

Minutes of the Spring Garden Township Board of Commissioners
6:00 p.m. –February 10, 2021

Persons Present:

Daniel E. Rooney, President
John J. Luciani, Vice-President
Thomas Gwilt, Commissioner
David Detwiler, Commissioner
Annette Clark, Commissioner
George Swartz, Police Chief
Dan Hoff, YAUFRA Chief

Marcy L. Krūm-Tinsley, Township Manager
Dave Davidson, Engineer
B. J. Treglia, Engineer
Linda Keller, Zoning Officer
Steve Hovis, Esq., Solicitor
Krista Gardner, Chief Financial Officer

1. Call to Order – Business Meeting

President Commissioner Dan Rooney called the meeting to order and led the Pledge of Allegiance. He provided the meeting protocol.

President Commissioner Dan Rooney announced that there was an Executive Session held prior to the meeting this date regarding property issues, litigation and personnel.

A. Presentations (None)

B. Public Comment

John Porter of Highland Road spoke of retaining the Mt. Rose Avenue property and using it to develop a Spring Garden wastewater treatment plant. His suggestion included issuing a Bond for the financing. President Commissioner Rooney thanked him for his comment and noted that the Mt. Rose Avenue property would be discussed under Old Business.

C. Board of Commissioners Meeting Minutes

1. **Action:** Motion to approve Board of Commissioners' workshop & business meetings Workshop and Business Meeting – January 13, 2021

Motion (Luciani/Gwilt) to approve Board of Commissioners' Workshop and Business Meeting Minutes from January 13, 2021. **Motion Carried 5/0.**

D. Treasurer's Report

1. **Action:** Motion to accept the January 2021 Treasurer's Report / Bank Transactions

Motion (Luciani/Detwiler) to approve the January 2021 Treasurer's Report as provided. **Motion Carried 5/0.**

E. Opening/Awards of Bids (none)

F. Subdivision/Land Development

1. Motion to approve subdivision plan for 1119 Wyndham Dr. – Tabled – 90-day extension requested. **Motion** (Luciani/Clark) to approve the time extension for subdivision of the parcels of ground, 1119 Wyndham Drive, with multiple street frontages. **Motion Carried 5/0.**

2. **Action:** Motion to approve Land Development Plan for 924G Colonial Avenue – waivers and conditions:

Waivers:

- Section 275-9(A) (Preliminary Plan submission) – Per applicant: The project consists of a 0.12-acre lot that will not be subdivided. There will be no new streets or utility

extensions. The Plan complies with all of the preliminary and final plan requirements and there is no reason to require two plan review processes (i.e., preliminary and final) due to the size and scope of the project. Due to the fact that the plan is proposing to reconfigure four lots to create two final lots with no earth disturbances, relief is being requested to consider the plan a Preliminary/Final Plan.

- Conditions: Owners' notarized signatures
- Engineer's signature and seal

Motion (Luciani/Gwilt) to approve the waivers requested for Land Development Plan 924G Colonial Avenue and approve the plan. **Motion Carried 5/0.**

3. **Action:** Motion to approve Stormwater Operation and Maintenance and Right-of-Way Agreement for Paul Rudy for pool project at 1211 Brookway Drive. **Motion** (Luciani/Gwilt) to approve the Stormwater Operation and Maintenance Agreement and Right-of-Way Agreement for Paul Rudy for a pool project at 1211 Brookway Drive. **Motion Carried 5/0.**

G. Old Business

1. Zoning / Land Use Considerations

President Commissioner Rooney brought forward considerations for the Mt. Rose property. Solicitor Hovis stated that it would be helpful to keep this open as an option at this time as the sale by the City of York is expected to be completed in a year. The participating municipalities of YARSA want to keep this open as an option in the event that something has to be designed if it becomes necessary to pump anything anywhere.

Consensus was agreement to table discussion surrounding the Mt. Rose Property until a later date.

2. Budget Committee Update

Commissioner Detwiler reported that the Budget Committee met and discussed several ideas. Commissioner Clark echoed his statement and noted that it is early in the year, and Budget Committee meetings will be very theoretical for a few months. They are reviewing the health insurance numbers from the three carriers.

H. New Business

1. **Action:** Motion to accept resignation of Mike Dorgan from Planning Commission, effective immediately. Mike has served on the Planning Commission since 2008. Need to appoint replacement for Ward 3. Term to expire January 1, 2024. **Motion** (Detwiler/Luciani) to accept the resignation of Mike Dorgan from the Planning Commission. **Motion Carried 5/0.**
2. **Action:** Motion to approve Resolution 2021-2, Office Support Assistant job description update. **Motion** (Luciani/Detwiler) to approve Resolution 2021-2.

Public Comment:

Raeann Waltersdorf requested clarification on the changes to part time. Township Manager Krūm-Tinsley responded that there is no full-time established for the position; only part-time Office Support.

Motion carried 5/0.

3. **Action:** Motion to approve Resolution 2021-3 rental license application late fee charge. **Motion** (Gwilt/ Clark) to approve Resolution 2021-3 for the Rental License Application Late Fee of \$100.

Public Comment:

Paul Watson requested a guarantee that the applications be received earlier by the landlord's as he had received his in the middle of January.

Township Manager Krüm-Tinsley responded that there had been some staff changes this year; however, the application is on the website for the landlord to download, complete and return.

Motion Carried 5/0.

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

1. Status Report

- a. Murphy & Dittenhafer Construction Meeting Minutes - #37, 38, 39
- b. Capital Construction Management

Project Manager Greg Koussis noted that Kevin Stick and Todd Grove were present to respond to any questions. He reported that the Certificate of Occupancy had been issued, everyone has moved over and are settled in. There are some punch list items being reviewed such as hardware items, door issues, lighting control issues, etc. Phase 2 demolition of the old building is proceeding and completion is expected within a week. Rough grading to be done on the site depending upon the weather.

2. Change Orders

Action: Motion to approve the following change order requests:

- a. Lobar 0005, (electrical) Credit for deleted LP at Pavilion \$669.90
- b. eciConstruction PCO40, remove/replace stone at storefront to meet ADA \$871
- c. eciConstruction PCO39, Damaged brick fence pier and cap replace \$4603
- d. eciConstruction PCO38, Install handicap van parking space \$2842
- e. eciConstruction PCO36, Install water diverters \$977
- f. eciConstruction PCO35, Add to contract lock core changes and keying \$3179
- g. eciConstruction PCO41, Install ADA benches in locker rooms \$1083
- h. eciConstruction PCO34, Transition between LVT flooring and ceramic tile \$1144

President Commissioner Rooney indicated that it would be appropriate to provide some detail for each item, which Mr. Koussis provided. Mr. Koussis noted that the list is presented by the contractors as potential Change Orders, and they are asking for the Board to approve them. With approval they can be converted into Change Orders. Most of the work has been completed; some of it remains to be done.

Todd Grove stated that Architects and Engineers operate under what is called the Standard of Professional Care. He indicated that it was important to understand that there are always going to be things that come up in construction, and that the Change Orders are approximately 1.5%, which is extremely good. The project started out at potentially \$10 million. It has actually come in \$2 million under budget. He noted the project is an extremely good value for the Township and something the entire team and everyone involved with should be pleased. President Commissioner Rooney thanked him for his comments. He noted that there are gray areas as well as black and white areas where codes are concerned, which need to be met. Solicitor Hovis indicated he appreciated Mr. Grove's comments. However, this is not the forum for debate on individual Change Orders, which the Township will review at the end of the project.

Motion (Gwilt/Detwiler) to approve the following Change Order requests, A through G, as listed on the agenda.

Public Comment

Grant Waltersdorff (1110 Greenhill Road) stated that he noticed as he attended a number of meetings over the years there had been quite a few Change Orders. He was specifically interested in the ADA requirements, which had been in place for quite some time. He was concerned that adjustments had not been made in the first place for people who need handicap access. He was interested in the total cost so far in Change Orders for the new building, and how they are being double-checked that they are actually needed. President Commissioner Rooney thanked him for his comments. He responded that they are tracking the costs. Mr. Waltersdorff indicated that he understood that it takes time to research the costs. He would appreciate knowing the total Change Orders costs following review.

Motion Carried 5/0.

3. Requests for Payments

Action: Motion to approve the following requests for payment:

- a. eciConstruction (General Contractor): \$13,741.85
- b. Lobar (Electrical Contractor): \$5,690.67
- c. Vision Mechanical (Plumbing Contractor): \$1,873.58

Motion (Luciani/Gwilt) to approve the following requests for payment; ECI Construction \$13,741.85, Lobar \$5,690.67, and our finish payment for North Bay Mechanical and finally for Vision Mechanical Plumbing Contractor for \$1,873.58. **Motion Carried 5/0.**

4. Other

- a. Certificates of Substantial Completion: eci Construction, Lobar, Northbay Mechanical
President Commissioner noted that no action was required for item a but was presented for information.

J. Commissioners' Comments

1. Commissioner Detwiler, Ward 1 had no comment.
2. Commissioner Rooney, Ward 2 reported that during the recent storm Public Works did another excellent job. He added he was really pleased with the alleys and streets and how they got them cleared. There were a few residents had some snow on their property after they plowed. They had cleared off a walk and the crews did as good job trying to get the excess snow off someone's property.
3. Commissioner Clark had no comments from Ward 3.
4. Commissioner Luciani had no comments from Ward 4.
5. Commissioner Gwilt noted he thought Public Works did a good job cleaning the streets.

K. Township Staff Reports

1. Engineer – David Davidson, P.E./C.S. Davidson, Inc.
 - a. Tapping Fees Study Update
Township Engineer Dave Davidson reported on the information needed to document what Spring Garden Township paid for capacity at the City Treatment Plant. Springettsbury Township provided information easily, but it was not easy with the City. He noted it may be necessary to meet with Solicitor Hovis to work through the issues. That is the sole remaining item on the Tapping Fee Study.
 - b. Hill Street Sanitary Sewer Repairs and Schedule update
B. J. Treglia reported that the PennDOT Utility Permit was received. They are working through contract specifications and clearing up several items on missing laterals with Public Works. The current schedule shows a review with Township staff at the beginning of March. He will request advertisement and bidding of the project at the March Board meeting;

opening of bids in late March and providing a recommendation ready for the April meeting. Contract to be awarded and subsequent construction in May and June.

- c. Virginia Ave/Country Club Rd. Stormwater update
Mr. Davidson reported that they have been in contact with PennDOT regarding Virginia Avenue. They expect to get the Highway Occupancy Permit this week (week of February 8, 2021), which will provide for spring construction.
- d. 1701 S. Queen St. proposal for intersection for proposed development
This item was tabled at the Developer's request. President Commissioner Rooney questioned whether it will be necessary to wait for information from the City to make the Tapping Fee Study complete. Engineer Davidson responded that he was correct. They need to obtain information from the City to complete the study. President Commissioner Rooney questioned whether there is a backup plan if the data can't be obtained. Engineer Davidson responded that the Springettsbury portion is completed with a recommendation in the study for Springettsbury's tapping fee. He deferred to Solicitor Hovis for additional discussion. Solicitor Hovis responded that there are some municipalities that take the approach that the costs could be spread out over all customers. He asked Engineer Davidson to contact him to see what can be done to coordinate the information needed. Commissioner Luciani commented on item d., the Queen Street Installation. He reminded the Board of previous discussions surrounding a potential intersection at Tri Hill Road. The subject had moved back and forth from the Township to PennDOT with no resolution. Following discussion and consensus of the Board, Mr. Luciani presented a Motion.

Motion (Luciani/Gwilt) to send a letter to Pennsylvania Department of Transportation documenting the opinion of the Board of Commissioners and Township Engineer that the safest and best access point on South Queen Street is an alignment with Tri Hill Road. **Motion Carried 5/0.**

- 2. Solicitor – Attorney Hovis/Stock and Leader
 - a. **Action:** Determination needed for Right of First Refusal. 1643 Mt. Rose Ave./Holtzaple property. **Motion** (Luciani/Clark) to waive the right of first refusal for this purchase and maintain it in case it falls through. **Motion Carried 5/0.**
 - b. **Action:** Motion to approve the engagement letter from Attorney Tom Wyatt with payment being made from the Transportation Fund with the York City Sewer Authority. York Area Regional Sewer Authority (YARSA) members are taking the engagement letter approval request to their respective Boards and Commissions. **Motion** (Luciani/Clark) to approve the engagement of Tom Wyatt in an effort to try to protect our rights as a sewer user at the York City Wastewater Treatment Plant with our brother and sister communities as proposed by our Solicitor. **Motion Carried 5/0.**

Township Manager Krūm-Tinsley brought forward an item concerning the Real Estate Tax Collection. **Motion** (Luciani/Clark) to approve Spring Garden Township's use of the services of York County's offices to provide the tax services for 2021 in the probable event that our tax collector submits her resignation. **Motion Carried 5/0.**

Township Manager Krūm-Tinsley brought forward an additional request from York County. They requested the Board authorize her to sign the Uncollected Real Estate Returns for 2020 upon the successful reconciliation of the Township dollars and the documents, which will go to York County Tax Claim.

Motion (Luciani/Detwiler) to authorize the Township Manager to execute the appropriate documents related to the Tax Collection Services after they are reconciled. **Motion Carried 5/0.**

3. Chief Financial Officer – Krista M. Gardner, CPA/SEK
CFO Krista Gardner reported that she is processing a final review of everything for 2020. She is beginning to send documents to the auditing firm this week and next so that the audit will be completed by the March 31st deadline. She is beginning to see what is coming in for 2021, and the only thing she noticed was rental registration revenue that had not started coming in to date.
4. Police Chief – Chief George Swartz
 - a. **Action:** Motion to enter into the AED Agreement with York County.
Police Chief Swartz reported that the County of York provided automated external defibrillators to any department needing them. They were fortunate to obtain five AED's at no cost to the Township. As part of acquiring the AED's County would like a document signed that the County has no future responsibility. The Solicitor had reviewed the agreement, offered some changes, which the County had done. He requested Board authorization for him to sign. **Motion** (Detwiler/Gwilt) to approve Chief Swartz to enter the AED agreement as amended. **Motion Carried 5/0.**
 - b. **Action:** Motion to participate in the US Marshal Service Fugitive Task Force.
Motion (Gwilt/Luciani) to authorize to sign the MOU with the United States Marshal Service for the Fugitive Task Force. **Motion Carried 5/0.**

Police Chief Swartz brought forward the opening on the Civil Service Commission created with the resignation of David Detwiler. At that time the single Alternate Commission Member, Robert Lehman, assumed that vacancy. He will complete Commissioner Detwiler's term ending in 2026. With his assistance, they were able to find a Township resident, Timothy Purcell, who is interested in assisting with Civil Service. With approval he will serve as an Alternate Member filling Robert Lehman's term ending in 2025. Chief Swartz requested the Board's approval.

Motion (Detwiler/Luciani) to approve Robert Lehman into the position as Commissioner to replace the vacancy created by David Detwiler's resignation and to accept Timothy Purcell for the position that Mr. Lehman has vacated, with both of them throughout their Commission to 2025 and 2026, respectively. **Motion Carried 5/0.**

5. Fire Chief – Chief Daniel Hoff
Fire Chief Hoff provided his report.
6. Public Works Superintendent – Steven Smith
Public Works Superintendent provided his report.
7. Zoning Officer – Linda Keller
 - a. Planning Commission
 - Minutes – January 5, 2021
 - Agenda – Forthcoming (March 2, 2021)
 - b. Zoning Hearing Board
 - Minutes – January 18, 2021
 - Agenda – No February 2021 Meeting

8. Code Enforcement Officer – Clifford Gordon
Township Manager Krūm-Tinsley responded that Mr. Gordon had submitted his report that outlined what Plumbing Permits and Licenses were issued, along with sewer connections.
9. Township Manager – Marcy L. Krūm-Tinsley
 - a. York City Sewer Authority Workgroup
 - Minutes – Jan. 21 & 28, 2021
 - b. Snow event – Monday, February 1, 2021
 - c. York Co. Stormwater Consortium meetings – Feb. 24, 2021
 - d. York Area Metropolitan Planning Org. (YAMPI) Technical Comm.-Apr. 1, 2021 9am
 - e. 2020 Statement of Financial Interests due by May 1, 2021

Township Manager Krūm-Tinsley noted that she had provided Minutes of the York City Sewer Authority Workgroup as noted on the Agenda. She noted the Financial Interest Statements for the year 2020 are due by this May 1st.

Township Manager Krūm-Tinsley presented an Unbudgeted Request for a portable camera. The interest in such a camera is to have available for the Board, Planning Commission and Zoning Hearing Board to meet in-person. However, the camera would provide the opportunity for the public to listen in by Zoom. She had enlisted the support of the IT group for a cost-effective alternative. This could be used by the Police Department and Administration. The cost was \$499.99.

The Board provided comments, summarized:

- Capability would be good in the interim until there could be an in-person public meeting.
 - The camera could be used by the Police Department even after things go back to normal.
 - The camera may not be big enough to provide coverage for everyone sitting 6-feet apart.
 - The Caucus Room is a more intimate setting than in the larger meeting room.
 - Other systems were several thousand dollars; the one presented was cheaper.
 - Good to have a system that could be used in the larger meeting room; more expensive.
- Consensus of the Board was for Manager Krūm-Tinsley to explore other options and prices. CFO Krista Gardner stated that she had used a similar camera in a room similar to the Caucus Room. It actually moved to the speaker and captured almost the whole room.

ii. Adjourn

President Commissioner Dan Rooney adjourned the meeting at 8:11 p.m.

Respectively Submitted,

Marcy Krūm-Tinsley
Secretary

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