

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**MAY 23, 2019  
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, May 23, 2019 at 7 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  
Justin Tomevi  
Robert Cox

**MEMBERS NOT**

**IN ATTENDANCE:** Charles Wurster, Assistant Secretary/Treasurer

**ALSO IN**

**ATTENDANCE:** Benjamin Marchant, Township Manager  
Shane Rohrbaugh, Solicitor  
John Luciani, Civil Engineer  
Dennis Crabill, Environmental Engineer  
Dori Bowders, Manager, Administrative Services  
Dan Stump, Police Chief  
Teresa Hummel, Finance Director  
Mark Hodgkinson, Director of Public Works/WWT  
Jessica Fieldhouse, Director of Community Development  
Nitza Sanchez-Bowser, Director, Human Resources  
Dan Hoff, Chief YAUFRR  
Andy Hinkle, Manager, Information Systems  
Jean Abreght, Stenographer

**1. CALL TO ORDER**

A. Opening Ceremony

**SWOMLEY** Chairman Swomley called the Regular Meeting to order and led the Pledge of Allegiance.

**2. ANNOUNCEMENT OF EXECUTIVE SESSIONS**

**SWOMLEY** Chairman Swomley announced that no Executive Sessions had been held since the last meeting. None were planned for this date.

**3. COMMUNICATION FROM CITIZENS**

**TUFAROLO** Rich Tufarolo, 221 South Royal Street, came before the board to discuss the condos being built at the corner of Royal Street and Eastern Boulevard. Mr. Tufarolo had placed a deposit on one of the units; however, the construction had stopped. He had heard some discussion that Habitat for Humanity had inquired about the property. He asked for the status.

**SWOMLEY** Chairman Swomley noted that he was aware of Habitat for Humanity working on several other properties in the township that went through Sheriff Sale and did not sell. The township is in a position to get rid of them.

**FIELDHOUSE** Ms. Fieldhouse stated that they had driven by the Royal Street property and inquired of her. She had responded that she really did not know the status.

**SWOMLEY** Chairman Swomley commented that, in anticipation of Mr. Tufarolo and others interested in the status, he requested Solicitor Rohrbaugh to bring them up to date.

**ROHRBAUGH** Solicitor Rohrbaugh stated that he was present for Solicitor Charles Rausch, who had contacted the mortgage company that is involved and provided funds for the construction. He is waiting for a response from them. Both Solicitors Rohrbaugh and Rausch are actively attempting to determine what, if anything, they can do to get some sort of municipal claim placed on the property in the form of a lien allowing the township to execute to move the property to a Sheriff Sale or to another developer to complete the project. The two year mark was met the beginning of May and the time is appropriate to move forward for resolution.

**SWOMLEY** Chairman Swomley indicated that might not satisfy Mr. Tufarolo's hope; however, since he placed deposit money down, he recommended hiring a private attorney.

**TUFAROLO** Mr. Tufarolo responded that he had discussed the matter with a private attorney. He had provided his receipt, which was made out by Berkshire Hathaway, which had a favorable response.

**ALWINE** Dana Alwine, 180 S. Royal Street, also came forward concerning the Royal and Eastern Boulevard property. She was happy to hear that some progress is being made legally for some resolution. She asked whether it would be possible to have someone come by and mow.

**FIELDHOUSE** Ms. Fieldhouse responded that she had spoken with the contractor who said he would be there and mow. The property has been posted, and if the mowing is not done over the weekend, the township will move forward with enforcement proceedings.

**ALWINE** Ms. Alwine responded that would be awesome. She asked if they will be mowing on a regular basis until there is resolution. Her added comment was that it is a mess now.

**FIELDHOUSE** Ms. Fieldhouse assured her that it would.

**HELLER** Jane Heller, 1819 Idylwyld Road spoke of several historic homes in the township that need attention: Livingstone House, the DeBarth House both owned by individuals living out of town. Some intervention had come for the Livingstone House which is taking down dead trees around the property. She expressed concern for the DeBarth house due to the water coming in through the ceiling causing damage.

A. Tourism Update – Rasheeda Martin, York County Convention and Visitors Bureau

**MARTIN** Rasheeda Martin of the York County Convention and Visitor’s Bureau addressed the board for a tourism update. She provided several key points:

- The name has been changed to Explore York; location 60 East North Street.
- Their new President is Laura Gurreri.
- Tourism update: Created 8,000 jobs in the County. Tourism sales brought in \$986 million in 2018. York is the No. 4 county in Pennsylvania.
- Grant Program: Funded by the room tax, open to people bringing in new events, sporting events, local events – all are eligible to apply for the grant. There are two rounds: January (limited amount of money) and June (maximum of \$10,000).

