

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JUNE 24, 2021
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, June 24, 2021 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA by Zoom technology.

MEMBERS IN

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

ALSO IN

ATTENDANCE: Mark Hodgkinson, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Diana Young, Environmental Engineer
Dennis Crabill, Director of Public Works/WWT
Randall Heilman, Director of Community Development
Terry Hummel, Director of Finance
Todd King, Police Chief
Brandy Shope, Parks & Recreation Director
Dan Hoff, YAUFR Chief
Krista Gardner, SEK
Abby Gibb, Communications Manager
Sue Sipe, 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

SWOMLEY Chairman Swomley announced there was an Executive Session held May 27 for the purpose of HR Pharmaceutical, Inc. Tax Appeal discussion. He noted he was not present for that session. Chairman Swomley also announced there would be an Executive Session following this meeting to discuss the same topic as well as other legal matters.

3. COMMUNICATION FROM CITIZENS

WOJCIECHOWSKI Mark Wojciechowski – 1893 Deamerlyn Drive

Mr. Wojciechowski stated he addressed the Board previously – March 25, 2021 and May 13, 2021 regarding an ongoing noise disturbance issue which he has been unable to resolve with several neighbors. He noted this has resulted in an announced Ordinance #2021-04. He noted the ordinance is a compromise and allows for riding ATVs up to four hours per day. This is based on property setbacks and other guidance. He felt it was fair and offered some recourse in his position where currently there is none. He requested the Board consider voting affirmatively adopting the ordinance.

HEILAND Chris Heiland, 2505 Schoolhouse Lane

Mr. Heiland noted there is still concern about the intersection of Sundale and Schoolhouse Lane. He noted stop strips were installed some time ago but vehicles are still running the stop sign at that intersection. He noted his concern about his children playing in his yard due to the frequency of the situation, as well as other children in the area. He also noted vehicles speeding in that location. He was concerned the situation would result in an injury. He noted the incidents are occurring in the school zone.

HODGKINSON Mr. Hodgkinson stated he did not think a speed hump would alleviate the problem since it could not be placed at the stop sign, but a certain distance away from the stop sign. He indicated a traffic count and a speed count was done at that intersection after receiving notice of the concern.

KING Chief King confirmed that was correct. He recalled the 85th percentile speed was below the posted speed limit. They also conducted a study pointing towards the intersection to ascertain if there were vehicles running the stop sign. That study revealed a low volume as well.

WURSTER Mr. Wurster asked Mr. Heiland what time did he most frequently see vehicles go through the stop sign.

HEILAND Mr. Heiland stated he works a third shift so he most often observes it morning and afternoon.

LUCIANI Mr. Luciani affirmed the police department ran the speeding counts for a week and recalled the median speed was below the 25 mph. He noted they also set up their speed counter to show speeds going through the stop sign.

HEILAND Mr. Heiland asked about the possibility of camera surveillance in that location.

KING Chief King stated they do not have a traffic camera, but could look into some way of recording the intersection. He noted in order for the camera to be enforceable it would have to meet the requirements of the PA Vehicle Code for that section. He indicated they have had police details at that location and stopped vehicles. They will continue to keep a police presence there and do what they can.

DVORYAK Mr. Dvoryak referred to a possibility of an additional enforcement tool that could be available in the future where the state senate passed a measure that will allow local police to use radar going forward.

SWOMLEY Chairman Swomley asked Mr. Luciani to gather and organize the data from the study conducted several months ago and distribute it to the Board with a copy to Mr. Heiland. Chairman Swomley assured Mr. Heiland the Board is concerned about the situation and will conduct further investigation to determine how best to alleviate the situation.

RUDISILL Ron Rudisill – 119 N. Rockburn Street
Mr. Rudisill stated he addressed the Board December 10, 2020 regarding tractor-trailers traveling on Rockburn Street from Industrial Highway, at which time the Board suggested he keep track of the number of times this occurs. Mr. Rudisill stated from 1-8-2021 to 6-13-2021 there was a total of 38 tractor-trailers. He noted the Township ordinance states box trucks over 1,200 pounds are not permitted; however, he did not count them. He indicated he was unable to identify specific names on most trucks, although he did call several warehouses to alert them to the issue, and they responded they would speak to their truck drivers. He noted his concern with children in the neighborhood.

HODGKINSON Mr. Hodgkinson brought up the fact that contractor work on North Hills Road could have contributed to this issue.

RUDISILL Mr. Rudisill concurred he felt that was a factor.

KING Chief King indicated when they received the initial complaint, they had officers go to the local businesses as well and spoke to traffic safety staff. They will continue those efforts and put an additional detail at that location.

SWOMLEY Chairman Swomley offered a suggestion to block off Rockburn St. halfway through to prohibit through traffic, possibly using Jersey barriers.

HODGKINSON Mr. Hodgkinson stated he would like to talk to the police chief and the fire chief to determine if there would be any negative ramifications to that idea.

WURSTER Mr. Wurster suggested another idea to alternate the one-way direction on those streets.

BISHOP Mr. Bishop stated perhaps another longer-term tactic would be to install motion sensing cameras as an information gathering tool for a period of time to determine the activity.

LUCIANI Mr. Luciani agreed there would be a way to collect that data. He noted he would research the idea and discuss it with Chief King and Mr. Hodgkinson.

RUDISILL Mr. Rudisill stated he had an additional question regarding the closure of Market Street over Mill Creek. He asked if there was a contingency plan for that area relating to the detour. He felt there would be an issue with traffic for vehicles traveling to Route 30.

SWOMLEY Chairman Swomley indicated the State is doing the work over Mill Creek.

HODGKINSON Mr. Hodgkinson stated the posted detour route to get to the city or Spring Garden Township will be Haines Road across Route 83 at Mt. Rose interchange. The detour will be in place for five weeks.

14. NEW BUSINESS

A. 2020 DCED Municipal Annual Audit and Financial Report - Krista Gardner, CPA, SEK

GARDNER Ms. Gardner stated in regards to audit status and results noted at the previous Development Authority Meeting, both financial reports are complete and were officially accepted. In regards to the Township's annual audit, DCED-30 Financial Report has been completed and submitted to the state. The fifth element is the sewer cost audit and they are halfway through that audit. She reported the following high level financial results:

General Fund Budget vs. Actual

- Budgeted revenues are \$15.9 million
- The amount of \$610,790 is budgeted use of fund balance. That amount has been backed out to determine results based on what was expected to come in 2020.
- The adjusted revenue amount is \$15.362.5
- Actual revenues coming in for 2020 were \$15.7 = \$386,000
- Additional revenues which came in as a result of Covid 19 funding and grants received.
- There were significant decreases in revenues relating to the recreation program.
- Additional revenues related to sales and insurance reimbursements

Expenses for the year:

- Budgeted \$15.9 for expenses
- Came in approximately \$15.4 million of expenses = \$560,000 to the good
- Expenses under budget included – recreation program, public works, impacts on overtime, etc.
- At the end of the year there was a positive change/increase in the fund balance of \$333,000 for the general fund.

Breakout of the revenues;

- Usually around 21-23% from real estate taxes
- Usually around 52-53% from other taxes
- Consistent with previous years
- Areas where a swing is seen is in the charges for services line – building permits
- 2019 saw significant permit revenue related to the casino
- \$600,000 swing in the permit revenue from 2019 to 2020

Expenses

- General government expenses are around 9-10% but they jumped up to approximately 14% in 2020 which is related to engineering expenses for the new building project.
- Otherwise things were consistent except for the cultural and recreation line item.
- Total change in revenues from 2019 to 2020 was a decrease of approximately \$634,000
- Total change in expenses was an increase of approximately \$150,000

Sewer Fund – comparison of the past three years

- Proration of where the revenues and expenses will not change very much
- Two items – one related to investment income (dependent on the year) 2020 was not strong
- The Federal Build America Bond – the interest subsidy will go away as of 2021 with the refinancing in debts.
- End result of the sewer fund was a decrease in that position of approximately \$236,000. A reminder on the sewer fund, there is a significant \$3.2 million expense that is non-cap – so depreciation expense on the sewer fund.

Munis Software Fixed Asset Module – part of the software system for the general ledger.

Approximately two years ago they identified the balances imported into that system were not meshing up with the historical information for the Township. They put together a manual tracking for this in 2018. In 2019 the problem remained where the Munis Fixed Asset system was not calculating in line with the historical numbers and also straight-line depreciation. There is no special depreciation that the Township should be following other than straight line depreciation where the cost of the asset divided by useful lives results in the depreciation each year.

Last year they determined if they are going to continue to use the Munis software to do the fixed asset calculations or move forward on a manual basis with the excel spreadsheet put together, tied to historical and making sure that is being calculated.

The decision was made to move forward in 2020 with going with the manual calculation since with the information put into Munis, there is no easy way to correct it - it is a start over process. In 2020 there were some adjustments which needed to be made as far as the asset balances and the accumulated depreciation balances. They then realized in the general ledger system, that asset balances were tied to the spreadsheet. The current year activity – additions, deletions and depreciation are still being pulled into the GL, from Munis Fixed Asset software, so now there are balances reconciled with Excel which is tracking depreciation against another module that calculated it differently and it is not meshing.

They took the Excel and rolled it forward, making sure all of the additions, deletions and adjustments were being calculated correctly as far as depreciation. They had known they were going to work on some re-classification – making sure that if an asset is under treatment when it was disposed of it was also under treatment because there were some inconsistencies in some of that calculation.

Ms. Gardner stated she and Ms. Hummel got to a point where they felt good even though it is a manual way of tracking depreciation. The other piece they ran into is the East York Interceptor was being carried on the Township books net of reimbursements from Windsor. Windsor paid a service fee for the use of that asset, however, it is the Township's asset and should be on the books at the actual cost. They did an adjustment for that along with some other depreciation calculations that she shared.

Ms. Gardner stated she included what was in the DCED report to determine the impact of that prior pre-adjustment, resulting in an increased net position of the sewer fund by about \$1.26 million based on those investments.

HUMMEL Ms. Hummel affirmed this has been a continuing problem. They have done much work at audit time and the audit has proven that the set-up of this module was never completed correctly. It is calculating depreciation and creating journal entries in the sewer GL that do not mesh. She noted the Finance Department has the education, knowledge and experience to fix it. They need to make the time to do that.

WURSTER Mr. Wurster asked if they both feel that the Munis Excel matter is resolved or will they still, on an ongoing basis, have to do that reconciliation depreciation every year.

GARDNER Ms. Gardner stated it is not resolved. The fixed asset module has not been shut off at this point.

HUMMEL Ms. Hummel stated in working with SEK and working through the process they already have the information set up in Excel and have done the work. It is just a matter of shutting it off and moving everything to Excel – all of the new additions and deletions for this year.

SWOMLEY Chairman Swomley asked what is the timeline for when that will be done.

HUMMEL Ms. Hummel stated it needs to be done on a monthly basis. She was not sure when it would be finalized. She will provide a timeline at the July meeting.

GARDNER Ms. Gardner thanked Ms. Hummel and her team. She noted she appreciated the continued relationship working with the Staff and the Board.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

YOUNG Ms. Young stated that she had provided a monthly report and there were no updates.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani indicated he submitted his monthly report. He noted the following updates:

- The Township received a request from Attorney Lobach on behalf of Kinsley Properties for zoning change along Crossfield Lane located near the park regarding a lot created in the late 80's which the Township rezoned to open space. He noted he and Mr. Heilman will meet with Kinsley's team to discuss a zoning change from open space to residential. He noted the applicant is proposing to install a pool on the lot.

As part of the project the original plan from 1988, there is a wooded area of approximately 8 acres listed on the plan as recreation. He indicated in discussing this with Mr. Jeffers, Kinsley would be willing to deed that area to the Township with an agreement to add sidewalk and curbing along with the rezoning of the lot. He noted they will provide additional information in the near future.

- Mr. Luciani stated there have been several enforcement letters sent out including a reflexology center and also the Diamond Lounge which will be addressed in an Executive Session. He noted the Township has prohibited animated signs since the ordinance was modified in 2007. He noted since that time a modification was made to allow digital signs to change eight times per day. He noted they have cited three businesses which are in violation with one business filing an appeal.

- Mr. Luciani indicated plans are ready for Davies Drive but the critical part is getting coordination with East Penn Railroad, since as part of the PUC schedule, signals need to be installed. A meeting will be held to include Mr. Hodgkinson on Wednesday to finalize the project.

HEILMAN Mr. Heilman responded with regard to the signage. He noted the businesses who called in concerning their signage was done in a professional manner. They expressed concern about what they can and cannot do with their signs. Mr. Heilman indicated they explained the issues and what the zoning ordinance allows and prohibits. He noted they were not sure if the business owner will move forward with the appeal.

5. CONSENT AGENDA

- A. Acknowledge Receipt of May 31, 2021 Treasurer's Report
- B. Board of Supervisors Conditional Use Hearing Minutes - May 27, 2021
- C. Board of Supervisors Regular Meeting Minutes - May 27, 2021
- D. Regular Payables as Detailed in Payable Listing of June 24, 2021
- E. York Excavating Co., Inc. - Augustus Schaefer Park Project - Change Order No. 5 in an amount not to exceed \$750
- F. York Excavating Co., Inc. - Augustus Schaefer Park Project - Application for Payment No. 6 in an amount not to exceed \$91,244.51
- G. Heisey Mechanical Ltd. - Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project - Change Order No. 10 in an amount not to exceed \$11,847.09
- H. Heisey Mechanical, Ltd. - Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project - Application for Payment No. 14 in an amount not to exceed \$518,023.09
- I. Frey Lutz Corp. - Springettsbury Township Building Renovation and Expansion Project - Change Order No. 1 in an amount not to exceed \$17,675
- J. Jay R. Reynolds, Inc. - Springettsbury Township Building Renovation and Expansion Project - Change Order No. 1 in an amount not to exceed \$26,025.93
- K. Midstate Mechanical & Electrical, LLC - Springettsbury Township Building Renovation and Expansion Project - Change Order No. 1 in an amount not to exceed \$4,936.40 (CREDIT.)

Items I through K were removed from the list for discussion.

MR. WURSTER MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH H. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

WURSTER Mr. Wurster stated items I, J and K represent building cost renovations. He noted there is a change order for J and K. He asked if tracking had been done for the overall project scope and whether there is a way to determine the actual funding and change orders, as well as planning the budget.

HODGKINSON Mr. Hodgkinson indicated they had not received any applications for payment from any contractors as yet, but every application for payment on the first page will show the original contracted amount, and the current contracted amount which is due to change orders. He noted this is for every contract. Mr. Hodgkinson stated he is tracking it.

SWOMLEY Chairman Swomley recommended Mr. Hodgkinson put the information on a spreadsheet with the totals of each column.

WURSTER Mr. Wurster stated he wanted to be able to compare line items to budget.

HODGKINSON Mr. Hodgkinson stated he would let the Board know and would add it to his regular report to ascertain the bid amount and current amount due to change orders.

MR. WURSTER MOVED TO APPROVE CONSENT AGENDA ITEMS I, J AND K. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

A. Acceptance and Execution of 902 Development and Implementation Grant Award Agreement for Leaf Collection Equipment in the amount of \$227,225

HODGKINSON Mr. Hodgkinson stated he and Ms. Gibb submitted the grant in 2019 for leaf collection equipment. They were successful in obtaining the grant and this is authorization to enter into the agreement with DEP – not authorization to purchase the equipment. Pending approval of the Board for the grant agreement, the permission to buy the equipment will come at a later time.

SWOMLEY Chairman Swomley indicated his appreciation for their efforts to obtain the grant.

MR. DVORYAK MOVED TO EXECUTE THE 902 DEVELOPMENT AND IMPLEMENTATION GRANT AWARD IN THE AMOUNT OF \$227,225. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization to Replace Merchant Services Provider from Open Edge to Tyler Payments

HUMMEL Ms. Hummel indicated they are requesting the Board's approval and authorization to enter into a new agreement for a merchant services provider. Tyler Payments is now

offered through Tyler Technologies and will replace their current provider Open Edge. She noted Tyler Payments manages both online and over-the-counter payments for utility bills, Township registrations, fees, tickets, etc. She indicated the move to Tyler Payments provides a small savings in Township monthly fees and will also reduce customer processing fees. With the Board's approval they expect to complete the transition in September. Open Edge does require a 60-day notice of cancellation.

WURSTER Mr. Wurster asked if they were satisfied with Tyler Technologies at this time.

HUMMEL Ms. Hummel stated Open Edge presented challenges with their administrative side. Tyler Payments will make it easier going with their product verses a third-party vendor. She noted it will also streamline support and the reconciliation will be easier.

SWOMLEY Chairman Swomley asked if switching to this would be easier for their constituents to use online services.

HUMMEL Ms. Hummel stated it will be about the same. There is no change to the online screen in using the shopping cart. She confirmed Open Edge is currently used to pay sewer bills online.

SWOMLEY Chairman Swomley stated if this is easier to maintain and there will be a slight cost benefit he was okay with it. He noted he was hoping for something that would be a change in the interface provided to Township customers.

BISHOP Mr. Bishop asked, if given the concerns, whether the Township is committed for a period of time.

