

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**February 13, 2018**

Present: Chairman Steven H. Gross, Jr., Supervisor Barry E. Rudisill, Attorney Andrew Miller, Dave Gentzler, Manager/Secretary/Treasurer, Engineer Byron Trout, Zoning Officer Kristie Masemer, Recording Secretary, and 37 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 January 9, 2018, the Board neither met nor conducted any business.

There was a correction to the minutes of the meeting of January 9, 2018: Under the Reorganization information, paragraph 3, it was omitted that Supervisor Rudisill nominated David Naylor as Vice Chairman for 2018. It was likely that Chairman Gross seconded that Motion.

**Motion by Chairman Gross, second by Supervisor Rudisill, to approve the amended minutes of the meeting of January 9, 2018. All members voted aye; motion carried.**

**Public Comments**

Christopher Gross was not present tonight, but Chairman Gross said that Christopher apparently had some comments via social media on sidewalk clearing/citations. Chairman Gross confirmed that, indeed, two people from the Township were sent to inspect the sidewalk situations. This was in part because the Zoning Officer is pregnant and her safety was paramount during these inspections.

From the audience, Chris Surratt, 540 Abbey Drive, asked why the warnings stopped. Because the situation deteriorated with each snow, per the Zoning Officer. Can the compliance time be extended from 24 to 48 hours? Will consider. Mrs. Masemer confirmed that she was indeed present at each property that was cited; she was in the vehicle taking the photos while the other Township person got out of the car.

James Paul, 45 Asbury Court, asked if the Township can remove the word “no” from Subsection C of Section 203-20, which states that *no* notice is required. This is likely not going to happen. Mr. Paul said he was not familiar with the 24-hour rule for removal. So noted.

Michele Adams, 70 Coventry Crossroads, asked why some people were cited and not others. Mrs. Masemer recounted the procedure. At the first snow, a courtesy reminder is issued to those who do not clear their sidewalks. The second time it snows, she checks to see which property owners remove their snow. The third time it snows, the citations are issued for those who do not comply.

Paul Crouse, 525 Abbey, asked the purpose of the ordinance for snow removal. Safety, of course. Why did it take two weeks to receive a fine? Processing time, per Mrs. Masemer. She confirmed that, if the Township doesn't enforce the snow removal rules, someone complains about it. From this last snow, she received many phone calls from parents saying that their children fell on uncleared sidewalks on the way to the bus or school. Also from Mr. Crouse, why weren't the Township's sidewalks cleared? Mr. Paul provided a photo to document. Chairman Gross explained that the Township sidewalk is cleared only after the roads are plowed; the Township road crew takes care of the residents before shoveling/clearing the sidewalk in front of the Township building. Mr. Gentzler questioned the time of the photo and stated that the Township building sidewalks are always shoveled.

Dawn Kopp, 75 Coventry Cross, asked for a civil resolution to the problem. Of particular note, March 14, 2018

the magistrate's office informed her that several properties are in foreclosure in that neighborhood. Were the realtors and utility companies charged for those violations? Mrs. Masemer confirmed yes. Would it have been better for the Township to check the property addresses first? Would that have been a better use of funds? Also, it took a long time for her to receive a phone call back from Mr. Gentzler. He cannot confirm that he received a phone message from her. She would like accountability on all angles, from the residents as well as the Township staff/personnel. Also, it might be helpful to add a simple statement to the website next to the link for sidewalk citing, to say that if there are multiple violations, the person need pay only one fine. The ordinance refers to "a" citation. Is that true, especially since people received more than one? She didn't appreciate Chairman Gross's comment in the beginning of the meeting, wherein he stated that Christopher Gross "stirred up" trouble via social media [or whatever terminology he used; she couldn't quote directly]. Why did the Township decline to make a statement for the media? Chairman Gross confirmed that it's a long-standing Township policy. Also, she relayed a story about her son being stuck on an icy State Road, and the Township couldn't assist because it's "not a Township road." Could this change so that there's more friendly cooperation for all involved?

Kathy Crado, 190 Abbey, asked why the snow removal gets 24 hours to be removed and hazardous shrubs are 48 hours? She suggested that the Township either combine the requirements or give all the same compliance time.

