

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 23, 2013
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, May 23, 2013 at 7:00 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: Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Lt. Dan Stump, Police Department
Jack Hadge, Finance Director
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order and led the Pledge of Allegiance. He stated that the board held a Police Pension Board meeting earlier at 6 p.m. He announced that Mr. Holman would not be in attendance as he is attending a Management Conference. He welcomed Patricia Lang, the new Director of Community Development. He asked for her comments.

LANG Ms. Lang stated that she had most recently served as Director of Planning and Zoning in Ferguson Township, Centre County, Pennsylvania. In addition, she had spent almost 20 years in county government in Lancaster County and had been in local and county government and in planning for her entire career. She hoped to move forward and progress in redevelopment, economic development and customer service for the people of Springettsbury.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck announced that no Executive Sessions had been held since the last meeting, and none were planned for this date.

3. COMMUNICATION FROM CITIZENS

TROTT David Trott, 3360 Druck Valley Road, stated that 3,000 voters had cast a vote for change during the primary election on Tuesday, May 21st. He reported that Bill

Walters had been at the polls speaking negatively about specific candidates and their supporters. He represented himself as a supervisor who had come out of retirement. Mr. Trott cited Title 18 of the PA Crimes Code, 4912, Impersonating a Public Official. He stated that a person commits a misdemeanor in the second degree if he falsely pretends to hold a position in public service. Mr. Trott stated that he would turn that over to the police department for further review.

WALTERS Bill Walters, 3310 Eden Bridge Road stated that he is a retired township supervisor, who got very active because he could see what was happening to Springettsbury Township after having lived in the township for 49 years. He addressed Ms. Landis and reported that he had found a communication at his front door with regard to the Avalong barn being demolished. Within the communication to Mrs. Jane Heller it stated that “we have to get rid of the candidates for Supervisor, Mr. Swomley.” Additionally it stated “You cannot tell them that I asked for your help. We need you to let everyone know that we have to get Swomley off the ticket.” He asked Ms. Landis if she had sent the email.

LANDIS Ms. Landis responded that she had absolutely sent it as a confidential email to Jane Heller.

WALTERS Mr. Walters commented that it was not very confidential because a lot of people received it, and he noted that she was proud of the comments she made.

LANDIS Ms. Landis responded that she had no problem saying anything.

WALTERS Mr. Walters continued by stating that Ms. Landis was suing him as a township taxpayer and the township itself along with two of her fellow Supervisors for \$1 million. He asked if that was correct.

LANDIS Ms. Landis responded that she had nothing to do with the dollar amount, which is set by statute.

WALTERS Mr. Walters asked for clarification that she was suing the township, and if so, he recommended that she resign from the board. He stated that she could not serve on the board while suing him, as a taxpayer, and she should remove herself from the board.

LANDIS Ms. Landis responded that she does not believe in bullying or discrimination and would not discuss her lawsuit in a public meeting as it had nothing to do with the agenda. She noted that she would discuss it one-on-one. She noted that Mr. Walters had cut the newspaper article out about the lawsuit and circulated it.

WALTERS Mr. Walters addressed Mr. Trott concerning people working at the poles. He stated he would provide a list of everyone who supported both Mr. Bumsted and Mr. Swomley and each pole they worked on and where they live. He asked if Mr.

Trott would supply him with a list of all the people that he was campaigning for and where they live.

TROTT Mr. Trott responded that he would if it was any of his business.

MITRICK Lori Mitrick, 3399 Barwood Road addressed Chairman Schenck with her comments. She stated that she teaches government at York College, both state and local government, and believes in good government. She had an experience at several of the poles on Tuesday that she wanted to bring to Chairman Schenck's attention for his response. She heard comments given to many of the residents that she felt were made to frighten the residents and bring about emotion. The comments that were given indicated that the Board of Supervisors in Springettsbury Township was going to get rid of the ambulance service with no explanation; not what would be done further but just to get rid of the service. Based on the research she does for the courses she teaches, she knew that public safety is extremely important to the residents. There had been no explanation or suggestion that the board could be doing its due diligence, and it concerned her as it concerned the residents. She stated that it is important to give the facts to the residents of the township as she believed a disservice was done. She asked for Chairman Schenck's comments.

SCHENCK Chairman Schenck responded that he would respond with statements that were already public and the truth.

- No decision had been made whatsoever to get rid of the ambulance service.
- Board would certainly have something in place if that decision were made.
- The due diligence is absolutely being done to be certain that service is being provided to the residents, including backup when the ambulance is out on call.
- Only about two municipalities out of the 72 in York County operate their own in-house ambulance service.
- Questions include what is available, how the service is being handled, what kind of proposals could be received.
- Number one goal is improving services.
- Number one cost item in the budget is for public service, public safety.
- Some labor issues are involved.
- Research continues at this time.

MITRICK Mrs. Mitrick stated that his response was helpful, and she would appreciate it if that very clear and factual message could be conveyed to the residents of Springettsbury Township. She thought the residents would respect that the board was doing its due diligence and at the end of the day would make the right decision based on the facts.

SCHENCK Chairman Schenck thanked her for bringing that to the board's attention.

LANDIS Ms. Landis stated that the item had been in the Manager's corner in the township's *Springettsbury News*, as well as in the minutes.

SCHENCK Chairman Schenck responded that it is frustrating when the board does a lot of good things and the news does not get out.

GAROFALO Mario Garofalo, 3385 Oakham Drive, spoke about the ambulance service and the fact that he represents the members of EMS, Public Works and Wastewater and is actively negotiating a contract with Springettsbury Township. He noted that the board wanted to outsource the EMS service, and because of his involvement in the labor contract, he was familiar with the numbers. He stated that the numbers provided during a recent presentation were incorrect.

SCHENCK Chairman Schenck responded that the numbers were crystal clear. The township taxpayers subsidize the ambulance service each year with approximately \$150,000. He commented that it was important to be aware of the township budget figures. The revenue line for ambulance services is one figure, but the expenditure line does not show health or life insurance, insurance for the service, fuel, Workers Comp, etc.

GAROFALO Mr. Garofalo questioned the Memorial Hospital joint billing issue about which the board had done nothing.

SCHENCK Chairman Schenck responded that the contract had been signed, and joint billings will be done by June. He noted that the extra time spent in executing the contract with Memorial was due to the fact that the township remained firm that no revenue would be taken by the hospital. The agreement will eliminate residents from receiving billings to be paid out-of-pocket.

GAROFALO Mr. Garofalo asked to receive a copy of the agreement. He asked the board to sit down with him and negotiate the contract.

SCHENCK Chairman Schenck responded that the agreement is a public document, and the board always has the Manager meet with the labor unions.

GAROFALO Mr. Garofalo stated that he wanted to meet with the board and not the Manager because the board has the ultimate decision.

SCHENCK Chairman Schenck responded that they would take his request under advisement. The board had not participated at the bargaining table for at least 20 years of negotiating contracts.

BISHOP Mr. Bishop reiterated Chairman Schenck's earlier statement that the board had not decided to outsource or do anything about the ambulance service.

GAROFALO Mr. Garofalo commented that when the attorney from Philadelphia presented the information, the board was adamant about outsourcing the ambulance service.

BISHOP Mr. Bishop stated that it didn't sound like a board decision but rather a negotiating position, and the attorney was not negotiating with him.

GAROFALO Mr. Garofalo responded that he was because Mr. Holman had given him the right to negotiate. He asked Mr. Dvoryak if he was correct.

DVORYAK Mr. Dvoryak responded that he could not attest to what they told him. However, at the end of that meeting there was no conclusion that he heard by the board to do anything other than take it under advisement. A large amount of data was given to the board, and the meeting was, in his opinion, a fact-gathering meeting and not a decision-making meeting.

GAROFALO Mr. Garofalo asked if Mr. Bowman heard the same thing.

BOWMAN Mr. Bowman responded that the board was gathering facts, and no decision had been made that night.

GAROFALO Mr. Garofalo asked Ms. Landis what she heard.

LANDIS Ms. Landis responded with her perspective. She stated that the attorney had asked the board for direction as to a sign-on bonus or what she understood was a severance package. She added that they had discussed additional subjects, such as adding different services, as well as the reasons for the delay with Memorial Hospital. She stated that her interpretation of the meeting was that no answers were given as to direction from the board.

GAROFALO Mr. Garofalo noted when they sat down with him they tried to offer the severance package, which indicated to him that the board had instructed the Manager or the attorney to present that. He asked whether the attorney did not have the right to do so.

BISHOP Mr. Bishop commented that it did not sound like a decision of the board to go one way or the other. He added that it probably was inappropriate for this discussion of labor negotiations in this kind of venue.

GAROFALO Mr. Garofalo responded that he was not negotiating the labor agreement but rather what the board planned for EMS.

BISHOP Mr. Bishop indicated he did not know what the attorney said, but he was certain that the board did not make a decision as he was characterizing that it was the board's intention to make a change to the way EMS is delivered.

GAROFALO Mr. Garofalo questioned why the attorney would present it.

BISHOP Mr. Bishop stated that it was a labor negotiation.

SCHENCK Chairman Schenck asked Mr. Garofalo to finish his comments because they had responded to his question of whether the board had decided to outsource EMS. The answer was no, the board had not decided to outsource EMS. He added that in his answer to Mrs. Mitrick he had mentioned that there are many things to consider, one of which is the labor contract.

GAROFALO Mr. Garofalo asked again whether the board would consider sitting down and meeting with him.

RAUSCH Solicitor Rausch stated that it was not for the union to decide.

GAROFALO Mr. Garofalo stated that he could request it.

RAUSCH Solicitor Rausch responded that it needed to be done through the proper channels. Solicitor Rausch added that Mr. Garofalo had made his point, and the board responded; beyond that it should go no further.

SCHENCK Chairman Schenck stated that he would receive an answer through the typical channels used during labor negotiations.

LANDIS Ms. Landis questioned whether in the past there were certain Supervisors that sat with the Manager in bargaining negotiations with the police.

BISHOP Mr. Bishop responded that he recalled there were some instances where a Supervisor was on a negotiating committee.

TROTT Mr. Trott stated that there had been, as he had sat in sessions with Mrs. Mitrick and Mr. Bowman.

SCHENCK Chairman Schenck did not recall ever having done so.

LANDIS Ms. Landis questioned Solicitor Rausch whether most townships have at least one board member sitting in negotiations and reporting the process to the board.

RAUSCH Solicitor Rausch responded that he had seen it done many different ways. It all depends on the municipality and how they handle negotiations.

LANDIS Ms. Landis stated that she had spoken with five local municipalities and they all have one representative that attends and reports back to the board. She noted that, as a board member, until the negotiations are nearly completed, then the board has an Executive Session with no input. She would like to see a change with a board member represented in the negotiation process especially in view of continuous hardships such as this. She added that it could be on a rotating basis and not necessarily one assigned person. She stated that there is a gap with the communication and some hardship there that different perspectives and opinions could help with the negotiating process.

BISHOP Mr. Bishop asked what hardships she was referring to in the negotiating process.

LANDIS Ms. Landis stated that Mr. Garofalo seemed to be extremely upset and the Teamsters are having some hardships there because the contract cannot be finalized. She added there are hardships because the employees are concerned with their jobs.

SCHENCK Chairman Schenck stated that negotiations with labor contracts are very important to both sides. He was certain that Mr. Garofalo has strategy sessions with his group, and they meet privately and decide how to pursue the contract with what position to take. The township does the same with strategy sessions to lay out negotiations in the contract. The problem lies in the fact that issues that Mr. Garofalo brought forward, and what Ms. Landis had brought up, were planned during a negotiation strategy in Executive Session. He noted that there must be a level of trust to be able to move forward with the strategy. He stated that the comment made first by Mr. Garofalo, followed by Ms. Landis, came from one place. The board was there. Solicitor Rausch advised that it is not illegal for any Supervisor, during an Executive Session, to tell people what was discussed. However, when strategy is discussed for a negotiating session, and it is parroted back by the union business agent and confirmed by Ms. Landis in a public meeting when it was stated that the lawyer asked for certain direction from the board, that was a specific negotiating strategy discussed in Executive Session in which all board members were present. He added that, although not illegal, it was a violation of trust during an Executive Session, which makes negotiations very difficult.

LANDIS Ms. Landis responded that he had asked for several perspectives, from Mr. Schenck, Mr. Dvoryak and herself. Mr. Garofalo gave his perspective and she shared hers.

GAROFALO Mr. Garofalo stated that she had not given him the information and that it was the attorney that told him.

