

Minutes of the Spring Garden Township Board of Commissioners Business Meeting
6:30 p.m. – November 13, 2024

Persons Present:

Daniel E. Rooney, President Commissioner
David Detwiler, Vice President Commissioner
Andrew Herrold, Commissioner

Anne Gray, Commissioner
Thomas Gwilt, Commissioner

I. Call to Order / Pledge of Allegiance

Commissioner Rooney, led in the Pledge of Allegiance and announced Executive Sessions on October 23rd and November 13th for the purpose of reviewing legal and personnel issues. Commissioner Rooney also recognized the service of our veterans including those that are members of Township staff: Det. James Hott, Ofc. Robert Lusk, Ofc. Richard Geiger, Ofc. Samantha Cumor, Ofc. David Irvin, Ret. Ofc. George Stone (CSO), Jack McGirr, Comm. Gwilt, and Comm. Herrald.

A. Presentations - None

B. Public Comment

1. Sandy Benedict of 310 Old Orchard Rd requested enforcement of § 310-12. Commissioner Gray inquired if the sign in question was dated. Commissioner Rooney inquired what criteria were to be considered for a flag. Dawn Hansen discussed enforcement. Commissioner Gray stated that flag code is etiquette. Sandy Benedict stated that the sign in question was hung above the American flag. The Solicitor commented.

C. Business Meeting Minutes

1. **Motion** (Detwiler/Gray) to approve the October 9, 2024 Business Meeting and Workshop Minutes and October 23, 2024 Workshop Minutes. Discussion: None. Public comment: none. Carries 5/0.

D. Finance

1. **Motion** (Herrold/Gwilt) to accept the October 2024 Treasurer's Report and Bank Transactions. Discussion: none. Public comment: none. Carries 5/0.

E. Subdivision / Land Development - None

F. Old Business

1. Comprehensive Plan Discussion Group "Advisory Committee" – FYI

Surveys will be accepted through December 1st. The Comp Plan is scheduled to be completed in February 2025. The next Advisory Committee meetings are scheduled at 6:00 PM on November 18th and December 16th where comments may be submitted.

2. Mill Creek Trail and Greenway

- i) Dave Davidson stated that the meeting with PennDOT regarding the trail will occur early 2025. Commissioner Rooney asked if there were funding limits and Dave Davidson replied he was unsure, and it would also depend on what other requestors were asking for.

3. Fire Station 892 on Indian Rock Dam Road

Proposals for the design, public bidding, and construction phase services for the replacement of Fire Station 892 were reviewed by the Fire Station 892 Committee. The Committee recommends MW Studios based on their merits, expertise in fire station design, and references. The cost estimate for MW Studio's work is \$703,374.60 which include energy sustainability certification. The cost without energy certification would be \$611,066.60. These would be unbudgeted, reserve funds from the Building Improvement Fund.

Motion (Detwiler/Gray) to award the design, bidding, and construction phase services to MW Studios and use unbudgeted, reserve funds from the Building Improvement Fund in the amount of \$611,066.60 which does not include energy sustainability certification and authorize the Township Manager to execute any agreement documents following review by

the Township Solicitor. Discussion: Commissioner Detwiler commented he was impressed with the presentation and that MW Studios seems passionate about the project. Public comment: none. Carries 5/0.

Motion (Herrold/Detwiler) to authorize CS Davidson to begin seeking RACP funding for the construction of Fire Station 892. Discussion: none. Public comment: none. Carries 5/0.

4. Special Purpose Parking Zones Ordinance Amendment, Ordinance 2024-05

Ordinance 2024-05 amends Ordinance 300-31 to add loading/unloading zones to Ogontz Street and North State Street.

Discussion: Ricky Dubbs of 545 S Ogontz St inquired about the need for the loading zone and indicated patrons of the restaurant take up resident parking. Mark Sindicich of 554 S Ogontz St was not aware the loading zone was ever removed and encourages the patrons to use the parking lot spaces. Commissioner Herrold clarified that this Ordinance was correcting the inadvertent removal of the loading zone in 2017. Commissioner Gray inquired about signage posted to direct patrons to park in the lot. Commissioner Rooney confirmed with the Solicitor that the times on the Ordinance could be amended to 8:00am-5:00pm Monday – Saturday. Commissioner Gray stated that if the Township has established the change the Township would provide the signage.

Motion to approve Ordinance 2024-05 Special Purpose Parking Zones Amendment (Amended to 8:00am – 5:00pm; Monday -Saturday for 554 S Ogontz St.). Discussion: none. Public comment: none. Roll call: Herrold – aye, Gwilt-nay, Detwiler-aye, Rooney-aye, Gray-aye. Carries 4/1.

5. 2025 Budget and Tax Levy Ordinance Advertisement

Motion: to approve the advertisement of the 2025 Budget and Tax Levy in accordance with the First-Class Township Code. Discussion: none. Public comment: none. Carries 5/0.

