

YORK TOWNSHIP  
BOARD OF COMMISSIONERS  
March 11, 2003  
6:00 p.m.

President Briddell called the meeting to order at 6:00 p.m. with the following in attendance:

Theresa Craley  
James Phipps  
Robert Schindo  
Robert Steele

Mark Derr  
Dennis Henry  
Mark Clark  
Elizabeth Heathcote  
Steve Hovis  
Gary Milbrand

MINUTES On motion of Commissioner Schindo, seconded by Commissioner Phipps the minutes from February 11<sup>th</sup> and 20<sup>th</sup> were approved as presented. Vote 5 yes.

PAYMENT OF BILLS

On motion of Commissioner Phipps seconded by Commissioner Craley the following bills were approved for payment:

General Fund	\$720,622.84
Street Light	182.57
Sewer Revenue	88,618.25
Intermunicipal Sewer	3,826.73
Stormwater Mgt.	743.97
Capital Reserve	128,343.85

**Total** **\$942,338.21**

PUBLIC COMMENTS

Dr. Ignacio Prats

On Thursday following the President's Day storm we received notices that our sidewalks were to be cleaned 12 hours after it stops snowing. We had been trying to keep our sidewalks clear. One neighbor rented a plow to get the snow on his lawn to comply with the ordinance. We were quite unhappy about the notices. Many of us tried to comply. It was not fallen snow on the sidewalks. There was 3-4-5' of snow that was deposited by the plows. Ordinance 199-3 states that no person can deposit snow on the

sidewalk, your plows violated the ordinance. It was impossible to comply with the ordinance. Is there some way that we won't get threatening notes?

Comm. Schindo: I heard from other residents. We drove thru and cleared the street and the driveways and sidewalks were plowed shut and then you received a note from us that they were not in compliance. If we had code enforcement officers driving behind the plows giving out notices then maybe they don't have enough to do. How do we address the ordinance that we throw snow on the sidewalks?

Attorney Hovis: We are removing snow from the cartway. Public works do their job to remove snow.

Comm. Phipps: Our township removes snow by making a first pass through all developments, then you can shovel out your driveway to get out of the development. Then the plow goes back to take care of the intersections. The residents will have to shovel more than once. Other municipalities had residents that didn't get to work until Wednesday or Thursday.

Comm. Schindo: I'm not criticizing the snow removal. The ordinance says that the snow must be removed 12 hours after it stops snowing, but then the township piles the snow on the sidewalks. Sidewalks should not have to be done until after the township has completely finished plowing.

Comm. Phipps: Our ordinance is not unique. It mirrors most other municipalities.

Attorney Hovis: With 4-8" of snow it is easy to get the snow off in the 12 hour period, but this was an unusual amount of snow. After the snow stops, there is an obligation to clear the sidewalks.

Comm. Briddell: The public works department did an excellent job. I am happy to see the snow plow, I know that I will have to shovel open my driveway. Perhaps we need some possible alternatives for the elderly and disabled.

Comm. Steele: I happened to have missed the storm, I was in Florida. Hearing that Pennsylvania and Maryland were in a state of emergency, I think we were remiss if anyone issued a notice for sidewalks.

Comm. Phipps: Maybe we want to revisit the ordinance; if an emergency is issued, maybe we should give more time to get the snow off.

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Paul Bender  
2735 Chestnut Hill Rd.

I spent 10 hours doing my sidewalk, and I have 110' of sidewalk. Then I got this notice. I left work 3 hours early and went home to do the job. The guys did a great job, I had snow up to my neck, it got hard and it takes time to chip away at it. No one walks on the sidewalks anyway. Common sense says that it was a blizzard. We do not want to be threatened by anyone. If someone in our neighborhood has a problem, they should suck it up.

Tom and Theresa Gentle  
710 Oakwood Drive

The Gentle's provided the following information:

1. There is water originating from lots 15 & 16 Oakwood Estates that is not being directed to seepage pits on their lots, but directed to the Gentle's property.
2. The sanitary sewer line is not accessible on the Gentle's property as a result of the construction of an unapproved (although believed to have been temporary) stormwater facility over the sewer line. This did not exist before the plan for Oakwood Estates was approved by the township. It did not exist until several years after the development was started. The system was put in without township approval or any permits.

The Gentle's believe that the change has created the following hazardous conditions:

1. No fencing around the unapproved stormwater facility.
2. Public health hazard exists (i.e., West Nile virus) due to standing water in the unapproved stormwater management facility.
3. Lack of free and clear sewer access will prevent maintenance of the sewer line.
4. Tremendous maintenance and liability issues concerning the unapproved stormwater facility and its failure and potential injury to others.

The Gentle's requested the following from the township:

1. York Township should enforce the stormwater management provisions of the approved plant plan of Oakwood Estates.
2. Owners of lots 15 & 16 be informed that they cannot allow water run off from their lots to be diverted onto the Gentle's lot.
3. The pipe that allows diversion of the runoff from lots 15 & 16 onto the Gentle's property be ordered plugged.

Comm. Schindo: Is it a township matter or a civil matter?

Theresa Gentle: We are asking the township to enforce the notes on the plans. Are you saying that anyone can put in a pipe temporarily and as long as it's there they get away with it? The provisions are that no one in Oakwood Estates be allowed to dump their water onto another lot. We want to make sure that we don't create a problem for someone else.

Dennis Henry: Each lot was to have infiltration systems for the house and street. In the situation of these two lots, they could not put in a system in the front yard, and they did what they could, the street was super elevated on one side and the water was put into the street and piped to the temporary swale which runs across the Gentle's lot. The developer did not put in a permanent measure, there are no easements on the deeds. If the Gentle's close the easement it will create a problem for Lester Mummert. The Gentle's need a plan to get the water to the stream across Mummert's property.

Comm. Briddell: Is it clear when the township needs to get involved?

Dennis Henry: There is a note on the plan that each homeowner was to control the water on their property.

Attorney Hovis: The way the road is installed and the lots are graded, the stormwater management on each lot was not feasible, and the way to capture the water was pipe and swale.

Theresa Gentle: If that was the premise, and the installation of the swale runs the full length of the sewer line, wouldn't they have had to come to a meeting because nothing was to be placed on the sewer easement. There should have been some discussion, meeting minutes, but no one can provide them.

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Comm. Craley: Is it impossible to have lots 15 & 16 be responsible to take care of their water?

Dennis Henry: The road is upper elevated. The water is all going to one side of the road, and it is private.

Comm. Craley: Can we ask the homeowner's to fix the road?

Comm. Schindo: Do we have the responsibility to mitigate circumstances on a private street?

Comm. Steele: This kind of issue, we want to see prior to the meeting.

Dennis Henry: 90% of the water is coming from one lot, if a 2<sup>nd</sup> seepage pit was put in it might help solve the problem. We need to look into the seepage pits on lots 15 & 16 to determine where the problem is.

Gary Milbrand

Fire and EMS boxes

Gary Milbrand presented the board with requested changes to the Fire and EMS boxes that were considered to be major changes that require the board's approval. On motion of Commissioner Craley, seconded by Commissioner Phipps the board approved the recommendations of Gary Milbrand. Vote 5 yes. (memo attached)

Emergency Management

Jack Tucker

Jack Tucker reported on the natural gas situation effecting residents in Dallastown, Yoe, Windsor and portions of the York Township. York Township EMS took action for mass care. The York Township Community Center was the third choice for accommodating any residents needing a place to stay during the gas outage.

All of the commissioners thought that the EMS had done a good job. Jack felt he had a good tie with the gas company most of the time, he felt their biggest concern was how to take care of people who needed help.

On March 25 there will be a "Lessons Learned Meeting" where they will discuss what went wrong, what can we do better?

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PUBLIC HEARING - 7:00 P.M.

At 7:00 p.m. the board recessed their regular meeting to hold a public hearing on the rezoning application for Orthopaedic and Spine Specialists for land along Powder Mill Road. The public hearing closed at 8:10 p.m.

Reconvene The board reconvened their regular meeting at 8:10 p.m. and held the following discussion on the rezoning request:

Comm. Steele: This is 25 acres with a 1 acre building. The commissioners need to understand that we have to look at the land as opportunity. If you look to the east, south, north it is basically farmland. If this entire tract were to be developed as RM-5 it would put a tremendous amount of folks in the schools, more roads to plow and pave. The thing that concerns me are the other uses that are allowed to go by right – professional office, business office, bank, medical lab. We could actually end up with a heliport or a convenience store on the lot. I don't think we want that. If we approve the rezoning it may bring other things that we may not want. It is a complicated issue. If we could be assured of what could be out there. A professional office may be appropriate to the area, but we may have lighting issues, and the noise that may be generated. This is a complicated issue. It may bring things we want or things we don't want. 24 acres left over, further subdivisions we don't want.