HUMMEL Ms. Hummel stated she believed they could move to another provider but the provider would need to connect with Tyler Technologies. She noted she would check to confirm if the service could be terminated with a 30-or 60-day notice.

MR. WURSTER MOVED FOR ADOPTION OF THE TYLER PAYMENTS OFFERED BY TYLER TECHNOLOGIES SUBJECT TO MS. HUMMEL'S SATISFACTORY REVIEW OF THE AGREEMENT ALLOWING FOR A 30 TO 60 DAY NOTICE FOR EXIT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. Acknowledge Fully Executed Letter Agreement for Carol Road Easement (LD-2020-0009 - 334 Hospitality, LLC - 2841 East Prospect Road)

RAUSCH Solicitor Rausch stated this item is for the Board to see the issue concerning the closure of Strictly Fitness access drive would occur within 30 days. He noted that condition has been met.

- B. LD-2021-0001 - JLS Automation Building Expansion - 20 Innovation Drive
(Tabled at May 27, 2021 Board of Supervisors Meeting)

LUCIANI Mr. Luciani indicated Adam Anderson from Site Design Concepts and Craig Wolf with JLS Automation were in attendance to present the case. Mr. Luciani explained in 2008 Kinsley developed Innovation Drive and one of their tenants was Komax who built a 99,000 sq. ft. building. He noted Komax vacated and JLS relocated to this facility. JLS is proposing a 50,000 sq. ft. expansion. The plan was reviewed by the Planning Commission and recommended for approval. He noted there are three waivers: preliminary plan, traffic study and curbing. Conditions include: waiting for NPDES permit from York County Conservation District, finalize costs of the required improvements to be bonded, signatures and fees for the plan.

ANDERSON Mr. Anderson indicated he represents JLS Automation with the final land development plan. He displayed the plan set pointing out the site and the surrounding properties. He noted they have the existing 100,000 sq. ft. building which is the existing JLS Automation facility. He noted the paved parking area with 200 parking spaces with access onto Innovation Drive at the end of the cul-de-sac. There are wetland areas in the vicinity of Kreutz Creek. There are several monitoring injection wells through the site. Four of them will be relocated by Emerson-Fincor's environmental consultant as part of an on-going clean-up effort.

He noted the layout plan shows the 55,000 sq. ft. addition. There will be a minor pavement addition. There is a retaining wall for the drive-in door which is 4 ft. below finished grade for the loading docks. As part of the Planning Commission discussion, they added a section of curbing in the area where trucks are making maneuvers to avoid running off the pavement.

The grading plan – there are three existing stormwater basins which accounted for the expansion in 2008. They will be connecting to an existing storm surge system routed around the building which will flow into basin #3 ending in Kreutz Creek.

WURSTER Mr. Wurster asked if one of the conditions was the execution operation maintenance agreements for the stormwater controls which needs to be recorded and was not in the original plan.

LUCIANI Mr. Luciani confirmed this is one of the conditions to be finalized.

WURSTER Mr. Wurster asked if DEP has signed off on the relocation of the monitoring wells.

ANDERSON Mr. Anderson indicated that DEP is actively involved with Emerson and their environmental consultant WSP. They have acknowledged that the monitoring wells would have to be moved. They will either be relocated or removed based upon

testing by WSP as part of this project. There is a standing agreement between the property owner and Emerson to have that completed.

SWOMLEY Chairman Swomley asked about the curbs being installed to prevent sheeting of water.

LUCIANI Mr. Luciani stated they are conveying the water into the pond and where the trucks could potentially leave the pavement, they have installed curbing in that location. He noted they will have breaks in the curbing to allow water to flow to the basin.

SWOMLEY Mr. Swomley asked about the parking lot area which abuts the stormwater system.

LUCIANI Mr. Luciani confirmed that area is already curbed.

MR. WURSTER MOVED IN REGARDS TO LD-2021-0001 - JLS AUTOMATION BUILDING EXPANSION FOR ADOPTION OF THE PLAN AS PRESENT SUBJECT TO THE FOLLOWING WAIVERS:

- **S.289-10 – PRELIMINARY PLANS PROCEDURE**
- **S.289-21 – TRAFFIC IMPACT STUDY**
- **S.289-41.J.5 – ACCESS DRIVES CURBS**

SUBJECT TO THE FOLLOWING CONDITIONS:

- **PROJECT BONDING WILL BE REQUIRED BY THE TOWNSHIP**
- **ALL SIGNATURES, SEALS AND FEES WILL BE REQUIRED IN ORDER TO FINALIZE THE PROJECT APPROVAL**
- **EXECUTION OF OPERATION AND MAINTENANCE AGREEMENTS FOR THE STORMWATER CONTROLS TO BE RECORDED**
- **FINANCIAL GUARANTEE COST ESTIMATE AS AGREED TO BY THE TOWNSHIP ENGINEER**
- **RECEIPT OF NPDES PERMIT**

MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED

C. Discussion on Rezoning Property from Open Space to R-10 (Crossfield Lane Tax Map 36, Parcel 96)

RAUSCH Solicitor Rausch stated the Township received a petition for a curative amendment on June 14. He noted a curative amendment implies that something in the zoning ordinance is illegal and the applicant is requesting it be changed. He was not sure of Attorney Lobach's intentions when he filed the petition. Under the MPC, the Board could not do anything and after 60 days it is deemed denied. Or the Board could go ahead with their own change intended to cure the defect, or hold a hearing. He noted if this is in fact a map amendment then Mr. Luciani can meet with the applicant and work out issues with stormwater. He noted from a legal standpoint this particular lot

is zoned open space but is adjacent to R-10. It was subdivided as a building lot. The issue is on the open space the setbacks are more restrictive than in the R-10 zone.

Solicitor Rausch indicated the Board does not need to take any action at this time. In the meantime, Mr. Luciani will obtain further information and clarification for this to be presented at the July meeting.

SWOMLEY Chairman Swomley stated his understanding it was not an illegally changed parcel, but changed for a specific individual because of stormwater and flood levels.

RAUSCH Solicitor Rausch stated that was his understanding.

SWOMLEY Chairman Swomley thought what the applicant was asking for is to create a building lot on the site, however, the Township needs a guarantee that the homeowner will not build a basement or a pool which would flood and affect neighboring properties.

RAUSCH Solicitor Rausch concurred and he noted Mr. Luciani can discuss this with the petitioner and report back to the Board to determine a clearer solution from a legal standpoint concerning the petitioner's intentions.

LUCIANI Mr. Luciani confirmed he, Mr. Hodgkinson and Mr. Heilman will be meeting with Attorney Lobach and the applicant to discuss the options. He also noted in discussion with Mr. Jeffers from Kinsley he concurred with that plan.

RAUSCH Solicitor Rausch commented in regards to the recreation area and sidewalks those conversations should be kept separate from the map amendment to avoid an issue of contract zoning.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster noted there will be a briefing on the Davies Drive road project as it relates to elected officials and grant applicants which will take place on July 8, 2021 at 11:30 AM in the Township Boardroom. He invited the Board of Supervisors to attend. He noted they have coordinated with Rep. Saylor's office and Rep. Gillespie's office. They will also extend invitations to the county commissioners and other representatives including Senator Gebhardt's office.

9. COMMITTEE REPORTS

There was no report.

10. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated he had no report other than the Executive Session.

SWOMLEY Chairman Swomley referred to the Business Privilege and Mercantile Tax noting it appears if someone specifically qualifies as a manufacturer, they are considered either a wholesaler or a retailer.

RAUSCH Solicitor Rausch indicated that was correct.

SWOMLEY Chairman Swomley asked if the criteria additive or any one of these sufficient to consider a business a manufacturer.

RAUSCH Solicitor Rausch responded the criteria for manufacturing is additive.

SWOMLEY Chairman Swomley inquired if applied labor and skill to material, the original piece is changed to a new and different useful article, substantial transformation in form, qualities and adaptability from original material. He noted he was trying to understand how the courts decided on earlier cases vs. cases being seen currently. He determined they will need to determine what is manufacturing and what is not. Chairman Swomley referred to the five options laid out by Attorney Rausch:

- Repeal the tax
- Reduce the millage rate
- Replace with a flat tax
- Allow certain deductions from gross receipts
- Address the application of the manufacturing exclusion on a case-by-case basis

He asked if there was any way they can define what manufacturing is to the Board.

RAUSCH Solicitor Rausch responded it is possible but difficult. He noted that is the court definition which has been used for many years.

Discussion ensued on examples of what would constitute a manufacturing process. It was noted the discussion would continue during the Executive Session.

11. MANAGER'S REPORT

A. Manager's Report

HODGKINSON Mr. Hodgkinson introduced Brandy Shope, the new Parks & Recreation Director, who started in the position on Monday, June 14. He noted she has many years of experience in leadership, communications, fund raising, marketing and has a passion for recreation as a whole.

SHOPE Ms. Shope stated she is excited to be a part of the team. She noted she is a native of York having graduated from West York High School and York College with a degree in Public Relations and Communications. She indicated her free time is in recreation

and coaching at York College for volleyball. She also noted she is a PIAA basketball official and helped coordinate AAU basketball tournaments and different leagues.

HODGKINSON Mr. Hodgkinson stated they will switch from virtual meetings to in-person meetings starting with the July meeting. They will work on holding a hybrid meeting as well, however the majority of the Board will be required to be in-person.

RAUSCH Solicitor Rausch concurred with that decision.

12. ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 2021-04 - Regulating the Operation and Use of Off-Road Recreational Vehicles (Tabled at May 27, 2021 Board of Supervisors Meeting)

MR. WURSTER MOVED FOR ADOPTION OF ORDINANCE 2021-04 - REGULATING THE OPERATION AND USE OF OFF-ROAD RECREATIONAL VEHICLES WITHIN SPRINGETTSBURY TOWNSHIP. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

WOJCIECHOWSKI Mr. Wojciechowski stated his appreciation for the consideration which will help his situation. He indicated his hope is that it resolves the situation.

- B. Resolution No. 2021-34 - Designating Additional Depositories for American Rescue Plan Act Funds

HUMMEL Ms. Hummel stated this is to add a separate bank account since the Township is expected to receive \$2.8 million from the American Rescue Plan Act. She noted it will ease the auditing process for both state and federal future audits for these funds. She indicated the final word of how the funds can be spent will be announced after July 15, 2021. Preliminary guidance for the funds includes water quality projects, sewer and water improvements, utilities. However, they have not received policy or instructions on building construction.

DVORYAK Mr. Dvoryak asked how the funds will be invested and is there assurance they will not lose principal equity.

HUMMEL Ms. Hummel stated this is an interest-bearing account moving forward.

MR. WURSTER MOVED FOR ADOPTION OF ORDINANCE 2021-34 AS PRESENTED. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- C. Resolution No. 2021-35 - Police Rules of Conduct

KING Chief King stated this resolution stems from their work partnering with the Department of Justice and the overhaul of the police rules of conduct to contemporize the rules. He noted the rules were last adopted in 1999 making this a 21-year project. He noted their labor attorney placed several amendments in the rules which were

brought to their Township Welfare Association, which accepted the amended rules on May 28, 2021. The plan with the rules is to make them available on their website to better their transparency as a police department to demonstrate to the public how their officers are held accountable as far as standards.

MR. WURSTER MOVED FOR ADOPTION OF ORDINANCE 2021-35 – THE REVISED POLICE RULES OF CONDUCT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

D. Resolution No. 2021-36 - Amended Municipal Records Manual

HODGKINSON Mr. Hodgkinson stated this resolution is to acknowledge the update of the manual as the state periodically updates the manual.

MR. WURSTER MOVED FOR ADOPTION OF ORDINANCE 2021-36. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

E. Resolution No. 2021-37 - Amending Fee Schedule

HODGKINSON Mr. Hodgkinson stated this resolution to amend the fee schedule is solely for park bench and tree dedication prices. He noted it came to his attention recently they were undercharging for the benches in Springettsbury Park as well as other locations. The new language in the fee schedule would be at current market price due to the fluctuations noticed lately.

MR. WURSTER MOVED FOR ADOPTION OF ORDINANCE 2021-37. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED

13. OLD BUSINESS

A. Old Business Listing.

There was no Old Business.

14. NEW BUSINESS

A. Acknowledge Receipt of 2020 DCED Municipal Annual Audit and Financial Report - Krista Gardner, SEK

This item was acted upon earlier during the Agenda.

B. Acknowledge Receipt of 2020 Springettsbury Township Financial Statements

HUMMEL Ms. Hummel recommended approval of the first report. She indicated the financial statement is not ready for approval since they have not yet received it. They will add it to the July statement for the Board's acknowledgement.

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JUNE 24, 2021
APPROVED**

MR. DVORYAK MOVED TO ACKNOWLEDGE RECEIPT OF 2020 DCED MUNICIPAL ANNUAL AUDIT AND FINANCIAL REPORT. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 9:07 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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