

**MINUTES OF
SPRING GARDEN TOWNSHIP BOARD OF COMMISSIONERS MEETING
February 11, 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, February 11, 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

George Swartz, Chief of Police
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 8 people in the audience

A. SERVICE AWARDS:

Sgt. David L. Jay, after twenty-five (25) years of service, retired December 23, 2014 from the Spring Garden Township Police Department. Chief Swartz, accompanied by President Fullmer presented David Jay with his retirement credentials from the Police Department. President Fullmer also presented a Proclamation from the Board of Commissioners recognizing his service to Spring Garden Township.

B. REQUESTS FOR PRESENTATION BY THE PUBLIC:

Paul Nachlas from Herbert, Rowland & Grubic (HRG) and Mike Rondelli from O'Brien & Gere were in attendance to update the Board on work completed to prepare an updated risk assessment for Township owned property at 1799Mt. Rose Avenue. Authorization was given to HRG to complete the updated risk assessment which is a component to pursue Act 2 Release through the Pennsylvania Department of Environmental Protection (DEP) Land Recycling Program. Mr. Nachlas explained the assessment process which compares site conditions vs. anticipated site use. The assessment further evaluates planned site use and the time the public will be in contact with levels of metals and related contaminants identified through previous soil sampling and on-site field work conducted as part of preparing the updated risk assessment. Mr. Nachlas reported that the 2000 soil sampling program covered the site fairly well. Based on a technical review of the previous soil sampling data and the most recent Master Plan for potential development, the location for consolidation of Township business activities in the northern portion of the site are classified as non-residential uses. The southern portions of the site represented by passive and active recreational uses are classified as residential uses. As part of completing the risk assessment assignment, HRG met with DEP to review work compiled to date and overview potential use of the property. The report has been completed for submission to DEP and the condition of the property does not have any unacceptable risk for administrative and recreational development as proposed in the Master Plan for Development. The completed Risk Assessment Report is being submitted to DEP and there is a 90 day review period allowed for regulatory review and follow-up comment. With DEP approval of the final report, there will be a need to have covenants

attached to the recorded deed for the property that establishes conditions for development Which are consistent with the planned use approved in the DEP approved Risk Assessment Report. Mr. Nachlas stated that if the use of the property changes, there could be a need to modify the approved Risk Assessment Report to do other remediation measures and obtain DEP approval for the modified use of the property. Commissioner Fullmer questioned whether there were any recommendations for remediation. Mr. Nachlas felt that one consideration for remediation of marginal soils would be to strategically locate parking areas and floor slabs for structures to serve as a means to "cap" the marginal soils. Mr. Nachlas felt the site was favorably represented with soil sampling and the samples characterize the site well. In addition, before 2000, the Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP) had performed their own on-site investigations. That historical information supplements the work undertaken through preparation of the current risk assessment prepared by HRG. Commissioner Shorb questioned whether areas could be filled in consideration that the I-83, Exit 18 Interchange Improvement Project has been bid and is scheduled to enter into construction in the spring of 2015. There is a substantial amount of excess excavation which will be part of the construction project and there is some interest in using the Township property for ultimate disposal of these excess excavated materials. Mr. Nachlas explained that a "cap" is a barrier and can be a remedy. Concrete and bituminous materials can be considered as cap materials. Twenty-four (24) inches of soils is considered a "cap". The summary of the updated risk assessment and the "site-specific" analysis completed for the site does not identify any unacceptable risk for development based on the Master Plan for Potential Development. In addition to the risk assessment, updated wetland delineation has been prepared and is currently under review by the Army Corps of Engineers. With completion of the risk assessment and wetlands delineation work, the next step is to wait and respond to any review comments from the review in progress by both DEP and the Army Corps of Engineers.

- C. PUBLIC COMMENT PERIOD: There were no comments from visitors in attendance.
- D. APPROVAL OF MINUTES: Motion Lehmayr/Shorb to **approve the Minutes of the January 14, 2015 regular meeting**. There were no public comments. Motion carried. Yes-5, No-0.
- E. ACCEPTANCE OF TREASURER'S REPORT: Motion Shorb/Warman to **accept the Treasurer's Report**. There were no public comments. Motion carried. Yes-5, No-0.
- F. APPROVAL OF WARRANTS FOR PAYMENT: Motion Zortman/Lehmayr 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 Reverse Subdivision Plan for Gregory M. & Rachel S. Andricos, 1117 Wyndham Drive, zoned R-1 (Residential-Suburban)**. Motion Warman/Shorb Zortman to **approve the plan as presented subject to all conditions being met and approving the three (3) Waivers' 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 reported that the agreement authorizing the update to the Township Comprehensive Recreation Plan to Yost Strodoski Mears (YSM) has been signed and turned over serving as the authorization to proceed with the work assignment.

The first meeting with YSM and the Recreation Commission is scheduled for February 23rd. A field view of the Township site is scheduled for 4:15p.m., followed by the first meeting with the Recreation Commission at 7:00p.m. Commissioner Warman questioned the timing for completion of the Comp. Plan Update. Christine reported that YSM's proposal established 10 months for completion of the assignment.

2. **Status of Municipal Complex Project:**

Manager Maust reported other than the update on the risk assessment and wetlands delineation work being completed by HRG, there are no further updates.

3. **Consideration to Establish a Township Health Reimbursement Plan:**

Manager Maust provided an overview of the revised Health Reimbursement Agreement ("HRA") Adoption Agreement which had previously been presented for Board consideration at the January Board meeting. The establishment of the HRA Plan is to provide a means for the Township to reimburse full-time Township employees, working beyond age 65 and ineligible for participation in the Township Health Savings Account (HSA). The proposed HRA is to cover reimbursement of qualifying medical expenses as defined under IRS Code 213d and to a funding level initially established at \$ 1,250 for employee coverage and \$ 2,500 for employee and family coverage. Motion Warman/Zortman to **approve establishing a Township Health Reimbursement Plan (HRA) and authorizing a Township Officer to sign the Adoption Agreement.** There were no public comments. Yes-5. No-0.

4. **Consideration to Transition Township Sanitary Sewer Billing and Collection Responsibilities to the York Water Company.**

Manager Maust provided an overview of documents provided to the Board at the January Board meeting which establishes procedures to use York Water Company as an agent of the Township to use water shut-off procedures to assist with collection of delinquent Township sewer accounts. A separate agreement has been prepared for Board consideration which transitions sewer billing and collection services to the York Water Company. Motion Shorb/Warman to **approve Township Officer signing of both the agreement and addendum establishing York Water Company water-shut off procedures and approval of the Billing and Revenue Service Agreement with York Water Company. Both approvals are subject to final legal review and approval of final agreements by the Township Solicitor.** There were no public comments. Yes-5. No-0.

J. NEW BUSINESS:

1. Motion Shorb/Lehmayer to **approve Maintenance/Service Agreement for Police Department Mobile Radios/Control Stations & Portable Radios for the service period beginning January 1, 2015 and extending through December 31, 2015. Chief Swartz was authorized to sign the agreement and supporting documents.** There were no public comments. Motion carried. Yes-5, No-0.

2. Chief Swartz explained to the Board that the Memorandum of Understanding (MOU) between Spring Garden Township and York Suburban School District was expected to be signed by the School District and available for Board action at tonight's meeting. While the updated MOU was not available for Board review, the terms and conditions of the MOU are basically the same as established in the last MOU approved by the Board. Motion Warman/Shorb to **approve the MOU between Spring Garden Township and York Suburban School District subject to final review and approval of the final MOU by the Township Solicitor.** There were no public comments. Motion carried. Yes-5, No-0.

3. Motion Lehmaye/Warman to **approve an Agreement between Spring Garden Township and CRIMEWATCH Technologies, Inc. to provide Police Department Website Services for 2015.** There were no public comments. Motion carried. Yes-5, No-0.
4. Motion Zortman/Shorb to **accept the Proposal of High Environmental Health & Safety Consulting Ltd.to Perform Indoor Environmental Quality (IEQ) Assessment for the Township Municipal Building, 340 Tri-Hill Rd. The fee for services to be performed is authorized at \$ 2,895.** There were no public comments. Motion carried. Yes-4, No-0. Commissioner Lehmaye abstained.
5. Motion Warman/Zortman to approve **Stormwater Operation & Maintenance and Right-of-Way Agreements for 1117 Wyndham Drive, New Home Construction.** There were no public comments. Motion carried. Yes-5, No-0.

6 & 7.