Comm. Craley: There was a lot of time contributed to the traffic study and the comprehensive plan, and the reason was to stop the growth patterns of York Township. We have a lot of homes, a lot of people coming here for the schools. I have seen my school taxes triple in the last 8-10 years. The township, the school and county have all increased taxes. We need to have someone else foot the bill. This will be a low impact, an office with a specific practice. It has access to I-83 and Leader Heights Road. I was on the committee with the traffic study and we identified this as an opportunity area.

Comm. Schindo: My voting on requests for rezoning will continue to be consistent. I do not think housing is a bad thing. It is a growing township. The United States has been growing over the last 50 years. The school taxes increase because of federal tax mandates. Every property owner should be allowed to do what they want with their property.

Comm. Briddell: This will have an impact on the neighbors. We have to look at long term impact to the township. My own neighborhood has changed. Would I rather have had a medical complex? Yes. We are issuing 250-300 permits a year for homes. To get a sense of what this will be like, we have to look at Apple Hill. The office professional uses are not high impact uses as they would be in commercial shopping. I do not believe that Apple Hill has been a negative impact on the surrounding neighborhood. It has not been without problems, we have spent a lot of time on the stormwater issues. We have to go into this with our eyes open, what's the best use of the land for the future.

Ord. 2003-3  
Rezoning request  
Orthopaedic & Spine  
Powder Mill Rd.

On motion of Commissioner Phipps, seconded by Commissioner Craley, Ordinance 2003-3 approving the request for rezoning by Orthopaedic & Spine Specialists for land along Powder Mill Road was approved with the following voice vote:

Commissioner Steele	No
Commissioner Briddell	Yes
Commissioner Schindo	Yes
Commissioner Phipps	Yes
Commissioner Craley	Yes

#### ENGINEER'S AGENDA

Kevin Keperling

P02-12-1 Plan presented by Gordon Brown & Associates. On motion of Commissioner Schindo, seconded by Commissioner Phipps, the plan was approved with the following conditions or modifications:

1. All conditions of the letter from Dennis Henry dated March 6, 2003 must be met.
2. Waivers granted for the following:
  - a. Section 602.A.7 road widening (Woodthrush Lane & Oriole)
  - b. Section 603.B. sidewalks (Woodthrush Lane & Oriole Dr)
  - c. Section 603.C. curbs (Woodthrush Lane & Oriole Dr)
  - d. Section 609.A.5 street trees (Woodthrush Lane & Oriole)

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- e. Section 402.E.3.d. wetland report
- f. Section 402.C.1 contours
- g. Section 402.A. drafting standards
- h. Section 404.B.1.a.connection to public sewer for existing house unless existing system fails to meet regulations of York Township and DEP

3. A check in an amount to be determined by the Tax Assessment Office and York County Recorder of Deeds office must be provided to the York Township Engineering Department for recording of the plan.

4. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.

Vote 5 yes.

GIA Associates

P02-11-1 Plan presented by Dave Hogg and Jeff Spangler, James Holley & Associates. On motion of Commissioner Schindo, seconded by Commissioner Phipps the plan was approved with the following conditions or modifications:

1. All conditions of the letter from Dennis Henry dated March 6, 2003 must be met.

2. Waiver granted for Section 403 contours.

3. A check in an amount to be determined by the Tax Assessment Office and York County Recorder of Deeds office must be provided to the York Township Engineering Department for recording of the plan.

4. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.

Vote 5 yes.

GIA Associates

LD02-11-2 Plan presented by Dave Hogg and Jeff Spangler, James Holley & Associates. On motion of Commissioner Schindo, seconded by Commissioner Phipps the plan was approved with the following conditions or modifications:

1. All conditions of the letter from Dennis Henry dated March 7, 2003 must be met.
2. Regarding condition #4 of Dennis Henry's letter the board agreed that a building permit could be issued while the final access easement is being finalized.
3. Waivers granted for the following:
  - a. Section 609.A.3.b.: 10' separation between building and parking lot
  - b. Section 603.A.4.: 10' setback between parking compound and property line.
4. A check in an amount to be determined by the Tax Assessment Office and York County Recorder of Deeds must be provided to the York Township Engineering Department for recording of the plan.
5. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.

Vote 5 yes.

#### DAIRYLAND AREA

Dennis Henry advised that in trying to work with the developer for the residential development in that area, we are suggesting a street across some private properties out to South Duke Street closer to Dallastown Borough where a traffic signal is warranted. It will disrupt the lifestyle of the Hallows. The board will have to entertain the ideal of condemnation across the land to South Duke Street, but it appears to be the best access to get the traffic onto South Duke St.

Comm. Craley: I think we should go with the option through the private property to connect to South Duke Street. This would give the shopping center a second access.

Dennis Henry: We are probably looking at \$400,000 - \$500,000 for improvements.

Comm. Schindo: We can't allow the developer to not widen the street, install curbs and sidewalks.

Comm. Craley: One side of the road is very steep, and crossing waterways may be very expensive.

Comm. Schindo: It has to be done.

Dennis Henry: What do we do with Dairyland Drive?

Comm. Briddell: Leave as is?

Dennis Henry: That's what we are saying, to leave Dairyland Drive alone and have them contribute to other road improvements. No curb or sidewalks on South Duke Street or Dairyland Drive. The rock comes down to the road on South Duke Street and it would be very costly to improve.

Comm. Steele: I would like to see some estimates and some type of drawing showing the connection.

#### SPRY SIDEWALKS

Dennis Henry advised that the \$40,000 grant for the west side of Queen Street for sidewalks was lost. Mark Derr advised that with the census information one side of the street met the requirements of the grant and the other side encompassed a larger area and it can't meet the requirements.

#### COMMISSIONER'S AGENDA

Comm.  
Steele: Holyoke Drive a stormwater inlet. Tell me why?

Comm.  
Craley: The fire chiefs will be meeting March 24, 2003.

Newsletter: I spoke with Dale Dalton and inquired if there would be a problem if Kaltreider Library could list the activities available at the library. The board members agreed this was a good idea.

COG: The next meeting will be April 16, 2003 at 7:00 p.m. at Red Lion. Final revisions were made to the agreement.

PEMA hazard mitigation: The federal government is tired of paying for floods, and have decided that if municipalities don't have a hazard mitigation plan in effect, they will only make one payment to a property owner. This could be a good thing for COG to participate in coming up with this plan.

Comprehensive Plan: Mark Derr advised that 5 copies were delivered to the office, Comm. Craley and Comm. Briddell were given copies, and others have been requested for the other board members.

The board decided that they would meet on Wednesdays from March 19 through May 28 at 4:00 p.m. to discuss the progress of the Administration/Public Works campus and other items as deemed necessary, such as the comprehensive plan and zoning ordinance updates.

Poole litigation: Comm. Craley asked when the board authorized Attorney Hovis to go through with settlement with Richard Poole? I don't think it was discussed as a board.

Mark Derr: It was the insurance company's decision to settle, but perhaps they should have come to the board with that information.

Paul Knepper: Why did the township have to make any concessions? If we did everything right, why did we have to settle?

Mark Derr: The insurance company made a decision that it was cheaper to settle than go to court.

Paul Knepper: I sat in on the appeal, it was denied, then the township gave them \$5000 and then spotted them a building permit.

Comm. Briddell: It wasn't township money.

## TOWNSHIP MANAGER'S AGENDA

Res. 2003-6

Act 537

York City

On motion of Commissioner Phipps, seconded by Commissioner Steele, Resolution 2003-6 approving York City's Act 537 showing the sewer transfers was approved. Vote 5 yes.

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Dallastown/Yoe  
Water Authority

We have received a letter advising the Dallastown/Yoe Water Authority is considering selling the water system.

Res. 2003-7

Keystone PITA

Grant

On motion of Commissioner Phipps, seconded by Commissioner Steele, Resolution 2003-7 closing out Keystone PITA Grant for the Comprehensive Recreation, Park and Greenway plan was approved. Vote 5 yes.

PUBLIC WORKS

BIDS

Sanitary Sewer  
Replacement

Bid

On motion of Commissioner Phipps, seconded by Commissioner Steele the bid from Gregory Contractors Inc. for the sanitary sewer replacement was accepted. Vote 5 yes.

Aerial Bucket

Truck

On motion of Commissioner Craley, seconded by Commissioner Phipps, the bid from Phillips Ford for an aerial bucket truck was approved. Vote 5 yes.

Equipment

Bids

On motion of Commissioner Phipps, seconded by Commissioner Craley, the low bids for equipment rental were accepted. (bid tabulation attached, low bids in red) Vote 5 yes.

