

Minutes of the Spring Garden Township Board of Commissioners
6:00 p.m. – September 8, 2021

Persons Present:

Daniel E. Rooney, President
John J. Luciani, Vice-President
Thomas Gwilt, Commissioner
David Detwiler, Commissioner
Tim Purcell, Commissioner
Steve Hovis, Solicitor

Marcy L. Krūm-Tinsley, Township Manager
David Davidson, Engineer
B. J. Treglia, Engineer
Linda Keller, Zoning Officer
Craig Ruhl, Public Works Superintendent
George Swartz, Police Chief
Dan Hoff, YAUFRR Chief

I. Call to Order – Business Meeting

President Commissioner Dan Rooney announced that an Executive Session had been held on August 23, 2021 for the purpose of discussing litigation. In addition, an Executive Session was held just prior to the Board of Commissioners Meeting this date regarding personnel issues.

President Commissioner Dan Rooney called the Board of Commissioners meeting to order and led the Pledge of Allegiance.

4. Fire Chief – Chief Daniel Hoff

a. September 11th Remembrance Program at the YSSD High School.

President Commissioner Rooney moved Fire Chief Hoff forward in the Agenda as he had an additional meeting to attend this date. Fire Chief Hoff indicated he had nothing new to add to his report. However, he wanted to remind the Board of several dates: Saturday, September 11th at 8:30 at York Suburban High School YAUFRR, along with the York City Fire Department, will participate in a 9/11 Remembrance Ceremony to be held involving a formal ceremony with some of state and local representatives. Following the ceremony, they will be doing a stair climb on the stadium steps to commemorate the climb that so many Firefighters took in the World Trade Center. He encouraged the Commissioners, if they are available, to attend. In addition, the Annual Joint Budget Presentation will be held on September 21st at 6 p.m. All Township Supervisors and Commissioners are invited to attend at YAUFRR headquarters.

A. Presentations - None

B. Public Comment (3 minutes)

1. Bruce Bartz, the Trent Bartz Foundation – Special Events Application fee waiver request

Bruce Bartz stated that he had filed for an event planned for September 18th at the Veteran's Memorial Goldstar Healing Peace Garden. He discussed his organization, Sports Brigade Trent Bartz Foundation in remembrance of his son, Trent. A 5K race will go through the city and through Spring Garden Township. Last year the streets were shut down for one to two hours, and some barricades were used; the fees were waived. He requested the fees be waived for this event. He invited the Commissioners to attend. Police Chief Swartz noted there will be very little impact on the township; he supported the event. **MOTION** (Luciani/Gwilt) to waive the fees for the event on September 18th as per the Chief's recommendation. **Motion carried 5/0.**

2. York Suburban School District – Special Events Application fee waiver request

Steve Whiteley reported that he was present to discuss a parade and bonfire on Powder Puff Night scheduled for Thursday, September 23, 2021 Mr. Whiteley teaches at Suburban High School and has been the Student Council Advisor for the past 16 years. The parade begins at the corner of Hollywood Drive, proceed to Midland, turns and ends at the baseball diamond; about seven tenths of a mile. The event had become a community event in the past. The

nine-page Special Events Permit had been submitted, however, he indicated the fees seemed onerous. He requested a reduction of waiving some of the barricade fees. Township Manager Krūm-Tinsley commented that both Mr. Bartz and Mr. Whiteley were present this date because no parameters had been established by the Board of Commissioners for waiving any of these fees in the past. She stated she would like to establish some of those parameters going forward President Commissioner Rooney asked what the amounts are and the number of barricades Mr. Whiteley would need. Mr. Whiteley responded that it amounted to approximately \$436.00. Commissioner Purcell indicated he was not opposed to waiving the fee; however, he questioned where and for whom the Township would stop waiving the fees. Solicitor Hovis responded to Commissioner Purcell's question, which involved the standard or uniformity that creates a precedent in the future. He noted Commissioner Luciani's point that, on a case-by-case basis it enabled the Board to distinguish one from the other, and the Board has done its job in doing so.

Motion (Luciani/Rooney) to waive the \$436 fee. Commissioners Luciani/Rooney voted in favor; Commissioners Purcell/Gwilt and Detwiler voted opposed. **Motion failed 3/2.**

MOTION (Purcell/Luciani) to reduce the \$436 fee in half (\$218). **Motion carried 5/0.**

3. Kevin Hannigan, 149 Tri Hill Road, regarding dog rescue concern
Kevin Hannigan, 149 Tri Hill Road, spoke regarding a dog rescue in his neighborhood. He noted that the people who own the property at 131 Tri Hill Road impose on his rights as a property owner. He listed a number of complaints. President Commissioner Rooney recommended that Mr. Hannigan work with Township Manager Krūm-Tinsley to work through the issues. Frank Wilkens, 369 Lambeth Walk commented on Mr. Hannigan's matter, and questioned why ordinances and zoning laws cannot be enforced, the COVID Relief funds from the federal government, and the lawn and shrubbery at 315 Hillside Lane.

