

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**MAY 28, 2020
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, May 28, 2020 at 7 p.m. via Zoom technology.

MEMBERS IN

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

ALSO IN

ATTENDANCE: Charles Rausch, Solicitor
Dori Bowders, Manager, Interim Township Manager
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Todd King, Chief of Police
Mark Hodgkinson, Director of Public Works/WWT
Teresa Hummel, Finance Director
Nitza Sanchez-Bowser, Director of Human Resources
Colin Lacey, Director of Parks and Recreation
Ray Markey, Code Compliance Supervisor/Building Code Official,
Community Development
Raphael Caloia, Planner I, Community Development
Dan Hoff, Chief, YAUFRR
Abby Gibb, Communications Manager
Andy Hinkle, Manager, Information Systems
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

There were no Executive Sessions announced.

3. COMMUNICATION FROM CITIZENS

SPANOS Jonathan Spanos thanked the Board of Supervisors and the Township Management for maintaining a sense of decorum and professionalism during the Special Event Request Permit and the importance of back and forth dialogue that he, along with other businesses and residents have needed. He added that there were some adjustments to insure public safety not only for The Paddock on Market but also for the other restaurants and businesses. He noted that the

Governor's Office, the Department of Agriculture, Department of Health and LNI had not provided a process. He met with Secretary Russell Redding and received some guidance for restaurants. The Governor's Detail drove by while they were doing some preliminary layout in front of the restaurant, and four hours later the announcement came that restaurants could have outdoor areas open for service starting Friday, June 5th. None of this could have occurred without the partnership with the board. He noted that they are able to assist other businesses if needed with the insight they had gained.

12. ORDINANCES AND RESOLUTIONS

- C. Resolution No. 2020-42 – Supporting Immediate Moving of York County, including Springettsbury Township, to the Green Phase of the Governor's Phased Reopening Plan

SWOMLEY Chairman Swomley with the board's agreement brought Resolution No. 2020-42 forward on the Agenda.

MR. DVORYAK MOVED FOR THE ADOPTION OF RESOLUTION 2020-42 AS AMENDED. MR. COX WAS SECOND. BY ROLL CALL VOTE: MR. WURSTER-AYE, MR. DVORYAK-YES, MR. COX-YES; MR. BISHOP-AYE; MR. SWOMLEY-AYE. MOTION UNANIMOUSLY CARRIED.

4. ENGINEERING REPORTS

- A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had provided a written monthly report. He had several updates:

- Wastewater Treatment project – Standard letter sent indicating that the owner reserves the right to assess liquidated damages. Garden Spot, the electrical contractor, submitted a request for a five-week Time Extension naming COVID as the reason. The Time Extension does not include extra or extended work, and for the raw pumps. No shop drawings have yet to be received.
- Cause of Delay – Work all looks good; however, the work is going slowly. General contractor did not respond to letter reserving right for liquidated damages. Getting the pumps is critical to completion of the project. Shop drawings cannot begin until they have a PO for the pumps. Heisey Mechanical indicated they will provide them ASAP. As soon as it is received, Mr. Crabill and Mr. Hodgkinson will review for costs. If costs are within reason, the board would be requested to approve to then move forward. He offered to bring new information to any Work Session.

- B. Civil Engineer – First Capital Engineering, Inc.

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

- Green Light Go – Funding was held up; permits obtained; work was stopped. Will be considered shovel ready when funds are released.
- Tenth and Eleventh Avenue – Letters were sent to several dozen residents with status. Humps will not go in until traffic can be counted.
- Sheridan Manor – Project has been re-manned to wrap up paving. No mobilization to date. Paperwork moving from Ray Markey to Met Ed concerning street lights.
- Ring Road – Casino personnel intended to prioritize getting the road completed. Follow up to be done by Ray Markey.

5. CONSENT AGENDA

- A. Acknowledge Receipt of April 30, 2020 Treasurer’s Report
- B. Board of Supervisors Work Session Minutes – May 4, 2020
- C. Garden Spot Electric, Inc. – Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project – Change Order No. 8 in an amount not to exceed \$17,637.45
- D. Springetts Retreat (Triplet Springs) – Reduction of Financial Security in an amount not to exceed \$556,760.60 (remaining bonded amount \$1,679,378.90)
- E. Quattro Development, LLC – Lots 1-4 – Reduction of Financial Security in an amount not to exceed \$13,255 (remaining bonded amount \$49,621)
- F. Misericordia Nursing and Rehabilitation Center – Elimination of Financial Security in the amount of \$1,500
- G. Regular Payables as Detailed in Payable Listing of May 28, 2020

MR. DVORYAK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH G AS LISTED ON THE AGENDA. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Award 2020 Stone Materials Bid to Kinsley Materials (as outlined on May 19, 2020 Memorandum from Public Works Director)

MR. WURSTER MOVED TO AWARD THE BID FOR STONE TO KINSLEY MATERIALS FOR THE PRICES AS OUTLINED IN THE MEMO FROM MARK HODGKINSON. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

- A. LD-19-06 – Stonewood Logistics Center, 125 Stonewood Road, LLC

SANDMEYER Bob Sandmeyer, Site Design Concepts was present to represent the project.

MR. WURSTER MOVED WITH REGARD TO LAND DEVELOPMENT PLAN 2019-06 FOR APPROVAL SUBJECT TO THE FOLLOWING WAIVERS AND MODIFICATIONS: SECTION 289-10, SUBMITTAL OF PRELIMINARY PLAN; SECTION 289-13.A, PLAN SIZE; SECTION 289-35.C, BUFFER YARDS; SECTION 289-27.C, CONCRETE APRONS; SECTION 281-12, VOLUME CONTROLS; SECTION 281-15.C.3.c, LOADING RATIOS; 289-26, CONCRETE MONUMENTS WAIVER ALLOWING THE DEVELOPER TO USE THE EXISTING STEEL PINS AND MARK TWO POINTS WITH CONCRETE MARKERS AND FOR NO BONDING OF THE RETAINING WALL. MR. COX WAS SECOND.

BISHOP Mr. Bishop questioned whether a Developer Agreement was incorporated in the Motion.

MR. WURSTER AMENDED THE MOTION ON THE CONDITION OF SATISFYING ALL OTHER CONDITIONS IN THE APRIL 15, 2020 FIRST CAPITAL REVIEW LETTER, WHICH INCLUDES THE DEVELOPER'S AGREEMENT. MR. COX WAS SECOND.

SWOMLEY Chairman Swomley voiced his opposition to removing bonding from required improvements. He noted that he and Mr. Wurster disagree; however, he wanted to voice his disapproval.

WURSTER Mr. Wurster noted that if bonding is required, the township will get double inspection on an infrastructure even though it will not be continually monitored as part of the process. To bond it and to be impacting development during the time of COVID 19 is not necessarily the time to do so. He acknowledged that he and Chairman Swomley disagree.

SWOMLEY Chairman Swomley stated willingness for the sake of the situation and timing of COVID 19 to allow this to go through; however, it does not end his disagreement with the principle in general.

COX Mr. Cox commented that it was noted they cannot build the project without the retaining wall, for which township personnel will inspect. He was comfortable that it will work out satisfactorily.

MOTION UNANIMOUSLY CARRIED.

MR. WURSTER MOVED TO AUTHORIZE MS. BOWDERS OR THE CHAIRMAN TO EXECUTE THE NECESSARY DOCUMENTS ASSOCIATED WITH A 950AA DOCUMENT. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. LD-19-08 – Motter Industrial Park Lots 2 and 3

STEIN Joe Stein of Warehouse and Mike Jeffers of Kinsley Properties represented the project.

MR. WURSTER MOVED WITH REGARD TO LD-19-08 APPROVAL SUBJECT TO THE FOLLOWING WAIVERS: SECTION 289-12.A.2.F, TRAFFIC IMPACT STUDY; SECTION 289-26, MONUMENTS; DENYING WAIVER OF SECTION 289-32.A, SIDEWALKS; CONDITIONED UPON PLACING A SIX MONTH NOTE ON THE PLAN FOR INSTALLATION OF SIDEWALKS ON THE SITE; CONDITIONED UPON SATISFACTORY COMPLETION OF ALL ITEMS FROM FIRST CAPITAL ENGINEERING MARCH 2020 REVIEW LETTER; AND THE ESTABLISHMENT OF A PERFORMANCE BOND. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. LD-2020-0001 – White Rose Credit Union, 3603 East Market Street

KELLY Kestra Kelly of B.L. Company and Deb Kauffman of White Rose Credit Union represented the project.

MR. WURSTER MOVED WITH REGARD TO LD-2020-0001 APPROVAL OF THE PLAN AS PRESENTED SUBJECT TO THE FOLLOWING WAIVERS: SECTION 289-10, PRELIMINARY PLAN; SECTION 289-13A, FINAL PLAN SCALE; SECTION 289-10.A.2.H, TRAFFIC IMPACT STUDY; SECTION 289-32A, PLANTING STRIP; SECTION 281-12, VOLUME CONTROLS; SECTION 281-15.B.1h, MINIMUM BOTTOM SLOPE AND CMS 02525-2, CURB REQUESTING USE OF A SIX-INCH CURB; CONDITIONED UPON THE RECEIPT AND SATISFACTORY REVIEW OF THE RECORDING OF AN EASEMENT AGREEMENT WITH THE PRIVATE PROPERTY OWNER; CREATION OF A PERFORMANCE BOND. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster reported that he had attended the Economics Club briefing with regard to the economics of reopening York County. There are concerns for certain business to survive, as well as social crisis happening due to loss of income. One thing municipalities were requested to help wherever possible was to work with non-profit agencies for affordable housing.

SWOMLEY Chairman Swomley noted that he had received a letter concerning the park program with the current stage of opening, along with the fact that there are several teachers with two-year background checks who recommended some limited opening of the park program.

BISHOP Mr. Bishop noted that one of the main reasons why the board was ready to cancel everything completely was not being able to get background checks for the summer park workers. He was encouraged with five very experienced leaders with background checks who could do something. At a minimum he felt it was worth some research.

COX Mr. Cox noted he was encouraged as well and noted that Parks and Rec could come back with recommendation.

SWOMLEY Chairman Swomley indicated he would provide the letter to Mr. Lacey with a request to put a program together for the next Work Session on June 3rd for a discussion and decision.

BISHOP Mr. Bishop noted that the letter indicated they could do a program with no money or with some money. They made a strong argument about the value of the experience for young people in the township.

SWOMLEY Chairman Swomley reported that he has a meeting scheduled for Netrepid to do a kickoff meeting for the contract Monday, at 3 p.m. He mentioned as well that he regretted missing the York County Stormwater Consortium meeting as he had several unavoidable things that came up and he was not able to attend.

BISHOP Mr. Bishop noted the township was well represented.

CALOIA Mr. Caloia had attended the meeting and provided an update:

- He was appointed to the Management Committee providing a voice for Springettsbury Township.
- Springettsbury Township will receive a final notice to at least remit half of the payment for the year 2020.
- Management Committee will create a presentation and offer Springettsbury and other municipalities for an update on the overall PRP, the reduction process and a review of the funds. They want to provide a better understanding on the planning and funding.
- An offer was extended for Springettsbury to sit down with some other members of the Management Committee to review (1) how Springettsbury Township can receive some of those funds back for our projects and (2) some of the other projects that they have in the cue, which will receive funding.
- Mr. Caloia will reach out to other members of the Management Committee for discussions to get more details on the overall status of projects to be brought up to date. He needs a further update of where the PRP stands.
- Detailed information to come on how Springettsbury can receive funding from the Stormwater Consortium.
- Additional concerns: If Springettsbury Township is unable to pay its fee in 2020, what that means; and what the ramifications will be.

WURSTER Mr. Wurster questioned whether the Consortium is aware of Springettsbury's efforts to move forward on a significant, meaningful, and multi-municipal beneficiary stormwater management program.

CALOIA Mr. Caloia responded that somewhat they are aware of it. He stated that was the other part of his communication, to provide the Management Committee more detailed information on what Springettsbury Township is doing with its projects.

WURSTER Mr. Wurster stated that they need to be made abundantly aware. He added that he appreciated all of Mr. Caloia's efforts stepping up on the Management Committee and communication. He thanked him for that update.

BISHOP Mr. Bishop echoed that Mr. Caloia's report was excellent. They are just going through their process now with a final letter. They basically treated Springettsbury and its financial commitment pretty much exactly the same as Railroad Borough's and their \$1,000 commitment that they were not paying. Mr. Bishop thought they were in a wait and see attitude, but communication is what is needed. He added that Mr. Hodgkinson was listening in as well. Mr. Bishop noted that the motivation was to cut some of the money for things that are unsure. He did not think they understood that at all.

SWOMLEY Chairman Swomley noted that there is nothing like holding some money back that gets people's attention.

HUMMEL Ms. Hummel noted that the first payment was due in April.

9. COMMITTEE REPORTS.

There were no Committee Reports.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch provided an update on Davies Drive. He heard from Counsel who is assisting the township with the PUC application. She indicated that PennDOT, the remaining parties that could weigh in on the settlement agreement, did not have any issues. The PUC Bureau of Inspection and Enforcement did note some technical items regarding the agreement. They did put in a provision where the township would agree that upon completion of its portion of the road leading up to the railroad crossing that the township would adopt that as a public road, which would be done in any case. They raised some question about bringing electricity to the site and who was going to pay for it. MetEd is the carrier. He asked Mr. Luciani for his input.

LUCIANI Mr. Luciani stated that plans were sent to MetEd. They will determine an appropriate place to drop power in and a transformer will operate the gate. That will be coordinated with MetEd. He noted that he sent a center line description, but his recollection is that the board formally adopted all of the right-of-way through the county property up to Market Street as a roadway. He intended to ask Ms. Bowders to find the actual Resolution adopting Davies Drive as a formal road and right-of-way. Mr. Luciani noted for the record that the township had paid for the electricity to the Concord Road site with grant money.

RAUSCH Solicitor Rausch noted he did not think there are any major obstacles to the settlement agreement. They will keep moving ahead and hopefully within the next few months get approval from the PUC.

11. MANAGER’S REPORT

A. Manager’s Report

BOWDERS Mrs. Bowders stated that she had nothing to add to her report.

WURSTER Mr. Wurster asked about the timeline for the construction at Augustus Schaeffer Park.

LACEY Mr. Lacey responded that he will meet with Ann Yost on May 29th and he will provide a better timeline following that meeting.

WURSTER Mr. Wurster commented that he wanted to know the timeframe so that as they get closer to completion an event could be planned for the neighborhood.

12. ORDINANCES AND RESOLUTIONS

A. Resolution 2020-40, Authorizing Signatures on Card Services Merchant Agreement.

MR. DVORYAK MOVED FOR THE ADOPTION OF RESOLUTION 2020-40. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2020-41 – Designation of Zoning Officer and Deputy Zoning Officer

MR. WURSTER MOVED FOR ADOPTION OF RESOLUTION 2020-41 SUBJECT TO THE REMOVAL OF THE PHRASE “AN EMPLOYEE OR EMPLOYEES.” MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Resolution No. 2020-42 – Supporting Immediate Moving of York County including Springettsbury Township to the Green Phase of the Governor’s Phased Reopening Plan

This was acted upon earlier during the Agenda.

13. OLD BUSINESS

A. Special Event Permit - Application for Paddock, 3406 East Market Street.

MARKEY Mr. Markey indicated Mr. Spanos had submitted a Special Event Permit application to hold outdoor seating at The Paddock restaurant. The original application had seating on Bloomingdale Road. He revised his drawing and then asked that the seating area be in the front parking lot of the restaurant on his private property. During the review process, he and Joe Madzellan of YAUFRR suggested that he keep an area on the west side of the parking lot open so that if there were an emergency event, the fire truck equipment could get around that west side. Also, that area is where the accessible parking is for the restaurant, so Mr. Spanos has revised his drawing again and now the seating area is from the

steps that go in the front of the restaurant and over around the side where he currently has an outdoor seating area. Zoning approved the application, and Mr. Markey indicated he would issue the Special Event Permit.

SPANOS Mr. Spanos stated that he had been working in concert with media demonstrating safety protocols through OSHA and CDC guidelines. They want to do what is best for the community and are happy to help other restaurants or businesses privately. With the Resolution of the board this date, businesses without liquor licenses, restaurants or not, have been given what is needed if they can legally do so, open safely. In addition, Mr. Spanos noted that he had insight from their attorneys both in West Chester and in Pennsylvania. He applauded the board for its action and will make sure to communicate appropriately.

B. Budget Updates

HUMMEL Ms. Hummel noted there are no budget updates at this time. They will review funding recommendations for a Summer Program with Parks and Rec. In addition, they will review the Consortium Fees if half are to be paid this year.

C. Summer concert series and fireworks discussion.

RAUSCH Solicitor Rausch noted that the York Fair was cancelled.

