

EAST MANCHESTER TOWNSHIP
Board of Supervisors
May 14, 2019

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Dave Gentzler, Manager/Secretary/Treasurer, Engineer Byron Trout, Recording Secretary, and 14 citizens.

At a regular meeting held at the Township building, Chairman Steven H. Gross, Jr., called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the Flag of the United States of America.

Chairman Gross disclosed that since the meeting of April 9, 2019, the Board neither met nor conducted any business.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of April 9, 2019. All members voted aye; motion carried.

Public Comments

Jim Reandeau, Northern Heights, received report from Mr. Fetter from the Pennsylvania Department of Conservation. The Northern Heights community is trying to remedy a situation with York Water Company, which was discharging water into the area's stormwater runoff, for *five months* continuously at a measured 10/gpm. Not surprisingly, this caused much damage. This was apparently just brought to the Township's attention. The report from Mr. Fetter says that the Northern Heights HOA has to fix stormwater deficiencies; the HOA has an ongoing lawsuit with the developers and now this water damage caused the system to fail. Now what?! How do they deal with the York Water Company who says it's not their problem? Mr. Trout feels that YWC is guilty of an illicit discharge under the new regulations. Mr. Reandeau has a thumb drive with several minutes' worth of evidence. Attorney Miller noted that the Township already has an illicit discharge ordinance, under which this would certainly fall. He'd have to look at the remedies associated with that ordinance and the stormwater ordinance to have repairs done to rectify the situation. This is a private system, which might be slightly different. Mr. Trout noted that the damage/water didn't affect anything within the street ROW. Mr. Reandeau has an estimate of over \$25K to repair the damage. This would be a private [lawsuit] matter between the HOA and the YWC. Does the Township have any recourse? The challenge is going to be to prove the extent of discharge and prove that the damage was tied to the discharge of the water. The water was turned off as soon as Mr. Reandeau complained. It was coming out of the fire hydrant off the street next to the water tower. Is it possible that the YWC didn't know? Not likely. Attorney Miller will research the matter; Mr. Reandeau will check back with the Township staff.

Emergency Services Report

Fire Chief's Report – according to the new guidelines, both departments should send in their cash receipts, etc. Eagle Company did not submit their figures this time. Vice Chairman Naylor will check with Chief Bush. Quarterly payments will be made from the Township, unless proper documentation is not submitted.

Special Requests

Fire hydrant tax – should check to see how long each person paid the tax. Mr. Gentzler will do this. **Motion by Vice Chairman Naylor, second by Chairman Gross, to table the exonerations for June 4, 2019**

the fire hydrant tax until further information is obtained. All members voted aye; motion carried.

Tax Collector – Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to grant the exonerations for Martin and Kline. All members voted aye; motion carried.

Starbucks – driveway waiver – Dan Creep and Manish Mathur were present. Nothing changed from the last plan, but a traffic study was performed on the safety of the distance of the driveway to the intersection. John Seitz of TRG was present to explain the traffic study data. The study indicates that there will likely be no interaction between the intersection traffic and the driveway traffic. Minimum distance from the intersection is 200'; their driveway is 350' from the intersection. Vice Chairman Naylor thinks that a stop sign on Bartlett would improve the safety at the intersection. Mr. Seitz feels that this might be a non-typical placement of a stop sign. He feels that the traffic situation is working well right now.

Mr. Mahto explained what the buildings will be used for. Ultimately, Starbucks' plan is for streamlined processing of the coffee beans. Currently, the process is not streamlined to their liking. Starbucks wants the driveway onto Bartlett so that truckers don't enter the compound at an inappropriate area. They hope to make it obvious to truck traffic where the vehicles should enter. Mr. Mahto presented a short video of a truck driver backing up "blind" onto Espresso Way. Starbucks is quite concerned about a situation like this happening at night, when it's not as obvious to motorists what is going on.

How about using Driveway A as the emergency gate and eliminate Driveway C? Change the curbing and sidewalk to make it obvious that this is not an entrance. The Board's concern is that several years down the road, Starbucks will change its mind and want to use all driveways. Starbucks, of course, feels that this will not happen. Or change Driveway C to go between the buildings. Could they regrade the area to combine the two parking lots, correcting the grade difference between the two?

Thomas Cage, Regional Director, commented that the property on Bartlett is leased; if Starbucks moves out of that space, they would not have access to that driveway. That would be correct. Starbucks has to look to future options. The Board has learned the hard way, though...

Chief Stevens asked the width of the proposed driveway. Same as 3000 Espresso Way, which should present no problem to emergency vehicles.

Mr. Cage noted that the company proposed moving the fencing out to disable the driveway in order to keep trucks out.

Chairman Gross feels that the Township/Board have been very accommodating to Starbucks in the past, but he just can't feel comfortable approving this driveway change.

Mr. Creep asked if the Board would agree to grant the waiver with the condition or restriction that Driveway C is closed if Driveway D is opened – and in the future, if the company would like to reopen Driveway C, Driveway D would be closed. How permanently would Driveway C be closed? Attorney Miller noted that it might be hard to track at the application of a driveway permit.

Mr. Trout proposed using paver blocks for the emergency access. Grass grows through the paver blocks, so truck drivers won't use it because it looks grassed over; emergency services can still use the gate. This keeps it available as an emergency access. OR, how about the white pylons that can be driven over (by fire personnel)? Great ideas, possibilities.

Starbucks will revisit the proposal and will come back.

Still going forward with the proposed signs? Yes, and discussion was held to clarify the location of the signs.

Correspondence

Nothing reported.

June 4, 2019

Page 2 of 4

Solicitor's report – Attorney Andrew Miller

- Canal Road Betterment Task Force – working to finalize all paperwork and descriptions to complete this project. Waiting for termination of the Knaub driveway easement; Henry termination has been executed. The Texter plan must be recorded first. No action can be taken tonight. Chris McGraff was present; he's waiting for all this paperwork to be completed so that he can resubmit his plan to PennDOT. The Board might be able to hold a special meeting to take action on this proposal. If all the stars line up, then a special meeting may be scheduled. Everyone will do his part to move this along. Hillwood's plans were submitted, but the road improvements need to be addressed and completed first. The Township still needs to review all that's been submitted thus far.
- Update to Motor Vehicle and Traffic Regulation Ordinance – not tonight; it's in a briefcase that decided to stay at a previous Township meeting.
- General Ordinance Amendments – nothing discussed.
- Short-Term Rental Ordinance – discussion was held. No time frame given for an inspection. Should be within hours of being notified of an inspection.
- Park Street Sewer Extension – not tonight; it's also in the misplaced briefcase. Can send the letter to the Sewer Authority formally requesting that the line be extended. Joel Klinedinst noted that the Sewer Authority is aware of the request and has already begun discussion. **Motion by Chairman Gross, second by Supervisor Rudisill, to authorize Attorney Miller to send the formal letter to the Sewer Authority to begin the process of providing sewer to Park Street, Area Two. All members voted aye; motion carried.**
- Brunner Island – Air permit for ash – nothing discussed.

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

How about a resolution on the Starbucks storm water issue? Nothing yet, per Mr. Trout. Mr. Trout's keeping Mr. Dolan apprised of any developments. The landlord is willing to correct the situation.

Re: HOP plan for 84 Zions View – revised plans received. The applicant wants to resubmit the plans for the Phase I improvements.

EMT salt building – nothing discussed.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – Mr. Klinedinst reported that construction on the updated plant has been stalled for a time. With the wet weather, biosolids have not been applied to the fields. Biosolids have been taken to Springettsbury Township for further processing; they charge a fee. Newest upgrade to the Saginaw plant: the UV option likely not going to work, so other options are being employed.

Recreation Board – nothing discussed.

Public Works Director – nothing to add; no discussion.

Zoning Officer – Sherman Street location looks worse. The Zoning Officer did indeed cite the owner.

Mowing bids for soccer fields – **Motion by Chairman Gross, second Vice Chairman Naylor to award the mowing bid for 2019 to the low bidder McCabe's Lawn and Landscape, effective 4/22/19. All members voted aye; motion carried.**

Township Newsletter/Map – it's time for another Township Newsletter. Cost: if enough advertising, only cost to the Township would be the mailing. Contact Conewago Township to see who did their newsletter. Mr. Gentzler will do. Work in progress.

New website update – should be up and running in May.

Also, the audit was delivered. **Motion by Chairman Gross, second by Supervisor Rudisill, to acknowledge receipt of the audit by the Board of Supervisors, noting that it is a clean audit, no findings. All members voted aye; motion carried. Everyone can stay out of jail for another year.**

Short executive session requested – personnel.

Land Development/Subdivision –
Nothing at this time.

Supervisor's comments

Vice Chairman David L. Naylor – road construction – Manchester Street and Zions View – please phase them to prevent closing both roads at the same time. Also, Township roads can't really support the increased traffic brought in by some of these large projects. How can a Township say “no, we don't want your business”? Attorney Miller gave options: restrict areas where that development is permitted – rezone, or revisit the Comp Plan. Also from Vice Chairman Naylor--re: LERTA, the Township needs to selectively pick to whom it is granted.

Supervisor Barry E. Rudisill – none.

Chairman Steven H. Gross, Jr. – line painting done early! Woo hoo! Also, on Board Road, that missing piece of sidewalk will finally be replaced! Road inspection? Think about a date.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, pay the bills as presented. All members voted aye; motion carried.

The meeting recessed to Executive Session at 9:02 p.m.

The meeting reconvened at 9:50 p.m.

Motion by Chairman Gross, second by Vice Chairman Naylor, authorizing the Township Manager to hire a new Public Works employee. All members voted aye; motion carried.

Motion by Chairman Gross, second by Vice Chairman Naylor, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:56p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary