

PUBLIC BOARD MEETING MINUTES

March 24, 2022

Chairman Harlacher called the meeting to order at 7:02 p.m.

ATTENDANCE:

Supervisors Present:

Steven Harlacher – Chairman
Dave Markel -Vice Chairman
(Called in)
Ronald Ruman - Supervisor

Staff Present:

Kelly Kelch – Township Manager
Lori Trimmer – Parks & Recreation
Keith Whittaker – Finance Director
Clif Laughman– Fire Chief
John Snyder – Police Chief
Wes Heisley – Engineer
Rachelle Sampere – Zoning & Codes
Andrew Herrold – Solicitor
Rich Shaw – Public Works
Laura Mummert – Stenographer

CALL TO ORDER:

The Pledge of Allegiance was recited.

EXECUTIVE SESSION:

Chairman Harlacher announced there was an executive session held on February 28th to prepare for the Special Public Meeting and prior to tonight's meeting to discuss personnel matters.

ZONING TEXT AMENDMENT

Discussion by the Board and Public Comment on a proposed Ordinance which would amend the zoning ordinance to allow rebuilding of a pre-existing, non-conformity by right. Chairman Harlacher began this discussion with an opening statement on his opinions with the proposed Ordinance and trying to find a better way to help Mr. Q's rebuild. Supervisor Ruman discussed why he was proposing this Ordinance, and that it would benefit anyone in the future that was faced with a calamity outside of their control. Discussion continued between the Board members. Public Comment was taken:

Dr. David Beecher of 2319 Fairway Drive, spoke to the fact that this proposed Ordinance and amendment to the zoning ordinance did not follow the correct path. The Planning Commission was not allowed to give its recommendation until after it was already put forth to be advertised for a public hearing. Nor did Dr. Beecher agree with how this proposed Ordinance came to fruition. The Board thanked Dr. Beecher for his comments.

Ms. Peggy Roche of 1200 Overbrook Drive spoke to the Board that she believes this should be passed, and that they should take each issue on a case by case basis. Mr. Q's should be allowed to rebuild, and Ms. Roche spoke highly of the owners and the establishment. The Board thanked Ms. Roche for her comments.

Julian Conrad, a young boy, spoke to the Board about how much the skating rink means to him. The Board thanked him for his comments.

Darnell Musser of York County Special Olympics, spoke to the Board about how Mr. Q's has helped those individuals participating with the Special Olympics, and how she hopes they will allow the skating rink to be rebuilt. The Board thanked Ms. Musser for her comments.

Johnathan Sirillo of York Township also asked the Board to consider allowing Mr. Q's to rebuild. The Board thanked Mr. Sirillo for his comments.

Ms. Stephanie Condon of York Haven voiced her concern that she is tired of the politics and wasting time. The Board should allow Mr. Q's to rebuild as it was originally constructed. She asked the Board members to agree to let Mr. Q's rebuild tonight, but the Board informed her they need to take the proper steps in doing so.

Mr. Frank Quintin, owner of Mr. Q's and Township resident, thanked the public for coming out to support him, his family, and his business. He wanted to let the Board know he understood where they were coming from and was willing to do whatever necessary to move things along.

More discussion was had by the Board members. A motion was made by Chairman Harlacher to allow the Township Manager to accommodate Mr. Quintin with applying for a variance, and having it go before the Planning Commission and Zoning Hearing Board at their meetings in April. Supervisor Ruman seconded this motion, and the motion was passed unanimously. The Board agreed to table the Zoning Text Amendment discussion until the April Board of Supervisors meeting.

PUBLIC COMMENT:

Ms. Peggy Roche of 1200 Overbrook Drive asked the Board to have someone investigate the traffic situation at the Starbucks on Kenneth Road. It causes safety issues daily. The Board agreed to have staff look into this issue.

APPROVAL OF MINUTES:

A. The minutes of the February 24, 2022, Public Board Meeting were provided for approval. Motion to approve the Public Meeting Minutes of February 24, 2022, as presented.

MOTION: R. Ruman

SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

B. The minutes of the March 2, 2022, Special Public Meeting were provided for approval. Motion to approve the Special Public Meeting Minutes of March 2, 2022, as presented.

MOTION: D. Markel

SECOND: R. Ruman

MOTION PASSED UNANIMOUSLY

OPEN FLOOR DISCUSSION:

No discussion was made.

OLD BUSINESS:

None

NEW BUSINESS:

A. ORDINANCE 22-03 HANDICAP PARKING REQUEST: Motion to approve Ordinance 22-03, a handicap parking request for 1344 W. College Avenue. This Ordinance has been properly reviewed and advertised by Township staff.

MOTION: S. Harlacher

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

B. PAWC INDUSTRIAL PRE-TREATMENT PROGRAM ORDINANCE: Motion to approve authorizing Township Solicitor to revise the PAWC IPP draft ordinance as necessary and advertise for a public hearing for its adoption at the April 28th Board Meeting.

MOTION: R. Ruman

SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

C. SEWER PLANNING MODULE EXEMPTION MAILER FOR COLONIAL HOUSE:

Motion to approve a sewer planning module exemption mailer prepared by James R. Holley & Associates on behalf of Colonial House located at 1300 Woodberry Road. The request is to connect to public sewer for 3,500 gallons per day (10 EDUs) flowing to the York City Wastewater Treatment Plant. Staff requests permission to forward the sewer planning module exemption mailer to the PA Department of Environmental Protection for their review.

MOTION: S. Harlacher

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

D. T-866 FINAL SUBDIVISION PLAN FOR JAMES AND KRISTI SWARTZ:

Motion to approve the Final Subdivision Plan for James and Kristi Swartz. The proposed 2 lot subdivision will create a new 1-acre parcel (lot 4A) from the 41-acre parent tract (lot 4) located at 4730 Graybill Road in the Agricultural Zone. ZHB Case #21-19 was granted on September 29, 2021, to allow one additional building right within the bounds of their 41-acre tract pending the subdivision process. The applicant is proposing an on-lot septic and a private well for the single family detached dwelling. Ms. Kristi Swartz gave a brief statement of this plan to the Board.

MOTION: R. Ruman

SECOND: D. Markel

MOTION PASSED UNANIMOUSLY

E. T-867 FINALD SUBDIVISION AND LAND DEVELOPMENT PLAN FOR MOST REVEREND NICHOLAS C. DATTILO:

Motion to approve the final subdivision plan for Most Reverend Nicholas C. Dattilo. The proposed 2 lot sub-division to create a new 10.00-acre parcel (lot 2) from the 29.88-acre parent tract (lot 1) located at the southwest corner of Taxville Road and Baker Road in the Rural Residential Zone. Lot 1 will remain vacant with an agricultural use. Proposed Lot 2 will be for a residential dwelling with associated outbuildings, driveway and stormwater management. The applicant is proposing an on-lot septic and a private well for the single family detached dwelling. Ms. Patty Fisher was present to represent the applicants. She spoke to and answered any questions the Board had.

MOTION: S. Harlacher

SECOND: R. Ruman

MOTION PASSED UNANIMOUSLY

F. CONSOLIDATION OF SEWER DISTRICTS:

Motion to approve authorizing the Township Solicitor to begin the process of consolidating the Shiloh and Lincolnway sewer districts due to the proposed sewer user fees discussed at the special meeting for the PAWC purchase of the York City Wastewater Treatment Plant.

MOTION: R. Ruman
SECOND: S. Harlacher
MOTION PASSED UNANIMOUSLY

G. RESOLUTION 22-11 TRAFFIC SIGNAL MAINTENANCE AGREEMENT: Motion to approve Resolution 22-11, entering into a traffic signal maintenance agreement with PennDOT. This is regarding the revised traffic signal permit plan associated with the modifications to the Route 30/Route 116 and South Salem Church Road signal.

MOTION: D. Markel
SECOND: S. Harlacher
MOTION PASSED UNANIMOUSLY

H. SUPERVISOR DISCUSSION ITEMS: The Board of Supervisors requested to discuss the following topics:

1. Limitations of Authority for Individual Board Members: Chairman Harlacher began this discussion with giving a brief statement about the rules and responsibilities of the Supervisors based on supporting documentation from the 2nd Class Township Code. Supervisor Ruman followed with his discussion how he disagrees, and feels it necessary that he can utilize Township staff to investigate or help resolve citizen complaints. Public comment was taken by the Board. Mr. and Mrs. Randy and Denise Drais of 1860 Hayward Drive commented that they feel they should be able to speak to any Board member they wish about issues they may have. Mrs. Drais voiced her concern that no one has reached out to them about ongoing sewer issues, and she wants action taken. Mr. Frank Kemp of 2174 Esbenshade Drive was concerned about what Chairman Harlacher was saying, and that the public should be able to discuss concerns with any Supervisor. A motion was made by Chairman Harlacher to have the Township Solicitor further research the limitations and duties of the supervisors. Solicitor Herrold did mention that most of this would be policy, but he would prepare something. Vice-Chairman Markel seconded the motion. Motion was passed with a 2 to 1 vote.

2. Continuing issues with large commercial vehicles parking on Township streets and causing both safety and aesthetic issues as brought forward by Township residents at the February meeting: Chief Snyder informed the Board that after the February meeting his officers were able to have the large commercial truck that was a concern moved off the street. However, since that time, other vehicles of this nature have been parking along the streets again. Chairman Harlacher made a motion to have the Township Solicitor research constructing a possible ordinance to enforce this issue. The Board will review and discuss this draft at the April meeting. Supervisor Ruman seconded this motion. Motion passed unanimously.

3. Updating the Zoning Ordinance: Supervisor Ruman asked to table this discussion until the April Board meeting. All Board members agreed to table.

ADMINISTRATIVE REPORTS:

- A. **RECREATION DIRECTOR:** Director Trimmer’s report was reviewed. Director Trimmer announced the Spring Newsletter has been sent out to Township residents. The Board commended her and staff on a great job. No further questions.
- B. **FINANCE DIRECTOR:** Director Whittaker’s report was reviewed. No further questions.
- C. **FIRE CHIEF:** Chief Laughman’s report was reviewed. Chief Laughman announced the Easter Bunny will be parading through the Township on April 10th. No further questions.
- D. **POLICE CHIEF:** Chief Snyder’s report was reviewed. Chief Snyder commended his officers for a successful DUI station that was set up in February. Twenty-two (22) arrests were made. Chief Snyder also spoke about the complaint from last month’s meeting regarding large vehicles parked on public streets creating a safety issue. As well as a local business parking cars along the public street preventing residents from parking. These issues have been resolved or looked into further. No further questions.
- E. **TOWNSHIP MANAGER:** Manager Kelch’s report was reviewed. No further questions.
- F. **ENGINEER:** Mr. Wes Heisley was in attendance for Mr. Niederoest. Chairman Harlacher asked Mr. Heisley to please inform Engineer Niederoest that staff would like an update on the Haviland Road Sewer Project. No further questions.
- G. **ZONING OFFICER:** Officer Sampere’s report was reviewed. No further questions.
- H. **SOLICITOR:** Solicitor Herrold’s report was reviewed. No further questions.
- I. **PUBLIC WORKS DIRECTOR:** Rich Shaw is temporarily filling in as Public Works Director. His report was reviewed. No further questions.

STORMWATER MANAGEMENT/MS4

Zoning Officer Sampere noted that the Township’s MS4 Storm Water Inspector is available Monday thru Friday 8 a.m. to 4:30 p.m. to answer any questions related to storm water management.

BILLS: Motion to pay bills as presented:

<u>FUNDS</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>
General Fund	31884-32009	\$ 631,889.74
Liquid Fuels	1116-1130	\$ 10,355.92
Sewer Fund	5167-5200	\$ 195,762.03
Payroll#5 Pay Ending 2/26/22	Paytime Vouchers	\$ 114,442.02
Payroll#6 Pay Ending 3/12/22	Paytime Vouchers	\$ 117,465.06

MOTION: D. Markel
SECOND: R. Ruman

MOTION PASSED UNANIMOUSLY

ADJOURNMENT:

Motion to adjourn the regular meeting at 9:24 p.m.

MOTION: R. Ruman

SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

Attest:

Secretary

Chairman

Vice Chairman

Supervisor