

**HELLAM TOWNSHIP
BOARD OF SUPERVISORS MEETING
MINUTES OF April 20, 2023**

The Hellam Township Board of Supervisors meeting was called to order at 6:00 p.m. by Chairman Todd Trimmer who led the Pledge of Allegiance. Supervisor William Conaway was present, in person. Supervisors Nedette Otterbein and Mark Myers were present via Zoom. Also present was Corina Mann, Manager; Brad Leber, Solicitor; Rachel Vega, Zoning Officer; and Dorinda Nordsick, Admin/Finance Coordinator. Chad Peters, Engineer, was present via Zoom.

Agency, Departmental & Committee Reports

- A. Police** – Chief Pollock submitted a written report for March. During the month of March there were a total of 542 calls with 20 reported accidents, nine criminal charges, 82 traffic citations and 57 traffic warnings. Officer Crater and Sergeant Test attended classes during the month, and K9 Officer Carpenter hosted a three-day bite suit class that was well attended. Detective Mills, Officers Phillips, Eisenberger, and Gingrich also attended trainings during the month. School Resource Officer Bull completed a one-week instructor class on how to respond to an active shooter as a single Officer, and a training is planned for the week after school ends along with Stop the Bleeding, CPR, AED, and First Aid trainings. Chief Pollock thanked the Board for sponsoring the trophies for the Pars for Paws golf tournament and Supervisor Conaway for getting a foursome together to play in the tournament.
- B. Hellam Fire Company/Station 21** – Chief Strittmatter provided a written report for March. During March, the department responded to 39 calls of which, 17 were in Hellam Township. In comparison, last year there were 47 calls of which 23 were in Hellam Township. There were two automatic fire alarms reported during the month. They also hosted Hazmat Operations refresher and personnel attended Basic Fire Police, Arson Awareness, Hazmat Operations, and Hazmat Awareness trainings. The spring gun raffle was held in March with a record attendance, and paperwork is being finalized to purchase a new Brush truck from Marco Equipment Sales with the cost just under \$375,000 with a two-year lead time.
- Wrightsville Fire Company/Station 41** – Chief Livelsberger provided a written report for March. The department responded to 55 calls during the month of March, 15 of which were in Hellam Township. Chief Livelsberger feels the meetings with the consultant are going well, the department placed boat 41 in service, they need two sets of classes to meet the requirement for the swift water team, and the Ice Rescue Technician classes were postponed. The Apparatus Committee met to discuss options to refurb/replace the engine. The department is strongly in favor of refurbing as this will save money. The department had four members complete Rope Rescue Technician and soon all rope rescue equipment will need to be replaced, as it has reached its life span.
- C. Ambulance** – During the month of March, there was a total of 46 calls in Hellam Township. There were 41 Advanced Life Support calls, 46 Basic Life Support calls, and six Intermediate Advanced Life Support calls. Dispatch to en-route time was an average of 1.54 minutes.
- D. Emergency Management** – During March EMC Eaton collaborated with the Catholic Harvest Food Pantry to find an appropriate location to distribute food in the area they were designated to support and the Active Shooter Committee held a meeting.
- E. Public Works/Highway** – Roadmaster, Curt Ferree, provided a written report for March. During the month of March, the department continued general maintenance on township buildings as well as non-snow vehicles and equipment, trimmed low tree branches as weather allowed, and finished brush cutting the over growth on the sides of the roadways. They also started prepping, priming, and painting the steel beams and hand rail on the Old Church Lane bridge, ran routes several times to clean storm boxes and debris off roadways, and worked on grading stone roads and adding stone

where necessary. They replaced street signs and sign posts on various roadways, worked on the road side mower for the upcoming mowing season, and fabricated, welded and repaired several items on equipment. The department also removed all snow related items from the trucks and equipment, completed six stormwater inspections, and responded to 47 PA one calls.

Upon a motion by Supervisor Conaway and seconded by Supervisor Trimmer, the Liquid Fuels Bids were approved as presented to the low bidders. York Building Products was awarded the Aggregate bid, York Materials Group was awarded the Paving Material Bid, and Highway Materials was awarded the Paving in Place bid. Motion carried 4 – 0.