C. Board of Commissioners Meeting Minutes

1. **Motion** (Gwilt/Luciani) to approve the Board of Commissioner Business Meeting Minutes for August 11, 2021. **Motion carried 5/0.**

D. Treasurer's Report

1. **Motion** (Purcell/Luciani) to accept the August 2021 Treasurer's Report. **Motion carried 5/0.**

E. Opening/Awards of Bids – None

F. Subdivision/Land Development

a. Shoppes at Wyndham (2016) – request for traffic study to be performed
Engineer Davidson reported on the concern with traffic and pedestrian crossings, traffic on Richland Avenue, timing of the signal at Indian Rock Dam Road, and pedestrian safety across Richland. Additional comments involved a safety island in the middle of Richland Avenue and concerns for left-turn traffic going into Rutters off Richland Avenue with potential for a Jersey barrier down the middle of Richland Avenue. Zoning Officer Keller mentioned the need for a timing adjustment for the traffic signal at Country Club Road and Richland Avenue Traffic study to be conducted to determine justification for possible improvements. Potential cost - \$10,000 to \$15,000. Timetable – two to three months. **MOTION** (Detwiler/Luciani) to initiate the traffic study to be funded by the developer. **Motion carried 5/0.**

- Douglas George, 180 Overbrook Circle, noted that his residence is near the intersection and he uses it often. He had been on the Planning Commission with President Commissioner Rooney and Zoning Officer Keller during the Lidl subdivision and the entire project was recommended. He had several concerns, summarized:
 - Issue is not the problem with motorists turning left into Rutter's
 - Problem is the need for a left-turn signal at Country Club Road and Richland Avenue.

- Country Club Road westbound- stay in right lane to turn right; eastbound attempting north on Richland Avenue.
- Left-turn traffic signal would begin to address the problem.

Commissioner Luciani suggested that skip lines mandate that township show a tracking line, i.e., mandate the motorist coming from Regent's Glen or Wyndham Hills to stay in their lane. He asked whether during the traffic study, they are looking at the signal at Indian Rock Dam Road and Country Club Road. Engineer Davidson responded that it involves two separate problems. The Lidl and Rutter's down Indian Rock Dam Road. That's the area of study plus the pedestrian back and forth. Solicitor Hovis noted that \$10,000 was provided to do the study for the Lidl property Mr. George noted that, had he known that five years later there would be no possibility of a left-turn signal or that there are difficult insurmountable problems, he never would have voted to approve the plan. The intersection was never great, and now more units are approved in Regent's Glen with only more traffic. **Consensus of the Board was to involve PennDOT to assist in the motorist and pedestrian traffic.** Engineer Davidson recommended including the Planning Commission in the discussions. He recalled a Corridor Study of Country Club Road had been done in the past. Commissioner Luciani mentioned that grant funding is available for Green Light Go along with one of the ARLE candidates. Solicitor Hovis indicated it would be good to discuss this with (former Superintendent) Steve Smith. He recalled it had been debated in depth with PennDOT and alternatives and review the old files. More information could be included in the request of PennDOT's position.

G. Old Business

1. **Motion** (Detwiler/Luciani) enact Ordinance 2021-7, Wheatlyn Drive Parking Restrictions. **Motion carried 5/0.**

H. New Business

1. **Motion** (Luciani/Purcell) to approve Resolution 2021-12, Act 600 pension contributions.. **Motion carried 5/0.**
Motion (Purcell/Detwiler) to approve the MMO for the Uniform (\$613,795) and Non-uniform (\$139,235) pension plans. **Motion carried 5/0.**

I. Township Municipal Building and Violet Hill Park Project

1. Status Reports
2. Change Order
 Lobar electrical Contractor: patch/paint 9 electrical boxes, remove/install light fixtures, new fixtures for lobby \$10,581.32. Project Manager Greg Koussis discussed the lobby lighting issue. Discussion is summarized:
 - Township is unhappy with the install appearance.
 - Engineer is adamant that the lighting vendor should be responsible for the cost.
 - The Architect and Engineer are to send a letter to the Electrical Contractor stating their position and asking for the fixtures to be replaced at no cost to the owner.
 - The fixture submitted by the contractor and approved by the engineer was delivered to job site.
 - Approve a change Order Request on a not-to-exceed basis and review again with the lighting vendor for relief.
 - If no relief from the lighting supplier, proceed with making replacements.
 - Electrical contractor, Lobar, responsible as the Township's contractual relationship.**Motion** (Detwiler) not to approve the Change Order for the lights. **Motion died for lack of a second.**

- Township Manager Krūm-Tinsley noted that if this is not done during the Draw Down period, the Township will pay for it with unbudgeted funds out of the General Fund.
3. Requests for Payment - **Motion** (Luciani/Gwilt) to pay eciConstruction \$99,600.66. **Motion carried 5/0.**

J. Commissioners' Comments

1. Commissioner Detwiler, Ward 1, stated that they had been dealing with light spillage from Ward 5 into Ward 1. When the light study is done for Mr. Hannigan, he suggested a light study from their property line.
2. Commissioner Rooney, Ward 2, had nothing to report.
3. Commissioner Purcell, Ward 3, had nothing to report.
4. Commissioner Luciani, Ward 4, reported that there had been significant storm damage, and he had observed a signal down at Indian Rock Dam Road at Codorus Creek. Superintendent Ruhl responded that Milt's Signal Service been contacted regarding the repair.

- K. Commissioner Gwilt, Ward 5, had nothing to report.**

Township Staff Reports

1. Engineer – David Davidson, P.E./C. S. Davidson, Inc.
 - a. 1701 S. Queen Street – No communication from the developer.
 - b. Emergency Sanitary Sewer Repairs – Crestlyn Rd & Wyndsong Ct.
B.J. Treglia reported that Requests for Interest had been issued for the emergency sanitary sewer repairs to five local contractors previously used by the Township. One response had been received. Prices forthcoming for October meeting.
 - c. Copper Ridge.
Engineer Davidson reported that he had visited the area on September 1st and confirmed that the streets had not been paved and had there been no indication that the sanitary sewer main had been televised. He advised the Solicitor accordingly.
Solicitor Hovis responded that a letter had been sent to Lexon Insurance Company notifying them that the work had not been done based on a demand to have it completed by September 1, 2021 and that Spring Garden will be calling the Bond for completion of the improvements. The insurance company is to respond to the letter.
2. Solicitor – Attorney Steven Hovis/Stock and Leader
 - Cable Franchise Agreements
Motion (Detwiler/Purcell) to approve the Franchise Agreement Renewal with Comcast – Resolution 2021-13. **Motion carried 5/0.**
Motion (Detwiler/Luciani) to adopt Resolution 2021-15 approving the new Franchise Agreement with Shenandoah Cable Television, LLC **Motion carried 5/0.**
 - Petition to vacate Perry Alley (400 Elmwood Blvd SD/LD plan); public hearing date to be established upon receipt of petition from Inch & Co.
3. Police Chief – Chief George Swartz
 - a. **Motion** (Detwiler/Luciani) to approve the 2022 SPCA Animal Care & Housing Agreement. **Motion carried 5/0.**
 - a. **Motion** (Luciani/Gwilt) to approve the Parking Enforcement Policy. **Motion carried 5/0.**
 - b. **Motion** (Purcell/Gwilt) to expend Building Improvement Funds (SGT Loan) for sound dampening blanket for interview room; cost to not exceed \$600. **Motion carried 5/0.**
 - c. Memorandum of Understanding between York Suburban School District and Spring Garden Township for Law Enforcement Services. **This item was tabled for further review.**

- d. Exchange Parking Zones – Spaces dedicated for Internet purchases, people-to-people exchanges, items or sales, child custody exchanges; complete with surveillance and video recordings. **Consensus of the Board was acknowledgement.**
 - e. Traffic flow in Township Building Parking Lot – Consider placing arrows on macadam to keep flow in one direction to be more efficient and safer. Acknowledged by the Board.
 - f. 20th Anniversary – 9/11 Memorial Ride - Chief Swartz reported that the Motorcycle Ride to Washington had Sergeant Garman participate. It was reported on Fox News in Washington, and the Spring Garden motorcycle was featured, as well as York Area Regional’s motorcycle side-by-side.
4. Fire Chief – Chief Daniel Hoff
 - a. September 11 Remembrance Program at the YSSD high school
Chief Hoff’s report was acted upon earlier during the Agenda.
 5. Public Works Superintendent – Craig Ruhl
 - Public Works Superintendent Ruhl reported he is planning to add new picnic tables to the picnic area near the restroom and utility rooms. Cost for four tables will not exceed \$5,000 plus delivery. **Motion** (Gwilt/Purcell) to approve the purchase four picnic tables from a COSTARS vendor, not to exceed \$6,000. **Motion carried 5/0.**
 - Public Works Superintendent Craig Ruhl stated that trash cans had been delivered but no recycling. He requested the purchase of three recycling receptacles for Violet Hill Park at a cost not to exceed \$2,500. **Motion** (Detwiler/Gwilt) to purchase three recycling receptacles for Violet Hill Park at a cost of \$2,500. **Motion carried 5/0.**
 6. Zoning/Code Enforcement Officer – Linda \Keller
 - a. No Planning and Zoning meetings in September 2021
 - b. VACANCY – WARD 3 PLANNING COMMISSION
 7. Code Enforcement Officer – Robert Peña
Commissioner Detwiler commented that he liked the fact that CEO Peña noted how many inspections he has to complete this year.
 8. Township Manager – Marcy L. Krūm-Tinsley
 - a. 2022 is year three of a 3-year extension with Penn Waste. 2022 fee is \$66.10 a quarter. York County Solid Waste Authority adds additional fees; however, previously about \$.70 per home.
Township Manager reported that the Full-Time Office Support Assistant, April Doster Wright, began her employment with the Township on September 7, 2021.

II. Adjourn

Motion(Detwiler/Rooney) to adjourn the meeting at 7:53pm. **Motion carried 5/0.**

Respectfully submitted,

Marcy L. Krūm-Tinsley
Secretary

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