

YORK TOWNSHIP
BOARD OF COMMISSIONERS
190 Oak Road, Dallastown PA 17313
Tuesday, December 12, 2017
6:00 p.m.

Comm. Steele called the meeting to order at 6:00 pm with the following in attendance:

Comm. Steele	Gary Milbrand	Scott DePoe
Comm. Granholm	Lisa Frye	Steve Hovis
Comm. Jones	Fred Krause	Neil Beach
Comm. Kessler	Carly Mercadante	
Comm. Knepper		

Other Township Employees or Board Members:
Adam Wolf, Public Works; Kathleen Dellinger, EMA; Jeff Grove, EMA; and
Jacobus Mayor Greg Gruendler, EMA.

Others:
Bob Junkins, York Township Goodwill Fire Company.

Comm. Steele announced that the board would meet in executive sessions at the end of the meeting to talk about personnel and potential litigation matters.

Minutes – November 14, 2017

On motion of Comm. Granholm, seconded by Comm. Jones, the minutes of November 14, 2017 were approved. Vote 5 yes.

Payment of Bills

On motion of Comm. Knepper, seconded by Comm. Granholm, the following bills for November 2017 were approved for payment:

General Fund	\$ 590,196.07
Sewer Revenue Fund	\$ 148,200.48
Inter-Municipal Sewer Fund	\$ 65,324.04
Storm Water Management Fund	\$ 3.98
Recreation Capital Reserve Fund	\$ 7,766.00
Liquid Fuels Fund	\$ -0-
General Capital Reserve Fund	\$ 2,278.50
Sewer Capital Reserve Fund	\$ 7,652.50
Street Light Fund	\$ 263.41
Escrow Fund	\$ 12,634.32

Impact Fees Fund	\$ -0-
EMA Fund	\$ 126.53

Total	\$ 834,445.83
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Vote 5 yes.

On motion of Comm. Knepper, seconded by Comm. Granholm, the non-reimbursable portion of bills for November 2017 in the amount of \$17,611.65 were approved for payment. Vote 5 yes.

Commissioner Agenda

Comm. Kessler – Reported there has been some speeding observed within the Stone Hill development and YAPD have set up the speed monitoring equipment on the streets. He thanked the employees of the Township for a great year on behalf of the citizens of York Township.

Comm. Jones – Reported he attended the November 16th York Township Fire Chiefs meeting. He attended the November 18th Red Lion Fire Company appreciation dinner. Thanked the staff for a great year and wished everyone a Merry Christmas, Happy Hanukkah and a Merry New Year.

Comm. Granholm – Reported he attended the December 2nd YARP employee appreciation dinner at the Wisheaven banquet hall. There were 100 people in attendance. They received \$3000 in donations to offset the costs and especially thanked Wisheaven for donating the banquet room. A recent hire has graduated from the police academy. A letter was received from Southern Regional about the possibility of joining YARP. In 2017 there were 90 crashes on Cape Horn Road and the Chief will be talking to PennDOT about the causes.

Appointment of YAPD Member at Large

On motion of Comm. Granholm, seconded by Comm. Kessler, Carl Dallmeyer was appointed Citizen At Large for 2018, representing York Township.

Vote 5 yes.

Markey Park Concept Plan

Reported that Neil Beach, Staff and himself looked into the possible uses of the Markey Park Tract. The tract is not conducive for easy development. There are power lines, sewers, streams, wetlands and the old trolley line traversing the tract. The Trolley line could connect this land to York Township Park. The best access would be from Farm Lane. There is room for an internal loop trail, several parking areas, a multi-use field and an indoor multipurpose building. The tough part is the costs. The entire project could cost 8-10 million dollars with 2 million for site

development and upwards of 8 million for the building. There is money in the 2018 budget to develop a plan. I believe this will be a key part of growth for York Township. Successful townships provide something like this to spur business and growth. Something like this can serve the Township for many years to come, and we are in need of multi-use indoor space.

Concept plan attached in meeting minutes.

Comm. Steele noted he would like to see Farm Lane extended to the current municipal complex as indicated on the plan.

Comm. Jones asked about the intended indoor use and Comm. Granholm reported at this point it is a concept, but basketball courts are identified. However, it can be converted for multiple uses. Staff talked about a possible indoor raised walking track along with the sport courts and indoor meeting spaces. There is a sizable demand for court rentals. Any final design will need to allow for maximum flexibility.

The light green areas on the sketch would be an outdoor multi-purpose field.

Comm. Knepper noted that topography of the property is a big issue. The site also has issues with power and wetlands.

The Connection to Farm Lane is the best access to the site as it supports business along the Leader Heights and Queen Street Corridors and would provide the best access to I83.

Comm. Granholm wished everyone Happy Holidays.

Comm. Knepper – Reported he attended the December 2nd YARP employee appreciation dinner at the Wisheaven banquet hall and that it was a very nice event. He commended the two officers of the year. After the hearing last month, he talked to staff and walked the property. He read about the Chesapeake Bay cleanup initiative and thanked Gary Milbrand and Lisa Frye for representing York Township. He attended the Township Christmas Tree lighting and noted the Dallastown Honors choir provided an outstanding program. He wished everyone a Merry Christmas and a Happy New Year.

Comm. Steele – Reported he attended the December 2nd YARP employee appreciation dinner at the Wisheaven banquet hall and thanked all for a very nice event. He received a letter related to York Township and the rezoning issues from a resident of the Township. He noted the last reorganization meeting of the Board was on January 4, 2016, and on January 2, 2018, George Jones and Al Granholm will be sworn in for a four-year term from January 1, 2018, to December 31, 2021. The Board must then do a reorganization as our first action. Comm. Steele

noted he has served as the Board President for several years and he does not plan to run for re-election for a term starting Jan 1, 2020. Comm. Steele asked if his fellow commissioners would choose to nominate a different commissioner to fill the role of president of the Board for the term January 2, 2018, until December 31, 2019. Comm. Steele suggests it be considered when the Board reorganizes in January 2018.

Township Manager's Agenda – Gary Milbrand

Resolution 2017-22 Appointment of Auditor for 2017 Audits

On motion of Comm. Steele, seconded by Comm. Jones, Resolution 2017-22 appointing Brown Schultz Sheridan & Fritz as independent auditor for York Township and the Water & Sewer Authority for 2017 fiscal year was approved. Vote 5 yes.

Ordinance 2017-7 2018 Budget

On motion of Comm. Kessler, seconded by Comm. Granholm, Ordinance 2017-7 appropriating specific sums estimated to be required for the specific purposes of the municipal government during the year 2018 was approved with the following voice vote:

Comm. Granholm	Yes
Comm. Jones	Yes
Comm. Kessler	Yes
Comm. Knepper	Yes
Comm. Steele	Yes

By roll call vote, the motion passed 5 to 0.

Ordinance 2017-8 2018 Tax Levy

On motion of Comm. Kessler, seconded by Comm. Granholm, Ordinance 2017-8 tax levy for the fiscal year 2018 was approved with the following voice vote:

Comm. Jones	Yes
Comm. Kessler	Yes
Comm. Knepper	Yes
Comm. Granholm	Yes
Comm. Steele	Yes

By roll call vote, the motion passed 5 to 0.

Ordinance 2017-9 2018 Street Light Tax

On motion of Comm. Steele, seconded by Comm. Granholm, Ordinance 2017-9 establishing the front foot assessment for street lights for 2017 for portions of East King Street between Dallastown Borough line and Susan Drive, and all of Keeney Drive, Wildon Drive, and Fair Acres Drive, was approved with the following voice vote:

Comm. Kessler	Yes
Comm. Knepper	Yes
Comm. Granholm	Yes
Comm. Jones	Yes
Comm. Steele	Yes

By roll call vote, the motion passed 5 to 0.

2018 Animal Care & Housing Agreement – SPCA of York County

On motion of Comm. Steele, seconded by Comm. Knepper, the 2018 Animal Care and Housing Agreement with the SPCA of York County was approved.

Vote 5 yes.

2018 Animal Control Officer Agreement – Michelle Klugh

On motion of Comm. Knepper, seconded by Comm. Jones, the 2018 Animal Control Service Agreement with Klugh Animal Control Services was approved.

Vote 5 yes.

Re-appointment of Raymond Fertig to Planning Commission

On motion of Comm. Knepper, seconded by Comm. Granholm, Raymond Fertig was reappointed to the Planning Commission for a term expiring December 31, 2021.

Vote 5 yes.

Re-appointment of Karen Atkinson and Edmund Dick to the Water and Sewer Authority

On motion of Comm. Jones, seconded by Comm. Kessler, Karen Atkinson, and Edmund Dick were reappointed to the Water and Sewer Authority for a term expiring December 31, 2022.

Vote 5 yes.

Tax Collector Lease Agreement

On motion of Comm. Knepper, seconded by Comm. Jones, the office sharing license agreement with Kay Crumling, Tax Collector, for 2018-2022 was approved.

Vote 5 yes.

Sewage Enforcement Officer(SEO) Alternate

On motion of Comm. Granholm, seconded by Comm. Jones, Brandt Fink Jr. was appointed alternate SEO.

Vote 5 yes.

Comm. Jones thanked Brad Hengst for his years of service to York Township.

Monthly Report:

The monthly report is included in the minute book. From his report he pointed out the following:

Newly Elected Officials and Appointments

With all newly elected officials, they will have to be sworn in as soon as possible in January 2018. The January 2018 Board meeting will be on Tuesday, January 2, 2018, at 6:00 pm. I have arranged for Scott Laird to

be at the Township building at 6:00 pm on January 2nd. Additionally, at the beginning of the meeting, the Board will have to make other appointments.

2018 Meeting Notice

The various Boards of the Township will have their meetings advertised on Friday, December 15th, 2017. A 2018 meeting schedule has been included in the Board packet.

Employee Holiday Luncheon

The Employee Holiday Luncheon will start at noon on Tuesday, December 19, 2017. Commissioners are invited.

Chambers Road Multi-Model Grant Application:

Dave Bratina, the PennDOT Multi-Model grant administrator, was contacted and he indicated that PennDOT has not received notice of the Multi-Model Grant approvals from the Governor.

Recreation – Carly Mercadante

The monthly report is included in the minute book.

The 2018 shredding event is scheduled for May 12, 2018, from 1-4 pm. Like previous years, the Township will be asking for two canned food items for each box to be shredded for donation to a food bank.

Public Works – Scott DePoe

The monthly report is included in the minute book.

Leaf collection is over; every street was collected 6 times. The trucks will now be equipped with snow removal equipment.

Green Valley Pump Station and Force Main Replacement Proposal

The Green Valley Pumping Station is at the end of its service life. The Water and Sewer Authority conditionally approved the engineering design proposal submitted by Gannett Fleming in the amount of \$149,000, subject to the Board of Commissioners funding the project.

On motion of Comm. Kessler, seconded by Comm. Jones, the Board approved funding of the Green Valley Pump Station engineering design proposal in an amount of \$149,000 submitted by Gannett Fleming from the 2018 sanitary sewer capital projects fund.

Vote 5 yes.

Mr. DePoe reported there is 3,500-4,000 ton of salt in the salt shed and this is the most we have ever stored. The Township now has three trucks capable of spraying brine on the roads.

Engineer - Neil Beach and Director of Economic Development –Lisa Frye

LD2017-7-2 Taco Bell Preliminary and Final Land Development Plan

Plan presented by John M. Pettit, P.E., The Pettit Group, LLC

On motion of Comm. Jones, seconded by Comm. Kessler, the LD2017-7-2 Taco Bell preliminary and final land development plan was approved with the following conditions or modifications:

1. All comments and conditions on the letter from Neil Beach, dated December 6, 2017, shall be met.
2. The York Township Engineering Department shall receive an electronic file prior to recording.
3. A check in an amount to be determined by the Assessment Office and the Recorder of Deeds Office shall be received by the York Township Engineering Department prior to recording.
4. Waivers granted for the following with considerations:
 - a. Section 308.8.2.e - Plan Font Height
 - b. Section 509.C - Parking Setbacks
 - i. With consideration that the proposed plan improves the non-conformity to provide setbacks of +/- 5.0-feet, that the use and style of restaurant(Taco Bell) will not change as a result of this plan, and that no other waivers are required as a result of this modification
 - c. Section 511.C.2 - Lighting Plan Requirements - Luminaire Height and Lighting Level.
 - i. With consideration that the project is a redevelopment of an existing commercial building and all surrounding light fixture luminaires within the car wash, strip mall center, and soon to be constructed DJ Plaza range from 24 to 25-foot high, that the existing poles are to be re-used, and the intent is to maintain visual continuity of the lighting fixtures with the surrounding commercial development, the waiver is supported with the following conditions:
 - a. The manufacture of the lighting fixtures, RAB Lighting, does not provide photometric data that consider shielding devices. Therefore, the lighting plan cannot appropriately show how the lighting levels are affected by the installation of the devices. Upon installation of the lighting fixtures and prior

- to issuance of the Certificate of Occupancy, the applicant's lighting contractor shall evaluate the lighting intensities at the property lines, provide a lighting survey to the Township for review and comment and the necessary shielding devices will be installed based to ensure compliance with the ordinance requirements.
 - b. A note has been added to Sheet 6 of 13 of the plan set identifying the requirement to provide a lighting survey to the Township and provide all additional adjustments as required, prior to issuance of the Certificate of Occupancy.
 - d. Section 604.A - Landscape Plan Requirements - Landscape Architect Certification
 - i. With consideration of similar planting zones between Pennsylvania and portions of New Jersey, that the landscape section of the Subdivision & Land Development Ordinance specifies the species of plants permitted within the township, and that the planting selection does not pose a danger to the safety, health, and welfare of the public, the waiver is supported. Please note, that the waiver shall only apply to the certification of the landscape plan. All other aspects of design and plan certification shall be by a Professional Engineer, licensed in the State of Pennsylvania, in accordance with the York Township Ordinance requirements.
 - e. Section 609.H - Street Trees with the following conditions:
 - i. Please provide the required street trees to more suitable areas on the project site.
 - ii. The landscape plan shall clearly depict the number of street trees to be planted in alternate areas.
 - f. Section 610.D- Perimeter Buffer Requirements
 - g. Section 908.G.7 (Stormwater Management Ordinance) - Minimum Allowable Pipe Size
 - i. With consideration of the small site area and that the runoff to be conveyed by the proposed pipe systems is well below the design capacity of 15-inch diameter pipe.
- 5. All invoices to be paid prior to recording.

Vote 5 yes.

**Partial Surety Reduction – Springwood at Mill Creek Phases 4 & 5
\$151,237.29 (\$416,995.00 remaining)**

On motion of Comm. Knepper, seconded by Comm. Granholm, the partial surety release for the Springwood at Mill Creek Phases 4 & 5 was approved.

Vote 5 yes.

Solicitor – Steve Hovis

Authorization to advertise bid for solid waste services

On motion of Comm. Knepper, seconded by Comm. Jones, the Board directed the Solicitor to advertise the bid for solid waste refuse services.

Ordinance 2017 - 10 To provide for snow emergency routes

On motion of Comm. Jones, seconded by Comm. Kessler, Ordinance 2017 -10, designating the snow emergency routes in the Township, was approved with the following voice vote:

Comm. Knepper	Yes
Comm. Granholm	Yes
Comm. Jones	Yes
Comm. Kessler	Yes
Comm. Steele	Yes

By roll call vote, the motion passed 5 to 0.

Ordinance 2017 - 11 To provide for speed limit on E. Church Street

On motion of Comm. Kessler, seconded by Comm. Granholm, Ordinance 2017 - 11, establishing speed limits E. Church Street, was approved with the following voice vote:

Comm. Granholm	Yes
Comm. Jones	Yes
Comm. Kessler	Yes
Comm. Knepper	Yes
Comm. Steele	Yes

By roll call vote, the motion passed 5 to 0.

Ordinance 2017-12 - Zoning Map Amendment for at 2199 S Queen Street Rear

On motion of Comm. Kessler, seconded by Comm. Granholm to table Ordinance 2017-12 to January 2nd, 2018 was denied.

Comm. Jones asked Solicitor Hovis if deed restriction proposed by the developer would be enforceable. Solicitor Hovis replied that he received a draft deed restriction at the start of the meeting which appears to be enforceable by a number of the Spangler Meadows residents. The new document provides signatures for the Waltermyers, Burkentine & Sons and 25 Spangler Meadows property owners. The document restricts everything to the south of the stream to single-family homes. The other area by the York Tech School could develop as residential high density.

Comm. Steele noted that the Township did have a hearing on November 14, but provided the audience an opportunity to provide additional information.

Attorney Paul Minnich, representing the property owners, indicated to the Board that they considered doing a split zoning on the property but

decided against it given the fact that the process would have to go back to the to the York County Planning Commission and Township Planning Commission. Mr. Waltermyer has been at Hershey Medical Center 15 of the last 30 days. Attorney Minnich also indicated that they provided a document to Solicitor Hovis this evening that would provide for the enforcement of a single family option south of the stream.

Dave Thomas and Jon Boyer, representing York County School of Technology(YCST), indicated since the hearing their Joint Operating Control(JOC) met on November 30th. The JOC agreed, and YCST is expressing an interest in purchasing part or all of the Waltermyer property. YCST indicated that without the property they are landlocked.

Comm. Granholm asked YCST if they have talked to the Waltermyers and YCST indicated they contacted the real estate agent who indicated that he could not speak with them as the property is under contract.

Pembroke Waltermyer, 310 Dew Drop Road, provided a comment that YCST has not reached out to them.

Anthony Pantano, 217 Fairfield Court, provided a comment that last month 66 families spoke as one voice. After much discussion, a small number of families signed the document provided tonight feeling it is in their best interest. The document provided tonight represents 12 of the 66 families. The new document does not mitigate traffic issues. Mr. Pantano asked the Board to vote no on the rezoning.

Comm. Jones requested an executive session. The board recessed to executive session at 7:19 to receive legal advice concerning a potential legal claim.

The regular meeting was called back to order at 7:24.

Vote 2-3(No- Jones, Knepper, and Granholm) motion to table denied.

A motion of Comm. Jones, seconded by Comm. Granholm, to deny Ordinance 2017-12, amending the zoning from Commercial Office (CO) to Residential High (RH) for the property with the address identified as 2199 S Queen Street Rear (Parcel 54000HI0009R0) and owned by Waltermyer Charles E & Pembroke M Truste C & P Waltermyer Recovable Trust.

Comm. Steele reported that the Board did not take any action on this rezoning request at the meeting of 14 November 2017. In fact, the Board voted to table the rezoning request.

In reviewing the testimony, Comm. Steele indicated he had several comments and areas of concern.

- He respects the land owners right to request a rezone of their property.

- The property is currently zoned commercial office.
- The rezone presentation focused on extraneous issues that would not be issues for consideration for a property rezone.
- The rezone presentation focused on a plan for land development.
- Noting the infrastructure, the current zoning is not consistent with adjacent zoning housing districts, considering that commercial traffic in residential development.
- The request for RH zoning of the property is not consistent with adjacent zoning districts for low density housing.
- The rezone to RH could create an area of high density housing that is not consistent with the adjoining housing zoning.
- The concern of adjacent land owners and the impact of a rezone to RH must be considered.
- The York Township Board of Commissioners anticipated development of the property in consideration, and documented on the official map examples of infrastructure improvement that included Ashleigh Drive, Kreidler Ave, and Acco Drive.
- In addition, the official map noted a possible connection to Freedom Way.
- It should be noted in 2009 the land owners requested the property be rezoned from RL to commercial. The Board did acknowledge the request for the rezone and did agree to rezone the property from RL to commercial.
- While he respected the land owners and their request, as an elected Commissioner, he must consider the impact of a rezone on the residents of the area and all the residents of the Township.

Therefore, based on the documentation supplied with the application and the testimony provided at the hearing, Comm. Steele indicated he cannot support a rezone of the property 2199 South Queen Street Rear to RH and will be voting to deny the Ordinance amendment and rezone application.

vote:

Comm. Jones	Yes
Comm. Knepper	Yes
Comm. Kessler	Yes
Comm. Granholm	Yes
Comm. Steele	Yes

By roll call vote, the motion passed 5 to 0.

Resolution 2017-23 Mini-Casino opt out

On motion of Comm. Jones, seconded by Comm. Knepper, Resolution 2017-23 prohibiting the placement and operation of a Category 4 casino was approved.

Vote 5 yes.

Transfer of PA Liquor License to 1747 Beer & Wine, LLC(Rutter's) at 2490 Cape Horn Road

Solicitor Hovis reported the Township had received a request for a public hearing to transfer a liquor license from North York Borough to York Township to be located at the Rutter's at 2490 Cape Horn Road. The Board agreed to hold the public hearing on Tuesday, January 2nd, 2017 at 7:00 pm.

Cracker Barrel Sidewalks

A representative of the Cracker Barrel located at 236 Pauline Dr. has contacted the Township, and they are moving forward with the sidewalk installation.

Public Comments

None.

Executive Session TIME 7:38

The board was in executive session to discuss personnel and potential litigation issues.

Adjourn

The meeting was adjourned at 8:45 pm.

Secretary