

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**SEPTEMBER 26, 2013
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, September 26, 2013 at 7 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

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

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charlie Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Patricia Lang, Director of Community Development
Jack Hadge, Finance Director
Betty Speicher, Director of Human Resources
Lt. Todd King, Police Department
Lt. Dan Stump, Police Department
Officer Jennifer Kennedy, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck reported that there were no Executive Sessions to announce as none had been held since the last meeting, and none were anticipated this date.

3. COMMUNICATION FROM CITIZENS

SCHENCK Chairman Schenck reported that he had listened to the recording of the last board meeting. He requested the Manager to provide the Supervisors with Meeting Rules that had been in effect for many years and available at the podium. His intent was to bring some order back to the meetings inasmuch as there had been an escalation of what he termed bad behavior. He stated that the rules are only a guide for behavior in the meetings. He indicated that the board wanted to hear from the public, but there is a need to be respectful of each other and maintain order. He noted specifically a three minute limit for public comments, and if an individual goes over that time, he intended to comment on the rule. Comments need to be directed to the board as it is a meeting of the Board of Supervisors.

Any debate from the floor will not be allowed, nor will further disruptions be tolerated. Questions of the board will be answered, if possible. He opened the floor for public comment.

GUNNING Paul Gunning, 2205 East Philadelphia Street referred to his previous complaint to the township concerning Emmanuel Christian Fellowship church running a commercial enterprise out of the church building. At that time, the decision made by Solicitor Rausch and the Board of Supervisors was that there was no issue. Since that time the church has added a musical studio and a recording studio. They are operating five to six evenings a week, along with the dance studio. He had good meetings with Mr. Luciani and Ms. Lang concerning the situation, and he had provided new information concerning the situation. He questioned the zoning uses and had searched past agendas for the Zoning Hearing Board but found no reference to any discussion.

SCHENCK Chairman Schenck thanked him and asked Solicitor Rausch to review the matter and brief the board on the topic especially if the situation has changed.

LANG Ms. Lang commented that she has the new material and would provide that to Solicitor Rausch.

HELLER Jane Heller, 1819 Idylwyld Road, presented two questions. She asked about specific plans for a forum concerning the historic preservation efforts.

HOLMAN Mr. Holman responded that the confirmed date is Wednesday, October 23rd. Letters will be mailed out to impacted property owners, as well as those on the Significant Property List. The meeting will be advertised in the newspaper, placed on the township website and Facebook page. The format will be a short 10-minute presentation at 5:30, 6:30 and 7:30 followed by the ability to review the different stations.

HELLER Ms. Heller questioned another area for a potential Dollar General where the township hoped to cut a road from East Market Street to Concord Road.

SCHENCK Chairman Schenck responded that there is nothing as of this date which would confirm that as a possible connector road.

HELLER Ms. Heller noted that Dollar General is looking at the Fincor site as a possibility.

SCHENCK Chairman Schenck thanked her for the update.

PHAN Kathleen Phan, 3841 Silver Spur Drive stated that she is an employee of Wellspan Health. They are in the process of educating themselves on Obama's Affordable Care Act. She noted that the residents are concerned that the board is educating themselves concerning how the ACA and ACO will affect the ambulance service. She reported that the Emergency Health Services, an agency of the Pennsylvania

Department of Health, is charged with EMS oversight in the region. Several meetings had been held to discuss potential issues. She suggested that the board look at the residents as to whether they are Medicare, Medicaid, managed care or unmanaged care patients and carefully look into the future of the ambulance service. In addition, she urged that representation from Springettsbury Township would be present in every meeting of the EHS in order to stay up to date with education and how these new options will affect residents in the township.

CRUMLING Larry Crumling, 108 Lorenzo Court commented on his suggestions made during the previous board meeting. He asked whether there was any consideration given to creating a Historical Preservation Trust.

SCHENCK Chairman Schenck responded that what he had submitted was very constructive. The board had not met since, and as a result there was nothing to report. The process is in the beginning stages with the meeting planned for October 23rd. He indicated that several months ago he had attended a meeting of the Historic Preservation Committee and challenged them with much the same thought which was to look around for a model for a type of trust. Historic preservation costs money, and a type of self-funding mechanism would help preservation efforts. If a property is valued as a commercial property and would be considered for historical purposes, there would be a financial impact to the property owner.

