

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**JANUARY 11, 2018  
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, January 11, 2018 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

**MEMBERS IN**

**ATTENDANCE:** Mark Swomley, Chairman  
George Dvoryak, Vice Chairman  
Kathleen Phan, Assistant Secretary/Treasurer  
Blanda Nace  
Charles Wurster

**ALSO IN**

**ATTENDANCE:** Benjamin Marchant, Township Manager  
Charles Rausch, Solicitor  
John Luciani, Civil Engineer  
Dennis Crabill, Environmental Engineer  
Teresa Hummel, Finance Director  
Jessica Fieldhouse, Director of Community Development  
Mark Hodgkinson, Director of Public Works/WWT  
Dori Bowders, Manager of Administrative Operations  
Nitza Sanchez-Bowser, Director of Human Resources  
Colin Lacey, Director of Parks and Recreation  
Dan Stump, Chief, Police Department  
Dan Hoff, Chief, YAUFRR  
Andy Hinkle, Manager, Information Systems  
Jean Abrecht, Stenographer

**1. CALL TO ORDER**

A. Opening Ceremony

**SWOMLEY** Chairman Swomley welcomed everyone to the Board of Supervisors meeting and led the Pledge of Allegiance.

**2. ANNOUNCEMENT OF EXECUTIVE SESSIONS**

**SWOMLEY** Chairman Swomley announced that no Executive Sessions had been held since the last meeting. He announced that an Executive Session would be held following adjournment this date to discuss Collective Bargaining and personnel.

**3. COMMUNICATION FROM CITIZENS**

**DUNLAP** William Dunlap. 2443 Deininger Road addressed the board concerning barking dogs. He had come before the board earlier during 2017 for the same issue. He had discussed the matter with Ms. Fieldhouse, who suggested he come before the board to discuss additional information she had provided. He specifically asked

for something to be put into place about nuisance barking during the day from 6 a.m. to 10 p.m.

**SWOMLEY** Chairman Swomley assured Mr. Dunlap that the board had received Ms. Fieldhouse's information. In addition, they have various ordinances from around the area, which the board planned to discuss.

**4. ENGINEERING REPORTS**

A. Environmental Engineer – Buchart Horn, Inc.

**CRABILL** Mr. Crabill had provided a monthly report and had no additions to his report. He offered to respond to questions.

**WURSTER** Mr. Wurster questioned the schedule for the East York Interceptor project and the note that they had picked up two crews to complete it.

**CRABILL** Mr. Crabill responded that the plan had included two crews because the particular project lends itself well to having one crew on one end and the other on the other end. He added that they are on schedule.

**RAUSCH** Solicitor Rausch questioned the public's concern regarding the removal of trees.

**CRABILL** Mr. Crabill responded that he had not heard anything new. He added that the area had become like a walking path, and he had seen people walking through there.

B. Civil Engineer – First Capital Engineering, Inc.

**LUCIANI** Mr. Luciani had provided a written report and had several additions,

- Memory Lane at Market Street - Pizza place renovation at old Hess station – Developer requested a full movement driveway onto Haines Road; however, that likely will not be acceptable to the township or to PennDOT. They are seeking an alternative access, which may be right in, right-out. The plan will be before the Planning Commission on January 18 and before the board for Conditional Use.
- Quattro – Developer has shrunk the store and moved it into the site closer to 30, a significant change. They met with the County this date because they need some minor real estate from the York County Prison site and from Kinsley. Positive steps are being made.
- Wallingford – All paving work was concluded, and the developer will submit a letter requesting that the township take the roads. Mr. Luciani and Mr. Hodgkinson will coordinate that effort. Legal descriptions were submitted; however, errors were found, and for Liquid Fuels inventory, the description must include the length of the road. Errors were corrected. There remain some manhole repairs and some signage to be completed.

**NACE** Mr. Nace questioned whether there would be an Act II Clearance report required. He referred to the air extraction system that Hess had at the site.

**LUCIANI** Mr. Luciani responded that there would be a requirement because within the storm water issues, the new trend is for infiltration. Hess had cleaned up a small portion on the corner and received clearance with a paved cap. However, that is where the store is to go. Those matters will be coordinated.

