

**MINUTES OF
SPRING GARDEN TOWNSHIP BOARD OF COMMISSIONERS MEETING
January 14, 2015**

President Fullmer announced that the Board of Commissioners met in Executive Session at 6:15p.m. this evening to discuss personnel issues and labor contract issues. Executive Session was adjourned at 6:55p.m.

CALL TO ORDER

The Spring Garden Township Board of Commissioners held its regular monthly meeting at the Township Municipal Building, 340 Tri Hill Road, York, PA on Wednesday, January 14, 2015. President Fullmer called the meeting to order at 7:00 p.m.

PERSONS PRESENT

John M. Fullmer, Jr., President

Cara Beth Zortman, Commissioner

Matthew R. Shorb, Vice-President

Thomas I. Warman, Commissioner

Eric M. Lehmayr, Commissioner

B.J. Treglia, C.S. Davidson, Inc.

Linda S. Keller, Director Community
Development & Planning

Michelle K. Mullen, Fiscal Officer /
Benefits Coordinator

Gregory J. Maust, P.E., Township Manager

Steven F. Smith, Public Works Supervisor

Clifford Gordon, Codes Enforcement Officer

David M. Davidson, Jr. P.E., Engineer

Steve M. Hovis, Esq. Solicitor

Christine Y. Hartle, Recreation Director

There were 4 people in the audience

- A. **SERVICE AWARDS:** There were no service awards for tonight's meeting.
- B. **REQUESTS FOR PRESENTATION BY THE PUBLIC:** There were no presentation requests for tonight's meeting.
- C. **PUBLIC COMMENT PERIOD:** Mr. Dietrich Thiessen, 1526 Second Ave. approached the Board to express concerns which he has with stormwater runoff originating from his neighbor at 1524 Second Avenue. Linda Keller Director of Community Development & Planning commented that the issues are known by staff and she is working with the property owner of 1524 Second Avenue to have the runoff corrected which relates to previous paving work done in 2012.
- D. **APPROVAL OF MINUTES:** Motion Shorb/Lehmayer to **approve the Minutes of the December 10, 2014 regular meeting.** There were no public comments. Motion carried. Yes-5, No-0.
- E. **ACCEPTANCE OF TREASURER'S REPORT:** Motion Shorb/Lehmayer to **accept the Treasurer's Report.** There were no public comments. Motion carried. Yes-5, No-0.
- F. **APPROVAL OF WARRANTS FOR PAYMENT:** Motion Warman/Zortman to **approve, the Warrants for Payment** as presented. There were no public comments. Motion carried. Yes-5, No-0.
- G. **OPENING/ AWARD OF BIDS:** There were no bids to be considered for tonight's meeting.
- H. **SUBDIVISION/ LAND DEVELOPMENT PLANS FOR ACTION:**
One plan was presented for tonight's meeting which was the **Final Land Development Plan for the Brickyard Tavern, 748 S. Albemarle St.** The plan had been "tabled" from the December 10, 2014 Board meeting. The plan is for an addition to the existing tavern

and is an expansion of a non-conforming use. The owner has applied to the Zoning Hearing Board and obtained approval for expansion of a non-conforming use. The expansion provides handicap accessibility, bathroom improvements and expansion of the existing kitchen area. **Motion Warman/Zortman to approve the plan as presented based on all conditions being met and approving the three (3) Waiver's as presented.** There were no public comments. Yes-5. No-0.

I. OLD BUSINESS:

1. **Status of Update to Township Comprehensive Recreation Plan:**

Recreation Director, Christine Hartle provided an update on the Request for Proposal (RFP) to Update the Township Comprehensive Recreation Plan. At the December 10, 2014, Board meeting, Christine was given Board approval to finalize the RFP and with the approval of the Recreation Commission proceed with advertising of the RFP to Solicit Professional Services to Update the Township Comprehensive Recreation Plan. Three (3) proposals had been submitted to the Township and reviewed with the Recreation Commission. The Recreation Commission has recommended that the Board award the project assignment to Yost Strodoski Mears Recreation and Parks Solutions at a "not to exceed" fee of \$ 46,640 for basic services and \$ 2,750 expenses or a total project fee = \$ 49,390. As a point of clarification, the project assignment and the scope of services to be performed is to study recreation needs on a Township wide basis and not just recreation opportunities as related to the Township owned Mt. Rose Avenue site. **Motion Lehmayr/Zortman to award the project assignment to Update the Township Comprehensive Recreation Plan to Yost Strodoski Mears as recommended by the Recreation Commission and presented by staff. Funding of the project assignment is to be made from the Township Recreation Escrow Fund. There were no public comments. Motion carried. Yes-5, No-0.**

2. **Status of Municipal Complex Project:** Manager Maust reported that the Building Committee had met to discuss the latest "draft" RFP for design, public bidding and construction phase services to the Township Building Committee and the Act 2 work-in-progress on Township owned property at 1799 Mt. Rose Avenue being completed by Paul Nachlas, Director of Environmental Services for Herbert, Rowland & Grubic, Inc. (HRG). Act 2 work should be complete and ready for submittal to DEP by the end of January and work to establish the jurisdictional wetland delineation for the site is under Corps of Engineer's review. **With the work to be undertaken with the Recreation Comp Plan Update and the expected project award to start construction of the I-83,Exit 18 Interchange Improvement Project, further plans to formally release any RFP for moving into design, bidding and construction phase services for build-out of the Mt. Rose Avenue site will be temporarily placed "on-hold" to determine what recreational needs from the Comp Plan Update may affect the scope of recreational improvements to be considered in potential build-out of the Township site.**

J. NEW BUSINESS:

1. Public Works Supervisor, Steve Smith presented capital equipment purchase request for Board consideration. The first request which was included in the approved 2015 Township budget is the **purchase of a new skid loader including snow blower attachments, milling head, sweeper and lifting hooks for a "not to exceed" cost of \$ 75,000 and a recommended trailer purchase for a "not to exceed" cost of \$ 10,000.** The new equipment and trailer purchase is include in the 2015 approved Township General Fund and Sewer Revenue Fund Budgets with \$ 37,500 to be funded from General Fund and \$ 37,500 to be funded from the Sewer Revenue Fund. The Manager suggested that rather than using funds from the 2015 budget, a recent update of the Capital Fund has unallocated funds sufficient to cover the cost of the equipment and trailer which is estimated at \$ 85,000. The second capital equipment request is to **update the existing 2000 International Truck (H-4) in the Public Works highway Department with a new dump**

truck. Steve Smith reported that the delivery time on the equipment would be several months and payment would not be made until delivery is made to the Township. The requested truck upgrade was presented for approval at a “not to exceed” cost of \$ 151,000. The upgraded equipment will be a shared purchase between the General Fund, Sewer Revenue Fund and Liquid Fuels Fund. At the time of delivery, staff will present a final breakdown of cost distribution for Board approval. Motion Warman/Shorb to **approve the equipment purchases as presented by staff.** There were no public comments. Motion carried. Yes-5, No-0.

2. Manager Maust reported that the Board approved the transfer of \$ 70,000 at the December 10,2014 Board meeting from the General Fund to the Police Post-Retirement Health Fund as determined by actuarial analysis for 2014. As a result of a recent update to the actuarial analysis, the set-aside had been increased and included in the approved 2014 budget in an amount of \$ 80,000. **The Manager requested Board authorization to transfer an additional \$ 10,000 from the General Fund to the Police Post-Retirement Health Fund.** There were no public comments. Motion carried. Yes-5, No-0.
3. Motion Warman/Lehmayer to **approve Resolution # 2015-01, authorizing the Board President to sign the Pennsylvania Department of Transportation Agreement No. 08A316 for Township Reimbursement of Sanitary Sewer Adjustments Associated with the I-83, Exit 18 Interchange Improvements and Authorize the Township Manager to attest the same.** There were no public comments. Motion carried. Yes-5, No-0.
4. Attorney Hovis overviewed Resolution # 2015-02, and explained that there are a number of fees, not currently covered in the Codification of Ordinance’s that need to be approved so the fees can be collected by staff with formal concurrence of the Board of Commissioners. Resolution # 2015-02 captures those fees not currently included in the Codification of Ordinance’s. Motion Lehmayer/Warman to **approve Resolution # 2015-02.** There were no public comments. Motion carried. Yes-5, No-0.
- 5, 6 & 7.
Motion Warman/Zortman to approve **Stormwater Operation & Maintenance and Right-of-Way Agreements for 748 S. Albemarle St., 755 Rosewood Lane, and 1039 Glen View Drive.** There were no public comments. Motion carried. Yes-5, No-0.
8. Motion Warman/Lehmayer to **approve the Buckle-Up PA Enforcement and Education Project Agreement for 2015.** Motion carried. Yes-5, No-0.
9. Motion Lehmayer/Warman to **approve the PA Aggressive Driving Enforcement & Education Project Agreement for 2015.** There were no public comments. Motion carried. Yes-5, No-0.
10. Manager Maust reported that He had met with representatives of the York Water Company along with Attorney Hovis for renewed discussion on the possibilities of **outsourcing the Township sewer billing and collection services to York Water Co.** With the recent award of the Refuse Collection and Disposal Services for a new five(5) year term beginning January 1, 2015, Penn Waste within the newly awarded Contract will be handing refuse billing and collection services. Outsourcing of billing and collection responsibilities is being considered as the private sector can more effectively respond to delinquent account issues and can more aggressively exercise aggressive collection efforts that are not available to the Township. The first step in considering outsourcing sewer billing and collection services would be to **update the Shut-Off Agreement with York Water Company** and is a requirement in their standard policies to satisfy delinquent accounts. The second step would be to **transition customer accounts** and York Water notifications need to be communicated to the P.U.C. **The cost for outsourcing services would be \$ 2.00/quarter for non-metered wastewater customers. The overall annual cost would be approximately \$ 40,000 to \$ 41,000 per year including commercial and industrial**

accounts. The Manager asked whether the Board was interested in staff continuing with the possibility and developing final details for formal Board consideration. The Manager was asked to proceed with compiling further information and **continuing discussion on the issue under Old Business at the next Board meeting.**

