

YORK TOWNSHIP
BOARD OF COMMISSIONERS
May 13, 2003
5:00 p.m.

Vice President Phipps called the meeting to order at 5:00 p.m. with the following in attendance:

Theresa Craley	Mark Derr
James Phipps	Dennis Henry
Robert Schindo	Mark Clark
Robert Steele	Elizabeth Heathcote
Philip Briddell (5:11 p.m.)	Steve Hovis

The board interviewed William Thompson and Timothy Salvatore, prospective candidates for the Planning Commission.

EXECUTIVE

SESSION The board was in executive session from 5:50 until 6:15 to discuss potential litigation.

MINUTES Commissioner Craley corrected page 3 of the minutes from April 8th to read: "On motion of Commissioner Schindo, seconded by Commissioner Steele, Solicitor Hovis and/or staff send a cease and desist on all earth moving if a letter from PHMC is a violation of the Historic Act of 1966, which is a note on the subdivision plan ."

Commissioner Schindo corrected page 1 to read that Commissioner Steele seconded the motion on the minutes.

On motion of Commissioner Craley, seconded by Commissioner Schindo the minutes from April 8th were approved with the corrections above and the minutes of April 16, 23 and 30th were approved as presented. Vote 5 yes.

PAYMENT OF BILLS

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

General Fund	\$476,988.71
Street Light	182.58
Sewer Revenue	34,547.48
Intermunicipal Sewer	2,779.21
Stormwater Mgt.	7,691.01
Capital Reserve	48,905.16

Impact Fees Fund	2,086.00
2002 Bond Proceeds	36,370.00

Total	\$609,550.15
--------------	---------------------

PUBLIC COMMENTS

Anthony Wagman Requested that Dennis Henry sign the memo verifying that Mr. Wagman had done the stormwater work that the township requested. He will meet with Dennis Henry to go over any plans to surface his driveway.

Colleen Ness
125 West Chestnut Ms. Ness advised that a ditch runs the length of her yard. The water comes from Red Lion Borough and she contacted them, and they told her they have done all they are required to do. She is concerned that the water keeps eating away at her yard and that some child may fall into the open ditch. Dennis Henry was directed to meet with Ms. Ness at her property and see what can be done.

Sam Snyder Asked the board for enforcement of note 44 on the Sage Hill preliminary plan. He met with Dennis Henry and Steve Hovis prior to the meeting. He received a certified letter from Mr. Stoltzfus to not be on the property.

Dennis Henry: He spoke with Mr. Stoltzfus today and he advised that he will proceed with an archeological study. He will be scraping the top of the surface of the ground. We don't have anything in writing, but that is the latest word from Ken Stoltzfus.

Sam Snyder: If the basin is put in it will destroy the cemetery. No attempt was made to recover the tombstones.

Solicitor Hovis: It seems that Mr. Stoltzfus has found an area to scrap. The note says he was not to violate the preservation act. You have the right to file civilly

Dennis Henry: Mr. Stoltzfus asked if the township would be willing to take the site as open space? Does the law allow fill ground over the site?

Solicitor Hovis: Fill on the tomb site could be considered destruction.

Dennis Henry: If the township takes over the site a monument could be put at ground level so the area could be mowed.

Comm. Craley: Do they have to move the graves?

Solicitor Hovis: No.

Comm. Schindo: Who would maintain the open space?

Dennis Henry: The township. The township has already agreed to accept the open space and ponds. The deed states that access has to be provided to the site.

Sam Snyder: My main concern is that the site be properly designated and the bodies preserved. While the discovering is going on, there should be no more digging in the area we marked off. The Friends of Mosser Cemetary want to put a marker there.

Dennis Henry: Mr. Stoltzfus wants to continue with the dig and scraping. They have cleared trees, but no heavy grading work has taken place.

Sam Snyder: You had a month to issue the cease and desist. Actions speak louder than words. I'm willing to work with him. I would like to see something in writing on the area we designated, right where the basin is going to be built.

Solicitor Hovis: York Township is not responsible to enforce the preservation act.

Comm. Schindo: Are you saying he violated the Act?

Sam Snyder: Yes

Solicitor Hovis: The tombstones were removed in the 40's. It is not a violation of the act, it was not in place at that time.

Comm. Schindo: You have civil action to take care of this.

Sam Snyder: Yes, but you can take preemptive action.

Solicitor Hovis: Yes. Once graves are located, it will be easier for the board to make a decision if destruction of the tombstones takes place.

Comm. Briddell: If we issue a cease and desist, will that open us up to litigation from Stoltzfus?

Solicitor Hovis: I'm sure it would.

Comm. Schindo: You have a remedy in civil court. If you feel that Mr. Stoltzfus will not do what he told Dennis, your remedy is with the courts.

Paul Knepper

Community
Pool

I have been talking with people over the last month and have some questions that I keep being asked. What are the costs associated with the renovations at the pool?

Mark Derr: We have not received any invoices for the work we are doing now. My guess is around \$10,000 to repair the pool getting it ready to open. This repair will get us through this year, maybe next year. We have to look at the pool and how to make it last. If we start making changes we must be ADA requirements. We have a proposal from an architect for \$79,000 to upgrade the pool house and work on the pool. It would eliminate the baby pool, making it a zero entry, lining the pool, replacing the drain lines to the pool and filter, cutting top 2' off the pool and replace with stainless steel gutter system. This would last 25-30 years. This architect's estimate for this work was \$1.1 million.

Paul Knepper: How would this be paid?

Mark Derr: With the existing capital funds, or a bond issue.

Paul Knepper: Is everyone okay spending \$1.1 million on the pool?

Spry
Sidewalks

The original concept was less than \$100,000, where are we today?

Dennis Henry: PaDOT gave us a cost of \$167,000, but the bids came in another \$15,000 higher. We received \$90,000 in block grant money. We have a commitment from Columbia Gas to pay for the sidewalks they have torn up to repair their lines. That money will go into the pot, but I don't have the total numbers, but I would be glad to get them for you.

Coventry Road

Why is it taking so long?

Mark Clark: Weather. We were shut down for a week. Hoping to get the curbs poured next week. We have been working on stormwater and it takes a long time.

Glenn McGurk

I see there is new playground equipment at the community center. Where did the money come from? It is enclosed, so only the people at the club can use it. You are spending everyone's money for only a few to use. Doesn't seem right to build a playground for a certain group of people.

Comm. Briddell: I agree we need a park in that area. There was concern that the smaller kids would wander to the pool area.

Emergency Mgt.
Res. 2003-11

On motion of Commissioner Schindo, seconded by Commissioner Phipps, Resolution 2003-11 adopting York County Emergency Operations Guideline was approved. Vote 5 yes.

There was a discussion on the use of the fire siren, being used for emergency notice, such as warning for tornado.

ENGINEER'S AGENDA

WPMT Fox 43
LD03-3-1

Plan presented by Clark Craumer and Tim Koller. On motion of Commissioner Schindo, seconded by Commissioner Craley the plan was approved with the following conditions or modifications:

1. Waiver granted for street widening, curbs and sidewalks, with the 6 months notice put on the plan.
2. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.

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. All engineering bills to be paid prior to recording.

Vote 5 yes.

York Township Park Subdivision and York Township
Community Center Land Development

Authorization On motion of Commissioner Phipps, seconded by Commissioner Steele, President Briddell was authorized to sign the plans for the York Township park subdivision and the community center land development. Vote 5 yes.

York Twp. Park Subdivision for
York Area Regional Police

P03-4-2 On motion of Commissioner Schindo, seconded by Commissioner Phipps the plan was approved with the following conditions:

1. Waivers granted for the following:

- a. road widening
- b. sidewalks
- c. curbs
- d. wetland report
- e. contours

Vote 5 yes.

York Township
Community Center
Parking Lot
LD03-4-3

On motion of Commissioner Schindo, seconded by Commissioner Steele the plan was approved with the following conditions:

1. Waivers granted for the following:

- a. road widening
- b. curbs
- c. sidewalks

Vote 5 yes.

Clinton R-O-W
850 Chambers Rd

On motion of Commissioner Schindo, seconded by Commissioner Phipps the right-of-way agreement between the Clintons (850 Chambers Road, affected by the maintenance, operation and repair of storm sewer lines) was approved. Vote 5 yes.

Acco Drive
Access

During conversations with York County School of Technology over the expansion of the school, the township recommended that they consider having the bus traffic access to Acco Drive to the light on South Queen Street. They originally had planned to have the traffic come to Center Ave., but it is not a public street and does not have a signal to control the traffic.

Solicitor Hovis: The township received a letter from the developers of Spangler Meadows requesting compensation for the use of the Acco Drive access. When Spangler Meadows Phase II was approved May 12, 1994 the following was a condition of the approval of the plan:

“Acco Drive may remain a private street from Queen Street to Ashleigh Drive for a maximum period of ten years, which could be shortened by earlier offer of dedication or failure of developer to maintain the road, maintain the stormwater sewers, or to remove snow. A notice on the recorded plan, acceptable to Solicitor Hovis, must appear on the plan.”

The plan was recorded without the note approved by Solicitor Hovis. The plan dedicates the street for public use. The township has not accepted the street. It is built to township specifications. A representative of Spangler Meadows is requesting that the school pay some costs to access Acco Drive.

