

**Minutes of the Spring Garden Township Board of Commissioners
6:30 p.m. – November 08, 2023**

Persons Present:

Daniel E. Rooney, President Commissioner
David Detwiler, Vice President Commissioner
Andrew Herrold, Commissioner
Brian Ports, Commissioner
Thomas Gwilt, Commissioner

Marcy L. Krūm-Tinsley, Township Manager
George Swartz, Police Chief
Dawn Hansen, Zoning Officer
Craig Ruhl, Public Works Superintendent
Steve Hovis, Solicitor (Stock & Leader)
David Davidson, Engineer (C.S. Davidson)

I. Call to Order / Pledge of Allegiance

President Commissioner Rooney opened the meeting at 6:30 PM with The Pledge of Allegiance.

Former Commissioner Richard Guyer, who passed away in October 2023, service to The Township was recognized. He served as a commissioner from 2006 through 2013. President Commissioner Rooney shared his personal gratitude for former commissioner Guyer.

A. Presentations

B. Public Comment

President Commissioner Rooney presented guidelines for public comment as well as suggestions to have concerns and questions addressed outside of the public meeting.

1. Lynne Huddleston of 808 Clearmount Road expressed appreciation for the Savvy Citizen notice on the comp. plan advisory committee.
2. Shawn Schlentz of 543 Lancaster Avenue indicated his community has had an ongoing speeding issue and feels 4-way intersections would address the issue. In the evenings Mount Rose Avenue traffic backs up and Lancaster Avenue gets used as a through way. He would like to have through traffic restricted during rush-hour on Lancaster Avenue. Feels the Mount Rose Avenue property should have been sold a long time ago.

C. Approval of Minutes

1. **Motion** (Gwilt/Herrold) to approve the October 11 and 26, 2023 Workshops and October 11, 2023 Business Meeting Minutes. Discussion: none. Public comment: none. Carries 5/0.

D. Treasurer's Transactions

1. **Motion** (Herrold/Ports) to accept the October 2023 Treasurer's Report / Bank Transactions. Discussion: none. Public comment: none. Carries 5/0.

G. Subdivision/Land Development

1. **Motion** (Detwiler/Gwilt) to accept the 45-day time extension for DPIF3 Boundary Ave., LLC for E. Boundary Avenue & S. Albemarle Steet from December 3, 2023 to January 17, 2024 to meet conditions on the final plan for recording. Discussion: none. Public comment: none. Carries 4/0, Commissioner Herrold abstained for potential conflict of interest.
2. 1090 E. Boundary Ave. (York Logisticenter)
 - a. **Motion** (Herrold/Detwiler) to ratify Township Manager's authorization for Township Engineer to inspect improvements for the request for surety release for 1090 E. Boundary Ave. received on Oct. 26, 2023. Discussion: none. Public comment: none. Carries 5/0.
3. Shoppes at Wyndham
 - a. **Motion** (Herrold/Gwilt) to ratify Township Manager's authorization for Township Engineer to inspect improvements for the request for surety release received on Oct. 18, 2023. Discussion: none. Public comment: none. Carries 5/0.
4. White Oaks Final Land Development Plan
Final Plan approval of the White Oaks Final Subdivision/Land Development Plan

Conditions recommended by Planning Commission:

- a. A nonseparation clause should be added to the plan notes.
- b. A Developer Agreement should be reached that addresses the potential for reimbursement to the Developer for sanitary sewer construction.
- c. The plan should include the Owner's notarized signature, Engineer's seal and signature, and Landscapers Architectural Seal and Signature.
- d. Bond and Security for proposed improvements (sewers, landscaping, stormwater, streets, lighting, erosion control) must be posted before the final plan approval.
- e. The proposed Recreation agreement should be finalized and note addressing the properties included in this agreement should be added to the plan sets.
- f. The Solicitor should approve the HOA Agreement and Declaration of Covenants
- g. All appropriate regulatory approvals should be noted on the plan including the approved Sewage Facility Planning Module and approved NPDES permit.
- h. The developer agrees to reach a resolution to the secondary access issue before any further plans pertaining to Lot 86 are approved.

Regarding secondary access, the Township Engineer indicated that the 100 ft easement would be eliminated if the plan is approved and that is the bridge over the railroad and Indian Rock Dam Road which would serve as the secondary emergency access. President Commissioner Rooney indicated that in the Developer's Agreement the emergency access had to support the largest piece of equipment owned by YAUFRR and that there needed to be winter maintenance to ensure access. Joe Eisenhauer confirmed that the emergency access was in the agreement and that the fire chief confirmed the access. The Solicitor indicated that this development would not meet the requirements for sanitary sewer construction reimbursement. Regarding the recreation agreement, remove Note 32 on Page 2 as a condition and accept fee-in-lieu.

Motion (Herrold/Detwiler) to conditionally approve the final plan for the White Oaks Subdivision conditioned that: (a.) a nonseparation clause should be added to the plan notes; (b.) a Developer Agreement should be reached that addresses the potential for reimbursement to the Developer for sanitary sewer construction; (c.) The plan should include the Owner's notarized signature, Engineer's seal and signature, and Landscapers Architectural Seal and Signature; (d.) the bond and security for proposed improvements (sewers, landscaping, stormwater, streets, lighting, erosion control) must be posted before the final plan approval; (f.) The Solicitor should approve the HOA Agreement and Declaration of Covenants; (g.) all appropriate regulatory approvals should be noted on the plan including the approved Sewage Facility Planning Module and approved NPDES permit; (h.) the developer agrees to reach a resolution to the secondary access issue before any further plans pertaining to Lot 86 are approved. Additionally, to accept a fee-in-lieu for recreation purposes and thereby removing condition (e.) (the proposed Recreation Agreement should be finalized and note addressing the properties included in this agreement should be added to the plan sets) and also remove Note 32 on Page 2. Discussion: none. Public comment: none. Carries 5/0.

