

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**OCTOBER 24, 2013
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, October 24, 2013 at 7 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Don Bishop, Vice Chairman
Mike Bowman
George Dvoryak
Julie Landis

MEMBERS NOT

IN ATTENDANCE: Bill Schenck, Chairman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charlie Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Patricia Lang, Director of Community Development
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Lt. Todd King, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

BISHOP Vice Chairman Don Bishop called the meeting to order. He reported that Mr. Schenck would not be in attendance as he was out of town. He led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. October 10, 2013:

- 1) Litigation – Williams vs. Springettsbury Township (6:30 p.m.)
- 2) Lawsuit Filed by Supervisor Julie Landis Against Springettsbury Township and Messrs. Bishop and Schenck (8:40 p.m.)

BISHOP Mr. Bishop announced that two Executive Sessions had been held on October 10th. The first one was for discussion on litigation, and the second was for the Lawsuit filed by Supervisor Landis against the township, Mr. Schenck and himself. No Executive Sessions had been planned for this date.

LANDIS Ms. Landis stated she would have a comment with respect to that subject later on the agenda.

3. COMMUNICATION FROM CITIZENS

BISHOP Mr. Bishop asked that citizens who wished to speak would use the microphone and limit their discussion to five minutes or less on issues relevant to the business of the Board of Supervisors.

TROTT Dave Trott, 3360 Druck Valley Road reported that he had sampled several of the audio sound files of the meetings, which averaged 202.38 megabytes. He noted that could easily be uploaded to the website by the IT person.

Mr. Trott commented on several articles in the township newsletter written in the Manager's Corner. The articles had mentioned shared services and an option of contracting out the EMS. Again, in another issue the manager spoke of shared services and outsourcing EMS. The latest issue mentioned that the township was not cutting the ambulance service but rather improving the service by moving from Basic Life Support to Advanced Life Support, as well as provide for the operation of two ambulances. Mr. Trott asked whether the outsourcing is no longer an option.

BISHOP Mr. Bishop responded that he did not believe that any options had been eliminated. He noted that the intention is to always provide ambulance services for the citizens of the township and that they are committed to providing the best service possible.

HELLER Jane Heller, 1819 Idylwyld Road brought the Livingston House, 1620 Memory Lane extended, to the attention of the board. She had photographs of the property for the board's review. She noted that the property is for sale, but it is badly in need of repair, especially the roof which is leaking and weakening the third floor ceiling. She questioned whether the property could come under the Property Maintenance Ordinance. The property is on the Historic List. Ms. Heller had provided information to Ms. Lang. She noted an additional property at 3023 East Market Street that had been built in the early 1820's which had some rich historical history but which is not listed on the Historical List. This property also is in need of repair and in need of attention.

LANDIS Ms. Landis questioned what could be done with the ordinances that currently are in place.

HOLMAN Mr. Holman responded that if they are in violation of the Property Maintenance Code or the Building Code for Property Maintenance then the regulations in place will be enforced.

- LANG** Ms. Lang noted that the township has some ability to bring them up to the standard of the Property Maintenance Code.
- WALTERS** Bill Walters, 3310 Edenbridge Road addressed Supervisor Landis with regard to her lawsuit against Springettsbury Township and Messrs. Schenck and Bishop. He had read her letter to the editor in the newspaper that the township needed new direction, and that she had not forgotten who she reported to, neighbors and taxpayers. He stated that, as one of her taxpayers he was very upset and thought it was appalling that she was suing the township and two of her fellow supervisors for over \$1 million. In addition, he noted one of the people she was backing stated that she knew nothing of her lawsuit.
- LANDIS** Ms. Landis responded that the blame should be placed on the two Supervisors named in the lawsuit.
- WALTERS** Mr. Walters indicated that it had been thrown out in court and that she was given thorns by the White Roses in the newspaper.
- LANDIS** Ms. Landis responded that she really didn't care what the newspaper said because it is so biased. She suggested that Mr. Walters look into the Open Records to see the update.
- MITRICK** Lori Mitrick, 3399 Barwood Road indicated she had been in local government for 16 years. When she had worked in Springettsbury Township she was very proud of the work that she did, as well as the people with whom she had worked, almost the current board. She had been a female on the board, but while they had difficulties and differences they solved those issues professionally and went on with business. She was saddened with what had been going on in the township; that it is in the press as it is an embarrassment to the integrity of the community. She felt it was unfortunate for the residents of Springettsbury that the Board of Supervisors, who do not have an easy job, were being pulled through the muck. She thanked the township for the good years that she had on the Board of Supervisors with the two gentlemen who are presently being sued.
- MILLER** Jean Miller, 1318 E. 11th Avenue, brought forward the issue of the traffic problem on their street. She reported there had been three accidents within the last six months, all of which related to speeding. In addition, trucks are using the street as well even though they are not permitted except for local delivery. Children are walking to school from Whiteford Road, past the car dealership, around a blind bend at the church and wait for the bus. Nearly every car coming off Route 30 goes through the stop sign. There had been several accidents and near misses. She had called the Police Department and was advised that an officer would get

back to her; however, she had heard nothing. She asked the board to please do something before someone gets killed.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill stated that he had provided a written report and had no updates to his report.

DVORYAK Mr. Dvoryak noted that he had read about the Penn Dot application for the Cost Sharing Agreement. He questioned how likely is it that the Cost Sharing Agreement actually will be approved at PennDOT and whether he had any concerns.

CRABILL Mr. Crabill responded that he did not have any current concerns. He had numerous conversations with PennDOT, but he had not passed that along until it could be confirmed.

DVORYAK Mr. Dvoryak commented that the engineering work would not begin until that agreement would be in place.

CRABILL Mr. Crabill responded that some of it would begin, and some had already started. The agreement includes pre-design work that was done, for which there will be a reimbursement back to the township.

HOLMAN Mr. Holman added that PennDOT needed to have the agreement in order for them to provide the paperwork to finish the reimbursement.

CRABILL Mr. Crabill responded that he was exactly right; they want to see a signed contract.

HOLMAN Mr. Holman noted that this is a shared cost.

CRABILL Mr. Crabill noted that it all related to the Springettsbury User Group.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided his written monthly report, and he had one update. On the agenda there is an authorization for the Manager to make application for new signals. With regard to the Mt. Rose intersection there will be demolition. In addition there will be a median extending up Haines Road which will restrict movements from Rutters, K-Mart, Metro Bank and the Reineberg shopping plaza. PennDOT specified new traffic signal technology, Adaptive Signal Control. Video cameras will constantly count volumes of cars and update the signal, which

will forward counts to other signals and attempt to make them green in the same direction resulting in a much smoother operation. Springettsbury's many traffic signals are Econolite equipment, for which an inventory is kept on hand. He has learned that the new equipment, specifically made by Rhythm Engineering, has parts that are interchangeable with Econolite. He noted that the technology is much improved. Battery backup is part of the continued discussion.

LANDIS Ms. Landis questioned his item in the Sentry Woods Development with the residents along Sorrel Ridge Lane. She asked how long a period of time the problem had been going on and whether only one home was involved.

LUCIANI Mr. Luciani responded that when Kinsley build the development, they included an overflow channel to direct water from upstream to downstream. During Tropical Storm Lee the embankment that kept the water from constantly flowing through back yards on an interim basis washed out. The property in question is in foreclosure and bank owned. Attempts were made to request the bank's cooperation to restore the channel.

HOLMAN Mr. Holman added that they had issued a Notice of Violation to the bank to go on record to enforce action so that they do the repairs, which would enable the downstream owners to continue with their repairs. Mr. Holman stated that if no action is taken, then the township will go in and do the repairs and charge the property owner. However, it is still necessary to go through the formal and legal process in order to lien or collect the dollars for it.

5. CONSENT AGENDA

- A. Acknowledge Receipt of September 30, 2013 Treasurer's Report
- B. Board of Supervisors Regular Meeting Minutes – October 10, 2013
- C. Lobar, Inc. (General Contractor) – Springettsbury Fire Building – Application for Payment No. 2 in an amount not to exceed \$118,192.86
- D. Mazzuca Enterprises, Inc. – Collection System Replacements Project – Application for Payment No. 1 in an amount not to exceed \$98,356.50
- E. Regular Payables as Detailed in the Payable Listing of September 12, 2013.

LANDIS Ms. Landis indicated she would like to remove item B.

**MS. LANDIS MOVED TO APPROVE CONSENT AGENDA ITEMS A, C, D, AND E.
MOTION UNANIMOUSLY CARRIED.**

LANDIS Ms. Landis referred to item B, Minutes of the Board of Supervisors Regular Meeting of October 10, 2013. On page 9 it stated that she wanted to have an Executive Session for an update on the police budget and the Teamsters' budget prior to the October 30th budget work session. The board consensus was to meet

in Executive Session and that Mr. Holman would advise the date and time. She had not received any further information. She noted a quorum was present this date and did not understand why a meeting could not be held following adjournment.

BISHOP Mr. Bishop responded that it was not convenient for him; that it was a personal matter.

BOWMAN Mr. Bowman responded that he could not remain after the meeting either, due to a personal schedule with guests in from out of town.

LANDIS Ms. Landis commented that was why positive change needed to transpire.

BISHOP Mr. Bishop cautioned her not to have political discussions.

LANDIS Ms. Landis noted she was speaking to the constituents and had every right to do so.

BISHOP Mr. Bishop again cautioned her not to have a political discussion.

LANDIS Ms. Landis stated that she had asked Mr. Bishop a question.

BISHOP Mr. Bishop responded that he had answered her and that things had changed in a two-week time.

LANDIS Ms. Landis commented that had she known how this was going to happen during the previous meeting she would have insisted that it be held that date instead of today saying there isn't a quorum.

BOWMAN Mr. Bowman stated for the constituents present that Mr. Bishop's father passed away this week, and he really didn't want to bring that up. That was his personal matter.

LANDIS Ms. Landis indicated that it could be held another day prior to the 30th.

BISHOP Mr. Bishop stated that she was placing a lot of emphasis on an Executive Session that is not particularly valuable in terms of information needed before a budget meeting. All the information the supervisors need is provided at the budget meetings.

LANDIS Ms. Landis stated that she needed to know the dollar amounts and what the contract negotiations are. She indicated she would like to have an Executive Session regarding where the Teamsters negotiations and police contract stand. In addition, she asked why there weren't any updates in the Manager's Report regarding her request.

BISHOP Mr. Bishop noted that the time was to be set and a time was not found that was convenient for all of the board members.

MS. LANDIS MOVED TO HAVE AN EXECUTIVE SESSION PRIOR TO THE NEXT BUDGET WORK SESSION ON OCTOBER 30TH.

MOTION DIED FOR LACK OF A SECOND.

LANDIS Ms. Landis asked Solicitor Rausch whether, having heard the discussion, a board should be operating this way or whether he would consider it dysfunctional and unfair.

RAUSCH Solicitor Rausch responded that he was not a psychologist and could not provide a legal opinion as to board dysfunction. He indicated it was up to her and her fellow board members to make that call as to when to hold an Executive Session. If the board members are not willing or able to go into an Executive Session, a Quorum would not be possible.

MS. LANDIS MOVED TO APPROVE THE BOARD OF SUPERVISORS REGULAR MEETING MINUTES OF OCTOBER 10, 2013. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

A. Authorization to Enter into Third Amendment for Contract of Sale with The Conservation Fund to Extend Closing Date for Hunters Crossing Parcel from October 31, 2013 to December 31, 2013.

MS. LANDIS MOVED TO AUTHORIZE TO ENTER INTO THE THIRD AMENDMENT FOR CONTRACT OF SALE WITH THE CONSERVATION FUND TO EXTEND THE CLOSING DATE FOR HUNTERS CROSSING PARCEL FROM OCTOBER 31, 2013 TO DECEMBER 31, 2013. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Enter into 2014 Agreement with the York County SPCA for Animal Care and Housing in an amount not to exceed \$13,334.

MS. LANDIS MOVED FOR AUTHORIZATION TO ENTER INTO A 2014 AGREEMENT WITH THE YORK COUNTY SPCA FOR ANIMAL CARE AND HOUSING IN THE AMOUNT NOT TO EXCEED \$13,334. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Enter into Agreement with Buchart Horn, Inc. for Design, Permitting, Bid and Construction Phase Services for the I-83 Exit 18 Sewer Relocation Project in an amount not to exceed \$506,556.

MR. BOWMAN MOVED TO APPROVE AUTHORIZATION TO ENTER INTO AGREEMENT WITH BUCHART HORN, INC. FOR DESIGN PERMITTING BID AND CONSTRUCTION PHASE SERVICES FOR THE I-83 EXIT RELOCATION PROJECT IN AN AMOUNT NOT TO EXCEED \$506,556. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. SD-07-06 – Triplet Springs – Request for Approval of Certain Waivers

LANG Ms. Lang introduced SD-07-06 - Triplet Springs for which a briefing memorandum had been provided to the board. The plan had been submitted originally on June 25, 2007 and had been given time extensions during the housing market downturn. Staff met with the developers on October 1, 2013 to discuss the status of the plan. During that meeting it was determined that the developers were prepared to move forward. A current market analysis will be done to indicate the potential for the development. Ms. Lang noted that at the time of the original proposal, the property was in R2 and R3 with no Traditional Neighborhood Design criteria in the Zoning Ordinance. However, the new ordinance does include the Traditional Neighborhood Design overlay. Nine waivers are needed to move forward. The Planning Commission reviewed the plan during their October meeting, and their recommendations were reaffirmed.

LOBACH Jeff Lobach, Barley Snyder, represented the developers. He noted that also present with him were Tom Connelly and Dave Koratich of LSC Design and Mike Jeffers, the owner's representative. Attorney Lobach noted that the plan involves 87 acres of undeveloped land north of Pleasant Valley Road in the neighborhood of Metso Minerals and York Christian Church. Current zoning is in R10 and R20. The property involves 37 acres with a lot of steep slopes, woodlands, streams, wetlands. Three dimensional variances were obtained in 2007 to allow for small lots and front porches in a neighborhood design. The plan includes a total of 124 units, 119 in the clusters and five at the north end of the property. He noted two events that were relevant: 1) a new ordinance was adopted; and 2) downturn in the housing market. He stated that the nine waivers requested were documented in the briefing memorandum.

BISHOP Mr. Bishop asked if any of the board members had questions with regard to the waivers.

LANDIS Ms. Landis requested additional information on the waivers since she had not been on the board when the original plan was introduced.

LOBACH Attorney Lobach identified the nine waivers, which are summarized:

- Township Ordinance requires a four-foot strip between curb and sidewalk; they request a six foot four inch strip.
- Purpose of the request is to provide an area to plant trees instead of in front yards.
- Five lots at the north end are not part of the cluster. Request is to allow those to have direct access to Alcott Road.
- Three houses on the east and three on the west side to be served by a circular drive; only used by the six families; width of road to be 18 feet and only one way.
- Traffic would be only internal with modification to one intersection with a roundabout.
- Request street intersections less than 600 feet apart; lots compressed into smaller space.
- Cul-de-sac design to be constructed with landscaping in the center.
- Cul-de-sac designed to support emergency vehicles.
- Storm water management facilities to comply with current requirements; relief requested on the slope to be less than four percent.

LANG Ms. Lang noted that the majority of the modifications are necessary to accomplish the visual neighborhood design. She stated that the biggest impediment to approval would be from engineers and public works people. She did not see any issues from the Zoning Board and Planning Commission. From her perspective she thought it all looked good and was a great idea.

LOBACH Attorney Lobach responded that those issues would be dealt with in the Land Development process. He noted that a decision has not been made as to whether the streets would be public or private.

HOLMAN Mr. Holman commented that the final decision would be made by the Board of Supervisors.

An additional lengthy discussion took place, which is summarized:

- Concern with traffic flow from Alcott Road onto Pleasant Valley Road; intended to be local traffic only. Number of lots would be limited with access to Alcott Road.
- Roundabout and configuration of road network should help to deter cut-through traffic.
- Traffic Study to be conducted; plan conditioned upon completion of that study; to be addressed during Land Development Plan.
- Upkeep of grassy strips to be maintained by Homeowner's Association.

- Dedication to township would be only streets and sewer lines, if accepted.
- Design criteria with trees and front porches closer to the street makes awareness of smaller space which will deter speeding traffic.
- Gated community is not proposed.
- Model homes will include several different types.
- Community is not age restricted but considered to be an active adult community.

LANG Ms. Lang noted that their extension of time expires in December. However, following the discussion and with the understanding that they are moving forward with the market study, one additional time extension would be proposed. It is anticipated that a preliminary plan will be submitted before mid-year 2014, and a traffic study is required to be submitted with their proposal.

LOBACH Attorney Lobach responded that they were comfortable with those requirements.

MR. DVORYAK MOVED WITH REFERENCE TO SUBDIVISION PLAN 07-06, TRIPLET SPRINGS, TO APPROVE WITH THE NINE WAIVERS LISTED, CONDITIONED UPON THE RESULTS OF A SATISFACTORY TRAFFIC STUDY. MOTION CARRIED 3/1; MESSRS. DVORYAK, BOWMAN AND BISHOP VOTED IN FAVOR; MS. LANDIS WAS OPPOSED.

8. COMMUNICATION FROM SUPERVISORS

BOWMAN Mr. Bowman noted the buffering that is required within the township. He asked whether a review is made of places where the trees are planned, such as underneath wires or electrical lines.

LANG Ms. Lang responded that there are different specifications as to trees, depending on conditions with regard to height of wires and what would be appropriate or inappropriate.

BOWMAN Mr. Bowman mentioned that he noticed, while sitting on Haines Road at Walgreens, it seems as though the trees will soon be up in the wires, and they are not very old.

LANG Ms. Lang responded that it would depend on the plan, which was done before her time at the township.

BOWMAN Mr. Bowman stated that he had talked to Lt. King with regard to a homeless person on Mt. Rose Avenue on the medial strip in front of the bank. He had been there several days and seemed pretty aggressive.

BISHOP Mr. Bishop stated that he had spent a lot of time sitting on the board with Mr. Schenck. He has often said that when board members hear something that is either inaccurate, untrue or a lie, and no comment is made on it, people tend to think that we agree with it. This evening Mr. Walters stood up and said that the lawsuit that Ms. Landis brought initially had been thrown out by the Judge. Ms. Landis said that that was absolutely not true. Mr. Bishop clarified that the initial Criminal action that did go to the Court against him, personally, was completely thrown out by that Judge, who in his decision said he found no credible evidence whatsoever to support the claims. That is a completely separate action than the current action that has been brought by Ms. Landis against the township, Mr. Schenck and himself. He stated that he wanted to make sure that was clear from his point of view.

LANDIS Ms. Landis responded that from her point of view, the case was dismissed but Mr. Bishop was not found not guilty. She noted that she had every right to bring charges within a two-year time frame.

BISHOP Mr. Bishop stated he will be very interested to hear her response when the next one is completely thrown out.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated he had nothing to add to his written report.

10. MANAGER'S REPORT

HOLMAN Mr. Holman brought forward the final invoice for Athens Solutions. The total invoice for cleanup of the Nazmack property was \$22,126.66. He noted that the township is tax exempt, and that would deduct \$1,252.45 from the invoice for a final amount of \$20,874.21. He noted he would provide Athens with the township's tax exempt certificate. Mr. Holman requested authorization for payment.

MR. BOWMAN MOVED TO APPROVE PAYMENT TO ATHENS SOLUTIONS, LLP FOR \$20,874.21 FOR THE CLEAN UP OF THE NAZMACK PROPERTY. MOTIONS UNANIMOUSLY CARRIED.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2013-40 – Authorizing Application to PA Department of Transportation for New Traffic Signal at Camp Betty Washington Road (Part of I-83 Exit 18 Project).

- B. Resolution No. 2013-41 – Authorizing Application to PA Department of Transportation for New Signal at Haines Road/Camp Betty Washington Road (Part of I-83 Exit 18 Project)

**MR. BOWMAN MOVED TO APPROVE RESOLUTION 2013-40 AND 2013-41.
MOTION UNANIMOUSLY CARRIED.**

- C. Resolution No. 2013-42 – Disposition of Records

This item was tabled for further information.

12. OLD BUSINESS

- A. Social Media

HOLMAN Mr. Holman had provided the board with his original documentation from December 5, 2012. The information identified board room audio and audio/video cost comparisons. The information related to real time streaming, which included both the Advanced AV and GOV Office Earth Channel.

LANDIS Ms. Landis noted that what had been provided seemed very costly. She asked whether there would be a way to simplify the process to upload an audio file from the board meetings.

HOLMAN Mr. Holman noted that in the previous discussions they had reviewed other ways in which information is released to the public, such as Facebook, social media, the newsletter, etc. He stated he could look into the cost and impact to load an audio file to the website.

BISHOP Mr. Bishop indicated that he thought the residents might be better served by showing audio and video. They have to be able to see the maps, plans, etc. to see what is going on. Audio would make it difficult to understand. In addition, people need to be able to see or hear it at the time convenient to them.

A lengthy discussion took place which is summarized:

- White Rose Television – Not expensive to get equipment up and running; staff to operate.
- YouTube idea might be possible; new technology available for taping, etc.
- Research needed for exhibits, etc.
- Additional information requested of Mr. Holman for other options, cheapest to high-end range.

13. NEW BUSINESS

A. Authorization to Approve Tax Refund Request for Tax Year 2013:

1) Mary Jane Englert (Parcel #46-29-0119) in the amount of \$59.98.

MS. LANDIS MOVED TO APPROVE AUTHORIZATION FOR THE TAX REFUND REQUEST FOR THE TAX YEAR 2013 FOR PARCEL #46-29-01119 IN THE AMOUNT OF \$59.98. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

BISHOP Vice Chairman Don Bishop adjourned the meeting at 9:17 p.m.

Respectfully submitted,

John Holman
Secretary

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