

EAST MANCHESTER TOWNSHIP
Board of Supervisors
November 13, 2018

Present: Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Stephanie Kogut, Manager/Secretary/Treasurer Dave Gentzler, Engineer Byron Trout, Zoning Officer Kristie Masemer.
Absent: Chairman Steven H. Gross, Jr. Also present: Recording Secretary, and a roomful of citizens too numerous to count. Standing room only, literally.

At a regular meeting held at the township building, Vice Chairman David Naylor 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.

Vice Chairman Naylor disclosed that since the meeting on October 9, 2018, the Board met in a budget work session on October 24, 2018.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meetings of October 9, 2018, as presented. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of October 24, 2018, as presented. All members voted aye; motion carried.

Public Comments

Northeastern EMS Save Award – Laura Lash, Northeastern EMS, was present with crew members. She relayed the story of lifesaving measures by EMT Earl Glick. Ms. Lash presented an award to Mr. Glick for his actions; a similar award was presented to Joann Kohler for her efforts as well. Kudos to both and to the rest of the crew. Ms. Lash noted that the unit that was used to save the patient's life was purchased with funds that the Township contributed in response to Ms. Lash's request to the Board some months ago.

Scott Elfner asked about recreational space for residents and children. Vice Chairman Naylor noted that the Township is always looking for areas to install soccer fields, etc., for recreation. Mr. Gentzler noted that the Township has been accumulating recreation funds... where to locate is the problem. Any ideas? Now's the time. Supervisor Rudisill noted that the Township has approached Talen Energy about the situation. The Township is also actively seeking members for the Recreation Board.

Dave Bloss; thanks for getting the industrial area cleaned up. Much improved, but still a work in progress. Also, any repairs planned for Bartlett? Another work in progress; repairing would involve closing the entire road.

Dennis Doland– stormwater pond is creating an issue in his yard. Mr. Trout's working on another letter to hopefully get some results. Mr. Trout agrees with the assessment of the problem. So far, though, he's received no response to his previous letters. Mr. Gentzler suggested not correcting the problem just yet; just send a stern letter right now threatening legal action.

Emergency Services Report

Fire Chief's Report – nothing to add to the submitted report.

Jake Busch, Eagle Fire Company, read a letter from Eagle Fire Company. The Company is dissatisfied with the lack of funding (\$37,500) from the Township. Apparently, there's been an investigation into the theft of some fundraising monies; this is the reason given for the non-payment of the funds from the Township. Mr. Busch feels that the Company is in a better situation now, since the theft,

November 13, 2018

with several people having left the Company. The letter cited several points of contention between the Board of Supervisors and the Fire Company. The Company requested the funds one final time, and if that doesn't happen, the Company will begin charging the Township per call, and it possibly will cease responding to calls within the Township. Mr. Busch noted that he presented the operating budget, roster list, etc., as requested.

Vice Chairman Naylor responded that the Board had previously made it clear what it wanted from the Fire Company: provide a complete audit; change procedures; hire a professional bookkeeper. So far, the Township feels that only one of those items has been accomplished. The Supervisors aren't happy to withhold the funds, but this situation needs to be resolved. Mr. Busch doesn't recall that an audit was on the list originally. Also, funds are needed to pay an auditor and/or a bookkeeper. Vice Chairman Naylor asked if the Company could provide a letter of engagement to the Township stating that the Company is seeking and obtaining an auditor. That would suffice.

Mr. Busch feels that their funds will not last through the end of 2019. Steve Trott, Trustee, handled the explanation by way of a Balance Sheet dated March 31, 2017, displayed for all to see. He explained the "investment" line, noting that the Company had to draw from those funds. Annual expenses are around \$200K, and the Township contributes about half that amount in donations. Under new leadership, cuts are being made to better allocate those funds. Mr. Trott admitted that the Company had been poorly managed over the past year or two. He is confident that this mismanagement will not happen again. He related that the Company reported the theft of those funds appropriately. Some of the people from the Company left and refused to meet with the detective, which is why the investigation is still open. Moving forward, the Company is eager to correct the mismanaged procedures, to be involved with the community, and to start afresh. Mr. Trott reported that the Company has narrowed the CPA choice down to two; a decision is imminent. They are just having trouble operating with no funding. They certainly don't want to draw out all of their investment funds.

