

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**FEBRUARY 28, 2019
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, February 28, 2019 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
Charles Wurster
Justin Tomevi
Robert Cox

ALSO IN

ATTENDANCE Ben Marchant, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager of Administrative Operations
Dan Stump, Police Chief
Teresa Hummel, Finance Director
Mark Hodgkinson, Director of Wastewater Treatment Plant
Jessica Fieldhouse, Director of Community Development
Nitza Sanchez-Bowser, Director of Human Resources
Colin Lacey, Director of Parks and Recreation
Andy Hinkle, Manager of Information Systems
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the Springettsbury Township Board of Supervisors Meeting to order. He requested Peter Mudge, a Boy Scout from Troop 54, to lead 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, an Executive Session was scheduled immediately following adjournment this date to discuss personnel.

3. COMMUNICATION FROM CITIZENS

SWOMLEY Chairman Swomley invited Peter Mudge to discuss his Eagle Scout Project.

MUDGE Peter Mudge, a Boy Scout in Troop 54, and a Freshman at Central York High School, presented his concept plan for creating a Little Free Library in

Springettsbury Park. He was seeking initial approval from the Board of Supervisors. He explained the dimensions, materials, construction, paint colors, books for exchange and placement in the park. Following approval from the board, he will seek approval from the Scout Committee. No date has been set for construction.

Consensus of the board was approval for Peter to proceed with his project.

HELLER Jane Heller, 1819 Idylwyld Road, spoke concerning the Livingston house at the corner of Memory Lane Extended and Pleasant Valley Road. She noted that, although it has been declared a historic building, it had fallen into disrepair. She stated that Bennett Williams has it up for sale. She requested that the township make a serious attempt to apply the property maintenance requirements to the property.

SWOMLEY Chairman Swomley asked Ms. Fieldhouse what steps the township could take.

FIELDHOUSE Ms. Fieldhouse stated that she would have the inspectors go through the Property Maintenance Code at least for the outside of the building. They are limited because it is private property, and the inspectors cannot trespass for maintenance issues. The trees also can be included in a letter to the owners, which will be followed up with enforcement. It can be taken to the District Magistrate, if necessary.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill had provided a written monthly report. He added that the contractors are on site and working.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI John Luciani had provided a written month report. He had no changes. He offered to respond to questions, but there were none.

5. CONSENT AGENDA

- A. Acknowledge Receipt of January 31, 2019 Treasurer’s Report
- B. Acknowledge Receipt of York Area United Fire and Rescue Commission and Emergency Management Agency Cooperative Minutes – January 15, 2019
- C. Acknowledge Receipt of York Area United Fire and Rescue Commission Meeting Minutes – December 18, 2018
- D. Board of Supervisors Public Hearing Minutes – February 14, 2019
- E. Board of Supervisors Regular Meeting Minutes – February 14, 2019
- F. Regular Payables as Detailed in Payable Listing of February 28, 2019

**MR. TOMEVI MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH F.
MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Purchase 2019 Ford F-550 4x4 Truck Chassis through Apple Ford in an amount not to exceed \$49,650 (PA COSTARS Contract #025-002)
- B. Authorization to Purchase Body and Crane for the Chassis through MJR Equipment in an amount not to exceed \$67,900 (PA COSTARS Contract #025-171)

MR. DVORYAK MOVED TO AUTHORIZE PURCHASE OF THE TWO ITEMS A AND B AS PROPOSED FOR THE TRUCKS. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Timber Harvest Bid Discussion

HODGKINSONMr. Hodgkinson provided background surrounding timber harvesting in the township. In December 2017 the board approved hiring Jeff Gossert of J. L. Gossert to be the Forester for the project. He and Mr. Gossert had discussed the hiring of Amish logging operations, which do not carry traditional liability insurance. Township Solicitor Rausch suggested that language be written within the bid specifications to indicate that the board has the right to accept or reject Amish insurance if it becomes an opportunity after the bid opening. That was done, and one valid bid was received from a non-Amish logging operation for \$45,000. Following the bid closing, a second bid, invalid, was received from an Amish bidder for \$54,000, a significant difference on a bid of that amount. Mr. Hodgkinson requested a board decision on whether the township is comfortable accepting Amish liability insurance, and if so, he will recommend the project be rebid; if not, his recommendation is to accept the valid bid received with the traditional liability insurance.