**4. ENGINEERING REPORTS**

A. Environmental Engineer – Buchart Horn, Inc.

**CRABILL** Mr. Crabill had provided a written monthly report. He had one update involving the Emergency Permit, which had been received. Prices had been received from a number of contractors, on which Mr. Hodgkinson will request action.

B. Civil Engineer – First Capital Engineering, Inc.

**LUCIANI** Mr. Luciani had provided a written monthly report and had several updates.

- Gundlach property – Property goes to the center of township right-of-way; as well as his neighbor’s. Within the public street right-of-way the pipe goes between his and his neighbor’s property. Mr. Gundlach’s property is 7-1/2 ft. of the 15-foot right-of-way; his neighbor’s property is 7-1/2 ft. as well. He will work with the Manager to respond to Mr. Gundlach to resolve that issue.
- Mod Pizza – Columbia Gas took over installing the sewer system back into the manhole and the trench settled significantly. Plan is to patch it when traffic died down at night.
- Casino – Advised that a signal will be warranted to get in and out of their facility. Two possibilities: curbed main entrance to the Galleria Mall; second signal near the Motorcycle Club.
- Green Light Go - Township was successful in obtaining a grant for four intersections. Status report due; CAD drawings available; survey work has begun. Traffic study required. Suggesting that Milt be contacted to take care of installation.

**5. CONSENT AGENDA**

- A. Acknowledge Receipt of April 30, 2019 Treasurer’s Report
- B. Board of Supervisors Work Session Minutes – April 11, 2019

- C. Board of Supervisors Regular Meeting Minutes – April 25, 2019
- D. Regular Payables as Detailed in Payable Listing of May 23, 2019
- E. Authorization of Bond Reduction for MOD Pizza from \$192,735.40 to \$10,355

**MR. TOMEVI MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH D OF THE CONSENT AGENDA. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

Authorization of Bond Reduction for MOD Pizza from \$192,735.40 to \$10,355

**SWOMLEY** Chairman Swomley commented that, as he read through Mr. Luciani’s report, a mention was made that he had received an email to kick off a Bond Reduction. Chairman Swomley thought that that process was not being done, as a result of a lengthy discussion.

**FIELDHOUSE** Ms. Fieldhouse apologized and indicated that they have been extremely busy. It was done just to finish some things.

**SWOMLEY** Chairman Swomley noted that in this case, there is no limit of time; however, if the timing had expired, and someone had been advised just to do an email and not a Registered Letter, the timing would not be kicked off. As is listed in the Ordinances, the correct way to handle this is for the developer to send a Registered Letter which kicks off the time frame. He did not want to get into a position where there is a fight over the timing.

**MARCHANT** Mr. Marchant indicated there was a need to do a point of clarification here, because there is a difference from a conversation held earlier offline. His concern about the MPC and the time frame that it imposes, that is the favor of the developer using a stick on the Municipality on a timing basis. If the township does not respond in time, it is a deemed approval. As long as that rigidity is not imposed, there is a lot of room for collaboration on the timing. There is always the option of sending a Registered Letter and starting the formal process.

**SWOMLEY** Chairman Swomley expressed frustration in that it had been decided to follow the Code and do it the right way.

**FIELDHOUSE** Ms. Fieldhouse stated for clarification that she had stated that they would follow the MPC Guidelines. She had followed up with Solicitor Rausch who indicated that technically both ways were fine, and if they receive an email, they are not getting into any additional liability. In busy times having someone do a Certified Letter creates more of a liability for the township if there is an issue with getting everything done in a 30-day timeframe.

**SWOMLEY** Chairman Swomley noted that now the position is if it was agreed to follow the MPC and then subsequent conversations with the Solicitor made adjustments, then there is a certain expectation that is not being met.

**FIELDHOUSE** Ms. Fieldhouse agreed and apologized.

**SWOMLEY** Chairman Swomley indicated if it is the will of the board to start with an email, if that is what is desired and follow up with the actual process if there is an issue.

**TOMEVI** Mr. Tomevi stated it would make sense to have staff create a draft policy for the board's review. It would be written and everyone would know exactly what it is.

**Consensus of the board was to have staff create a draft policy for review.**

**SWOMLEY** Chairman Swomley questioned whether all the necessary work had been done and the bond reduction is satisfactory.

**LUCIANI** Mr. Luciani replied that there are some outstanding issues and they retained about \$10,000 for some property corners, signage and grass. There was bonding for the PennDOT median built on Memory Lane. The township was the applicant, but that was bonded with PennDOT.

**MR. TOMEVI MOVED TO APPROVE ITEM 5-E OF THE CONSENT AGENDA. MR. COX WAS SECOND. MOTION CARRIED UNANIMOUSLY.**

**6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS**

A. Authorization to Line Sanitary Sewer Pipes and Manholes in Yorkshire and Locust Grove Road/Market Street Area Through Abel Recon of Mountville, PA in an amount not to exceed \$698,248.55 (COSTARS Contract No. 16030)

**MR. DVORYAK MOVED TO AUTHORIZE TO LINE SANITARY SEWER PIPES AND MANHOLES IN YORKSHIRE AND LOCUST GROVE ROAD/MARKET STREET AREA AS OUTLINED ON THE AGENDA. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

B. Authorization to Award Turnkey Performance-Based RFP to AKRF, Inc. to Meet Reductions Required for 2018-2022 NPDES Permit Cycle at a Cost of \$2.71 Per Pound of Sediment Reduced (Total Project Cost \$1,892,000)

**MARCHANT** Mr. Marchant stated for clarification that the action is not to vote to approve the contract for that amount, but to select AKRF to negotiate a final contract to bring back to the board. He stated that AKRF was present to provide a presentation for the board on the nature of their RFP, why it is different from what was expected, and what services they offer to provide. The board can ask questions and indicate the direction the township wants to pursue or consider the other RFP that was received.

**SZALAY** Shandor Szalay, Senior Vice President and Director of Water Resources, thanked the board for providing time for them to present their proposal. They provided some handouts of the proposal for the board. Mr. Szalay indicated that they know of the importance of the project for the township and the Commonwealth of Pennsylvania

as it will set a precedent for other municipalities. They thoroughly had investigated the project sites and are committed to its efficient delivery.

Mr. Szalay stated that AKRF had been in business for 38 years and is well established with solid financials. He introduced the AKRF team and firms with which they collaborate. He introduced Jim Baney, Construction Manager, who has been involved in stream restoration in Pennsylvania for over 20 years. In addition, they work with Contractor, Meadville Land Services, also with 20 years' experience along with Randi Grout. He introduced Art Wawiernia, Project Manager, with whom he had worked for the past eight years. Mr. Wawiernia is extremely hard working, detail oriented and a conscientious engineer. He is excellent and practical and creative to diagnose problems. He has served as the lead designer on all of their major stream restoration projects.

**WAWIERNIA** Mr. Wawiernia introduced Cindy Zawrotuk, Leader in the Central Pennsylvania Region serves as stakeholder outreach. He introduced Kevin Flynn, who will serve as the Pollution Reduction Plan Development Lead and QAQC Lead. Kevin is an expert in Pennsylvania's MS-4 and TMDL Programs. Mr. Wawiernia discussed the site selection approach and elaborated on the documentation of the PADEP approved pollutant removal crediting mechanisms developed for the Chesapeake Bay MS-4 TMDL Program and the need to comply with the Permit conditions. As far as site selection there were two clear winners that stood out: Waste Water Treatment Plant/West Tributary in the Codorus Creek Watershed and Camp Security Park in the Kreutz Creek Watershed. They enlisted several additional experts, Bill Brown, TMDL, PADEP Cycle Office and Jamie Everil, PADEP MS-4 Permits. Mr. Wawiernia discussed their concept designs for the two chosen sites. Should either of the two sites prove infeasible, there are two alternate sites: Stonewood Park and Penn Oaks Park.

**FLYNN** Kevin Flynn spoke about the Project Execution Schedule, which will begin by preparing and submitting a township-specific Pollution Reduction Plan and submit that to DEP within 30 days of Notice to Proceed. They will review the work that was done previously for the county-wide PRP. They will continue to collect data, review surveys and geo-technical investigations to go right into design and permitting this fall and winter. In 2020 they have scheduled the fall construction at Camp Security Park. Following that construction of the stream restoration project at Waste Water Treatment Plant in spring of 2021. Monitoring will continue on both projects.

**SWOMLEY** Chairman Swomley questioned their work at Camp Security. He noted that Camp Security is a historic site and they are in the process of some excavations to locate the original stockade. He wanted to be sure AKRF would not cause any issues during their excavations.

**SZALAY** Mr. Szalay responded that they have worked closely within other historic areas and their approach would be early coordination and communication with Friends of

Camp Security to get their full buy-in on the site. They believe that there is a good separation between their project work and the core of where the historical investigations begin.

**DVORYAK** Mr. Dvoryak commented on a very impressive proposal and presentation. He heard the word “guarantee.”

**SZALAY** Mr. Szalay stated they are deeply committed to having this be an outstanding project for the Township and one that could be a model for other Townships as well.

**MARCHANT** Mr. Marchant suggested a motion to retain AKRF and for the Manager to prepare an agreement. He will be working with the Solicitor in preparing an agreement for the Board to consider.