H. Public Hearing

Business meeting recessed and Public Hearing opened at 6:53 PM

1. Public hearing for amendment to the zoning ordinance: §310-12.C – fences, §310-12.E(9)- Home Occupation, §310-12.G(4) & (5)-Family day-care homes, and 310-13(H)- Garage and yard sales.

The purpose of the amendment is to establish fencing height and setback provisions for recreation courts.

The other amendments provide clarification for family childcare home uses and permits for yard sales.

Shawn Schlentz of 543 Lancaster Avenue asked if the ordinance is changing anything already in place.

The Zoning Officer clarified the fence changes.

Anne Gray of 1471 Sleepy Hollow Road requested clarification on yard sales at non-residential property. She expressed her disagreement that each participant in a group yard sale would have to acquire a yard sale permit at the cost of \$5.00. She finds that to be burdensome for schools hosting community yard sales.

Public Meeting closed and Business Meeting reconvened at 7:01 PM.

I. Old Business

1. **Motion** (Detwiler/Ports) to approve Ordinance 2023-07: §310-12.C – fences, §310-12.E(9)- Home Occupation, §310-12.G(4) & (5)-Family day-care homes, and 310-13(H)- Garage and yard sales. Discussion: none. Public comment: none. Roll call vote: Rooney-yea, Herrold-yea, Gwilt-yea, Detwiler-yea, Ports-yea. Motion carried 5/0.
2. **Motion** (Gwilt/Ports) to approve Ordinance 2023-08 Yard Sales. Discussion: Commissioner Herrold announced his intention to vote no; he feels two consecutive days is sufficient. Public comment: none. Roll call vote: Rooney-yea, Herrold-nay, Gwilt-yea, Detwiler-nay, Ports-yea. Motion carried 3/2.
3. **Rathton Road Bridge – Award of Bid**
Seven bids received. York Excavating was the lowest bidder, coming in \$375,000 below the second lowest bidder, Clear View Excavating at \$1,048,030. The Solicitor indicated York Excavating withdrew their bid within the 48-hour limit citing an unintentional mathematical error in their calculation, which they were able to sufficiently demonstrate. The Engineer recommends the bid award to Clear View Excavating.
Motion (Herrold/Detwiler) to accept the York Excavating withdrawal letter and to award the Rathton Road Culvert Replacement project to Clear View Excavation for the project price of \$1,048,030. Discussion: none. Public comment: none. Carries 5/0.
4. **Motion** (Detwiler/Herrold) Authorize Township Manager to execute the agreement for professional services with Environmental Planning & Design LLC for the multi-municipal comprehensive plan. Discussion: none. Public comment: Lynne Huddleston of 808 Clearmount Road sought clarification on the billing of the comprehensive plan. Carries 5/0.
5. **Resolution 2023-28 Amendment to fund balance policy**
Amendment to the 2018 policy reflecting name modification to operating reserve, provides for emergency contingency, and capital reserve for general fund and sewer fund.
Motion (Herrold/Ports) to approve Resolution 2023-28: Amendment to fund balance policy. Discussion: none. Public comment: none. Carries 5/0.
6. **Authorization to advertise 2024 Budget and Tax Levy Ordinances**
The proposed 2024 Budget will be available for 20 days for public view.
Motion (Herrold/Detwiler) to approves the advertisement of the 2024 Budget and Tax Levey Ordinances. Discussion: none. Public comment: none. Carries 5/0.

J. New Business

1. **Motion** (Herrold/Ports) to approve Resolution 2023-29: Grant application for Victory Fire Company parking lot replacement. Discussion: none. Public comment: none. Carries 5/0.
2. **2024 Meeting Date schedule – authorization to advertise in December 2023**
Consideration for 5:00 PM Workshop 6:30 PM Business Meeting
Motion (Herrold/Gwilt) to authorize the advertisement of the 2024 Meeting Dates Schedule. Discussion: none. Public comment: none. Carries 5/0.

K. Commissioners Constituent Representation

1. Commissioner Detwiler, Ward 1: Residents at the top end of Lancaster Avenue would like to see a greater police presence.
2. Commissioner Rooney, Ward 2
3. Commissioner Ports, Ward 3: Follow up on speeding and stop signs on Clover Lane.
4. Commissioner Herrold, Ward 4
5. Commissioner Gwilt, Ward 5

L. Township Consultant and Departments

1. **Engineer** (David Davidson, P.E./C.S. Davidson, Inc.)
2. **Solicitor** (Attorney David Jones/Stock and Leader)
3. **York Area United Fire & Rescue** (Chief Daniel Hoff)
4. **Township Administration**
 - a. Will start looking for an over-hire candidate with CDLs for Public Works. Currently have several Public Works staff eligible for retirement and have one staff member out on leave.

M. Public Comment

President Commissioner Rooney reminded that the application for the Comprehensive Planning Committee Application is available on the website.

1. Amy Mitten of 653 Mulberry Street said that the meeting’s professionalism was on point.

II. Adjourn

Motion (Gwilt/Detwiler) to adjourn the meeting at 7:23 PM. Discussion: none. Public comment: none. Carries 5/0.

Township Administration:

*Township Administrator (Marcy L. Krūm-Tinsley)
Finance Department (Krista Gardner/SEK, CFO & Luther Wike, Jr., Finance Administrator)
Police Department (Chief George Swartz)
Public Works Department (Craig Ruhl, Superintendent)
Zoning/Code Enforcement Department (Dawn Hansen, Zoning Officer)*



Respectfully submitted,

Marcy L. Krūm-Tinsley
Township Manager/Secretary

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APPROVED