

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**FEBRUARY 27, 2014
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, February 27, 2014 at 7:00 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

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

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Patricia Lang, Director of Community Development
Jack Hadge, Finance Director
Lt. Todd King, Police Department
Robert McCoy, YAUFRR Chief
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

DVORYAK Chairman Dvoryak called the meeting to order at 7 p.m. He announced the passing of David Kennedy, Jr. and offered condolences to Springettsbury Township Police Officer, Jennifer Kennedy and her family in the passing of her husband on behalf of the Board of Supervisors and the staff. Chairman Dvoryak called for the observation of a moment of silence and followed with leading the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. January 23, 2014 – 8:00 p.m. – Personnel

DVORYAK Chairman Dvoryak announced that following the January 23rd meeting at eight o'clock a Executive Session was held to discuss a personnel matter. He announced that, following the regular meeting this date, a Executive Session will be held to discuss a personnel matter.

3. COMMUNICATION FROM CITIZENS

LEBER Dennis Leber, 3611 Trout Run Road, brought a situation to the board's attention regarding parking on Trout Run Road. He noted the road is only wide enough for two vehicles. There is a family which parks on Trout Run Road near the Glades Auction barn. Due to the parking issue, Mr. Leber had experienced a near head-on collision with another motorist coming up Lower Glades. He had discussed the matter with township police, who had indicated to him that their interpretation of the Pennsylvania Statutes is that they can park there any time. They also advised Mr. Leber that the township has a list of roads that are too narrow and have been deemed unacceptable for parking. Lower Glades and Trout Run are not on that list, and Mr. Leber feels they should be.

DVORYAK Mr. Dvoryak asked Mr. Holman if that particular area had been reviewed.

HOLMAN Mr. Holman responded that it had not. He explained the process which would include the engineer checking the road width and a traffic study to see if it would be eligible. The board would then determine whether to adopt an ordinance to include it as a No Parking area.

DVORYAK Mr. Dvoryak asked whether this was a new situation.

LEBER Mr. Leber responded that it had been occurring for about two years but is getting worse over the last six months. He thought it was a definite hazard.

DVORYAK Mr. Dvoryak thanked him for bring it to the board's attention.

CRUMLING Larry Crumling, 108 Lorenzo Court brought forward an item regarding negotiations between the Teamsters and the township. This would include the Waste Water, Public Works and the EMS service. He was concerned that the negotiations had been on-going for over two years. He understood that the township had lawyers from both sides sit in on the meetings and he did not think that was necessary. He focused on what he considered wasteful spending of approximately \$50,000 for the lawyers and just wanted to bring the matter to the board's attention.

GAROFALO Mario Garofalo, 3385 Oakland Drive, stated he had been contacted by a township resident who asked him to come to the board and determine whether it was all right for him to buy lunch for all the Teamsters members who work in the township, EMS Public Works and Waste Water. This township resident wished

to remain anonymous but just wanted to express the fact that they had been doing a great job. They wanted to use the fire hall as a place for this lunch.

DVORYAK Mr. Dvoryak responded that it was a nice gesture. He asked Mr. Holman if there were any policies concerning this.

HOLMAN Mr. Holman asked Mr. Garofalo if he would contact him as to when and what time they want to hold the lunch. He stated that there was nothing that prohibits someone from buying lunch for the Teamsters.

GAROFALO Mr. Garofalo indicated he would contact Mr. Holman and work with him.

LANDIS Ms. Landis asked Mr. Garofalo if he would thank the anonymous person.

SLATKY John Slatky, 3673 Cimмерon Road, brought forward the issues with the lights at Chambers Road and Plymouth Roads. He brought the board up to date with the situation over the past few years and noted that since there was a new board he hoped that the matter could be revisited. He cited the fact that the TND at Heritage Hills was not being constructed, along with the other plans for that site. Present-day traffic is not being routed to Plymouth, and that light is no longer required. Over 300 people, including Stan Saylor and Ron Miller, attended a meeting at York Township petitioning the light at Chambers Road be re-installed due to the difficulty for residents to come and go to their homes.

SWOMLEY Mr. Swomley commented that when Heritage Hills came to the Planning Commission to try to get their plans approved, the Planning Commission recommended that they bring Chambers Road across to Plymouth with a traffic light installed there. Heritage Hills pledged \$100,000 toward the light. However, since the development did not take place, they have no obligation to pay that money and York Township did not want to extend Chambers Road over and would not support taking land to do so. He added that Springettsbury Township could revisit the issues, but it is not Springettsbury property. According to PennDOT the traffic light is too close to the Edgewood intersection, and PennDOT required that the light be removed.

RAUSCH Solicitor Rausch asked whether York Township had moved at all on its position on connecting Chambers and Plymouth. He noted it is a connector road, and PennDOT won't touch a connector road.

SLATKY Mr. Slatky responded that York Township's position is that it is a state road. However, during the meeting when the residents attended, they indicated they would review it again. He thanked the board for their time.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had provided a monthly report and had two updates.

- First with regard to I-83 Exit 18, all Part II Permits have been submitted and they are moving forward getting ready for the rights-of-ways.
- Also, with regard to the Stone Ridge Road Sewer Extension, his inspectors reported that the pipe is in place. Some additional paving needs to be done, along with the final paving to be completed during the paving season.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided a written report and had several updates. He reported:

- Red Robin is planning a restaurant directly across from the township building. A meeting with them is scheduled for February 28th, and they have a short time line. The board likely will see the plan during March.
- Maple Donuts has submitted a plan, which the Planning Commission conditionally approved. They are working on the issues and the plan will come before the board in the next few months.
- Traffic concern with the signal at an intersection that was rebuilt by the PennDOT and the township jointly at 24 and 462, Market and Mt. Zion. Mr. Luciani discussed concerns with PennDOT. Crosswalks at the intersection are not painted. Line striping must be epoxy lined and must be done in 50 degree or above temperatures. Paint striping in the center or on the edge of a road does not last more than a construction season. He will confirm when the lines are completed.
- Internal staff meeting with Mr. Pasch concerning Commons Drive, moving the construction forward, getting approvals, staking the area. There are some milestones that Mr. Pasch must meet. The first milestone was met this date with payment of some fees. Mr. Luciani met with Mr. Stallman, his engineer, and their surveyors are to do some surveying February 28th. Mr. Luciani indicated that the project seems to be moving forward. If any of the milestones fail, the board will be involved and Solicitor Rausch and Mr. Holman can shed some light on that.

- PHAN** Ms. Phan noted that the intersection at Market and Mt. Zion is very dangerous. She experienced a Springettsbury Police Officer drive into her lane, so it was really important to be sure a temporary solution be done. Obviously with the snow and salt it is very diminished.
- LUCIANI** Mr. Luciani responded that temporary lines could be put down. He will discuss that with PennDOT.
- PHAN** Ms. Phan stated that she realized that the weather is a huge factor obviously, but it is important to do whatever is necessary to keep the residents safe.
- LUCIANI** Mr. Luciani commented that temporary paint could be put down even in this weather for safety as that is paramount.
- LANDIS** Ms. Landis questioned an item on Mr. Luciani's report regarding the Towneplace Suites, the Marriott Hotel and the fact that the hotels do not wish to construct the pedestrian bridge. She asked why the original plans proposed the pedestrian bridge.
- LUCIANI** Mr. Luciani responded that the plan had gone through the Planning Commission, and the Commission and the developer agreed and put it on the plan. Because of a circuitous route in that area, Planning Commission recommended that it would be good for the people to walk to the commercial areas in the township. The developer agreed to put in the bridge, which is on the plan. There had been a long delay in the construction of the second hotel, following which they indicated they did not want to build the bridge. They were advised that the only way to change the plan is to go back through the process. The bridge is not in, and they want their Occupancy Permit. Discussions are on-going as to how to proceed. The options are to build the bridge as proposed or come back and ask the board and/or the Planning Commission to rethink the plan. A Land Development Plan was signed, which is a guarantee they're going to build what is on the plan.
- LANDIS** Ms. Landis asked why the township would consider allowing them to come back in an attempt at getting the bridge removed.
- LUCIANI** Mr. Luciani responded that the bridge will cost approximately \$50,000 without much gain. If they can save a dollar by doing something inexpensive, they're going to try. However, there is a signed agreement.

