

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JANUARY 8, 2015
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, January 8, 2015 at 7 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Julie Landis,
Bill Schenck
Kathleen Phan

ALSO IN

ATTENDANCE: Kristen L. Denne, Township Manager
Christopher King, Acting Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Jack Hadge, Finance Director
Patricia Lang, Director of Community Development
Mark Hodgkinson, Director of Wastewater Treatment Plant
Chief Thomas Hyers, Police Department
Lt. Todd King, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Mark Swomley called the meeting to order. He led the Pledge of Allegiance. He welcomed Christopher King, who is substituting for Solicitor Charlie Rausch. He is also the Solicitor for the Planning Commission.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley announced that no Executive Sessions had been held since the last meeting, and none had been scheduled for this date.

3. COMMUNICATION FROM CITIZENS

TROTT David Trott, 3360 Druck Valley Road, spoke of an item on the Consent Agenda, which referred to a request for enrollment in a Doctoral course for Manager Denne. He noted that Ms. Denne's contract had indicated, with prior approval of the board, she would be reimbursed for tuition expenses. He commented that

during the budget sessions many cuts had been implemented. He suggested that she lead by example and pay for her class personally.

HELLER Jane Heller, Idylwyld Drive commented on the township's snow plowing on Idylwyld Drive and the fact that they had plowed snow across the end of her driveway. She recently had heart surgery and was having difficulty removing the snow. She had called Jim Crooks, who offered to review the matter. She indicated she had no further response from the township.

PHAN Ms. Phan suggested that she contact the York Area Office of Aging to request some shoveling assistance.

DENNE Ms. Denne stated that Mr. Crooks had gone to Idylwyld and reviewed the problem. She, as well, had driven to the street and had not seen any blockage. She had advised Mrs. Heller about the Area Office of Aging assistance as well.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchar Horn, Inc.

CRABILL Mr. Crabill had submitted a written report. He noted that the contractor for the I-83, Exit 18 Project is on site. The pipe had been made and they will be staking it out January 9th. As of this date they are 155 days into a 240-day contract.

SWOMLEY Chairman Swomley noted that PennDOT had contributed to some of the delay.

CRABILL Mr. Crabill noted that PennDOT had intended to document the timing change and he requested something in writing from their legal staff.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had submitted a written report as well. He had one update with regard to Fineview Drive. Inlets will be staked in order to give Columbia Gas the location of inlets so that their service lines can be relocated. Columbia Gas plans to begin reconstruction of its gas line within a few weeks.

- A. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – November 18, 2014
- B. Board of Supervisors Budget Work Session Minutes – October 22, 2014
- C. Board of Supervisors Budget Work Session Minutes – October 27, 2014
- D. Silvertip, Inc. – Springettsbury Fire Building Project – Application for Payment No. 13 in an amount not to exceed \$17,861.81 (FINAL Payment)
- E. Regular Payables as Detailed in the Payable Listing of January 8, 2015
- F. LD-05-18 – Reapproval – Market Street Commons Add On Lots
- G. Request for Enrollment in Doctoral Course

- H. Market Street Commons Outstanding Escrows
- I. Courtyard by Marriott Outstanding Escrows
- J. York County Rail Trail Outstanding Escrows
- K. St. Joseph Church Outstanding Escrows

SCHENCK Mr. Schenck commented, prior to making a motion to approve Consent Agenda items, with regard to the escrow items H through K the intent is that they are to be paid.

DENNE Ms. Denne responded that he was correct. The escrows that are open currently with First Capital Engineering will be paid by the township. The township will then have to recover the costs from the developers.

SWOMLEY Chairman Swomley added for clarity that through the MPC and the SALDO the engineer does not work for the developers but works for the township. The township has the relationship with the developers and needs to collect money from the developers. He had requested the items be placed on the Consent Agenda to fulfill the township's obligation for invoices that had not been paid for some time.

