

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JULY 24, 2014
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, July 24, 2014 at 7 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

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

ALSO IN

ATTENDANCE: Charles Rausch, Solicitor
Dori Bowders, Interim Administrator
Betty Speicher, Director of Human Resources
Dennis Crabill, Environmental Engineer
John Luciani, Civil Engineer
Patricia Lang, Community Development Director
Robert McCoy, Chief, YAUFRR
Mark Hodgkinson, Director of Wastewater Treatment Plant
Jack Hadge, Finance Director
Lt. Todd King, Police Department
David Wendel, Director of Parks and Recreation
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

DVORYAK Chairman Dvoryak called the meeting to order. He asked Mr. Schenck to offer a few comments about a loss that the community recently suffered.

SCHENCK Mr. Schenck reported that a former Township Supervisor, Al Spinner, had passed away. He had been a Supervisor for 24 years and Chairman for 15 years. He had been instrumental in the Creative Playground process, had served on the Sewer Authority, as well as the York County Industrial Development Authority. Mr. Schenck wanted to be sure to recognize his passing and his service to the township.

DVORYAK Chairman Dvoryak asked that the public observe a moment of silence following which he led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

- A. July 24, 2014 – Personnel (immediately following this evening’s meeting)
- B. July 29, 2014 – 6:00 p.m. – Collective Bargaining

DVORYAK Chairman Dvoryak announced that an Executive Session will be held immediately following adjournment of the meeting this date to discuss a personnel matter. On July 29th an Executive Session will be held at 6:00 p.m. regarding Collective Bargaining.

3. COMMUNICATION FROM CITIZENS

HARVEY Michael Harvey, 415 Sky View Drive brought forward the item for which he had appeared during the June 26th meeting concerning his escrow account and invoices received for engineering services. He reviewed the timeline of events.

Mr. Harvey asked whether the board had set any procedures in place to insure this same scenario doesn’t happen again. He commented that the township does not treat its customers very well. He has followed all the rules and regulations. He suggested an audit of all the accounts and requested that the board reimburse him for the expense of his attorney’s fees.

Mr. Harvey added that he had an opportunity to have a candid conversation with Mr. Luciani and both have a better understanding of his projects as a small time developer. He appreciated Mr. Luciani stopping by to see him. However, he suggested that it is important to change the culture of the township.

DVORYAK Chairman Dvoryak thanked Mr. Harvey. He mentioned that on the Agenda this date, the board will be updated and briefed on the escrow process for the township.

MORIN Pat Morin, 210 Haines Road, provided documentation concerning inconsistencies in fencing between her neighbor’s and her property. Her question to the township was why the ordinances in place are not enforced consistently for all residents. As a licensed realtor she has to abide by a Code of Ethics, legal documentation for her clients and the Commonwealth of Pennsylvania. If she does not, there are consequences. She did not see any consequences in upholding the township ordinances for her neighbor who installed his fence higher than the allowable height.

DVORYAK Chairman Dvoryak noted that she had provided a lot of information, and the board would not have any answers for her until an investigation is done.

MORIN Ms. Morin asked if someone would then be in contact with her.

PHAN Ms. Phan suggested she provide her telephone number to her.

MORIN Ms. Morin thanked the board.

CRUMLING Larry Crumling, 108 Lorenzo Court, questioned some information concerning the Firehouse Project. His understanding was that Buchart Horn had estimated the cost of the project in February of 2012 to be \$4.4 million. An article recently had appeared in a local newspaper stating that the cost of the Firehouse Project was \$4.9 million. Mr. Crumling recalled Mr. Holman reporting that the project, during the construction phase, was either on budget or under budget. He asked for an explanation of the half million dollar difference.

DVORYAK Chairman Dvoryak responded that he did not have all the numbers with him; however, it is important to realize that the Volunteer Fire Company provided a large amount of money for the project. In addition, total construction cost will be one figure; a lower amount will be for the cost to Springettsbury Township. He was not sure if that was the difference to which he referred but it should be taken into account.

CRUMLING Mr. Crumling understood and had not taken that into consideration. He brought forward an additional subject concerning the Teamsters. He understood there had been a contract meeting held within the past few weeks.

DVORYAK Chairman Dvoryak responded that there no meeting had been held.

CRUMLING Mr. Crumling indicated that his concern was the amount of money being spent on bringing Mr. Harvey in from Philadelphia to offer severance packages to the EMT's. Nothing had been accomplished.

DVORYAK Chairman Dvoryak thanked him for his comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill stated that he had provided a written report and had no additions. He offered to respond to questions.

DVORYAK Chairman Dvoryak questioned who would be responsible for paying for the fix with regard to the incident with the interceptor.

CRABILL Mr. Crabill responded that it had not been determined at this point; however, Mr. Hodgkinson may have additional information.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a written report. He reported several updates:

- Wallingford residential development – Public Works is in the midst of reviewing the roadwork, which is expected to be completed within the next few months. The developer has requested that the roads be adopted by the township.
- Market and Mt. Zion Road development – Met with PennDOT and the developers to discuss a potential use which will be very difficult to get full traffic movements in that area.
- Orchard Hills, item 11B on the Agenda is up for road adoption. Within Orchard Hills is a residential park which is not going to be adopted this date. First, some remedial work will be done there.
- Alpine Road – A competitive bid was received which was below the estimate. They know the contractor, and the item is on the Agenda, item 6D, for approval.

DVORYAK Chairman Dvoryak noted that he had read the comments on Sheridan Manor. He asked at what point in time does the township state that the developer has not met the requirements and call in the Bond.

LUCIANI Mr. Luciani responded that the board could do so at any time. He reported that the land manager for S&A Homes met with the township, and they want to update the project. They are getting ready to do stormwater as-builts. This is a situation where bonding is important, as the developer made some investments that had been very costly. They have had to pull money from cash to build the roads, to plow the streets during the winter, etc. It is important to them to get the roads adopted by the township and be in A1 condition. It is important also to the taxpayers that the roadways be maintained.

LANDIS Ms. Landis brought up the question concerning bonding that had been mentioned by Michael Harvey during Citizen Comments. She questioned the chain of events that had taken place from the time Mr. Harvey received the July 17th letter indicating that the township could not bill him for the review of bonding.

LUCIANI Mr. Luciani responded that part of Ms. Lang's tasks in Community Development is a review of the bonding certificates. Some bonds expire automatically, and if a developer does not renew their bonding, the township has no way to guarantee improvements such as building a sewer, sidewalk and/or road improvements. Costs continue to escalate. One of the things Ms. Lang began in March was to review a list of 20 to 30 projects, request current values for their bonding with

First Capital. He stated that there should be an annual review of bonding, which had not been done in recent years. Mr. Luciani stated that he realized Mr. Harvey is not building a 500-lot development; however, each developer is looked at in the same way as far as the bonding is concerned.

LANDIS Ms. Landis thanked Mr. Luciani for taking the time to stop by Mr. Harvey's location and discussing the situation. She noted that it is important to change the culture in the township with respect to how the customer is treated. She also encouraged Ms. Lang to continue to review the bonding of the customers.

Ms. Landis questioned the hotel proposed at Route 30 and North Hills Road. She had looked at the document provided by Mr. Luciani. She asked if LCBC is planning to leave that area.

LUCIANI Mr. Luciani responded that the document had been received was very preliminary. It had been explained that both the church, non-profit, and the hotel made an offer on the parcel of ground at the same time. The church wanted it for parking, and the hotel agreed to build surplus parking for the church. It will, however, be a stand-alone hotel and will be a taxing property.

LANDIS Ms. Landis expressed her concern, once again, for traffic not only on Sunday, but with a hotel there will be traffic concerns seven days a week.

LUCIANI Mr. Luciani stated that a traffic study will be done, and he will share that with the board. The same traffic consultant that did the LCBC work will revisit some of the same issues on North Hills Road. There are a number of things that will need to be done.

LANDIS Ms. Landis thanked him.

PHAN Ms. Phan noted that there are police officers directing traffic at that location. She asked who the officers are who provide that service and what kind of liability issues does the township have.

LUCIANI Mr. Luciani responded that they are privately hired individuals. The State Motor Vehicle Code has a provision that permits a State Certified Constable to direct traffic on a state road. Some of the Constables belong to LCBC.

PHAN Ms. Phan reported that a resident had contacted her with regard to the Shawan Road situation. She noted that there is activity moving forward with that property. She understood that one of the properties is bank owned.