- SWOMLEY** Mr. Swomley reported that the bridge was something that the Planning Commission pushed the developer to add, and it was desired.
- LUCIANI** Mr. Luciani noted that it is important to promote the pedestrian movement to walk from their hotel to Buffalo Wild Wings or Chick-Fil-A or other restaurants that are out along Concord Road.
- LANDIS** Ms. Landis commented that it sounded like the developer will come back and submit his request.
- LANG** Ms. Lang noted that the developer has not asked up to this point. She would anticipate that he probably will do so. It's not a waste of time, and it is his right to ask. Very often when a development starts to build out, it looks a little different than what it felt like on paper, and he may have a different alternative. He may say this bridge isn't going to work but he could do something else instead and that may be acceptable and that might be a win-win situation.
- DVORYAK** Mr. Dvoryak questioned the plan for the timeline for Commons Drive. He asked if the new plan allows for the timing of the box culvert, and/or can Mr. Pasch come back to the board at some point if the plan isn't followed or he does not meet the timing for the box culvert under the new plan.
- HOLMAN** Mr. Holman responded that he had reviewed the issues with the auditor and the Solicitor. If it becomes necessary for the township to pull the Letter of Credit and order the box culvert, a single source can be ordered through the company that holds all the plans and specifications. Should that occur, prevailing wage would not apply because the cost is under \$100,000. The box culvert has the longest lead time, and there is a month and a half of winter left before it can be started. He noted that Mr. Pasch had met his first milestone this date.
- LUCIANI** Mr. Luciani stated that the timeline will be tight. However, with the developer doing the work all the work can be accomplished before the fire building opening.
- RAUSCH** Solicitor Rausch added that he will start from the Eastern Boulevard end and go to the box culvert providing access onto Eastern Boulevard until it goes through to Market Street.
- SCHENCK** Mr. Schenck asked how the board could help the staff with the process. Knowing there is a tight timeline with the milestones the developer has to hit, and knowing the board only meets twice a month, he asked Solicitor Rausch if there would be

any value in providing authorization to move forward with the box culvert.
Valuable time would be lost waiting for the board meeting.

RAUSCH Solicitor Rausch responded that the board could do so, and it would shortcut any delay.

SCHENCK Mr. Schenck questioned whether the board actually would have to authorize it. He thought Mr. Holman could process it.

RAUSCH Solicitor Rausch stated that he would review the milestones during his report.

5. CONSENT AGENDA

DVORYAK Chairman Dvoryak asked if any supervisor would want to remove any items from the Consent Agenda for further discussion.

LANDIS Ms. Landis requested that item E would be held for further discussion.

SCHENCK Mr. Schenck requested that item F be held for further discussion.

- A. Acknowledge Receipt of January 31, 2014 Treasurer's Report.
- B. Acknowledge Receipt of November 19, 2013 York Area United Fire and Rescue Commission Fire Pension Board Minutes.
- C. Acknowledge Receipt of November 19, 2013 York Area United Fire and Rescue Commission Meeting Minutes.
- D. Acknowledge Receipt of December 17, 2013 York Area United Fire and Rescue Commission Meeting Minutes.
- E. Board of Supervisors Regular Meeting Minutes – January 9, 2014.
- F. Board of Supervisors Regular Meeting Minutes – January 23, 2014.
- G. Abel Recon – Haines Road Lining/Manhole Rehabilitation Project – Application for Payment No. 1 in an amount not to exceed \$84,021.28
- H. Shannon A. Smith, Inc. – Springettsbury Fire Building Project – Application for Payment No. 5 in an amount not to exceed \$21,721.50.
- I. Silvertip, Inc. – Springettsbury Fire Building Project – Application for Payment No. 6 in an amount not to exceed \$28,613.75.
- J. Lobar, Inc. – Springettsbury Fire Building Project – Application for Payment No. 6 in an amount not to exceed \$361,377.88.
- K. Regular Payables as Detailed in the Payable Listing of February 13, 2014.
- L. Regular Payables as Detailed in the Payable Listing of February 27, 2014.

- M. LD-13-04 – Time Extension – Maple Donuts – Plan Expires 3/20/14 (New Plan Date 6/18/14).
- N. LD-13-03 – Time Extension – First Capital Federal Credit Union – Plan Expires 3/18/14 (New Plan Date 6/16/14).
- O. SD-07-06 – Time Extension – Triplet Springs – Plan Expires 3/20/14 (New Plan Date 6/18/14).

MS. LANDIS MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH O EXCLUDING E AND F. MOTION UNANIMOUSLY CARRIED.

- E. Board of Supervisors Regular Meeting Minutes – January 9, 2014.

LANDIS Ms. Landis requested the following sentence be added to page 7 of the minutes: The reason she questioned the purchase was due to the fact that the police department had received three brand new vehicles in 2013, and with the recent tax increase and no additional staff members, the cost of one car could be eliminated.

MR. SWOMLEY MOVED TO APPROVE THE MINUTES OF THE JANUARY 9, 2014 BOARD OF SUPERVISORS MEETING AS AMENDED. MOTION UNANIMOUSLY CARRIED.

- F. Board of Supervisors Regular Meeting Minutes – January 23, 2014.

SCHENCK Mr. Schenck requested that the amount of tons of rock salt noted on page 8 be changed from 400,000 tons to 400 tons.

MR. SWOMLEY MOVED TO APPROVE THE MINUTES OF THE JANUARY 23, 2014 BOARD OF SUPERVISORS MEETING AS AMENDED. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Audio/Visual System Contract with Advanced AV for Fire House Project in an amount not to exceed \$47,764.

MR. SWOMLEY MOVED TO AWARD THE AUDIO/VISUAL SYSTEM CONTRACT NOT TO EXCEED \$47,764. MOTION UNANIMOUSLY CARRIED.

DVORYAK Chairman Dvoryak questioned whether a lease is in place with regard to the building and equipment.

MCCOY Chief McCoy responded that it had been discussed by the commission and the plan was to discuss the lease with Mr. Holman and initiate discussions between Solicitor Rausch and Solicitor Hovis to get the lease in place.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-13-02 – Integrity Bank – 5/19/14 (Action)

This item was tabled until the next meeting.

HOLMAN Mr. Holman requested that the board members either hold the item in the packets for the next meeting, or return them to Ms. Lang to hold.

B. LD-07-11 – Locust Grove Road Office Building (84 Locust Grove Road) – Tate and Associates, LLC – Termination Agreement

MR. SWOMLEY MOVED TO APPROVE LD-07-11, LOCUST GROVE ROAD OFFICE BUILDING, TERMINATION AGREEMENT. MOTION UNANIMOUSLY CARRIED.

C. Historic Preservation Update

LANG Ms. Lang provided a update on the Historic Preservation progress. The Committee met in January and discussed how to coordinate with other area agencies, locally, regionally and at the state level. She had provided some ideas where to obtain assistance in things they want to do in the community. She listed The York County Heritage Association, the York Adams Smart Growth Coalition, and National Alliance of Preservation as several availabilities. She offered the following as well:

- Become a Certified Local Government, for which several items need to be accomplished but which would enable the Committee to apply for funding. Since the January meeting, they had addressed three or four of the items, and they are reviewing the possibility of obtaining that certification.
- National Alliance of Preservation Commission is an excellent resource within which a group trains preservation commissions on how to be effective in their communities. Membership costs \$100 a year, and the Committee voted to spend the money for membership and take part in the benefit of the resources.
- Expanded membership - This date on the agenda is the appointment of two additional members, which will leave one opening.

- Several individuals have expressed an interest and their names will be forwarded to Mr. Holman for the board's approval.
- There are a number of people who are interested but are not residents, and because the meetings are open to the public there are those who come and participate who aren't actually technically on the committee but that's helpful in a lot of ways.
- Springettsbury Business Association asked the township to come and do a presentation covering the outcome of the Forum that was held in October.
- Finally the next steps and how to move forward were discussed.

D. MS4/Flood Plain Update

LANG Ms. Lang reported on the MS4 and Flood Plain Update. She had discussed previously the fact that FEMA released new preliminary mapping for the township in November. A public meeting was held February 19th with a good turnout. Most individuals are interested in where their property is on the flood plain map, and many of their questions were answered. In addition, a digital version of the maps is on the township website. As far as MS4, they are working to get the items addressed for the permit. A meeting was held with Brian Sipe of the Center for Watershed Protection to review projects that the township had completed since 2006 along with others that might move forward in an effort to reduce sediment levels and nitrogen phosphate in the water, which would conform to the Chesapeake Bay Reduction Program.

SWOMLEY Mr. Swomley asked whether Ms. Lang had received any response from residents who might be affected in the flood plain.

LANG Ms. Lang indicated they had been conservative in identifying those who might have additional flood plain on their property. Many of the people who came for the meeting on the 19th were relieved to find they were either right on the fringe or were actually out of the new flood plain area. Some had a main structure that was out of the flood plain, and she had not encountered anyone who had been found within the flood plain.

HOLMAN Mr. Holman reported that letters had been sent out to all residents in a focused mailing so that everyone was notified. The MS4 program will be on the next agenda, as direction will be needed from the board if the township decides to participate in the county-wide Chesapeake Bay Program. The county wants to know the best funding formula for Springettsbury Township in order to determine costs for any projects to be done. All municipalities participating would bear the

costs. There are a number of factors for consideration, such as impervious surface area, population, impacted streams, etc. He will include this in his next Manager's Report for the board's review prior to the meeting. The decision by the board will be necessary prior to the Chesapeake Bay Coalition Group meeting scheduled for May 13-14, 2014.

LANG Ms. Lang noted they are asking for input in what the township would consider as far as factors and variations of ways to structure a fee. They are looking for direction on a reasonable alternative for Springettsbury if it is determined to participate in the program.

HOLMAN Mr. Holman added that the goal that if the local municipalities decide to participate, all the funds would aggregate into a much larger amount, matched against a grant, and get the most benefits possible to reduce storm water and impairment to the waters in the county. Springettsbury has a list of projects, but those may not be the projects they choose. They may find other ones that are better. They're looking for a five-year window that the permit will cover.

SWOMLEY Mr. Swomley questioned whether a decision would be an obligation on the township's part.

HOLMAN Mr. Holman responded that there is no obligation.

LANG Ms. Lang noted that if the answer is that the township is not going to participate, the sooner they know that the better. When they release the funding, all the other municipalities ante goes up.

HOLMAN Mr. Holman stated that regardless the township still will have to write a plan for the MS4 and develop PMP's.

DVORYAK Mr. Dvoryak mentioned that the York County Community Foundation is making grants available for municipal cooperation on projects. Whether this might be a fit or not, it might be a funding stream worth investigating.

HOLMAN Mr. Holman stated that grants-wise the best application is the shared grant application among municipalities. That actually counts for quite a few points

8. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis commented on the recent loss of Officer David Kennedy, Jr. She noted that Officer Kennedy was always ready for duty, was a born leader and brought skill and talent to his position with Springettsbury Township. She thanked him for his service and expressed care and support to his family. She thanked Chairman Dvoryak for the moment of silence given at the beginning of the meeting.

PHAN Ms. Phan suggested that, in view of the amount of paperwork presented to the board members for each meeting, perhaps the board could consider going paper lite. She noted that some time and money could be saved and offered the suggestion for consideration. In addition, the Return on Investment could be investigated.

SWOMLEY Mr. Swomley noted that he had appreciated the staff emailing him prior to the previous board meeting, which had been cancelled due to weather. He had been on a business trip and was able to review the matters for discussion in preparation for that meeting. He offered to provide a motion that the Board of Supervisors would direct township staff to provide a proposal for the members as to how they would accomplish going paper lite at the supervisor meetings.

PHAN Ms. Phan agreed that his proposal would be a great motion. The staff prepares the packets and know what they can and cannot do. She offered to second the motion.

MR. SWOMLEY MOVED THAT THE BOARD OF SUPERVISORS DIRECT THE TOWNSHIP STAFF TO PROVIDE A PROPOSAL FOR THE BOARD AS TO HOW THEY WOULD ACCOMPLISH GOING PAPER LITE AT THE SUPERVISOR MEETINGS.

SCHENCK Mr. Schenck added that in prior years discussion had taken place for going completely electronic. He noted that he was somewhat sensitive to township communications, especially email, and suggested that there might be a system where all board members are on the same platform instead of forwarding emails to personal email accounts. He suggested an additional step to the motion might be software that is agenda-driven.

SWOMLEY Mr. Swomley responded that he could amend his motion. However, all appropriate use policies should be in place for any equipment to be used, recommendations and/or actual appropriate use policies for email so that we all understand exactly what the boundaries are.

SCHENCK Mr. Schenck noted that he wasn't suggesting an amendment and agreed with taking the first step.

DVORYAK Chairman Dvoryak offered an option, which is used by the board at his place of employment. They do not use emails. The board has a remote site on the website where members can go to access whatever is needed on there as opposed to being emailed individually.

MOTION UNANIMOUSLY CARRIED.

SCHENCK Mr. Schenck indicated he wanted to follow up on some communications. Following the Reorganization meeting, a newspaper article quoted Ms. Landis saying, "I'm making a list of necessary changes from the highest to lowest priorities and hopefully the rest of the board will as well. We need to cut spending. We have unfunded pensions." Following that Ms. Landis sent a letter to all the police officers which stated, "The Township currently has an annual obligation of over \$600,000 which must be paid into the police pension. The reasons why and how this deficit came to be can be discussed at length, but it is nonetheless factual." He mentioned her husband's (Mr. David Trott) website which discussed mismanaged pension funds, the fact that the Manager has nothing in place to control it, etc. Mr. Schenck was curious to know what was referred to in those statements.

LANDIS Ms. Landis responded that, when Mr. Dvoryak became Chairman, he stated it was very important that the board get together and make a list of cost-cutting items.

DVORYAK Chairman Dvoryak stated that the discussion surrounded having a Strategic Planning Session to talk about areas of opportunity for cost savings.

LANDIS Ms. Landis stated that was what she had referenced.

SCHENCK Mr. Schenck asked whether she was referring to the unfunded pensions. He cited her quote: "We need to cut spending. We have unfunded pensions" followed by her letter to the police officers where she mentioned a deficit along with \$600,000 obligation to the pension fund.

LANDIS Ms. Landis stated that there absolutely is an obligation to the police pension fund of \$600,000, which had grown in the past several years.

- SCHENCK** Mr. Schenck asked for clarification if that was what she called the unfunded liability.
- LANDIS** Ms. Landis responded that it is being funded; however if the progress continues as it is forecast now and forecast out five to 10 years, it is unsustainable with the officers currently on the force. She could not forecast if the force was going to grow, but taking those numbers on the average growth of what the pension obligation is going to be, just like any state or federal program, there will be some issues.
- SCHENCK** Mr. Schenck asked what the accrued liability currently is that she would base her theory on where the fund would run out of money.
- LANDIS** Ms. Landis responded that she did not have her forecast in front of her and she questioned whether that would take place in seven or 10 years. She stated that it was heading in the wrong trend.
- SCHENCK** Mr. Schenck asked on what she based her forecast.
- LANDIS** Ms. Landis responded that she based it on the actuaries.
- SCHENCK** Mr. Schenck asked what the numbers are and whether they were from her husband, Mr. Trott's website where he mentioned in 2002 it was \$96,000 and then rolling it up to 2014 to \$614,000. He asked her whether those were the numbers she discussed as the unfunded pension liability. Mr. Schenck stated his point that it is misinformation that she is working so hard to get out there referring to the unfunded pension liability issue is unsustainable and that the Manager has nothing in place to stop the out-of-control expense; that it is tax money that is being paid because of poor management. He stated that those kinds of statements concerning "unfunded pensions" and "this deficit" really bother him. They are not fair statements because they are just not true.
- LANDIS** Ms. Landis asked Mr. Schenck whether he was indicating that the pension liability had not grown significantly over the past five, eight, 10 years.
- SCHENCK** Mr. Schenck commented that what scares people is "unfunded" pension liabilities. The City of Detroit just went bankrupt and probably half of their problem was unfunded pension liability so when you throw out this "we've got this unfunded pension liability problem" it scares people because it's a serious problem. And what was done is taking one set of numbers and saying they're the unfunded

pension liability. What those numbers are that have been quoted, and you quoted, the \$600,000 figure in your letter you wrote to all the police officers and it's their pension you're talking about, is not an unfunded pension number. It is our annual cost of the pension plan. It's our MMO, our Minimum Municipal Obligation. That is not an unfunded liability. He stated that pension funds are complicated and the number is driven by several things: by how many police officers are currently employed, how many are currently retired, and what kind of a return is coming in on the funds. The Manager has no hope of managing that number. The key things, the message to get out is that there is not an unfunded liability problem. In the last actuarial study our accrued liability was around \$12 million. Currently there is approximately \$13.2 million in the pension fund. Until the next actuarial study is done, there probably will be a gap, which is rolled into the MMO. A small portion of that \$600,000 goes in to close the gap. It's no different than a 401K plan where investments are made. Throwing the numbers at the feet of the Township Manager and stating that he's doing a horrible job is simply inaccurate as he has nothing to do with those numbers. The numbers are driven by how many current officers are in place and what the stock market is doing, and we do not have a control of the number. What can be controlled is what is done about it. The Police Pension Board manages that number, and in 2013 the board worked very hard to manage the number. Two funds were consolidated in to one to eliminate redundant costs. The Investment Policy was changed. The pension is mandated by the state, and the township does not have a choice. Currently the pensioners are being paid approximately \$650,000 each year. So the annual cost that's quoted as somehow an unfunded pension liability is inaccurate. We do not have an unfunded pension liability problem in this township. The benchmark for municipalities, after coming through a horrible economy, is about 80%. This township is at 87% at the last evaluation. Another key number is how the township funds the pension, which has been funded at 100% for as long as he could remember. The pension plan has never not been funded. Mr. Schenck stated that he did not like the message being put out there that there is an unfunded pension liability problem and that it's the Manager's fault. It is simply not true, and Ms. Landis added to it by being quoted in the paper that there are unfunded pensions. Ms. Landis told the police officers that there is a pension problem. It's a number, and what she failed to mention is that while the annual cost is about \$650,000 a year, about \$400,000 a year in aid comes from the state to offset that pension cost. There is no unfunded pension liability problem. Mr. Schenck indicated he knew she wanted to do everything possible to discredit the township and the Manager, but she was just dead wrong.

LANDIS Ms. Landis responded that he was wrong with his comment.

SCHENCK Mr. Schenck noted that what she wrote and what was quoted is in writing.

LANDIS Ms. Landis noted that she was not sure what was quoted in the paper as she had not seen it. As far as what was on the website and where the pension is, she suggested that he do the actuaries.

SCHENCK Mr. Schenck commented that the annual pension cost currently is about \$650,000 a year. It is not unfunded pension liability as they are two completely different things. Using those words scare people, and it is just not accurate, and again, in 2013 a lot of work was done to address the pension here in this township. It is managed by the Police Pension Board, of which Ms. Landis is a member, and in 2013 Ms. Landis had not attended a single one of seven meetings. He stated that the campaign she was on to discredit the Manager and the township has got to stop.

LANDIS Ms. Landis responded that he needed to stop his harassment.

SCHENCK Mr. Schenck responded that it was not harassment but rather clearing up facts.

DVORYAK Chairman Dvoryak congratulated Mr. Holman on achieving his Credentialed Manager status for 2014, which is the third renewal for him. The program is a nationally-recognized program. In order to qualify he must attain 40 credits each year, all done on personal time with on-going education in the area of new technologies, new management techniques for municipal managers.

DVORYAK Chairman Dvoryak brought forward an issue with regard to snow removal. He noted that the winter had been challenging to the staff and resources. He had been contacted by residents in a condominium complex off Pleasant Valley Road. Their private road had been plowed shut after their private road had been plowed. A group of elderly individuals live in the condos and they were concerned with a possible emergency and whether emergency services people could reach them if the road was plowed shut. Chairman Dvoryak suggested that when staff meets for their review regarding snow removal, that they would give consideration to private roads.

DVORYAK Chairman Dvoryak commented, mainly for staff, that the Board of Supervisors recently affirmed its support of the current Manager's Ordinance as it pertains to personnel matters. Within that Ordinance, the Township Manager has the authority over personnel matters relating to his staff. He stated that anyone

conducting any personnel investigations of township staff other than the Manager does so without the support of the Board of Supervisors.

DVORYAK Chairman Dvoryak reported that he planned to attend a meeting scheduled for March 4th, Tuesday, with Senator Mike Folmer to discuss obstacles with regionalization. He was aware of some YAUFRR items that he could take along and asked Chief McCoy to please advise him of anything he might have.

MCCOY Chief McCoy responded that he would provide the information.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported that he met with Mr. Pasch and an agreement was reached for him to continue the construction of Commons Drive.

- Box Culvert- Site Design is scheduled to do the field stake out by March 7th.
- First Capital will sign off in writing on design once the stakes are in.
- Monarch is doing the manufacturing and can then be notified to begin the manufacture of the culvert. Monarch confirmed to Mr. Pasch that its time frame discussed previously with Mr. Luciani is still applicable with an estimated end of May completion date.
- Lot 8 access – Mr. Pasch has agreed to prepare the road profile so that there will be access to Lot 8. That's to be submitted and reviewed by March 7th.
- Escrow Balance - Mr. Pasch agreed to bring the escrow balance current by this date; that has been completed.
- Parties agreed to meet every two weeks at Tuesday morning's staff meeting starting March 11th to review the progress of the road construction.

Solicitor Rausch noted that Mr. Pasch stated he has as much incentive to complete the road as does the township. If the township wanted to deal with the issue of the Letter of Credit at this point, that would be appropriate.

