

**SPRINGETTSBURY TOWNSHIP  
REGULAR MEETING**

**AUGUST 28, 2014  
APPROVED**

The Board of Supervisors of Springettsbury Township held a Regular Meeting on Thursday, August 28, 2014 at 7 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

**MEMBERS IN**

**ATTENDANCE:** George Dvoryak, Chairman  
Mark Swomley, Asst. Secretary/Treasurer  
Bill Schenck  
Kathleen Phan

**MEMBERS NOT**

**IN ATTENDANCE:** Julie Landis, Vice Chairman

**ALSO IN**

**ATTENDANCE:** Charles Rausch, Solicitor  
Dori Bowders, Interim Administrator  
John Luciani, Civil Engineer  
Paul Gross, Buchart-Horn, Inc.  
Patricia Lang, Director of Community Development  
Jack Hadge, Finance Director  
Betty Speicher, Director of Human Resources  
Mark Hodgkinson, Director of PW/Wastewater Treatment  
David Wendel, Director of Parks and Recreation  
Lt. Todd King, Police Department  
Jean Abrecht, Stenographer

**1. CALL TO ORDER**

A. Opening Ceremony

**DVORYAK** Chairman Dvoryak called the meeting to order. He mentioned that Mrs. Landis-Trott was unable to be present and led the Pledge of Allegiance.

**2. ANNOUNCEMENT OF EXECUTIVE SESSIONS**

- A. July 30, 2014 – 6:30 p.m. – Personnel
- B. August 11, 2014 – 8:00 a.m. - Personnel
- C. August 13, 2014 – 12:00 p.m. – Personnel

**DVORYAK** Chairman Dvoryak announced that a series of Executive Sessions had been held on July 30<sup>th</sup> at 6:30; August 11<sup>th</sup> at 8 a.m.; and on August 13<sup>th</sup> at 12 p.m., all to discuss personnel matters. No Executive Sessions were scheduled for this date.

**3. COMMUNICATION FROM CITIZENS**

**HELLER** Jane Heller, 1819 Idlywyld Road brought forward the item concerning speeding traffic on Memory Lane Extended. Her residence is on Idlywyld and she felt it was very dangerous to try to enter onto Memory Lane Extended. She requested the possibility of speed humps.

**DVORYAK** Chairman Dvoryak responded that the police were present and they had made note of her location and the speeding. Assistance with speeding always begins with enforcement, but beyond that the township has a speed hump policy, and she could discuss that with Mrs. Bowders.

**POCK** Mary Pock, 181 South Royal Street brought forward a potential development at the corner of south west corner of Royal Street and Eastern Boulevard. She had several questions about the zoning for duplexes, for parking, and advice to the neighbors.

**LANG** Ms. Lang responded that some information had been received from a developer interested in developing that specific corner in the R2 zoning district. Duplexes are a permitted use and do not need a variance. Garages and parking will be provided; however, nothing specific had come before the Board of Supervisors, Planning Commission or Zoning Hearing Board. She invited Mrs. Pock to come in to her office in Community Development to see what had been presented to date.

**HARVEY** Michael Harvey, 415 Skyview Drive, York, PA came before the board for a third appearance with regard to the problem that had developed with his escrow account. His main reason for the visit this date was to ascertain when he would be reimbursed for his use of an attorney on his first visit.

A lengthy discussion took place which included a detailed review of his previous visits, the process as it had evolved, and several comments by board members indicating there had been no need for an attorney. Several additional comments came forward:

- He had received a refund for the engineering charges from his escrow account based on the recommendation of Solicitor Rausch.
- An entire audit of the process, management and handling of escrow accounts is underway.

**4. ENGINEERING REPORTS**

A. Environmental Engineer – Buchart Horn, Inc.

**GROSS** Paul Gross, representing Dennis Crabill reported that a monthly report had been submitted. He offered to respond to questions.

**PHAN** Ms. Phan brought forward some questions concerning the firehouse. She noted that the board had approved an extension to July 31<sup>st</sup>, and she questioned whether it was truly done as of July 31<sup>st</sup>, and if not, who's financially responsible. A lengthy discussion took place which is summarized:

- Her last visit to the firehouse did not look complete.
- A substantial completion notice may have been given prior to final punch list item completion.
- Building should be functioning at its purpose; complete to the point of occupancy.
- Liquidated damages can be assessed as occupancy was long past July 31<sup>st</sup>.
- Some financial harm was incurred due to the delays.
- Contractor will submit their final payment; township has retainage for liquidated damages.
- Project Manager listed liquidated damages as \$1,000 per day after established completion date.

B. Civil Engineer – First Capital Engineering, Inc.

**LUCIANI** Mr. Luciani had submitted his monthly report. He had several updates which follow:

- Resolutions on the agenda for adoption to formally adopt Orchard Hills; must be submitted to PennDOT by September 1 in order to receive liquid fuels for the roadways.
- Fineview Drive significant drainage/icing
  - 14 acres of water floods onto Fineview Drive with no inlet system.
  - Engineer's estimate - \$115,000; second estimate with extra inlets \$160,000. Best Penn Bid range \$121,000 (price will hold until end of winter-early March).
  - Additional problem with necessity to move a gas line \$5,000; they can't mobilize until November leaving road with holes through the winter; not

a good option. May be additional expenses involved in moving the gas line, unknown at this time.

- Project not recommended at this time as funding is not in place; need to set additional money aside.
- Project update will come in September.
- Public Works will pay specific attention to Fineview during the winter months.
- Residents need to be kept up to date on the project.
- Alpine Road Project – Scheduled to begin within a few weeks; project under budget.

**5. CONSENT AGENDA**

- A. Acknowledge Receipt of July 31, 2014 Treasurer’s Report
- B. Board of Supervisors Regular Meeting Minutes – June 26, 2014
- C. Board of Supervisors Regular Meeting Minutes – July 24, 2014
- D. Lobar, Inc. – Springettsbury Fire Building Project – Application for Payment No. 11 in an amount not to exceed \$217,772.32
- E. Shannon A. Smith, Inc. – Springettsbury Fire Building Project – Application for Payment No. 11 in an amount not to exceed \$92,072.10
- F. Garden Spot Mechanical – Springettsbury Fire Building Project – Application for Payment No. 8 in an amount not to exceed \$39,060
- G. Silvertip, Inc. – Springettsbury Fire Building Project – Application for Payment No. 12 in an amount not to exceed \$4,132.50
- H. Regular Payables as Detailed in the Payable Listing of August 28, 2014
- I. LD-14-03 – Time Extension – Dollar General – Plan Expires 9/17/2014 (New Plan Date 12/16/2014)
- J. SD-14-02 – Time Extension – Dollar General – Plan Expires 9/17/2014 (New Plan Date 12/16/2014)
- K. SD-07-06 – Time Extension – Triplet Springs – Plan Expires 9/16/2014 (New Plan Date 12/15/2014)
- L. Authorization to Approve Tax Refund Request for Tax Year 2014 – David J. & Lisa A. Ferguson (Parcel #46-KI-98D) in the amount of \$15.02

**MR. SCHENCK MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH L. MOTION UNANIMOUSLY CARRIED.**

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

- A. Authorization to Approve Change Order Request – Lobar, Inc. – Springettsbury Fire Building Project in an amount not to exceed \$3,806.50 – Mark Hodgkinson
- B. Authorization to Approve Change Order Request – Silvertip, Inc. – Springettsbury Township Fire Building Project in an amount not to exceed \$1,472.55 – Mark Hodgkinson

**MR. SCHENCK MOVED TO AUTHORIZE CHANGE ORDER REQUESTS RELATED TO ITEMS A AND B FOR LOBAR IN THE AMOUNT OF \$3,806.50 FOR CASE WORK AND FOR SILVERTIP, INC. IN THE AMOUNT OF \$1,472.55 FOR PLUMBING FIXTURES. MOTION UNANIMOUSLY CARRIED.**

- C. Authorization to Enter into Subscription Agreement with Emergency Health Services Federation (EHSF) and ESO Solutions, Inc. for Electronic Patient Care Reporting (EPCR) Software Services (2-year term at no cost) – Chief McCoy/Charlie Rausch

**MR. SCHENCK MOVED TO ENTER INTO THE AGREEMENT WITH EMERGENCY HEALTH SERVICES FEDERATION AND ESO SOLUTIONS, INC. FOR THE NEW REPORTING SYSTEM FOR EMS FOR A TWO-YEAR NO-COST CONTRACT. MOTION UNANIMOUSLY CARRIED.**

- D. Authorization for the Interim Administration to Execute Current Energy Contract (Benchmark Energy Solutions) – Jack Hadge

**MR. SCHENCK MOVED TO AUTHORIZE THE INTERIM ADMINISTRATOR, DORI BOWDERS, TO EXECUTE THE CURRENT ENERGY CONTRACT. MOTION UNANIMOUSLY CARRIED.**

**7. SUBDIVISIONS AND LAND DEVELOPMENT**

- A. LD-08-14R – Towneplace Suites by Marriott Revised – Request to Modify Recorded Land Development Plan to Remove Pedestrian Bridge – 8/28/14

This item was continued.

- B. Discussion – Request for Zoning Amendment at 3883 East Market Street (old York Valley Inn site)

**MR. SWOMLEY MOVED TO SEND THE REQUEST FOR ZONING AMENDMENT AT 3883 EAST MARKET STREET TO THE PLANNING COMMISSION FOR FURTHER STUDY. MOTION UNANIMOUSLY CARRIED.**

C. Traffic Improvement Agreement – First Capital Federal Credit Union – Charlie Rausch

The item was tabled until the next meeting.

**8. COMMUNCIATION FROM SUPERVISORS**

**SCHENCK** Mr. Schenck publicly congratulated Jack Hadge for his persistence in pursuing the \$10,000 error by PennDOT in the township’s audit. Mr. Hadge had not given up even though the state said he had lost. He kept at it and the money was put in the right place. He thanked Mr. Hadge.

**PHAN** Ms. Phan mentioned the effort made by the Springettsbury Police Department, together with other police departments, along Route 30. Many of the residents had read articles in the newspaper, and numerous letters were received from residents giving thanks to the police department. She wanted to thank the Chief and his staff. She read several letters received.

**PHAN** Ms. Phan mentioned, in addition, the Police Chief Hyers attended the NAACP meeting that had been organized following the shooting incident in Ferguson, Missouri. There was a very good article in the York Daily Record. Residents were asking questions of the police, and Chief Hyers had responded to the questions from his heart and with professionalism.

**DVORYAK** Chairman Dvoryak brought up the matter of the EMS service. He noted there had been questions raised during board meetings and out in the community wanting to know about the Collective Bargaining process, where it stands and more importantly whether the township is planning to eliminate the ambulance service. He, with Chief McCoy’s assistance, had drafted a letter which he had circulated to the board members. He wanted to reassure residents that the township will continue to provide top-notch quality ambulance service should they need it.

**MR. SCHENCK MOVED THAT THE BOARD DISTRIBUTE THE LETTER DRAFTED REGARDING THE STATUS OF THE EMERGENCY MEDICAL SERVICES AS DISCUSSED THROUGH A PRESS RELEASE, SOCIAL MEDIA AND THE TOWNSHIP WEBSITE. MOTION UNANIMOUSLY CARRIED.**

**PHAN** Ms. Phan mentioned that there is a pickle ball court at Springettsbury Park. She encouraged the residents to come out and try the game.

**DVORYAK** Chairman Dvoryak reported that he and Mrs. Speicher sat in on an audit by the state of the pension plans. This was a review of preliminary findings. A formal report will be provided to the board in the future.

**DVORYAK** Chairman Dvoryak reported that he had received a question from a resident over his sewer bill. The resident had moved within the township, had lived in the township 25 years, and his sewer bill never caught up with his new address. He was charged a late fee, which staff had advised that under no circumstances are late fees waived. A lengthy discussion took place which is summarized:

- Some grace period should exist for someone who has paid their bill faithfully for 20 years.
- Consideration of a procedure for staff in similar situations to give the billing agent discretion to waive a penalty.
- Circumstances can be caused by the township not getting the bill sent to the right place/person. Caution must be exercised in drafting any such policy; appropriate wording.
- Banking policies review past history, previous waivers of fees, Managers decide.
- Mrs. Bowders to review with staff for a fair way to apply with discretion.

**Consensus of the board was that Dori Bowders and staff would review an appropriate procedure where it would be applicable to waive a late fee for sewer bills.**

## **9. SOLICITOR'S REPORT**

**RAUSCH** Solicitor Rausch had provided his written report, and he had nothing further to add.

## **10. MANAGER'S REPORT**

**BOWDERS** Mrs. Bowders called attention to Mr. Wendel's memo regarding the parks that had been attached to the Manager's Report.

**DVORYAK** Chairman Dvoryak responded that he would bring that item forward during New Business.

## **11. ORDINANCES AND RESOLUTIONS**

- A. Ordinance No. 2014-03 – Authorizing Intergovernmental Cooperation Agreement for Sanitary Sewer Realignment in the Vicinity of I-83, Exit 18 with Spring Garden Township – Charlie Rausch

**MR. SWOMLEY MOVED TO APPROVE ORDINANCE NUMBER 2014-03. MOTION UNANIMOUSLY CARRIED.**

- B. Ordinance No. 2014-04 – Authorizing Execution of Intergovernmental Cooperation Agreement for Implementation of York County Regional Chesapeake Bay Pollutant Reduction Plan – Charlie Rausch
- C. Resolution No. 2014-54 – Municipal Election to Opt-in to York County Regional Chesapeake Bay Pollutant Reduction Plan – Charlie Rausch.

**MR. SWOMLEY MOVED TO ADOPT ORDINANCE NUMBERS 2014-04 AND 2014-54. MOTION UNANIMOUSLY CARRIED.**

- D. Resolution No. 2014-55 – Amending Resolution No. 2012-33 Which Adopted a Fund Balance Policy under GASB Statement 54 – Jack Hadge

**MS. PHAN MOVED TO ADJUST THE FUND BALANCE POLICY FROM THE 12% THAT IT STANDS AT NOW TO 10%. MOTION UNANIMOUSLY CARRIED.**

- E. Resolution No. 2014-56 – PennDOT Municipal Five-Year Agreement for Winter Traffic Services (2015-2019) – Mark Hodgkinson

**MR. SCHENCK MOVED TO APPROVE RESOLUTION 2014-56, FIVE-YEAR AGREEMENT WITH PENNDOT FOR TOWNSHIP TO PLOW THE STREETS LISTED IN THE AGREEMENT. MOTION UNANIMOUSLY CARRIED.**

- F. Resolution No. 2014-57 – Appointment of Township Manager

**MR. SWOMLEY MOVED TO ADOPT RESOLUTION NO. 2014-57 TO APPOINT THE NEW TOWNSHIP MANAGER, KRISTEN DENNE. MOTION UNANIMOUSLY CARRIED.**

**12. OLD BUSINESS**

**Pat Morin – Fence Issue**

**DVORYAK** Chairman Dvoryak brought forward the matter of a neighbor's fence that had been discussed during the previous meeting by Mrs. Patricia Morin of Haines Road. She had provided the board with some information, and Patricia Lang had provided Chairman Dvoryak with additional documentation concerning the issues. He had called Mrs. Morin to pass the information along and discovered different issues, following which he had visited her site. He noted several concerns:

- Neighbor's son is a township inspector implying the township is letting something slide; individual was not involved.
- Height of fence on neighbor's property; ordinance is clear: 6 feet; some grading work done.
- Other side fencing is 6'5" due to a 2X6 retaining board attached to the fence; inadequate grading.
- Quality of construction of fence with some fasteners; Building Code does not apply.

**LANG** Ms. Lang responded that material is not dictated and can be vinyl or wood fences. Property Maintenance Code applies if and when fences become deteriorated.

**SWOMLEY** Mr. Swomley questioned whether the resident had requested a change in elevation of the property.

**LANG** Ms. Lang responded that they had known they were going to regrade the property.

**SWOMLEY** Mr. Swomley asked from where the height of the fence would be measured.

**LANG** Ms. Lang responded that they do not measure the post or the cap that is almost always higher than six feet. They measure the panel, which comes in standard sizes. The panel that's on the property at 200 Haines Road is the same size as the panel at 210 Haines Road. They are exactly the same at six feet. It is set above the grade higher than six feet but the panel measures six feet on both sides. It may appear higher from her side because the ground is higher.

**DVORYAK** Chairman Dvoryak questioned whether the board needed to make the ordinance more clear that it is the height of the panel that determines the height. He noted that she appreciated his visit to her property to see the issue first-hand.

**SCHENCK** Mr. Schenck noted that there are times when neighbors disagree and try to use the township as a lever between them. He thought the board had done all its due diligence. He added it was great that he went to her property.

**Dr. Bentivegna – Mowing**

**DVORYAK** Chairman Dvoryak brought forward an issue involving a property on Eastern Boulevard owned by Dr. Bentivegna, which he had been faithfully mowing for many years. Several things took place:

- York Water Company was there doing some pipe work and posted a Please Do Not Disturb this area sign. As a result he did not cut the grass.
- Township inspector made note that the grass was more than eight inches.
- A notice was posted on the lot to inform the property owner, which the property owner never saw.
- Township cut the grass and sent Dr. Bentivegna a \$150 bill.
- Review to be made of policy in terms of advising situation to property owners.

**MR. DVORYAK MOVED THAT THE TOWNSHIP REFUND \$150 TO DR. BENTIVEGNA FOR THE MOWING SERVICE WITH APOLOGIES FOR REACTING TO THE SITUATION. MOTION UNANIMOUSLY CARRIED.**

**13. NEW BUSINESS**

- A. 2010 Series AA Sewer Bonds Refunding – Jack Hadge/Chris Gibbons
- B. Authorization to Execute Letter with Concord Public Finance to Serve as Bond Financial Advisor for 2010 Series AA Sewer Bonds Refunding – Jack Hadge/Chris Gibbons

**MR. SCHENCK MOVED TO AUTHORIZE MR. HADGE TO PROCEED WITH THE INVESTIGATION OF REFUNDING AND FURTHER AUTHORIZE HIM TO USE THE LETTER WITH CONCORD PUBLIC FINANCE TO ACCOMPLISH THAT AS WELL AS THE LETTER OF AGREEMENT THAT FOLLOWS, ITEMS A AND B. MOTION UNANIMOUSLY CARRIED.**

**C. INSURANCE CARRIER RECOMMENDATION**

- A. Augustus Schaefer Park; Pleasureville Park

**WENDEL** Mr. Wendel had provided the board with a memorandum outlining the recommendation made by Insurance Carrier to either add safety surfacing material at the playgrounds at Pleasureville Park and Augustus Schaefer Park, and if that's not possible to remove the equipment. Mr. Wendel's recommendation, along with the Parks and Recreation Board, is to remove the equipment. The reasons include the following:

- Neither park is handicap accessible, ADA compliant, and the equipment at both parks is dated.
- The equipment does not meet the ASTM Technical Guidelines for playgrounds or the Consumer Product Safety Commission Guidelines for Safety.
- Pleasureville Park is a leased property to Commonwealth Fire Company.
- Augustus Schaefer Park is hardly used where most users prefer Stonewood Park.
- To make these two parks safe and compliant it would take thousands of dollars.
- Insurance carrier is indicating a decision must be made going forward.

**MR. SCHENCK MOVED TO IMPLEMENT THE RECOMMENDATION MADE BY DAVID WENDEL, DIRECTOR OF PARKS AND RECREATION, TO REMOVE THE PLAYGROUND EQUIPMENT AT PLEASUREVILLE AND AUGUSTUS SCHAEFER PARK. MOTION UNANIMOUSLY CARRIED.**

**D. Resolution 2014-58 - Manager's Ordinance**

**SCHENCK** Mr. Schenck brought forward a Resolution to uphold the Manager's Ordinance. He noted there had been several instances where some individuals on the Board of Supervisors had not conformed to the Manager's Ordinance. He noted it was of importance to him especially now that a new Manager had been hired. He was aware during the Manager search that the candidates were exploring the township's Manager's Ordinance in order to understand the authority and powers they would be given. Mr. Schenck read portions of the draft Resolution and concluded it in the form of a motion.

**MR. SCHENCK MOVED FOR ADOPTION OF RESOLUTION NO. 2014-58. MOTION UNANIMOUSLY CARRIED.**

**14. ADJOURNMENT**

**DVORYAK** Chairman Dvoryak asked whether anyone had anything further for the Good of the Order.

**CRUMLING** Larry Crumling thanked the township formally for the support that has been given for the archeological project. The driveway and parking is adequate. There is a 200 yard walk to the site, but that is understandable. He had been there every day except this date. He was sure that Mr. Warfel would like to have the Supervisors

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come and visit whenever possible all of September from 9 a.m. to 4 p.m. Monday through Friday. There had been great press and they had found minimal artifacts already for just three days. They will be digging about 100 holes two feet in diameter by two feet deep; all the earth will be sifted for artifacts. He thanked the board again and indicated it was good for the township and for York County.

**DVORYAK** Chairman Dvoryak thanked him for volunteering and adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Doreen K. Bowders  
Secretary

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