

**HOPEWELL TOWNSHIP  
YORK COUNTY PA  
BOARD OF SUPERVISORS  
MINUTES FOR FOR REGULAR MEETING  
MUNICIPAL BUILDING  
THURSDAY, SEPTEMBER 6, 2018 @ 7 PM**

Aaron R. Manifold called the September 6, 2018 Board of Supervisors meeting to order at 7:00 p.m. In attendance were Chairman: Aaron R. Manifold, Vice-Chairman: David T. Wisnom, John J. O'Neill, III, Solicitor: Andrew Miller, Manager: Kristy Smallwood and Treasurer: Katie Miller.

**Approval of Minutes:** John J. O'Neill, III motioned to approve the August 2, 2018, Board of Supervisors minutes. David T. Wisnom seconded the motion. Motion carried.

**Treasurer's Report/Invoices:** David T. Wisnom motioned to approve the August 31, 2018 Treasurer's Report and previous reviewed invoices listed in the report. John J. O'Neill, III seconded the motion. Motion carried.

**Roads:**

Anderson Rd – Paving should be finished by end of September. Leaving base coat to sit and work on other projects. Complete by end of month, weather permitting.

Eureka Fire – Parking lot has been finished. The fire company will be reimbursing township for material costs. Invoice sent this month.

Storm Damage – Hopewell Township received minimal damage. Two of road crew members helped East Hopewell with damage. One minor problem on Wolfe Road and some dirt roads were cleaned up.

**Subdivision/Land Development Plans:**

**Solicitor's Report:**

Stewartstown Station Fire Pond – transfer. Kristy Smallwood contacted insurance company about coverage. A few things would be required by insurance company, like a No Trespass sign, etc. but generally willing to insure under township. Long term cost is a big consideration according to Aaron R. Manifold. The Board was not yet ready to issue a decision on this matter and it has been tabled for now.

Bus Shelter- Ordinances were looked at and locations identified. Not identified when they were first constructed or put into use. Nor was it determinable as to when they were put into use for advertising. Ordinance has strong provisions protecting non-conforming uses and even in 1998 the ordinance was amended to grandfather in specifically signs that lawfully existed and were maintained on the effective date of the amendment so long as the sign is maintained in a structurally sound way. It's possible that this ordinance was put in in 1998 to protect some of those signs. It's up to Board to take further action. Solicitor says we can test the water with a Notice Violation to see what we can get out of that. The property owners may not be attached to them enough and may remove them. If that does not work then the property owners can appeal the Notice Violation to the Zoning Hearing Board and the Zoning Hearing Board would determine whether or not the shelters are allowed to stay.

David T. Wisnom made the motion to send out the Notice Violations as discussed and John J. O'Neill, III, seconded this. Motion carried.

Solicitor will follow up with Keith at South Penn Codes. Notification has to come from their office.

Wolf Assoc. Dwelling Rights- regarding approval on the transfer of dwelling right. Board approved the transfer of the one dwelling right and the transfer agreement will be signed without further action from board. Upon looking into this dwelling right the Solicitor realized that there has been a dwelling rights termination done shortly after the board voted last summer/fall to calculate or change the ordinance amendments pending at the time to calculate dwelling rights based on a per lot basis vs. a combined adjoining tracts as the ordinance read at the time. Solicitor subsequently began to process those and incorporated the changes into the zoning ordinance amendments that were pending. A decision was issued to Wolf Associates based on that policy that was in the process of being implemented. On the assumption that it was going to be adopted. It did not get adopted and instead got pulled out of ordinance. So the second question before you after the the transfer of those dwelling rights is whether the board would like them to reissue determination on those dwelling rights or to leave previous determination stand. The difference is that they were two parcels/tracts one being 32.5 acres and one being 18.6 acres. If the dwelling rights are calculated separately then there are 5 dwelling rights on the 32.5 acre tract and 4 dwelling rights on the 18.6 acre tract for a total of 9 dwelling rights per the current ordinance. If they were calculated the way the ordinance was previously written, without it being amended you would consider it 1 parcel at 51.1 acres and therefore it would only be a total of 5 dwelling rights. So there is a difference of 4 dwelling rights. As far as Solicitor can tell this is the only determination issued in that period where the changes were being made to the ordinance amendment until they were withdrawn. The board

needs to decide if they want them to reissue the dwelling rights determination. The board would like Solicitor to double check to be certain there were no other determinations issued before actions is taken and therefore this has been tabled. David Wolf was present for this issue.

Mayberry Zoning Hearing- to address variance request they had. Township has the right to appear at Zoning hearing and be a party. Solicitor does not see a compelling reason for this to happen. Determined not need at this time.

Johnson Controls Letter of Credit – Expires on Sept 15. They still did not submit request to reduce surety. Not a lot left to do. E & S conversion left to do. Solicitor has been in contact to them. Requesting board to extend Motion authorizing them to draw down letter of credit before it expires. If not renewed prior to Sept. 15 Solicitor can send a letter to them notifying them and notifying Unicredit that unless extended they need to draw down and deposit the money in escrow with the Township. Aaron R. Manifold made the motion as stated herein and John J. O’Neill, III, seconded. Motion carried.

**Other Business:**

General Code: Quote update. Cost to do the update \$2050 and \$2360 which includes ordinance #1-2017 1-2018 through 3-2018. David T. Wisnom made motion to approve John J. O’Neill, III, seconded. Motion carried.

ACT 537 Update – Discuss compliance rate for District 1 and consider sending reminder letter to delinquents. Sending reminder letter to any non-compliant properties for them to have their systems pumped or inspected. David T. Wisnom made motion to send reminder and John J. O’Neill, III, seconded motion.

16222 W Liberty – Nancy Blevins requesting exemption from Act 537 (vacant). Last pumped Nov. 15 2016. Not used since and no plans to use it again but not sure they want to fill in for unknown future of property. David T. Wisnom motioned to exempt for this cycle ONLY. Fill in or pump out next time. John J. O’Neill, III, seconded. Motion carried.

York County Association Convention – Authorize attendees. David T. Wisnom motioned that township to reimburse anyone who wants to go. Aaron R. Manifold seconded. Motion carried.

Health & Vision Insurance – Consider renewing for 2018-2019. John J. O’Neill, III, motioned to renew health and vision insurance and David T. Wisnom seconded. Motion carried.

Minimum Municipal Obligation – Certify 2019 MMO for Employee Pension Plan. John J. O’Neill, III, motioned to approve David T. Wisnom seconded. Motion carried.

Water Issues - John Schleicher to be present as was Mark Restivo. This issue predates board and road master. Over 10 years ago Gemmill Road and Deer Creek Road were not improved. Replaced bridge at Gemmill and Deer Creek. Pipe replaced. Directed water on adjoining property. Easily lost 3 feet or more bank. Bank is stabilized wanted to make board aware of issue as improvements made. If there is going to be a DEP permit. Can this bank be part of DEP permit? There appear to be excessive water concentration points and severe erosion on Restivo and Schleicher properties. Enormous amount of sediment run off. Cross over pipe when road tarred and chipped. Pipe is clogged. Recommends for board to consider possibly increasing pipe diameter. Can road crew clean out leaves from hill. Before anything is done to address this Aaron R. Manifold will get road master to go out to make a decision and then go to engineer. Kristy Smallwood has John’s contact info. To make this happen.

Hunting Club - John Schleicher, Mark Restivo and Brian McGuiness were present to discuss the possible “hunting club” on Ross McGuiness’ land. Ross has been an absentee land owner. Notice that surveyor stakes out and posting on the property has been changed. Property has been leased out and is now going to be a “hunting club”, leasing property out. Paying to hunt. John is concerned that this might not be an acceptable use. Concerned it’s a commercial endeavor. What happens if issues arise with running ATVs or complaints and who do they go to? None of the homeowners have been notified. Aaron R. Manifold provided clarification on what property is going to be used for. Brandt Land Management. PA Game Commission rules to be followed. Leasing agricultural ground for hunting rights is normal. Whoever is hunting has to have liability insurance. People who lease will police per Aaron R. Manifold. If issue, littering, trespassing, parking violation, how to address these issues: Civil action against property owner. You’ll know who is on property because of lease.

Lee Street Bus - Christine Nagengast to be present to discuss the bus that has been purchased and parked on Lee Street. In her opinion this is a safety issue (it’s not locked) and creates a visual hazard (can’t see around the bus). David T. Wisnom asked if the home was in a homeowner’s association and if they can address. Aaron R. Manifold asked how bus was tagged. John J. O’Neill, III, says the tag on the bus does not belong on the bus. Two things can be done: 1. Township can request to monitor speed on Lee Street 2. Possible that zoning officer can go take a look at the bus John suggested she contact state police and ask them to set up a speed trap Homeowners association also may help. Kristy Smallwood to keep Christine’s contact if something can be done through zoning officer. Motor Vehicle regulations in place section on motor vehicles. Keith to look at to see if he can enforce. Can add street to ordinance.

Tax Seminar – Consider approval to pay for Tax Collector to attend. \$125. David T. Wisnom motioned for approval to pay and John J. O’Neill, III, seconded. Motion carried.

Gemmill Rd – Review and consider approval of CS Davidson design, permitting and cost. Consideration of board to continue the design permitting. Aaron R. Manifold made motion and John J. O’Neill, III, seconded. Motion carried.

Exit 4 Beautification – Consider approval of agreement. Start next year multi year project. Dress the interchange up. Flag pole. Flower gardens. Approval to authorize Aaron R. Manifold to sign agreement with Penn DOT that Hopewell will assist. Hopewell won’t be locked in to maintaining anything. John J. O’Neill, III, motioned to provide assistance, Aaron R. Manifold seconded. Motion carried.

**Public Comment.**

Joe Schanengrough – wanted board to be aware of Hollow Road sink hole, which they are and also Hickory Road which is a state road has pipe damaged in storm. Barton’s tore down (Larry) building deemed unsafe. Permit from Penn Dot for lane closure.

Sydney Shindel Decker – firework issue from previous meeting inquiring why minutes were not on website. It was explained that the minutes are not put up on website until minutes are approved at the following month’s meeting. Solicitor got some preliminary information on trying to regulate fireworks without infringing on property owners rights. Kristin Phillips Hill provided things from Hellam Township. The board is trying to come up with solution. John O’Neill also advised they are discussing how to enforce. Also Sydney discussed flag pole at township building and who is in charge of same because the flag was never lowered for half mass last week. Kristy Smallwood commented that she is not sure how to find out when this must be done. John J. O’Neill, III to take this over and will be in charge of the flag.

**Adjournment at 8:46 pm by** Aaron Manifold

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Kristy Smallwood, Secretary



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Cori A. Spisak, Recording Secretary