

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**October 8, 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, Zoning Officer Kristie Masemer, Recording Secretary, and 26 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 September 10, 2019, the Board neither met nor conducted any business.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of September 10, 2019. All members voted aye; motion carried.**

**Public Comments**

Dave Dennis, 190 Griffith Lane, voice a complaint about a neighbor's retail stand on Conewago Creek Road. He says that the "business" has expanded, the traffic is worse, the road has no shoulder, so cars park in the middle of the road, creating a hazard. He thought the rules say no retail stores permitted in residential areas. He feels it's a nuisance to all. Mrs. Masemer reported that she, David Gentzler, and Shane investigated the situation and found enough off-street parking for customers; anyone who stops in the middle of the road is just exhibiting bad driving unrelated to the farm stand. She said that they spoke with some neighbors, asking how long has it been there? Has it grown? Those neighbors said no, the stand hasn't grown. He says it has grown; there's more merchandise; there's a second driveway apparently, with gravel stones from the shed to roadway. Does the Zoning Officer consider that their parking spaces? Yes, there are two driveways and parking areas. Why are these neighbors permitted to do this? Mrs. Masemer can investigate their products; at her first review, she thought the business would fall in the category of agricultural products. Township personnel can take another look. Mr. Gentzler said it's a difficult thing to prove, but they'll investigate further. Mr. Dennis says that the people don't grow anything there; they ship everything in.

Mike Grotehouse, 1215 Canal Road Extended, asked about the progress on the swale on old McCoy property to remove water? Contaminated soil problem? Any progress? Now he says there's noise coming from an a/c unit on the DHL warehouse; he says it's pretty loud, even inside the house. Anything being done? Mr. Trout spoke to the first two issues. First the contaminated soil, he reported that the test is below DEP's allowable limits. He has requested via letter to hold a bond to continue to monitor the situation throughout the process. Swale? Yes, the contractor knows about that. They are still working on issues inside the ponds; it's still a work in progress. Mr. Trout is still holding the bond until this issue is resolved. Mrs. Masemer sent a cease and desist letter for DHL to investigate to see what's going on with the noise issue, noting that it's hard to enforce, but she likely can enforce because it wasn't there before. Perhaps discuss enforcement actions in an executive session following this meeting, per Mr. Miller.

Ed Hewitt, 290 Manchester Street, DHL did set the two monuments on his property corners, and he picked out the shrub that they will plant. He thinks that the Township should revise some ordinances October 8, 2019

because of the DHL project; lights, noise, cut slopes, etc. Wants to protect other residents at other times in the future. Core5 is doing a traffic impact study so that the police can enforce truck traffic violations; perhaps DHL should do the same. Mr. Gentzler reported that there was a meeting about truck restrictions throughout the Township. The meeting involved the solicitor and engineer and PennDOT; they've started the process of changing the truck restrictions.

Brandon Gladfelter asked if Conewago Creek Road will be included in the truck restrictions. Yes.

### **Emergency Services Report**

*Fire Chief's Report* – It's National Fire Prevention Week! Check your house and other areas for clutter, safety issues. Both fire companies will host open houses from 6 to 8 tomorrow evening.

*Union Fire Company 2020 Budget* – did Manchester Borough decrease their proposed funding? Chief Stevens explained that the Borough gives anything extra to the Company, but they didn't this past year.

Vice Chairman Naylor asked if there's been any word from Eagle Company? Report submitted. Chief Stevens reported that the two treasurers met – it appears that everything is there, it's just not detailed, which can make it confusing. Indeed. Vice Chairman Naylor wants to see more details so that the Board can decide if it's providing the right money to the right places. It appears that Eagle Company doesn't want to provide the information requested; Vice Chairman Naylor feels that the Board cannot release the 3<sup>rd</sup> quarter funds.

*Resignation of the Chief of NEAEMS* – Laura Lash resigned; Robert Kramer was promoted to Chief, effective October 1. Ambulance company provided call information but not financial information.

*Police budget* – proposed for 2020 is an increase to \$135K to Township; total police budget is \$1,337,000 – more than staff and road crew expenses. Since 2006, the Township has been paying 70% of the budget. Now the police board feels Township should pay more than 70% of the budget, but Chairman Gross says the township has only 50% of the vote. **Motion by Gross, second by Rudisill, to reject the two proposed police budgets for 2020, because the Township's percentage is over 70%. Discussion:** Manchester Borough's increase is about \$41K; they pay 18% of the total budget; Mt. Wolf is to pay \$211K, they pay 10% of the total budget. There are other issues as well, namely, expense concerns. Vice Chairman Naylor reported that the insurance return will be minimal this year to offset the expenses. Mr. Gentzler noted that the total taxes that the Township collects is \$1,722,000; the police budget is approaching all the revenue received. **Vote: All members voted aye; motion carried. Budgets rejected.**

Note to Mr. Gentzler: Add item 4.3, Police Budget, to the Board of Supervisors Agenda for discussion, at least until the end of this year.

