

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**August 14, 2018**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Stephanie Kogut, Dave Gentzler, Manager/Secretary/Treasurer, Engineer Byron Trout, Engineer Laymon Mortorff, Recording Secretary, and approximately 30 citizens.

At a regular meeting held at the Township building, Chairman Steven H. Gross, Jr. called the meeting to order at 7:10 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 July 10, 2018, the Board neither met nor conducted any business. The majority of the Board did attend the staff meeting on July 9, 2018; no action was taken.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of July 10, 2018. All members voted aye; motion carried.**

**Public Comments**

Chairman Gross reported that Marie Rudy wrote a letter to the Township dated July 29, 2018, and she mistakenly referred to speaking to Mr. Gross. It was actually Vice Chairman Naylor and Mr. Gentzler to whom she spoke.

Joe Dodson, 3840 Sherman Street, spoke at length on the condition of Sherman Street, noting the occurrence of recent "biblical rains" and asking what's the plan for repairs? PennDOT has offered to let the Township engineer design the fix and obtain the permits. Mr. Snyder, across the street, doesn't want the water to be directed to his farm. How about piping and directing the water through his property? Perhaps. PennDOT wants the Township to take over the maintenance of the driveways in the area, something that's never been done. If the driveway pipe collapses in the future, the Township would be responsible for fixing it. The Board of Supervisors feel that it's not right for the Township to spend taxpayer money to fix a state road problem. They don't want to set any precedent, either. Mr. Dodson is afraid that someone's going to get hurt. There's already been property damage associated with the excess water running down the roadway.

Bob Engels, 3860 North Sherman Street, agreed with Mr. Dodson. He feels it's better to be safe than to quibble over whose responsibility the problem is.

This has been a problem since at least 1997. Why is it worse than it used to be? And, how about the deteriorating condition of the road? The patch that PennDOT placed has been eroded away again. If the creek issue isn't going to be addressed, could someone please address the eroding side of the roadway? Mr. Trout confirmed that, years ago, PennDOT increased the size of the upstream pipe, resulting in increased volumes of water through this area. He feels that less than 10% of the water comes from the Sherman Oaks development. The bulk of it is from upstream, where the state increased the pipe diameter. Apparently, the state doesn't share in his assessment of this situation.

This is a state road; why doesn't the state fix the problem totally? There's the question. Mr. Rudisill feels that it would be better to pipe the water across the road, done by the state. Mr. Gentzler feels that Mr. Dodson should fix the pipe under his driveway (and so should everyone else in that area). The pipe needs to be larger, which would require a PennDOT permit and an engineer's design. Mr. Gentzler also feels that the Township should do more research on this situation to determine that the water from this development is going where it should.

Mr. Rudisill attended the previous meeting with PennDOT on this issue. He feels that PennDOT  
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is never going to take responsibility for this situation, and that it's easier for that agency to transfer responsibility to the Township.

Joel Klinedinst said the same situation exists on Market Street in Saginaw.

David Bloss, North Sherman Street, asked can the Township address the problem at 3900 North Sherman? There's a real problem with overgrown vegetation, causing a sight distance issue now. Also, 105 Willow Springs has a problem with overgrowth. Mr. Trout just sent them a violation letter last week.

Ed Hewitt commented that the 3900 Sherman Street resident asserts that the vegetation is native and therefore it shouldn't be trimmed.

Joel Klinedinst spoke again, noting that at 375 and 385 Long Road, the utility company (unsure which one) just placed a green box right beside the fire hydrant, with no space for a hose. Fire Chief Stevens will check. Also, Mr. Klinedinst suggested that Saginaw Park be named John G. Brown, III, Park, after the man who contributed so much to the Township. That would be a lovely tribute.

Bill Wunsch, 135 Steffi Drive, reported that he's had standing water in his yard after heavy rains; believed to have come from his neighbor's property. The neighbor raised his ground level a few years ago, and the trouble started. Mr. Trout has inspected this property. He suggests at least directing the sump pump to the front of the property to alleviate any standing water; this might help. By directing the sump pump to the back yard now, it's possible that they are merely recycling the water. Insufficient swale to direct the water to the street. How to proceed? No easy fix, unfortunately.

Paul Quickel, Red Lion, had sent a letter to the Township about the Quickel farmhouse date stone. (Paul is a direct descendant of John Quickel.) He wants to place the stone on a marker in the cemetery next to Quickel's church. Might he be able to acquire this date stone? It's across the road from the Township building right now. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to permit Mr. Quickel to take possession of the stone.** *Discussion:* Supervisor Rudisill is concerned that the stone will be exposed to the weather unnecessarily. Could it be protected? Mr. Quickel agrees, noting that the marker is in remarkably good condition for its age. He plans to position the stone facing south like it's been facing for nearly 200 years. He's working with a monument maker to try to ensure its safety from the elements. *Vote on the Motion:* **All members voted aye; motion carried.**

Mike Starnier, Susquehanna Lions Club, asked for the Township's support for the October 21, 2018, Hallowe'en parade. **Motion by Chairman Gross, second by Vice Chairman Naylor, to sign all associated paperwork to permit the Lions Club to close the roads for the Halloween Parade as usual, and to make the \$5,000 donation to the cause. All members voted aye; motion carried.**

Max Francis, 1190 Woodland Drive, member of Boy Scout Troop 20, Spring Garden Township, was present. He is currently working on his Eagle Scout project, to make a bridge on the Leg Up Farm property to permit people easier access to a specific area of the Farm. It's a \$4,000-\$5,000 project, with construction to be completed by October 12, just in time for their Fall Festival. Mr. Francis presented a design/drawing and photographs. This project was actually approved last month by the Board, but Mr. Francis could not be present at that meeting and the Board requested that he attend this month and bring his drawings, etc. Kudos to this young man for taking on this project for the good of the community.

### **Emergency Services Report**

Fire Chief's Report – No additions. The County Convention is this Saturday (100<sup>th</sup> anniversary), which will be a gigantic event in Emigsville.

Chairman Gross noted that Mt. Wolf's fire department has some issues that should be addressed. He was disappointed that Norm Clabaugh left this meeting early (presumably to attend another meeting). Chairman Gross noted that the Township's contribution/funds will be withheld until these issues might be

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discussed. Vice Chairman Naylor reported that he will be forming a small committee to address a checks and balances system for both fire companies to follow.

No additions to the report from the ambulance club representative.

Radio Equipment Distribution Agreement – **Motion by Chairman Gross, second by Supervisor Rudisill, to sign the Agreement. All members voted aye; motion carried.**

York County Hazard Mitigation Plan Update – available for perusal.

Everbridge – Nixle Renewal – **Motion by Chairman Gross, second by Vice Chairman Naylor, to pay East Manchester Township's share of the Nixle renewal as soon as the Township EMS Director provides the amount. All members voted aye; motion carried.**

### **Special Request**

Letter of credit – Beshore and Koller – sidewalks are installed; Mr. Trout inspected the area and found all to be fine. The applicant is requesting the return of its letter of credit. **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to return the letter of credit (which is for the remodeling of several years ago). All members voted aye; motion carried.**

Fire Hydrant Tax – **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to return the \$139.68 as requested for the Old School Lane property. All members voted aye; motion carried.**

### **Correspondence**

Notice of Assessment hearings

### **Solicitor's report – Attorney Stephanie Kogut**

- Canal Road Betterment Task Force – waiting to see a draft of the Developer's Agreement.
- Stormwater Authority Letter -- copy was provided to the Board members. Nicely done. **Motion by Vice Chairman Naylor, second by Chairman Gross, to sign it, seal it, and mail the letter as is. All members voted aye; motion carried.** For the benefit of the audience, Supervisor Rudisill gave the background and reasoning for this letter.
- Brunner Island Fishing Access/Air Quality Permit/NPDES Permit – received a comment letter back from DEP; the agencies do not operate under the same guidelines and there's no authority to grant access.
- Snow Emergency Ordinance – work in progress
- Update to Motor Vehicle and Traffic Regulation Ordinance – work in progress
- Dangerous Structures Ordinance – work in progress
- General Code Update – estimate is in progress
- 84 Zions View Road Agreements in progress (to be discussed under Subdivision Plans)
- Wheatland Manor Agreement drafted and presented to staff
- Brief Executive Session requested; Joel Klinedinst of the Sewer Authority will be present at that meeting as well.

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

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

EMT Zoning Report – Kristie’s back, and Mr. Trout’s so happy! Kudos to Mr. Trout for handling the Township’s Zoning issues during her absence.

Mr. Trout noted that someone’s purchasing the area from Talen Energy who will lease it back to the Fish Commission for boaters access.

How about the townhouses on Board Road? No movement.

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

Sewer Authority – Minutes are available.

Recreation Board – Minutes are available.

Carnival Account statement – no discussion by the Supervisors

Manchester Community Park, Master Plan proposal – no discussion by the Supervisors.

Public Works Director – no discussion or additions to the report

Pension Plan procedures – **Motion by Chairman Gross, second by Supervisor Rudisill, to acknowledge receipt of the Memorandum relating to the Pension Plan, Act 44 Procedures for Professional Service Contract. All members voted aye; motion carried.**

### **Supervisor's comments**

*Vice Chairman David L. Naylor* – no comments.

*Supervisor Barry E. Rudisill* – resident Larry Miller contacted Supervisor Rudisill about a drainage gutter issue in Saginaw. Mr. Trout is aware of the problem. Any funding available? Possibly. Mr. Trout will check. Perhaps one of the road crew could get certified for the dirt and gravel road program. Perhaps some funding might be available through that avenue. Also, on Dellinger, the Johnson grass is out of control; sight distance is impaired. Also Jerusalem School Road, same issue. Also, Alan Kingston has a problem on Dellinger Court; Mr. Trout is trying to contact him to get the problem of standing water resolved.

*Chairman Steven H. Gross, Jr.* – no comments.

Chairman Gross recused himself from participating in the next discussion, as his family has an interest in the plan. Vice Chairman Naylor led the meeting from this point.

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

84 Zions View Road Subdivision Plan – Joe Koratich, Gary Stewart (property owner/developer); Joe Stein, (Warehaus) and Christopher McGrath (DHL) were present on this plan. This parcel is located at 84 Zions View Road and comprises 90-100 acres.

By way of history, a previous plan was approved for six to eight smaller industrial lots. There were restrictive covenants on the plan relating to the existing wetlands. The present applicants had those restrictions removed as the applicants will be preserving those features for this new proposal. Additional land was obtained to give the applicants more room to do what they want to do. One building is to be constructed, a 1-million square-foot building with a half-mile driveway. There will be only 50% impervious coverage.

This is subdivision plan 2018.0073.00, 4<sup>th</sup> revision dated 7/27/18; original date 5/31/2018; Land Development Plan 2018.0073.00, 3<sup>rd</sup> revision dated July 27, 2018. Mr. Koratich also noted that the Planning Commission met earlier tonight and gave a favorable recommendation.

Mr. McGrath spoke, giving the history of DHL, the ultimate owner of this building. DHL’s customer will operate out of this building. This tenant is a high value, low volume business; two shifts, six days per week, 230 or so employees, using 20 trucks.

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Joe Stein presented the plan. The subdivision plan will acquire 2 acres of land from the Gross family, acquire the McCoy property, and do a land swap with the Cold Springs Farm feed store property. Existing wetlands and woodlands will be preserved; existing farm ponds will be used as retention ponds. Parking will be on the north and south side of the building. There is an emergency access, which is siren activated. Access will be onto Zions View Road. Screening will be accomplished with 1400 giant arborvitae trees. There will be a 10-15' high berm facing the residential uses to further screen the site from the neighboring property owners.

Mr. Stein showed an artist's rendering of a building similar to what is proposed for this site. There are adjacent and offsite road improvements involved with this project. Improvements from Willow Springs onto Board Road will be made. Exit 24 onto I83 will be widened to prevent/alleviate traffic stacking and congestion. Tractor trailers will be prevented from turning left onto Zions View; traffic will be directed onto Zions View to Canal to Espresso Way. The road will be widened to PennDOT standards. Property owners along the roadway will be compensated for losing their ROW area in the road widening project. Truck traffic was discussed; DHL and tenants will instruct all trucks to travel on the designated roadways.

Waivers are requested for the following Sections: 208-21.A, preliminary plan; 208-49.B, rec fees (deferred to LDP stage); 208-61, monuments/markers (deferred to LDP); 208.47, curbs, sidewalks, street widening (deferred to LDP); 208.34.B.1, contours; and 208.34.A.4, scale.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to grant the waivers as presented, enumerated above. All members voted aye; motion carried.**

Joel Klinedinst asked about the current structures on the existing properties. They will be removed.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the Final Subdivision Plan for 84 Zions View Road as presented. All members voted aye; motion carried.**

#### 84 Zions View Road Land Development Plan

Joe Stein, Warehaus, made this presentation as well.

Waivers requested: preliminary plan (Section 208.21.A); sidewalks and curbs (Sections 208-47.B and 208-47.A); grading slope setback (Section 208.44.F); scale (Section 208.34.A.4); basin slope (Section 199.P); and fencing (Section 199.T). Discussion was held on the waivers for the basin slope. The applicants would like the basin slope as flat as possible for better drainage. Vice Chairman Naylor fears that the water will remain in the basin for a longer period of time than planned. He also has a problem with the waiver request for no fencing on these ponds. Mr. Koratich reported that the basin will be "dewatered" within 72 hours, in accordance with DEP requirements. Mr. Stein further explained.

Vice Chairman Naylor feels that children from the nearby area may be tempted to get into the stormwater retention pond. Mr. Koratich explained how difficult it might be for a child to actually get into that area. Mr. Mortorff agreed it might be difficult to get into the basin, and nonetheless, it might be a good idea to fence it. How about only a partial fence on just the area facing the residents? That might work.

The curb and sidewalk waivers requested are not actually waivers, but 90-day notes on the plan. Discussion was held. Mr. Koratich showed the proposals for the curbing in both the temporary improvements and the permanent placements. There will indeed be curbing in the phase 1 part of this project.