SCHENCK Chairman Schenck asked him whether that was the first he had heard it.

WALTERS Mr. Walters commented that in his 16 years as a Supervisor, the board members did not sit in on negotiations with the union. That was the job of the Township Manager and the Solicitor. As CEO of a company, whether it is Ford Motors or anyone, they do not take part in negotiations.

TROTT Mr. Trott commented that he had participated in contract negotiations with Mrs. Mitrick and Mr. Bowman. The negotiations had been difficult and they had requested a Supervisor or Supervisors sit in. At that time it had been a tremendous help and had assisted in completing the negotiations.

CRUMBLING Larry A. Crumbling, 108 Lorenzo Court wanted to address the comments heard at the polls regarding the board decision to do away with the EMS. He stated that was not the rhetoric. He had been at the polls for 13 hours, and they did discuss the ambulance. The rhetoric was that the current board was considering outsourcing the EMS. If a poll worker said what Mrs. Mitrick heard, it was not what was supposed to be said.

SCHENCK Chairman Schenck thanked him for clarifying the fact.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill stated he had submitted his written report and would respond to any questions by the board.

SCHENCK Chairman Schenck asked for the status of the Yorklyn project.

CRABILL Mr. Crabill responded that there had been a few issues, but everything is moving forward.

B. Civil Engineer – First Capital Engineering, Inc.

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

- B-Way Project Update – Land Development Plan requires buffering. Mature trees will be lost for conventional sidewalk with a four-foot grass strip. Plan was reviewed by Planning Commission and will be back before the Supervisors for action.

SCHENCK Chairman Schenck asked whether it was part of the original Kinsley non-traditional design with the inter-winding walkways.

LUCIANI Mr. Luciani responded that he was correct. It had been planned with the walking trails behind buildings. However, when the post office was an earlier tenant, they discussed the fact that they could not have people accessing the back of the post office because it's a secure area. At that point everything was changed to the front.

- Stonewood Park Walking Trail Update – Authorization is requested to put the project out to bid in June, accept bids in July and award in late July to start work in August. Expect it to be one month's worth of work.

LANDIS Ms. Landis questioned the final cost and what money had been put aside. She thought there had been a grant for the Stonewood Park project.

LUCIANI Mr. Luciani responded that there was no grant for the sidewalk.

LANDIS Ms. Landis stated that she thought it was to be based on receiving some sort of grant.

LUCIANI Mr. Luciani stated that the budgeted amount is \$70,000.

SCHENCK Chairman Schenck noted that it was put in the Capital Plan as part of the budgeting process for this year; straight out of Capital.

LANDIS Ms. Landis reiterated her comment that she thought it was based on going out for a grant, then discussing whether to move forward. It is now on the table to move forward asking for advertisement to go out for bids.

LUCIANI Mr. Luciani responded that the action only allows going out for bid. Once bids are received there will be a number. If there are objections to the bid at that point, decisions will be made.

LANDIS Ms. Landis understood; however, she thought it was to be funded by a grant and there were no grants. She questioned why the move forward.

SCHENCK Chairman Schenck responded that he did not remember that it was tied to a grant. The bids can come in and a review of the budget followed by making a decision.

5. CONSENT AGENDA

- A. Acknowledge Receipt of April 30, 2013 Treasurer's Report.
- B. Board of Supervisors Regular Meeting Minutes – May 9, 2013.
- C. Regular Payables as Detailed in the Payable Listing of May 23, 2013.
- D. SD-07-06 – Time Extension – Triplet Springs – Plan Expires 5/20/13 (New Plan Date 09/20/13).

SCHENCK Chairman Schenck asked to remove item B for further discussion.

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

SCHENCK Chairman Schenck stated a correction to the May 9, 2013 Board of Supervisors Regular Meeting minutes. The comment made by Chairman Schenck under Executive Session the word Plaintiffs was to be changed to the word Defendants.

**MR. BISHOP MOVED TO APPROVE THE MINUTES AS AMENDED. MOTION
UNANIMOUSLY CARRIED.**

6. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

7. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

SCHENCK Chairman Schenck brought forward an issue regarding mobile signs during elections. He stated the ordinance is crystal clear by stating they are illegal. However, the enforcement tools have little impact. A mobile sign parked on a property is a land use issue. An enforcement notice normally is a 30-day notice with a right to appeal.