Materials

Bids

On motion of Commissioner Schindo, seconded by Commissioner Phipps, the low bids for materials were accepted. (bid tabulation attached, low bids in red) Vote 5 yes.

Res. 2003-8

Removal of Street

Lights

On motion of Commissioner Craley, seconded by Commissioner Phipps Resolution 2003-8 for removal of street lights along Leaders Heights Road on pole numbers 29316-21182, 29328-21179, 29336-21181, and 29367-21188 was approved. Vote 5 yes.

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#### Chambers Road

Signal        The board questioned why the signal is not working on Chambers Road. Mark Clark advised that although we have a contract the work has not been completed. The board directed Solicitor Hovis to write a letter to the contractor for failure to perform in a timely manner.

#### RECREATION DEPT.

#### Recreation

Fee            Dean Krout advised that the recreation committee have talked about raising the recreation fee for new residential construction and have come to the same conclusion twice that the fees should be higher. The fee of \$325 is too small. The parks continue to grow. Everyone will have to shoulder a bigger burden. More people are coming to use the parks and fields. We would like to continue a flat fee and ask that it be raised to \$1250 per unit. The recreation report stated that you should have 10 acres of parkland per 1000 residents.

Comm. Schindo: Why do we have to provide recreation for people?

Comm. Briddell: This is the kind of place people want to live.

Comm. Schindo: The cost of housing will go up with open space.

Comm. Briddell: We are chewing up valuable land. Who will pay for water and sewer when it is needed down the road.

Comm. Phipps: The value of land keeps going higher. The developers are paying that dollar amount to build high-end homes.

Comm. Craley: We now charge a traffic impact fee, we are going to charge higher rec fees, how much will it cost to get a building permit?

Comm. Phipps: I don't think it will deter people from coming into the township.

Comm. Schindo: I don't think we should be responsible for recreation.

Comm. Phipps: This will help pay for recreation and the acquisition of land.

On motion of Commissioner Phipps, seconded by Commissioner Steele, Solicitor Hovis was directed to prepare a resolution to increase the recreation fee to \$1250. Vote 3 yes, 2 no (Craley, Schindo).

#### SOLICITOR'S AGENDA

##### YARP

Contract On motion of Commissioner Phipps, seconded by Commissioner Steele, Solicitor Hovis advised that he had been contacted for some clarification on the amendment to the contract and had made the requested changes. The board approved the changes with a 4 yes 1 no vote. (Schindo)

##### Ord. 2003-4

Amendments to  
Mill Creek Sewer

Regulations On motion of Commissioner Phipps, seconded by Commissioner Steele, Ordinance 2003-4 amending the Mill Creek Sewer regulations was approved with the following voice vote:

Commissioner Briddell	Yes
Commissioner Schindo	Yes
Commissioner Phipps	Yes
Commissioner Craley	Yes
Commissioner Steele	Yes

##### Ord. 2003-5

Sale of 1998

Sewer Bonds On motion of Commissioner Schindo, seconded by Commissioner Phipps, Ordinance 2003-5 refunding all outstanding prior bonds and to pay related costs and expenses by sale of the bonds in the aggregate principal amount of no more than \$7,000,000 issued as a series of bonds was approved with the following voice vote:

Commissioner Schindo	Yes
Commissioner Phipps	Yes
Commissioner Craley	Yes
Commissioner Steele	Yes
Commissioner Briddell	Yes

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Sewer

Authority

Lou Tateosian: Instead of surveys, we should put in sewer where needed. We should take the on-site septic surveys and see where sewer is needed.

Comm. Steele: Based on the results of the survey we shouldn't put in any sewer lines. We'd better get off our rear ends and get a better response.

Lou Tateosian: It is a question of polluting water. You can't be putting all the sewage out infiltrating our drinking supplies. Maybe some of the systems could be fixed.

Comm. Steele: We need a better feel on the numbers, a better response from the residents.

Solicitor Hovis: Do you knock on the doors and ask for response. The authority is only making recommendations. Perhaps two of the commissioners should meet with the sewer authority to support their conclusions.

Comm. Briddell: We could ask two of the authority members to come to the Wednesday, March 19<sup>th</sup> meeting at 4:00 to discuss this.

Henrietta Thompson: Don't you think you should do something for the people who need sewer?

Comm. Briddell: They may need it, or they may need repairs to their systems.

ADJOURN    The meeting was adjourned at 11:11 p.m.