

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MARCH 12, 2015
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, March 12, 2015 7:00 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA

MEMBERS IN

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

ALSO IN

ATTENDANCE: Kristen L. Denne, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Buchart-Horn, Inc.
Patricia Lang, Director of Community Development
Betty Speicher, Director of Human Resources
Dori Bowders, Manager of Administrative Operations
Mark Hodgkinson, Director of Wastewater Treatment Plant
Jack Hadge, Finance Director
Lt. Todd King, Police Department
Jean Abrecht, Stenographer

1. CALL TO ORDER

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

There were no Executive Sessions to announce.

3. COMMUNICATION FROM CITIZENS

STUHRE Charlie Stuhre, 3680 Trout Run Road commented on an Agenda item with regard to Comcast Cable. He had requested cable on his street to which Comcast agreed but advised he would have to pay \$8,500 for the line. He suggested that the township consider any future contracts with Comcast to reflect that the citizens are properly served.

UHLER John Uhler, South Kershaw Street, spoke on behalf of the Kershaw Street residents. Their concern related to proposed installation of new gas lines by

Columbia Gas. It was understood that their practice was to cut down trees along one side of the streets. He stated that Kershaw Street is unique in that they have 19 plus trees on the block that provides an archway and much beauty and shade in the summer. He hoped that the Supervisors would intervene in order to preserve the trees. Mr. Uhler noted that a number of residents were present from the Kershaw Street area.

DENNE Ms. Denne stated that Mark Hodgkinson had been in contact with the Columbia Gas project managers. She requested Mr. Hodgkinson to provide an update.

HODGKINSON Mr. Hodgkinson reported that he had spoken with Columbia Gas on numerous occasions. They advised that they have completed their project south on Market Street for the next several years. They are very willing to work with the township and the residents in any way they can. The township works in collaboration with Columbia Gas with regard to any overlays and road maintenance. With regard to trees, they have an arborist who will provide information concerning trees; however, if the homeowner wants to keep any tree, they will do what they can to preserve the tree.

DENNE Ms. Denne noted for the residents, if they have any concerns, please contact either Mr. Hodgkinson or her, and they will interface with Columbia Gas.

BATEMAN Kathy Bateman, a 45-year resident of 1450 Ridgewood Road, addressed a problem regarding a lot across the street from her home. She had addressed this problem with Patricia Lang. The lot had been vacant, was subdivided and sold. A home was constructed; however, no building permit had been issued. The problem that developed related to drainage, which resulted in flooding on Ridgewood Road and into their driveway and yard. Her property is being damaged, and she wanted to know who was responsible as she did not think it was her bill to pay. She noted that Ms. Lang had been very gracious and helpful.

DENNE Ms. Denne asked Ms. Lang for an update.

SWOMLEY Chairman Swomley commented that if drainage had not been dug, storm water plans had not been followed. He asked if it would be appropriate to issue a Stop Work Order against the builder.

LANG Ms. Lang responded that the home is occupied. She noted that they had a temporary occupancy permit. The value of that to the township was that money could be taken from escrow to make sure the improvements are made with a deadline for completion. The excuse had been that the ground was

frozen and the weather wasn't conducive to their putting the storm water management in place. She noted that there was a lengthy review and approval process, and they had done their best to work with the developer, but the storm water management had yet to be installed.

SWOMLEY Chairman Swomley noted that this plan was poorly implemented and unsupervised, which is an issue. He stated he did not believe that a home should be built and occupied when storm water had not been satisfied. These are issues that had come forward in numerous locations.

DENNE Ms. Denne asked what could be done in the next seven days to alleviate this for the homeowners.

LANG Ms. Lang responded that she had attempted to contact Mr. Carpenter by telephone leaving a message and by email but he had not yet responded. She advised him that the township wanted something completed within one week. It needed to be fully installed with a reminder to contact First Capital Engineering for the inspection of that work.

DENNE Ms. Denne stated that if, by Monday, March 16th, the contractor had not responded, the township will engage a contractor to do the work with the escrow money.

LANDIS Ms. Landis noted that the township should not be in this position. She asked when the timeline began.

LUCIANI Mr. Luciani responded that it started last fall before ice and snow.

BATEMAN Ms. Bateman added that the lot was sold at the end of September and this began in October.

LANDIS Ms. Landis commented that the phases progressed with the construction, and Mrs. Bateman communicated to the township, but no one from the township or Community Development came out to stop the work or see what was going on.

LANG Ms. Lang responded that Community Development was not aware that this Storm Water had not been done. She noted she checked and found that they had not done anything and sent him a Certified notice. The contractor responded that he had not done so because of the weather conditions and that as soon as better weather sets in they would do the installation.

BATEMAN Mrs. Bateman added that about two or three years ago one of their neighbors wanted to put a new shed on his property. He had to have a pit dug before the

foundation for that shed could be put in. He was dogged by the township virtually every week until it was finished. That was just for a shed; this is for a home.

LANDIS Ms. Landis questioned how this could happen that a contractor doesn't do what they're supposed to do and isn't stopped. The police should have been there and told them to stop work until the storm water management was installed.

LANG Ms. Lang reiterated that there is an approved storm water plan for the site. The difficulty is that they chose not to install it and then got into weather where they couldn't. Ms. Lang noted that she was not aware that the township had ever dictated when that infrastructure has to go in.

LUCIANI Mr. Luciani commented that they are obligated, whether building a shed or a home, they are on the honor system. They must call the township engineer to inspect. When Ms. Lang advised the house was under construction, he sent an inspector to look at it. Unfortunately when the temperature is 10 degrees there is not much they could do.

SWOMLEY Chairman Swomley asked whether any procedures could be changed in the future for storm water to be taken care of before the end of the project.

LUCIANI Mr. Luciani responded that Ms. Denne issued a directive two days ago indicating that any storm water must be approved by the engineer. In addition they are going to discuss MS4 as the township is obligated to follow the federal law. In the future, the township will be audited on all the shed permits, house permits, storm water management, and the environmental portion. He noted his opinion that before any new impervious area is created, the storm water should be in.

DENNE Ms. Denne stated that they had been dealing with several issues on the same subject. It had been frustrating for her as well, which was why he put out the edict that no building permits will be released until storm water is approved by the engineer. She noted that it will become a situation of doing a 30 or 60-day storm water permit that goes in before anything else, or a Stop Work Order will be issued. She added the MS4 audits coming forward as well, and the reigns must be tightened.

SCHENCK Mr. Schenck commented on the Occupancy Permit issue. The township had withheld occupancy for commercial buildings where there was non-compliance. He was disappointed that that tool had not been used in this case.

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- LANG** Ms. Lang responded that the reason that it was not used was due to the single digit weather. In addition, the funding is available to have the work done.
- SCHENCK** Mr. Schenck questioned whether there is enough money in escrow.
- LUCIANI** Mr. Luciani responded that there is \$15,000 available.
- DENNE** Ms. Denne noted that ultimately the township should not become project managers for property storm water.
- SWOMLEY** Chairman Swomley added that the township should not dig pits for properties because the developer doesn't want to have to do it.
- SCHENCK** Mr. Schenck noted that the pictures indicated the erosion control had failed.
- LANDIS** Ms. Landis noted that she was truly sorry for the resident, and hoped that steps would be put into place, mandated, non-negotiable, teeth in the ground that this would not happen again.
- BATEMAN** Mrs. Bateman commented that it still does not account for any repair that she would incur.
- SWOMLEY** Chairman Swomley asked if there was any recourse with the builder.
- LUCIANI** Mr. Luciani responded that the builder was creating the source of water and redirecting it. He has not maintained it and has culpability, in his opinion.
- RAUSCH** Solicitor Rausch stated he would not get into the legal aspects at this point. He indicated that the storm water issue needed to be addressed by the township with the developer.
- SWOMLEY** Chairman Swomley didn't think it would be out of line to ask the developer to clean up the mess as well. He asked Mrs. Bateman to send a list of damages to her property so that the township could address it with the developer.
- PAGE** Dick Page, 28 South Kershaw Street, brought forward the situation for his client Trevor Kuntz. Mr. Kuntz had purchased a lot in the Pleasantrees development. They have been hoping to resolve everything in order to get the storm water system in place and up-to-date. They had addressed all of the questions on the last letter received from First Capital Engineering concerning storm water management. They still do not have a Building Permit. He asked if the original site plan is still valid. A lengthy discussion took place, points of which are summarized:

- The original approved and recorded plan for Pleasantress was approved in 2002.
- Circled lots require storm water retention; one cubic foot of seepage pit for every 1-1/2 square feet of roof.
- Four reviews of their storm water retention had taken place. It shows a 100-year flood plane.

LUCIANI

Mr. Luciani responded that there had been a meeting in 2012 with Mr. Holman advising Mr. Page of a handful of lots in the Pleasantrees development that needed special care. Storm water had not been designed for it. Since the original plan designed in 2002 the ordinance had changed at least five times. The lot is supposed to have seepage pits, along with specific grading plans. The first home had a walk out basement, which required that the grade would be lowered significantly. That land may be solid rock, and when a seepage pit is driven into solid rock, that won't accomplish the purpose. The law is much more strict today with regard to runoff.

Additional discussion:

- Seepage Pits have a solid maintenance agreement.
- Any of the lots that have a circle require additional storm water management.
- Note 16 on the 1991 plan, re-approved in 2003: Building permits for Lots 2- 9, 11, 17, 18, 20, 21, 22 and 46 shall be contingent upon a grading, structural and erosion and sediment control plans for each individual lot, which are to be submitted to and approved by the Township, with regard to steep slopes. Contractor/Owner shall notify Township prior to work on such lots so that the Township may inspect it. It is an erosion control barrier as well.

SWOMLEY

Chairman Swomley noted that with the current scrutiny on storm water control, the township is not in a position to waive the law. Chairman Swomley commented that the developers do know the requirements and understand the laws.

PHAN

Ms. Phan agreed that the goal would be that the builders, the engineer and the township work together on their plan.

LUCIANI

Mr. Luciani noted that in the case where there are lots that are not circled, they do not need a seepage pit. The water goes to the street and is funneled to the big basin. In the case where lots are circled, the storm water has not been contemplated and the size of the house will determine the grading plan.

LANG Ms. Lang mentioned that a common thought in the construction process is to put the pits in at the end of the building process.

PAGE Mr. Page noted that you have to have a house to run the gutters and downspouts into the pits.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill had provided a written monthly report and had no alterations to his report. He offered to respond to questions.

PHAN Ms. Phan asked for clarification on the tunnel that is planned.

CRABILL Mr. Crabill responded that the process is called micro-tunneling, which will provide access for the 48-inch interceptor. It is a 72-inch casing pipe with the interceptor inside of it. He added that is the process for going under state roads.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a written report. He had one update and stated that the York County Planning Commission scheduled a meeting with the Municipal Planning Organization, which he thought was for April 16th. Will Clark and John Klinedinst will discuss Davies Drive and they want the township's input. Mr. Luciani reported that he has a PowerPoint presentation ready which will show how traffic will funnel into Davies Drive. He will confirm the date and time with Ms. Denne in the event that board members could attend the meeting.

DVORYAK Mr. Dvoryak asked for clarification of the discussion on storm water. His understanding is that the original 1993 plan and the re-approval in 2004 stated all the requirements for storm water, and that the developer should have known or have investigated prior to applying for a building permit. These are not new requirements that are beyond that of what is in the plan.

LUCIANI Mr. Luciani responded that compliance with the requirement is the same as it was in 1993. There are no new standards other than compliance with the MS4 requirements. Mr. Luciani expressed some concern about the possibility of rock in that area.

5. CONSENT AGENDA

- A. Board of Supervisors Work Session Minutes – November 12, 2014
- B. Board of Supervisors Work Session Minutes – November 17, 2014
- C. Board of Supervisors Meeting Minutes – February 12, 2015
- D. Regular Payables as Detailed in the Payable Listing of March 12, 2015
- E. Garden Spot Mechanical, Inc. – Springettsbury Fire Building Project – Change Order No. 3 in an amount not to exceed \$712
- F. Shannon A. Smith, Inc. – Springettsbury Fire Building Project – Change Order No. 4 in an amount not to exceed \$2,755.75
- G. Shannon A. Smith, Inc. – Springettsbury Fire Building Project – Change Order No. 5 in an amount not to exceed \$723.06

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

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. Escrow Procedures

LANG Ms. Lang had provided a memorandum to the board identifying some of the issues and some of the anticipated changes. Main points are summarized:

- Assure that sufficient funds are available at the right time for the right projects.
- Require storm water management with a building permit.
- New fee schedule to provide additional funds for plan reviews and inspections.
- Non-residential plan reviews: current funding mechanism is based on acreage of the lot; not sufficient.
- Suggested change to \$1.00 per impervious square footage.
- Inspection escrow for subdivisions, land developments, etc.
- Escrow is taken when plan is submitted; covers plan review fees for township and First Capital.
- Escrow often has been rolled over or continued up to 10% of surety.
- New plan should establish a new escrow.
- Stop Work Order only meant the township would stop work during the planning process – very clear in the township code.
- During inspection process the builder/developer is issued a Stop Work Order.

- Escrows must be continually reviewed.
- Calculation for new impervious - \$5 per square foot; 10% of surety for increased escrow amount.
- Control of funds in escrow account to be done in the Finance Department; Community Development controls the process.
- No system in place when funds reach 25% of its original amount; need to replenish.
- MUNIS allows for a trigger; employees need to use system.
- Finance Department provides Community Development with master list spreadsheet.
- Individual should not be calculating funds; should be placed in MUNIS.
- Important to maintain clear documentation where township is holding funds.

Consensus of the board was clear direction to implement a module in MUNIS for Escrow Management.

8. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis echoed Mr. Dvoryak's email with respect to a great job by Public Works employees with the winter storms. She asked Mr. Hodgkinson to thank the men and women for their work. She commented that even though they have not had a contract for over three years, they continue to do their jobs. She expressed hope that the board would be able to work through the details of the contract and show appreciation to the employees of Public Works.

DVORYAK Mr. Dvoryak noted that he had become comfortable with the iPad and the electronic system. He asked to be removed from the paper documentation.

Consensus of the additional board members was to discontinue the paper documentation.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated he had provided a written report and had nothing to add.

PHAN Ms. Phan questioned whether the Shawnee Lane, Century Woods storm water issues had been rectified.

RAUSCH Solicitor Rausch responded that it had to do with the owner who purchased a lot with a small structure on it. He noted he had not heard anything since the last meeting.

LUCIANI Mr. Luciani stated that it involved an enforcement action that needed to occur for the individual north of the park. He has a fence and shed in a storm water easement.

LANG Ms. Lang reported that they had been notified; however, they had hired counsel from Philadelphia. Their issue is that they were not advised when they purchased the property about the side issue, which is delaying the township getting it resolved.

PHAN Ms. Phan asked that some form of communication be given to the residents in order to advise them of any progress. They need to have some form of communication from the township so they know the status.

10. MANAGER'S REPORT

DENNE Ms. Denne noted for clarification that the Comcast agenda item is not to extend or continue the cable franchise with Comcast. It has to do with an audit of the cable franchise to see if there are any underpayments.

SWOMLEY Chairman Swomley thanked her for the clarification.

SCHENCK Mr. Schenck thanked Ms. Denne for meeting with the Susquehanna Bank regarding the lock box issues on the sewer payments. He added it did not sound as though there was a problem.

DENNE Ms. Denne reported that the Susquehanna Bank personnel collect the lock box three times a day and Saturdays and Sundays as well. In addition they post at the same time. Ms. Denne noted that Ms. Rinehart who had come to the previous township meeting discovered they had been mailing their payment to the wrong post office box. She had emailed Ms. Denne with that information.

PHAN Ms. Phan noticed a comment in her Manager's Report concerning a Feral Cat Ordinance and the fact that the township does not have same.

DENNE Ms. Denne reported that a Haines Acres resident had called and complained but did not want to leave a name and simply asked that the information be passed along to the board.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2015-06 – General Obligation Bond Series of 2015 in the amount of \$3,765,000

DENNE Ms. Denne noted that the ordinance calls for it to be termed a bond; however, it is a bridge financing. She asked Mr. Hadge to elaborate.

HADGE Mr. Hadge stated that there is a note each month for the fire station, and this financing provides breathing room at an astounding low rate of 1.75%.

MR. SCHENCK MOVED TO APPROVE ORDINANCE 2015-06.

LANDIS Ms. Landis stated that the board obligated itself three years ago for a note of over \$3 million to build a firehouse. With this financing the leased fire pumper will be rolled in. Over the three years the obligated payments had been made; however, no monies were put aside to pay off debt and replenish the surplus. She thanked Mr. Hadge for obtaining the 1.5 basis points on the original note. However, it is basically a credit card for three years. During the fall budget time she hoped there will be additional strategies put into place to pay down debt. She understood that revenues for 2014 had been very good and she hoped that some of the revenue could be used for additional principal payments. She asked for verification on the record that come fall when the board moves through the budget season, she hoped she did not hear community centers, new police buildings, new park, and that this \$4 million note for breathing room doesn't turn into a huge bond of \$10, \$15, \$20 million for a wish list.

HADGE Mr. Hadge noted for the record that several years ago when Mr. Schenck was Chairman and the former Manager was here, there was put into place a 10-year plan. This is the 10th year, and that debt will be paid off, and what Ms. Landis had referred to previously as savings for the Capital Budget actually is \$265,000.

LANDIS Ms. Landis understood; however, she hoped that it would be possible to pay extra. She thanked him for getting such a good rate.

DVORYAK Mr. Dvoryak asked to what Mr. Hadge would attribute the excellent rate.

HADGE Mr. Hadge responded that the township's bond rating had gone up to AA-.

DVORYAK Mr. Dvoryak asked whether there were any fees associated with it.

HADGE Mr. Hadge responded that there were fees, which he had provided to the board as part of the portfolio. He added that this time they had not used a financial advisor which had saved at least \$11,000.

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

- B. Resolution 2015-31 – Agreement with Cohen Law Group to Conduct an Audit of the Cable Franchise Agreement with Comcast Cable Company

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- SCHENCK** Mr. Schenck commented that this is a great example of partnerships and townships working together. The audit cost will be spread across 10 multiple townships at approximately \$3,900.
- DENNE** Ms. Denne noted that all expenses will be divided between the 10 municipalities.
- LANDIS** Ms. Landis questioned why the group decided to use the Cohen Law Group of Pittsburgh.
- DENNE** Ms. Denne responded that the Cohen Law Group specializes in telecommunications throughout Pennsylvania.

MR. SCHENCK MOVED TO ADOPT RESOLUTION 2015-31. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business for discussion.

13. NEW BUSINESS

- A. Motion to Approve Snow Emergency Declaration by Township Manager effective March 5, 2015
- B. Motion to Approve Rescission of Snow Emergency Declaration effective March 9, 2015 at 8:00 p.m.

MR. SCHENCK MOVED TO APPROVE THE SNOW EMERGENCY THAT WAS DECLARED ON MARCH, 5, 2015 AND SUBSEQUENTLY TO RESCIND THE SAME DECLARATION MADE ON MARCH 9, 2015. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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