

Minutes of the Spring Garden Township Board of Commissioners
6:30 p.m. – May 08, 2024

Persons Present:

Daniel E. Rooney, President Commissioner
Andrew Herrold, Commissioner
Thomas Gwilt, Commissioner

David Detwiler, Vice President Commissioner
Anne Gray, Commissioner

I. Call to Order / Pledge of Allegiance

Commissioner Rooney called the meeting to order at 6:31 PM, led in the Pledge of Allegiance, and announced executive sessions on April 17, 2024 and May 8, 2024 reviewing legal and personnel issues.

A. Presentations

B. Public Comment – Commissioner Rooney presented guidelines for public comment.

C. Minutes - **Motion** (Herrold/Detwiler) to approve the April 10, 2024 meeting minutes. Discussion: none. Public comment: none. Carries 5/0.

D. Treasurer’s Transactions – **Motion** (Herrold/Detwiler) to accept the April 2024 Treasurer’s Report and Bank Transactions. Discussion: none. Public comment: none. Carries 5/0.

E. Subdivision/Land Development

1. Regents Glen – Lot 78: Inch & Company – Final Land Development Plan

Planning Commission recommended plan with conditions and waivers on April 2, 2024.

Commissioner Gray asked if safety signage is planned at the golf cart path intersection. Paul Minnich of Barley Snyder indicated signage can be added for the golf cart path. Commissioner Detwiler indicated the board does not have a choice but to conditionally approve the plan because it meets the code and if there is not an agreement between the HOAs the plan dies.

Public Comment: -Sal Cuomo of 955 Fieldbrook: the golf cart path is used by bikers and pedestrians. -Dr. Mark Frankel of 1030 Crestway #303: president of the Greenleigh 1030/1050 HOA and on the Master HOA Board. He feels Inch has insufficiently met with homeowners, they offered the property for purchase rentals are not part of Regent’s Glen, rental HOA enforcement an issue, liability issue with road coming out of property. -Douglas France of 1110 Turnberry: the current plan would violate prior recordings, Board does not have the authority to make changes through a subdivision plan that include the age restriction of 55+. Solicitor Hovis indicated it was his understanding that the original plan was abandoned. -Timothy Yakim of 1375 Hillbrook: there has been no transparency and will be a change in the atmosphere. -Blake Shaffer of 1163 Rosecroft: president of the Master HOA and vice president of the Rosecroft HOA been no discussion on an agreement. -Beth Kennedy of 1417 Turnberry asked if plan could be delayed. - Jim Burgess at 1131 Greenleigh: there needs to be a conversation with the HOAs. -Amy Mitten of 653 Mulberry signed the Public Comment Roster in support. - Theresa Dawson at 1131 Turnberry: people’s concerns are not being addressed and traffic will become a safety issue.

i. **Motion** (Detwiler/Gray) to approve the request for the following waivers:

1. Request a Waiver for Section 275-40.01.G(1)B for the fence height to allow a four-foot fence around the dumpster and to include 6-foot-high vegetative screening materials.

2. Request a Waiver of the Preliminary Plan.

Discussion: none. Public comment: none. Carries 5/0.

Jeffery Lobach of Barley Snyder indicated previous configurations were withdrawn and plan is subject to the master declaration. In regard to a Homeowner’s Agreement, it is found to be reasonable, and it will address all legitimate points of the Township and homeowners but cannot agree to arbitrary and unreasonable reasons for not accepting the agreement.

ii. **Motion** (Detwiler/Gwilt) to approve Final Lot 78 Land Development Plan with the following conditions:

1. A note be added to the plan to give the Township a historic summary of the parking ordinances, and whether they lived within that ordinance at the time.
2. Dumpster needs to be relocated on the plan to the agreed-upon location.
3. Update the landscaping shown on page LS1.
4. Provide the lighting fixture specifications on the plan to show the light spread.
5. A Development Agreement, prepared by the Township's solicitor, shall be executed, and recorded by the Township prior to the release of the Plan for recording.
6. Engineer's seal and signature required (§275-24.C.5)
7. Proposed Declaration and restrictive covenants and proposed Homeowners Agreement be furnished to the Solicitor for review. These should address the responsibility for maintenance of Regents Glen Infrastructure (streets, etc.) in a manner acceptable to adjoining HOAs. This should also address parking (use and maintenance of the parking lots and access drives, and the allocation of parking spaces among the various units). (§275-6)
8. Security for proposed improvements (sewers, landscaping, stormwater, streets, lighting, erosion control) must be posted before final plan approval (§275-24.D.5, SALDO).
9. Dedicated recreation or fee-in-lieu (§275-38 SALDO). Note 28 on Page 2 should list the number of units, cost per unit, and total required for Recreation fee-in-lieu. This should be paid prior to recording the plans.
10. A note on the plan that there are no deed restrictions.
11. Owner's notarized signature (§275-24.C(22), SALDO)
12. Landscape Architect's seal and signature.
13. Stormwater Management approval.
14. Additional golf cart / pedestrian path safety signage.

Discussion: President Commissioner expressed his appreciation for residents coming out and participating the process. Public comment: Dr. Mark Frankel of 1030 Crestway #303 at the April 23rd meeting right-of-way issues were discussed. There was no agreement and were told there was no obligation to meet requests. Gina Campbell of 912 streamview feels a meeting with Inch is needed. Jeff Inch of Inch & Co summarized his experience when attempting to develop the Memorial Hospital property. Inch will listen, respect, and work with the people of the community and the HOAs. Attorney Lobach of Barley Snyder reiterated his concern that an HOA agreement is not accepted although it meets the requirements. Carries 5/0.

The Comprehensive Plan Meeting foy May 20th was announced.

2. 45-Day Waiver Request: Lot 78 - Inch & Company
Lot 78 Regents Glen Conditional Plan approval time extension request. Their current expiration date is May 15, 2024. They are requesting an extension to June 29, 2024. This will be their fourth time-extension waiver request.
Motion (Herrold/Detwiler) to approve the request for Lot 78 45-day time extension to June 29, 2024 to meet the conditions for recording. Discussion: none. Public comment: none. Carries 5/0.
3. Security Release Request – 700 N Sherman St building demolition
 - i. **Motion** (Herrold/Detwiler) to ratify the Manager's authorization for the Engineer to proceed with the inspection of the improvements and to approve the release of security in the amount of \$59,562.80 pursuant to the Township Engineer's report dated April 25, 2024. Discussion: none. Public comment: none. Carries 5/0.

F. Old Business

1. Comprehensive Plan Discussion Group "Advisory Committee" – FYI
The Spring Garden Multi-Municipal Comprehensive Plan Open House will be held on Monday, May 20th at 6:00 PM in the Meeting Room at 340 Tri Hill Road.

