

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**DECEMBER 10, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, December 10, 2009 at 7:00 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, Pennsylvania.

MEMBERS IN

ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
Mike Bowman
Nick Gurreri

MEMBERS NOT

IN ATTENDANCE: George Dvoryak

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
Jim Baugh, Community Development Director
Dennis Crabill, Environmental Engineer
John Luciani, Civil Engineer
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Mark Hodgkinson, Director of Wastewater Treatment Plant
Bob McCoy, Chief, York Area United Fire and Rescue
Charlie Lauer, Director of Public Works
Jack Hadge, Director of Finance
Dave Eshbach, Chief, Police Department
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order at 7:00 p.m. He thanked everyone for coming. He asked Mr. Gurreri to lead the Opening Ceremony.

GURRERI Mr. Gurreri expressed his thanks to Harley for its decision to stay in York County. He noted a newspaper article noting that Springettsbury Police Department had done an excellent job, and he congratulated Chief Eshbach. He asked that the men and women in the armed services be remembered in prayer.

SCHENCK Chairman Schenck noted four Boy Scouts from Troop 54 in Manchester were in attendance and working on their Citizenship in the Community Merit Badge. He asked them to come forward and they led the Pledge of Allegiance.

GURRERI Mr. Gurreri thanked the Board for the nice reception held earlier in his honor.

SCHENCK Chairman Schenck thanked the township staff for their efforts as well.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. November 18, 2009 – 8:50 a.m.

- 1. Personnel**
- 2. Litigation – Darrah**
- 3. Litigation – Tax Collector**

SCHENCK Chairman Schenck announced that an Executive Session had been held following the November 18th meeting regarding some personnel issues, on-going litigation concerning Darrah and some issues with the Tax Collector. No Executive Session was scheduled for this date.

3. COMMUNICATION FROM CITIZENS

SLATKY John Slatky, 3673 Cimmaron Road, reported that the York County Planning Commission denied the Heritage Hills' request for a zoning change in reference to the light at Plymouth Road. He had asked the Springettsbury Board of Supervisors to reconsider the problems in the area. Secondly, he had requested a copy of the letter that supposedly had been sent to the car wash. He had not received that letter to date.

HOLMAN Mr. Holman stated that he would be sure that Mr. Slatky received the copy.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill had provided a written report. In addition, he presented some photographs.

SCHENCK Chairman Schenck asked whether the overall project was on schedule.

CRABILL Mr. Crabill responded that it was moving forward.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani stated that he had a few updates to his written report, summarized:

- Harley-Davidson – Township working closely to implement plant changes. Focus will be to consolidate operation to eastern side of property; review to be made of traffic, stormwater, etc.
- Market/Mt. Zion Road Hole – PennDOT temporary closed the hole; light back in service. Loop detector will not function until permanent corrections made in the spring.
- Market/Mt. Zion Road Improvements – Accepting project bids by December 22nd for evaluation.

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- Pleasant Valley/Mt. Zion Road Traffic Signal – Review completed by Milt’s Repair Service; appears to be operating as intended.

BOWMAN Mr. Bowman asked for an update on the rail crossing and turn signal at North Hills Road.

LUCIANI Mr. Luciani responded that the PennDOT permit still is not closed. He had discussed the traffic, the at-grade rail crossing and the deterioration of that with PennDOT, but he had not heard anything further.

1. CONSENT AGENDA

- A. Acknowledge Receipt of September 15, 2009 York Area United Fire and Rescue Commission Special Budget Meeting Minutes.**
- B. Acknowledge Receipt of October 20, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- C. Board of Supervisors Budget Presentation Minutes – November 18, 2009**
- D. Board of Supervisors Regular Meeting Minutes – November 18, 2009.**
- E. Conewago Enterprises, Inc. – BNR Improvements Project – Request for Payment No. 7 in an amount not to exceed \$257,883.39.**
- F. Frey Lutz Corporation – BNR Improvements Project – Request for Payment No. 5 in an amount not to exceed \$4,041.**
- G. Gettle Incorporated – BNR Improvements Project – Request for Payment No. 6 in an amount not to exceed \$90,666.**
- H. Doug Lamb Construction, Inc. – Safe Routes to School – Haines Road Request for Payment No. 2 in an amount not to exceed \$13,061.**
- I. Regular Payables as Detailed in the Payable Listing of December 10, 2009.**
- J. LD-09-03 – Time Extension – Rail Trail – Plan Expires 1/27/10 (New Plan Date 4/27/10).**
- K. SD-06-11 – Time Extension – 3308 Becker Tract – Plan Expires 1/25/10 (New Plan Date 4/25/10).**
- L. SD-09-02 – Time Extension – Harvey – Plan Expires 12/30/09 (New Plan Date 3/30/10).**
- M. LD-08-13 – Courtyard by Marriott (Reapproval).**

MR. GURRERI MOVED TO APPROVE CONSENT AGENDA A THROUGH M. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. ACCOUNTS PAYABLE

- A. Norfolk Southern Corporation – Request for Payment – Annual Maintenance Fees for Flashing Light Signals at Concord Road Crossing in a total amount not to exceed \$10,346.37 (Invoice Nos. 9909018685 and 9911020949).**

HOLMAN Mr. Holman reported that item A represented the 2009 and 2010 payment from November 2009 to October 2010. Mr. Dvoryak had requested that Mr. Hadge review the numbers and he reported that Norfolk Southern was consistent with its billing and it is correct.

GURRERI Mr. Gurreri noted that Mr. Dvoryak had asked who checks the bills to make sure they are correct.

HOLMAN Mr. Holman responded that he, personally, checks bills. In addition, they are double-checked by Mr. Hadge.

MR. BOWMAN MOVED TO APPROVE NORFOLK SOUTHERN CORPORATION REQUEST FOR PAYMENT, ANNUAL MAINTENANCE FEES FOR FLASHING LIGHT SIGNALS AT CONCORD ROAD CROSSING IN A TOTAL AMOUNT NOT TO EXCEED \$10,346.37. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorize Payment to County of York for Police Radio Equipment in an amount not to exceed \$67,010.02.

SCHENCK Chairman Schenck explained that item B included the township's payment back to the County for the purchases of radios.

HOLMAN Mr. Holman reported that it represented 25% of the cost of the radios under the old agreement with the County, which pays for 75%. The initial bill had been higher, but Chief Eshbach had reviewed the billing and Mr. Hadge double checked the equipment against what had been received. The actual cost was lowered approximately \$8,000.

MR. GURRERI MOVED TO AUTHORIZE PAYMENT TO THE COUNTY OF YORK FOR POLICE RADIO EQUIPMENT IN THE AMOUNT NOT TO EXCEED \$67,010.02. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

A. Authorization to Approve Change Order Request No. 4 – Conewago Enterprises – BNR Project in the total amount not to exceed \$209,411.64.

SCHENCK Chairman Schenck noted Change Order No. 4 for the project at the sewer plant. A number of the items had been previously approved due to the timing of the on-going work. He asked Mr. Crabill to review several of the higher-priced items.

CRABILL Mr. Crabill responded that one item for \$26,900 related to needed water line. He had presented the Supervisors with a photograph. He explained that a large section of the water line needed to connect to the head works to run the new screen. It had been shown incorrectly on the drawings, which was revealed during the digging. The \$26,900 related to the time it took to find the line and extend it.

SCHENCK Chairman Schenck asked him for information on the \$135,000.

CRABILL Mr. Crabill responded that during a 1984 project water lines went around the knit tanks so that the operational staff could wash down. When the digging took place,

they found that there wasn't a loop system and much smaller PVC was used with very small hydrants. Mr. Hodgkinson requested that it be corrected so that additional lines won't have to be run to facilitate cleaning all the new equipment, which accounted for the additional cost.

SCHENCK Chairman Schenck asked whether PVC pipe currently was used for water mains.

CRABILL Mr. Crabill responded that it could be used; however, many failures had been experienced over the years. The work being done will eliminate a large portion of the problems.

HOLMAN Mr. Holman noted that the total contract amount of the original work was \$17,703,000. A large credit change order had been previously received, was applied to the project. The total amount will be about \$17,878,000.

MR. BOWMAN MOVED FOR AUTHORIZATION TO APPROVE CHANGE ORDER REQUEST NO. 4, CONEWAGO ENTERPRISES, BNR PROJECT IN THE TOTAL AMOUNT NOT TO EXCEED \$209,411.64. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Approve Change Order Request No. 2 – Frey Lutz Corp. – BNR Project in the total CREDIT amount not to exceed \$9,779.

SCHENCK Chairman Schenck indicated this is a credit from the mechanical contractor for changes in the piping for the geo-thermal well system.

MR. GURRERI MOVED FOR AUTHORIZATION TO APPROVE CHANGE ORDER REQUEST NO. 2, FREY LUTZ CORP., BNR PROJECT IN THE TOTAL CREDIT AMOUNT NOT TO EXCEED \$9,779. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Enter into Agreement for 2010 Financial Services with Concord Public Financial Advisors, Inc.

SCHENCK Chairman Schenck indicated that the township had worked with Concord Public Financial Advisors in the past when large borrowings were necessary.

HOLMAN Mr. Holman stated that Concord had provided excellent service to the township. Item C will provide authorization to enter into agreement with Concord to discuss options for borrowing for the BNR project and approximately \$17 million will be spent at an average of \$1 million a month. This will be the highest year of expenditures for this project. There is approximately \$4.5 million in the sewer user account, and that is being drawn down. The borrowing has been adjusted to reflect the \$1 million H2O grant. The borrowing will be slightly less thanks to the grant funding.

MR. BISHOP MOVED TO AUTHORIZE ENTERING INTO AGREEMENT FOR 2010 FINANCIAL SERVICES WITH CONCORD PUBLIC FINANCIAL ADVISORS, INC. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Enter into Application Service Provider Agreement with Tyler Technologies (MUNIS) for the period January 1, 2010 through December 31, 2012.

HOLMAN Mr. Holman reported that this is a follow up to our previous three-year agreement with Tyler Technologies for maintenance and support of the financial computer programs and human resource service programs.

SCHENCK Chairman Schenck asked whether this included upgrades.

HOLMAN Mr. Holman responded that it does, with the exception of the township asking for an additional module. It covers maintenance of what they call the new dashboard system which makes it very compatible with Microsoft/Windows, both of which can be operated at the same time.

BISHOP Mr. Bishop noted that this kind of program is not on a server on township premises.

HOLMAN Mr. Holman responded that the township is a user and everything is maintained in Maine.

BISHOP Mr. Bishop asked whether the fees include hardware so that the township does not need to maintain hardware or software.

HOLMAN Mr. Holman responded that he was correct and in addition there is a guarantee as part of the ASC program. Their emergency recovery program will provide that the system will be back up and running within 24 hours should a disaster strike.

GURRERI Mr. Gurreri commented on the total cost of \$180,000.

HOLMAN Mr. Holman stated that the cost is spread over a three-year period of time, and that is slightly less than the prior three-year program.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ENTER INTO APPLICATION SERVICE PROVIDER AGREEMENT WITH TYLER TECHNOLOGIES (MUNIS) FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2012. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Authorization to Enter into Agreement with Tyler Technologies for Tyler Content Manager Standard Edition (TCMSE) for Electronic Storage of Documents in an amount not to exceed \$15,620.

HOLMAN Mr. Holman stated that the Tyler Content Manager's Standard Edition would upgrade the current system. All invoices and documents will be copied right to the purchase order in the computer system. It will minimize manhours spent searching

for paperwork, orders, and invoices. In addition, the amount of paperwork stored will be minimized. The program had been recommended to him by other municipal managers, who indicated it was an excellent program.

SCHENCK Chairman Schenck asked whether there would be additional fees every year.

HOLMAN Mr. Holman responded that the initial payment is just for the cost of the software. Included in the \$6,700 is training services for township personnel. Maintenance on an annual basis will be about \$2,520. The township has the necessary hardware to maintain it.

SCHENCK Chairman Schenck indicated that he was familiar with the system and thought it was a big enhancement.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ENTER INTO AGREEMENT WITH TYLER TECHNOLOGIES FOR TYLER CONTENT MANAGER STANDARD EDITION (TCMSE) FOR ELECTRONIC STORAGE OF DOCUMENTS IN AN AMOUNT NOT TO EXCEED \$15,620. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

F. Authorization to Enter into Agreement with Hemler Animal Control Service for 2010.

SCHENCK Chairman Schenck noted that item F referred to the retainer and contract for Hemler Animal Control Service. The retainer fee is \$600 and other services are by activity.

HOLMAN Mr. Holman agreed and indicated that reimbursements by owners are received when their animals are retrieved if they were taken to the SPCA. Mr. Hemler mentioned the \$50.00 fee which is what the state allows for "Return to Owner Fee." The township authorized that \$50.00 fee back in July this year. The contract remained within the previous year's agreement. Mr. Holman asked Chief Eshbach if he had experienced any problems with the Hemler Service.

ESHBACH Chief Eshbach responded that there had been no problems.

BISHOP Mr. Bishop noted that the \$600 fee is just retaining the services, but none of the other fees are charged against that.

HOLMAN Mr. Holman responded that he was correct. Anything additional is above the \$600.

MR. GURRERI MOVED TO GIVE AUTHORIZATION TO ENTER INTO AGREEMENT WITH HEMLER ANIMAL CONTROL SERVICE FOR 2010. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

9. COMMUNICATION FROM SUPERVISORS

There were no supervisor communications.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported that he will be meeting with Attorney Katharman regarding on-going discussions over resolving the Darrah litigation.

SCHENCK Chairman Schenck commented on an item in Solicitor Rausch's report concerning direction on the Temporary Use Ordinance.

RAUSCH Solicitor Rausch noted that since the issue arises on an annual basis, he wondered whether the board would be interested in an attempt to get that resolved, pursue it or drop it.

HOLMAN Mr. Holman stated that he, Mr. Baugh and a representative from Solicitor Rausch's office met with Mr. Olson. They explained to him that he could apply for an application if he had a building site. Mr. Olson stated that he may try that next year. They advised him that the best thing would be to come in to see Mr. Baugh early in the year in order to provide some time to make an application. The meeting was very helpful and Mr. Olson seemed to be pleased with that meeting.

SCHENCK Chairman Schenck commented that he did not want to be specific about any individual, but to get some overall direction for the future.

RAUSCH Solicitor Rausch added that the action would be to deal with the gap between allowing commercial entities to do outdoor sales relating to their business as there really isn't any direction for non-profits.

BISHOP Mr. Bishop noted if the business does not own the property.

RAUSCH Solicitor Rausch noted that this would relate to their owning the property. Currently if a non-profit does not own the property, they are allowed the 10X10 area. This would be to deal with non-profits that do own property but aren't really selling anything. Are they allowed to conduct sales such as baked goods to raise money. That was the focus of the ordinance to try to close that loop.

BISHOP Mr. Bishop suggested that a Work Session be scheduled to understand and lay out all the issues.

RAUSCH Solicitor Rausch stated that he would coordinate that with Mr. Holman.

11. MANAGER'S REPORT

HOLMAN Mr. Holman had provided his monthly report. He introduced Chris Gibbons of Concord Finance and Scott Mehok of Eckert Seamans and indicated that Mr. Carlucci apologized for not being able to be present.

GIBBONS Chris Gibbons of Concord Finance thanked the township for the past support. He stated that they appreciate working with the township, which had worked out well for both sides. Both Mr. Gibbons and Mr. Mehok provided an informational presentation with regard to financing the BNR project. They had provided documentation including an interest rate chart showing the Dow Jones Industrial Average equivalent of what interest rates are for general obligation municipal bonds in the United States. Their presentation is summarized:

- Interest rates – good time to review financing capital projects and refinancing existing debt.
- BNR Project has approximately \$18.4 million of work to be completed in the total borrowing.
- Township has spent \$10 million of the 2007 loan; fixed for 10 years at 3.9%; approximately \$9.2 million of that note outstanding through 2017 with a variable rate thereafter with a cap of 6%.
- Several alternatives recommended for BNR financing: bank loan or bond issue financing; looking at lowest payments and best offering. Bank loan financing proposals due 12/17/09.
- Bond market has changed. Federal government issued Build America bonds as part of Obama Stimulus package. Municipality borrows at taxable rate versus a tax exempt rate; federal government annually subsidizes 35% of the interest expense. It is a significant amount of money available to save in financing a project.
- Build America is a new program; some administrative issues to solve; municipality could apply for the subsidy 45 days before payment and have the subsidy before making that payment.
- Build America subsidy more beneficial versus fixed rate or variable rate bonds.
- Concord recommends consideration of refinancing the 2007 bank loan with Build America as long as a lower borrowing rate can be obtained. Amount of fees will be reduced. Total borrowing would amount to approximately \$28 million.
- Build America cannot be refinanced.
- BNR financing may be more cost effective as a bond issue. If more cost effective as a bank loan, an ordinance would be provided for enactment during meeting of 1/4/2010. If not, then the entire package would be presented on 1/14/2010.
- Concord would pursue Build America bond program, request a proposal process from underwriter for most cost effective, lowest rate. In addition, Concord would use the Internet to solicit bids for the refinance of the 2007 bank loan. This would maximize township's opportunity to obtain lowest possible borrowing cost for the entire \$28 million.

MEHOK Mr. Mehok outlined the Resolution on the Agenda for action. He stated that it is not a debt ordinance and does not bind the township to incur any costs. It is an appointment and inducement resolution – an official intent resolution, which authorizes the financing professionals to move forward with a review of different alternatives to finance the project. Following review they would come back as bond counsel with a formal ordinance that would bind the township to whatever form of debt borrowing is most cost effective.

RAUSCH Solicitor Rausch asked how bond insurance would fit into the Build America program.

MEHOK Mr. Mehok responded that the bond insurance market had diminished down to one bond insurer. All the others have dropped to near junk bond status due to the mortgage problems which devalued them to CCC, and BBB- status.

GIBBONS Mr. Gibbons added that, from the township’s perspective it will be an option to the underwriter whether or not they can produce overall lower interest costs using bond insurance or not. Conversely, many townships have been upgraded where the market place has seen the credit of municipalities is a lot stronger than corporate credits. Issuers will issue debt without any bond insurance behind it at all.

SCHENCK Chairman Schenck thanked Messrs. Gibbons and Mehok for their presentation and indicated it had been very clearly stated and easily understood. The board will be anxious to hear of their findings. He asked if there were any further questions.

BISHOP Mr. Bishop asked whether the bank financing proposal or Request for Proposal that was issued was just for the new money.

GIBBONS Mr. Gibbons responded that he was correct.

BISHOP Mr. Bishop stated for clarification that the idea would be to leave the existing bank financing in place if the decision were made in that way.

GIBBONS Mr. Gibbons responded that he was correct.

12. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-09 – Amending Chapter 85 of the Code of Ordinances “Tax Collection”.

SCHENCK Chairman Schenck stated that the ordinance had been properly advertised. This will bring the ordinance on tax collection in compliance with the state law.

MR. BOWMAN MOVED TO APPROVE ORDINANCE NO. 09-09 AMENDING CHAPTER 85 OF THE CODE OF ORDINANCES “TAX COLLECTION.” MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-56 – Authorizing Competitive Electronic Auction Bidding

SCHENCK Chairman Schenck stated that the resolution would provide the ability to electronically solicit bids. Through previous discussion, the resolution had been revised to specify the sale, as well as purchase of property.

HOLMAN Municibid is the program that is used.

MR. GURRERI MOVED TO APPROVE RESOLUTION 09-56 AUTHORIZING COMPETITIVE ELECTRONIC AUCTION BIDDING. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 09-64 – Upgrade Met Ed Street Light – 21 S. Kershaw Street.

SCHENCK Chairman Schenck commented that the resolution covered a standard Met Ed street light upgrade.

MR. GURRERI MOVED TO APPROVE RESOLUTION 09-64 UPGRADE MET ED STREET LIGHT, 21 SOUTH KERSHAW STREET. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Resolution No. 09-65 – 2010 Bonds Appointment/Debt Intentions Authorization.

HOLMAN Mr. Holman indicated that the resolution indicates intention to pursue the bonds and debt. Nothing is done without the ordinance.

MR. BOWMAN MOVED TO RESOLUTION 09-65, 2010 BONDS APPOINTMENT/DEBT INTENTIONS AUTHORIZATION. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Resolution No. 09-66 – Liquor License Transfer, York Aerie 183 Fraternal Order of Eagles – 3595 East Market Street

SCHENCK Chairman Schenck noted that because the public hearing with regard to the liquor license had been postponed, Resolution No. 09-66 would be tabled.

HOLMAN Mr. Holman responded that the item will appear on the January 14, 2010 Agenda.

F. Resolution No. 09-67 – Revising Fee Schedule

MR. BISHOP MOVED TO ADOPT RESOLUTION NO. 09-67 REVISING THE FEE SCHEDULE. MR. BOWMAN WAS SECOND.

HOLMAN Mr. Holman stated that a request had come forward to change the amount for the purchase of the historic books to \$1.00.

SCHENCK Chairman Schenck suggested that the books be given away.

Consensus was to give the Centennial books out to interested parties at no cost. The item will be removed from the Fee Schedule.

MOTION UNANIMOUSLY CARRIED.

G. Resolution No. 09-68 – 2010 Budget Adoption

SCHENCK Chairman Schenck noted that budget preparation had taken many months. A public presentation was held during November.

HOLMAN Mr. Holman reported that it had been advertised in accordance with law and is ready for adoption.

GURRERI Mr. Gurreri noted that he had a problem with the head tax and felt very strongly about not having a tax increase. He questioned replacing the Intrepid when it is used very seldom. He noted an item, which would not be pursued, concerning making a \$10 million loan, which he did not think should be included. He heard some concern from board members about future debt, and he did not see how they could vote for this budget if that was their thinking. He stated he would vote against the budget for the first time since he had been on the board. He thought, other than those items, that the budget is good.

MR. BOWMAN MOVED TO ADOPT RESOLUTION NO. 09-68, 2010 BUDGET ADOPTION. MR. BISHOP WAS SECOND. MOTION CARRIED 3/1. MESSRS. SCHENCK, BISHOP AND BOWMAN VOTED IN FAVOR; MR. GURRERI VOTED NO.

H. Resolution 09-69 – 2010 Tax Levy

SCHENCK Chairman Schenck noted that the resolution sets the property tax rate, which remained unchanged. The street light tax was changed.

HOLMAN Mr. Holman explained that the street light tax changed from .37 to .45 or approximately \$1.00 per homeowner per month. The street light fund was unable to support itself due to electric costs. The .37 had been in effect for over 10 years.

MR. BISHOP MOVED TO APPROVE RESOLUTION NO. 09-69, 2010 TAX LEVY. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

I. Resolution No. 09-70 – Approval of York Area United Fire and Rescue 2010 Budget.

SCHENCK Chairman Schenck indicated that the York Area United Fire and Rescue Charter Agreement stated that the township needed to approve its budget. Reviews had taken place, and the board was in concurrence with the budget.

HOLMAN Mr. Holman agreed and stated that the total amount that was budgeted for YAUFRR was \$2,223,500. In addition, he mentioned the Minimum Municipal Obligation of

pension contributions this year, which is \$101,513 for a total of \$2,325,013, about 1% increase.

SCHENCK Chairman Schenck reported that Spring Garden Township had approved the same budget at their meeting last night, December 9, 2009.

MR. GURRERI MOVED TO APPROVE RESOLUTION NO. 09-70 APPROVAL OF YORK AREA UNITED FIRE AND RESCUE 2010 BUDGET. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

J. Resolution No. 09-71 – Year End Closing Transfer of Funds

HOLMAN Mr. Holman stated that the resolution allows for what he termed balancing the check book. Where there were estimated costs at the beginning of the year, in some areas were lower; in some areas were higher. This item balances the budget. In addition some funds will be transferred into the capital, \$67,000, for the police radios for 911. Another \$110,000 in funds will be set aside for matching grants next year for replacing lights in the parks and for some solar energy at the Public Works facility. The item does not increase the total budget authorization.

MR. BOWMAN MOVED TO ADOPT RESOLUTION NO. 09-71, YEAR END CLOSING TRANSFER OF FUNDS. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

A. York Counts Public Safety Task Force Update

BISHOP Mr. Bishop reported that there had been no activity.

B. Discussion Regarding Citizen-At-Large Appointment to YAUFRR

SCHENCK Chairman Schenck stated that he had requested item B be kept on the Agenda as a reminder that the appointment will be coming up in the future. He had discussed the appointment with Mr. Hunt, who stated that he would be interested in serving but to keep other candidates in mind as well.

HOLMAN Mr. Holman stated that he would provide all that information with the reorganization packet.

14. NEW BUSINESS

GURRERI Mr. Gurreri provided a commentary for the Boy Scouts. He stated that local government is at its best when the people are involved in its decisions. The board is very accessible to the public so it's the greatest government possible for the public. Board members go to the restaurants, the grocery store, and residents tell what's going on in their neighborhoods. The board does not always know what's happening.

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The residents can come in and get things done. There is discussion about changing to a County government and eliminating the townships. He stated that it would be a big loss to the public. He asked the Scouts to keep that in mind. He wished them a Merry Christmas.

SCHENCK Chairman Schenck thanked Mr. Gurreri for his years of service to the township. He stated that it had been an absolute pleasure.

GURRERI Mr. Gurreri responded that it had been fun most of the time. He stated that he would miss it and he would probably show up at a meeting by accident.

15. ADJOURNMENT

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

Respectfully submitted,

John Holman
Secretary

ja

**SPRINGETTSBURY TOWNSHIP
WORK SESSION - 2010 BUDGET PRESENTATION**

**NOVEMBER 18, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Work Session on Thursday, November 18, 2009 at 6:30 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, Pennsylvania.

MEMBERS IN

ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
George Dvoryak
Mike Bowman
Nick Gurreri

ALSO IN

ATTENDANCE: John Holman, Township Manager
Jim Baugh, Community Development Director
Andy Hinkle, MIS
Jack Hadge, Director of Finance
John Luciani, Civil Engineer
Jean Abreght, Stenographer

1. Call to Order

BISHOP Vice Chairman Don Bishop called the meeting to order. He advised that Mr. Schenck was en-route and would be attending the meeting shortly. He stated that the purpose of the meeting was to review the Springettsbury Township Proposed Budget for 2010.

2. Springettsbury Township Proposed Budget 2010

HOLMAN Mr. Holman presented the 2010 Springettsbury Township Proposed Budget. The documentation had been presented in advance to the Supervisors. He stated the anticipated General Fund at \$12,908,000; Other Funds were totaled at \$12,053,000; Sewer Fund at approximately \$25,800,000 for a Total Budget of \$51,746,000. He indicated that the large numbers dealt with capital in the General and in the Sewer Fund. He added that the General Fund increased approximately 4.25%; General Fund Transfers were down 35.6%, which indicated a General Fund budget increase of approximately 2%. Other Funds increased 41% (Capital Fund), and in the Sewer Fund an increase of 30.47% all in Sewer Capital.

Mr. Holman reviewed the written documentation in detail including the Consolidated Budget Chart, Proposed Appropriations, Proposed Revenues and Fund Balance, Total Revenue Comparison, Revenue Comparison, Surplus Fund Summary, Surplus Fund Balance, Resident's Tax Dollars, Tax Rate Mills, Commonwealth Liquid Fuels, Subdivision Recreation Fund, Fire Company Fund, Petitioned Street Light Fund, Capital Improvements Fund, Storm Water Fund, Waste Reduction Fund, Library

Fund, Sewer Fund Operating Budget: Comparison, Surplus, Reserves, Capital Improvements (2010-2014) Program, Inter- municipal Reserves and Goals for 2010. All of the information was included in the written documentation.

Mr. Holman thanked the Staff, Directors, Administration Office, Finance Office and Board of Supervisors for all the time and effort that went into preparing the budget. The budget process began in January and moved forward in July. The Board met in September, October and November until the process provided a proposed budget for review.

DVORYAK Mr. Dvoryak asked how earnings were generated in the Sewer Fund based on the \$70,000 interest figure during 2010 to 2013.

HOLMAN Mr. Holman responded that the earnings would not generate at that level if the surplus continued to be reduced. An adjustment will be needed. The hope is that the interest rate will recover some.

DVORYAK Mr. Dvoryak commented on the Intermunicipal account that showed a negative cash balance as \$15 million. It is proposed to go out and borrow for that. He asked whether the cost of borrowing is charged to the other municipalities.

HOLMAN Mr. Holman responded that Springettsbury Township is responsible for 50% of the cost because the township uses approximately 50% of the services of the plant. The other eight municipalities are responsible for the other 50%. When the borrowing is done, the payback will be split between Springettsbury and the other municipalities. He added that when the Grit Removal Project was initially started, those funds were used. The other municipalities were charged for that amount, which goes into their initial payment required to be paid to Springettsbury, which it pays to the bond company.

DVORYAK Mr. Dvoryak asked about the non-contract increases shown in the budget.

HOLMAN Mr. Holman responded that those items will be discussed in Executive Session.

DVORYAK Mr. Dvoryak indicated that he was concerned over talks about tax increases. He had done some analytical work and prepared some charts to share with the Board. The work he did covered only the General Fund and involved a comparison of the General Fund base with General Fund spending along with adjustments each year based on the CPI index. He suggested that the Board look at the budget process more from a strategic standpoint with an understanding of some of the cost drivers. The charts

he had prepared were provided as a tool for thought for next year's budget process.

SCHENCK Chairman Schenck commented that he thought Mr. Holman would welcome a more strategic approach to the process.

HOLMAN Mr. Holman noted that each year the process had evolved, which is an important element, but there had been comments about getting more thoroughly into the reasoning behind it.

3. Public Comment

SCHENCK Chairman Schenck stated that the meeting was a public meeting for the budget presentation. He asked if there were any questions or comments specifically related to the budget. He noted that the Regular Meeting would be starting at 7 p.m. and comments would be taken at that time as well.

GURRERI Mr. Gurreri addressed the new building project. He indicated he was in favor of building the building. However, he wanted to be sure that the planning, engineering and building process would be done slowly and carefully. He added that building a police station or fire station would be an intricate project. He stated that the building did not have to be built next year.

LANDIS Ms. Julie Landis stated that she understood that the budget would be passed during December. She questioned whether the budget would be re-opened or revised if Harley-Davidson pulls out of York.

SCHENCK Chairman Schenck responded that the Board certainly would review the budget. Mr. Holman had put some figures together of what that impact would be, and those figures reflected a fairly accurate impact. From the township's perspective it was actually very little.

HOLMAN Mr. Holman indicated that the impact was addressed in his Manager's Report.

BISHOP Mr. Bishop commented that it would not be necessary to re-open the budget process. The budget can be changed any time, and since it is a relatively small impact, it may not be necessary to do so.

HOLMAN Mr. Holman stated that the hope is that Harley would not leave. Everyone had been working hard to assure that it doesn't. In the event that it does happen, no impact would be felt for a few years. Mr. Holman had worked out the numbers and the tax impact. He commented that he thought the figure was approximately \$123,000. He added that he had not accounted

for the Metso and Komax businesses that add to the business base but which had just started during 2009.

4. Adjournment

SCHENCK Chairman Schenck adjourned the meeting at 7:01 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**NOVEMBER 18, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, November 18, 2009 at 7:00 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, Pennsylvania.

MEMBERS IN

ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
George Dvoryak
Mike Bowman
Nick Gurreri

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
Jim Baugh, Community Development Director
Dennis Crabill, Environmental Engineer
John Luciani, Civil Engineer
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Jack Hadge, Director of Finance
Dave Eshbach, Chief, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order at 7:02 p.m. He asked Mr. Gurreri to lead the Opening Ceremony.

GURRERI Mr. Gurreri welcomed all the attendees and thanked everyone for attending. He commented that local government worked best when the residents are involved. He noted that Julie Landis was in the audience, and he welcomed her and introduced her as a newly-elected Supervisor on the Board. He asked that the veterans and the men and women in uniform be kept in prayer. He led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. November 4, 2009 – 7:00 a.m. – Real Estate

SCHENCK Chairman Schenck announced that during the Budget Work Session on November 4th at 7 a.m. a brief Executive Session was held to discuss a real estate matter. An Executive Session was scheduled for immediately following the meeting this date.

HOLMAN Mr. Holman stated that the Executive Session would include items regarding personnel matters, litigation issues involving both the Darrah case and the Tax Collector.

3. COMMUNICATION FROM CITIZENS

Heritage Hills Development

SLATKY Mr. John Slatky, 3673 Cimmaron Road, brought forward an item concerning the proposed Heritage Hills development. He had come across some information concerning a letter with regard to the light at Chambers Road. The letter was supposedly sent to him, but he had never received such letter. He noted that his car wash business would be greatly impacted by what was written in the letter, and his request was to obtain a copy of the letter.

LUCIANI Mr. Luciani responded that because there is a consortium of townships involved, Windsor, York and Springettsbury Township, he thought the letter Mr. Slatky referred to had been sent by Mike Keiser, PennDOT's District Design Engineer. He added that he thought the letter had been sent to the owner of Sweet Willows, and he was sure that he had it in his file.

HOLMAN Mr. Holman stated that a copy of the letter would be provided to Mr. Slatky in a few days.

LST Tax

MURPHY Craig Murphy, 870 Witmer Road, a Windsor Township resident, spoke against the LST tax increase.

MEHRING Lynn Mehring, 1433 Memory Lane spoke against the LST tax increase.

York County Food Bank – Christmas Tree Sales

OLSON Mr. Glenn Olson, spoke for York County Food Bank. He had recently been appointed Vice President of the Board of Directors of the York County Food Bank. He was accompanied by Mike Cramer, also of the Board and Jonathan Fisher, Assistant Director, York County Food Bank. He stated that they were in the process of visiting all the townships to see how the York County Food Bank could assist the needy people within the township. He noted that they have a new board, new direction and a new advertising agency. He added that the needs in York County are up 30% more, and donations are down 30%. Mr. Olson presented a lengthy discussion regarding the following requests:

- Permission to have the non-profit Christmas Tree Sale lot at Ollie's.
- Permission to put up professionally-made signs at locations the township can determine.

RAUSCH Solicitor Rausch commented that he did not have a copy of the ordinance in front of him, but he thought that if the Food Bank was able to rent its own space in a

vacant building, they would be able to hold their sale. The Food Bank would then be the property owner/user.

FISHER Mr. Fisher asked what would happen if the space is donated.

BISHOP Mr. Bishop stated that the township is not in the business of deciding which non-profit could do what and where. The township determines what the rules are going to be in Springettsbury Township, and then people are hired to enforce those rules.

OLSON Mr. Olson responded that he understood and accepted that. However, he noted that he had observed church barbeques, mulch sales, car washes, dog training classes, yard sales, etc. throughout the township.

SCHENCK Chairman Schenck suggested that Mr. Olson start the process with an application. The township will offer staff and assist wherever possible. He asked that he work with Solicitor Rausch and with Mr. Holman and hopefully something can be done.

GURRERI Mr. Gurreri commended the work of the York County Food Bank.

FISHER Mr. Fisher noted that he wanted the board to be aware that the York County Food Bank serves more than the poor and homeless person that lives under the bridge in York City. He indicated that only 40% of their efforts go into York City, and the other 60% of its efforts go county-wide. He would be glad to have the opportunity to establish some way to be able to do the Christmas Tree sales. He was very grateful for individuals like Glenn Olson, who volunteers all his time and efforts.

SCHENCK Chairman Schenck responded that the situation is a difficult one.

BISHOP Mr. Bishop reiterated that the township is not judging that the York County Food Bank is a good or bad charity. The board makes the laws for Springettsbury's piece of York County, and the board must abide by those laws.

SCHENCK Chairman Schenck thanked them for coming and thanked Mr. Olson for his continued efforts.

Traffic

STUHRE Charles Stuhre, 3680 Trout Run Road, brought forward several items related to traffic.

- Pleasant Valley Road/Mt. Zion Road – Timing of traffic light.
- North Hills Road – Deterioration of the railroad grade crossing.
- Mt. Zion Road/Market Street – Refilling of existing hole.
- Mt. Zion Road/Druck Valley – Excessive speed; accidents; unfinished striping project.

HOLMAN Mr. Holman responded that the North Hills Road rail grade crossing had been reported to Norfolk Southern. In addition PennDOT will adjust the traffic light at that intersection.

LUCIANI Mr. Luciani added that the PennDOT permit was not closed out, and Rutters has to initiate that.

HOLMAN Mr. Holman noted that the hole at Mt. Zion and Market Street was targeted to be fixed before the end of November. The water company has to lower their line so that PennDOT can run a squash pipe over it for the stormwater flow. Mr. Lauer was following the process, and Mr. Luciani had been contacting PennDOT and York Water Company.

Mr. Holman indicated that he would follow up on the striping issue.

BISHOP Mr. Bishop noted that if there had been accidents at Druck Valley and Mt. Zion, there should be something that could be done.

HOLMAN Mr. Holman stated that he would send another letter and continue to follow up. He asked Chief Eshbach to provide the last two year's accident reports on Druck Valley Road.

ESHBACH Chief Eshbach responded that he would provide the reports.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill stated that he had provided his written report for review. He had no additions to it.

DVORYAK Mr. Dvoryak asked about the Buchart-Horn report done on the needs assessment/ space study and whether Mr. Crabill had been involved in that study.

CRABILL Mr. Crabill indicated his architect was involved, but he had only been involved on a managerial level.

DVORYAK Mr. Dvoryak recommended that it be re-titled as a space/want study as opposed to a needs study based on the criteria used.

CRABILL Mr. Crabill indicated he would make that suggestion. He added that was a typical way needs studies are handled.

B. Civil Engineer – First Capital Engineering

- LUCIANI** Mr. Luciani stated that he had submitted his monthly report. He had several updates. He commented on the hole at Market and Mt. Zion, which has been a concern. He indicated that PennDOT had tried to assign any stormwater system to the host municipality. A 16-inch water main ran through the middle of the storm line, which made the storm line ineffective and not operational. The relocation of a 16-inch water main cost is significant.
- HOLMAN** Mr. Holman stated that the township is no longer a part of that, and PennDOT is fully aware it is their issue.
- LUCIANI** Mr. Luciani reported that there are some stakes at the intersection of Pleasant Valley and Mt. Zion Road. The handicap ramps still have to be updated. That work is tied into the Kinsley/Metso project. An HOP was submitted for a right turn lane. Mr. Luciani noted that, with regard to traffic signals, Milt's Repair Service has a sophisticated system, and the timing can be investigated very quickly. Mr. Luciani noted that the North Hills Road rail crossing issue was being addressed. He commented on the different types of material used in the rail crossings, some of which were defective. Mr. Luciani reported that the Safe Routes to Schools project was completed and is a good connectivity of sidewalks.
- BISHOP** Mr. Bishop wondered whether going through the normal channels was effective with regard to Market Street/Mt. Zion and asked whether some more creative persuasion would be more effective.
- HOLMAN** Mr. Holman responded that it is going through the State Representatives to get it addressed.
- BISHOP** Mr. Bishop noted that if PennDOT's is the problem, then the State Representative is the right approach. However, if York Water Company is the problem, the Representative may not be able to provide the assistance needed.
- HOLMAN** Mr. Holman stated that it is a combination of both, and he could contact both. However, he noted that PennDOT has to get York Water to lower a water line so that PennDOT can run their squash pipe through. Mr. Holman wanted the hole filled in until the discrepancies can be solved. He was concerned with the winter weather coming.
- BISHOP** Mt. Bishop agreed that it will be horrible with holiday traffic.
- HOLMAN** Mr. Holman indicated that the township does not want to be stuck with the problem. PennDOT will have to take action, fill it in for a while and keep it safe until a decision is made as to who is going to fix it.

5. CONSENT AGENDA

A. Acknowledge Receipt of October 31, 2009 Treasurer's Report

- B. Acknowledge Receipt of September 1, 2009 York Area United Fire and Rescue Commission Special Budget Meeting Minutes.**
- C. Acknowledge Receipt of September 15, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- D. Board of Supervisors Budget Work Session Minutes – October 14, 2009.**
- E. Board of Supervisors Regular Meeting Minutes – October 22, 2009.**
- F. Board of Supervisors Budget Work Session Minutes – November 4, 2009.**
- G. Conewago Enterprises, Inc. – BNR Improvements Project – Request for Payment No. 5 in an amount not to exceed \$674,537.20.**
- H. Conewago Enterprises, Inc. – BNR Improvements Project – Request for Payment No. 6 in an amount not to exceed \$778,595.51.**
- I. Frey Lutz Corporation – BNR Improvements Project – Request for Payment No. 4 in an amount not to exceed \$2,250.**
- J. Gettle Incorporated – BNR Improvements Project – Request for Payment No. 5 in an amount not to exceed \$180,363.60.**
- K. Doug Lamb Construction, Inc. – Safe Routes to School – Haines Road Request for Payment No. 1 in an amount not to exceed \$49,374.**
- L. Regular Payables as Detailed in the Payable Listing of November 18, 2009.**
- M. LD-08-12 – Time Extension – Yale Electric – Plan Expires 11/25/09 (New Plan Date 2/25/10).**
- N. LD-09-02 – Time Extension – Capital Self Storage Expansion – Plan Expires 12/15/09 (New Plan Date 3/15/10).**
- O. SD-07-04 – Time Extension – Ridge View Heights – Plan Expires 12/13/09 (New Plan Date 3/13/10).**
- P. SD-07-09 – Time Extension – Waltersdorff – Plan Expires 11/26/09 (New Plan Date 2/26/10).**
- Q. SD-08-03 – Time Extension – Pam Long SD – Plan Expires 11/25/09 (New Plan Date 2/25/10).**

**MR. GURRERI MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH Q.
MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

6. ACCOUNTS PAYABLE

Items had been addressed under the Consent Agenda.

7. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Enter into Easement Agreement with Thomas L. and Diane Kearney for an amount not to exceed \$5,300 for New Entrance to Augustus Schaefer Park.**

**MR. GURRERI MOVED TO APPROVE AUTHORIZATION TO ENTER INTO AN
EASEMENT AGREEMENT WITH THOMAS L. AND DIANE KEARNEY FOR AN
AMOUNT NOT TO EXCEED \$5,300 FOR THE NEW ENTRANCE TO AUGUSTUS**

SCHAEFER PARK. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Award Bid for Emulsion Polymer Contract to Polydyne, Inc. at a cost of \$.85 per pound for an estimated annual cost of \$73,725.60.

MR. DVORYAK MOVED TO AUTHORIZE AWARDED THE BID FOR THE EMULSION POLYMER CONTRACT TO POLYDYNE AT A COST OF \$.85 PER POUND FOR AN ESTIMATED ANNUAL COST OF \$73,725.60. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Award Bid for Dry Polymer Contract to Pollu-Tech, Inc. at a cost of \$1.72 per pound for an estimated annual cost of \$13,106.40.

DVORYAK Mr. Dvoryak noted that the lowest bid per pound was not selected based on tests that were done.

HOLMAN Mr. Holman responded that the testing was done in the township lab to determine which was the most effective product. Although the cost per pound of another product might be a little less, the overall cost would be higher if it would not treat as well as the other product.

MR. GURRERI MOVED TO APPROVE AUTHORIZATION TO AWARD BID FOR DRY POLYMER CONTRACT TO POLLU-TECH, INC. AT A COST OF \$1.72 PER POUND FOR AN ESTIMATED ANNUAL COST OF \$13,106.40. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Enter into JAG Grant Agreement with County of York and Authorizing Township Manager to Execute the Agreement.

HOLMAN Mr. Holman reported that in May the township was awarded a grant from the Judge Advocate General's office for funding of items that would be selected from the Police Department. The JAG had requested that the county coordinate the grants for approximately 18 different municipalities. They have completed the coordination and approval of the grants. Item D would authorize him to enter into the grant agreement with the county. Mr. Holman indicated there were a number of items in the grant, and he requested authorization to sign the contract so that it could be included in the 2009 budget. Mr. Holman stated that they are very pleased with the program and it will help offset township costs.

SCHENCK Chairman Schenck commented that the total amount was \$28,000 and net to the township was about \$25,400.

HOLMAN Mr. Holman responded that he was correct. The county will keep approximately \$3,000 for administering the grant.

DVORYAK Mr. Dvoryak asked whether bike patrol outfits would be part of it.

HOLMAN Mr. Holman responded that he thought bike patrol outfits may be part of it.

DVORYAK Mr. Dvoryak asked where the bikes would be purchased.

HOLMAN Mr. Holman responded that the Chief has very nice bikes.

BISHOP Mr. Bishop added that they hadn't been able to use them because they didn't have good outfits.

HOLMAN Mr. Holman added that when they come in they will be identified and coded as purchased through JAG. They will have to remain with their users.

MR. GURRERI MOVED TO APPROVE AUTHORIZATION TO ENTER INTO JAG GRANT AGREEMENT WITH THE COUNTY OF YORK AND AUTHORIZING TOWNSHIP MANAGER TO EXECUTE THE AGREEMENT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-07-11 – 84 Locust Grove Road – 1/11/2010 (Action).

BAUGH Mr. Baugh provided background information concerning LD-07-11, which was documented in a November 18, 2009 Briefing Memorandum. The property location is in the northwest intersection of Locust Grove Road and Stoneridge Road. In the previous zoning it was Office-Professional; in the new zoning it is Commercial Highway. It is being reviewed under the previous zoning because it was filed prior to the adoption of the current ordinances. The proposed development is to construct a 1500 square foot office building on the site with underground stormwater. The Zoning Hearing Board granted variances itemized in the Briefing Report. There were additional waivers and administrative requirements also documented in the Briefing Memorandum. Mr. Baugh provided a PowerPoint overview of the project, which included: aerial photos, site location, similar floor plan and site plan. He indicated that Tim Bieber was present to respond to any questions.

SCHENCK Chairman Schenck asked for the name of the owner and the business.

BIEBER Mr. Bieber responded that the owner is Frank Kibler, whose business is Tate & Associates. He operates several LLC's, and this building would be for his personal use.

SCHENCK Chairman Schenck asked about the equipment on the property.

BIEBER Mr. Bieber responded that it would be Mr. Kibler's property maintenance equipment that has been stored there. He did not believe that there would be space to continue to store it at that location. He added that if it was not permitted within the zoning, it would be moved.

BAUGH Mr. Baugh noted that the equipment could not stay at that location.

BISHOP Mr. Bishop asked about the underground stormwater issue.

BAUGH Mr. Baugh responded that when an underground basin is done, there are no side slopes like there are on a regular detention basin; that is one of the waivers.

BIEBER Mr. Bieber noted that the plan is under the old ordinance and as a result it goes back to the old criteria. He did not think that the underground stormwater management was prevalent.

Several additional issues were discussed, which are summarized:

- Lighting plan – Note on the subdivision plan that it will be installed at the township's request.
- PennDOT HOP – Condition statement received from PennDOT; permit has been approved.
- Frontage Improvements – Township requirement; will be completed.
- No access granted along Locust Grove Road.
- Consideration given to granting relief from the Preliminary Plan requirement; Final Plan will be identical.
- Provide condition that the township engineer review the PennDOT HOP; Grant waiver based on Section 289-11A.

MR. BISHOP MOVED WITH RESPECT TO LAND DEVELOPMENT 07-11, 84 LOCUST GROVE ROAD, FOR APPROVAL OF THE FINAL PLAN WITH THE FOLLOWING WAIVERS TO INCLUDE THE 7 WAIVERS IN THE BRIEFING MEMO DATED NOVEMBER 18, 2009 WITH THE ADDITION OF AN 8TH WAIVER TO SECTION 289-11A WHICH WAIVES THE REQUIREMENT FOR A PRELIMINARY PLAN AND FURTHER WITH RESPECT TO THE SAME LAND DEVELOPMENT, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS WHICH INCLUDES THE 8 CONDITIONS IN THE BRIEFING MEMO WITH THE SECOND #7 CONDITION BEING RELABELED #8. THE NEW #9 CONDITION THAT THE TOWNSHIP ENGINEER REVIEW THE HOP COMMENTS BEFORE THE FINAL PLAN IS RECORDED. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

9. COMMUNICATION FROM SUPERVISORS

DVORYAK Mr. Dvoryak reported that he had received several items of concern. There are a number of residents who travel westbound on Concord. The traffic backs up at the Mt. Zion signal light due to the timing. In addition, one resident asked him to

convey to the board to make sure to keep the school taxes low, and if that means cutting bus service and people driving their kids to school, so be it. Mr. Dvoryak thanked Chief Eshbach for his annual report, which he read. He hoped that budget dollars had been provided for the training as he agreed with the Chief's comments. One of the common complaints from residents is for speeding in neighborhoods. He asked whether there was any way to plot where the speeding arrests take place around the township to see if that matched up with the complaints.

ESHBACH Chief Eshbach responded that they could do so.

GURRERI Mr. Gurreri commented that it was a shame that charities can't sell Christmas trees to make money. The board says it has to be fair for everybody and no one goes above the law, but yet the township puts a sign up on Market Street advertising the Saturday In The Park and it's illegal. He felt the township was arrogant to do that and gets away with it. He didn't want to hear any more about being fair with everybody.

BISHOP Mr. Bishop noted that, as part of the partnership with Spring Garden Township in the York Area United Fire and Rescue, Springettsbury has a responsibility to appoint a third member to that Commission. There are two from Springettsbury, two from Spring Garden and one At Large. It has not been necessary to do this before. He assumed the item would be on the Agenda for reorganization. However, at that time it would be too late to have much discussion or to see if anyone would be willing to serve. Spring Garden had appointed Austin Hunt, who was the Citizen-At-Large for two years. As of January 2010 anyone who lives within either township could be appointed.

GURRERI Mr. Gurreri asked how many people would be needed.

SCHENCK Chairman Schenck indicated that the language of the Charter discusses two elected officials and a Citizen-At-Large. The spirit of the Charter was that it not be another elected official.

GURRERI Mr. Gurreri recommended Don Eckert.

BISHOP Mr. Bishop stated that he brought it up in order to decide when to decide because there is only one meeting before the time.

SCHENCK Chairman Schenck asked whether anyone was opposed to asking Austin Hunt if he would be willing to serve again, and then maybe a suggestion would be to look at it like all other appointments and solicit individuals or get the word out that the post is open and even go as far as interviewing people.

GURRERI Mr. Gurreri commented that Austin Hunt had done a great job on the Commission and thought that he deserved to be there.

- SCHENCK** Chairman Schenck responded that the other question is he does want to serve. He asked Mr. Holman to add a discussion about the subject during the next meeting.
- HOLMAN** Mr. Holman stated that he would add it under Old Business for the next meeting, and an item will be in his Manager's Report.
- SCHENCK** Chairman Schenck commented that it must be ready to go on January 4th.
- BISHOP** Mr. Bishop noted that the item concerning the Eagle's Nest issue is still in the Manager's Report. He thought that the item was essentially resolved.
- HOLMAN** Mr. Holman responded that it was still there because Christmas is coming along with a lot of holiday parties.
- BISHOP** Mr. Bishop stated that it appeared the township has done what it could within the law. If that is the case, he suggested that the law is wrong. The Supervisors are the officials who can do something about the law. It is a really bad situation there and shouldn't just be left unchanged. It is really a mess, and it annoyed him.
- GURRERI** Mr. Gurreri indicated he knew some people who live over there that like the Eagles Nest and they say they're a good neighbors compared to what they had before. He added that it seemed like there are just a few who don't share that opinion.
- RAUSCH** Solicitor Rausch noted that one option is the time restriction as long as the neighbors are willing to abide by that as well.
- GURRERI** Mr. Gurreri stated that at least 75% of the residents there need to agree to restricted parking.
- RAUSCH** Solicitor Rausch noted that the other aspect from the attorney for one of the neighbors indicated that their complaint is really with the employees parking there, not the customers, so that makes it even harder because now you're really sort of focusing in there on the issue.
- BISHOP** Mr. Bishop stated that it was a pretty fine line. He did not think they have a problem with the customers parking there.
- RAUSCH** Solicitor Rausch responded that they don't because the customers are not there for five or six hours. That's the problem. The employees park there for their shift and they're there for a longer period of time.
- BOWMAN** Mr. Bowman asked whether it was still as bad as it was when they first opened.

GURRERI Mr. Gurreri commented that he had gone by there on a weekend and the place was packed. They do a tremendous business, which is great for them and everybody, except for the people who live in the homes where they park.

HOLMAN Mr. Holman stated that Christmas is coming. Nothing was final. The township has gone as far as possible legally with the zoning and planning. However, he wanted to review it over the Christmas holiday season to see if it gets worse or better. The notation in his report is the tickler for him to continue his review.

SCHENCK Chairman Schenck noted that it would stay in the report until a decision is made that it is done. He added that the Board had done the parking restriction at Central for a similar reason. If the township is approached again or if something is brought to the Board's attention, if that is the only tool available, the residents would have to be approached.

HOLMAN Mr. Holman added that letters would be sent to the residents asking for their opinion on those who would be impacted by the length and size of it. When Chief Eshbach attempts enforcement, he has to enforce it no matter who is parked there. He added that the ordinances are being reviewed, and one of the changes to be amended is for parking on site for employees.

SCHENCK Chairman Schenck noted that it is a pre-existing condition.

BISHOP Mr. Bishop noted that even if they were required to provide parking in that situation that would not change anything.

ESHBACH Chief Eshbach suggested putting in parking meters. The employees won't want to come out and plug the meters.

BOWMAN Mr. Bowman noted that the whole street would have to have meters.

RAUSCH Solicitor Rausch suggested the meters could go on one side.

HOLMAN Mr. Holman added that they will check the area over the Christmas holiday.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch responded that he had provided his written report. He had included an item in his report related to a Temporary Use Amendment, and indicated that this may be the time for review. It may or may not solve the problem for the Food Bank because the amendment addresses the situation where a non-profit owns the property. There is a gap in the ordinance due to the 10X10 limitation for non-owner related activities. He added that every decision that occurs must be applied to every activity.

SCHENCK Chairman Schenck stated that it was frustrating for everyone. Unfortunately laws are made for the 5% of the people who abuse and violate the rules. Otherwise it would not be necessary to put laws in place.

11. MANAGER'S REPORT

HOLMAN Mr. Holman had nothing further to add to his written report. He indicated further items will be addressed during the Executive Session.

12. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-08 – Repealing Occupational Privilege Tax and Adopting Local Services Tax.

DVORYAK Mr. Dvoryak referred to his previous comments indicating that he is opposed to it for the reason that it is not the right timing. He thought that there should be more focus on looking at cost cutting internally first before looking to the taxpayers for more dollars.

GURRERI Mr. Gurreri agreed and stated that it couldn't be a worse time to add a tax with the current economy. He thought it was something that would have to be done, but not at this time because there is enough money available. He indicated that he would be voting against it.

SCHENCK Chairman Schenck stated that he had received a call from a resident who is opposed as well. The resident was glad to hear his thoughts of why he supported it, which related more to preparing for the future. Chairman Schenck agreed that it was a bad time to be asking residents for money.

BISHOP Mr. Bishop echoed Chairman Schenck's thoughts but thought it made sense for several reasons. One couple that challenged him about this issue recently were significantly relieved when he explained to them that they were both retired and did not have earned income; therefore, they would not be paying this tax. Mr. Bishop thought that it is one of the most fair ways to pay for the services necessary in the community.

GURRERI Mr. Gurreri pointed out that anyone who makes less than \$12,000 doesn't have to pay anything.

BISHOP Mr. Bishop added that that is a significant improvement over what is currently in place, which is \$10,000.

GURRERI Mr. Gurreri noted that there are a lot of people who work at McDonald's and retired people. If the township is going to be out of money in the next couple of years, there will be a need to review the budget and begin cutting some things out of the budget.

MR. BISHOP MOVED TO ADOPT ORDINANCE 09-08 REPEALING THE OCCUPATIONAL PRIVILEGE TAX AND ADOPTING THE LOCAL SERVICES TAX. MR. BOWMAN WAS SECOND. MOTION CARRIED 3/2. MESSRS. DVORYAK AND GURRERI VOTED NO.

B. Resolution No. 09-56 – Authorizing Competitive Electronic Auction Bidding

HOLMAN Mr. Holman explained that Resolution 09-56 was not a new item. He indicated that the townships now are authorized to advertise via the Internet for sale of items owned. That includes advertisement of bids for contracts. In addition, it will provide for the township to advertise some computers that are being retired. However, in order to do so the board must authorize the advertisement by bid. It will not relieve the township of the responsibility to advertise in the newspaper, but will enable municipal bidding on line. Mr. Holman thought that this process would provide better response, especially with items like computers and other equipment sold at auction through municipal bid. The rules and regulations set down by the state will be followed.

SCHENCK Chairman Schenck noted that the Resolution only speaks to purchases and does not discuss the sale of property.

DVORYAK Mr. Dvoryak noted the same in the first paragraph: “whereas the township periodically purchases supplies.”

HOLMAN Mr. Holman responded that it should read both “purchases and sells.” He noted that all items would have to be approved by the board. He is contacting other townships to see how they’re doing with the process.

SCHENCK Chairman Schenck noted that the Resolution needs to be re-written. He asked Mr. Holman if there was any urgency to pass this Resolution.

HOLMAN Mr. Holman indicated that it could be tabled until the December meeting.

Consensus was to table the item until December.

C. Resolution No. 09-61 – Additional Met Ed Street Lights and Removal of Pole/Light in the Vicinity of 3004 Eastern Boulevard – Yorkshire Elementary School.

MR. GURRERI MOVED TO APPROVE RESOLUTION NO. 09-61, ADDITIONAL MET ED STREET LIGHTS AND REMOVAL OF POLE/LIGHT IN THE VICINITY OF 3004 EASTERN BOULEVARD, YORKSHIRE ELEMENTARY SCHOOL. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Resolution No. 09-62 – Additional Met Ed Street Lights – Pleasant Valley Road.

DVORYAK Mr. Dvoryak asked in what section of Pleasant Valley.

HOLMAN Mr. Holman responded that it is in front of the Metso site, the new building just built on the north side of Pleasant Valley Road

MR. DVORYAK MOVED TO APPROVE RESOLUTION NO. 09-62. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Resolution No. 09-63 – Authorizing Transfer of Funds from One Account to Another Account within the General Fund.

HOLMAN Mr. Holman explained that at the beginning of the year when the budget is prepared, the York Area United Fire and Rescue is built into the budget. There is a contracting account within YAUFRR budget for fire services. Funds are returned back to the actual areas where they were charged such as health benefits, workers compensation, insurances and other programs. The budget is prepared based on the fact that over time it is anticipated that YAUFRR will have its own independent budget. That did not occur this year with regard to the labor, and that is what is being transferred back into township funds.

SCHENCK Chairman Schenck clarified that no money is changing hands. Money is being shifted from one category of the budget to another.

HOLMAN Mr. Holman added that if a combined contract is not reached next year, then the same motion would be showing up again. This separate budget works well for the township as it provides for tracking exactly how much YAUFRR is costing.

MR. BOWMAN MOVED TO APPROVE RESOLUTION NO. 09-63 AUTHORIZING TRANSFER OF FUNDS FROM ONE ACCOUNT TO ANOTHER ACCOUNT WITHIN THE GENERAL FUND. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

F. Authorization to Advertise Ordinance Amending Chapter 85 of the Code of Ordinances “Tax Collection”.

SCHENCK Chairman Schenck stated that item F would advertise a potential ordinance amending the Code of Ordinances in reference to the Tax Collector. This will bring it into compliance with what the Tax Collector is required to do by the State Statute.

DVORYAK Mr. Dvoryak questioned the logistics. He questioned whether the Tax Collector remits to the township the net after commissions or the gross amount.

RAUSCH Solicitor Rausch responded that the Tax Collector is not allowed to deduct a commission.

SCHENCK Chairman Schenck added that the township is not putting any burden or obligation onto the Tax Collector other than what is required and is already in place by State Statute.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ADVERTISE ORDINANCE AMENDING CHAPTER 85 OF THE CODE OF ORDINANCES “TAX COLLECTION”. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

A. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop reported that there had not been any meetings.

14. NEW BUSINESS

A. Authorization to Advertise 2010 Proposed Budget.

MR. BISHOP MOVED TO ADVERTISE THE 2010 PROPOSED BUDGET. MR. BOWMAN WAS SECOND.

DVORYAK Mr. Dvoryak voiced his four objections to items in the budget. Other than the four objections listed he was happy with the budget.

- The tax increase that had been earlier discussed and passed.
- The price for the new Police Administration Building based on one analysis.
- The purchase of a new vehicle and trade in of a vehicle with only 40,000 miles on it.
- The existing contingency in the Sewer Fund under the Employee Benefits.

GURRERI Mr. Gurreri stated that he would vote against this because of the tax increase and borrowing \$10 million to build a building next year.

SCHENCK Chairman Schenck noted that the budget does not show the borrowing.

HOLMAN Mr. Holman responded that the capital budget merely shows that there could be a \$10 million borrowing. There is no borrowing unless the Board authorizes and approves it. It merely projects the amount that is in the budget for capital if a decision is made to move forward. If the money is not borrowed or no work is done then the item dies.

BISHOP Mr. Bishop asked Mr. Dvoryak about his first objection.

DVORYAK Mr. Dvoryak responded that it related to the tax increase that had been passed.

BISHOP Mr. Bishop asked what his objection would be with respect to advertising the budget.

DVORYAK Mr. Dvoryak responded that he did not object to advertising. However, he stated he may vote against the budget depending on how heavily the four items weigh between now and the time for a decision. He stated that there may be further discussion on the subject.

BISHOP Mr. Bishop asked Mr. Dvoryak whether he thought the budget was incorrect inasmuch as the ordinance had been approved.

DVORYAK Mr. Dvoryak responded that it was no longer a valid objection.

BISHOP Mr. Bishop noted that he just wanted to be sure he understood.

SCHENCK Chairman Schenck noted that he was still confused about the presentation that was made on the Employee Benefits in the Sewer Fund. There may just be clarification. Mr. Dvoryak had reviewed the numbers, and he, personally, had reviewed the numbers as well, but he did not understand the comment behind the numbers.

HOLMAN Mr. Holman responded that he thought Mr. Dvoryak would like to see that money moved to another line item where it may more appropriately be charged. That adjustment can be made as it is an internal line item.

MOTION CARRIED 4/1. MR. GURRERI VOTED NO.

B. Acknowledge Receipt of Minimum Municipal Obligation for Pension Plans.

HOLMAN Mr. Holman stated that this update is based upon the revised contract entered into with the Police Collective Bargaining Unit. They have agreed to increase their contribution to 5% from the 4% as part of the agreement. It was necessary then to redo the MMO's that had been originally reviewed in August based on that agreement.

MR. DVORYAK MOVED TO ACKNOWLEDGE RECEIPT OF THE MINIMUM MUNICIPAL OBLIGATION FOR PENSION PLANS. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Revise Policy Re: Birthday Holiday and Personal Days for Non-Union Employees Effective January 1, 2010.

SCHENCK Chairman Schenck stated that Mr. Holman suggested changing the personnel policy for non-union employees that, instead of getting their actual birthday off, the employee can get that day whenever they choose to use it.

HOLMAN Mr. Holman stated that many employees ask to move their birthday holiday to another day, so this will move it into personal days. It does not increase time off but gives more flexibility for the employee and save some work from management's standpoint.

MR. BISHOP MOVED FOR AUTHORIZATION TO REVISE THE EMPLOYEE POLICY. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Set the Time for Board of Supervisors Reorganization Meeting to be held on January 4, 2010.

SCHENCK Chairman Schenck stated that he had requested the item be placed on the Agenda so that the Board was clear. The meeting had been advertised.

HOLMAN Mr. Holman stated that the Reorganization Meeting would be held on January 4, 2010 at 5 p.m. The Police Pension is scheduled for 5:30 p.m.; Fire Pension at 5:40 p.m. and Development Authority at 5:50 p.m.

15. ADJOURNMENT:

GURRERI Mr. Gurreri wished everyone a Happy Thanksgiving.

HOLMAN Mr. Holman reminded everyone of the Holiday Tree Lighting Friday evening, November 19, 2009.

SCHENCK Chairman Schenck reminded everyone of the Executive Session scheduled for immediately following adjournment. He adjourned the meeting at 8:45 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
WORK SESSION**

**NOVEMBER 11, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Work Session on Wednesday, November 11, 2009 at 7:00 a.m. at the Township Offices located at 1501 Mt. Zion Road, York, Pennsylvania.

MEMBERS IN ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
Nick Gurreri
Mike Bowman

MEMBERS NOT IN ATTENDANCE: George Dvoryak

ALSO PRESENT: John J. Holman, Township Manager
Dori Bowders, Manager of Administrative Operations
Jack Hadge, Director of Finance
Mark Hodgkinson, Director of Wastewater Treatment
Charles Lauer, Director of Public Works

The Board of Supervisors held budget work session number four on the above date and time. The purpose of the work session was to discuss the 2010 proposed budget.

Chairman Schenck called the meeting to order at 7:00 a.m. Mr. Schenck stated Mr. Dvoryak was unable to be in attendance, however, Mr. Dvoryak asked the Chairman to pass along a question he had regarding the most recent Consumer Price Index (CPI). He asked what is normally done with regard to pay increases in cases where the cost of living has actually decreased.

Wastewater Treatment

Mr. Holman distributed the 2010 budget review discussion papers to the Board of Supervisors. He asked Mr. Hodgkinson to review his proposed budget with the Board.

Mr. Hodgkinson stated the 2010 proposed budget is showing a 9 ½ percent increase over the 2009 adopted budget. The primary increase is in debt and principal interest. He added that they are going into the new debt for the BNR project so the principal and interest payment is going up to about where it was in 2008. He stated the BNR project makes it more expensive to run the plant; therefore, there is an increase in the cost of electricity.

Mr. Holman informed the Board that the invoices for the BNR project are getting closer to the million dollar mark and we are getting closer to having to borrow. He stated the major borrowing would be in February or March of 2010. He said he had been asked by the sewer users group to not have the payment come due until 2011. He stated he did not have a problem helping them out as long as the cash flow works out.

Mr. Schenck inquired about the recent bids that were rejected for the manhole rehabilitation project and asked if everything has been squared away.

Mr. Hodgkinson responded that he is still looking at it to make sure it meets our standards. We are making sure we get experience clauses and specifications.

Mr. Schenck asked if the manufacturer warrants the installation.

Mr. Hodgkinson answered yes.

Mr. Holman added that the solicitor will also look over the specifications.

Mr. Holman stated Mr. Hodgkinson does a good job watching his budget. He stated the biggest issue is the total maximum daily load (TMDL); i.e. what is going to happen if our next permit comes in with some crazy number.

Mr. Bowman asked if Mr. Hodgkinson has received any odor complaints lately.

Mr. Hodgkinson stated it is ongoing; however the odor reducers are working as they should.

Mr. Bowman asked Mr. Hadge what bank the Township is using for sewer payments.

Mr. Hadge responded that the sewer payments are processed by Sovereign Bank.

Mr. Holman added that the Township is looking to change banks as Sovereign Bank is charging higher fees.

Mr. Bowman agreed and voiced his frustration over the fees they are charging, stating he hopes another bank can be utilized in the very near future.

Mr. Holman assured Mr. Bowman that he is working on it.

Mr. Hodgkinson continued with review of the sewer capital improvements program.

Mr. Holman stated the budget follows the recommendations in the Springettsbury Township Long Range Planning Study. This includes the movement of the Meadowlands Pump Station project from 2009 to 2010.

Mr. Hodgkinson mentioned that he did not know how much longer they would be able to do composting at the plant due to the scarcity of wood chips. He stated land is not being cleared and wood chips are hard to come by.

Mr. Gurreri wondered if the tree farm was still being used.

Mr. Hodgkinson stated yes, however the plant goes through a tractor trailer load of wood chips each day. He said they reuse them but the wood chips are not totally recyclable, causing them to have to constantly replenish them.

Mr. Holman informed the Board that Mr. Hodgkinson and Mr. Lauer are working on the removal of the farmhouse across the street from the sewer plant. The Historic Preservation Committee has taken pictures of it.

Mr. Gurreri asked Mr. Hodgkinson how many odor complaints he usually receives.

Mr. Hodgkinson responded approximately 6-8 per year. He stated if a landfill is utilized, the odors would dissipate, however landfills are very expensive.

Commonwealth Liquid Fuels Fund

Mr. Holman stated roadway repair and maintenance funds are paid through the Liquid Fuels Tax. This supplements our Capital and General Fund line items. He said the fund balance as of September 30, 2009 was \$732,259.13. Revenue anticipated in 2010 from Liquid Fuels has been estimated to be \$504,000 as per notification from the State Department of Transportation. He stated this is a reduction of approximately 4 percent from the 2009 allocation.

Mr. Holman continued to say the State Liquid Fuels Fund has assumed the majority of road repair and maintenance costs. The fund will also cover the costs for replacement of the township street signage as required by new PennDOT regulations.

Mr. Lauer stated the only change is in traffic signs and materials and supplies due to the mandatory upgrades to all of the signs in the Township. He said he reduced funding for road maintenance to make up for the cost of the sign replacements.

Mr. Bishop asked if we are being forced to replace signs before they are past their lifespan.

Mr. Lauer answered yes.

Mr. Bowman stated this is a five year program and includes overhead signs as well; basically all of the signs in the Township have to be high intensity.

Mr. Lauer stated that is correct and the project has to be finished in 2012. He said he has already upgraded three quarters of the stops signs to high intensity. Mr. Lauer stated a \$75 street sign is now going to cost about \$200.

Mr. Bishop stated it bothers him that we are going to take money out of the road maintenance line item to put up pretty signs. He said "rolling over" is not always the right thing to do when something is mandated.

Fire Company Fund

Mr. Holman explained the Fire Company Fund has been used to provide for the needs of the volunteer stations and purchase of necessary capital equipment and repairs. The funding method has changed due to the creation of York Area United Fire and Rescue (YAUFRR) and budget requests being provided through this organization. There is no funding proposed for this fund as it is included in the YAUFRR budget.

Mr. Holman said the September 30, 2009 report showed a fund balance of \$708,177.88. This will be reduced by Springettsbury Township's allocation to purchase the two pumpers. It is anticipated that this fund will be exhausted by 2012.

Mr. Schenck asked if Mr. Holman has heard anything about money that the volunteer company is after.

Mr. Holman stated no, he has not heard about any requests for money.

Petitioned Street Light Fund

Mr. Holman stated this fund is a separate user assessment based on streetlights within the Township. He said staff has completed a full review of all properties and revenues generated by same. The fund will need to be increased to \$.45 per linear foot in order to cover real costs. The last increase was in 1996. The fund balance as of September 30, 2009 was \$13,954.02. This includes the \$10,000 interfund transfer from the General Fund.

Mr. Bowman asked if the lights are being replaced with more economical lighting.

Mr. Lauer answered it would cost about \$900 to retrofit them. He explained it does not provide us any break by changing them out.

Mr. Gurreri stated when the electricity tariff ends; we should be looking into other options for electric companies.

Mr. Lauer stated Mr. Holman is looking into it; perhaps going into a co-op.

Capital Improvement Fund

Mr. Holman said the Township will continue with its efforts to acquire approval for a crossing at the Davies Drive rail crossing. This has become a legal issue and the Township will have to present new evidence, including a new traffic study after the Market Street widening project is completed. He stated the fund balance as of September 30, 2009 was \$463,510.31. This will be reduced by \$265,000 as part of debt service in October as well as other costs.

Mr. Gurreri stated if construction of the new police building is approved, we would probably not even get started on it until 2011.

Mr. Holman stated that engineering would begin immediately. If it is the Board's decision to move forward with the project, it would be ready to bid in 2010. Mr. Holman said he would need a decision from the Board by February, 2010.

Mr. Schenck stated he had concerns regarding the schedule provided by Concord Public Finance for the 20 year debt service structure.

Mr. Holman stated the schedule is a very conservative estimate. He also mentioned that he has money budgeted in surplus to cover the increased pension costs.

Mr. Schenck asked what the surplus generated number is on a routine basis (annually).

Mr. Hadge stated we used \$280,000 and that we are carrying approximately \$4 million.

Mr. Schenck noted we are not adding to it; we are not creating long term surplus.

Mr. Holman stated right now, with the current economy Mr. Schenck is correct.

Mr. Hadge offered that if the real estate transfer tax materialized, we would put it towards surplus.

Mr. Holman stated the plus side of moving forward with construction in 2010 is the cost of construction is down.

Mr. Schenck stated he felt that is a “roll of the dice” and that it could change.

Mr. Bishop said we could pull the contract if the cost of construction came in high.

Mr. Holman offered that he would also be applying for grants; however, he never budgets on the assumption that we would be awarded the grants.

Mr. Schenck stated he is concerned that we are at a \$1.7 million General Fund balance and we are going to pile another \$2 million on top of it against a \$4 million surplus.

Mr. Hadge offered that \$1.9 million would be measured against the \$4 million. We are not going to use \$1.9 million this year. Our surplus will end this year at \$3.8 million.

Mr. Holman stated \$200,000 is built into Debt Service in the 2010 budget.

Mr. Schenck said it appears to him that in two years we will have no surplus.

Mr. Holman offered that the Township could operate for two years if everything would collapse. He stated he does not see foresee our revenues collapsing. He noted if the market comes around, the surplus gets larger.

Mr. Hadge stated the Board may want to determine what type of fund balance they want to maintain. The school districts carry about 5 percent; as they are now mandated.

Mr. Holman stated he looks at 3-4 months of surplus for operations. He offered that he will continue to look at the numbers with Concord Public Finance, however he believes the Township will be in good shape financially. Mr. Holman said the question is does the Board want to move forward with the building project. He said he can make an adjustment by removing the fire and/or recreation portion of it.

Mr. Holman said if the Board chooses to not approve the Local Services Tax we would have to raise property taxes.

Storm Water Fund

Mr. Holman stated storm water funds are used to cover costs associated with maintenance (grass cutting) of drainage, storm water and detention basins dedicated to the Township. He said the fund balance as of September 30, 2009 was \$98,242.33.

Waste Reduction Fund

Mr. Holman said these funds are used to cover costs of recycling, leaf disposal and administration of trash contracts. Documentation of costs associated with these items, including General Fund recycling efforts is essential in retaining eligibility for recycling grants. Recycling grants in 2009 contributed \$104,000 towards the Township's operational costs. The Fund balance as of September 30, 2009 was \$112,754.31.

Mr. Bowman asked what the line item titled "Recycling Waste Cost" covers.

Mr. Lauer stated it covers the licensing for the trucks. He explained the Township has to be licensed through the County.

Mr. Schenck stated in regards to commercial recycling, word is not really out to the businesses on what needs to be done and feels there is a huge opportunity to do better.

Mr. Holman expressed that staff is continuing to work on it.

Library Fund

Mr. Holman stated interest from the fund balance is sent to the County library. This ties in with the \$37,000 per year budgeted by the Township for the County library. The interest accrued from the capital in the fund is transferred to Martin Library for allowing the public to use the library annex at the Art Institute of York. The fund balance is \$190,056.29.

Mr. Holman said the Art Institute of York has improved their library and have extended their hours. He said the Art Institute has expressed an interest in working with the Township to have a more interaction relationship. One example is they had recently repainted the Creative Playground to brighten it up.

Harry Joseph Schenck Trust Fund

Mr. Holman stated these funds are for maintenance and repair of the natural area at Stonewood Park. Any budget approvals are done in consultation with the trust fund board. Fund balance as of September 30, 2009 is \$53,290.65.

Police Canine

Mr. Bishop said there is an open item regarding the police canine.

Mr. Holman stated he was still trying to coordinate a telephone conference with the police chief and personnel attorney.

Mr. Schenck said he finds it hard to believe that the contract can't work.

Mr. Bishop stated he finds it pretty disappointing that the police chief states it is the only way canine services can be provided in Springettsbury Township.

Mr. Holman stated we are not that size of a force where we need a canine. He stated he would set up the conference call and report back to the Board.

Mandatory Upgrade of Township Signs

MR. BISHOP MADE A MOTION WITH RESPECT TO THE COMMONWEALTH LIQUID FUELS FUND THAT \$100,000 BE RESTORED TO THE ROAD CONSTRUCTION-CONTRACT SERVICES LINE ITEM (20439-45110) AND REMOVED FROM THE TRAFFIC SIGNALS-MATERIALS/SUPPLIES LINE ITEM (20433-22110) NOTING THAT THE TOWNSHIP IS BEING FORCED TO SPEND MONEY THAT IS WASTEFUL AND AT THE SAME TIME PLACE ON THE BOARD OF SUPERVISORS AGENDA IN 2010 HOW WE CAN PROVIDE FOR THE SIGNAGE NEEDS WITHOUT LONG TERM RISKING OUR COMMONWEALTH LIQUID FUELS FUNDS.

Mr. Bishop commented on the motion that he feels it is fine to replace signs at the end of their lifespan, but it is not okay to waste perfectly good signs and place them in a landfill just because it is being mandated.

MR. SCHENCK SECONDED THE MOTION. MOTION CARRIED 4-0.

Mr. Lauer commented that this will be a \$500,000 project when it is all said and done.

Adjournment

Chairman Schenck adjourned the meeting at 9:03 a.m.

Respectfully submitted,

John J. Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
WORK SESSION**

**NOVEMBER 4, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Work Session on Wednesday, November 4, 2009 at 7:00 a.m. at the Township Offices located at 1501 Mt. Zion Road, York, Pennsylvania.

MEMBERS IN ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
George Dvoryak
Nick Gurreri
Mike Bowman

ALSO PRESENT: John J. Holman, Township Manager
Dori Bowders, Manager of Administrative Operations
David Eshbach, Chief of Police
Jack Hadge, Director of Finance
Charles Lauer, Director of Public Works
Robert H. McCoy, Jr., YAUFRR Fire Chief
David Trott, Police Lieutenant

The Board of Supervisors held budget work session number three on the above date and time. The purpose of the work session was to discuss the 2010 proposed budget.

Chairman Schenck called the meeting to order at 7:00 a.m. and asked for a brief executive session to discuss real estate.

The Board reconvened at 7:05 a.m.

Mr. Holman distributed the 2010 budget review discussion papers to the Board of Supervisors. He asked Chief McCoy to review the fire department budget with the Board.

Fire

Chief McCoy informed the Board that the York Area United Fire and Rescue Commission discussed fund balances and contingency funds during their October 21, 2009 meeting. The Commission voted unanimously to eliminate the contingency line item, utilize funds from the sale of capital assets towards future capital purchases, and to maintain any fund balances within YAUFRR, to be managed by the Fire Commission. The action resulted in an additional \$100,000 reduction in the budget. Chief McCoy stated he adjusted YAUFRR's proposed budget accordingly and has submitted an updated draft to the Board of Supervisors.

Chief McCoy continued to discuss various line items with the Board. He noted the largest increase in his budget is the cost of utilities and hydrant fees, but overall he is happy with his budget and feels they are making progress.

Mr. Bishop stated (with regard to the merger and looking at the big picture) one of the most significant disappointments is the inability to ratify a joint labor contract.

Chief McCoy agreed and stated the largest impact of that is his inability to utilize personnel from each Township; he cannot cross contractual boundaries. He stated once a joint labor contract is accomplished, he will be better able to control the overtime.

Mr. Bishop stated when comparing the 55/45 split between Springettsbury and Spring Garden with actual numbers from various reports the Board receives; it appears the actual numbers are pretty far off from what was initially anticipated.

Chief McCoy responded he believes it is something that needs to be studied and re-evaluated – call volume vs. number of personnel, etc. He is not so sure that it should be based on incidents and is something that he is currently trying to look at from various standpoints.

Mr. Bishop said if nothing is done and the split remains the same, a few years down the road, Springettsbury Township may be in for a large bill.

Chief McCoy estimated it could be at least 5 percent more.

Mr. Dvoryak asked how the 55/45 number was derived at in the first place.

Mr. Holman answered it was based on the individual Township budgets at that time.

Chief McCoy reiterated that he believes the way it is currently split needs to be re-evaluated.

Police

Chief Eshbach reviewed the various police department line items with the Board. He said ammunition is at a premium right now and is very hard to get. He explained it was due to 1) the wars in Iraq and Afghanistan, and 2) public perception that President Obama is going to heavily tax ammunition. People are buying large quantities of ammunition and stockpiling it, therefore, making it hard to come by.

Mr. Gurreri asked what is encompassed under the Animal Control (10410-29410) line item.

Chief Eshbach responded monies are budgeted under that line item for the annual contract with the SPCA for animal care and housing services and also the contract with Hemler Animal Control Service for pick up of stray animals.

Chief Eshbach stated the Contract Services line item (10410-45110) has been reduced from last year. Money was originally budgeted for the county-wide record management system however, at this point is still not operational.

Chief Eshbach mentioned that the Capital Construction line item (10410-61110) is zero because those monies are shown in the Township Capital Fund budget for the proposed new building construction. He continued to say he is requesting the purchase of three new police vehicles under Capital Equipment (10410-71410) and funds to upgrade the “Total Stations” software (10410-71412).

Mr. Dvoryak noticed a significant increase in the salaries line item over the past two years.

Chief Eshbach stated the collective bargaining agreement that was recently approved includes a five percent salary increase.

Mr. Holman responded that the Township is also beginning to pick up more of the costs of the two officers covered under the COPS in Schools grant. He said each year, the grant percentage paid towards the officers is less and the Township has to pick up the remainder.

Mr. Bowman asked Mr. Holman if he knew what the school district's plan for the future might be with regard to the COPS in School officers.

Mr. Holman answered that the Township needs to set up a meeting with the school districts. He reminded the Board that the grant was for a three year period and the grant requires you to retain the officers for one budget cycle beyond the end of the grant. The Township will have to fully fund those officers during the fourth year. The grant for the 31st officer will expire at the end of July, 2010 and the grant for the 32nd officer will expire at the end of July, 2011.

Mr. Gurreri asked the Chief how many miles are typically on a police vehicle when he determines they are in need of replacement.

Chief Eshbach responded it fluctuates however, 100,000 miles is usually the target.

Mr. Gurreri stated he drives his personal vehicles well beyond 100,000 miles and wondered why the police vehicles can't be utilized beyond 100,000 miles.

Chief Eshbach explained that there is a big difference between a personal vehicle with 100,000 miles and a patrol vehicle with 100,000. He said when a patrol vehicle's ignition is turned on it usually stays on the entire length of the officer's shift. For example, when the officers are using the in-car computers, the vehicles must remain turned on so the computers can get power. He stated patrol vehicles are used a lot harder than your typical privately owned vehicle.

Mr. Holman stated replacement of vehicles are based upon what the maintenance costs are on the vehicle.

Mr. Holman told the Board that he would like to replace three Township vehicles with hybrid vehicles. One of the vehicles would replace the police department's Chevrolet Trail Blazer, the second hybrid would replace a Jeep that is currently being used in the community development department and the third hybrid would be purchased to replace the Dodge Intrepid currently utilized by staff in the administration office.

Mr. Dvoryak asked Chief Eshbach if he had any concerns about switching to hybrid vehicles.

Chief Eshbach answered his concern is the timeframe it takes to get a hybrid vehicle; right now it takes about 360 days to get one.

Mr. Holman reminded the Board that the police department is currently waiting to receive two vehicles, one of which would be purchased under the County JAG grant.

Mr. Schenck asked the Board if they had any other questions regarding the police budget proposal.

Canine Agreement

Mr. Holman informed the Board that Chief Eshbach provided him with a memorandum regarding Officer William Polizzotto's proposal for services of a new canine "Petro" upon the October 31, 2009 retirement of the current canine "Ike". Mr. Holman stated he has several concerns with the canine agreement and asked the Township's personnel attorney to provide him with an opinion on it, as well as any future agreements. (Mr. Holman provided the Board with a copy of Attorney Harvey's letter dated November 3, 2009).

Mr. Holman stated Attorney Harvey has outlined several matters of concern in his letter regarding the canine services agreement; most notably, compliance with the Fair Labor Standards Act (FLSA). Attorney Harvey's letter also addressed the additional costs and liability associated with the Township's lease of a canine.

Mr. Holman stated if the canine program is abolished, the officer could be placed back on the street full time and would eliminate the increased costs suggested by Attorney Harvey to bring it into FLSA compliance. The costs to bring it into compliance will go up significantly if the program continues. It also eliminates the need for one patrol vehicle to be equipped exclusively for the canine and the officer; and puts another patrol vehicle on the street that can be utilized by all of the police officers.

Chief Eshbach stated Officer Polizzotto works regular patrol duties and his canine duties are supplemental to his patrol duties. He said the training time involved with the canine program averages three hours per week for both the officer and the canine as they train as a team.

Mr. Bishop stated his understanding is the officer is not on patrol duty while he is in training with the canine.

Chief Eshbach answered that is correct.

Mr. Bishop asked what the current status of "Ike" is.

Chief Eshbach stated he is still working; however Officer Polizzotto wants to retire him.

Mr. Bowman stated his understanding is that if the canine gets killed then the Township would have to reimburse the officer for the cost of the canine.

Chief Eshbach answered yes.

Mr. Holman said there are other options, such as leasing from other departments and agencies.

Chief Eshbach stated he knows of no other departments that would do that.

Mr. Gurreri asked what are the issues regarding our current contract and how does this compare with other departments who have canine units.

Mr. Holman responded that the contract issue is not with the canine, the contract impact is with the employee and Township being in compliance with FLSA and recent judicial rulings.

Mr. Bishop stated the question is can an employee contractually agree some of his rights away; can he legally do that, and is the Township legally liable if the officer decides to change his mind down the road.

Mr. Holman stated you cannot “agree” to violate FLSA.

Mr. Bishop asked Chief Eshbach to confirm the statement he made earlier that he is not aware of any opportunities to lease any of these services elsewhere.

Chief Eshbach answered that is correct. He does not know of any other options. He also stated he would be uncomfortable with using someone else’s services because he would not know how the dog was trained. He added that there is nothing in the law that states that canines need to be trained.

Mr. Bishop stated surely if someone in the County Chief’s Association would offer canine services to us, you would be more comfortable with that offer if you knew them.

Chief Eshbach responded he would be more comfortable, however again stated he is just not aware of anyone that will do it.

Mr. Gurreri stated the prison used to have a canine unit and wondered why they ended the program.

Chief Eshbach stated he did not know why they ended it.

Mr. Schenck stated the Township’s personnel attorney has advised the Township that the proposed agreement is not in compliance with FLSA and fundamentally the Township could open itself up to substantial future liability.

Mr. Holman said the funds to operate a canine unit were still in the budget to allow for consideration of a shared service option should the decision be not to move forward with the canine unit. He also stated that the Board had just received the information from the personnel attorney this morning and would need more time to review it to make a final decision at a later date.

Public Works

Mr. Holman asked Mr. Lauer to review the proposed Public Works budget with the Board.

Mr. Lauer stated the salary and wages line item includes increases covered under the Teamsters contract. He said the utilities line item indicates a 5% increase in the 2010 budget and he anticipates that it will continue to accelerate over the next few years.

Mr. Holman added the Township is trying to address the increase in electric services by joining a municipal cooperative for purchase of electric and gas, along with construction and installation of energy efficient equipment, i.e. solar and geothermal products for the proposed construction of the new police administration building. Mr. Holman stated the Township has also applied for grant funding to provide solar power to the public works building and to change out the park facility lighting.

Mr. Lauer said all other line items pretty much held the line and added that the cost of gasoline has dropped somewhat.

Mr. Lauer informed the Board that the Federal government has mandated that all signs be larger with high intensity. Therefore, all of the street signs in the Township will need to be replaced. He said the colors of the signs can be changed if you so choose, but definitely the size must be larger. Mr. Lauer suggested that the private road signs be a different color than the Township road signs. It would be helpful during snow removal to differentiate between public and private roadways.

Mr. Bowman asked if alleys have to be named.

Mr. Lauer responded that we do not currently name alleys in Springettsbury Township. We don't receive State Liquid Fuels funding to post alleys.

Mr. Schenck stated he has seen examples of the new street signs in other communities. Some of them look fine, others do not. He asked if they are also mandating post requirements.

Mr. Lauer said yes, and there are poles that will need to be replaced. Mr. Lauer stated if will take about five years to complete the entire Township. He said if we don't change the signs and posts, the State will hold our Liquid Fuel funds.

Mr. Bowman asked if the project would have to go out for bid.

Mr. Lauer stated it would have to be bid.

Mr. Schenck indicated that he would be interested in seeing photos or examples of the proposed new signage; shapes and colors. He said it would be an opportunity to make sure the signs are attractive and fit in with the community.

Mr. Bishop suggested asking Marian Hull to make a recommendation on the style and color.

Mr. Dvoryak had questions regarding traffic flow and the timing of traffic signals at Concord Road.

Mr. Lauer stated PennDOT periodically reviews it and makes the appropriate changes. He offered that once the improvements to East Market Street and Mt. Zion Road are completed, the whole route will again be reviewed to see if adjustments are necessary.

Payroll

Mr. Holman stated there is one additional item under Salary and Wages that he needed to bring to the Board's attention. In the year 2010 the Township will encounter 27 payrolls instead of 26 which would add about \$300,000 to the budget. He is reviewing how it was handled in prior years.

Petitioned Street Lights

Mr. Holman explained that the Petitioned Street Light Fund is a separate user assessment based on streetlights within the Township. He said revenue derived through an annual property assessment covers the expenses of operating streetlights within the Township. Right now, improved property is \$.30 per linear foot (front footage) and unimproved property is \$.10 per linear foot. Mr. Holman stated the last time the rate per linear foot was increased was in 1996. Staff has completed a full review of all properties and revenues generated and he is recommending that it be increased to \$.45 per linear foot in order to cover real costs, regardless if the property is improved or unimproved.

Consensus of the Board was to increase the rate per linear foot to \$.45 for both, improved and unimproved property.

Adjournment

Chairman Schenck adjourned the meeting at 8:55 a.m.

Respectfully submitted,

John J. Holman
Secretary

dkb

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**OCTOBER 22, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular meeting on Thursday, October 22, 2009 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
Nick Gurreri
George Dvoryak

ALSO IN ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
M. Schober, Environmental Engineer
Dave Eshbach, Chief, Police Department
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Mr. Schenk called the meeting to order at 7 p.m. He asked Mr. Gurreri to lead the Opening Ceremony.

GURRERI Mr. Gurreri welcomed the attendees. He reminded everyone to vote on November 3rd. He led the Pledge of Allegiance and asked that the men and women in the Armed Services be remembered in prayer.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. October 8, 2009 – 7:30 P.M.

1) Litigation – Tax Collector

SCHENCK Chairman Schenck announced that, following the October 8th meeting, an Executive Session was held where the on-going litigation with the Tax Collector was discussed. No Executive Sessions were scheduled for this date.

3. COMMUNICATION FROM CITIZENS

Heritage Hills – Traffic Light at Plymouth Road

SLATKY John Slatky, 3673 Cimmaron Road, noted that his car wash business is in the area proposed for a traffic light at Plymouth Road and the Heritage Hills development. He reported that Attorneys Katherman and MacNeal had requested a curative

amendment to rezone the area from FO-Open Space to RM-5 Residential Housing. The zoning request was denied; however, additional hearings will be held. Mr. Slatky requested that the Springettsbury Township officials do nothing with regard to any rezoning, even though the properties are located in York Township. He noted that the traffic impact will be in Springettsbury Township and commented on the plan for a light at Plymouth Road. He stated that he felt the location will not be effective in the future. He requested that Springettsbury hire an uninvolved outside traffic engineer to review the proposed changes and that Springettsbury officials take another look at the planning.

Vandalism – Trout Run Road

STUHRE Charlie Stuhre, 3680 Trout Run Road spoke about a severe vandalism problem on Trout Run Road. He had reported the vandalism to the police department, most of which related to trash issues. He indicated he would appreciate any assistance the township could provide to catch the vandals and/or clean up the mess.

Darrah Legal Issues

DARRAH Joe Darrah, 1190 Graham Street, stated he wished to try to resolve issues with the township regarding the on-going litigation. He stated that the property in question was purchased to have a place for his son's race car, and that he had spent considerable work and money into the property. He did not believe that there is anything being done that is harmful. He wanted to find some way to communicate with the township without having to go through attorneys. He commented that there are many properties along the same floodway that are doing similar things.

SCHENCK Chairman Schenck noted that there are several on-going legal issues with the property.

DARRAH Mr. Darrah stated that there are 4 different court cases. They will meet with the Army Corps of Engineers on October 28th. He added that they have the 105 permit from DEP to do what they want to do. The township is throwing up the roadblocks.

RAUSCH Solicitor Rausch stated that the township had never indicated a direction not to discuss the issues. However, he stated that Mr. Darrah would have to contact his lawyer and schedule a meeting with him. At this time the township had to seek an injunction against Mr. Darrah, and there is now a need to go back to court due to the position that Mr. Darrah is in violation of the court order. Solicitor Rausch stated that there are two issues: 1) whether or not trailers are allowed on the property and 2) if trailers are permitted they must be in compliance with flood plain regulations. Those are the on-going issues.

SCHENCK Chairman Schenck stated that Solicitor Rausch has indicated that he would be glad to sit down and facilitate it. The next step is to set up a time and get it done.

4. ENGINEERING REPORTS

A. Environmental Engineer - Buchart-Horn Inc.

SCHOBER Mr. Schober stated he distributed the pictorial progress report for the BNR project noting that construction is on schedule to be under roof by winter. There are several change orders on the agenda relating to the project. He also noted they have been working on the East/West interceptor manhole rehab bid documents. It was bid and is also on the agenda for consideration.

DVORYAK Mr. Dvoryak questioned whether the engineer reviews the costs submitted for the change orders to make sure they are reasonable.

SCHOBER Mr. Schober responded that the detailed cost breakdown submitted is reviewed by the engineers who do estimating to make sure it is reasonable for every change order.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani reported that he attended a Municipal Engineer’s conference. With regard to the MS4, municipalities were requested to map the entire community. Springettsbury Township was qualified as one of the MS4 communities and was directed to find illicit discharges. A program was set up to measure and monitor one quarter of the community every year. Test samples are gathered at a cost. Under the current administration DEP is attempting to add seven additional criteria for municipalities to interject in the MS4 programs, one of which is a 100 foot buffer on each side of a stream. That requirement would have a significant impact on development. In addition, there is a disconnection program where within developments where gutters are directed to a street, the discharge must go into a front lawn. Mr. Luciani noted that the engineering group is going to put together some opposition to the requirements. If adopted there will be financial and regulatory requirements.

Mr. Luciani reported that authorization had been received from PennDOT to connect to the K-Mart sidewalk as included with the Safe Routes to School project.

Mr. Luciani stated that PennDOT will reimburse the township \$4,000 per mile of roadway that the township takes back. At this time there does not appear to be a large enough financial reimbursement to contemplate on any road in the township at this time.

5. CONSENT AGENDA

- A. Acknowledge Receipt of September 30, 2009 Treasurer’s Report.**
- B. Board of Supervisors Budget Work Session Minutes – October 7, 2009.**
- C. Board of Supervisors Regular Meeting Minutes – October 8, 2009.**
- D. Frey Lutz Corp. – Request for Payment No. 3 – BNR Improvements Project in an amount not to exceed \$9,450.**
- E. Gettle, Inc. – Request for Payment No. 4 – BNR Improvements Project in an amount not to exceed \$65,389.50.**
- F. Regular Payables as Detailed in the Payable Listing of October 22, 2009.**

- G. LD-09-03 -Time Extension - Rail Trail - Plan Expires 10/27/09 (New Plan Date 1/27/10).**
- H. SD-07-06 - Time Extension - Triplet Springs - Plan Expires 10/26/09 (New Plan Date 1/26/10).**
- I. SD-06-11 - Time Extension - 3308 Becker Tract - Plan Expires 10/25/09 (New Plan Date 1/25/10).**

Item B was removed from the consent agenda.

MR. GURRERI MOVED TO APPROVE ITEMS A,C,D,E,F,G,H,I. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

Board of Supervisors Budget Work Session Minutes – October 7, 2009.

GURRERI Mr. Gurreri questioned his comment with regard to the local services tax. He stated that because of the current economy, he would not be in favor of a tax increase. Mr. Gurreri asked that the minutes be revised to reflect that he agreed that a new building needed to be built because it would be more expensive to build at a later date. However, he stated he has no stomach for a tax increase in this economy and would not be in favor of it.

MR. GURRERI MOVED TO APPROVE THE MINUTES OF OCTOBER 7, 2009 WORK SESSION AS AMENDED. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. ACCOUNTS PAYABLE

- A. Norfolk Southern Corporation – Request for Payment – Annual Maintenance Fees for Flashing Light Signals at Concord Road Crossing in a total amount not to exceed \$5,211.96 (Invoice No. 9909018685).**

HOLMAN Mr. Holman requested to put this on hold until a response is received from Norfolk Southern in regards to the CPI.

7. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Approve Change Order Request No. 3 – Conewago Enterprises – BNR Project in the total amount not to exceed \$17,334.**
- B. Authorization to Approve Change Order Request No. 2 – Gettle, Inc. – BNR Project in the total amount not to exceed \$15,098.**
- C. Authorization to Approve Change Order Request No. 1 – Frey Lutz Corp. – BNR Project in the total amount not to exceed \$9,737.**

HOLMAN Mr. Holman indicated that (A) change order request #3 dealt with minor changes with to the roof and ADA requirements of the Administration Building which led to the \$17,334 change order. (B) Change order request #2 for \$15,098, was due to replacement of the deteriorated ductwork. (C) Change order request #1 for \$9,737 was to meeting ADA code requirements for the administration building. He

especially thanked the BNR project leader's work for double checking these and to make sure that the costs were in accordance with the contract.

MR. BOWMAN MOVED TO APPROVE CHANGE ORDERS A, B AND C FOR THE BNR PROJECT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Enter into Easement Agreement with Thomas L. and Diane Kearney for an amount not to exceed \$5,300 for New Entrance to August Schaefer Park.

HOLMAN Mr. Holman indicated that the solicitor is still working on the easement agreement. He recommended tabling the request until the November agenda.

E. Authorization to Approve Change Order Nos. 3 and 4 – B & R Construction Services – Safe Routes to School: Mundis Mill Road – for a total CREDIT amount of \$6,181.10.

MR. GURRERI MOVED TO AUTHORIZE CHANGE ORDER NO. 3 AND 4 – B & R CONSTRUCTION SERVICES – SAFE ROUTES TO SCHOOL: MUNDIS MILL ROAD – FOR A TOTAL CREDIT AMOUNT OF \$6,181.10. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

F. Authorization to Enter into Cost Sharing Agreement with PennDOT for Realignment of Township Sanitary Sewer Line for PennDOT Project on North Sherman Street Bridge over Interstate 83.

HOLMAN Mr. Holman stated it was determined it would have to be realigned based on the state project. A cost sharing agreement has been reached with the state. Total cost of the project is \$52,000. The township will incur costs of \$4,201.60. PennDOT will pay \$47,798.40, so they will be taking on over 90% of the share of the cost.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ENTER INTO COST SHARING AGREEMENT WITH PENNDOT FOR REALIGNMENT OF TOWNSHIP SANITARY SEWER LINE FOR PENNDOT PROJECT ON NORTH SHERMAN STREET BRIDGE OVER INTERSTATE 83. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

G. Authorization to Enter into Collective Bargaining Agreement with the Springgettsbury Township Police Officers' Association for the Period January 1, 2009 through December 31, 2012.

HOLMAN Mr. Holman recognized the police officers for maintaining a professional demeanor while in negotiations. The contract allows for raises of 5% in 2009, 4% in 2010, 3-3/4% in 2011 and 3-3/4% in 2012. The Union stated they would increase their pension contribution to 5% as opposed to the previous 4%. Union members have agreed they will continue to increase their contribution for health benefits as well as co-payments for prescriptions. There were some language changes in regards to

long-term disability as it relates to injured employees who may be out for an extended period of time, and how the Township and the bargaining unit will address that. Mr. Holman recognized the hard work of the bargaining unit and the staff, both the Finance office and especially Mrs. Bowders and Mrs. Speicher who sat in on the negotiations.

DVORYAK Mr. Dvoryak thanked Mr. Holman for his time and efforts as well as the rest of the staff in negotiations.

MR. GURRERI MOVED TO APPROVE AUTHORIZATION TO INTO COLLECTIVE BARGAINING AGREEMENT WITH THE SPRINGETTSBURY TOWNSHIP POLICE OFFICERS' ASSOCIATION FOR THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2012. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SCHENCK Chairman Schenck expressed his thanks to Mr. Holman, Staff and Chief Eshbach for their diligence in attaining the agreement. He asked Chief Eshbach to thank the officers as well.

H. Authorization to Reject Bids Received on September 17, 2009 for Manhole Rehabilitation Project.

HOLMAN Mr. Holman stated there was a question on proprietary specifications and that it was felt to be in the best interest of the citizens to clarify that and then rebid the project. He noted he received a letter from Abel Construction, second highest bidder, who wanted to speak to board about rejecting the bids.

ABEL REP A representative of Abel Construction stated that many projects that go out to bid are proprietary, and many municipalities request specific attributes for a particular project. Abel Construction may not bid on certain projects. Springettsbury had specifically requested a very specified product for the sanitary system, which had been recommended by the engineering group. He indicated that it was not an unusual process to have proprietary products stated inside of a bid.

SCHENCK Mr. Schenk responded that he read the information and was concerned with having enough time to evaluate the two different products. He indicated he wanted to make sure the township was getting the best product and the right thing to do was to rebid it.

HOLMAN Mr. Holman stated they would be clear on time frames for when substitutes are bid. He noted he is working with Solicitor Rausch, Dennis Crabill and Mark Hodgkinson on the specifications.

MR. DVORYAK MOVED TO AUTHORIZE REJECTING BIDS RECEIVED ON SEPTEMBER 17, 2009 FOR MANHOLE REHABILITATION PROJECT. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

I. Authorization to Advertise for Rebid of Manhole Rehabilitation Project.

MR. GURRERI MOVED TO GIVE AUTHORIZATION TO REBID THE MANHOLE REHABILITATION PROJECT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

J. Authorization to Enter into Agreement with Capital Region Council of Governments TMDL Subcommittee in an amount not to exceed \$2,000.

HOLMAN Mr. Holman noted the Township had been working with the Capital Region Council of Governments with regard to the Chesapeake Bay requirements which assisted with receiving the million-dollar grant for that project, as well as working with them on the TMDL subcommittee which is working with the Environmental Protection Agency. Mr. Holman stated \$2,000 was authorized approximately a year ago to go forward. He noted they are working with approximately 60 other municipalities to make sure the township's voice is heard with regard to the impact of any major changes to the TMDL or to the township's permit. They are currently expending \$30 million dollars to meet the requirements of the permit and the Chesapeake Bay requirements. Mr. Holman recommended continuing to work with Capital Regional Council. The amount they are asking for is \$2,000.

MR. GURRERI MOVED TO GIVE AUTHORIZATION TO ENTER INTO AGREEMENT WITH CAPITAL REGION COUNCIL OF GOVERNMENTS TMDL SUBCOMMITTEE IN AN AMOUNT NOT TO EXCEED \$2,000. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. SUBDIVISIONS AND LAND DEVELOPMENT

A. PA Wayfinding Signage Program

HOLMAN Mr. Holman stated that Mr. Baugh presented this to the Planning Commission since it related to an aesthetic and directional program for the township. The Planning Commission is seeking additional information and time to evaluate it. The item was tabled until the next meeting.

9. COMMUNICATIONS FROM SUPERVISORS

BOWMAN Mr. Bowman asked if that is the sewer-relining project going down Memory Lane and Industrial Highway.

HOLMAN Mr. Holman responded that it related to the east/west interceptor.

DVORYAK Mr. Dvoryak stated that the property owners at 9 and 11 South Keesey Street are looking for direction in regards to the letter sent to the 82 residents about the height of tree limbs on their property. He asked staff if they would contact the owners to provide clarification.

HOLMAN Mr. Holman stated they would meet and discuss it with the residents in question.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated he had nothing to add to his written report. He noted that in regards to the Darrah case there is a hearing set for Wednesday, October 28th as it related to Mr. Darrah's violation of the court order.

11. MANAGER'S REPORT

Rail Trail MOU

HOLMAN Mr. Holman stated he and Solicitor Rausch met with the Rail Trail Attorney and with the County Solicitor in regards to a sewer easement agreement. Solicitor Rausch is drafting the Memorandum of Understanding. Mr. Holman indicated that discussion was held regarding the fact that should the rail trail need to go on top of the easement line, the Memorandum of Understanding would clarify that the township has the right to repair and replace and bring it back up to grade and the township would be held harmless by pedestrians walking along that section of the trail.

12. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-59 – Authorizing Entering into a Cost Sharing Agreement with PennDOT for Vertical Adjustment of Sewer Manholes along Locust Grove Road.

MR. DVORYAK MOVED TO APPROVE RESOLUTION NO. 09-59. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-60 – Member Contribution to the Police Pension Fund be Set at Five Percent of Compensation beginning January 1, 2009.

HOLMAN Mr. Holman stated that a resolution was adopted earlier in the year in accordance with the old contract that continues at 4%. This will override that. He noted this would be the last time this resolution is presented since it only needs to be done if it is less than 5%. The pay is retroactive to January 1, 2009.

MR. GURRERI MOVED TO APPROVE RESOLUTION NO. 09-60, MEMBER CONTRIBUTION TO THE POLICE PENSION FUND BE SET AT 5% OF COMPENSATION BEGINNING JANUARY 1, 2009. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Advertise Ordinance Amending \$10 Occupational Privilege Tax to \$52 Local Municipal Services Tax.

SCHENCK Mr. Schenk indicated this item was discussed at the last budget session. Consideration was given to raising the local municipal services tax to the state-allowed rate of \$52. This would replace the \$10 occupational privilege tax.

GURRERI Mr. Gurreri stated indicated he could not vote for this due to the economy. The township has a \$4 million dollar surplus and a \$12 million dollar budget averaging about 30%. The average in Pennsylvania is 10% so there is 20% more than is needed. Mr. Gurreri suggested spending that surplus money instead of raising taxes. Mr. Holman had suggested raising the amounts in 2011 and Mr. Gurreri thought that would be a much better time to do so.

HOLMAN Mr. Holman provided additional information concerning the tax, summarized:

- Springettsbury is the last township in York County to make this change.
- Deduction from each pay is \$2.00 as opposed to one lump sum.
- Anyone earning less than \$12,000 is exempt, as well as retirees earning less than \$2,000 according to ordinance.
- The tax does not apply to non-wage earners; nor does it apply to property tax.
- The township will deal with the pension contributions in 2011.
- Significant capital improvements are planned in 2011.
- The board had reserved this option for some time in order to have the funds available when needed.

DVORYAK Mr. Dvoryak commented that since this was first introduced to the board during a budget session, he had been giving it some thought. He agreed with Mr. Gurreri in terms of the timing with the economy and placing additional tax burden on the citizens of Springettsbury Township. He challenged the staff to review costs internally to determine whether there could be any costs cut from the budget structure.

GURRERI Mr. Gurreri reiterated that there is a \$4 million surplus. That money belongs to the people of Springettsbury Township and no increase is necessary at this time. It might be necessary in 2011.

SCHENCK Chairman Schenck stated that his personal opinion was that there are some significant changes and expenses coming and could argue the facts either way. However, he thought it would be wise to enact the tax in order to be in a better position when those expenses come.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ADVERTISE ORDINANCE AMENDING \$10 OCCUPATIONAL PRIVILEGE TAX TO \$52 LOCAL MUNICIPAL SERVICES TAX. MR. BISHOP WAS SECOND. MOTION CARRIED. MESSRS. SCHENCK, BOWMAN AND BISHOP VOTED IN FAVOR; MESSRS DVORYAK AND GURRERI VOTED NO.

RAUSCH Mr. Rausch stated that since this is a tax ordinance it needs to be advertised three times. It must be adopted before November 30th for 2010.

HOLMAN Mr. Holman noted it would be placed on the November 18th agenda.

13. OLD BUSINESS

A. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop stated that at the meeting he was taken aback by the suggestion that getting the information from the municipalities was the key thing they had to do and if the municipalities weren't willing to participate that they just do "right to know" inquiries. Couldn't believe an attorney would say that. He noted that support is dwindling, as only two municipalities were represented, Springettsbury and West York.

14. NEW BUSINESS

There was no New Business for discussion.

15. OLD BUSINESS

There was no Old Business for discussion.

16. ADJOURNMENT

SCHENCK Chairman Schenck announced that Halloween will be held October 31st. He adjourned the meeting at 8:10 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
WORK SESSION**

**OCTOBER 14, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Work Session on Wednesday, October 14, 2009 at 7:00 a.m. at the Township Offices located at 1501 Mt. Zion Road, York, Pennsylvania.

MEMBERS IN ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
George Dvoryak
Nick Gurreri
Mike Bowman

ALSO PRESENT: John J. Holman, Township Manager
Dori Bowders, Manager of Administrative Operations
Jack Hadge, Director of Finance
Robert H. McCoy, Jr., YAUFRR Fire Chief
Betty Speicher, Director of Human Resources
David Wendel, Director of Parks and Recreation

The Board of Supervisors held budget work session number two on the above date and time. The purpose of the work session was to discuss the 2010 proposed budget.

Chairman Schenck called the meeting to order at 7:00 a.m.

Mr. Holman distributed 2010 budget review discussion papers to the Board of Supervisors. He asked Mr. Hadge to review the Finance Department budget with the Board.

Finance

Mr. Hadge said he basically has a flat budget with no substantial changes. He stated the Township Manager is continuing to expect that there be a conscious effort to learn and utilize the full computer system and financial software. Mr. Hadge noted the accounting clerk position remains open in the Finance Department.

Mr. Holman informed the Board that the payroll processing has been shifted from the Finance Department to the Human Resources Department. He noted also, that the insurance and pension responsibilities have been transferred from the Finance Department to the Human Resource Department several years ago. Mr. Holman reiterated that he has directed the Finance staff to concentrate on more fully utilizing the computer systems. He said staff has recently been to Crystal Reports training and he would expect to receive reports that have been created through Crystal Reporting; nearly eliminating the need to produce spreadsheets. He said the financial information is already in the MUNIS system; staff should not be retyping information onto spreadsheets. Crystal reporting is a tool to eliminate multiple entries and the duplication of work through the use of the system. Mr. Holman stated he and staff will continue to move forward to provide cost savings with the use of technology; and therefore will be evaluating the necessity of one position that would no longer be needed.

Messrs. Holman and Hadge continued to review the following line items with the Board:

- 10404 (Professional Services)
- 10471 (Debt Service)
- 10487 (Fixed Sundry – Employee Benefits)
- 10491 (Prior Year Refunds)

Recreation

Mr. Wendel discussed the Recreation Department line items with the Board. He highlighted several programs and their successes with the Board. He stated even though the economic climate is not real good right now, the Recreation Department's community based services have done well; ticket sales have increased.

Mr. Wendel informed the Board that sponsorships for the Summer Concert Series and Saturday in the Park have both decreased about fifty percent this year. He stated he lost significant sponsors due to the economy and is hoping the economy will rebound in 2010.

Mr. Gurreri asked what the Rental/Lease line item represents.

Mr. Wendel responded that it is primarily the rental fee for use of other facilities for the recreation programs.

Mr. Schenck inquired as to how much revenue Commonwealth Fire Co. receives from rental of their facility.

Mr. Wendel answered between \$6,000 and \$8,000.

Mr. Bishop asked what Mr. Wendel thought the public acceptance of the holiday tree lighting event was.

Mr. Wendel stated it is difficult to gauge. He stated he feels most of the people in attendance are the family members of the people who perform on stage.

Mr. Holman stated we partnered with Toys for Tots last year.

Mr. Wendel again said he believes the entertainment value is for the family members of the children performing.

Mr. Schenck stated the event really is populated by the parents and grandparents of the performers. He said it ends up being a small group when it comes to the lighting of the tree.

Mr. Gurreri asked if the date for the Saturday in the Park event has been changed for next year.

Mr. Wendel said the committee recommended changing next year's date to August 14; we have not had good luck on the existing date.

Mr. Gurreri asked how that date would affect the Central York Communities that Care organization.

Mr. Wendel stated they could still hold their awards brunch.

Mr. Holman stated moving the event to August changes the tone of the event.

Mr. Gurreri asked if early September would be a good date to consider.

Mr. Bishop answered that September is difficult because the York Fair is held during that month.

Mr. Gurreri asked Mr. Wendel if he discussed moving the date with Barbara Snare.

Mr. Wendel responded that he did speak with her briefly. She was unsure how it would affect her organization at this point. As far as the Spirit of Youth Awards; they would still be able to pull that off.

Mr. Wendel stated that the event has been very disappointing in that 5 out of the 7 years it has been held on that date it had rained. The intent of the August 14th date would coincide with the ending of our Summer Concert Series. He said there are other benefits to moving it with regard to sponsorships.

Mr. Bishop stated he is not saying it is a good or bad idea either way, however, it will be a completely different event and it is going to take a lot of planning. Mr. Bishop also feels the Saturday in the Park event would have never initially gotten off the ground without the help from Barbara Snare and the CTC.

Mr. Wendel stated whatever is decided, the decision needs to be made very soon.

Subdivision/Recreation Fund and Capital Projects

Mr. Wendel informed the Board that the Subdivision/Recreation Fund is nearly depleted. He stated funds are utilized for refurbishing of the Creative Playground, resurfacing of the basketball courts in Springettsbury Park, replacing park signage and continuing with accessibility projects. Mr. Wendel offered that he is unsure what the answer is to generate funds for these projects other than the capital funds we currently use.

Mr. Bowman asked how long the surface on the basketball courts last.

Mr. Wendel answered between five and seven years.

Mr. Gurreri asked if skateboarders that have access to skateboard parks in other towns still use the non-skating areas of parks even when a skateboard park area has been provided.

Mr. Wendel stated the skateboard park in York City is used very heavily. He said he feels if you provide a designated area for skateboarding it would probably eliminate skateboarding in other areas of the park and if you get the user group involved in planning the skateboard park, they usually help to police it.

Mr. Wendel said Springettsbury Township no longer has a big problem with the skateboarders due to the surveillance system that is in place. He stated having his office located in the park is beneficial because he can monitor any abuse on a day to day basis.

Mr. Wendel stated that the Creative Playground is in need of replacement. He is proposing a steel structure that is ADA compliant. He told the Board the Creative Playground is the most heavily used park facility in the Township; however it is a wooden structure and is 19 years old.

Mr. Schenck inquired if the Leathers and Associates organization would be able to provide a program to rehab the existing structure.

Mr. Wendel stated they could do an overall assessment to determine if you want to preserve it. There is only so much you can do to make it safe. The thing with working with Leathers is everything is pretty much outsourced; you have to go through another vendor.

Mr. Schenck stated most of the materials that were used to create the Creative Playground were from local resources.

Mr. Wendel offered that he thought the Board would be very impressed if they saw the steel structure that he is proposing. He stated you could still do a "community build" with a steel structure.

Mr. Bowman inquired about the names on the fence at the Creative Playground; what would be done with those.

Mr. Wendel stated they are still there and he continues to try to preserve them.

Mr. Holman stated he had a full survey of the facility completed last year to see what needs to be replaced for safety reasons.

Mr. Schenck said even if the structure is made out of steel, there will always be items that need to be replaced.

Mr. Wendel agreed however, stated another positive is that wheelchair-bound children (all children) would be able to use the new steel structure as opposed to the current one.

Mr. Wendel discussed the conceptual plans and budget estimates for the development of the southwest corner of Springettsbury Park. Conceptual Alternative 'A' and 'B' includes the development of a skate park, removal and replacement of existing playground, parking, site amenities, landscaping and other features. However, Alternative 'B' addresses the relocation of the existing basin to create additional park space. Mr. Wendel also included a separate budget for the replacement of the playground. He said after review with the consultant, it was determined that the cost can be significantly decreased if, like the existing playground, it is community built and, if some of the work is done in-house such as the removal of the existing structure and other site work.

Mr. Holman stated for informational purposes, the probable construction cost for Conceptual Alternative 'A' is \$2,125,892; probable construction cost for Conceptual Alternative 'B' is \$2,182,319, and probable construction cost for Conceptual Playground Alternative 'A' is \$670,321.

Fire/EMS

Mr. Holman provided the Board with information regarding the Fire/EMS proposed budget. He said the budget was originally presented to a joint meeting of the governing bodies by York Area United Fire and Rescue (YAUFR) on September 15, 2009. He stated he has provided the Board with a copy of the 2010 proposed budget as well as the detail behind the budget provided to his office on October 12, 2009 during his meeting with Chief McCoy. Mr. Holman has also provided a copy of the 2009-2010 adjusted budgets, calculating the impact of YAUFR against existing line items.

Chief McCoy reviewed his line items with the Board. He made note that he has a full complement of EMS. He stated they are at about 8 calls per shift. He also noted that it has proven helpful to have the fire fighters assisting with EMS duties prior to the arrival of the ambulance.

Mr. Schenck asked about Medicare reimbursements for ambulance calls.

Chief McCoy stated they are able to invoice for transport services only. The private sector can invoice for transport, equipment and mileage. He added that Springgettsbury Township EMS cannot change their status with Medicare, however, YAUFR could.

Messrs. Schenck and Bishop asked the Chief to look into it.

Mr. Holman brought the following items to the Board's attention:

- Health Insurance Benefits: Initial numbers show \$40,000 for vision. The base rate for vision is \$22.50 per month per member for family coverage. The Chief is looking into this matter. Overall coverage numbers should be available within the next two weeks for Springgettsbury Township which will help provide a more accurate number.
- Pension: The Township will not transfer the pension payments to YAUFR in 2010 as the Township pays them into the pension fund.
- Professional Services: A large portion of the line item is for engineering services in planning for the new building(s). I would strongly recommend that this be placed in the YAUFR Capital budget and a preliminary expense resolution be passed to make this cost eligible for reimbursement when a note or bond is issued. There is also a cost included in the YAUFR budget for the personnel attorney. In 2009 we budgeted based on a merged contract. In 2010 budgeting will need to be based on individual contracts. We will have to adjust these numbers to avoid duplication of costs.
- Contingency: There is a line item of \$100,000 for contingency expenses. This would seem to tie into the 2009 depreciation expense that was not approved. This would have an impact of \$55,000 on the Township budget for an unknown variable. This can be addressed through a supplementary budget request if there is going to be a significant cost overrun or unanticipated catastrophic event.