The minutes do say that Acco Drive may remain private, but there is a note offering dedication. Mark Clark has plowed part of Acco Drive to get to another street. The developer has not filed an offer of dedication. In order for York County School of Technology to have their plan approved, they must have access.

The 10 years, there is no date, no guidance. The owner believes the 10 years began in 1998. We can take the position that it was incumbent on the developer to see that the note was put on the plan, and we take over the road.

The 10 years, we can view as beginning in 1994 and it expires in 2004, and it appears to be the intent of York County School of Technology to begin construction in 2004, which would be okay.

We can do nothing and believe like the developer that the time runs until 2008.

We can take the road, but will probably be sued by the developer for \$84,000, which is being asked by the developer. Would they be successful? The court may say that they should have provided the note on the plan to give a date to begin the 10 years.

Comm. Schindo: What are the traffic impact fees for the school?

Dennis Henry: \$178,000.

Solicitor Hovis: Advised that he is bond council for York County School of Technology.

The board suggested that Steve discuss the situation with the school and get their position should the township be sued.

Dennis Henry: We asked the school to make their access onto Acco Drive to be right hand turns only, and they agreed to install something to make left turns difficult. They will internally direct the student traffic to Pauline Drive. Pauline Drive will be widened to either 4-5 lanes for the increase in traffic. There will be about a 15-30 minute period of traffic on Acco Drive.

Comm. Steele: If the school were a business we would not allow traffic into an RL-3 zone. Is it appropriate to send the bus traffic into a residential area?

Dennis Henry: We have residences on both sides of Center Ave.

COMMISSIONER'S AGENDA

- Comm. Craley Comm. Craley gave the update on the Fire chief's meeting and EMA reports.
- Planning Comm.
Appt. On motion of Commissioner Craley, seconded by Commissioner Steele, Tim Salvatore was recommended for the position on the Planning Commission. Vote 2 yes (Craley, Steele) 3 no.
- Commissioner Schindo made a motion to reappoint Bill Thompson to the Planning Commission. The motion died for lack of a second.
- On motion of Commissioner Schindo, seconded by Commissioner Craley, Tim Salvatore was appointed to the Planning Commission for a term to expire May 13, 2007. Vote 3 yes, 2 no (Briddell, Phipps).
- Comm. Phipps With the governor's cut backs, there will be a drastic cut back in Rabbitt Transit, 4 routes will be cut, and they could be out of business by 2006. You should let your legislators know that you support public transportation.
- Comm. Steele Commented on the mulching done on Saturdays at the Public Works Department. It appeared we were overloaded with the number of people this past weekend. We need to have a better way to determine what is the end of the line. Do the township workers have the property equipment, ear, eye, shoes, mulching equipment, training, etc?
- Comm. Briddell
Comp. Plan Gary Milbrand provided an overview of some of the maps in the proposed Comprehensive plan showing the growth and development in the township.
- We have a great school and great suburban neighborhoods. We have to figure out a way to accommodate the growth. We can't ignore how the township is being developed.
- 250th Anniversary
Celebration June 27, 28 & 29 will be a three day celebration here at the township park.

The anniversary book is also for sale at the township office and community center.

TOWNSHIP MANAGER

Bond issue Mark Derr advised that with the refinancing of the bond issue there was a savings of \$518,775.00. Should the money be put into the capital reserve fund or put into the Water and Sewer Authority account to use for studies for sewer projects?

Comm. Craley: The Tyler Run project is running over budget, it should be put into the capital reserve.

On motion of Commissioner Craley, seconded by Commissioner Phipps the board agreed that the money should be in the capital reserve fund, and have Mark Derr check with Joe Robinson to get an analysis to see if funds will be needed in the clearing fund for sewer dept payments. Vote 5 yes.

**Oak Road
Water**

Mark Derr received an estimate from York Water Company to extend water to our project on Oak Road of \$17,000. Phase II to connect the 5 residents and two vacant lots would be ±\$18,000.

Comm. Phipps: Do the residents want the water?

Mark Derr: We have not sent out questionnaires, but we did make some representation to Mr. Micheals when we bought the lot that water would be provided to the vacant lots.

**Dallastown Lions
Club**

On motion of Commissioner Phipps, seconded by Commissioner Steele, the contract/agreement to use the Lions Club park was approved. Vote 5 yes.

**Community Block
Grant/Spry
Sidewalks**

On motion of Commissioner Phipps, seconded by Commissioner Steele the amendment to the Community Block Grant was authorized for signature by President Briddell. Vote 5 yes.