### **Special Request**

PA Local Government Implementation (LGI) Grants – requesting proposals. Vice Chairman Naylor asked Mr. Trout to look into this; a local high school class plants trees, etc., in the Township near streams. Vice Chairman Naylor will have the teacher contact Mr. Trout to formulate a plan to benefit everyone, using the grant funds. Joel Klinedinst advised that Mr. Trout tell the school of the Sewer Authority's ROW on Musser Run – don't plant the trees in the ROW, or they'll get mowed over – per PennDOT. Perhaps the teacher should speak to Mr. Klinedinst as well!

Mr. Gentzler noted that this is the grant that York County Planning Commission uses for MS4 and we could do the same.

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## Correspondence

*Darryl Albright* – Polling/Stream monitoring – Mr. Albright was present – still in the process of getting a new polling place? Yes, the County is doing a study; hopefully by the 2020 primary election, a new polling place will be in ready to use.

*Brunner Island Basin 6* – Completeness Review – FYI.

*SPCA* – the New Executive Director is Steven Martinez. The contract for 2020 included a 3% increase; Chairman Gross thought the rate would remain the same for a number of years. Please, staff, check to see when the rates last went up. Also, the SPCA should provide their financial information to the Township. Vice Chairman Naylor: is the SPCA a government agency? No, a non-profit. Financial information should be accessible or provided. Vice Chairman Naylor wondered that, if people adopt animals for a fee, then the SPCA charges the Township for services, is this double-dipping in some way?

*New Voting Equipment* – take a look at new voting machines at the Dover Library or Heritage Senior Center on October 16, 8:30 a.m. to noon or 3:30 to 6:30 p.m.

## Solicitor's report – Attorney Andrew Miller

- **Motion by Chairman Gross, second by Vice Chairman Naylor, to adopt Ordinance 2019-2, LERTA Suspension, effective five days after enactment.** *Discussion:* the ultimate intent is to create a new Ordinance, yes? Yes. **All members voted aye; motion carried.**
- LERTA Amendments – Attorney Miller presented a proposed Ordinance that amends the existing LERTA Ordinance. If the Board members have any suggestions, let him know. Chairman Gross feels that this program is not as appreciated now as it was when it was first developed. Vice Chairman Naylor feels that this new proposal will give the Township more oversight to award or not award LERTA status, depending on the nature of the application received. Chairman Gross proposed that if a developer's agreement is required and proposed, the Board, not just the Solicitor and/or staff members, must review and approve such agreements.
- Executive Session requested to discuss tax assessment appeals and enforcement matters.

## Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

Regarding the stormwater and Mr. Dolan's property, would the Board authorize Mr. Trout to work with Attorney Miller on this? "They" (Brian, site representative from Hillwood, and Property Management Group), were supposed to get back to Mr. Trout in September, but didn't. He doesn't think they're taking this matter seriously. Supervisor Rudisill feels that Mr. Dolan has had enough. Also, the Tome property is affected. Yes, go for it.

84 Zions View Road letters from Mr. Trout – addressing *E & S inspection report* (under review, minor issues to be addressed, inspections being done); *highway improvements* (some additional work to be done by end of the week; other work to be completed); *berm* near Lucas property (Mr. Trout recommends that the bond remain in place until certified that berm is stable); *lighting* (eliminate light closest to Lucas property; modify another light to decrease light to another property; shield specs to be reviewed). Chairman Gross noticed that there are still two driveways on the Texter property -- Mr. Trout will continue monitoring to ensure that one driveway is eliminated. Vice Chairman Naylor clarified that the shield specs are to be reviewed? Yes, the specs were just provided. The shields that were installed are not adjustable, and so are not correct. To be reviewed. The applicant provided the drawings, but the October 8, 2019

drawings were not approved. Now what? The lighting was to have been correct by a certain time or the applicant will be in violation. That deadline has passed (September 15). On the road improvement, it was noted that to fix the grade (lower it by 10”), the applicant will be instructed to keep one lane open.

Roger Welty reported that the westbound lane has a “speed bump” in it. Plus, the one section of the road is pretty rough.

Mr. Gentzler noted that Phase 1 should be completed by October 15. The Township certainly feels that Phase 1 is not completed nor will it be completed by October 15.

Chairman Gross – what about the rest of the screening planting? To be completed by November 30.

The lighting is in violation of the original proposal; the roadway not complete; both of these violations involve monetary compensation due the Township. How about the demolition of the structures? That deadline is October 31. Plus, they need inspections by Commonwealth Codes.

