

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

Persons Present:

Daniel E. Rooney, President Commissioner	Marcy L. Krūm-Tinsley, Township Manager
David Detwiler, Vice President Commissioner	George Swartz, Police Chief
Andrew Herrold, Commissioner	Dawn Hansen, Zoning Officer
Brian Ports, Commissioner	Craig Ruhl, Public Works Superintendent
Thomas Gwilt, Commissioner	Steve Hovis, Solicitor (Stock & Leader)
Krista Gardner, CFO (SEK)	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 and announced an executive session held just prior to the meeting to discuss personnel and legal matters. He pointed out that there was no “E” or “F” on the agenda and that this was a typo and that no sections were missing from the agenda.

A. Presentations

B. Public Comment

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

1. Roberta Boffo of 1080 Grandview Road requested clarification on the fire company grant from the 11/2023 meeting, inquired how the grant could be viewed, and asked about MRI property appraisal. It was advised that Ms. Boffo submit her information request to the Township.
2. Brian Samples of Deep Creek Electric indicated that the current stormwater permit requirements create extra labor costs because he has to pay workers to diagram the property’s impervious surface before he can get the permit to install a generator. The solicitor indicated changing the stormwater ordinance would take several months.

C. Approval of Minutes

1. **Motion** (Herrold/Detwiler) to approve the November 8, 2023 Workshop and Business Meeting Minutes. Discussion: none. Public comment: none. Carries 5/0.


D. Treasurer’s Transactions

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

G. Subdivision/Land Development

1. **Motion** (Herrold/Ports) to conditionally approve a 45-day time extension request for Moove-In Partners from December 13, 2023 to January 27, 2024 to meet conditions on the final plan for recording based on making it clear that this will be the last such extension. Discussion: President Commissioner Rooney sought clarification on the process if the time extension was not granted and indicated the plan was conditionally approved in July 2022. The Solicitor indicated that it would be determined that the developer was unable to meet the conditions of the plan in a timely manner and the plan would be considered denied. Public comment: none. Carries 5/0.
2. **Motion** (Herrold/Ports) to extend a 45-day time extension request for White Oaks (Inch & Co.) from December 4, 2023 to January 18, 2024 to meet conditions on the final plan for recording. Discussion: none. Public comment: none. Carries 5/0.
3. **Motion** (Ports/Herrold) to approve a 45-day time extension request for RG Lot 78, LLC (Inch & Co) from January 1, 2024 to February 15, 2024 for review of the Final Land Development Plan. Discussion: none. Public comment: Roberta Boffo of 1080 Grandview Road inquired about the location of the property and the Plan. It was clarified that the property is off of Crest Way. Carries 5/0.
4. Security release or reduction requests
 - a. 1090 E. Boundary Ave. (York Logisticenter)
 - 🍷 **Motion** (Detwiler/Gwilt) to reduce security in the amount of \$2,604,253 based on the recommendation by the Township Engineer. Discussion: none. Public comment: Roberta Boffo of 1080 Grandview Road asked if there was a tax break and Raeann Waltersdorf of 1558 Hollywood Parkway asked who would occupy the property. Commissioner Detwiler indicated there was no tax break and it is unknown who will reside at the property. Carries 4/0, Commissioner Herrold abstained for potential conflict of interest.

b. Shoppes at Wyndham

 **Motion** (Herrold/Detwiler) to deny full release of security for The Shoppes at Wyndham based on uncompleted items as noted in the November 21, 2023 Engineer's report and the recommendation of the Engineer. Discussion: none. Public comment: none. Carries 5/0.

H. Old Business

1. Ordinance 2023-09 2024 Budget

Motion (Herrold/Detwiler) to adopt Ordinance 2023-09, 2024 Budget. Discussion: none. Public comment: none. Roll call vote: Rooney-aye, Herrold-aye, Gwilt-aye, Detwiler-aye, Ports-aye; Carries 5/0.

2. Ordinance 2023-10 2024 Tax Levy

An increase of the municipal real estate tax by 0.50 mils. to 4.29 mils. The fire tax remains at .086 mils.

Motion (Detwiler/Ports) to adopt Ordinance 2023-10, 2024 Tax Levy. Discussion: none. Public comment: Roberta Boffo of 1080 Grandview Road asked how the additional funds will be spent. The Township CFO explained the fire tax and summarized where 2024 revenues will be spent. Commissioner Detwiler noted that there was an increase planned in 2021 but it was not implemented due to the effects of COVID. Commissioner Herrold stated that no one took this lightly and no one wants to raise taxes, but we recognize there are certain obligations to the residents, most importantly their safety, where most of the budget goes. Roll call vote: Herrold-aye, Gwilt-aye, Detwiler-aye, Ports-aye, Rooney-aye; Carries 5/0.

3. **Motion** (Detwiler/Herrold) to authorize Township Secretary and Assistant Secretary to execute any and all contracts, agreements, and documents associated with the Rathton Road Bridge Replacement Project. Discussion: President Commissioner Rooney stated \$900,000 in grant funds were secured for the project. Public comment: none. Carries 5/0.

I. New Business

1. Motion (Herrold/Gwilt) to approve Resolution 2023-30, amendments to fee schedule. Discussion: none. Public comment: none. Carries 5/0.

2. FYI: The York County Solid Waste Authority increased the 2024 tipping fees due to the increased operational costs. This increase translates into an adjustment in quarterly fees paid to Penn Waste by \$1.74 per quarter. The 2024 rate will be \$103.76.

3. Motion (Herrold/Detwiler) to approve Abel Recon pay application #3 in the amount of \$45,000 for the Hill Street & Rathton Road Pipe Relining. Discussion: none. Public comment: none. Carries 5/0.

4. Motion (Ports/Detwiler) to authorize the Township Manager or designee to execute the 2024 agreements and contracts that were included in the 2024 budget. Discussion: none. Public comment: Lynne Huddleston on 808 Clearmont Road inquired to confirm that these contracts were operational and not for construction. Carries 5/0.

5. Motion (Detwiler/Ports) to approve Resolution 2023-31 Statewide Local Share Grant Application for Hoffman Road sanitary sewer repairs. Discussion: none. Public comment: none. Carries 5/0.

J. Commissioners Constituent Representation

1. Commissioner Detwiler, Ward 1: Would like to see York Water be finished.

2. Commissioner Rooney, Ward 2: Extended his thanks to Commissioner Ports.

3. Commissioner Ports, Ward 3

4. Commissioner Herrold, Ward 4: Thank you to Commissioner Ports for stepping up and it has been a pleasure working with him. He has done a lot of good for this township. Appreciate the Santa Run (Dec 17th).

5. Commissioner Gwilt, Ward 5

REMINDER: Reorganization of the Board of Commissioners is scheduled for January 2, 2024 at 3pm.

K. Township Consultant and Departments

1. Township Consultant Reports

i. Solicitor

• Box Hill Land Use Appeal

Motion (Herrold/Detwiler) to amend the agenda to include an action item to permit Stock and Leader to intervene in the appeal of the Zoning Hearing Board decision and take necessary action on behalf of the Township. The necessity of this agenda amendment is due to only receiving notice of the appeal on Monday and time restrictions necessitating action be taken at this meeting. Discussion: none. Public

comment: Roberta Boffo of 1080 Grandview Road inquired as to where the land use was located. The Solicitor indicated it was regarding tent use at Box Hill. Carries 5/0. **Motion** (Herrold/Ports) to authorize intervention by Stock and Leader related to the Appeal. Discussion: none. Public comment: none. Carries 5/0.

2. Township Administration

- i. Planning Commission/Ward 4 Vacancy
Motion (Detwiler/Ports) to declare the vacancy of the Ward 4 Planning Commission seat. Discussion: none. Public comment: none. Carries 5/0.
- ii. Comprehensive Plan Update – process to commence early 2024.
Application criteria for advisory/discussion group has been posted on the Township website. The Planning Commission, at the December 5, 2023 meeting, is scheduled to recommend a participant for Board consideration.
- iii. **Motion** (Herrold/Detwiler) to award Karen Smeltzer, Office Support Assistant, three additional vacation days annually starting in 2024 and through to her next vacation accrual increase and on a pro rata basis for 2023. Discussion: none. Public comment: none. Carries 5/0.
- iv. **Motion** (Herrold/Detwiler) to enter into a Memorandum of Understanding with the Spring Garden Township Police Association regarding the health savings accounts increasing the amount the Township pays toward the health insurance deductibles, the \$1500 contribution increase to \$1600, and the \$3000 contribution increase to \$3200. Discussion: none. Public comment: none. Carries 5/0.
- v. Part-time Interim Chief of Police Agreement
Motion (Detwiler/Gwilt) to table the Part-time Interim Chief of Police Agreement to January 2nd, 2024. Discussion: none. Public comment: none. Carries 5/0.

L. Public Comment

- 1. Roberta Boffo of 1080 Grandview Road feels the comprehensive plan never had to happen as we already have one in place from 2016-2026 and that we could have done an updated master plan. Would like to see a budget on the MRI zone.
- 2. Lynne Huddleston of 808 Clearmont Road asked if there would be a Planning Commission meeting as well as the reorganization meeting on 01/02/2024. President Commissioner Rooney indicated that the Planning Commission meeting is later in the evening.

II. Adjourn

Motion (Herrold/Detwiler) to adjourn the meeting. Discussion: none. Public comment: none. Carries 5/0.

Township Consultants

Engineer (David Davidson, P.E./C.S. Davidson, Inc.)

Solicitor (Attorney Steven Hovis/Stock and Leader)

York Area United Fire & Rescue (Chief Daniel Hoff)

Township Administration:

Township Administrator (Marcy L. Krüm-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. Krüm-Tinsley
Township Manager/Secretary

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