HADGE Mr. Hadge had reviewed the matter further and had provided some documentation from the Springettsbury Code as well as the MPC Code. The Finance Department followed the Springettsbury Code.

SWOMLEY Chairman Swomley noted concern that the SALDO is in direct conflict with the MPC. A lengthy discussion took place which is summarized:

- MPC – Applicant shall reimburse municipality for expenses incurred with inspection improvements. Municipality shall provide itemized bill to applicant.
- SALDO – Applicant contributes money for professional fees into an escrow account. Municipality receives invoice from professional engineers and payment is to be made from the escrow account. Municipality notifies developer of fee amounts taken from escrow.
- ESCROW – If funds in the escrow account are depleted, applicant is directed to refresh the account in an amount equal to initial amount required. Accounts are monitored; developers are notified.
- Developers in some cases have refused, appealed the amount or just don't have the money.
- Township's last step for recovering funds is in recording the plan; or ultimately taking the property.

- A Stop Work Order means the township, as well as applicant, stops work, and no inspections are done. Applicant takes on all financial obligations and liability if work continues. The Stop Work Order could be enforced by a York County Sheriff.
- Springettsbury Code wording to be clarified.

MR. SCHENCK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH K AS LISTED ON THE AGENDA.

LANDIS Ms. Landis asked for clarification as to whether the outstanding escrows are to be paid.

SCHENCK Mr. Schenck responded that was why he initiated the discussion to make sure everyone on the board understood that it meant the escrows would be paid.

SWOMLEY Chairman Swomley stated that for items H, I, J and K, the township will be paying the Township Engineer for the amounts owed regardless of the escrow situation.

MOTION CARRIED 4/1. MESSRS. SCHENCK, DVORYAK, SWOMLEY AND MS. PHAN VOTED IN FAVOR. MS. LANDIS VOTED OPPOSED.

LANDIS Ms. Landis commented that it would not be very much to put additional teeth into the Springettsbury Code and to couple it with other enforcement documents. She asked Ms. Denne who is responsible for handling the escrow accounts.

DENNE Ms. Denne responded that it is administered through the Finance Department. However, the Community and Economic Development oversees the reconciliation and working with developers for payment. She noted that she would work with the Solicitor to define amendments in the Code; however, the MPC will be the guide as it has the items defined and established.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis requested paper copies of the payables listings and the MUNIS report. She requested that the reorganization meeting recording be placed on the website. She questioned the current staffing in the Community Development Department.

DENNE Ms. Denne responded that she would provide an update in Executive Session as it related to personnel.

LANDIS Ms. Landis asked how many people currently are in Community Development.

DENNE Ms. Denne responded that there are four. As far as the rest of the services, such as inspections, they are handled by a third party. There are several agencies used for inspections depending upon availability.

LANG Ms. Lang stated that there is a primary service used for Commonwealth Code Inspectors. There are two additional agencies that are contracted which fill in when other agencies are booked.

PHAN Ms. Phan thanked everyone for visits, gifts and prayers during her surgery and the passing of her brother.

9. SOLICITOR'S REPORT

KING Acting Solicitor Christopher King stated that Solicitor Rausch had submitted his written report. He had no updates. He offered to respond to questions. There were none.

10. MANAGER'S REPORT

DENNE Ms. Denne reported that she had enrolled in the upcoming Police Academy. She noted that there were a few open seats left. The class runs for 10 weeks on Tuesday evenings at 6:30 p.m. Ms. Denne requested a Workshop date with the Board of Supervisors to create Strategic Goals for 2015. Internally the department heads are developing Strategic Goals as well. Ms. Denne reported that a Public Hearing is scheduled for a Liquor License Transfer on January 22, 2015 at 6:45 p.m. prior to the Regular Meeting.

DVORYAK Mr. Dvoryak questioned whether any action needed to be taken as far as the Auditor General's report she had circulated to the board.

DENNE Ms. Denne responded that she will be taking action prior to the next Board of Supervisors meeting. She noted the next Pension Meeting will be held in February.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2015-24 – Ratifying an Agreement with North Central Highway Safety Network to Participate in the Buckle Up PA Project

MR. SCHENCK MOVED FOR THE APPROVAL OF RESOLUTION 2015-24. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. York County Rail Trail Inspection Fees

SWOMLEY Chairman Swomley brought forward the subject of the York County Rail Trail. He noted that there had been some discussion surrounding a spreadsheet compiled by the Rail Trail that listed various municipalities where the Trail travels. The report singles out Springettsbury as requiring higher fees than any of the others and noted that Springettsbury is the only municipality requiring a Land Development Plan. He reported that he had two Land Development Plans signed and recorded from other municipalities that are listed on the spreadsheet as not requiring land development planning. It suggests that the spreadsheet was compiled only for the Rail Trail. He hoped that Springettsbury and the Rail Trail boards could come to an agreement as he thought the Rail Trail was a good thing for Springettsbury and for York County. He took exception to the township's position with the Rail Trail. He noted that the Rail Trail Authority was scheduled to meet on Monday evening, January 12th.

DENNE Ms. Denne stated that she met with Commissioner Chronister to attempt to clear the air, which was the source of the spreadsheet. There is some dialogue going on with the County. She noted she was more than willing to have an additional discussion with the County.

SWOMLEY Chairman Swomley wondered whether it would be worthwhile having some members of the board attend the next Rail Trail meeting with an attempt to have some dialogue. He commented that the township is in a somewhat unique situation due to the fact of having a large force main sewer system running underneath the portion of Rail Trail running through Springettsbury. There is a potential for extreme and very high-cost problems when digging and working with heavy equipment on top of the force main sewage system. Inspections are necessary that other townships don't have to do. He noted that the Rail Trail owes approximately \$37,000 including inspection fees of \$15,000. He questioned whether there would be something that could be extended to the Rail Trail Authority contingent upon their making good on the money owed for fairly extensive work that had to be done to protect the infrastructure and the citizens.

A lengthy discussion took place which is summarized:

- To find a solution it is necessary for both sides to sit down and talk.

- The Springettsbury trail is approximately three miles; two and a half is above the sewer force main. No one seems to know the amount of re-design, work and plan review that had to go on because of the situation.
- A sewer main nick could cost upwards of \$50,000 in repair.
- Springettsbury made a rather large “in kind” contribution with the land given.
- Every set of Rail Trail minutes the Rail Trail Authority approves inspection fees.
- A potential offer could give a token amount/deduction off as a contribution, but the money is owed. The goal is to come to a compromise.
- The Army Corps of Engineers forced them to move a significant portion of the trail as it was in a floodway.
- There is a need for education in several areas. Their engineer should have been aware of the issues. He is normally on top of everything.

SWOMLEY Chairman Swomley noted that he will go to the Rail Trail meeting.

PHAN Ms. Phan indicated she would go as well.

- Things needed in preparation for the meeting: value of the Springettsbury land gift; value of other acquisitions, condemnation documents.
- An Agreement is in place created by Solicitor Rausch that covered right-of-way giving the township the right to dig up the Rail Trail if a sewer emergency arose. Agreement to be emailed to Supervisors.
- Several factors may have created the discord between the Rail Trail and Springettsbury. One is due to the fact that Springettsbury could not fulfill their request to give approximately \$50,000 outright to the Rail Trail project. Secondly, they believe that out of 19 municipalities Springettsbury is the only one charging fees.
- A Stop Work Order is not going to be issued; not desirable.
- The Engineer will be paid for his work, and the township will work to recover the costs.
- Work to be sure this type of thing doesn’t happen again.
- Springettsbury was trying to work in good faith with the County in not making them replenish their escrow. The escrow was set at \$1,000.
- Rail Trail goes through York City but is 100 to 200 feet away from the banks of the Codorus and the rail line.