Motion Warman/Lehmaye to **approve the Spring Garden Township Police Department Help Desk/Server Service Level Agreement for 2015 with Stambaugh Ness Business Solutions at an annual cost of \$ 15,820 and approve the Spring Garden Township Administration Group Help Desk/Server Service Level Agreement for 2015 with Stambaugh Ness Business Solutions at an annual cost of \$ 14,400.** Motion carried. Yes-5, No-0.

K. ENGINEER'S REPORT

1. B.J. Treglia provided an overview of the Township's current MS-4 program activities and reported that an update to the Township's list of storm water facilities should be made. The mapping for storm water facilities should also be updated and Operation & Maintenance Plans reviewed for Township owned facilities. The Engineer's Report was accepted as presented with no additional comments.

L. SOLICITOR'S REPORT

1. Attorney Hovis reviewed the Stipulation Agreement for Jessica and Friends Community located at 569 Indian Rock Dam Road. The Agreement establishes payments in lieu of taxes to the School District, Township and County for 2015, 2016 and 2017. The Township Solicitor has been requested to sign the Stipulation as legal counsel for Spring Garden Township. A question has been raised from Community Development & Planning Director Linda Keller as to whether the property and its current use are consistent with the Certificate of Use issued for the property. The Board requested that Attorney Hovis look into the concerns of current use vs. the most recently issued Certificate of Use for the property. Conditional approval for signing of the Stipulation Agreement was given to Attorney Hovis subject to resolving any concerns with the current use of the property. There were no further comments from the Board and the Solicitor's Report was accepted as presented.

M. POLICE CHIEF'S REPORT

1. Chief Swartz provided an update on Indian Rock Dam Rd and the on-going efforts to have flooding concerns addressed which is a long-standing issue that affects travel in the area during storm events. As part of collective discussions and how the area could be improved, the Corps of Engineers has confirmed that the Emergency Operations Plan for Indian Rock Dam has not been updated since the 1980's. The York Area Metropolitan Planning Organization (YAMPO) is asking for municipal support by requesting that the Corps of Engineers update the E.O.P. Motion Warman/Zortman to authorize Chief Swartz to send a letter of support from the Township to have an updated EOP prepared. There were no public comments. Motion carried. Yes-5, No-0.

1N. FIRE CHIEF'S REPORT

1. Chief McCoy reminded everyone that a ceremony is scheduled as part of the regular monthly YAUFAR meeting on Tuesday, February 17, 2015 to celebrate Eagle Fire

Company of Mount Wolf Borough becoming the first volunteer addition as an affiliate member of the York Area United Fire & Rescue. There were no further comments from the Board on the Fire Chief's Report.

O. PUBLIC WORKS SUPERVISOR'S REPORT

1. Steve Smith reported that the Township has received the new skid loader for the Public Works Department and with the assistance of Commissioner Shorb; a trailer for the new equipment was obtained for \$ 4,300. Steve further reported on the 1995 Sewer Flush Truck and the failure of the flush pump which is in the process of being replaced. The pump replacement cost is approximately \$ 16,909 with a 5 to 6 week delivery time. Until such time as the new pump is received and installed, York Township has offered to serve as a back-up resource for sewer incidents that would require the need for a sewer flush truck. Steve indicated that the Public Works Department has eight (8) call-outs to date and approximately 700 tons of salt and 200 tons of cinders have been used to respond to the call-out's. 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. Linda Keller reported that she had issued a Memorandum regarding building permits and has requested feed-back on the list she has created that serves as a starting point to update the current requirements and projects which require building permits from the Township. The Board will review the distributed information in further detail until the March Board meeting and will be carried under Old Business for continued discussion. There were no further comments from the Board on the Zoning Officer's Report.

R. CODES ENFORCEMENT OFFICER'S REPORT

1. Cliff Gordon reported that ninety-six (96) letters have been issued to have property owner's clear snow from sidewalk areas. There were no comments from the Board on the Code Enforcement Officer's Report.

S. MANAGER'S REPORT

1. Manager Maust recognized Commissioner Warman's recent election to serve as one of the seven (7) members of the York County Storm Water Consortium Management Committee. The Management Committee serves as the "guiding group" for the regional group. There were no comments from the Board on the Manager's Report.

ADJOURNMENT

With no further business to transact, Motion Lehmayer/Warman to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

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