**MR. TOMEVI MOVED TO AUTHORIZE THE SOLICITOR TO ENTER INTO A CONTRACTUAL PREPARATION AND NEGOTIATION WITH THE EXPLICIT UNDERSTANDING THAT ANY CONTRACT WILL BE APPROVED BY THIS BOARD AT A FUTURE MEETING. IN ADDITION, THE SOLICITOR WILL WORK WITH MS. FIELDHOUSE AND AKRF AS WELL. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

C. Authorization to Award Bids for 2019 Road Materials and Resurfacing Project (as outlined in May 15, 2019 memorandum from Director of Public Works/WWT)

**MR. DVORYAK MOVED TO AUTHORIZE TO AWARD BIDS FOR 2019 ROAD MATERIALS AND RESURFACING PROJECT (AS OUTLINED IN THE MAY 15, 2019 MEMORANDUM FROM DIRECTOR OF PUBLIC WORKS/WWT). MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

## **7. SUBDIVISIONS AND LAND DEVELOPMENT**

A. SD-19-02 – Alyce & Richard Page Subdivision, 2751 Trout Run Road

**ANDERSON** Grant Anderson of Site Design Concepts brought before the board the Final Subdivision Plan for Alyce and Richard Page. He noted the subject property is located at 2751 Trout Run Road just west of Lower Glades Road and is bisected by Trout Run Road with 3.666 acres to the north and 7.351 acres to the south for a total of 11.017 acres. The plan proposes to subdivide the single lot into two separate lots. Lot 1 will contain existing structures, and Lot 2 will have no structures or development. Each new building lot has had two sets of perc tests; one building lot will have a reconstructed septic system.

Mr. Anderson presented several waivers as noted in the Briefing Memo dated May 23, 2019.

**MR. COX MOVED TO APPROVE THE SUBDIVISION 19-02, ALYCE & RICHARD PAGE, SUBDIVISION FOR 2751 TROUT RUN ROAD AS OUTLINED IN THE ATTACHED BRIEFING MEMO WITH THE CONDITION OF THE SIX-MONTH NOTE**

**ON THE PLAN FOR CURBS, SIDEWALKS AND STREET LIGHTS. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**8. COMMUNICATION FROM SUPERVISORS**

**DVORYAK** Mr. Dvoryak congratulated Chairman Swomley on his preliminary victory.

**9. COMMITTEE REPORTS**

There were no Committee Reports.

**10. SOLICITOR'S REPORT**

**ROHRBAUGH** Solicitor Rohrbaugh indicated Solicitor Rausch had no updates to his monthly report.

**11. MANAGER'S REPORT**

**A. Manager's Report**

**MARCHANT** Mr. Marchant reported on the Norfolk Southern Rail Line project that he had contacted the township's legal team to request a new date for the pre-hearing discussion at the PUC.

Streetlight Toppers – Lengthy discussion which revealed the following:

- A 30-foot clearance is needed from the ground to project their signal.
- Met-Ed's pole is usually a 45-foot pole.
- There are only three poles currently. The contract does not limit the number and sets up the terms of the relationship for them providing \$270 annually for each location.
- Proposing one at existing pedestrian street light location in front of the prison; another on Pleasant Valley Road; additionally one on Whiteford Road
- Cost involved: \$270 per location per year for 10 years; renews for five years.
- The intent is to approve each pole at a staff level.

**12. ORDINANCES AND RESOLUTIONS**

There were none for action.

**13. OLD BUSINESS**

**A. Old Business Listing**

**MARCHANT** Mr. Marchant reported that he had a discussion with Mr. Timko of York Adams Tax Bureau. He informed him that they found a group of businesses, all related, four businesses that had not been paying Mercantile Taxes. Mr. Timko is working with the Solicitor to navigate that as it goes back three years.

**DVORYAK** Mr. Dvoryak indicated he would be interested in the response and to understand where the controls broke down.

**MARCHANT** Mr. Marchant responded that there are a number of components within the company, such as real estate, marketing, construction, all of which have been operating more than three years. YATB caught it, found them and are researching it.

**SWOMLEY** Chairman Swomley reminded the board of the Work Session scheduled for May 30<sup>th</sup> at 6:00 p.m.

**14. NEW BUSINESS**

A. Authorization to Begin Township Website Redesign and Implementation Project in 2019

**MR. TOMEVI MOVED TO APPROVE THE TOWNSHIP WEBSITE REDESIGN AND IMPLEMENTATION FOR THE THREE YEAR REDESIGN AND THE ANNUAL SUPPORT OF \$5,476 FOR A TOTAL OF \$16,430. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

B. Authorization to Proceed with York Excavating Company for Emergency Stabilization of Mill Creek Interceptor in an amount not to exceed \$72,325.20

**MR. DVORYAK MOVED TO MOVE FORWARD WITH THE STABILIZATION OF THE MILL CREEK INTERCEPTOR BY ELECTING YORK EXCAVATING COMPANY AT A PRICE NOT TO EXCEED \$72,325.20. MR. TOMEVI WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

**15. ADJOURNMENT**

**SWOMLEY** Chairman Swomley adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

ja