

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JANUARY 22, 2015
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, January 22, 2015 7:00 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Bill Schenck
Kathleen Phan

MEMBERS NOT

IN ATTENDANCE: Julie Landis

ALSO IN

ATTENDANCE: Kristen L. Denne, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Buchart-Horn, Inc.
Patricia Lang, Director of Community Development
Betty Speicher, Director of Human Resources
Dori Bowders, Manager of Administrative Operations
Mark Hodgkinson, Director of Wastewater Treatment Plant
David Wendel, Director of Parks and Recreation
Thomas Hyers, Chief, Police Department
Lt. Todd King, Police Department
Jean Abrecht, Stenographer

1. CALL TO ORDER

SWOMLEY Chairman Swomley called the meeting to order 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; however, he requested one to be held following adjournment this date with regard to performance management issues.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

SCHENCK Mr. Schenck referred the board to an agenda item under Ordinances and Resolutions, 11 C, the Transfer of Restaurant Liquor License No. R-20094 (Weis

Markets). He requested that the item be moved up on the agenda, as the representatives had traveled some distance.

11. C Resolution No. 2015-26 – Transfer of Restaurant Liquor License No. R020094 (Weis Markets)

MR. DVORYAK MOVED TO APPROVE RESOLUTION NO. 2015-26. MOTION UNANIMOUSLY CARRIED.

4. ENGINEERING REPORTS

- A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had presented a written monthly report and had no changes or alterations. He offered to respond to questions, but there were none.

- B. Civil Engineer - First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a written report. His only update was regarding a complaint that had been filed with DEP in 2014. The complaint related to a pipe on Graham Street behind Mill Creek. He met in a field meeting with DEP, and they suggested a bridge be built to maintain the sewer lines. Options were reviewed, and a metal pipe arch was designed to convey water. The previous pipe was not big enough to handle more than a few inches of rain. The permit was received for the work. Mr. Hodgkinson may be building it in-house or it may be put out to bid, but it is a more reasonable solution than building a bridge.

SCHENCK Mr. Schenck asked whether the staff is working through details with regard to Woodcrest Hills.

LUCIANI Mr. Luciani responded that they are not going to apply for the waiver, but rather will re-grade the slope and build it according to the plan.

SWOMLEY Chairman Swomley commented on Mr. Luciani’s recent presentation to the Planning Commission with regard to the adaptive signal control. He suggested that the presentation be given to the Board of Supervisors for a more in-depth understanding. He wanted to make sure that the message going forward is that Springettsbury Township favors the control. It provided saved time, gasoline and reduced accidents in other municipalities that had adopted it.

LUCIANI Mr. Luciani responded that he would make the presentation during the next meeting. He will work with Ms. Denne to get it scheduled.

5. CONSENT AGENDA

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- A. Acknowledge Receipt of Auditor General's 2014 Audit Report for Non-Uniformed Pension Plan for the period January 1, 2011 through December 31, 2013
- B. Acknowledge Receipt of Auditor General's 2014 Audit Report for Police Pension Plan for the period January 1, 2011 through December 31, 2013
- C. Acknowledge Receipt of December 31, 2014 Treasurer's Report
- D. Board of Supervisors Budget Work Session Minutes – October 29, 2014
- E. Board of Supervisors Meeting Minutes – December 11, 2014
- F. Board of Supervisors Reorganization Meeting Minutes – January 5, 2015
- G. Regular Payables as Detailed in the Payable Listing of January 22, 2015

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH G.

SWOMLEY Chairman Swomley commented on the two items referring to the Auditor General Reports, which document the township in favorable review including the Police Pension Plan. The reports indicate that the township is in very good control and held in a very good position by the Auditor General. He wanted to comment for the record and to the public for understanding that the township is in a very good position with the pensions.

MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Enter into Marketing Services Agreement with Cumulus Media-York for the period March 31, 2015 through October 31, 2015.

RAUSCH Solicitor Rausch stated that the item is for promotion of the Sounds of Summer and Saturday in the Park

MR. SCHENCK MOVED TO AUTHORIZE THE EXECUTION OF THE MARKETING SERVICES AGREEMENT WITH CUMULUS MEDIA YORK. MOTION UNANIMOUSLY CARRIED.

- B. Motion to Confirm On-Line Auction (MuniciBid) Results for Township Vehicles and Equipment.

MR. SCHENCK MOVED TO CONFIRM THE ONLINE AUCTION RESULTS THROUGH MUNICIBID. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. SD-14-03 – William J. Landis Minor Subdivision (4/20/2015)

SWOMLEY Chairman Swomley presented the minor subdivision plan for a parcel of land on Mt. Zion Road. The owner is purchasing another tract of land next to his and conveying that to his parcel but cutting out a small section that has a house on it

to leave that with the owner. This meets the definition of a minor subdivision. Planning Commission recommended approval.

LANG Ms. Lang noted that Dave Hoffman, the surveyor who prepared the plan for Mr. Landis, was present to respond to questions. There were no questions.

MR. SCHENCK MOVED TO APPROVE SUBDIVISION 14-03. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

PHAN Ms. Phan referred to the audio of the Board of Supervisors' meetings that is placed on the Internet. The audio remains only until the minutes are approved. She recommended that the audio be archived once the minutes are approved for at least one year. There is no cost to do so.

MS. PHAN MOVED TO HAVE THE AUDIO OF ANY ADVERTISED BOARD OF SUPERVISORS MEETINGS MOVED INTO AN ARCHIVE FOR ONE YEAR.

A lengthy discussion took place for clarification. The results are summarized:

- Archive the audio for one year from the date of the meeting.
- Definition of a meeting: Any time there is an advertised Board of Supervisors meeting and minutes are taken.
- Include all Public Hearings, all Work Sessions, all Strategic Planning Sessions.
- Not included: Pension Board or Development Authority meetings.

MOTION UNANIMOUSLY CARRIED.

SWOMLEY Chairman Swomley reported that during the Local Government Advisory Council meeting the Flexible Development Zoning change was recommended for approval to York County Planning Commission.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch presented two additional agenda items. The first was a request from Enterforce for a tax penalty abatement. He had described the matter in his written monthly report. The situation revolved around an interpretation of the Business Privilege Tax and an exclusion that would be allowed for taxes collected. They had interpreted that to mean payroll taxes, which was how they had it reported. York Area Tax Bureau had done an audit showing an incorrect interpretation and brought it to Enterforce's attention. Immediately they remitted the amount that was owed but requested that the penalty not be imposed as it was

a good faith mistake. Solicitor Rausch was not opposed to that and recommended the board approve Enterforce's request to abate the tax penalty of \$728.76.

MR. DVORYAK MOVED TO APPROVE ENTERFORCE'S REQUEST FOR ABATEMENT OF A TAX PENALTY OF \$728.76. MOTION UNANIMOUSLY CARRIED.

RAUSCH Solicitor Rausch reported that he had received confirmation of settlement of the lawsuit between Julie Landis versus Springettsbury Township et al that was filed in 2013. The settlement involves a payment by the township of \$35,000 to Julie Landis Trott in exchange for release. There is no admission of liability. The township's purpose is to provide resolution and avoid any further cost involved on behalf of the township. There will be a settlement agreement and release. The board has had an opportunity to review it, and Solicitor Rausch recommended that the board enter into the settlement agreement and release to end the lawsuit.

MR. SCHENCK MOVED TO APPROVE THE SETTLEMENT AGREEMENT AND RELEASE FOR \$35,000 REGARDING THE JULIE LANDIS VERSUS SPRINGETTSBURY TOWNSHIP ET AL LAWSUIT. MOTION CARRIED 3/1; MESSRS. SCHENCK, SWOMLEY AND DVORYAK VOTED IN FAVOR; MS. PHAN WAS OPPOSED.

RAUSCH Solicitor Rausch brought forward the matter of ordinances limiting firearms. He commented that due to a number of lawsuits filed recently in surrounding municipalities, he had reviewed the township's Park and Rec and Firearms ordinances. He will review and revamp the ordinances as a preventive measure regarding the use of guns on township property.

10. MANAGER'S REPORT

A. Manager's Report – 01.22.15

DENNE Ms. Denne had provided the board with her written report. She had several items to bring to the board's attention.

Fire House - Ms. Phan had asked about the fire house punch list items. Ms. Denne had spoken with the contractor, and they offered \$5,000 for damages to release payment. Ms. Denne had countered with \$7,500. She had learned that, in fact, many of the punch list items may not be substantial or satisfactory. She wanted to forego that offer since it will make a lot of difference to have the things done right than to release payment for a small amount of money.

- PHAN** Ms. Phan asked whether there is a bond in place.
- DENNE** Ms. Denne responded that there is a one-year walk-thru guarantee.
- PHAN** Ms. Phan suggested that the bond be thrown out.
- DENNE** Ms. Denne responded that once they received a Certificate of Substantial Completion, the ability to negotiate is small. The only option is to withhold payment until satisfied. They have not received a Certificate of Final Completion.
- PHAN** Ms. Phan asked if the payment had been released.
- DENNE** Ms. Denne responded that final payment had not been released, which she thought was approximately \$75,000. She noted that the contractor was not taking any responsibility in this process.
- SWOMLEY** Chairman Swomley asked if the punch list included the mix-up of putting Don Eckert's door on backwards and the light controls on the wrong side of the office. This would take approximately four hours to reverse that door and move the light switch.
- DENNE** Ms. Denne did not disagree. Her recommendation was to have further discussion with the contractor and not to release payment.
- J. C. Penney Closing April 1, 2015.** – Ms. Denne had reached out to the Galleria Mall Manager to offer the township's support and assistance to gain a new tenant.
- Xfinity Store Opening** by the WalMart Plaza, Monday, January 26th, 10 a.m.
- YAUFR Former Headquarters** – Building demolition had begun and all items that can be re-used/recycled are removed and copper is being scrapped. A bocce court had been proposed and a proposal will be submitted to the Recreation Board.
- DENNE** Ms. Denne added that there is a possibility of some passive play for horseshoe courts and bocce courts.
- SCHENCK** Mr. Schenck referred to the Master Plan that had been developed and cautioned that it should be followed as a lot of time and money had been spent in its development. In addition, he hoped that some parking and paved area would be retained.
- PHAN** Ms. Phan suggested that the Master Plan be reviewed carefully before moving forward.

DENNE Ms. Denne reported that all the employees of the township had received an award this date from the United Way for a 10% increase in employee giving during the 2014 campaign. She noted Ms. Speicher had attended the meeting in order to receive the award on the township's behalf.

SWOMLEY Chairman Swomley congratulated all the township employees.

SWOMLEY Chairman Swomley noted one additional item on Ms. Denne's list for Strategic Goals for 2015. He proposed a get together between the next two meetings. A lengthy discussion took place.

Consensus of the board was to meet on Wednesday, February 11, 2015 at 6:30 p.m. for a discussion of 2015 Strategic Goals.

SCHENCK Mr. Schenck clarified that the discussion would be about strategic initiatives and not drafting a strategic plan, which are two different things.

DENNE Ms. Denne responded that it is to do goal setting for this year. She was looking for feedback on potential Capital Projects and Internal Goals within the staff.

11. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2015-01 – Authorizing Participation in an Intergovernmental Cooperation Agreement with Windsor Township to Share Responsibilities and Costs for the Joint Beaverson Pump Station Elimination Project

RAUSCH Solicitor Rausch noted that Windsor adopted the ordinance and approved the agreement at its meeting on Monday, January 19th. He had given the signed agreement to Ms. Bowders.

PHAN Ms. Phan asked if the funding previously discussed remained the same.

CRABILL Mr. Crabill responded that it remained the same but is still an estimate.

SCHENCK Mr. Schenck added that the funding will come from the Sewer Fund.

MR. DVORYAK MOVED TO APPROVE ORDINANCE 2015-01. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2015-25 – Appointing Member to Parks and Recreation Board

MR. SCHENCK MOVED TO APPROVE RESOLUTION 2015-25 APPOINTING JOHN KERCHNER TO THE PARK AND REC BOARD. MOTION UNANIMOUSLY CARRIED.

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- C. Resolution #2015-26 – Transfer of Restaurant Liquor License No. R-20094 (Weis Markets)

This was acted upon earlier during the agenda.

- D. Resolution No. 2015-27 – Authorizing Appointment of Deputy Tax Collector

RAUSCH Solicitor Rausch reported that the amendments to the tax collection law require the tax collectors to get certification, but it also requires the Deputy Tax Collector to be appointed. In order to handle the appointments with required certifications, all the tax collectors are appointing each other as deputies.

MR. SCHENCK MOVED TO APPROVE RESOLUTION 2015-27. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business for action.

13. NEW BUSINESS

There was no New Business for action.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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