

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**JULY 30, 2015
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, July 30, 2015 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak
Bill Schenck
Kathleen Phan

MEMBERS NOT

IN ATTENDANCE: Julie Landis

ALSO IN

ATTENDANCE: Kristen Denne, Township Manager
Charles Rausch, Solicitor
Patricia Lang, Director of Community Development
Dennis Crabill, Environmental Engineer
John Luciani, Civil Engineer
Betty Speicher, Director of Human Resources
Dan Stump, Chief, Police Department
Jean Abrecht, Stenographer

1. CALL TO ORDER

SWOMLEY Chairman Mark Swomley called the meeting to order at 7 p.m. He certified that a Quorum was present.

A. Opening Ceremony

SWOMLEY Chairman Swomley led the Pledge of Allegiance.

B. Police Accreditation Certificate

SWOMLEY Chairman Swomley introduced Chief Thomas C. Gross of the York Area Regional Police Department.

GROSS Chief Gross stated that he serves as the Chairman of the Pennsylvania Law Enforcement Accreditation Commission. He presented the Re-Accreditation Certification to Chief Dan Stump, Springettsbury Township Police Department. He noted the Accreditation of the police department is a prestigious

accomplishment, given to departments that exhibit the highest standards. He noted the Springettsbury Police Department had been recognized as perhaps the first in York County and had been re-accredited four or five times.

STUMP Chief Stump thanked the Accreditation Commission. He noted they sent three professionals to assess the department over a two-day period. The assessment is done every three years, and the department puts a lot of effort into making sure of compliance and that all the policies and procedures are in place. For the men and women of the police department it is truly an honor. He thanked the board and the community for the continued support and noted that when the police department meets the highest standards set it is something for which everyone can be proud.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley announced that there had been no Executive Sessions held since the last Board of Supervisors meeting, and none was scheduled for this date.

3. COMMUNICATION FROM CITIZENS

A number of residents of Trout Run Road brought their concerns about Trout Run Road to the board's attention. Charles Stuhre, 3680 Trout Run Road, Dennis Leber, 3611 Trout Run Road, Sherl Stoll, 3580 Trout Run Road, and Sherry Hetrick, 3741 Trout Run Road. Their comments are summarized:

- Noted 11 deep potholes needing filled and fixed; dangerous.
- Township crew had been working on it but did not finish. Hot patch will be used.
- Residents feel like second-class citizens; have been patient and proud residents of Springettsbury Township.
- Conservation District to make road dirt.
- Road has not been chipped or tarred in a number of years.
- Poor drainage; water flows into cracks; freezing and thawing.
- Ditches need cleaned; have not been cleaned since the 80's.
- Large 80,000-pound dump trucks hauling on Trout Run Road.
- Logging trucks accessing road to Hellam Township.
- School buses and garbage trucks are permitted to use the road.
- Road had held up well until the past few years.
- Other roads in the township have been upgraded.

DENNE Ms. Denne stated that she was sorry a rumor had gotten started concerning making the road a dirt road. There is a program offered by the Conservation District, which consists of packed stone. She noted it would take in excess of \$1 million to properly fix the road. The Conservation District program is something to investigate as a way to 1) save the taxpayers money, and 2) make sure there is a proper maintenance schedule for the road. The Conservation District would not only pay for the reconstruction and properly place that road, but it would come back and have maintenance for that road also, and it would be paid for with no additional funds being taken from the taxpayers.

SWOMLEY Chairman Swomley asked what could be done to limit the large truck traffic on that road.

LUCIANI Mr. Luciani responded that the township would go through the bonding procedure. First thing would be a traffic count.

SCHENCK Mr. Schenck mentioned a process he had read about where a contractor comes in with a giant milling machine and churns up what is there and then rolls it out and applies a better base and treats it with a sealant, not traditional paving. He noted the township has a lot of work to do.

PHAN Ms. Phan commented that there should be a schedule to clean the drains. In addition, the township is responsible for fixing the potholes. The bonding process should be done as soon as possible.

DENNE Ms. Denne noted that because there is not a proper sub-base, there is no proper drainage either, and some is private homeowner's drainage.

SWOMLEY Chairman Swomley established more priority placed on fixing the potholes to prevent damage to the cars. In addition, the residents of Trout Run Road need to be provided information about the various options the township has been and will explore.

PHAN Ms. Phan commented that the board appreciated everyone's attendance. The Chairman has asked for the potholes to be filled. The Manager will make sure that happens. The board will discuss what can be done for the road, and the information will be provided to the residents.

SWOMLEY Chairman Swomley stated for clarity that the township is not talking about making Trout Run Road a dirt road. He asked Mr. Luciani to discuss road construction.

LUCIANI Mr. Luciani noted that what Manager Denne mentioned was that the county is trying to market dirt and gravel road projects to get communities to think about it. It is an option; however, doing nothing has been what has been done along the way. In order to improve the structural carrying capacity of that road, it may involve bonding the road temporarily. It is important to have a good structural road; however, it is important to keep the water away from it. That is an issue that Mr. Hodgkinson and he will evaluate and determine some phasing upgrades. Equally as important as a constructual standpoint is a funding standpoint. It is important to have the road crowned in the center and drainage must work to assure cars in an ice storm slide away from each other. It will be important in order to fix the problems by considering and evaluating the whole package in a Master Plan.

SWOMLEY Chairman Swomley asked for a timeframe for getting the road posted for weight limits.

LUCIANI Mr. Luciani responded it could be done in a few months.

SWOMLEY Chairman Swomley indicated that process should begin immediately. He stated that a plan would be developed. In the meantime, the immediate need for patching is imperative so that cars are not damaged. In addition, a review of posting should be pursued.

Parking on Trout Run Road

LEBER Dennis Leber, 3611 Trout Run Road requested that Trout Run Road be placed on a township list where parking is not permitted. He had an incident where a car was parked on the road and was nearly in a head-on accident, as he had to move into the oncoming lane. He had previously addressed the board and had discussed it with the Manager.

DENNE Ms. Denne responded that the Traffic Committee had investigated his concerns. They had visited the area and they had not encountered the situation.

PHAN Ms. Phan expressed concern that the township allows parking on that road, as it is not very wide. She asked whether it would be something that the board could address.

SWOMLEY Chairman Swomley asked what the process would be to make a change.

DENNE Ms. Denne responded that it would require an ordinance change along with anything further the engineer would like to add.

LUCIANI Mr. Luciani stated that in order to have a parking prohibition, a Traffic and engineering study is done. The same is done for No Trucks; No Parking. A car must be parked encroaching on a travel lane to be considered a potential violation of the Motor Vehicle Code.

STUHRE Mr. Stuhre mentioned that Trout Run Road is 18 feet wide.

LUCIANI Mr. Luciani added that if the car is parked off the cart way then it is permitted. He indicated he would review it. As Ms. Denne mentioned they had discussed it in the Traffic Safety meeting. The conclusion from police, fire, Public Works they had not observed the incidents of the car being parked there.

SWOMLEY Chairman Swomley noted if there is a call he requested the police department would please check on it and take care of it.

STUMP Chief Stump responded that, absolutely, if someone is parking on the road, call 911, and have an officer come in and look at it.

Comcast Cable

LEBER Mr. Leber mentioned an additional item for discussion having to do with the contract for telecommunications. He noted that several years ago he met with Mr. Holman and a Comcast representative in his driveway. At that time, Comcast informed him that when the township entered into the agreement, Comcast asked whether they had to provide service to all of the township residents, and Mr. Holman responded that they did not have to do that. Mr. Leber felt that his statement disenfranchised about 1,000 people that do not have cable. The cable is 1/8th of a mile from his house. For the privilege of paying them \$100 a month, they want \$5,000 to extend the cable.

DENNE Ms. Denne commented that the current contract is not about to expire. Currently they are in the process of an audit of the contract fees paid.

LEBER Mr. Leber noted that he works in the telecommunications industry. It would be unheard of to sign a contract for 10 years.

SWOMLEY Chairman Swomley noted that piece of information would be added to the list of negotiating points for the future two or three years from now.

RAUSCH Solicitor Rausch noted that the cable company did not have to provide that service unless there were a certain number of homes within a mile.

DENNE Ms. Denne asked Solicitor Rausch whether the contract was done as a joint negotiation with every municipality.

RAUSCH Solicitor Rausch responded at that time it was only the township.

SCHENCK Mr. Schenck added that he did not remember that specific offer because he would have pursued it. Mr. Stuhre had been telling the board for as long as the Internet has been around that the cable should be run back Trout Run Road.

Springettsbury Ambulance

MILLER Jean Miller, 1380 East 11th Avenue brought forward an ambulance bill for her husband's transport to Memorial Hospital. Her husband had fallen and hit his head, and the ambulance was called. Ms. Miller stated she was appalled at how they treated her husband. He had repeatedly said his head hurt. There was no assessment done; his blood pressure was not taken; there was no C collar put on him; there was no backboard put on him. Instead, they reached down and asked him whether he could stand up and had him walk to the stretcher. She had not filed a complaint. She had received a bill later. Her husband ended up having had a heart attack and having a triple bypass. He had to have a CT scan of his head and neck. She had called Battalion Chief Van Pelt to discuss the bill of over \$1,200. One of the charges was for five miles; their home is 1.88 miles from the hospital. She questioned that charge. She had asked why the bill was so high and was told it was because the Medics were there, which they had been picked up down the road. The invoice had been adjusted with a deduction for the mileage. She felt the crew was very unprofessional.

DENNE Ms. Denne responded to Ms. Miller and offered to investigate. She asked for the code number on the invoice for reference

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill stated that he had presented a written report. He had no changes to the report and offered to respond to questions. There was none.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI John Luciani had presented a written monthly report. He had several updates:

- Fineview – Final payment will be held for further review with the contractor. Residents are very happy with the project.
- Graham Street Culvert – Low bidder (\$45,000) did not submit his bond; second low bidder (\$47,000); high bidder (\$97,500). Low bidder had to be eliminated.

5. CONSENT AGENDA

- A. Acknowledge Receipt of June 30, 2015 Treasurer’s Report
- B. Board of Supervisors Meeting Minutes – June 25, 2015
- C. Regular Payables as Detailed in the Payable Listing of July 23, 2015
- D. Marona Construction Co. – I-83 Exit 18 Sanitary Sewer Realignment – Application for Payment No. 6 in an amount not to exceed \$343,692
- E. Marona Construction Co. – I-83 Exit 18 Sanitary Sewer Realignment – Application for Payment No. 7 in an amount not to exceed \$201,791.25 (Retainage Reduction).
- F. Authorization to Approve Tax Refund Request for Tax Year 2014 – Glenn A & Linda J. Feeser (Parcel #46-1-309) in the amount of \$25.35
- G. Authorization to Approve Tax Refund Request for Tax Year 2015 – William J & Krista J. Landis (Parcel #46-KJ-120) in the amount of \$15.44
- H. LD-14-05 – Reapproval – York Christian Church
- I. LD-14-06 – Reapproval – Candlewood Suites Hotel
- J. SD-15-01 – Time Extension – York Container Company Minor Subdivision – Plan Expires 8/7/15 (New Plan Date 10/6/15)

MR. SCHENCK MOVED TO APPROVE THE CONSENT AGENDA ITEMS A THROUGH K. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization to Award Bid to CriLon Corp. for the Graham Street Culvert Replacement Project in an amount not to exceed \$47,922.98

MR. SCHENCK MOVED IN REFERENCE TO THE GRAHAM STREET CULVERT REPLACEMENT PROJECT TO REJECT THE BID FROM UNDERGROUND UTILITY AND CONSTRUCTION SERVICES FOR BEING A NON-RESPONSIVE

BIDDER; THEREFORE, THE BID GOES TO THE SECOND LOW BIDDER, CRILON CORPORATION IN THE AMOUNT OF \$47,922.98. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-15-01 – First Baptist Church Expansion Final Land Development Plan (9/24/15)

LANG Ms. Lang presented the Final Land Development Plan for LD-15-01, as documented in a memorandum to the board dated July 23, 2015. The Plan Summary proposed to develop a 6,000 square foot expansion of the existing church with the addition of a multi-purpose space to accommodate social functions for the congregation. Ms. Lang presented a PowerPoint overview showing the Project Narrative, an Aerial View, and the Proposed Site Plan. The project was reviewed and recommended by the Planning Commission on June 18, 2015 with two waivers that were requested, one for the traffic impact study and the construction of sidewalk along Druck Valley Road with a standard note on the plan to provide sidewalks within notification of six months. There were several administrative issues and seven conditions, three of which are design issues assigned by the Planning Commission also documented in the memorandum.

SWOMLEY Chairman Swomley asked whether there was anyone from the public present who wished to comment on the plan. There were no public comments.

MR. DVORYAK MOVED WITH REFERENCE TO FINAL LAND DEVELOPMENT PLAN 15-01, FIRST BAPTIST CHURCH, TO APPROVE THE PLAN WITH THE TWO WAIVERS AND THE SEVEN MODIFICATIONS THAT ARE IDENTIFIED ON THE AGENDA. MOTION UNANIMOUSLY CARRIED.

8. COMMUNICATION FROM SUPERVISORS

PHAN Ms. Phan thanked everyone who was involved with the Food Truck Fridays. She noted a great turnout from the community. She added kudos to those who worked behind the scenes to get the information out to the residents.

DVORYAK Mr. Dvoryak extended his compliments to the police department for the Re-Accreditation received this date. He looked forward to reading about it in the newsletter.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch brought forward the Firehouse Shoppes project. He explained that as part of the approval process, it was necessary to do a Land Development Plan. Several developers had pursued development, and there was a Developer's Agreement that was recorded, which included a \$10,000 contribution towards the traffic, some ADA improvements, and streetlights. The new developer plans to do essentially the same, and a new Developer's Agreement had been created, which removes the old one. Solicitor Rausch requested board approval for the new Developer's Agreement.

MR. SCHENCK MOVED FOR APPROVAL OF THE DEVELOPER'S AGREEMENT FOR THE FIREHOUSE SHOPPES PROJECT. MOTION UNANIMOUSLY CARRIED.

RAUSCH Solicitor Rausch reported that he had received a telephone call from Gavin Markey, the Zoning Hearing Board Solicitor. The Zoning Hearing Board on an application for a garage had granted a variance with variance from the setbacks. Neighbors appealed, and Standard Operating Procedure is for the township to file a Notice of Intervention. The Zoning Hearing Board does not have appeal rights, and if an appeal is needed, then the township has to enter it. It is a Standard Operating Procedure for the township to intervene as a party. He requested approval for himself to file the Notice of Intervention.

MR. SCHENCK MOVED TO ALLOW THE SOLICITOR TO WORK WITH THE ZONING HEARING BOARD SOLICITOR TO FILE AN INTERVENTION FOR THE APPEAL TO THE ZONING HEARING BOARD. MOTION UNANIMOUSLY CARRIED.

RAUSCH Solicitor Rausch had indicated in his written report that when the Volunteer Fire Company sold the fire station and the fire company vacated the fire station and moved to the new fire station, the county did an interim assessment on the theory that they no longer operated a non-profit building. There was no time to appeal due to the upcoming sale, so the taxes were paid. Solicitor Rausch suggested that a letter be sent to the school district and to the county requesting reimbursement of the taxes. The Volunteer Fire Company attorney prepared the letters that Don Eckert signed, and then the Chairman will sign to determine if there is some relief.

DENNE Ms. Denne reported that Mr. Eckert had visited her office just before the meeting. He would like to have the letter amended and intended to contact the attorney at CGA, have it mailed to her, and she advised she would sign it and take care of it.

10. MANAGER'S REPORT

DENNE Ms. Denne reminded everyone that Tuesday night is National Night Out and they would be at St. Joe's Church for the festivities and hot dogs. In addition, she reported that the auction for the Long Drive property is set for Tuesday, September 15. The auctioneer is handling everything including the marketing and documentation necessary for that property.

11. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2015-44 – Liquor License Transfer – Marcello's, 17 Cinema Drive

MR. DVORYAK MOVED TO APPROVE RESOLUTION 2015-44. MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2015-45 – National Night Out

MR. SCHENCK MOVED, WITH PLEASURE, TO ADOPT RESOLUTION 2015-45 RECOGNIZING TUESDAY, AUGUST 4 AS NATIONAL NIGHT OUT. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business for action.

13. NEW BUSINESS

A. Acknowledge Receipt of Audit Report for Year Ending December 31, 2014.

MR. SCHENCK MOVED TO ACKNOWLEDGE RECEIPT OF THE AUDIT REPORT.

REINER Michael Reiner, Sager, Swisher & Co. presented the 2014 Audit Report, a copy of which had been provided to the board members. He highlighted some significant items in the extensive report.

- The report is a full GASBE report with a summary of the governmental, business-type activities, the Authority, the General Fund, the Capital Project Fund, and the Sewer Fund.
- GASBE decided to change the full accounting formula. Assets minus liabilities do not equal equity any more due to the deferred outflow. That deferred outflow represents the bond refinancing costs related to the

refinanced debt. Some of those costs now have to be written off the life of the debt.

- \$148,000 will be amortized over the cost of the refinanced debt.
- The MBNA document is one for which they only perform limited procedures and do not render an opinion.
- They do not audit the budget preparation; only the results of operation.
- Governmental activities came in over \$33 million; business-type activities came in at over \$40 million. These include the infrastructure of the township.
- \$1.2 million in Capital Contribution assets was added due to dedicated road projects.
- The General Fund showed the original and final budgets, actual results of operations and then the net change. This year the township actually budgeted for a deficit but the result came in \$161,000 to the good for the township, which did increase the Fund Balance.
- It was a phenomenal year for Earned Income Tax collection, as well as distributions of back taxes.

REINER Mr. Reiner commented regarding two communications; one is related to their Management Letter, in which there were a number of points. All points have been addressed. In addition, the second report related to the Sewer Operation Audit. The cost per thousand gallons went down because of cost control, overall treatment costs and the increase of volume of gallons of waste.

DVORYAK Mr. Dvoryak questioned the banner year for Earned Income Tax.

REINER Mr. Reiner responded that the Earned Income Tax Bureau also goes through an audit process. They hold reserves for outside claims. Following a certain period, they distribute to the municipalities that have no claims. Occasionally those distributions are included as part of the Earned Income Tax Distributions.

MOTION UNANIMOUSLY CARRIED.

B. LERTA Presentation – Blanda Nace

NACE Mr. Blanda Nace introduced himself as representing the York County Industrial Development Authority. The purpose of their presentation to the board was to discuss a Global Economic Revitalization Act Assistance Program. He added that two other individuals were present to discuss the subject: Kenetha Hanson, Vice President of Economic Development for the York County Economic Alliance, as well as Brent Miles from Northpoint Development.

This discussion was extensive and covered many details. For the purpose of these minutes, a summary is highlighted.

- Project is at Eden Road and is referred to as the Eden Road Redevelopment Project.
- Property is assessed at \$3.7 million.
- York County Industrial Development Authority began discussions with Harley back in November 2009. A subdivision plan was created and YCIDA purchased 58 acres of Harley's 220 on June 14, 2012. In November, 2012 a Flexible Development Overlay designation was received, which the Board of Supervisors then approved on December 13, 2012. Recently on July 16, 2015, the Planning Commission recommended the site for a LERTA designation. Several developers had done due diligence at the site. However, a Letter of Intent had been received from Northpoint in January, which is based out of Kansas City. Northpoint's due diligence period expires the end of August.
- Mr. Brent Miles of Northpoint provided an overview of their company, their plans, their background, their expertise, their financing and noted they are not concerned about the environmental issues. They have an excellent record of accomplishment for producing results.
- It is their intention to build a 755,000 square foot building. Construction would begin as early as possible in 2016 once the weather breaks. Their investment is about \$30 to \$50 million; expecting to bring in 650 jobs.
- Some overview slides were shown of potential Investment Class A industrial buildings; also a photo of Riverside Horizons in Kansas City, which they built.
- The Economic Alliance staff did an Economic Impact Analysis, which has three components: the Direct Affect (actual jobs and construction jobs on the project); Indirect Affect (doing business with other local businesses); and an Induced Affect (Third Tier of the money and jobs created.) Total Economic Impact of about \$173 million to this region; supporting 1,300 people.
- LERTA, established by the Commonwealth allows taxing authorities the ability to exempt improvements to a property. Exemptions are based upon the delta (the increase in the tax amount). A property worth \$100,000 and \$200,000 improvements are added to it, the delta is what is abated. A property must have some type of deteriorating condition; hence the reference to all the environmental. The same standards for LERTA are applied with Springettsbury's Flexible Development Overlay. The Planning Commission appropriately worked through that process. It actually ties into the blight designation with the Commonwealth's Urban Redevelopment Law.

- Planning Commission moved for a favorable recommendation to the Board of Supervisors for a LERTA designation for the specific parcel. The process is that the Planning Commission reviews and makes a recommendation. The next steps are to review and agree with that recommendation from the Planning Commission and agree to hold the LERTA required Public Hearing with a 30-day notice. This is essentially the introduction of the ordinance and advertisement of a Public Hearing. After the 30-day advertisement, the Public Hearing would be held and the Board of Supervisors would pass the ordinance to designate the site as LERTA. In addition, the Board of Supervisors would include in the resolution to participate in the LERTA designation as well. They are meeting with Central School District and the York County Commissioners as well.
- If LERTA is approved the property tax is one mil; annual property tax bill is \$3,700. School District is the big player at 18.6 mils, about \$70,000 a year. County of York is at \$4.5, about \$17,000 a year for a total tax liability of \$90,000. Northpoint will be responsible for that. The developer is requesting that the initial five year is done at zero and then phased up by 10% or 20% a year.
- When the property is completely built with 755 square feet at \$31.00 a square foot for the building, about a \$26 million total value at build out. Total tax liability at the end is \$629,580 with the ramping up at 20%.

MR. DVORYAK MOVED TO ACCEPT THE RECOMMENDATION OF THE TOWNSHIP PLANNING COMMISSION ON THE REQUEST FOR THE LERTA DESIGNATION FOR THE REDEVELOPMENT OF 1445 EDEN ROAD AND AGREE TO ADVERTISE TO HOLD A PUBLIC HEARING ON SEPTEMBER 10TH. MOTION UNANIMOUSLY CARRIED.

14. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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