

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**SEPTEMBER 13, 2018
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, September 13, 2018 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
Charles Wurster

MEMBERS NOT

IN ATTENDANCE: Kathleen Phan

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Charles Rausch, Solicitor
John Luciani, First Capital Engineering
Dennis Crabill, Buchart-Horn, Inc.
Dori Bowders, Manager of Administrative Operations
Mark Hodgkinson, Director of Public Works/WWT
Teresa Hummel, Finance Director
Jessica Fieldhouse, Director of Community Development
Lt. Todd King, Police Department
Joe Madzelan, YAUFRR
Andy Hinkle, Manager of Information Systems
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

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

B. GFOA Distinguished Budget Presentation Award

SWOMLEY Chairman Swomley congratulated Teresa Hummel, Finance Director for her excellent work on the township budget. The award comes from the Government Finance Officers' Association of the United States and Canada, Ms. Hummel received a Certificate of Recognition for Budget Preparation. The award is the highest award in governmental budgeting and is presented to those government units whose budgets are judged to adhere to program standards. It is signed by the Executive Director, August 14, 2018

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

C. August 23, 2018 – 10:00 p.m. – Personnel

SWOMLEY Chairman Swomley announced that an Executive Session had been held for personnel August 23, 2018.

3. COMMUNICATION FROM CITIZENS

ARNOLD Edward Arnold, Representative of First Baptist Church, 3375 Druck Valley Road came forward to request an appeal for a tax matter. The church is tax-exempt. He provided some background of the issues. In 2016-2017 year the church had expanded in order to do various ministries in the church, all of which would have been tax exempt. On March 31, 2017 the church received two notices of change of assessment. The assessment for the first notice was “put to taxable” in the amount of \$416,310. The second reason was “put to exempt” and it listed a total assessment of \$1.5 million. These notices were issued on the same date and for the same parcel of both showing the effective date of January 1, 2017. He had discussed this at the Assessment Office with an inquiry of how to handle this. The church appealed the assessment on August 1, 2017, the deadline for an annual appeal, which was beyond the interim deadline of May 10, 2017. The August 1st appeal was won, and those taxes were eliminated. However, a tax liability for the 2017 year remained basically because they missed the deadline. He requested the board consider relief for the remaining liability.

MR. WURSTER MOVED TO EXONERATE FIRST BAPTIST CHURCH FROM ANY TAX LIABILITY IN SPRINGETTSBURY TOWNSHIP FOR 2017 IN THE PRINCIPLE AMOUNT OF \$503.73 AND THE INTEREST OF \$7.56. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Dennis Crabill had provided a written monthly report. He had one addition with regard to the Raw Pump and Fat Grease and Oil Acceptance project. The contracts had been delivered to Mr. Hodgkinson for signature.

B. Civil Engineering – First Capital Engineering, Inc.

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

- Harrowgate – Property owner William Fullerton requested an as-built where pipe was replaced as there have been some problems encroaching on the sewer system as well issues with Verizon. They will continue to work toward resolving this issue.

- North Hills Road – Reviewing storm water. The PennDOT plan and the warehouse plan conditionally approved by Springettsbury are not the same plan. The designer, Stantec, consultant for PennDOT, had not seen the plan. They are working through the issues, and a meeting will be held with the developer to attempt to get on the same page.
- Old Orchard Road – Investigating a pipe about four, five years old and reviewing plans, which indicated it was a private pipe. However, the property owner produced a Deed, and with his Deed was a Springettsbury Township plan with a pipe originally built by Springettsbury with a right-of-way. The pipe is in bad shape and Public Works will replace it.
- Barwood Road – Investigative work being done. Some pipes cross the road, concrete, about 50 years old in fine shape. Three corrugated metal pipes are sagging. They televised the pipes, and they need to be repaired. More discussion to come about the stream, downstream and stabilizing the embankments.

WURSTER Mr. Wurster asked for clarification of concrete boxes and future pipes being the same size.

LUCIANI Mr. Luciani responded that corrugated metal pipe is used anywhere in York County. Concrete pipe is used in the roadways. Plastic pipe is used in a lot of places as it is cheaper and lasts a long period of time. The only reason the boxes won't fit is because if there is a 30-1/2" hole, it slides right in. With the plastic pipe it has ribs that gives it strength. Those ribs are like almost three to four inches larger in diameter and it might not fit in those boxes. He added that the worst thing they can do is not have the proper materials when they get on the site because the crew will be laying pipe and now there is no box to put it into, which would delay the project for a long period of time.

SWOMLEY Chairman Swomley asked if that could be determined well ahead of time.

LUCIANI Mr. Luciani responded that is the reason they did some survey work to make sure they know what to order, if anything.

