHOP Mr. Bishop brought forward an item concerning the last Zoning Hearing Board meeting. He noted he would like to have a better understanding of the decision of the Zoning Hearing Board with regard to the chicken case.

LUCIANI Mr. Luciani stated that the Homeowner's Association prohibits having pets other than dogs and cats. The testimony of the neighbor probably convinced the Board. Initially, the lady had two roosters and nine hens. Her son testified that hawks had killed the bulk of the chickens. She only had three chickens left and the concern with the chickens is odor, noise, and are they going to run out in the street and get hit by a car. The exhibits showed her yard is completely fenced in and her next-door neighbor testified that she can't smell them, and she can't hear them. Based on that the Zoning Hearing Board had a change of heart. They voted favorably. The other thing that you need to know, this woman that was the applicant claimed they were therapy chickens.

- HEILMAN** Mr. Heilman noted that the meeting next Thursday, November 4, also is for chickens for Mr. Glerum, 1825 North Sherman Street. He has eight hens, and he is requesting a variance. He has some illustrations that they have in place for those chickens. Mr. Heilman added that he was surprised by the decision.
- BISHOP** Mr. Bishop indicated that the Board of Supervisors must consider its position because the Zoning Hearing Board cannot ignore the Zoning Ordinance. In this case it appeared that they were relying on the Homeowner's Association to make it illegal, and it wouldn't matter if Springettsbury's laws are ignored because of some private agreement. He indicated he was concerned.
- DVORYAK** Mr. Dvoryak questioned whether it was the therapy aspect that generated the approval.
- LUCIANI** Mr. Luciani noted that in the past numerous chickens were granted relief by the Zoning Hearing Board to the point where the previous Community Development Director was preparing to amend the Ordinance to allow chickens in dense areas and it never got processed. Mr. Luciani noted his concern is odor and, in this case, there was an immediate neighbor who testified that therapy was a part of it and to the fact that there were only three chickens.
- RAUSCH** Solicitor Rausch stated that the Board has the right to appeal. The Township is always a party to the Zoning Hearing.
- WURSTER** Mr. Wurster questioned how long the Board has to appeal.
- RAUSCH** Solicitor Rausch indicated they have an automatic right 30 days after the decision was issued.
- HEILMAN** Mr. Heilman noted that date would be November 4th, Thursday, which would be the start of the 30 days.
- COX** Mr. Cox noted the ruling was that she is allowed to have chickens. He asked whether there is a limitation.
- LUCIANI** Mr. Luciani responded that three chickens were stipulated.
- DVORYAK** Mr. Dvoryak commented that this is in the Wallingford Development where there are nice homes. He noted he personally would be in favor of appealing from the Township perspective.
- SWOMLEY** Chairman Swomley noted that there are enough questions from the Board this date as to what the Zoning Hearing Board were thinking that it would be appropriate.

RAUSCH Solicitor Rausch indicated he would like to review the written decision to see what the rationale was because that would be put into the decision.

COX Mr. Cox asked about the second case.

HEILMAN Mr. Heilman noted the second case will be on November 4th, for Steven Glerum, 1825 North Sherman Street. Mr. Heilman commented that the first case, the little lady could hardly speak English. She was very frail and apparently just sits at her table and plays with her chickens. In Mr. Glerum's case, he is in the R7 Zoning District with several acres.

SWOMLEY Chairman Swomley brought forward a letter, received by all the Board from the residents of Olde East York/South Keesey Street. Also, he had been contacted by a resident of South Kershaw several blocks away with a similar issue. Chairman Swomley suggested that the Township meet with the residents and come up with some alternatives and costs. If the alternatives included putting storm sewer in the area, it would be a project that would cover the entire area and would be a 15 to 30-year bill for the residents.

DVORYAK Mr. Dvoryak noted that there might be other areas in the Township built before the current stormwater standards that have the same issue. Those areas should be included as well.

HODGKINSON Mr. Hodgkinson stated that there are neighborhoods in Olde East York and Fayfield, which are two of the oldest neighborhoods in the Township, that do not have storm sewer. He added that there are other pockets, such as in the Yorkshire neighborhood and west of Edgewood Road.

SWOMLEY Chairman Swomley noted that an explanation will have to be made to the residents of what can be done and what the costs would be. It would become a neighborhood decision as to whether they are willing to take on the cost.

HODGKINSON Mr. Hodgkinson noted that in the past when sanitary sewer was extended the cost for the project was divided equally by each home, and they paid over 25 years. A stormwater extension is not as clear-cut because water is coming from beyond that area.

RAUSCH Solicitor Rausch noted that stormwater districts could be created and an area that would be responsible for the cost would be identified. He recalled that stormwater was included in the amendments to the Development Authority.

HODGKINSON Mr. Hodgkinson stated that he and Mr. Luciani will work on meeting with residents to see what happened.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch had nothing to add to his monthly report.

10. MANAGER’S REPORT

A. Manager’s Report

HODGKINSON Mr. Hodgkinson reported that he is actively seeking long-term electric rates as the current long-term agreement expires in 2023. He will discuss this at the November meeting.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2021-07 – General Obligation Note, Series A of 2021 in the Principal Amount of \$3,947,000

This item was acted upon earlier during the meeting this date.

B. Resolution No. 2021-48 – Authorizing Installation and Maintenance Agreement for Small Flow Treatment Facility at 504 Stonewood Road

MR. WURSTER MOVED TO ADOPT RESOLUTION NO. 2021-48 – SEWER PLANNING MODULE AS REVISED FOR 504 STONEWOOD ROAD. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

HODGKINSON Mr. Hodgkinson stated that under the Old Business item a decision needs to be made as to how to handle it under the new Sunshine Laws.

Consensus of the Board was to continue to list the Old Business items on the Agenda.

14. NEW BUSINESS

A. Police Co-Responder Presentation – Tim Barker, District Attorney’s Office

This item was presented earlier during the Agenda.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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