6. Rathton Road Bridge

i) Change Order Request

Motion (Gray/Detwiler) to approve the Clear View Excavating change order number two (2) in the amount of \$38,245. Discussion: none. Public comment: none. Carries 5/0.

ii) Application for Payment

Motion (Gray/Herrold) to approve payment in the amount of \$620,607.05 to Clear View Excavation Inc. per Application For Payment number two (2). Discussion: none. Public comment: Commissioner Detwiler indicated the contractor did a great job. Carries 5/0.

7. 2024 Sanitary Sewer Maintenance Project – Change Order

Barrasso Excavation change order number two (2) in the amount of \$2,410 for additional expenses to relocate an unapproved drainage pipe installed by the homeowner’s contractor in the sanitary sewer easement to the existing drainage easement. The Township has requested reimbursement from the homeowner.

Motion (Gray/Detwiler) to approve the Barrasso Excavating change order number two (2) in the amount of \$2,410. Discussion: none. Public comment: none. Carries 5/0.

Motion (Detwiler/Gwilt) to approve payment in the amount of \$74,286 to Barrasso Excavation, Inc. per Application For payment number one (1). Discussion: none. Public comment: none. Carries 5/0.

8. Resolution 2024-34 Victory Fire Company 2025 Paving Project LSA Cat 4 Grant Application and Signing Authority

Motion (Gwilt/Gray) to approve Resolution 2024-34 Victory Fire Company 2025 Paving Project LSA Cat 4 Grant Application and Signing Authority. Discussion: none. Public comment: none. Carries 5/0.

9. Resolution 2024-35 PennDOT 83-Widening Sewer Relocation Cost Share and Signing Authority

The Resolution indicates that Spring Garden Township will be responsible for 25% of the utility relocation costs and appoints signing authority to President Commissioner Daniel Rooney and attestation authority to Township Secretary Luther Wike. The cost for Spring Garden's portion of the 83-Widening Project is estimated at \$200,000 and will be incurred in 2026.

Motion (Detwiler/Herrold) to approve Resolution 2024-35 PennDOT 83-Widening Sewer Relocation Cost Share and Signing Authority. Discussion: Commissioners discussed the schedule of the 83 Widening project. Public comment: none. Carries 5/0.

10. Country Club - Richland Intersection: Green Light Go – FYI

The lane guidance is complete, and the traffic detection system is going out for bid.

11. Hoffman Road Sanitary Sewer Repairs Grant– FYI

The sanitary sewer repairs for the Hoffman Road Sewer Project are estimated at \$1,077,000 and will incur in 2025. To offset the cost of the project, the Township applied for a Statewide LSA Grant. The Township has received notice that the grant application was not approved.

12. Graham Packaging Insect Issue – FYI

Graham is spraying weekly, and we are continuing to monitor. Due to the lower temperatures the insects have lessened and there have been no new complaints since mid-October.

G. New Business

1. Personnel

i) Code Enforcement Officer Position

Motion (Detwiler/Gwilt) to accept the resignation of Andrew Parker with a final work date of October 28, 2024. Discussion: Commissioners Rooney and Detwiler expressed their appreciation and wished Mr. Parker well. Public comment: none. Carries 5/0.

Motion (Gray/Gwilt) to approve hiring David Zurn as the Code Enforcement Officer effective November 18, 2024 at an hourly rate of \$24.60. Discussion: none. Public comment: none. Carries 5/0.

ii) Resolution 2024-36 Job Description Amendment – Recreation Program Coordinator

Motion (Herrold/Gray) to approve Resolution 2024-36 Recreation Program Coordinator Job Description Amendment. Discussion: none. Public comment: none. Carries 5/0.

iii) Police Department

a) Resignation – Officer Justin Woods

Motion (Herrold/Gwilt) to accept the resignation for Officer Justin Woods effective October 27, 2024. Discussion: none. Public comment: none. Carries 5/0.

b) Compensation

Motion (Detwiler/Gwilt) to approve a compensation rate of \$25.20/hr. for Lynette Eisenhuth and \$25.69/hr. for Arlene Grada effective 11/13/2024 Discussion: none. Public comment: none. Carries 5/0.

iv) Vacation and Compensatory Time Payout – Chief Adam Zimmerman

Due to under staffing, Chief Zimmerman has been limited in his ability to take paid time off and has requested a payout of vacation and compensatory time that exceeds the rollover limit of 40 hours.

Motion (Gray/Detwiler) to approve a payout of unused 2024 vacation and compensatory time for Chief Zimmerman at his current 2024 hourly rate in the final payroll of 2024 not to exceed \$7,600. Discussion: Commissioners Rooney, Detwiler, and Gray expressed their appreciation for Chief Zimmerman dedication and hard work. Public comment: none. Carries 5/0.

2. Resolution 2024-37 York County 2024 Hazard Mitigation Plan

A York-County-wide hazard mitigation plan was developed and approved by the York County Planning Commission. The plan has been approved by FEMA and available on the York County Planning Commission website.