John and Tara Kessler, 160 Abbey Drive?, said there wasn't enough snow to be hazardous. Who are the elected officials? Mr. Gross confirmed that the three Supervisors are elected.

### Emergency Services Report

Fire Chief's Report – nothing to add.

YAUFRR – discussed under Supervisors' Comments, in Chairman Gross's comments.

### Special Request

JPM Northern (*tabled in January*) – Mr. Gentzler confirmed that the applicant could not attend tonight's meeting, but they did attend last month's meeting. **Motion by Supervisor Rudisill, second by Chairman Gross, to grant the waiver of the fence requirement.** *Discussion:* Mr. Gentzler is not opposed to granting the waiver, but he recommends that the applicant submit a plan that shows that there are areas that could or should have a partial fence. Mr. Trout noted that the steep slopes are supposed to be remedied and the stormwater pond is to be converted. Until that's done, the lack of fencing could be an issue, especially for the adjoining neighbors' properties. ***Vote on the motion: two opposed, none in favor; Motion failed.*** Staff is instructed to research the issue more and take into consideration the adjoining property owners' positions.

Johnson Controls – 100 Gea Drive – Mark Goldsmith requested name change from "Gea Drive" to "JCI Way." Gea is a competitor of Johnson Controls, and the applicant is "sensitive" to residing on a street with a competitor's name. Starbucks and the other neighbors have no problem with this change. From Supervisor Rudisill – what expenses will be incurred and what procedures must be followed? Attorney Miller answered – notify PennDOT and York County, new signs, county control, etc. Johnson Controls should bear the costs of this change, which Mr. Goldsmith confirmed. Supervisor Rudisill wondered how often GPS coordinates are updated, and how will this change affect GPS users? Mr. Gentzler noted that he has a contact person to call and make any changes. What if Johnson Controls moves from this site in 10-15 years? Hmmm, a fine question indeed. **Motion by Chairman Gross, second by Supervisor Rudisill, to approve the change from Gea Drive to JCI Way [no other name option], provided the applicant bears *all* the costs associated with the project, to be determined by Attorney Miller. All members voted aye; motion carried.**

Would it be prudent to have both signs posted for a time, until the public is fully aware of the change? Great idea.

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The County Solicitor requests that a Township representative attend a meeting to discuss options to resolve the issue of tax payments sent to the wrong municipality. Would Mr. Gentzler please attend this meeting? Yes, indeed, on February 28, 2018.

Talen Energy – Release of Surety Bond – staff should research and inspect, etc., before the Board can act on the request for the release of the Surety Bond for Talen Energy, and report back how much money is involved. Will do.

Hillwood Investment Properties – Reduction of Surety Bond; **Motion by Chairman Gross, second by Supervisor Rudisill, to approve the reduction of the Surety Bond for Hillwood Investment Properties in the amount of \$ 80,282.85, leaving a balance of \$12,219.60. All members voted aye; motion carried.**

### **Correspondence**

EVOLIS Radar Speed sign. From the audience, Mr. Klinedinst noted that he sees such signs in other municipalities, and he feels that they work to remind motorists of their speed. Mr. Gentzler proposed that the township purchase such a sign. The Board will ponder his request.

DCNR – Bureau of Recreation and Conservation – grants available. Mr. Gentzler reported that Vice Chairman Naylor expressed interest in applying for a grant for a fishing access for Gut Road. Can't hurt to apply. Did Mr. Trout already investigate this possibility? He'll check and will make a recommendation to the Board.

York County Planning Commission – Future of Transportation – information and speculation of the what the future holds. YCPC would like the Township to enter information on the County's website.

PA Liquor Control Board – Chairman Gross received much public comment on the fact that the Manchester Café has had a BYOB policy lately. His research revealed that there is no restriction from the LCB, and the Township has no ordinance restrictions either.

Brunner Island Electric Generating Station Permit—addressed under Solicitor's Report.