LUCIANI Mr. Luciani reported that an investor had come forward who is willing to do some improvements there, which will involve a 35-foot storm easement on which there

are fences and sheds to be removed. They will attempt to re-establish the channel. The investor is willing to do some improvements to satisfy the people downstream.

PHAN Ms. Phan added that she had redirected the resident about his issues with Kinsley, sent him emails and links to where to call with his questions.

LUCIANI Mr. Luciani noted that it is important to make sure that there would be no impact to the people who are off the stream. He offered to discuss it further with her.

PHAN Ms. Phan thanked him for his information.

SWOMLEY Mr. Swomley questioned the development of condominiums on Royal Street and Eastern Boulevard.

LUCIANI Mr. Luciani responded that originally a storm-water plan had been submitted for two duplexes, four units. They want to cut their driveways out on to Eastern Boulevard, but that requires a land development in the township. Mr. Luciani had discussed this with the developer.

LANG Ms. Lang noted that there had been an update since Mr. Luciani's report was submitted. The developer is moving the access to Royal Street and as a result no land development will be necessary.

SWOMLEY Mr. Swomley noted he wanted to be sure that there would be full opportunity to protect the township.

5. CONSENT AGENDA

- A. Acknowledge Receipt of June 30, 2014 Treasurer's Report
- B. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – June 17, 2014
- C. Board of Supervisors Work Session Minutes – June 5, 2014
- D. Lobar, Inc. – Springettsbury Fire Building Project – Application for Payment No. 10 in an amount not to exceed \$240,426.89
- E. Shannon A. Smith, Inc. – Springettsbury Fire Building Project – Application for Payment No. 10 in an amount not to exceed \$69,051.94
- F. Silvertip, Inc. – Springettsbury Fire Building Project – Application for Payment No. 11 in an amount not to exceed \$8,635.50
- G. Garden Spot Mechanical – Springettsbury Fire Building Project – Application for Payment No. 7 in an amount not to exceed \$50,242.50
- H. Regular Payables as Detailed in the Payable Listing of July 24, 2014

**MS. LANDIS MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH H.
MOTION UNANIMOUSLY CARRIED.**

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Enter into Cops in School Agreement with Central York School District for 2014-15 School Year – Charlie Rausch

**MR. SWOMLEY MOVED TO AUTHORIZE THE COPS IN SCHOOL AGREEMENT.
MOTION UNANIMOUSLY CARRIED.**

- B. Authorization to Enter into Reimbursement Agreement between Spring Garden and Springettsbury Township for Sewer Relocation (PennDOT I-83 Exit 19 Project) – Charlie Rausch

**MR. SWOMLEY MOVED TO AUTHORIZE ADVERTISEMENT FOR INTER-
GOVERNMENTAL COOPERATION. MOTION UNANIMOUSLY CARRIED.**

- C. Authorization to Award Bid for I-83 Exit 18 Sanitary Sewer Realignment Project to Marona Construction Company in an amount not to exceed \$4,272,396 – Mark Hodgkinson/Dennis Crabill

MR. SWOMLEY MOVED TO AWARD BID. MOTION UNANIMOUSLY CARRIED.

- D. Authorization to Award Bid for Alpine Road Culvert Replacement to D. H. Funk & Sons, LLC in an amount not to exceed \$76,130 – John Luciani/Mark Hodgkinson

**MR. SWOMLEY MOVED TO AUTHORIZE AWARD FOR BID TO D. H. FUNK AND
SONS. MOTION UNANIMOUSLY CARRIED.**

- E. Authorization to Approve “No Cost” Time Extension Request for Substantial Completion to July 31, 2014 – Springettsbury Township Fire Building Project – Mark Hodgkinson

**MS. PHAN MOVED TO AUTHORIZE AND APPROVE THE NO COST TIME
EXTENSION. MOTION UNANIMOUSLY CARRIED.**

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. LD-08-14R – Towneplace Suites by Marriott Revised – Request to Modify Recorded Land Development Plan to Remove Pedestrian Bridge – 8/1/14

This item was tabled until the August 28th meeting.

- B. LD-13-03 – First Capital Federal Credit Union – 8/28/14 (Action)

LANG

Patricia Lang presented the project located at Northern Way and Eastern Boulevard, which had been documented in the briefing memorandum provided to the board. It involved construction of a 3,680 square foot branch of the credit union, three drive-through lanes and a walk up ATM. She gave a PowerPoint review showing an aerial view; proposed site plan; site elevations; the town center overlay; along with the four waivers and several conditions approved by the Planning Commission. A summarized discussion follows:

- Project is in the Town Center Overlay District requiring a portion of building to be transparent.
- Developers Agreement in place for traffic improvements at intersection plus contribute \$5,000; additional \$5,000 in place from Weaver Eye project.
- Township will be required to provided ADA upgrades, emergency pre-emption, cameras, battery backup due to having revised signal plan improvements at the intersection.
- Signal improvements qualify for Liquid Fuels funding.
- Question related to required and very costly traffic signal improvements placed on the township; consistency with each developer and justification for contemplated warrants. Township has legal basis to require additional monies from developers.
- Credit Union project will not have any more traffic than what had been there with the IRS building.
- Landscape and buffering waived by Planning Commission. Town Center Overlay requires moving building closer to street for aesthetic value; minimizes space for planting as well as easement issues with utility lines.

MR. SWOMLEY MOVED TO APPROVE LD 13-03 FIRST CAPITAL FEDERAL CREDIT UNION WITH THE LISTED WAIVERS AND OUTSTANDING ISSUES AND CONDITIONS. MOTION UNANIMOUSLY CARRIED.

C. Friends of Camp Security Preservation Site Archaeological Dig – Trisha Lang

LANG

Patricia Lang showed a PowerPoint view of the archaeological dig site. The Board of Supervisors had endorsed and approved the project. A summarized discussion follows:

- Preparation of the site will begin in August; dig will begin in September for five weeks.
- Additional needs for consideration: Mulch parking area, signage approval, trespass warnings, tents, electrical connections; port-a-potty; storage container with lock.

- Current Park and Recreation Regulations may be in violation; need board's consideration.
- Media coverage – Friends of Camp Security oversight; moving forward with invitations for community involvement, etc.
- Dig site to be returned to pristine condition upon conclusion of the project; all site work will be policed by the archeologists.
- Volunteer registration includes over 70 individuals; could be as many as 20 each day.
- Township to provide compacted mulch parking area; possible rock as well; consideration for sight distance.
- Ordinance for violation of removing artifacts already in place in park regulations. Solicitor Rausch will review.
- Agreement to be created with an indemnity to eliminate township liability.

D. Update: Escrows Process – Trisha Lang

LANG

Patricia Lang provided a report on the Escrow Process. She stated that there is no written policy but procedures that had been followed for many years. The procedures involved how invoices were processed and how notation was provided to the developer. The procedures were based on conditions in the Municipal Planning Code and a set of regulations in the Subdivision and Land Development Ordinance that applies how the escrow is established, identifies who is to pay professional fees that are associated with the project and defines when the developer is responsible to replenish the escrow account. A summarized discussion follows:

- Staff met and discussed policy and implementing additional procedures.
- Solicitor Rausch, Mr. Luciani, Ms. Bowders and Ms. Lang met to discuss issues and changes.
- Changes include providing a more robust policy; providing an appropriate amount of detail with all invoices and notification to Ms. Lang when inspections will be done.
- New Township Manager will be included in discussion surrounding a new policy to begin on January 1, 2015.
- Auditing of escrows; amount of escrow not readily available; accounting statements not recently provided.
- Finance Department should be involved in order to provide a rapid accounting of funds; would be included in an audit function.

- Developer would be notified when invoice is received and provided with a balance of the escrow account, especially if it drops below a certain requirement level.
- Escrows should go through same process as other township bills with a report to go through the board, providing another level of oversight.
- An option to have a set amount in escrow as a protection; send bill to developer and have them pay that bill so that the township is not drawing down the escrow – item for further discussion.

DVORYAK Chairman Dvoryak mentioned Mr. Harvey who had made comments earlier. He noted some compassion that he hired an attorney needlessly. Chairman Dvoryak would like to hear the other side of the story as to why he should not be reimbursed, what happened and have all the facts.

SWOMLEY Mr. Swomley commented that he may have come to the same outcome without an attorney.