RAUSCH Solicitor Rausch offered to sit down with Ms. Lang for a review. Moving it from Zoning into a general ordinance would allow enforcement by the police department.

LANDIS Ms. Landis brought forward signs that are illegal in size, such as those erected by Mark Swomley and John Bumsted. She stated that the size did not conform to requirements in the ordinances. She stated that Mr. Trott had asked the Zoning Officer if a permit was applied for, and they said they couldn't find the individual to get a permit.

SCHENCK Chairman Schenck stated that he had followed up on the same item and was advised that all permits were secured and signs were properly placed.

LANDIS Ms. Landis mentioned the signs on Eastern Boulevard. She had been told that no signs were allowed there. She had advised Mr. Holman several times about the signs, and he had someone remove them. She added that there are issues with signs in general at this time of year and she did not think there was a way to tighten the regulation.

SWOMLEY Mark Swomley, 3366 Barwood Road, stated that the sign ordinance reads, "Political Signs and Personal Expression Signs exceeding the size, type and placement criteria for said signs, as listed in 325-104 F and G shall be allowed by permit." He stated he was permitted.

LANDIS Ms. Landis commented that she had mentioned John Bumsted as well.

BOWMAN Mr. Bowman assured Ms. Landis that Mr. Bumsted had permits.

9. SOLICITOR'S REPORT

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

DVORYAK Mr. Dvoryak asked Solicitor Rausch if any of the items, accusations and complaints mentioned during the meeting this date would require any follow up due diligence by the board. He mentioned false messages given out at the poles, a requested resignation, impersonating a township supervisor, and disclosure of confidential emails.

RAUSCH Solicitor Rausch responded that any of those issues are out of the board's jurisdiction.

10. MANAGER'S REPORT

SCHENCK Chairman Schenck stated that Mr. Holman had provided the board a written Manager's Report. He asked if there were any questions, and there were none.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2013-30 – Adoption of York County 2013 Hazard Mitigation Plan

MR. DVORYAK MOVED TO ADOPT RESOLUTION 2013-30. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Advertise Ordinance and Schedule Public Hearing to Amend the Code of Ordinances – Chapter 220, Peddling and Soliciting

MR. BISHOP MOVED TO AUTHORIZE ADVERTISING THE ORDINANCE AND SCHEDULE PUBLIC HEARING.

RAUSCH Solicitor Rausch stated that a public hearing would not be necessary as it is a non-zoning ordinance.

MR. BISHOP MOVED TO AUTHORIZE TO ADVERTISE THE ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 220, PEDDLING AND SOLICITING. MESSRS. BISHOP, BOWMAN, SCHENCK AND DVORYAK VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

12. OLD BUSINESS

A. YorkCounts Public Safety Task Force Update

SCHENCK Chairman Schenck stated that a letter had been received from YorkCounts.

BISHOP Mr. Bishop reported that that YorkCounts had completed their study and provided all the information to the municipalities. There will be no additional activity. He suggested that the item be removed as a regular agenda item.

DVORYAK Mr. Dvoryak added that the municipality would determine whether to use the information or not.

Consensus of the board was to remove the YorkCounts Public Safety Task Force Update item from the standing agenda.

13. NEW BUSINESS

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

- 1) Sarah J. Blanchard (Parcel #46-46-31) in the amount of \$65.02.
- 2) John and Joyce Clevestine (Parcel #46-000-IJ-001.BO-C0041) in the amount of \$18.75.
- 3) Lincolnway Flower Shop (Parcel #46-18-46) in the amount of \$12.75.
- 4) Jason and Tara Smith (Parcel #46-42-82) in the amount of \$33.82.

MR. DVORYAK MOVED TO APPROVE THE TAX REFUND REQUESTS ONE THROUGH FOUR. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Advertise for Bids – Stonewood Park Walking Path

MR. BISHOP MOVED TO AUTHORIZE TO ADVERTISE FOR BIDS THE STONEWOOD PARK WALKING PATH. MOTION CARRIED. MESSRS. SCHENCK, BISHOP, BOWMAN AND DVORYAK VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 8:15 p.m.

Respectfully submitted,

John Holman
Secretary

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