

Minutes of the Spring Garden Township Board of Commissioners

6:00 p.m. – July 8, 2020

Persons Present:

Daniel E. Rooney, President
John J. Luciani, Vice-President
Thomas Gwilt, Commissioner
Annette Clark, Commissioner
Mike Thomas, Commissioner
Linda Keller, Zoning Officer
George J. Swartz, Chief of Police

Marcy L. Krum-Tinsley, Township Manager
David M. Davidson, Jr., P.E., Engineer
B. J. Treglia, C.S. Davidson
Krista Gardner, Chief Financial Officer
Steve Hovis, Esq., Solicitor
Daniel Hoff, Chief, YAUF

1. Call to Order – Business Meeting

President Commissioner Daniel Rooney called the meeting to order by Zoom technology. He led the Pledge of Allegiance. He welcomed everyone to the meeting and reviewed the Ground Rules for the meeting.

President Commissioner Daniel Rooney announced that an Executive Session was held prior to the meeting this date to discuss litigation and property issues.

A. Presentations – None B. Public Comment

Mr. Timothy Yakim questioned whether any progress had been made with regard to the J&K Salvage matter.

Attorney Steve Hovis responded that a lot of progress had been made since the last meeting. The township hired an expert in the operation of shredders who completed an inspection. Mr. Darrah had allowed township representatives on the property to witness the loading and operation of the shredder. The expert provided a report recommending operational and other recommendations that should be implemented by J&K to insure safe operation of the shredder. The report was provided to J&K and their Counsel for review. It is anticipated that the township will receive a response of their willingness to implement the recommendations. If so, the township will enter into an agreement that would continue to oversee the operation and safety of the shredder.

Mr. Yakim responded that it was good to hear, and thanked him very much.

C. Board of Commissioners Meeting Minutes

1. **Action:** Motion to approve Board of Commissioners' business meeting – June 10, 2020

MOTION (Luciani/Clark) to approve the minutes of June 10, 2020.

President Commissioner Rooney asked that one adjustment be made under his Ward report from Ward 1 to Ward 2. **MOTION CARRIED 5/0**

D. Treasurer's Report – June 2020

1. **Action:** Motion to accept the June 2020 Treasurer’s Report / Bank Transactions

MOTION (Thomas/Luciani) to approve the Treasurer’s Report as presented. **MOTION CARRIED 5/0.**

E. Opening/Awards of Bids – None

F. Subdivision/Land Development

1. White Oaks and White Oaks Villas at Regents Glen, Ward 4, Spring Garden Township
 - a. June 26, 2020 letter from legal counsel for developer
 - b. White Oaks Plan Set – revision date 6/22/2020

Jason Brenneman, Rod Krebs, Stacy MacNeal, Pat Eyster and Jon Seitz were present to represent the plan.

Rod Krebs stated that the representatives were present for the next step to complete the community of Regents Glen. He shared the history and his involvement in the development as far back as to 1995.

Jason Brenneman introduced the presentation of the Preliminary Subdivision and Land Development Plan. Some points of a very lengthy discussion are summarized:

Emergency access drives, cul-de-sac length, access drives versus public streets, Tot Lot of .6 to .8 acres for rec fees, street trees/landscaping plan; wrought iron fence added around the pool; street trees removed from J&K Salvage property line and added within the development.

Original Master Plan concept was revised by developer, and bridge on Indian Rock Dam Road was eliminated and limited access to the developable land. Second road needed for emergency access if Golf Club Drive is inaccessible. Heritage Lane – effort needed for access (railroad issue). Traffic count levels at Golf Club Drive and Indian Rock Dam Road – Level Service A; 175 foot right turn onto Indian Rock Dam Road is sufficient. Highway Occupancy Permits issued by PennDOT: accesses at Golf Club Road and Heritage Lane could be reviewed for access.

Township needs recreation land. Comprehensive Recreation Parks and Open Space Plan provides guidance. Project remains a gated community with private streets and a large portion of the property is a golf course and a swimming pool, both for recreation; emphasis private.

Need for required buffers; double frontage lots not permitted.

FEMA Certification – information being submitted; letter from township is required; no issues expected.

MOTION (Thomas/) to approve conditionally that the secondary access can meet requirements of the township’s emergency access; to relieve the Regents Glen entity of the obligation to provide ex-amount of acres to satisfy a recreation component.

President Commissioner Rooney questioned whether the waivers necessary for approval would be needed to be done first as far as plan approval.

Solicitor Hovis responded that typically, if there are waivers required those be clarified as a prior motion to incorporate into the completed motion specifically identifying what the waivers are and what relief is being sought.

President Commissioner Rooney stated that the waivers should be described in one motion.

MOTION DIES FOR LACK OF A SECOND.

Commissioner Luciani stated that there is a timeline, and the township will be obligated to make a decision and provide direction for the developer. In an effort to advance a decision on this plan, Mr. Luciani presented a Motion.

MOTION (Luciani/Clark) to recommend denial of the waiver for the depth of the pond as being existing nine feet; and to recommend denial of the Preliminary Subdivision and Land Development for the following reasons, for which a list is added.

- 1) Recreation Area – Even though it was contemplated as a 55 and older development, it is known that the people who live there, many of them have young children who have a need to have public/team recreation which Spring Garden does not have. Despite what their legal team has said, four acres is a significant amount of real estate that is needed in the township for the many residents of Regents Glen and Spring Garden Township.
- 2) Because the plan lacks the length of cul-de-sacs (reading directly from the definition of cul-de-sacs in the Spring Garden Township Ordinance) that a cul-de-sac should not exceed 500 feet in length and further describes a cul-de-sac as a vehicular or pedestrian way that has access to a public street. The measure from the paved turnaround to the public street is far in excess of the 500 feet, over a few thousand feet.
- 3) The Ordinance states that building setbacks must be provided. The streets clearly are internal streets, which must have front-building setbacks, which they do not meet.
- 4) The Ordinance prohibits double frontage lots.
- 5) The Federal Floodplain Permits are not in hand where there could be an impact.
- 6) Approval of fire hydrant locations by the Fire Chief.
- 7) Approval of the Homeowners' Association documents by the Solicitor.
- 8) Stormwater Management Approval still outstanding.
- 9) Owner's Signature on the Plan.
- 10) DEP Approval or waiver.
- 11) County Conservation District Approval.

Mr. Luciani recommended denial of the plan for those significant deficiencies

Public Comment:

Diana Netherton thanked Manager Krum-Tinsley for unmuting her. She indicated she is the Court Reporter, who had a hard time hearing. She got what she could, but it was really difficult.

Attorney Stacy MacNeal noted that Ms. Netherton was present on their behalf so they are comfortable with whatever she has. Soon they will have a recording as well. She did not think there was anything additional needed.

Whitney Metzler Tucker, 354 Allegheny Drive, York, PA spoke on behalf of the Regents Glen plan. She and her family are longtime residents of York County and are daily users of the golf and swimming facilities. She noted that the development is pro-family, pro-retirees, pro-child, and pro-school and they love the area.

Timothy Yakim spoke as a resident and member of Regents Glen. They strongly support White Oaks, which will continually improve the community. Mr. Yakim had brought up the problems surrounding J&K Salvage earlier during the meeting, and Solicitor Hovis had provided a progress report regarding the solutions.

Gary Sutton spoke as a member of the Regents Glen Country Club. He spoke in favor of the continued development and noted the continued upgrade of the entire area along with the golf course, swimming pool, Hibachi courts and other amenities.

Stephen Harrington, 1235 Winding Oak Drive, Royal Oaks spoke strongly in support of the development.

MOTION CARRIED 4/1. MR. THOMAS VOTED OPPOSED.