CRUMLING Mr. Crumling understood and noted that what he had presented would not have prevented the sale of a historic property or site but, if it was slated for demolition, an ordinance would kick in and delay that.

SCHENCK Chairman Schenck stated that protection of that nature currently is on the books. If one of the famous 100 properties is threatened, part of that process is that it goes to the Historic Preservation Committee, followed by a period of time for review and a solution. However, he noted that if an owner of that property wanted to demolish it, they can come in and get a permit and tear it down.

CRUMLING Mr. Crumling noted that he had obtained some sample ordinances, most of which came from Lancaster County.

SCHENCK Chairman Schenck agreed and noted that there is more activity in the private sector as well.

CRUMLING Mr. Crumling thanked him and noted that he was very glad to hear about the plans that Mr. Holman was putting into place.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill stated he had submitted his monthly report. He advised that bids had been opened September 25th for the Haines Road Lining Manhole Rehab, and the apparent low bidder was Abel Recon. Their base bid was \$479,180 with an add alternate for working at night of \$11,300 for a total bid of \$490,480.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided his monthly engineering report. He had several updates to his report.

- Pre-emptive work is being done for PennDOT that will occur at Exit 18, Haines Road and I-83. Unfortunately the golf course, Nello Tire and the hotel are in the impact zone and will be taken.
- A traffic alternative route is proposed through Gabriel Brothers Plaza as it has a public right-of-way.
- There are some fairly serious storm water issues at Yorklyn Gate and also at Haines Road near Eastern Boulevard with inlet cones notifying motorists. PennDOT is attempting to pass along the responsibility for the repairs to the municipalities; however, Mr. Luciani does not believe that is the case. He is researching old plans and permits.

SCHENCK Chairman Schenck asked about the property on Cimeron Road. He had received a detailed letter from the property owner.

LUCIANI Mr. Luciani responded that he met with the property owner several times. The owner has extensive knowledge about utilities, trunk lines, sewer lines, etc. He reported that three times the manhole cover had blown off the pipe and flooded through his yard. The maintenance belongs to the property owner, but he has had significant insurance claims from \$5,000 to \$10,000 range for a beautiful landscaped yard. When the water comes bubbling up out of the manhole it blows the embankment. Mr. Luciani had provided some ideas where he won't have the extensive damage.

SCHENCK Chairman Schenck mentioned the property on Greywood and understood there was a very proactive approach being taken.

LUCIANI Mr. Luciani responded that they had provided a very detailed solution to the property owner's problem, which is on private property. This has to do with water coming out of Stonewood Park and filling up the back yard. The water floods higher than the outgo pipe and runs from the creek in the back to the pipe in the front and floods the roadway. He and Mr. Holman met with the property owner several times. They can create an open channel through there, which will flood for a short period of time but won't fill up and won't be a hazard.

BOWMAN Mr. Bowman asked what was happening at Wells Fargo on Haines Road.

LANG Ms. Lang responded that their entire roof is being repaired.

5. CONSENT AGENDA

- A. Acknowledge Receipt of August 31, 2013 Treasurer's Report.
- B. Acknowledge Receipt of August 20, 2013 York Area United Fire and Rescue Commission Meeting Minutes.
- C. Regular Payables as Detailed in the Payable Listing of September 26, 2013.

LANDIS Ms. Landis asked to pull item B for further discussion.

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

LANDIS Ms. Landis questioned item B which mentioned Mr. Schenck's report with regard to his informal breakfast meeting with a York City Councilman. She asked for information surrounding that discussion.

SCHENCK Chairman Schenck responded that the Councilman updated him on his efforts toward regionalizing and consolidating their fire service with surrounding communities and adding professional fire services.

**MR. BISHOP MOVED TO ACKNOWLEDGE RECEIPT OF THE AUGUST 20, 2013
MINUTES FOR YAUF. MOTION UNANIMOUSLY CARRIED.**

6. ACCOUNTS PAYABLE

- A. Authorization for Payment #1 to Lobar, Inc., in an amount not to exceed \$132,029 for Fire House General Construction Services.

**MR. BOWMAN MOVED TO APPROVE AUTHORIZATION FOR PAYMENT #1 TO
LOBAR, INC. IN AN AMOUNT NOT TO EXCEED \$132,029 FOR FIRE HOUSE
GENERAL CONSTRUCTION SERVICES. MOTION UNANIMOUSLY CARRIED.**

- B. Authorization for Payment #1 to Shannon A. Smith, Inc., in an amount not to exceed \$6,498.00 for Fire House Electrical Construction Services.

**MR. DVORYAK MOVED TO AUTHORIZE FOR PAYMENT #1 TO SHANNON SMITH
IN AN AMOUNT NOT TO EXCEED \$6,498.00 FOR FIRE HOUSE ELECTRICAL
CONSTRUCTION SERVICES. MOTION UNANIMOUSLY CARRIED.**

- C. Authorization for Payment #1 to Silvertip, Inc., in an amount not to exceed \$12,780.00 for Fire House Plumbing Construction Services.

**MR. BOWMAN MOVED TO APPROVE AUTHORIZATION FOR PAYMENT #1 TO
SILVERTIP, INC., IN AN AMOUNT NOT TO EXCEED \$12,780.00 FOR FIRE HOUSE
PLUMBING CONSTRUCTION SERVICES. MOTION UNANIMOUSLY CARRIED.**

D. York Container Company – Developer’s Agreement Amendment

MR. BISHOP MOVED TO AUTHORIZE ENTERING INTO THE DEVELOPER’S AGREEMENT WITH YORK CONTAINER COMPANY, THAT AGREEMENT AS AMENDED TO INCLUDE THE EASEMENT AGREEMENT AS AN EXHIBIT. MOTION UNANIMOUSLY CARRIED.

8. SUBDIVISIONS AND LAND DEVELOPMENT

A. Historic Preservation Update

LANG Ms. Lang reported that the itinerary for the October 23rd meeting was far from finalized. However, they had been in contact with Planner Marian Hull regarding some issues. Ms. Lang wanted to be clear that the meeting will be for information and education only. They will not go over language of an ordinance or specific proposals but will be looking at options and what authority the township has; the responsibility of the state and the federal government. They will review what currently is in place, what the Historic Preservation Committee has done and what the options are moving forward on a very generalized scale. They are looking for feedback from that, as well as from a survey that will be mailed out, as to the pulse of the community.

LANDIS Ms. Landis commented that the PSATS magazine had a lengthy piece regarding land preservation and historic properties and what other municipalities are doing. She suggested that some information could be extracted from that. She recommended looking at that piece.

LANG Ms. Lang responded that she and Ms. Hull are fairly familiar with the current information; however, there may be someone with a unique twist on how they handle the matter. That is the way zoning happens by seeing what other municipalities are doing and tailoring it to specific community needs, and it’s always a good start.

HOLMAN Mr. Holman added that they had met this date with the Historic Preservation Committee to update them on the preparations for the meeting, as well as requesting ideas and information and volunteer help during the meeting.

9. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis referred to the Meeting Rules for the Board of Supervisors meeting. She questioned when the meeting rules were created and by whom since she was never given the document when she came on board as a Supervisor in 2010.

SCHENCK Chairman Schenck responded that they had been in place for some 19 years and had been at the podium every meeting.

LANDIS Ms. Landis suggested that some of the items listed on the rules are appropriate and some need to be reviewed/revise since they were enacted several years ago. She made the following suggestions:

- Allow the public to speak on a specific topic or issue during the agenda.
- Discuss a more friendly approach for the three-minute time limit.
- Define more clearly what constitutes a disruptive individual and who would make that decision.

SCHENCK Chairman Schenck reiterated what he had stated at the beginning of the meeting that they are rules but not the letter of the law. He noted the rule for signing in in order to speak and commented that it had never been enforced. He stated if the board decided to pick the rules apart he was fine with that. He had always offered the public to speak concerning a specific issue during the meetings; however, once during the meeting was enough. Chairman Schenck added that he had reviewed the rules with Solicitor Rausch as to how he would handle a disruptive individual. They would be advised they are out of order and asked to stop. If the behavior continued, they would be asked to comply, and if they refused they would be asked to leave the building. Chairman Schenck noticed an individual in the audience who asked what would happen if a Supervisor was out of control. He responded that they are elected officials with differing opinions and it is given that they will argue. If a Supervisor is physically threatening or does something out of line, as Chairman he will gavel the meeting, recess it and take care of the problem. He concluded that he thought rules and order in meetings are important. If the board was in favor of rewriting and adopting new rules by Resolution he would not have an issue with same.

Consensus was to review and rewrite the rules to be adopted by Resolution.

LANDIS Ms. Landis stated that cell phones and electronic devices should be turned off during the meeting. She had noticed board members and other individuals as well texting on their cell phones during meetings.

SCHENCK Chairman Schenck responded that it was not unreasonable to suggest that all cell phones be silenced. However, in no way would emergency services people be asked to not have their devices available.

SCHENCK Chairman Schenck brought his comment forward. He wanted to make the board aware of some correspondence through the Finance Director, Jack Hadge. As part of our audit of a \$26 million enterprise, there was a \$10,000 liquid fuels audit finding. Nothing was done wrong; however, during one calendar year versus another the liquid fuels people gave direction to move forward with an issue which the Finance Director did. Three years later the Auditor General said that could not be done, and it is now a finding. This is being challenged by the Finance Director.

HADGE Mr. Hadge noted that a letter should be coming from the Auditor General's office during October. The issue was passed to the Pennsylvania Department of Transportation for a decision. He had hoped the Auditor General would take a positive and proactive approach.

SCHENCK Chairman Schenck reported that he had stopped by Stonewood Park while the Public Works employees were working on that project. The workers were thrilled to be doing the project, which had broadened their scope of the things that they handle. They are digging, grading and laying down stone and keeping the work contained right to the walkway, and they are doing a fabulous job.

SCHENCK Chairman Schenck reminded everyone that Saturday in the Park is September 28th and he was looking forward to it. Great weather is forecast.

10. SOLICITOR'S REPORT

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

11. MANAGER'S REPORT

HOLMAN Mr. Holman had submitted his monthly report. He provided two updates:

- Right to Know information requests will be posted on the township website. If very detailed information or large documents are requested, the individual will have to contact the township.
- Historic Preservation information, such as the 100 properties that are under review, will be placed on the website with updates.
- Citizen comments/complaints will be placed on the website. The item will be assigned with a tracking device for reporting. A response will be sent to the resident, and a special code number assigned. A presentation on the program will be made during the October 10th meeting.

LANDIS Ms. Landis questioned Mr. Holman about the Build America Bonds for which he had listed the interest payment received in May, 2013 in the amount of almost \$130,000. The requested amount was \$142,000, which is a reduction of 8.7% due to the sequester in the federal government. It had been one of her concerns in choosing the Build America Bonds, and there is a substantial amount of decreased income for the township. She asked for an update.

HOLMAN Mr. Holman responded that he and Mr. Hadge had discussed the matter with Concord Finance. He noted that there continues to be an excellent return with regard to the Build America Bonds with interest rates and the township is saving quite a bit of money. He offered to have Mr. Hadge provide her with additional documentation. He added that the sequester had affected everyone, including military services, social services, welfare and not just Build America Bonds including less reimbursement from Medicare for ambulance services. If and when the federal government adopts a budget, there is a possibility that it will go back

up where it should be. He stated that they had been in touch with the local representatives to make them aware of the Build America Bonds, but there was a guarantee from the federal government that they would continue to pay.

LANDIS Ms. Landis questioned where the township would stand if the Build America Bonds were eliminated.

HOLMAN Mr. Holman responded that the bond would be refinanced.

LANDIS Ms. Landis asked how much that would cost the township.

HOLMAN Mr. Holman responded that he would have to review the documentation; however, he offered to gather the information, along with Mr. Hadge and forward it to all the board members.

