

BOARD OF COMMISSIONERS  
 May 14, 2002  
 6:00 P.M.

President Briddell called the meeting to order with the following in attendance:

Theresa Craley	MarkClark
Jim Phipps	Mark Derr
Robert Schindo	Dennis Henry
Robert Steele	Steve Hovis

MINUTES                      On motion of Commissioners Schindo, seconded by Commissioner Phipps the minutes from the April 12, 2002 were approved with the following correction - Commissioner Steele seconded the motion to approve the payment of bills. All were in favor.

Payment of Bills                      On motion of Commissioner Phipps, seconded by Commissioner Steele the following bills for April 2002 were approved for payment:

General Fund	\$ 634,171.25
Street Light Fund	\$ 1,315.36
Sewer Revenue Fund	\$ 316,408.35
Intermunicipal Sewer Fund	\$ 8,316.48
York Twp. Payroll Fund	\$ 10,790.02
Stormwater Management Fund	\$ 21,542.93
Recreation Capital Reserve Fund	\$ 1,658.48
Capital Reserve Fund	\$ 35,668.36
Accounts Payable Fund	\$ 0.00
Escrow Fund	\$ 0.00
<b>Total Expenditures</b>	<b>\$1,029,871.23</b>

Public Comments

Walter Henry, Jr.                      Mr. Henry submitted an agreement to the Township for repair of a stormwater pipe that runs through lot #19 of the Craigdan subdivision. The agreement specifies that Mr. Henry will install a contiguous stormwater pipe, as approved by the Township Engineer and will be responsible for the continued maintenance and repair of the pipe and drainage way extending approximately 160 feet through lots 19 and 20. This agreement will run with the property and has been approved by the Solicitor and Engineer. Commissioner Phipps made a motion, seconded by Commissioner Craley to approve the agreement. All were in favor.

Engineer's Report

P01-3-1 Devono                      Commissioner Schindo made a motion, seconded by Commissioner Steele to approve the plan as presented with conditions as per the Township Engineers letter of review and recommendation. All were in favor.

Plan  
Reapprovals

Commissioner Schindo made a motion, seconded by Commissioner Steele to reapprove the following plans with all previous conditions:

1. Gordon L. Brown parking lot
2. Hogg Farm 3-lot subdivision
3. Lester Mummert

All were in favor.

Sage Hill

Plan presented by Laymon Mortorff. Mr. Mortorff requested the following waivers on behalf of the developers:

1. Waiver for the 175 ft. radius requirement for one of the roads of the subdivision.
2. Waiver for road widening, curbs and sidewalks in exchange for straightening the curves on Camp Betty Washington Rd that pass through the development.
3. Waiver for the length of two of the cul-de-sacs within the development.

Commissioner Schindo made a motion, seconded by Commissioner Steele to look favorably upon the waivers that were requested for the Sage Hill development. Vote 4 – yes, Commissioner Craley voted no.

Because of a conflict of interest, Attorney Bupp provided the Township with an opinion regarding a burial ground on the property. He suggested that rather than the Township develop a set of rules and regulations to deal with the burial ground that the following wording be added to the plan: This plan is approved by York Township under and subject to the Owner of the Property and such Owners', heirs', executors', administrators' and assigns' compliance with the Historic Burial Places Preservation Act of 1994 9 P.S. § 211 et.seq.

Easement  
Restriction  
Policy

Dennis informed the Board that staff is constantly dealing with requests by resident to place things within easements. It has been Elizabeth's interpretation that nothing should be placed within the easements although the sewer authority has allowed people to place fences etc. within the easement as long as they place a gate or removable section of fence to allow access. Part of the problem is that not all easements belong to the Township, they may belong to another utility or to a homeowner's association, etc. The problem is that the subdivision and land development ordinance states that "Nothing shall be placed, put on planted, set or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement. Commissioner Craley's opinion was that nothing should be placed in the easement. This position was supported by Commissioner Phipps who indicated that during his tenure on the Sewer Authority a

Easement Restriction Policy cont'd.	great deal of time and money was spent fixing problems when things were placed in the easements. The Board agreed and indicated that the Zoning Officer should make the decision and either issue or deny a permit based upon their opinion of the adverse affect on the easement. The person then has the right to appeal the decision to the Zoning Hearing Board and/or the Court of Common Pleas.
Queen Street Rehabilitation/ Sidewalk Project	Dennis informed the Board that Kinsley Construction was awarded the bid for the Queen Street project and that the cost was significantly above the amount projected by PennDOT. The effect on the Township is that the Spry Sidewalk project cost will be approximately \$36,000 higher than what PennDOT originally projected. Commissioner Schindo reminded everyone that he warned the Board of this when the project was originally proposed.
Chambers Rd./Rte 124 Signal Light Update	Dennis informed the Board that additional right of way is required from Mr. Cerrutti because of stormwater issues with PennDOT and there has been some difficulty obtaining the right of way. Commissioner Phipps made a motion, seconded by Commissioner Schindo to proceed with condemnation by the next meeting if the agreement is not worked out. All were in favor.
Police Chief	Chief Gross of the York Area Regional Police Department presented Commissioner Briddell with a plaque recognizing his tenure as the first President of the Board of Commissioners of the York Area Regional Police Department and his service to the department.
Commissioner Agenda	Commissioner Craley provided an update on the Fire and Ambulance Services, copies of reports attached. She also indicated that we would soon be receiving copies of their Federal 990 tax returns. In addition, she made a motion to have the Solicitor prepare a resolution to form an association for the ambulance services such as exists for the fire service and to hold regular meetings. Commissioner Phipps seconded the motion, all were in favor.
	Commissioner Steele stated that he would like to make sure that all members of the Board had reviewed the lighting ordinance and were aware of the provisions contained in the ordinance. He specifically wanted to point out the terminology such as "lighting fixtures that are a nuisance or create a disabling glare" which is open to interpretation. He reviewed the maximum outdoor lighting output and indicated a one-third acre lot would be allowed approximately one 200 watt light bulb for outdoor lighting based upon the information on a standard light bulb box and questioned if this is what we really intended.

Commissioner Phipps recognized Joe Heggenstaller for his service to the Township as our first Geographic Information Services staff person and commended him for the job that he has done.

Resolution  
2002-8  
National  
Public Works  
Week

Commissioner Phipps made a motion to approve Resolution 2002-8 Recognizing National Public Works week, the commitment of the public works employees and the services that they perform for their community. The motion was seconded by Commissioner Schindo, all were in favor.

Commissioner Briddell updated the Board on the Deadman's Curve project. Gannett Fleming currently has more than 70 engineers working on the project for PennDOT in order to complete it within the required timeframe to insure funding.

RFP for Land  
Use  
Ordinances

Commissioner Phipps made a motion, seconded by Commissioner Craley to prepare an RFP to update the Zoning Ordinance, Subdivision and Land Development Ordinance and the Comprehensive Plan. Commissioner Briddell, Commissioner Craley and Commissioner Phipps voted yes, Commissioners Schindo and Steele voted no.

Manager

Resolution  
2002-9 York  
City Sewer

Mark Derr informed the Board that the York City sewer issues have finally been resolved to everyone's satisfaction. The City has agreed to restore the \$1.6 million required by the bond issue by July 1<sup>st</sup> and to begin paying \$100,000 per month as of July 1<sup>st</sup> to pay back the remaining funds due to us. They've also agreed to set up a committee comprised of a member of each of the municipalities and a neutral 3<sup>rd</sup> party to determine an interest rate to be assessed against the borrowing. In addition, the committee will review and update the intermunicipal agreement that is currently 26 years old. All monies will now be deposited into accounts that will be separate from all of the City's other accounts. In exchange for this the municipalities will begin paying their quarterly payments at the beginning rather than at the end of each quarter. Commissioner Phipps made a motion, seconded by Commissioner Craley to approve the resolution, all were in favor.

Transportation  
Study Update

York County Planning reviewed the Land Use Assumptions report prepared by JMT. Their "Unofficial Comments" indicated that although they agreed with what was presented, they would not recommend approval because the MPC states that the report must be based upon the existing land use ordinances. The report includes development of "key opportunity sites" with proposed land development methods. JMT will rework the report based on our

existing ordinances and will resubmit to County Planning for their July meeting.

Resolution  
2002-10 Valic  
Deferred  
Comp Plan

Mark informed the Board that due to changes in the Internal Revenue Code, a new resolution needed to be adopted to reauthorize the use of Valic Retirement Plan Company for the Township's Deferred Compensation Plan. Commissioner Phipps made a motion, seconded by Commissioner Craley to approve the resolution, all were in favor.

Reappoint Jim  
Norton to the  
Planning  
Commission

Commissioner Schindo made a motion, seconded by Commissioner Steele to reappoint Jim Norton to the Planning Commission for another 4 year term. All were in favor.

Planning  
Commission  
Compensation  
Resolution  
2002-11

On motion of Commissioner Phipps, seconded by Commissioner Craley the board agreed to compensate the York Township Planning Commission at \$40.00 per meeting effective May, with the money being transferred in the budget to the appropriate line item. Vote 5 yes.

Award of  
Garbage  
Contract

Based upon York Waste submitting the low bid for garbage collection for the next three year term, Mark recommended approval of issuing a license to York Waste for residential refuse collection for the term July 1, 2002 thru June 30, 2004. Commissioner Phipps made a motion, seconded by Commissioner Craley to approve York Waste as the authorized residential solid waste hauler. All were in favor.

Dog  
Enforcement  
Officer

Mark informed the Board that Sue Mowry has resigned effective May 1, 2002 as the Dog Enforcement Officer and that we have contracted with Terry Hemler, Animal Control Services to act as our Dog Enforcement Officer. Sue also intends to give up her shelter effective 12/31/2002 and the managers of several of the municipalities are attempting to come up with a plan to purchase the shelter and keep it open.

Commissioner  
Phipps

Commissioner Phipps will be recognized for becoming "certified" in the Pennsylvania League of Cities and Municipalities Elected Officials' Leadership Training Program. He is one of only two elected officials in the state to reach the certification and will be recognized at the annual convention in Reading on June 20<sup>th</sup>.

Public Works

Snyder Park  
Sewer  
Interceptor

Mark Clark requested the Board to award the Snyder Park Sewer line replacement contract to Kinsley Construction for the low bid of \$119,989.04. Commissioner Phipps made the motion, seconded by Commissioner Steele. All were in favor.

New Employee	Mark requested the Board to approve the hiring of a new employee for the sewer crew. Vote 4-1. Commissioner Schindo voted No.
Township Sign	Mark requested that the Board approve sharing a sign with Dallastown Borough that would be placed at the entrance of Dallastown on Rte. 74. Vote 3-2, Commissioners Schindo and Steele voted no.
Recreation Lions Park Agreement	Dale requested that the Board authorize him to once again enter into an agreement with the Dallastown Lions Club for use and maintenance of Lion's Park. Commissioner Phipps made a motion seconded by Commissioner Schindo to authorize entering into the agreement. All were in favor.
Solicitor	
Ordinance 2002-8	Solicitor Hovis introduced Ordinance 2002-8 setting maximum speed limits for Markey Street, Chronister Farm Rd, Natalie Drive and Lanie Court. Commissioner Phipps made a motion, seconded by Commissioner Steele to approve the proposed ordinance. All were in favor.
Blymire Rd – No Parking	A decision on a proposed ordinance for no-parking on Blymire Rd. was tabled to verify the extent of the no-parking zone.
Whispering Pines Rd.	Solicitor Hovis informed the Board that based upon his review of the information regarding Whispering Pines Rd his opinion is that it is a township road. Steve will draft a letter to the residents indicating that it has been deemed a township road.
GIS	Joe Heggenstaller briefed the Board on the status of the GIS system in York Township and provided suggestions on things that the Board should consider for future enhancements of the program.
Executive Session	The Board recessed to an executive session to discuss pending litigation and the purchase of real estate.
Recess	The meeting was recessed to June 5, 2002 at 6:00 PM.

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Mark E. Derr, Township Manager