**WURSTER** Mr. Wurster stated that he admired the Quattro development for making progress on that site. He also questioned whether the paving quality at the Wallingford development had been inspected.

**LUCIANI** Mr. Luciani responded that it had been. The township still contains all the bonding. He appreciated the work of the developer to complete the project.

**5. CONSENT AGENDA**

- A. Board of Supervisors Regular Meeting Minutes – November 15, 2017
- B. Board of Supervisors Public Hearing Minutes – November 30, 2017
- C. Board of Supervisors Regular Meeting Minutes – December 14, 2017
- D. Regular Payables as Detailed in Payable Listing of January 11, 2018
- E. Eastern Boulevard Development, LLC – Parcel 305A – Authorization of Bond Reduction in the amount of \$24,941.13
- F. Authorization to Purchase Pavilion for Springetts Castle Park from General Recreation, Inc. in an amount not to exceed \$24,810

**MS. PHAN MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH F. MOTION CARRIED. MR. WURSTER ABSTAINED FOR ITEMS A THROUGH C.**

**6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS**

- A. Authorization to Publish Request for Qualifications for the Purpose of Selecting a Transportation Planning Consultant

**SWOMLEY** Chairman Swomley indicated he would like to discuss item A. He noted that, as he read the documentation, he interpreted it to be adding another board-appointed engineer that seemed open-ended. A lengthy discussion took place, which is summarized.

- Highest priority of the township is focus on transportation. Current staff cannot do full-blown Traffic Master Plan.
- Request for Qualifications to determine a choice for a Traffic Engineer – needs more clearly defined.
- Definition of Traffic Study to review congestion, flow, right turns, interference.

- Township has two engineers. First step should use people with very in-depth integral knowledge of the problem areas. Continued oversight by township engineers.
- Comprehensive Plan – not to be done by a technical engineer.
- Long-term plan to include five, 10, 15, 20-year planning to solve the important township issues.
- Target must include goals, timelines, estimated completion, costs.
- Agreement negotiated between township and consultant will outline specific roles and responsibilities.

**SWOMLEY** Chairman Swomley stated that his expectation originally was that the Township Engineer would work with Public Works and Community Development Department to initiate the project. He was not expecting a Request for Qualifications for an additional professional consultant.

**WURSTER** Mr. Wurster noted that the Comprehensive Plan of 2007 provided a good planning document and a vision for the future of the township. Having had a community outreach of his own in the fall, he heard a few issues when talking to residents and transportation was one of them. There are issues that can be addressed in the township, and number one item in the Strategic Plan is transportation. As part of the Steering Committee, it was his impression that providing an RFQ to assess what is unknown and gather ideas from professionals as part of this process will gain insight into things that perhaps this board had not considered. This will assist as a tool to move forward to 1) address the concerns of the citizens, transportation, and 2) fulfill the strategic objectives as part of the Strategic Plan.

**NACE** Mr. Nace added that when the Steering Committee reviewed the requirements, it indicated that the township is interested in what additional tasks would be completed by staff or the committee so that the team can focus on design and augmentation. The entire document is written with the concept of working together with the existing staff. The Township Engineer actually falls under the staff category. Additionally, he noted that there was nothing in the RFQ that prohibits the Township Engineer from submitting an RFQ as well.

**DVORYAK** Mr. Dvoryak added that there had been excellent comments made, and the only thing he would add is that as he read the RFQ, nothing in it obligates the township to do anything. There is never any harm in gathering information in order to make a final decision.

**NACE** Mr. Nace added that there is no pricing request; simply qualifications and approach.

**SWOMLEY** Chairman Swomley asked Mr. Luciani for his official title and whether he had services within First Capital Engineering that would qualify.

**LUCIANI** Mr. Luciani responded that he is a Professional Engineer, and their firm does have services of that nature. They had done a lot of Highway Occupancy work, pro-network, traffic work, roadway design, traffic calming, Safe Routes to School, grant work. They do not do signal design.

**SWOMLEY** Chairman Swomley commented on some of his concerns with work done with issues caused by other engineering firms and not having things performed on time. Keeping engineering in house could solve those issues. He did not want to open up to some uncontrolled costs. He wanted to be sure to explore the in-house qualifications prior to going out for additional qualifications.

**WURSTER** Mr. Wurster stated that he believed that some of his concerns could be mitigated. He asked to be able to issue the RFQ and see what comes back. They will manage the process as a team, not as a board, going forward and gather information.

**MR. NACE MOVED TO AUTHORIZE THE PUBLICATION FOR THE REQUEST FOR QUALIFICATIONS FOR THE PURPOSE OF SELECTING A TRANSPORTATION PLANNING CONSULTANT WITH RESPONSES DUE END OF JANUARY. MOTION CARRIED 4/1. MESSRS. NACE, WURSTER, DVORYAK AND MS. PHAN VOTED IN FAVOR. MR. SWOMLEY VOTED OPPOSED.**

**7. SUBDIVISIONS AND LAND DEVELOPMENT**

There was none for action.

**8. COMMUNICATION FROM SUPERVISORS**

**PHAN** Ms. Phan commented on a traffic matter at Market Street by First Post. The directional sign was completely down and motorists are not sure of the movements. She requested some temporary signage for the area.

**STUMP** Chief Stump was aware of the issues and indicated he would coordinate a replacement sign.

**9. COMMITTEE REPORTS**

There were no Committee Reports.

**10. SOLICITOR'S REPORT**

**RAUSCH** Solicitor Rausch brought forward the matter of legalities for the fire station. He provided the history of the building, its ownership, the volunteer fire company's involvement. He stated that technically the building and the land are owned by the volunteer fire company. Under the 2012 Agreement, once the building was completed the land would be deeded over to the township and the fire company

would have rights to use the fire station. In the meantime, the storm water basin was deeded to the township. Solicitor Rausch indicated a decision needed to be made whether the property should be deeded over to the township per the 2012 Agreement, or the Springettsbury Township Volunteer Fire Company be allowed to maintain ownership. If so, he recommended doing the combination and reversing subdivision to add the storm water basin followed by a deed to themselves for the perimeter description. Following that, putting that reverter clause back in the deed so that if the volunteer fire company goes away, the property comes back to the township.

**DVORYAK** Mr. Dvoryak asked whether there are risks involved in the future if the volunteer fire company indicates they want to start charging rent. He asked if there were financial impacts to the township.

**RAUSCH** Solicitor Rausch indicated that would be the purpose of making an amendment, to make it clear. YAUFRR is leasing the building and not the township.

**DVORYAK** Mr. Dvoryak stated that part of the agreement was they deeded the land to the township because the township invested the \$5 million to build the station.

**RAUSCH** Solicitor Rausch stated that he was correct.

**NACE** Mr. Nace questioned the benefit of doing a reverse subdivision.

**RAUSCH** Solicitor Rausch responded that it made sense to increase the square footage of the firehouse property. It could increase how much service area could be used for improvements. Another deed should be done in order to include the reverter clause. He was aware of some changes in leadership at the volunteer fire company.

**PHAN** Ms. Phan noted that she is on the committee. She will take any questions back to them. The meeting is the first Monday of each month at 7 p.m. at YAUFRR headquarters. She and Chief Hoff will respond in February.

## **11. MANAGER'S REPORT**

**MARCHANT** Mr. Marchant reported that a letter had been received from 693 North Hills requesting a LERTA assistance. That will be on the next agenda for consideration. He explained that this is the initial request letter to come before the board. Based on the board's interest in entertaining it would decide to advertise it for Public Hearing. The process would continue simultaneously with the school district and the county with their public hearings. He hoped that everything could be reviewed and done by the end of February or early March.

Mr. Marchant requested a Work Session on Economic Development with the board just prior to the next meeting at 6 p.m. (1/25/18). He had some discussions with a real estate firm or retail strategies solutions in terms of identifying best fits

for market opportunities in the area. Mr. Nace is familiar with another company, Buxton that does the same thing.

Mr. Marchant noted that another interview had been scheduled for 6:45 p.m. for a Zoning Hearing Board candidate.

Mr. Marchant noted that a Public Hearing is necessary that same evening for the East Philadelphia Street Text Amendment.

**RAUSCH** Solicitor Rausch stated that the Text Amendment could be done the same date as the Regular Meeting. The Public Hearing could be called at 7 p.m., followed by adjournment and then going into the Regular Meeting.

**NACE** Mr. Nace commented on the Davies Drive project. He did not understand how a transportation-planning consultant would get involved in that. He noted that the township had been through the PUC process before and there are records of that process. It may need some adjustment or some political support, but he thought the engineering had been done. The township has the plan. The county had been discussing some storm water issues that could make the argument a little bit better; however, that had been lagging. He did not want to see it lag due to not having the right consultant.

**SWOMLEY** Chairman Swomley stated that the Township Engineer has a contact that could be of benefit, someone familiar with utilities work across railroads and very familiar with the entire process. It will be worth exploring that.

**DOVRYAK** Mr. Dvoryak recalled that during the last attempt made by the township, the major reason for the denial was the quality of the traffic study information that was presented.

**RAUSCH** Solicitor Rausch noted that old data was used and they had data that are more recent.

**NACE** Mr. Nace noted that he learned the other reason was that there was another crossing nearby. That crossing is proposed to be eliminated.

**MARCHANT** Mr. Marchant stated that Pleasant Acres is considered an access that the railroad would use to argue it; however, the County had not decided to do anything with it. It had been discussed, but he was waiting for something in writing. He reported that in the meeting with the County yesterday to discuss the Quattro project, afterwards they were commenting that the Davies Drive crossing would really solve all the traffic concerns. They were suggesting other consultants and other resources they knew. Mr. Marchant indicated he was happy to work with anyone. Mr. Luciani, Mr. Rausch and he met several months ago and discussed strategy. They had reviewed every option to see what other angles might provide an edge.

**LUCIANI** Mr. Luciani noted that Norfolk Southern always fights these crossings, but it has been 10 years and many improvements have taken place and circumstances have changed.

**NACE** Mr. Nace noted it is a different world now than it was then.

**WURSTER** Mr. Wurster questioned the York County Storm water Consortium settlement discharge. He asked how it changed from 25 million pounds per year to 75 million pounds per year settlement discharge differential.

**MARCHANT** Mr. Marchant responded that there had been a preliminary countywide estimate in late 2015 or 2016 that came up with 25 million pounds. When the consortium was putting their plan together at the end of last year, a new study came out that looked at the estimates by municipality within the County. It was more refined in that new study that came out at the end of January 2017, which put it at the 70-million-pound mark.

Community Development

1) Dog Barking Ordinance

**NACE** Mr. Nace stated that Ms. Fieldhouse had provided some sample ordinances on dog barking. He asked if the matter should be referred to Solicitor Rausch.

**RAUSCH** Solicitor Rausch stated that if a change is to be made and an ordinance is created, it would have to be advertised.

**SWOMLEY** Chairman Swomley suggested that, if the board provided some ideas of what they are looking for, Solicitor Rausch could work on it.

**RAUSCH** Solicitor Rausch responded that he was correct.

**SWOMLEY** Chairman Swomley stated that there were some items in the sample ordinances that would be difficult to prove, i.e., whether a dog barked for 3 seconds, 3 times or 30 seconds within 20 minutes. The burden of proof would be on the person complaining, and it may not provide a better tool to calm the problem.

**RAUSCH** Solicitor Rausch noted that with the type of noise ordinances, the more specific the better.

**NACE** Mr. Nace noted that the Animal Control Officer could provide some assistance. He read from one of the ordinances in Section 105, "An animal control officer shall be appointed by the board of supervisors to serve at the pleasure of the board; such animal control officer along with the police officer shall have the concurrent responsibility for the enforcement of the article and the dog law."

**STUMP** Chief Stump noted that this would most likely fall on the police department for enforcement.

An additional lengthy discussion took place, which is summarized:

- Township Police Officers cannot go on a property to investigate the barking; state officer could.
- Rewriting the ordinance is a good tool; however, the township must follow and withhold them.
- Wording for barking may fit in under the tethering section or as a stand-alone section.
- Reference animal shelters within 250 ft. of residential zone; animal noises and odors shall not be detectable.
- Some of sample ordinances have to have been tested in court; caution not to reinvent the wheel.

**DUNLAP** Ginny Dunlap, wife of William Dunlap, 2443 Deininger Road, who had spoken earlier, stated a few additional points:

- Their property is six and a half acres; neighbors are not close.
- One barking dog is way up on a hill; another is across the street; home on the other side has Great Danes.
- They are just asking for common sense to be applied to neighbors who respect each other's peace and quiet.
- Not sure how to prove that a dog is barking for hours except to record it.
- This will be a criminal violation, a Summary Offense to be served; needs witnesses.

**RAUSCH** Solicitor Rausch indicated he would see what could be put in place.

2) Construction Site Inspection Policy and Procedures

**SWOMLEY** Chairman Swomley brought forward an additional Community Development project, i.e., the Construction Site Inspection Policy and Procedures. He asked Mr. Marchant to discuss.

**MARCHANT** Mr. Marchant explained that it was an administrative approach to refining the Standard Operating Procedures within the Community Development Department. The object is to determine that everything is done in order so that a Certificate of Occupancy can be issued. Finally, the township should have a copy of the inspection report to verify that everything had been done and all issues had been addressed.

**LUCIANI** Mr. Luciani stated that he had reviewed a copy of the document, and he agreed to a standard protocol. He noted several things that may be in conflict with the C&M specs; however, he had not addressed them to date. His thoughts were that

the township needed a cheat sheet for developers to understand that identified all the items that needed to be followed for a development.

**MARCHANT** Mr. Marchant noted that the document is in draft form and subject to further work. He questioned for clarification that, once the draft is further developed, that the board would like to adopt it as a board policy versus an internal staff protocol.

**WURSTER** Mr. Wurster responded that he would like to see the document in its final version, at least to the extent of reviewing it. He did not think it would have to be a formal board policy if it is given administrative guidance.

## **12. ORDINANCES AND RESOLUTIONS**

A. Resolution No. 2018-026 – York Area United Fire and Rescue Vehicle Lease Acknowledgment

**HOFF** Chief Hoff explained that the Resolution is a continuation of the budget that had been proposed to all three municipalities for 2018. In that budget a lease to own program was proposed for a period of six years for capital replacement. When YAUFRR applied for credit with the leasing company, they came back with an approval contingent on a Resolution by each municipality acknowledging the debt. That also falls in line with the Charter Agreement, which requires YAUFRR to have a Resolution in place for any debt that is going to exceed one year in repayment. Spring Garden and Manchester Townships have taken action.

**SWOMLEY** Chairman Swomley asked if the items had been budgeted.

**HOFF** Chief Hoff responded that they were budgeted.

**SWOMLEY** Chairman Swomley commented that this is the last step to getting it completed.

**HOFF** Chief Hoff responded that it would set YAUFRR up for the Commission to consider the sales agreement and the documentation at the next meeting. He added that there would be no outlay of funds in 2018; it would not come due until 2019.

**WURSTER** Mr. Wurster questioned the reference in the memo of two Ford Explorers, but the Resolution calls for a Ford Interceptor and one Explorer.

**HOFF** Chief Hoff responded it is the same thing; the Interceptor is the police package. The Resolution is correct.

**MR. NACE MOVED TO APPROVE RESOLUTION 2018-26. MOTION UNANIMOUSLY CARRIED.**

## **13. OLD BUSINESS**

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**JANUARY 11, 2018  
APPROVED**

A. Consideration of Appointments to Planning Commission and Zoning Hearing Board

**MR. WURSTER MOVED TO APPOINT PAULA MUSSELMAN TO THE VACANCY  
ON THE PLANNING COMMISSION. MOTION UNANIMOUSLY CARRIED.**

**14. NEW BUSINESS**

There was no New Business.

**15. ADJOURNMENT**

**SWOMLEY** Chairman Swomley reminded the board of the Executive Session to follow adjournment. He adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

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