

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JUNE 26, 2014
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, June 26, 2014 at 7:00 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: George Dvoryak, Chairman
Julie Landis, Vice Chairman
Mark Swomley, Asst. Secretary/Treasurer
Bill Schenck

MEMBERS NOT

IN ATTENDANCE: Kathleen Phan

ALSO IN

ATTENDANCE: Charles Rausch, Solicitor
John Luciani, Civil Engineer
Patricia Lang, Director of Community Development
Jack Hadge, Finance Director
Betty Speicher, Director of Human Resources
Mark Hodgkinson, Director of Wastewater Treatment Plant
John Woods, YAUFRR
Robert McCoy, YAUFRR Chief
Lt. Todd King, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

DVORYAK Chairman Dvoryak called the meeting to order and led the Pledge of Allegiance. He announced that Ms. Phan was unable to attend the meeting this date.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. May 27, 2014 – 6:00 p.m. - Personnel

DVORYAK Chairman Dvoryak announced that an Executive Session was held on May 27 at 6 p.m. to discuss personnel matters.

3. COMMUNICATION FROM CITIZENS

KATHERMAN Attorney Bob Katherman spoke on behalf of Mike Harvey, who had inherited a small plot of land, which he subdivided. The issue involved two escrow accounts with the township. Both escrow accounts had been merged. Mr. Harvey had received an engineer's invoice, and he requested detail for the invoice. Attorney Katherman indicated that the township should provide an explanation for

invoicing an escrow account in order to give developers an understanding of what type of work had been performed.

TROTT David Trott, 3360 Druck Valley Road spoke with regard to respect of the employees and citizens of the township. He requested that the board search for a new manager who would be honest, respectful and a truthful individual to deal with the employees and citizens. He also mentioned that the replacement of the EMT's in the township needed to take place quickly.

CRUMLING Larry Crumling, 108 Lorenzo Court brought two items to the board's attention. He suggested that the board get involved in the negotiations with the Teamsters. Secondly, he mentioned Raymond Wolf, who had been involved in the fire police service for over 50 years. Mr. Crumling had been involved in a conversation with Mr. Wolf, who was unhappy with being sent home from an emergency. Mr. Crumling was concerned that he had not been treated appropriately. He commented that perhaps Mr. Eckert could add to his comments.

ECKERT Don Eckert responded that he would be happy to respond to Mr. Crumling personally to provide all the facts as to what transpired.

B. Audit Report for Year Ending December 31, 2013.

REINER Michael Reiner, Auditor, presented the Audit Report for the year ending December 31, 2013. He reported that the report itself is a clean/unmodified opinion of the financial statements. He had reviewed the report in detail with Chairman George Dvoryak and Jack Hadge.

4. ENGINEERING REPORTS:

A. Environmental Engineer – Buchart Horn, Inc.

No report was given.

B. Civil Engineer – First Capital Engineering, Inc.

1) MS-4 Discussion

LUCIANI Mr. Luciani had provided his written monthly report. He had several updates:

- Box Culvert had been installed on Commons Drive. A bond reduction request will be reviewed later during the agenda, and the road will be completed in the next few weeks. Mr. Pasch will be entitled to an additional \$129,240.10 in bond reduction leaving a balance of \$156,236.63.

- Mt. Rose Avenue Improvements – Traffic signal at Chambers Road. Ten years ago, a joint study took place regarding road improvements for Mt. Rose, Edgewood, and Cape Horn. Concept plan was to construct a parallel road to Mt. Rose as the light was removed at Chambers Road and connect it to Heritage Hills; an agreement was made with the township to construct a traffic signal at Plymouth Road. Currently a grant application was made for the connector road. Springettsbury Township was asked to support the grant request.

SWOMLEY Mr. Swomley commented that the Planning Commission had recommended the completion of that roadway so that traffic could come through and exit at Plymouth Road.

LUCIANI Mr. Luciani agreed and noted that Heritage Hills' intention was that their main entrance would permit left turns to be made with that light. He asked whether the board would consider endorsing the grant.

LANDIS Ms. Landis questioned how an endorsement by Springettsbury would favor their gaining grant money.

LUCIANI Mr. Luciani responded endorsements made from other government entities moves the request to the top of the applications and it will be a win/win for the community.

RAUSCH Solicitor Rausch asked what portion is included in Springettsbury. He recalled that the entire road was in York Township.

LUCIANI Mr. Luciani responded that he was correct. The municipal boundary line cuts through a corner of Heritage Hills.

SWOMLEY Mr. Swomley noted that the intersection at Plymouth actually would be in Springettsbury, and the recommendation made would be beneficial to the traffic patterns in the entire area. As a good neighbor, he voiced his support.

DVORYAK Chairman Dvoryak asked whether the grant money would be earmarked for that purpose.

LUCIANI Mr. Luciani responded that it is a possibility and would be consistent with the township's approval of the traffic light.

DVORYAK Chairman Dvoryak stated that the township was asked to sign a letter of endorsement.

SCHENCK Mr. Schenck commented that he did not see any risk to signing the letter. The township had wanted to see the connector road built. The board should support that process.

LANDIS Ms. Landis concurred; however, she would want assurance that it would be earmarked for the light.

LUCIANI Mr. Luciani noted for clarification that Heritage Hills would be responsible for the traffic light. The township's agreement with Heritage Hills is that they will pay for it.

SCHENCK Mr. Schenck added that the grant is to build the road.

SWOMLEY Mr. Swomley stated that the signal was dependent on the roadway being built.

MR. SCHENCK MOVED TO SIGN A LETTER ENDORSING YORK TOWNSHIP'S APPLICATION FOR A MULTI-MODLE TRANSPORTATION FUND PROJECT APPLICATION. MOTION UNANIMOUSLY CARRIED.

LUCIANI Mr. Luciani added one additional update:

York County Conservation District planned to build a new \$8 million headquarters off Davies Drive. York County 911 Center representatives are in favor of seeing Davies Drive opened. Mr. Luciani stated that it would be important to bring political leaders, legislators, state representatives, state senators, county commissioners involved to see if they cannot facilitate getting that road punched through. The township's Master Plan included Cinema Drive meeting Davies Drive. He hoped to create a workshop to review how to get that project done.

LUCIANI Mr. Luciani commented that Pam Shellenberger would make a presentation concerning MS4, which was an agenda item.

LANDIS Ms. Landis asked for further information concerning Mr. Katherman's comments regarding Mr. Harvey.

LUCIANI Mr. Luciani responded that a procedure is in place for all engineering bills in the MPC, and it is very time sensitive. Invoices are sent directly to the project owner/developer, who has 100 days to challenge the invoice. The engineer then responds with exactly what had to be done. There is a very distinct procedure in place to challenge a bill, which includes sending a letter. In Mr. Harvey's case, Mr. Luciani stated he never got the letter. The first letter he had received was from Mr. Katherman's office, to which they responded. The engineer has a

regulatory requirement to respond. If someone calls his office, he responds within one day, and if a Supervisor calls, he responds within hours.

LANDIS Ms. Landis asked what policy would be in place with respect to invoices coming in and directors reviewing them. She noted she would like an opportunity to review the policy.

LANG Ms. Lang noted that she would be happy to re-visit the policy. She stated that all the invoices coming from First Capital Engineering are reviewed, assigned project numbers, approved, and forwarded to the Finance Office. She stated that there are times when she could not confirm the details of the billing. There was some confusion concerning the escrow accounts.

A lengthy discussion took place, which is summarized:

- In Mr. Harvey's case, there were multiple escrow accounts.
- A review and accountability of escrow accounts to be put in place. Bonding amounts have anniversary dates that require attention.
- Mr. Harvey's letter did not summarize the work that was done.
- Community Development reviews the cases very carefully; however, billing questions are sometimes difficult to explain. More effective communication with developers necessary.
- MPC governs procedures for bonding of development reviews, etc.
- Ms. Lang to re-visit the current policy in place for adjustments.

LANDIS Ms. Landis asked about the access drive for Triplett Springs and whether it would be included in a traffic study.

LUCIANI Mr. Luciani responded that the access drive would form a T with Alcott. It will be included in the traffic study.

LANDIS Ms. Landis asked about the potential Royal Farms anchor store with a car wash and eight fuel pumps on the corner of Market Street and Mt. Zion Road. She could not envision that large facility in such a small area.

SWOMLEY Mr. Swomley noted that the developer would take eight to 10 lots.

LUCIANI Mr. Luciani noted that the zoning will be a hurdle, as well as the Department of Transportation may limit their ingress and egress. Their next step is talking to PennDOT and there may be some challenges.

SCHENCK Mr. Schenck noted that it would require a zoning change. He noted he did not expect to support it.

1) MS-4 Discussion

SHELLENBERGER Pam Shellenberger provided an update on the Ms-4 planning. She represented York County Planning Commission and the County Planning Commission in cooperation with the Center for Watershed Protection, which had provided technical assistance throughout the process of developing the plan with input from the Steering Committee. She reported there are 43 municipalities that have participated in the development of the plan at no cost. Among the 43 municipalities are a number of MS4 municipalities, which included all but one MS4 township. Some of the other municipalities have received MS4 waivers and there are some municipalities who are non-MS4, three of which have the potential to become an MS4 based on the 2010 census of urbanized areas.

Ms. Shellenberger provided a plethora of information concerning the details and the goals summarized:

- Get streams off the impaired waters list.
- Require related green infrastructure updates.
- Part II of Center for Watershed Protection will analyze all projects for potential incorporation of green infrastructure.
- Review of current progress in reducing pollutants.
- Municipalities must subject all projects completed for storm water management since 2006 and to present.
- Pollutant reduction targets/projects/stream bank restoration projects. There are 72 projects on the list. Reduction in nitrogen, phosphorous and sediment.
- DEP wants an annual action plan; build on things already accomplished.
- Actual plan to be distributed by June 30, which includes a Resolution to opt in/out of the plan.
- Springettsbury has highest annual payments.
- County Commissioners have tentatively committed a \$30,000/year contribution.
- DEP Grant available of \$100,000 to kick off the program.
- Potential funding source through County Conservation District.
- Financial commitments will not change.
- Inner-governmental cooperative agreement to be put in place.
- York County is first in Pennsylvania to do a regional plan.

LUCIANI Mr. Luciani noted that the township had consistently renewed its MS4 permit, and recently received the permit on March 27, 2014. Significant changes in the MS4 scope of what the county is proposing to do will include public outreach. DEP will require more frequent meetings about MS4 and will not continue to grant waivers to communities. There is a comprehensive mapping requirement coming in 2015. The budget for the MS4 work will be underfunded, and Mr. Luciani had sent a letter to Mr. Holman indicating that an increase of approximately \$55,000 in the budgeted amount for 2015 will be necessary to meet the MS4 inspection and permitting requirements.

Mr. Luciani added that Springettsbury had done a number of projects from a water quality standpoint, a developer mitigated wetlands, as well as a riparian buffer was done in one of the parks to improve an impaired stream.

5. CONSENT AGENDA

- A. Acknowledge Receipt of May 31, 2014 Treasurer's Report
- B. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – May 20, 2014
- C. Board of Supervisors Conditional Use Hearing Minutes – May 8, 2014
- D. Board of Supervisors Liquor License Hearing Minutes – May 8, 2014
- E. Board of Supervisors Regular Meeting Minutes – May 8, 2014
- F. Board of Supervisors Special Meeting Minutes – May 14, 2014
- G. Board of Supervisors Regular Meeting Minutes – May 22, 2014
- H. Lobar, Inc. – Springettsbury Fire Building Project – Application for Payment No. 9 in an amount not to exceed \$78,277.77
- I. Shannon A. Smith, Inc. – Springettsbury Fire Building Project – Application for Payment No. 9 in an amount not to exceed \$73,611.78
- J. Silvertip, Inc. – Springettsbury Fire Building Project – Application for Payment No. 10 in an amount not to exceed \$3,956.75
- K. Garden Spot Mechanical – Springettsbury Fire Building Project – Application for Payment No. 6 in an amount not to exceed \$70,184.70
- L. Mazzuca Enterprises, Inc. – Collection System Replacements Project – Application for Payment No. 3 in an amount not to exceed \$77,018.25 (Final Payment)
- M. Regular Payments as Detailed in the Payable Listing of June 26, 2014
- N. LD-08-14R – Time Extension – Towneplace Suites by Marriott (Revised) – Plan Expires 07/01/2014 (New Plan Date 08/01/2014).
- O. Authorization to Approve Tax Refund Requests for Tax Year 2014 as follows:
 - 1) Deborah Ashman & Natalie Arnold (Parcel #4611-63-AO) in the amount of \$20.90
 - 2) York Bank and Trust Company (Parcel #46-31-0038-AO) in the amount of \$35.46

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

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

A. Authorization to Approve Change Order No. 3 – Lobar, Inc.

**MR. SCHENCK MOVED TO APPROVE CHANGE ORDER NO. 3 FOR LOBAR, INC.
MOTION UNANIMOUSLY CARRIED.**

B. Authorization to Enter into Storm Water Operation, Maintenance, and Access Agreement for 711 Witmer Road

**MS. LANDIS MOVED TO AUTHORIZE ENTERING INTO A STORM WATER
OPERATION MAINTENANCE AND ACCESS AGREEMENT FOR 711 WITMER
ROAD SUBJECT TO THE FINAL SITE PLAN BEING SUBMITTED. MR. SCHENCK
WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

C. Authorization to Award Road Material and Maintenance Bids for 2014 Road Program as listed in the June 18, 2014 memorandum from Director of Public Works/WWT.

**MS. LANDIS MOVED TO APPROVE AUTHORIZATION TO AWARD ROAD
MATERIALS AND MAINTENANCE BIDS FOR 2014 ROAD PROGRAM AS LISTED
IN THE JUNE 18, 2014 MEMORANDUM FROM DIRECTOR OF PUBLIC WORKS
AND WASTEWATER TREATMENT. MOTION UNANIMOUSLY CARRIED.**

D. Authorization to Enter into Lease Agreement among Springettsbury Township, York Area United Fire and Rescue, and Springettsbury Township Volunteer Fire Company for Fire House on Commons Drive.

A lengthy discussion took place with regard to the lease agreement for the new fire building with no resolution. The item was tabled for further review.

E. Authorization to Approve Financial Security Escrow Agreement between NIBOR Partners, LP, and Springettsbury Township in the amount of \$110,433.95 (Red Robin Restaurant)

**MR. SWOMLEY MOVED TO APPROVE AUTHORIZATION FOR FINANCIAL
SECURITY ESCROW AGREEMENT BETWEEN NIBOR AND SPRINGETTSBURY IN
THE AMOUNT OF \$110,433.95 FOR THE RED ROBIN RESTAURANT. MOTION
UNANIMOUSLY CARRIED.**

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-14-02 – Nello Tire, 1210 Haines Road – 07/16/2014 (Action

LANG Ms. Lang presented LD-14-02, Nello Tire Co. Building, and Parking Lot Expansion. She noted the background documentation was presented in the Plan Summary briefing dated June 26, 2014, which included five waivers and four administrative issues. She stated that Robert Sandmeyer was present representing the applicant.

SANDMEYER Mr. Sandmeyer responded that nothing had changed in the project in the two months except a few minor tweaks since the project was before the board for Conditional Use. He noted the modification of required concrete was requested to comply with the bituminous that currently is used.

SCHENCK Mr. Schenck questioned the curbing and whether that would become part of the storm water collection design.

SANDMEYER Mr. Sandmeyer responded that the improvements made by PennDOT with the exit ramp would direct the water flowing onto the hillside. They are installing a storm water inlet on their property and will pipe the water into the inlet. He added that the way and nature of the property and with the PennDOT improvements there should not be a problem with storm water.

MS. LANDIS MOVED TO APPROVE LAND DEVELOPMENT PLAN 14-02, NELLO TIRE CO. BUILDING, AND PARKING LOT EXPANSION GRANTING THE FIVE WAIVERS ALONG WITH THE FOUR ADMINISTRATIVE ISSUES OUTLINED ON THE PLAN SUMMARY DOCUMENT. MOTION UNANIMOUSLY CARRIED.

SANDMEYER Mr. Sandmeyer thanked the township and especially the staff for their assistance getting the project through quickly due to the strict schedule with PennDOT.

SCHENCK Mr. Schenck thanked Nello Tire for choosing to stay in the township. It is appreciated.

B. Market Street Commons Add-On Lots – Surety Reduction

MR. SCHENCK MOVED TO REDUCE THE SURETY FOR THE MARKET STREET COMMONS PROJECT TO \$156,236.63. MOTION UNANIMOUSLY CARRIED.

C. Chesapeake Bay Pollution Reduction Plan Presentation/Update by Pam Shellenberger, York County Planning Commission

This item was presented earlier during the agenda.

D. Historic Preservation Committee Update

SMITH Steve Smith provided a report from the Historic Preservation Committee. He first reported on the archeological dig at Camp Security. A meeting had been held on June 18 with 72 attendees who were considering volunteering to help with the dig. An additional meeting was scheduled for July 9th to coordinate with the Historic Preservation Committee reps, Friends of Camp Security, Parks and Recreation, Community Development, Public Works together to discuss some planning for a parking area for the volunteers and the paid staff.

RAUSCH Solicitor Rausch noted that he was asked to prepare a hold harmless agreement; however, he was not exactly sure of the schedule. He asked whether he was to contact someone and if so, who.

SMITH Mr. Smith responded that the dig is starting August 25 for five weeks, followed by one week of cleanup work. He suggested that Solicitor Rausch contact Friends of Camp Security as they are coordinating the dig.

Mr. Smith reported that the list of Historically Significant Properties is being updated. They have whittled the list down to slightly over 100. He expected to have that finalized by the next meeting for distribution. They learned that the property at 2901 Whiteford Road is not historically significant for architecture due to the renovations done by the bank. It is, however, still historically significant because of events happening there. The owner is attempting to secure another bank for the property.

Mr. Smith reported that he was not in favor of the idea of a historical society. He had checked with other local community historic societies and they determined the interest dwindles down after its initial opening. What does seem of interest and what the Historic Preservation Committee is planning is having various programs through the year on a specific area associated with Springettsbury Township's history.

SCHENCK Mr. Schenck noted that, in the past, the Historic Preservation Committee had hosted some bus tours of the township and/or walking tours of the township that went over very well.

DVORYAK Chairman Dvoryak mentioned that he had an opportunity to attend the Historic Preservation Committee monthly meeting this date. It is a very hard working group. He came away feeling very impressed in the amount of time Mr. Smith

had invested. He is spending a lot of his personal time gathering up history in the township, taking pictures and cataloging. He thanked Mr. Smith and noted the township's appreciation for his efforts.

SMITH Mr. Smith thanked him for his comments.

8. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis brought forward the matter of filling the EMS positions. She asked for the status.

SPEICHER Mrs. Speicher reported that the deadline was met for the applications. She had been out of the office for a few weeks and had just returned this week. They are working through the applications.

LANDIS Ms. Landis asked how many applications had been received.

SPEICHER Ms. Speicher responded that she had not counted them.

LANDIS Ms. Landis asked if she would get back to her with that information. She noted that her concern related to some dialogue with employees who are working 36 and 48-hour shifts. She asked Chief McCoy about Memorial Hospital's assistance. She understood they have not fulfilled their obligation. She was concerned for the safety and welfare of the constituents and employees. She questioned who was taking charge of getting the people help.

MCCOY Chief McCoy responded that he had recommended advertisement and hiring following the last retirement in April. Two employees are on one shift and the other three shifts have one employee. They had been working with Memorial and filling the gaps pretty well. He had been tracking the consecutive hours since January 1, but there was only one time that two employees worked beyond 36 hours and that was because they switched with each other so that they could have more time off; it was not overtime. In addition, Chief McCoy stated that he had made a recommendation to Mr. Holman before he left that perhaps they should look at a second party to contract other than Memorial, but no action was taken.

LANDIS Ms. Landis asked whether there was an agreement with Memorial Hospital where they allocate a certain amount of hours.

MCCOY Chief McCoy responded that EMS pays them for what they cover. They do not owe EMS any hours.

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LANDIS Ms. Landis stated that the person she spoke with at Memorial indicated that there are allocated people and hours and they will give Springettsbury whatever they need.

MCCOY Chief McCoy responded that they go to Mark Moody. Battalion Chief Jay VanPelt is responsible for the schedules. He contacts Mark Moody with every vacancy before paying any overtime. Memorial is given first opportunity to fill those vacancies. If the vacancies cannot be filled based on availability and personnel, then overtime is paid.

SWOMLEY Mr. Swomley stated for clarification that they have no obligation to fill our openings or find people to do so. They offer to fill when they have the availability.

MCCOY Chief McCoy added that they would advise whether they can or cannot fill the dates and times given to them. From there the dates are filled with our employees.

LANDIS Ms. Landis asked for the time period that Battalion Chief Van Pelt corresponds with Mr. Moody at Memorial with respect to scheduling.

MCCOY Chief McCoy responded that as soon as a leave request is received, Mark Moody is contacted. Through the union contract, leave requests from the EMT personnel have been put in the beginning of the year for this time period during the summer. There will be some difficulty filling many of those vacancies. There are times where individuals pull out, and they are not able to cover, or they have to withdraw an individual; then EMS has to fill that vacancy. First and foremost, there must be an ambulance operating, and sometimes a leave request has to be held until someone can cover because an ambulance must be in service.

LANDIS Ms. Landis asked when the EMT's are to submit their vacation requests.

MCCOY Chief McCoy responded that contractually they have two periods: January and February. The requirement was something that had not been done during the six years of Chief McCoy's tenure. It was instituted in 2014 in order to get some of the leave requests in advance for some long-term planning as far as filling the vacancies. It is understood that the employee may not know every day they want to take off; however, an attempt is made to provide their first choice on vacation schedules.

LANDIS Ms. Landis asked whether they the requests are actually approved. It was her understanding that requests remain outstanding.

- MCCOY** Chief McCoy responded that they are not going to be approved until he is assured of coverage for the vacancy. It is imperative that an ambulance is in service. As soon as they know there is coverage for the vacancy, the vacation is approved. There is an obligation to provide the service, and the contract does indicate that it is at the discretion of the township based on service delivery. They do try to accommodate where possible.
- LANDIS** Ms. Landis agreed that safety must come first, but the employees do need time off to rejuvenate. She emphasized the need to move forward with the hiring process.
- DVORYAK** Chairman Dvoryak indicated that Chief's mention of a recommendation he had made prior to Mr. Holman's departure would be an open pending item to follow up.
- MCCOY** Chief McCoy responded that the recommendation he made was the need to hire and fill positions with the conclusion that it would be advertised.
- LANDIS** Ms. Landis brought forward an additional item with respect to scheduling an Executive Session to review the numbers, profit and loss with regard to the EMS matter. Mario Garofalo had addressed the board and wanted to present documentation to the board. She asked for the status.
- DVORYAK** Chairman Dvoryak responded that Mr. Holman had attempted to schedule the Executive Session prior to his departure but was unsuccessful due to having all board members available. That will be a follow up item for Dori Bowders next week to schedule a meeting with Vijay Kapour for a review of the numbers. Mr. Dvoryak indicated he thought the numbers were ready to be presented, and it is just getting the entire board members consensus when to meet and go over the information.
- SCHENCK** Mr. Schenck reported that he had attended the Historic Preservation Committee meeting that Mr. Smith had previously discussed. Mr. Schenck stated that the meeting was very impressive with 72 individuals present. There was a lot of enthusiasm and the presentation by Steve Warfel was great; exactly how it would work. Mr. Schenck noted that he thought they would be successful in getting volunteers to help. He was glad he was able to attend.
- Mr. Schenck noted several zoning issues for which he had contacted Ms. Lang. He reported food trucks on Sundays sitting at the corner of Route 30 and North Hills Road. Mr. Schenck checked their website and they are doing that at multiple locations. In addition, he had observed banners at Heritage Hills. A mobile sign appeared again, and he was aware Ms. Lang had contacted the

property owner. It is unfortunate that the provider of the signs is well aware of the township ordinances. It appears that he is taking advantage of clients knowing that what he is doing is illegal. He asked Solicitor Rausch about the electronic billboard on Route 30. He was aware of some legal reason why that was permitted. He thought there was some requirement limiting the number of timing changes in order not to distract drivers. He stated that the changes happen every five seconds.

RAUSCH Solicitor Rausch responded that he recalled they obtained the permit before the zoning changed.

SCHENCK Mr. Schenck commented that he mentioned these items for an awareness. He knew that it is a challenge for Ms. Lang, and there had been some dialogue during previous meetings about zoning items being complaint driven.

LANG Ms. Lang noted that the individuals in her department do not have time to drive around the township looking for things that are wrong, but it doesn't work that way.

SCHENCK Mr. Schenck noted that some of the issues are so obvious and on such highly traveled roads that he would be shocked if her department did not see them.

LANG Ms. Lang responded that she had seen the truck and it had been reported the week before. They discussed it in house and had discussed it with Solicitor Rausch. She agreed that yes, she observes far more than she could do anything about in a given day. However, she does have items on a list for potential citation.

SCHENCK Mr. Schenck noted that it is a tough balance. He added that he was glad to hear she was not ignoring obvious things.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch requested approval of the temporary rights-of-way access easement next to Nello Tire; appraised value - \$1500.

MR. SWOMLEY MOVED FOR APPROVAL FOR A TEMPORARY CONSTRUCTION EASEMENT FOR THE TOWNSHIP'S ACCESS TO THE SEWER LINE FOR THE APPRAISED VALUE OF \$1,500. MOTION UNANIMOUSLY CARRIED.

RAUSCH Solicitor Rausch requested approval of a sidewalk easement agreement for the Weaver Eye Associates property.

MR. SWOMLEY MOVED TO APPROVE THE SIDEWALK EASEMENT AGREEMENT FOR THE WEAVER EYE ASSOCIATES PROPERTY. MOTION UNANIMOUSLY CARRIED.

SCHENCK Mr. Schenck noted an item on Solicitor Rausch's report with regard to a harassment complaint. He indicated if the board meets on the EMS discussion the labor attorney would be involved, and perhaps the harassment complaint could be reviewed at that time. He was cognizant of the dates involved.

10. MANAGER'S REPORT

SCHENCK Mr. Schenck noted that, without a manager, it is important that someone be responsible to keep track of things. He commented that Mr. Luciani had requested that his purchase order amount be raised from \$20,000 to \$75,000 (concerning the MS4). He concurred with Ms. Landis' question as to how that would be paid.

DVORYAK Chairman Dvoryak responded that he had made several notes to forward to Dori Bowders for action. The board had appointed Dori as the Interim Administrator to handle these things.

LANDIS Ms. Landis noted that Mr. Hadge is a critical piece with respect to the financing and the budget year to date. The board will rely on him to make recommendations as far as moving funds around and whether or not resolutions are needed.

DVORYAK Chairman Dvoryak noted that the Purchase Order needed to be evaluated in conjunction with what the county is proposing and how that will move forward.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2014-50 – Authorizing Disposition of Records

MS. LANDIS MOVED TO APPROVE RESOLUTION 2014-50 AUTHORIZING DISPOSITION OF THE RECORDS. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2014-51 – Declaring August 5, 2014 as National Night Out.

MR. SCHENCK MOVED FOR THE APPROVAL OF RESOLUTION 2014-51. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Rail Trail

DVORYAK Chairman Dvoryak reported that for a second time a board member and staff met with the rail trail authorities. They are requesting consideration by the township to reduce or waive some assessed engineering fees for the rail trail project.

A lengthy discussion took place, which is summarized:

- One specific invoice was in question for engineering fees.
- Springettsbury had been absorbing a lot of attorney's fees and staff time on the project.
- The rail trail authority resulting from changes made in the original design had incurred fees.
- DEP required that the rail trail be out of the floodway and moved up the hill, a significant change forced on them.
- They had to figure a way around a bald eagle nest; also forced on them by outside agency.
- Township work for them is being done at cost and in kind support.
- Escrow account amount \$1,000 versus percentage of cost of improvements. They are in arrears more than \$15,000 with engineering fees that they are asking not to pay, as well as any future expenses. Most of engineering fees are for inspections.
- Park system in lieu of fees not permitted by law for engineering fees.
- Majority of rail trail goes over top of the township's main sewer interceptor. The right-of-way was given to them, but the township must protect the line. In other municipal areas, they had to buy rights-of-way.
- Springettsbury's staff members did excavating along sewer line to maintain quality of work.
- Other municipalities built sections of the trail using backhoes, dump trucks etc. Scope in Springettsbury is significant with many involved retaining walls, more expensive in the area than others in York County.
- Rail trail through Springettsbury is about three miles.
- Target completion expected in August/September – early fall ribbon cutting.

Consensus was the township had contributed a significant number of items in kind and at cost. At this time, no financial authorization was made; however, the board continues to support the rail trail.

- B. Authorization to Approve Six-Month Consulting Agreement with John Holman in an amount not to exceed \$6,000

MR. SWOMLEY MOVED TO APPROVE THE CONSULTING AGREEMENT FOR SIX MONTHS CONSULTING SERVICE. MOTION CARRIED 3/1. MESSRS. SWOMLEY, SCHENCK, AND DVORYAK VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

13. NEW BUSINESS

- A. Acceptance of Dr. Luther Sowers' Resignation from Historic Preservation Committee, effective June 30, 2014.

MS. LANDIS MOVED TO ACCEPT THE RESIGNATION FROM DR. LUTHER SOWERS FROM THE HISTORIC PRESERVATION COMMITTEE.

SCHENCK Mr. Schenck stated that the resignation of Dr. Sowers is accepted with great reluctance as he had served extremely well for a long period. He was sure that Mrs. Speicher and Mrs. Bowders would provide a way to pay him proper respect.

LANDIS Ms. Landis noted that she would get a card to send from the board.

MOTION UNANIMOUSLY CARRIED.

- B. Acknowledge Receipt of Audit Report for Year Ending December 31, 2013
C. Acknowledge Receipt of Sewer Fund Audit Report for Year Ending December 31, 2013.

MR. SCHENCK MOVED TO ACKNOWLEDGE RECEIPT OF THE TWO AUDIT REPORTS, ONE FOR THE GENERAL FUND AND ONE FOR THE SEWER FUND. MOTION UNANIMOUSLY CARRIED.

- D. Acknowledge Receipt of York Area United Fire and Rescue Commission Audit Report for Year Ending December 31, 2013.

MR. SCHENCK MOVED TO ACKNOWLEDGE RECEIPT OF THE YORK AREA UNITED FIRE AND RESCUE COMMISSION AUDIT REPORT FOR YEAR ENDING DECEMBER 31, 2013. MOTION UNANIMOUSLY CARRIED.

- E. Scheduled Service for Wastewater Treatment Turblex Blowers

MS. LANDIS MOVED TO APPROVE THE SCHEDULED SERVICE FOR WASTEWATER TREATMENT TURBLEX BLOWERS. MOTION UNANIMOUSLY CARRIED.

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JUNE 26, 2014
APPROVED**

14. ADJOURNMENT

DVORYAK Chairman Dvoryak adjourned the meeting at 10:45 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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