

**HOPEWELL TOWNSHIP
YORK COUNTY PA
BOARD OF SUPERVISORS
AGENDA FOR SPECIAL MEETING
MUNICIPAL BUILDING
MONDAY, JANUARY 21, 2019 @ 7 PM**

Chairman Manifold called the January 21, 2019, Board of Supervisors special meeting to order at 7:01 p.m. In attendance were Chairman: Aaron R. Manifold, Vice-Chairman: John J. O’Neill, III, Board Member: David T. Wisnom, Solicitor: Andrew J. Miller, and Manager: Kristy Smallwood.

Subdivision/Land Development Plans:

10-05 BRIDGEVIEW INVESTMENTS-

Special meeting was called to finalize everything so John Huenke (who was present) can proceed to settlement. The one issue that needs addressed is that the applicant is trying to work out his financing so he can post a letter of credit to PennDOT, which he can’t do until the plan is recorded and the mortgage is filed on the property.

Solicitor asked John Huenke to explain the Transfer of Ownership:

Mr. Huenke reflected that his partner’s sons are coming in on the project. Mr. Huenke is going to stay involved in the project to help them get it developed. They are brining their financing in for the development. A letter of credit can’t be issued until closing is held and first lien position is secured due to having no collateral on the property. When they close on the property, a letter of credit will be issued and then that letter can be supplied to PennDot, who will then release the permits.

Traffic Engineer had made a call to Solicitor Miller to review. Solicitor reflected that John Seitz and TRG are the ones doing HOP permit. Solicitor called them to confirm that HOP is expected to be issued shortly. The other thing that Solicitor did was in order to facilitate this, the new entity, which is Tri Corner Bridgeview, LLC is actually posting the bond for the project so the surety will be posted by that entirety. The Stormwater Development Agreement has already been signed and approved by the Board of Supervisors and the plans are in the name of Bridgeview Limited Partnership so what Solicitor suggested be done is Development Agreement and Stormwater Agreement will get recorded as they are, a head of the plan so we don’t have all the UPIs. It will be just the three (3) UPIs of the existing tracts that are being subdivided. Solicitor has prepared for the Board of Supervisors to approve and execute a Joinder Addendum to the Development and Financial Security Agreement, which joins the new entity as a party, as the developer under that agreement. It also has a clause in it that amends the development agreement to add that “the developer acknowledges that no work may begin and

no permits shall be issued by Hopewell Township until the Highway Occupancy Permit has been issued by PennDOT for the Bridgeview project. Solicitor thinks the Board of Supervisors can go ahead and allow everything to be recorded so surety can be posted, as long as there is something in the recorded document that says the entity is not allowed to pull any permits and no permits will be issued until HOP issues their permit. Solicitor thinks this will adequately cover Hopewell Township.

There is a 2nd joinder to the Stormwater Agreement which adds Tri Corner Bridgeview, LLC as a party to the Stormwater Agreement. The sewer authority has approved all the plans. A copy was sent of the separate bond for the sewer authority that is being posted to the Solicitor. Solicitor has reviewed and provided comments on the subdivision bond for the township which had been incorporated and Solicitor has received a copy of the final bond being issued.

Plans won't be released to be record until the two (2) bonds, mentioned above, are received. Solicitor says joinders can be signed and held until bonds are received. Applicant has put a \$2k deposit down per the development agreement for costs and fees. This will stay replenished. All other conditions on the conditional approval have been met at this point.

Solicitor reflects that the only other questions that came up from the Board of Supervisors was background on the quiet title action from the Bailey Springs Lot. Solicitor believes that what the Board of Supervisors wants to make clear is that if the plans as they are approved and are recorded provided for the sewer to come from Shaw Road across the easement and across Bridgeview Road to the project. If the configuration of the sewer is changed as a result of the quiet title action and developer reverts back to the old location and run the sewer mains, the plans would have to be revised and the Township be consulted. The Settlement Agreement Solicitor has done had provided the developer could as long as they satisfied the condition to clear the title to the property that they could run sewer from either location. But since their final plans show it coming from Shaw Road, that would have to be revised if they were coming from the alternate location.

Update from Mr. Huenke was that he is involved but not really involved in the quiet title action. He reflects that the property went to tax sale and was purchased. "That will work out however it's going to work out" per Mr. Huenke. He does not know which way this will go. Solicitor asked Mr. Huenke if he intends to change the run for the sewer main? Mr. Huenke said that "if the ownership ends up back it's where the thing should go." So prior to any start of that work they will come back in and get that re-approved.

Prior to reorganization meeting Solicitor did check if easements were recorded for emergency entrance and the location of the sewer from Shaw Road as well as making sure the HOA documents had all our comments incorporated into them. Solicitor thinks everything with conditions were covered.

Outstanding list of requirements are:

UPI #

Signatures

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Notarization

Penn DOT

HOP

Receipt of Surety Bond for Developer's Agreement and Sewer and Water Agreement
These things need satisfied.

Board member Wisnom made a motion to approve the joinder agreement to the Development Agreement. Vice-Chairman O'Neill seconded. Motion carried.

Chairman Manifold motioned to approve the joinder addendum to the Stormwater Agreement. Board Member Wisnom seconded. Motion carried.

With the execution of the joinders the only outstanding condition is delivery of the subdivision bond and sewer authority bonds, per Solicitor.

Chairman Manifold motioned to authorize release of the plan and recording of the plan upon receipt of the bonds. Board member Wisnom seconded. Motion carried.

Recording Order by Attorney for Mr. Huenke:

Agreements

Joinders

Plan

Solicitor will take one signed copy with him and a copy will stay at the Township. Once Solicitor receives confirmation that bonds were received then the Attorney for Mr. Huenke can pick these items up for recording. Solicitor can send someone from his office with the Attorney for Mr. Huenke to ensure proper recording of the documents.

Other Business: None

Public Comment. None

Adjournment. Meeting was adjourned at 7:21 by Chairman Manifold.

Kristy Smallwood, Secretary



Cori A. Spisak, Recording Secretary