### **Solicitor's report – Attorney Andrew Miller**

Brunner Island Fishing Access/Air Quality Permit/NPDES Permit – Talen Energy is in the process of renewing its NPDES Permit. He has prepared a letter with comments about that permit, namely referring to the fact that the applicant is permitted to discharge suspended solids into the Susquehanna River, yet the Township and other municipalities are required to spend a fair amount of money to reduce the quantity of suspended solids discharged into the River. How's that work? No limits are mentioned, either. Not very consistent. Plus, he will mention that much land that was open to public use in the past is now closed. Mr. Gentzler asked if the Township can enforce any testing or regulations. Tricky, but it could be done. Probably better that the state or federal authorities make that call. **Motion by Supervisor Rudisill, second by Chairman Gross, to authorize Attorney Miller formally submit this letter to DEP, making those comments as discussed above during the public comment period. All members voted aye; motion carried.**

- Canal Road Traffic Improvements – received signed design contract for those improvements. Still waiting for Developer's Agreement.
- PMRS Pension Plan Ordinance – nothing discussed
- Brief Executive Session requested to discuss litigation and real estate matters.

Mr. Gentzler reminded Mr. Goldsmith of Johnson Controls of the Developer's Agreement for the intersection of Espresso and Canal. Maybe they want to join in?

## **Engineer's report – Byron Trout**

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan – there are some considerations by DEP that agriculture can be used as part of the PRP plan. That is good news for East Manchester Township, as those numbers are figured into the PRP plan.

The Maintenance Bond for the Rentzel property will expire very soon, and Mr. Trout will inspect tomorrow. Might be a good idea to extend any maintenance bond past 18 months, as they always expire in the middle of winter, which is not a good time for inspections, completions, etc. That might be a good idea that just won't work.

Any word on whether the Township's magnificent PRP plan was approved or used as a fine example, etc.? Nothing yet.

From the audience, Joel Klinedinst relayed a situation on Wago Road where muddy water runs constantly, depositing much sediment. Mr. Gentzler will pass the comment to PennDOT at his next meeting with that agency.

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

*Sewer Authority* – Intermunicipal meeting – nothing to add to the minutes.

*Recreation Board* – minutes are available for review.

*Public Works Director* – Mr. Gentzler reported that there's more vandalism occurring in Dauberton. The camera is not working at one location. Should camera(s) be installed in Dauberton? Mr. Gentzler asked the Board members to go inspect the damage.

Chairman Gross noted that the road crew was dispatched nine times in January to salt the roads. All good comments received. Kudos to these hard workers.

Zoning Officer – Mrs. Masemer reported that she issued 104 citations for snow removal. Perhaps 25 will be dismissed as duplicates, leaving about 75 that are to be paid. Joel Klinedinst noted that he appreciated the work that Mrs. Masemer did to enforce the ordinance. He has to walk those sidewalks, and they were indeed treacherous.

A Zoning Hearing will be held for the Kling Group later this month.

## **Land Development/Subdivision –**

Nothing at this time.

## **Supervisor's comments**

*Supervisor Barry E. Rudisill* – Saginaw application submitted? Yes. From the Planning Commission meeting minutes, there was a discussion about having the solicitor write a review letter for plans. What did the Planning Commission decide? No decision was actually made at that time, but they realized that the engineer and the solicitor were doing duplicate work, which is not necessary. Mr. Gentzler spoke to Mr. Miller about this matter, and in the future, the Planning Commission and/or the engineer or a staff member will request Mr. Miller's services in the future, not as a matter of course. Any agreements will always be prepared and reviewed by the Solicitor. The Engineer and Solicitor will work together to make sure all bases are covered with no duplication of effort.

*Chairman Steven H. Gross, Jr.* – from the fire chief's report – the Agreement that the Board is asked to sign raises some funding concerns for Chairman Gross. He feels that this Agreement should be presented to the public. From the audience, Chief Stevens noted that Chief Clabaugh wants to meet with the Board and others to nail down the Township's expectations for the fire companies. There are problems with

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unpaid personnel filling in for paid personnel. In the agreement, YAUFR wants to have all benefits and asks the Eagle department to pay for those costs.

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

At 8:45 p.m., the Board *recessed* to an Executive Session.

The meeting reconvened at 9:05p.m. There was no further discussion.

**Motion by Chairman Gross, second by Supervisor Rudisill, to adjourn. All members voted aye; motion carried.** The meeting adjourned at 9:07p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary