

Minutes of the Spring Garden Township Board of Commissioners
6:00 p.m. – June 9, 2021

Persons Present:

Daniel E. Rooney, President
John J. Luciani, Vice-President
Thomas Gwilt, Commissioner
David Detwiler, Commissioner
Tim Purcell, Commissioner
George Swartz, Police Chief
Dan Hoff, YAUFRC Chief

Marcy L. Krūm-Tinsley, Township Manager
Dave Davidson, Engineer
B. J. Treglia, Engineer
Linda Keller, Zoning Officer
Steve Smith, Public Works Superintendent
Steve Hovis, Solicitor

I. Call to Order – Business Meeting

President Commissioner Dan Rooney called the June 9th Board of Commissioners' meeting to order and led the Pledge of Allegiance. He announced that an Executive Session was held prior to the Commission meeting this date to discuss litigation.

A. Presentations

There were no Presentations.

B. Public Comment

There were no Public Comments.

C. Board of Commissioners Meeting Minutes

1. Approval of Board of Commissioners' May 12, 2021 Business meeting. **Motion** Luciani/Gwilt) to approve Board of Commissioners' Business meeting as presented. **Motion carried 5/0.**

D. Treasurer's Report

1. May 2021 Treasurer's Report / Bank Transactions; **Motion** (Detwiler/Luciani) to accept the May 2021 Treasurer's Report. **Motion carried 5/0.**
2. Chief Financial Officer – Krista M. Gardner, CPA/SEK; report presented.

E. Opening/Awards of Bids – None

F. Subdivision/Land Development

1. Request to approve revised preliminary/final land development plan for a 100,000 SF motor freight terminal at 350 N. Sherman St., IP Zoning. Requested waivers: 275-9.A Preliminary plan submission; 275-29.A Minimum street width of 34 feet; 275.29.A Minimum right-of-way width of 80 feet; 275-43.A Curbing and Sidewalk along North Sherman Street and Hudson Street; 275.40.1.D(4)(a) 50 ft. buffer yard.

Conditions for approval:

1. The Engineer's seal and signature are required (275-24C(5))
2. Owner's notarized signature is required (275-24(22))
3. Erosion and sedimentation and control plan approval is required
4. Stormwater Management (NPDES Permit) approval is required
5. Surety for public improvements
6. Developer's Agreement prepared by Township Solicitor

Josh George, Site Design Concepts, presented the updated plan with adjustments made

during the May 12th Board of Commissioners meeting. In addition, Joe Eisenhower, Developer from Inch & Co. provided comments indicating they were willing to provide whatever the township required.

The Board of Commissioners had a lengthy discussion concerning details of the development, which are summarized:

- Widening of the street providing curb along Olive Street and sidewalk in close proximity to Sherman Street. Flat area graded for future sidewalk located outside the PennDOT right-of-way along Sherman Street towards the railroad track if warranted.
- Enlarged street access onto Olive to allow WB62 trucks to enter and exit without encroaching on the opposing travel lane.
- Concrete aprons provided on either side of the driveways for additional maneuvering spaces in the truck turning radii.
- Five-foot high landscape berm added along Hudson Street to improve and soften appearance.
- Radius to be improved on the northeast corner for trucks turning right from Sherman Street.
- PennDOT does not want curb and sidewalk on their roadways.
- Large drainage swale exists paralleling Sherman Street. Extra shoulder would accommodate pedestrians in that area. Curbs and sidewalks are a necessity.
- Waiver for buffer along Hudson and five-foot berm would not do much to hide the building.
- Lighting plan was provided and acceptable.
- Widening along Olive Street was provided. For Sherman Street a six-month note was included in the plan.
- PennDOT approval will be needed for road improvements. Developer's Agreement would include that requirement. Developer may opt to erect a wall to accommodate the sidewalk.
- Four-foot pedestrian pathway to Dollar General provided on Olive Street. Right-of-way on Olive Street to be enlarged to accommodate future widening.

Public Comment:

Amy Mitten 653 Mulberry Street thanked the developer for having the grass mowed. She provided some input from residents, which input is summarized:

- Quality of life and financial impact to property values
- Encroachment on resident side of property; needs buffer
- Existence of a 45-foot building looming in the neighborhood
- Need for increase of trees in the area.
- Concern with tractor-trailers making right on Olive; safety hazard
- Pedestrians need sidewalks to Dollar General store; fencing; safety issues
- Times of Operation of potential tenant
- Fencing needed to protect residents from drug dealers
- During construction consider the dust over neighborhood

Mrs. Mitten provided some input to the Board of Commissioners. She indicated that there is not enough representation from the residents on the Planning Commission. There is a need for additional consideration for the impact on properties in the neighborhood and

would like to see more resident involvement. She questioned whether DEP had provided documentation showing that the contamination had been mitigated.

Joe Eisenhower reported that they had received the Act 2 Clearance and the contaminants and water quality had been certified. No additional environmental cleanup was required.

Motion (Luciani/Gwilt) to recommend the Final Land Development Plan for 350 North Sherman Street conditioned upon addressing comments provided by Township Engineer and Staff that a Developers Agreement be prepared to include widening North Sherman and Olive Streets to accommodate truck traffic entering from Sherman to Olive with the costs to be borne by the Developer. The PennDOT Permit will be in the name of Spring Garden Township. In addition to the Developer's Agreement, the Developer agrees to provide curbs, widening and sidewalks on Olive and other improvements and dedication of additional right-of-way along Olive Street to the maximum extent practical. The Developer's Agreement will require that the plan for the roadway improvements be approved and funded prior to occupancy of the building. **Motion carried 5/0.**

2. Request to approve a reduction in surety for Rosecroft at Regents Glen in the amount of \$41,020. Remaining balance: \$163,081.75. **Motion** (Luciani/Gwilt) to approve reduction in surety for Rosecroft at Regents Glen in the amount of \$41,020. **Motion carried 5/0.**

G. Old Business

1. Request to adopt Ordinance 2021-3 amending Chapter 300 for adding a handicapped parking spot on Elmwood Boulevard. **Motion carried** (Detwiler/Luciani) to adopt Ordinance 2021-3 amending Chapter 300 for adding a handicapped parking spot on Elmwood Boulevard. **Motion carried 5/0.**
2. Request to adopt Ordinance 2021-4 amending Chapter 300 for regulating the removal and impoundment of illegally parked vehicles. **Motion** (Luciani/Purcell) to adopt Ordinance 2021-4. **Motion carried 5/0.**
3. Request to adopt Ordinance 2021-5 for implementing a capital charge study and amending the schedule for tapping and connection fees. **Motion** (Detwiler/Purcell) to adopt Ordinance 2021-5 for implementing a capital charge study and amending the schedule for tapping and connection fees. **Motion carried 5/0.**

H. New Business

1. Request from Rep. Carol Hill-Evans to host their shredding event one Saturday (Sept./Oct.2021). Board was receptive to this occurring.
2. Request to enter into a second modification agreement with Peoples Bank which amends the terms and conditions by extending the drawdown period to August 10, 2021 **Motion** (Luciani/Gwilt) to enter into a second modification agreement with Peoples Bank which amends the terms and conditions by extending the drawdown period to August 10, 2021. **Motion carried 5/0.**
3. Request to appoint Kenyon Feeser to the Spring Garden Township Civil Service Commission for a 6-year term as Alternate Commissioner. **Motion** (Luciani/Purcell) to appoint Kenyon Feeser to the Spring Garden Township Civil Service Commission for a 6-year term as Alternate Commissioner **Motion carried 5/0.**
4. Request to appointment needed to fill vacant seat of the York County Stormwater Consortium. **Motion** (Luciani/Gwilt) to place Marcy Krūm-Tinsley as Alternate Representative for the York County Stormwater Consortium. **Motion carried 5/0.**
5. Request to make an appointment from Board of Commissioners for Police Liaison.

Motion (Luciani/Detwiler) to appoint Commissioner Purcell as Police Liaison. **Motion carried 5/0.**

6. Request to make an appointment from Board of Commissioners for Budget Committee member. **Motion** (Luciani/Gwilt) to appoint President Commissioner Dan Rooney to the Budget Committee replacing former Commissioner Annette Clark. **Motion carried 5/0.**

I. Township Municipal Building and Violet Hill Park Project

1. Status Report

- a. Murphy & Dittenhafer Construction Meeting Minutes #47

Township Manager Marcy Krūm-Tinsley stated that they continue working through issues including the lighting issues in the lobby. The contractors are working on the park.

2. Change Orders - none

3. Requests for Payment

Request to approve the following requests for payment:

- a. eciConstruction (General Contractor): \$265,655.42
- b. Lobar (Electrical Contractor) \$6,140.25
- c. North Bay Mechanical (Mechanical Contractor): \$37,006.00
- d. Vision Mechanical (Plumbing Contractor): \$4,140.00

Motion (Luciani/Detwiler) to approve the following requests for payment: eciConstruction, \$265,655.42; Lobar \$6,140.25; North Bay Mechanical \$37,006.00; Vision Mechanical \$4,140.00. **Motion carried 5/0.**

4. Other

- a. Request from Murphy and Dittenhafer brought forward for additional construction administration services in the amount of \$19,500 for the additional services required relating to the extended construction phases. Representative from Murphy & Dittenhafer presented a proposal for 18 months of above substantial completion from 1/5/21, which included 6 months spent on Violet Hill for a total of 18 months. He cited facts such as the impact created by COVID with employees getting paid who were not on Unemployment Compensation. He mentioned issues with vendors supplying materials and the ripple affect; the roof trusses for the building, shop drawing reviews, pci finally resolved. He reported that the material is coming in from the supplier for the picnic pavilion roof; they hope to be finished by the 4th of the month. They have been performing duties since January 5th and will continue until the job is finished. They need to be compensated for what they have done so far with no fault to them. Solicitor Hovis referenced language in the contract. He advised that Solicitor Jones from Stock & Leader is reviewing the contract.

J. Commissioners' Comments

1. Commissioner Detwiler, Ward 1 – nothing to report.
2. Commissioner Rooney, Ward 2, noted that Phase 2 is moving along and he appreciated the staff work. In addition, he appreciated the efforts of Township Manager Krūm-Tinsley in getting the project finished.
3. Commissioner Purcell, Ward 3, thanked the Board for including him on the Board. He thanked Township Manager Krūm-Tinsley for helping him learn about municipal government.
4. Commissioner Luciani, Ward 4, noted that he and Manager Krūm-Tinsley serve on YAMPO, York Area Municipal Planning Code. PennDOT is opening up the 2021 ARLE grant for signal updates and handicap ramps; the grant application period is open until the end of June

2021. Previously Springettsbury Township received a \$700,000 grant for signals to be updated. He noted Spring Garden has some poles and mast arms to be replaced to make the best signal location. He suggested filling out the application with an estimate on the cost for signal investment to modernize the equipment.

5. Commissioner Gwilt, Ward 5, noted a resident was upset about her sidewalk and wanted him to meet with her. Commissioner Gwilt and Public Works Superintendent Smith discussed it with her. She thought she was being singled out, but she now understands it is hers to repair. Commissioner Gwilt met with Superintendent Smith to look at several sidewalks that are in bad shape with safety issues. There is a resident who is handicapped and their sidewalk needs to be repaired. Superintendent Smith was able to take care of the repair.

K. Township Staff Reports

1. Engineer – David Davidson, P.E./C.S. Davidson, Inc.
 - a. Hill Street Sanitary Sewer
 1. Request to approve Greenland Construction’s request for payment #1 for work completed as of May 14, 2021 in the amount of \$71,170.70. **Motion** (Detwiler/Purcell) to approve Greenland Construction’s request for payment #1 for work completed as of May 14, 2021 in the amount of \$71,170.70. **Motion carried 5/0.**
 - b. Virginia Ave/Country Club Rd. Stormwater
Engineer Treglia reported that Superintendent Smith met with Engineer Rinaldo and received the permit. The project is not designed yet and will not be done this year; slated for spring 2022.
 - c. **1701 S. Queen St. – status**
Engineer Davidson reported that Warehouse submitted work for the intersection. He expects a follow up email asking about the PennDOT questions.
 - d. **Copper Ridge/Regents Glen – status of final improvements**
Solicitor Hovis questioned how long the township should go on allowing the developer (Mr. Rod Krebs) to delay issuing the bond. It is his allegation and he has a vested interest in wanting to move off dead center. It will be necessary to notify the bonding company that there are 12 months of added work to be done, and at that point the bonding company will do the improvements. The township needs to create a deadline. Solicitor Hovis suggested the township notify the bonding company and the LLC, as well as Mr. Krebs of the work not yet completed, which includes 21 items. Engineer Davidson reported he had done a walk through. The sanitary sewers must be completed prior to paving the street which could take one or two months. In addition, there is no sidewalk along Copper Beach. Engineer Davidson indicated that there are remaining bond proceeds for the work. Commissioner Luciani suggested giving them until October and to notify them before September with a one-month hedge. Solicitor Hovis added that a deadline should be established before the October meeting. He noted the MOU Pennsylvania Bond Holder is Lexon Insurance Co., Abbingon, MD. **Motion** (Luciani/Detwiler) to notify Rod Krebs and current owner that Spring Garden Township intends to call the Bond on or about September 1, 2021 unless improvements are completed as defined by C. S. Davidson in June, 2021. **Motion carried 5/0.**
 - e. Woodland Drive sanitary sewer – construction estimate
Motion (Detwiler/Luciani) moved to authorize to start the construction estimate for the sanitary sewer replacement at Woodland and Wyndsong. **Motion carried 5/0.**

2. Solicitor – Attorney Steven Hovis/Stock and Leader
3. Police Chief – Chief George Swartz
 - a. Request to appoint Jonathan P. Harvey to the Spring Garden Township Police Department as a Probationary Police Officer. **Motion carried** (Luciani/Detwiler) moved to appoint Jonathan P. Harvey to the Spring Garden Township Police Department as a Probationary Police Officer. **Motion carried 5/0.**
 - b. Request to approve Resolution 2021-9, Police Policies. **Motion** (Luciani/Gwilt) to approve Resolution 2021-9 Police Policies. **Motion carried 5/0.**
4. Fire Chief – Chief Daniel Hoff
5. Public Works Superintendent – Steven Smith
Superintendent Smith reported that sewer gnats had become a huge issue in the township. He assured the board that measures were taken to eliminate it. They had contacted York County West Nile Program for recommendations. He mentioned Public Works Superintendent (understudy) Craig Ruhl was doing a great job.
6. Zoning/Code Enforcement Officer – Linda Keller
 - a. Planning Commission – No June meeting
 - b. In House Review – No June meeting
 - c. Zoning Hearing Board – No June hearing
7. Rental Inspector – Robert Peña
8. Township Manager – Marcy L. Krūm-Tinsley
 - a. 3rd Party Inspection agencies (PA Uniform Construction Code) – status
Township Manager Krūm-Tinsley reported that the 3rd Party had not been located. She hoped that over the course of time things will even out and become a lot better with which to work.
 - b. Request for Accounting/Benefits Coordinator for Part-Time benefits
Part Time – up to 29-1/2 hours; some work 22; some work 27-1/2
Full Time – Work 37-1/2 hours; some are pro-rated.
Additional information can be provided as to what is proposed.
 - c. Fireworks permit issued to the York Country Club for August 14, 2021 at 8:30 p.m.

II. Adjourn

President Commissioner Dan Rooney adjourned the meeting at 8:52 p.m.

Respectfully submitted,

Marcy L. Krūm-Tinsley
Township Manager, Secretary

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