- Surplus: YAUFRR had a surplus of \$94,257 as of December 31, 2008 per their audit report. What is the position of the Board with regard to the surplus? My recommendation would either be to have it returned to both Townships or, if a reserve is desirable, set a maximum surplus figure to be held by YAUFRR, i.e. \$100,000. This money would not be budgeted but would be available if approved for use by the governing bodies on a request by YAUFRR.
- Capital Budget: Needs to be amended to reflect payments from Springettsbury Township in 2009 for 2010 costs. Assistance is being received by Michael Reiner, Township Auditor, to ensure we meet both the Township and YAUFRR reporting requirements.

Discussion followed with regard to budgeting contingency and surplus.

Mr. Schenck stated the Board's concerns should be taken back to the YAUFRR Commission to see what the preference would be regarding contingency and surplus.

Mr. Schenck stated unfortunately the allotted time has run out for today's work session and discussion on the Fire/EMS budget would have to continue at the next scheduled budget work session in November.

Adjournment

Chairman Schenck adjourned the meeting at 9:05 a.m.

Respectfully submitted,

John J. Holman
Secretary

dkb

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**OCTOBER 8, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular meeting on Thursday, October 8, 2009 at 7:00 p.m. at the Township offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Don Bishop, Vice Chairman
Mike Bowman
Nick Gurreri
George Dvoryak

MEMBERS NOT

IN ATTENDANCE: Bill Schenck, Chairman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

BISHOP Vice Chairman Don Bishop called the meeting to order at 7 p.m. He stated that Chairman Schenck was called out of town on business and was unable to be present. Mr. Bishop led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. September 24, 2009 – 6:30 p.m. as follows:

- 1) IAFF Local 2377 Grievance Hearings (held on September 10, 2009)**
- 2) Litigation – Darrah**
- 3) Filing of Judgment against Tax Collector**

BISHOP Mr. Bishop announced that an Executive Session had been held prior to the September 24, 2009 meeting. The above items were discussed. He announced that an Executive Session would be necessary this date following the meeting to discuss the litigation regarding the Tax Collector.

3. COMMUNICATION FROM CITIZENS

STUHRE Charles Stuhre, 3680 Trout Run Road, brought two items before the board. He noted that PennDOT had not completed the line marking process during the Mt.

Zion Road project, and at all the cross streets there are no forward mark lines. He added that traffic, and especially truck traffic, seemed to be speeding in excess of 50 miles an hour in a 35 mile an hour zone making the process of pulling out from a side street next to impossible. He suggested that perhaps the speed sign boards should be placed there, along with some police patrol.

BISHOP Mr. Bishop asked whether the markings on the side streets are PennDOT's responsibility.

HOLMAN Mr. Holman responded that they were covered up by PennDOT, and they are supposed to restore them. Mr. Holman stated that he would contact their maintenance department to take care of the line markings, and discuss with the Police Department about the speeding and speed signs.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill indicated that he had provided his monthly report and had nothing further to report.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani reported on the Safe Routes to School-Central project. There is one final payment for B & R Contractors for action to complete that project. Safe Routes to School-Suburban on Haines Road project is about 95% complete. Mr. Holman had been attempting to stimulate PennDOT to extend Doug Lamb's contract for the extra 251 feet of sidewalk. PennDOT continues to caution that this is Federal Highway dollars and it must go slowly.

BISHOP Mr. Bishop asked about the LED lighting process.

LUCIANI Mr. Luciani responded that a grant application had been submitted, and if successful the payback is quick. LED lighting had been installed in some of the shopping centers, and if used in the Springettsbury Park it will significantly lower the lighting cost.

GURRERI Mr. Gurreri asked how much the LED lights save in costs.

LUCIANI Mr. Luciani responded that it is a 60% reduction in energy costs. The bulb lasts 10,000 hours which equates to about 16 years.

HOLMAN Mr. Holman itemized approximate costs for the park. The total project cost was around \$375,000. If the grant is received the township share of that would be \$75,850. Payback with the grant included is about 3-1/2 years. Payback without

the grant is about 12 to 15 years. If the grant is not received there will be a phased replacement program.

LUCIANI Mr. Luciani added that a phased program would be similar to what was done with traffic signal lights. As PennDOT approved LED lights in the community, when a bulb burned out, Mr. Lauer replaced those with a much more energy efficient bulb.

DVORYAK Mr. Dvoryak asked whether the payback was based on rates today or when deregulation takes place.

LUCIANI Mr. Luciani responded that the analysis is with current rates.

HOLMAN Mr. Holman noted that the rates two years from now will change and that changes the payback period. The payback was so good on today's rates they were able to use those rates for the comparison. They had not gone into the 2012-2013 years although that will be the next area they review and then go into the phase replacement program.

DVORYAK Mr. Dvoryak noted that the Chamber of Commerce had made available a consultant for utility consumption to assist large electric users to negotiate better rates in a coop program when the deregulation takes place.

HOLMAN Mr. Holman responded that he and Mr. Lauer are reviewing a municipality coop program much like the Chamber.

5. CONSENT AGENDA

- A. Board of Supervisors Regular Meeting Minutes – September 24, 2009**
- B. B&R Construction Services, Inc. – Request for Payment No. 8 – Safe Routes to School – Central in an amount not to exceed \$17,200.13 (Final Payment).**
- C. Regular Payables as Detailed in the Payable Listing of October 8, 2009.**

MR. DVORYAK MOVED TO APPROVE THE CONSENT AGENDA. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. ACCOUNTS PAYABLE

- A. Norfolk Southern Corporation – Request for Payment – Annual Maintenance Fees for Flashing Light Signals at Concord Road Crossing in a total amount not to exceed \$10,211.96 (Invoice Nos. 9909018237 & 9909018685).**

HOLMAN Mr. Holman reported that the Concord Road Rail Crossing, placed in 2005/6 requires the township to make a maintenance payment of \$5,000 for the first year after acceptance of the project by the PUC; then by the Cost of Living or CPI each year thereafter. The township had not received a bill for the first year of

operation. Both Solicitor Rausch and Mr. Holman had requested a bill from Norfolk Southern, which took some time to receive. The bill covered two years, and the funds were budgeted. He questioned the fact of why only eight months were billed for one year for \$5,211.95 and not for a full year. They had addressed the Cost of Living factor but will need to discuss the issues further with Norfolk Southern. Mr. Holman recommended authorizing payment for the first year in the amount of \$5,000. He will bring further information back to the board.

BISHOP Mr. Bishop asked whether the eight months was for the Cost of Living.

DVORYAK Mr. Dvoryak responded that it worked out that, had they used 12 months, the bill would have been lower because it just so happened those last four months are when energy prices lowered.

MR. DVORYAK MOVED TO APPROVE INVOICE NO. 9909018237 IN THE AMOUNT OF \$5,000.00. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

There were none for action.

8. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

9. COMMUNICATION FROM SUPERVISORS

GURRERI Mr. Gurreri reminded the board of the Crop Walk on Sunday. He encouraged everyone to get out and walk for the hungry people of the world. Mr. Bishop had been instrumental in starting the walk for the hungry.

BISHOP Mr. Bishop reported that the Saturday in the Park Committee met for a wrap up session of the event. He asked for feedback from any board members as to the possibility of moving the park event from the fall to a summer event.

GURRERI Mr. Gurreri suggested that the period right after the Summer Concerts might be a good time as people were accustomed to attending.

DVORYAK Mr. Dvoryak added that it would not quite interfere with Penn State Football season.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported that he had received the withdrawal of Marie Stine's appeal to Commonwealth Court, which is now finalized. Ms. Stine received a driveway permit off Eastern Boulevard. In addition, he had received an order

from the Judge on the Darrah matter. The township had filed a motion for contempt because Mr. Darrah still is storing trailers there despite the judge's order to get them out. A hearing is set for October 28th at which time a request will be made of the court to impose daily fines and attorney's fees in an attempt for compliance.

11. MANAGER'S REPORT

HOLMAN Mr. Holman stated that he had nothing to report in addition to his monthly submittal.

DVORYAK Mr. Dvoryak asked whether the Act 44 update he had provided to the board members would have any significant impact.

HOLMAN Mr. Holman responded that he had been working with the Actuary on the Pension Reform that had been passed. There is no significant impact because the township is not in the lower range of funding. Mr. Holman will continue to review the matter with the Actuary and the Personnel Attorney.

12. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-57 – Authorizing Application for Permit to install and Operate Flashing Warning Devices on Mills Street, Eastern Boulevard and Fifth Avenue.

HOLMAN Mr. Holman reported that the Resolution is for the new school on Mills Street and Eastern Boulevard being built by York Suburban School District. It is an application for a permit to install and operate the flashing warning devices during school hours.

MR. GURRERI MOVED TO APPROVE RESOLUTION 09-57. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-58 – PennDOT Utility Relocation: Cost Sharing Request for Market Street Widening

HOLMAN Mr. Holman stated that Resolution 09-58 is one of the standard cost sharing resolutions with PennDOT. PennDOT had agreed to add Market and Mt. Zion to the widening project; the sewer manhole covers will be reset. This covers the township's share of the cost with PennDOT, which will provide 50% of the cost to the township.

MR. GURRERI MOVED TO APPROVE RESOLUTION NO. 09-58. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

A. Tax Collection

HOLMAN Mr. Holman indicated that the item would be discussed in Executive Session.

B. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop reported that YorkCounts meeting was held October 7th, and two municipalities were present. However, there had been some significant movement. They are waiting to review the Berks County study, created by the PIRF Consultant. Mr. Bishop understood that, since the meeting, the study report had been posted on the Berks County website and will provide an opportunity to see the work of the recommended consultant. There had been a fair amount of work done on the consultant's proposal for YorkCounts, and the original cost of \$50,000 had been raised to \$75,000. With regard to funding sources it projects to 1/3 from the state; 1/3 from YorkCounts, 1/3 from private contributions. One important aspect from Mr. Bishop's perspective was whether all of the different municipalities would be willing to participate in terms of providing information for the study; whether Springettsbury Township would cause staff to spend whatever time is necessary to provide that information. There was additional discussion relating to the fact that all the information is public record and required under the current laws to provide it.

DVORYAK Mr. Dvoryak asked when such a study might begin.

BISHOP Mr. Bishop responded that the proposal indicates it will take five months to do. The YorkCounts board is going to be briefed on it at the meeting on October 22nd. It will be necessary to gather information from many sources. He had been advised that it took 18 months to complete the Berks County Study, which was a much more comprehensive, county-wide study. Mr. Bishop indicated as a minimum it could be eight months.

NEW BUSINESS

C. Acknowledge Receipt of Compliance Audit Reports for the Non-uniformed Police and Fire Pension Plans for the Period January 1, 2006 to December 31, 2008

HOLMAN Mr. Holman stated that Jack Wagner, Auditor General, had provided an excellent report for compliance audits for all the pension funds, police, fire and non-uniform. One ordinance will have to be amended based on a contract entered into with Public Works, which will be taken care of when the policy statement is redone. The auditors were very helpful and staff was very cooperative with them. He added that they are public documents, for which receipt should be acknowledged by the board.

MR. GURRERI MOVED TO ACKNOWLEDGE RECEIPT OF COMPLIANCE AUDIT REPORT FOR THE NONUNIFORMED POLICE AND FIRE PENSION PLANS FOR

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**OCTOBER 8, 2009
APPROVED**

**THE PERIOD JANUARY 1, 2006 TO DECEMBER 31, 2008. MR. DVORYAK WAS
SECOND. MOTION UNANIMOUSLY CARRIED.**

14. ADJOURNMENT

BISHOP Vice Chairman Bishop adjourned the meeting at 7:30 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
WORK SESSION**

**OCTOBER 7, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Work Session on Wednesday, October 7, 2009 at 7:00 a.m. at the Township Offices located at 1501 Mt. Zion Road, York, Pennsylvania.

MEMBERS IN ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
George Dvoryak
Nick Gurreri
Mike Bowman

ALSO PRESENT: John J. Holman, Township Manager
Dennis Crabill, P.E., Buchart Horn, Inc.
W. Scott Loercher, Architect, Buchart Horn, Inc.
John Luciani, P.E., First Capital Engineering
James Baugh, Director of Community Development
Dori Bowders, Manager of Administrative Operations
Jack Hadge, Director of Finance
Scott Laird, Lieutenant – Police Department
Charles Lauer, Director of Public Works
Betty Speicher, Director of Human Resources
David Wendel, Director of Parks and Recreation

The Board of Supervisors held budget work session number one on the above date and time. The purpose of the work session was to discuss the 2010 proposed budget. Today's meeting focused on discussion of a strategic budget matter; the possible construction of a new police building and alteration of the existing administration building.

Chairman Schenck called the meeting to order at 7:00 a.m.

Mr. Holman distributed 2010 budget review discussion papers to the Board of Supervisors. He explained he has received preliminary budget requests from the department directors and is continuing to meet with the directors to review their proposals. He said the recommended budget is being adjusted based on those meetings.

Mr. Holman stated a full discussion of the proposed construction of a police building and alteration of the existing administration building is needed in order to properly prepare 2010 through 2012 budgets. Mr. Holman provided the Board with the following materials:

- Draft of the September 22, 2008 HVAC Improvements Study provided by Buchart Horn, Inc.
- Two independent engineering letters on the functionality and reasonability of renovating the current police building.
- Space Needs Study completed by Buchart Horn, Inc. dated October 2, 2009.

Mr. Holman stated the building improvement program began with a perceived need to replace the existing HVAC systems in both the police and administration buildings. This led to a review of the roof structure and building conditions of both buildings - structural and code

related. The reviews were completed by the Township’s environmental and civil engineering firms currently under contract with the Township. Mr. Holman continued that the engineering reviews led to a recommendation by both engineering firms not to spend additional time and resources on the existing police building. It was determined that renovations would be too expensive, result in a reduction of usable space, etc. Therefore, a full space needs study was conducted.

Mr. Holman asked Mr. Loercher to review the space needs study with the Board.

Mr. Loercher began by outlining the following table indicating the square footage requirements for new space:

Needs Analysis (Gross Square Footage)	Existing GSF	Current Needs GSF	5 Year GSF	6-15 Years GSF
Administrative Offices	19,880	25,345	36,656	37,001
Police Department	10,990	29,294	31,016	36,149
Total Required		54,639	67,672	73,150
Total Existing	30,870			
Total Additional GSF		23,769	36,802	42,280

Mr. Loercher explained the following:

- Project approach and methodology
- Building program – Administration and Police
- Adjacency matrix
- Space standards
- Existing conditions for both buildings
- Site concept plans

Mr. Loercher summarized stating based on the space need requirement developed in this study, the current building location and lack of expansion space on the site does not make it a good candidate for a sizable addition. The addition of a second floor may be physically possible, but the footprint of the building would not allow interior spaces to function properly and would be extremely cost prohibitive. The long, double loaded corridor configuration limits interior layouts and prevents the departments from arranging staff to allow them to function more effectively.

He also stated the HVAC and plumbing systems in the police building are deteriorated and inadequate for the needs or requirements of the police department. A total renovation and replacement of most systems would be required to bring the mechanical systems up to the level to meet current code requirements and even the most basic needs of the police department.

He noted current site circulation requires visitors to the administration building to drive around the police department. This creates an unsafe condition for officers, vehicles, pedestrians and visitors to the nearby park. There is currently only one exit from the site, which severely restricts emergency personnel from exiting the property.

Recommendations

Mr. Loercher stated the program evaluation indicates the need for approximately 26,700 square feet of new building space to meet the current program. This total may increase to 36,800 square feet in as little as six years. There is a clear need for additional space for Township Administration and Police Department functions.

The current police building does not provide the department with the required space configuration needed to function safely and effectively. The interior layout functions poorly for police use and the building size and location make it unsuitable for a sizable addition. Additionally, the building is in poor condition compared to the current administration building. The existing building also lacks the proper heating, cooling, ventilation, security, power and communication systems that required additional space and access to all areas of the building.

Mr. Loercher recommends that a new police building be constructed on the north side of the administration building and the existing police building be demolished to provide better vehicular access and circulation through the site. Locating a new building on the corner of Mt. Zion Road and Pleasant Valley Road will provide the police department two means of egress from the site. This will eliminate a major concern from the current arrangement. A connection from the administration building to a new addition built on the adjacent site may be provided, as suggested by the Township. An internal connection will provide a shared entrance and lobby space for Township residents, control vehicular access on site, and allow for shared spaces by Township employees.

Mr. Holman stated based on all the information received, he would recommend moving forward with the option of new construction of the police building with renovations and upgrades to the administration building.

Cost

Mr. Holman said the real cost of this project is between \$6.5 million to \$8 million. He explained these are conservative estimates and based on current contractor pricing, he would hope to be at the lower end of the estimate. He reminded the Board that they had also inquired about the Springettsbury Park project; development of the southwest corner, skate park, replacement of Creative Playground, parking, site amenities, landscaping and other features. He stated Mr. Wendel's Capital proposal is approximately \$2 million for that project, based on a conservative estimate. Mr. Holman calculated the aggregate cost to be approximately \$10 million if the park project is included.

Mr. Holman added that the staff and engineers are looking at developing a building that is LEEDS Certified. This will allow for applications for grants for geothermal, solar and other grant programs we identify. Recreation grants would come from DCED or Federal funds. However, Mr. Holman does not recommend budgeting based upon anticipation of grant funds. He indicated should the grants develop, then funds borrowed can be reallocated to cover unforeseen costs, purchase equipment, or reserved to help pay off debt. Of course, recommendations would be provided by staff to the Board for final determination.

Mr. Holman stated the project would have to be financed through a bond. This would be a twenty year bond and tied in with the borrowing for the sewer improvements. This will save significantly with respect to the soft costs involved in preparing and financing a bond. Savings would be between \$50 thousand and \$100 thousand based on our recent costs of borrowing. Payback would be structured with our existing debt schedules to minimize impact on the budget. He mentioned that staff would need to meet with Concord Public Finance; however, there would be a sizeable increase in debt service for the General Fund.

Local Services Tax

Mr. Holman stated he understands that an impact would occur, and has contacted the York Adams Tax Bureau to ascertain the impact of the Township moving to the Local Services Tax (LST) from the Occupational Privilege Tax (OPT). Mr. Holman noted we are the last Township in York County to have the \$10 OPT as opposed to the \$52 LST. He anticipates generating approximately \$850 thousand to \$900 thousand (conservative estimate).

Mr. Holman summarized by stating he needs direction from the Board in order to design the budget and would like a “strategic” decision on the Township moving to the Local Services Tax.

Mr. Bishop answered that strategically, now is the time to do it; sooner than later is better.

Mr. Dvoryak stated he was open to the Local Services Tax concept.

Mr. Gurreri stated that sooner is probably better than later to build a new building due to pricing, however, he stated he has no stomach for a tax increase in this economy and would not vote for a tax increase.

Mr. Dvoryak stated he felt the Township needs to look at the entire scope of the capital needs in more detail. He would be interested in looking at other municipalities with regard to their staffing levels and the space they occupy in their buildings as a comparison. Mr. Dvoryak continued at this point, he felt the space for the police department needs to be increased, however, was not as convinced that the administration portion needs to be done.

Mr. Loercher stated all of the thoughts and concerns have been taken into consideration and the next phase of the space needs study would be based on shared spaces for the buildings and could possibly show a cost savings.

Mr. Holman again asked the Board for their priorities so that he knows what he needs to do with the budgeting.

Messrs. Bowman and Schenck mentioned a big concern of theirs was that they wanted to be sure that the Township doesn't run into a lot of the same problems during construction and afterwards that we had when the new administration building was built.

Mr. Bishop stated that would be accomplished through proper project management.

Consensus of the Board is to institute the Local Services Tax beginning January 1, 2010. It is also consensus of the Board to continue with the space needs study.

Community Development Budget

Mr. Holman asked Mr. Baugh to review his 2010 budget proposal with the Board.

Mr. Baugh outlined his proposed revenue and expenditures.

Mr. Schenck mentioned one of the most asked questions he receives as a Board member is why does it take so long to get a building permit approved?

Mr. Baugh answered that in most cases; the applicant has not submitted the appropriate paperwork to get the process moving. He gave an example of building a deck. He said most applicants neglect to submit information on the type of materials they are planning to use, simply because they are not sure what materials they are going to use. Also, most people don't know their building setbacks. He offered that one way his office is trying to combat the problem is by posting an informational manual on the Township website to guide the applicant so they can answer the questions in a more timely manner and not delay the review process.

Mr. Schenck agreed that posting the information on the website would be helpful.

Adjournment

Chairman Schenck adjourned the meeting at 9:00 a.m.

Respectfully submitted,

John J. Holman
Secretary

dkb

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**SEPTEMBER 24, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular meeting on Thursday, September 24, 2009 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
Nick Gurreri
George Dvoryak

ALSO IN ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Sue Sipe, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order at 7 p.m. He asked Mr. Gurreri to lead the Opening Ceremony.

GURRERI Mr. Gurreri welcomed the attendees. He reminded everyone about the Springettsbury Saturday in the Park activities on September 26. Mr. Gurreri congratulated Jean Abrecht and her daughter, Chris on the article in the newspaper. He also congratulated John and Ann Luciani on their business venture. He led the Pledge of Allegiance and asked that the men and women in the Armed Services be remembered in prayer.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck indicated the following Executive Sessions were held and discussion held concerning the following:

- A. September 10, 2009 – 8:00 p.m.**
 - 1) Legal Matter – Tax Collector**
 - 2) Collective Bargaining – IAFF Local 2377**
 - 3) Real Estate – August Schaefer Park access**

B. September 24, 2009 – 6:30 p.m.

- 1) IAAF Grievance Hearings – held prior to the last meeting.**
- 2) Darrah suit concerning fines**
- 3) Filing of the judgment against the tax collector**

He noted no Executive Session would be necessary following this meeting.

3. COMMUNICATION FROM CITIZENS

A. Tony Surtasky – 2245 Mt. Zion Road

SURTASKY Mr. Surtasky stated he has lived at this address for 57 years. He indicated he was present at the May meeting of the Board of Supervisors expressing concern in regards to his driveway that was never finished. He noted the original contractor indicated that when they finished the paving Mt. Zion Road they would complete it. Since then he has contacted PennDOT several times to no avail. He is assuming they are not going to follow through.

SCHENCK Mr. Schenck offered to contact PennDOT and make a courtesy call on his behalf.

HOLMAN Mr. Holman indicated that he and Mr. Luciani have a meeting scheduled with Mike Keiser and they will bring it to his attention.

SURTASKY Mr. Surtasky also indicated that he has a new neighbor who received a notice from the ambulance club asking for a contribution. The neighbor was inquiring if the ambulance workers are paid Township employees. Mr. Surtasky was inquiring on his neighbor's behalf as to why he would be required to pay for ambulance service.

HOLMAN Mr. Holman indicated he would contact the gentleman, but noted the ambulance club is based on a user fee which covers most of the cost of the ambulance.

SCHENCK Chairman Schenck added that the ambulance service is not tax supported and still has a volunteer component. The ambulance club owns the vehicles, and it functions as a volunteer organization. The drivers are paid drivers and the revenue they receive is for billings for services rendered but not covered.

GURRERI Mr. Gurreri indicated that he received a call about Denininger Road and Mt. Zion Road, in regards to how dangerous it is to pull out onto Mt. Zion Road. He asked Mr. Holman if he could check into the situation.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart-Horn Inc.

CRABILL Mr. Crabill indicated he had no revisions to the report he submitted to the Board and that the project is moving forward. He noted the generator pad is above the 100 year flood.

C. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani indicated he had four updates to his report.
(1) Safe Routes to School – Mr. Luciani stated that at the last meeting approval was given by the Board for a conditional extension of the sidewalk project to extend to the K-Mart sidewalk several thousand feet, conditioned upon environmental clearance. He noted that today they received approval from PennDOT’s environmental reviewer. The additional costs submitted by Doug Lamb will be forwarded to PennDOT as an extra. The change order is anticipated as well as two other change orders that are forthcoming. PennDOT has indicated they want long term traffic, which will incur an additional cost not in the original scope. A slightly different traffic pattern will be submitted to PennDOT. Mr. Luciani also noted they are trying to save one of the larger trees. There are some tree branches that will require trimming which they will submit to PennDOT to see if they will cover those costs. Mr. Luciani indicated that he and Mr. Holman walked the project which is 60-70% complete.

HOLMAN Mr. Holman confirmed that there is no curb because the future plan is to widen that roadway to include a middle turn lane.

LUCIANI (2) Mr. Luciani indicated that, in preparation for overlay work on Route 30, there are plans to eliminate the concrete median which is east of North Hills road on the westbound lane of 30 in front of Saturn. The reason is due to lane stacking for vehicles turning left to go onto 83.

HOLMAN Mr. Holman indicated he has not yet reviewed this with the Chief of Police. He asked for affirmation that the Board agreed with the plan with no open costs.

DVORYAK Mr. Dvoryak added that there are a number of other spots on Route 30 that could be addressed at the same time.

LUCIANI (3) Mr. Luciani noted they have been working with Heritage Hills to get their HOP finalized and submitted. He stated the signal light had been approved and the HOP should be finalized within a few days.

(4) Mr. Luciani stated they met with the Rail Trail Development. He noted they are trying to work out an issue with the alignment to get to Rudy Creek. There are three properties they are unable to access, so they are coming up through S&A Homes development and are putting the sidewalk, bike trail and horse trail out in front of those homes on Sheridan Road. Mr. Luciani reported some opposition and concerns about these maneuvers so they are trying to work

out a solution. Staff preference is that they stay along the creek if at all possible. A petition was presented to the Board by the residents outlining their concerns.

5. CONSENT AGENDA

- A. Acknowledge Receipt of August 31, 2009 Treasurer's Report.**
- B. Acknowledge Receipt of July 21, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- C. Acknowledge Receipt of August 18, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- D. Board of Supervisors Regular Meeting Minutes – September 10, 2009.**
- E. Conewago Enterprises, Inc. – Request for Payment No. 4 – BNR Improvements Project – General Construction - in an amount not to exceed \$257,782.02.**
- F. Gettle, Inc. – Request for Payment No. 3 – BNR Improvements Project – Electrical Construction - in an amount not to exceed \$73,491.30.**
- G. Regular Payables as Detailed in the Payable Listing of September 24, 2009.**
- H. Time Extension – SD-09-02 – Michael & Charlene Harvey – Plan Expires 9/30/09 (New Plan Date 12/30/09).**
- I. Time Extension – LD-07-11 – 84 Locust Grove Road – Plan Expires 10/11/09 (New Plan Date 1/11/10).**

MR. DVORYAK MOVED TO APPROVE ITEMS A THROUGH I. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. LD-08-12 Preliminary Plan – Yale Electric, Southeast intersection of Industrial Highway and Memory Lane – Action (11/25/09).**

Since the applicant was not present it was decided to hold the case until the next meeting.

8. COMMUNICATIONS FROM SUPERVISORS

SCHENCK Mr. Schenck thanked Mr. Baugh for forwarding the Zoning Hearing Board Minutes and the Planning Commission Minutes to the Board.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported on two grievances that were heard at the last meeting, to which the Board needs to make determinations.

He noted the first grievance was on the issue regarding the unilateral transfer of bargaining unit work to non members of the collective bargaining unit. This grievance grew out of the fire chief changing the run cards after the merger of the Springettsbury and Spring Garden Fire departments under YAUFRR. As a result the run cards on a two engine call send out the two closest engines rather than sending them only from one Township or the other. Testimony indicated that it can go either way. The union can not point to a specific contractual provision that was violated or needed to be interpreted and it appeared that their grievance sounded as an unfair labor practice as opposed to a grievance. Under that provision as a conclusion of law the Board does not have jurisdiction to hear that claim involving an unfair labor practice, and therefore, the alleged grievance is not really actionable. Solicitor Rausch recommended the Board deny the grievance on that basis.

SCHENCK Mr. Schenck indicated the Board had deliberated over the grievance during an Executive Session.

MR. DVORYAK MOVED TO DENY THE GRIEVANCE. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

RAUSCH Solicitor Rausch indicated the second grievance was in regards to the Township's denial to pay unused vacation time to Firefighter John Kline. He indicated that Firefighter Kline had submitted a leave request for vacation days in November, December 2008. He then suffered an off-duty injury and requested to convert the scheduled vacation time to sick time which was approved. Because of the time of the year he could not get in all of his unused vacation time, so he requested to be paid for that unused vacation time. The Fire Chief denied that request since the contract with the union specifically states that vacation leave must be taken during the year and may not be carried forward. There is also no provision in the contract to getting paid for unused vacation time. Mr. Kline was given the opportunity to switch his sick time back to vacation time so that the sick time could be carried forward, but he choose not to do that and decided to file this grievance. The union's position was a prior practice that on two occasions the Township had done this which established a past practice. Those facts indicate that in 1996 and 1998 there were two instances where a union member was allowed to carry over, in one case one day and in another case it was two days, and they were used the following January. Those cases did not involve the payment of unused vacation time. Since the contract was negotiated in 2004 the Township's position has been consistent that there is no payment for unused vacation time. As a conclusion of law the union did not show a past practice of the Township's sufficient to pay a firefighter for unused vacation time therefore the language of the contract controls.

SCHENCK Chairman Schenck indicated the Board did discuss this in the Executive Session prior to the meeting. There was consensus of the discussion.

MR. BOWMAN MOVED TO DENY GRIEVANCE FOR THE PAYMENT OF UNUSED VACATION TIME. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

10. MANAGER'S REPORT

HOLMAN Mr. Holman announced that the Township received a 2008 Safety Award for the fewest number of lost time days in 2008 due to work related incidents. He thanked Mrs. Speicher for time spent on worker's compensation. He also recognized Mr. Hodgkinson who is the head of the Safety Committee for his work. Mr. Holman stated they received a plaque as well as a refund for years 2005, 2006 and 2007 and a \$64,000.00 premium refund. Mr. Holman noted that maintaining a strong safety program and minimizing lost time and injuries enables them to receive funds as opposed to going to a "for profit" company, and those funds go back into the budget to help stabilize the tax rate for the Township.

SCHENCK Chairman Schenck congratulated everyone involved and stated that it was nice to hear that the township has that kind of record.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-55 – Approving the York Area United Fire and Rescue purchase of two pumper trucks.

HOLMAN Mr. Holman explained that this is an authorization to formalize the motion done by the Board for the purchase of two pumper trucks for YAUFR. He noted the trucks will replace three older trucks in the fleet. Total cost to the Township will be \$516,855. They hope to place the order by September 30 to get in on the state contract.

SCHENCK Chairman Schenck indicated the Board approved this by vote at the last meeting, but need to adopt a Resolution.

HOLMAN Mr. Holman indicated that one of the codicils in the Charter Agreement requires that anything that will incur debt, and Spring Garden will be using debt in this transaction, as opposed to Springgettsbury Township's paying cash, the long term debt will have to be approved by the governing bodies of YAUFR.

MR. DVORYAK MOVED TO APPROVE RESOLUTION NO. 09-55. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED

12. OLD BUSINESS

A. Tax Collection

HOLMAN Mr. Holman indicated that this item had been addressed during Solicitor Rausch's report.

B. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop had nothing new to report.

13. NEW BUSINESS

A. Approval of Emergency Contracts Authorized by the Township Manager to Repair Force Main Break on July 27, 2009 at East York Pump Station in the amount of \$41,015.39.

HOLMAN Mr. Holman thanked Mr. Hodgkinson, Mr. Lauer, and Mr. Crabill for their time in getting the repairs done. He noted that an authorization was necessary for the emergency contracting, and under state contracting law, because the aggregate amount was over \$10,000, the Board has to confirm that this was an emergency under Health, Welfare and Safety and acknowledge this was done without bidding.

MR. GURRERI MOVED TO APPROVE THE EMERGENCY CONTRACTS AUTHORIZED BY THE TOWNSHIP MANAGER TO REPAIR A FORCE MAIN BREAK ON JULY 27, 2009 AT EAST YORK PUMP STATION IN THE AMOUNT OF \$41,015.39. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

GURRERI Mr. Gurreri stated that a great job was done on the sidewalk on Haines Road and it was accomplished in a timely manner.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 7:40 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**SEPTEMBER 10, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular meeting on Thursday, September 10, 2009 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
Nick Gurreri
George Dvoryak

ALSO IN ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Robert McCoy, Chief, YAUFR
Jean Abreght, Stenographer
Sue Sipe, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order at 7:15 p.m. He apologized for the late start as the board had held a Step 3 Grievance Hearing with the Firefighters Union, which ran over slightly. He asked Mr. Gurreri to lead the Opening Ceremony.

GURRERI Mr. Gurreri welcomed the attendees and led the Pledge of Allegiance. He asked that the men and women in uniform be remembered in prayer.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck announced that no Executive Sessions had been held following the August meeting.

HOLMAN Mr. Holman stated that an Executive Session would be needed this date to discuss matters of litigation with regard to the Tax Collector, Collective Bargaining regarding the fire contract and real estate matters regarding the right-of-way at August Schaefer Park.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill presented photographs to the Supervisors, which showed the new paving on Lower Glades Road. He indicated he previously had submitted his monthly report.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani stated that he had submitted a monthly report. He noted several updates:

- Haines Road, Safe Routes to School – project moving forward smoothly; working with PennDOT to getting an additional 250 feet of sidewalk which will connect from K-Mart to Third Avenue.
- Safe Routes to School – Reviewing roots of one maple tree with hope of saving it.
- Giant gas station at Memory/Market Streets – Loop detectors not installed due to PennDOT overlay project. Cameras proposed to monitor vehicular movement.

BOWMAN Mr. Bowman asked about other trees involved in the Safe Routes to School project.

LUCIANI Mr. Luciani responded that two shrubs and two trees were slated to be removed. The one in question had not been marked to remove; however, there were sizeable roots involved. An arborist was called in to determine whether it is worthwhile to try to save the tree.

GURRERI Mr. Gurreri asked whether the township will remove the tree if it should die.

LUCIANI Mr. Luciani responded that they would work through Mr. Lauer to have the tree removed.

5. CONSENT AGENDA

A. Board of Supervisors Regular Meeting Minutes – August 27, 2009

B. Regular Payables as Detailed in the Payable Listing of September 10, 2009

MR. GURRERI MOVED TO APPROVE CONSENT AGENDA A AND B. MR. DVORYAK WAS SECOND. MOTION CARRIED. MR. BOWMAN ABSTAINED AS HE WAS NOT PRESENT.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

A. Authorize to Execute Development Agreement with Heritage Hills Associates.

HOLMAN Mr. Holman reported that the Development Agreement had been reviewed and is ready for the board's consideration.

RAUSCH Solicitor Rausch added that he had reviewed the agreement. There had been a provision included regarding substitute improvements if PennDOT required something different. The developer would have the option to do those improvements. The township remained firm that it not be permitted. The developer deleted the item, and the Agreement was ready for approval.

MR. DVORYAK MOVED TO AUTHORIZE EXECUTING THE DEVELOPMENT AGREEMENT WITH HERITAGE HILLS ASSOCIATES. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Enter into Agreement with York County SPCA for 2010 Animal Care and Housing Services in an amount not to exceed \$11,942.

HOLMAN Mr. Holman reported that the \$11,942 amount is based on the population in the township and is the same amount as the 2009 agreement. He added that the services are guaranteed. There had been no complaints received.

SCHENCK Chairman Schenck commented that individuals from other communities are turned away if they don't participate.

MR. GURRERI MOVED TO GIVE AUTHORIZATION TO ENTER INTO AGREEMENT WITH YORK COUNTY SPCA FOR 2010 ANIMAL CARE AND HOUSING SERVICES IN AN AMOUNT NOT TO EXCEED \$11,942. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Approve Sewage Facilities Planning Module for Property Located at 3618 Druck Valley Road

HOLMAN Mr. Holman reported with regard to the small flow, on-lot sewage disposal system. He noted that it will handle 400 gallons a day. Reasons why approval is requested are: 1) there is no sewer line, and 2) percolation will not work. The home has a failing system. Following board approval, this request will be forwarded to DEP for final approval.

DVORYAK Mr. Dvoryak asked whether the township will follow up to confirm DEP approval.

HOLMAN Mr. Holman responded that the installation is overseen by the Sewage Enforcement Officer, Brad Hengst, and will be inspected to make sure it has been upgraded properly. It is the homeowner's responsibility to maintain the system.

MR. DVORYAK MOVED TO AUTHORIZE APPROVAL FOR SEWAGE FACILITIES PLANNING MODULE FOR PROPERTY LOCATED AT 3618 DRUCK VALLEY ROAD. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Enter into Installation and Maintenance Agreement for a Small Flow Treatment Facility at 3618 Druck Valley Road.

HOLMAN Mr. Holman noted that the township has the right to inspect the system in the event that the homeowner does not provide maintenance. Should the system not receive proper maintenance, the township can do the maintenance and bill the homeowner. If the township did not receive payment, there would be a lien placed on the property. That information is documented within the agreement.

RAUSCH Solicitor Rausch added that the agreement will be recorded and any subsequent owner has full knowledge and disclosure.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ENTER INTO INSTALLATION AND MAINTENANCE AGREEMENT FOR A SMALL FLOW TREATMENT FACILITY AT 3618 DRUCK VALLEY ROAD. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Authorization to Approve Change Order No. 1 for Haines Road Safe Routes to School Project – Doug Lamb Construction, Inc., contingent upon final approval from PennDOT, in an amount not to exceed \$11,998.80.

HOLMAN Mr. Holman stated that item E would provide the board's approval to move forward with additional sidewalk from K-Mart to Third Avenue. The approval would be contingent upon PennDOT's approval and would use grant money. The project was well under budget.

MR. GURRERI MOVED TO GIVE AUTHORIZATION TO APPROVE CHANGE ORDER NO. 1 FOR HAINES ROAD SAFE ROUTES TO SCHOOL PROJECT – DOUG LAMB CONSTRUCTION, INC. CONTINGENT UPON FINAL APPROVAL FROM PENNDOT IN AN AMOUNT NOT TO EXCEED \$11,998.80. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-08-12 – Preliminary Plan – Yale Electric, Southeast Intersection of Industrial Highway and Memory Lane – Action (11/25/09).

BAUGH Mr. Baugh reported that the representatives of the plan asked that the item be taken off the agenda.

8. COMMUNICATION FROM SUPERVISORS

SCHENCK Chairman Schenck reminded the board of the joint meeting with the York Area United Fire and Rescue to be held Tuesday, September 15th at 6 p.m. He reported that he would not be able to attend; however, the meeting is mandatory by the Charter Agreement.

HOLMAN Mr. Holman noted that he had heard from several board members who planned to attend. He added that it is a meeting of the governing bodies for the budget presentation.

9. SOLICITOR'S REPORT

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

10. MANAGER'S REPORT

HOLMAN Mr. Holman reported that Mr. Lauer is compiling the information on PennDOT's work in Orchard Hills, as requested by the Chairman, concerning the storm water replacement. It appears that work had stopped at this time. As more information is obtained, he will report to the board.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-54 – Authorizing Construction of Small Flow Treatment Facility at 3618 Druck Valley Road

MR. GURRERI MOVED TO ADOPT RESOLUTION NO. 09-54 AUTHORIZING CONSTRUCTION OF SMALL FLOW TREATMENT FACILITY AT 3618 DRUCK VALLEY ROAD. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Tax Collection

HOLMAN Mr. Holman reported that meetings had been held with the county and the school district at the direction of the board and plans are being prepared for the board in the event that there is a need to go back to the Tax Collector. He and Solicitor Rausch had been working on the matter and an ordinance had been prepared, as included in his Manager's Report. The ordinance was not presented for consideration by the board at this time and was only for review.

RAUSCH Solicitor Rausch noted that the board had asked for a plan to be developed. He and Mr. Holman are in the process of completing a plan including options that the board has under the local tax collection law. There are various issues including reporting, receipts, bonding, etc. The plan is being developed in conjunction with

the school districts and the county in order to have a unified effort that will apply to everyone.

B. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop reported that the September meeting had been cancelled. A meeting is scheduled for October.

13. NEW BUSINESS

A. Request for Purchase of Pumpers: York Area United Fire and Rescue

HOLMAN Mr. Holman reported that York Area United Fire and Rescue had received approval for the purchase of one pumper by the board of supervisors within the 2009 budget. Their long-term capital budget had included a second pumper purchase. The request is that the board authorize the purchase of the second pumper. Chief McCoy's goal is to retire three old pumpers. With board authorization the purchase, the order must be placed by September 30 in accordance with the state contract Costars program. Mr. Holman reported that the township had reserved money for this payment in the fire fund, and if the board agrees, the Chief can be authorized to move forward with the purchase. Under the Charter Agreement if there is a change in the capital, Chief McCoy would have to come back to the governing body and request approval of that change.

SCHENCK Chairman Schenck added that within the Charter Agreement there is documentation indicating that a resolution must be adopted by the municipalities for large capital obligations. There had been some concern at the last YAUFRR meeting about obligating the board for future expenditures. Springettsbury's intent is to pay cash, but for the other municipality, they may need to stretch the payments out, and counsel is reviewing that. YAUFRR will draft the resolution.

BISHOP Mr. Bishop added that the purchases had been carefully reviewed by the YAUFRR Commission and staff and is a very solid plan.

HOLMAN Mr. Holman agreed and stated that Chief McCoy had provided excellent information and documentation.

MR. DVORYAK MOVED TO AUTHORIZE APPROVAL TO PURCHASE THE TWO PUMPERS FOR AN AMOUNT NOT TO EXCEED \$516,855. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Survey: York County Association of Townships of the Second Class.

HOLMAN Mr. Holman stated that he had provided backup documentation that he developed both from PSATS and from the legislative offices. He reported that the survey is

off the table and the legislation is in flux. Additional information is needed in order to make a decision.

GURRERI Mr. Gurreri added that the county association had received some response that indicated there was not enough information. Mr. Gurreri asked that the township respond to the county and let them know of the need for additional information.

HOLMAN Mr. Holman agreed with that response as it would be difficult to comment on legislation without reviewing a draft.

Consensus was to respond that there was not enough information.

14. ADJOURNMENT

SCHENCK Chairman Schenck reminded the board of the Executive Session immediately following the meeting. He adjourned the meeting at 7:45 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**AUGUST 27, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular meeting on Thursday, August 27, 2009 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
Nick Gurreri
George Dvoryak

MEMBERS NOT IN ATTENDANCE: Mike Bowman

ALSO IN ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Robert McCoy, Chief, YAUFRR
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order at 7 p.m. He asked Mr. Gurreri to lead the Opening Ceremony.

GURRERI Mr. Gurreri stated that the Summer Concert Series had come to an end and was excellent again this year. He noted the passing of Senator Ted Kennedy and the sister of Jack Hadge of Springettsbury Township and asked that the families be remembered in prayer. He led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. July 23, 2009 – 8:00 pm. As follows:

- 1) Legal Matter – Forensic Tax Audit of the Tax Collector**
- 2) Collective Bargaining**

SCHENCK Chairman Schenck announced that following the July 23rd meeting an Executive Session had been held to discuss the results of the Tax Collector audit and collective bargaining with both the fire and police unions. He reported that no Executive Session was scheduled for this date.

3. COMMUNICATION FROM CITIZENS

KLINEDINST Mr. Donald Klinedinst, 2580 Hartford Road, spoke concerning the Eagles Nest

employees parking on a residential street. He asked whether they were breaking the law.

SCHENCK Chairman Schenck responded that the township officials had looked into the situation following his previous visit to the board and they had received a detailed report. Unfortunately, they are not breaking the law.

KLINEDINST Mr. Klinedinst asked whether the Eagles Nest must provide a certain amount of spots for off-street parking for the employees.

SCHENCK Chairman Schenck responded that parking must be provided for their employees. However, the employees often do not choose to park there. The township had contacted the restaurant owners and attempted to cooperate, and that was all they could do. An opinion was received from the Police Chief as well as the Solicitor.

RAUSCH Solicitor Rausch added the property is a non-conforming use and even with a zoning amendment, that would not apply to them because they are grandfathered. Solicitor Rausch indicated he understood Mr. Klinedinst's concern.

KLINEDINST Mr. Klinedinst brought up an additional item with regard to garbage trucks. During one night, at 2:30 in the morning a trash hauler was at the restaurant emptying garbage bins; another time it was 4:30 in the morning. He indicated it was pretty hard to sleep with the big garbage bins banging.

GURRERI Mr. Gurreri suggested he call the garbage company as he didn't think they were permitted to be doing that so early in the morning.

HOLMAN Mr. Holman added that it was a private pick up. Township ordinance indicates that trash cannot be picked up before 6:30 a.m. for residential. He added that there is a noise ordinance; however, sometimes he can talk to the garbage contractor and get things resolved.

KLINEDINST Mr. Klinedinst questioned whether there was nothing that could be done about the parking situation.

BISHOP Mr. Bishop responded that they could look at making parking only on one side of the street, but it would be a regulation that would apply to everyone to restrict parking.

RAUSCH Solicitor Rausch added that a traffic study would have to be done first to see if it would be warranted.

KLINEDINST Mr. Klinedinst commented that the situation was ridiculous. He thanked the board for the review of the matter.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill indicated he had submitted a written report. He asked whether the board members had any questions.

SCHENCK Chairman Schenck asked about the pump station in front of Taco Bell on Market Street. He wondered whether that belonged to the township.

CRABILL Mr. Crabill responded that it was privately owned by Taco Bell.

SCHENCK Chairman Schenck asked whether the road problem was solved and whether the project remained on schedule.

CRABILL Mr. Crabill responded that the problem was solved and things were going well. There are fewer surprises.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani stated that he had provided a written report and had a few updates to that report.

- August Schaefer Park – Proposed 10-foot wide access easement appraisal in process. Offer of easement made by the property owner.
- LED lighting – Samples provided in the park for 30 days; grant application made; lighting should be more economical. Goal is to change all lights in the community in anticipation of PUC deregulation.
- B-H – New Police Station – Goal to get an LEED-Certified building.
- Safe Routes to Schools-Suburban – Contractor will start work Monday, August 31, 2009; coordinating with half dozen homeowners; good feedback. Color of retaining wall one concern. Should be completed within 120 days. Expect to adjoin two additional blocks with a change order to tie in sidewalks from Mt. Rose Avenue to Third Avenue, 250 ft. distance; PennDOT is reviewing for potential environmental issues.
- Market Street/Haines Road – Giant gas station is open. Contractor did sidewalk, median is in. There were some complaints of contractors working in the street right-of-way and shutting down lanes to put handicap ramps in; cabinet to be installed for new pre-emption and battery backup. Should be an improvement in traffic flow consistent with Haines Road Study.

SCHENCK Chairman Schenck asked about progress for bridges on Stonewood Road.

LUCIANI Mr. Luciani responded that the contractor is Kinsley and they will shift the bridge; however, they are in the design phase. The township force main is a concern.

SCHENCK Chairman Schenck asked whether he was following the state project on Old Orchard Road leading in to Stonewood. There had been some set up work and saw cutting done, but the project came to a standstill.

LUCIANI Mr. Luciani indicated that the plan was to put in a new pipe.

SCHENCK Chairman Schenck indicated that the signs that they left in the yard killed all the grass. He was sure it was in their right-of-way. He would like the sign removed.

HOLMAN Mr. Holman noted that Mr. Lauer had been following that project. It is a maintenance issue. He will follow up with him.

5. CONSENT AGENDA

- A. Acknowledge Receipt of July 31, 2009 Treasurer's Report**
- B. Acknowledge Receipt of June 16, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- C. Acknowledge Receipt of Minimum Municipal Obligation for Pension Plans.**
- D. Acknowledge Receipt of York Area United Fire and Rescue Commission Financial Statement for the Year Ending December 31, 2008.**
- E. Board of Supervisors Public Hearing Minutes – June 25, 2009.**
- F. Board of Supervisors Regular Meeting Minutes – July 23, 2009.**
- G. Conewago Enterprises, Inc. – Request for Payment No. 3 – BNR Improvements Project – General Construction – in an amount not to exceed \$343,400.80.**
- H. Frey Lutz Corp. – Request for Payment No. 2 – BNR Improvements Project – Mechanical Construction – in an amount not to exceed \$16,348.50.**
- I. Gettle, Inc. – Request for Payment No. 2 – BNR Improvements Project - Electrical Construction – in an amount not to exceed \$24,750.**
- J. Regular Payables as Detailed in the Payable Listing of August 27, 2009.**
- K. SD-07-04 – Time Extension – Ridge View Heights – Plan Expires 9/13/09 (New Plan Date 12/13/09).**
- L. LD-09-02 – Time Extension – Capital Self Storage Expansion – Plan Expires 9/15/09 (New Plan Date 12/15/09).**

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH L. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Enter into Agreement with Cohen Law Group to Perform Cable Franchise Renewal Services at a cost not to exceed \$4,725.**

HOLMAN Mr. Holman stated that the township had been working with various other townships in the communities through the Managers Association. Springettsbury had taken the lead in reviewing the cable contract. He reported the following:

- All the contracts come due from 2011 to 2013; Springettsbury's expires 11/11/2012.
- Contract negotiations with Comcast as opposed to Suscom; five to 10-year period.
- Verizon will be putting in cable in the future; contracts will remain the same.
- PSATS recommended the Cohen Law Group, Dan Cohen, for negotiation.

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- Six municipalities committed to date resulting in cost of \$4,725. As other municipalities join the cost would be lower.

DVORYAK Mr. Dvoryak asked whether discussions would be with both Comcast and Verizon or just Comcast.

HOLMAN Mr. Holman responded that the talks would be only with Comcast, as they have the current contract.

DVORYAK Mr. Dvoryak asked whether this would only change anything after 2012.

HOLMAN Mr. Holman responded that the township has the right to open the contract at any time if there is a joint group involvement. The language was built into the contract, which was excellent.

BISHOP Mr. Bishop asked about the status of securing additional municipalities to participate.

HOLMAN Mr. Holman responded that Dan Cohen will be meeting with the municipalities on September 15th. Additional municipalities will be invited. He expected a very good core group.

SCHENCK Chairman Schenck asked whether the interested municipalities had made a commitment.

HOLMAN Mr. Holman responded that the municipalities had committed, and the maximum it will cost Springettsbury Township is \$4,725.

MR. DVORYAK MOVED TO AUTHORIZE ENTERING INTO AGREEMENT WITH COHEN LAW GROUP TO PERFORM CABLE FRANCHISE RENEWAL SERVICES AT A COST NOT TO EXCEED \$4,725. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Execute Quit Claim Deed for Section of Barwood Road that Crosses over Tract 3 owned by Michael F. and Lorraine O. Mitrick.

HOLMAN Mr. Holman explained that item B will authorize the execution of a Quit Claim deed for just one section of Barwood Road. Michael and Lorraine Mitrick bought a property with an old right-of-way from a 1960 plan. The township did not take the land, never improved it and lost its right to the easement after the 21 year period. The Mitrick's attorney requested the township to execute a Quit Claim deed. He added that Solicitor Rausch had reviewed the matter.

RAUSCH Solicitor Rausch explained that once a plan road is laid out on an approved plan, if an offer of dedication has not been accepted by the municipality in 21 years, the public right is lost. This was a tract where Barwood Road ends and originally it was laid out in 1963 to go all the way to the Daniel Siple estate property. The action will acknowledge that the township never accepted dedication. Solicitor Rausch reviewed it and revised the agreement to make it clear. If there are any private rights that still remain that's an issue between the property owners.

MR. BISHOP MOVED TO AUTHORIZE TO EXECUTE QUIT CLAIM DEED ON BARWOOD ROAD. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Advertise for Sealed Bids for Polymer Contract.

MR. GURRERI MOVED TO AUTHORIZE ADVERTISEMENT FOR SEALED BIDS FOR POLYMER CONTRACT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Advertise for Sealed Bids for Sale of WWT 1997 Television Inspection Van.

MR. GURRERI MOVED TO AUTHORIZE ADVERTISEMENT FOR SEALED BIDS FOR SALE OF WWT 1997 TELEVISION INSPECTION VAN. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Request for Change Order No. 2 – Conewago Enterprises, Inc. – BNR Project (items 2.1 through 2.7 as outlined in the August 8, 2009 memorandum from the Director of Wastewater Treatment) in a total amount not to exceed \$40,853.

HOLMAN Mr. Holman explained that the Change Order reflected the cost of rebuilding the base of the road.

CRABILL Mr. Crabill added that the Change Order in item 2.3 is the geo fabric underneath the stone. The stone that had to be built up was covered in the unit cost already in the bid.

MR. DVORYAK MOVED TO APPROVE CHANGE ORDER NO. 2 AS OUTLINED ON THE AGENDA. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

F. Request for Change Order No. 1 – Gettle, Inc. – BNR Project for Additional Electrical Manhole by New Blower Building and Relocation of Manholes and Duct Banks in an amount not to exceed \$97,965.86.

HOLMAN Mr. Holman stated that as the development was being done, some changes and improvements were needed so that the large generator being installed will be able to take on additional work as the plant expands. The project remains \$8 million under budget, but this will allow for expansion of the plant and the generator to handle that expansion.

CRABILL Mr. Crabill added that it allows space for a generator hookup for future expansion. Without this there would be considerable digging in very tight spaces because the generator was shifted closer to the lower building. It would be next to impossible to do so in the future if this were not done at this time. He stated that Mr. Hodgkinson thought very good idea to have that option.

MR. GURRERI MOVED TO APPROVE CHANGE ORDER NO. 1. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

BISHOP Mr. Bishop commented on the report from Mr. Baugh providing the status of all the plans in the process. Mr. Bishop had been missing that report, and he indicated he would like to receive that by email rather than in the packet. In addition, he was not sure how long it had been since he had seen an agenda or minutes of the Zoning Hearing Board meetings.

BAUGH Mr. Baugh responded that the process would be started again with the exception that it will be done by email.

GURRERI Mr. Gurreri reported that the opinion of the townships in York County is being solicited concerning House Bill 1858. The county association sent a survey asking whether or not the townships are in favor or not. The local governments will be required to use it for property tax relief or tax exempt properties.

SCHENCK Chairman Schenck asked whether they expected an individual supervisory response or a township response.

HOLMAN Mr. Holman responded that they are looking for a township response. He intended to place that matter in the next meeting packet. His main concern was the impact on the Business Privilege tax paid by businesses in the township. He received a copy of the Bill, which he intends to provide to the board.

Additional lengthy discussion took place with regard to potential issues, summarized below:

- PSATS is in favor, as well as some of the smaller communities. State legislators not in favor.
- Could be significant for Springettsbury – potentially \$1 million.
- Township might have to give up something.
- Resolution would be needed in order to participate.
- County would receive 7%; ½% would come to township.
- Mercantile tax could be lost; might reduce property taxes.

GURRERI Mr. Gurreri reported that House Bill, Resolution 3007 was introduced, which will provide \$30 billion for local government nationwide. He had discussed it with Congressman Todd Platts, who had provided additional information as to what would be included. PSATS requested calls to congressmen encouraging them to support the bill; consider sending a representative to the County Legislative Conference to be held September 9-10, 2009 in Washington, DC. PSATS asked every township board to enact a Resolution urging federal lawmakers to support the revenue sharing proposal.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported that during the last meeting of the board the Heritage Hills plan was approved. However, one of the conditions was the execution of a Developer's Agreement. The original agreement had a lot of contingencies in it due to the traffic signal. The Agreement was revised to remove the contingencies; however, it was delivered this date. Upon issuance of a Building Permit Heritage Hills will provide the improvements with the pork chop at the main entrance. Prior to their obtaining an Occupancy Certificate, the intersection at Plymouth must be

improved. The Developers Agreement covers that work and the bonding and is ready for board approval.

HOLMAN Mr. Holman added that it also provides the definition of “registered guests” who have the ability to use the water park. Mr. Holman had read the Agreement and reported that it met all the conditions that the township requested.

BISHOP Mr. Bishop asked whether there was any rush to approve the Agreement.

HOLMAN Mr. Holman responded that the plan cannot be filed until the Development Agreement is approved. Heritage Hills cannot apply for the Building Permit. They would like to move forward; however, the Agreement was received at the last minute.

BISHOP Mr. Bishop concurred that the board should review the agreement.

HOLMAN Mr. Holman responded that he would place it on the next Agenda.

RAUSCH Solicitor Rausch reported that the township filed a complaint with the court for a preliminary injunction to get the trailers off the property in the floodway with regard to Darrah Motorsports. A hearing was held and the President Judge granted the motion and ordered the trailers to be moved immediately. Daily fines will be imposed. Darrah is permitted to have two racing car trailers, specifically a red one and a white one, there during race season. The situation will be monitored with the hope that the property owner will cooperate and comply with the court order.

10. MANAGER’S REPORT:

HOLMAN Mr. Holman reported one item that is included in the Manger’s Report that will be on the September 10 Agenda, which is the request from YAUFRR to purchase a second pumper. This will be discussed at that time.

BISHOP Mr. Bishop asked for a clarification of the second pumper.

HOLMAN Mr. Holman noted that there was an approved first pumper in the 2009 budget, which will not be purchased until 2010. The YAUFRR board has requested in the 2010 proposed capital budget, the purchase of a second pumper. They would replace old equipment. The new purchases would have to be made by the end of September, 2009 when the current state contracts for fire equipment end.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 1 09-50 – PennDOT Municipal Five Year Agreement for Winter Traffic Services (2009 – 2014).

HOLMAN Mr. Holman reported that Mr. Lauer recommended turning Edgewood Road back over to PennDOT. Mr. Holman concurred in that it involved calling people in to do that road. The township is not being compensated to do that road and there are extra roads to do now. All other roads in the plan are to be done. The township will respond in emergency situations.

SCHENCK Chairman Schenck commented that what the township had done was taken Mt. Zion end to end of the township out of the mix.

DVORYAK Mr. Dvoryak noted that his recollection was that plowing Mt. Zion was a temporary issue because the surface hadn't been repaved and there was concern about the plows and not an issue of not being compensated. He asked what had changed.

HOLMAN Mr. Holman stated that in the Edgewood and Mt. Zion areas the compensation does not cover what is needed. In removing Edgewood and Mt. Zion, PennDOT becomes the first responder and will address those roads. That allows the township to get people to the local roads more quickly. The township will continue to plow Market Street. He noted that it is not the rate of compensation. It involves the call out the township has to do because Edgewood is much steeper.

SCHENCK Chairman Schenck commented that he always thought the township should do the hills for public safety. Public Works never wanted to do the hills because they're hills, they ice over, they're not easy to maintain and are a problem. It's an issue of weighing not necessarily the cost but the effort of balancing public safety against the cost.

DVORYAK Mr. Dvoryak asked whether the prices are negotiable.

HOLMAN Mr. Holman responded that they are not negotiable. They are flat fees fixed by PennDOT on how many miles of roads they decide to do.

BISHOP Mr. Bishop commented that one could make the argument that PennDOT constructed the way it is so there would be some benefit to making it their responsibility.

HOLMAN Mr. Holman noted that additional major changes are to be made from Carroll on down to Windsor but no improvements from Carroll down to Edgewood.

SCHENCK Chairman Schenck noted that on the other side of the argument, he reported that his road, which is a state road, is plowed well before the township roads.

MR. BISHOP MOVED TO ADOPT RESOLUTION 09-50, WINTER TRAFFIC SERVICES WITH THE ELIMINATION OF EDGEWOOD ROAD PER THE RECOMMENDATION. MR. DVORYAK WAS SECOND. MOTION CARRIED 3/1. MR. GURRERI VOTED NO. MESSRS. SCHENCK, BISHOP AND DVORYAK VOTED YES.

B. Resolution No. 09-51 – Request from Met-Ed for Right-of-Way from Township to Relocate Existing Overhead Primary Electric Line (south of WWT Administration Building).

SCHENCK Chairman Schenck indicated that item B related to the Wastewater Treatment upgrade and a request of Met Ed to move a power line.

HOLMAN Mr. Holman reported that the existing power line would be right over the extended building. The right-of-way needed to be moved so that the power line would not go over the building.

SCHENCK Chairman Schenck asked whether the township would assume the cost to move the power line.

HOLMAN Mr. Holman responded that there would be no added cost to the township. MetEd will move the line over for the township. He added that there had been a Change Order

CRABILL Mr. Crabill stated that an allotment had been included in the original contract price.

MR. GURRERI MOVED TO APPROVE RESOLUTION NO. 09-51. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 09-52 – Authorization to Utilize the “dotGrants” On-Line

HOLMAN Mr. Holman stated that the Resolution involved a requirement from liquid fuels now that requests be filed on line. If it is not filed on line, there will be no release of the liquid fuels money.

MR. DVORYAK MOVED TO APPROVE RESOLUTION 09-52. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Resolution No. 09-53 – Meadowlands Pumping Station Replacement

SCHENCK Chairman Schenck clarified that item D covered the Meadowlands pump station removal.

MR. GURRERI MOVED TO APPROVE RESOLUTION NO. 09-53. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Tax Collection Audit 2007

HOLMAN Mr. Holman stated that the township had received a signed recommendation from Boyer and Ritter as a follow up to the 2007 forensic audit. The recommendation included the tasks and what the township should anticipate from the Tax Collector, including the reconciliation. He asked Solicitor Rausch to provide additional detail.

RAUSCH Solicitor Rausch provided a lengthy report concerning the recommendations summarized:

- All the Tax Collector accounts immediately be closed with no funds remaining.
- All accounts should be reconciled and remitted to the township.
- The township move forward to either a lock box system or a remote check deposit system or direct deposit to a township bank account.
- The Tax Collector begin to follow the tax collection law by providing detailed monthly analyses and accurate and timely reliable reporting.

Solicitor Rausch stated that, under the local tax collection law these recommendations can't be mandated by the board. The board can request them but there is no direct language that indicates that the township can demand or insist that the procedures be put into place. Some on-going dialogue should take place with the Tax Collector to see if some of these recommendations can be implemented. He added that many municipalities and school districts are moving into a lock box and or remote check deposit system and providing electronic transactions. He added that there was no requirement for the board to take any action.

HOLMAN Mr. Holman stated that they are attempting to get the 2007 reconciliation.

RAUSCH Solicitor Rausch reported that he will meet with Attorney Spare on Monday, August 31, 2009. The tax collector bonds are Fidelity bonds, which cover theft, dishonesty and a performance bond covers remitting the taxes. It appears that all that is available are the Fidelity bonds, which cover the dishonesty portion. The local tax collection law does not clarify what kind of bond is required. It indicates that if the board determines that the type of surety provided is not sufficient that it would have to petition the court to order the Tax Collector to provide a type of surety that would be sufficient. That will be an item to be discussed and worked through with Attorney Spare, who represents the school districts.

MR. BISHOP MOVED TO ACKNOWLEDGE RECEIPT OF THE RECOMMENDATIONS RECEIVED FROM BOYER AND RITTER WITH REGARD TO THE TAX COLLECTOR FORENSIC AUDIT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

An additional discussion took place concerning the issues, which is summarized:

- The Tax Collector has an account in the name of Springettsbury with \$100,000 in it. No reconciliation has been made or provided.
- Reconciliations are to be turned over to the county treasurer by January 15th of the year following.
- Audit report for 2008 was received but no reconciliation. Audit report showed the 2008 taxes off reconciliation by approximately \$36,000. Taxes for 2006 are not reconciled but are off by approximately \$3,600
- Township has not had a reconciliation and close out since before 2005.
- Claim submitted to the surety company with some preliminary notification.
- Surety company may send in their accountant/auditor to solve the issues.
- Township made inquiries as to the cost of getting a reconciliation from 06 through 08, which resulted in a wide range from \$7,600 to \$18,000; one option to get reconciliation.
- Township should not pay taxpayer dollars to do an audit to get an answer for something that is required by law to be done by the Tax Collector.
- Next step following submittal to the surety is under Act 30 to request that the tax duplicate not be turned over to the Tax Collector.
- Local tax collection law indicates the board could appoint a tax collector to collect taxes. State does not enforce it showing that there's no teeth behind the law.

RAUSCH Solicitor Rausch noted that if the bonding company refused to pay the claim, then the township would sue the bonding company and would include the Tax Collector in the suit.

- HOLMAN** Mr. Holman noted that the board had been very proactive in trying to get this resolved.
- BISHOP** Mr. Bishop stated that, regardless of what happens with 07 and 08, it would be in the township's best interest to begin researching and planning. If it comes to the end of this calendar year, and it is the board's opinion that the Tax Collector is either unwilling or unable to effectively collect taxes for Springettsbury Township, another plan should be in place to collect the taxes for 2010.
- HOLMAN** Mr. Holman noted that quotes had been received from the Syntax Company, which does property tax collections. They are a large organization with an excellent reputation. Their cost number was equal to what the township had been paying to the Tax Collector.
- BISHOP** Mr. Bishop responded that it answered part of the equation. However, the other part of that equation is how do to do that and can it be done.
- RAUSCH** Solicitor Rausch noted that currently the tax duplicate is prepared by the county. If the county is not going to withhold their tax duplicate, then somehow they must be split apart. He was not sure if Syntax would prepare the taxes.
- HOLMAN** Mr. Holman stated that there would have to be a meeting with the county and with the schools.
- RAUSCH** Solicitor Rausch commented that the school taxes come out separately, so the school district would have to make that decision.
- DVORYAK** Mr. Dvoryak asked what taxes were at issue other than real estate.
- HOLMAN** Mr. Holman responded that it involved the real estate and the street light tax.
- SCHENCK** Chairman Schenck noted that the public comments about why 07 wasn't reconciled were related to health issues, etc. He asked whether there was any comment as to why 08 wasn't reconciled. That was supposed to have been done by 1/15/09.
- HOLMAN** Mr. Holman stated that when the audit was done, both the auditor and our finance officer went over to see the Tax Collector to try to get a reconciliation to get the accounts reconciled. Nothing came back and they still haven't received a response.
- SCHENCK** Chairman Schenck agreed with Mr. Bishop's suggestion to at least have a plan in place. That would not mean that a plan would be enacted.
- HOLMAN** Mr. Holman indicated he would work on a plan with Solicitor Rausch.
- RAUSCH** Solicitor Rausch added that it would be done to the extent that they can coordinate with the school districts and the county.
- BISHOP** Mr. Bishop noted that the township had coordinated with them throughout this process.

B. York Counts Public Safety Task Force Update

BISHOP Mr. Bishop provided his August report of the YorkCounts Public Safety Task Force. He stated that the original plan had been that there was going to be a study done that was to cost about \$50,000. There would be a \$25,000 grant from DCED which would then be matched locally and York Counts has indicated that they would make sure that money is not an issue if that happened. Mr. Bishop stated that at the August meeting it was reported that the grant funds from DCED are nowhere to be found in any versions of the state budget that anyone had seen coming forward and DCED has zero confidence that there will be any funds available at any time in the near future. The question then became what YorkCounts meant when it was stated that it would be taken care of. YorkCounts board was meeting this week to address that issue. The Task Force plan was to move forward with getting an actual proposal to do the study from PERF in Washington so that it can be determined actually what the study is going to study, and if \$50,000 really is the number. Mr. Bishop's understanding was that the September meeting has been postponed because nothing would need to be done until October. He added that attendance at these meetings was dwindling and there were a number of townships that had not been represented for the last three months.

C. Stonewood Park Conservation Easement

RAUSCH Solicitor Rausch brought forward the Stonewood Park Conservation Easement. The township must impose upon itself the Conservation Easement as part of the mitigation plan. The information was forwarded and a document was received from the Army Corps of Engineers. He asked whether there was a deadline.

HOLMAN Mr. Holman noted that they can't proceed any further with the permit applications or do anything with the mitigation until they have documentation that the township has agreed to the conservation easement to stabilize the creek at Stonewood Park, which had been previously presented during a meeting some time ago.

LUCIANI Mr. Luciani indicated that the building is well under construction, but to put the box culvert in they need the Corps provide the approval.

MR. BISHOP MOVED TO APPROVE THE CONSERVATION EASEMENT FOR MITIGATION AREAS FOR STONEWOOD PARK. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. NEW BUSINESS

A. Request by the York County Rail Trail Authority to Waive or Reduce land Development Plan Review Fees for Phase 2 Development of Northern Extension to the Heritage Rail Trail County Park.

SCHENCK Chairman Schenck indicated that the York County Rail Trail Authority had requested the township to waive the land development review fees. He noted that Mr. Holman recommended that those fees not be waived.

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- HOLMAN** Mr. Holman stated that the township policy is not to waive fees for any development coming in to the township.
- BISHOP** Mr. Bishop commented that there seemed to be some inconsistency as he recalled waiving fees for other government entities.
- SCHENCK** Chairman Schenck indicated that it had been done in the past for schools and the county.
- HOLMAN** Mr. Holman indicated this would not be one of the easiest projects the township had done.
- SCHENCK** Chairman Schenck asked what the rail trail authority comes up against going through different municipalities for plan developments and whether they typically have to do a full blown land development plan.
- LUCIANI** Mr. Luciani responded that he had been involved in such processes with York Township, Spring Grove Borough, East Manchester, and West Manchester, all of which required a land development plan. He did not believe York City required a plan because it was part of the Project 70 land downtown.
- SCHENCK** Chairman Schenck commented that it is governments trading money and if there would be a way to minimize that impact, he, personally, would like to find a way to do that. There may be a way to reduce the fees.
- HOLMAN** Mr. Holman stated that Solicitor Rausch already had provided quite a bit of time on the sewer easement, the cost of which the township had accepted. They're asking for the permit fee to be waived for their development. It's not our policy to waiver government, non-government, non-profit, etc. That's the fee and that's what is charged for these reviews.
- BISHOP** Mr. Bishop noted that the other argument is that what's being done is being done for the benefit of the people of York County.
- HOLMAN** Mr. Holman responded that there may be some argument about it, as the plan had changed some locations.
- BISHOP** Mr. Bishop understood that there may be some people that don't like it in their front yard, but generally it involved the extension of the county park system via the rail trail.
- HOLMAN** Mr. Holman stated that the township had charged the county for building the bathroom in the county park facility, which was for everyone.
- SCHENCK** Chairman Schenck noted that they had forwarded \$4,400 to the township, which covered the escrow for costs for reviews.
- HOLMAN** Mr. Holman stated that they currently do not own or have the rights to all the land they're going through.

- GURRERI** Mr. Gurreri agreed that it is for the good of the community. He did not have any problem with waiving the fee in order to help; however, Mr. Holman had a point of where to stop.
- HOLMAN** Mr. Holman commented that they had requested a donation of \$500.
- BISHOP** Mr. Bishop responded that was not township policy either.
- SCHENCK** Chairman Schenck stated that there might be a way to minimize or control it. The fee schedule is what it is, and he did not know if cost always equals or exceeds the fee. He did not think the township should invest a tremendous amount of tax dollars; nor did he think they should cause the rail trail authority to fund the township's community development.
- HOLMAN** Mr. Holman noted that his question to Solicitor Rausch and Jim Baugh was whether a plan could be submitted on a property, for which there are no rights or approvals. He added that he looked forward to running on the rail trails.
- BISHOP** Mr. Bishop thought that he would agree that no exceptions should be made in this situation to either the policy for donations or fees with other entities. However, it would behoove the township to help this particular developer in ways that have been mentioned toward easements, the railroad and other areas where they are not familiar. The township could spend some staff effort to help, which may have more value than waiving any fees or donation of \$500.
- HOLMAN** Mr. Holman noted that Solicitor Rausch and Mr. Luciani had already put some extra time in on this project.
- RAUSCH** Solicitor Rausch added that it is somewhat complicated because they also need an easement from the township to run over the sewer line.
- HOLMAN** Mr. Holman stated he would develop an agreement that he would send to DEP for review. That is not something in the equation but rather something we're doing on the side. This easement that the township owns where a sewer line exists that takes care of eight different municipalities beating through there right to the township plant. The entire line was videotaped. Some of the issues involve what would happen if repairs are needed to the sewer line down the road. Currently we have the easement, and following repairs, the dirt is just put back.

Consensus was to consider Mr. Bishop's recommendation on how to handle the request.

B. Acknowledge Receipt of Letter of Resignation from Park and Recreation Board Member (Barry L. Bloss, Jr.)

- SCHENCK** Chairman Schenck noted, with regret, the board had been asked to accept the resignation of Barry Bloss from the Park and Rec Board.

MR. GURRERI MOVED TO ACKNOWLEDGE RECEIPT OF LETTER OF RESIGNATION FROM THE PARK AND REC BOARD FROM MEMBER BARRY L. BLOSS, JR. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

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SCHENCK Chairman Schenck asked Mr. Holman to thank him and make sure he understands that the board appreciated his years of service. He assumed that meant there is an opening on the Park and Rec Board.

BISHOP Mr. Bishop added that there is an opening for an alternate on the Zoning Hearing Board.

HOLMAN Mr. Holman indicated that board has to start consideration of appointment to YAUFRR because it's the township's turn coming up as far as Citizen-At-Large.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 8:35 p.m.

Respectfully submitted,

John Holman
Secretary

ja

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JULY 23, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular meeting on Thursday, July 23, 2009 at 7 p.m. at the Township offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Don Bishop, Vice Chairman
George Dvoryak, Secretary/Treasurer
Mike Bowman

MEMBERS NOT

IN ATTENDANCE: Bill Schenck, Chairman
Nick Gurreri

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Robert McCoy, Chief, YAUFRR
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

BISHOP Vice Chairman Don Bishop called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Mr. Bishop reported that neither Mr. Schenck nor Mr. Gurreri would be in attendance due to business obligations.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

BISHOP Mr. Bishop announced that an Executive Session was held prior to the last meeting of June 25, 2009 to discuss legal matters relating to the forensic tax audit of the tax collector. He announced an Executive Session was scheduled following the meeting this date to discuss additional legal issues with respect to other tax collector matters and also collective bargaining.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart-Horn, Inc.

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CRABILL Mr. Crabill stated that he previously had provided his written report. He asked if there were any questions on the report or any of the photos provided to the board.

BISHOP Mr. Bishop commented that it will be good to see the progress during the road tour in a few weeks.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani stated he had several updates to his report submitted, which are summarized:

- Safe Routes to School – Bids out for review; lowest responsible bidder is Doug Lamb. If bid is accepted, Notice to Proceed will be issued. Expect to hear from the state within seven days and begin work promptly.
- Messrs. Holman and Luciani met with PennDOT regarding work at Mt. Zion. Expected to be out for bid by October, 2009; begin work 2010.
- Rite Aid will phase development to first demolish Jiffy Lube, rebuild in the new area; and then build the Rite Aid. Economic climate has impacted financing. Financial commitment for traffic improvements was received.
- Agenda action item for dedication of right of way on Stonewood Road from American Hydro and Calderazzo farm. PennDOT will replace bridge on Stonewood Road and widen cartway. Township will formally accept that and turn it back over to PennDOT.

BISHOP Mr. Bishop clarified that Rite Aid had all of the approvals needed from the township.

LUCIANI Mr. Luciani responded that he was correct. He stated that they need the PennDOT HOP, and they asked Mr. Holman to take an active role in assisting with that HOP. Their concern is making their right-in, right-out driveway work. That will be taken care of when the median is constructed.

HOLMAN Mr. Holman indicated that the median will be constructed prior to the Rite Aid completion.

LUCIANI Mr. Luciani added that the Jiffy Lube is not a big traffic generator and has full movements, which will not result in any major impact.

5. CONSENT AGENDA

- A. Acknowledge Receipt of June 30, 2009 Treasurer’s Report.**
- B. Acknowledge Receipt of May 26, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- C. Board of Supervisors Regular Meeting Minutes – June 25, 2009**
- D. Conewago Enterprises, Inc. – Request for Payment No. 2 – BNR Improvements Project in an amount not to exceed \$183,042.**
- E. Frey Lutz Corp. – Request for Payment No. 1 – BNR Improvements Project in an amount not to exceed \$11,592.**

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- F. Gettle Incorporated – Request for Payment No. 1 – BNR Improvements Project in an amount not to exceed \$71,554.50.**
- G. Regular Payables as Detailed in the Payable Listing of July 23, 2009.**
- H. SD-07-09 – Time Extension – Waltersdorff – Plan Expires 8/26/09 (New Plan Date 11/26/09).**
- I. LD-05-18 – Time Extension – Market Street Commons – Plan Expires 7/26/09 (New Plan Date 10/26/09).**
- J. SD-05-13 – Time Extension – Market Street Commons – Plan Expires 7/26/09 (New Plan Date 10/26/09).**
- K. LD-08-12 – Time Extension – Yale Electric – Plan Expires 8/25/09 (New Plan Date 11/25/09).**
- L. SD-08-03 – Time Extension – Pam Long – Plan Expires 8/25/09 (New Plan Date 11/25/09).**
- M. SD-07-06 – Time Extension – Triplet Springs – Plan Expires 7/26/09 (New Plan Date 10/26/09).**

MR. BOWMAN MOVED TO APPROVE CONSENT AGENDA A THROUGH M. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. YCIDC/Penn Laurel Girl Scout Council, Inc. Road Right-of-Way and Easement Agreement for Property located at Pleasant Valley Road and Mt. Zion Road.**

HOLMAN Mr. Holman stated that York County Industrial Development Corporation holds the lien on the Penn Laurel Girl Scout Council based on a mortgage that was taken out 15 years ago. The township will enter into an agreement with YCIDC which will sign a release indicating approval to turn the right-of-way over to the township. The township has entered into an agreement with Penn Laurel Girl Scout Council for the purchase of the right-of-way. This will clear the YCIDC mortgage and the township will be able to move forward with improvements. He thanked Solicitor Rausch for his assistance.

MR. DVORYAK MOVED TO APPROVE THE ROAD RIGHT-OF-WAY AND EASEMENT AGREEMENT FOR THE YCIDC. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Authorization to Award Safe Routes to School (Haines Road) Contract to Doug Lamb Construction in an amount not to exceed \$83,941.80, contingent upon final approval by PennDOT.**

MR. BOWMAN MOVED TO AWARD AUTHORIZATION TO SAFE ROUTES TO SCHOOL (HAINES ROAD) CONTRACT TO DOUG LAMB CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$83,941.80. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Enter into Contribution Agreement with PennDOT for Improvements to the Intersection at East market Street and Mt. Zion Road.

HOLMAN Mr. Holman requested this item be moved to Ordinances and Resolutions, listed as Resolution 09-49.

D. Authorization to Approve Change Order No. 1 – BNR project – Conewago Enterprises, Inc. as follows:

- 1) **Alternate Roofing System for Operations and Blower Buildings in the CREDIT amount of \$105,995.**
- 2) **Addition of Two (2) Programmable Logic Controllers (PLCs) at the Plant Headworks in an amount not to exceed \$13,264.**

MR. DVORYAK MOVED TO AUTHORIZE CHANGE ORDER #1 FOR THE BNR PROJECT. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Authorization to Approve Change Order Request No. 1 – B&R Construction Services, Inc. – (Removal of Trees/Shrubs) – Safe Routes to School-Central in an amount not to exceed \$833.32.

MR. BOWMAN MOVED TO APPROVE CHANGE ORDER REQUEST NO. 1 SAFE ROUTES TO SCHOOL – CENTRAL IN AN AMOUNT NOT TO EXCEED \$833.32. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

F. Authorization to Approve Change Order Request No. 2 – B&R Construction Services, Inc. – (One Additional Accessible Curb Ramp) – Safe Routes to School-Central in an amount not to exceed \$1,050.

MR. DVORYAK MOVED TO AUTHORIZE CHANGE ORDER REQUEST NO. 2 FOR THE SAFE ROUTES TO SCHOOL – CENTRAL IN AN AMOUNT NOT TO EXCEED \$1,050. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

G. Authorization to Advertise for Sealed Bids: Manhole Rehabilitation Project.

HOLMAN Mr. Holman stated that this had been previously discussed as part of the East/West Interceptor work but not part of the contract for sewer rehabilitation. It must be done as a separate contract. He asked Mr. Crabill for further explanation.

CRABILL Mr. Crabill responded that the work is specifically for the manholes.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ADVERTISE FOR SEALED BIDS FOR THE MANHOLE REHABILITATION PROJECT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

H. Authorization to Award Bids for the Sale of Used Township Vehicles as outlined in the July 17, 2009 memorandum from the Director of Public Works for a total amount of \$16,421.

HOLMAN Mr. Holman indicated that the used vehicle bid program had been very successful. The township received bids in the amount of \$16,421 for some very old police vehicles and an extremely old truck.

MR. DVORYAK MOVED TO AUTHORIZE AWARDDING THE BIDS FOR THE SALE OF THE USED TOWNSHIP VEHICLES AS OUTLINED IN THE JULY 17 MEMORANDUM. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. SD-05-13 – Market Street Commons Add-on Lots - 7/26/09 (Action)

B. LD-05-18– Market Street Commons Add-on Lots - 7/26/09 (Action)

BAUGH Mr. Baugh provided background information for the plan located on Commons Drive between Market Street and Eastern Boulevard. The plan proposed to develop three lots, two of which are in the Commercial-Highway District and will consist of a 1,500 square foot retail sales building, 247 mini-storage units and 30 townhouses. Additional information was provided in the July 23, 2009 briefing memorandum. Planning Commission had recommended the waivers and conditions. Mr. Baugh provided a PowerPoint overview of the plan showing the location, zoning district, aerial view, pathways, overall and additional site plans.

BISHOP Mr. Bishop asked whether the waivers and conditions applied to both the subdivision and the land development plans.

BAUGH Mr. Baugh responded that the two are moving through as one plan.

LUCIANI Mr. Luciani added that they have separate numbers and have separate sheets. They moved through the process together and the subdivision plan creates the three lots and the roadway. The land development plan covers the improvements on the individual lots. The documentation for the subdivision is SD-05-13, and the land development is LD-05-13. The waivers and conditions apply to both segments.

BISHOP Mr. Bishop asked Solicitor Rausch for his opinion concerning the proposal for both the subdivision and land development for one motion each.

RAUSCH Solicitor Rausch asked whether the subdivision portion is all part of the one plan.

LUCIANI Mr. Luciani responded that they are separate sheets with separate signature pages, but they will be recorded at the same time. He added that those notes appear on each of the plans.

RAUSCH Solicitor Rausch suggested referencing both of the numbers in the motion to make it clear that the approval is for both and the waivers and conditions apply to both.

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Solicitor Rausch asked whether it was part of the original Market Street Commons.

LUCIANI Mr. Luciani provided some history. He stated that approximately two years ago Hoss's offered to sell the piece of ground to Pasch. A subdivision was done, and one of the conditions was to cut the road through from Market Street to Eastern Boulevard. It took some time from 2005 to get the DEP stream crossing permit. That was a condition of Hoss's that took it out of the equation. Hoss's and this residual tract were two lots. With this plan they are creating three additional lots plus the roadway.

RAUSCH Solicitor Rausch asked whether this will have its own stormwater.

STAHLMAN Mr. Jerry Stahlman reported that the tract has a stand-alone stormwater system. The townhouses along Eastern Boulevard have a facility adjacent to it and there is a separate basin for the storage facilities in that small 1,500 sq. ft. structure.

RAUSCH Solicitor Rausch commented that it stands alone from the original Market Street Commons property. It is not being combined with that tract. He wanted to make sure that this tract isn't using facilities that are on another tract and that everything is self-contained with this plan and no cross easements are necessary.

STAHLMAN Mr. Stahlman confirmed that was correct in that it is not combined.

PASCH Mr. Tim Pasch added for clarification that the storage and the small 1,500 sq. ft. doctor's office is what he purchased from Hoss's. The tract piece was a separate lot he purchased from another party. That was already a lot and when Hoss's was ready to sell they decided to buy. The township was nice enough at that time to approve a subdivision.

HOLMAN Mr. Holman asked whether this would be the last parcel in this package of land.

BAUGH Mr. Baugh confirmed that it is the last parcel for Market Street Commons.

MR. BOWMAN MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-05-18 AND SUBDIVISION PLAN SD-05-13 MARKET STREET COMMONS ADD ON LOTS, TO APPROVE THE PRELIMINARY PLAN WITH THE TWO WAIVERS AND THE FIVE CONDITIONS LISTED ON THE SUPERVISORS MEMO DATED 7/23/2009. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. LD-07-08 – Heritage Hills (Action)

BAUGH Mr. Baugh stated that Heritage Hills is located at 2700 Mt. Rose Avenue. The plan proposed an expansion of the hotel facility, a waterpark and parking areas. Construction will include an additional 119 hotel rooms, a seven level parking deck with the waterpark located below the deck and there will be conference rooms. Background information is documented in the briefing memorandum dated July 23, 2009. Variances were granted by the Zoning Hearing Board to

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allow construction in steep slopes, commercial parking in an R-2 zone, building lead to exceed 200 feet and to reduce the number of required parking spaces by 64 spaces. The preliminary plan was initially approved by the board in January 2009 with the changes in the levels from three levels to seven. The water park was changed from on top of the parking to below it. The Planning Commission recommended approval of the revised plan in June 2009, which is being considered this date with the waivers and conditions attached to the approval of the plan. Heritage Hills is split between two townships. The zoning districts adjacent to it are commercial and residential. Mr. Baugh provided an overview of the project with some aerial photos showing the Township line, the hotel project, site plan, a rendering of the site plan as it will be on completion of this project. The top is the existing hotel and the proposed extension to the right and the bottom is a rendering of the elevation after it is completed.

BISHOP Mr. Bishop asked whether this will change anything with respect to the traffic issues and the traffic light.

BAUGH Mr. Baugh responded that traffic will be the same. This just relates to the water park, which is now below instead of above the parking.

HOLMAN Mr. Holman stated that the Development Agreement is being revised to reflect PennDOT's certification that the intersection meets the warrants for the light and that will be on the August agenda. There are conditions that are included that will not be needed, along with alternates if the light was not going to be approved. Since the light is going to be approved by PennDOT that was cleaned up and Solicitor Rausch's office is doing the final review.

LUCIANI Mr. Luciani indicated that the purpose of the revision is that change and a little bit of stormwater going through Springettsbury versus York Township.

BAUGH Mr. Baugh added that they no longer need York Township's approval because of that.

RAUSCH Solicitor Rausch asked whether there was going to be a separate parking garage and whether that was the reason for going up to seven levels.

GOOD Mr. Keith Good of Calabrese Architects stated that the parking deck actually went under the waterpark. They were trying to construct the waterpark on top of the deck, but with some structural issues they revised the plan and lowered the total height of the structure, moved the water park to the grade level, then added more levels in a smaller footprint of the parking garage. So it's the same overall footprint with a minor bump out in the front with the same number of spaces, just reconfigured.

RAUSCH Solicitor Rausch asked whether the other area remains designated for parking.

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- GOOD** Mr. Good responded that they do have that other area designated for parking. He pointed out the areas on the right side, at the bottom front elevation, and all on the right side, whereas it previously was underneath the waterpark.
- MACNEAL** Attorney Stacey MacNeal stated that she thought Solicitor Rausch was referencing a discussion about a future deck on the other side of the hotel, which was removed before the preliminary plan approval.
- RAUSCH** Solicitor Rausch questioned how with the previous same footprint there could only be three levels, which are now expanded to seven.
- GOOD** Mr. Good responded that it had been a larger footprint. The parking actually was consolidated.
- BOWMAN** Mr. Bowman asked why the number of parking places was reduced by 64.
- GOOD** Mr. Good responded that it was because of the way the old Zoning Ordinance calculated spaces. It didn't really account for a mixed use type facility, where there are a lot of different uses that happen a lot of different times of the day. They used guidelines from the new Zoning Ordinance which is written much better for a facility such as this and calculated spaces in a different manner. We exceed the new Ordinance requirement by approximately 100 spaces. The old Ordinance was very vague and didn't account for golf courses.
- BISHOP** Mr. Bishop asked about the implications of this for the current main entrance and how it would change.
- GOOD** Mr. Good responded that the current main entrance will be going to a right in, right out intersection when the signal is installed.
- BISHOP** Mr. Bishop asked what was being done to prevent people from turning left when they come out.
- GOOD** Mr. Good responded that there will be a very severe concrete porkchop island.
- MACNEAL** Attorney MacNeal stated that it hadn't changed and is the same design as was on the preliminary plan.
- GOOD** Mr. Good added that the site circulation is the same as it was in the preliminary plan.
- LUCIANI** Mr. Luciani commented that it was addressed in the Developer's Agreement.
- RAUSCH** Solicitor Rausch asked whether there is a construction schedule.
- GOOD** Mr. Good responded that the tentative start is late this year (2009).

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- BISHOP** Mr. Bishop asked Mr. Baugh to put the date and when the time expires on a project on the briefing memorandum.
- BAUGH** Mr. Baugh responded that he would add that for future meetings.
- BISHOP** Mr. Bishop asked whether the date is known in this case.
- BAUGH** Mr. Baugh stated that in this case since it is a revision he did not believe the MPC provided a drop dead date.
- RAUSCH** Solicitor Rausch noted that it would still be 90 days from the date of the revised plan file.
- MACNEAL** Attorney MacNeal commented that they did not know the date either.

MR. DVORYAK MOVED WITH REFERENCE TO LD-07-08 HERITAGE HILLS TO APPROVE THE PRELIMINARY/FINAL PLAN WITH THE FOLLOWING WAIVER: APPLICANT WILL SUBMIT A PRELIMINARY/FINAL PLAN. MR. DVORYAK MOVED WITH REFERENCE TO LD-07-08 HERITAGE HILLS TO APPROVE THE PRELIMINARY/FINAL PLAN WITH CONDITIONS 1 THROUGH 14 AS OUTLINED IN THE STAFF SUMMARY. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

- DVORYAK** Mr. Dvoryak reported that he and Mr. Holman held a phone conference with representatives from Conrad-Siegel regarding the revisions to the Investment Policy Statement and the other work the township contracted them to do. A special meeting will be scheduled to review their findings.
- HOLMAN** Mr. Holman stated that he had responses from two board members so far and he will follow up with the others.
- BISHOP** Mr. Bishop indicated that a written report will be submitted, which will be distributed to the board, along with a summary of the report.
- BOWMAN** Mr. Bowman stated that he understood that work is being done on the trees in the parks. He reported that he had noticed several trees at Kingston Park have a decent amount of dead wood. He stated that it was very obvious, but perhaps the crew had not done work yet at that park.

9. SOLICITOR'S REPORT

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

10. MANAGER'S REPORT

- HOLMAN** Mr. Holman stated that he had nothing further to add to his submitted report.

11. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 09-45 – Designating James Baugh as the Township’s Building official and Angela Liddick and John Luciani, P.E. as Deputy Building Officials, respectively.**

HOLMAN Mr. Holman congratulated Mr. Baugh, who again had obtained his Building Code Official designation. The other two officials remain the same.

MR. BOWMAN MOVED TO APPROVE RESOLUTION NO. 09-45 - DESIGNATING JAMES BAUGH AS THE TOWNSHIP’S BUILDING OFFICIAL AND ANGELA LIDDICK AND JOHN LUCIANI, P.E. AS DEPUTY BUILDING OFFICIALS RESPECTIVELY. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Resolution No. 09-46 – Accepting the Offer of Dedication from Joseph and Sally Calderazzo for Sanitary Sewer Easements for Property along Stonewood Road.**
- C. Resolution No. 09-47 – Accepting the Offer of Dedication from American Hydro for Right-of-Way along Stonewood Road.**
- D. Resolution No. 09-48 – Accepting the Offer of Dedication from Joseph and Sally Calderazzo for Right-of-Way along Stonewood Road.**

HOLMAN Mr. Holman noted this was discussed in Mr. Luciani’s report. There was a plan in 1991 in which right-of-way was offered to the township and dedicated to the township dealing with Stonewood Road. The township needed to take formal action to accept that resolution in order to have it placed in the county records so the state can continue with the Stonewood Bridge project to relocate some of the sewer mains as part of that project. He also noted this would apply to the next three resolutions as well.

LUCIANI Mr. Luciani commented the agreement was from Joe and Sally Calderazzo and Mr. Calderazzo had since passed away. The agreement lists “and assigns” which means that the current property owners are obligated to dedicate that right-of-way.

HOLMAN Mr. Holman noted that it is on the plans and documented. It is within the acceptable time frame for the township to accept the plans.

RAUSCH Mr. Rausch confirmed that the resolution references the recorded plan.

MR. BOWMAN MOVED TO APPROVE RESOLUTIONS NO. 09-46, 09-47 AND 09-48– ACCEPTING DEDICATION OF RIGHTS-OF-WAY ALONG STONEWOOD ROAD. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- E. Resolution No. 09-49 - Authorization to Enter into Contribution Agreement with PennDOT for Improvements to the Intersection at East Market Street and Mt. Zion Road.**

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HOLMAN Mr. Holman indicated they have completed discussions and negotiations with the state. The state had asked to take over the Market Street/Mt. Zion intersection improvement as part of their Route 462 improvement from Market Street to Locust Grove Road. As part of this agreement, the township would make a contribution to the state. An agreement had been received, which the Solicitor had reviewed. There is one change to that agreement. Mr. Luciani finished discussions with the state this date, and as opposed to contributing \$562,000 the township will contribute \$500,000. The state agreed that it would be sufficient to do that project. This will also save the township the cost of completing and paying for the HOP permit and all the inspections. Their plans are to be out to bid in October which would indicate the construction to be in February 2010. Some of the utility telephone poles are being moved presently.

LUCIANI Mr. Luciani indicated he spoke with Verizon, which is aggressively relocating their line. Met Ed is involved as well.

HOLMAN Mr. Holman noted that funds are available in the Development Authority Fund. They have an agreement with them to transfer this over to the township and it was part of the original IFIP program. It's just taken a number of years to get to this point.

BISHOP Mr. Bishop noted they have a draft of the agreement which will be adopted as Resolution 09-49.

MR. DVORYAK MOVED TO APPROVE RESOLUTION 09-49 WITH THE AMENDED AMOUNT OF \$500,000 ON PAGE TWO. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Davies Drive Rail Crossing

HOLMAN Mr. Holman reported that they received the decision from the Administrative Law Judge. The decision was not in the township's favor. The Solicitor and county solicitor are preparing exemptions to that decision which will be forwarded by July 24th. The township will continue pursuing this as it is an extremely important project.

RAUSCH Solicitor Rausch stated that the biggest problem he had with the Administrative Law Judge's decision is that the action puts a burden on the township that can never be met. The Judge basically stated that the township is creating another at-grade crossing and, therefore, there is a possibility that there will be train vehicle collision, even though the at-grade crossing will be built in compliance with all Federal safety standards. Solicitor Rausch hoped the PUC Commission will not apply that same standard.

HOLMAN Mr. Holman stated that with the crossing in place, it would move a minimum of 4,000 cars off of Market Street over towards the Concord Road corridor which

would help reduce the congestion on Market Street. Mr. Holman did not believe the Judge really addressed or recognized that aspect.

BISHOP Mr. Bishop asked whether there was anything further that could be done legislatively or from a lobbying standpoint.

HOLMAN Mr. Holman responded that the legislators had been contacted and a meeting will be held with them to review this matter.

RAUSCH Solicitor Rausch added that an additional item he found extremely irritating was that the township is expending funds and working towards improving the Market Street / Mt. Zion intersection and also the intersection at Mt. Zion / Concord Road. It now appears as though the township is being punished for that because they are indicating that through making those improvements that would lessen traffic congestion, and therefore, there won't be a need to get traffic off of Market Street.

B. East/West Interceptor Rehabilitation Project

HOLMAN Mr. Holman reported that during a previous Board of Supervisors meeting, there had been a discussion surrounding the relining of the East/West Interceptor. The board raised the issue that the contract previously issued was over a year old and to double-check to make sure that the prices in that contract were still competitive. Mr. Crabill did obtain additional different quotes with regard to the same size pipe, as well as an 18-inch sewer pipe that was somewhat smaller. Based on those prices the bid quotes were still very competitive; \$120 per linear foot is right on target. York Sewer Company had a bid on an 18-inch sewer pipe relining that was \$127 per linear foot. Utility Services Group quoted at \$125 per linear foot and Insitu Form Technologies quoted at \$120 per linear foot. He thanked Mr. Crabill for that information.

HOLMAN An authorization from the Board to proceed with the project. The total amount of the project would be \$650,000. As noted previously the funds were put aside for this just in case this project needed to be done.

BISHOP Mr. Bishop noted that the project as described was in the packet last month and again was placed in the packet this month.

MR. BOWMAN MOVED TO AUTHORIZE EAST/WEST INTERCEPTOR REHABILITATION PROJECT NOT TO EXCEED THE AMOUNT OF \$650,000. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop provided an update noting that the main activity of the taskforce at this point is to attempt to apply for state grant to fund a study of police consolidation. It is anticipated that if a grant of \$25,000 is attained that it will be matched locally with another \$25,000 and \$50,000 is roughly the amount of the

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

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anticipated study. In order to apply for the grant, two municipalities are required to come together and apply for the grant with one municipality as the lead agency. At the last meeting it was agreed that the City of York and West York Borough would be the two municipalities and that West York Borough would be the lead agency. Subsequently, the president of West York Borough Council quit and at the last YorkCounts meeting the new president of Borough Council and the police chief attended but were not certain what had been committed. At this point there is one municipality committed and the West York folks do not believe they have enough votes to get the entire Borough Council to approve it.

Mr. Bishop indicated that the Springettsbury board members were very interested in who the consultant was likely to be. The consultant that YorkCounts wants, PERF, came and spoke to the group. They are currently doing a study in Berks County for combining all the police in Berks County. It is understood that there is no one else that does this kind of work and that this is the best group. The taskforce continues to meet but is not moving very quickly.

DVORYAK Mr. Dvoryak asked when the Berks County study will be finished.

BISHOP Mr. Bishop responded that when they attended the May meeting, they were just about ready to release it. They couldn't talk about specifics because it had not been approved. However, there is a draft out now, which the taskforce has not seen. That process is being driven by the County Commissioners. What they did say was that they had come to the conclusion that their recommendation will be along the lines of having five regions in the county, one of which would be the center of the county, which is the center city and then the north, south, east west region around that.

13. NEW BUSINESS

There was no New Business for discussion.

14. ADJOURNMENT

BISHOP Vice Chairman Bishop adjourned the meeting at 7:55 p.m.

Respectfully submitted,

John Holman
Secretary

ja

**SPRINGETTSBURY TOWNSHIP
PUBLIC HEARING**

**JUNE 25, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Public Hearing on Thursday, June 25, 2009 at 6:30 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS

IN ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
Nick Gurreri
Mike Bowman
George Dvoryak

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
Jim Baugh, Community Development Director
John Luciani, Civil Engineer
Jean Abreght, Stenographer

A. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 6:30 p.m. He stated the purpose of the public hearing was to take public comment related to a pending change to the Floodplain Ordinance. The work was done in conjunction with some activity by the Army Corps to bring the Floodplain maps into compliance with theirs.

B. NEW BUSINESS

A. Ordinance No. 09-07 – Amending Article XVIII “F-P Floodplain Overlay” of the Springettsbury Township Zoning Ordinance to Update Floodplain Management Regulations.

LUCIANI Mr. Luciani introduced Matt Montgomery, a Lehigh Engineer, from First Capital. He had assisted Mr. Luciani with creating a PowerPoint presentation. Mr. Luciani asked Mr. Montgomery to proceed with the presentation following which they offered to answer any questions. He indicated the ordinance update will be required of every community in York County.

MONTGOMERY Mr. Montgomery stated that the presentation would highlight some of the changes between the new FEMA maps and the new ordinance. The following information is summarized:

- Floodplain Ordinance Revisions
- National Flood Insurance Program (over 20,000 participating communities)
- Timeline – FEMA began project August 2008; must be completed by September 25, 2009

- Effects of Non-participation in NFIP – Federal flood insurance and disaster assistance unavailable; no federal grants/loans available in hazard areas
- Key Definitions Added – Flood Proofing, Floodway, Uniform Construction Code
- The Floodplain – 100 year floodplain
- Key Sections Added to Ordinance
- Application Procedures Revamped
- Start of Construction – Begin within 6 mos.; complete within 12 mos.
- Watercourse Alterations
- Identification of Floodplain Zones
- Reference Monuments
- Technical Provisions
- Special Requirements
- Floodproofing
- Floodplain Map Changes

SCHENCK Chairman Schenck questioned raising the elevation within the floodway by more than one foot and whether the parameters were the height, the fill or the water.

MONTGOMERY Mr. Montgomery responded that it was the water elevation.

LUCIANI Mr. Luciani added that within the floodplain the elevation cannot be raised by more than one foot. Within a floodway there can be no increase in elevation.

C. PUBLIC COMMENTS

SCHENCK Chairman Schenck called for any public questions or comments. He asked whether there had been an evaluation of any existing properties previously not in the floodplain, which are now, and whether there is any obligation to notify the owners.

LUCIANI Mr. Luciani responded that an area of potential concern was along 83 in Olde East York off of Eastern Boulevard around Manheim Street where there are 10 to 15 houses. That floodplain did not change at all. However, there might be a question of the purchase of flood insurance. There is a very slight modification, but the maps are models, all of which could be challenged. If someone were to challenge the maps, they would have to submit more documentation than FEMA did and it is done through a process called LOMA or LOMR. He briefly described the process.

HOLMAN Mr. Holman added that they had been studying the maps for eight months working on this process to assure its accuracy. Both the federal and state DEP's have reviewed the ordinance as proposed and Solicitor Ehrhart received the letter of recommendation dated June 9, 2009 from York County Planning Commission recommending adoption as a whole. A review was made of any additional housing or property that might be impacted but did not find anything that changed through the aging process.

SCHENCK Chairman Schenck indicated that he had read the county comments.

HOLMAN Mr. Holman stated that the public hearing and ordinance had been advertised in accordance with law and the ordinance was listed on the Agenda for the board's consideration this date.

SCHENCK Chairman Schenck thanked Mr. Montgomery for a good presentation. He opened the floor for any additional comments from the public or the board. There were no further comments.

D. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the public hearing at 6:45 p.m.

Respectfully submitted,

John Holman
Secretary

ja

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JUNE 25, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, June 25, 2009 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
George Dvoryak, Secretary/Treasurer
Mike Bowman
Nick Gurreri

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
David Wendel, Director of Parks and Recreation
Jack Hadge, Finance Director
David Eshbach, Chief, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER:

SCHENCK Chairman Schenck called the meeting to order at 7:05 p.m. He apologized for the late start. He asked Mr. Gurreri to lead the Opening Ceremony.

A. Opening Ceremony

GURRERI Mr. Gurreri greeted the attendees and encouraged everyone to attend the Sounds of Summer Concerts in the park. He congratulated Mr. Wendel for the great job being done with the concerts and the entire recreation program. He led the Pledge of Allegiance.

SCHENCK Chairman Schenck commented that he had attended the concert on June 24th and he wanted to make sure to acknowledge the Recreation Department, and in particular, David Wendel's leadership. During the evening, not only was there a concert, but also every facility in the park was being used: the playground, roller rink, basketball, tennis, football fields, and Little League, and it was really inspiring from his perspective. He thanked Mr. Wendel and his team.

3. ANNOUNCEMENT OF EXECUTIVE SESSIONS:

SCHENCK Chairman Schenck apologized for the late start to this meeting and indicated that an Executive Session was held just prior to discuss legal issue surrounding a forensic audit of the tax collector and any potential litigation that might come as a result.

3. COMMUNICATION FROM CITIZENS

Eagles Nest Parking – Hartford Road

KLINEDINST Donald Klinedinst, 2580 Hartford Road brought forward the subject of a parking situation of the Eagles Nest employees and patrons parking their cars on his street. He identified several problem issues: major congestion, garbage including broken bottles and cigarette butts left in the street, individuals changing clothes, public urination. He understood that parking was provided for employees on the Eagles Nest property. He stated that, in the past, situations of this nature were taken care of immediately, but in this case nothing had been done.

SCHENCK Chairman Schenck stated that he was aware of complaints, and Mr. Holman, the Township Manager had reported enforcement activities, as well as commitments from the establishment’s owner to rectify the problem. He was not aware of any recent communications or any inspections.

HOLMAN Mr. Holman responded that he had been dealing with the issue with the Solicitor in an attempt to get it resolved.

KLINEDINST Mr. Klinedinst questioned whether any zoning ordinance could provide some direction to have the employee’s park on the restaurant parking lot.

HOLMAN Mr. Holman responded that the ordinance indicated that the owner must have a specific number of parking places for patrons and employees, but it does not require that they be set up as employee parking.

KLINEDINST Mr. Klinedinst suggested a two-hour parking limit on the street. He added that there was no need for 14 cars to be parked on the street. A motorist at the end of the block must wait to see if it’s clear to go down to Milford Lane.

HOLMAN Mr. Holman indicated he was aware of nuisance complaints and the Police Chief had placed a priority on enforcement.

KLINEDINST Mr. Klinedinst stated that he had called the police several times with loud talking and noise disturbing the peace in the neighborhood. He had been confronted by a patron using foul language during a children’s outing at his home. He wondered about the restaurant being in a non-conforming area.

SCHENCK Chairman Schenck asked whether township officials had met with the owner of the Eagle's Nest.

HOLMAN Mr. Holman responded that they had.

SCHENCK Chairman Schenck stated that, to him, it was a personal responsibility issue. He thought that the owners had committed at least verbally that they would have their employees park on their property.

RAUSCH Solicitor Rausch stated that there are no enforcement tools available to directly handle the situation. However, they are working on an angle with reference to a Building Permit that the Eagle's Nest applied for to add a deck. They will attempt to connect that with the employees parking on the lot. He understood Mr. Klinedinst's frustration.

DVORYAK Mr. Dvoryak asked Solicitor Rausch whether there might be some other options to consider, such as those that were used involving permit parking at Central High School.

RAUSCH Solicitor Rausch responded that a Traffic Study would need to be done in order to provide justification. However, that regulation would apply to all the residents as well if a two-hour parking limit was imposed.

BISHOP Mr. Bishop commented that the situation at Central was very similar, and with the permit, the two-hour limit applied in that situation. Some relief was provided for the residents in that they could use their street, but other people could not.

HOLMAN Mr. Holman added that the parking restriction there dealt with early morning hours Monday through Friday for two hours during the time the students were coming to school to make sure they didn't park there. Following that time period there were no restrictions.

KLINEDINST Mr. Klinedinst indicated he hoped that the township officials could do something about the problem.

SCHENCK Chairman Schenck assured him that they would be addressing it.

HERNANDEZ **Rockburn Playground – Tree Hazard**
Dave Hernandez, 1843 Wallace Street, brought forward an item concerning a rotted tree in the area in front of Rockburn Playground. He considered the tree to be hazardous. He had discussed the issue with Just Cabinets. He asked that something be done.

SCHENCK Chairman Schenck thanked Mr. Hernandez and indicated that Mr. Baugh would follow up.

Water Runoff – 2067 Mt. Zion Road

LITTLE John Little and his wife Rosemary, 2067 Mt. Zion Road, brought forward an item concerning runoff water in their back yard from the Woodlands Development. He reported that there are six houses right behind them with spout water running off the roof that goes underground and then runs into their back yard. The Little's requested that someone review the problem to see if something could be done.

LUCIANI Mr. Luciani noted the address at 2067 Mt. Zion Road, telephone 757-3724.

SCHENCK Chairman Schenck responded that Mr. Luciani would perform a field inspection and determine whether the storm system is working as it was designed.

LITTLE Mr. Little commented that there is a swale, but he didn't think the water ever gets to it.

SCHENCK Chairman Schenck thanked him and stated that Mr. Luciani would be in contact with him.

Neighborhood Problems

ALLISON John Allison, 318 Maywood Road, brought forward a number of problem issues in his neighborhood. A summary of his report follows:

- Escalation of problems in an adjoining house including dogs barking and running loose, loud music, people high on drugs and drunk.
- Threats to him by one individual living in the house.
- Discussion of the issues with the police; no solution.
- Drug bust had taken place.
- Fire in the back yard; burning mattress with gasoline.
- Fire reported but there is no record of it and no fines levied.
- Inappropriate approach by adults to teenagers.

SCHENCK Chairman Schenck thanked Mr. Allison for all the information. He noted that the Police Chief was present and had heard the comments. Chairman Schenck added that he serves on the board of the fire company, and he was interested in the time frame of the mattress fire.

ALLISON Mr. Allison responded that initially he thought it was just a few weeks ago, but it could have happened in May.

SCHENCK Chairman Schenck stated that when things get to what Mr. Allison believes are illegal activities, the police always like to know what's going on. He added that they couldn't be everywhere.

Weight Restrictions, Trout Run Road; Pot Holes, Deininger Road

STUHRE Charles Stuhre, 3680 Trout Run Road, brought forward two items. He had previously requested placing a weight restriction on Trout Run Road. He noted that there had been a number of heavy trucks traveling on the road. He noted that Trout Run Road is a dirt road with an inch and a half of asphalt over the dirt, which cannot accommodate heavy trucks. He asked about the status of his concern and request for a weight restriction on the road.

Mr. Stuhre's second concern was a large manhole drop on Deininger Road located about 300 feet short of Ridgewood Road. He thought he had blown a tire when he drove over it. Another manhole drop is located directly across from the Rutters store. He wondered why the paving machines only pave to a certain level and why the manhole covers aren't placed at that level.

SCHENCK Chairman Schenck responded that PennDOT has a particular process to pave and then adjust the manholes after the fact. He added as far as Deininger Road, that being a township road, they will look at that one. Chairman Schenck added that they will look into the weight restriction request as well.

SCHENCK Chairman Schenck thanked all the residents for their comments. He stated that the board does appreciate all the information presented.

4. ENGINEERING REPORTS:

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill stated that he had provided his written report. He indicated pictures he had provided involved work on the aeration basin and the anaerobic selectors at the Wastewater Treatment facility. The project is going well and moving forward on schedule. Mr. Crabill stated that, as part of his report, Buchart Horn prepared a PowerPoint presentation regarding the East West Interceptor Rehabilitation. In the township's long range plan, it called for sections of the East/West Interceptor to be reviewed to determine areas needing attention. Buchart Horn was commissioned to televise it. The questionable areas include: Mt. Zion, new mall, York Container where the force main discharges flow to the gravity line. The pump station has periods of time where it doesn't run so 9,000 feet of force main has sewage sitting in it which builds up hydrogen sulfide. Measures had been taken to cut the hydrogen sulfide down, which seem to be work but damage seemed extreme. He provided PowerPoint views of the three sections and the damage. He provided one view of a pipe that had been lined. He identified the costs, which will come directly out of the sewer maintenance service contract, at about \$650,000. The costs are paid by the vertical foot at \$385.00. There will be some

miscellaneous expenses of about \$80,000, so total renewed pipe will cost \$730,000. This would have to be bid.

DVORYAK

Mr. Dvoryak asked whether this had been anticipated during the long range sewer planning study completed within the last two years.

CRABILL

Mr. Crabill responded that it had been specifically determined to be an area needing attention. It was what prompted the township to have Buchart Horn do a televised review.

HOLMAN

Mr. Holman noted that the 5,000 linear feet for \$650,000 would be covered under an awarded contract for maintenance of the line and is part of the budgetary considerations built in this year. He noted that an authorization would be needed for the manhole rehabilitation, which is well over the bid limit and not part of the existing sewer maintenance service contract. He added that it is well within the budgetary constraints of the sewer maintenance contract.

DVORYAK

Mr. Dvoryak asked whether it was ahead of schedule for that particular one.

CRABILL

Mr. Crabill responded that it would be good to have everything done at the same time.

BISHOP

Mr. Bishop indicated that the sewer maintenance contract is essentially a contract that locked in prices per foot but did not really commit anything beyond that. He asked whether any commitment was made to do a certain amount of work.

HOLMAN

Mr. Holman responded that the maximum amount authorized on the contract was \$980,000 over a three year period. No specific project was committed.

BISHOP

Mr. Bishop indicated that one of the benefits of that contract was that it locked in a price from about a year ago. He questioned whether locking in a price from one year ago still a benefit since things have changed. He added that just because money is in the budget and there is a contract indicating a certain price does not mean that it is the best deal.

CRABILL

Mr. Crabill responded that the price was in line with what they had seen on other projects, although every project is slightly different and everyone uses a slightly different product.

BOWMAN

Mr. Bowman asked why it was so much more for vertical linear foot.

CRABILL

Mr. Crabill responded that basically manholes are much bigger.

- BISHOP** Mr. Bishop indicated he did not know anything about this particular market. However, he added that everywhere else construction costs are coming in less than they were before.
- GURRERI** Mr. Gurreri commented that it might be a good time to go shopping.
- BISHOP** Mr. Bishop stated that he thought the board should trust the professional advisors but he would be cautious to just spend money because it was budgeted.
- HOLMAN** Mr. Holman understood his comment. The engineers had recommended that costs were in line with other current bids. In order to go out and bid, specifications would have to be put together, authorization to go out for bids, and that would add another \$15,000 to \$20,000 to the project costs.
- SCHENCK** Chairman Schenck asked whether there would be a way to qualify that. He wondered whether it would be asking too much to ask the successful bidder to provide evidence of recent jobs and itemize the costs. The price is for the size of pipe, length of pipe and number of cuts. He asked how specific the bid was to the process.
- CRABILL** Mr. Crabill responded that there are a number of different processes that were allowed in the bid. One was selected and shop drawings are in place.
- GURRERI** Mr. Gurreri noted that Mr. Bishop had a good point. Prices are coming in lower and the economy is tough right now.
- SCHENCK** Chairman Schenck asked about the timeline.
- HOLMAN** Mr. Holman responded that they would like to get started as soon as possible; however, he indicated it would be Mr. Crabill's decision.
- CRABILL** Mr. Crabill indicated that the pipe had been in that condition for a number of years.
- SCHENCK** Chairman Schenck asked whether they could provide some options on how to check prices.
- HOLMAN** Mr. Holman asked whether Mr. Crabill could provide recent bids for lining prices.
- CRABILL** Mr. Crabill responded that he could do that.

- SCHENCK** Chairman Schenck added that he did not think it would be necessary to write any new bid specifications. He asked whether there were any issues involved in delay.
- CRABILL** Mr. Crabill responded that it is following the normal process. The contractor that won that project had been in contact quite a lot because that project was \$1 million and he had to bond all that so he had a lot of money involved. He has done some smaller projects, but he had to get a pretty sizeable bond to cover all that and it ties up his bonding ability. He indicated he would talk to the Solicitor to see if there are any legal repercussions of putting it out to bid.
- RAUSCH** Solicitor Rausch indicated he would review the contract, which the township had solicited and the contractor had bonded.
- SCHENCK** Chairman Schenck commented that if the contractor had bonded it, it would seem as though the township was committed.
- CRABILL** Mr. Crabill noted that the language in the contract provides for a certain quantity of work on which to base the bid. However, there is a big caveat that does not guarantee any of the quantities. The standard is that it is done right from the start. That way they can be called at any point for an emergency.
- RAUSCH** Solicitor Rausch noted that he would like to review the contract for any exclusivity.
- SCHENCK** Chairman Schenck indicated that there were enough questions to wait a month to get additional information.

B, Civil Engineer – First Capital Engineering

- LUCIANI** Mr. Luciani stated that he had provided his written report. He had several updates summarized:
- Weight restrictions – PennDOT seminar to be held at Springettsbury Township 7/24/09. Process for properly bonding road to be discussed.
 - Smaller, rural townships deal with paving dirt roads.
 - East/West Interceptor – some erosion on back side of Concord Road
 - Harley Davidson had drainage issue. Met with PennDOT; overlay to Rt. 30 will provide for elevation. PennDOT work to be bid July 8th. Working to solve issue.
 - Market Street median – PennDOT wants to build everything; project to be let October 2009. Finances to be worked out; rights-of-way in place; utilities being relocated. Agreement to be put in place to document the plan.

- B&R #7, Safe Routes to School – good feedback with sidewalk work.
- Safe Routes to School, Haines Road – to be re-bid

Township Audit Report for Year Ending 12/31/08

SCHENCK

Chairman Schenck called on Mike Reiner of Sager Swisher and Co., LLP to present the Township Audit Report for Year Ending 12/31/08.

RINIER

Mr. Reiner provided a condensed audit report, the actual report of which had been provided to the board. He indicated there were four actual reports in the packet, two of which related to the Authority, a financial statement, and a DCED grant report. There is a Sewer Operation Audit in conjunction with the Inter-municipal Agreement. The top report is the township Financial Statements for the year ending December 31, 2008. He stated that the audit opinion did change. In the Qualified Opinion it is noted that there is a report not being presented, which involved the Springetts Ambulance Club. This report was not made available to the auditor. With the formation of the York Area United Fire and Rescue, that is no longer component unit of the township and is now elements of the joint government venture. They are not reflected in the audit. Financial data was put together from the fire company. That was shared with the township manager. The fund balance was restated as it related to the component units.

SCHENCK

Chairman Schenck asked Mr. Reiner if he had met with Don Eckert with regard to the fire company financial report.

RINIER

Mr. Reiner responded that he had, in fact, met with Don Eckert, Dick Layton and Mike Bashin and reviewed the information. Following the discussion and clarification, no changes were made to the auditor's figures. Mr. Eckert had one issue on his report; however, he was satisfied and signed the tax returns.

RINIER

Mr. Reiner continued his report for the management discussion analysis. The Manager's representation and numbers are verified in the financial statement and agree with the audit report. Mr. Reiner provided a detailed financial breakdown of the various fund balances. The financial statements changed slightly due to the removal of the Springettsbury Ambulance Club and the implementation of GASBE 45 for post-employment benefit reporting. Included are communications to the Board of Supervisors related to internal control. No difficulties were reported in performing the audit. There were no uncorrected or internal mis-statements, no findings, and no disagreements with management. All information and communications to do the audit were performed.

DVORYAK

Mr. Dvoryak asked him to clarify the qualified opinion in terms of whether that could impact future borrowing costs.

RINIER Mr. Reiner responded that the significance of the emphasis of financial records is that they actually do disclose in the notes what was actually removed from the financial statement. The fund balance was re-stated showing the removal of the Ambulance Club. The Ambulance assets last year were \$538,000 compared with a total township of \$94 million operation will not affect any financial borrowing. If the component unit is not controlled they are separate entities. Only under government county rules are they defined as reportable entities under the township. It's not uncommon to have component units that are not reported simply because having them doesn't mean control is exercised over them.

DVORYAK Mr. Dvoryak asked under what circumstances they would have to be qualified.

RINIER Mr. Reiner responded that they must be qualified because they are omitted. Under GASBE rules they are to be included. Because it wasn't available it had to be excluded, and it is considered a qualified opinion so it had to be stated that it was not there even though it is not significant. The statements of the township are clean.

HOLMAN Mr. Reiner did try his very best to get that information on the ambulance club.

SCHENCK Chairman Schenck stated that they understood that considerable effort was made. He stated he appreciated Mr. Reiner's report. Later on the Agenda the reports will be officially accepted at which time they become public documents. He thanked Mr. Hadge for his part in assisting the audit.

HOLMAN Mr. Holman stated that the audits will be transmitted electronically and will be available on the website.

5. CONSENT AGENDA

- A. Acknowledge Receipt of May 31, 2009 Treasurer's Report.**
- B. Acknowledge Receipt of March 17, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- C. Acknowledge Receipt of April 21, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- D. Board of Supervisors Regular Meeting Minutes – May 28, 2009.**
- E. B & R Construction Services, Inc. – Request for Payment No. 7 – Safe Route to School – Central in an amount not to exceed \$33,655.52.**
- F. Conewago Enterprises Inc. – Request for Payment No. 1 – General Contract WWTP BNR Improvements in an amount not to exceed ~~\$165,000~~ (\$165,447).**
- G. Regular Payables as Detailed in the Payable Listing of June 25, 2009.**

- H. Time Extension – SD-09-02 – Michael and Charlene Harvey – Plan Expires 6/30/09 (New Plan Date 9/30/09).**
- I. Time Extension – LD-07-11 – 84 Locust Grove Road – Plan Expires 7/11/09 (New Plan Date 10/11/09).**

MR. GURRERI MOVED TO APPROVE CONSENT AGENDA A THROUGH I. MR. BOWMAN WAS SECOND.

HOLMAN Mr. Holman noted one correction on item F, that number should read \$165,447 instead of \$165,000.

MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

A. Authorization to Advertise for Sealed Bids: Manhole Rehabilitation Project

HOLMAN Mr. Holman requested that item A be removed and held for a future meeting.

B. Authorization to Advertise by Sealed Bids the Sale of Various Township Used Vehicles.

SCHENCK Chairman Schenck asked about the target date for the vehicle sale.

HOLMAN Mr. Holman responded that it would be within the next 30 days to advertise to have sealed bids submitted. He was hoping to have the awards by the August meeting.

MR. GURRERI MOVED TO APPROVE AUTHORIZATION TO ADVERTISE FOR SEALED BIDS OF SALE OF VARIOUS TOWNSHIP USED VEHICLES. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. SD-05-08 – Orchard Hills – Revised with Cul-De-Sac – 7/24/09 (Action)

BAUGH Mr. Baugh presented an overview of SD-05-08 as documented in a June 25, 2009 memorandum. He indicated that the property is located south of Orchard Road and west of Witmer road. The project proposed to convert a stub street into a cul-de-sac street. The stub had been created originally on the basis of expecting a through street; however, the stub exists yet today. Planning Commission recommended approval of this plan with no waivers or conditions. He provided a PowerPoint review of the location map and zoning, street and proposed cul-de-sac.

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- SCHENCK** Chairman Schenck asked whether there were any issues related to the cul-de-sac being too long or radius too small and was it a conforming cul-de-sac.
- BAUGH** Mr. Baugh responded that the cul-de-sac conformed and the developer had acquired the additional property needed from the two adjacent landowners.
- BOWMAN** Mr. Bowman asked how that would be handled and whether there is written proof that it is clean with the land owners.
- LUCIANI** Mr. Luciani responded that, as Mr. Baugh had mentioned, the street was proposed initially to be a through street. That didn't appear to occur. Conewago is the owner of the property. Before they sold those lots they signed the plan as property owner and dedicated that area for the bulb. The cross street of that property was sold. They got the right-of-way from those people because when the township took over the road, it was necessary to be able to turn the snowplows around. The township was not interested in taking over the stub street as no liquid fuels could be collected.

MR. BOWMAN MOVED WITH REFERENCE TO REVISED SD-05-08, ORCHARD HILLS PHASE IV (MOUNTAIN LAUREL LANE) TO APPROVE THE PRELIMINARY/FINAL. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. SD-09-01 – KVM – 8/23/09 (Action)

- BAUGH** Mr. Baugh provided background information for SD-09-01, KVM Springettsbury SD as documented in a June 25, 2009 memorandum. The property is located north of Pleasant Valley and west of Mt. Zion Road. The plan proposed to take two existing tax parcels and convert them into three lots. Lot #1 is the Metso Minerals building previously approved and currently being built. Lot #2 involves a plan submitted for retirement housing, which is dormant at this time. Lot #3 likely will consist of another office building. At the May Planning Commission meeting they recommended approval of the waivers listed. Normally staff would not recommend such things as sidewalks and curbs and gutters. However, since this is a subdivision plan, when the land development plan comes in, that will be addressed because additional information will be known. They also moved to approve land development plan with the conditions that are listed on the memo. The difference in the waiver for preliminary plans has to do with making this a final plan. Under the approval the preliminary plan conditions are actually relating to supplying mylars and so forth. Mr. Baugh provided a PowerPoint overview showing the location and zoning districts, aerial view of the site, photos of the site, existing parcels of lots #1 and 2 and proposed lots.

- SCHENCK** Chairman Schenck asked whether the acreage change would affect the land development for the Metso building.
- BAUGH** Mr. Baugh responded that it would not. He noted that one of the reasons they wanted to make that lot smaller is they didn't need the space that they had with the original lot #1 for the Metso building.
- SCHENCK** Chairman Schenck asked whether the Metso project would conform on that lot if it were a fresh land development plan.
- LUCIANI** Mr. Luciani responded that coverage complies so in this subdivision they re-analyzed the impervious areas and setbacks . Lot 1 will be a conforming lot.
- BISHOP** Mr. Bishop noted that Lot 2 still has the frontage it needs.
- LUCIANI** Mr. Luciani responded that the intent is to have access both to Triplett Springs and Pleasant Valley Road.
- BISHOP** Mr. Bishop noted that they had not made that legal.
- RAUSCH** Solicitor Rausch stated that he had no problem on the waivers. He suggested including in the motion that the waivers are granted subject only until such time as land development on Lot #3 would take place. This action would provide for problems rising from granting waivers that are good forever.
- SCHENCK** Chairman Schenck noted that the language would stay with the land if the land were to change hands.
- RAUSCH** Solicitor Rausch responded that he was correct. The Developers Agreement provided at the time of the land development that the other access road would connect to Pleasant Valley.
- RAUSCH** Solicitor Rausch stated that under the ordinance a land development is a subdivision. He did not think that was the intent of the Developers Agreement. However, reviewing the language, he wanted to make sure that the record was clear. He did not want anything to be turned against the township to say that they had done a subdivision and it wasn't required, so now it is not necessary to do widening. He wanted to be sure that the record was absolutely clear that basically interpreting that language to mean an actual improvement on any of those properties.
- SCHENCK** Chairman Schenck asked for suggestions on how to do that.

RAUSCH Solicitor Rausch responded to indicate it in the record, as well as provide a Letter of Conditions to be sent to the developer that would make it clear.

HOLMAN Mr. Holman stated that there had been an exchange of correspondence with the developer's attorney on this and very clearly the township had stated anything further that occurs here including in any subdivision is considered a land development and would trigger the absolute requirement that they put in that segment. That language should be in the letter.

SCHENCK Chairman Schenck asked whether it could be inferred when indicating the development phase of the project on any of the three lots.

RAUSCH Solicitor Rausch responded that it should be referred to any further subdivision of any of those lots and that should cover it.

SCHENCK Chairman Schenck indicated that the addition of those words regarding the waivers should be included so it's clear. He asked whether the board was comfortable with the suggested text changes to the recommended motion with the understanding that would be the motion to reference in the memo.

RAUSCH Solicitor Rausch suggested making the motion to grant the waivers with the revised language.

MR. BISHOP MOVED TO APPROVE SUBDIVISION SD-09-01 KVM SPRINGETTSBURY TO APPROVE THE PRELIMINARY/FINAL PLAN WITH THE 8 WAIVERS AS AMENDED SUBJECT ONLY UNTIL SUCH TIME AS ANY FURTHER SUBDIVISION OR LAND DEVELOPMENT ON ANY OF THE LOTS AS DOCUMENTED IN THE JUNE 25 MEMO OCCUR AND FURTHER TO APPROVE THE PRELIMINARY PLAN WITH THE FOUR CONDITIONS AS LISTED IN THE SAME MEMO. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. LD-08-11 – York County Prison Parking Lot Expansion (Re-approval)

BAUGH Mr. Baugh presented information as documented in his June 25, 2009 memorandum, which encompassed a re-approval of a plan for the parking lot at York County Prison. They passed the 90 days to meet the conditions. It is now ready to be recorded so the motion is the same as previously approved in January.

MR. GURRERI MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-08-11 YORK COUNTY PRISON PARKING LOT EXPANSION TO RE-APPROVE THE FINAL PLAN WITH CONDITIONS 1 THROUGH 6 AS LISTED ON THE JUNE 25, 2009 MEMO. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. LD-08-15 – St. John's Church Addition (Re-approval)

BAUGH Mr. Baugh indicated that LD-08-15 involved the same situation where LD-08-15 was approved on December 18, 2008. The recommended motion is identical to that which was previously approved.

MR. DVORYAK MOVED, WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-08-15, TO APPROVE THE PRELIMINARY/FINAL PLAN WITH THE SIX CONDITIONS AS OUTLINED IN THE PLAN SUMMARY. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

BISHOP Mr. Bishop commented that he assumed that the township has a policy for handling trees, such as mentioned earlier during the meeting. He would be very interested in knowing of any plan where trees are regularly maintained, especially in the parks.

HOLMAN Mr. Holman responded that the trees are regularly maintained. There is a contract with an arborist. If a tree is not on township property, then it becomes a code violation. In the case of the Rockburn Street tree, the arborist will be brought in to look at it, and if it is an imminent hazard and the property owner does not take care of it, the limb will be cut and the property owner billed for that cost. No imminent hazard will be left unchecked.

BISHOP Mr. Bishop noted that, in that situation, the only thing that would trigger that would be some sort of complaint.

HOLMAN Mr. Holman responded that he was correct unless Charlie Lauer would notice it when he is around the township with his people. If they see something they report it and then it is handled. The trees in the park are regularly inspected.

9. SOLICITOR'S REPORT

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

10. MANAGER'S REPORT

HOLMAN Mr. Holman indicated he had emailed the board about a possible road trip on July 1 at 4 p.m. to look at the roads in the townships.

SCHENCK Chairman Schenck responded that it seemed okay with the supervisors and asked Mr. Holman to send a reminder to the board members.

11. ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 09-07 – Amending Article XVIII “F-P Floodplain Overlay” of the Springettsbury Township Zoning Ordinance.**

SCHENCK Chairman Schenck noted that a public hearing had been held earlier this date with regard to Ordinance 09-07.

MR. DVORYAK MOVED TO APPROVE ORDINANCE 09-07. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Ordinance No. 09-42 – PennDOT Manhole Grade Adjustments – Sherman Street (from Rt. 3 to Hammond Road).**

MR. GURRERI MOVED TO APPROVE ORDINANCE 09-42, PENNDOT MANHOLE GRADE ADJUSTMENTS. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- C. Resolution No.09-43 – Closing Out Community Conservation Partnerships Grant Project (Master Site Plan – Pleasureville Park, North Hills Parcel and Augustus Schaefer Park).**

SCHENCK Chairman Schenck noted that Mr. Wendel and Ann Yost were present to respond to any questions. He had only one comment and that related to Mr. Kearney’s offer for a right-of-way, which he had offered for many years.

HOLMAN Mr. Holman stated that he would prepare documentation in accordance with this plan.

MR. GURRERI MOVED TO APPROVE RESOLUTION 09-43 CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS GRANT PROJECT, PLEASUREVILLE PARK, NORTH HILLS PARCEL AND AUGUSTUS SCHAEFER PARK. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

- A. YorkCounts Public Safety Task Force Update**

BISHOP Mr. Bishop stated that there actually was no meeting. The next meeting will be held next Wednesday, July 1st. He reported that he was not optimistic that the Task Force was moving forward in any productive way the way it is configured at this time. He indicated that if this board is interested in talking about consolidating police forces, he had the impression that there are some individual police forces that would be interested in having that discussion. Mr. Bishop did not believe this board

had really discussed that. He added that this board has a better track record of being successful at that than anyone else.

13. NEW BUSINESS

A. Acknowledge Receipt of 2008 Audit Reports:

- 1. Springgettsbury Township Audit Report for Year Ending December 31, 2008**
- 2. Springgettsbury Township Sewer Operations Report for Year Ending December 31, 2008.**
- 3. Springgettsbury Township DCED Grant Report for Year Ending December 31, 2008.**
- 4. Springgettsbury Township Authority Audit Report for Year Ending December 31, 2008.**

MR. DVORYAK MOVED TO ACKNOWLEDGE RECEIPT OF 2008 AUDIT REPORTS AS LISTED IN THE AGENDA. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SCHENCK Chairman Schenck asked Solicitor Rausch whether the management letter, along with the audit reports, are all considered public documents.

RAUSCH Solicitor Rausch responded that the entire report is a public document.

B. Authorization to Advertise for Public Comments on Meadowlands Pump Station Project.

SCHENCK Chairman Schenck stated that item B is not a hearing that the township is required to hold but rather just a 30-day notice for people to come in and comment.

HOLMAN Mr. Holman indicated that this involves the Meadowlands drainage basin study that individuals could come in to review and make comments. There is no special meeting to be held by the board. He requested a motion to authorize providing the 30-day public comment period which will be advertised by the Secretary.

MR. GURRERI MOVED TO AUTHORIZE TO ADVERTISE FOR PUBLIC COMMENTS ON MEADOWLANDS PUMP STATION PROJECT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution 09-44 - Authorization to Apply for County Aid: \$35,000 in Liquid Fuels Funds.

HOLMAN Mr. Holman reported that this Resolution authorizes the township to apply for the liquid fuel funds.

MR. GURRERI MOVED TO AUTHORIZE RESOLUTION 09-44 TO APPLY FOR COUNTY AID: \$35,000 LIQUID FUEL FUNDS. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 8:50 p.m.

Respectfully submitted,

John Holman
Secretary

ja

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 28, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, May 28, 2009 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
George Dvoryak, Secretary/Treasurer
Nick Gurreri
Mike Bowman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
Scott Schriener, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Robert McCoy, Chief, YAUFRR
David Eshbach, Chief, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 7 p.m. He asked Mr. Gurreri to lead the Opening Ceremony.

A. Opening Ceremony

GURRERI Mr. Gurreri greeted the attendees and thanked the Boy Scouts for coming. He congratulated Mr. Holman on his wedding anniversary and congratulated Mr. Schenck on the birth of his granddaughter, Victoria.

SCHENCK Chairman Schenck indicated he was pleased to have the young men from Boy Scout Troop 20, which meets at the First Church of the Brethren in Springettsbury Township. They are working on their Communications Merit Badge and one of the requirements of that badge is to attend a public meeting. He asked the Scouts to lead the Pledge of Allegiance, which they did. Following the Pledge Chairman Schenck noted that the board would be happy to answer any questions they might have during the meeting.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. May 14, 2009 (following regular Board meeting) to discuss legal matters (Stine, Darrah and Doudrick).

SCHENCK Chairman Schenck announced that an Executive Session was held immediately following the May 14th meeting to discuss legal issues dealing with the Stine, Darrah and Doudrick cases; all were separate cases. No sessions were planned for this date.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill indicated he had submitted a monthly report.

DVORYAK Mr. Dvoryak asked whether he could obtain a copy of the HVAC study done on the police station.

HOLMAN Mr. Holman stated that he would provide Mr. Dvoryak with a copy.

B. Civil Engineer – First Capital Engineering

SCHRINER Mr. Schriner stated that he was representing First Capital in Mr. Luciani's absence. Mr. Luciani had provided his monthly report. He reported several additional comments. He spoke with Attorney Gettle's office with regard to Duron Paints. Attorney Gettle had some questions about what had been provided to Miss Noonan during the winter. He intended to get back with Miss Noonan and let her know that the window of opportunity for her to connect was starting to close because the Giant gas station was getting ready to be built. Mr. Schriner spoke with the state representative at DCED about the floodplain ordinance revisions and they are happy with the changes proposed and the document that the township prepared. It was good news that it cleared the state hurdle and currently is at YCPC for its mandatory review.

5. CONSENT AGENDA

- A. Acknowledge Receipt of April 30, 2009 Treasurer's Report.**
- B. Board of Supervisors Regular Meeting Minutes – May 14, 2009**
- C. Regular Payables as Detailed in the Payable Listing of May 28, 2009.**

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH C. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SCHENCK Chairman Schenck pointed out to the Scouts that with just one motion, \$420,000 was spent, and about half of that was payroll.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

A. B & R Construction Services, Inc. – Request for Payment No. 6 – Safe Routes to School-Central in an amount not to exceed \$7,760.15.

HOLMAN Mr. Holman reported that item A dealt with B & R Construction Services, Payment No. 6 for the project known as the Safe Routes to School-Central Sidewalk Project for a total amount of \$7,760.15. Liquidated damages had been assessed against the payment.

SCHENCK Chairman Schenck asked how many more billings would be expected.

HOLMAN Mr. Holman responded that he expected two more. The final payment will include the engineering inspection and other fees for which the township will be reimbursed through the grant. The state will be notifying the township on how the liquidated damages will be handled under the grant.

MR. BOWMAN MOVED TO APPROVE REQUEST FOR PAYMENT NO. 6, B & R CONSTRUCTION SERVICES, INC. FOR SAFE ROUTES TO SCHOOL - CENTRAL - IN THE AMOUNT NOT TO EXCEED \$7,760.15. MR. GURRERI WAS SECOND.

BISHOP Mr. Bishop asked why the item was not considered in the Consent Agenda.

HOLMAN Mr. Holman responded that payables of this nature are not normally included in the Consent Agenda.

MOTION UNANIMOUSLY CARRIED.

B. Authorization to enter into Amendment to Developers Agreement with Giant Food Store, LLC.

HOLMAN Mr. Holman reported that the item would amend the original agreement to include the condition statement forwarded by PennDOT to the township. The amendment requires the developer to acknowledge and agree to the condition statements submitted by PennDOT. The township's Developers Agreement will be amended in the future so that it will include that the developer must follow the condition statement as submitted by PennDOT if one is submitted. At this time it's just to include that as part of the agreement, and Giant Foods is in agreement with the change.

MR. GURRERI MOVED TO APPROVE AUTHORIZATION TO ENTER INTO AN AMENDMENT TO DEVELOPERS AGREEMENT WITH GIANT FOODS STORE, LLC. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Award Bids for 2009 Road Materials and Resurfacing Project.

SCHENCK Chairman Schenck asked whether the item had been properly reviewed.

HOLMAN Mr. Holman responded that it had been reviewed. A memorandum was provided to the board by Mr. Lauer with the recommendation of award. He noted that the costs are better than last year due largely to the drop in oil prices. However, PennDOT required a clause in the contract related to the escalation of fuel. He noted that the item covered the normal annual road and repair work.

MEMORANDUM

TO: John J. Holman, Township Manager
FROM:  Charlie Lauer, Director of Public Works
DATE: May 21, 2009
SUBJECT: 2009 Material and Resurfacing Project

1. I recommend awarding the bids for the following items to Emory J. Peters Excavating and Paving Inc.

12,000 sq yd of milling 0" to 3" @ \$ 1.75
2,000 tons 9.5mm super pave furnish and place @ \$ 58.97
600 tons 25mm super pave furnish and place @ \$ 53.04
13 manholes adjustments @ \$ 185.00 ea

2. I recommend awarding the bid for the following asphalt to York Building Products.

1,000 Ton 9.5mm super pave @ \$ 47.20 / Ton Delivered / FOB Plant \$ 43.20
500 Ton 19mm super pave @ \$ 42.95 / Ton Delivered / FOB Plant \$ 38.95
500 Ton 25mm super pave @ \$ 41.05 / Ton Delivered / FOB Plant \$ 37.05

3. I recommend awarding the bid for the following crushed aggregate to York Building Products.

500 Ton AASHTO # 1	@	\$ 9.95/ton delivered / FOB Plant \$ 7.45
500 Ton AASHTO # 57	@	\$ 9.95/ton delivered / FOB Plant \$ 7.45
1000 Ton 2A Crushed Aggregate	@	\$ 6.90/ton delivered / FOB Plant \$ 4.40
500 Ton 1/4" Inch Stone	@	\$ 10.75/ton delivered / FOB Plant \$ 8.25
1000 Ton Anti Skid	@	\$ 10.75/ton delivered / FOB Plant \$ 8.25

4. I recommend awarding the bid for surface treatments and joint sealing to the Roadite Division of Stewart & Tate Inc.

30,000 lbs Poly Patch	@	\$ 1.74 lb
30,000 lbs ASTM 1190 Joint Sealer	@	\$ 1.62 lb
700 Tons Latex Modified Asphalt	@	\$ 140.29 / ton
100 Tons Latex Modified Asphalt Type II	@	\$ 141.69 / ton
100 Tons Rut Fill	@	\$ 150.72 / ton

5. I recommend awarding the bid for curb, sidewalks, and handicap ramps to Kinsley Construction.

1600 Lineal ft. of Curb	@	\$ 24.12/ft
500 Lineal ft. of Sidewalk	@	\$ 22.05/ft
12 Handicap Ramps	@	\$ 1520.00 ea

MR. DVORYAK MOVED TO AUTHORIZE AWARDDING THE BIDS FOR 2009 ROAD MATERIALS AND RESURFACING PROJECT. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Reject Bids for York Suburban School District Safe Routes to School Project.

HOLMAN Mr. Holman stated that 180 days ago bids were received on the York Suburban School District Safe Routes to School, which is a sidewalk project along Haines Road. A notice and a letter was received from the state advising that because there was an email that went out to all the bidders saying that the number of handicap access ramps was changed that it should have gone out as a formal change order instead of an alternative change order. Therefore, they recommended that the bid be rejected and re-bid or else they will not fund the project. Unless the township wanted to fund the project, the bids must be rejected and the project rebid with the handicap ramp adjustment and new prevailing wage requirements.

SCHENCK Chairman Schenck noted that it seemed like a fairly minor change, but the state used words like “profound impact” and one handicap curb cut is almost immeasurable to the project.

MR. BOWMAN MOVED TO APPROVE AUTHORIZATION TO REJECT BIDS FOR YORK SUBURBAN SCHOOL DISTRICT SAFE ROUTES TO SCHOOL PROJECT. MR. GURRERI WAS SECOND.

DVORYAK Mr. Dvoryak asked how long this would delay the project from its original intended start date.

HOLMAN Mr. Holman responded that it was supposed to start in May. The state had been reviewing these bids for 180 days. Once the township rebids and bids are received, they will be submitted to the state and to the Federal Highway Administration again, and they will review the bids and award the contract. If the work could start within the next two months, it could be done during 2009. It is not a long project.

BISHOP Mr. Bishop asked how long the time period is for bidding.

HOLMAN Mr. Holman responded that it is not a long period; 21 days.

BISHOP Mr. Bishop noted there was significant confusion because they didn’t know how to bid.

HOLMAN Mr. Holman responded that they knew how to bid it. That's just what the state said in its letter. The state is concerned that the FHWA will not release the funds. Mr. Holman added that it was somewhat confusing.

MOTION UNANIMOUSLY CARRIED.

E. Authorization to Advertise for Bids for York Suburban School District Safe Routes to School Project.

MR. DVORYAK MOVED TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR YORK SUBURBAN SCHOOL DISTRICT SAFE ROUTES TO SCHOOL PROJECT CONTINGENT UPON REVIEW OF BID SPECIFICATIONS BY PENNDOT. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. Time Extension – SD-07-04 – Ridge View Heights – Plan Expires 6/13/09 (New Plan Date 9/13/09).

MR. GURRERI MOVED TO APPROVE TIME EXTENSION, SD-07-04 – RIDGE VIEW HEIGHTS, NEW PLAN DATE 9/13/09. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

Kingston Park Tree Maintenance

BOWMAN Mr. Bowman asked whether there is a maintenance program for trees in the parks. He commented that there are a few trees in Kingston Park that need attention.

HOLMAN Mr. Holman responded that he would ask Mr. Lauer to review the situation.

Town Center Project – Public Meeting

BISHOP Mr. Bishop reported that a postcard recently went out for the public meeting on the Town Center project to be held at the Springetts Fire Hall on June 15, 2009. He stated that it is an important opportunity for the public to comment on the current plans as they come together.

Union Negotiations – Fire Service

BISHOP Mr. Bishop commented on the YAUFRR and union negotiation contracts. He stated that it appeared that the likelihood of having a joint contract in the short term was very low. The township's contract expires at the end of 2009, and preparations should be made to begin negotiations on separate contracts. Mr. Bishop presumed that both contract negotiations would continue on a parallel tract. He was sure that Mr. Holman was aware of this, but he also wanted to be sure that the board members were up to date on the issue.

Credit Cards – Sewer Bills

GURRERI Mr. Gurreri mentioned the need to provide for credit cards to pay sewer bills. He learned of a program called Municipay, which could provide for credit card payments at no cost to the township. There is a convenience fee that the individual would pay. He provided the documentation to Mr. Holman.

Carroll/Plymouth Roads – Water Drainage

GURRERI Mr. Gurreri reported that a resident complained about water lying in the vicinity of Carroll and Plymouth Roads. He indicated that there is a drain there but it seemed too high to handle the water.

Newsletter

GURRERI Mr. Gurreri commented on the opportunity for residents to share their news in the newsletter, which he thought was a very positive item. There are a lot of people in the township who do impressive things.

9. SOLICITOR’S REPORT

RAUSCH Solicitor Rausch provided two updates. The Brief was filed on the Davies Drive matter. June 15th is the deadline for reply briefs and the Administrative Law Judge will render a decision. He hoped by the end of the summer a response should come as to whether it has been recommended for approval.

RAUSCH Solicitor Rausch noted that Monday, June 1st, is the hearing on the Stine matter and June 3rd will be the meeting regarding the tax collector situation.

SCHENCK Chairman Schenck asked who will attend the tax collector meeting.

HOLMAN Mr. Holman responded that the school district’s business managers and the attorneys will attend along with the township’s accountant, Boyer and Ritter Accountants.

10. MANAGER’S REPORT

HOLMAN Mr. Holman stated he had nothing further to report.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-06 – Establishing 15 MPH School Zone Speed Limits.

HOLMAN Mr. Holman reported that the ordinance had been advertised and was offered for consideration by the board.

BOWMAN Mr. Bowman asked whether the ordinance applied to every school.

HOLMAN Mr. Holman responded that different schools notify the township and indicate they have changed starting times. The township had requested that the schools notify the township by mid-summer in order to comply with necessary traffic studies and county requirements. There are two school districts plus a number of private schools within the township, and some are adjusted based on the individual schools.

MR. GURRERI MOVED TO APPROVE ORDINANCE NO. 09-06 ESTABLISHING 15 MPH SCHOOL ZONE SPEED LIMITS. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Advertise and Hold a Public Hearing on Proposed Amendment to the Zoning Floodplain Ordinance.

HOLMAN Mr. Holman stated that based on the advertising to be done, a public hearing could be held and the ordinance offered for consideration during the June 25, 2009 meeting of the Board of Supervisors.

SCHENCK Chairman Schenck suggested the public hearing could be held at 6:30 p.m. on June 25, 2009. He asked whether there would be an extensive presentation or just highlights.

SCHRINER Mr. Schriner responded that there would not be a presentation because the digital mapping had not been finalized. He offered to have the maps available that dated back to August during the initial comments. Mr. Schriner indicated the hearing would involve just a paper copy of the ordinance revision for discussion.

HOLMAN Mr. Holman added that there had been no significant changes in the floodplain mapping for the township. One of the areas of concern was the sewer plant and the new improvements being done. This will not, in any way, impact the sewer plant and both First Capital Engineering and Buchart-Horn had assisted with the review on the floodplain zoning ordinance. They had been working on it for about eight months.

SCHRINER Mr. Schriner indicated that the process began in August when the mapping first began. The review was done, and in January the next round of meetings were held with YCPC concerning the ordinances and deadlines, etc., which must be enacted by September, 180 days from the time that the township received letter from PEMA.

SCHENCK Chairman Schenck requested that the presentation would highlight the changes as it obviously is for public comment.

MOTION TO AUTHORIZE ADVERTISING TO HOLD A PUBLIC HEARING ON PROPOSED AMENDMENT TO ZONING FLOODPLAIN ORDINANCE. MR. DVORYAK WA SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

GURRERI Mr. Gurreri stated that he had previously mentioned the sewer billing. He stated that Citizen Bank offered to do the sewer billing at no charge. At that time Mr. Gurreri noted that it would cost too much to change over. He wondered whether that was still the situation.

HOLMAN Mr. Holman responded that Sovereign Bank is used for one of the funds. They have a new policy of charging so the township is meeting with different banks that could provide a better deal. That was one of the questions that Mr. Dvoryak raised. Mr. Holman had just received some information this date, which he had just finished reviewing. As for shifting over the account, there really isn't a cost benefit for the township to shift the billing at this point. That would mean redoing the township billing, which would involve between \$6,000 - \$7,000 worth of work on the township's part to make that change. No cost benefit analysis had been done, and nothing had changed with regard to the issue.

RAUSCH Solicitor Rausch reported that settlement on the Long property was scheduled for June 5, 2009. A post occupancy agreement was done with the owner, who needs to stay on the property until August 1st, in order to complete her transfer.

HOLMAN Mr. Holman indicated that funds were transferred to Solicitor Rausch's account this date.

SCHENCK Chairman Schenck provided additional information for the Boy Scouts. He indicated that the township operates the sewer plant on the other side of the hill, and adjoining that is a small farm, 26 acres, that the resident put up for sale. The township has had in its long-range planning; to purchase that property if it became available. It will provide a buffer around the plant and also provide for other needs of the plant. That came for sale privately and the township was able to purchase it as a price that was fair to the homeowner. The township was pleased to be able to do so.

HOLMAN Mr. Holman added that it protects 26 acres of agricultural area.

13. NEW BUSINESS

A. Act 32 of 2008 Legislation – Tax Collection Committee.

SCHENCK Chairman Schenck noted that there is a need for a volunteer to serve on the Tax Collection Committee of the York Adams Tax Bureau.

HOLMAN Mr. Holman stated that it will be a county committee and one of the county commissioners will be the head of the committee. Each municipality, each school district and any taxing entity will be members and will review Act 32, which is

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 28, 2009
APPROVED**

the Employee Income Tax Collection. The statute required the creation of the committee. York Adams Tax Bureau took the lead and has done an excellent job for the township for EIT collection, as well as the Mercantile OPT and business taxes.

SCHENCK Chairman Schenck asked whether Mr. Holman wanted to be appointed to the committee.

HOLMAN Mr. Holman responded that he volunteered because he was concerned about anything that could impact township revenues and collections of revenues.

SCHENCK Chairman Schenck asked what Mr. Hadge's involvement would be.

HOLMAN Mr. Holman responded that Mr. Hadge serves on the York Adams Tax Bureau so he will serve as a representative for the York Adams Tax Bureau. However, since the York Adams Tax Bureau is one of the ones that will be applying to be the county collector, Mr. Hadge could not do two at the same time.

SCHENCK Chairman Schenck noted that Suburban School District asked about an alternate.

HOLMAN Mr. Holman responded that they requested and actually appointed Springettsbury Township to be their alternate. They appointed their Business Manager to serve as their representative and asked to name the township as an alternate. Mr. Holman indicated he had no problem serving as an alternate for York Suburban School District. He added that both would be impacted, and there may be a time when he could not attend, then York Suburban would attend.

GURRERI Mr. Gurreri indicated he would rather see someone from the board attend in Mr. Holman's absence. He wouldn't want York Suburban School District representing Springettsbury Township.

HOLMAN Mr. Holman stated that they wanted the township to represent them.

GURRERI Mr. Gurreri indicated he thought they were offering to be the alternate for the township.

HOLMAN Mr. Holman responded that the township does not have to appoint an alternate. He doubted that he would miss a meeting.

SCHENCK Chairman Schenck commented that the school district mentioned some potential conflicts with their meetings. He asked Mr. Holman if he wanted the board to act on the draft resolution.

HOLMAN Mr. Holman responded that the board could act on the draft; Resolution No. 0941.

MR. BOWMAN MOVED TO APPROVE RESOLUTION 09-41 APPOINTING JOHN HOLMAN AS DELEGATE TO THE TAX COLLECTION COMMITTEE AND AS ALTERNATE FOR YORK SUBURBAN SCHOOL DISTRICT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Acknowledge Receipt of Liquid Fuels Tax Fund Audit from the Pennsylvania Auditor General for 2006 and 2007.

SCHENCK Chairman Schenck noted that the Liquid Fuels Tax Audit was conducted by the state and the report was clean.

HOLMAN Mr. Holman stated that they were very pleased with those results. Mr. Hadge, Mr. Lauer and the auditor do an excellent job.

MR. GURRERI MOVED TO ACKNOWLEDGE RECEIPT OF LIQUID FUELS TAX FUND AUDIT FROM THE PENNSYLVANIA AUDITOR GENERAL FOR 2006 AND 2007. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 7:40 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 14, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, May 14, 2009 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
George Dvoryak, Secretary/Treasurer
Nick Gurreri
Mike Bowman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Nicole Ehrhart, Acting Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jim Baugh, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Lt. Scott Laird, Police Department
Jean Abrecht, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 7 p.m.

A. Opening Ceremony

SCHENCK Chairman Schenck led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck announced that no Executive Sessions had been held since the last Regular Meeting.

HOLMAN Mr. Holman requested an Executive Session this date regarding litigation issues for Marie Stine, Darrah and Doutrich matters.

3. COMMUNICATION FROM CITIZENS

SURTASKY Tony Surtasky, 2245 Mt. Zion Road, brought several issues to the board's attention. He suggested, instead of tearing the Snowberger house down, that it be made available for emergency purposes for the many individuals without housing due to fires. He noted that the Red Cross was always looking for housing. Secondly, he asked that the zoning officers visit the areas behind Lowe's and the Eastern Market, which look unsightly due to garbage, etc. being left there. Thirdly, he commented on the Mt. Zion Road digging and construction. He was

concerned about his driveway and the fact that it appeared to be only a binder blacktop and not good blacktop. He asked for the township's assistance in getting the project completed.

GURRERI Mr. Gurreri indicated that the suggestion for the Snowberger house was a good idea, but there might be some ramifications to doing that.

SCHENCK Chairman Schenck commented to Mr. Holman that he was sure he could assist him with his driveway question.

HOLMAN Mr. Holman stated that PennDOT will begin work on Monday, May 18th, with Kinsley. They will start the overlay and be done within three weeks. Mr. Holman offered to respond to Mr. Surtasky's questions.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill indicated he had submitted his monthly report. One note was that the Wastewater Treatment project had begun.

SCHENCK Chairman Schenck asked about the Long property and whether the testing results had been received.

HOLMAN Mr. Holman responded that the results were clean with no problems and an appraisal should be received in about two weeks.

SCHENCK Chairman Schenck thanked him for his quick work.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani provided four updates to his written report.

- Safe Routes to School, Central High School project - Nearly completed.
- Safe Routes to School, Haines Road project - Continue to contact PennDOT with regard to delays. They attribute the delay due to stimulus money and larger contracts having higher priority. Contractor filed a time extension. As soon as PennDOT completes its review, the contractor will begin the project, put people to work and solve a pedestrian safety problem. It may be necessary to enlist the Representatives' help to move forward.
- Mt. Zion/Market Street Intersection – Still in negotiations; contract promised last week. May not need an HOP, and if so, township will be reimbursed. Project is ready to be put out to bid.
- Bill Carter subdivision – Intermixed with Rail Trail due to other property lines going into the center of Codorus Creek. Rail Trail could not gain access. County did not want to use eminent domain and thus discussing reconfigured

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 14, 2009
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route through S&A Homes, through Mundis Mill/Sheridan Road intersection and along Bill Carter's property. Discussing with Carter's engineers. Carters will meet with Planning Commission.

GURRERI Mr. Gurreri asked about alternative energy and where some of the information came from with regard to solar and wind power.

LUCIANI Mr. Luciani responded that PSATS was one place where information surfaced, as there is grant money available, but only to non-profits and municipalities. The discussion in this township was about Geo-Thermal.

GURRERI Mr. Gurreri indicated he thought it might be very expensive for residents, but he wondered whether the grant money would not be available for them.

LUCIANI Mr. Luciani responded that the threshold for grant money is 25% reduction in energy consumption. The township is looking at 40% reduction in energy. In addition, some ordinances will be re-written with regard to windmills in yards, etc. Another item for consideration is the stoker furnaces in dense housing, and those are items under review in order to be pre-emptive in the zoning and regulatory rules.

GURRERI Mr. Gurreri recalled that during the PSATS meeting it was indicated that in this area wind power does not work as well as solar power.

HOLMAN Mr. Holman added that solar power is what is being considered for the Public Works building.

5. CONSENT AGENDA

- A. Board of Supervisors Work Session Minutes – April 9, 2009**
- B. Board of Supervisors Regular Meeting Minutes – April 23, 2009**
- C. Regular Payables as Detailed in the Payable Listing of May 14, 2009**
- D. SD-09-01 – Time Extension – KVM Subdivision – Plan Expires 5/23/09 (New Plan Date 8/23/09).**
- E. SD-07-09 – Time Extension – Waltersdorff – Plan Expires 5/26/09 (New Plan Date 8/26/09).**
- F. LD-08-12 – Time Extension – Yale Electric – Plan Expires 5/25/09 (New Plan Date 8/25/09).**
- G. SD-08-03 – Time Extension – Pam Long – Plan Expires 5/25/09 (New Plan Date 8/25/09).**

**MR. GURRERI MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH G.
MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. B & R Construction Services, Inc. – Request for Payment No. 4 – Safe Routes to School-Central in an amount not to exceed \$16,546.50.**
- B. B & R Construction Services, Inc. – Request for Payment No. 5 – Safe Routes to School-Central in an amount not to exceed \$25,620.83.**

HOLMAN Mr. Holman stated that the payments have been approved and reviewed by the Engineer. The work had been completed, and because of liquidated damages, an amount was deducted.

SCHENCK Chairman Schenck asked when the project will be completed.

HOLMAN Mr. Holman responded that it should be completed within two weeks. There were some items that had to be redone, including the handicap ramp.

MR. BOWMAN MOVED TO APPROVE PAYMENTS NUMBER 4 AND 5, SAFE ROUTES TO SCHOOL FOR B & R CONSTRUCTION SERVICES, INC. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

SCHENCK Chairman Schenck asked Mr. Holman to introduce the Zoning Officer.

HOLMAN Mr. Holman introduced Mr. James Baugh, who had returned as Community Development Director. He reported that Mr. Rao will be moving on to new opportunities and Mr. Baugh had graciously decided to return to Springettsbury Township. He reported that Mr. Baugh and Mr. Rao are doing a transition over the next two weeks to bring Mr. Baugh up to date on some of the new rules and regulations. All of the on-going plans including the Gateway and Town Center projects are going well.

8. COMMUNICATION FROM SUPERVISORS

GURRERI Mr. Gurreri reported that he and Mr. Holman attended the 50th Year York County Planning Commission. It was a very nice affair. He thanked the Board for the opportunity.

HOLMAN Mr. Holman stated that it was a very nice dinner and they did a great job of celebrating the 50th anniversary. There were over 190 representatives from the townships and communities that attended.

BISHOP Mr. Bishop reported that a resident had attended a Revolutions baseball game. An extremely impressive looking color guard performed, and the residents were very excited to learn it was the Springettsbury Police Color Guard. They did so well they thought it could not have been a local group and that it was a great job for the color guard.

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HOLMAN Mr. Holman noted that Lieutenant Laird may want to speak more about the color guard's activities.

LAIRD Lt. Laird reported that this date they competed nationally against honor guards from all across the nation in Washington, DC during this Annual National Police Week. He had not yet heard the results, but as soon as they are known, he will pass along the information. He stated that they had worked hard on their own and had done a great job. The department is really proud of them.

BOWMAN Mr. Bowman asked about the signal light in front of Giant.

HOLMAN Mr. Holman responded that the signal was operating properly.

BOWMAN Mr. Bowman asked whether it could be moved to flashing at night.

HOLMAN Mr. Holman responded that the township would have to apply for a change to the HOP permit.

BOWMAN Mr. Bowman noted that it sounded like a lot of trouble, but it is nice when some of them flash. The resident coming through there at 5:30 in the morning was hopeful that it could be changed.

BOWMAN Mr. Bowman commented on the traffic light at Haines Road and Eastern Boulevard. He noted that the light had never been the same since the changes were made at that intersection. Before the changes, if there was no traffic there, it would turn to green for an approaching motorist. At this time it cycles and holds up traffic.

BOWMAN Mr. Bowman commented that the mortar is coming up in between the pavers in front of the municipal building.

BISHOP Mr. Bishop commented that he had noticed that it is really in bad shape right out from the front door.

HOLMAN Mr. Holman stated that he would ask Mr. Lauer to check on it.

9. SOLICITOR'S REPORT

EHRHART Solicitor Nicole Ehrhart indicated that Solicitor Rausch had submitted a report and she had nothing additional to add.

10. MANAGER'S REPORT

HOLMAN Mr. Holman stated that he had provided a supplemental report with one Resolution for which he requested the board's action, which would be the appointment for the new Zoning Officer. He stated that they had received word

on the Sewer Treatment Facility grant for the Chesapeake Bay. Action on that grant application will be delayed until the next review period, which will be July 14, 2009.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-05 – To Provide for an Identity Theft Prevention Program.

HOLMAN Mr. Holman reported that the Ordinance had been advertised and was ready for consideration. He asked Solicitor Ehrhart to explain.

EHRHART Solicitor Ehrhart stated that the red flag rules come down from the FTC. They regulate creditors and the rules are designed for large financial institutions but the way they define creditor actually includes municipalities that collect for sewer and water. If a municipality provides the service and then bills, it provides credit to the resident and, therefore, there needs to be an identity theft prevention program in place. She met with township staff and reviewed the 26 red flags that the FTC had identified, whether they were applicable to the township or not, and to really gage the risk that township residents would have for identity theft. For example, the township does not take credit cards and that makes the township a low risk. A policy is being developed to be adopted by ordinance, which will be followed by a training session for staff along with annual updates.

HOLMAN Mr. Holman stated that even though an internal policy is in place to protect information, now it will be done as an ordinance.

MR. DVORYAK MOVED TO ADOPT ORDINANCE NO. 09-05 TO PROVIDE FOR AN IDENTITY THEFT PREVENTION PROGRAM. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-39 – Supplemental Appropriation from Sewer Capital Fund for Land Acquisition.

SCHENCK Chairman Schenck commented that the resolution will supplement the budget in the Sewer Capital Fund in the amount of \$600,000

HOLMAN Mr. Holman indicated that the township entered into an agreement based on certain conditions for the purchase of 25 acres of land known as the Long Farm across from the Sewer Treatment Plant. This acquisition will complete the buffer zone for the plant. The funds have been in our surplus. That money was reserved, and this would set up the appropriation to authorize the line item for the expenditure of the funds.

MR. GURRERI MOVED TO APPROVE RESOLUTION NO. 09-39, SUPPLEMENTAL APPROPRIATE FROM SEWER CAPITAL FUND FOR LAND ACQUISITION. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Advertise Ordinance Establishing 15 MPH School Zone Speed Limits

HOLMAN Mr. Holman stated that the request came from the school to make the change. Lt. Laird obtained the traffic safety review by the county, which indicated it was approved. In order to enforce this change, it must be adopted by ordinance.

DVORYAK Mr. Dvoryak asked whether it was for a certain range in front of the school.

HOLMAN Mr. Holman responded that the length of timing had been defined.

MR. GURRERI MOVED TO AUTHORIZE ADVERTISEMENT OF ORDINANCE ESTABLISHING 15 MILES PER HOUR SCHOOL ZONE SPEED LIMITS. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Resolution 09-40 – Designating Mr. Jim Baugh as our Zoning Officer.

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-40 DESIGNATING MR. JIM BAUGH AS ZONING OFFICER. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. YorkCounts Public Safety Task Force Update

BISHOP Mr. Bishop reported on the second meeting YorkCounts Public Safety Task Force. He noted three items of interest.

- Selection of leadership – YorkCounts representative clearly directed need to select leadership during first meeting. Second meeting the direction was to explain the role of Steve Hovis as new Chair of the Task Force.
- Lead Agency – West York Borough passed a resolution agreeing to be the lead agency, with York City as the second lead agency. Need exists for participating municipalities support in order to approach DCED.
- County Police Department – West York Borough very strongly in favor.
- Private versus Public Meetings – Mr. Bishop strongly in favor of public meetings. Consensus was those in that position should go back to municipalities with a public report of the activities.
- Some municipalities that attended the first meeting were not present for the second meeting.

SCHENCK Chairman Schenck thanked Mr. Bishop for his attendance and his report. He personally appreciated Mr. Bishop's stand on the open meeting concept. He felt it had been very beneficial during the fire merger meetings.

B. Police/Municipal Building Improvements.

HOLMAN Mr. Holman brought forward the subject of police department and building improvements. A lengthy discussion took place, which is summarized:

The Problem:

- Police Department Building – Needs new HVAC system, roof replaced, ceilings torn out, new duct work, new handicap access. Building is undersized for current police force.
Would be the 5th renovation of existing building
HVAC system service calls and costs indicate it is at end of life; heavy use.
- Municipal Building – HVAC system needs replaced.
Window replacement; lobby renovations, storage areas.
Opportunity to be LEEDS certified.

The Cost:

- HVAC systems - \$800,000 to \$1.4 million; Geo-Thermal savings of up to \$500,000.
- Full engineering plan - \$300,000 to \$350,000; preliminary plan \$25,000 to \$50,000.
- Long range forecast of financial situation should be reviewed.
- Debt from previous improvements will be retired.
- Target borrowing into December or January along with finishing the sewer project.
- Cost savings and benefits, costs for maintenance, cleaning, labor Cost savings and benefits, costs for maintenance, cleaning, labor, etc.
- Grant opportunities available with July phasing; designs would be necessary.

Other Expenditures:

- New YAUFRR fire station - Funds earmarked for new station; will pay for itself.
- Master Park Plan Improvements – Significant capital expenditure.

Other Options:

- Need more information before committing to \$25,000 to \$30,000 engineering and design work.
- Discussions concerning merging of police forces; only in study process; police station is always necessary.
- Question whether new systems will work properly upon installation.
- Different levels of LEEDS certification with different requirements.
- Geo-thermal and solar power considerations.
- Use existing real estate or acquiring other property not feasible due to Department of Justice requirements for security and prisoner handling.

HOLMAN Mr. Holman requested authorization to allow the engineers and architects to do preliminary work in the amount of approximately \$25,000 to \$50,000.

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- DVORYAK** Mr. Dvoryak stated that he did not have enough documentation to convince him that the current police building was obsolete. He would like to have additional information.
- SCHENCK** Chairman Schenck stated he approved of taking the first step as Mr. Holman had described it.
- BISHOP** Mr. Bishop agreed and added that it was important to move forward. There had been significant thought put into the problems, which now need to be documented so that it makes more sense.
- BOWMAN** Mr. Bowman agreed with Mr. Bishop.
- SCHENCK** Chairman Schenck commented that Mr. Dvoryak was an obvious no. He asked Mr. Gurreri for his comments.
- GURRERI** Mr. Gurreri agreed with Mr. Dvoryak with the request for additional information.
- SCHENCK** Chairman Schenck stated that, while not unanimous, there was a majority consensus to move ahead with a more in-depth engineering and architectural study.
- HOLMAN** Mr. Holman stated that, as part of this he would review Mr. Dvoryak's comments and look at potential rentals or leases.

13. NEW BUSINESS

A. Red Flag

- SCHENCK** Chairman Schenck noted that he had received a few comments from residents who are frustrated that they can't pay their utility bills with a credit card.
- HOLMAN** Mr. Holman responded that the township does offer the opportunity for ACH, an automatic transfer of funds. There is an automatic billing system, which was built into the red flag rules. He indicated they could review the credit card issue and stated that credit cards are taken on a limited basis for recreation but that is done on line.
- SCHENCK** Chairman Schenck noted that it had been done specifically for sewer. He added that there are very few things that can't be paid for a credit card.
- HOLMAN** Mr. Holman stated that it had been reviewed over time and there is a cost for accepting the credit cards. He offered to look into it and respond back to the board.

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SCHENCK Chairman Schenck added that in all the cases it was because the residents were jammed up against a deadline and were not able to facilitate a quick payment so maybe there's another option to provide for that.

HOLMAN Mr. Holman stated that there is an option for residents with a payment plan. It is a one-time option to assist residents with the ability to catch up.

14. ADJOURNMENT

SCHENCK Chairman Schenck reminded the board of the Executive Session to be held immediately following adjournment. He adjourned the meeting at 8:10 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 23, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, April 23, 2009 at 7 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Don Bishop, Vice Chairman
George Dvoryak, Secretary/Treasurer
Nick Gurreri
Mike Bowman

MEMBERS NOT

IN ATTENDANCE: Bill Schenck, Chairman

ALSO IN

ATTENDANCE: Charles Rausch Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Harish Rao, Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
David Eshbach, Chief, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

BISHOP Vice Chairman Don Bishop called the meeting to order at 7 p.m. He reported that Mr. Schenck was out of the country and could not be present.

A. Opening Ceremony

BISHOP Mr. Bishop led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

BISHOP Mr. Bishop announced that no Executive Sessions had been held following the April 9th meeting, and no meetings had been scheduled for this date.

3. COMMUNICATION FROM CITIZENS

SLATKY **Traffic Light – Plymouth Road**
John Slatky, 3673 Cimmeron Road, stated that his counsel had suggested that he come before the board to advise of a potential problem that may come to Springettsbury Township. He quoted the last sentence of the Fifth Amendment, “Nor shall private property be taken for public use without just compensation.” He stated that the term condemnation was

well known. However, what was not so well known was a term inverse condemnation, or de-facto condemnation. The proposed light change at Chambers Road and Plymouth may result in some inverse condemnation. He provided an in-depth explanation. His presentation is summarized:
Traffic Light – Chambers versus Plymouth Road

- If moved, his car wash single access will be from Plymouth; he believes his business will suffer and/or die.
- Contract to purchase his business for \$1.5 million cancelled due to potential road changes.
- He will not be damaged by inverse condemnation until the road changes. The townships, PennDOT, DeRose will all be involved.
- Statute of inverse condemnation in Pennsylvania is 21 years.
- PennDOT plans indicate Sweet Willows, Mrs. Trimmer's property and the doctor's office will not be affected by widening of 124.
- Traffic Study – Done from Camp Betty Washington to Edgewood Roads; consider putting the light at Cambridge Road instead.

SLATKY Mr. Slatky concluded that he wanted to go on record that he did his part to explain inverse condemnation so that it does not surprise the township in the future. He thanked the board for allowing him time to speak.

BISHOP Mr. Bishop thanked him for his presentation.

Shooting Range Noise Levels

STUHRE Charles Stuhre, 3680 Trout Run Road, brought forward an issue with the shooting range by the sewer plant. He stated that since the range had been rebuilt and improved, the noise level at his home had increased to a level that was really annoying. He asked that this issue be reviewed and that a type of sound barrier be installed to deaden the sound of gunfire.

BISHOP Mr. Bishop asked whether the noise had been consistent only since the renovations were done or whether it was something that had changed more recently.

STUHRE Mr. Stuhre responded that it seemed to be worse since the beginning of spring. The approximate times during the day are from 10 a.m. to 12 Noon and between 4 p.m. and 6 p.m. He noted that he had been living in his home for many years and prior to the renovations there hadn't been a problem with the noise level.

Trash Collection Protocol

Mr. Stuhre brought forward an additional item relating to the poor service being received from the trash collector. He had complained to the collector numerous times concerning the way the handlers throw the trash barrels, not only his, but also his neighbors as well. Article 10 A3 in the contract indicates that if the trash handler does not place the trash barrels

in the same place they were found upside down they are subject to a \$25.00 fine. He thought that the township should begin fining them and invoking the penalty clause to get some action.

BISHOP Mr. Bishop asked Mr. Holman whether there was any process in place to handle the issue.

HOLMAN Mr. Holman responded that he had contacted them and advised them of the fine to be invoked if they continue the practice.

BISHOP Mr. Bishop asked if the process had started.

HOLMAN Mr. Holman responded that he will have a meeting with them very soon. Mr. Stuhre had voiced the first formal complaint that he had received. He asked Mr. Stuhre if he would take some photographs to document his complaint.

STUHRE Mr. Stuhre responded that he would provide pictures to Mr. Holman.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill indicated he had submitted a written report. He had no additional comments.

B. Civil Engineer – First Capital Engineering

LUCIANI John Luciani stated that he, too, had submitted a written report. He noted that previous discussion had taken place during the Development Authority meeting with regard to Market Street/Mt. Zion Road, on which good progress had taken place. He updated the board on the Safe Routes to School project. The contractor had been doing an excellent job, the workmanship was much better and good progress had been made. Bids had been received for the Haines Road sidewalk project two months ago. Those bids had a 90-day timeframe. PennDOT said they were so busy reviewing documents, they could not review the bid. PennDOT recommended that the township go out to the low bidder and get a time extension letter, which was done and which the low bidder provided. Mr. Luciani indicated he expected a response from PennDOT within the next few weeks, and the township will then be in a position to award at that time.

HOLMAN Mr. Holman added that it had been over 90 days. Both Mr. Luciani's office and he had called PennDOT weekly concerning the project.

LUCIANI Mr. Luciani commented that the project is shovel ready.

5. CONSENT AGENDA

- A. Acknowledge Receipt of March 31, 2009 Treasurer's Report.**
- B. Board of Supervisors Regular Meeting Minutes – April 9, 2009.**
- C. Regular Payables as Detailed in the Payable Listing of April 23, 2009.**

MR. GURRERI MOVED TO APPROVE CONSENT AGENDA ITEMS A, B, AND C ON THE AGENDA. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Enter into Line Painting/Pavement Marking Contract**

HOLMAN Mr. Holman reported that each year the Managers meet through the Municipal Manager's Association and bid the line painting contract for municipalities. The low bidder and recommended award was to PSX, Inc. of Kennett Square, PA. They awarded the bid last year. Mr. Lauer, Public Works Superintendent, provided a recommendation that the township award their bid. The numbers comply with last year's and if the board takes action this date, the line painting can be done. It will then be forwarded on to Dillsburg Borough for action during its next meeting. He added that the contract had worked very well for the township.

MR. BOWMAN MOVED TO AUTHORIZE TO ENTER INTO LINE PAINTING PAVEMENT MARKING CONTRACT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

BISHOP Mr. Bishop commented that the effort is just one of the types of inter-municipal cooperation ventures that really worked and involved nine municipalities.

BOWMAN Mr. Bowman asked how much of a savings it would be for the township.

HOLMAN Mr. Holman responded that he would have to get the exact numbers; however, doing it as a group resulted in a significant discount on the cost.

- B. Authorize Entering into a Settlement Agreement for tax assessment appeal: York Suburban School District v. York County Board of Assessment Appeals.**

HOLMAN Mr. Holman reported that the York Suburban School District had reached a settlement with regard to an appeal of tax assessments for the York Butterfly parent lot. They requested that the board take action to approve

the settlement agreement. The board reviewed this several months ago and agreed to follow the lead of York Suburban School District. They have settlement and in order for them to receive the funds, Springettsbury must sign off on the agreement. He asked Solicitor Rausch if he had anything further to add.

RAUSCH Solicitor Rausch responded that usually the school takes the lead on the assessment appeals because they have the most money at stake.

HOLMAN Mr. Holman noted that the assessment had been set at \$38,500,000. The company was looking for \$21,029,220 and the assessment was finalized at \$25,500,000.

BISHOP Mr. Bishop noted that the board members had received the manager's supplemental report documenting the details.

MR. DVORYAK MOVED TO AUTHORIZE ENTERING INTO THE SETTLEMENT AGREEMENT FOR THE TAX ASSESSMENT APPEAL: YORK SUBURBAN SCHOOL DISTRICT VERSUS YORK COUNTY BOARD OF ASSESSMENT APPEALS. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were no subdivisions or land developments for action.

BISHOP Mr. Bishop reminded the board members that there were plans to be signed.

8. COMMUNICATION FROM SUPERVISORS

GURRERI Mr. Gurreri reported that he had attended the PSATS Convention and that Tom Corbett had been one of the speakers, along with George Cornelius, Acting Secretary of Community and Economic Development. Mr. Cornelius had spoken about regionalization of county government, a suggestion that was not well received. Mr. Gurreri noted that the county association planned to write a letter to the local representatives. He reported that there had been favorable discussion of an additional 1% sales tax. He thanked the board for allowing him to represent the township.

BOWMAN Mr. Bowman questioned whether there had been any review concerning the light at Market Street in front of Giant. He wondered whether there had been discussion with Charlie Lauer or whether that was a State road.

HOLMAN Mr. Holman responded that it is a State highway but the township applies for any changes to the HOP permit. He was aware that Mr. Lauer had

reviewed the light permit. Mr. Holman indicated he would contact Mr. Lauer again and follow up.

BOWMAN Mr. Bowman added that he heard the complaint frequently from a couple of people who drive through there at 5:30 in the morning.

9. SOLICITOR'S REPORT

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

DVORYAK Mr. Dvoryak asked why there had been such a delay in the report from Boyer and Ritter. He thought that the report would have been issued by this time.

HOLMAN Mr. Holman responded that he had spoken to them on Friday, April 17th and they intended to send it to the Solicitor in the next week or two. He added that the Solicitor expected the report three or four weeks ago.

BISHOP Mr. Bishop stated for clarification that it involved the audit report on the tax collector.

10. MANAGER'S REPORT

HOLMAN Mr. Holman had provided a supplement to his Manager's report and all the items had been addressed. He had nothing further to present.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-38 – Application for Permit to Install and Operate Traffic Signals on Mt. Rose Avenue/Plymouth Road – Heritage Hills Driveway.

HOLMAN Mr. Holman stated that the board approved a motion authorizing the application for the state to submit an HOP permit for the traffic light at Plymouth Road. The state required a resolution, which will confirm the motion approved by the board to apply for a permit to install and operate a traffic signal on Mt. Rose Avenue.

BISHOP Mr. Bishop noted that any action would formally make a resolution.

DVORYAK Mr. Dvoryak asked whether this would authorize the warrant study.

LUCIANI Mr. Luciani responded that a warrant study will be done at that intersection. It meets warrants at this time and will in the future.

**MR. GURRERI MOVED FOR APPROVAL OF RESOLUTION 09-38,
APPLICATION FOR PERMIT TO INSTALL AND OPERATE TRAFFIC**

SIGNAL AT MT. ROSE AVENUE AND PLYMOUTH ROAD, HERITAGE HILLS DRIVE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

GURRERI Mr. Gurreri commented that John Slatky had made a good presentation. The board has to do what is best for the residents and it is a failing intersection. Mr. Gurreri thought it was a great idea to put a light there. The other things he did not know about, but he thought it was something that was needed.

SLATKY Mr. Slatky commented that he did not disagree with that but ultimately thought the board should consider the larger picture.

12. OLD BUSINESS

A. Authorization for the Springettsbury Township Development Authority to Publish Information and Articles Re: Economic Development in the Township Newsletter.

RAUSCH Solicitor Rausch commented that the board is asked to enter into a Memorandum of Understanding

HOLMAN Mr. Holman reported that the Development Authority had requested permission from the board for a Memorandum of Understanding to have an extra page in the newsletter addressing economic development within the township, to look at why businesses come to the township, why old businesses stay and to help encourage business to stay. This is a help both to the Development Authority, which will make that a more active Authority and will address an important issue in today's world, which is economic development. It really will help strengthen the development and job growth here in the township. He requested action by the board to enter into the Memorandum of Understanding to authorize an economic development page in the newsletter.

MR. GURRERI MOVED FOR AUTHORIZATION REFERENCED IN THE MEMORANDUM OF UNDERSTANDING FOR THE SPRINGETTSBURY TOWNSHIP DEVELOPMENT AUTHORITY TO PUBLISH INFORMATION AND ARTICLES ON ECONOMIC DEVELOPMENT IN THE TOWNSHIP NEWSLETTER. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. NEW BUSINESS

BISHOP Mr. Bishop indicated that the Road Tour date needed to be rescheduled.

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 23, 2009
APPROVED**

HOLMAN Mr. Holman stated that there were several board members who could not attend the Road Tour that had been scheduled for May 6th. Alternative dates will be sent to the board, and the new date will be re-advertised.

14. ADJOURNMENT

BISHOP Vice Chairman Bishop adjourned the meeting at 7:40 p.m.

Respectfully submitted,

John Holman
Secretary

ja

**SPRINGETTSBURY TOWNSHIP
WORK SESSION – MASTER PARK PLAN**

**APRIL 9, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Work Session on Thursday, April 9, 2009 at 6:15 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Bill Schenck, Chairman (present at 6:30 p.m.)
Don Bishop, Vice Chairman
Nick Gurreri
Mike Bowman

MEMBERS NOT

IN ATTENDANCE: George Dvoryak, Secretary/Treasurer

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch Solicitor
David Wendel, Director of Parks and Recreation
Jean Abrecht, Stenographer

1. CALL TO ORDER

BISHOP Vice Chairman Don Bishop called the meeting to order at 6:15 p.m. He reported that Chairman Schenck had been detained in Interstate traffic and requested that the meeting begin without him. Mr. Bishop asked David Wendel to present the Master Park Plan.

2. MASTER PARK PLAN PRESENTATION

WENDEL Mr. Wendel reported that the findings and recommendations for Augustus Schaefer Park, Pleasureville Park and the North Hills sites would be presented. He stated that Ann Yost of YSM was present as the Lead Consultant on the project. He indicated she would provide an overview of the draft plan. At the conclusion of her presentation, questions will be answered. He recognized and thanked several members of the Study Committee for their commitment to the year-long process, which included Tom Kearney, Don Eckert, Steve Wolf and Veronica Sinclair, President of the Parks and Recreation Board for their participation in this very important process. Mr. Wendel provided additional information, summarized below:

- Park Safety and Accessibility Plan developed in 2002.
- Significant improvements made to the parks over 7 years such as removing dated equipment, replacing with equipment meeting standards for safety and accessibility, constructing accessible routes.
- Issues studied at Augustus Schaefer Park and Pleasureville Park, such as topography, accessibility, and layout.
- North Hills Park, 38 undeveloped acres analyzed.
- 5 public forums held with approximately 30 residents attending; passionate and protective of parks.

Overview of Park Plan

- Plan funded by DCNR; requirements to be met include report documenting the process, findings and recommendations; operations and maintenance.
- Alternatives for each site, narrowed to pre-final and ultimately a final plan.

Pleasureville Park

- Only existing neighborhood park in the north west quadrant.
- Develop as neighborhood asset.
- Large unmet need for additional athletic fields.
- Leased site through YAUFRR; existing parking lot and open field.
- Site more conducive to competitive or practice athletic activities.
- Grading and walls will be required.
- Playground is very nice, picnic opportunities, basketball court, good neighborhood surveillance opportunities; walking trail.

Augustus Schaefer Park

- Neighborhood loves park; totally invested in it; enjoy spectatorship.
- Park is back off narrow alley; no road frontage.
- Ball field will not remain competitive due to safety and parking issues.
- Open fields for informal ball activities remain.
- Bring 4-year old park up to standards including accessibility, safety, upgrades, and overall site improvements.

North Hills Site

- Public Works Department has its spoil piles and municipal transfer station just off Camelot Way; activity has been retained.
- Site planned as a conservation area to protect Mill Creek tributary and associated wetlands.
- Potential for Central Middle School outdoor classroom gathering area for passive recreation and environmental education; different landscape settings.
- 9-hole disc golf course planned; site very conducive.
- Two public forums held; majority of neighbors not in favor of major improvements at the park; enjoy using the site for walking on informal trails and viewing deer.

Additional Items

- Phasing opportunities - North Hills and Augustus Schaefer one-phase development; Pleasureville is a two-phase project breaking east side of stream and west side of stream into two phases.

BISHOP Mr. Bishop asked which park would come first during the phasing process.

YOST Ms. Yost responded that the east side would be first due to the bulk grading that is necessary. It is a high-need facility. Pleasureville seemed to be the highest needed park of the three and is the most fundable from a state grant perspective.

BISHOP Mr. Bishop asked why it would be more fundable.

YOST Ms. Yost responded that it would be more fundable because it has some of the main things they're looking for, such an athletic field, which is a very high need in the community. Included is a stream with an improved buffer; accessibility; trails, handicapped parking space, existing partnership with the fire company.

BOWMAN Mr. Bowman commented that it has a pretty good drop slope.

YOST Ms. Yost responded that he was correct. There is a need for some walls. This would not be a full-sized soccer field depending on budget.

BISHOP Mr. Bishop asked about the costs for construction and engineering.

YOST Ms. Yost responded that construction and engineering cost estimates were based on DCNR format as used in grant applications. Costs were summarized:

- North Hills - range of \$350,008
- Augustus Schaefer - \$428,000
- Pleasureville – East side - \$490,000
- Pleasureville – West side - \$527,000

She added that cost estimates are high due to the fact that selections of equipment and structures drive the cost. The numbers are good for planning purposes.

HOLMAN Mr. Holman added that it has future operational costs and expenditures for manpower and maintenance considerations; life cycles as far as pavilions, etc.

YOST Ms. Yost stated that Charlie Lauer and Recreation Solutions of Lancaster worked on the operations and maintenance portion of the plan.

RAUSCH Solicitor Rausch asked what the typical grant might be.

YOST Ms. Yost responded that the state grant would be through DCNR. It is a 50/50 program for development. Typical grant in this area is \$150,000 to \$200,000 range. There are opportunities to break the project into smaller phases.

GURRERI Mr. Gurreri stated that he liked what he saw, which will really utilize the Pleasureville property.

YOST Ms. Yost indicated that the Pleasureville lease needed to be extended to do both sides of the creek.

GURRERI Mr. Gurreri asked what made the committee pick the ball field first over the park.

YOST Ms. Yost responded that there were two things: high need for the ball field, but also the sequencing to get the big equipment across the site. The phase to do the bulk excavation work first which will shut down the site, then add cement pads and come back later and drop in equipment.

GURRERI Mr. Gurreri expressed appreciation to Mr. Wendel and Ms. Yost and the committee for a great job.

SCHENCK Chairman Schenck asked whether they had evaluated that the Pleasureville Park was most appropriate for organized sports.

YOST Ms. Yost responded that he was correct based on the surroundings, existing uses and accessible parking. That brought this to the top as an opportunity for some competitive play. It's not a full-sized field, but the need is high enough that the committee wanted to maximize the field.

BISHOP Mr. Bishop commented that he really liked the idea for North Hills Park. He asked whether the disc golf would fit there and was a popular sport. He asked if she was confident that people would use it.

YOST Ms. Yost responded that disc golf had become more popular, and those who play disc golf are in a league of their own. The terrain and site are very compatible to the sport. Opening up the corridors for trails would enable disc golf as well. She indicated that she was very confident they would be used based on her experience in other parks with disc golf, and it is super compatible with the age group at the Middle School. One nice feature of disc golf is that it is so accessible from a cost standpoint – just buy a Frisbee. From an implementation standpoint, the construction is the concrete pad for the T-box and it's a basket on a footer at the other end.

SCHENCK Chairman Schenck asked for comments from the committee members.

ECKERT Mr. Eckert stated that Ms. Yost had done a good job. He thought it was interesting to visit the different parks and attempt to evaluate the potentials. Augustus Schaefer had been the biggest surprise for him as he was not familiar with the park. What was proposed would be a tremendous improvement for the area.

YOST Ms. Yost stated that the public meetings were held in the pavilion in that park. An informal telephone survey of the neighborhood was done to obtain opinions. They love the park but recognized the problems. Ms. Yost commented that there had been a good compromise. She asked Mr. Kearney for his comment as the park is in his neighborhood.

KEARNEY Mr. Kearney stated that the neighbors liked watching the Little League games. However, they were very concerned with continuing that due to the parking and safety issues. A wonderful compromise was reached with consensus to remove the competitive play but keep the open field and pickup games. He added that the suggested right-of-way runs through his property. As a practical matter, it was something that can be done officially, and he intended to speak with Solicitor Rausch about creating that for the township.

RAUSCH Solicitor Rausch responded that he had the necessary paperwork to do so.

SCHENCK Chairman Schenck thanked Mr. Kearney for that, which seemed to have existed by default.

BISHOP Mr. Bishop commented that the plan looked great, which he really appreciated. He stated that the board would keep working with Mr. Wendel to figure out how to make it happen.

YOST Ms. Yost stated that the report will be finalized with plans and the final product forwarded to the board.

ECKERT Mr. Eckert thanked the committee for all the time and devoted thought they put into the project. He thanked Ms. Yost and her company for an excellent job in directing and providing information and compiling the committee's decisions and recommendations.

SCHENCK Chairman Schenck echoed Mr. Eckert's comments to the committee and to Mr. Wendel and Ms. Yost on behalf of the township, which has a long tradition of recreation and which is just getting better based on this professional project.

3. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 6:45 p.m.

Respectfully submitted,

John Holman
Secretary

ja

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 9, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, April 9, 2009 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
Nick Gurreri
Mike Bowman

MEMBERS NOT

IN ATTENDANCE: George Dvoryak, Assistant Secretary/Treasurer

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
Dennis Crabill, Environmental Engineer
Scott Schriner, Acting Civil Engineer
Harish Rao, Community Development Director
Dori Bowders, Manager of Administrative Operations
Jean Abreght, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 7 p.m. He asked Mr. Gurreri to lead the Opening Ceremony.

A. Opening Ceremony

GURRERI Mr. Gurreri welcomed the attendees and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck announced that an Executive Session had been held at 6:45 p.m. this date to discuss the potential purchase of a property known as the Long property on North Sherman Street.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill indicated that he had provided a monthly report. With regard to the BNR project, bonds and insurances were submitted, reviewed and approved by Buchart Horn and Solicitor Rausch. As soon as the contracts

are signed, a Notice of Award and Notice to Proceed will be issued and the project will move forward.

B. Civil Engineer – First Capital Engineering

SCHRINER Mr. Schriner provided a report in Mr. Luciani's absence. He reported that he had attended a session with Mr. Rao regarding the Eastgate Plaza. Discussion with the owners included their portion of the swale. In addition, he had talked with Mr. Keyser of PennDOT on the Market/Mt. Zion improvements. Progress was made in moving through comments and submission to PennDOT.

HOLMAN Mr. Holman added that the project was back on track. The purchase of an extra 10 to 15 feet of right-of-way, as well as adding extra paving and costs would not have helped.

5. CONSENT AGENDA

- A. Board of Supervisors Regular Meeting Minutes – March 26, 2009**
- B. Regular Payables as Detailed in the Payable Listing of April 9, 2009.**

MR. GURRERI MOVED TO APPROVE CONSENT AGENDA, A AND B. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Enter into Agreement with Memorial Hospital for Ambulance Staffing Support.**

HOLMAN Mr. Holman stated that item A would continue the previous contract with Memorial Hospital whereby they will provide the township with EMS personnel when absences occur. It is one way to help control township costs with regard to EMS and provide quality people. Mr. Holman indicated it had been an excellent program between the township and Memorial Hospital and he hoped to continue it.

SCHENCK Chairman Schenck asked for round numbers of how often that service was used.

HOLMAN Mr. Holman responded that he did not have specific numbers; however, it was not unusual to have a Memorial Hospital employee in once or twice a week due to illnesses or sickness and that they handle a shift.

GURRERI Mr. Gurreri asked how long the contract would be in effect.

HOLMAN Mr. Holman responded that it would be for two years.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MEMORIAL HOSPITAL FOR AMBULANCE STAFFING SUPPORT. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Execute PennDOT Indemnification Agreement (Giant Fuel).

HOLMAN Mr. Holman stated that item B represented an indemnification agreement from PennDOT for the installation of the median. This holds them harmless during construction because the township will be operating within their right-of-way. This is the last issue with the HOP permit, and the Hess Company has agreed. Mr. Schriener has been working on the handicap ramp improvements. The right-of-way was offered in order to do that, and the trade off was the updated handicap ramp. This has been an amenable project and is proceeding very well.

BISHOP Mr. Bishop stated for clarification that the work was actually being done as part of the construction project and that the township is not doing the work.

HOLMAN Mr. Holman responded that he was correct. It will be the Giant Corporation and their developer doing the work. The township will monitor it.

MR. GURRERI MOVED TO AUTHORIZE TO EXECUTE PENNDOT INDEMNIFICATION AGREEMENT (GIANT FUEL). MR. BOWAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-09-01 – Chipotle Mexican Grill – Preliminary/Final Plan (Action)

RAO Mr. Rao provided background information regarding LD-09-01, which was documented in his April 9, 2009 briefing memorandum. The plan proposed a new 2200 square foot Chipotle Mexican Grill restaurant on Parcel C at the York Town Center. Planning Commission recommended the plan for approval during the March 19th meeting. Mr. Rao presented a PowerPoint overview of the plan showing highlights, plan history, project location, adjoining zoning district, aerial view, present site, proposed land development plan, architectural views, three-way stop access, potential traffic hazard solution and pedestrian crossway. He introduced Tiffany Clapper who represented the architectural firm.

BISHOP Mr. Bishop asked whether the 10 waivers were the same as the waivers in the original plan.

- RAO** Mr. Rao responded that they were not. The waivers on page 5 of the briefing memorandum included environmental studies, etc. which did not have to be repeated as that process had been completed for the entire site in 2005.
- HOLMAN** Mr. Holman commented that the items had been addressed when the initial site development was done. The waivers reiterate the fact that the items had been done previously.
- SCHENCK** Chairman Schenck asked whether there was anything Ms. Clapper would like to add to the presentation.
- CLAPPER** Ms. Clapper responded that Mr. Rao had covered everything. The site plan shows how the site was being developed with the new building and the new parking area.
- BOWMAN** Mr. Bowman asked how many parking places were required.
- RAO** Mr. Rao responded that 27 spaces were required based on the square footage of the footprint of the restaurant building.
- BOWMAN** Mr. Bowman asked whether the restaurant would be an eat in or carry out. He asked about the seating capacity.
- CLAPPER** Ms. Clapper responded that it is a quick casual restaurant so it is dine in and carry out. The seating capacity is 44 inside and 27 outside.
- BISHOP** Mr. Bishop asked about the three-way stop and whether there would be any allowance for cars stacking at the intersection.
- RAO** Mr. Rao responded that the question had been posed to High Associates. Their engineers looked into that and determined that it will not be a problem. In addition, a traffic engineer's certification was provided that it will not be an issue and is probably the best solution.
- HORNBECK** Mr. Hornbeck, High Real Estate, spoke on behalf of the ownership of the shopping center. He stated that the question was raised after the Planning Commission meeting, and they had their traffic engineer provide an analysis. The opinion was that there should not be any stacking occurring back onto Concord Road primarily because of the main entrance that's utilized by most of the traffic coming in off of Mt. Zion down Concord Road. That solution had been thoroughly discussed between township staff, engineering, their staff and their tenant. As the owners of the shopping center, they did not have a preference one way or the other and deferred to township engineer's recommendation for this three-way stop. He added that the crosswalk that carries pedestrians from Aspen Dental towards Concord Road and having a stop bar at that location was part of the original plan.

BISHOP Mr. Bishop asked whether there is a crosswalk in place and whether it connects to anything.

HORNBECK Mr. Hornbeck responded that the sidewalk is in place.

HOLMAN Mr. Holman stated that that sidewalk will connect going west on Concord to the new hotels that will be built. The Planning Commission was very concerned about pedestrian traffic crossing those two areas, and the crosswalk was the final solution by the Planning Commission. If there are problems that develop, they will review the situation again.

HORNBECK Mr. Hornbeck added that they are very flexible and if they find that traffic coming into the first stop off of Concord does tend to stack up, it can be changed. They deferred to the recommendation of the township engineer and the Planning Commission. They thought it was a good idea to start with for pedestrian safety.

SCHENCK Chairman Schenck asked whether there was any anticipation of a liquor license at the site.

CLAPPER Ms. Clapper responded that there would not be.

MR. BOWMAN MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-09-01, CHIPOTLE MEXICAN GRILL TO APPROVE THE PRELIMINARY/ FINAL PLAN WITH THE 10 WAIVERS AS LISTED IN THE SUPERVISORS BRIEFING MEMORANDUM DATED APRIL 9, 2009 AND WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-09-01, CHIPOTLE MEXICAN GRILL MOVED TO APPROVE THE PRELIMINARY/FINAL PLAN WITH THE 4 CONDITIONS AS LISTED IN THE BRIEFING MEMORANDUM DATED APRIL 9, 2009. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Zoning District Amendment Request – 2331 Eat Market Street

SCHENCK Chairman Schenck introduced item B. A packet of information had been delivered along with an application. He indicated it is something the board rarely does, and asked Solicitor Rausch and/or Harish Rao to remind the board how the process worked and what the application means.

RAO Mr. Rao stated that the application was a request for an amendment to the Zoning map of Springettsbury Township. In this case it applied to the zoning district at 2331 East Market Street. Mr. Rao explained the process. An application had been filled out with the reasons along with supporting information and the fee. They requested that the board consider their application as to whether it should be sent to the Planning Commission for a more detailed evaluation. After the Planning Commission reviews it during the next available meeting, they will make a recommendation to the

Board of Supervisors whether to accept the application as is or deny it. During the meeting this date, if the board denies the application, the applicant will be refunded their fee. He indicated the owners are represented by Attorney Chris Vedder who will speak in support of their application.

VEDDER

Attorney Chris Vedder of Morris & Vedder introduced himself. He stated that one property owner, Barbara Elliott and David Keech, President of Rock Associates, was present with him. He stated that he had provided copies of all the supporting information to the township for the board's review. A summary of the lengthy discussion follows:

- Requested property changed to Mixed Use to conform with Comprehensive Plan. Uses would remain the same.
- Property currently zoned Neighborhood Commercial/Historic. Current uses include small retail stores.
- Consideration given to property configuration, location and relationship to neighboring properties.
- Legal case law provided to Solicitor Rausch in support of application.
- Comprehensive Plan is a plan for the future; not a plan for yesterday.
- Township had been developing the process over six years beginning with Comprehensive Plan, new zoning ordinance, new land development plan, and the Town Center concept.
- Comprehensive Plan development completed over 18 months to develop current zoning.
- Public notices, township newsletter and newspaper information issued.
- Township Planner, Marian Hull, recommended that any zoning change for the area be considered by the Town Center Steering Committee as part of the overall planning process.
- Town Center concept nearing completion; Steering Committee meeting April 22, 2009 at 6 p.m. in township board room. Suggest that property owner come to meeting and express concerns.
- An additional public forum will be scheduled in June or July. Following that it will move through the Planning Commission, followed by ordinance changes.
- Town Center concept designed to address the area of Market Street/Memory Lane to Royal Street; Eastern Boulevard; Route 83/Mt. Rose gateway; East Market Street to the railroad tracks and is designed very carefully to protect the surrounding neighborhoods.
- Goal of Town Center is to allow redevelopment in those areas and provide tools to encourage property owners to upgrade properties so that areas will become more of a pedestrian, people-friendly city scape area.

RAUSCH

Solicitor Rausch explained the procedure. The applicant had submitted a request in advance of a formal submittal in order to obtain the board's determination. If the board's decision was not to consider the request, the application and the fee is returned to the property owner. If the board

recommended a further review, it would be sent to the Planning Commission. He stated that, having learned of the Town Center concept, they may want to explore how that will affect their property. It is the applicant's decision, and they may decide to withdraw the application or table it.

VEDDER Attorney Vedder advised that the application will be withdrawn.

8. COMMUNICATION FROM SUPERVISORS

GURRERI Mr. Gurreri stated that the PSATS convention will be held April 19 through 23rd and there are Resolutions for action. He asked that the board let him know if there are specific voting directions.

BISHOP Mr. Bishop commented that he had not been impressed with one of the by-law changes, i.e., the fact that nominations could not be made from the floor unless done 30 days in advance.

GURRERI Mr. Gurreri indicated that an individual had gone through all the preparation and run for President. Another individual was nominated from the floor that day and was elected. It had been an uncomfortable situation.

GURRERI Mr. Gurreri received a complaint from a resident concerning the Jake brakes in the areas of Edgewood, Kingston and Prospect Street. The resident indicated how noisy it is at Midnight, one o'clock in the morning. Mr. Gurreri had explained that the township could not stop them and it was a safety issue.

HOLMAN Mr. Holman added that with all the gas construction work, there will be faster braking, and it will be going on for awhile. They had reviewed the issue of Jake brakes with the state several times in the past. The state's response is that no restriction can be placed on the Jake brakes due to the steepness of the hill coming down to the light. It is a dangerous hill. Mr. Holman indicated that there should be some relief coming when the gas company finishes working on the gas lines.

GURRERI Mr. Gurreri stated that the resident suggested signs but he didn't think signs would do any good. He just wanted to bring that to the board's attention.

BOWMAN Mr. Bowman asked whether there had been any improvement on Hartford Road. He noticed that the restaurant parking lot was not full on Friday, April 3rd at 5:30 p.m., but yet Hartford Road seemed to be packed. He asked whether the employees are parking on Hartford.

HOLMAN Mr. Holman responded that he thought some of the employees are parking there. The Police Department is enforcing the nuisance ordinances and

addressing it and the township is addressing it as well. The Eagles Nest is attempting to increase its parking.

BOWMAN Mr. Bowman commented that he went through seven traffic signal lights on his way to the meeting, and five of them were red. He asked when the lights would be synchronized.

HOLMAN Mr. Holman responded that it related to the gas company work being done. Mr. Lauer was monitoring the situation and working with Milt's Repair Service. The township is billing the gas company every time there is a problem on those lines. There are two issues going on. Beginning on April 15th, Kinsley Construction should be starting the asphaltting of Mt. Zion again. They are keeping an eye on all of the street lights and all of the wiring under the street. It has been a challenge all winter long.

BOWMAN Mr. Bowman received a complaint concerning the traffic light on Market Street in front of Outback Restaurant. The light stops Market Street traffic around 5:30 a.m. and all the traffic on Market Street sits there while it is green from the opposite direction. He wondered if it would be possible to have a flashing light at that hour.

HOLMAN Mr. Holman responded that he would asked Mr. Lauer and Milt to follow up.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated that he received a voice mail from the attorney for Norfolk Southern. He had attempted to return his call but was unsuccessful. The latest extension of time is April 17, 2009. He hoped to receive a response within a week and be able to wrap everything up with Norfolk Southern. If not, he will have to submit briefs and let the Judge decide.

10. MANAGER'S REPORT

A. Authorization for Township Manager to Execute Sales Agreement for Property Located at 3500 North Sherman Street.

HOLMAN Mr. Holman stated he had provided a supplemental report along with a new item requesting the board's consideration of a motion to authorize to enter into an agreement to purchase the Long property for an amount of \$575,000 contingent upon an appraisal and Phase I Environmental Study.

RAUSCH Solicitor Rausch stated that the property is approximately 22 acres on North Sherman Street across from the Treatment Plant.

HOLMAN Mr. Holman indicated that one of the goals of the Comprehensive Plan was to create a buffer around the Sewer Treatment Plant and, as noted in

his documentation, that 22 acres is about the last parcel in Springettsbury Township required to complete that buffer.

RAUSCH Solicitor Rausch indicated that the request would be to allow the Township Manager to execute the agreement of sale on behalf of the township. That will allow for the appraisal process and the Phase I Environmental Study to proceed.

MR. GURRERI MOVED FOR AUTHORIZATION TO ENTER INTO AN AGREEMENT TO PURCHASE THE LONG PROPERTY FOR THE AMOUNT OF \$575,000 CONTINGENT UPON COMPLETION OF AN APPRAISAL AND PHASE I ENVIRONMENTAL STUDY. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG)

HOLMAN Mr. Holman reported that the township received a grant from the JAG fund, which is part of the Economic Redevelopment and Recovery Plan. The township did not apply for this grant. It's an entitlement grant based on the statistics the township submitted and approximately 24 other municipalities in York County also received it. The grant must be applied through one agency, and the County of York volunteered to do so. All the towns and cities participating in this are very grateful to the County of York for taking on the burden of coordinating the application. The application for the township would include the replacement of one police cruiser, new computer equipment including computers and electronic white board and new bike patrol outfits. One of the requirements of the grant is that it not cause future costs to the township. These are items that we were unable to budget in this year's budget but would have been budgeted sometime in the future. This will help reduce costs for the township. Mr. Holman requested a motion by the board to authorize the Springettsbury Township Manager to execute a Memorandum of Understanding with the County of York for the application and administration of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Program.

MR. GURRERI MOVED TO AUTHORIZE THE SPRINGETTSBURY TOWNSHIP MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF YORK FOR THE APPLICATION AND ADMINISTRATION OF THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

HOLMAN Mr. Holman stated that the background paperwork had been submitted to the County. Ten percent of the award goes toward the County's administration work. The township will use the portion of funds that are received from an insurance settlement to cover the other half of the police vehicle to be replaced. It will be a benefit to the taxpayers.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-04 – Amending Chapter 220 of the Code of Ordinances “Soliciting and Peddling”.

SCHENCK Chairman Schenck stated that item A was advertised and ready for approval. This would be enforced by the Police Department and not Zoning.

HOLMAN Mr. Holman stated the ordinance will update the Soliciting and Peddling ordinance to be in conformance with the latest Supreme Court ruling.

RAUSCH Solicitor Rausch commented that one addition will be cleaning up the ordinance. There is a caution when dealing with religious groups canvassing. They cannot be prohibited; nor is it necessary that they come and register or get a license. The one addition will clarify that if a resident puts up a “no solicitation” sign it must be honored. That’s really for someone who comes in asking to sell something or asking for a donation. The law is a little unclear with proselytizing. In any event it was added to provide for residents’ privacy.

HOLMAN Mr. Holman added that a briefing will be held with the Chief and the Lieutenant following adoption.

GURRERI Mr. Gurreri stated for clarification that religious groups don’t need to get a permit.

RAUSCH Solicitor Rausch responded that he was correct.

MR. GURRERI MOVED TO APPROVE ORDINANCE NO. 09-04 AMENDING CHAPTER 220 OF THE CODE OF ORDINANCES, “SOLICITING AND PEDDLING.” MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-36 – Authorizing Advance of General Funds for Petitioned Street Light Fund.

HOLMAN Mr. Holman stated that item B will authorize an advance of funds from the General Fund to the Petitioned Street Light Fund in the amount of \$10,000. It is to cover cash shortfall while waiting for the property taxes due. They are not due at this point, but once they are transferred over, they get transferred into the Street Light Fund. This has come about not because the funds are not being collected, but the process of replacing the wooden poles with the spun aluminum black poles is continuing. As we’ve gone forward with that, the cash flow has adjusted so once the fund has received its funding from the property taxes, then it is hoped to be able

to transfer it back, but we may need to leave it in there just to continue with the process and maintain the cash flow.

BOWMAN Mr. Bowman asked how many poles need to be replaced.

HOLMAN Mr. Holman responded that six to eight a year usually are replaced. They slowly are replacing the wooden poles. Normally there is a \$25,000 in this fund, but at this point that money had been drawn down and the tax money is needed for the Street Light Fund.

MR. BOWMAN MOVED TO APPROVE RESOLUTION NO. 09-36 AUTHORIZING ADVANCE OF GENERAL FUNDS FOR THE PETITION STREET LIGHT FUND. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 09-37 – Authorizing Line Item Transfer from Recreation District 1 Reserves to Recreation District 5.

MR. BISHOP MOVED TO ADOPT RESOLUTION NO. 09-37. MR. BOWMAN WAS SECOND.

GURRERI Mr. Gurreri asked whether the item was in the budget.

HOLMAN Mr. Holman responded that it was in the budget. It had been in the past three budgets and some of the funds had been transferred from District 1 to cover District 5, which is the main park.

MOTION UNANIMOUSLY CARRIED.

D. Authorization to Advertise Ordinance to Provide for Identity Theft Prevention Program (Red Flag Policy).

HOLMAN Mr. Holman reported that under the new Federal Trade Commission Regulations there is an item called the Red Flag Rule, whereby various items that the township maintains ACH records for payments needs to be “red flagged”. A policy must be adopted by Ordinance under the FTC Regulations to protect privacy. There is a policy in place and everything is locked up and properly secured. It must be formalized by Ordinance to be in accordance with the FTC proper procedures, rules and regulations.

RAUSCH Solicitor Rausch added that it covered items such as postcard billing, which must not include information that could be compromised.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ADVERTISE ORDINANCE TO PROVIDE FOR IDENTITY THEFT PREVENTION PROGRAM (RED FLAG POLICY). MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

BISHOP Mr. Bishop commented that one of the potential red flags that the township would have to be prepared to identify is if a resident notifies the township of a possible identity theft.

12. OLD BUSINESS

A. YorkCounts Public Safety Committee Update

BISHOP Mr. Bishop provided an update of the activities of the YorkCounts meeting. He indicated that guidance will be required over the next few months as it continues to move forward. He gave a lengthy report which is summarized:

- Meetings - Public or not. All future meetings will be closed; no Sunshine Law violations occur as it is not a public body; discussions more open and honest in a closed session.
- Grants – Application considered for matching DCED funds for the initial study. Presentation made by DCED for an April 1 grant with April 10 deadline; not feasible for this funding year. Grant applications require lead agency plus another agency. Only one volunteered.
- Leadership – No one stepped forward to lead the group. It was suggested that a representative from either Spring Garden or Springettsbury should lead the task force.
- Participation - Springettsbury provided a letter indicating participation. Resolution is needed to document participation. Sample Resolution reviewed during fire merger reviewed, which names lead agency as suggested by DCED suggesting that the township will need a decision of willingness to participate in grant application.

GURRERI Mr. Gurreri noted that there was a lot placed on the table.

BISHOP Mr. Bishop noted that it was a slow start. There was very good participation from the city. Commissioner Mark Whitman attended and was very interested in doing anything that he could, and the Chief of Northeastern Regional was very committed.

SCHENCK Chairman Schenck thought he read that in the discussion of open meetings had been resolved to be an open meeting, which he thought was appropriate.

GURRERI Mr. Gurreri questioned how the township could adopt a Resolution if the meeting is not an open meeting.

BISHOP Mr. Bishop responded that the township can do so.

SCHENCK Chairman Schenck commented that it is Metro York's study.

BISHOP Mr. Bishop noted that they very quickly indicated that it is not their organization but all the municipalities. He added that in the motion Springettsbury's participation had been indicated only to participate and not to be the lead agency.

13. NEW BUSINESS

A. PSATS 2009 Proposed Resolutions and By-Law Changes

This item was discussed during Communications from Supervisors.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 8:40 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MARCH 26, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, March 26, 2009 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
George Dvoryak, Secretary/Treasurer
Nick Gurreri
Mike Bowman

ALSO IN

ATTENDANCE: Nicole Ehrhart, Acting Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Harish Rao, Economic and Community Development Director
Dori Bowders, Manager of Administrative Operations
David Eshbach, Chief, Police Department
Charlie Lauer, Director of Public Works
Jean Abreght, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 7 p.m. He turned the meeting over to Mr. Gurreri.

A. Opening Ceremony

GURRERI Mr. Gurreri welcomed the attendees and asked that the men and women in Fargo, North Dakota flood area be kept in prayer, as well as the men and women in the armed services to keep them safe. He congratulated First Capital Engineering, Ann Luciani, who had been named one of Pennsylvania's Best Women in Business. He led the Pledge of Allegiance.

B. Oath of Office – Special Fire Police Officer R. Scott Randall

SCHENCK Chairman Schenck stated that he had the pleasure of swearing in a new Fire Police Officer. He led Officer R. Scott Randall in the Loyalty Oath. He congratulated him on becoming a Fire Police Officer in Springettsbury Township. He asked Don Eckert for his comments.

ECKERT Mr. Eckert thanked Springettsbury Township and Officer Randall. He stated they were pleased and proud to have another member of the fire police in Springettsbury Township who is willing to give of his time for the community. He added that the fire police organization is growing.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. March 12, 2009 8:00 p.m. to discuss the following matters:

- 1) Police Collective Bargaining**
- 2) Norfolk Southern Rail Crossing**

SCHENCK Chairman Schenck announced that an Executive Session was held following the March 12, 2009 meeting to discuss the police union negotiations and legal issues surrounding the Norfolk Southern Rail Crossing. No new session had been planned for this date.

3. COMMUNICATION FROM CITIZENS

STUHRE Charles Stuhre, 3680 Trout Run Road, reported that the situation of accumulating trash in his neighborhood had been well taken care of and he was very pleased with the way it had been handled. He hoped the homeowner would continue the good work. He thanked Mr. Rao for his help.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill indicated he had submitted a written report.

- BNR Improvements Project - Notice of Intent to Award was sent out to all three contractors on March 16th. Two of the three contractors returned their documents. As soon as the third is returned they will be submitted for the Solicitor's review followed by Notice of Award and Notice to Proceed.

B. Civil Engineer – First Capital Engineering

LUCIANI John Luciani provided several updates to his written report.

- Senior Life project – Presentation on stream mitigation to be presented later in the Agenda. Legal deed change will be completed to not disturb the area at Corps request.
- Mt. Zion/Market Street HOP – Verizon advises they can complete the utility work in six weeks due to township and PennDOT intervention.
- PennDOT and New Jersey Department of Transportation teamed up to develop smart transportation. New standards are being adopted to cut bureaucratic red tape as it relates to highway design and bridge replacement, etc. New standards will apply to redevelopment projects such as Concord Road, Mt. Zion/Market Street intersection, Northern Way/Market Street and Haines Road.

SCHENCK Chairman Schenck asked for information about Ridgeview Heights.

LUCIANI Mr. Luciani responded that the developer had attended several staff meetings. The township's interest is the cost to be incurred if required to construct one side

of the road, which had not been planned. The developer will be responsible for road construction. The current road functions well with the volume and there is no need for change. The plan may come forward with multiple waivers. Negotiations remain in progress.

DVORYAK Mr. Dvoryak noted some discussion about optimization of signals. He asked whether the stimulus money from PennDOT would be used for that purpose.

LUCIANI Mr. Luciani responded that he was correct. Mr. Lauer received a phone call from PennDOT indicating they are planning to optimize one small part of Concord/Mt. Zion Roads. However, it is a mass study that the Department is looking to earmark for signals in York County.

5. CONSENT AGENDA

- A. Acknowledge Receipt of February 28, 2009 Treasurer's Report**
- B. Acknowledge Receipt of February 17, 2009 York Area United Fire & Rescue Commission Meeting Minutes.**
- C. Board of Supervisors Regular Meeting Minutes – March 12, 2009**
- D. Regular Payables as Detailed in the Payable Listing of March 26, 2009**
- E. LD-05-18 – Time Extension – Market Street Commons Add On Lots – Plan Expires 4/26/09 (New Plan Date 7/26/09).**
- F. LD-07-11 – Time Extension – 84 Locust Grove Road – Plan Expires 4/11/09 (New Plan Date 7/11/09).**
- G. SD-05-13 – Time Extension – Market Street Commons Add On Lots – Plan Expires 4/26/09 (New Plan Date 7/26/09).**
- H. SD-06-11 – Time Extension – 3308 Becker Tract – Plan Expires 4/25/09 (New Plan Date 7/25/09).**
- I. SD-07-06 – Time Extension – Triplet Springs – Plan Expires 4/26/09 (New Plan Date 7/26/09).**

MR. GURRERI MOVED FOR APPROVAL OF THE CONSENT AGENDA A THROUGH I. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Enter into Developers Agreement with RAP East Market York, LLC (Rite Aid) for land situated along East Market Street (LD-08-02).**

EHRHART Solicitor Nicole Ehrhart stated that the item involved the signal upgrades with preemption and a contribution towards the Mt. Zion Intersection as well.

MR. GURRERI MOVED FOR AUTHORIZATION TO ENTER INTO DEVELOPERS AGREEMENT WITH RAP EAST MARKET YORK, LLC (RITE AID) FOR LAND SITUATED ALONG EAST MARKET STREET (LD-08-02). MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Advertise Request for Sealed Bids for 2009 Road Materials.

SCHENCK Chairman Schenck stated that item B was to authorize the advertisement for road materials program for 2009. In Mr. Holman's absence, he asked Mr. Lauer whether the Resolution 09-35 change that the state suggested with the escalation or de escalation would coincide with the road materials program.

LAUER Mr. Lauer responded that it would.

SCHENCK Chairman Schenck stated for clarification that if the prices would drop, the assumption would be that the township would receive that advantage.

LAUER Mr. Lauer responded that he was correct.

MR. DVORYAK MOVED TO AUTHORIZE ADVERTISING REQUEST FOR SEALED BIDS FOR 2009 ROAD MATERIALS. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

GURRERI Mr. Gurreri reported that he had received a letter from District Justice Roger Estep quoted here. "This letter is to inform you of how professional your police department performs at the District Court level. I cannot say enough good things about the men and women of your department. Chief Eshbach has put together the outstanding team of men and women in this department for all of you to be proud of. They always come to court neatly attired and truly professional in every aspect. You only hear the negative things. You're an outstanding group." He congratulated Chief Eshbach.

SCHENCK Chairman Schenck indicated that one of his neighbors stopped at his home to discuss the road that connects Old Orchard and Lynbrook, Stone Run Road. He noted some activity there that appeared to be a lawn mowing business. He asked Mr. Rao if that was an item that his department had been tracking.

RAO Mr. Rao responded that they had been tracking it over the last year.

SCHENCK Chairman Schenck asked if there was any way the board could assist. It seemed to be at an awkward place to determine whether or not a business is being operated at that location.

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RAO Mr. Rao responded that they had investigated and the occupants claimed that no business is there. An additional issue is that a trailer is being driven in between the houses on an alleyway, which is not permitted. His department had not been able to produce any evidence.

SCHENCK Chairman Schenck asked if there was any practical way to verify business activities.

RAO Mr. Rao responded that they check their address, billing address, phone book, Internet, telephone numbers and business cards.

SCHENCK Chairman Schenck noted that he guessed that the evidence of commercial vehicles doesn't really mean anything.

RAO Mr. Rao responded that it does provide a clue, but not enough definite proof.

SCHENCK Chairman Schenck noted that the neighbors still are very concerned.

9. SOLICITOR'S REPORT

EHRHART Acting Solicitor Ehrhart stated that Solicitor Rausch had submitted his monthly report. She had nothing further to update the Board.

10. MANAGER'S REPORT

SCHENCK Chairman Schenck stated that Mr. Holman was not present due to his attendance at a conference.

BISHOP Mr. Bishop stated that one of the items in Mr. Holman's Manager's Report was to schedule a Work Session to go over the personnel manual and also the ambulance report of the Fire Chief.

Consensus was to meet on April 9th at 7:30 a.m. to discuss the Benefit's Manual and Ambulance Service Plan.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-03 – Adopting the Intermunicipal Agreement with Hellam Township to Allow the Eastern York County Sewer Authority to Provide Sanitary Sewage Service to Stonybrook Professional Center Properties.

SCHENCK Chairman Schenck stated that item A involved a building partially in Springettsbury Township and sending the sewer flow to Hellam Township system. This item had been discussed at a previous meeting.

MR. DVORYAK MOVED TO ADOPT ORDINANCE NO. 09-03. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-35 – Authorizing Escalator/De-escalator Clause to be included in Road Maintenance Bids for Bituminous Materials.

SCHENCK Chairman Schenck stated that the item was to adopt the state-suggested part of our bids to allow an escalation/de-escalation clause for bituminous materials.

MR. GURRERI MOVED TO APPROVE RESOLUTION 09-35. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Stonewood Park Riparian Corridor Enhancement Plan

SCHENCK Chairman Schenck noted that a presentation would be made with regard to stabilizing the stream.

KEENAN Larry Keenan of First Capital Engineering provided a PowerPoint presentation of the Stonewood Park Riparian Corridor Enhancement Plan. The plan serves as mitigation for the Senior Life project. All the references are from the plan submitted by Vortex Environmental, Inc. His presentation included Information of the project overview, the Riparian goals, DEP requirement of easement of the current deed, aerial layout, overall Stonewood Park layout (11 acres), impacted parcel with buffer, existing conditions, existing structures, no access foot bridge, concrete, Riparian buffer details, maintenance and mowing.

SCHENCK Chairman Schenck asked whether the project will help save the large trees with existing roots or would any affect be based on where they are in relationship to the stream bank.

KEENAN Mr. Keenan responded that the mature trees are fairly spread apart. Within the 450 foot length, 75 trees will be spread out randomly. He did not see the current roots interfering. It would be something to be taken into consideration when installing the trees and shrubs.

SCHENCK Chairman Schenck asked about the time frame and whether the work would be done in 2009 or 2010.

LUCIANI Mr. Luciani responded that the plantings could be done in this planting season. In a discussion with the Corps, they needed documentation and wanted to do the work sooner rather than later.

BOWMAN Mr. Bowman asked how it would improve water quality.

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LUCIANI Mr. Luciani responded that the water quality will improve with having the additional plantings. He reported that there are a lot of changes coming from DEP regarding waterways, such as this one. A 100-foot buffer for any development along streams is coming, and by adding these plantings, the shade that they provide over the water keeps it cooler. If water goes through the middle of a field, it heats up a lot more, which is not good for wildlife. When there are smaller rains, the trees drink a lot more water so there is less run off. Any vegetation removes pollutants. Plants are considered very positive in any waterway project.

13. NEW BUSINESS

A. Acknowledge Receipt of Springettsbury Township Volunteer Fire Fighter's Relief Association Compliance Audit for the Period January 1, 2005 to December 31, 2007.

SCHENCK Chairman Schenck noted that a copy was received of the Audit Report from the state of the Volunteer Fire Fighters' Relief Association. There were two minor findings. They had two findings last year, which had been promptly corrected.

MR. GURRERI MOVED TO ACKNOWLEDGE RECEIPT OF SPRINGETTSBURY TOWNSHIP VOLUNTEER FIRE FIGHTERS' RELIEF ASSOCIATION COMPLIANCE AUDIT FOR THE PERIOD JANUARY 1, 2005 TO DECEMBER 31, 2007. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 7:35 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MARCH 12, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, March 12, 2009 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
George Dvoryak, Secretary/Treasurer
Nick Gurreri
Mike Bowman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Nicole Ehrhart, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Mike Schober, Buchart-Horn, Inc.
Mark Hodgkinson, Director of Wastewater Treatment Plant
Harish Rao, Economic and Community Development Director
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Robert McCoy, Chief, YAUFR
David Eshbach, Chief, Police Department
Jean Abrecht, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 7 p.m

A. Opening Ceremony

SCHENCK Chairman Schenck asked Mr. Gurreri to lead the opening ceremony.

GURRERI Mr. Gurreri welcomed the attendees and asked that the men and women in the armed services be remembered in prayer. He led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. February 26, 2009, 8:10 p.m. to discuss the following legal matters:

- 1) **Marie Stine**
- 2) **Brenneman Zoning Appeal**
- 3) **Tax Audit Issues**

SCHENCK Chairman Schenck announced that an Executive Session had been held immediately following the February 26th meeting to discuss the Marie Stine property issue, the Brenneman zoning appeal and issues relating to the tax audit. He announced that an Executive Session would be held immediately following

the meeting this date to discuss the collective bargaining agreement with the police union.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc

CRABILL Dennis Crabill stated that he had provided a written report. He noted that the televising of the East/West Interceptor was completed and he expected to review the videos when received. In addition, the televising of the Codorus Creek Interceptor was completed this date. He indicated that Jim Crooks had found nothing serious in the interceptors.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani provided several updates to his written report. Prior to the meeting Ms. Miller provided him with photographs of trucks parking on Davies Drive. The photos observed that the trucks parking on Davies Drive currently create a problem for visibility and safety. She wanted to endorse the No-Parking ban because of the safety problem. Mr. Luciani provided the photos to Mr. Holman. Mr. Luciani reported on the traffic signal on North Hills Road. There had been discussion by the board numerous times about the concern and confusion at the signal. A meeting was held with PennDOT's Traffic Signal Coordinator, and the concerns were voiced. The result will be some adjustment to the signal. Mr. Luciani did not have a specific date for the adjustments, but as soon as he has the date, he will advise the township. Norfolk Southern was advised of the degradation of the at-grade rail crossing. It is hoped that Norfolk Southern will repair the crossing, which is seven years old. There are some serious structural problems; however, the warranty on that pre-cast crossing is a seven year timeframe and is pro-rated to zero. The township pays a fee to Norfolk Southern for proper maintenance of many at-grade crossings. During a Tuesday staff meeting, a review was made of the property at 3000 East Market Street. The proposed tenant is a barbeque place in Hellam. There would be no use of a drive-through. The staff was receptive to the plan, and it was an allowed use.

GURRERI Mr. Gurreri asked about the problem at the North Hills Road traffic light.

LUCIANI Mr. Luciani explained that going from the stop bar south on North Hills Road and crossing the railroad tracks, all that is visible is black. If it turns to green no light is seen until the railroad tracks. That allows about 150 feet at a 35-mile an hour speed limit, which is less than three seconds to find the light, register it in one's mind if it is red, yellow or green and then react to it. The reaction time on a good

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day is two and a half seconds for a healthy individual. The change will be when at the stop bar, both lights will be visible. There will be about five or six seconds to react.

5. CONSENT AGENDA

- A. Board of Supervisors Regular Meeting Minutes – February 26, 2009**
- B. Regular Payables as Detailed in the Payable Listing of March 12, 2009**

MR. DVORYAK MOVED TO APPROVE THE CONSENT AGENDA. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Execute Addendum to 2009 Animal Control Contract with Hemler Animal Control Service.**

HOLMAN Mr. Holman stated that the Return to Owner fee previously was \$25.00. The state had adjusted that fee to \$50.00 and the amendment brings the township contract into compliance.

MR. BOWMAN MOVED FOR AUTHORIZATION TO EXECUTE ADDENDUM TO 2009 ANIMAL CONTROL CONTRACT WITH HEMLER ANIMAL CONTROL SERVICE. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Authorization to Award Contract for Bio-Nutrient Removal (BNR) Project Improvements as follows:**
 - 1) General Construction: Conewago Enterprises, Inc. in an amount not to exceed \$17,703,797.50 (inclusive of all alternates).**
 - 2) Electrical Construction: Gettle, Inc. in an amount not to exceed \$3,356,785 (inclusive of all alternates).**
 - 3) Mechanical Construction: Frey Lutz Corp. in an amount not to exceed \$918,500 (inclusive of all alternates).**

SCHENCK Chairman Schenck stated that years ago Pennsylvania signed an agreement with several other states to help reduce nitrogen levels in the Chesapeake Bay. One of the outcomes of that was a move to get wastewater treatment plants to reduce the amount of nitrogen in the discharge. The township does not have a choice but to make the improvements, and they are not cheap. However, the decision was made early to move forward and implement the changes and the township has been planning for several years.

HOLMAN Mr. Holman stated that over the past five or six years the board had authorized Buchart-Horn to work with Mr. Hodgkinson on this project. They had worked very hard and had reviewed a number of different pilot plants that had come to the township and set up, in order to check the treatment methodology. Based on that

Buchart-Horn and Mr. Hodgkinson recommended the type of treatment to use in order to meet the DEP permit that was issued to the township for the current levels of phosphate and nitrogen. Bids had been received, copies of which were provided to the board. The bids were very close for all phases of the contract: general construction, electrical and mechanical. He reported that the bids came in approximately \$8 million under the original estimate. Total project costs, including engineering, contract administration and maintenance will be \$23,105,368. The contractors and the bids had been reviewed by Buchart-Horn and the contracts were reviewed by the Solicitor. A recommendation for approval of the three different contracts was provided. Funding is available through a bond issue of approximately \$4.7 million. The township will look at an additional borrowing to cover the remaining costs. A grant application for \$20 million had been completed. Funding is available through this year and well into 2010, and some surplus money had been reserved for this project as well. The township and the user group that works with the township on this are positioned well for moving forward with this project as far as financial matters.

SCHOBER Mr. Schober stated that he had provided a good summary. It's not just a decision that the township made. It was a matter that Springettsbury and 183 other treatment plants along the Susquehanna will have to do as well.

DVORYAK Mr. Dvoryak asked whether the \$8 million under the estimate was a function of the economy.

SCHOBER Mr. Schober responded it definitely was. There were 11 general contractors who bid on this job. As early as last year there might have been two or three. The bids were all very close. Much of the material prices such as stainless steel had gone down significantly. The manufacturer of the main process dropped the price \$2 million with what had been provided to the township during the planning stage more than a year ago. There are certain contingencies and estimates built in.

DVORYAK Mr. Dvoryak asked when the response will be received on the grant application.

HOLMAN Mr. Holman responded that the estimated timeframe for announcement of awards will be in mid-May.

SCHENCK Chairman Schenck stated that he had been really impressed with the tightness of the bids as there were so many bidders all within less than 1%. He viewed that as a compliment to the team who put it all together.

MR. DVORYAK MOVED TO AUTHORIZE AWARDING THE CONTRACT FOR THE BIO-NUTRIENT REMOVAL PROJECT AS FOLLOWS:

- **CONEWAGO ENTERPRISES, INC. FOR THE GENERAL CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$17,703,797.50 INCLUDING ALL ALTERNATES;**
- **THE ELECTRICAL CONSTRUCTION TO GETTLE, INCORPORATED IN AN AMOUNT NOT TO EXCEED \$3,356,785 INCLUSIVE OF ALL ALTERNATES;**

- **AND MECHANICAL CONSTRUCTION TO FREY LUTZ CORPORATION IN AN AMOUNT NOT TO EXCEED \$918,500 IN AN AMOUNT NOT TO EXCEED \$918,500 INCLUSIVE OF ALL ALTERNATES.**

MR. GURRERI WAS SECOND.

BISHOP Mr. Bishop asked about a letter with regard to an alleged common ownership interest.

HOLMAN Mr. Holman responded that it was hearsay. He asked the Solicitor and Buchart-Horn to review the letter, and nothing was found. As a result, they moved forward with the award of contract. He responded to that letter advising that there was nothing of substance found and that hearsay was not a good argument.

MOTION UNANIMOUSLY CARRIED.

C. Authorization to Enter into Agreement with Buchart Horn, Inc. to Provide BNR Improvements Project Inspection Services at a cost not to exceed \$1,216,000

HOLMAN Mr. Holman stated that it will provide contract administration and on-site contract management. There will be an on-site manager for the entire period of the contract. The individual that will be on-site for this project will be the same individual who managed the BNR project, and Mr. Hodgkinson was very pleased with how he oversaw that project and the day-to-day operations. He is looking forward to working with him. They brought the BNR project in under budget and under cost. He added that on a project this size contract management is important.

MR. BOWMAN MOVED TO AUTHORIZE TO ENTER INTO AGREEMENT WITH BUCHART HORN, INC. TO PROVIDE BNR IMPROVEMENTS PROJECT INSPECTION SERVICES AT A COST NOT TO EXCEED \$1,216,000. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Enter into Drainage System Construction and Maintenance Agreement with Steico, Inc. (Sheetz).

HOLMAN Mr. Holman stated that the agreement included the installation, improvements and maintenance of the stormwater system. The total cost associated with same shall stay with Steico, Inc., the parent company of Sheetz. Should the property ever transfer, the maintenance of that stormwater system would stay with the property owner. Charlie Lauer had reviewed what the township's responsibilities would be and had no problem with this.

MR. GURRERI MOVED TO AUTHORIZE TO ENTER INTO DRAINAGE SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT WITH STEICO, INC. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Authorization to Enter into Escrow Agreement with York Suburban School District and Pennsylvania Local Government Investment Trust (PLGIT) for Required Public Improvements for Yorkshire Elementary Project (LD-08-09)

HOLMAN Mr. Holman stated that, as opposed to a bond, they asked to enter into an escrow agreement in which they will reserve the funds and in order to release any of this amounts of funds, they would need township approval. The Solicitor reviewed it and it is exactly the same as the agreement we have with Central for its project.

MR. GURRERI MOVED TO AUTHORIZE TO ENTER INTO ESCROW AGREEMENT WITH YORK SUBURBAN SCHOOL DISTRICT AND PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT TRUST (PLGIT) FOR REQUIRED PUBLIC IMPROVEMENTS FOR YORKSHIRE ELEMENTARY PROJECT (LD-08-09). MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

F. Authorization to Award Bid for Exclusive Rights to Promote and Advertise the Springettsbury Summer Concert Series and Saturday in the Park Event for the period March 1, 2009 through and including October 31, 2009.

SCHENCK Chairman Schenck noted that, once again, there was just one bidder. He asked how that compared with prior years.

HOLMAN Mr. Holman responded that Cumulus Radio was the sole bidder. The rate is exactly the same as the previous year, \$4,500. The recommendation is for the one year. There are two, one-year options to renew after this, but they are taken individually each time it comes up for renewal.

BISHOP Mr. Bishop asked if this was just for the Summer Concert Series.

HOLMAN Mr. Holman responded that it would cover the Summer Concert Series and Saturday in the Park, along with the Holiday Tree Lighting.

MR. GURRERI MOVED TO AUTHORIZE TO AWARD BID OF EXCLUSIVE RIGHTS TO PROMOTE AND ADVERTISE SPRINGETTSBURY'S SUMMER CONCERT SERIES AND SATURDAY IN THE PARK EVENT FOR THE PERIOD OF MARCH 1, 2009 THROUGH AND INCLUDING OCTOBER 31, 2009. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-08-02 – Rite Aid/Jiffy Lube – Final Plan (Action)

SCHENCK Chairman Schenck introduced Land Development 08-02, known as the Rite Aid/Jiffy Lube project. This was approved previously as a Preliminary Plan during the February 26, 2009 meeting.

- RAO** Mr. Rao presented the plan for final action. Documentation for the plan was provided in his March 12, 2009 briefing memorandum. He indicated the plan proposed to build a new 14,673 square foot Rite Aid Pharmacy and a 2,055 square foot Jiffy Lube as part of the redevelopment of a blighted area. He presented a PowerPoint overview of the plan showing the highlights, history, project location, adjoining zoning district, aerial view, present site view, subdivision plan, proposed land development plan with three entrances, Rite Aid architectural view, and the proposed Jiffy Lube, site rendering, and parking layout. He introduced Mark Heeb of BL Companies to respond to questions.
- HEEB** Mr. Heeb stated that the only thing that had changed since the Preliminary Plan approval was that the MPDES permit had been approved from York County Conservation District. They had submitted their Developers Agreement and the construction cost estimate to be reviewed by the Township's Engineer, which is in progress to be finalized. The plan itself had not changed.
- HOLMAN** Mr. Holman stated that the board would see the Developers Agreement at the next regular meeting. It had been received several days ago, and the Solicitor was reviewing the agreement which included assisting the township with regard to Market and Mt. Zion improvements and they will be doing work on the lights with the emergency generators, 12-inch heads, etc. The developer has worked very hard on this project.
- SCHENCK** Chairman Schenck noted that the board was very familiar with the plan, as they had just reviewed the development as a Preliminary Plan, and there had been no changes other than the completion of some outstanding items.
- BISHOP** Mr. Bishop asked whether it was the board's intention and desire to make sure that all of the information in the recommended motion be included in the actual motion.

Consensus was agreement to include all motion information from the briefing memorandum.

MR. GURRERI MOVED WITH REFERENCE TO LAND DEVELOPMENT 08-02, RITE AID/JIFFY LUBE, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

- **SALDO (§289-13.A) Final plan; specifications;**
Applicant shall:
 1. **Provide final plans on Mylar material and provide a PDF electronic copy of the recorded final plan.**
 2. **Provide Detail A9 on sheet A 001 at a scale of 1 inch = 800 feet and label as street layout.**
- **SALDO (§289-12,C) Final plans procedure, guarantee;**

Before the recording of an approved final plan, the Board of Supervisors shall be assured by means of a proper completion guarantee as provided in SALDO (§289-38), Performance Requirements.

- **SALDO (§289-76) Fees;**
All engineering, legal, recreation, or administrative costs will be paid prior to recording of the final plan.
- **SALDO (§289-12,K) Developers Agreement;**
A Developers Agreement shall be approved between the Township & Applicant prior to the recording of the plan.
- **SALDO (§289-12.H) PennDOT HOP.**
Applicant shall obtain a PennDOT HOP prior to the recording of the plan.

MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

GURRERI Mr. Gurreri reported that he and Mr. Holman toured the incinerator plant and it had been very interesting. He added that Charles Stuhre, Recycling Committee member, had toured the plant as well.

STUHRE Mr. Stuhre stated that the operating people all have the highest credentials on safety. They're star OSHA approved, ISO 14001 approved. It's a very first-class, well run and safe operation.

BISHOP Mr. Bishop reported that the York Counts Public Safety Task Force had scheduled its first meeting for April 1, 2009.

9. SOLICITOR'S REPORT

EHRHART Acting Solicitor Nicole Ehrhart stated that she had nothing to add to Solicitor Rausch's written report, and there were no new matters to report.

10. MANAGER'S REPORT

HOLMAN Mr. Holman stated that, in addition to his written report, he called the Board's attention to the notice on the County Economic Development Plan Regional Municipal Work Session. Springettsbury Township is in the Greater York Region and the meeting is scheduled for March 30, 2009 between 5:30 and 7:30 p.m. Mr. Holman indicated he will attend, along with anyone else who is interested. The focus will be the 911 Center. In addition, he reported that the Parks and Recreation Committee subcommittee doing the Master Plan for the three parks asked whether the board would be available for a work session prior to the first meeting in April 9th at about 6:15. It would be about 15 minutes of presentation and 15 minutes for questions. The draft plan had been received by the board in order to provide time for review.

Consensus of the board was to meet at 6:15 on Thursday, April 9, 2009.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-02 – Establishing No Parking Zone on Davies Drive from East Market Street to Concord Road.

SCHENCK Chairman Schenck noted that the ordinance had been advertised and is ready for adoption. He acknowledged the two photos provided by Mrs. Miller on the topic. The board all had viewed the pictures.

HOLMAN Mr. Holman responded that it had been advertised and was ready for action by the Board.

MR. DVORYAK MOVED TO APPROVE ORDINANCE NO. 09-02, ESTABLISHING NO PARKING ZONE ON DAVIES DRIVE FROM EAST MARKET STREET TO CONCORD ROAD. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-34 – Accepting the Offer of Dedication for Right-of-Way Along Whiteford Road (Members First Federal Credit Union).

HOLMAN Mr. Holman stated this was part of Land Development Plan 07-01 for the Members First Federal Credit Union. That additional right-of-way will help improve traffic flow along Whiteford Road across from that entrance to the mall.

SCHENCK Chairman Schenck asked whether there will be any actual construction there or whether it had already occurred.

HOLMAN Mr. Holman recalled seeing construction on the site but he did not know whether the road widening was done.

LUCIANI Mr. Luciani confirmed that there is road widening as part of Members First project.

MR. BOWMAN MOVED TO APPROVE RESOLUTION NO. 09-34, ACCEPTING THE OFFER OF DEDICATION FOR RIGHT-OF-WAY ALONG WHITEFORD ROAD (MEMBERS FIRST FEDERAL CREDIT UNION). MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Advertise Ordinance Amending Chapter 220 of the Code of Ordinances “Soliciting and Peddling”.

SCHENCK Chairman Schenck noted that this ordinance would update the Soliciting and Peddling Ordinance. Mr. Holman’s report stated that there had been new case law.

HOLMAN Mr. Holman responded that the new case law dealt especially with regard to religious groups proselytizing. They do not need permits to proselytize. The township needed to amend the ordinance to reflect that.

MR. GURRERI MOVED TO AUTHORIZE TO ADVERTISE ORDINANCE AMENDING CHAPTER 220 OF THE CODE OF ORDINANCES “SOLICITING AND PEDDLING”. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Advertise Ordinance Adopting the Intermunicipal Agreement with Hellam Township to Allow the Eastern York County Sewer Authority to Provide Sanitary Sewage Service to Stonybrook Professional Center Properties.

SCHENCK Chairman Schenck stated that this was authorization to advertise an ordinance for an agreement with Hellam Township for some sewer capacity.

HOLMAN Mr. Holman stated that it is a required intermunicipal agreement between Springettsbury and the EYCSA. There is a development that borders between Springettsbury and Hellam Township. The sewer flow can go by gravity towards Hellam Township in the EYCSA. For Springettsbury it would have to be pumped back up based on review with Mr. Hodgkinson and with the Environmental Engineer, and the recommendation was that Hellam Township would accept the flow and Hellam Township is in agreement with this with the EYCSA.

SCHENCK Chairman Schenck asked whether any funds go along with it.

HOLMAN Mr. Holman responded that no funds go along with this. It merely will allow them to accept the flow.

BISHOP Mr. Bishop asked whether any new buildings will be built.

HOLMAN Mr. Holman responded that there will be brand new buildings.

MR. BOWMAN MOVED FOR AUTHORIZATION TO ADVERTISE ORDINANCE ADOPTING THE INTERMUNICIPAL AGREEMENT WITH HELLAM TOWNSHIP TO ALLOW THE EASTERN YORK COUNTY SEWER AUTHORITY TO PROVIDE SANITARY SEWAGE SERVICE TO STONYBROOK PROFESSIONAL CENTER PROPERTIES. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no old business for discussion.

13. NEW BUSINESS

A. Motion to Ratify March 2, 2009 Weather Emergency Declaration by Township Manager and Rescission thereof Effective March 3, 2009.

SCHENCK Chairman Schenck stated that Mr. Holman had to declare a weather emergency on March 2, 2009 and then rescind it the next day primarily to be able to have the drivers stay for snow removal. He indicated that the action needed to be ratified by motion.

HOLMAN Mr. Holman stated that it permitted the drivers stay longer to complete the snow removal.

MR. GURRERI MOVED TO RATIFY MARCH 2, 2009 WEATHER EMERGENCY DECLARATION BY TOWNSHIP MANAGER AND RESCISSION THEREOF EFFECTIVE MARCH 3, 2009. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Acknowledge Receipt of Uniform Construction Code Reassessment Audit Report No. 671655-2 from the Pennsylvania Department of Labor and Industry Dated March 2, 2009.

SCHENCK Chairman Schenck reported that an audit report by the Uniform Construction Code had been received, which is to be acknowledged.

HOLMAN Mr. Holman asked that the board acknowledge receipt of the report by Pennsylvania Labor and Industry. It will be available for the public's review. He reported that the township had done well in the report; however, it goes back three years and reviews the ADA compliance of the facilities. They did find some things that need to be improved. One of the stalls was an inch off where the center was and the gentlemen did find some administrative items which were fine with the gentleman who did the audit three years ago, but this one would like a few things changed in our administrative procedures. They'll be relatively easy to do and Mr. Rao had already addressed them. One of them is just so it's easier for the inspector to see that the CFO was issued within five days of final inspection, along with some language that will be added at the bottom of the permit with regard to any change to ADA improvements which they must contact the township to inspect again.

DVORYAK Mr. Dvoryak commented that the administrative action was pretty clear. He asked about the actual inspection comments.

HOLMAN Mr. Holman responded that notices were sent out to each of the businesses where there are discrepancies and requested correction. The inspector advised that there was no requirement for them to correct.

DVORYAK Mr. Dvoryak asked whether the inspectors are trained as to what they should do.

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MARCH 12, 2009
APPROVED**

HOLMAN Mr. Holman responded that they are trained annually. The ADA inspector accompanies this inspector. The report was better than the one received three years ago. On ADA the township is doing very well.

SCHENCK Chairman Schenck asked whether the township has multiple individual inspectors.

RAO Mr. Rao responded that there are three inspectors. Each one specializes in specific areas plus a third party inspector.

SCHENCK Chairman Schenck commented that was why the same individual is mentioned because this part of the inspection is his primary function.

MR. GURRERI MOVED TO ACKNOWLEDGE RECEIPT OF UNIFORM CONSTRUCTION CODE REASSESSMENT AUDIT REPORT NO. 671655-2 FROM THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY DATED MARCH 2, 2009. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

SCHENCK Chairman Schenck reminded the board that an Executive Session would be held immediately following the meeting to discuss the police union contract. He adjourned the meeting at 7:55 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**FEBRUARY 26, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, February 26, 2009 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
George Dvoryak, Secretary/Treasurer

MEMBERS NOT

IN ATTENDANCE: Nick Gurreri
Mike Bowman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Harish Rao, Economic and Community Development Director
Betty Speicher, Director of Human Resources
David Eshbach, Chief, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 7:05 p.m. He reported that two of the Supervisors, Nick Gurreri and Mike Bowman, would not be attendance. A Quorum was present.

A. Opening Ceremony

SCHENCK Chairman Schenck led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. February 12, 2009 prior to regular meeting to discuss:

- 1) **Legal Matters – Davies Drive and Marie Stine**
- 2) **Collective Bargaining**

SCHENCK Chairman Schenck announced that an Executive Session had been held prior to the February 12th meeting to discuss legal matters regarding Davies Drive and Marie Stine, along with Collective Bargaining with the police union.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill stated that he had submitted his monthly report. He noted that the bid opening for the BNR project will be held on February 27, 2009 at 10 a.m.

HOLMAN Mr. Holman noted that approximately 20 contractors had picked up plans.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani indicated he had filed his monthly report as well. He provided several updates, which are summarized:

- Concord Road Embankment – Stabilized by Public Works crew
- North Hills Road Traffic Signal – Norfolk Southern and PUC opted for traffic light signals; continuing to review with anticipated solution provided at next meeting.

SCHENCK Chairman Schenck asked about changing Concord Road from a local to a collector road. He commented that speeds on that road are a lot higher than he expected.

LUCIANI Mr. Luciani responded that the speeds are higher in one direction than the other. Township roads are classified as local, collector, and several branches of arterials. Collector roads have special provisions, such as volume, landscaping, driveways. He recommended, as ordinance changes are made, that from Northern Way to the far western end of Concord Road be designated a collector road.

SCHENCK Chairman Schenck asked whether that would change the township's ability for speed limit control.

LUCIANI Mr. Luciani responded that it would not. He recommended the change because Concord Road currently is designated as a local road and the volume of traffic had increased significantly.

DVORYAK Mr. Dvoryak asked about the \$10,000 estimate for the signal optimization on Mt. Zion. He asked where it would start and end.

LUCIANI Mr. Luciani responded that the signals on Mt. Zion Road start at Pleasant Valley and go all the way to Market Street and they're all on one loop. Mr. Holman reviewed all the Developers Agreements with the attorneys. Several developers had contributed money into a kitty for signal

optimization. As the Davies Drive project becomes a reality and the volume on Concord Road increases, the entire segment can be reviewed for re-timing all the lights in sequence enabling better traffic flow.

HOLMAN Mr. Holman added that the Davies Drive rail crossing is the unknown. He indicated that, as that develops; it will be tied into the plan to optimize the signal lights. During that time, other lights in the area can be reviewed to have everything working to make sure traffic can move more smoothly.

BISHOP Mr. Bishop asked what progress had been made with Verizon to move the pole at Mt. Zion and Market Street.

LUCIANI Mr. Luciani stated that plans had been provided to Verizon, which is a guest on Met Ed's pole line. Met Ed met with township officials in the field, and the poles must be moved back with a 15-foot isolation distance between the face of the houses and the pole. Verizon stated that they are short staffed, and they are required to move the pole at no cost. As a result the project is a low priority.

HOLMAN Mr. Holman stated that PennDOT is pushing Verizon to move that forward, which remains on the schedule for summer of 2009.

5. CONSENT AGENDA

- A. Acknowledge Receipt of January 31, 2009 Treasurer's Report.**
- B. Acknowledge Receipt of January 20, 2009 York Area United Fire and Rescue Commission Meeting Minutes.**
- C. Board of Supervisors Regular Meeting Minutes – February 12, 2009**
- D. Regular Payables as Detailed in the Payable Listing of February 26, 2009.**
- E. Time Extension – SD-07-03 – Spring Meadows – Plan Expires 3/30/09 (New Plan Date 6/30/09).**
- F. Time Extension – LD-08-09 – Yorkshire Elementary School – Plan Expires 3/23/09 (New Plan Date 6/23/09).**
- G. Time Extension – SD-07-04 – Ridge View Heights – Plan Expires 3/13/09 (New Plan Date 6/13/09).**

MR. DVORYAK MOVED TO APPROVE THE CONSENT AGENDA AS OUTLINED ON THE AGENDA. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Enter into Developers Agreement with York Suburban School District as part of Land Development Plan (LD-08-09) for Property Located along Eastern Boulevard.**

HOLMAN Mr. Holman stated that the improvement deals with the intersection of Mill Street and Eastern Boulevard, as well as stormwater improvements to help mitigate stormwater problems on Eastern Boulevard. Mr. Lauer had reviewed the plan and approved of the development. The approval of the Developers Agreement does not guarantee the approval of the Land Development Plan. If the plan is not approved, then even with the approval of the Developers Agreement, it would not be binding.

MR. DVORYAK MOVED TO AUTHORIZE TO ENTER INTO THE DEVELOPERS AGREEMENT WITH YORK SUBURBAN SCHOOL DISTRICT AS PART OF LAND DEVELOPMENT PLAN 08-09 FOR PROPERTY LOCATED ALONG EASTERN BOULEVARD. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-08-09 – Yorkshire Elementary School – Preliminary/Final (Action)

RAO Mr. Rao presented background information regarding LD-08-09, which was documented in his February 26, 2009 briefing memorandum. He indicated that the plan proposed construction of a new elementary school to replace the existing Yorkshire Elementary. He stated that the applicant had requested seven waivers. Planning Commission had approved the plan during its February 19, 2009 meeting. He provided a PowerPoint presentation reviewing the plan highlights, subdivision approvals, developer's agreement, history, location, adjoining zoning district, aerial view, present site and proposed plan. Mr. Rao mentioned the three requested waivers, also documented in the briefing memorandum. Discussion concerning the cul-de-sac is summarized:

- Township requires a 50-foot radius; only a 41-foot radius can be provided. Waiver is requested.
- School District will build the cul-de-sac, which will be dedicated to the township.
- School District will provide all winter maintenance of the cul-de-sac.
- Note on the plan will document agreement regarding the cul-de-sac.

RAO Mr. Rao invited Casey Deller of C. S. Davidson and Dave Schrader of Schrader Architects Group to respond to questions.

SCHENCK Chairman Schenck asked whether there had been any discussion by the Planning Commission about Maywood Road in general.

HOLMAN Mr. Holman responded that the main discussion centered on the 41-foot cul-de-sac and they were in agreement with it. Maywood Road will not be going all the way through so there wasn't a great deal of discussion about it.

SCHENCK Chairman Schenck indicated he wondered if there had been any discussion as to why it remained as a street as it does not serve any needs at all.

HOLMAN Mr. Holman responded that there are a couple properties attached to it to the rear. That would be why it would stay as a street. The cul-de-sac itself provides the turnaround for the fire trucks or anything else.

LUCIANI Mr. Luciani stated that there are five houses that front on Maywood. The discussion centered around the fact that if there were no homes fronting on that street, it would only serve the school, but that could not happen because it needed to be maintained as a public right-of-way. Currently there are no liquid fuels collected on any street and it needed to be a permanent paved cul-de-sac. That was why the school was mandated in the ordinance.

HOLMAN Mr. Holman added that it was needed for fire safety so vehicles can go in and turn around and come back out.

SCHENCK Chairman Schenck asked about any discussion around the pavilion facilities that the Rec Department uses there in the summer.

HOLMAN Mr. Holman indicated that Mr. Wendel has no issues with regard to it and actually liked the plan.

SCHENCK Chairman Schenck asked whether he could still have a program on the property.

HOLMAN Mr. Holman responded that when the construction is complete, he will coordinate with the school. He added that the school had always been cooperative.

RAUSCH Solicitor Rausch asked about the intersection at Eastern and Mill and whether the stop signs on Eastern would stay.

LUCIANI Mr. Luciani responded that the stop signs will remain where they currently are. Painting of the stop bars will be updated by the school. The concern the Planning Commission had related to the traffic pattern. There will be a right turn only sign for parent drop offs.

HOLMAN Mr. Holman added that there will be a median on Mill Street so that people can make that left turn.

DELLER Mr. Deller explained that there is a grass separation median. Motorists cannot physically come out of the school's driveway and turn left. They

must make the right and turn back around to do such a turning movement. That was one of the items that TRG looked at the function of Eastern Boulevard extensively and whether to close off that Boulevard-style street. All of the discussion for both traffic flow and the way that the stormwater flows across Eastern Boulevard there said no.

SCHENCK Chairman Schenck commented that the schools do a great job of quickly educating the parents of how they expect the traffic patterns to go. They usually get pretty good response.

DELLER Mr. Deller added that there will be traffic guards out there as long as it takes to educate those parents, if not on an extended period.

BISHOP Mr. Bishop asked whether there was any serious discussion about a traffic signal at Mill and Eastern.

LUCIANI Mr. Luciani responded that there was, and traffic counts had been done, not only by TRG, but also by the Springettsbury Police Department. All the counts resulted in the same numbers and verified the fact that it will not meet any of the seven required warrants for a signal.

HOLMAN Mr. Holman stated that one of the main issues that the Planning Commission dealt with was the stormwater. The solution in the addition of a different drainage system will help mitigate the existing flooding problem on the north east corner. It will help to move some of the water further down and with the different drainage system it will help resolve it some. Mr. Lauer had reviewed it and was pleased with the plan.

RAUSCH Solicitor Rausch asked where the split is on the zoning.

RAO Mr. Rao responded that it was in the center of Third Avenue.

RAUSCH Solicitor Rausch noted that below that is the R7. He asked about the vacant parcel across the street.

LUCIANI Mr. Luciani responded that it is intended to be a Goddard School.

MR. BISHOP MOVED WITH RESPECT TO LAND DEVELOPMENT PLAN 08-09, YORKSHIRE ELEMENTARY SCHOOL TO APPROVE THE PRELIMINARY/FINAL PLAN WITH THE SEVEN WAIVERS LISTED ON THE FEBRUARY 26, 2009 BRIEFING MEMORANDUM. FURTHER TO APPROVE THE SAME LAND DEVELOPMENT PLAN WITH THE EIGHT CONDITIONS LISTED ON THE SAME MEMORANDUM. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

BISHOP Mr. Bishop mentioned that he drove around the township and noted several zoning items. He specified Bareville Design's speckled flyers, the boat business having a banner notifying customers they are going out of business, and Maple Donuts has a guy standing outside.

SCHENCK Chairman Schenck noted the signs on light poles with streamer banners off the light standards.

BISHOP Mr. Bishop stated that the township had been working with the York Area United Fire and Rescue on the fire service for some time. He indicated that the board needed to address EMS at some point. He did not know whether the board should request that YAUFRR provide some ideas and/or whether that would be something they would be able to do, or whether the board should decide what to do. Mr. Bishop thought there were some opportunities there but some real thought should be given to what the possibilities might be, as things of that nature take time.

HOLMAN Mr. Holman reported that he and Chief McCoy had begun working on that project. They had sent the first letter with regard to the ambulance and are getting a second one ready to go with an update. They plan to arrange a work session with the board when they have all the numbers together. They will continue to get the updates. They are tracking the EMS and working on different options. One option that may be looked at is what happens to the governance of EMS in the long term. That would be discussions with YAUFRR.

BISHOP Mr. Bishop asked when he could see finishing his portion of that reporting.

HOLMAN Mr. Holman responded that he should have some numbers and various options for the board to review EMS within the next two months. Chief McCoy's review indicated an 80% response of the calls within Springettsbury Township, and outside ambulances respond to 20%, which is a very high response percentile. He appreciated Chief McCoy and his efforts in that. They are reviewing the past and attempting to project what will happen in the future. They want to be able to provide recommendations for options, along with cost analysis, benefits to be derived and what joint services might be available.

SCHENCK Chairman Schenck commented that he thought the numbers were more 70/30%.

HOLMAN Mr. Holman responded that the 80% was an excellent response rate based on the Chief's research. He had done a very good job working forward on this.

SCHENCK Chairman Schenck reported that he had attended the presentation that developer Pasch put together for his development that he has not yet presented to the township.

HOLMAN Mr. Holman noted that Mr. Pasch had attended a staff meeting and presented exactly what had been presented that evening. It is anticipated that he will be submitting a sketch plan for review by the Planning Commission and to the Board of Supervisors. To date nothing had been submitted.

SCHENCK Chairman Schenck noted that what he presented that night showed roadway systems that are totally in conflict with township standards. He wondered how far in the process would that go if that is, in fact, what will be submitted until he is advised it is just wrong. If a developer would make their design consistent with what's allowed from day one, there would be a lot less grief on both sides of the equation. He did not think any of the requirements Springettsbury asked for are even unique to this township.

HOLMAN Mr. Holman stated that during the sketch plan phase comments come from the engineer. They do a preliminary look at it and one of them is roads have to be in conformance with the township's plan. They will note that they don't appear to be at this time. The developer is made aware at that point and then as they go through the process. The traffic study is another one that will take quite a bit of time.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated that he had submitted his written report. He requested a brief Executive Session concerning the 2007 Audit of the township's real estate tax following conclusion of the meeting this date.

SCHENCK Chairman Schenck reminded the board that there will be a brief Executive Session.

9. MANAGER'S REPORT

HOLMAN Mr. Holman reported that he and Mr. Dvoryak met with representatives from Conrad Siegel for a review of their proposal with regard to the pension plans. Their review would cover the performance of the police pension plan for the last five years, and the fire pension plan over the past two and a half years. As part of the review they will give us a recommendation based on the performance, what could be done to improve it and draft recommendations for a new revised investment plan and other programs. Based on the subjects, Mr. Dvoryak and I

recommend moving forward. He stated that they have an excellent program, which will review how the investment advisors have performed. A report should be received by May.

BISHOP Mr. Bishop expressed concern about spending money for a review of this nature. He stated he would like to further discuss the issues.

DVORYAK Mr. Dvoryak stated that, from his perspective, the biggest outcome out of this particular work will be their recommendations for designing investment policy statements going forward. The investment policy statement here has not been updated in 10 years. Any ranges in our policy statement are very broad and leave a lot of discretion to the investment manager. At this point I don't think we know whether or not that's a good thing or a bad thing. Mr. Dvoryak stated that having a professional investment consultant review and make specific recommendations would be well worth the time and money to do so. He added that the cost of that study would be paid by the pension plan itself.

BISHOP Mr. Bishop stated that he understands that and asked how much it would cost.

DVORYAK Mr. Dvoryak responded that it would depend upon the range selected, but not to exceed \$6,000.

SCHENCK Chairman Schenck asked who would actually hire them, the Board of Supervisors or the Pension Board members.

HOLMAN Mr. Holman responded that the Board of Supervisors would actually hire them.

SCHENCK Chairman Schenck commented that it didn't seem right.

BISHOP Mr. Bishop stated that he would be uncomfortable with disenfranchising the members of the Pension Board.

HOLMAN Mr. Holman responded that any decision could be held and brought up during the May pension board meeting. The goal is to try and get this done. If there is a concern with using pension money, reserves in the General Fund could be used to get it done. Another option for review is to determine whether having the two investment advisors really is providing the benefits that were originally conceived.

BISHOP Mr. Bishop commented that consultants can be hired to answer questions, but there still will be questions.

SCHENCK Chairman Schenck stated that he was not opposed to doing the work, but was cautious due to the fact that several board members were not present.

HOLMAN Mr. Holman suggested holding any decision until the next meeting. He will provide all the information to the pension fund members.

BISHOP Mr. Bishop indicated he thought it would be a really bad idea for anyone other than the respective pension board to make decisions about spending pension dollars.

SCHENCK Chairman Schenck agreed. He asked whether the matter could be held until the next pension board meeting.

HOLMAN Mr. Holman responded that it could be held for that period of time. The study would be finished some time in August. He added that the \$6,000 could be paid out of professional services and not charged to the pension fund. However, over time it would have to be paid back by the pension fund.

BISHOP Mr. Bishop asked what the answer would be.

HOLMAN Mr. Holman responded that the answer could be anything from the investment policies are fine and the investment advisors are doing an excellent job, or it could be that the plan needs to be tweaked or there could be a recommendation for change.

DVORYAK Mr. Dvoryak stated that one of the biggest challenges faced as to whether some should or should not be done is when assumptions about performance are made for pension plan benefit levels, certain rates of return have been assumed historically. During the last three to five years the plan has not come close to those assumed returns. The unanswered question is whether those rates of return can be attained and how to get there without putting undue risks in the portfolio. He noted that was part of what a review would attempt to answer and those answers could indicate that what is being done is fine and relates to the market conditions. The answer may be to think about changing investment managers or adding a new asset class or changing allocations to the asset classes. He noted that the pension board itself does not have any qualified experts in that area who could make that decision without some type of guidance from those who do that for a living.

HOLMAN Mr. Holman added that part of the reason for meeting with them was to make sure what the deliverables would be that would come from a review.

DVORYAK Mr. Dvoryak added that he agreed 100 percent that everyone on the pension board should take part in the decision.

SCHENCK Chairman Schenck noted that he had always had a question as to whether there is enough money in the fund for two fund managers to get excited about it.

DVORYAK Mr. Dvoryak responded that he had asked that question as to whether it would be part of the recommendation. He asked whether the fund was at a level where combining the two into one would result in some sort of economy scale for the fees, and that would be part of what is reviewed.

BISHOP Mr. Bishop stated that more fees will be spent to learn if there's a way to save fees. The bottom line is the market so anything done just spends money and reduces the total gain.

HOLMAN Mr. Holman offered to have Conrad Siegel make a presentation during the next full pension board. It will be a combined meeting of the police and fire pension boards.

SCHENCK Chairman Schenck stated that would be important and he thought that would be a direction to proceed.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-31 – PennDOT Cost Sharing Request – North Sherman Street

HOLMAN Mr. Holman stated that this is a revision to a previously adopted resolution. PennDOT changed their format and they requested that the township re-adopt based on their current format.

MR. DVORYAK MOVED TO APPROVE RESOLUTION 09-31, PENNDOT COST SHARING REQUEST. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-32 – Recognition of Retiree James V. Bailey, Jr.

MR. BISHOP MOVED TO ADOPT RESOLUTION 09-32, RECOGNITION OF JAMES V. BAILEY, JR. ON HIS RETIREMENT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 09-33 – Declaring Intent to Follow the Schedules and Procedures for Disposition of Records as set forth in the December 16, 2008 Pennsylvania Municipal Records Manual.

SCHENCK Chairman Schenck asked what the reason for the resolution was.

HOLMAN Mr. Holman responded that according to the state statutes the township must adopt the current manual in order to follow the current procedures. This refers to the state schedules and procedures for disposition of records. It was adopted by the state, dated December 16, 2008 and the township must adopt it in order to follow the manual.

MR. BISHOP MOVED TO ADOPT RESOLUTION NO.09-33, SCHEDULES AND PROCEDURES FOR DISPOSITION OF RECORDS AS SET FORTH IN THE DECEMBER 16, 2008 PENNSYLVANIA MUNICIPAL RECORDS MANUAL. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Authorization to Advertise Ordinance for “No Parking” on Davies Drive from East Market Street to Concord Road

HOLMAN Mr. Holman stated that the traffic study indicated that there should be no parking and will put into place no parking. When the rail crossing is completed, the no parking signs will go up. One of the areas where a number of complaints come in is heavy tractor-trailer parking on Davies Drive at Food Lion, which does present problems.

SCHENCK Chairman Schenck commented that it will be an issue when that road is finally opened up.

MR. DVORYAK MOVED TO AUTHORIZE TO ADVERTISE THE ORDINANCE FOR NO PARKING ON DAVIES DRIVE FROM EAST MARKET STREET TO CONCORD ROAD. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business for discussion.

13. NEW BUSINESS

A. Adoption of Revised “Probationary Period” Section of the Springettsbury Township Employee Policies Manual

SCHENCK Chairman Schenck commented that he advised Mr. Holman that he had a problem with the probationary period. He thought twelve months seemed very long to him. He wondered what was customary in employee relations areas.

HOLMAN Mr. Holman responded that the policy had been the same in most of the towns where he had worked. He had been using a one-year probationary period as a basis for both police and fire employees. Health and other

benefits start after the normal three-month period but it is one year to evaluate employees. He added that it had worked well in most cases.

MR. BISHOP MOVED TO ADOPT REVISED PROBATIONARY PERIOD SECTION OF THE SPRINGETTSBURY TOWNSHIP EMPLOYEE POLICIES MANUAL. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

SCHENCK Chairman Schenck reminded the board of the Executive Session to be held following the meeting. He adjourned the meeting at 8:05 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**FEBRUARY 12, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, February 12, 2009 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
George Dvoryak, Secretary/Treasurer
Mike Bowman

NOT IN

ATTENDANCE: Nick Gurreri

ALSO IN

ATTENDANCE: John Holman, Secretary
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Harish Rao, Economic and Community Development Director
Betty Speicher, Director of Human Resources
Dori Bowders, Manager of Administrative Operations
Jean Abreght, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Bill Schenck called the meeting to order at 7:05 p.m.

A. Opening Ceremony

SCHENCK Chairman Schenck reported that Supervisor Gurreri would not be in attendance as he was out of town. Chairman Schenck led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck announced that an Executive Session had been held just prior to the meeting this date to discuss pending litigation matters concerning Davies Drive and Marie Stine, as well as negotiations with the labor unions.

3. COMMUNICATION FROM CITIZENS

JOHNSTON Mr. Eric Johnston, Johnston & Associates spoke on behalf of Bill Carter, who owns two tracts of land. He would like to move some lot lines, but plans no new construction. He asked for the board's position as to whether curbs and sidewalks, along with environmental work in the flood

plain would be mandated and whether a waiver could be secured with a six month note.

SCHENCK Chairman Schenck responded that Mr. Carter had approached him with regard to pursuing a minor subdivision. Because no official documentation had been filed, it was difficult for the board to respond. The Planning Commission would be the place to start the process.

JOHNSTON Mr. Johnston stated that there is a \$1,000 fee to start through the Planning Commission process.

HOLMAN Mr. Holman suggested that he present a sketch plan, which would cost \$1,000, which covers time for the engineer and staff review, and then it would proceed through the Planning Commission. He added an alternative, which would be to submit a minor subdivision plan, set up escrows and go through that process. A minor subdivision could be presented as a briefing item to the Planning Commission, along with notations of some of the waivers desired. The feedback would provide the answers to Mr. Carter's questions.

JOHNSTON Mr. Johnston commented that curb and sidewalk are the two main issues, and at the end of the process, if that were required, Mr. Carter would not move through any development process. He was hopeful that there would be some other way to get that information. Mr. Johnston understood that if a minor subdivision were submitted, the engineer would provide a lengthy and thorough review with the escrow amounts.

HOLMAN Mr. Holman responded that he would do a review along with the Solicitor as well.

JOHNSTON Mr. Johnston understood and thanked the board and Mr. Holman for the information.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill stated that he had provided a written report. He reported that the BNR Improvements project is out to bid. There were a number of requests to extend the bid. The original bid opening date was February 20th. They had built in a one-week slot that would be available, and enough people had come forward with requests to extend. It is a rather large project and with the bidding environment right now there are a lot of other projects out there being bid. Through discussion with staff it was determined that there would likely be a better cross section of the available contractors. The new bid opening date will be February 27th at 10 a.m.

- SCHENCK** Chairman Schenck asked whether the length of that extension was satisfactory.
- CRABILL** Mr. Crabill responded that all but one New York based contractor was satisfied. He reported that they working on the Eberts Lane/PennDOT requirements/cost sharing. There were some issues identified, which will be handled with Mr. Holman.
- SCHENCK** Chairman Schenck mentioned that he had learned of a joint effort for sharing services for emergency management scenarios through the water company. He wanted to mention it to Mr. Crabill in the event there would be interest.
- HOLMAN** Mr. Holman stated that the township currently shares with American Water and has a good relationship. They have an emergency trade program.
- SCHENCK** Chairman Schenck noted that it was a more formal program that the state is supporting. He offered to provide the names to contact.

B. Civil Engineer – First Capital Engineering

- LUCIANI** Mr. Luciani provided a few items in addition to his written report. He stated that Mr. Lauer had telephoned him on Monday evening to advise of an issue on Concord Road, which site they visited on Tuesday morning, February 10th. He noted there had been pretty cold temperatures over the last month and with thawing there was an embankment failure along Concord Road. The soil is so loose that, in a good rain storm, the slope could easily wash out and a piece of Concord Road would be lost. In addition, there is a sewer line nearby. Mr. Holman signed an application and an emergency permit was secured from DEP; Mr. Lauer will order some rip wrap material and some construction activity will take place along Concord Road. He noted thanks to Mr. Lauer for bringing it to their attention, and to DEP for acting quickly on issuing the permit.
- HOLMAN** Mr. Holman noted that Mr. Lauer will be handling this on an emergency basis.
- LUCIANI** Mr. Luciani reported that the Safe Routes to School on Haines Road was put out for bid, and they are currently evaluating bids. The estimate was \$171,000 for sidewalk. Some of the low bidders are in the \$70,000 to \$80,000 range which is surprising. The bids will be reviewed by PennDOT, along with an analysis of the bidders. They are hopeful for their concurrence to formally award the project as the pricing was very good. Mr. Luciani added that they all had been prequalified by PennDOT.

LUCIANI Mr. Luciani reported that a lengthy meeting had been held with PennDOT to discuss many issues. As a result of that meeting, an emergency meeting will be held with Rep. Stan Saylor to discuss traffic improvements on Mt. Rose Avenue. Heritage Hills was not successful in getting the TND. That will not impact their hotel project. However, there is a connector road that may be discussed, which is one of Rep. Saylor's and York Township's concerns. Both he and Mr. Holman are well aware of the board's opinion on the hotel expansion and the traffic signal.

5. CONSENT AGENDA

- A. B & R Construction Services – Safe Routes to School (Central) – Request for Payment No. 3 in an amount not to exceed \$6,700.19.**
- B. Board of Supervisors Public Hearing – December 11, 2008.**
- C. Board of Supervisors Regular Meeting – December 11, 2008.**
- D. Board of Supervisors Reorganization Meeting – January 5, 2009.**
- E. Board of Supervisors Regular Meeting – January 8, 2009.**
- F. Board of Supervisors Regular Meeting – January 22, 2009.**
- G. Regular Payables as Detailed in the Payable Listing of February 12, 2009.**
- H. LD-08-12 – Time Extension – Yale Electric – Plan Expires 2/25/09 (New Plan Date 5/25/09).**
- I. SD-07-09 – Time Extension – Waltersdorff – Plan Expires 2/26/09 (New Plan Date 5/26/09).**
- J. SD-08-03 – Time Extension – Pam Long – Plan Expires 2/25/09 (New Plan Date 5/25/09).**

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH J. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Purchase One (1) Black 2009 Ford Escape 4WD Hybrid Vehicle from Warnock Chevrolet through COSTARS State Contract to be utilized by the Police Department at a cost not to exceed \$29,120.66.**

HOLMAN Mr. Holman reported that he appreciated Chief Eshbach's effort in investigating whether a hybrid vehicle will fit their needs and the willingness to test one. The overall goal over the next 5 years is to lower the amount of fuel reduced by one tanker per year. This is a way of moving forward. Currently the fuel usage is at 10% for biodiesel and will be at about 15% by the end of the year.

SCHENCK Chairman Schenck asked whether the vehicle was budgeted.

HOLMAN Mr. Holman responded that it was budgeted in the 2009 budget.

MR. BISHOP MOVED TO AUTHORIZE THE PURCHASE OF ONE 2009 FORD ESCAPE HYBRID VEHICLE FOR AN AMOUNT NOT TO EXCEED \$29,120.66. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Execute Addendum to Developers Agreement with York Properties Associates, LLC for property located at Memory Lane Extended.

HOLMAN Mr. Holman reported that the item was an addendum to the original agreement. The agreement will allow them to start construction before the box culvert is in construction. A permit will not be issued for the box culvert for at least nine months to a year even though there was verbal approval. The box culvert is bonded for public improvements and funding is in place.

SCHENCK Chairman Schenck asked what might happen if they don't get a permit.

HOLMAN Mr. Holman responded that they would provide funds for the township to widen the road. A contingency for that was built in. The box culvert is a much preferred option. Both DEP and the Army Corps have reviewed it and don't have any problem with it but getting through the process itself will take some time.

MR. DVORYAK MOVED TO AUTHORIZE THE EXECUTION OF THE ADDENDUM TO THE DEVELOPERS AGREEMENT OF YORK PROPERTIES LLC FOR THE PROPERTY LOCATED AT MEMORY LANE EXTENDED AND TO AMEND THE BOARD'S MOTION OF JANUARY 22, 2009 GRANTING FINAL LAND DEVELOPMENT APPROVAL TO REMOVE CONDITION NUMBER 3 THAT THE APPLICANT MUST OBTAIN DEP AND ARMY CORPS OF ENGINEER APPROVALS FOR THE JOINT PERMIT AND TEMPORARY CROSSING FOR ACCESS TO THE SITE PRIOR TO RECORDING OF THE PLAN. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Authorization to Execute Developers Agreement with A.A.A. Yowza, LP (Dunkin Donuts) for property along Mt. Rose Avenue and Camp Betty Washington Road/Haines Road.

SCHENCK Chairman Schenck asked Solicitor Rausch whether he had reviewed item C.

RAUSCH Solicitor Rausch responded that he had reviewed the plan.

BISHOP Mr. Bishop questioned whether this would interact with the plan on the Agenda this date.

HOLMAN Mr. Holman responded that it would. There was a preliminary approval of the plan. Final plan is on the Agenda for this date. The plan itself still will need to have approval.

MR. BOWMAN MOVED TO APPROVE AUTHORIZATION TO EXECUTE DEVELOPERS AGREEMENT WITH A.A.A YOUWZA, PROPERTY ALONG MT. ROSE AVENUE AND CAMP BETTY WASHINGTON ROAD/HAINES ROAD. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-06-07 – Dunkin Donuts – Final Plan (Action)

RAO Mr. Rao presented LD-06-07, which was documented in his February 12, 2009 briefing memorandum. The project proposed to build a 1600 square foot Dunkin Donuts store with an attached secondary retail use on the south west corner of Mt. Rose Avenue and Haines Road. Mr. Rao provided a PowerPoint review of the plan including the history, location, aerial view, present site, existing conditions, proposed plan, and examples of Dunkin Donuts buildings. Mr. Rao reported that Planning Commission had granted approval on December 18, 2008, and the Board of Supervisors had granted preliminary approval during its January 8, 2009 meeting. Mr. Rao introduced Matt Mack of Ludgate Engineering who was present to respond to questions.

MACK Mr. Mack indicated there had been no significant plan changes since his last visit. They had agreed to all the conditions listed in the briefing memorandum. With approval they will move into the construction phase very soon. The retail store identification had not yet been determined.

SCHENCK Chairman Schenck asked about the township's interest in the agreement between the two parties as far as the access driveway.

MACK Mr. Mack responded that they have an agreement with Nick's Diner for access through that facility to make a left out. The initial concern had been discussed between the developer and Nick's and was approved.

SCHENCK Chairman Schenck asked whether that was part of the plan.

MACK Mr. Mack responded that an easement was submitted and reviewed by the Solicitor.

RAO Mr. Rao added that it will be recorded on the plan.

LUCIANI Mr. Luciani stated that the agreement is in place between the two parties and it goes with the land.

BISHOP Mr. Bishop asked for additional information on the available retail space.

MACK Mr. Mack responded that Dunkin Donuts will occupy half the building; the other half will be retail. Again, whatever retail comes in will have to conform to every intent of the zoning district. The economy had affected the project because banks are not releasing funding.

BISHOP Mr. Bishop commented that it sounded as though the building may not be a Dunkin Donuts. He asked whether that would affect what will be permitted.

MACK Mr. Mack responded that as of this date it will be Dunkin Donuts. The project had been held down because of financing and banks releasing money within the current entire economic nightmare. If another business comes in besides Dunkin Donuts, it could be any business as long as it met the current zoning.

HOLMAN Mr. Holman noted that parking was determined by the square foot of retail space.

LUCIANI Mr. Luciani stated that was correct. Initially Dunkin Donuts was married to Baskin-Robbins. They separated. The retail space would need to meet the zoning, but that would have to be some kind of retail similar to what the notes are on the plan and what's allowed in that zone.

MR. DVORYAK MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-06-07, DUNKIN DONUTS, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

- **SALDO (§289-12.C) FINAL PLANS; PROCEDURE; GUARANTEE.**
- **SALDO (§289-12.K) DEVELOPERS AGREEMENT.**
- **SALDO (§289-76) FEES.**
- **SALDO (§289-12.H) PENNDOT HOP.**
- **SALDO (§289-13.A) FINAL PLAN; SPECIFICATIONS-MYLAR.**

MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. LD-08-13 – Courtyard by Marriott – Final Plan (Action)

RAO Mr. Rao provided background information which was documented in his February 12, 2009 briefing memorandum. The plan proposed to construct a new four-story Courtyard Hotel by Marriott with 104 rooms on Lot #5 of the York Business Center property. He provided a PowerPoint overview of the project showing the history, project location, aerial view, present site, existing conditions, proposed plan, hotel plan and site rendering. Planning Commission recommended approval during its January 15, 2009 meeting. He introduced Richard Helwig of Hoover Engineering to respond to questions.

- HELWIG** Mr. Helwig introduced Chris Hoover, Owner of Hoover Engineering Services, who was in attendance as well.
- HOLMAN** Mr. Holman noted that the Planning Commission mentioned some concern about the façade of this building.
- HELWIG** Mr. Helwig responded that they had been addressing the issue with the township and developer of the building itself. The general thought is that earthen tones with some brick will be acceptable. There is some leniency with respect to the way Marriott normally handles the colors of the building, and Mr. Helwig indicated that they will find something close to what the township requested.
- BOWMAN** Mr. Bowman asked whether all Marriott's are the same color, and what was objectionable.
- HOLMAN** Mr. Holman responded that the suggestion was that the brick should esthetically conform to what currently is in the surrounding area
- HELWIG** Mr. Helwig indicated that there will be a close variation. He added that overall, one Courtyard will be similar to every Courtyard.
- SCHENCK** Chairman Schenck noted that he travels a lot for business, and they are not all white and yellow or all brick. Different states mandate more of the façade. This board can request a specific face in respect of what is in the area.
- HOLMAN** Mr. Holman noted that he had been requested to discuss the issue.
- SCHENCK** Chairman Schenck asked for DEP's recommendation of the waterway or tributary.
- LUCIANI** Mr. Luciani responded that he had discussed with the consultant the fact that they would need a permit, and that permit request is in process. The high water level in the channel is six feet below the top of the bank and is not a real flood plain. The permit will go through smoothly and will take the normal six to eight months.
- RAUSCH** Solicitor Rausch asked whether the sidewalk would go all the way to the York Town Center.
- HELWIG** Mr. Helwig responded that there are existing sidewalks there now.
- LUCIANI** Mr. Luciani added that there are sidewalks in the front at Concord Road.

HOLMAN Mr. Holman noted that this plan went through the process relatively quickly. The reason was because all the subdivision work was done a few years ago by York Butterfly. That master plan helped speed along this plan.

MR. BOWMAN MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-08-13, COURTYARD BY MARRIOTT, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

- **SALDO (§289-13.A) FINAL PLANS; SPECIFICATIONS.**
- **SALDO (§289-24) FEASIBILITY REPORT ON SEWER AND WATER FACILITIES.**
- **SALDO (§289-12.C) FINAL PLANS; PROCEDURE.**
- **SALDO (§289-76) FEES.**
- **STORMWATER (§281-19) REQUIREMENT FOR EROSION AND SEDIMENT CONTROLS.**

MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. LD-08-14 – Towneplace Suites by Marriott – Final Plan (Action)

RAO Mr. Rao provided background information which was documented in his February 12, 2009 briefing memorandum. The plan proposed to construct a new four-story Towneplace Suites by Marriott with 94 rooms on Lot #6 of York Business Center. He provided a PowerPoint presentation showing the highlights of the plan including a pedestrian bridge, history, location, zoning district, aerial view, present site, sidewalk on Pearl Drive, existing conditions on the plan, proposed land development plans and site rendering. Mr. Rao mentioned specifically a waiver for sidewalks on the opposite side of the property in order to save mature trees which will be used as a buffer on Pearl Drive. Planning Commission recommended approval on January 15, 2009. He invited Mr. Richard Helwig of Hoover Engineering to respond to any questions.

SCHENCK Chairman Schenck asked what the Planning Commission had recommended with regard to the sidewalk.

HOLMAN Mr. Holman responded that the Planning Commission wanted to keep the trees.

LUCIANI Mr. Luciani stated that the Planning Commission was not opposed to the sidewalk. It was their idea about the pedestrian bridge because they were concerned about people meandering about the hotel and how they would get out on Concord Road and walk up to one of the restaurants.

SCHENCK Chairman Schenck commented for clarity that it is part of the parcel because that is private road and not a boundary road. They will own and maintain that sidewalk.

- HELWIG** Mr. Helwig responded that he was correct, on the other side of the street.
- BISHOP** Mr. Bishop asked whether the pedestrian bridge actually would connect to the sidewalk.
- HELWIG** Mr. Helwig responded that it will connect with the sidewalk that's along Concord Road.
- SCHENCK** Chairman Schenck noted that the way the buildings are situated it would be in the front of the building as there are no streets in back. He asked whether there had been any discussion about eliminating the walkway through the parking lot.
- LUCIANI** Mr. Luciani responded that they had not elaborated too much on that, other than Marriott needed a variance due to the existing York Caterpillar site and the stream. The hotel needed two bays of parking as well as a drive-through aisle needed for fire apparatus full access. Having the sidewalk on the opposite side of the street seemed like a reasonable request. Traffic would be minimal along that road.
- HELWIG** Mr. Helwig stated that there will be a pedestrian easement between the Courtyard and Towneplace, which is noted on both plans and is to be used by both facilities.
- LUCIANI** Mr. Luciani added that, even though it is called a pedestrian easement anyone in the public can use it. It is not confined to the use of the hotel.
- SCHENCK** Chairman Schenck asked about slopes in the area of the bridge and whether the issue had been solved.
- HELWIG** Mr. Helwig responded that it had been corrected. There was a detail which was noted as a 3/1 minimum and should have been a 3/1 maximum.

MR. BOWMAN MOVED, WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-08-14, TOWNEPLACE SUITES BY MARRIOTT, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING WAIVER:

- **SALDO (§289-32.A) SIDEWALKS.**

MR. BOWMAN MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-08-14, TOWNEPLACE SUITES BY MARRIOTT, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

- **SALDO (§289-13.A) FINAL PLANS; SPECIFICATIONS.**
- **SALDO (§289-24) FEASIBILITY REPORT ON SEWER AND WATER FACILITIES.**
- **SALDO (§289-76) FEES.**

- **SALDO (§289-12.C) FINAL PLANS; PROCEDURE.**
- **STORMWATER (§281-19.D) REQUIREMENT FOR EROSION AND SEDIMENT CONTROLS.**
- **PROVIDE A COPY OF THE GENERAL PERMIT-7 (GP-7) APPLICATION TO PA DEP AND USACOE FOR THE PEDESTRIAN FOOTBRIDGE.**
- **APPLICANT SHALL PROVIDE PEDESTRIAN FOOTBRIDGE SHOP DRAWINGS TO THE TOWNSHIP ENGINEER FOR APPROVAL PRIOR TO CONSTRUCTION.**

MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. LD-08-02 – Rite Aid/Jiffy Lube – Preliminary Plan (Action)

RAO Mr. Rao provided background information with regard to the preliminary plan for LD-08-02, which was documented in his February 12, 2009 briefing memorandum. The plan provides for a new 14,673 square foot Rite Aid Pharmacy and a 2,055 square foot Jiffy Lube as part of a blighted area redevelopment. Planning Commission recommended approval of the plan during its January 15, 2009 meeting. The Developers Agreement is yet to be finalized. Mr. Rao provided a PowerPoint presentation reviewing the highlights of the plan, plan history, project location, adjoining zoning district, aerial view, present site, associated subdivision plan of 4 lots into 2, proposed land development plan, added buffer and berm, earth berm, Rite Aid architectural view, Jiffy Lube and site color rendering showing landscaping and parking. He introduced Mark Heeb of B+ Companies to respond to questions.

SCHENCK Chairman Schenck asked about timing of the plan and construction. He noted that Jiffy Lube is an active business. He hoped they would be able to continue operations during construction.

HEEB Mr. Heeb responded that the Developers Agreement indicated that the bank would be demolished, the new Jiffy Lube will be constructed, the business will relocate to the new Jiffy Lube and then Rite Aid will be constructed. There will be extensive phase planning done as part of the Land Development Plan and will be part of the board's approval that will dictate how the project will go forward.

SCHENCK Chairman Schenck asked whether it is the township's expectation is agreement with the phasing plan.

RAO Mr. Rao responded that a meeting will be held with the contractors to plan the schedule.

SCHENCK Chairman Schenck simply wanted to be sure that they would be able to do what was planned. There had been occasions where a developer wanted to do something and at the 11th hour they could not due to some technicality.

- HEEB** Mr. Heeb noted that they are highly motivated to get the Jiffy Lube built and then Rite Aid.
- SCHENCK** Chairman Schenck acknowledged his comment and just wanted to make sure that the township understood their expectations and are in general agreement to avoid any problems down the road.
- HOLMAN** Mr. Holman indicated that they will be tracking the plan.
- BISHOP** Mr. Bishop commented that the phasing plan is part of the board's approval.
- RAO** Mr. Rao responded that the details are to be approved.
- HOLMAN** Mr. Holman stated that this is the general phasing plan for the final approval. They will meet and confirm that all of the timing works.
- SCHENCK** Chairman Schenck stated that it will be a challenge and the township wanted to accommodate that.
- BISHOP** Mr. Bishop asked whether the rear access to Eastern Boulevard covered all movements.
- SCHENCK** Chairman Schenck responded that it would be only right-in, right out with a median and no left turns.
- SCHENCK** Chairman Schenck asked about the sinkhole issue.
- HEEB** Mr. Heeb responded that the sinkholes will be remediated during construction and contaminated soil will be removed. They are actively cleaning up the ground water, but that is on the owner to provide a clean site. There will be some old well heads to be flushed.
- RAUSCH** Solicitor Rausch noted that the back entrance will be a joint access to two different properties. He commented that the plan doesn't look as though it allows for room on the Jiffy Lube lot.
- LUCIANI** Mr. Luciani responded that they had pulled that property line out for graphic purposes. It is a 24 foot travel aisle.
- RAUSCH** Solicitor Rausch confirmed that there will be no concern about Jiffy Lube people having to get on the Rite Aid property to get to the Jiffy Lube site.
- LUCIANI** Mr. Luciani responded that he was correct.

BISHOP Mr. Bishop noted that a permit would be needed for that easement.

SCHENCK Chairman Schenck stated that the property is not typical and only that narrow area would be needed.

RAUSCH Solicitor Rausch asked whether that was the intent.

HEEB Mr. Heeb responded that the intent is to have full access.

MR. BISHOP MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN LD-08-02, RITE AID/JIFFY LUBE, TO APPROVE THE PRELIMINARY PLAN WITH THE THREE WAIVERS LISTED ON THE FEBRUARY 12, 2009 BRIEFING MEMORANDUM; AND THE SIX EXISTING CONDITIONS ALSO LISTED ON THE SAME MEMORANDUM. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SCHENCK Chairman Schenck congratulated Mr. Heeb on a great job on the development of this site.

8. COMMUNICATION FROM SUPERVISORS

There were no communications from Supervisors.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch had nothing further to add to his written report.

10. MANAGER'S REPORT

HOLMAN Mr. Holman stated that, in addition to his regular report, Mr. Luciani mentioned the Route 24/124 Corridor meeting to be held February 13, 2009 at 10:30 a.m. with Representative Stan Saylor and York Township.

SCHENCK Chairman Schenck asked what he might expect.

HOLMAN Mr. Holman responded that they will be discussing the phasing of the Chambers light and the permits for Plymouth Road along with Rep. Saylor's input.

BISHOP Mr. Bishop asked who from York Township might be there.

HOLMAN Mr. Holman responded that he would expect that Mrs. Heathcote would attend.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 09-01 – Amending Chapter 85-1 “Tax Collection” of the Code of Ordinances

HOLMAN Mr. Holman stated that he had discussed the ordinance with all the Supervisors. Any change with regard to compensation for the Tax Collector must be completed by the 15th of February and prior to any petitions for individuals running for the office of Tax Collector. Based on the plan, the compensation would increase by \$4,500 from the estimated \$12,200 to \$16,777. There would be no impact on the budget with regard to this action. Based on a review of compensation for other Tax Collectors in the area, this would be a comparable rate.

RAUSCH Solicitor Rausch added that the Tax Collection law allows the tax collector to be reimbursed for some postage expenses.

SCHENCK Chairman Schenck noted that those costs would revert back.

BOWMAN Mr. Bowman asked how that postage had been handled.

SCHENCK Chairman Schenck responded that there are varied ways to handle it. There are some that pay one amount for the bills sent out and another amount for the collection of the same bill. The majority of costs are included in the fee.

DVORYAK Mr. Dvoryak commented that the bill is part of the county bill.

RAUSCH Solicitor Rausch responded that he was correct. When the board switched the Business Privilege Tax and to York Area Tax Bureau, this provision still was part of the Chapter 5 section.

HOLMAN Mr. Holman stated that it is set by agreement.

RAUSCH Solicitor Rausch stated that the ordinance had been advertised and could be adopted.

HOLMAN Mr. Holman added that it will not take affect until 2010.

MR. DVORYAK MOVED TO ADOPT ORDINANCE NO. 09-01. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-28 – Appointing Angela Liddick as Deputy Zoning Officer

SCHENCK Chairman Schenck indicated that Angela Liddick recently earned her Building Code certification.

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**FEBRUARY 12, 2009
APPROVED**

HOLMAN Mr. Holman strongly recommended her to be one of the Deputy Zoning Officers. She had done a very good job of improving her skills.

MR. BISHOP MOVED TO ADOPT RESOLUTION 09-28 APPOINTING ANGELA LIDDICK AS DEPUTY ZONING OFFICER. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 09-29 – Establishing Tax Certification Fee

MR. DVORYAK MOVED TO ADOPT RESOLUTION 09-29 ESTABLISHING TAX CERTIFICATION FEE. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. Resolution No. 09-30 - Appointing a Member of the Board of Supervisors to Serve on the YorkCounts Public Safety Committee

MR. BOWMAN MOVED TO ADOPT RESOLUTION NO. 09-30 TO APPOINT DON BISHOP TO REPRESENT SPRINGETTSBURY BOARD OF SUPERVISORS TO SERVE ON THE YORKCOUNTS PUBLIC SAFETY COMMITTEE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. NEW BUSINESS

There was no New Business for discussion.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 8:35 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JANUARY 22, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, January 22, 2009 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
George Dvoryak
Nick Gurreri
Mike Bowman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Nicole Ehrhart, Acting Solicitor
Mike Schober, Environmental Engineer
John Luciani, Civil Engineer
Harish Rao, Economic and Community Development
Betty Speicher, Director of Human Resources
Dave Eshbach, Chief, Police Department
Jean Abreght, Stenographer

1. CALL TO ORDER:

SCHENCK Chairman Schenck called the meeting to order at 7 p.m.

A. Opening Ceremony

GURRERI Mr. Gurreri welcomed the attendees and especially new Patrolman John Shapley. He asked for prayer for President Obama. Mr. Gurreri led the Pledge of Allegiance.

B. Oath of Office – Probationary Patrolman John G. Shapley

SCHENCK Chairman Schenck asked Chief Eshbach to introduce Probationary Patrolman John C. Shapley.

ESHBACH Chief Eshbach stated that Patrolman Shapley had joined the force effective Monday, January 12, 2009. He provided his background and education information. He indicated that his mother, brother and fiancé' and future mother-in-law were present with him for the ceremony.

SCHENCK Chairman Schenck led Patrolman Shapley in the Oath of Office, congratulated him and welcomed him to the Police Department.

ESHBACH Chief Eshbach presented him with his official police identification badge, Badge 22 and introduced him to the Board of Supervisors.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck stated that no Executive Sessions had been held since the last meeting. He announced that an Executive Session would be held immediately following the meeting this date to discuss collective bargaining.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

SCHOBBER Mr. Schober thanked the board for re-appointing Buchart-Horn for 2009. He presented several updates to his written report. He stated that the BNR project had been advertised. He provided copies of the design drawings for the board to review. There were 15 contractors that had picked up drawings; the bid date is February 20th. Mr. Schober indicated that there was a good mix of contractors on the list. The H₂O grant application had been submitted. He noted that Teri Gilfillan did a great job and Springettsbury was the first application they received.

SCHENCK Chairman Schenck asked what the anticipated timeline for that decision-making process was on the grants.

SCHOBBER Mr. Schober responded that it is not known how long it will take or how many applications they will receive.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani reported several updates, the first regarding the Rite Aid development. He noted that the adjacent driveway for Marcello's Pizza (not Marino's Pizza) will be impacted by the PennDOT project and it will be a right-in, right-out driveway. Some additional modifications may be needed as the development proceeds. The Safe Routes to School, York Suburban project is out to bid. Further discussion involved the sidewalk installation and the intention to preserve some of the more mature trees. An arborist will be involved in that effort.

HOLMAN Mr. Holman noted, with regard to the Safe Routes to School, the sidewalks are being installed based upon York County's future plans for road widening. There will be no need for the county to adjust the sidewalk at that time.

LUCIANI Mr. Luciani added that was the reason that no curbing will be installed as the lane widths had not been set at this point in time.

BOWMAN Mr. Bowman asked about the cartway widths in relation to the trees.

LUCIANI Mr. Luciani responded that it would be approximately a 40-foot cartway and from the edge of the road it might be 10 or 15 feet. Some of the mature trees are 30 to 40 feet back. The root system of the tree will determine the chance for tree survival.

GURRERI Mr. Gurreri asked what might happen if any of the trees die.

LUCIANI Mr. Luciani responded that it was discussed in detail. The trees, as well as the sidewalk, ultimately will be the responsibility of the home owner. If there is a situation where it will be necessary to cut through some valuable roots, the arborist will determine the appropriate action and inform the owner. The township will not be committed to removing any trees. They're in the right-of-way, but they are technically the property owner's responsibility.

HOLMAN Mr. Holman added that the goal is to preserve the trees.

5. CONSENT AGENDA

- A. Acknowledge Receipt of December 31, 2008 Treasurer's Report**
- B. Board of Supervisors Budget Work Session #4 Minutes – November 19, 2008.**
- C. Regular Payables as Detailed in the Payable Listing of January 22, 2009.**
- D. LD-05-18 – Time Extension – Market Street Commons Add on lots – Plan Expires 1/26/09 (New Plan Date 4/26/09).**
- E. SD-05-13 – Time Extension – Market Street Commons Add on lots – Plan Expires 1/26/09 (New Plan Date 4/26/09).**
- F. SD-06-11 – Time Extension – 3308 Becker Tract – Plan Expires 1/25/09 (New Plan Date 4/25/09).**
- G. SD-07-06 – Time Extension – Triplet Springs – Plan Expires 1/26/09 (New Plan Date 4/26/09).**

MR. GURRERI MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH G. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-08-10 – Giant Off-Site Fuel Facility – Final Plan

RAO Mr. Rao presented LD-08-10, a plan by Giant Food Stores, LLC to redevelop an existing blighted site. The plan proposed to construct a new gasoline facility with five (5) double-sided fuel pumps in association with Giant Food Stores, LLC. Because the property was previously used as a gasoline facility, it is a continuation of a non-conforming and pre-existing use. Included with the plan are new public sidewalks and a Developers Agreement. Planning Commission recommended approval on September 18, 2008. Mr. Rao provided a PowerPoint of the Highlights

of the Plan, History, Project Location, Adjacent Zoning District, Aerial View, Present Site, Existing Conditions, Proposed Plan, and Site Rendering including Landscaping. He introduced Doug Gossick of J. Michael Brill Associates to respond to questions.

GOSSICK Mr. Gossick stated that the plan was essentially the same as what the board had reviewed in its preliminary form.

GURRERI Mr. Gurreri commented that the location will look a lot nicer than it does now.

SCHENCK Chairman Schenck asked about the additional waiver requested and whether that was adjusted to plan scale.

GOSSICK Mr. Gossick responded that it simply made it easier to see the plans.

BOWMAN Mr. Bowman asked how the median will affect traffic making a right turn to go north on Memory Lane. He has observed trucks having difficulty making that turn.

GOSSICK Mr. Gossick responded that the intent is for it to be constructed the same way and in the same fashion.

LUCIANI Mr. Luciani added that Memory Lane south of Market Street has a mountable curb, but the intent is that trucks should be able to make that northbound movement.

BOWMAN Mr. Bowman noted that if trucks are heading west on Market and take a right there at Hess, many times they end up over in the other lanes.

LUCIANI Mr. Luciani responded that they had done some turning templates and there had been discussion about it with PennDOT to make sure that a 55- foot tractor-trailer could make that maneuver.

GOSSICK Mr. Gossick noted that it will be a consideration and that they will make sure that the median doesn't add additional obstacles.

LUCIANI Mr. Luciani added that the median may end up as part of the HOP review. He noted that there was one round of PennDOT comments and there was verbal approval of the median from Hess, however, a PennDOT form is needed from Hess which was sent to them. They do not have an issue with the proposed median.

GOSSICK Mr. Gossick indicated that the driveway remained a full movement for Hess.

BOWMAN Mr. Bowman noted that the southern driveway will have a no left turn sign.

HOLMAN Mr. Holman noted that the old plan documented a right-out only.

BOWMAN Mr. Bowman stated that their sign indicated that.

GOSSICK Mr. Gossick noted that facing the Hess site, they have a Do Not Enter sign at the entrance. The PennDOT form that is to be returned is the formal release that will allow Giant to construct the median across the driveway. Mr. Gossick added one other point of clarification. They have a meeting scheduled with PennDOT to clarify a few other items that will be part of their HOP application. A new policy concerning handicap ramps indicated that if one quadrant of an intersection is reconstructed, the other handicap ramps would have to be modified. Giant hoped to receive clarification on that issue. Giant does not have a problem doing the modifications; however, there will be additional delay in securing the necessary right-of-way. He noted the fact that one of the quadrants is a competitor's property and it may be a difficult process.

BISHOP Mr. Bishop asked Mr. Holman about the markings for the northbound traffic on Memory Lane.

HOLMAN Mr. Holman responded that Mr. Lauer will be replacing the overhead sign.

LUCIANI Mr. Luciani stated that signal modifications will be done with pre-emptive and battery backup. The entire signal will be reworked. He asked when Giant would begin that work if the plan were approved this date.

GOSSICK Mr. Gossick responded that Giant has the property under control and they are anxious to get underway as quickly as possible. PennDOT remains the biggest hurdle at this point.

BISHOP Mr. Bishop asked about the documentation referring to the existing site as a blighted area and whether that would trigger anything.

RAO Mr. Rao responded that the site was abandoned and not being used. As a result he considered it blight.

BISHOP Mr. Bishop noted that blight triggers subsequent development.

SCHENCK Chairman Schenck asked whether blight could be defined.

HOLMAN Mr. Holman responded that the definition is in the code book. It is one of the requirements for abandoned sites that become eligible.

MR. BOWMAN MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN 08-10, GIANT OFFSITE FUEL FACILITY TO APPROVE THE FINAL PLAN WITH THE FOLLOWING ADDITIONAL WAIVER;

- **SALDO (§289-13.A) FINAL PLAN; SPECIFICATIONS.**

AND WITH REFERENCE TO LAND DEVELOPMENT PLAN 08-10, GIANT OFFSITE FUEL FACILITY, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

- **SALDO (§289-12.C) FINAL PLANS; PROCEDURE, GUARANTEE;**
- **SALDO (§289-12.K) DEVELOPERS AGREEMENT;**
- **SALDO (§289-76) FEES;**
- **SALDO (§289-12.H) PENNDOT HOP**
- **SALDO (§289-13.A) FINAL PLAN; SPECIFICATIONS-MYLAR**
- **SALDO (§289-13.A.4) FINAL PLAN; SPECIFICATIONS-OWNER'S CERTIFICATE;**
- **SALDO (§289-13.B.7) FINAL PLAN; SPECIFICATIONS-CERTIFICATES.**

MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

DVORYAK Mr. Dvoryak commented to add to what had previously been brought to the board with regard to the signals at North Hills Road. He had been on that road and was in the middle of the intersection when he saw he had a green light. He said he appreciated what previously had been said and indicated it was very frightening.

LUCIANI Mr. Luciani responded that he had received a call from PennDOT with regard to discussing those issues, in addition to seven or eight other PennDOT projects.

9. SOLICITOR'S REPORT

EHRHART Attorney Ehrhart noted that Solicitor Rausch had provided a written report and if the board had any questions, she would be happy to answer them. She had nothing further to add.

10. MANAGER'S REPORT

HOLMAN Mr. Holman stated he had nothing to add to his report.

GURRERI Mr. Gurreri asked about the report showing the different costs for the tax collectors, which indicated Springettsbury as the lowest.

HOLMAN Mr. Holman responded that Springettsbury is not necessarily the lowest one, but the tax collector is eligible for reimbursement for mailing costs.

GURRERI Mr. Gurreri recalled that the Tax Collector, Peg Cousler, had requested a discussion concerning the amount paid. He asked about the status.

SCHENCK Chairman Schenck responded that he had advised Ms. Cousler that a meeting would be scheduled. He indicated that a representative of the board and Mr. Holman could have that meeting with her and report back to the board.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-27 – Establishing the Average Residential Lot Price Figure for Calculating the Fee-in-Lieu of Recreation Land Dedication

SCHENCK Chairman Schenck recalled reading about changes that would take place in the very near future.

HOLMAN Mr. Holman responded that Mr. Luciani recommended a review of the assessments. The ordinance sets the fees, but a review will be made as to how the fees and calculations are made. The current fee is based on a formula put into place some time ago. Mr. Luciani's office did a full review and provided recommendations of lands accepted by the ordinance, which recreation fee-in-lieu-of would be \$1,977.33. According to the ordinance, this should be done annually or periodically. They will tie that into the Town Center concept.

LUCIANI Mr. Luciani indicated that it could be adopted some time in February.

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-27. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business for discussion.

13. NEW BUSINESS

GURRERI Mr. Gurreri commented that a re-dedication of the Food Lion was scheduled for January 28, 2009. He, Mr. Holman and Mr. Bowman will attend.

14. ADJOURNMENT

SCHENCK Chairman Schenck reminded the board of the Executive Session and adjourned the meeting at 7:35 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JANUARY 8, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, January 8, 2009 at 7 p.m. at the Township Offices at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
Nick Gurreri
Mike Bowman
George Dvoryak

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
Harish Rao, Community Development Director
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dave Eshbach, Chief, Police Department
Betty Speicher, Director of Human Resources
Dori Bowders, Manager of Administrative Operations
Jean Abreght, Stenographer

1. CALL TO ORDER

SCHENCK Chairman Schenck called the meeting to order at 7 p.m.

A. Opening Ceremony

GURRERI Mr. Gurreri welcomed the public and thanked those in service to Springettsbury Township. He offered a blessing and led the Pledge of Allegiance. He added his thanks and congratulations to the dedicated Supervisors of Springettsbury Township. He stated that it had never been a better or easier time to be a Supervisor and it was largely due to the efforts of the Township Manager, John Holman and the staff.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck announced that there had not been any Executive Sessions since the last meeting and none were scheduled for this date.

3. COMMUNICATION FROM CITIZENS

HOLLINGER Robert Hollinger, 54 Theater Lane, complained about a situation concerning a code enforcement issue that had occurred during 2008. He explained the scenario of having his work trailer parked on his brother's property on East 11th Avenue. It had been parked on a stone driveway. Mr. Hollinger had been out of town and had received two letters from the township requesting that he remove the trailer; that it was parked in the yard and that it was a recreational vehicle. He had, in turn, met with Mr. Holman and subsequently removed the trailer. Within several days the Codes Officer returned to the property and he and Mr. Hollinger's brother had a

confrontation. Mr. Hollinger explained that his brother had heart problems and did not need the aggravation caused by the Codes Officer. The trailer had been moved. Mr. Hollinger expressed his displeasure at the Gestapo-like techniques that had been used by the Codes Officer. He thanked the Supervisors for all that they do for Springettsbury Township.

SCHENCK Chairman Schenk thanked him for his comments and asked if anyone else wanted to speak. He noted that Tax Collector, Peg Cousler, was coming to the microphone.

GURRERI Mr. Gurreri commented that he and Mr. Holman attended a seminar for tax collectors in Enola. The instructors knew Peg Cousler and spoke highly of her and noted what a great job she had done. It was nice to hear. He complimented Ms. Cousler for doing a great job.

COUSLER Peg Cousler brought forward a situation involving the exoneration of taxes for a Locust Grove Road property, which had been purchased by Historic York. She presented the board with documentation. She had received notification that the county had passed a resolution exonerating the real estate taxes on the property, also known as the Shultz house, copied also to the township and school district. She had not received any documentation from the township confirming any exoneration and she was about to lien the property, which she really didn't want to do. She indicated the figure was \$210.56 plus interest. She asked the board whether they were interested in exonerating the taxes.

SCHENCK Chairman Schenck noted that normally the board does not deal with this type of detail and he was not sure what had occurred at the staff level.

COUSLER Ms. Cousler indicated that the financial people had not seen the letter, which she assumed would have been sent to Mr. Holman.

HOLMAN Mr. Holman responded that the letter was received in September/October. He was waiting to see what the county and the school were going to do.

COUSLER Ms. Cousler indicated that the school had acted on it during an October meeting.

HOLMAN Mr. Holman stated that he had not received notice of that action.

SCHENCK Chairman Schenck asked how the township would be notified of such action and by what document.

COUSLER Ms. Cousler noted that the request is whether the township will exonerate its portion.

SCHENCK Chairman Schenck asked Mr. Holman for his recommendation.

HOLMAN Mr. Holman responded that since the school and the county had moved to exonerate, a motion should be made to exonerate the remaining portion of 2008 taxes plus interest due. That would be the direction for the Tax Collector.

MR. GURRERI MOVED TO EXONERATE ALL 2008 MUNICIPAL TAXES, INTEREST AND PENALTIES RELATED TO AN HISTORIC PROPERTY LOCATED AT 508 LOCUST GROVE ROAD (SHULTZ HOUSE) PER REQUEST FROM HISTORIC YORK, INC. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SCHENCK Chairman Schenck noted that made it official.

COUSLER Ms. Cousler responded that she would remove it from the lien sheet. She asked that the township write a letter to Historic York and advise them of the exoneration.

HOLMAN Mr. Holman noted that he would draft a letter and copy Ms. Cousler.

COUSLER Ms. Cousler added that she would like to schedule a time to get together with the board to discuss compensation for the next Tax Collector term. The taxes had not been raised on the real estate collection for 44 years. She noted that she had not requested additional monies due to the fact that she was compensated very well by the township for the business taxes. Now that those collections had been taken away, the township pays less than other municipalities in the county. She asked the board to think about it and let her know if a meeting could be scheduled for discussion.

SCHENCK Chairman Schenck responded that it was a reasonable request and that the board would let her know when it was convenient.

COUSLER Ms. Cousler thanked him.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill provided a few updates to his written report. The Grit Improvements Project is substantially complete with a few minor punchlist items. The BNR Improvements Project appeared on the Agenda for approval to put the project out to bid. The plan is to advertise that project January 14th which is in the final stages of organization. They are working with the township staff in preparation of the exhibits for the funding application for the new H2O grants. The pre-construction conference was held on December 17th and went very well with regard to the Collection System Maintenance Contract and the contractors know that work will be put out to bid.

SCHENCK Chairman Schenck commented on Mr. Schober's promotion and asked Mr. Crabill to provide the details.

CRABILL Mr. Crabill responded that Mr. Schober had been promoted to Sr. Vice President. Previously he and another gentleman shared this region. He now is responsible for the entire region which included a lot of outside offices.

B. Civil Engineer – First Capital Engineering

LUCIANI Mr. Luciani stated that he had a few updates to his written report. He noted that Safe Routes to School project was suspended due to the cold weather. Some construction material was removed from the site. A pay item appeared on the Agenda for B&R Construction to pay them for some of the work completed. Safe Routes to School – Haines Acres – Bids are being prepared. Mature trees along Haines Road will be saved if possible. An Arborist will be consulted to provide direction with regard to the root systems. The project will be advertised for bids.

HOLMAN Mr. Holman stated that the authorization appeared on the Agenda this date for that authorization to bid. Most of the plan is as originally done and was to avoid most of the trees. There are several trees in question.

LUCIANI Mr. Luciani added that the intention is to preserve as many of the mature trees as possible.

GURRERI Mr. Gurreri asked for what was being done along Haines Road.

LUCIANI Mr. Luciani responded that a state grant application had been submitted for Hometown Streets, Safe Routes to School and the township was successful in the application. Along some areas on Haines Road there is no sidewalk and the students are forced to walk along the road. Their destination is Suburban Elementary Schools. The sidewalk will string along the west side of Haines Road and allow the students to cross over and get back to the elementary school. No curbing will be installed, and the sidewalk will be placed at the far end of the right of way. In that way any improvements to Haines Road will not disturb the sidewalk. The Haines Road Study calls for a five-lane section in the future. Mr. Luciani stated that in his next report he will provide an update of the overall plan.

SCHENCK Chairman Schenck asked whether PennDOT had any interest in the turning lane situation out in front of the Sheetz.

LUCIANI Mr. Luciani responded that the first round of comments had been received from PennDOT. He will provide that update in his next engineer's report. They were more concerned about pedestrian crosswalks at the intersection. There were approximately 30 comments and none mentioned the McDonald's driveway.

5. CONSENT AGENDA

- A. Johnston Construction Co. – Application for Payment No. 15 – Grit Removal Improvements Project in an amount not to exceed \$7,500.**
- B. B & R Construction Services – Application for Payment No. 2 – Safe Routes to School-Central Project in an amount not to exceed \$7,884.80.**
- C. Acknowledge Receipt of November 30, 2008 Treasurer's Report.**
- D. Acknowledge Receipt of November 18, 2008 York Area United Fire & Rescue Commission Regular Meeting Minutes.**
- E. Board of Supervisors Budget Work Session #3 Minutes – November 10, 2008.**
- F. Board of Supervisors Regular Meeting Minutes – November 19, 2008.**

- G. Regular Payables as Detailed in the Payable Listing of January 8, 2009.**
- H. LD-08-11 – Time Extension – York County Prison Parking Lot Expansion – Plan Expires 1/29/09 (New Plan Date 4/29/09).**

MR. GURRERI MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH H. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

- A. Authorization to Renew Law Enforcement Agreement with the Army Corps of Engineers for Police Services along the Codorus Creek Levy Flood Control Project for the period January 1, 2009 through December 31, 2009.**

MR. DVORYAK MOVED TO AUTHORIZE RENEWAL OF THE LAW ENFORCEMENT AGREEMENT WITH ARMY CORPS OF ENGINEERS FOR POLICE SERVICE. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Authorize to Advertise for Bids for the Summer Concert Series and Saturday in the Park Marketing and Advertising Contract.**

HOLMAN Mr. Holman stated that the township previously had a contract with the Cumulus Radio Group. The item called for an authorization to advertise the contract again. There had been a two-year contract with a two-year renewal. That contract is up. The request is to re-advertise to allow others to bid. He stated that it had been a successful contract for the past few years.

MR. BOWMAN MOVED TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR THE SUMMER CONCERT SERIES AND SATURDAY IN THE PARK MARKETING AND ADVERTISING CONTRACT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- C. Authorization to Advertise for Bids for the York Suburban Safe Routes to School Sidewalk Project.**

MR. GURRERI MOVED TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR THE YORK SUBURBAN SAFE ROUTES TO SCHOOL SIDEWALK PROJECT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- D. Authorization to Advertise for Bids the Bio-Nutrient Reduction General Construction Project.**
- E. Authorization to Advertise for Bids the Bio-Nutrient Reduction Mechanical Construction Project.**
- F. Authorization to Advertise for Bids the Bio-Nutrient Reduction Electrical Construction Project.**

MR. BISHOP MOVED TO AUTHORIZE ADVERTISEMENTS FOR BIDS FOR THE GENERAL, MECHANICAL AND ELECTRICAL PORTIONS OF THE BIO-NUTRIENT

REDUCTION PROJECT. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-06-07 – Dunkin Donuts – Preliminary Plan, Expires 3/10/09

RAO Mr. Rao presented LD-06-07 as documented in his January 8, 2009 revised briefing memorandum. The project proposed to build a 1600 square foot Dunkin Donuts store with an attached secondary retail use at the SW corner of Mt. Rose Avenue and Haines Road. He provided a PowerPoint presentation showing the Highlights of the plan, Plan History, Project Location, Adjoining Zoning District, Aerial View, Present Site, Existing Conditions, Proposed Plan and Examples of Signs and Brick. Planning Commission reviewed and approved the waivers on August 21, 2008 and conditions on Preliminary approval December 18, 2008. He introduced Matt Mack of Ludgate Engineering to respond to questions.

MACK Mr. Mack indicated that Mr. Rao had provided the information needed. He noted that there is one waiver requested with regard to landscaping for the type II buffer along the frontage. What is required for the ordinance will not fit. Basically one of the requirements is for a 3 foot high structure of material also with plantings on top of it. The plans for the landscaping proposed is a massive amount and basically everything that will fit in the property. They had added to the title sheet three recommended landscaping companies in the area that need to be utilized for the landscaping, all of which will be guaranteed for 12 to 18 months.

SCHENCK Chairman Schenck asked for clarification of the entrance onto Haines Road and whether it is a right-in, right-out only.

LUCIANI Mr. Luciani responded that there is a median on the opposite side and the ingress is a left turn and two throughways are right-turn only.

MACK Mr. Mack stated that they were able to get a cross easement with the Uncle Nick's Diner to be able to exit out and go north.

SCHENCK Chairman Schenck commented that there is no medial strip there now.

LUCIANI Mr. Luciani stated that he was correct. There is a small pork chop on the HOP.

SCHENCK Chairman Schenck asked whether the HOP will allow a left turn.

MACK Mr. Mack responded that it will not.

LUCIANI Mr. Luciani added that it would be difficult to try to make that left.

MACK Mr. Mack indicated that there are several interested parties in the additional retail space, but until the preliminary plan is granted no one will make any decision. The property originally was to be for Dunkin Donuts and Baskin Robbins; however, they

are not in partnership at this time. Dunkin Donut does 80% of its business from 6 a.m. to 9 a.m. They are expanding their menu but the majority of the business actually on this site is going to be in the morning with people getting a cup of coffee. It's not a destination restaurant but more of a convenience restaurant. Mr. Mack added, with regard to the right-turn lane, verbal approval had been received for the HOP which restricts the right lane out.

BISHOP Mr. Bishop asked what he meant by restricting the right lane out.

MACK Mr. Mack responded that he meant by pulling out onto Haines Road with restricted no left turns out; it will be all right turns out.

BISHOP Mr. Bishop commented that there would be no physical restriction.

MACK Mr. Mack responded that there is an actual mountable pork chop that will direct traffic to the right to make the turn without going down and around along with signage. An alternative will be provided to go out.

BISHOP Mr. Bishop indicated his contention is that what is proposed will have absolutely no effect for keeping people from making that left-hand turn and it is a real concern.

BOWMAN Mr. Bowman commented that it would be too difficult to pull out and turn left.

MACK Mr. Mack agreed that the backing and cueing is fairly far in. He agreed that it would be very difficult.

BISHOP Mr. Bishop noted that one could get into that left-hand lane because there are four lanes there to choose, and actually two lanes that go toward the city.

LUCIANI Mr. Luciani agreed that there is a dual left.

BISHOP Mr. Bishop noted that there is room to get in there, and to Mr. Mack's point the majority of the business is from 6 a.m. to 9 a.m. Mr. Bishop surmised that a large portion of that traffic would be coming from the east, going to Dunkin Donuts and then towards the city. There will be a lot of people going in and coming back out and attempting to make that maneuver one way or another. He re-emphasized his concern that signs do absolutely nothing and pork chops to next to nothing.

MACK Mr. Mack indicated that they are hoping with what they proposed will give motorists other, more safe options.

SCHENCK Chairman Schenck noted that there is a driveway there that is wide open.

LUCIANI Mr. Luciani added that there is a second one out onto Mt. Rose Avenue.

BISHOP Mr. Bishop commented that one option would be going over to the restaurant next door.

- LUCIANI** Mr. Luciani asked whether there currently is a physical connection to the diner.
- MACK** Mr. Mack responded that there is but there is no formal agreement. They went to the restaurant and asked for a connection.
- LUCIANI** Mr. Luciani indicated that is one shown on the aerial photograph. They will want to formalize an agreement to allow that remain an open connection. There had been suggestions made to PennDOT that there are concerns about left turns going out.
- MACK** Mr. Mack indicated that during the process PennDOT was good to deal with but basically required him to tweak the island many times and add additional signage and everything possible to remedy the situation. They also realized that everything possible was being done including the cross easement to Nick's.
- GURRERI** Mr. Gurreri asked about an undeveloped area shown on the plan.
- MACK** Mr. Mack responded that it was all steep slopes. The ordinance does not allow for development. In addition there is an existing retention basin. If there were any intention of developing that, it would have been developed by this time.
- GURRERI** Mr. Gurreri indicated that during a meeting with PennDOT at Wisheaven they discussed making changes to Exit 18 and taking that land.
- MACK** Mr. Mack responded that they had heard they were and heard that they weren't. At this point there is no timeline for taking it, and the developer doesn't have time to wait 10 years for it to happen. They hope that their plan will clean up the area.
- SCHENCK** Chairman Schenck noted that the revised briefing memo just removed the reference to the different sections to the subdivision and land developments.
- RAO** Mr. Rao responded that he was correct.
- HOLMAN** Mr. Holman added that those sections actually deal with the Board's final approval of the plan. He, Mr. Rao and Solicitor Rausch met and reviewed them, and it is just a notice to the developer in the Preliminary Plan that when they get to approval of the Final Plan they will have to provide the actual citation. Since this is a Preliminary approval and not Final, the citation does not apply. It is simply to avoid confusion between the Preliminary and Final approval.

MR. DVORYAK MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN 06-07, DUNKIN DONUTS, TO APPROVE THE PRELIMINARY PLAN WITH THE FOLLOWING WAIVER:

- **WAIVER OF SALDO (§289-26.C), LANDSCAPING AND BUFFER YARDS.**

MR. DVORYAK MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN 06-07, DUNKIN DONUTS TO APPROVE THE PRELIMINARY PLAN WITH THE FOLLOWING CONDITIONS:

- **APPLICANT MUST OBTAIN A PENNDOT HOP;**

- **APPLICANT SHALL HAVE FINAL PLANS DRAWN ON MYLAR MATERIAL AND SUBMIT A PDF OF THE FINAL RECORDED PLAN;**
- **BEFORE THE RECORDING OF AN APPROVED FINAL PLAN, THE BOARD OF SUPERVISORS SHALL BE ASSURED BY MEANS OF A PROPER COMPLETION GUARANTEE;**
- **APPLICANT MUST PAY ALL ENGINEERING, LEGAL AND/OR ADMINISTRATIVE COSTS PRIOR TO THE RECORDING OF THE FINAL PLAN;**
- **A DEVELOPERS AGREEMENT SHALL BE FINALIZED BETWEEN THE APPLICANT AND TOWNSHIP.**

MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. LD-08-11 – York County Prison Parking Lot Expansion – Final Plan, Expires 4/29/09

RAO Mr. Rao presented the Plan Summary for LD-08-11, which was documented in his January 8, 2009 briefing memorandum. The plan is to expand the parking lot for the employee-prison guards for use associated with the correctional facility, which will add 36 parking spaces. Planning Commission had recommended approval December 18, 2008. Mr. Rao provided a PowerPoint presentation including the Plan History, Location, Project Location, Zoning District, Aerial Views, Present Site, and Proposed Plan. He introduced Casey Deller of C. S. Davidson, who was present to respond to questions.

DELLER Mr. Deller indicated that Mr. Rao had covered the details of the plan. He pointed out that they are asking for two waivers. He reviewed the waivers. They requested a waiver of the preliminary plan requirement and asked to go straight to Preliminary/Final due to the nature of the plan and the very limited amount of proposed public improvements, those being existing street lights and the landscaping. They thought the plan was better considered as a Preliminary/Final without having to go through the process twice. In addition, they asked for a modification to the requirement of the environmental impact study since a complete study was done for the prison expansion in 2004. We have supplemented that with an updated Traffic Impact Study to deal with those aspects of transportation dealing with the parking lot and its impacts to Concord Road. The other items can simply be carried over and are still completely applicable from the 2004 submittal.

SCHENCK Chairman Schenck asked about the signing comment and whether an agreement was reached.

DELLER Mr. Deller stated that there is an understanding with the township of the types of signs they would like to see. They had not submitted an official sign permit application yet. He indicated that signs would indicate direction, “staff entrance only,” “no visitors using this entrance,” “visitors keep moving,” etc. In addition, another large sign will be placed at the main entrance to direct visitors. All the traffic flows one way in through a parking lot to the north and back out onto Concord road.

- SCHENCK** Chairman Schenck noted that the signage will be separate from the land development as the township has a separate sign ordinance.
- DELLER** Mr. Deller responded that he was correct. He had been instructed that the two are related but not contingent upon each other.
- SCHENCK** Chairman Schenck asked Mr. Rao about his comments on the Planning Commission's suggestion as to the signage.
- RAO** Mr. Rao indicated they were very adamant about visitors getting confused going into the site. They want the county to put up signs directing visitors to go to the male wing, female wing or visitor's area.
- HOLMAN** Mr. Holman added that they wanted this condition in as he understood it.
- SCHENCK** Chairman Schenck understood that the Planning Commission wanted it documented as a condition.
- BISHOP** Mr. Bishop asked whether the condition can be met and still meet the sign ordinance.
- HOLMAN** Mr. Holman added that way signing is in a different section, but there is a section of the ordinance for directing motorists where to go.
- RAO** Mr. Rao added that no sign permit is required for directional signs.
- BISHOP** Mr. Bishop asked whether the kind of directional signs within the ordinance will satisfy the Planning Commission requirement.
- RAO** Mr. Rao indicated it probably should come back to the Planning Commission for a briefing of signage.
- DELLER** Mr. Deller noted that they will be in close contact with the staff during submittal.
- BISHOP** Mr. Bishop voiced his concern that the Planning Commission obviously thought that this was very important and he wanted to guard against any conflict within the ordinance that would prevent the Planning Commission's direction.
- DELLER** Mr. Deller indicated they would be more than happy to come back to the Planning Commission with the proposed signage and review that with them, as well as with the staff, to be sure that what was proposed would meet their intent.
- BISHOP** Mr. Bishop added that his concern with acting upon it in that order was not necessarily desirable from the board's view in that they will have lost their ability to make it stick, and the Planning Commission would have no authority at that point.
- RAO** Mr. Rao indicated they will have to get a Building Permit after the plan is recorded to build the parking lot and that would be the leverage.

BISHOP Mr. Bishop noted that he was not sure he would have any grounds not to grant a Building Permit once the board acted on the plan. He stressed his point that the Planning Commission clearly thought it was important.

HOLMAN Mr. Holman added that they had worked with the Planning Commission before on this, and the Planning Commission did have faith that they will be handling the signage properly to make sure there is no confusion.

DELLER Mr. Deller agreed absolutely with Mr. Holman's comment..

SCHENCK Chairman Schenck asked whether he had any problem then with the comment being a condition.

DELLER Mr. Deller responded that there would be no problem with it.

MR. GURRERI MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN 08-11, YORK COUNTY PRISON PARKING LOT EXPANSION, TO APPROVE THE FINAL PLAN WITH THE FOLLOWING WAIVERS:

- **SALDO (§289-11) PRELIMINARY PLANS;**
- **SALDO (§289-15) ENVIRONMENTAL IMPACT STUDY REQUIRED;**

MR. GURRERI MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN 08-11, YORK COUNTY PRISON PARKING LOT EXPANSION TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

- **SALDO (§289-11.B.7) PRELIMINARY PLANS**
- **SALDO (§289-12.C) FINAL PLANS;**
- **SALDO (§289-76) FEES;**
- **SALDO (§289-13.A) FINAL PLANS; SPECIFICATIONS**
- **APPLICANT MUST PROVIDE DIRECTIONAL AND INFORMATIONAL SIGNAGE ALONG CONCORD ROAD TO DIRECT VISITORS INTO THE PRISON FACILITY AS DISCUSSED IN THE PLANNING COMMISSION REGULAR MEETINGS OF AUGUST 18, 2008 AND DECEMBER 18, 2008 TO ALLEVIATE THE CONFUSION AS TO WHERE VISITORS ARE TO ENTER. APPLICANT MUST SUBMIT PROPOSED SIGNAGE FOR TOWNSHIP REVIEW.**

MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. LD-07-08 Heritage Hills Hotel and Water Park Expansion – Preliminary Plan, Expires 2/23/09.

RAO Mr. Rao provided background information regarding LD-07-08 as documented in a revised January 8, 2009 briefing memorandum. He stated that the plan proposed a 119-unit expansion of the existing hotel facility, new water theme park for hotel guests only and a new 3-level concrete parking garage structure. He provided a PowerPoint presentation of the plan reviewing the Highlights, Plan History, Project Location, Aerial Views, Adjoining Zoning District, Present Sites and Existing Conditions, Proposed Plan, Construction Phasing, Site Rendering and Architectural

Rendering. He introduced Keith Good of Calabrese Good Architects for response to questions.

GOOD

Mr. Keith Good stated he was present, along with Attorney Stacey MacNeal of Katherman, Heim, & Perry, to respond to questions. He stated that Attorney MacNeal had worked extensively on the Developers' Agreement with township staff and solicitors. He made one clarification to Mr. Rao's presentation. He identified the exact area of the water park, which will be an amenity to the hotel only and not for outside use. He noted the six waivers being requested, none of which he felt were significant in the sense of how the property is being developed. They had begun this project a long time ago and have had the challenge of the PennDOT improvements to Mt. Rose Avenue. They had worked through those as well as possible. They ended up doing the development in steps of construction with the existing access drives. The drive at Plymouth Road is currently the main access point which has full movement in and out and there is a very small pork chop at the Plymouth Road intersection at which they proposed a traffic signal, which they would like to install immediately. Because of the roadway improvements, PennDOT will not allow the signal to be installed because of the potential improvements and relocation of other signals. They had prepared a signal application, which is ready to be sent in, but PennDOT advised that they would not approve that signal due to their improvements. The signal is documented on the plan and described in the Developers Agreement. If, for some reason beyond their control PennDOT will not allow the signal when the new hotel rooms are completed, they will put a temporary right-in, right-out only barrier at that location. The description of that barrier is somewhat yet to be determined because the Township Engineer and Township Manager have requested a meeting with PennDOT to discuss what that temporary barrier will be whether it's Jersey barriers or whether it's a true pork chop. However, when the hotel rooms are done, that will be restricted by the new pork chop, which will be put in at the current main access drive and either a traffic signal or a temporary right turn. That was the solution on how to get this plan moving.

A further lengthy discussion ensued, which is summarized.

- Pork chop at main entrance; east parking lot stays the same.
- Plymouth Road currently has ineffective pork chop.
- Prior to hotel occupancy traffic signal or temporary traffic measures will be put into place.
- York Township side – still minor issues with tip of hotel; need sign off.
- Waiver #4, residential buffering – resident provided landscaping plan but the screening is not in the area of new development.
- Zoning Hearing Board conditioned the landscaping requirement.
- Water park – only available to hotel guests, located on top of garage and monitored within. Note on the plan in order to protect future use.
- Developers Agreement – Language to be strengthened with regard to water park issues as well as with traffic signal/pork chop issues.

HOLMAN Mr. Holman requested that the board authorize submission of the HOP permit and allowing him at this point to sign off on that HOP permit and submit it to PennDOT. In that way PennDOT can get a formal look at the traffic light at Plymouth in conjunction with the widening of that roadway. It was discussed this date at a 124/24 corridor meeting that it would be requested and the PennDOT representative was agreeable based on all the activity.

BISHOP Mr. Bishop commented that it would actually put the township on record as favoring that approach.

MR. BOWMAN MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN 07-08, HERITAGE HILLS GOLF & RESORT CENTER HOTEL EXPANSION, TO APPROVE THE PRELIMINARY PLAN WITH THE SIX WAIVERS AS LISTED ON THE REVISED BRIEFING MEMORANDUM OF JANUARY 8, 2009.

MR. BOWMAN MOVED WITH REFERENCE TO LAND DEVELOPMENT PLAN 07-08, HERITAGE HILLS GOLF & RESORT CENTER HOTEL EXPANSION TO APPROVE THE PRELIMINARY PLAN WITH THE 9 CONDITIONS LISTED ON THE REVISED BRIEFING MEMORANDUM OF JANUARY 8, 2009.

MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

BISHOP Mr. Bishop stated for clarification that the board authorized the Manager to move the HOP forward for the traffic light.

8. COMMUNICATION FROM SUPERVISORS

BOWMAN Mr. Bowman questioned the former El Rodeo restaurant, which appeared to have opened under a different name.

GURRERI Mr. Gurreri commented that he had eaten there and the food was very good.

BISHOP Mr. Bishop asked if the same people operate the new restaurant.

RAO Mr. Rao responded that the same owner is managing the restaurant, but the new name is called Fiesta Mexico. He sent an officer to ask about the lights.

BISHOP Mr. Bishop noted that there had been some discussions during the end of 2008 about a review of the ambulance service. It had been determined not to do so until the end of the year, and it is past the end of the year.

HOLMAN Mr. Holman commented that the Chief is doing the preliminary work. They will be meeting for discussion followed by scheduling a presentation for the board. He indicated that they had forecasted to have information back to the board in February.

GURRERI Mr. Gurreri noted a property at the corner of Eberts Lane and Whiteford Road on the left-hand side. There's a garage there with a metal roof hanging loose. The car had been moved but nothing further was done, and the house is in pretty bad shape.

HOLMAN Mr. Holman was sure that someone had been sent to assess the site.

RAO Mr. Rao added that they have that area monitored. There are several properties in that area for enforcement.

9. SOLICITOR'S REPORT

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

10. MANAGER'S REPORT:

HOLMAN Mr. Holman stated that he had nothing further to add to his report. He requested action on an item under New Business.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 09-24 – H2O PA Grant Application for Biological Nutrient Removal (BNR) Upgrade.

HOLMAN Mr. Holman indicated the item will request \$20 million. The Township is allowed to request funds back to January 1, 2007. A full accounting had been done of all the funding.

MR. GURRERI MOVED TO APPROVE RESOLUTION 09-24, H2O PA GRANT APPLICATION FOR BIOLOGICAL NUTRIENT REMOVAL (BNR) UPGRADE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-25 – Additional Street Lights – Met Ed – Innovation Drive

MR. DVORYAK MOVED TO APPROVE RESOLUTION 09-25. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 09-26 – Reorganization Appointments to York Area United Fire and Rescue Commission

SCHENCK Chairman Schenck noted that his term with YAUFRR expired.

HOLMAN Mr. Holman clarified that his term expired effective the first meeting of January.

SCHENCK Chairman Schenck stated that Mr. Bishop had a two-year term, which expires the first meeting of February, 2010 and an appointment is needed for that commission.

HOLMAN Mr. Holman stated that it will be a two-year term so that they would now be on a rotating schedule. The primary and alternate members are appointed to 2011 this year. Next year it will be Springettsbury's opportunity to appoint Don Bishop and the Citizen-At-Large for a two-year term. The Resolution requested the appointment

of primary member and the alternate. He added that if there were a need for any appointment following that would be just for the unexpired terms for YAUFRR.

GURRERI Mr. Gurreri indicated that he preferred not to be an alternate at this time.

SCHENCK Chairman Schenck stated that he would not mind serving again if the board so chose.

MR. BOWMAN MOVED TO APPROVE RESOLUTION 09-26 OF THE BOARD OF SUPERVISORS OF SPRINGETTSBURY TOWNSHIP APPOINTING BILL SCHENCK THE REPRESENTATIVE AND GEORGE DVORYAK AN ALTERNATE TO THE YORK AREA UNITED FIRE AND RESCUE COMMISSION. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

A. YorkCounts Police Merger Study Proposal

SCHENCK Chairman Schenck stated that the YorkCounts Police Merger Study Proposal item was open for discussion.

DVORYAK Mr. Dvoryak stated that he had spent a lot of time looking at this and talking to individuals about it. His sense was to participate in the study. However, one of the things they did pitch during their visit to the township was that this would be a grant-funded study. Mr. Dvoryak indicated that he would include that grant funding would fund the project if he were making a motion to proceed given that the township did not include anything in the 2009 budget to cover any study for this purpose.

BISHOP Mr. Bishop noted that in discussion of grant funding, the idea of that is to fund any actual outlays or to fund staff time that would be required for Springettsbury Township's participation.

DVORYAK Mr. Dvoryak indicated that from his perspective he would be willing to invest the sweat equity of the township to do that piece. This would be the actual consultants they engage to do the study. As he understood it the participating members of this group would have a say in the selection of the consultant. That was one of the follow up points that he was advised by MetroYork. The participants in the study would have input in the selection. He thought PERF was the group of interest.

BOWMAN Mr. Bowman questioned whether Metro York would take the lead as far as getting the participants to agree on a consultant.

GURRERI Mr. Gurreri wondered how many individuals could participate.

BISHOP Mr. Bishop commented that there could be multiple municipalities.

SCHENCK Chairman Schenck noted that what Mr. Bowman had commented on was how to get five or six municipalities to agree on a consultant. He thought it basically defaulted back to Metro York. He thought it would be interesting to know if MetroYork could

actually apply for a grant or whether a township or municipality would have to take that lead.

HOLMAN Mr. Holman indicated that they requested that one of the municipalities step forward to take the lead for these grants. A municipality must apply for the grant, take the lead and administer the grant and handle all costs associated with that for administering the grant.

SCHENCK Chairman Schenck asked whether Spring Garden had made any conditions when they approved it.

HOLMAN Mr. Holman responded that there would be no outlay of any expenditures from Spring Garden township.

SCHENCK Chairman Schenck stated that he was okay with joining in the study. He was not okay with how it came about. The recommendation isn't that the concept of a police merger be studied. The recommendation was that a Metro York police force be formed, which was a pretty strong starting point. He agreed with Mr. Dvoryak's comments. He did not want the township to invest money that was not budgeted. In addition, grant applications are not easy and to administer them involves a significant cost. If the board agreed to participate, he hoped that it would be on the condition that another municipality take the lead agency role.

GURRERI Mr. Gurreri noted that the township could take the lead, but it should be paid for through the grant.

HOLMAN Mr. Holman responded that grants do not pay for administration of grants, only for a study.

BOWMAN Mr. Bowman agreed with Chairman Schenck that the township should defer to another municipality.

SCHENCK Chairman Schenck indicated that he wasn't sure where that will end up whether it would be in the county or not if MetroYork is unable to apply.

GURRERI Mr. Gurreri noted that if participation is agreed upon, someone from the Springettsbury board should be involved.

SCHENCK Chairman Schenck was not sure how the township would even be a party to the study, even though they're asking for a representative.

BISHOP Mr. Bishop commented that there had been no discussion of how they're going to go about this.

HOLMAN Mr. Holman stated that they were asking for someone to be appointed to the YorkCounts Public Safety Committee. The representative would sit on all the meetings of that committee and provide comment with regard to selection of a

consultant, follow up on the grant and the recommendations. It would be similar to what was done in the creation of York Area United Fire and Rescue.

SCHENCK Chairman Schenck asked whether they would anticipate that being, in Springettsbury's case, the Police Chief or Manager or Board member.

HOLMAN Mr. Holman responded that would be up to the board on who you would appoint to serve.

BISHOP Mr. Bishop provided his opinion to be clear. For a number of reasons, he did not think that Springettsbury Township should participate. He stated his reasons with the first being that they are already fully engaged in significant efforts at regionalization which tax the board's abilities. While this group has great capacity to do things, the commitment to merging the fire departments and making that into a successful entity would lead him to not want to stretch this board thin and go beyond that. In a very real level they saw that even getting time and people to commit to do what had already been committed to do is a challenge and participating in this would continue to be a challenge, not one that could not be surmounted, but he did not think it would be worth it. In addition, Mr. Bishop indicated he did not believe that Metro York was the entity that should be doing this kind of an effort. He agreed with Chairman Schenk's point in the way the comments and questions were framed showed a fundamental misunderstanding of municipalities and how they work. Metro York, as an organization, will have a very difficult time making this into an acceptable operation. It also concerned him greatly that this issue was framed as an issue where consolidation will be better no matter what when, and at the organization that is promoting the idea of consolidation, has as a fundamental premise that the City of York needs to be involved and ignores the reality that in order for anything to be done to help improve the city is going to be significant financial transfers from other municipalities to the City. Mr. Bishop did not necessarily believe that other municipalities in the county should not be helping the cities and thought that perhaps that should be done. However, he thought that if the lead organization being Metro York in this is not willing to make that part of the program up front, to some extent it predisposes failure. For this to work it has to be honest effort and Mr. Bishop did not believe it was at this point but rather does not want to face reality. It's very difficult to oppose this because the prevailing wisdom is that it's not going to cost anything. It is an expenditure of public funds. While there are grants, they involve real money, which may not be coming directly out of our wallets, but it is money coming from somewhere or other. It may not be Springettsbury money; might be state money, but it will be wasting taxpayer dollars at some level. As he stated, it is very difficult, the way it has been presented, to say no, which made Mr. Bishop all the more emphatic that it is the right thing to do to say no.

SCHENCK Chairman Schenck asked for other questions or comments.

GURRERI Mr. Gurreri indicated he did not see any harm in studying it. He acknowledged that Mr. Bishop had some good points, but to do the study may be a good thing, maybe not. Mr. Gurreri thought it probably was not, but that wouldn't be known unless the study is done. If grant money is available it would cost only for some staff time and

someone from this board to be on that committee. Mr. Gurreri stated he would be in favor of participating.

BISHOP Mr. Bishop noted that Mr. Gurreri assumed that the study would provide an answer, which he thought was a bad assumption. He did not think just because a study is done there will be a valuable answer out of it.

GURRERI Mr. Gurreri noted that the board could choose the entity to do the study, and should be able to get an answer. He didn't know if it was a good idea or not. He suggested to take a vote.

BISHOP Mr. Bishop added that his fundamental problem is that they might be on the right track. This board had worked very hard at regionalization. It might be a very good project, a good regional police project that should be done, but there is a real possibility that this effort will poison the water and make it more difficult to do so and/or waste a lot of time.

GURRERI Mr. Gurreri asked whether he thought if Springettsbury would take a leadership role in this it would help.

BISHOP Mr. Bishop responded that he was not sure that they're asking for a municipality to take a leadership role.

MR. GURRERI MOVED THAT SPRINGETTSBURY TOWNSHIP JOINS THE YORK COUNTS POLICE MERGER STUDY PROPOSAL USING THEIR GRANT MONEY. MR. SCHENCK WAS SECOND.

DVORYAK Mr. Dvoryak stated that while he fundamentally supported what Nick said, he did not think it was phrased in a way that is in Springettsbury's best interest.

BISHOP Mr. Bishop indicated that it is important to know exactly what commitment the board is making, whether that is staff time, or whether it will just be participation.

SCHENCK Chairman Schenck reiterated his earlier comments if the board acted in favor it would be that a) there would be no out of pocket direct expenses by the township, and b) Springettsbury would not be the lead agency to apply for and manage the grant.

DVORYAK Mr. Dvoryak commented that the way the motion was phrased referred to MetroYork's grant money. He did not believe it would be Metro York's grant money to spend. He believed the application would be with the state.

SCHENCK Chairman Schenck noted that Mr. Gurreri's intent was that it would be with the understanding it would be funded through a state grant. He added that clarification to the motion would be fine under discussion and questions of the motion.

MOTION FAILED 2/3. MR. SCHENCK AND GURRERI VOTED YES; MR. BISHOP, DVORYAK AND BOWMAN VOTED NO.

MR. DVORYAK MOVED TO APPROVE SPRINGETTSBURY TOWNSHIP'S PARTICIPATION IN THE YORK COUNTS POLICE MERGER STUDY SUBJECT TO 100% GRANT FINANCING OF THE STUDY BEING DONE AND AN ENTITY OTHER THAN SPRINGETTSBURY TOWNSHIP TAKING THE LEAD ON THE GRANT APPLICATION. MR. SCHENCK WAS SECOND.

MOTION CARRIED 4/1; MR. SCHENCK, DVORYAK, BOWMAN AND GURRERI VOTED YES; MR. BISHOP VOTED NO.

SCHENCK Chairman Schenck commented that Mr. Bishop had made some excellent points.

HOLMAN Mr. Holman noted that someone should be appointed.

SCHENCK Chairman Schenck responded that he was not ready to decide that at this point. He did not believe there was a rush to name an individual.

Consensus of the board was to hold any further action at this time.

13. NEW BUSINESS

HOLMAN Mr. Holman indicated that he had received a request for resignation of Mr. Richard Campbell as an alternate from the Zoning Hearing Board.

MR. BISHOP MOVED TO ACCEPT THE RESIGNATION OF MR. RICHARD CAMPBELL AS AN ALTERNATE FROM THE ZONING HEARING BOARD WITH REGRET. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SCHENCK Chairman Schenck asked Mr. Holman to properly thank him for his service.

HOLMAN Mr. Holman responded that he had done so and that Mr. Campbell thanked the board for the opportunity to serve but he is moving on to different things.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 9:10 p.m.

Respectfully submitted,

John Holman
Secretary

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**SPRINGETTSBURY TOWNSHIP
REORGANIZATION MEETING**

**JANUARY 5, 2009
APPROVED**

The Board of Supervisors of Springettsbury Township held the Annual Reorganization Meeting on Monday, January 5, 2009 at 5 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Bill Schenck, Chairman
Don Bishop, Vice Chairman
George Dvoryak, Secretary/Treasurer
Nick Gurreri
Mike Bowman

ALSO IN

ATTENDANCE: John Holman, Secretary
John Luciani, Civil Engineer
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Jean Abrecht, Stenographer

1. CALL TO ORDER

SCHENCK Acting Chairman Bill Schenck called the reorganization meeting to order at 5 p.m.

2. ELECTION OF OFFICERS

A. Chairman of the Board of Supervisors

Current Chairman: Bill Schenck

SCHENCK Mr. Schenck opened the floor for nominations.

MR. BISHOP NOMINATED BILL SCHENCK AS CHAIRMAN OF THE BOARD OF SUPERVISORS. MR. BOWMAN WAS SECOND.

SCHENCK Mr. Schenck called for any other nominations. Hearing none, he called the nominations closed and called for the vote.

NOMINATION UNANIMOUSLY CARRIED.

B. Vice Chairman of the Board of Supervisors

Current Vice Chairman: Don Bishop

SCHENCK Chairman Schenck called for nominations for Vice Chairman

MR. DVORYAK NOMINATED DON BISHOP FOR VICE CHAIRMAN. MR. BOWMAN WAS SECOND.

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REORGANIZATION MEETING**

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SCHENCK Chairman Schenck called for any other nominations. Hearing none, he called the nominations closed and called for the vote.

NOMINATION UNANIMOUSLY CARRIED.

C. Assistant Secretary/Treasurer

Current Assistant Secretary/Treasurer: George Dvoryak

SCHENCK Chairman Schenck called for nominations for Assistant Secretary/Treasurer

MR. BOWMAN NOMINATED GEORGE DVORYAK FOR ASSISTANT SECRETARY/TREASURER. MR. BISHOP WAS SECOND.

SCHENCK Chairman Schenck called for any other nominations. Hearing none he called for the nominations to be closed and called for the vote.

NOMINATION UNANIMOUSLY CARRIED.

3. APPOINTMENT OF BOARD DELEGATES

A. Appointment of Delegates and Voting Delegate to the PSATS Annual Convention

Current Delegates: Bill Schenck, Don Bishop, Mike Bowman, Nick Gurreri and George Dvoryak

Current Voting Delegate: Nick Gurreri

SCHENCK Chairman Schenck stated that past protocol was to name the entire Board of Supervisors as Delegates and a voting delegate. He asked for a volunteer to be voting delegate.

MR. BISHOP MOVED TO APPOINT ALL FIVE SUPERVISORS AS DELEGATES AND TO NAME NICK GURRERI AS VOTING DELEGATE TO THE PSATS CONVENTION. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

4. RESOLUTIONS

A. Resolution No. 09-01 – Appointment of Township Solicitor

Current Solicitor: Blakey, Yost, Bupp & Rausch, Charles Rausch, Esquire

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-01. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 09-01 – Appointment of Township Civil Engineer

Current Engineer: First Capital Engineering, John Luciani, P.E.

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-02, JOHN LUCIANI, TOWNSHIP ENGINEER. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- C. Resolution No. 09-03 – Appointment of Township Environmental Engineer**
Current Engineer: Buchart-Horn, Inc., Michael Schober, P.E.

MR. DVORYAK MOVED TO ADOPT RESOLUTION NO. 09-03, BUCHART HORN. MR. GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- D. Resolution No. 09-04 – Appointment of Township Secretary**
Current Secretary: John J. Holman

MR. DVORYAK MOVED TO ADOPT RESOLUTION NO. 09-04, APPOINTMENT OF JOHN HOLMAN AS TOWNSHIP SECRETARY. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- E. Resolution No. 09-05 – Appointment of Township Treasurer**
Current Treasurer: Jack Hadge

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-05, TREASURER JACK HADGE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- F. Resolution No. 09-06 – Appointment of Vacancy Board Chair**
Current Chairman: Jeffrey Lobach

MR. BISHOP MOVED TO ADOPT RESOLUTION NO. 09-06 APPOINTING JEFF LOBACH AS VACANCY BOARD CHAIR. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- G. Resolution No. 09-07 – Appointment of Police Pension Fund Chief Administrative Officer**
Current CAO: John J. Holman

MR. BOWMAN MOVED TO ADOPT RESOLUTION 09-07 APPOINTMENT OF POLICE PENSION FUND CHIEF ADMINISTRATIVE OFFICER, JOHN J. HOLMAN. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- H. Resolution No. 09-08 – Appointment of Fireman’s Pension Fund and Non-Uniformed Employee Pension Fund Chief Administrative Officer**
Current CAO: John J. Holman

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MR. BOWMAN MOVED TO ADOPT RESOLUTION 09-08 APPOINTMENT OF FIREMEN'S PENSION FUND AND NON-UNIFORMED EMPLOYEE PENSION FUND CHIEF ADMINISTRATIVE OFFICER, JOHN J. HOLMAN. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- I. Resolution No. 09-09 – Appointment of Sewage Enforcement Officer**
Current SEO: Bradley Hengst – David Brown and John Luciani, Alternates

MR. BISHOP MOVED TO ADOPT RESOLUTION 09-09 APPOINTING BRAD HENGST AS SEWAGE ENFORCEMENT OFFICER. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- J. Resolution No. 09-10 – Appointment of Representative to York Adams Tax Bureau**
Current Representative: Jack Hadge
Current Alternate: Sandy Ratcliffe

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-10 APPOINTMENT OF REPRESENTATIVE TO YORK ADAMS TAX BUREAU, JACK HADGE AND SANDY RATCLIFFE AS ALTERNATE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- K. Resolution No. 09-11 – Appointment of Representative to Springettsbury Township Volunteer Fire Company**
Current Representative: Bill Schenck

SCHENCK Chairman Schenck asked whether anyone would be interested in serving as Representative to the Springettsbury Township Volunteer Fire Company. Hearing none, he called for a motion.

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-11 APPOINTING REPRESENTATIVE TO SPRINGETTSBURY TOWNSHIP VOLUNTEER FIRE COMPANY, WILLIAM SCHENCK. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- L. Resolution No. 09-12 – Appointment of Representative to Local Government Advisory Committee**
Current Representative: Nick Gurreri

MR. BOWMAN MOVED TO ADOPT RESOLUTION 09-12 APPOINTMENT OF NICK GURRERI AS REPRESENTATIVE TO LOCAL GOVERNMENT ADVISORY COMMITTEE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- M. Resolution No. 09-13 – Appointment to Zoning Hearing Board (5 Year Appointment)**

Expired Term: John Schmitt

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-13 APPOINTMENT TO ZONING HEARING BOARD (5 YEAR APPOINTMENT), JOHN SCHMITT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

N. Resolution No. 09-14 – Appointing Alternate Member to Zoning Hearing Board (3 Year Appointment)

Expired Terms: Richard Campbell and Sande Cunningham

Proposed: Sande Cunningham

HOLMAN Mr. Holman stated that Ms. Cunningham had offered to serve again. Mr. Campbell, due to various conflicting meetings, had requested not to be reappointed at this time, which will leave one vacancy as an alternate.

MR. DVORYAK MOVED TO ADOPT RESOLUTION 09-14 APPOINTING SANDE CUNNINGHAM AS ALTERNATE MEMBER TO THE ZONING HEARING BOARD. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

O. Resolution No. 09-15 – Appointment to Park and Recreation Board (4 Year Term)

Expired Terms: Sherry Nichols, David Seiler and Sidney Martin

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-15, APPOINTMENT OF PARK AND REC BOARD (4 YEAR TERM), SHERRY NICHOLS, DAVID SEILER AND SIDNEY MARTIN. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

P. Resolution No. 09-16 – Appointments to Recycling Committee (No Term Length – Annual Appointment)

Current Members: Ron DiAngelo, Stephen Baker, Penny Dellinger, Deb Bixler, William Greenawalt, Charles Stuhre and Paul Taccetta

Proposed: Same as above.

MR. BISHOP MOVED TO ADOPT RESOLUTION 09-16, ANNUAL APPOINTMENTS TO THE RECYCLING COMMITTEE. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

Q. Resolution No. 09-17 – Appointing Members to Historic Preservation Committee (No Term Length – Annual Appointment).

Current Members: Mary Ellen Monson, Lois Miller, Luther Sowers, June Frick, Arlene Dietz Imes and Lee Davis

Proposed: Same as above.

MR. DVORYAK MOVED TO ADOPT RESOLUTION 09-17 APPROVING THE CURRENT MEMBERS FOR ANOTHER YEAR ON THE HISTORIC PRESERVATION COMMITTEE. MR. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

R. Resolution No. 09-18 – Approval of Bank Account Signatories

HOLMAN Mr. Holman stated that no changes had taken place.

MR. DVORYAK MOVED TO ADOPT RESOLUTION 09-18. MR.GURRERI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

S. Resolution No. 09-19 – Designation of Depositories and Safety Deposit Box

MR. GURRERI MOVED TO ADOPT RESOLUTION 09-19. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED

T. Resolution No. 09-20 – Designation of Zoning Officer and Deputy Zoning Officer

Current Zoning Officer and Deputy: Harish Rao, Zoning Officer – John Luciani, Deputy Zoning Officer.

Proposed: Same as above.

MR. BISHOP MOVED TO ADOPT RESOLUTION 09-20 DESIGNATING ZONING OFFICER AND DEPUTY ZONING OFFICER. MR. SCHENCK WAS SECOND. MOTION CARRIED 4/1. MESSRS. SCHENCK, GURRERI, DVORYAK AND BOWMAN VOTED YES. MR. BISHOP VOTED NO.

U. Resolution No. 09-21 – Appointment of Building Official and Deputy Building Official.

Current Building Official and Deputy: Harish Rao, Building Official; John Luciani, Deputy Building Official

Proposed: Same as above.

HOLMAN Mr. Holman added Angela Liddick as an additional Deputy Building Official. She had received her license to be a Building Code Official.

MR. DVORYAK MOVED TO ADOPT RESOLUTION NO. 09-21, APPOINTING HARISH RAO BUILDING OFFICIAL, JOHN LUCIANI AND ANGELA LIDDICK AS DEPUTY BUILDING OFFICIALS. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

V. Resolution No. 09-22 – Establishment of Treasurer Bond

HOLMAN Mr. Holman stated that the Treasurer Bond of \$4 million was established by the Auditor.

MR. DVORYAK MOVED TO ADOPT RESOLUTION 09-22. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

W. Resolution No. 09-23 – Appointment of Personnel Attorney
Current Personnel Attorney: Ballard Spahr Andrews & Ingersoll, LLP, Patrick Harvey, Esquire

MR. BISHOP MOVED TO ADOPT RESOLUTION 09-23 APPOINTING BALLARD SPAHR AS LABOR ATTORNEY. MR. BOWMAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

5. OTHER ITEMS

A. Set Dates and Time for Regular Meetings of Board of Supervisors (second and fourth Thursday of each month – 7:00 p.m.)

Exceptions:

- June, July, and August – fourth Thursday only.
- November – Wednesday, November 18th (due to Townships of the Second Class Convention being held on second Thursday in November).
- December – second Thursday only.

SCHENCK Chairman Schenck stated that the above suggested dates were consistent with typical previous years.

GURRERI Mr. Gurreri commented that he did not think an additional meeting was necessary in January or February. The meetings are consistently one-half hour meetings.

BISHOP Mr. Bishop stated he would like to see the board be more prepared for budget meetings. He thought it would be good to schedule those meetings very early in the year.

SCHENCK Chairman Schenck questioned whether the scheduled meetings during 2008 had worked as far as Mr. Holman was concerned.

HOLMAN Mr. Holman responded that it had worked well. In previous years there had been meetings earlier during the year, but there had been conflicts with some of the board members.

SCHENCK Chairman Schenck suggested that dates be scheduled consistently with how they fell during 2008.

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REORGANIZATION MEETING**

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APPROVED**

HOLMAN Mr. Holman responded that he would review the 2008 dates and provide some proposed dates for the board.

MR. BISHOP MOVED TO SET TIMES AND DATES FOR REGULAR MEETINGS AS SET FORTH IN THE AGENDA. MR. DVORYAK WAS SECOND. MOTION CARRIED 4/1. MESSRS. SCHENCK, BISHOP, BOWMAN AND DVORYAK VOTED YES; MR. GURRERI VOTED NO.

SCHENCK Chairman Schenck commented on an article from the Central Penn Business Journal ranking municipalities based on debt. Springettsbury Township was ranked 36 out of 36.

6. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 5:25 p.m.

Respectfully submitted,

John J. Holman
Secretary

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