

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**FEBRUARY 11, 2021
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, February 11, 2021 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA in person and by Zoom technology.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Charles Wurster, Assistant Secretary/Treasurer
Don Bishop
Robert Cox

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Diana Young, Environmental Engineer
Dori Bowders, Director of Administrative Operations
Teresa Hummel, Finance Director
Todd King, Police Chief
Dennis Crabill, Director of PW/WWT
Nitza Sanchez-Bowser, Director of Human Resources
Ray Markey, Acting Director of Community Development
Colin Lacey, Director of Parks and Recreation
Dan Hoff, YAUFRC Chief
Abby Gibb, Communications Manager
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the Regular Meeting to order and welcomed the attendees. He led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley announced that there had been no Executive Sessions since the last meeting.

3. COMMUNICATION FROM CITIZENS

HEILAND Christopher David Heiland, 2505 Schoolhouse Lane, corner of Sundale Drive spoke of his concerns about traffic in the intersection. He indicated that cars he has witnessed cars going north and south on Sundale are not stopping at the stop sign. Children cross the street going to both the Elementary and the Middle Schools.

KING Police Chief Todd King responded to his concerns and noted that enforcement efforts only work as long as the enforcement is occurring. He stated that more patrol cars will come out there to handle this as call volume permits, but unfortunately, there is not much more that can be done at that intersection.

LUCIANI John Luciani stated that this intersection had been on the radar for a number of years. He indicated that he would review the matter to see if there are some physical measures that the township might be able to implement. He indicated he would work with Chief King and Manager Hodgkinson to see if there might be a new strategy for that area.

SWOMLEY Chairman Swomley noted it is never an easy situation, but someone would get back to Mr. Heiland.

13. B. Administration/Police Building Project Financing – Jennifer Caron, Esq., Eckert Seamans Cherin & Mellot, LLC and Christopher Gibbons, Concord Public Financial Advisors, Inc.

SWOMLEY Chairman Swomley moved item 13.B. forward in order to move the item earlier during the Agenda.

HUMMEL Ms. Hummel noted that the township is in the beginning stages to move forward with the financing for two major projects: Police Station/Admin Building Renovation, and the Davies Drive Railway Crossing. The financing has a maximum amount of \$15 million, which does include the issuance costs. She noted the plan is to have an RFP distributed to the banks tomorrow (2/12/21) looking for financing through a Note obligation. She stated that Chris Gibbons from Concord Public Finance had put together some of the information that was distributed to the board earlier this date. She added that Ms. Jennifer Caron also had reviewed that information. She asked Mr. Gibbons to discuss the information.

GIBBONS Mr. Chris Gibbons of Concord Public Finance stated that, as Ms. Hummel had indicated, they are ready to put a bank loan financing request for proposals out on February 12th if the board was ready to move ahead. He noted the term sheet outlined two different terms; a term of 20 years and a term of 30 years. They expect to get the proposals back by February 26th, and it was understood that the Board of Supervisors expects to have a special meeting on March 2, 2021 to discuss the results of those financing proposals.

Mr. Gibbons stated that at the time of the March 2nd meeting, they will not only just look at Bank Loan financing, but also Bond Issue financing and what is the best deal for the township. If a Bond Issue were selected, the township would be asked to put together a Prospectus or Preliminary Official Statement to get a Bond Issue rating. Following that the Bond Issue would be placed on the Internet.

Conversely if there are great Bank Loan proposals, they will move ahead with bank proposals following the March 2nd meeting.

Mr. Gibbons brought forward an additional item to keep in mind. Most of the debt borrowed by the township over the last six years was sewer related, and as a result it moves more towards the legal borrowing capacity. This allows a self-liquidation of all or a portion of the sewer-related debt. An engineer will certify that the revenues that are collected for the sewer system are adequate to pay the debt service on the sewer system. If that could be proven to the state, the state says that the amount of debt does not count against your borrowing limits; therefore, it provides that amount of debt for other projects such as the ones under consideration. It's a possibility.

WURSTER Mr. Wurster questioned what the borrowing capacity is in terms of dollars.

GIBBONS Mr. Gibbons responded that there is another \$15 million of borrowing capacity.

WURSTER Mr. Wurster noted that the township does have the capacity to do the full \$15 million, but if there would be a need to do any additional borrowing there would have to be an engineer certification about the sewer.

GIBBONS Mr. Gibbons responded that by doing now so it would give more flexibility. It was never done before because it wasn't necessary. Currently it would provide the township with maximum flexibility.

WURSTER Mr. Wurster asked for the turnaround time and whether it required a DCED reversal.

GIBBONS Mr. Gibbons responded that it would, but the DCED approval wouldn't be sought until after the board meeting of March 25th. DCED approval takes a month, so settlement would be a month later.

WURSTER Mr. Wurster asked where the Bond market is at this time.

GIBBONS Mr. Gibbons responded that the interest rates are lower than they were back in October, and he expected those rates would hold for the month or so. They just got some good rates last week for Manchester Township last week.

SWOMLEY Chairman Swomley noted that they are looking for approval from the board to go out for an RFP.

MR. BISHOP MOVED TO AUTHORIZE RELEASE OF AN RFP TO THE BANKS FOR FINANCING FOR THE POLICE STATION/ADMIN BUILDING AND FOR THE DAVIES DRIVE RAILWAY CROSSING. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Diana Young stated that she submitted a report, and there was nothing to add. She offered to respond to questions, but there were none.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a written monthly report. He had two updates: (1) The prebid meeting for the Police Station was held and was well attended; (2) Manager Hodgkinson provided a Consultant's request who is working with Stantec to relocate Mill Creek.

SWOMLEY Chairman Swomley asked for the status of the access drives with 2091 Mt. Zion Road.

LUCIANI Mr. Luciani responded that Mr. Markey drafted a letter that included all of the township's concerns. The older existing house was demolished. They are entitled to access for a driveway but not for an access drive. There might be a proposal which will point to that driveway permit and think that it could allow three houses. Mr. Markey's letter documented that very well.

5. CONSENT AGENDA

A. Acknowledge Emergency Declaration by Township Manager and Rescission Thereof Due to Snow Emergency of January 31, 2021 through February 2, 2021

B. Acknowledge Receipt of December 15, 2020 York Area United Fire and Rescue Commission Meeting Minutes

C. Regular Payables as Detailed in Payable Listing of February 11, 2021

D. York Excavating Co. – Augustus Schaefer Park Project – Application for Payment No. 3 in an amount not to exceed \$4,472.82

E. Garden Spot Electric – Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project – Change Order No. 10 in an amount not to exceed \$26,279.89

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH E. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

A. Authorization for Township Manager to Execute Wastewater Treatment Plant West Tributary Stream Restoration Contract (York County Stormwater Consortium Project #4620001

MR. WURSTER MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO ENGAGE IN THE WASTEWATER TREATMENT PLANT WEST TRIBUTARY

STREAM RESTORATION CONTRACT YCS WC PROJECT #4620001. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

Mr. Cox reported he had an opportunity to visit with Al Maciejewski, and he wanted to send his regards to the board and to the staff. Mr. Cox saw him over the weekend and he is doing fine; enjoying Delaware.

9. COMMITTEE REPORTS

There were no Committee Reports

10. SOLICITOR'S REPORT

- A. WCJ Pilgrim Wire, LLC, 220 Boxwood Lane – Request for Waiver of Penalty and Interest for Tax Years 2017 through 2019 in the total amount of \$6,160.12

RAUSCH Solicitor Rausch indicated that the board had been given a copy of a letter from Pilgrim Wire's Attorney requesting that the board waive penalties and interest on the amount that's due as a result of the Hearing that was held.

MR. WURSTER MOVED TO APPROVE THE WAIVER OF INTEREST AND PENALTIES IN THE TOTAL AMOUNT OF \$6,160.12 IF THE APPLICANT FOR THIS WAIVER DOES MAKE PAYMENT OF BOTH CONCLUDING THE MATTER BEFORE THE END OF FEBRUARY, 2021. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SWOMLEY Chairman Swomley asked for clarification regarding the Ordinance and Case Law used in interpretation of matters such as the Pilgrim Wire case. He indicated that the law interpreting these specific ordinances is extremely old and not modernized for how businesses actually function today. He questioned whether the ordinance is a Springettsbury ordinance and whether there might be something that could be done to make it more clear and more fair. He noted an instance as to when a company makes a part that goes on to be made into other parts and is part of a manufacturing supply chain, and it is deemed to be retail sales rather than wholesale sales.

RAUSCH Solicitor Rausch responded that the township ordinance tracks the language that comes from the local taxation law. The definitions are archaic and have been interpreted by the court. In 1988 the legislature eliminated the Mercantile and Business Privilege Tax. Springettsbury Township had the tax enacted and so was grandfathered in, and this tax provides a substantial source of revenue for the township. He indicated that whatever is done 1) make sure of what would be the

consequences of that and 2) once done, it can't be undone because of the statute that eliminated the tax itself.

WURSTER Mr. Wurster questioned whether it could be something the Manufacturers' Association might review.

RAUSCH Solicitor Rausch responded that he was sure they would have a position, but it may or may not be in the best interest of the township from a revenue standpoint.

WURSTER Mr. Wurster indicated that the township has a significant industrial/warehouse base for which there should be accommodation to the more modern ways of doing business. He would be willing to review any language offered to modernize the ordinance.

RAUSCH Solicitor Rausch reported that the lawsuit filed by Latoya Batty against the township and Officers Jamie Miller and Brian Wilbur was voluntarily dismissed with prejudice, which means she could never bring that lawsuit again. Officers Jamie Miller and Brian Wilbur are completely exonerated from any accusations that they acted improperly throughout this situation. Solicitor Rausch was very pleased to report that, and that it was nice to know that Springettsbury Township Police Department tries its very best to treat everyone fairly and equally.

WURSTER Mr. Wurster stated that the township has the technology and the body cam footage to support and prove that; good investment there.

SWOMLEY Chairman Swomley expressed kudos to Chief King and his entire staff, as that was an excellent outcome.

KING Chief King responded that he would pass the word along to the officers who were involved.

11. MANAGER'S REPORT

A. Manager's Report

HODGKINSON Mr. Hodgkinson reported that the pre-bid meeting for the Police Station/Admin building was held at the Public Works facility for social distancing. There was a very good turnout with 10 to 13 different contractors with each discipline submitting bids.

12. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2021-27 Disposition of Records

**MR. WURSTER MOVED FOR ADOPTION OF RESOLUTION 2021-27
AUTHORIZING THE DISPOSITION OF RECORDS. MR. DVORYAK WAS SECOND.
MOTION UNANIMOUSLY CARRIED.**

B. Resolution No. 2021-28 Recognition of Thomas Wales

SWOMLEY Chairman Swomley read the Proclamation for Thomas A. Wales.

***RESOLUTION NO. 2021-28
RECOGNITION OF THOMAS A. WALES***

Whereas, THOMAS A. WALES began his career with Springettsbury Township on September 25, 1995 as a patrolman in the Police Department; and

Whereas, THOMAS A. WALES served the citizens of Springettsbury Township for twenty-five years with dedication and faithful service; and

Whereas, THOMAS A. WALES began his retirement from Springettsbury Township on January 2, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Springettsbury Township on behalf of its citizens, wishes to express sincere gratitude and appreciation to THOMAS A. WALES for his years of dedication, faithful public service, and leadership. The Board congratulates THOMAS A. WALES on his retirement and wishes him and his family much happiness and good health.

ADOPTED THIS 11th day of February 2021.

SWOMLEY Chairman Swomley indicated that under normal circumstances the retirement of Thomas A. Wales would be in person in front of everyone at the township building. Unfortunately, in view of the pandemic, the township is not in a position to do this. He asked Chief King whether he had any further plans.

KING Chief King responded that there was a get together where Mr. Wales' immediate family was invited. He added that there is an additional plan in the works to have a hybrid in-person and Zoom meeting ceremony for a larger fanfare. He noted there are two retirements, one a 20-year retirement and Mr. Wales' who was a 25-year retirement along with a number of other things held off because of COVID.

MR. WURSTER MOVED FOR THE ADOPTION OF RESOLUTION 2021-28 RECOGNITION OF THOMAS A. WALES. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

A. CU-2020-01 – Medical Marijuana Dispensary Center, 100 Memory Lane (Applicant Withdrew Application – Will File New Application at a Later Date)

RAUSCH Solicitor Rausch reported that he had received written notice from their attorney that they were going to withdraw the application and re-apply. Solicitor Rausch made it known after the Hearing with their representatives that, in all of his years,

that was absolutely the worst presentation he had ever seen and they needed to do better. Solicitor Rausch advised them to hire a lawyer, which they did, and if this comes back, it should be a much better presentation for the board.

- B. Administration/Police Building Project Financing – Jennifer Caron, Esq., Eckert Seamans Cherin & Mellot, LLC and Christopher Gibbons, Concord Public Financial Advisors, Inc.

This item was acted upon earlier during the Agenda.

- C. Old Business Listing

SWOMLEY Chairman Swomley asked Mr. Bishop if he had anything new to report on the Comprehensive Plan.

BISHOP Mr. Bishop responded that he had nothing to report at this time.

14. NEW BUSINESS

There was no New Business.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary
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