

**HOPEWELL TOWNSHIP
YORK COUNTY PA
BOARD OF SUPERVISORS
MINUTES FOR FEBRUARY 1, 2018
MUNICIPAL BUILDING
7:00 PM**

Chairman Aaron Manifold called the February 1, 2018 Board of Supervisors meeting to order at 7:00 p.m. Also in attendance were Supervisor David Wisnom, Supervisor John O’Neill, Solicitor Andrew Miller and Secretary/Manager Kristy Smallwood.

Chairman Manifold announced that an executive session was held on February 1, 2018 to discuss pending litigation.

Chairman Manifold asked if anyone in the crowd was recording the meeting. No one was recording the meeting.

Approval of Minutes

Supervisor Wisnom motioned to approve the January 2, 2018 Board of Supervisors and Reorganization Meeting minutes. Supervisor O’Neill seconded the motion. Motion carried.

Treasurer’s Report/Invoices

Supervisor O’Neill motioned to approve the January 31, 2018 Treasurer’s Report and invoices. Chairman Manifold seconded the motion. Motion carried.

Roads Report

The Road Crew has done a little snow removal and a lot of ice control. They have been working on trees on Leib School Road. Tree removal is 80% complete. They are addressing potholes as necessary.

SALDO

15-10 Grossman

Josh from Shaw Surveying was present to discuss the Grossman Plan. It still needs DEP approval.

Open Comments from YCPC are as follows:

1. The following information is required by Ordinance to be shown on, or provided with the Plan:
 - a. The statement of ownership must be signed, dated, and notarized (s.405.u).
 - b. Certification that the Planning Module for Land Development and/or any required waivers have been approved by the PA DEP (s.405.cc).

- c. An erosion and sediment control plan approved by the YCCD (s.405.ff).
2. Provide the proposed private street name (s.507.f). The proposed name must be approved by York County Control.
3. Sidewalks are required along all public streets where the lots are less than one (1) gross acre in size (s.604.a.1). A sidewalk is required along High Street.
4. Triangles should be shown on private street driveways as well. Clear sight triangles should be provided for each driveway intersection.

Open Comments from Martin & Martin dated December 9, 2016 are as follows:

1. Pennsylvania DEP planning module approval is required prior to final plan approval (402.cc).
2. An owner's certification statement must be signed, dated, and notarized (402.x).
3. The applicant will be required to guarantee the completion of all public improvements prior to the release of an approved Final Plan (402.dd, 612).
4. Any York County Planning Commission comments must be satisfactorily addressed.
5. The UPI chart must be completed prior to recording (405.kk).

Open comments from MPL Law Firm are as follows:

1. SALDO § 22-505.7 provides that “[n]o more than one dwelling unit shall have its required road frontage provided by a private road.” The proposed plan has three dwelling units with required road frontage provided by a private road. This would have to be a waiver request.
2. SALDO § 22-505.7 provides that “[e]ach private road shall provide the same right-of-way as is required by this Chapter for the construction of a “minor street.” SALDO § 22-505.7 requires a 50 foot minimum right away and 20 foot minimum cartway width for minor streets. The private road shown on the plans varies in right away with between 25 feet to 48 feet. The cartway width shown on the plan is only 16 feet. This would have to be a waiver request.
3. We suggest a note be added to the plan requiring each lot owner to clearly post the lot street address at the driveway entrance off the private street. Because the lots are serviced by a private street, the mailboxes will be on High Street. Identifying each lot by address at its entrance will assist emergency services more quickly find the correct dwelling in the event of a call.
4. A note should be added to the plan indicating that a development and financial security agreement in form satisfactory to the Township Solicitor will be required prior to final plan approval. The agreement will be recorded with the final plan. An initial draft of this agreement will be provided by the Township Solicitor at the time of final plan submission.

5. A note should be added to the plan indicating that a declaration of easement for the private road, shared stormwater facilities and public utilities, in form satisfactory to the Township Solicitor, will be required prior to final plan approval. The declaration will be recorded with the final plan. An initial draft of this declaration has been reviewed and comments provided below.
6. A note should be added to the plan indicating that a stormwater maintenance and monitoring agreement in form satisfactory to the Township Solicitor will be required prior to final plan approval. The agreement will be recorded with the final plan. An initial draft of this agreement will be provided by the Township Solicitor at the time of final plan submission.
7. The Declaration of Easement previously submitted to this office will need to be expanded to include easements for the shared stormwater facilities and allocation of maintenance responsibilities. The Declaration must also include provisions granting each lot the right to lay and maintain utilities in the shared private road.
8. The Declaration of Easement should also contain the following provision:
Grossmans, on their own behalf and on behalf of each future owner of the lots subject to this Declaration, hereby acknowledge that the private road created herein is not maintained in any manner by Hopewell Township, and not improved to the standards of a public street. Grossmans, on their own behalf and on behalf of each future owner of the lots subject to this Declaration, hereby waive any right to require Hopewell Township to improve or maintain the private road. Grossmans, on their own behalf and on behalf of each future owner of the lots subject to this Declaration, also acknowledge that accessibility of emergency services, including fire, police and ambulance services, over the private road may be limited or non-existent, and each lot owner for themselves and on behalf of their tenants, guests, invitees and other third parties, waives and releases Hopewell Township, its designated emergency service providers, supervisors and employees, from any and all liability that may ever arise or relate to access or maintenance of the private road.

Chairman Manifold motioned to deny the waiver for sidewalks. Supervisor O'Neill seconded the motion. Motion carried. Supervisor Wisnom motioned to waive the plan scale size. Supervisor O'Neill seconded the motion. Motion carried. Supervisor Wisnom motioned to grant the waiver and allow three dwelling units on a private road. Chairman Manifold seconded the motion. Motion carried. Supervisor O'Neill motioned to grant the waiver of private road width of 16 feet. Chairman Manifold seconded the motion. Motion carried. Chairman Manifold motioned to table 15-10 Grossman's Way until next month. Supervisor Wisnom seconded the motion. Motion carried.

Solicitor's Report:

Ordinance 1-2018

This is the subdivision and land development ordinance amendment. The amendments are back in front of York County Planning Commission. Solicitor Miller asked the Board if they want to clarify the definition of “forest and wild life preserve”. The forest and wild life preserve typically would not allow a dwelling unit, however, another Ordinance gives each lot one dwelling. Supervisor Wisnom motioned to remove forest and wild life preserve from the zoning ordinance. Supervisor O’Neill seconded the motion. Motion carried. Chairman Manifold motioned to authorize the Solicitor to advertise for a public hearing at the April 5, 2018 Board of Supervisors Meeting. Supervisor O’Neill seconded the motion. Motion carried.

Intermunicipal Agreement for Eureka

The Board and Solicitor Miller will review the amendments and agreement and this will come before the Board at the March Board of Supervisors Meeting.

Deer Creek

Changes for the driveways and deeds were sent to the respective attorneys. They still need to obtain a building wavier from DEP and submit revised plans so there are no plans at this time.

Other Business:

Deputy Tax Collector

Supervisor Wisnom motioned to appoint Barbara Bair Deputy Tax Collector. Supervisor O’Neill seconded the motion. Motion carried.

Admin Assistant

Chairman Manifold motioned to ratify the hiring of Katie L. Miller as administrative assistant for Hopewell Township. Supervisor O’Neill seconded the motion. Motion carried.

Stewartstown Railroad

John Nolan is present representing Stewartstown Railroad. An evaluation of the bridge was completed by a train engineer. They drafted a plan to take down the existing stonewall and rebuild it. If the Board approves the plan, the Railroad will go through with it. Mr. Nolan would like to start construction within a month and once started, it should last roughly ten days. The overpass is currently safe however, it is not recommended for use without the repairs outlined by the train engineer. Chairman Manifold motioned to authorize the project be completed by April 5, 2018 and if it is not, then to come back before the Board for the April 5, 2018 Board Meeting. Supervisor Wisnom seconded the motion. Motion carried.

Newsletter

Supervisor O'Neill proposed an electronic newsletter to be sent via email quarterly. Manager Smallwood proposed a newsletter to be posted on the website and advertise it on the Township sign.

Public Comment

Knott asked about the Penn National Casinos coming to Hopewell Township. Chairman Manifold stated that when the Board voted to allow them with special exception, they did not close the door to the casinos.

Jim Coder asked about 222 Clear Branch Drive. Mr. Phillips of 222 Clear Branch Drive was also present. He had one car towed away. He said he has pulled weeds and mulched. Supervisor Wisnom stated one of the issues is vegetation. Supervisor O'Neill stated that he has been coming to the meetings for before becoming a supervisor and knows he has been being told to clean it up for over a year. This is affecting his neighbors' property. Mr. Coder stated that the property looks like a junkyard. Chairman Manifold stated that judgment has been entered for a year now and he has given him a year to clean it up. Supervisor O'Neill agrees. Supervisor Wisnom motioned that Mr. Phillips has until March 1 to come into compliance or the Writ of Execution be reinstated. Supervisor O'Neill seconded the motion. Motion carried. Chairman Manifold asked Mr. Phillips if he understood. Mr. Phillips stated that he has until March 1 to come into compliance.

Chairman Manifold adjourned the meeting at 8:22 p.m.

Kristy Smallwood, Secretary



Courtney Hargrave, Recording Secretary