SCHENCK Mr. Schenck suggested that the milestones be monitored closely. He asked Solicitor Rausch if the board could pre-authorize moving forward if the milestones are not met.

RAUSCH Solicitor Rausch suggested it could be done in the form of a motion.

MR. SCHENCK MOVED THAT THE BOARD AUTHORIZE THE APPROPRIATE INDIVIDUALS IN THE TOWNSHIP TO EXERCISE THEIR RIGHT TO SEIZE THE LETTER OF CREDIT FOR COMMONS DRIVE IF THE AGREED UPON

MILESTONES THROUGHOUT THE PROCESS UNTIL COMPLETION OF THE PROJECT ARE NOT MET.

DVORYAK Chairman Dvoryak questioned whether the township has the authority to act on the original agreement.

RAUSCH Solicitor Rausch noted that the original agreement was between the Volunteer Fire Company and Mr. Pasch in September, 2012.

DVORYAK Chairman Dvoryak stated that the township does not have the authority to enforce their agreement.

RAUSCH Solicitor Rausch responded that he was correct; however, the township has the Letter of Credit. As a result the township can determine when the work is done.

HOLMAN Mr. Holman reported that they had a meeting in March of 2013 and discussed that the township required the work to be done. It was confirmed by Mr. Pasch that it would be done in 2013 during the construction season. It is now February 2014.

DVORYAK Chairman Dvoryak wanted to be sure the township was acting within its legal rights.

MOTION UNANIMOUSLY CARRIED.

10. MANAGER'S REPORT

HOLMAN Mr. Holman reported that the Police Pension Board was unable to meet on February 13th due to the weather. He questioned whether the board would be willing to meet at 6 p.m. on March 27th. The Actuary is scheduled to make a presentation on the current valuation of the fund. In addition, he reported that the State Auditor is doing a standard every two-year audit on the pension funds.

Consensus of the board was to conduct a Police Pension Board meeting at 6 p.m. March 27.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2014-27 – Authorizing Transfer of Funds in the 2013 Budget to Reflect Actual Expenditures as Opposed to Estimated Expenditures.

MR. SWOMLEY MOVED TO ADOPT RESOLUTION 2014-27. MOTION UNANIMOUSLY CARRIED.

- B. Resolution No. 2014-28 – Authorizing Supplemental Appropriation to the Sewer Utility Operating Fund for Intermunicipal Capital Funds Distribution.

MR. SCHENCK MOVED TO APPROVE RESOLUTION 2014-28. MOTION UNANIMOUSLY CARRIED.

- C. Resolution No. 2014-29 – Met Ed Streetlights – Pleasantrees

MR. SCHENCK MOVED TO ADOPT RESOLUTION 2014-29. MOTION UNANIMOUSLY CARRIED.

- D. Resolution No. 2014-30 – Amending Fee Schedule

MR. SCHENCK MOVED TO ADOPT RESOLUTION 2014-30. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business for action.

13. NEW BUSINESS

- A. Motion to Approve Emergency Declaration by Township Manager and Rescission Thereof Due to Weather Emergency of February 3, 2014 through February 4, 2014.
- B. Motion to Approve Emergency Declaration by Township Manager and Rescission Thereof Due to Weather Emergency of February 13, 2014 through February 16, 2014.

MR. SCHENCK MOVED TO APPROVE THE EMERGENCY DECLARATION AND THE SUBSEQUENT RESCISSION DUE TO THE WEATHER EMERGENCY OF FEBRUARY 3rd AND 4TH AND THEN ALSO FEBRUARY 13TH AND FEBRUARY 16TH, 2014. MOTION UNANIMOUSLY CARRIED.

- C. Request by the Historic Preservation Committee to Appoint Two New Members:
 - 1) Sharon Tapp
 - 2) Stephen H. Smith

MR. SCHENCK MOVED TO APPOINT SHARON TAPP AND STEPHEN SMITH TO THE HISTORIC PRESERVATION COMMITTEE. MOTION UNANIMOUSLY CARRIED.

D. Emergency Medical Services Billing Rates

This item was discussed previously during the agenda.

E. Emergency Medical Services Lift Assists and Refusals Policy

MR. SCHENCK MOVED TO APPROVE THE EMS LIFT ASSISTS AND REFUSALS POLICY. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

DVORYAK Chairman Dvoryak reminded the board of the Executive Session to be held immediately following adjournment. He adjourned the meeting at 9:08 p.m.

Respectfully submitted,

John Holman
Secretary

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