Motion (Detwiler/Herrold) to approve Resolution 2024-37 adopting the York County 2024 Hazard Mitigation Plan. Discussion: none. Public comment: none. Carries 5/0.

3. Department of Environmental (DEP) Order - Oakdale-Edgehill

Counsel specializing in DEP issues needs to be appointed and a 3M Sewer Planning Module must be completed. An Act 537 Sewer Comprehensive Plan will be completed in 2025.

Motion (Gwilt/Gray) to affirm the Township Manager's execution of the Blank Rome engagement letter, to appoint Blank Rome as legal counsel regarding the DEP Oakridge-Edgehill Public Sewer Order, and to approve unbudgeted sewer funds not to exceed \$35,000 for CS Davidson to complete a 3M Sewer Planning Module for the Oakridge-Edgehill Sewer Area. Discussion: None. Public Comment: None. Carries 5/0.

4. YorkLogistics/Dermody – E Boundary & S Albemarle Pre-Adoption Roadway Opening Agreement

Due to continued traffic disruptions associated with the YorkLogistics Project, staff is proposing to work with Dermody counsel to draft a pre-adoption roadway opening agreement to allow for traffic through the E Boundary and S Albemarle Area prior to a formal adoption of the roadways and to execute such an agreement following the review and endorsement by the Township Solicitor and Township Engineer. A Certificate of Occupancy will not be issued until all road work has been completed.

Motion (Gray/Detwiler) to direct staff to work with Dermody counsel to draft a pre-adoption roadway opening agreement and authorize the Township Manager to execute the agreement following Township Solicitor and Township Engineer review and approval. Discussion: none. Public comment: none. Carries 4/0. Commissioner Herrold abstained due to conflict of interest.

5. Alarm-Fire System Monitoring Agreement – Three Year Agreement

Motion (Detwiler/Herrold) to approve a (3) year alarm and fire monitoring agreement with Pye Barker. Discussion: none. Public comment: none. Carries 5/0.

6. 2025 Public Meeting Dates Advertisement

Motion (Herrold/Detwiler) to approve the advertisement of the 2025 public meeting dates. Discussion: none. Public comment: none. Carries 5/0.

H. Commissioner Constituent Representation

1. Commissioner Detwiler, Ward 1

i) Commented that Public Works is doing a great job cleaning up the leaves and thanked the police for keeping an eye on the intersection of Midland & Greendale for stop sign runners.

2. Commissioner Rooney, Ward 2

i) Noted that he would like to work on setting up a Mill Creek cleanup event in 2025.

3. Commissioner Gray, Ward 3

i) Commented on the DEP plan update and the need for community togetherness.

4. Commissioner Herrold, Ward 4 - None

5. Commissioner Gwilt, Ward 5

i) Commented about problems with the bus runners. The solicitor pointed out that running the red lights on a school bus is a license suspension.

I. Township Consultant, Contracted Services, Departments

1. Township Consultants

i) Solicitor - None

ii) Engineer - None

iii) Fire Department / York Area United Fire and Rescue

- a) Commissioner Rooney indicated his interest in reviewing the current Charter with the possibility of a revision.
- b) Chief Hoff commented that the paving at Victory Fire Company looks good. Commissioner Rooney mentioned a fire station design conference that he was interested in attending and would provide the Board with more information as it became available.
- c) Chief Hoff urged everyone to participate in their Strategic Plan Survey.

2. Township Administration

i) Manager - None

ii) Zoning and Codes Enforcement - None

iii) Public Works - None

iv) Police

a) Merger Consideration

Commissioner Rooney commented that the merger was still being negotiated and additional information was being collected to inform the decision.

b) Memorandum of Understanding – 2025 Health Savings Account

IRS increased the minimum deductible for high deductible health plans from \$1,600/\$3,200 to \$1,650/\$3,300. The MOU would increase the Township's HSA contribution by \$50/\$100.

Motion (Gray/Detwiler) to enter into a Memorandum of Understanding with the Spring Garden Township Police Association adjusting the Township's HSA contribution.

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

c) Police Updates

1) Resolution 2024-38 Police Policy: Chain of Command, Communication & Coordination

2) Resolution 2024-39 Police Policy: Department Training

3) Resolution 2024-40 Police Policy: Officer Commendations or Complaints

Motion (Gwilt/Detwiler) to approve Resolution 2024-38 Police Policy: Chain of Command, Communication & Coordination; Resolution 2024-39 Police Policy: Department Training; Resolution 2024-40 Police Policy: Officer Commendations or Complaints. Discussion: none. Public comment: none. Carries 5/0.

J. Public Comment

1. Ricky Dubbs of 545 S Ogontz requested consideration of a residential parking zone to be added from Maple St for N Ogontz St.

II. Adjourn

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

Respectfully submitted,

Luther C Wike Jr.
Township Secretary

EA