11. Manager Maust reported that under the current Township Highmark High-Deductible Health Savings Account, employees who reach age 65, have signed up for Medicare Part A and may be drawing social security benefits are allowed to stay on the Township medical plan but can no longer participate in the Health Savings Account (H.S.A.) component of the Township's medical coverage. To offer an optional benefit to employees, exempt from the Township's H.S.A., Benecon has advised that a **Health Reimbursement Plan** can be adopted which would allow employees ineligible for the H.S.A. to be reimbursed for eligible medical expense up to a level established by the Board of Commissioners. The reimbursement plan would cover current calendar year eligible expenses but cannot be carried forward into the next calendar year if not fully expended by December 31st of the current year. **The Board asked for further time to consider this optional benefit and continued discussion is to occur under Old Business at the next Board of Commissioners meeting.**
12. Motion Zortman/Lehmayer to **approve payment to York Area United Fire & Rescue (YAUFAR) in the amount of \$ 158,698.40 from the Township Fire Tax Fund for Spring Garden Township's "fair-share" responsibility for the new 2015 YAUFAR Pumper purchase.**

K. ENGINEER'S REPORT

1. The Engineer's Report was accepted as presented with no additional comments.

L. SOLICITOR'S REPORT

1. Attorney Hovis reported that the I-83, Exit 18 Interchange Improvement Project is currently in the bidding phase and the Township has been contacted from certain prospective Bidders who may wish to consider using the Township owned property at 1799 Mt. Rose Avenue during the anticipated three (3) year construction period for soil spoilage and an equipment/materials staging area. For potential use of the property, the Township may have the opportunity to have the contractor performing work on the interchange to develop the interior of the property and construct certain infrastructure improvements and build-out of recreational facilities as proposed in the Master Plan for Development. Motion Shorb/Warman to **authorize the Building Committee to enter into discussions with the contractor awarded the construction contract if there is mutual interest in using the Township property during the construction period with terms and conditions of any tentative agreement to be prepared and agreed upon by the Township Solicitor. Any final agreement is to be brought back to the Board of Commissioners for final consideration and action.** There were no public comments. Motion carried. Yes-5, No-0.
2. Attorney Hovis, in the interest of timing associated with award of the 2015 Contract for Refuse Collection & Disposal, advertised Ordinance # 2015-01 for Board adoption. The Ordinance authorizes alternative methods of billing and collection of fees and charges for refuse within Spring Garden Township. This Ordinance supports the Townships' decision to award the 2015 Refuse Contract to Penn Waste to include billing and collection services. Motion Warman/Zortman to **adopt Ordinance # 2015-01.** There were no public comments. Motion carried. Yes-5, No-0.
3. Attorney Hovis overviewed Ordinance # 2015-02 which has been advertised and readopts the Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan. The readoption of a previously approved Ordinance is needed because the timing of the first approval has expired and the State (DEP) Department of Environmental Protection has not approved

the County Plan. Ordinance # 2015-02 essentially adopts the same plan but with no deadline. Motion Warman/Lehmayer to **adopt Ordinance # 2015-02**. There were no public comments. Motion carried. Yes-5, No-0.

M. POLICE CHIEF'S REPORT

1. Chief Swartz was not in attendance at the meeting. President Fullmer asked the Board if there were any comments on the Chief's Report for the Manager to discuss with Chief Swartz after his return to the office. There were no comments and the Chief's Report was accepted as presented with no additional comments.

N. FIRE CHIEF'S REPORT

1. Chief McCoy thanked the Board for the Township's support with the purchase of the new pumper for YAUFAR. There were no further comments from the Board on the Fire Chief's Report.

O. PUBLIC WORKS SUPERVISOR'S REPORT

1. The Public Works Supervisor's Report was presented with no additional comments. There were no comments from the Board on the Public Work's Supervisor's Report.

P. RECREATION DIRECTOR'S REPORT

1. The Recreation Director's Report was presented with no additional comments. There were no comments from the Board on the Recreation Director's Report.

Q. ZONING OFFICER'S REPORT

1. The Zoning Officer's Report was presented with no questions or comments. There were no further comments from the Board on the Zoning Officer's report.

R. CODES ENFORCEMENT OFFICER'S REPORT

1. The Codes Enforcement Officer's Report was presented with no additional comments from Cliff Gordon. There were no comments from the Board on the Code Enforcement Officer's Report.

S. MANAGER'S REPORT

1. The Manager's Report was presented with no additional comments from Cliff Gordon. There were no comments from the Board on the Manager's Report.

ADJOURNMENT

With no further business to transact, Motion Warman/Shorb to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Gregory J. Maust, P.E.
Township Manager/Secretary