

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**DECEMBER 8, 2016
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, December 8, 2016 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Blanda Nace
Bill Schenck
Kathleen Phan

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Jessica Fieldhouse, Director of Community Development
Mark Hodgkinson, Director of Wastewater Treatment Plant
Andy Hinkle, Manager, Information Systems
Nitza Sanchez-Bowser, Director of Human Resources
Dan Stump, Chief, Police Department
Jay VanPelt, YAUFRR
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance.

B. Oath of Office – Patrolman Frederick Lucas

SWOMLEY Chairman Swomley provided the Oath of Office to Patrolman Frederick Lucas.

STUMP Police Chief Dan Stump stated that Patrolman Lucas had gone through and passed a lengthy process including his education. He stated that he had been born in Costa Rica and spent the first 14 years in Costa Rica and then moved back to the United States where he now has dual citizenship in in Costa Rica and the United States. One special item is that he is one of the department’s first fluent Spanish-speaking Officers. Chief Stump presented Patrolman Lucas with his badge.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

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

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill stated that he had provided a written monthly report. He had one update to the Market Street Sanitary Sewer Project that the main line had been installed. There are a number of laterals to go before it can be considered substantially complete, followed by paving restoration in the spring.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI John Luciani had provided a written monthly report and had an update regarding MS4. Several of the points he made are summarized:

- An audit done by DEP of MS4 will take place here at the township on January 11, 2017.
- There are six parts to the audit including public education, reporting, construction, township-owned facilities, such as parks, Public Works, the township campus, fire stations.
- Ten years' worth of reporting and documentation including a mapping book of all community discharges are available digitally and in hard copy form.

Mr. Luciani stated that over the 10 years of testing done throughout the community, no contaminants were detected. He was certain that the township is well prepared for January 11th.

5. CONSENT AGENDA

- A. Board of Supervisors Budget Work Session Minutes – November 2, 2016
- B. Board of Supervisors Budget Work Session Minutes – November 16, 2016
- C. Board of Supervisors Meeting Minutes – November 16, 2016
- D. Regular Payables as Detailed in Payable Listing of December 8, 2016

- E. Authorization to Approve Tax Refund Request for Tax Year 2016 – Columbia Gas of PA, Inc. (Parcel #46-JJ-7.D-P0001) in the total amount of \$1.87
- F. Authorization to Approve Tax Refund Request for Tax Year 2016 – KV Memory, LLC (Parcel #46-KI-0009) in the total amount of \$131.60

MR. DVORYAK MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS A THROUGH F. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Enter into 2017 Agreement with Julia Drebusenko for Animal Control Services

MR. SCHENCK MOVED TO AUTHORIZE THE 017 AGREEMENT WITH JULIA DREBUSHENKO FOR ANIMAL CONTROL SERVICES. MOTION UNANIMOUSLY CARRIED.

- B. Authorization to Enter into Agreement with Cohen Law Group to Perform Wireless Facility Management Services in an amount not to exceed \$4,950

MR. NACE MOVED TO AUTHORIZE ENTERING INTO AGREEMENT WITH COHEN LAW GROUP TO PERFORM WIRELESS FACILITY MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$4,950. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Waiver Request – York County Rail Trail Northern Extension – Loucks Mill Ramp

The York County Rail Trail Authority is implementing Phases III and IV and the Loucks Mill Ramp of the Rail Trails expansion plans. A portion of the plan is located within Springettsbury Township, which includes the Loucks Mill Ramp, a 5,400-sf walkway from the Loucks Mill parking lot up to and across Route 30 to the west side of Codorus Creek. Documentation on the plan is included in the Briefing Memo of December 8, 2016.

SHUE Jeff Shue, C. S. Davidson represented the Rail Trail Authority of York. He stated that the Rail Trail Authority requested a waiver from the requirement of a formal Land Development Plan submission and approval. They proposed an ADA compliant ramp within the township that would go through from the parking lot to the pedestrian crossing that exists on Route 30. They want to stay on the same

side of Route 30, cross Route 30 and then have a ramp down into the North York area. They need to create horizontal distance to make the slope acceptable with the vertical rise.

A lengthy discussion took place which is summarized:

- A pedestrian walkway exists that is acceptable and protected from traffic.
- An outstanding plan exists that has not been recorded to date.
- A Land Development Plan was applied for and approved by the Board of Supervisors. All inspections were done and completed to the satisfaction of the township.
- Rail Trail's interests in terms of easements, rights-of-ways, recordation of the Land Development Plan, etc. were satisfied in accordance with township records.
- Township Engineer indicates construction is complete; however, one condition remains awaiting signature from Conrail, which is the responsibility of the Rail Trail to obtain.
- In addition, the Mylars were not signed, which may be part of the delay.
- Changes needed address grading, stormwater and concern for floodplain, which are technical issues provided by township staff.
- Township Engineer will review all issues to be sure of compliance followed by a complete electronic record on file.

MR. NACE MOVED TO APPROVE THE WAIVER REQUEST TO S-289-6 WHICH IS A REQUIREMENT TO SUBMIT A LAND DEVELOPMENT PLAN FOR THE YORK COUNTY RAIL TRAIL AUTHORITY NORTHERN EXTENSION, PHASE III, IV AND LOUCKS MILL RAMP. MOTION UNANIMOUSLY CARRIED.

B. SD-16-05-2841 East Prospect Road Final Reverse Subdivision Plan (01/26/17)

This subdivision plan proposed the extinction of a lot line separating parcels 84A and 84 in Springettsbury Township and York Township. Goal of the plan is to consolidate 5 lots into 1 lot.

GEORGE Josh George of Snyder, Secary represented the plan. He identified the four existing parcels at the north-west corner of Routes 24 and 124. About 2/3 of the project is located in York Township, but 1/3 of the property is in Springettsbury Township. Their request had been reviewed by township staff and Planning Commission recommended approval. No development is planned at this time.

A lengthy discussion took place, which is summarized:

- Springettsbury requests some documentation of the costs involved, as well as where the boundary lines are.
- Previous plans for the property were documented in Plan Book RR, page 401, which shows the approximate municipal boundary line.
- The current subdivision plan has been reviewed by York Township's Planning Commission as a Briefing Item and is on their agenda as an Action item on January 17th. It will be reviewed by the York Township Board of Commissioners in January.
- No development is proposed so nothing from a taxing standpoint would change.
- With regard to the Briefing memo, the third waiver is a modification, i.e., a six-month note on the plan.

MR. SCHENCK MOVED TO APPROVE SUBDIVISION 16-05 KNOWN AS THE 2841 EAST PROSPECT ROAD WITH THE FOUR WAIVERS AS LISTED IN THE MEMO; SPECIFICALLY THE WAIVER FOR CURB AND SIDEWALK IS TO ADD THE SIX-MONTH NOTE. MOTION UNANIMOUSLY CARRIED.

C. East Market Street and Mt. Zion Road Rezoning Project

SWOMLEY Chairman Swomley brought forward the matter of East Market Street and Mt. Zion Road Rezoning Project. There is a request to send the rezoning proposal to the York County Planning Commission and advertise.

FIELDHOUSE Ms. Fieldhouse had provided substantial supporting documentation. The rezoning proposed includes 13 parcels from Neighborhood Commercial to Mixed Use with Town Center Overlay. Planning Commission met on November 10th and November 17th in public meetings to review, and at the November 17th meeting they recommended to move the proposal to the Board of Supervisors for approval to send to York County Planning Commission.

A lengthy discussion took place, which is summarized:

- Planning Commission sent a proposal to the board, which was then sent to York County Planning Commission; however, the plan presented to the public was different from that. The board had to vote it down because of the mismatch in what had been presented to the public.
- Planning Commission was requested to take a more global review of the area.
- Difficulties within the procedure and the process have presented some misunderstanding.

- A more broad review could be done in the context of the Comprehensive Plan. However, the Comprehensive Plan is potentially three years in the future.
- Important to address traffic concerns.
- Zoning should be done for the best interests of the community.

SWOMLEY Chairman Swomley asked Charles Stuhre, a member of the Planning Commission, for comments on the situation.

STUHRE Mr. Stuhre stated his personal opinion. There are apartments on both sides of Mt. Zion Road. If the zone were Mixed Use that would invite the continuation of apartments, which would not put as much traffic on the roads since they are residential as opposed to a commercial entity. In addition, to get through to Industrial Highway, a future developer could offer to buy the properties north of Eisenhower Drive making those residents a deal they could not refuse, which would allow the building of a frontage road not part of Mt. Zion but parallel to carry traffic west of the existing apartments to Industrial Highway. Mixed Use would force apartments.

NACE Mr. Nace asked Ms. Fieldhouse whether Mixed Use is “less aggressive” than what exists there now.

FIELDHOUSE Ms. Fieldhouse responded that as a stepping stone leveling up in intensity: Neighborhood Commercial/Mixed Use, then Highway Commercial, so it’s kind of a blending of Neighborhood Commercial and some Highway Commercial, but it’s a lower intensity than Highway Commercial.

SWOMLEY Chairman Swomley asked what uses would be permitted in that area.

FIELDHOUSE Ms. Fieldhouse responded that Multi-family is the only residential use. It would include retail whereas Neighborhood Commercial puts a cap on retail at 3,000 sf. There is no cap on retail in Mixed Use. In the Mixed Use offices are allowed, General Professional, Medical. What is not allowed are drive throughs, which are prohibited. I think that from also from a standpoint of lot size – lot sizes I think building footprints are capped at 7,500 sf in the Mixed Use zone, whereas in the Highway Commercial zone there is no cap. Then for Neighborhood Commercial there are much smaller footprints.

SWOMLEY Chairman Swomley noted that this includes multi-family dwelling, rental car agency, appliance sales and repair, health club, restaurants, public facilities, skilled nursing, specialty shops, personal care service, house of worship,

neighborhood convenience store, group home, general office, vet and grooming, library, school, theaters, assisted living, recreation and entertainment facilities, child daycare, private clubs, art gallery, professional office, medical office, museum, mortuary, mass transit and parking. He recommended that a Joint Meeting be scheduled; invite the public and have a discussion.

CONSENSUS TO SCHEDULE A JOINT MEETING OF THE BOARD OF SUPERVISORS AND PLANNING COMMISSION AT A DATE TO BE DETERMINED. THE PUBLIC IS TO BE INVITED.

8. COMMUNICATION FROM SUPERVISORS

PHAN Ms. Phan thanked Mr. Hodgkinson for responding to her 7:30 a.m. email regarding non-functioning traffic signals. She appreciated his quick response.

9. SOLICITOR'S REPORT

A. Solicitor's Report

RAUSCH Solicitor Rausch stated he had nothing to add to his written report. He offered to respond to questions.

SWOMLEY Chairman Swomley questioned when the board wanted to have the DCNR park land conversion discussion.

MARCHANT Mr. Marchant responded that he is working on a more elaborate and comprehensive memo that basically will chronicle everything that had taken place since 1979 to the present along with the responses in the meeting with DCNR. They do want a written response to their August 22nd letter which indicated some mixed signals with regard to appraisals which could cost \$4,000 to \$5,000.

A lengthy discussion took place, which is summarized:

- Replacement land is to be in proximity, similar topography and terrain, but DCNR indicated that the land could be within the county. There were no guidelines for substitute lands until 2008.
- Whatever proposed solution the township presents needs to be submitted to the National Park Service. Based on interpretations of legal cases, municipalities have lost to the National Park Service, but all were on the interpretations of administrative procedure.

- There is no appeal process because it was never written into the Act of 1965, which sunsetted in 25 years; was renewed in 1991 and expired in 2015; 3 months later it was renewed and extended to 2018.
- The original land involved was purchased over 30 years ago. Every five years DCNR under the Act is required to do a compliance report. That report was never done.
- There may be value in waiting until January and then reaching out to our elected representative for assistance in resolving the matter.
- Small land swap cannot be provided because land that is already used as open space/recreation will not be accepted.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2016-53 – Budget Adoption 2017

MARCHANT Mr. Marchant provided information concerning his final review of the proposed 2017 Budget. He and staff had made several adjustments to the budget, which he reviewed for the board. The budget is balanced, accurate and ready for adoption.

RAUSCH Solicitor Rausch noted comments from the Township Code, which stated that after the proposed budget has been available for public inspection for 20 days, the Board of Supervisors shall, after making revisions as are appropriate, adopt the final budget not less than 21st day.

MR. SCHENCK MOVED TO ADOPT THE 2017 BUDGET KNOWN AS RESOLUTION 2016-53. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2016-54 – Tax Levy 2017.

SWOMLEY Chairman Swomley stated that the 2017 Tax Levy will be the same as 2016.

MR. DVORYAK MOVED FOR THE ADOPTION OF RESOLUTION 2016-54. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 2016-55 – Approval of 2017 YAUFR Budget.

MR. SCHENCK MOVED FOR APPROVAL OF THE YAUFR 2017 BUDGET, RESOLUTION NO. 2016-55. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business.

13. NEW BUSINESS

There was no New Business

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14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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