

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**NOVEMBER 18, 2020
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Wednesday, November 18, 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.
Diana Young, Buchart-Horn, Inc.
Dori Bowders, Director of Administrative Operations
Dennis Crabill, Director of Public Works/WWT
Todd King, Police Chief
Teresa Hummel, Director of Finance
Colin Lacey, Director of Parks and Recreation
Ray Markey, Community Development
Dan Hoff, YAUFRR Chief
Abby Gibb, Communications Manager
Jean Abreght, Stenographer

1. CALL TO ORDER

SWOMLEY Chairman Swomley called the Regular Meeting to order at 7 p.m. He asked if representatives from Cub Pack #25 would lead in the Pledge of Allegiance. He welcomed them to the meeting.

A. Opening Ceremony - Cub Pack #25 Boy Scouts led the Pledge of Allegiance.

SWOMLEY Chairman Swomley stated that Cub Pack #25 is learning about Citizenship in the Community, and he had responded to some questions about the township, what the Board of Supervisors does and some of the issues the township had to face with COVID-19.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley stated that there had been no Executive Sessions since the last meeting; however, one was scheduled for this date for the purpose of a Collective Bargaining Agreement discussion immediately following adjournment.

3. COMMUNICATION FROM CITIZENS

A. Communication from Citizens

SANDMEYER Bob Sandmeyer came before the board representing the developer for the Pleasantries, an agenda item. He noted the presence of some neighbors and offered to respond to any questions. He noted that some of the neighbors petitioned to have a final waring course put down on the streets. He stated that Mr. Ritter was in the audience to address the board.

RITTER Mr. Ritter stated that he had delivered a petition that was signed by all of the homeowner residents living in Pleasantries Development. The petition basically outlined that the development had been on the township's agenda for approximately 15 years as it was in the 2004 minutes originally put forth as an upcoming development. Some residents have lived there for almost the entire 15 years, and the streets have degraded considerably in that period of time. He had presented a street survey, copied for Mr. Luciani, Mr. Sandmeyer and Mr. Patton, the developer. He requested that the township resolve all matters with the developer to have the final course put down sometime in 2021.

The board had a lengthy discussion concerning the next steps for the Pleasantries development, which are summarized:

- Bulk of the homes and roads are completed in the development.
- Base course of the roads needs significant repairs prior to paving with a waring course.
- Previously the developer was given a punch list and the township took over the park area and stormwater basin roads.
- Additional corrections needed; meeting the standards and fixing problematic areas remain.
- Bonding is in place for the waring course for some of the binder.
- Phase 2, southside of Pleasant Valley Road has 37 buildable lots; only eight remain; 83.7% complete (85% built for completion of project).
- Base repairs could be done by spring 2021 followed by street paving. Meeting to be held with regard to the base repair, which is significant.

Consensus of the board was agreement with having a commitment from the developer to do the necessary repairs, as well as the township with some flexibility to achieve the paving in 2021.

SANDMEYER Mr. Sandmeyer noted that this would include the upper phase on the north side of Pleasantries. Phase 1 has a private driveway and private street. That will be done all at the same time.

LUCIANI Mr. Luciani added that the developer is in 100% control of the process here with setting the schedule and paying the bills.

RITTER Mr. Ritter thanked the board, Mr. Sandmeyer and Mr. Luciani on behalf of all the residents. He added that if there was anything he could do to please get in touch with him.

SWOMLEY Chairman Swomley thanked Mr. Ritter for addressing the board.

SANDMEYER Mr. Sandmeyer noted that he would be contacting Manager Hodgkinson and Mr. Luciani following his discussion with the developer. They will get a meeting set up to discuss the matter.

84 Lumber Project

BISCOE Rich Biscoe came before the board to discuss a project at 1410 Eden Road, former site of 84 Lumber. He had been working with Messrs. Luciani and Markey and was hoping to get a waiver for a Land Development Plan. Their plan includes construction of approximately 1,200-square foot office space over a concrete pad and under a roof that is already in place. The plan includes enclosing an area to allow five offices and a reception area.

SWOMLEY Chairman Swomley had reviewed documentation provided by Mr. Luciani, but he had questions relating to parking and other items normally covered under Land Development Plans.

BISCOE Mr. Biscoe reported that their engineers and designers met with Messrs. Luciani and Markey, and believed to be on the same track in terms of the plan. He acknowledged they do not have a full set of documents for review. Mr. Biscoe requested that, in lieu of a very costly and time-consuming process of an official Land Development Plan, to waive that with having the township engineer guide us on the requirements for which he would be comfortable, such as parking lot, landscaping, truck traffic requirements, etc.

SWOMLEY Chairman Swomley understood but noted that the Planning Commission typically vets these things and then sends it to the Board of Supervisors for approval rather than getting into the entire planning process.

BISCOE Mr. Biscoe stated that what they want to do involves an apron or covered patio space in front of the building. They are hoping to enclose that and build five offices and a reception area. Both Messrs. Luciani and Markey had discussed that and directed their engineers to provide the requirements based on the square footage of office and industrial space inside, warehouse space inside and determine how many spaces are required. They are willing to pave, put bolsters and curbing in. They are interested in getting it paved with the correct number of spaces.

MARKEY Mr. Markey stated that he had approved the building permit portion of this plan, as far as the construction goes. There were some other floodplain issues that they are working through, and they have done some flood proofing for this addition. That is all worked out so the parking area remains to be completed.

WURSTER Mr. Wurster questioned what the compelling reason would be as to why it would be necessary to have this developer file a Land Development Plan for this project.

LUCIANI Mr. Luciani provided some background information of the site:

- No former subdivision or land development plan is available for the 84 Lumber site.
- Additional change made with condemnation of a portion of property for the turn lane to Route 30
- Current developer has connected to the public sewer system.
- Project needs base plan which includes property lines, rights-of-way, green area, setbacks, and quantifying the number of parking spaces and dumpsters, truck turning movements, paving types, and landscape islands.

COX Mr. Cox commented that he agreed with Chairman Swomley. The plan should have gone before the Planning Commission first for review and recommendation to the Board of Supervisors. He did not believe that the Board of Supervisors should be doing what the Planning Commission normally does.

SWOMLEY Chairman Swomley noted that he was perfectly fine with asking the Planning Commission to allow the plan to move forward with whatever variances are needed and without a Land Development Plan if that is their decision and is in the best interest of this project.

BISCOE Mr. Biscoe stated that they were not trying to overstep any particular course of action. This was just the guidance that was given. He asked who he should speak with to get on the Planning Commission's agenda.

LUCIANI Mr. Luciani responded that it would be between himself and Ray Markey. Unfortunately, the project needs to be provided two weeks before the meeting and it is too late for the November meeting. It can happen for the December meeting.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

FUNKHOUSER Brian Funkhouser introduced Diana Young, who will take Dennis Crabill's place as Wastewater Engineer. Ms. Young comes with 32 years' experience at Buchart Horn and is a quality candidate. Mr. Funkhouser noted if the board

had any questions they should reach out to him and he will address them. He added that they will be in great hands with Diana's expertise.

SWOMLEY Chairman Swomley welcomed Ms. Young to the position.

YOUNG Ms. Young stated that she looked forward to working with them. She had provided a written report and had nothing to add. She confirmed that the contractor is working and is back on site.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a written report and had several updates.

Police Station - Working with Manager Hodgkinson regarding the Police Station. Planning Commission will review the plan during this month's meeting. He had provided an 11x17 plan of what they are working through. Mr. Hodgkinson requested lower demanding maintenance plantings and landscaping, which is going to be beneficial from a long-term maintenance and cost standpoint. In addition re/the lower parking lots were dead end so a decision was made to create circulation and eliminate a few parking spaces. Things are moving along smoothly.

Amazon Distribution Facility – 3750 East Market Street. Engineer is Stantec, which put in a request for a PennDOT permit to add additional driveways onto Market Street. There will be a few hundred drivers and admin personnel in the building, a good economic driver. They need:

- Access to Kinsley's Innovation Drive; in progress.
- Site challenges; traffic study vs Trip Generation Report done.
- Need signed page 6.
- Time waiver from MPC for township decision.

BISHOP Mr. Bishop questioned Mr. Luciani concerning the status of the Bon Ton Text Amendment.

LUCIANI Mr. Luciani responded that he had discussed the Text Amendment with Attorney Hovis, the client's representative. At this time, his client was not interested in pursuing the deal. Mr. Luciani commented that if there were an application in the future, the direction on how to move forward is clear.

5. CONSENT AGENDA

- A. Acknowledge Receipt of October 31, 2020 Treasurer's Report
- B. Acknowledge Receipt of September 15, 2020 York Area United Fire and Rescue Commission Joint Budget Presentation Minutes
- C. Acknowledge Receipt of September 15, 2020 York Area United Fire and Rescue Commission Meeting Minutes
- D. Board of Supervisors Work Session Meeting Minutes – October 19, 2020
- E. Board of Supervisors Regular Meeting Minutes – October 22, 2020

- F. Board of Supervisors Work Session Meeting Minutes – November 2, 2020
- G. Regular Payables as Detailed in Payable Listing of November 18, 2020
- H. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2019 – Antal Florin & Adina, 805 Witmer Road (Parcel #46-JK-12) in the amount of \$66.20
- I. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2020-Antal Florin & Adina, 805 Witmer Road (Parcel #46-JK-12) in the amount of \$158.87

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

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Execute 2021 SPCA Animal Care and Housing Agreement in an amount not to exceed \$13,734.02

MR. WURSTER MOVED FOR AUTHORIZATION TO EXECUTE 2021 SPCA ANIMAL CARE AND HOUSING AGREEMENT IN AN AMOUNT NOT TO EXCEED \$13,734.02. MOTION UNANIMOUSLY CARRIED.

- B. Authorization to Execute York County Department of Emergency Services Computer Aided Dispatch (CAD) Web View User Agreement.

MR. COX MOVED TO AUTHORIZE CHIEF KING TO EXECUTE YORK COUNTY DEPARTMENT OF EMERGENCY SERVICES CAD WEB USER AGREEMENT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster attended the PSAT's Standing Committee for Townships Greater Than 10,000 in Population meeting. Discussion covered the following:

- PSAT's Conference will be held at Hershey Lodge and Convention Center in late 2021. Registration date begins in January 12, 2021 at 9 a.m.
 - State legislature has passed legislation to allow FedEx to deploy their autonomous delivery robots. Mr. Wurster provided a picture. They have wheels, a post, a carrier.
 - Townships now have the opportunity, per the legislation, to rule whether the robots will be allowed on roadways where speed limit is 35 miles an hour. They are not allowed to operate anywhere other than in the 25 mile an hour neighborhood speed limit space.
 - PennDOT will require registration fees.
 - PSAT is looking for feedback and thoughts from the township; is there any authority from the township.
- Live Salary Survey is new on the website; updated in real time.

DVORYAK Mr. Dvoryak asked Mr. Hodgkinson for an update on the Comcast debacle in the neighborhoods where they dug and never returned to fix what they destroyed.

HODGKINSON Mr. Hodgkinson responded that he had two conversations with the same gentleman with the same response that they are working on it. He indicated he would follow up.

DVORYAK Mr. Dvoryak asked Solicitor Rausch whether there was any leverage beyond being at their mercy when they tear up rights-of-ways and don't return to fix them.

RAUSCH Solicitor Rausch indicated he would check the Cable Agreement to see if the situation is covered.

DVORYAK Mr. Dvoryak questioned how far their right-of-way extends from the street because they are pretty far into his yard.

HODGKINSON Mr. Hodgkinson responded that Mr. Dvoryak's street is 50-feet overall; that would be 25 feet in each direction from the center of the street.

9. COMMITTEE REPORTS

There were none.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reminded the board that December 2nd at 1 o'clock a meeting will be held in Room 151 York County Offices on Pleasant Valley Road with York County concerning Davies Drive and what contribution York County will make toward that project. He stated that Manager Hodgkinson and Chairman Swomley will be in attendance. He offered that any of the other Supervisors could attend as well. He noted that the PUC had approved the crossing, and next will be the development phase. Next step is for East Penn Railroad to get their design to the PUC.

SWOMLEY Chairman Swomley had questioned Ms. Hummel and Mr. Hodgkinson a question about Pilgrim Wire as he was curious why YATB was pushing for them to be a retail operation.

RAUSCH Solicitor Rausch responded that YATB did an audit back in March and there is an issue between what a wholesale dealer is and what a retail vendor is, and of course, the difference is in the taxation. The definition that the Pennsylvania Supreme Court is using, the difference is Pilgrim Wire, based on their calculations, would owe the Township approximately \$19,000. York Area Tax Bureau's calculations indicate that they owe an additional \$48,000, so the sum is not insignificant. They have filed an appeal for which the township has a Hearing Officer; however, the hearing was canceled and will be rescheduled.

SWOMLEY Chairman Swomley indicated he was interested to hear more when it is resolved.

11. MANAGER'S REPORT

A. Manager's Report.

HODGKINSON Mr. Hodgkinson had provided his written report and had one update. He stated that Ms. Hummel had received notification that, again, for the third year in a row, that the township received the GFOA Distinguished Budget Presentation Award. He congratulated Ms. Hummel and her staff.

SWOMLEY Chairman Swomley and the board members congratulated Ms. Hummel on this accomplishment.

DVORYAK Mr. Dvoryak questioned a note about a possible change to the holiday schedule. He wondered procedurally whether the staff has the authority to make changes since it is a personnel policy that required board action.

HODGKINSON Mr. Hodgkinson responded that staff can make changes because it wasn't changing the number of holidays.

SWOMLEY Chairman Swomley noted it was changing the non-uniform schedule, basically the regular township employees to match the non-union to match the union schedule.

RAUSCH Solicitor Rausch stated that the Township Manager would have discretion to make adjustments. Changing dates would require board approval.

WURSTER Mr. Wurster asked Chief King how the Pandemic Policy had been working.

KING Chief King responded that the policy is working well. There had been some challenges, but the policy is standing up. They had some questions surrounding different diagnosis, such as presumptive positive, etc. Specific diagnosis is needed as they do contract tracing to determine who might be infected. The Metro Chiefs are all in the same boat and they're all standing by willing to help each other in case there are staffing needs. He reported that the Crew Investigative Division all came back to work, and currently they are only down one support staff member and one, possibly two Officers on quarantine.

WURSTER Mr. Wurster commended Chief King for having the policy in effect.

SWOMLEY Chairman Swomley questioned Mr. Hodgkinson about the Mill Creek Interceptor having to be replaced. He noted it looked like a fairly major operation.

HODGKINSON Mr. Hodgkinson responded that, because of I83's widening potential from four lanes to six lanes, that project will impact that sewer line. Mill Creek runs on the west side of I83. They are working with PennDOT and PennDOT's engineer as to where that line will need to be relocated, and by how many linear feet. There will be a cost to the township; however, the lion's share of that would be similar to Exit 18 where the township did a betterment and paid very minimal cost for the betterment. If the township wanted to do anything outside of the impact, such as replacing manhole runs and it is outside of PennDOT's work, that cost would be the township's.

SWOMLEY Chairman Swomley commented that having read Buchart-Horn's memo he had not realized the magnitude of that impact.

HODGKINSON Mr. Hodgkinson responded that it is a pretty significant project. He just had received an email to schedule the next scoping meeting.

SWOMLEY Chairman Swomley commented that along with that will be the impact on the bridge over Mill Creek on Market Street, which will be another mess.

BISHOP Mr. Bishop commented that he read the township ordinance with regard to the Business Privilege and Mercantile Tax. He referred to Mr. Dvoryak's recent comment and similar recommendation to do a review of the ordinances. Mr. Bishop urged that a plan be put into place to do a complete review of the ordinances.

SWOMLEY Chairman Swomley agreed that a schedule be put together to work through all of the ordinances, and cross-references between different sections.

12. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2020-52 – Authorizing Amendment to Designated Depositories Adopted on January 6, 2020

MR. BISHOP MOVED FOR THE ADOPTION OF RESOLUTION 2020-52 AUTHORIZING AMENDING DESIGNATED DEPOSITORIES. MR. COX WAS SECOND. MOTION CARRIED 4/1. MESSRS. SWOMLEY, DVORYAK, BISHOP, AND COX VOTED IN FAVOR. MR. WURSTER ABSTAINED AS HE IS AN OFFICER OF THE DESIGNATED DEPOSITORY.

B. Resolution No. 2020-53 – Authorizing Signature on Card Services Merchant Agreement with Open Edge/Global Payments Direct, Inc.

MR. DVORYAK MOVED FOR THE ADOPTION OF RESOLUTION 2020-53. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

There was no Old Business.

14. NEW BUSINESS

A. Discussion – On-Street Parking Restriction for Disabled Person or Severely Disabled Veteran

SWOMLEY Chairman Swomley introduced this subject, which had been prompted by an individual request for a restricted parking space. Chief King had done some research and found that the township would not be sufficiently covered with an ordinance or policy. He had drafted a potential ordinance.

KING Chief King stated that the township would be sufficiently covered by state law; however, he had drafted an ordinance to better communicate with the citizens as to the procedure in applying for a restricted parking space.

SWOMLEY Chairman Swomley noted that Chief King had provided a good first draft.

HODGKINSON Mr. Hodgkinson stated that they were looking for the board's input as to whether it was something that would benefit. They will come back formally and present something to the board.

WURSTER Mr. Wurster stated that he thought it had merit and the board should proceed.

BISHOP Mr. Bishop questioned whether there would be any downside.

HODGKINSON Mr. Hodgkinson responded that he did not think there was a downside. It is better to have a process and not lose track of these items.

SWOMLEY Chairman Swomley would like the form as well. He added the draft is a really good start.

KING Chief King indicated that would sanction property as well.

B. Authorization to Advertise 2021 Proposed Budget

MR. WURSTER MOVED TO AUTHORIZE TO ADVERTISE THE 2021 PROPOSED BUDGET. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Set Time for January 4, 2021 Reorganization Meeting

Consensus of the Board was to set the time for the Reorganization Meeting on January 4, 2021 at 6 p.m.

D. Set Dates and Times for 2021 Regular Meetings of the Board of Supervisors

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**NOVEMBER 18, 2020
APPROVED**

Currently: Second and Fourth Thursday of Each Month – 7:00 p.m. with the following exceptions:

June, July and August – Fourth Thursday Only
November – Third Wednesday Only (due to Veteran’s Day Holiday on Second Thursday in November)
December – Second Thursday only

E. Dates and times for, I think it’s 2022 Proposed Budget Work Sessions.

October 18, 2021 – 6:00 p.m.
November 1, 2021 – 6:00 p.m.
November 3, 2021 – 6:00 p.m.
November 17, 2021 – Budget Presentation – 6:30 p.m.

Consensus of the board was agreement with dates and times documented in items D and E.

15. ADJOURNMENT

SWOMLEY Chairman Swomley reminded the board of the Executive Session to be held immediately following adjournment. He adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Doreen K. Bowders

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