Jason Kirkham, DHL, said thanks for these letters from Mr. Trout. They’re trying to address the issues. Chairman Gross sternly reminded Mr. Kirkham that Chairman Gross will not forget what happened in August. He feels that the applicants misled the Township on at least the number of employees that would be using the facility, shuttling of employees to and from the site, etc.

#### **Secretary/Treasurer/Manager’s report – Dave Gentzler**

*Sewer Authority* – Minutes are available. Joel Klinedinst spoke about the sinkholes on several streets. The lines will be televised to determine where the problems are. The Sewer Authority has given the Township permission to fix the problems and bill the Sewer Authority if the problem is theirs.

By December 1, all customers will receive notice that online bill payment will be an option.

A stream restoration project is underway in Manchester Township.

The Mt. Wolf plant was inspected with no problems. Saginaw plant still in progress.

Sinkhole on Manchester Street in the Borough – take a look at that, please. Will do.

*Recreation Board* – No minutes.

*Public Works Director* – fuel tank relocation – originally, the fuel tank was proposed to be adjacent to the salt building. Mr. Gentzler would like to move the new fuel tanks to the other side of the road at the end of the block building for safety reasons. These are above-ground tanks; there’s illumination on the building. **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize Mr. Gentzler to proceed with the moving of the fuel tanks. All members voted aye; motion carried.**

Also, Mr. Gentzler was authorized to install a toilet in the facility across the road.

Leaf collection: starts Monday, October 28.

*Zoning Officer* – no questions, discussion, or additions.

*2019 Volunteer Fire Relief Allocation* -- \$52,187 received. The Township has sixty days to disperse these funds. **Motion by Vice Chairman Naylor, second by Chairman Gross, to table this disbursement until November’s meeting. All members voted aye; motion carried.**

*Susquehanna River Basin Commission* – Talen withdrew applications to take water from the Susquehanna.

*SPCA* – 2020 Animal Care and Housing Agreement – 3% increase; staff instructed to research this as to when the last increase came through.

*Mt. Wolf’s Workman’s Compensation Renewal* – tabled until November’s meeting.

*County Convention* – anyone attending? Let Mr. Gentzler know!!

*Health Insurance* – increasing 5.5% for 2020. Must decide by October 31! Discuss in Executive Session.

#### **Land Development/Subdivision –**

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*Starbucks* – Manisch Mathur was present to discuss the proposal to close two driveways. Currently, the site has 3 driveways; the applicants want to close two driveways and create a new one. They might need to reopen the closed ROW in the future, and they very much want to preserve that right. Of course, the applicant would need to reapply to the Township to reopen the driveway in the future. How to assure that Starbucks doesn't use all the driveways? Suggested placing conditions on the approval. They are willing to install curbing and a walking path to make it obvious that it's not a driveway.

One of the driveways to be closed will use a gate; the other one will not use a gate, but will use something more permanent, fence, bollards, etc. How about the location of the new driveway? Wherever the Township thinks it should be.

Vice Chairman Naylor suggested moving the stop sign from Espresso to Bartlett because of the new driveway. He's worried about car stacking from the satellite parking lot. Manisch said by moving the entrance, they are trying to alleviate the truck stacking at Espresso and Bartlett.

Joel Klinedinst suggested signs directing truck traffic – yes, they're doing that.

**Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the request by Starbucks for an additional driveway subject to Driveway C being sealed off with cement curbs and sidewalks, AND Driveway D being located as north as possible, AND, if the applicants want to reopen Driveway A or Driveway C, they need to re-apply to the Township. All members voted aye; motion carried.**

*Codorus Stone site* -- Preliminary Subdivision Plan and Land Development Plan

Charlie Cortney and Josh Hoffman were present on this preliminary plan. They would like to discuss the waivers and get the Board members' feedback. Mr. Hoffman presented the plan proposal, which involves 333 or so acres and 8 lots. There are five development lots – Lot 1, building 1 is half in East Manchester Township, half in Manchester Township. Three and a half lots are all in East Manchester Township. One lot is entirely in Manchester Township.

They are proposing 1.6 million square feet of building area in the five buildings. The applicant has been to the Planning Commission at least twice, received comments, made revisions. There will be a single driveway onto Busser Road in Manchester Township; the interior roads are private. That takes the traffic out to the Emig Road area. Chairman Gross asked that Mr. Hoffman forward the comments from Manchester Township to East Manchester Township. Indeed, the Board members would like to review those comments and they feel that Manchester Township should review EMT's comments. Good ideas.

