

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**SEPTEMBER 12, 2019
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, September 12, 2019 at 7 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

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

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Charles Rausch, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Dori Bowders, Manager, Administrative Services
Nitza Sanchez-Bowser, Director of Human Resources
Teresa Hummel, Finance Director
Mark Hodgkinson, Director of Public Works/WWT
Jessica Fieldhouse, Director of Community Development
Lt. Tony Beam, Police Department
Andy Hinkle, Manager, Information Systems
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the Board of Supervisors meeting to order at 7:06 p.m. and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. August 21, 2019: 7:50 p.m. – Personnel

SWOMLEY Chairman Swomley announced that an Executive Session was held August 21, 2019 for the purpose of discussing personnel issues, and an Executive Session was held this date to discuss Contract Negotiations.

3. COMMUNICATION FROM CITIZENS

SHIREY Mr. Tom Shirey of East Berlin came before the board to request permission to gain access to Camp Security in Springettsbury Township. The purpose of his request is that he is a paranormal investigator who belongs to a group, Through the Nail Investigations. They will film a television show, Truth or Legends in Your Hometown for Season 3 probably airing in October or November of 2020. They will investigate the site to determine if it is a truth or a legend of actual paranormal activity. He had discussed this with Friends of Camp Security, and they are not opposed to it. He noted they have a \$2 million liability policy and would sign any necessary release forms.

MARCHANT Ms. Marchant stated that he had discussed this with Mr. Shirey and advised that the township would require a proposal in writing with a specific date, number of people, hours they would be there and a waiver of liability naming the township additionally insured up to \$1 million to cover the township. Any proposal will be reviewed by Solicitor Rausch.

WURSTER Mr. Wurster noted it to be an exciting opportunity for the township. He would like his proposal to be blessed by the Friends of Camp Security group moving forward. Any proposal put together should be reviewed and approved by them as well.

Consensus of the board was approval to proceed with preparation of the necessary proposal and waivers.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill stated he had provided a written report to the board. He had no changes and offered to respond to questions.

WURSTER Mr. Wurster questioned what he meant by the extra work claim by Enrich.

CRABILL Mr. Crabill responded that they had met with Enrich seven weeks ago when they claimed extra work that they had to do. He and Mr. Hodgkinson went through the claims and he sent them a formal letter indicating the township's response to their claims. He had not heard back from them. He had sent an additional email indicating it had been seven weeks and they had not responded. This date he had spoken with Solicitor Rausch to check legalities on whether he could send an additional correspondence that if there continued to be no response the township would assume that they agree and a Change Order would be processed with or without their signature.

RAUSCH Solicitor Rausch indicated if the township issued a proposal and there is no response, he did not know any reason why the township can't indicate its position.

If they disagree then they have to respond, but it would be nice to get it completed.

B. Civil Engineer – First Capital Engineering, Inc.

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

- PennDOT had scheduled a Public Meeting on the I-83 Improvements for October 1st. He will provide a flyer on the subject for Mr. Marchant to issue to the board.
- York County Stormwater Consortium will have a pre-bid meeting for their Pollutant Reduction Plan; however, no bids will be accepted until December 3rd.
- A report was received on a minor subdivision called Gang Estates. The Planning Commission will be reviewing the plan and determine if it is appropriate for a minor or a major subdivision.

SWOMLEY Chairman Swomley questioned whether it was a plan that had been reviewed some time ago that had some water and sewer issues.

LUCIANI Mr. Luciani responded that he was correct. It was the old Long Estate where their family had built houses here and there along with their Attorney Richard Mylin, who still lives there as Trustee. There are five houses accessed by a narrow single car driveway. There is a larger piece of ground connected to 30 acres of interest to a developer. They plan to take the larger piece of ground and leave the five houses. They had visited the Zoning Hearing Board in 2012 and again in 2014, but no improvements were made.

SWOMLEY Chairman Swomley asked how many houses could go in on 30 acres.

FIELDHOUSE Ms. Fieldhouse stated it is R-20.

LUCIANI Mr. Luciani commented an R-20 development could provide ½ acre lots.

SWOMLEY Chairman Swomley noted that there could be potentially up to 60 houses. He questioned how it could be a minor subdivision.

FIELDHOUSE Ms. Fieldhouse responded that it is a minor subdivision because what they are doing is attempting to get better access to the 30 acres. They plan to subdivide a two-acre piece off an adjoining parcel and adding it to theirs. It is a minor subdivision because they are not proposing any homes and they're not proposing any new additional building lots; they are just moving a lot line.

SWOMLEY Chairman Swomley noted that it would become a regular subdivision if they were to come back to develop the land.

FIELDHOUSE Ms. Fieldhouse responded that he was correct.

SWOMLEY Chairman Swomley asked if the township would lose anything by it becoming a minor subdivision at this point.

FIELDHOUSE Ms. Fieldhouse responded that staff's opinion that there is nothing to lose.

SWOMLEY Chairman Swomley asked for Mr. Luciani's opinion.

LUCIANI Mr. Luciani noted they are taking a house off of Deininger Road, and there is a pretty narrow road access. The ability to widen Deininger Road at that location goes away. His additional concern goes back to the five houses, which are on septic. It is a cluster from the beginning named Gang Estates, which includes septic for one or more of the houses. There is no public sewer in that remote area. The septic system is on someone else's parcel, which indicates that house will have no septic system. He noted this is more complex than just moving a property line. The Zoning Hearing Board will decide whether or not to waive and allow the minor subdivision process or go through and potentially get widening and public sewer extensions, etc.

SWOMLEY Chairman Swomley commented that this will go before the Planning Commission and then the Board of Supervisors will decide whether or not it will be a minor subdivision.

LUCIANI Mr. Luciani indicated he was correct. He asked for additional questions on his report.

SWOMLEY Chairman Swomley questioned the backup for Quattro Force Main.

LUCIANI Mr. Luciani responded that the condition that the board decided on originally was that Royal Farms was going to have backup power. Apparently now neither they nor Burger King will have backup power. The condition placed on that plan is backup power for the store. Mr. Luciani indicated that the testimony was that they would have backup power to stay viable. Because they will not have power, therefore, the pump station won't have power.

WURSTER Mr. Wurster questioned whether that decision on their part is compliant with a condition in their plan.

LUCIANI Mr. Luciani responded that he was correct. If the power goes out, they will go dark. The pump will stop.

SWOMLEY Chairman Swomley asked whose responsibility it would be if there is an overflow.

LUCIANI Mr. Luciani responded that the township would be cited and then go back to them for reimbursement.

WURSTER Mr. Wurster questioned how many instances of backup sewage the township has had due to power failures in the last 10 years.

- LUCIANI** Mr. Luciani indicated he couldn't say there were any. There was a broken force main. Any time a municipality violates the Clean Stream laws, the township is the permittee, and it does happen on occasion.
- SWOMLEY** Chairman Swomley commented that this would be minimal.
- LUCIANI** Mr. Luciani agreed. He added that there is an attempt to get rid of pump stations, and these are ones not wanted from the beginning. They're responsible.
- DVORYAK** Mr. Dvoryak brought up the recent report in the news concerning the City of Harrisburg dumping raw sewage into the Susquehanna River, much coming from the Capital Building, the Governor's Mansion, etc. He asked why is there a special exception for Harrisburg.
- CRABILL** Mr. Crabill responded that they have permitted combined sewers, storm sewer and sanitary sewer are comingled. In dry weather all the flow goes to the Wastewater Treatment Plant. When the rain comes it flushes the entire system.
- DVORYAK** Mr. Dvoryak questioned whether there is no requirement to fix that.
- LUCIANI** Mr. Luciani stated that a lot of the big cities have combined sewers.
- SWOMLEY** Chairman Swomley noted that the township is getting the brunt of it with MS4 even though it is the smallest portion. This is not fertilizer coming off the land.
- LUCIANI** Mr. Luciani indicated the township has no combined sewers; some infiltration problems but they get solved when they surface.
- COX** Mr. Cox questioned whether it is typical for Royal Farms not to have backup power in any other units.
- LUCIANI** Mr. Luciani responded that his clients tell him when there's ice cream and perishables and power is lost, the ice cream becomes frosted and that's a big loss for them. The bulk of his clients run their operations when they go dark if they're subject to power failures. He noted that he wasn't sure about the trend but if he owned a convenience store he would have backup.