By way of history, the check for \$37,500 was approved at the July Board meeting; then the Board learned of the theft investigation and withheld the funds. That, to Mr. Busch, didn't seem right. There's a truck payment due (was due in August), and one in December, and if the Township isn't willing to give the payment to the Company, would it be able to make the payment directly to the truck company?

Andrew Kale asked if the Company had been through an independent audit (yes). What period is the desired period of review? 2018 would be great; but if there are other audits available, that would be great, too. Mr. Kale noted that the request probably won't be addressed by a CPA before tax season is out. Good point.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to release the funds, subject to the Fire Company's providing an engagement letter for an auditor to perform an audit, their hiring a professional CPA, and examining and changing procedures of controls of the money (safe, credit card, locks/keys, etc.), with the help of a professional. *Discussion:* how about releasing half of the funds, enough to make the overdue payment? Per Vice Chairman Naylor, both the \$37,500 and \$26,000 equipment funding would be released. *Vote on the motion: Two members opposed; motion denied.*

Mr. Trott asked if the Township is expecting Mt. Wolf Borough to pay for this audit? Or is this expense just to be borne by the Eagle Company? If so, they will need to borrow more money. He asked if the Township would agree to some sort of gradual payment release to help ease the financial strain.

Mike Knaub wants to see both fire companies continue and thrive. He feels that the funding should be released. He understands that funds were mismanaged, but believes the Company spokespeople that the situation is being addressed. He relayed a story of the Eagle company's response to a fire in his neighborhood that would have been out of control, but for the response of the Eagle personnel. He feels that their response time is amazing, and that they should be supported.

Vice Chairman Naylor said that just the company's saying that procedures were changed isn't

enough. There needs to be proof or at least proper documentation. Mr. Trott and Mr. Busch both said that an audit was not on the original list of items to do. Mr. Trott said that he only heard of the need to hire a CPA twelve days ago. Does the Board want daily or weekly ledger sheets? He can do this if it would be helpful.

Cody Santiago, Eagle Company, asked why go through Mt. Wolf when the trouble was with Eagle? Also, could the Company and the Board meet together? It's Mt. Wolf's fire company, not EMT's company, which is why the Township went through Mt. Wolf's mayor. Mr. Santiago feels that this is the first learning of the engagement letter. Second question? Vice Chairman Naylor said that communication from Eagle to the Township suffered. Agreed. Mr. Gentzler noted that the reason that things changed is that the investigation is still pending, so the Board tried to come up with other ways to prove that changes were made and how the funds could be sent.

Jody Hahn confirmed that the Company met one stipulation. Yes. Can the Township meet the Company halfway and make the truck payment directly for them? At least everyone would be happy knowing that the truck will still be in use, and the residents will be safe.

Mr. Trott assured the Board that the process will still be ongoing, he's on top of it, and he can provide updates to the Board as requested. He's eager to assure that this situation will never be repeated.

Jason Johnson asked if the Board contacted Eagle right away after it was decided that the funds would not be disbursed. Probably, the Board waited until the next meeting. Mr. Gentzler said that the funds were held pending the closure of the investigation. Mr. Busch feels that that timeline wasn't correct. Also from Mr. Johnson, if the money was released in July, when was it decided that it would be withheld? Northeastern Regional informed the Board that there was an investigation, then the funds were held.

Erin Murphy asked if there's a deadline for the compliance with the motion or does the Company have to wait until the next Board meeting? If the Company meets the stipulations and submits proof, Mr. Gentzler will notify the Board, then the funds would be issued as soon as possible.

