

Minutes

York Township Board of Commissioners

December 10, 2002

President Briddell called the meeting to order at 6:07 p.m. with the following in attendance:

Theresa Craley

Mark Derr

James Phipps

Joe Robinson

Robert Schindo

Dennis Henry

Robert Steele

Mark Clark

Elizabeth Heathcote

Steve Hovis

Approximately 35 residents

MINUTES On motion of Commissioner Schindo, seconded by Commissioner Phipps the minutes of November 12, 2002 were approved as presented. Vote 5 yes.

On motion of Commissioner Phipps, seconded by Commissioner Steele the minutes of November 26, 2002 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	\$480,738.18
Street Light	1,033.63
Sewer Revenue Fund	57,026.91
Intermunicipal Sewer Fund	3,041.08

Stormwater Mgt. Fund	8,753.22
Recreation Capital Reserve	4,292.45
Liquid Fuels Fund	36,459.50
Capital Reserve Fund	141,239.73
Escrow Fund	1,096.70
York Twp Payroll	4,561.34
TOTAL	\$738,242.74

Vote 5 yes.

PUBLIC COMMENTS

Perry Foster

Deerfield Expressed concern about a fire hydrant being located on his property. If he had been notified, he would not have chosen the site. If he had been asked there was another site he would have preferred. In a conversation with York Water Company, they advised that the hydrant could not be moved. Is it normal for the township to check or notify property owners when they are having a hydrant installed?

Comm. Phipps: Who decides where the hydrants go?

Dennis Henry: The final decision is made by the York Water Company.

Mark Clark: I spoke with Bob Carpenter, and this was the best location for the hydrant, it is placed at the intersection to access the top area of the street.

Perry Foster: I expected someone to tell me it was going there. I think someone should have extended the courtesy of telling me we are putting a fire hydrant on the land, and I would have requested it be moved.

Comm. Briddell: Usually most developments are new and not on existing properties.

Perry Foster: I talked with Clark Drenning and he would be willing to have it located on his property.

Dennis Henry: If the hydrant is moved the township may be required to pay for the relocation. We could ask that property owners be notified.

Comm. Schindo: If there is right of way on his property, then the utilities can be put anywhere.

CAPITAL IMPROVEMENTS PLAN

Chad Dixon Mr. Dixon made a presentation on the Capital Improvements Plan identifying the two transportation study areas and the fees associated with the plans submitted for development in that area.

A meeting was held with state representatives and York County Planning Commission regarding the study, and out of the discussion came some amendments Rep. Saylor can offer next year in the legislature.

Mark Derr: Traffic Planning and Design, Inc., one of the largest firms that does these studies, have never had any state legislator interested in sitting down and going over the plans and working on the MPC language. Rep. Saylor agrees there are flaws in the legislation and is interested in getting it changed.

Comm. Schindo: Is comment #4 from York County Planning Commissioner (YCPC) accurate?

Chad Dixon: Not according to our interpretation.

Mark Derr: Felicia Dell and Randy Beck (YCPC) understand the traffic plan and don't disagree with the concept, but if the plans says a red light should go here, why aren't you putting it in? Everyone agreed that with the flaws in the legislation the only way to provide for the improvements was to include them all.

Comm. Craley: Once the legislation changes, can we change our ordinance?

Chad Dixon: New legislation would require changes to be made in the existing regulations.

Paul Knepper: With proposed commercial projects, how do you

determine the dollar amount and trips, since there are lots of different kinds of commercial development? When are the fees paid?

Chad Dixson: There is a manual that lists various categories and identifies trips associated with the use. The fees are paid at the time a building permit is issued.

Wm. Thompson: Is anyone else in York doing this?

Chad Dixson: No, York Township will be the first.

Wm. Thompson: How long has this been going on?

Chad Dixson: 18 months.

Wm. Thompson: How much has it cost?

Comm. Briddell: We got a \$180,000 grant.

Lou Tateosian: Will you refund any money already collected on subdivisions of less than 5 lots?

Comm. Briddell: No, the study allows you to eliminate subdivisions of 5 lots or less, but we are not going to do that.

Res. 2002-29

Land Use Assumptions Report

Roadway Sufficiency Analysis

Transportation Capital Improvements Plan

On motion of Commissioner Phipps, seconded by Commissioner Steele, Resolution 2002-29 adopting the following documents: Land Use Assumptions Report, Roadway Sufficiency Analysis and Transportation Capital Improvements Plans was approved. Vote 3 yes, 2 no (Craley, Schindo)

Ord. 2002-18

Traffic Impact

Fee On motion of Commissioner Phipps, seconded by Commissioner

Steele, Ordinance 2002-18 establishing and imposing a transportation impact fee upon new development within designated transportation service areas in the township and establishing procedures and standards ancillary thereto was approved with the following voice vote:

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

PUBLIC HEARING

The board recessed to a public hearing at 7:22 p.m. for a rezoning request. The hearing ended at 8:19 p.m.

Rezoning

Rineer
Comm. Steele: I understand the YCPC comments, I do not agree with the village concept idea. Regarding the rezoning request the owner is not presenting any land development or subdivision plans, it appears that he has abided by the ordinance.

Comm. Schindo: With the YCPC comments their recommendation to not approved hinges on two things: 1. It is not consistent with the comp plan because of the mixed-use village center, and 2. One access on Forest Road, which is inaccurate. I understand the current residents concern about traffic, which are valid, but should not play a significant factor in our decision.

Comm. Briddell: When the land use assumption report was being done all of the empty pieces of property were looked at with our existing zoning. Currently F-O allows 1 acre subdivision, RL-3 would allow 3 houses per acre. We need to take a closer look to see what the possibilities are. Commissioner Briddell made a motion to table any decision to next month. The motion was seconded by Commissioner Phipps. Vote 2 yes (Briddell, Phipps) 3 no.

On motion of Commissioner Schindo, seconded by Commissioner Craley, Ordinance 2002-19 to rezone property belonging to Jane and Robert Rineer along Forest Road was denied with the following voice vote:

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

COMMISSIONER'S AGENDA

Comm.

Phipps Commented on the excellent programs for the tree lighting and the Holly and Ivy Tour.

Comm.

Steele

Evaluations Commissioners Steele and Briddell completed a performance review for Mark Derr. Commissioner Steele felt the process was time consuming and maybe the process should be reevaluated.

Rosenmiller

Farms Commissioner Steele advised that he offered last month to provide some equipment for the noise issue with Wellspan and Rosenmiller Farms. He has not been able to perform the tests because of the equipment not being available and the weather not cooperating.

Comm.

Craley

Council of Governments

The next meeting will be February 6, 2003 at 6:00 p.m. at

Dallastown, any changes to the agreement must be given to Solicitor Hovis prior to January 16, 2003.

TOWNSHIP MANAGER'S AGENDA

Ord. 2002-19

Tax Levy On motion of Commissioner Phipps, seconded by Commissioner Steele, Ordinance 2002-19 establishing the tax rate of .80 mills for 2003 was approved with the following voice vote:

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

Ord. 2002-20

2003 Budget A motion was made by Commissioner Briddell, seconded by Commissioner Phipps to approve the budget with 3 changes:

1. Fire Companies- raise from 301,691 to 306,085
2. Library – raise from 15,000 to 27,000
3. Ambulance – raise from 44,774 to 45,426

Vote:

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

On motion of Commissioner Schindo, seconded by Commissioner

Phipps, Ordinance 2002-20 approving the budget for 2003 was approved with the following voice vote:

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

On motion of Commissioner Schindo, seconded by Commissioner Phipps the board approved a change in the 2003 budget for an increase to the fire companies from 301,691 to 306,085. Vote 5 yes.

On motion of Commissioner Craley, seconded by Commissioner Phipps, the board approved a change in the 2003 budget for an increase to Kaltreider Memorial Library from 15,000 to 27,000. Vote 3 yes, 2 no (Steele, Schindo).

On motion of Commissioner Schindo, seconded by Commissioner Phipps, the board approved a change in the 2003 budget for an increase to the ambulance companies from 44,774 to 45,426. Vote 5 yes.

Commissioner Phipps thanked Mark Derr and Joe Robinson for the excellent job on the budget and the power point presentation made at the budget meeting. It was presented in a manner that the public fully understood the budget.

Articles of Agreement

Springettsbury Township Regional Wastewater Treatment Facility

Mark Derr advised that the users group have been working on the articles of agreement for the last year and a half. On motion of Commissioner Phipps, seconded by Commissioner Steele, the Articles of Agreement for the Springettsbury Regional Wastewater Treatment Facility were approved for signing. Vote 5 yes.

City of York Act 537 Plan Amendment

Res 2002-30

On motion of Commissioner Phipps, seconded by Commissioner Steele, Resolution 2002-30 making changes to the City of York Act 537 Plan Amendments was approved. Vote 5 yes.

COMPREHENSIVE RECREATION, PARKS AND GREENWAY PLAN

Dean Krout: A presentation was made on Tuesday, Dec. 3, and we felt it went very well. The response from the community was very good. The biggest changes we made were typos. The Rec Board did not meet because of the snow last week, so we have not officially approved the report.

Comm. Schindo: How many more studies does this study recommend?

Dean Krout: A consultant to look at the community center. A study on the pool has already been done.

Comm. Schindo: Are operating budget and capital improvements for the pool reflected in this study?

Comm. Phipps: We are only approving the study, not approving spending any money.

Dean Krout: Approving the plan does not cost any money other than what is identified in the 2003 budget. The documents will be used for funding over the next 10 years.

Comm. Craley: So anything done under this plan would have to come to the board: i.e. keeping the community center, increasing the rec fees, putting the rec together with the community center, etc.?

Comm. Schindo: All we have done is paid for a report!

Comm. Briddell: This lets us look at what we have and how we want to proceed.

Dean Krout: This doesn't allow us to buy land.

Comm. Schindo: Does it say anything about us buying a golf

course?

Comm. Craley: By accepting the plan, it is only guidelines, not mandatory. A lot of the information is exceptional, a lot I cannot agree with.

Dean Krout: A lot of people have spent a lot of time, don't approve the report and put it on a shelf.

Comm. Craley: Where do you go from here?

Dean Krout: Approve the plan, and then make motions to put the plan into action.

Comm. Phipps: By law the township is required to do a comprehensive rec plan.

Solicitor Hovis: The plan will help to guide the township in decision- making about parks, facilities, open space, recreation programs. The recommendations are not laws, but give the direction in which the township desires to move forward in enhancing the quality of life for its citizens. The plan functions in both a legal and advisory capacity. It may help the township to acquire future funding from the Commonwealth of Pennsylvania, federal grant programs and support from businesses and foundations.

Wm. Thompson: This study cost \$40,000, with \$20,000 coming from the state. You keep saying there is overwhelming support from the community....people are not happy with all of this money being spent. All they got is this pretty looking book.

Comm. Briddell: We surveyed 1500 people and 80% were happy with the recreation in York Township and thought that the recreational activities were exceptional.

On motion of Commissioner Phipps, seconded by Commissioner Steele the board accepted the plan for recreation, parks and greenway prepared by Yost Strodoski Mears. Vote 3 yes, 2 no (Craley, Schindo)

Merge Rec Dept

YCC

Commissioner Briddell indicated that he would like to initiate the effort to merge the two recreation efforts in the township, the rec

committee and the community center. One of the recommendations of the study is to have all recreation under the rec commission.

On motion of Commissioner Briddell, seconded by Commissioner Phipps the rec commission should oversee the operations at the community center, they will present a yearly budget, and we will make a 3 year commitment to allow them time to implement programs.

Comm. Craley: I have a problem with a 3 year commitment, anyone new coming on the board will have no voice. We are giving false hopes to the center.

Comm. Schindo: Government is not a business. We have a gun. The Giant store does not say you have to shop here, they don't have a gun. This could very well be an issue in next year's election. The 3 years does not commit any future board to the center. In 2004 a new board could vote to close the center.

Comm. Phipps: I feel that we should put the community center under the rec board. We should give them a chance to see what they can do with it. If a new board wants to make changes in 2004 they will have to give a hard look at the community center.

Dean Krout: Don't think it is fair to put the staff on that kind of plan. It is not fair to Dale in running the facility.

Comm. Phipps: We can make a 3 year commitment, and a new board can make changes.

Dean Krout: It makes sense for the rec board to manage for 3 years. If it is always going to be a 3-2 vote I don't think it's fair for the rec committee to consider the management of the club.

Vote 3 yes, 2 no (Craley, Schindo)

Commissioner Schindo made a motion for the solicitor to prepare the necessary paperwork to sell the community center property to the highest bidder. Motion seconded by Commissioner Craley.

Resident: Why did you make that motion?

Comm. Schindo: I don't believe that this board is capable of running the facility. The money that has been spent for the

purchase and renovations is in excess of millions. It is not a function of government to provide recreation in direct competition with business. It is not a legitimate function of government.

Bob Nelson: I think you should proceed with the 3 year commitment. Why can't we share the community center with other communities the way we share the sewer treatment plans?

Comm. Craley: The pool members are walking. There is no diving board. It will take \$600,000 to fix the pool – tax dollars. The outside tennis courts need \$90,000 of repairs. The building needs repairs. Anything that the rec board needs to do we will have to give the money to make the repairs.

Comm. Schindo: We will continue to debate the goings on at the property. Ultimately it will always be our problem.

Comm. Briddell: The concept is a community center. It hasn't been in the past, but the rec committee has shown a willingness to take it over.

Comm. Steele: My constituents have inundated me with messages. Mr. Thompson says everybody he talks to wants to get rid of it. All of my comments were we should keep it open for the township residents, they want other things beside racket ball and tennis. I received approximately 60 e-mail messages.

Comm. Schindo: 60 of the 24,000 residents have e-mailed you? I have received different messages. My ward has discussed this with me and they think we should dispose of the property.

Comm. Craley: I have people say they use it, they love it, but we are running it into the ground and we should get rid of it. My ward does not want us to keep this club.

Comm. Briddell: It must have a broader appeal to residents.

Comm. Schindo: The tennis members saw the wisdom that we couldn't run tennis. We need to get rid of it.

Comm. Briddell: Let's make it a real community center, not a tennis club.

Vote 2 yes, 3 no (Briddell, Phipps, Steele)

PUBLIC WORKS

Rights of Way On motion of Commissioner Craley, seconded by Commissioner Schindo the board approved the execution of the documents for obtaining rights of way along Leader Heights Road in association with the installation of the signal light at Powder Mill Road and the dollar amounts associated with each (Ness \$700; Roth \$1000; Nestlerode \$400; Girvin \$500) Vote 5 yes.

Leader Hts

Animal

Hospital Mark Clark advised that he received a letter from the owners of Leader Heights Animal Hospital regarding the sidewalk that the township wants to install along their property and their requests to release them from liability, removal of ice and snow, damages to the sign, and \$5000 in payment. Solicitor Hovis has prepared a letter advising that they are responsible for the snow and ice removal, they would be responsible for primary liability, if the sign is in the right of way we are not responsible to replace, and would only provide standard right of way fees. If these conditions are not agreeable the board could then proceed with condemnation. The deadline for their response is prior to the January 2003 meeting, if we need to proceed with condemnation. On motion of Commissioner Phipps, seconded by Commissioner Steele, Solicitor Hovis was directed to send the letter as outlined above. Vote 5 yes.

Curt Knaub Mark Clark advised that Curt Knaub retired after 9 years of service. He will be very hard to replace.

SOLICITOR'S AGENDA

Ord. 2002-21

Non-sufficient Fund Charge

Treasurer On motion of Commissioner Phipps, seconded by Commissioner Craley, Ordinance 2002-21 providing the treasurer authority to charge a \$20.00 non-sufficient fund charge was approved with

the following voice vote:

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

Res. 2002-31

R-O-W

Barry On motion of Commissioner Schindo, seconded by Commissioner Craley Resolution 2002-31 accepting right of way from Joseph and Joleen Barry was approved. Vote 5 yes.

Res. 2002-32

R-O-W

Adcock On motion of Commissioner Schindo, seconded by Commissioner Craley, Resolution 2002-32 accepting right of way from Michael and Susan Adcock was approved. Vote 5 yes.

Res. 2002-33

R-O-W

Fitz On motion of Commissioner Phipps, seconded by Commissioner Steele, Resolution 2002-33 accepting right of way from Mary Fitz was approved. Vote 3 yes with Commissioners Craley and Schindo abstaining. (Conflict of interest statement attached)

Res. 2002-34

Right to Know

Act On motion of Commissioner Phipps, seconded by Commissioner Steele, Resolution 2002-34 adopting a police to assist the staff in the administration of the Right to Know Act, 65 P.S. § 1, et. Seq.

(the "Act") was approved. Vote 5 yes.

Adjourn The meeting was adjourned at 10:17 p.m.

Secretary