SWOMLEY Chairman Swomley requested that Mr. Lacey provide an update on decisions.

LACEY Mr. Lacey noted that they have a schedule from August 2nd to September 26th. He wanted to continue the solid relationship the township has with the fireworks company. They requested a solid confirmation by the end of May on when to shoot those.

SWOMLEY Chairman Swomley noted that the end of May is in three days.

LACEY Mr. Lacey stated that he would be moving the bands back to July. He was confident in the August and September schedule and he is starting to work out the confirmations and contracts with those groups. He will be working on the logistics of welcoming the attendees in a proper manner. He hoped to work along with food trucks and some sponsors. He would like to confirm their new schedule.

Consensus of the board was the earliest anything could take place would not be before August 2, 2020, which date needed to be flexible.

LACEY Mr. Lacey noted that he has soft confirmations for bands, etc. for the fireworks which is tentatively planned for Saturday, September 26th for the Saturday in the Park event.

D. Grants Update

There was no new report.

E. AKRF Contract – Status of Project and Payment Schedule.

BOWDERS Ms. Bowders indicated that a final, fully executed document had been located.

RAUSCH Solicitor Rausch recalled that AKRF intended to submit a revised schedule.

CALOIA Mr. Caloia responded that he and Mr. Luciani spoke with Shawndor and Art Wawiernia and determined an overall project status, as well as a list of things the township needs to do to keep the project moving forward.

- AKRF will revise the project schedule based on DEP guidance, which requires three years of monitoring.
- New contract is to maintain the same price but have additional monitoring time; contract will be provided to the board and Solicitor Rausch for review. Billing schedule to be included.
- State is requiring AKRF to perform an archeological survey. A contract to perform that survey was not included in the initial proposal.
- AKRF had assisted with some grant applications applied for by the township; not part of the original contract and were billed individually.
- Review of the grants to be sure they are on the grants timeline.

RAUSCH Solicitor Rausch had a question concerning the Stormwater Consortium. He recalled that if a municipality was going to do a project, it had to be approved by the committee and then it is paid for, and the Consortium reimburses the cost. He asked Mr. Caloia if he would provide to the Management Committee what Springettsbury was doing with this AKRF project.

SWOMLEY Chairman Swomley noted that it should have been done a long time ago.

RAUSCH Solicitor Rausch noted that part of it was that the consortium would get credit for the sediment reduction through the work that the township was doing. He noted that they want payment from the township; but they are getting credit for the sediment reduction, and the township should get credit for the money being spent with AKRF. He wondered how much of a discussion had been held with the consortium.

CALOIA Mr. Caloia responded that the subject is one of his topic priorities to insure that all necessary conversations happen to make sure the township gets reimbursement for the projects in process. His understanding is that the projects are a part of the consortium's PRP so some information has been communicated to them. However, based on his discussions with members of the Management Committee, it is not all of the information that they are looking for to give reimbursement for the cost of this project. Moving forward, he will work with AKRF and the consortium to be sure that the consortium has all the information needed in order to give the township a number of how much they are willing to pay for these two projects.

- F. Traffic Calming – Tenth Avenue, Eleventh Avenue and Whiteford Road – Temporary Speed Humps to be Installed in 2020(on hold for additional traffic counts – letter sent to residents)

SWOMLEY Chairman Swomley thanked Mr. Luciani for keeping everyone informed.

- G. Sewer billing and collection - on hold until further notice.

- H. Road tour - on hold until further notice.

- I. Bocce court - on hold until further notice.

- J. Township Manager search.

WURSTER Mr. Wurster noted that he needed more time for the Job Description review.

SWOMLEY Chairman Swomley stated that he had some markups for the brochure put together seven years ago.

SANCHEZ-BOWSER Nitza reported that they have a more recent brochure that the Manager had worked on with Abby for the Chief of Police that was posted on the website. It is a lot better and they are doing some updates. She will send it to the board for final approval.

WURSTER Mr. Wurster requested that Ms. Gibb would put together a press release for the board with regard to the Resolution passed this date for the business community.

GIBB Ms. Gibb responded she would get a copy of the Resolution from Ms. Bowders and they will create a release.

14. NEW BUSINESS

There was no New Business.

15. ADJOURNMENT.

SWOMLEY Chairman Swomley adjourned the meeting at 9:26 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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