- F. **Zoning** – Zoning Officer, Rachel Vega, provided a written report for March. During March, there was a total of 22 permit applications received and 22 permits issued. There were four new complaints with two resolved and five carried over. District 1 is 94% complete for pumping and District 2 is 26% complete. There was also a list of ongoing Zoning and SALDO cases.
- G. **Environmental Advisory Council** – Ms. Phyllis Koster was present and reported that the plantings went well and she met with Mr. Ferree at the Horn Farm to pick a pilot spot as a no mow strip along the road that will be safe. The April 10th meeting agenda was also provided where they discussed tree plantings, the Pollinator Garden at Flinchbaugh's, the Rain Garden at Barshinger Fields, the Pollinator celebration on June 17th, and the strategic plan.

Volunteer Application from Judy Bono to serve on the EAC – This spot would be to replace Kris Tebay. Upon a motion by Supervisor Conaway, seconded by Supervisor Trimmer, the volunteer application from Judy Bono to serve on the EAC, was approved. Motion carried 4 – 0.

- H. **Eastern York Sewer Authority** – Minutes from the Authority's February 27, 2023 meeting were provided. Total expenses for February 2023 were \$109,299.71. Mr. Barry Miller also reported that the pump station on Campbell Road has been completed.
- I. **Eastern York Recreation Authority** – Provided a copy of their April 2023 Director's Report. Ms. Mann asked Director Jess Cirilo to give an update on the playground equipment for Barshinger Fields. Ms. Cirilo stated that they had received the grant for the equipment, have put down a deposit that the County will reimburse them for, and the install should be done mid to late May. Supervisor Trimmer recommended that the Recreation Authority be involved with the Comprehensive Plan.

Communications from Citizens

Mrs. Mann began a discussion on the status of the easement to repair River Drive. Paul Nevin of 6298 River Drive was present to express his reasoning for not signing the easement. He would like to keep as much of his property as possible because he believes in property rights. He does not feel the Township needs a permanent easement. The work in 2017 was done with a temporary easement and does not understand why a permanent easement is needed if the work can be done under a temporary easement. Mr. Nevin would like to keep a 20-foot area for their personal use. Mrs. Mann explained that having the easement does not mean that they cannot use their property it just gives the township to go in and fix the road/culverts. Mr. Nevin asked for the guiderail to be shortened which the Township did, now he is asking for a cut in the guiderail. This will cost an additional \$1,000 for engineering. If he wants to add fill to the 20' area there are several permits he will need to obtain such as a floodplain permit from the Township which would include an H&H study, approval from the Army Corps of Engineers, an approved erosion and sediment control plan from YCCD, a DEP General permit-5 and a DEP Chapter 105 permit. Mr. Nevin stated that if the property goes to eminent domain the Township would have to pay the \$4,000 he spent in attorney fees and it will delay repair even more. Solicitor said there could be some changes made to the language that would satisfy Mr. Nevin and they will have that conversation independently. Mrs. Mann stated that between February 2021 to March 2023 the Township has spent \$32,743.00 on engineering and surveying for this project. At the last site visit Mr. Nevin agreed to sign the easement then two weeks later he changed his mind. All the other affected

property owners have signed their easements. The Township has a loan it has been holding for two years for this project. The deadline to spend the money is quickly approaching. Mr. Nevin denies doing anything to hold up the project. Chairman Trimmer commented that the Township does not have to fix River Drive. It could just be blocked off and would be a dead end. There would still be access to each side of River Drive. It was agreed by the Board that there will be a signed easement within ten days or the Board will pursue other options.

Nathan Kauffman addressed the Board about the Comprehensive Plan. He wanted a status of where the plan is. Mrs. Mann stated that the Township sent out RFPs and received them back. The municipalities interviewed three out of the five consultants that responded. All three municipalities have signed a resolution to participate in a regional comprehensive plan. The grant writer has applied for a map grant and we should know the outcome by the end of May. If the grant is awarded to us, we can start moving forward. If we are not rewarded the grant the Township will have to go back to the Borough's and see if they'd be willing to make a higher financial contribution. The consultant is charging around \$90,000. The Board of Supervisors agreed to pay \$30,000, the grant would cover \$45,000 and each of the Boroughs would contribute \$7,500. The consultant quoted a 12–18-month time frame for writing the comprehensive plan. If more is added to the scope that could take more time. The scope is public record. Mr. Kauffman stated that he would like to be involved with drafting the comprehensive plan. Chairman Trimmer stated that he would like to get moving on some items like the traffic study. Mrs. Otterbein commented that a corridor study needs to be done on Route 462 starting at Springettsbury Township going down to the river. There are several other areas that also need to be studied. This would all be part of the comprehensive plan. Chairman Trimmer stated that he would like a line item added to the agenda providing updates on the comprehensive plan. Mrs. Otterbein added that updates are also sent out on the Engage platform. There are currently 57 people signed up. She also feels that Mr. Kauffman should be on the strategic planning committee. The general public can also provide input on the Engage platform.

Mr. Kauffman asked what constitutes a quorum for the Board of Supervisors. Chairman Trimmer responded that three members need to be present for a quorum. They can attend via Zoom or phone. Mr. Kauffman feels that the Supervisors should be at the meetings in person to represent the people who voted for them.

Planning and Zoning

A. SL-2022-02, Blessings Subdivision, parcels LL-70, 70V, 69D & 51 (waivers only): Matt Swanner and Joseph Stein from Warehouse presented the waiver requests. The purpose of the subdivision plan is to reconfigure the existing parcels for estate planning. The existing six lots will be reconfigured and will result in six lots. A survey was done and the new lots will have pins set. There is no proposed development. The Planning Commission recommended approval of the waiver requests. The Zoning Hearing Board granted a variance for lot sizes greater than 2.5 acres. All lots have street frontage although one flag lot needs to be reconfigured to have a wider pan handle. Granting the waiver requests will significantly reduce the cost for a simple plan to adjust the lot lines.

Phyllis Koster asked what the process would be to develop the properties with houses. A house could be built on the properties under the permitting process. Larger development would have to go through the land development process.

Mr. Kauffman asked if this subdivision would get them closer to selling commercial property. Ms. Vega explained that currently there is one large parcel that is split zoned meaning part of it is zoned Rural Agriculture, Mixed-use 2 and Commercial/Industrial. This subdivision will re-align the lots so that it is no longer split zoned. Each lot will have one zone. Mr. Kauffman stated that the Commercial/Industrial lot will not be available for development since it is currently improved with a farmstead.

Upon a motion by Supervisor Conaway, seconded by Supervisor Otterbein, the Board of Supervisors approved the following waivers:

- §430-10.D – Preliminary Plan
- §430-12.A.1 – Preliminary Plan
- §430-17.A(6) – Existing Features
- §430-17.C(1)(a)[3] – Wetlands
- §430-17.C(1)(b) – Man-made Features
- §430-17.C(1)(a)[6] – Geologic Features
- §430-17.C(1)(a)[1] – Topography
- §430-17.C(1)(a)[8] – Delineation of Woodlands
- §430-17.E – Accompanying Reports
- §430-18.F(3) – DEP Sewer Planning
- §430-30.B – Wetland Studies
- §430-33.C(3)(a)[1-3] – Roadway Curbing and Widening

Motion carried 4-0.

- B. Bentley Farms Security Reduction of \$21,047.40 reduction = \$13,981.00 remaining. Upon a motion by Supervisor Conaway, seconded by Supervisor Otterbein, the Board of Supervisors approved the security reduction. Motion carried 4-0.
- C. Guardian CSC Security Reduction of \$34,144.25 reduction = \$6,600 remaining. Upon a motion by Supervisor Conaway, seconded by Chairman Trimmer, the Board of Supervisors approved the security reduction. Motion carried 4-0.
- D. Delta Packaging Security Release of \$23,530.38 = \$0.00 remaining. Upon a motion by Supervisor Conaway, seconded by Chairman Trimmer, the Board of Supervisors approved the security release. Motion carried 4-0.
- E. White Clover Family Farm, 327 Campbell Road: Due to resident inquiries regarding the uses at White Clover Family Farm an assessment was done by Ms. Vega and compared the uses to Flinchbaugh's Orchard and the Horn Farm which are similar operations. The main concern was the use designation for candle making classes. It was suggested that the use could be a secondary farm occupation. There was a brief discussion regarding the events/weddings/parties held at Flinchbaugh's and if they would classify as an event venue. Solicitor Leber suggested this analysis be conducted internally and done on a case-by-case basis since some of the uses may be grandfathered in. Chairman Trimmer and Supervisor Conaway agreed to holding these conversations internally.
- F. Floodplain Management Procedures for Compliance: After having conversations with Monica Love at Lower Windsor Township, it was discovered that they are currently going through a FEMA audit for the Township's enforcement of the Floodplain Ordinance. Further, Ms. Vega has been attending weekly floodplain training courses which further solidified that FEMA intends to audit all municipalities every ten years. To come into compliance Lower Windsor had to initially photograph each property in the township then conduct periodic inspections to ensure work was being done with a permit and in compliance with the floodplain ordinance. Due to the substantial damage/improvement clause in the ordinance, improvements and repairs have to be documented because once those improvements/repairs reach 50% of the market value of the home the property owner is required to bring the structure into full compliance with the floodplain ordinance. This means in addition to periodic inspections there needs to be a tracking system of improvements on these properties. Failure to enforce the Floodplain Ordinance means Hellam Township may be kicked out of the National Flood Insurance Program (NFIP). This would cause flood insurance rates to increase

drastically and, in some cases, property owners may not be able to get flood insurance at all. There are 409 properties located in the floodplain in Hellam Township. Ms. Vega suggested sending a letter to all the property owners in the floodplain letting them know what is required. Documenting all the properties in the floodplain is a large task and would be difficult for Ms. Vega to do alone. Mrs. Mann stated that she intended to look for an intern to help out with this project.

The Board asked Mr. Peters and Solicitor Leber if they know of any other townships doing this and they do not know of any. Ms. Vega responded that doing this would be pro-active since we will eventually be audited and have none of this documentation that FEMA is requiring from Lower Windsor Township. Supervisor Otterbein stated that she will be attending the PSATS conference next week and she will inquire about this at the conference. The Supervisors agreed to hold off on doing any action until Mr. Peters, Solicitor Leber and Supervisor Otterbein can collect more information.

There was a question from the audience regarding the issue of trespassing if the Township is going on to properties to photograph them. Ms. Vega read §230-10.F from the Floodplain Ordinance which gives the Township Representative/Floodplain Manager the right to enter onto any property at a reasonable hour to enforce the Floodplain Ordinance.

- G. Re-zoning Request Procedures: Based on comments made at the last hearing for a re-zoning request, the procedures for these requests were asked to be looked into. Solicitor Leber felt that the request should first go to the Board to see if they would even consider the idea before going through the whole process. Ms. Vega reached out to the York County Zoning and Building Permit Officials Association members to inquire what procedures they use for individual re-zoning requests. The consensus was that they first go to the Board of Supervisors and if they decide to entertain the idea then it would go to the Planning Commission then to public hearing with the Board of Supervisors. Ms. Mann provided a written procedure as such. Solicitor Leber commented that it is good to have a gate keeper step. Upon a motion by Supervisor Conaway, seconded by Chairman Trimmer, the Board of Supervisors approves this procedure for individual re-zoning requests. Motion carried 4-0.

Planning Commission

- A. Draft minutes from the March 23, 2023 meeting were provided.

Minutes Approval

Upon a motion by Supervisor Otterbein, seconded by Supervisor Conaway, the minutes from the March 16, 2023 meeting were approved. Motion carried 4 – 0.

Financial Reports

- A. Budget Report – March 2023 – Upon a motion by Supervisor Conaway, seconded by Supervisor Trimmer, the March 2023 Budget Report was approved. Motion carried 4 – 0.
- B. Treasurer's Report – March 2023 – Upon a motion by Supervisor Conaway, seconded by Supervisor Trimmer, the March 2023 Treasurer's Report was approved. Motion carried 4 – 0.
- C. Disbursements Lists – April 5th and 20th, 2023 – Upon a motion by Supervisor Conaway, seconded by Supervisor Trimmer, the April 5th and 20th, 2023 disbursement lists, were approved. Motion carried 4 – 0.

Manager & Solicitor Reports

Township Manager, Corina Mann:

- None

Solicitor, Brad Leber:

- None

Communications from Supervisors

Supervisor Otterbein provided a copy of an article she wrote for the LGAC and asked the Board members to read and approve. Upon a motion by Supervisor Conaway, seconded by Supervisor Trimmer, the article for LGAC, was approved. Motion carried 4 – 0.

Old Business

None

New Business

- A. Letter of Support request from Lancaster Conservancy for grant application – Upon a motion by Supervisor Trimmer, seconded by Supervisor Conaway, the Letter of Support request from Lancaster Conservancy for grant application, was approved. Motion carried 4 – 0.
- B. The next Board of Supervisors meeting will be held May 18, 2023, at 6:00 p.m.

Chairman Trimmer adjourned the meeting at 7:44 p.m.

Respectfully submitted,

Corina L. Mann
Secretary