5. CONSENT AGENDA

- A. Acknowledge Receipt of May 15, 2018 York Area United Fire and Rescue Commission Meeting Minutes
- B. Acknowledge Receipt of June 19, 2018 York Area United Fire and Rescue Commission Meeting Minutes
- C. Acknowledge Receipt of July 17, 2018 York Area United Fire and Rescue Commission Meeting Minutes
- D. Board of Supervisors Public Hearing Minutes – August 23, 2018
- E. Board of Supervisors Regular Meeting Minutes – August 23, 2018

- F. Regular Payables as Detailed in Payable Listing of September 13, 2018
- G. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2018 – Brewery Products Co. (Parcel #46-06-02) in the amount of \$15.90
- H. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2018 – Brewery Products Co. (Parcel #46-06-50) in the amount of \$25.00
- I. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2018 – George F. Wagman, III (Parcel #46-45-07) in the amount of \$50.69
- J. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2018 – Reich Acquisition One LP (Parcel #46-JI-19) in the amount of \$300.13
- K. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2018 – Reich Acquisition One LP (Parcel #46-JI-19-D) in the amount of \$1,075.25
- L. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2017 – Yorlan Associates (Parcel #46-KJ-179) in the amount of \$32.24
- M. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2018 – Yorlan Associates (Parcel #46-KJ-179) in the amount of \$119.59
- N. Authorization to Approve Real Estate Tax Refund Request for Tax Year 2018 – Stephen W. Deichman (Parcel #46-L1-89) in the amount of \$19.83
- O. Sheridan Manor Phase II – Authorization of Bond Reduction in the amount of \$349,693.15
- P. Sheridan Manor Phase III – Authorization of Bond Reduction in the amount of \$241,553.41

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

6. BIDS, PROPOSALS, CONTRACTS, AND AGREEMENTS

- A. Buchart Horn, Inc. – Raw Pump and Fat Oil Grease Project Inspection and Management – Scope of Services Proposal in an amount not to exceed \$665,000

MR. WURSTER MOVED TO APPROVE THE AUTHORIZATION OF FUNDS FOR \$665,000 FOR THE SERVICES ASSOCIATED WITH THE RAW PROJECT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

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

MR. DVORYAK MOVED TO APPROVE SALE OF THE LIST OF VEHICLES IN THE BOARD PACKET THROUGH THE AUCTION PROCESS OF ENTERPRISE FLEET MANAGEMENT. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

7. SUBDIVISIONS AND LAND DEVELOPMENT

There were none for action.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster announced that the board had received the resignation of Supervisor Nace who had terminated his position on the Board of Supervisors effective September 7th. Several candidates had come forward, and they were interviewed this date.

MR. WURSTER MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPOINT JUSTIN TOMEVI AS THE NEXT SUPERVISOR. MR. DVORYAK WAS SECOND.

WURSTER Mr. Wurster stated that Mr. Tomevi comes to the board as an attorney from Barley Snyder. He's a lifelong resident of the township and has served for four years in the Parks and Rec Department as a park counselor. He has been involved in the township through all the various political as well as community activities. He currently serves on the board of the JCC at this time. Mr. Tomevi expressed a sincere interest in becoming part of the Board of Supervisors.

RAUSCH Solicitor Rausch added as a point of clarification that he had known Mr. Tomevi for many years and he is an excellent candidate. For the record this appointment will go until the next municipal election, and at that time whoever wins that election will serve the remainder of Mr. Nace's term which will be an additional two years.

SWOMLEY Chairman Swomley added that at that time it will return to the original cycle of six-year terms.

MOTION UNANIMOUSLY CARRIED.

SWOMLEY Chairman Swomley stated that the board had received an additional resignation from Kathleen Phan effective September 14th. He indicated that Ms. Phan had moved on in responsibility in her daytime position and will no longer be able to serve on the Board of Supervisors. A number of individuals had been interviewed this date, and the board will be evaluating them further. Her position would run until the next municipal election, which would be her regular election cycle and would be for a six-year term. Chairman Swomley added that Mr. Nace's resignation came about as he had sold his house and moved out of the township and was no longer eligible to serve as a Supervisor. He wished both Ms. Phan and Mr. Nace well, as they had put a tremendous amount of time and effort into the board and a lot of great service to the township.

SWOMLEY Chairman Swomley stated he had received an email from a citizen who was not happy about the casino. He wanted to make a statement concerning this because with email and what could potentially happen with people in the community, perpetuating non-truths and talking about elected officials, it needed to be

clarified. The board had been accused of taking a bribe from Penn National to change its position on allowing the casino to come into this community. Chairman Swomley indicated very strongly that the board had always stated, from the beginning, that the reason they had not voted for the casino at that time was because there was no definition of gaming facilities in the zoning ordinance. Plans were put in motion to address where a casino could be located and what the definition of gaming is and how it would look for the township. When that was set into motion, the board reversed its position in order to protect the community for where gaming could go. That is all that happened. He took strong exception to anyone accusing any of his colleagues on the Board of Supervisors or himself of any wrongdoing when they are looking out for the best interest of the township.

9. SOLICITOR'S REPORT

RAUSCH Solicitor Rausch stated he had nothing to add to his written report.

10. MANAGER'S REPORT

MARCHANT Mr. Marchant stated that he had nothing to add to his report. However, he pointed out that under Old Business, there are a list of items that were addressed in the past to be reviewed by the board for any action.

Mr. Marchant added that he had forwarded an email that addresses the multi-agency emergency preparedness or emergency operations exercise. He stated that Battalion Chief, Joe Madzellan from York Area United Fire and Rescue was present to provide details for the board.

SWOMLEY Chairman Swomley invited BC Madzellan to provide a brief on the exercise.

MADZELAN Mr. Madzellan commented that all three township managers met earlier during this summer; additionally he has met with two of the three townships and all the department heads and/or staff that would be involved including the Police Departments. He provided a brief synopsis of what the exercise would entail.

- Discussions were held on the resources, the process and emergency management operations in general.
- A county-wide drill is scheduled for the last week of September to include staff from all the townships and emergency management members. It will run from 9 a.m. to Noon. It will be a tabletop exercise with discussion. The county will present a scenario, and there will be discussion as to what should be done and how it may exceed resources. If so, where to go for such resources; what role the individual townships would play; expectations of emergency management; what the EOC staff would do. It will be the first time all three townships will come together at the same time.

- The County typically does two exercises available to any local EOC to participate in each year. There may be another one later in the November timeframe; perhaps one in March 2019.
- Software has been made available for a virtual EOC called web.eoc. It can be used, for example, for any major snow storms will be posted, any emergency declarations, snow emergencies, disaster declarations, school district, etc.

WURSTER Mr. Wurster asked whether he could provide a sense of what the table top exercise might look like.

MADZELAN Mr. Madzelan responded that they don't provide the information; however, in the past they typically have been weather related. They might throw in a major traffic incident or hazardous materials. His understanding is that this probably will be a severe storm, hurricane or flooding related incident.

WURSTER Mr. Wurster requested an update on the York County Storm Water Authority previously discussed during an August board meeting. He asked for any updates or reaction by the municipalities.

MARCHANT Mr. Marchant responded with a number of specific comments concerning an upcoming meeting on September 20th. His comments and concerns are summarized:

- There is a lack of preparedness of some attendees that obstructs the productiveness of the meetings.
- There are complaints about MS4 without knowing what it is and that it is federal and state mandated.
- Because of the lack of knowledge, there had been no time to discuss how, as a county or as a region, to work together to comply; and/or possibly do a Storm Water Authority.
- There are no plans as to taking over the NPDES permits.
- A question exists as to whether it will be delegated or federated.

SWOMLEY Chairman Swomley noted his concerns as well.

- Concern for 14 full-time equivalents projected to become part of the Authority.
- The dollar figure attached is staggering; a price tag of \$1 million a year for personnel.
- Price per residence lower than others in the study versus very high burden of personnel. Seems like a bait and switch, having done projects for many years and knowing costs.
- A per acre price of \$9.00 doesn't seem like much; however, multiply that by 1,000-acre farms and it becomes a tremendous burden on farmers to pay a storm water management fee.
- Costs for apartments also high, but individual property owners are appeased.

SWOMLEY Chairman Swomley stated he was not happy with the information that had come forward, and he expressed his extreme concern for Springettsbury joining a consortium with those concerns.

WURSTER Mr. Wurster noted that bottom line there is an effort at the county level to impose additional taxes. He did not believe that it was getting all the press that it deserved.

SWOMLEY Chairman Swomley suggested to Theresa, the reporter in the room, to do some investigative reporting, follow the money and see what \$1 million will provide for a few salaries. He added that it will take a lot more study from this end of things before he would be anywhere close to being comfortable joining an organization like this.

RAUSCH Solicitor Rausch indicated that there would not be a joining. He suggested to make sure to get the township's position known to the County Commissioners because the township is the entity that would create the Storm Water Authority, and it would apply county-wide.

MARCHANT Mr. Marchant added that there is a question as to whether Springettsbury's independent NPDES permit would allow the township to opt out as East Manchester Township is suggesting.

RAUSCH Solicitor Rausch indicated that would take some legal research.

SWOMLEY Chairman Swomley asked Solicitor Rausch to research the question. He would like to know what the township's legal position is and what has to be done. He stated that if this would be a truly lobbying effort, then there is no ability to opt out if they decide that they are going to create a county-wide storm water authority. He asked Solicitor Rausch what the rights are to prevent an authority from imposing upon Springettsbury if the township is going to be taking care of its own storm water and have an authority used to cover expenses.

RAUSCH Solicitor Rausch responded that he posed good questions, but the problem is that there still may be an obligation under Springettsbury's own individual NPDES permit. The county storm water authority may collect a fee or storm water assessment because there may be something going on upstream of Springettsbury.

WURSTER Mr. Wurster noted they could take all the money and use the staff to do one pinpoint thing in the county to address a storm water item that might have systematic implications. Meanwhile, Springettsbury remains to have all its municipal storm water obligations. It would be like a parallel authority at the county level with authorities at the municipal level.

RAUSCH Solicitor Rausch stated that whatever happens in Springettsbury would meet the individual NPDES permit requirements. DEP initially was going to provide a

regional NPDES permit, but the environmental group threatened to sue, and DEP backed off but indicated the township still had to meet the individual requirements. It will be interesting to see how DEP is going to treat this county wide.

WURSTER Mr. Wurster thanked Chairman Swomley for the discussion and a better understanding. It could happen quickly at the county level, and the board needed to have an understanding of the implications.

SWOMLEY Chairman Swomley suggested to schedule a Work Session very soon to gain a complete understanding. If a letter or lobby with the County Commissioners to have them understand the township's position on the matter, it should be done sooner rather than later.

12. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2018-44 – Amendment to Designated Depositories Adopted on 1/2/18

MR. DVORYAK MOVED FOR THE ADOPTION OF RESOLUTION 2018-44. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

A. Old Business

SWOMLEY Chairman Swomley introduced the Old Business item on the Agenda.

The board had previously provided direction to the staff to keep a list of items brought to their attention during board meetings for updates. A summary of these items follows:

Ambulance Memberships – Previous memberships to be honored to the end of the year 2018. A mailing is to be distributed to the subscriber list by White Rose Ambulance. Mr. Marchant will continue to follow.

House Resolution 291 – A study is being undertaken by Pennsylvania with regard to the collection of Earned Income Tax. The two state Representatives supported the Resolution. Sense of participating municipalities prefer not to see that change and continue to use York Area Tax Bureau locally with excellent customer service. The hope is that the efficiency of the local control becomes evident in the study. Any specific statements from other local municipalities would be good to circulate to the board. A list of 124 participating municipalities to be provided to the board.

Penn Waste Recycling Guidelines – The Springettsbury Recycling Ordinance and Contract are being followed to the letter. The confusion comes from some people

who had received some recycling guidelines more liberal than the Springettsbury Ordinance and Contract required. This item will be removed from the Old Business follow up list.

Accessory Use – The item related to trailers kept in side yards, which had been addressed. An additional evaluation to take place for the remainder of the ordinance. Continue to follow this.

Capital Plan and Budget Position – A Work Session to be held on the September 27th to discuss the outcome of the board’s thoughts.

Martin Library – Nothing new has developed.

14. NEW BUSINESS

- A. East York Interceptor Project – Consent Assessment Civil Penalty – Total Amount \$28,376

MR. WURSTER MOVED TO AUTHORIZE THE PAYMENT OF THE CIVIL PENALTY OF \$28,376 AND ALSO HOLD BACK LIKE AMOUNT FROM THE RETENTION FOR THE ANRICH CONTRACT OF THE EAST YORK INTERCEPTOR PROJECT. MR. DVORYAK WAS SECOND. MOTION UNANIMOUSLY CARRIED.

- B. Request from York County Rail Trail Authority to Waive Stormwater Management Review Fees in the amount of \$3,008.20

MR. DVORYAK MOVED THAT THE TOWNSHIP CONTRIBUTE THE MANAGEMENT REVIEW FEES IN THE AMOUNT OF \$3,008.20 TO THE YORK COUNTY RAIL TRAIL AUTHORITY. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SWOMLEY Chairman Swomley requested staff to create a Press Release.

- C. Acknowledge Receipt of 2019 Minimum Municipal Obligation for Police Pension, Death and Disability Fund in the amount of \$940,554.

MR. DVORYAK MOVED TO ACKNOWLEDGE THE RECEIPT OF THE MMO FOR THE POLICE PENSION IN THE AMOUNT OF \$940,554. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. DVORYAK MOVED TO ACKNOWLEDGE THE RECEIPT OF THE MMO FOR THE NON-UNIFORM PENSION PLAN IN THE AMOUNT OF \$139,212. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MR. DVORYAK MOVED TO ACKNOWLEDGE THE RECEIPT OF THE MMO FOR THE TEAMSTERS PENSION PLAN IN THE AMOUNT OF \$134,253. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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