13. NEW BUSINESS

A. Escrow Accounts for Engineering

SWOMLEY Chairman Swomley requested Ms. Lang to provide an update of her investigation and review of an overhaul of Escrow Accounts.

LANG Ms. Lang reported that she had been following the procedure. She noted that the process does not result in developers replenishing their Escrow Accounts. A lengthy discussion took place, which is summarized:

- There are a handful of Escrow Accounts that are in arrears.
- There is a good system in place for checking balances as the accounts go below a certain amount and need to be replenished.
- Each account that falls into arrears has a reason for being there, which is sometimes unexplainable.
- Developers may not respond to the township's efforts asking for payment to the escrow.
- Fee Schedule would be one place to make a change with regard to permit inspections especially for Storm Water Management Reviews and Storm Water Management Permits, and plans that are not associated with subdivision and land development plans.
- Currently the Fee Schedule calls for a 10% payment of cost plus 10% in reviewing the permit. Once the permit is issued, and inspections are needed, the escrow account has been depleted.
- When developers are doing a cost estimate, they are being advised that the costs not only include the cost of the plan, but also the cost of inspections.
- Total costs and fees are difficult to estimate in advance. Language in the MPC and SALDO describes a detailed description of fees.
- Developers receive invoices directly from First Capital; recently changed to outline specifically what has been done. Developers are advised an escrow amount to deposit.
- Costs of inspections and plan reviews are based on number of acres of the project. This should be changed to be based on the square footage, impervious and other criteria of plan.

SWOMLEY Chairman Swomley requested Ms. Lang to prepare an assessment report for the next meeting with her recommendations for changes. In addition, he brought forward the subject of how the Escrow Accounts are managed, either through the Finance Department or the Community Development Department. He requested that she and Mr. Hadge would work on a recommendation to consolidate the oversight.

LANG Ms. Lang responded that the current procedure is somewhat complex due to having both departments working in the system. There are times when the

Community Development office invoices are a month behind, and the Finance Department's numbers are different.

SWOMLEY Chairman Swomley noted that everyone should be using the same financial system. He asked that the recommendations be placed on one of the next three meeting agendas.

LANG Ms. Lang noted that the Fee Schedule changes should be an agenda item in February. She will focus on having the review and recommended changes so that the Fee Schedule would reflect the decisions.

PHAN Ms. Phan asked whether her software provides alerts and whether she is monitoring the accounts when they get low.

LANG Ms. Lang responded that the calculations are done by hand. She had just taken over the processing and to her knowledge no part of it is automated. She did not have much involvement in MUNIS.

PHAN Ms. Phan stated that it really needed to be documented and handled electronically. The MUNIS software is capable of providing accurate reports.

LANDIS Ms. Landis commented that the fact that some escrow accounts were dangerously low, but she had not been advised as a Supervisor. She hoped that Ms. Lang would be trained and begin using the MUNIS and be able to provide the board with up-to-date information.

DENNE Ms. Denne added that MUNIS is heavily under-utilize within the township. The first step she had made in 2015 is to require all purchase orders and requisitions to be run electronically through MUNIS which will include every department in the entire system. One of her 2015 goals is to have someone in each department that is proficient in the use of MUNIS for reporting purposes.

PHAN Ms. Phan added that the ability to see more reports was what the board had requested. That will enable the board to review variances and expected payments, etc.

SWOMLEY Chairman Swomley noted that most of the board members are familiar in their businesses with much tighter accounting practices.

Novus versus Paper Maps

DENNE Ms. Denne asked for clarification concerning year-to-date reports, payables and maps for Planning Commission. She asked if the board still wanted those in paper form.

Consensus of the board was to receive paper copy of plans by USPS one week in advance of the board meeting.

LANDIS Ms. Landis noted that she had not received any of the LGAC minutes and would like to continue receiving them. She noted that Ms. Bowders had been providing them.

BOWDERS Ms. Bowders responded that she would request the LGAC minutes.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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