Jason Johnson, feels that the company has shown good faith efforts in complying with the Township's requests, which he feels aren't out of the question in the first place. He agrees with the proposal of paying the past-due truck payment for the Company. He feels that we're all on the same team and should be working together, not pointing fingers and blaming the other entity for what happened.

Does the CPA have to be paid? No – as long as he/she is qualified as a CPA.

Vice Chairman Naylor noted that the "new leadership" actually has five people from the old leadership. Roles were just swapped. Correct, per Mr. Trott. The Township looks for consistency in the leadership, and that's been a problem. Mr. Trott submitted that part of the problem of the "revolving door" of personnel was frustration in working with the Township.

Nick Aldinger noted that fire protection isn't just showing up for a fire. There is a fair amount of stress involved, which contributes to the "revolving door" of personnel.

Scott Elfner noted that as far back as 2000, it was required of the fire company to prove where the funds were spent. Has that procedure gone by the wayside? Perhaps. Sometimes the Township doesn't even get a budget from the fire company. Also, if one party to the contract withdraws, is the Township prepared to deal with that? Yes, that would be time to make decisions to find other protection.

Motion by Rudisill, second by Naylor, to release the \$26K equipment check immediately; and to release the \$37,500 when the following contingencies are met: the Fire Company shall provide an engagement letter for an auditor to perform an audit; they shall hire a professional CPA; and examine and change procedures of controls of the money (safe, credit card, locks/keys, etc.), with the help of a professional. All members voted aye; motion carried.

Is the fire company bonded? Should be. It was noted that the company did not file a claim with their insurance company on advice from a third party. This bonding issue is part of the procedures that should be examined.

Mr. Trott asked that if a meeting is requested between the company and the Board, could that request be properly channeled? Certainly. If the Township wants to have a meeting, the representative will contact Mr. Busch. What happens internally is beyond the Township. Vice Chairman Naylor cautioned the Company that just because they say they've adopted new procedures, etc., the Township will be checking up on the process to assure good stewardship of the Township's funds. Absolutely. The Company will welcome the oversight and inquiries.

Neil Gingerich asked if the police board could be renamed the emergency services board and handle all those companies in the same meeting? Great idea, but legally it can't be done. Apparently, someone looked into this option previously.

Fire Company Workman's Comp insurance – Mt. Wolf Borough – Mr. Naylor is challenging the formulas used to calculate the percentages, but for now, \$13,569.42 requested for Mt. Wolf.

Fire Company Workman's Comp insurance – Manchester Borough -- \$13,849.86 – **Motion by Vice Chairman Naylor, second by Supervisor Rudisill to pay both claims as follows: \$13,569.42 to Mt. Wolf, and \$13,849.86 for Manchester Borough. All members voted aye; motion carried.**

Discussion was held on the cost of worker's compensation.

Special Request

York Road Runner Club – winter series – request for Saturday, December 29, same race as usual. Supervisor Rudisill is still concerned that the group insists on crossing Mundis Race Road. Please use caution! Mr. Gentzler will convey the Board's concern. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the request by the York Road Runners Club to hold this race on December 29, same route and times as before. All members voted aye; motion carried.** It was noted from Andy Rush that the group did request fire police protection. Great; that'll help.

Satellite Library Service – pick up/drop off location – Vice Chairman Naylor noted that the Township's funding for the senior center increased for 2019. The senior center is seeking a 5- to 8-acre tract of land to relocation. Mr. Rudisill suggested a lot on 8th street.

