

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**SEPTEMBER 25, 2014
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, September 25, 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
Mark Swomley, Asst. Secretary/Treasurer
Bill Schenck
Kathleen Phan

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
Jack Hadge, Finance Director
Betty Speicher, Director of Human Resources
Dori Bowders, Manager of Administrative Operations
Mark Hodgkinson, Director of Wastewater Treatment Plant
David Wendel, Director of Parks and Recreation
Robert McCoy, YAUFRC Chief
Lt. Todd King, Police Department
Jean Abrecht, Stenographer

1. CALL TO ORDER

DVORYAK Chairman Dvoryak called the meeting to order and welcomed the attendees. He introduced the new Township Manager, Kristen Denne.

DENNE Ms. Denne thanked him and expressed her appreciation for the opportunity.

DVORYAK Chairman Dvoryak led the Pledge of Allegiance

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

DVORYAK Chairman Dvoryak announced that an Executive Session had been scheduled immediately following the meeting to discuss a legal matter.

3. COMMUNICATION FROM CITIZENS

TROTT David Trott, 3360 Druck Valley Road brought forward his concern with the matter of YAUFRR cost of operations and the cost of the new township fire building.

DVORYAK Chairman Dvoryak requested a copy of the documentation from which Mr. Trott recited his information to distribute to the board.

STUHRE Charlie Stuhre, 3680 Trout Run Road stated that he had toured the new fire station and was very pleased with what he had seen. He noted it was taxpayer money well spent for a facility that's going to last for many, many years in the future.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill had provided a written report and had no additions. He offered to respond to questions; there were none.

B. Civil Engineering – First Capital Engineering, Inc.

LUCIANI John Luciani had provided a written report as well. He cited several updates to his report:

- Alpine Road – The project will begin Monday morning, September 29th. Due to Saturday in the Park, the road will remain open until then. The project will take four weeks if weather cooperates.
- Memory Lane/Idylwyld Speeds – The previous traffic studies had been done closer to Pleasant Valley Road, and those speeds are depressed due to an upcoming stop condition. The Police Department did new counts, and the speeds are higher. The number of accidents that occurred in that area, the number of motorists cited for speeding and school buses passed will be reviewed. In addition, there is a lot of vegetation coming out of Idylwyld, and for public safety the township can remove that sight distance issue. The entire effort will be coordinated and the board will be advised by next meeting.

LANDIS Ms. Landis requested information on the rail trail. She had been bike riding in the area of the rail trail and noted no activity. She asked why there was no activity and for any additional information. She noted the bridge by the Carter property has a gap and is a safety issue.

LUCIANI Mr. Luciani responded that he was not aware of the bridge matter; however, the documentation he had provided to the board came from the York County Conservation District. He noted on the Agenda there was a Stop Work Order for

the rail trail inspections, as over the last few months they had not reimbursed the township for the expenses. No inspections are being done even though work was progressing.

LANDIS Ms. Landis asked how much relief the rail trail had requested.

LUCIANI Mr. Luciani responded that during a period of a year and a half there was approximately \$15,000 worth of inspections performed that had not been reimbursed to the township. He added that there had been two meetings, one with himself, Messrs. Dvoryak and Holman in June where they discussed what the township could do to assist the rail trail. In addition, Ms. Bowders was involved in an impromptu meeting with County Commissioner Chronister and Gwen Loose. The township attempted to have one more meeting to open the line of communication with the rail trail in July, in August and in September. They are working in the Loucks Mill Road area and thought the project would be completed by September 15th. Obviously that schedule changed.

LANDIS Ms. Landis asked whether it was due to the funding.

LUCIANI Mr. Luciani responded that there were some construction issues. The trail itself is in the flood way. They received an approved plan building a paved trail but apparently never had permits from DEP or the Army Corps. As a result they had to relocate the trail out of the flood plain, which presented a lot of redesign and changes as they progressed through the project.

SWOMLEY Mr. Swomley noted that this item was listed under Old Business, which indicated that First Capital Engineering has approximately \$15,000 of outstanding invoices that have not been paid.

LUCIANI Mr. Luciani responded that he was correct.

SWOMLEY Mr. Swomley asked how much of that had been disputed by the Rail Trail Authority.

LUCIANI Mr. Luciani responded that the requirement under the MPC states that 100 days are permitted to dispute invoices. The invoices in question date back to 2013.

LANG Ms. Lang indicated that the total is closer to \$16,000; the disputed amount was \$1,800.

SWOMLEY Mr. Swomley asked how much rail trail escrow was available.

LANG Ms. Lang responded that there was agreement that the township would hold only \$1,000.

SWOMLEY Mr. Swomley reiterated that the rail trail owes the township escrow money and the township owes First Capital Engineering for engineering fees. He asked if the engineering fee payment was tied to the amount that's in the escrow or whether the township owes First Capital that money as they had performed the inspections.

LUCIANI Mr. Luciani responded that all of it is involved.

LANG Ms. Lang added that they had not paid anything.

SWOMLEY Mr. Swomley stated that the township owes First Capital the money and should not withhold it.

LUCIANI Mr. Luciani responded that he was correct. He noted that they were trying to schedule a meeting with them and expect that it will be held next month.

SWOMLEY Mr. Swomley noted that there is a Stop Work Order against the rail trail and they have violated that order and continued to work without inspections.

LUCIANI Mr. Luciani responded that he was correct; they're working without inspections for storm water.

SWOMLEY Mr. Swomley asked what could be done about that.

RAUSCH Solicitor Rausch stated that a complaint could be filed with the Magistrate or file an Injunction.

LANDIS Ms. Landis recalled a discussion of several months ago with regard to their request for relief from payment. She indicated that she would like to revisit the situation to come to some resolution. She noted, again, the unsafe issue on the bridge.

LUCIANI Mr. Luciani stated that, from a municipality standpoint, the center of the Codorus Creek is the municipal boundary line between Springettsbury and Manchester Township, dead center of that bridge.

SCHENCK Mr. Schenck asked whether that section of the trail is open.

LUCIANI Mr. Luciani responded that he did not think so.

SCHENCK Mr. Schenck noted that the bridge is not open or ready. No one should be using it in that area.

LANDIS Ms. Landis asked why the bridge is not finished.

LANG Ms. Lang commented that they are having some design issues.

SCHENCK Mr. Schenck added that they had difficulty with the footings. They did not anticipate hitting mud for 60 feet. They had to re-engineer the entire bridge and start over.

LUCIANI Mr. Luciani confirmed that the statement was accurate.

SCHENCK Mr. Schenck added that the information is in their minutes. They've had issues with retaining walls that the Army Corps never approved. Mr. Schenck added that he agreed it is important to reach out to them and get them to the table to talk.

DENNE Ms. Denne stated that the matter falls on her shoulders. She indicated she would reach out to them.

5. CONSENT AGENDA

- A. Acknowledge Receipt of August 31, 2014 Treasurer's Report
- B. Board of Supervisors Regular Meeting Minutes – September 11, 2014
- C. Lobar, Inc. – Springettsbury Fire Building Project – Application for Payment No. 12 in an amount not to exceed \$18,965.78
- D. Shannon A. Smith, Inc. – Springettsbury Fire Building Project – Application for Payment No. 12 in an amount not to exceed \$24,684.70
- E. Regular Payables as Detailed in the Payable Listing of September 25, 2014
- F. LD-13-04 – Reapproval – Maple Donuts Cold Storage Addition
- G. Authorization to Approve Tax Refund Request for Tax Year 2014 – Powder Mill Corp (Parcel #46-31-47) in the amount of \$26.40
- H. Authorization to Approve Tax Refund Request for Tax Year 2014 – Shipley Family Limited Partnership (Parcel #46-31-40) in the amount of \$54.57

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

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Ambulance Staffing Support Agreement – Grantley EMS

MCCOY Chief McCoy presented the Ambulance Staffing Support Agreement with Grantley EMS. He stated that the approval of this agreement would provide him with an additional ambulance resource similar to the agreement with Memorial Hospital.

LANDIS Ms. Landis stated that she had several questions with respect to the Grantley EMS Agreement. The questions and discussion are summarized below:

- Origination of the agreement – Discussed previously with Manager Holman and reviewed with the Solicitor and Grantley EMS.
- Potential liability issues – Union contract referenced (Articles 3, 5 and 5E) and Mr. Holman’s letter of 8/18/2011 to the Teamsters Union.
 - EMS, Public Works and Waste Water Treatment to perform specific jobs for defined period of time not to exceed 90 days per calendar year.
 - Temporary vacancies may only be covered by temporary help for a total of six months.
 - Term of agreement 10/1 for 24 months.
 - EMT to be hired by mid-September, 2011.
- Legally should not be an issue with the union contract; does not violate the Collective Bargaining Agreement.
- Not considered a temporary measure or a long-term replacement of personnel- Grantley services can continue whether positions are filled or not; this option, including the Memorial Hospital agreement, has never been challenged.
- Applications received but no hiring completed; potential for hiring freeze to be reviewed in Executive Session. Board decision.
- Definition of “leave” – vacation/sick leave; use of Grantley to enable resource to handle emergencies; will assist in controlling overtime costs.
- Discipline – Grantley will oversee disciplinary action; YAUFRR has right to discipline if necessary.

MS. LANDIS MOVED THAT THE BOARD MOVE FORWARD TO HIRE THE EMPLOYEES THAT ARE NEEDED TO FILL VACANCIES. MOTION DIED FOR LACK OF A SECOND.

MR. SCHENCK MOVED TO APPROVE THE AMBULANCE STAFFING SUPPORT AGREEMENT WITH GRANTLEY FIRE COMPANY. MOTION CARRIED 4/1. MS. PHAN AND MESSRS SCHENCK, SWOMLEY AND DVORYAK VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis questioned how long the audio is kept of the meetings.

ABREGHT Ms. Abreght responded that when the minutes are approved, the audio is removed.

LANDIS Ms. Landis noted that was what she was told by Mr. Holman. However, she had received a copy of a Right-To-Know request by Mr. Schenck dated 3/27/14 requesting a copy of an audio recording of the November 1, 2013 Police Pension Board meeting. In addition she had received a letter that the request had been approved and the recording could be picked up at the municipal office. The letter was signed March 31, 2014. She noted she had requested audios past the 30 days and had been told the audio was no longer available.

SCHENCK Mr. Schenck commented that the request related to the minutes of the Police Pension Board, which is a separate entity from the Board of Supervisors. The Police Pension Board approves its own minutes. Ms. Landis is a member of the Police Pension Board. He stated that the policy was sound and that the minutes to which she referred had not been approved until the meeting held August 28th.

LANDIS Ms. Landis thanked him for the clarification.

SWOMLEY Mr. Swomley reported on the Pleasantrees Development matter with Mr. Bosovich. Mr. Luciani sent a letter to Mr. Sandmeyer and Mr. Gabriel. They were able to get together and Mr. Bosovich is able to put in his swale.

Mr. Swomley reported that he met with the Local Government Advisory group, LGAC, and they very much favor the township pursuing the Davies Drive crossing. However, they have very little authority to do anything. Mr. Swomley noted that he had discussed it with Commissioner Doug Hoke, who is very interested. The county had deposited money to do design work and is ready to remove the deficient bridge as soon as the crossing is open. They will work with us and with local government, Keith Gillespie's office and others to bring pressure to bear on whatever can be done.

DVORYAK Chairman Dvoryak recalled that an updated traffic study is the next step.

LUCIANI Mr. Luciani stated that he was correct. They did a proposal to evaluate the benefits of the Davies Drive crossing. The proposal had been submitted, and he will provide that to the Manager for evaluation.

SWOMLEY Mr. Swomley noted that the Davies Drive crossing would be a win for the township, the county and all of the citizens. He asked what will be required and what his estimation of the costs might be.

LUCIANI Mr. Luciani responded that the burden is on the township to prove to the PUC and ultimately Norfolk Southern that this is going to operate as intended. He noted that there is a political component in attempting to get Norfolk Southern's approval. The more economic development opportunities present, the higher

probability that it will go through. Traffic studies, congestion, legal components, and the fact that Market Street was widened to five lanes, and Mt. Zion and the Market Street intersection was significantly improved are important factors. He estimated that it would be less than \$20,000. He indicated he would provide information to the Manager.

SWOMLEY Mr. Swomley commented that it would be important to review all the information in order to make a motion in the near future. He added that also it would open up access to the new fire house for quick response to residents in that area.

LANG Ms. Lang added that the closing of that bridge and the rerouting of traffic would be instrumental along with the improvements on Market Street and Mt. Zion to alleviate some of the traffic concerns.

SWOMLEY Mr. Swomley stated that he had learned from residents that all the traffic coming to the intersection by the mall, past the prison, has been very detrimental to their ability to access their neighborhoods at that end of town.

LUCIANI Mr. Luciani indicated that an Alpine Road resident stated that during shift changes there is a tremendous bottleneck on Concord Road, and Davies Drive would be an alternative to alleviate that traffic. That is an additional argument that needs to be made to the Administrative Law Judge for the PUC Hearing.

DVORYAK Chairman Dvoryak acknowledge David Wendel's photo in the People's Bank monthly newsletter. He received \$150.00 in the Pay It Forward program, and he immediately forwarded that to the Make A Wish Foundation. He congratulated Mr. Wendel.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported that the Federal Judge issued his decision on the Motion for Summary Judgment filed for the balance of the claims in Supervisor Landis-Trott's lawsuit against Mr. Schenck and Mr. Bishop. The Federal Judge dismissed all claims against Supervisor Schenck. There are remaining claims involving the incident outside this building involving former Supervisor Bishop and Supervisor Landis-Trott. He requested an Executive Session to discuss that decision.

Solicitor Rausch stated that he had tickets available for the Taste of Springettsbury event at Saturday in the Park sponsored by the Springettsbury Sertoma and the township.

Solicitor Rausch stated for the record that he never thought he would have to defend his involvement with the Saturday in the Park event. He reported that a

Right-to-Know request had been filed by David Trott requesting copies of invoices submitted to the township specifically relating to Saturday in the Park from January 1, 2014 to the present. He stated his answer to that request was that there are no invoices because his time is all voluntary. The Springgettsbury Sertoma Club had partnered with the township for the Taste of Springgettsbury event over the past three years. The purpose of the event is to raise money for the township's park and recreation programs and for Sertoma to donate to the local charities. He was very disappointed and personally insulted to think that volunteering on behalf of the township to try and make it a better place to live would be used for Mr. Trott's own cynical motives.

SCHENCK Mr. Schenck thanked Solicitor Rausch for his comment. He had witnessed all Mr. Rausch's efforts that he put into that event on behalf of the Sertoma Club. He was well aware of his volunteer efforts and thanked him. He agreed that it is a tragedy for this township and it's not right. He hoped Mr. Rausch would stay involved.

RAUSCH Solicitor Rausch indicated that Springgettsbury's better than that.

SWOMLEY Mr. Swomley noted that as well. Through his wife's charity organizations had been involved with Sertoma at a Draw Down dinner. The number of hours that Mr. Rausch puts into that is incredible, along with many other places in the community where he puts his time.

LANDIS Ms. Landis thanked all the supervisors and Mr. Rausch as well for volunteering their time on many boards and events with Springgettsbury.

DVORYAK Chairman Dvoryak added his personal thanks as well.

10. MANAGER'S REPORT

DENNE Ms. Denne noted that she would be attending the Walmart reopening on Friday, 9/26 at 7:30 a.m. She added that they had moved forward with the edocuments and eagenda process. They are working on pricing, and Andy Hinkle was working on the project. There may be a potential test model to try out for the next meeting. She thanked the employees, the department heads, Ms. Speicher and Ms. Bowders for ushering her in. She noted that they all had been really great.

Ms. Denne reported that she, along with Mrs. Speicher, had attended a Susquehanna Municipal Trust Annual Meeting yesterday. Springgettsbury Township for 2013 received a Safety Award for the Workman's Comp with zero lost time days. She stated in an organization of Springgettsbury's size and with as many employees and considering working with First Responders and individuals

who are out in all the bad conditions, it is really a group effort. She indicated that in her entire career she had never had a year with zero lost days. It's a really big accomplishment for this community.

Ms. Denne commented that she was really looking forward to Saturday in the Park and meeting many of the residents.

- A. Ordinance No. 2014-05 – Approving an Intergovernmental Cooperation Agreement with Spring Garden Township for I-83, Exit 18, Multi-Jurisdictional Adaptive Signal System

MS. LANDIS MOVED TO APPROVE ORDINANCE NO. 2014-05. MOTION UNANIMOUSLY CARRIED.

- B. Ordinance No. 2014-06 – Authorizing and Directing the Issuance of a General Obligation Note. Series of 2014 in the Principal Amount of \$7,403,500.

MR. SWOMLEY MOVED TO AUTHORIZE 2014-06. MS. PHAN WAS SECOND.

HADGE Mr. Hadge reported on a Securities and Exchange Commission obligation. The final figures indicate the \$320,000 in savings; however, as a legislative body he is required to be sure that the board has all the information to see the expenses and current debt service. This is an outgrowth of some recent banking legislation. He wanted to be sure all the board members understood what was taking place. He provided the documentation to the board members.

SCHENCK Mr. Schenck asked Mr. Swomley if he would amend his motion to include receipt of the document.

MR. SWOMLEY AMENDED HIS MOTION TO RECOGNIZE RECEIPT OF THE SECURITIES AND EXCHANGE COMMISSION DOCUMENTATION. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

- A. Harvey Subdivision – Escrow/Attorney Fees

MR. SCHENCK MOVED TO DENY THE REQUEST OF MR. HARVEY FOR A RETURN OF HIS ATTORNEY FEES. MOTION CARRIED 4/1. MS. PHAN, MESSRS SWOMLEY, SCHENCK AND DVORYAK VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

- B. Traffic Improvement Agreement – First Capital Federal Credit Union

RAUSCH Solicitor Rausch stated that item B had been tabled until a later date.

- C. York County Rail Trail Authority Escrow Fees

This item had been discussed earlier during the agenda.

- D. Consulting Agreement – John J. Holman

DVORYAK Chairman Dvoryak brought forward the Consulting Agreement that was put in place with Mr. Holman to fill the gap until a new manager had been hired. He noted there is a 30-day notice requirement. A new Township Manager is in place with Ms. Denne, and he thought it was time to terminate the arrangement with Mr. Holman.

MR. DVORYAK MOVED TO TERMINATE THE CONSULTING AGREEMENT WITH JOHN J. HOLMAN WITH THE 30-DAY REQUIRED NOTICE. MOTION UNANIMOUSLY CARRIED.

13. NEW BUSINESS

- A. Acknowledge Receipt of Minimum Municipal Obligation for Police Pension Plan

MR. SCHENCK MOVED TO ACKNOWLEDGE RECEIPT OF THE MMO. MOTION UNANIMOUSLY CARRIED.

- B. Provision of iPads – Board of Supervisors

This item had been previously discussed.

- C. Discussion on Budget Work Session Dates(s)

DVORYAK Chairman Dvoryak brought forward a discussion on the budget work session dates. A lengthy discussion took place followed by several potential dates. Ms. Denne will coordinate the dates with the board members: October 1, 15, 21, 22, 23, 27, 29, 2014.

14. ADJOURNMENT

DVORYAK Chairman Dvoryak reminded the board of the Executive Session to follow adjournment. He adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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