2. Street Cut Ordinance Amendment, Ordinance #2024-02
Adds a one-year expiration and inspections by Public Works.
Motion (Herrold/Gray) to approve Ordinance 2024-02, Street Cut Ordinance Amendment.
Discussion: none. Public comment: none. Roll call vote: Rooney-aye, Herrold-aye, Gwilt-aye, Detwiler-aye, Gray-aye; Carries 5/0.
3. Tri Hill Road / Violet Hill Park Crosswalk
Motion (Gray/Detwiler) to approve installation of a crosswalk across Tri Hill Road at Violet Hill Park in an amount not to exceed \$2,200. Discussion: none. Public comment: none. Carries 5/0.
4. Country Club - Richland Intersection: Green Light Go
Green-Light-Go grant funds were requested to retime / rephase traffic signals and add additional barriers at the Country Club - Richland intersection and were approved for up to \$65,020.32. The cost estimate for Option 3 is \$319,553.95. Option 1 would add thermoplastic road markings that would provide lane guidance at a lower cost.
The Board directed staff to meet with PennDOT to determine if option 1 would be approved and fall within the grant requirements.
5. Video Equipment Quote – Meeting Room
A quote was received of \$10,824 to install a streaming camera and to integrate into current Meeting Room audio equipment for live streaming board meetings. An additional, optional control panel was quoted at an additional \$3,389.
Board directed staff to get more information on the capabilities of the proposed system and to determine if there are other, more cost effective options.
6. Rathton Road Bridge
 - i. Relocate Pole
Motion (Detwiler/Herrold) to approve payment of \$11,779.85 to Met-Ed for relocating a pole at Rathton Road Bridge. Discussion: none. Public comment: none. Carries 5/0.
 - ii. Culvert Improvement and Temporary Easement Agreement – Penn State York
Motion (Detwiler/Gray) to approve the Culvert Improvement and Temporary 1031 Edgecomb (Pollo Center) Easement Agreement between Pennsylvania State University and Spring Garden Township. Discussion: none. Public comment: none. Carries 5/0.
- G. New Business
 1. Personnel
 - i. Resignation: Gordon Sprenkle, part time Parking Enforcement Officer
Motion (Gray/Herrold) to accept the resignation of Gordon Sprenkle, part time Parking Enforcement Officer effective 05/17/2024. Discussion: President Commissioner Rooney expressed his appreciation for the significant length of time Mr. Sprenkle was with the Township. Public comment: none. Carries 5/0.
 - ii. MOU: Establish Community Service Officer Position
Motion (Detwiler/Herrold) to enter into an MOU between Spring Garden Township and Spring Garden Township Police Officers’ Association regarding the creation of a Community Service Officer Position. Discussion: Commissioners Herrold, Gray, Rooney and Detwiler indicated the responsibilities of the Community Service Officer. Public comment: Raeann Waltersdorf of 1558 Hollywood asked if the position was part time. President Commissioner Rooney indicated it was a fulltime position. Amy Mitten of 653 Mulberry asked about duties of the position. Chief Zimmerman provided examples of duties of the position. Carries 5/0.
 - iii. Resolution 2024-09: Police Policy Community Service Officer
Motion (Herrold/Detwiler) to accept Resolution 2024-09 to rescind Police Policy Parking Enforcement Officer Job Description and to adopt Police Policy Community Service Officer

- Job Description. Discussion: none. Public comment: Lynne Huddleston inquired about the resolution number. Carries 5/0.
- iv. Hire: Community Service Officer
Motion (Detwiler/Herrold) to approve hiring George Stone III as the Community Service Officer effective 05/09/2024 on a fulltime basis at a rate of \$24.00 an hour contingent on a satisfactory background check. Discussion: none. Public comment: none. Carries 5/0.
 - v. Resignation: Beth Barnes, part time Office Support
Motion (Detwiler/Gray) to accept the updated resignation date for Beth Barnes of 05/09/2024. Discussion: none. Public comment: none. Carries 5/0.
 - vi. Hire: Office Assistant II
Motion (Gray/Herrold) to approve hiring Eryn Arnold as an Office Assistant II effective 05/13/2024 on a fulltime basis at a rate of \$22.00 an hour contingent on a satisfactory background check. Discussion: none. Public comment: none. Carries 5/0.
 - vii. Resignation: Marcy Krum-Tinsley, Township Manager
Manager Krum-Tinsley is currently leave. Acceptance of the resignation tabled.
 - viii. Appointment: Acting Township Manager
Motion (Herrold/Detwiler) to appoint Luther Wike Jr as Acting Township Manager at \$50.89 an hour retroactively to 04/16/2024. Discussion: none. Public comment: none. Carries 5/0.
2. Appointment: Township Secretary and Treasurer
Motion (Gray/Detwiler) to appoint Luther Wike Jr as Township Secretary and Township Treasurer. Discussion: Commissioners Gray, Detwiler, and Rooney expressed their appreciation to Luther for stepping up. Public comment: none. Carries 5/0.
 3. Resolution 2024-10: Signing Authority
To grant authority to the Acting Township Manager, Luther Wike Jr, to sign contracts and agreements the Commissioners have entered into by and as Spring Garden Township.
Motion (Detwiler/Gray) to approve Resolution 2024-10 Signing Authority. Discussion: none. Public comment: none. Carries 5/0.
 4. Keystone Municipal Solutions
Motion (Herrold/Gray) to execute a contract with Keystone Municipal Solutions for manager recruitment. Discussion: none. Public comment: Amy Mitten of 653 Mulberry inquired on extent of the services. President Rooney indicated it is for manager recruitment only. Grant Waltersdorf suggested the position be on website and to appointing someone within the township. Roberta Boffo of 1080 Grandview suggested posting on Savvy Citizen. Carries 5/0.
 5. Handbook Update: Sick Leave
Board directed Staff to work with the Solicitor to draft an updated administrative sick leave policy that includes family sick leave.
 6. Recycling Ordinance Amendment
The request is to amend the ordinance to include recommendations from DEP to qualify for the 902 Recycling Grant.
Motion (Detwiler/Gray) to authorize Staff to work with Solicitor to draft and to advertise a recycling ordinance amendment.
 7. Resolution 2024-11: DEP 902 Recycling Grant Application
Motion (Gray/Detwiler) to approve Resolution 2024-11 DEP 902 Recycling Grant. Discussion: none. Public comment: none. Carries 5/0.
- H. Commissioners Constituent Representation
1. Commissioner Detwiler, Ward 1
 - a. Very thankful for the Township Police Department and for the Officers. They are putting their lives on the line for us.

2. Commissioner Rooney, Ward 2
 - a. Mill Creek Clean-Up – May 11, 2024
 - b. Parking signage at Elmwood Park to indicate the location of township parking spaces.
3. Commissioner Gray, Ward 3
 - a. Inquiries regarding the reinstatement of the Recreation Department. We could consider what aspects of a recreation department we would want.
4. Commissioner Herrold, Ward 4
 - a. Would like to see the new Township Manager add recreation to their agenda to see what it would take to reinvigorate and reinstate the recreation department.
5. Commissioner Gwilt, Ward 5
 - a. Mount Rose and Albemarle shopping center trees will be replanted.
 - b. We cannot do anything regarding the school board.
- I. Township Consultants, Contracted Services, and Departments
 - a. Township Consultant Reports
 - i. Solicitor
 - ii. Engineer

Motion (Detwiler/Gray) to authorize CS Davidson to advertise for 2024 sanitary sewer repairs. Discussion: none. Public comment: none. Carries 5/0.
 - iii. Fire Department/York Area United Fire and Rescue
 - b. Township Administration (departments)
 - i. Manager
 - ii. Police
 1. Agreement: Pennsylvania TraCS Sublicense Agreement

Motion (Detwiler/Herrold) to enter into the TraCS Sublicense Agreement with Pennsylvania State Police. Discussion: none. Public comment: none. Carries 5/0.
- J. Public Comment
 1. Amy Mitten of 653 Mulberry indicated 711 Olive Street needs mowed, asked about PD regionalizing, and asked about a plan to monitor the Graham Packaging fly issue. She indicated RG Group is already dealing with them. The Public Works Superintendent indicated that they are monitoring but have not seen any activity yet.
 2. Roberta Boffo of 1080 Grandview from her understanding, the 55 acres on Mount Rose is considered open space and opening in would not increase insurance for the municipality, not until the property is changed would it need to meet ADA requirements, and installation of lighting would not be required. She would like to see the property opened based on the Open Space standards.
 3. Raeann Waltersdorf of 1558 Hollywood asked if the Township was planning on contracting with MC Municipal Services, LLC. President Commissioner Rooney indicated that he was not aware of the entity and Commissioner Gray indicated that there was no initiative to contract with the entity.
- II. Adjourn

Motion (Rooney/Herrold) to adjourn the meeting at 8:59 PM. Discussion: none. Public comment: none. Carries 5/0.

Respectfully submitted,

Luther C Wike Jr.
Secretary