The board entered into a lengthy discussion, a summary of which follows:

- No evidence of insurance was received from the Amish bidder of how an injury to their harvesters would be handled. A letter would be included that they would cover damages; unconventional.
- Experience indicates the Amish will make good on any damages they cause.
- Township insurance only covers township employees, staff and officials; is not extended to contractors, vendors and other parties.
- The Amish believe they are exempted from certain types of governmental insurance as a result of their believe in God; basically self-insured.
- Conestoga Township, Lancaster County accepted the Amish bidding and coverage. They pay into the Old Order Amish Liability Fund, which promises to cover liabilities incurred.
- Gossert never had any problems with Amish harvesters. A performance deposit is held in escrow, which is a minimal amount; however, they monitor

the harvest as far as protecting the land and payments, etc. They cover themselves as far as bodily injury through the fund. If there is a claim, the township pays the money and the township goes to the Fund Manager and they pay the township for the claim. The forestry business is 85 percent Amish.

SWOMLEY Chairman Swomley stated that the one issue is whether or not to accept the valid bid.

RAUSCH Solicitor Rausch questioned whether the \$45,000 is a legitimate bid.

GOSSERT Mr. Gossert responded that it is a legitimate bid. He had provided information to potential bidders on the type of management harvesting with an estimated value of \$30,000 to \$40,000. He indicated the \$45,000 bid was an acceptable bid.

DVORYAK Mr. Dvoryak commented that any insurance payments in the future are contingent upon the fiscal health of the insurer, unknown in this case. With a \$9,000 differential, the other bidder missed the deadline. He was comfortable accepting the valid bid.

WURSTER Mr. Wurster agreed with Mr. Dvoryak to accept the first bid that came within the rules of the bidding process. He hoped to find a better way for advertising with Amish bidders to mitigate corrupting the bidding. He noted that within his banking career, they have relied upon Amish insurance with some comfort level.

COX Mr. Cox also agreed with Mr. Dvoryak to accept the \$45,000 bid.

SWOMLEY Chairman Swomley stated that the board is not interested in putting this back out to bid and will accept the only offer that came in, which is from Ridgeview Forest Products.

MARCHANT Mr. Marchant commented on the future timber sales and bids. The language in future bids will be clearer and will address the insurance within the bid specifications.

TOMEVI Mr. Tomevi noted he would be interested in whether the township's insurer would be interested in providing some type of product that the township could purchase to cover that, in the event the economics make sense to work with an Amish company. With a larger project, he would be interested in exploring that.

WURSTER Mr. Wurster indicated he would favor researching that idea and questioning what other municipalities have experienced with the Amish insurance.

MR. TOMEVI MOVED TO ACCEPT THE \$45,000 BID FROM RIDGEVIEW FOREST PRODUCTS, LLC FOR THE TIMBER HARVEST CONTRACT. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

GOSSERT Mr. Gossert stated that if this project had been larger, on bigger projects of high-quality timber, they have instituted the requirement that Amish purchase a policy.

It could vary, but it could be up to a \$2,000 bill. For future projects a few are willing to do so if the project warrants their interest.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. LD-18-07/SD-18-05 – Quattro Development Lots 2, 3 and 4 – 3315 and 3401 Concord Road

GEORGE Joshua George, Snyder Secary Associates, brought the board up to date on the background and the current status of the Quattro Development. In February 2018 the project was reviewed and approved. Since that time the project was changed insomuch as they are revising the Lidl grocery store portion to now include a fast food restaurant, a sit-down restaurant and a retail store. Royal Farms that was part of the original project remains as part of this revised plan and is under construction with the Royal Farms building beginning shortly.

The Subdivision and Land Development Plan affects two-thirds of the property, which is created to provide for four lots, one lot for each use. The Land Development Plan shows the proposed buildings, parking lots, access drives associated with the uses. The plan proposes no changes to the access points that were previously approved. Plan includes frontage and off-site roadway improvements. The traffic volumes have decreased with elimination of the Lidl grocery store.

RAUSCH Solicitor Rausch called attention to the first plan with a two-lot Subdivision for Royal Farms and Lidl. He asked if the first plan had been recorded.

GEORGE Mr. George responded that it had not been recorded.

RAUSCH Solicitor Rausch noted that there are a number of agreements that are associated with that plan waiting to be recorded on its own. On this new plan Royal Farms lots are included.

GEORGE Mr. George responded that the new plan does not include the Royal Farms lot as it remains substantially unchanged.

SWOMLEY Chairman Swomley noted that Lot 2 now becomes Lots 2, 3, and 4.

RAUSCH Solicitor Rausch asked if the original plan is to be recorded.

FIELDHOUSE Ms. Fieldhouse responded that they had just finalized all of the Performance Guarantees with Royal Farms and with Quattro with improvements with PennDOT. They plan on recording the original Land Development and Subdivision along with those agreements. Based on the actions this date, if approved with conditions, the date of approval will be the date all of the conditions are satisfied by the board. Following that they will be recording this plan approximately a month later.

- RAUSCH** Solicitor Rausch suggested that a note on the plan front page should include that Lot 1 has not been changed from the previously recorded plan so that it would be clear why Lot 1 is being included a second time. He offered to collaborate with Mr. George on the note.
- COX** Mr. Cox questioned whether Lots 2, 3, and 4 will be sold separately.
- GEORGE** Mr. George responded that all four uses will be on individual building lots so that each lot could be sold separately, yes.
- WALTERS** Rob Walters, Quattro Development commented that they have three signed leases with Royal Farms, Burger King and Mattress Warehouse. They have a Letter of Intent signed with Miller's Ale House on the third parcel.

MR. WURSTER MOVED WITH REGARD TO SD-18-05 QUATTRO DEVELOPMENT LOTS 2, 3 & 4, TO RECOMMEND APPROVAL OF THE SUBDIVISION PLAN WAIVERS: SECTION 289-10.A – PRELIMINARY PLAN; 13.A.9 – STREET LOCATION MAP; 26.A – CONCRETE MONUMENTS; 31.A – CURBS; 32.A – SIDEWALKS; 35.A – BUFFER YARDS; 36 – STREET LIGHTS. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. WURSTER MOVED WITH REGARD LD-18-07, QUATTRO DEVELOPMENT LOTS 2, 3, & 4, TO RECOMMEND APPROVAL OF THE PLAN INCLUDING WAIVERS OF SECTIONS 289-10.A – PRELIMINARY PLAN; 32.A – SIDEWALKS; 35.C – BUFFER YARDS; 36 – STREET LIGHTS; 41.H – STREET DESIGN; 41.J.1 – ACCESS DRIVE WIDTH; 281-12.A(2)(B) – VOLUME CONTROLS; 281-15.C.3 – LOADING RATIOS; AND C & M SPECS SECTION 0525 CURBS WITH THE PLAN ALSO SUBJECT TO THE FOLLOWING CONDITIONS: ESTABLISHMENT OF A PERFORMANCE GUARANTEE, COPY OF THE E&S APPROVAL LETTER TO BE PROVIDED TO THE TOWNSHIP; PRIOR TO PLAN RECORDATION OF ALL FINAL SIGNATURES, CERTIFICATIONS, AFFIDAVITS AND SEALS ON PLAN COVER SHEET MUST BE EXECUTED; MODIFICATIONS TO STORMWATER WORKSHEETS 4 & 13 PER STORMATER COMMENTS 2, 3, AND 4; EXECUTED OPERATION AND MAINTENANCE AGREEMENT FOR STORMWATER CONTROLS; DOCUMENTATION OF CLARIFICATION OF HOURS OF OPERATION OF THE DRIVE-THROUGH RESTAURANT; ESTABLISHMENT OF THE BACK-UP POWER FOR PUMPING STATIONS AND THE UNDERLYING RESTAURANT HAVING BACK-UP POWER; THE FORCE MAIN SHOULD HAVE BOTH A CARRIER PIPE AND CONCRETE ENCASEMENT AND SUFFICIENT NOTIFICATIONS THAT ALL PREVIOUS PLANS ASSOCIATED WITH THIS TRACT DEVELOPMENT SHOULD BE RECORDED PRIOR TO THE RECORDING OF ALL PLANS AND AGREEMENTS. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

COX Mr. Cox brought forward the Library situation in Springettsbury Township. He had visited with the Executive Director of the Library System and brought back some information and costs about having a branch in the township and not a transfer satellite. The operating cost was about \$300,000.

Consensus of the board was to hold a Work Session complete with a plan and costs; also prepare for discussion of the annual contribution made to the library with its history.

MARCHANT Mr. Marchant suggested placing the item under Old Business until a Work Session can be scheduled.

DVORYAK Mr. Dvoryak questioned an item in the Treasurer's Report related to the recovery of past due sewer bills. He asked if it was an unusually high amount.

HUMMEL Ms. Hummel responded that she felt a concern, which was why she mentioned it in her report. She noted that the balance was climbing. She commented that over the last 10 to 15 years the policy had been the township placing a lien on the property. She noted that it takes a lot of time waiting until there is action on the property to collect. She hoped to do something different. With any utility the normal recourse for a past-due account is to shut down the service. That has not been done in Springettsbury Township as that is gravity flow with no shut off valve.

RAUSCH Solicitor Rausch explained the normal recourse with the following:

- Letter providing 30 days to pay the delinquent account.
- Lien is placed on the property with owner responsible for all attorney's costs.
- Some property owners involved in bankruptcy with no ability to pay.
- A Writ is then filed and a lien search; mortgage company contacted.
- Sheriff delivers the Writ.

RAUSCH Solicitor Rausch stated that the township will ultimately collect, because the property is either sold or taken back by the bank, but it may take a while.

WURSTER Mr. Wurster stated that the Township always gets paid, it's the rule in the foreclosure.

HUMMEL Ms. Hummel questioned how long the township is willing to wait for the payment.

TOMEVI Mr. Tomevi questioned whether there would be a disadvantage on some with larger balances in foreclosing or threatening to would send a message that the township is moving forward.

RAUSCH Solicitor Rausch noted that the way the process works is two Sheriff Sales must be held to be able to sell free and clear. If the property is occupied then there is a

nine-month redemption period where they can pay what is owed. The process is very cumbersome. He noted that shutting off the water is the best and most productive way to handle it.

Consensus of the board to add the item to Old Business for follow up.

WURSTER Mr. Wurster reported that he had attended the latest PennDOT meeting held at Advent Lutheran Church regarding the Interstate 83 Widening Project. A lot of the focus was on a new cul-de-sac planned at the end of Oxford Street, which will be shut off on Market Street as part of the North Hills Road Widening Project; taking it from Market Street out to Industrial Highway. There is a plan to eliminate those homes between Wallace and Philadelphia. They will then also widen that stretch from Philadelphia up to Market and take the Village Finance building right on the corner creating a cul-de-sac.

SWOMLEY Chairman Swomley questioned why the radical shift when it wasn't on the plans that were provided.

WURSTER Mr. Wurster noted that it was an interesting question to which he did not get a complete technical answer. One of the reasons why the cul-de-sac was proposed was that Oxford is too close to the intersection between the offramp coming off 83 north onto North Hills Road. They are going to eliminate the right turn entrance onto Oxford right off Market. The cul-de-sac would be so that the township trucks can get through there and plow that section of the street, and they need a turnaround place. And what they're planning to do is take the Village Realty building and that parking lot. He noted it is important because it is a high profile of one of the township's gateway locations.

9. COMMITTEE REPORTS

There were no Committee Reports.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch had provided a written report. He had nothing to add and offered to respond to questions. There were none.

11. MANAGER'S REPORT

MARCHANT Mr. Marchant had provided his monthly report, as well as the staff reports. He asked for questions on anything in the reports.

DVORYAK Mr. Dvoryak had two questions. He noticed in the Police Report that the January crash numbers seemed to have increased significantly.

STUMP Chief Stump responded that most of it had to do with snow events. They watch the numbers closely as well.

DVORYAK Mr. Dvoryak questioned Chief's report pertaining to the Police Facility, the Buchart Horn Space Needs Analysis. He wanted to understand the board's input into the process and the status in terms of identifying the needs versus the wants.

MARCHANT Mr. Marchant responded that Scott Loercher of Buchart Horn will be meeting with Chief Stump, Ms. Bowders, Ms. Fieldhouse, Mr. Hodgkinson and Ms. Hummel to discuss the needs and configuration, possible layout options, updating the 2009 plan and building a plan. All of this is preliminary. Once that portion of the study is completed, they will bring back the justification of the needs, spaces, configurations, etc.

12. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2019-33 – Adoption of York County 2018 Hazard Mitigation Plan

MR. TOMEVI MOVED TO ADOPT RESOLUTION 2019-33. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

SWOMLEY Chairman Swomley asked for the status of the York/Adams Tax Bureau Meeting

HUMMEL Ms. Hummel responded that they are keeping track of the process. All participants, municipalities and school districts will be kept informed as things change. No action is required by the board at this time; however, they are still discussing the Feasibility Study.

DVORYAK Mr. Dvoryak questioned why nothing had been heard from PSATS, which normally would be taking a position.

SWOMLEY Chairman Swomley asked to see all the documentation again for review.

HUMMEL Ms. Hummel responded that she would provide the documentation.

WURSTER Mr. Wurster indicated he would reach out to Representative Keith Gillespie's office to determine his status and responding action accordingly.

SWOMLEY Chairman Swomley asked for an update on either Wallace Street or Eberts Lane.

FIELDHOUSE Ms. Fieldhouse responded that they are attempting to clean up the Eberts Lane property. One of the adjoiningers argued about the survey done and the property corners and has some items stored on the site. A notice was sent providing 15 days to move the vehicles and boats or provide the township with a survey from a licensed professional for what they believe the property lines are.

RAUSCH Solicitor Rausch indicated he would support Mr. Luciani's survey.

LUCIANI Mr. Luciani stated they had retraced the Deed. Willy Walker is not the original owner and it had been transferred.

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RAUSCH Solicitor Rausch noted the matter is stalled at the moment.

LUCIANI Mr. Luciani stated they went over the Deeds, and they have all involved Deeds.
The township's property fits in there perfectly like a puzzle.

14. NEW BUSINESS

There was no New Business

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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