Pool Slide

The recreation board has been working with the pool members and they are looking at a slide at the pool. We advertised for bids for a slide. We asked for sealed bids, and received one by fax and one by e-mail. We advertised in the local paper, but the bids came from Tennessee and Oregon.

Slide 1: \$32,000 installed, no electricity required, and we have to run water to it.

Slide 2: \$31,908.55 2 days nonworking on sight technical support, we assemble and run electric.

Comm. Craley: Is the pool deep enough?

Comm. Phipps: Does the slide have to be handicap accessible?

Solicitor Hovis: It may not be able to be ADA compliant.

Comm. Schindo: (Read an excerpt from the minutes of the Recreation Board regarding the slide)

Comm. Craley: Where is the money coming from?

Mark Derr: The capital projects fund. The Community Center has money from the depreciation fund.

Comm. Craley: If there going to be anything left out of the capital reserve fund for pool repairs, etc?

Mark Derr: This will pretty well take care of the fund.

Comm. Phipps: Can we work around the slide when we redo the pool?

Mark Derr: Yes. The tubes are bolted together and the sections can be removed.

Comm. Briddell: Do we have to take the lowest bidder?

Solicitor Hovis: Lowest responsible bidder.

Comm. Briddell: Did either of the bidders bid on what they were asked for?

Mark Derr: We said acceptable alternative, stainless steel or better, slide supports, minimum slide height, minimum slide length.

Comm. Phipps: Have we talked to anyone who has these to see about maintenance, durability?

Comm. Briddell: If we approve tonight, when can they install?

Mark Derr: One could begin the first of June.

Solicitor Hovis: We need to check to see if there are defects in the bids. If you approve a bid it should be subject to the solicitor's approval being sufficient under Pennsylvania law.

Comm. Steele: The commissioners agreed that the rec board could run the center. The rec board should make a recommendation . They should look at the money and decide which one they want. They have a fixed fee for this year. I don't want them to come back and ask for more money.

Comm. Phipps: Let's give Steve a chance to look at the bids.

Comm. Briddell: Mark see if the rec board can meet and make a decision and we can vote at one of the Wednesday meetings.

Ken Silverstein: Last month someone questioned the insurance issue with the slide. You said earlier that \$10,000 was spent on repairs. An architect said you may need to spend \$1.1 million on the pool. You are talking about spending +\$30,000 before we know if there is going to be a pool in three years.

Comm. Briddell: Would we consider spending \$79,000 or \$1.1 million? There would be a potential of \$200,000 from the state. The pool is used very heavily. When the pool is done it will be for a long period of time.

Ken Silverstein: I'm not questioning whether we need a pool. I'm questioning whether we should spend \$30,000 for a slide we may not use?

Comm. Briddell: We took down the diving board. This would be acceptable to keep the pool going.

Ken Silverstein: Did the insurance okay the slide?

Mark Derr: Yes

Comm. Briddell: I would recommend that you go to the rec meetings if you would like to hear from them directly.

Comm. Steele: The \$1.1 million is only one company's opinion on how to fix the pool.

Mark Derr: We are getting through this year and maybe next year with the repairs we've done.

Comm. Briddell: We need to make the investment. Everyone keeps coming for recreation.

Recycling

Mark Derr advised that Act 101 requires that the township set up curbside recycling for yard waste (tree limbs, shrubs, brush, etc.) Elizabeth Heathcote suggested to Commissioner Craley that she speak to the COG regarding this and see if other municipalities are interested in doing something jointly.

Garbage Collection

Elizabeth Heathcote advised that a number of residents do not have service through York Waste for residential pickup, as the ordinance calls for. The residents that have businesses and can take their garbage there believe they should not be required to contract for service at their homes. Solicitor Hovis advised there is case law advising that you are required to pay for the service even if you do not use it. He will provide Elizabeth with the case West Manchester v Mayo. The board agreed that everyone must have garbage service for their residential properties.

Separation of Buildings

Elizabeth Heathcote was directed to send the proposed ordinance change to YCPC for their comments on the separation of buildings.

PUBLIC WORKS

Mark Clark advised that the light at Chambers Road was working.

Tyler Run sewer Project

Mark advised that the sewer line is crossing the stream in four places and we may need to obtain more right of ways from some property owners.

Page 14
May 13, 2003

Hydrant markers Mark found the markers and has someone who wants to do an Eagle Scout project. They should be installed by the next meeting.

SOLICITOR'S AGENDA

Solicitor Hovis advised that they are preparing an ordinance that will reflect new definitions for the Earned Income Tax Bureau.

ADJOURN On motion of Commissioner Schindo, seconded by Commissioner Steele the meeting was adjourned at 9:44 p.m.

Elizabeth Heathcote