5. CONSENT AGENDA

- A. Board of Supervisors Strategic Planning Work Session Minutes – August 7, 2019
- B. Board of Supervisors Work Session Minutes – August 7, 2019
- C. Board of Supervisors Work Session Minutes – August 21, 2019
- D. Board of Supervisors Conditional Use Hearing Minutes – August 22, 2019
- E. Board of Supervisors Regular Meeting Minutes – August 22, 2019
- F. Regular Payables as Detailed in Payable Listing of September 12, 2019
- G. Garden Spot Electric, Inc. – Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project – Application for Payment No. 6 in an amount not to exceed \$22,500

- H. Heisey Mechanical, Ltd. – Raw Pump Upgrade/Fat, Oil and Grease Acceptance Project – Application for Payment No. 2 in an amount not to exceed \$359,925.93
- I. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2019 – Springettsbury Township (Parcel #46-01-334) in the amount of \$45.77
- J. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2019 – BLM Construction (Parcel #46-02-04) in the amount of \$129.34
- K. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2019 – DGR Partners, LP (Parcel #46-J1-23H) in the amount of \$290.64
- L. Acknowledge Receipt of PA Department of Labor and Industry Audit Report #671655-5 – Accessibility Requirements of the Uniform Construction Code

**MR. TOMEVI MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH L.
MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.**

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Authorization for Township Manager to Execute Consulting and Grant Advisory Services Agreement with Griffin Stevens & Lee Consulting, LLC

SWOMLEY Chairman Swomley introduced item A and asked for discussion.

MARCHANT Mr. Marchant stated that a Proposal had been received from Griffin Stevens & Lee to serve as a consultant for the township to acquire state funding for special projects in the \$1 million to \$5 million range. Their model is a success-based commission, which lowers from the first success at 12 percent, second at 11 percent and 10 thereafter. They have a high success rate. Their firm includes attorneys, former employees and elected officials who have relationships in Harrisburg. Two projects with potential for grants are the new police station and Davies Drive.

The subject was discussed at length and some of the main points are summarized:

- Focus could be on grants unknown to the township; some grants pursued by the Transportation Consultant to be excluded; concern for overlap.
- Township would be directing which grants to be pursued.
- Discuss and review with Pennsylvania legislators as to how to successfully proceed in the process.
- Representation and advocacy imperative for success.
- Township to develop strategy either inhouse or a combination with advocacy.
- Search for an individual who writes grants on an hourly basis; could be an employee who does grant writing. Currently Abby Gibb writes grants; formerly Teri Gilfillan and Karen Edwards.
- Current RACP (Redevelopment Assistance Capital Program) funding was received by York Countians. Study their approaches.

- Continue research and reach out to other municipalities across the state; attend fall conferences. Review grant opportunities listed by the state.
- Review contract with Griffin for clarification and modification. Need for specifics on their scope of work. Items of concern:
 - ✓ Four-year program seems excessive; termination for good cause (defined by Griffin)
 - ✓ Indemnification clause – substantial
 - ✓ Township to protect them from anyone who sues them; they reimburse township only up to what the township has paid.
 - ✓ Exclusions; limited term.
 - ✓ Scope of work

B. Authorization to Advertise Vehicles for Auction through Enterprise Fleet Management

MR. TOMEVI MOVED TO AUTHORIZE ADVERTISEMENT FOR THE PROPOSED VEHICLE AUCTION SHOWN ON THE AGENDA, SECTION 6B. MR. COX WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS.

WURSTER Mr. Wurster reported that the Comprehensive Plan Steering Committee had an update from McMahon two weeks ago. They provided their draft outline of Transportation Projects. A draft of that report will be provided soon with a list of some transportation priority projects. McMahon has offered to provide the township with some grant funding assistance to secure funds for that sort of project. He noted that the Supervisors should set priorities. Mr. Wurster suggested that the project be presented to the public for some feedback and prioritize through an interaction session on the website. He was pleased with the project.

SWOMLEY Chairman Swomley brought up the subject of two books for the township personnel to read: The Ideal Team Player and Message to Garcia. He noted that Message to Garcia is a message about personal responsibility, personal initiative, going above and beyond and getting the job done correctly and on time, thinking outside the box. He suggested it is a good read.

SWOMLEY Chairman Swomley mentioned a telephone call he had received from John Bumsted with a concern about a site triangle issue. Unfortunately, he needed an address in order for the township to address his concerns.

9. COMMITTEE REPORTS

There were no Committee Reports.

10. SOLICITOR'S REPORT

- A. Solicitor's Report

RAUSCH Solicitor Rausch indicated he had nothing to add to his report.

11. MANAGER'S REPORT

- A. Manager's Report

MARCHANT Mr. Marchant had provided a written report to the board and had nothing to add. He stated that he would be traveling during the week of September 16th out of state.

12. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2019-46 – Authorizing Collector of Business Privilege and Mercantile License Tax to Waive Interest and/or Penalty Associated with Collection of Delinquent Business Privilege and Mercantile License Taxes

MR. TOMEVI MOVED TO ADOPT RESOLUTION NO. 2019-46 WITH A REQUEST THAT STAFF PROVIDE AN UPDATE AT THE SIX-MONTH MARK AS TO WHETHER THERE HAS BEEN ANY ACTIVITY. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Resolution No. 2019-47 – Authorizing Supplemental Appropriation from General Fund Reserves for Martin Library

MR. WURSTER MOVED FOR THE APPROVAL OF RESOLUTION 2019-47 OF SPRINGETTSBURY TOWNSHIP AUTHORIZING THE SUPPLEMENTAL APPROPRIATION FROM THE GENERAL FUND RESERVES FOR THE MARTIN LIBRARY FOR THE BENEFIT OF OUR RESIDENTS. MR. COX WAS SECOND. MOTION CARRIED; MESSRS. SWOMLEY, COX AND WURSTER VOTED IN FAVOR; MESSRS DVORYAK AND TOMEVI VOTED OPPOSED.

- C. Resolution No. 2019-48 – Appointment of Jessica Hilt to Historic Preservation Committee

MR. DVORYAK MOVED FOR THE APPROVAL OF RESOLUTION 2019-48, APPOINTMENT OF JESSICA HILT TO HISTORIC PRESERVATION COMMITTEE. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- D. Authorization to Advertise Ordinance Amending the Code of Ordinances, Chapter 312 – Vehicles and Traffic

MR. DVORYAK MOVED TO AUTHORIZE ADVERTISING ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 312 – VEHICLES AND TRAFFIC. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

There was no Old Business.

14. NEW BUSINESS

- A. Acknowledge Receipt of Police Pension, Death and Disability Fund Actuarial Valuation as of January 1, 2019
- B. Acknowledge Receipt of 2020 Minimum Municipal Obligation for Police Pension, Death and Disability Fund in the amount of \$882,291
- C. Acknowledge Receipt of 2020 Minimum Municipal Obligation for Non-Uniform Pension Plan in the amount of \$151,143
- D. Acknowledge Receipt of 2020 Minimum Municipal Obligation for Teamsters Pension Plan in the amount of \$142,843

MR. TOMEVI MOVED TO ACKNOWLEDGE RECEIPT OF ITEMS 14-A THROUGH D OF THE AGENDA. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

COX Mr. Cox reported that he had driven by the two condos on Kingston every day. There had been no work done, no trucks moved and no grass mowed.

TOMEVI Mr. Tomevi added that this morning there was one piece of equipment moving dirt. He was very surprised to see activity.

FIELDHOUSEMs. Fieldhouse reported that she had sent an updated email to a resident about the same concern. Part of the issue is that currently there is an active construction permit. The vehicles that residents had identified are housing construction vehicles needed for the homes. The contractor did remove all the material that had been dumped on the site due to the inactivity. She noted that the weeds are stabilizing the dirt. If they must cut them down there could be an ENS issue, which she would not want to see happen.

WURSTER Mr. Wurster asked how much time they have to complete this project.

FIELDHOUSEMs. Fieldhouse responded that the permit they have can be renewed and renewed. It is their project site. The township does not own it.

RAUSCH Solicitor Rausch noted the only recourse is to fine them, which may not accomplish much.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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