2. **Action:** Motion to approve the Stormwater Operation and Maintenance and Right-of-Way Agreement for Andrew and Tammy Miller of 425 Chestnut Lane for a swimming pool and patio deck project.

Mr. Davidson stated this is a standard agreement for stormwater management.

MOTION (Luciani/Thomas) to approve the agreement as presented with one condition that the word Supervisors be changed to Commissioners.

Mr. Luciani commented that all the Stormwater Operation and Maintenance Agreements should be changed to reflect the word "Supervisors" should be changed to "Commissioners."

MOTION CARRIED 5/0.

G. Old Business

1. **Action:** Motion to adopt and enact Ordinance 2020-2, amendment to Chapter 220 – Regulations to Parks and Recreation Areas.

MOTION (Thomas/Luciani) to adopt Ordinance 2020-02 amending the Chapter 220 - Regulations to Parks and Recreation Areas. **MOTION CARRIED 5/0.**

H. New Business

1. **Action:** Motion to appoint Jonathan Gibson of 503 West Springettsbury Avenue to fill the Recreation Commission Ward 4 vacancy.

MOTION (Thomas/Gwilt) to appoint Jonathan Gibson to fill Ward 4 seat on the Recreation Commission. **MOTION CARRIED 5/0.**

2. YAMPO (York Area Metropolitan Planning Organization)

Township Manager Marcy Krum-Tinsley asked for two candidates for consideration to their Technical Committee for a four-year term. They are asking for a voting member and a voting member alternate. The terms would start January 2021 and end January 2025.

Commissioner Luciani commented that this organization recommends funding for signal and highway work for the York region, as well as grant funding. He emphasized its importance and indicated he would be interested in participating. He added that it would be important that Manager Krum-Tinsley be involved as well. It is a once-a-month meeting.

Commissioner Thomas indicated it was important that Commissioner Luciani add his expertise to YAMPO and be able to serve the township well.

MOTION (Rooney/) nominated Township Manager Marcy Krum-Tinsley as the Member and Linda Keller as an Alternate. **Motion died for lack of a second.**

MOTION (Thomas/Clark) nominated John Luciani as the designated Representative to YAMPO based on his expertise and understanding of regulations, and Manager Marcy Krum-Tinsley as Alternate. **MOTION 4/0.**

(President Commissioner Dan Rooney was temporarily absent due to technical issues.)

I. Spring Garden Township Municipal Building and Violet Hill Park Project

1. Status Report

- i. Murphy & Dittenhafer Construction Meeting Minutes #22, 6/3/20
- ii. Capital Construction Management, No. 12 – 9/25/20- Move In Date

2. Change Orders – none

3. Requests for Payment

General Contractors:

Action: Motion to approve the following requests for payment:

- i. eciConstruction (General Contractor) in the amount of \$207,326.91
- ii. Lobar (Electrical Contractor) in the amount of \$42,988.32
- iii. North Bay Mechanical (Mechanical Contractor) in the amount of \$37,110.81
- iv. Vision Mechanical (Plumbing Contractor) in the amount of \$31,317.75

(President Commissioner Dan Rooney was able to return to the Zoom meeting)

MOTION (Thomas/Luciani) to approve the four invoices on the agenda. **MOTION CARRIED 5/0.**

J. Commissioners' Comments

1. Commissioner Thomas, Ward 1 stated he had nothing to add to this month's report.
2. Commissioner Rooney, Ward 2 brought forward a created concept based upon land owned by the township on Mt. Rose Avenue. His proposal included a section of the property for discussion of passive trails and recreation to replace the Tri Hill ball field. His goal was to determine the board's interest in hiring a professional to develop multiple concepts for feedback from the community.

Mr. Thomas voiced adamant objection to pursuing the concept for passive trails and recreation. He recalled very painful discussions held at Victory Fire Company during the

development of the Mt. Rose Property. The community of 100 was in strong opposition. The board was tasked to find an alternate, and Tri Hill became that alternate. At the very next meeting the residents were asking why there was no For Sale sign on the Mt. Rose property. He could not see taking any portion of the property due to any potential acquisition or development of the entire tract. Mr. Thomas noted additional costs for site development, amenities, parking, add on's. Tri Hill costs will range from \$9 to \$11 million upon completion. Spahn Avenue property purchase soon will be final. While he agreed that the township needed to find additional recreation land, the recent Comprehensive Rec Assessment Plan done by Ann Yost's group indicated that the township's major gap in providing recreation was in flat field. He could not see spending additional funds on Mt. Rose.

MOTION: (Clark/Luciani) to move forward to get a concept cost proposal for the Mt. Rose property. **MOTION CARRIED 4/1.** MR. Thomas voted opposed.

3. Commissioner Clark, Ward 3, stated she had nothing to add to her report this month.
4. Commissioner Luciani, Ward 4 stated that he had no comments.
5. Commissioner Gwilt, Ward 5 thanked the Police Department for trying to hold down the excess fireworks especially around his neighborhood.

K. Township Staff Reports

1. Engineer – David Davidson, P.E./C. S. Davidson, Inc.

Mr. Davidson had nothing to add.

B. J. Treglia introduced a continuation of the discussion during the June meeting regarding the Hoffman Road Sanitary Sewer Replacement. He had provided several alternatives for reconstruction of the sewer line with cost estimates. He requested comments from the board relating to that discussion.

Township Manager Marcy Krum-Tinsley stated she had spoken with Steve Smith about acquiring alternatives from different vendors versus digging construction. He indicated he would look into it.

Mr. Treglia stated that he had looked into the pipe bursting method. He talked to a company that does the pneumatic pipe bursting method. This method would replicate the existing sags in the pipe. Additionally the laterals need to be excavated, which they were hoping to avoid.

Commissioner Luciani requested an all-in price in order to budget the project. He understood that Mr. Treglia's concept with this solution is to not dig up the road again.

Mr. Treglia indicated that Alternative #2 would involve two sewer lines installed in a shallow excavation; one in the roadway, one in the back yards of the properties on the north side. This would require some temporary construction easement and also some permanent easement across eight properties. Consideration is given to \$3,000 in time and acquisition cost for each of those properties, which would be an additional cost of \$24,000. Also, with

that alternative #2, an NPDES Permit from DEP would be required. Add the engineering at approximately 15% would take the total project cost to \$600,000 total in easement acquisition, NPDES Permitting, survey engineering and construction management.

Mr. Treglia discussed Alternate #3 as grinder pump installs on those properties on the north side which would only require a shallow tier main installation within Hoffman Road. There would be no need for permanent easements, but some temporary easements would be needed to install the grinder pumps. He estimated, across those eight properties that would require a grinder pump, about \$1,500 for each property with an additional \$12,000 including engineering, survey, construction management for a total cost of about \$525,000, which is a difference of about \$75,000 between those two alternatives. Mr. Treglia added that the pumps would be the responsibility of the property owner, given to the property owner once installed. They have a life span of seven to nine years before any pump component would need to be replaced. Additionally there are ongoing electrical costs associated with running the pumps, which are the property owner's responsibility.

Consensus of the board was to organize a meeting with the property owners to discuss options and costs. Commissioners Thomas and/or Clark would be involved along with staff and the engineers.

2. Solicitor – Attorney Hovis/Stock and Leader
 - I. Actions following the Phase I Environmental Investigation with Independence Environmental Consulting for the Spahn Avenue property.

MOTION (Clark/Luciani) to approve Phase II Inspection. **MOTION CARRIED 5/0.**

3. Chief Financial Officer – Krista M. Gardner, CPA/Stambaugh Ness
 - i. **Action:** Two Commissioners needed to be on Budget Committee

Commissioners Clark and Thomas volunteered to be on the Budget Committee.

