

Minutes of the Spring Garden Township Board of Commissioners Workshop

5:00 p.m. – February 12, 2020

Persons Present:

Daniel E. Rooney, President
Michael L. Thomas, Commissioner
Thomas Gwilt, Commissioner
George J. Swartz, Chief of Police
Linda Keller, Zoning Officer

John J. Luciani, Vice-President
Annette Clark, Commissioner
Marcy L. Krūm -Tinsley, Township Manager
Dave Jones, Esq., Solicitor
Krista Gardner, Chief Financial Officer

There was zero people in the audience.

Chief Financial Officer Gardner provided a financial overview of the township funds which included the following: the Township operates on a cash basis of accounting, DCED required reporting, and Township fund types (General, Special Revenue, Proprietary, and Fiduciary funds).

Solicitor Jones provided an overview of the roles and responsibilities of the Commissioner, the Manager, what constitutes a public meeting and public information.

The workshop concluded at 5:45 pm.

Minutes of the Spring Garden Township Board of Commissioners Business Meeting

6:00 p.m. – February 12, 2020

Persons Present:

Daniel E. Rooney, President
John J. Luciani, Vice-President
Thomas Gwilt, Commissioner
Michael L. Thomas, Commissioner
Annette Clark, Commissioner
Linda Keller, Zoning Officer
Daniel Hoff, Chief, YAUFRR

Marcy L. Krūm -Tinsley, Township Manager
David M. Davidson, Jr., P.E., Engineer
B. J. Treglia, C. S. Davidson
Steven F. Smith, Public Works Director
George J. Swartz, Chief of Police
Dave Jones, Esq., Solicitor
Krista Gardner, Chief Financial Officer

There were 46 people in the audience: 39 left following the Presentation.

1. *Call to Order*

President Commissioner Daniel E. Rooney called the meeting to order and led the Pledge of Allegiance and indicated an executive session was held to discuss property acquisition and personnel matters immediately following the workshop's conclusion.

A. **Presentations – Promotion of Officer Graybill**

Chief of Police George Swartz presented Officer Elisha Graybill with a Promotion to Sergeant. He verbalized the many responsibilities and recognitions of her excellent performance over 20 years of service.

President Commissioner Dan Rooney presented her with her Certificate of Promotion to Sergeant.

President Commissioner Dan Rooney moved item L. forward at this time.

1. Spring Garden Township Municipal Building and Violet Hill Park Project Status Report

- i. Murphy & Dittenhafer Construction Meeting Minutes from December 18, 2019; January 15, 2020; and January 29, 2020 and revised schedule dated January 3, 2020
- ii. Capital Construction Management report #8

- Greg Koussis reported a quick status of the overall project. He had previously explained there had been some delay issues with the project relative to wall panels and roof trusses. All of those have been worked out, and the project is moving head. However, there had been an impact to the schedule and an impact to the delivery dates. He had provided an Executive Summary.

- The contractor notified the Architect in a letter earlier this month that they were delayed by what they believe is 37 days. A 37-day delay is an accumulation of a number of issues previously mentioned. They currently are in the process of going through the documents to determine which parts and pieces are attributable to potential design issues and which parts and pieces are contractor driven in terms of delay to the overall schedule, and there are some of both.

- The contractor stated that also in that letter he had put together some costs that are potential delay claims. They have stated that they will try to recover as much of the time as possible; however, they are reserving the right to request days and some dollars depending on where the final schedule comes in. The next steps in terms of what the project team is doing is to establish, from the township's perspective, is actually how many days to which they may be entitled.

- Mr. Koussis stated that the original delivery date for the building itself was supposed to be June 15th; current delivery date, based on the 37-day delay, is August 12th. The most recent schedule from the contractor shows them picking up a few days so it may be early August. Hopefully maybe they can move that back into some July timeframe, but that's potentially when the first stage delivery is expected, which is the building completion before moving on to the work in the park.

- Solicitor Dave Jones questioned whether the "no damage for delay" clause was marked up in the contract. He requested Mr. Koussis to check because the dollars may not be available to deal with this new timing. He had tried to insert that in the contract.

- Mr. Koussis responded that he would check. He continued through the Change Orders.

