

York Township Board of Commissioners
June 11, 2002
6:00 p.m.

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

Theresa Craley	Mark Clark
Jim Phipps	Mark Derr
Robert Schindo	Elizabeth Heathcote
Robert Steele	Dennis Henry
	Steve Hovis

Minutes On motion of Commissioner Schindo, seconded by Commissioner Craley the minutes of May 14, 2002 were approved as presented. Vote 5 yes.

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

General Fund	\$143,428.02
Street Light	1,032.50
Sewer Revenue	273,929.66
Intermunicipal Sewer	3,228.50
York Twp. Payroll	4,846.33
Stormwater Mgt.	8,524.80
Liquid Fuels	26,214.00
Recreation Capital Reserve	265,575.68
TOTAL	\$723,779.49

Executive
Session The board was in executive session from 6:03 to 6:50 p.m. to discuss litigation.

PUBLIC COMMENTS

Kaltreider
Library Victoria Dick and JoAnn Miller provided information on the services provided by the library and asked the board to reconsider their contribution to the library.

ENGINEER'S
REPORT

Harry Cooper
P02-4-1

Plan presented by Laymon Mortorff. 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 June 5, 2002 must be met.
2. Waiver granted for Section 602.I.3 to allow five dwelling units to be served by the existing common driveway.
3. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.
4. 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.
5. In accordance with the requirements of the York Township Traffic Impact Ordinance, a fee in the amount of \$1000 per each new vehicle trip during the peak PM hour to and from the proposed subdivision and/or development of land is required to be paid to York Township upon application for a building permit. The fee for a single family dwelling lot is based on one(1) peak hour trip for a fee of \$1000.00.
6. All engineering bills to be paid prior to recording.

Vote 5 yes.

Blanche Schrum

P02-5-2

Plan presented by Laymon Mortorff. 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 June 5, 2002 must be met.
2. Waiver granted for Section 402.C.1 for contour display.
3. Waiver granted for Section 402.A.1 for plan scale.

4. Waiver granted for Section 602.A.7 road widening with the 6 months statement on the plan.
5. Waiver granted for Section 603.B sidewalks with the 6 months statement on the plan.
6. Waiver granted for Section 603.C curbs with the 6 months statement on the plan.
7. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.
8. 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.
9. All engineering bills to be paid prior to recording.

Vote 5 yes.

Blanche Schrum
Sewer

connection On motion of Commissioner Phipps, seconded by Commissioner Craley, Mark Clark will request the Water and Sewer Authority to pay for the lateral to the right of way, so he will be able to proceed with paving Vireo Road. Vote 4 yes 1 no (Schindo)

On motion of Commissioner Phipps, seconded by Commissioner Steele, once the lateral is installed, with the township paying for the surveying of the lateral to the right of way line, Ms. Schrum will be sent a letter advising that she has 90 days to connect to the sewer. Vote 4 yes, 1 no (Schindo)

Joseph Barry
P01-10-2

Plan presented by Clark Craumer, Joleen and Joseph Barry. 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 June 5, 2002 must be met.
2. Waiver granted for Section 610.A.1 extending public sanitary sewer.

3. Waiver granted for Section 602.A.7 road widening with 6 months statement on the plan.
4. Waiver granted for Section 603.B & C sidewalk and curb with 6 months statement on the plan.
5. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.
6. 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.
7. In accordance with the requirements of the York Township Traffic Impact Ordinance, a fee in the amount of \$1000.00 per each new vehicle trip during the peak PM hour to and from the proposed subdivision and/or development of land is required to be paid to York Township upon application for a building permit. The fee for a single family dwelling lot is based on one (1) peak hour trip for a fee of \$1000.00.
8. All engineering bills to be paid prior to recording.

Vote 5 yes.

Richard Laurino

P01-1-2 On motion of Commissioner Schindo, seconded by Commissioner Phipps the plan was reapproved with all previous conditions in place. Vote 5 yes.

Hunt Club

Laymon Mortorff, George Klein and Paul Lantz presenting plan revision. The plan approved and recorded for the Hunt Club contains note 62 that states "the suspended wood treated decks on the rear of each unit shall not exceed 7' in depth". Laymon argued that the plan was approved prior to the ordinance being amended identifying the separation distance between buildings, and that the measurement is taken at the point where the structures and their appendages (porches, decks, patios, overhangs) are closest. He now submitted a plan that would show a deck on the back of each unit that is 12' deep.

Solicitor Hovis: Can the board amend a plan that violates the Zoning Ordinance? I don't believe so.

Mortorff: The note had to deal with detail. No one noticed that the note was a problem. Is the board going to enforce the ordinance on this plan?

Comm. Craley: Will each deck now be a nonconformity?

Elizabeth Heathcote: The ordinance is very specific about where the measurements are taken from. We are not asking for interpretation on the issue. Each deck constructed at the 7' depth will be a nonconforming structure. The best scenario is to leave the plan as is and let the 7' wooden decks be allowed to be constructed.

Solicitor Hovis: You do have the entitlement to build a 7' deck.

George Klein: We will be able to live with the 7' deck, but want the patios waived and will agree to allow them 12' depth.

L. Mortorff: If they move to accommodate the patios we may lose a building.

Comm. Steele: You have an approved plan, and you can build what meets that plan.

L. Mortorff: They can only build 7' decks, which are over grass. The original restrictions were for over the road. The decks identified will violate the building separation requirements.

Comm. Steele: What's on the plan can be built. You are entitled to build to your plan. No patios, and a limitation on the decks, nothing else is identified on the plan.

Comm. Craley: What are you asking for on this plan?

L. Mortorff: The changes are highlighted in yellow. We removed note 62, and added signature blocks.

Comm. Craley: When was the plan approved?

E. Heathcote: Yorktowne Heights was approved Sept. 14, 1999, and reapproved February 8, 2000, but the plan was not recorded. April, 2000 the Hunt Club was submitted; it was approved May 9, 2000, and reapproved September 12, 2000.

Comm. Craley: If something is revised and is done after the ordinance is in effect, it must be held to the new ordinance. If not, all residents will be coming in requesting relief from new ordinances.

Solicitor Hovis: A new application was made when the Hunt Club was submitted, a new plan.

Dennis Henry: How do we make this work so we are not flying into the face of the ordinance? The staff is being held to the language in the zoning ordinance.

L. Mortorff: We want to go back to the original ordinance where the patios and decks were not an issue.

Solicitor Hovis: That was with the prior approval. You do agree that you provided a new plan, a new application, and a new check? The prior approval doesn't matter.

Comm. Craley: I cannot see how I can violate the ordinance.

Comm. Briddell: With no decks, no patios, we will be getting requests for variances for everything. This whole thing was designed under the old ordinance and we are trying to make it look like something else.

Comm. Craley: If you change anything on the plans and resubmit you are subject to the current ordinances.

Comm. Steele: It appears that you have an approved plan, signed and recorded. It appears that an administrative oversight by the commissioners allows you to build a 7' wooden deck .

Comm. Craley: The plan calls for 7' wooden decks, but nothing is said about patios. If you want patios they must meet the ordinance. Any revisions after the ordinance on a plan must be held to our ordinance that is in place. We will be having variance applications for decks and patios that are larger.

L. Mortorff: This makes no sense. I thought that decks were the only issue not patios.

Comm. Briddell: Decks are okay, patios are questionable.

Comm. Phipps: I'm okay with decks and patios that are 12' deep, but I don't see how you can get around the ordinance.

Comm. Briddell: You are asking for a revised plan with 12' decks and patios.

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On motion of Commissioner Craley, seconded by Commissioner Steele, the revised plan was rejected, and the previously approved plan identifying 7' wooden decks remains in place.

Vote 3 yes, 1 no (Briddell). Commissioner Schindo abstained. (memo attached)

Zoning

Amendment On motion of Commissioner Phipps, seconded by Commissioner Steele, the board directed the solicitor to address the ordinance allowing unenclosed patios and decks. Vote 5 yes.

Zutell Dennis Henry updated the board on the driveway of Mr. Zutell on Powder Mill Road.

Brook Hill

Stormwater Dennis Henry advised of an erosion problem and sediment being deposited on a property in Brook Hill from the upstream development. Can we have the developer cleanout the stream of the sediment deposits?

Solicitor Hovis: Riparian laws state that you can't increase quality or quantity of water leaving a property. I believe it is within our powers that we can request the developer to something about the property, providing the property owner will provide access.

Comm. Schindo: Does this mean that they didn't install the stormwater to the approved plan? Was the plan approved flawed?

Solicitor Hovis: The plan may not have accurately calculated the amount of water to be discharged.

COMMISSIONER'S AGENDA

Comm. Phipps

Has been meeting with Representatives Saylor, Miller and PennDOT regarding proposed improvements to Springwood Road from Camp Betty Washington Road to the old Red Lion post office.

We are also asking them to look at the realignment at Camp Betty Washington Road. They made a commitment to include with their project

if the township would acquire any rights of way, engineering, and apply for the Highway Occupancy Permit.

Dennis Henry advised that a cost analysis is necessary to provide to PennDOT to see what they will agree to pay. We will be receiving some money from Vito Spagnola.

On motion of Commissioner Phipps, seconded by Commissioner Craley, Dennis Henry is authorized to get cost estimates for this realignment. Vote 5 yes.

Comm. Steele

Would like Mark Clark to look at three stormwater issues:

1. Holyoke to Allegheny – pipe
2. Rushmore Drive – low point
3. Allegheny Drive – under Allegheny concrete abutment

Comm. Craley

During the construction of the I-83 project, the emergency services will have to use alternate routes for the hospital. All of the routes will be posted on the PennDOT site and the York Township web site.

We are proposing a resolution to recognize the Grantly, Jacobus, Yoe and Red Lion ambulance providers as the York Township Ambulance Association.

Solicitor Hovis: There currently is no agreement between York Township and these companies. We do not establish areas where they provide service. What standards are we trying to accomplish? With the creation of a new ambulance group York Township has the ability to prohibit a new ambulance service in the township. Do we want to dictate how services are provided?

Comm. Craley: It is our responsibility to provide this service. We need to revamp the ambulance service and they are willing to do that.

Solicitor Hovis: This is a new concept for me. The resolution calls for involvement by the township manager. If issues cannot be resolved and the association cannot resolve, the township manager can help resolve the issue. The township has never been a part of this process.

Comm. Craley: That is how the fire association operates and it is running smoothly.

Solicitor Hovis: Decisions can be made to the board if they are not happy with the township manager's decision. Does the board want that? Have there been a lot of issues in the past? There are no other municipalities that oversees the Emergency Management Services, and I would welcome any input.

Comm. Phipps: Can we pass decisions onto the EMS? Are they binding, or only a recommendation?

Solicitor Hovis: Can you consider operating rules instead of a resolution? We provide the rules and the EMS signs off.

Comm. Craley: The resolution is just bare bones. They need to be recognized. I would like to see the resolution revamped for next month.

Barry Myers The fire chiefs have been responsible for providing emergency services, including fire and emergency medical services, within their area of jurisdiction. They have determined what personnel and what equipment responded to calls and the fire chief was in command of incidents involving fire and EMS units. This included which fire company and ambulance are dispatched to certain areas. We have worked long to revise the alarm boxes. We hope that the board will uphold what has been a past practice and allow the fire chiefs to be responsible to direct emergency operations within their jurisdiction.

Brian Sellers Ambulance Captain of Jacobus Lions Club. He wants to have both of his ambulances dispatched back to back instead of dispatching one and then seeking another ambulance company for the next call. Our run time to York Hospital is 10 minutes. 80% of our runs are medical calls. We got the maps 1 week before the due date. We provide service to the township and deserve to set up our own area. We need time to get the boxes correct.

Comm. Briddell We made a motion last month to proceed with the zoning ordinance, and subdivision ordinance, and would like to meet with the Zoning Hearing Board, Planning Commission and Water and Sewer Authority. Would like to set up a meeting after July 4th to discuss the updates of these ordinances.

Comm. Craley

We need direction on the policy for the ambulance and fire service. We need a change so the ambulances are in charge of themselves. The fire companies are in charge of themselves. With our current policy the EMS falls under the fire company. They have no say in their own boxes. They should answer to their own presidents.

Comm. Schindo: Brian needs a chance to work out the boxes. They need a chance to work these things out before we step in. I suggest they continue to resolve the issues.

TOWNSHIP MANAGER'S
REPORT

Red Lion
Fireworks

On motion of Commissioner Schindo, seconded by Commissioner Phipps the board will contribute \$500 toward the fireworks on July 4th. Vote 5 yes.

Mitzel
Weikert

Mike Mitzel and Vince Weikert have offered a proposal to use the outside tennis courts. The township would need to resurface 3 courts. They would like to run a tennis program.

Comm. Phipps: With the drought restrictions, why are we considering watering the courts? I thought we were waiting on the Rec study to provide information as to how the center would be used.

Resolution 2002-12
Act 537
Chestnut Ridge

On motion of Commissioner Phipps, seconded by Commissioner Steele Resolution 2002-12 amending Act 537 for Chestnut Ridge was approved. Vote 5 yes.

Solid Waste
Contract

Mark Derr received a call from York Waste advising there may be a tax increase of \$2-5 per ton of solid waste. The contract may have to be amended.

Township
Building
Sale

On motion of Commissioner Craley, seconded by Commissioner Schindo the board agreed to submit the agreement of sale to the York Area Regional Police Commission for their review. Vote 5 yes.

GASB 34

Government Accounting Standards Board. These new standards require changes in our auditing procedures. If we use an outside accounting firm the budget will jump from \$10,000 to \$18,000 and we did budget \$20,000. Comm. Phipps advised that if we are not in compliance with GASB 34 we will not be considered for grants or bonds. He agrees that we should comply. On motion of Commissioner Phipps, seconded by Commissioner Craley the board agreed to hire an auditing firm to get the township in compliance with GASB 34. Vote 5 yes.

PUBLIC WORKS

Gannett Fleming

Sewer will be affected by the Dead Man's Curve improvements, and Mark Clark has an agreement for services with Gannett Fleming for the work, most of which will be reimbursed by the state of federal governments. On motion of Commissioner Steele, seconded by Commissioner Phipps, Mark Clark is authorized to work with Gannett Fleming on the sewer work and can sign for payment of invoices. Vote 5 yes.

SOLICITOR'S REPORT

Ord. 2002-9
Emergency Operations
Plan

On motion of Commissioner Schindo, seconded by Commissioner Craley, Ordinance 2002-9 providing an emergency operations plan was approved with the following voice vote:

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

Jack Tucker thanked public works, the police and fire company for their help in revising the ordinance.

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Resolution 2002-13
Emergency Mgt.
Procedures &

Materials On motion of Commissioner Schindo, seconded by Commissioner Steele Resolution 2002-13 adopting certain procedures and materials to assist in the prevention and minimization of injury and damaged caused by a major emergency or disaster and emergency relief and recovery was approved. Vote 5 yes.

Ord. 2002-10
No Parking

Blymire Rd. On motion of Commissioner Craley, seconded by Commissioner Phipps, Ordinance 2002-10 establishing no parking on both sides of Blymire Road from South Pleasant Ave to Dartha Drive with the following voice vote:

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

Resolution 2002-14
Condemnation

Beach House
Partnership On motion of Commissioner Phipps, seconded by Commissioner Steele, Resolution 2002-14 authorizing a Declaration of Taking for property belonging to Beach House Partnership was approved. Vote 4 yes 1 no (Schindo)

Executive
Session

The board was in executive session from 10:30 until 11:20 to discuss personnel issues.

Adjourn Meeting was adjourned at 11:21 p.m.

Elizabeth T. Heathcote