

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 9, 2015
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, April 9, 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
Julie Landis
Bill Schenck

MEMBERS NOT

IN ATTENDANCE: Kathleen Phan

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
David Wendel, Director of Parks and Recreation
Mark Hodgkinson, Director of Wastewater Treatment Plant
Lt. Todd King, Police Department
Jay VanPelt, YAUFR Battalion Chief
Jean Abrecht, Stenographer

1. CALL TO ORDER

SWOMLEY Chairman Swomley called the meeting to order at 7:00 p.m. 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. However, one was scheduled for this date immediately following adjournment to discuss a legal issue.

3. COMMUNICATION FROM CITIZENS

TROTT David Trott, 3360 Druck Valley Road thanked the Manager for appointing Dan Stump, Police Chief, which he thought was the right decision. He mentioned several comments made in the York Daily Record by Chairman Swomley and Supervisor Schenck with regard to Mr. Hyers' impact on the Police Department during his tenure.

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CRUMLING Larry Crumling, 108 Lorenzo Court brought forward the subject of meeting rules, which he had previously discussed. He asked whether any changes would be forthcoming with regard to the constituents' ability to be recognized to speak during specific subjects. He read the First Amendment to the U. S. Constitution with regard to free speech.

LANDIS Ms. Landis asked whether he was questioning whether he would have the ability to speak about specific agenda items and offer input.

CRUMLING Mr. Crumling responded that she was correct that he would like to offer comments or remarks.

SWOMLEY Chairman Swomley noted that the Sunshine Law had been enacted and governs the procedures during the township meetings.

RAUSCH Solicitor Rausch commented, for the record, that he had attended the township meetings for many years and the board had taken comments from the floor many times. The board is in compliance with the Sunshine Act.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill had provided a written monthly report. He noted, with the comments regarding PennDOT, they had not yet responded. He added that they must not be concerned about the contract being late. They were non-responsive to date, and Mr. Crabill could add nothing further.

B. Civil Engineer – First Capital Engineering, Inc.

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

- The York County MPO meeting regarding Davies Drive will be held on April 16th. Mr. Luciani will present a PowerPoint during that meeting and discuss the history, its importance with regard to traffic especially in the area of Concord Road/ Davies Drive. A Master Plan for road networks in Springettsbury Township had been written about 30, 40 years ago, which referred to that same connection.
- Mr. Luciani provided photos of Herman Court with reference to the two residents, Mr. Ferguson and Mrs. Bateman who appeared before the board regarding storm water. Mr. Luciani and Mr. Hodgkinson met with the residents to discuss a some options to improve some of the runoff. The work for storm water is ongoing. The builder is moving forward with his storm water system.
- Candlewood Suites Hotel, LD-14-06 – A good discussion with the developer had taken place with their attorney, Solicitor Rausch, Ms. Lang and Mr. Luciani to

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resolve some of the issues. They will return to the Planning Commission prior to their coming before the board.

- Mr. Hodgkinson had called his attention to a pretty good amount of sinkhole activity in the Township, some of which occurred close to the roadway. General policy is if it is in the right-of-way or if it is going to damage infrastructure or roadway, it is township responsibility to repair. A newsletter article will be developed for the public's better understanding of the responsibilities.

LANDIS Ms. Landis questioned a letter that Mr. Luciani had provided the board, which was dated November 18th, 2003 with regard to the Ridgewood Road storm water issues.

LUCIANI Mr. Luciani responded that he thought the content of the letter was material to the current concern on Ridgewood Road. He noted that back in 2003 Mr. Ferguson had requested curbing on the roadway in the vicinity of his house. The roadway is flat and when water runs from the uphill side to the downhill side it remains on the road. Obviously the water will freeze and the next car through will hit the ice and slide off the road, which created a hazard so it was not a viable solution. Several years ago the Assistant Public Works Director at the time tried to resolve that, but the curbing subsequently was knocked off. Mr. Luciani noted a potential solution might be to capture the water at some low point over an 18-inch area and redirect the flow or perhaps crowning Ridgewood Road in the middle. They are reviewing all options and expect to have an evaluation in the next month.

LANDIS Ms. Landis commented on the number of years that had passed for this problem. She hoped that a solution would be forthcoming.

5. CONSENT AGENDA

- A. Board of Supervisors Meeting Minutes – February 26, 2015
- B. Board of Supervisors Meeting Minutes – March 12, 2015
- C. Board of Supervisors Meeting Minutes – March 26, 2015
- D. Regular Payables as Detailed in the Payable Listing of April 9, 2015
- E. Garden Spot Mechanical – Springettsbury Fire Building Project – Application for Payment No. 9 in an amount not to exceed \$58,611.80 (FINAL PAYMENT)
- F. Shannon A. Smith, Inc. – Springettsbury Fire Project – Application for Payment No. 15 in an amount not to exceed \$31,157 (FINAL PAYMENT)

**MS. LANDIS MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH F.
MOTION UNANIMOUSLY CARRIED.**

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

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- A. Authorization to Renew Agreement for Medical Director Services with WellSpan Health for Springettsbury Township Emergency Medical Services for the period July 1, 2015 to June 30, 2016 in an amount not to exceed \$2,704.

MR. SCHENCK MOVED TO AUTHORIZE THE AGREEMENT FOR MEDICAL DIRECTOR SERVICES WITH WELLSPAN IN THE AMOUNT NOT TO EXCEED \$2,704. MOTION CARRIED 3/1. MESSRS. SCHENCK, SWOMLEY AND DVORYAK VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. LD-12-09 – Firehouse Shoppes (6/20/15)

LANG Ms. Lang presented a PowerPoint narrative of the Firehouse Shoppes Project. This formerly had been known as Firehouse Square. A new buyer obtained the project and has made some minor revisions to the original project including the elimination of the proposed subdivision of the site, elimination of the drive through and a multi-tenant footprint. They did well with addressing the Town Center Overlay. She showed an aerial view, the site plan including the parking, renderings of the building and other views toward Market Street including access drives. The plan had been re-reviewed with changes, and there are eight minor conditions most of which are administrative in nature. She noted that the Consultant for the plan, Mr. Johnson, was present to respond to questions.

Additional lengthy discussion took place which is summarized:

- Traffic Study – Had been done for the previous Firehouse Square plan. Elimination of the drive through and addition of several thousand square feet of retail area did not impact traffic. PennDOT Permit is in hand.
- PennDOT improvements include closing of median used for fire trucks on Market Street.
- Ingress and egress from site: right-in, right-out or at the Home Depot traffic light.
- Traffic contribution given for signal equipment.
- Total of seven tenant spaces planned for hair salons, restaurants, dental office.
- Larger vehicles including delivery trucks, trash haulers, fire apparatus will use access drive.

LANDIS Ms. Landis noted her concern for additional traffic in the area. She also commented on other empty spaces of retail in the area and that the new plan appeared to be cramming more into the site than it could handle.

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LANG Ms. Lang commented that many of the businesses desire to be on Market Street. Individuals who are already in the area and going by will stop and create economic benefits to the township.

LANDIS Ms. Landis asked whether the exit and entranceway was part of the parcel or is owned by Home Depot.

LANG Ms. Lang responded that a cross-easement exists with Home Depot, which allows motorists to enter and exit at this location.

MR. SCHENCK MOVED TO APPROVE FINAL LAND DEVELOPMENT, LD-12-08, FIREHOUSE SHOPPES WITH THE EIGHT CONDITIONS AS LISTED IN THE MEMORANDUM. MOTION CARRIED 3/1; MESSRS. SCHENCK, DVORYAK AND SWOMLEY VOTED IN FAVOR; MS. LANDIS VOTED OPPOSED.

8. COMMUNICATION FROM SUPERVISORS

LANDIS Ms. Landis thanked the staff for the reception held for Police Chief Dan Stump following the Oath of Office on March 26, 2015. She added that she was sorry to learn that Mr. Hadge had resigned as Finance Director. She noted his wealth of contacts, knowledge and experience will be missed.

DVORYAK Mr. Dvoryak noted how quickly 2015 was passing by and encouraged the board to discuss some of the strategic priorities outlined.

SWOMLEY Chairman Swomley asked Ms. Denne to schedule such a meeting in the near future.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch reported he had nothing to add to his written report, but added his request for Executive Session to discuss potential legal issues regarding the former Yorktown Paper Mill site and sewer.

10. MANAGER'S REPORT

DENNE Ms. Denne reported that she had requested Mr. Luciani to provide a presentation during the next meeting with regard to the MS4 requirements. This will cover a part of the township's public participation requirement, as well as for the board's awareness of issues being faced.

LANDIS Ms. Landis noted that Ms. Denne is the only township representative attending the PSATS conference.

DENNE Ms. Denne commented that she would serve as the voting delegate if the board agreed.

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LANDIS Ms. Landis questioned whether an official action was needed or just an acknowledgment.

RAUSCH Solicitor Rausch responded that an acknowledgement would be sufficient.

DENNE Ms. Denne added that she would need to send a letter signed by Mr. Swomley.

Consensus of the board was acknowledgment that Ms. Denne would serve as the voting delegate at the PSATS Conference.

SCHENCK Mr. Schenck brought forward an item in Ms. Denne's Manager's Report concerning Code Enforcement relating to signs and banners. He had observed a number of banners and signs in the township, and he was aware that code enforcement may only take place when there is a complaint.

LANG Ms. Lang responded that her department looks for signs every day when they are out in the township. They make note of where they are and either pull them or send notices for proper permits.

SCHENCK Mr. Schenck commented that the businesses that do comply and know the township ordinance are getting extremely frustrated. He asked if there was something that could be done to better communicate the message to the community.

LANG Ms. Lang understood and suggested a blanket mailing to businesses along East Market Street to identify what needs to be done. She noted the sign ordinance complexity.

SCHENCK Mr. Schenck indicated that Ms. Denne mentioned there is a list showing the signs that are permitted and enforcement of actions and tracking time limits as well. He would like to have a copy of the list.

DENNE Ms. Denne commented that the signage problem is especially bad between Walgreens to the East Market Street fire house. She commented that it seemed to be habitual offenders. She noted some are in private parking lots, flags/banners off their cars, etc.

LANG Ms. Lang responded that they always go for compliance and have the signs taken down. If they are not allowed they are required to get a permit, and if it is a sign that would be permitted then they would get the permit for it.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2015-33 – Disposition of Records

MR. SCHENCK MOVED TO APPROVE RESOLUTION 2015-33 FOR THE DISPOSITION OF RECORDS.

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LANDIS Ms. Landis asked for clarification of the items to be destroyed and what could be provided if a Right-To-Know request was received.

DENNE Ms. Denne responded that the items still will be contained within MUNIS, which would show the disbursement items and amounts; however, original invoices are not kept beyond seven years.

MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2015-34 – Appointment of Township Treasurer

MR. SCHENCK MOVED TO APPROVE RESOLUTION 2015-34 APPOINTING KRISTEN DENNE AS TOWNSHIP TREASURER. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

LANDIS Ms. Landis brought forward the concerns from a resident with regard to YAUFRR. She asked if Mr. Schenck had read the resident's letter with respect to his findings.

SCHENCK Mr. Schenck asked what findings she meant.

LANDIS Ms. Landis responded that it had been a lengthy document asking the Springettsbury Board of Supervisors to investigate the issues with respect to mutual aid and self-dispatching.

SCHENCK Mr. Schenck asked if she thought YAUFRR should not be providing mutual aid.

LANDIS Ms. Landis noted that mutual aid had always been provided by fire companies. That had never been an issue.

SCHENCK Mr. Schenck asked if the issue is whether 911 dispatched YAUFRR.

LANDIS Ms. Landis asked how YAUFRR defines policy and protocol for mutual aid. She had recently followed the fire engine down Eastern Boulevard with sirens blowing. The sirens stopped and she saw the Battalion Chief's truck behind the fire truck. It stopped in a shopping center on Eastern Boulevard. She asked him why the sirens had been turned off and he responded that the call was downgraded in the middle of the call. She commented on the interaction with the Battalion Chief who asked her how long she had been following them. She said about 20 minutes. He indicated it was good she hadn't followed them the other day because they had been at Ski Roundtop. She did not consider that mutual aid unless it was a full-fledged fire. She asked if YAUFRR had been at Ski Roundtop.

VANPELT Jay VanPelt responded that they had not been there to his knowledge.

LANDIS Ms. Landis asked what the farthest distance would be where mutual aid would be provided.

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SCHENCK Mr. Schenck responded that mutual aid agreements exist all across York County. Part of that is the run card system. It depended on the incident. In a multiple-alarm fire where 20 or 30 pieces of apparatus are needed, it is highly likely that YAUFRR will be there providing mutual aid. That is how the fire service works. He added that she could obtain all the protocol and Standard Operating Procedures she wants as it is not an issue.

Mr. Schenck reported that he had read the letter from Brandon Hyder, who had identified himself as a township resident. Mr. Hyder is, in fact, a York City Paid Firefighter. It was his right to stand before the board as a resident with his concerns, but for a firefighter to suggest that Springettsbury should not be providing mutual aid to his own department in the city seemed odd. He noted the two items that concerned him were 1) the fact that he used the words that YAUFRR was self-dispatching, not something that would ever be done, and 2) the general discussion about mutual aid.

Mr. Schenck then called a meeting with the Mayor of York, the York City Fire Chief, the York City Business Administrator, himself as Chairman of YAUFRR, and Chief Bob McCoy. They had a very good discussion about Mr. Hyder's concerns as a York City paid Firefighter. Both Chiefs, with regard to the incident where Mr. Hyder claimed that YAUFRR self-dispatched, absolutely, positively said it was absolutely not the case and both knew the incident in question that was a non-issue. YAUFRR was nearby refueling the truck. They radioed the City indicating they were close and asked if they wanted help. The response from the City was yes so YAUFRR went in. That did not violate any protocol and was being a good neighbor and providing mutual aid. Mr. Schenck asked the Mayor and verified with the Fire Chief whether they want YAUFRR to provide mutual aid to the City, and their response was absolutely, yes. YAUFRR pledged support in providing mutual aid to York City.

Mr. Schenck noted that there are some underlying issues, which the City will address from a personnel standpoint. There had been some subsequent, ugly social media posts which were provided to the City, again, which they will address as a personnel issue.

LANDIS Ms. Landis asked whether York City would YAUFRR or whether 911 would call YAUFRR.

SCHENCK Mr. Schenck responded that normally if a fire goes to a second or third alarm, run cards are set up at 911, and 911 knows which company to call next depending on the severity of the call. That is the protocol that is followed. Whether in the future something is going on and YAUFRR radios in and asks if help is needed, they should go; if they say no, then no. There is no issue. In answer to Ms. Landis' question,

yes, there is automatic protocol set up for second due, third due equipment to respond under mutual aid.

LANDIS Ms. Landis noted that she is a proponent of helping other communities, no doubt, but she believed there needed to be oversight.

SCHENCK Mr. Schenck responded there is absolute, positive oversight and her implication there is no oversight was very insulting.

LANDIS Ms. Landis questioned what oversight is there because she does not sit on the YAUFRR Commission and she was not aware that there had been a meeting or any YAUFRR minutes because it was a public meeting.

SCHENCK Mr. Schenck noted the meeting was held on Good Friday, April 3rd, and he reported the results of that meeting this date. They are not in the YAUFRR minutes due to the fact that there had been no YAUFRR meeting held since his meeting with the Mayor and York City Business Manager and Fire Chief.

TROTT Mr. Trott requested permission to speak.

SWOMLEY Chairman Swomley recognized him.

TROTT Mr. Trott mentioned that he had heard rumors from time to time from firefighters from different agencies that certain members of YAUFRR self-dispatch. He understood the mutual aid, and there is protocol in place. If YAUFRR does determine a run on their own, then they are not here, and the primary purpose of our firefighters should be right here in the municipality.

SCHENCK Mr. Schenck responded that he had the exact same questions of the Mayor, the City Business Manager and their Fire Chief, which he asked. The answer to whether YAUFRR was self-dispatching to incidents and the answer was positively no. Both Chiefs agreed and there was no dispute from the City Chief that that was the case.

Mr. Schenck added that they discussed YAUFRR's response to mutual aid to make sure it was understood how YAUFRR's station is backfilled when out on a call. It is nothing new with another station backing their truck into the YAUFRR station. That is how mutual aid works. Mr. Schenck's approach was to get the right people in the room to discuss all the issues and he assured everyone that there is no self-dispatching going on and there are no issues.

DVORYAK Mr. Dvoryak thanked Mr. Schenck for his initiative in meeting with that group, taking it on and getting the facts. It created an awareness for him that there are very nice annual reports from other departments that show their activity levels. He suggested that if a similar type of report was available from YAUFRR it might clear

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up a lot of the miscommunication that happens in the public. The facts and statistics would be available for review.

SCHENCK Mr. Schenck responded that would not be a problem.

LANDIS Ms. Landis asked whether it was just a problem or miscommunication with York City and whether that was the only municipality.

SCHENCK Mr. Schenck responded that during the discussion with the Mayor, it is important to recognize that the type of people who fight fires are Type A personalities. They are highly charged, extremely dedicated to their jobs and will be critical. They are passionate, and even on fire scenes at times there are words exchanged but in the heat of the moment. It is the nature of the individuals. They are operating under different operational guidelines. They want to be the best. Mr. Schenck added that the fact that volunteer companies are now joining YAUFRR is a good sign that YAUFRR is being well received. The service is doing very well, and he did not see any other issues.

13. NEW BUSINESS

A. Acknowledge Receipt of Liquid Fuels Tax Fund Audit Report for the period January 1, 2013 to December 31, 2013

SWOMLEY Chairman Swomley stated that the auditors found no problems or discrepancies with any of the township's accounting methods.

**MS. LANDIS MOVED TO ACKNOWLEDGE RECEIPT OF LIQUID FUELS TAX FUND
AUDIT REPORT FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2013.
MOTION UNANIMOUSLY CARRIED.**

B. Acknowledge Receipt of Parks and Recreation Department 2014 Annual Report

**MR. DVORYAK MOVED TO ACKNOWLEDGE RECEIPT OF THE PARKS AND
RECREATION DEPARTMENT 2014 ANNUAL REPORT. MOTION UNANIMOUSLY
CARRIED.**

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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