2. Change Orders:

- i. AIA #G002 total amount \$17,240
 - a. #PCO3 for engineering and design for additional bearing walls, \$10,801
 - b. #PCO4 for installation of CMU in lobby area, \$728
 - c. #PCO5 for masonry tiles and weld studs to W18 beams, \$334
 - d. #PCO6 for plywood on wall in Room 167, \$510

- e. #PCO7 for installation of additional structural steel columns and base-plates \$4,867
- f. CO#002 – Credit to shorten Telecom ductbank; deduct \$1,383.17

All the Change Orders had been reviewed by the design professionals and are recommended for approval.

Action: Motion to approve the Change Order.

MOTION (Luciani/Thomas) to approve the Change Order G002 in the total amount of \$17,240, which includes items a through e and, in addition, a credit for the shortening of the telecom ductbank in the amount of \$1,383.17. **Motion Carried 5-0.**

3. Requests for Payment

General Contractors:

Action: Motion to approve the following requests for payment:

- i. eciConstruction (General Contractor) in the amount of \$158,636.53
- ii. North Bay Mechanical (Mechanical Contractor) in the amount of \$83,245.50

MOTION (Luciani/Thomas) to approve the following request for payment for eci Construction (General Contractor) in the amount of \$158,636.53; and North Bay Mechanical (Mechanical Contractor) in the amount of \$83,245.50. **MOTION CARRIED 5-0.**

Action: Motion to approve the following requests for payment: ECS in the amount of \$788.50

MOTION (Luciani/Thomas) to approve ECS in the amount of \$788.50. **MOTION CARRIED 5-0.**

B. Public Comment (any item not on tonight's agenda)

Ms. Connie Schmotzer, 751 Hillcrest Road, representing Penn State Extension, addressed the board. She invited the township officials to come to a session sponsored by Penn State Extension, the Lancaster Community Conservation Committee and York College. The Speaker is Dr. Douglas Tallamy, who will speak on March 26th at 2 p.m. Dr. Tallamy is Professor of Wildlife Ecology at University of Delaware. He will discuss changing how to properly landscape yards in order to assist pollinators and the ecology.

President Commissioner Rooney thanked her for her presentation and for the invitation to the board.

C. Board of Commissioners Meeting Minutes

1. *Action:* Motion to approve Board of Commissioners' reorganization meeting minutes, January 6, 2020

MOTION: (Luciani/Clark) moved to approve the Board of Commissioners' Reorganization meeting minutes, January 6, 2020. **MOTION CARRIED 5-0.**

2. *Action:* Motion to approve Board of Commissioners' business meeting minutes, January 8, 2020

MOTION: (Luciani/Clark) moved to approve the January 8, 2020 Meeting as amended by Commissioner Clark. **MOTION CARRIED 5-0.**

President Commissioner Rooney added an amendment to the January 8th Minutes. On page 5 under Public Works should read:

CONSENSUS OF THE COMMISSIONERS WAS AGREEMENT TO RENT THE PROPERTY AT A MARKET RATE TO BE DETERMINED BY THE TOWNSHIP MANAGER WITH A HOLD HARMLESS AGREEMENT IN PLACE.

MOTION: (Luciani/Clark) moved to amend the January 8th meeting minutes as stated above.
MOTION CARRIED 5-0.

D. Treasurer's Report – January 2020

1. *Action:* Motion to accept the January 2020 Treasurer's Report – January Bank Transactions and Revenues and Expenses by Fund.

MOTION (Thomas/Luciani) moved to accept the January 2020 Treasurer's Report and Bank Transaction Revenues and Expenses by Fund. **MOTION CARRIED 5-0.**

E. Opening/Awards of Bids – none

F. Subdivision/Land Development

1. *Action:* Motion to approve the release of surety for York Collision in the amount of \$387,205.50

MOTION (Clark/Thomas) to approve the release of surety for York Collision in the amount of \$387,205.50. **MOTION CARRIED 5-0.**

2. *Action:* Motion to approve a reduction in surety for Box Hill estates in the amount of \$27,070. Remaining surety will be \$351,017.

MOTION (Clark/Luciani) to approve a reduction in surety for Box Hill estates in the amount of \$27,070. **MOTION CARRIED 5-0.**

3. *Action:* Motion to approve manager to sign the Sewage Facilities Planning Module for White Oaks & White Oaks Villas at Regents Glen.

MOTION (Thomas/Luciani) to approve manager to sign the Sewage Facilities Planning Module for White Oaks & White Oaks Villas at Regents Glen.

Commissioner Luciani questioned whether there is a capacity issue in any of the conveyance systems with the new development.

Engineer Davidson responded that nothing is affected by this module as it is on the north side of the hill.

MOTION CARRIED 5-0.

G. Old Business

There was no Old Business.

H. New Business

1. *Action:* Motion to accept resignation of James McMillion, Ward 4, Zoning Hearing Board

MOTION (Luciani/Thomas) to accept the resignation of James McMillion with regret from Ward 4 for the Zoning Hearing Board.

Commissioner Luciani questioned whether those who resign are recognized with a letter.

Linda Keller, Zoning Officer, responded that she had prepared a Certificate for Mr. McMillion. She noted that he was unable to attend the meeting this date, but she will be sure he will receive the Certificate.

Commissioner Thomas questioned the status of Zoning Hearing Board openings. Linda Keller responded that there are openings in Ward 1 and Ward 4. She added that there are only three members, and all three must be in attendance to do any business. There is a notation on the website for interested individuals.

MOTION CARRIED 5-0.

2. *Action:* Motion to approve the Resolution 2020-1, Disposition of Records

The board discussed the historic permit activity from 1956 to 2014, which was kept on a spreadsheet by Ms. Keller. There are no site plans or floor plans archived, but permits can be researched. At this time information is scanned into Permit Manager software. No history will be lost. Additional documents to be included in the disposition of records was provided by Ms. Keller.

Police Chief Swartz noted that under the Historical and Museum Commission Act of 1968 the records are eligible for destruction. He added that the departments are attempting to become as lean as possible to avoid transporting things from one building to another. Many scanned items are already in the system.

MOTION (Luciani/Clark) to approve to destroy the records in accordance with the Historical Museum Commission Act of 1958 as listed in the two-page summary provided by staff, Resolution 2020-1, Disposition of Records. **MOTION CARRIED 5-0.**

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

This item was acted upon earlier during the Agenda.

J. Elmwood and Grantley Parks Renovations

1. Status Report – YSM to provide close out letter to DCNR upon receipt of payment of final invoice (tentatively scheduled for March 2020)

Manager Marcy-Krūm Tinsley indicated that the project is nearly completed. They are waiting for the final installation of signs recognizing that DCNR provided some funding for the project. Following that the project should be closed out. This is anticipated during March.

2. Requests for Payment – None

3. Change Orders – None

K. Commissioners' Comments

1. Commissioner Thomas, Ward 1, has had a personal concern about sight angles and actually had a resident approach him concerning the subject. One concern is where a near accident took place coming off Queen Street up Hillcrest, around to Woodberry where Crestlyn cuts off. The corner house there has a very large evergreen bush that is about eight feet tall and nearly grows out to the curb line. It may be in the township's best interest to cruise the neighborhoods to look for areas that could potentially be an issue when spring growth starts sprouting.

2. President Commissioner Rooney, Ward 2, brought forward several items. He received a letter from a neighbor regarding truck traffic coming into Elmwood, which he will send to the board. He indicated the letter has some valid points, which may be an opportunity for some signage to get the truck traffic off of Elmwood.

- Census 2020, Tentative Presentation March BOC meeting

President Commissioner Rooney mentioned a handout from the Census 2020. He indicated it is a really important issue. This will be mentioned on the website and in a newsletter to urge people to fill out the forms. It is important for apportionment, and he is looking for ideas for next month. He asked whether there is a draft Proclamation, which he would like the township to make to express its importance.

Township Manager Marcy Krūm Tinsley responded that there will be a presentation from a Census person.

3. Commissioner Clark, Ward 3, indicated she had been barraged by residents discussing a meeting to be held at 6:30 p.m. this date revealing the new campus Wellspan public reveal. She had suggested that the residents attend that meeting and report back to her. The subject surrounded many of the houses in the neighborhood that have been sitting empty for several years. Many are large homes with half acre lots; nice homes. The neighbors are concerned about what might take place in the future including traffic. She mentioned the residents live on Sharon Drive, Highland Road, Peyton Road, Leeds Road, Stratford Drive, Shelbourne Drive and Sleepy Holly Drive. The rumors are that the houses will be torn down to provide buildings and parking lots.

Commissioner Thomas noted that that project would be in York City so at a minimum there would be a Traffic Study. He added that the township acted upon a Wellspan proposal several months ago and made the position of turning a residence into a medical office clear.

4. Commissioner Luciani, Ward 4, had several items to report. He had received complaints about the signal at Country Club Road and Richland Avenue going eastbound. He had a conversation with a resident who could not get out to make the left turn. Commissioner Luciani reported that he had discussed the matter to the repair service, Milt, who indicated the signal light was working. Commissioner Luciani indicated that he had discussed this issue with Solicitor Hovis. As people come up Country Club Road and turn right onto Richland, they often swing into the left-turn lane to go into Lidle or into Rutters the wrong way. He was thinking of a skip line, which would direct them to stay in the right-hand lane so that every car could get there safely. He asked Chief Swartz if there had been a lot of accidents there.

Chief Swartz responded that there was a lot of concern with exactly what Commissioner Luciani had reported. There is more traffic coming out of Regents Glen now, and it is an education when they realize that when making that left going west on Country Club and turning onto Richland, they need to stay in that right lane.

Commissioner Luciani mentioned that more traffic could get through there, but it would require a signal plan change.

Engineer Dave Davidson reported that it actually had been discussed. Much of the problem is westbound with a permissive right that is always on. A vehicle coming eastbound must face that traffic continually turning right. York County Planning is aware of that, which had been on a traffic plan.

Commissioner Thomas mentioned that it should extend all the way down to the Rail Trail because all it will do is push the traffic downstream and the issue will be with Rutters and Indian Rock Dam.

Engineer Davidson stated that it had been conditionally approved with the Shoppes at Wyndham on a traffic study one year after full occupancy because they originally wanted a barrier with no left turns in the middle of Richland. They had objected pretty strenuously, and the compromise was a one-year traffic study.

Commissioner Luciani commented that he thought it was a permitted move.

Community Development Director Keller stated that it is not yet fully occupied.

Commissioner Luciani will be attending the York City Sewer Users Group meeting February 13, 2020 with Ms. Keller, Ms. Krūm-Tinsley and Mr. Rooney. He noted that, although it previously had been mentioned, it is extremely important to obtain a full complement of Zoning Hearing Board members. He presented a scenario that could take place without a full complement.

5. Commissioner Gwilt, Ward 5, noted that several of his neighbors had come to him complaining about the intersection of Mt. Rose Avenue and Albemarle Street on the west side in front of Popeye's. There are two signal lights there, but no markings have been on the street for some time ago. They are on the east, north and south side, but nothing on the west side.

Public Works Steve Smith indicated they had not placed markings on Mt. Rose Avenue because it is a state road.

Engineer Davidson noted that loops have to be aligned with the lanes.

Commissioner Gwilt commented that on one occasion he had to pull up to the signal light to make that left-hand turn. Oncoming traffic wouldn't allow him to move, and people behind him blew their horn and wanted him to move because they want to go straight. They won't get over to the right but there's plenty of room to do so.

Engineer Davidson reported that PennDOT is working on that. Last month there was a plan for loop detectors at that specific intersection. The loop detectors will require traffic markings, turn lanes and arrows.

Public Works Director Steve Smith reported that all will be repaved from Sherman Street heading east to Green Hill Road with the new construction is at I-83. That work will be done by the JBI Group.

L. Township Staff Reports

1. Engineer David Davidson, P.E. B. J. Treglia noted that the township staff recently received a Sewage Planning Module Exemption Request for 380 Hill Street. This is the Kinsley property across Hill Street from the Phineas Davis Elementary. They are planning to install a concrete truck wash bay. It will produce approximately 900 gallons per day of additional sewage flow. Their plan is to connect to a manhole on Hill Street at the north side of the railroad track. There are two pipelines on Hill Street that are under Spring Garden Township's jurisdiction and the sewage flow would take the rest into the city. The Planning Module Exemption is for approval to allow for this additional sewage need to connect through Spring Garden Township's system. The City has already reviewed this. They have capacity in

their conveyance system. Their treatment plant has to produce a letter giving approval to Kinsley because they are looking at the oil and sediment system separator. If it is approved, it cannot be constructed until the permit is authorized, which will be reviewed by our office for insurance, details and subsequent inspections.

A lengthy discussion took place, and consensus of the board was that more information is needed before making a decision.

2. Solicitor Dave Jones indicated that Solicitor Hovis had sent his report. He urged the board to keep track of the errors and omissions on the building project.
3. Chief Financial Officer – Krista Gardner, CPA
Chief Financial Officer Krista Gardner reported that the Quickbooks files had been updated to match the new Chart of Accounts and which have been implemented with the 2020 Budget. That also applies to previous years for comparison of apples to apples. They have updated reporting and are preparing for the audit scheduled to begin during the week of February 17th. The plan is that during the March meeting the preliminary unaudited numbers can be provided to the board.
4. Police Chief – Chief Swartz
Police Chief Swartz stated that he had nothing further to add to his report and he would be happy to answer any questions. There were none.
5. Fire Chief – Chief Hoff of YAUFR
Fire Chief Hoff stated he had nothing further to add to his report, and he would be happy to answer questions. There were none.
6. Public Works Superintendent – Steven Smith
Superintendent Smith reported that he had received the signed contract back from JBI Group to lease the property. They will pay \$300 a month, and they will send a check for \$1,800 to cover themselves for the restoration. They indicated they were planning to haul some brush out. Public Works will chip that later, and they will place topsoil and then seed it. This is a plus for them and a plus for the township. He added that Public Works is in winter mode with projects in the shop such as working on trailers.
7. Recreation Program Coordinator – Grant Waltersdorf
 - i. Recreation Commission – No January meeting
 - ii. Recreation Commission February 24, 2020 Agenda
 - iii. YCBAA Basketball Program – Meeting date March 16, 2020 at 6:30 p.m. Commissioners Thomas and Rooney to attend. Grant Waltersdorf will be there.
Commissioner Thomas stated that they have summary notes. They were going to have a meeting, but based on his new daytime activity, he could make a call.
Manager Krūm-Tinsley stated that Mr. Waltersdorf sent several dates and times, which will be closer to March 16th.
President Commissioner Rooney indicated that perhaps there could be a conference call.

8. Zoning Officer – Linda Keller
 - i. Planning Commission
 - o. Planning Commission – No January meeting
 - ii. Zoning Hearing Board
 - o. Zoning Hearing Board – No January meeting
 - Ward 1 Vacancy
 - Ward 4 Vacancy

Ms. Keller stated she had nothing further to report.

9. Codes Enforcement Officer – Clifford Gordon

Township Manager Marcy Krūm Tinsley reported that Cliff Gordon’s report reveals that violations will now be viewed by Pivot Table. This should summarize information in order to access and count.
10. Township Manager – Marcy L. Krūm-Tinsley
 - i. York City Sewer Authority strategic planning meeting, February 13, 2020 – Commissioners Rooney and Luciani, Linda Keller, and Marcy L. Krūm-Tinsley to attend. Township Manager Marcy Krūm-Tinsley stated that she planned to attend the February 13th meeting with the above members.
 - ii. York Co. Economic Alliance 2020 Elected Officials Welcome Reception to meet newly elected York County Commissioners and Row Officers scheduled for February 13, 2020 – Commissioners Clark and Gwilt to attend. Township Manager Marcy Krūm-Tinsley confirmed that Commissioners Clark and Gwilt will attend the February 13th meeting.
 - iii. Township Financial Audit, Auditors SEK, February 19 & 20, 2020. Chief Financial Officer Krista Gardner had mentioned earlier that the board would be provided preliminary findings in March. Township Manager Marcy Krūm-Tinsley stated that Second Quarter 2020 will bring the Sewer Rate Increase. There will be a statement in the newsletter concerning the rates sent to their emails in early March.

ii. Adjourn

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

President Commissioner Rooney adjourned the meeting at 7:29 p.m.

Respectfully submitted,

Marcy L. Krūm-Tinsley, Township Manager, Secretary, Treasurer
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