Correspondence

Northeastern Senior Center

Solicitor's report – Attorney Stephani Kogut

- Canal Road Betterment Task Force – work in progress; Attorney Miller revising per discussion.
- Buffer and Screen Zoning Ordinance Amendments – submitted to YCPC for review. YCPC is not recommending the adoption of the changes.
- Update to Motor Vehicle and Traffic Regulation Ordinance – snow removal provisions can be addressed separately if the Board wishes. Yes, the Board's ready to deal with the snow removal provisions but will table the rest of the proposal. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill to authorize revisions to the snow removal portion of the ordinance AND to advertise same for adoption. All members voted aye; motion carried.** From the audience, someone recommended that the Township provide a Facebook or other social media page for information, particularly to give new information such as this snow removal ordinance. Also, Rod Rogers from the audience wondered how information is disseminated to residents about upcoming developments or new buildings, etc. Legally, only a general public notice is required, not specific notice to landowners, unless there are zoning changes, etc., involved. It'd be nice to have better communication online or via newsletter to keep residents apprised of what's going on. Mr.

Gentzler noted that the Board has kept taxes down partly due to not having all the technology advances that might be there. Adding those services would require additional staff. Perhaps a newsletter could be included on the website. More communication is better, everyone agreed.

- Ordinance Amendments – December will bring some ordinance amendments. Stay tuned.
- 84 Zions View Road – making sure they are operating within the acceptable hours of operation. So far, so good, Vice Chairman Naylor reported.
- Nothing to report on Dollar General
- Damage to Township property following a traffic accident – working with the insurance company
- Refuse collection regarding property transfers
- Tax rate resolution for 2019; nothing new. No action required yet.

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

Northern Heights – **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the final surety reduction for Northern Heights, Phase 2 and 3, in the amount of \$18,862.58, leaving a balance of \$105,360.28, per the engineer's recommendation. All members voted aye; motion carried.**

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the surety reduction for CVS in the amount of \$26,025.75, leaving a balance remaining of \$0. All members voted aye; motion carried.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – minutes are available. Status of camera truck? Discussion being held; no action yet.

Sewer Authority re-appointment – Mr. Gentzler will ask John Nace if he's interested. Action to be taken at the Board's Reorganization meeting in January.

Recreation Board – minutes are available

Public Works Director – summer work completed except for Bartlett. Snow equipment is ready. Leaf collection jointly with Manchester Borough, with help from the Borough.

Zoning Officer – [Mrs. Masemer left the meeting at 8:30 p.m.] No questions or comments on the report.

SPCA Agreement – nothing discussed; no action taken.

Land Development/Subdivision –

Nothing at this time.

Supervisor's comments

Vice Chairman David L. Naylor – York Area RC club concession stand? No information. And how about the “exotic plant” house – any issues there? Have the Zoning Officer check. The January Board meeting must be held on January 7, 2019, for the official Reorganization. The regular Board meeting is scheduled for the next evening, January 8. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to have the Reorganization meeting at 6 p.m. on January 7, 2019, with the regular Township meeting following at 7 p.m. All members voted aye; motion carried.**

November 13, 2018

Page 5 of 6

Supervisor Barry E. Rudisill – issue on Steamboat Boulevard, stormwater discharge? Update – Mr. Trout reported that the stream is starting to erode the fill material. Work in progress to be alleviated. Also, Dellinger Road gas lines crossing? Did we get permission from the gas company to cross and re-evaluate? No response yet. Also, quarry water retention – please follow up with the state to say don't close out the mining permit until this situation is addressed – Mr. Trout will do so. How about 700 Canal Road's false alarms? Any progress? Chief Stevens has not heard from Kinsley but also, the alarm hasn't gone off this month! More mowing to be done? Yes, and hopefully this will be done before winter really sets in.

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

Ann Marks asked if there's a quarry update? Mr. Gentzler reported that it's for sale. Mrs. Marks feels that this location is a "mischievous place" waiting to happen. Is there insurance there? Insurance coverage is not something that the Township can police. Mr. Marks reported an issue in Sherman Oaks with water ponding. If the water ponds, ice will certainly build up there. Mr. Gentzler will check.

Ryan Rodgers suggested that the Township use two churches for polling places to replace the current polling place which is quite dangerous. How about using the middle school? This is also a previous request and hopefully a work in progress.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary