

York Township Board of Commissioners
July 9, 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 (7:24 p.m.)	Dennis Henry
	Steve Hovis

Minutes On motion of Commissioner Schindo, seconded by Commissioner Phipps the minutes of June 11, 2002 were approved as presented. Vote 4 yes.

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

General Fund	\$701,773.11
Street Light	0.00
Sewer Revenue	547,793.34
Intermunicipal Sewer	4,313.01
York Twp. Payroll	7,995.33
Stormwater Mgt.	2,057.70
Liquid Fuels	0.00
Capital Reserve Fund	61,371.47
Recreation Capital Reserve	0.00
Escrow Fund	33,698.50
TOTAL	\$1,359,002.46

PUBLIC COMMENTS

Scott Tucker Presented the board with a petition signed by 180 members of the Community Center. Concerned about changes being made with the pool at the club. Originally they were going to go to the Recreation Commission, but found out that none of the rec members were members of the pool. They are concerned about the services that have been removed from the pool: high diving board removed, free guest passes, lap lane used on weekends only, low diving board, shuffle board eliminated, rafts not allowed in the pool, early sign up discounts, doors to bathroom stalls removed, pool closing early, locking gates to volleyball and basketball courts if understaffed, adult swims, etc. We have contacted

other facilities and offer comparisons as to what they offer members: midnight swims, slides, sprinklers, Friday night Bingo, etc.

Is there a game plan for the pool? We would like to know if we will want to take our memberships somewhere else.

Comm. Briddell: We are in the process of completing a rec study and the pool will be a part of the study. The meetings are open to the public and we would welcome your input.

Beth Oberlander: Will the pool be here the next 10 years?

Comm. Briddell: The rec study will answer what kind of facility that we want? What kinds of services do we want to provide.

Scott Tucker: Is there any tax money going into the pool?

Comm. Schindo: Yes, we moved the money into the general fund, so no one would know how the money is being spent.

Dan Giese

Have been a member of the pool for 13 years. Have concerns with the safety of the small children. The 6' fence was moved from the playground area. The small children play in the sand and have to access off the road. They are separated from the club. I don't think that we should be compromising the safety of the children. We are asking the kids to walk around to the basketball courts.

Comm. Briddell: It's not suppose to be a club. The volleyball and basketball courts were made available to the other residents. It was meant to separate.

Dan Giese: You mean something else was taken away? It has always been a club. When it was separated, the facility was hurt. The volleyball court should be a part of a swim club. You can provide another court somewhere else for the residents, that volleyball court should be enclosed for the members.

Comm. Craley: I don't believe that the board voted on the fence being moved, it was just done.

Dan Giese: Today parents must look at these things a little closer, and watch our children.

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Karl Boehinger

I was here three years ago complaining about cats, pets and feral. We still have a problem. There are half a dozen cats that are making me crazy, they work in our flower garden more than we do. Perhaps you will consider a leash or license law. We don't want anymore cats.

Jerry Kotek

Believe board needs to review the criteria for seasonal sales. The fireworks people were all over town last weekend. They come in and pay \$25 and put up tents and infringe on our farmers and other vendors. Springettsbury has eliminated all sales.

Bonnie Blouse

2850 Ironstone

Hill Rd

Ms. Blouse requested the board to waive the requirement that she connect to public water, and she would like the option to connect when she wants. She was also upset about the letter notifying her about the water district being created. Her property is 100' off of the road. There are people in her area that have access to water and were not required to connect. It seems you are looking out for some residents that need the water and you should look out for the residents that do not need it and allow them to connect later when they need it. There are no benefits for me, can I do anything about it?

Atty. Hovis: When the township creates a water district, it is mandatory that all connect. It works financially for all to connect. Some people do have acceptable wells, but with the creation of the water district, it is mandatory to connect. A variance is really not an issue.

Ms. Blouse: If you have the power to make an agreement, you can undo it. York Water Company is benefiting from this. It is not a great deal to me.

Atty. Hovis: In order to make water and sewer districts work the Commonwealth of Pennsylvania has approved setting up districts and making it mandatory for connection. If you have 100 people in a water district and the water company puts in the line and only 2 people connect, where does the sliding slope stop?

Ms. Blouse: Can I do anything about this?

Comm. Schindo: We have a contract with York Water Co. for everyone to connect.

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Anthony
Wagman

He advised that he had received a packet of pictures from the Knisely's taken after the June 6th storm where we had 1 1/2" to 2" of rain in 30-40 minutes. I am tired of the situation. Does the township have any provisions to handle that much water?

Dennis Henry: No, our ordinance is not designed to handle a 100 year storm. The Knisely's may never stop complaining. Once Mr. Wagman stabilizes the areas that we have discussed, we are out of the picture. Any further action would be a civil complaint for the Knisely's.

Comm. Schindo: As far as I am concerned I will not vote to issue any more letters to you to have you do anything further with your property.

Wagman: I would like to eventually pave my driveway, if we have to keep all of the water on the driveway, will ice crack the driveway?

Dennis Henry: There is always a risk with the driveway. The excellerated water on the driveway can be controlled. There is no way to stop all of the water. As long as the areas are stable, that is all we can ask for. If there are complains downstream it will have to handled in another fashion.

Wagman: I have extended the boards along the drive, mulched and area and seeded another area.

Dennis Henry: I can check this and issue a letter that he has met the conditions of the township.

Wagman: There is an area that debris from the garden is being dumped by the Knisely's and they are burning in a barrel.

ENGINEER'S REPORT

Waiver
Reheard

Request made by Lee Faircloth, and Mr. and Mrs. Reheard for a waiver to extend public sewer and install curb, and sidewalks.

Dennis Henry advised that it may be more expensive down the road if the work is not done with this subdivision. Does the lot have enough space for an alternate system?

Lee Faircloth: With the subdivision they could provide enough room for another system.

Comm. Phipps: Both septic systems need repairs, which is cheaper?

Lee Faircloth: By far the repairs.

On motion of Commissioner Schindo, seconded by Commissioner Phipps, the board approved the waivers to extend the public sewer and curb and sidewalks with the 6 months statement to be noted on the plan. Vote 3 yes, 1 no. (Craley)

Springwood Overlook

LD02-4-1 Plan presented by Rick Bogart and Dave Hogg. 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 July 1, 2002 must be met.
2. Waiver granted for Section 202-65.B for net lot area.
3. Waiver granted for Section 603.B.1 for sidewalks on both sides of streets. Waiver will allow construction of pedestrian sidewalk access from Springwood Overlook to the rear of the South York Plaza and to construct concrete sidewalk along the south side of Pauline Drive from Freedom Way intersection to and into the northern driveway of the South York Plaza in lieu of constructing sidewalk along the south/west side of Freedom Way.
4. Waiver granted for Section 603.C.1 requiring concrete curbing along the perimeter of parking compounds and access drives.
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

land development of land is required to be paid to York Township upon application for a building permit. The traffic study update addresses a Congregate Care Center with 84 units and estimates site trip generation of 14 trips during peak PM hour, therefore a check in the amount of \$14,000 shall be submitted with the application for a building permit.

8. All engineering bills to be paid prior to recording.

Vote 4 yes.

Fitz & Burger
P02-5-1

Plan presented by Clark Craumer, Linda Fitz and Alexander Burger. 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 by Dennis Henry dated June 28, 2002 must be met.
2. Waiver granted for Section 603.B & C for road widening, curbs and sidewalks with the six-month statement being added to the plan.
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 \$1000.00 per each new vehicle trip during the peak PM hour to and from the proposed subdivision/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 peak hour trip for a fee of \$1000.00.
6. All engineering bills to be paid prior to recording.

Vote 4 yes.

Prindle
P02-5-3

Plan presented by Lee Faircloth, Harlowe and Steve Prindle. On motion of Commissioner Schindo, seconded by Commissioner Phipps the plan was approved with the following conditions or modifications:

1. All comments of the letter from Dennis Henry dated July 1, 2002 must be met.
2. Waiver granted for Section 402.E.1 for contours.
3. Waiver granted for Section 602.A.7 street widening, Section 603.B & C curbs and sidewalks, with the 6 months statement on the plan.
4. The York Township Engineering Department shall be provided with an electronic file of the plan prior to recording.
5. 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.
6. 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/land development 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.
7. All engineering bills to be paid prior to recording of the plan.

Vote 4 yes.

Kinsley Equities

LD02-5-2

Plan presented by Lee Faircloth and Tim Kinsley. The following discussion took place regarding the traffic impact fee:

Dennis Henry: The traffic study provided with this land development indicates that a bank without a drive-thru canopy could expect to generate 44 new trips, and a bank with a drive-thru canopy would generate 73 new trips with a difference of 29 trips.

Tim Kinsley: They are requesting a waiver from the traffic impact fee. The original traffic study done in March 95 looked at all of the lots and the square footage of the buildings. We are 324 trips below what the study

identified in 1995. We still have two lots to develop, a 1 ½ acre lot and a 7 acre lot.

Comm. Schindo: Do your calculations show the vacant lots being developed?

Dennis Henry: The original study did compensate for different uses. With the development of St. Charles Way, Kinsley did contribute to the improvements. Do we continue to exonerate them from the traffic impact fees with other land development plans because of the original development?

Tim Kinsley: As a result of the original traffic study the following traffic improvements were funded by us:

1. Widening of Queen Street to allow two through lanes through its intersection with St. Charles Way/Pauline Drive
2. Installation of a longer left turn lane on southbound Queen Street to Pauline Drive.
3. Construction of St. Charles Way, which connects Queen Street to Dew Drop Road
4. Protected/permissive phasing for the left turn lane on eastbound St. Charles Way to Queen Street

Comm. Phipps: The traffic impact fee is not just for that area, but traffic traveling on other township roads. The idea of the traffic impact was to help improve other areas in the township. There should still be a traffic impact fee.

Dennis Henry: We need to make them aware now, for the future development of the other lots, how the traffic impact fee will be established.

Comm. Craley: Did you check with Chad Dixon?

Dennis Henry: Yes, he came up with the 29 trip difference and offered the following options: 1. pay difference in trips - \$29,000; 2. provide documentation data on like facilities; 3. intersection upgrade participation; 4. waive fee based on past contributions or arbitrate a contribution amount.

Tim Kinsley: What were the original numbers for that lot?

Dennis Henry: TRG did not provide trip count on the overall lot. Intersection participation could help pay for the improvements at Pauline Drive making that 4 lanes. The impact fees received from Toms will go toward that improvement.

Comm. Briddell: Are we changing the rules during the game, since the building is already built?

Dennis Henry: Perhaps some consideration could be given on this lot, but we need to make it clear that future development of lots 7 and 10 will require impact fees to be paid

Comm. Phipps: I don't like that. The more we waive, the more the township will be spending.

Comm. Craley: Where did the 29 come from?

Dennis Henry: 50% of the building is not filled at this time.

Tim Kinsley: We can monitor the trips and when we come back for the development of the other 2 lots see if there are changes.

Dennis Henry: The building is already existing. Tom's was there before. I'm not sure what is right or wrong. How should we continue with the rest of the development on St. Charles Way?

Comm. Briddell: I don't have a problem waiving the fee for this use, but I'm not sure about the other lots.

Comm. Phipps: For the existing building we can waive, but any new building will have to pay impact fees.

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 28, 2002 must be met.
2. Waiver granted for traffic impact fee on this land development plan, but plans to develop lots 7 and 10 will be subject to the Traffic Impact Ordinance.

3. The York Township Engineering Department shall be provided with an electronic file of this 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. All engineering bills to be paid prior to recording.

Vote 3 yes, 1 no (Craley), 1 abstain (Steele, did not arrive until 7:24 p.m. during discussion of plan)

Cracker Barrel

LD02-5-3 Plan presented by Jeff Hartman. Dennis Henry advised that the analysis on the trip generation for the addition at the Cracker Barrel Old Country Store shows an increase of 7-12 trips. The expansion will seat 30 more people instead of them waiting in the rocking chairs on the front porch. A large amount of their traffic comes from buses off I-83. They will be paying for concrete sidewalks along the Pauline Drive frontage (\$5720) and screen plantings along I-83 (\$4000).

Comm. Phipps: If we start waiving the impact fee, we might just forget it.

Comm. Schindo: Is that a motion?

Dennis Henry: The improvements they are putting in are required with the plan. The impact fee would be used for the Pauline Drive/Springwood Road intersection.

Comm. Phipps: I won't waive the fee, we can negotiate between 7 and 12.

Comm. Schindo: I'm for waiving.

Comm. Phipps: In order to approve the plan we have to negotiate a fee for item #3 of Dennis' letter.

Commissioner Schindo made a motion, seconded by Commissioner Steele to approve the plan contingent on the comments of the letter from Dennis Henry, and that item #3, traffic impact fee be waived. Vote 2 yes, 3 no (Briddell, Phipps, Craley)

Comm. Steele: I apologize for being late this evening. When I came in the Kinsley plan was in front of the board. I didn't vote, but wasn't the

vote 3 to 1 to waive the fee. You voted to waive the fee for Kinsley and are voting to impose it on this plan?

Comm. Phipps: It was an existing building, and they had already done a number of improvements. A study was done for Kinsley.

Comm. Steele: I can't see how this addition at Cracker Barrel will change the trips being generated.

On motion of Commissioner Phipps, seconded by Commissioner Craley the plan was approved with the following conditions or modifications:

1. All conditions of the letter from Dennis Henry dated June 28, 2002 must be met.
2. In accordance with the requirements of the York Township Traffic Impact Ordinance, a fee in the amount of \$1000.00 per each vehicle trip during the peak PM hour to and from the proposed land development is required to be paid to York Township upon application for a building permit. The impact fee will be based on 9 trips, so a check for \$9000.00 shall be submitted with the application for a building permit.
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. All engineering bills to be paid prior to recording.

Vote 3 yes, 2 no (Schindo, Steele).

Deeds of
Dedication

Wilfred Markey addressed the board and advised that he did not wish to offer deeds of dedication on his two subdivisions. Moxie Estates will be dropped, he was contacted by the school and they wish to purchase that land.

Atty Hovis: A municipality cannot require a developer to give right of way unless they are compensated, but when the plan was submitted to the township it showed right of way being offered, and the board approved the board under that condition. If the township widens the road that becomes the acceptance of the right of way, if we do nothing after 21 years we have no claim to the right of way. Mr. Markey does not have to provide us with written deeds of dedication.

Plan

Reapprovals On motion of Commissioner Schindo, seconded by Commissioner Phipps, the following plans were reapproved:

1. Wilfred Markey 7 lot subdivision
2. Wilfred Markey 2 lot subdivision
3. Chestnut Ridge Phase II
4. Jeff Henry/Woodland Heights
5. Heffner Funeral Home
6. Haven at Springwood
7. Campbell Seibert

Vote 5 yes.

South Queen St

Curb and Sidewalk

Project Dennis Henry advised that he had been contacted by PennDOT and there is a \$36,500 overrun on the South Queen Street curb and sidewalk project. We must guarantee to cooperate with PennDOT or start eliminating areas to get to our price. PennDOT is requiring them to work at night and the cost includes lighting. On motion of Commissioner Phipps seconded by Commissioner Steele the board agreed to approve the overrun and continue to pursue a contribution from Columbia Gas and apply for a block grant through York County Planning. Vote 3 yes 2 no (Schindo, Craley).

Public Works/ Administration

Building Dennis Henry advised that he had received 2 proposals offering professional services to develop a Request for Proposal to obtain pricing from design/build organizations for the construction of the public works and administration building on Coventry Road. The proposals were received from C S Davidson at \$9500 and Buchart Horn at \$11,600.

Comm. Steele: You are willing to give a contract without reading the proposals?

Comm. Phipps: This will help with how the buildings will be located on the land, the amount of space needed, screening, parking, etc.

Dennis Henry: The first stage will have everyone involved in the planning, the board and staff. Second stage will be the request for proposal, design/build.

Comm. Steele: Do you know what you are buying? What do you expect to have Dennis Henry review? It doesn't seem like the numbers match.

Dennis Henry: This will give us the footprint of the building positioned on the lot. It will show the occupants of the building, the outside things needed by the public works.

Comm. Steele: I am trying to understand what we are getting? They have to know what? How many people? How many trucks? They will need somebody supplying them with information, information that already exists. There will need to be meetings to bring the information together. Assuming that we and the staff are part of that meeting, it's going to be like trying to "herd a bunch of cats". Everyone has a vision. Jim has a vision. Mark Clark has a vision.

On motion of Commissioner Schindo, seconded by Commissioner Phipps the board agreed to have C S Davidson proceed with their proposal. Vote 4 yes, 1 no (Steele).

Comm. Briddell: I am hoping that the commissioners can be a part of the meetings, if all are not able to attend the others can carry information back to the rest.

Comm. Steele: If all of us want to show up to participate with the staff, no decisions, would we have to advertise the meeting?

Atty Hovis: Many people believe that is a committee meeting and it should be advertised as a public meeting.

Comm. Briddell: I think at least 2 of the commissioners should be at all of the meetings.

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Dennis Henry: If we set them up for a fixed time that will make it easier to meet everyone's schedule.

Comm. Steele: If you schedule them lat in the day I can make it.

COMMISSIONER'S AGENDA

Comm.
Phipps

Lighting ordinance: I have contacted the head of the York County Astronomy Society and he will agree to come in and explain Dark Skies and help write a lighting ordinance. The board advised to set up some meeting.

Comm.
Steele

Questioned stormwater inlet on Allegheny Drive last month, and it hasn't changed, and I'm worried about it becoming a nuisance. Mark Clark advised that he looked at it and the only damage was the fence, no damage to the bottom.

Comm.
Craley

The fire association has requested that York Township and Windsor Township coordinate their burn ordinances so the Regional Police can better enforce the ordinance.

Emergency Mgt. Will be meeting on August 28, 2002 at 7:00 p.m. with the Community Emergency Response Team.

TOWNSHIP MANAGER'S AGENDA

Land Use
Assumptions
Report

The Land Use Assumptions Report was recommended to not be approved by York County Planning. A public meeting has been scheduled for July 18th at 7:00 p.m. to review the report.

Council of
Governments

The next meeting will be August 1 at 7:00 p.m. at the Red Lion recreation building.

PUBLIC WORKS

Res. 2002-15

Signal lights On motion of Commissioner Phipps, seconded by Commissioner Craley, Resolution 2002-15, entering into a maintenance agreement with PennDOT for the traffic signals on Leader Heights and I-83, was approved. Vote 5 yes.

SOLICITOR'S AGENDA

Ambulance
Association

Atty Hovis read through the proposed resolution to form an ambulance association: recognizing the association, equipment, training, existing facility, representatives, failure to meet criteria, matters could be referred to township manager and board of commissioners to resolve.

Comm. Schindo: Why would we want to do that?

Comm. Craley: The section about the township manager and board should be taken out. They just want to be recognized as an association. They want to be able to advise the services that they provide to the residents.

Comm. Schindo: They can form an association without the township approving a resolution.

Comm. Briddell: Why is it being done here?

Joe Maslin: There is more than one ambulance providing service to York Township. We would like to be recognized. We feel we are being left by the wayside.

Atty Hovis: What do you mean?

Joe Maslin: We make no decisions.

Atty Hovis: Problems in the past, how were they resolved?

Joe Maslin: I can't speak about that. We are concerned about the funding for ambulance service. With the lack of volunteers, we need a way for us to approach the board. If collectively we can come together, we can look at other avenues for funding. Red Lion Ambulance may not be here the first of the year.

Comm. Craley: With the association, they can work out financial difficulties, share personnel, etc.

Joe Maslin: My goal was to foster a relationship with the fire companies. Now it seems this maybe starting to drive a wedge between the fire companies and EMS.

Comm. Phipps: It sounds like the ambulance club is working together, do we need a resolution to recognize you?

Atty Hovis: No. Collectively they have a stronger voice. A resolution forces them to do that. Some may be mad and may not be part of the group.

Comm. Craley: We have a resolution for the fire companies. The ambulance association has no voice in organization, and the fire association is open to that.

Joe Maslin: When I approached Commissioner Craley my intention was strictly for monetary issues. We have made a transition from volunteer to paid EMS, we have 7 full time and 11 part time and volunteers.

Comm. Steele: All of the ambulances are located outside of the township, but the resolution would recognize as York Township Ambulance Association. I don't know about all of this. Four agencies outside of the township, in my opinion if you want to call yourself the York Township Ambulance Association, we won't object, but we don't need to recognize the association.

Atty Hovis: What direction? Is there a consensus to proceed? Leave as is?

Comm. Phipps: No motion.

Mutual Aid
Spring
Garden

On motion of Commissioner Phipps, seconded by Commissioner Schindo, the Mutual Aid agreement with Spring Garden was approved. Vote 4 yes, 1 no (Craley).

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Res. 2002-16

Deed of

Dedication On motion of Commissioner Steele, seconded by Commissioner Phipps, Resoluion 2002-16, the deed of dedication for Heritage View was approved. Vote 4 yes, 1 abstain (Schindo).

Stormwater

Sewer Easement

On motion of Commissioner Phipps, seconded by Commissioner Steele, Attorney Hovis was advised to proceed with amendments to the subdivision/land development ordinance concerning the regulation of fences and sheds within stormwater easements. Vote 5 yes.

Reverse

Subdivision

On motion of Commissioner Phipps, seconded by Commissioner Steele, Attorney Hovis was advised to proceed with amendments to the subdivision/land development ordinance to change the definition of a subdivision. Vote 4 yes, 1 no (Craley).

Conditional

Approval

Attorney Hovis advised that the staff has been struggling with the administration of conditional plan approvals and re-approvals. In order to delay the posting of financial security or completion of other improvements, a developer keeps asking for re-approval of the plans. The staff's recommendation is that if a developer can meet the conditions within 90 days that the first re-approval identify the fact that no subsequent re-approvals will be granted and an explanation as to the manner in which such conditions can be met.

Building

Separation

Attorney Hovis provided suggestions on changes to Section 265-77 of the Zoning Ordinance on building separation on common property.

Recess

At 10:55 p.m. the meeting was recessed to Wednesday, July 24th at 5:00 p.m.