LANDIS Ms. Landis noted one item in red on Mr. Holman's Manager's Report, which she assumed was an active issue. She stated there was one bullet point under the Teamster's Contract concerning subcontracting. She asked why it was put in red when it was not there before.

HOLMAN Mr. Holman responded that a question was asked at the last meeting and, therefore, he had put it into the Manager's Report.

LANDIS Ms. Landis asked whether the main issue was subcontracting outside services.

HOLMAN Mr. Holman responded that he would not go into any details with regard to Contract Negotiations outside of an Executive Session.

12. ORDINANCES AND RESOLUTIONS

There were none for action.

13. OLD BUSINESS

BISHOP Mr. Bishop asked for clarification on the issue brought forward by Mr. Gunning. The Chairman asked for a briefing; however, he requested further clarification as to the next step and when that might happen. The board previously had a determination that there was nothing that could be done due with the religious aspects of the matter. He asked whether there was any chance that any of the information had changed that determination.

SCHENCK Chairman Schenck responded that any new information would need to be reviewed.

LUCIANI Mr. Luciani reported that he had gone to Mr. Gunning's home one evening to observe. He had seen people going into the building with instruments, and there

obviously were music lessons and singing lessons going on inside the church building. Mr. Luciani noted that he was involved with St. Pat's church, and observing outside that church there is a school affiliation, and children are carrying musical instruments. There is basketball practice. The church umbrella is very large. Churches do have choruses and use musical instruments. The only thing that could be shared was that at a staff meeting Mr. Gunning advised that they are advertising on line and it is at that church that the music lessons are offered; the individuals there may not be affiliated with the church. It is a legal issue and it is not black and white; very gray.

RAUSCH Solicitor Rausch added that there is also the law of unintended consequences because it is not just this particular church. Whatever decision is made will be applied equally and will impact other churches. Depending upon the interpretation of the zoning ordinance and how to unthread a commercial enterprise versus a church-related enterprise is a very close call. He added that he was not taking Mr. Gunning's concerns lightly, but there are ramifications that need to be thought through.

SCHENCK Chairman Schenck noted that a thorough understanding of the matter is necessary, and it may be a road that the board would not want to take.

RAUSCH Solicitor Rausch noted that this type of activity involving a zoning ordinance is difficult because it's not in plain view. What goes on in that building is very difficult to know exactly or to obtain any kind of records that would indicate it is purely a commercial enterprise, which is the fundamental issue.

BISHOP Mr. Bishop noted his concern was that whatever decision is made, it must be fully and clearly communicated.

LANDIS Ms. Landis noted that if there is cause to believe that a commercial business is being run inside the church, the township could get the tax returns to see if they are reporting income.

RAUSCH Solicitor Rausch responded that non-profits have to follow 990 but he wasn't sure about churches. Part of the problem is that the township has the burden to prove a violation. The township would have to go through zoning and file an enforcement notice. If that were challenged, it would go before the Zoning Hearing Board first, and it would be the township's burden to prove.

LANDIS Ms. Landis noted that if they're a church and they're not hiding anything, there's just a bridge of communication gap that perhaps could be cleared up. It might be a fund raising event, which is done in many churches.

BISHOP Mr. Bishop noted that he had personal experience many years ago with the people who were involved, and it was not beyond the realm of possibilities that there are

some people who would run a commercial enterprise and hide behind a religious entity in order to be able to tell the township that it can't do anything about it.

SCHENCK Chairman Schenck cautioned the board to wait for Solicitor Rausch to review the materials to see if anything was fundamentally changed and provide a legal opinion with whatever steps are needed.

RAUSCH Solicitor Rausch responded that he will provide an opinion by the next meeting.

BISHOP Mr. Bishop added that it was important to communicate that back to Mr. Gunning.

HOLMAN Mr. Holman noted that within the past year, Solicitor Rausch and Mr. Luciani met with Mr. Gunning to go over the issues and options. The new information that he had given to Ms. Lang will be reviewed. Mr. Holman stressed that he did not want anyone to think that the township did not respond to Mr. Gunning.

14. NEW BUSINESS

There was no New Business for discussion.

15. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 8:20 p.m.

Respectfully submitted,

John Holman
Secretary

ja