Chairman Gross mentioned that the Mundis Race driveway should be closed right away and not used as a construction entrance. How about emergency access for fire trucks, etc.? Chief Steven gave his comments. Joel Klinedinst – how about the emergency access onto Dellinger Farm Court? Mr. Hoffman, elevation is about 50' difference. Probably more feasible to connect to Dellinger Road.

Mr. Hoffman noted that there will be a non-paved road making the full circle. Mr. Gentzler suggested paving it for winter access in emergency situations.

Lighting? Complete screening from adjacent buildings. Detailed plans for adjustable shields? Yes. They intend to completely shield the lighting from the park area, in particular, because of the astronomy club that meets next to the site.

Kerry Smith, president of the York County Astronomy Club, was present to voice the Club's concerns about any light source being visible to them. It sounds like the applicant is addressing their concerns. Mr. Cortney asked if landscaping is helpful. Mr. Smith agreed that anything that can be done to prevent any direct-line-of-sight lighting is good.

Mr. Gentzler asked if the applicant can assure the Astronomy Club that they will work with them along the way and after installation of the lights to make sure they're happy. Sure.

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Vice Chairman Naylor asked if the Board can take a “field trip” of sorts when the project starts so that the Board members can get a good idea of the line of sight issues. Mr. Gentzler asked if the Township can make the applicant screen the entire building so that no one sees it at all. Mr. Cortney noted that screening placed closer to the viewers works better than screening from a distance.

Ed Hewitt from the Planning Commission reported that the PC discussed this at length. He feels that the light will travel from the site to the astronomy club. He also stated that the PC engineer was not happy with the applicant’s line of sight drawings.

Mr. Cortney reviewed the waiver requests: *waiver 1*, cut and fill slopes; 2:1 slopes will be protected with fencing; *waiver 2*, fencing on slopes greater than 4:1; *waiver 3*, road widening/curbs/sidewalks Dellinger Road and Dellinger Court (no access planned; no increased traffic proposed)(PC asked if they would fill and pipe the swale; it would be in the Township ROW; curbing of cement or macadam?); *waiver 4*, widening/curbs/sidewalks for Mundis Race Road.

Private roads were discussed. Chairman Gross noted that subdivisions are not permitted on private roads that are not built to Township specifications. Now what? Request a waiver if they’re not improving the streets to Township specifications? Mr. Cortney will investigate.

Mr. Cortney discussed why they are not proposing access onto Mundis Race. Vice Chairman Naylor doesn’t want to see access onto Mundis Race Road.

Vice Chairman Naylor asked about the wetlands. They will eliminate the berm to improve the drainage in that area. Hopefully, they will return the area to its original state.

How about recreation fees? Is the County interested in any of the area, given the access to the park/trail? The County is definitely interested, except for sinkholes and a couple of the buildings. The applicant would love to dedicate the land to the County for the benefit of all. The applicant is willing to work with the Township, knowing that if the applicant dedicates land to the County, the Township gets nothing. What does “work with the Township” mean – will the applicant pay the recreation fees?

How about the monitoring of the traffic on Mundis Race Road after the project is built? Even if there’s no truck access onto Mundis Race? Is that a good idea?

Joel Klinedinst asked for proof of reserve capacity to Springettsbury; a letter confirming that Springettsbury is taking the waste; and proof that the applicant is not hooking into the Township sewer system. All good requests certainly.

What if Manchester Township refuses to permit the traffic onto Busser? That’s in negotiation right now.

Is the Township opposed to granting the waivers for Mundis Race Road? Mr. Cortney feels that if they’re going to be required to widen the road, they might as well have access to it. Mr. Gentzler noted that if they have access to Mundis Race and improve it, they need to improve all of that road.

The Board would prefer that the applicant NOT have access to Mundis Race Road.

What’s Manchester Township’s position? They’ll defer to East Manchester’s actions/decisions. What does Springettsbury Township think of all this?

### **Supervisor's comments**

*Vice Chairman David L. Naylor* – agrees with Mr. Hewitt on the ordinance amendments of noise, sight line, and buffer zone increase. He also wants to ask for increased police presence on the Conewago Creek area.

*Supervisor Barry E. Rudisill* – no comments at this time.

*Chairman Steven H. Gross, Jr.* – Budget meeting October 30, 6pm. Also, Talen Energy had the value of one of its properties lowered.

**Motion by Chairman Gross, second by Supervisor Rudisill, to pay the bills as presented. All**

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**members voted aye; motion carried.**

**Motion by Chairman Gross, second by Vice Chairman Naylor, to *recess* to Executive Session. All members voted aye; motion carried. The meeting *recessed* at 10:01 p.m.**

The meeting reconvened at 11:40 p.m. There was no further business conducted.

**Motion by Chairman Gross, second by Supervisor Rudisill , to adjourn. All members voted aye; motion carried.** The meeting adjourned at 11:42p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary