

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**NOVEMBER 16, 2016
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, November 16, 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
Barbara Lindeman, Director of Finance
Mark Hodgkinson, Director of Wastewater Treatment Plant
Nitza Sanchez-Bowser, Director of Human Resources
Dan Stump, Chief, Police Department
Dan Hoff, Chief, YAUFRR
Andy Hinkle, Manager, Information Systems
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the 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. None were planned for this date.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had provided his monthly written report. He had one update for the Windsor Interceptor for which Part II Permit will be hand delivered November 17th to DEP. He reported that project should move forward relatively quickly.

B. Civil Engineer – First Capital Engineering, Inc.

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

- Industrial Drive – Recommendation for speed limit will be 35. Evaluation will continue.
- Developer for Susquehanna Bank across from the Galleria entrance agreed to contribute \$100,000 for a traffic signal, if warranted. The money is in escrow and will be released because the warrants are not met for a signal at that location.
- Important need for establishing the property lines between Springettsbury Township and York Township. Review and evaluation will continue to establish a process, whether it is a legal process or a surveying process being careful of impact on property owners.

SWOMLEY Chairman Swomley stated that the board needed to understand what the costs would be for doing a study of that. It sounded like there will be a legal piece, as well as an engineering piece. He would like to know the costs so the board could make a decision on the direction.

5. CONSENT AGENDA

- A. Acknowledge Receipt of October 31, 2016 Treasurer’s Report
- B. Acknowledge Receipt of York Area United Fire and Rescue Commission Joint Budget Meeting Minutes – September 20, 2016
- C. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – September 20, 2016
- D. Board of Supervisors Budget Work Session Minutes – October 3, 2016
- E. Board of Supervisors Budget Work Session Minutes – October 24, 2016
- F. Board of Supervisors Regular Meeting Minutes – October 27, 2016
- G. Regular Payables as Detailed in Payable Listing of November 16, 2016
- H. Barrasso Excavation, Inc. – East Market Street Sanitary Sewer Replacement Project – Application for Payment No. 1 in an amount not to exceed \$9,477

- I. SD-16-04 – Time Extension – Monica Martin Subdivision Plan (New Plan Date 12/09/16)
- J. LD-15-03 – Time Extension – Northpoint Development (New Plan Date 12/31/16)
- K. LD-16-02 – Time Extension – Aldi Expansion (Plan Expires 12/30/16)
- L. LD-16-04 – Time Extension – Rutters Farm Store, 1099 Haines Road (New Plan Date 12/16/16)

MR. SCHENCK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH I AND ITEMS K AND L. MOTION CARRIED. MR. NACE ABSTAINED.

- J. LD-15-03 – Time Extension – Northpoint Development (New Plan Date 12/31/16)

NACE Mr. Nace stated, for the record, that the property is currently owned due to grant requirements by the Redevelopment Authority of the County of York. He serves as the Executive Director of the Redevelopment Authority of the County of York, so therefore, it's inappropriate for him to vote on any Time Extensions or anything related to this property.

MR. SCHENCK MOVED TO ACCEPT THE TIME EXTENSION FOR THE NORTHPOINT DEVELOPMENT PLAN. MOTION CARRIED 4/4, 1 ABSTENSION.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

PHAN Ms. Phan questioned how many times the board had extended the Northpoint Development.

FIELDHOUSE Ms. Fieldhouse stated that it had been at least three times. She provided additional information, summarized:

- Northpoint Development is a collaborative project through local, federal and state entities. Site is owned by Redevelopment Authority of York County.
- The Land Development Plan was approved with a Bond estimate of \$5,000,000.
- Northpoint does not own the property and could not secure a Line or Letter of Credit and could not get the bonding they needed.
- The partners were willing to participate and inspection crews had been on site daily. They got the permit they needed and have been moving forward with construction. In December there will be an estimate made of what is left to be bonded on site, which could be simply an 18-month Construction Bond. Everything will be followed to the letter of the law.

- At that point the title to the property will be transferred and the bonding in place for what is required, plan recorded and issue Certificate of Use and Occupancy.

PHAN Ms. Phan noted that because the project is so unique, it is important that the township be protected. There are lessons learned through this great project, and it is important to understand everything so if a like project presents itself, it can be done efficiently.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Bond Reduction Request for Candlewood Suites in the amount of \$331,766.63 (Original Bonded Amount \$712,200 – Remaining Bonded Amount will be \$380,433.37)

MR. DVORYAK MOVED TO APPROVE THE BOND REDUCTION REQUEST FOR CANDLEWOOD SUITES IN THE AMOUNT OF \$331,766.63 TO A REMAINING BONDING AMOUNT OF \$380,433.37. MOTION UNANIMOUSLY CARRIED.

- B. SD-16-01 – Bensinger Subdivision - Reapproval

MR. DVORYAK MOVED TO REAPPROVE SUBDIVISION 16-01. MOTION UNANIMOUSLY CARRIED.

- C. SD-16-04 – Monica Martin Subdivision Plan, 41-43 North Findlay Street

MR. SCHENCK MOVED TO APPROVE THE SUBDIVISION 16-04 KNOWN AS MONICA MARTIN SUBDIVISION WITH THE TWO WAIVERS AND THE FIVE CONDITIONS AS LISTED ON THE MEMO. MOTION UNANIMOUSLY CARRIED.

- D. LD-16-02 – Aldi Expansion Final Land Development Plan

MR. SCHENCK MOVED TO APPROVE LAND DEVELOPMENT 16-02 KNOWN AS ALDI WITH THE THREE WAIVERS REQUESTED, WHICH IS PRELIMINARY PLAN PROCEDURE, PLAN SCALE AND THE WAIVER TO THE ACCESS DRIVE MAXIMUM ALLOWED 35 FEET AND WITH THE CONDITION THAT ALL OUTSTANDING COMMENTS FROM STAFF AND THE TOWNSHIP ENGINEER ARE SATISFIED PRIOR TO RECORDING. MOTION UNANIMOUSLY CARRIED.

- E. LD-16-04 – Rutters Store, 1099 Haines Road Final Land Development Plan

FIELDHOUSE Ms. Fieldhouse provided a recap of the 550 square foot addition to the Rutters Store at the corner of Haines Road and Mt. Rose Avenue. The plan had moved through the Conditional Use process and the Planning Commission had approved the plan with five waivers and an additional condition. For the purpose of these minutes, a comment remained on the plan which involves the provision of a fire hydrant. She had been working with the applicant and the York Water Company to get a fire hydrant in place with a cost to the township. There are three fire hydrants located within the minimum distance required; however, all three are

located across on the other side of the road, i.e., Haines Road, off Camp Betty Washington in front of Arooga's, and at Greenspring Lane. It would be beneficial to have a hydrant located on the side of the Rutters Store. That information was confirmed by Fire Chief, Dan Hoff.

MR. SCHENCK MOVED TO APPROVE LAND DEVELOPMENT 16-04 FOR THE RUTTERS STORE WITH THE FIVE WAIVERS AS LISTED ON THE MEMO AND WITH THE ADDITIONAL CONDITION THAT THE PROPER BONDING IS IN PLACE. MOTION UNANIMOUSLY CARRIED.

F. CU-13-01 – Springetts Commons, Vienna York, LLC – Six Month Time Extension (New Plan Date 05/16/17)

FIELDHOUSE Ms. Fieldhouse stated that the plan is for an assisted living facility, 54,000 square feet with approximately 280 units located off Industrial Drive and Northern Way, approximately 14 acres. Ms. Fieldhouse outlined the plan, which had been approved as a Conditional Use but had lapsed by approximately 18 months in 2013. The applicant, now different from the original applicant, requested an extension on the Conditional Use. Ms. Fieldhouse had discussed the project with Solicitor Rausch, who indicated if the board was willing, the applicant could request a time extension after the fact. For the purpose of these minutes, a lengthy discussion took place involved several main issues:

- In 2013 a deadline was faced with deemed approval by the board. The Conditional Use review and approval deadline was not adhered to due to some internal issues. However, the applicant agreed to work with the municipality to come to a decision. For the record, there were 19 different conditions and some modifications from the Town Center Overlay.
- The township considered the conditions of the last approval and was not pleased with the outcome; however, it was the best that could be done given the circumstances and timeframes involved.
- A Town Center Overlay is in place, which presents an issue with the planned parking.
- The FEMA Flood Plain Map was changed and creates additional issues with storm water.

MACNEAL Stacey MacNeal of the firm Katherman, Heim and Perry indicated she represents Springetts Commons, which is under contract to purchase the property. Her client is interested in reconsideration of the extension and moving forward with the conceptual plan under the conditions and modifications set forth in that decision. They are hoping to move into a Preliminary Plan as soon as possible. Given the discussion of difficulties with the site and the board's concerns, they are happy to begin the process again.

Consensus of the board was not to grant a Conditional Use extension and to begin the process again with the project.

- G. LD-14-04 – Pleasant Valley Road Tract – Authorization for Township Manager to Execute the Highway Occupancy Permit Applications on Behalf of the Township

FIELDHOUSE Ms. Fieldhouse provided background information for the Pleasant Valley Tract Development, which had been approved in 2016. As part of the continuing development process, they need to submit their Highway Occupancy Permits, which actually need to be submitted by the township. The board is requested to grant the Township Manager the authority to sign the permits on behalf of the municipality. She noted that a meeting was held with the applicant, the Township Engineer, the Solicitor, the Manager and PennDOT that indicated that by submitting the application, it would start the process and the township would have opportunity to provide feedback and comment on the application and the design.

SWOMLEY Chairman Swomley questioned whether if the township submits the application to PennDOT that the township will still have control over the results.

LUCIANI Mr. Luciani reported that there are three permits: 1) Sanitary sewer to extend from Mt. Zion Road into the site, 2) Storm sewers – PennDOT is getting out of the storm sewer business. If the township touches their storm sewers, they are the township's to maintain. There is a seven-foot diameter pipe that extends from the east side to the west side of Mt. Zion Road into this site, which they are extending to put in sidewalks so it will be Springettsbury's to operate and maintain. In the past Solicitor Rausch has created some sidebar agreements for pipe maintenance. 3) Signal improvement – The applicant wants to do a pedestrian count as they are reluctant to put a crosswalk from the north side of Pleasant Valley Road to the Girl Scout side. There is a stop bar where the crosswalk will conflict with the stop bar. Pushing the stop bar back will cause a domino effect potentially to that turn lane.

Mr. Luciani stated his opinion that he preferred to review the item to see if they meet township criteria. He believes the township needs a guarantee on the storm sewer as to who is going to maintain that. However, he is not 100 percent comfortable the township will get the desired result of the storm water or the signal permits.

RAUSCH Solicitor Rausch indicated what PennDOT will say about the storm water permit is unknown. If they come back and indicate the township must take over the storm water pipe, then it will be necessary to do so. At that point it will be necessary to have a discussion with the developer as to what to do about the condition. The developer has offered an Indemnification Agreement to the township, which the board can accept or not.

An additional lengthy discussion took place, summarized:

- Township will receive PennDOT's conditions back if township signs and submits permit applications.
- By allowing the applicant to make application on the township's behalf the township signs off and agrees to the conditions, which are recorded.
- If the township does not accept the conditions, the permit does not go through.
- One of the comments was PennDOT wanted the Township's input on the pedestrian issue.
- Township should be the applicant. There is a Resolution required by the township to authorize the Manager to submit.

PIPITONE Nathan Pipitone, Developer Consultant at Pleasant Valley stated that at the meeting it was decided that the applicant would be permitted to submit the plan as it was approved by the Supervisors to PennDOT. PennDOT would then decide whether additional improvements would be required or not. He noted that as far as the storm water pipe, the Solicitor representing the applicant had submitted to the township's Solicitor an Indemnification Agreement because it was thought that PennDOT's policy was to come back to the township. That is in the Solicitor's hands. It is important to get this to PennDOT. He added that there was no reluctance for a pedestrian study. PennDOT had taken out the crosswalk that was there during a previous HOP. They just want to keep the process moving.

RAUSCH Solicitor Rausch commented that if the township is the applicant and PennDOT comes back with conditions, a side agreement can be created with the developer basically indicating they are responsible for all the conditions.

PIPITONE Mr. Pipitone stated that there had been a dispute with PennDOT as to whether the crosswalk should have been taken out. The developer does not want to deal with that at this time. They just want to get the application in and keep everything moving.

NACE Mr. Nace added, for the record, that the township recognizes the additional housing, which suggests there will be a change from the current pedestrian count and that any traffic studies or head counts will consider future development as well.

SWOMLEY Chairman Swomley commented that the township must have assurance that the permit will come back for final approval, and that the opportunity will be available to work with the developer to indemnify anything needed and necessary.

RAUSCH Solicitor Rausch indicated that was his understanding of the process.

MR. NACE MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO SUBMIT AN APPLICATION TO PENNDOT AS IT RELATES TO PLEASANT VALLEY ROAD, APPLICATION LD-14-04. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

SCHENCK Mr. Schenck reported that he had attended the 100th Anniversary of the York County Convention for Township Supervisors. Several special things took place, one which was a wonderful performance of the York County Bagpipe and Drum Corps, which began in Springettsbury. In addition, there was a presentation of the Quick Response Team, which Springettsbury's Chief Stump leads. He stated he was very proud that Springettsbury really stood out.

PHAN Ms. Phan stated that it had been very informative. She had not realized they were volunteers, and she was impressed.

SCHENCK Mr. Schenck reminded everyone that the Holiday Tree Lighting is Friday, November 18th.

DVORYAK Mr. Dvoryak brought up his concern raised about some of the professional invoices issued to the township. There were two issues:

- The process of making sure that when the board gives direction to do something that the scope of work and the potential cost is understood up front. He thanked Mr. Marchant for his suggestion of reviewing the process to make corrections going forward.
- The second concern involved situations where the township is billed for things that never happened.

SWOMLEY Chairman Swomley commented that he had discussed the matter with Mr. Marchant, who is managing expenditures on a day-to-day basis through his Directors. However, he wanted the board to be mindful of the fact that when they give suggestions to something and move forward that there is a cost involved. Of importance is to be sure the township receives the services it pays for from all parties and that they are appropriately represented to the township and the public.

DVORYAK Mr. Dvoryak agreed but added his concern about items that were billed but did not actually occur. He suggested that, prior to the Reorganization Meeting in January, a Request for Proposals be issued to see what other opportunities and pricing there is available to get the best services.

SWOMLEY Chairman Swomley responded that during John Holman's tenure there had been a competitive survey of services done including pricing. There were no significant differences.

PHAN Ms. Phan recalled the process but was not sure how it had been presented.

DVORYAK Mr. Dvoryak indicated he was proposing a much deeper investigation into services, how and when they are provided, what the expectations are, and the township's direction and format. He stated there seemed to be an opportunity to clean it up. He added his concern that the township had been charged for work that was never done.

SWOMLEY Chairman Swomley noted that until that is actually proven to be true, it is a perception or hearsay. If there is an actual accusation and proving that there was wrong-doing and the township needs to take action, that is a different discussion.

PHAN Ms. Phan commented that anyone the township hires, and their fees are understood, it is the township's obligation to spend residents' money appropriately. She hoped all the fees would be competitive. In addition, it is important that individuals understand the township and have an interest in the township. She agreed with both parts of the discussion, and she hoped that whoever presents to Springettsbury Township in January they are presenting a fair cost. She appreciated the fact that Mr. Marchant will be watching the expenditures on a daily basis.

NACE Mr. Nace stated that the staff is competent and are looking out for the township's best interests. With any of the consultants or direct hires that report directly to the board there is a level of detail that the board would not be able to provide direction on a day-to-day basis. He agreed with Chairman Swomley that they have the ability through the Directors and Manager to provide oversight and insight to the matter.

SCHENCK Mr. Schenck stated his position is that the level of consultants the township hires will have rates that will be within a nickel of each other. It is how they are used that causes the expense. He added that the discussion and the management of that process is completely appropriate. He valued the contradictory opinions as well as the staff reports, and he valued what he heard from Solicitor Rausch, John Luciani and Dennis Crabill equally. He stated that the township is in transition with new staff, and he was concerned about continuity moving forward. He noted that the board can request bids and proposals, but in January he would not make a change.

MARCHANT Mr. Marchant stated that the board had made clear direction for him to provide a clarification of roles and responsibilities, and he intended to investigate any inappropriate invoices. What comes from the investigation will be left to a board decision.

DVORYAK Mr. Dvoryak indicated that he had mistakenly interpreted the situation to read that the investigation was done and this was the conclusion. If that had been done, it would be fraud, and he did not want to engage a firm that engages fraud when the township is paying the bill.

SWOMLEY Chairman Swomley stated that Monday evening, November 21st at 7 p.m. the Department of Justice, along with the Police Department, members of staff and board and public will be present to hear a presentation of the work that Chief Stump and his department have been doing with the Justice Department over the last several months.

Department of Justice Meeting

STUMP Chief Stump stated that this will be the final report. They had spent the last several months, hundreds of hours within the Police Department, and will share their findings with the public. He added it is a way of being transparent with everyone, where the department is and where it is heading in the future.

9. SOLICITOR'S REPORT

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

10. MANAGER'S REPORT

MARCHANT Mr. Marchant stated he had provided his Manager's Report for the board and would be happy to respond to questions or comments.

PHAN Ms. Phan mentioned that she really enjoyed each department's reports. She found them very useful, and she thanked Mr. Marchant for taking the time to update them.

NACE Mr. Nace echoed her comments. He was aware of the need for the reports, and he really appreciated taking the time to keep the board informed.

SWOMLEY Chairman Swomley agreed and he hoped that the board's thanks to Mr. Marchant for helping the board to be involved in what's going on in their daily lives means to him as much as it means to the board. It provides insight to really understand what happens in the community.

MARCHANT Mr. Marchant asked whether there were any questions for the staff based on those reports. There were none.

11. ORDINANCES AND RESOLUTIONS

There were none for action.

12. OLD BUSINESS

There was no Old Business.

13. NEW BUSINESS

A. Authorization to Approve and Execute Accessions and Gift Agreement with the Pennsylvania Historical and Museum Commission for Artifact Collection of 2015 Camp Security Archaeology Project.

SCHENCK Mr. Schenck questioned whether the township must turn over all the artifacts. He wondered if they could just have a shoebox full for display.

MARCHANT Mr. Marchant had discussed the issue with Steve Smith, who indicated the township could request artifacts back from the state, and they will provide them. However, they really want to have all artifacts so they can record them and have them available for research and ongoing investigations in the historical artifacts. Mr. Marchant did indicate Mr. Smith has a personal preference having worked for the State and the Historical Archive and that this is the repository where all such artifacts should be kept and maintained.

SCHENCK Mr. Schenck asked whether it would be appropriate to make the request just to get a few back.

SWOMLEY Chairman Swomley asked how much it would cost.

NACE Mr. Nace indicated he thought it could be on loan to the township.

MARCHANT Mr. Marchant stated that there may be a cost in getting a shadow box or a display case for proper security.

MR. SCHENCK MOVED TO AUTHORIZE THE GIFT AGREEMENT WITH THE PENNSYLVANIA HISTORICAL MUSEUM COMMISSION. MOTION UNANIMOUSLY CARRIED.

E. Authorization to Purchase two (2) Dell PS6210E Network Storage Units in a total amount not to exceed \$54,094.28

MR. SCHENCK MOVED TO AUTHORIZE THAT PURCHASE. MOTION UNANIMOUSLY CARRIED.

F. Authorization to Amend Benefits Policy Manual for Holidays (Effective January 1st, 2017).

MR. DVORYAK MOVED TO AUTHORIZE AMENDING THE BENEFITS POLICY MANUAL FOR HOLIDAYS. MOTION UNANIMOUSLY CARRIED.

G. Authorization to Advertise the 2017 Proposed Budget

MS. PHAN MOVED TO AUTHORIZE TO ADVERTISE THE 2017 PROPOSED BUDGET. MOTION UNANIMOUSLY CARRIED.

H. Set Meeting Time for January 3rd, 2017 Re-Organization Meeting.

MR. NACE MOVED TO SET TIME FOR JANUARY 3RD, 2017 AT SIX O’CLOCK. MOTION UNANIMOUSLY CARRIED.

F. Zoning Hearing Board Membership

FIELDHOUSE Ms. Fieldhouse reported that there is a vacancy of one member, and one member resigned a year ago. There is a vacant alternate. There is a difficulty in having a Quorum. The positions are appointed by the Board of Supervisors and she would like to advertise for resumes. She will review them and bring them to the board for appointment.

NACE Mr. Nace asked for a list of the members and what the terms are.

FIELDHOUSE Ms. Fieldhouse responded that she would do so.

SCHENCK Mr. Schenck mentioned that Larry Gibbs had served on either Zoning or Planning and moved out of the township. He is planning to return to Springettsbury and had expressed interest.

SWOMLEY Chairman Swomley responded that Mr. Gibbs would not be back in the township until 2018 when he finishes his assignment in New Jersey.

STUHR Charles Stuhre stated that his neighbor, Jim Tanzola had served on the Planning Commission some years ago and indicated he'd like to serve again. He could be approached for the Zoning Hearing Board.

NACE Mr. Nace indicated he had been approached by a few residents who offered to volunteer in some capacity. He will ask for resumes and background information and send it to staff.

SCHENCK Mr. Schenck commented that in the past the board had met with the candidates, not like a job interview, but simply asked them to come in for a little chat.

Consensus of the board was to move forward with advertisement for applicants to the Zoning Hearing Board.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 9:15 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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