4. Police Chief – Chief Swartz
 - i. Action: Motion to approve the Resolution 2020-13 Police Policies
 - II. FYI – CodeRED notification sent on July 2, 2020 regarding Fireworks in response to the number of complaints received.

MOTION (Clark/Gwilt) to approve Resolution 2020-13 Police Policies.

MOTION CARRIED 5/0.

5. Fire Chief – Daniel Hoff
Chief Dan Hoff stated that he had nothing to add to his report.

6. Public Works Superintendent – Steven Smith
The July 4 Brush Drop-Off date will be rescheduled to July 11 (8 a.m. to noon).

President Commissioner Rooney reported that the Brush Drop-Off had to be rescheduled to July 11th due to a shortage of manpower. This was handled on a call basis with appointments to meet with residents.

Manager Krum-Tinsley indicated that Mr. Smith and the Public Works crew had been working with all departments to make sure the areas are cleared of broken, antiquated, and unnecessary items to make way for a speedy and efficient moving date.

7. Zoning Officer – Linda Keller
 - i. Planning Commission meeting Agenda, July 7, 2020
 - ii. Zoning Hearing Board Agenda, July 20, 2020

Zoning Officer Keller had nothing further to add.

8. Code Enforcement Officer – Clifford Gordon

There were no questions.

9. Township Manager – Marcy L. Krum-Tinsley
 - i. YCBAA Basketball Program – June 16 meeting rescheduled TBD

Township Manager Krum-Tinsley reported that she had been attending some of the Basketball Program meetings. They are continuing to adjust the dynamic situation that they had been thrown into the last couple of months regarding COVID 19. She requested the board to consider forgoing the 2021 Basketball Season due to the unknowns associated with the COVID 19 situation. This would mean the township is forgoing its participation as a township-sponsored program. There is no residency requirement for Spring Garden Township youth to apply only to a Spring Garden Township sanctioned program for basketball. They are more than welcome to try other local organizations that still have staffing available. If there are no other programs then, unfortunately, they will be cancelled as well. This is a difficult thing for the children; however, she did not want to get their hopes up and have them disappointed in the end.

MOTION (Thomas/Clark) to announce the suspension of the Spring Garden Township Youth Basketball for the upcoming season along with the communication that all prospective participants are able to join other teams, other organizations that are able to have their seasons based on having the ability to set up and obviously properly execute the program.

President Commissioner Rooney questioned whether the residents would be notified through the website.

Manager Krum-Tinsley responded that, in addition to the website, the newsletter will be a notification as well.

MOTION CARRIED 5/0.

- ii. York City Sewer Authority Workgroup
 - Minutes – June 12, 2020 meeting
- iii. August Meeting

President Commissioner Rooney requested board input regarding having an in-person meeting in August.

Commissioner Thomas indicated the township should follow the state recommendations.

President Commissioner Rooney responded that the state limits the attendance to 250.

Solicitor Hovis indicated that would be 250 with mandatory masks and social distancing. It would be necessary to comply with all orders.

Commissioner Thomas noted that with President Commissioner's proposal for Mt. Rose, there could be a full house.

Township Manager Krum-Tinsley stated that she would review the state requirements again about two weeks prior to the meeting and be in contact with everyone.

Commissioner Luciani stated that the technology was terrible for this meeting.

Commissioner Clark agreed.

President Commissioner Rooney stated it was very problematic. He hoped a regular meeting can be scheduled.

Resident Jack Fowler thanked the Commissioners for holding up to the township standards. He hoped the pandemic would be settled down by August to get back to normal.

President Commissioner Rooney thanked everyone for their comments.

II. Adjourn

Motion (Luciani/Clark) moved to adjourn the meeting. **MOTION CARRIED 5/0.**

President Commissioner Rooney adjourned the meeting at 9:15 p.m.

Respectfully submitted,

Marcy-Krum-Tinsley
Secretary

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