LANDIS Ms. Landis stated that he had spent a lot of time from the May 5th date until he finally received a letter from the township indicating he could not be billed for the bonding review. He did not mention how much the attorney fee was, and she agreed with Chairman Dvoryak.

LANG Ms. Lang clarified that she had spoken with Mr. Harvey well in advance of July 17th; he received it in writing on July 17th and received the funds back into his account at that time making him whole.

PHAN Ms. Phan noted that there was communication with the resident, which was the most important item, and perhaps the board could get a timeline of what happened in order to do a further review.

Consensus of the board was to review the timeline of events in order to determine refunding attorney fees to Mr. Harvey.

E. Market Street Commons Add On Lots

LANG Ms. Lang brought forward an item needing approval with regard to the Market Street Commons Add On Lots on the west side of Commons Drive. There was a Subdivision Plan and a Land Development Plan that were processed concurrently. The Subdivision Plan was recorded. The development of the lots on that side of the street, each had their own Land Development Plan and so the fact that the Land Development Plan that is called Market Street Commons Add On Lots was never recorded had not been a big issue up until now. Mr. Pasch is interested in selling the lots at the top of Commons Drive

and Eastern Boulevard. There were 30 townhouses approved on that lot. Those are showing on the Land Development Plan. Mr. Pasch has a buyer for that property who is interested in getting started fairly quickly but cannot do so because the Plan has never been recorded. There had been discussions toward getting that resolved and about the access to Lot #8. Mr. Pasch intended to make changes and had held the Mylar. He had no idea the plan had never been recorded. What is needed of the board this date is to re-approve the plan simply because the 90 days had passed. She noted the following:

- The same set of conditions exist; however, most of the conditions had been addressed.
- One item remains of the posted surety for the property; to be handled by new developer.
- Plan signatures are needed, plan to be recorded and surety in place followed by transfer of ownership of the property.

RAUSCH Solicitor Rausch added one change in that when the plan originally was approved, the lot where the new fire station was built was intended to be storage units; those were shown on the Land Development Plan. That had been removed with a note because the new fire station Land Development Plan intervened. A new note is needed to indicate a referral to the fire station Land Development Plan. It is a technicality, but would be a clarification.

SCHENCK Mr. Schenck stated for 100 percent assurance that nothing was different from what was originally approved other than the Solicitor's note about the fire house.

MR. SCHENCK MOVED TO RE-APPROVE LAND DEVELOPMENT 05-18. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis stated that Saturday in the Park was a great success. Every venue including the bands and the fireworks were great including the weather. She thanked all the volunteers who helped.

Ms. Landis followed up on the discussion regarding the Consulting Fee Agreement for Mr. Holman. There had been discussion at the last meeting that Chairman Dvoryak would give a one-month time frame and he would revisit his thought process with respect to paying Mr. Holman \$1,000 a month for his consulting fee. Ms. Landis noted that she had not received anything as a Supervisor with respect to a summary or outline of Mr. Holman's activity or

communications with the township. She asked for an update. A summary of the discussion follows:

- Mr. Holman will dial in to the Executive Session the last week of July with regard to Collective Bargaining.
- There was never to be any accounting of Mr. Holman's consulting activities; nor any direction or expectation of same.
- Taxpayers would not approve paying an individual \$1,000 a month and not receiving a summary or accounting.
- Mr. Holman's input on a conference call regarding EMS and Collective Bargaining will bring nothing more than what had been stated in previous years.
- Lawsuits can continue for several years; Mr. Holman will be consulting for only six months.
- Ms. Bowders had telephoned Mr. Holman on several issues for which she would not have been able to move forward without his input.
- The Consulting Agreement could be referred to as an insurance policy.
- Mr. Holman had been invaluable in putting a letter together to the Rail Trail Authority with respect to the amount of in-kind items done in their behalf.

SCHENCK

Mr. Schenck brought forward a follow up with regard to PSATS' position regarding the contract for Mr. Holman. He had been rather critical of their position and wanted to get clarification. Following discussion points are summarized:

- He had telephoned PSATS and spoke with their General Counsel, Scott Coburn.
- He advised Mr. Coburn of the references made with regard to PSATS position on Mr. Holman's Consulting Agreement.
- Specific references were: PSATS legal counsel could not understand at all why the Agreement was being done. Ms. Landis had read the agreement to them and asked about liability.
- A letter to the editor and an online response was posted that stated that PSATS Counsel informed her that this is not a statewide practice.
- Mr. Schenck quoted from a document written by PSATS General Counsel, Scott Coburn: "I have not had any communications with anyone from Springettsbury Township regarding this matter."

- PSATS has eight staffers who take calls, and depending on which person answered the phone they could say no, they aren't aware of any, which could be an accurate statement.
- Mr. Coburn's concern was that the reference was made to PSAT's Counsel having been contacted and provided information. He stated, "There is only one General Counsel, and it is me" and that he had never talked to anybody about Springettsbury.
- Mr. Schenck noted he had explained the contract of \$1,000 a month for six months. Mr. Coburn stated it was nothing to be concerned about.
- Mr. Coburn provided, in writing, "In fact, there may be instances in which such an agreement would be beneficial, such as when there is a transition from a long-term employee." He added that PSATS does not give legal advice to anyone.

SCHENCK Mr. Schenck noted an additional item concerning Stonewood Park. There are neighbors who are using that as their private dumping ground for grass cuttings, trees and branches. No dumping signs had helped several years ago; however, he had seen pretty significant tree branches that had been dumped right at the handicap parking spot.

HODGKINSON Mr. Hodgkinson responded that he knew the area and would address it.

PHAN Ms. Phan mentioned that she had sent a letter to the board members, Ms. Bowers and Community Development concerning homes where the lawns are not being mowed and limbs are down and piling up becoming a fire hazard. She encouraged the staff and Community Development that, as they drive around the township, to notify the board members or the office.

LANDIS Ms. Landis asked Mr. Schenck for the name of the General Counsel at PSATS.

SCHENCK Mr. Schenck responded that he spoke with Mr. Scott Coburn, the General Counsel of Pennsylvania State Association of Township Supervisors. His phone number is 717-763-0930.

DVORYAK Chairman Dvoryak reported that he had received a communication from Joseph Byers, the EMS Operations Manager with Grantley. He mentioned he had an opportunity to attend a recent YAUFRR meeting where there was discussion about the EMS service at Springettsbury. He wanted to inform the board that he stands by their Request for Proposal that had been originally submitted to Springettsbury Township. Chairman Dvoryak advised he would pass the information along this date.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch had provided a written report and had nothing else other than what was on the Agenda.

10. MANAGER'S REPORT

BOWDERS Mrs. Bowders stated she had nothing to report.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2014-52 – Revised Resolution for Red Robin Intermunicipal Liquor License Transfer to include Name and Address of Seller (per request of the PA Liquor Control Board) – Charlie Rausch

MS. LANDIS MOVED TO APPROVE AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH SPRINGETTSBURY RESOLUTION #2014-52, REVISED RESOLUTION FOR RED ROBIN. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2014-52 – Accepting the Offer of Dedication for Public Use: Mountain Laurel Lane, Harvest Hill Drive, Blossom Valley Drive, Spring Hill Drive and Cherry Blossom Court – Charlie Rausch

MS. LANDIS MOVED TO APPROVE RESOLUTION 2014-53. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Advertise Intergovernmental Cooperation Ordinance for Chesapeake Bay Pollutant Reduction Plan (for Adoption at August 28, 2014 Meeting) – Charlie Rausch

MR. SWOMLEY MOVED TO AUTHORIZE ADVERTISEMENT. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Authorization to Enter into Lease Agreement with Springettsbury Township, York Area United Fire and Rescue, and Springettsbury Township Volunteer Fire Company for New Fire House on Commons Drive – Charlie Rausch

DVORYAK Chairman Dvoryak noted that the board had received the revised lease agreement.

RAUSCH Solicitor Rausch reported that YAUFRR had considered the comments given by the board members and they agreed.

- They agreed that YAUFRR will be responsible for all the expenses related to the Fire House. They are not going to break it up between the different entities that are going to be there.
- They want the term of the lease to be consistent for both the Operations and their Office, to be consistent with the Termination Provisions in the Charter Agreement.

DVORYAK Chairman Dvoryak noted that the \$4 million facility was constructed with an expectation that YAUFRR would be able to house their office space for free. He took exception to that and would like to insist that they have a separate lease for the YAUFRR Administrative Offices and perhaps charge a rent below market for that with a expiration date consistent with when the current Charter Agreement ends. He understood that it has automatic rollover provisions, which is why he would like to see a separate lease, for that which was referred to as the second floor of the new township building.

LANDIS Ms. Landis agreed with Chairman Dvoryak and she had sent an email to all the board members, Attorney Hovis and Solicitor Rausch with regard to the December 31, 2017 date. She agreed that the second floor office space needed to be consistent with the Charter Agreement. She added comments concerning outsourcing EMS and her concern with not having a more ironclad agreement at this time.

RAUSCH Solicitor Rausch responded that an agreement with an outsourced EMS would be between the township and the third party.

SCHENCK Mr. Schenck noted that YAUFRR was fine with the fact that if Springettsbury wanted to outsource or charge an ambulance service, that was okay. He noted that he absolutely and positively disagreed with Chairman Dvoryak. He had been back and forth on it, and he was perfectly comfortable with the draft.

SWOMLEY Mr. Swomley agreed with Mr. Schenck and was prepared to make a motion to that effect, to adopt the agreement as presented.

MR. SWOMLEY MOVED TO ADOPT THE LEASE AGREEMENT WITH SPRINGETTSBURY TOWNSHIP, YORK AREA UNITED FIRE AND RESCUE, AND SPRINGETTSBURY TOWNSHIP VOLUNTEER FIRE COMPANY FOR NEW FIRE HOUSE ON COMMONS DRIVE. MOTION CARRIED 3/2; MS. PHAN, MR. SWOMLEY AND MR. SCHENCK VOTED IN FAVOR. MR. DVORYAK AND MS. LANDIS VOTED OPPOSED.

B. Meeting Rules

DVORYAK Chairman Dvoryak brought forward the matter of Meeting Rules for consideration and/or potential amendment.

SCHENCK Mr. Schenck stated that the board had the three-minute rule for public comment. He was not uncomfortable with expanding that to five minutes; however, it must be held to the number.

PHAN Ms. Phan thought it was important that public comment be permitted, and as long as there are facts and not rants the Chairman could call the time. She thought five minutes was more polite than three.

SCHENCK Mr. Schenck stated that he was not suggesting a hard and fast rule but not to have someone filibuster the board. At times five minutes expanded to 15.

PHAN Ms. Phan suggested that the board members nudge the Chairman when it leans that way.

DVORYAK Chairman Dvoryak stated he would enforce whatever the Board wishes.

An additional lengthy discussion took place, which is summarized:

- Allowing two minutes for comments and questions following adjournment.
- Two minutes turns into a gripe session that could go on for 15 or 20 minutes.
- Sign in requirement should be removed; some townships use it as a pre-registration.
- Some residents might want to wait until the actual Agenda item to comment.
- Public comments should be taken prior to the board's vote; Chairman's choice to allow or not.
- Absolutely no personal attacks or rude comments.
- Be careful of censorship; Freedom of Speech; First Amendment Rights.
- No foul language or physical attacks.

DVORYAK Chairman Dvoryak stated it was a good discussion. The issue itself is one of making sure the folks who take the time out of their busy schedule to come to the meeting have an opportunity to hear their voices heard. There are differing opinions on what that looks like. He reiterated that he would enforce whatever the board decided to put in place. If there are no major changes this date, he will continue to enforce the existing rules.

13. NEW BUSINESS

- A. Acknowledge Receipt of Springettsbury Township Volunteer Firefighters' Relief Association Audit Report for the period January 1, 2010 to December 31, 2012

MR. SCHENCK MOVED TO ACKNOWLEDGE RECEIPT OF SPRINGETTSBURY TOWNSHIP VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION AUDIT REPORT. MOTION UNANIMOUSLY CARRIED.

- B. Acknowledge Receipt of PA Department of Labor and Industry Reassessment Audit #671655-4 Re: Accessibility Requirements of the Uniform Construction Code – Trisha Lang

MR. SCHENCK MOVED TO ACKNOWLEDGE RECEIPT OF THE DEPARTMENT OF LABOR AND INDUSTRY REASSESSMENT AUDIT. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

DVORYAK Chairman Dvoryak reminded the board of the Executive Session scheduled immediately following adjournment. He adjourned the meeting at 9:40 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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