Discussion was held on the waiver for the grading slopes – Mr. Koratich and Mr. Stein explained satisfactorily.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to grant the waivers as outlined above, with the modification of the fencing waiver, as follows: to extend the fence along the north side of the maintenance access drive, along the maintenance drive, along the constructed filter and detention basin 4 to a point where the maintenance access drive stops. All members voted aye; motion carried.**

The Gordon L. Brown letter dated August 6, 2018, was reviewed. Outstanding comments: 1, location of fence "cutoffs" should be shown on LD19, if needed (Section 208-44.E); 2C, Erosion and Sedimentation Control Plan approval (Section 208-34-C.9); 2D, surety and developer's agreement (Section 208-34,C.13); 2E, correct owner's address in General Note 7; 2I, traffic studies or agreements (Section 208-31.A.3.A.13).

Stephanie discussed the letters of intent. She's concerned that these are *non-binding* letters of intent. Mr. Stewart explained that there was a time issue involved and the non-binding language was the place to start. How quickly can it proceed to a binding letter of intent? Mr. Stewart feels that he can convert the letters to a binding letter of intent with no problem. He's open to having MPL draft the language to correct the situation. Good idea; will do. These letters would be attached to the Developer's Agreement.

As for possible plan approval tonight, Mr. Gentzler and Vice Chairman Naylor are concerned that new information has been presented at the 11<sup>th</sup> hour, and they're not comfortable with that. They are not sure that the Board is ready to grant any approval of this plan at this time. How about next Wednesday's Board meeting? That would give everyone a little more time. If continuing this meeting to the 22<sup>nd</sup>, identify each item that needs to be completed.

Mr. McGrath noted that a few of the open items are merely clerical errors that can be addressed tonight. The E&S approval, surety, and the developer's agreement are the major items. Would the Board approve the plan contingent on these items? The applicants can come back next Wednesday and prove that the little stuff has been addressed and the big items are well under way.

The surety needs to cover going from phase 1 to phase 2, which is not acceptable to the Board. The applicant has already posted a bond; there was disagreement as to the value of that bond. Mr. McGrath feels that a bond of \$3 million is a bit excessive. There's uncertainty as to the final costs of the bond that will be required. Part of the problem is that DHL's tenant is on a time deadline. Mr. McGrath is willing to put up more surety. How about if they replace the bond with a letter of credit?

How about \$2.5 million? That would ensure that there's enough funding there should something go awry. Mr. McGrath agreed, subject to the Township's returning any balance to the applicant. How about that? How about if anything's left over—could it be used for other road improvements, Mr. Gentzler suggested? Mr. McGrath wants to have the balance returned to the applicant to deal with the Road Committee. Mr. Gentzler noted that the Road Committee was created to deal with the Canal Road/Board Road/I-83 issues. If the plan proceeds as proposed, the applicant's trucks will add to the traffic problems.

Mr. Gentzler said if the applicant just builds one part of the road improvements and something falls through, the Township still wants more surety to assure completion.

Mr. McGrath noted that his company is having to spend the extra million dollars because they are the first new kids on the block, so to speak, and are the ones to start the ball rolling.

If DHL pulls out, the other two property owners involved won't be a part of the road club either, because the main funder pulled out and no one else can put up those funds. Mr. Stewart feels that if only this project happens, at least several roads will have been improved.

If the Canal Road Betterment Project doesn't happen, DHL's proposal is NOT a good thing for the Township, with no improvements to any situation and the non-existence of the Betterment Project.

Stephanie suggested: if all participants pull out and the road club dissipates, would Mr. McGrath

agree to receiving the funds back? If all members withdraw, money would be returned to DHL and/or if his allotment is less than he paid, he'd be reimbursed.

**Motion by Supervisor Rudisill , second by Vice Chairman Naylor, to approve the Land Development Plan for 84 Zions View Road, contingent on the satisfactory resolution of the following open items from the GLB letter dated August 6, 2018, referred to above: 1, 2C, 2D, 2E, 2I; AND replacing the \$1.4 million surety with \$2.5 million in surety AND the Developer's Agreement will include language to state if the road committee should dissolve, any portion of DHL's funds will be returned; AND executed letters of intent approved by the Township Solicitor will be attached to the Developer's Agreement. All members voted aye; motion carried.**

At 10:29, Chairman Gross returned from isolation and led the meeting to a close.

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

**Motion by Chairman Gross, second by Supervisor Rudisill, to *recess* to Executive Session. All members voted aye; motion carried.** The Board *recessed* to discuss Personnel matters in Executive Session at 10:30 p.m.

The meeting reconvened at 11:30 p.m. There was no business conducted.

**Motion by Chairman Gross, second by Supervisor Rudisill, to *adjourn*. All members voted aye; motion carried**

The meeting adjourned at 11:33p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary