

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**June 13, 2017**

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 15 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 May 9, 2017, the Board neither met nor conducted any business.

**Motion by Rudisill, second by Gross, to approve the minutes of the meeting of May 9 2017. Two members voted aye; Naylor abstained. Motion carried.**

**Public Comments**

Martin Elders was present to request a waiver of Section 208-48.D, shared driveway, in order to build a house on his property. Mrs. Masemer reported that the ROW/access goes through Mr. Elders' driveway, shared with the lot beside or behind him. The situation was approved many, many years ago, when such a request was permitted. It's not permitted now, hence the request for the waiver. Also, the Township requires a driveway maintenance agreement, which Mr. Elders has already presented; Attorney Miller approved the agreement. Staff members recommend granting the waiver.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the waiver request by Martin Elders for a shared driveway, subject to recording of the agreement for the shared driveway. All members voted aye; motion carried.**

**Emergency Services Report**

Fire Chief's Report – somehow this report evaded inclusion in the meeting materials. It is available for review, nonetheless.

Norm Claybaugh, new chief of Eagle Fire Company, Mt. Wolf, was also present. His report was presented too late to be included with the materials; it also is available for perusal.

The ambulance company representative answered Vice Chairman Naylor's questions about the heroin drug that is administered following an overdose. Vice Chairman Naylor thanked all of the emergency service personnel for their services to the community.

**Special Request**

Block Grants – Mr. Gentzler feels that it is important to continue to participate in the block grant program. No action is required if the Township wants to continue the relationship.

**Correspondence**

A thank-you letter was received from Conewago Township for the donation of the roller. They are quite grateful and are also thankful that small municipalities can work together.

### Solicitor's report – Attorney Andrew Miller

- Municipal Waste Contract – Mr. Miller presented the results of the bidding process. Penn Waste was the only bidder. This contract was advertised for award tonight. Vice Chairman Naylor asked if the “tag-a-bag” service cost increase might be negotiated or offset. Might be tricky to try to do that, per Mr. Miller. He explained that it would be permissible to lower it without affecting the entire contract, because it affects only those residents who purchase the bags. A representative from Penn Waste, Ed Ward, was in the audience to discuss this situation. Mr. Ward commented that it would be nice to have a required minimum number of bags. He explained how the company arrived at the price. Vice Chairman Naylor is just concerned about the elderly of the Township who have to pay the price increase. Also from Vice Chairman Naylor, is the e-waste an option for the customers? No; if it were, the basic service price would increase by \$12 per year. Mr. Ward noted that the York facility is expanding its hours for electronics recycling, with a target opening of early 2018. By way of negotiation, Mr. Ward offered to lower the tag-a-bag price to \$4.50 per bag, down from \$5 per bag. Question from Joel Klinedinst: is the customer required to use the recycling toter? No, per Mr. Ward. **Motion by Supervisor Rudisill, second by Chairman Gross, to award the contract to Penn Waste, appreciative of the reduced cost of the tag-a-bag program, adopting Option 1, 2, and 3, noting that the e-waste option might be temporary.** Discussion was held on the e-waste option and its impact on the overall cost of the trash collection fee per quarter. **VOTE:** all members *opposed, motion failed.* **Motion by Chairman Gross, second by Supervisor Rudisill, to adopt Resolution 2017-8, awarding the trash collection contract to Penn Waste, which includes Options 1 and 2 only, no Option 3 e-waste, appreciative of the reduced cost of the tag-a-bag program. VOTE:** two members **voted aye; Vice Chairman Naylor opposed. Motion carried.**
- Police Board – no updates at this time.
- Encroachment Agreement for 460 Hollyhock Drive – Mrs. Masemer gave the background on this request. There's a drainage easement running through this resident's back yard, right up against the back of his house. The resident would like to put up a fence that will not interfere with the easement or the flow of water. This Agreement would permit the fence to be built. The resident cannot make the encroachment larger or more severe than is permitted in the agreement. Mr. Gentzler noted that a fence is actually the least offensive structure that could be erected within an easement. It would be good to have an Agreement in place in case of a misstep either by the resident or the Township. As long as the resident knows that if his fence causes a drainage issue in his basement, etc., he's on his own and cannot blame the township. Attorney Miller said that language is included in the Agreement and the addendum. **Motion by Chairman Gross, second by Vice Chairman Naylor, to sign the agreement as presented with the resident of 460 Hollyhock Drive. All members voted aye; motion carried.**
- Agreement of Sale for Center Street property (Leppo) -- Attorney Miller requested an Executive Session following tonight's meeting to discuss this and some other issues. So noted.

### Engineer's report – Byron Trout

Inspections  
Plan reviews  
Correspondence  
MS4 and Chesapeake Bay Plan

Mr. Trout showed that two reams' worth of paper -- the 2016 Annual DEP MS-4 Report -- was submitted to DEP today.

DEP – 2018 Permit Requirements for MS4 – Mr. Trout asked for some direction on which option to select for this mandatory requirement. He recommends that the Township choose one option, as he cannot do a PRP plan himself in time to comply with the timeline. Chairman Gross vented a little bit, wondering where the funds will come from first and foremost. Mr. Gentzler spoke, noting that the Township has, since the 1980s, taken good care of its stormwater situation. Each new building has included stormwater measures. The powers-that-be are proposing that everyone spend lots and lots of money to repair impaired streams that “Mother Nature” is damaging. What if the Township says no? Chairman Gross feels that the Township Engineer can put together a plan [albeit after the deadline] for the Township to fix its streams at its own pace. From the audience, Pam Shellenberger from YCPC clarified some points. What are the ramifications of saying no? Unknown at this time. Mr. Trout noted that the percent of sediment to be reduced will actually increase if the Township does its own plan. Mr. Gentzler noted that if the Township declines to participate, likely the worst thing that can happen is that its NPDES permit will be revoked. He feels that if the Township and the Engineer work with DEP and show progress, things will work out.

Chairman Gross said that the Township would consider participating if the contribution were in the neighborhood of the original suggested amount of \$15-\$20K. But now, at \$85K, not a chance. Mr. Trout will pass the concerns and comments along.

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

Sewer Authority – minutes are available for review. Supervisor Rudisill asked about the latest round of water shut-offs. From the audience, Joel Klinedinst explained, noting that the process is working and the list is getting shorter.

Recreation Board – minutes are available for review. Mr. Gentzler noted that the joint meeting is tomorrow night at 6:30 p.m. at the Township Building.

Public Works Director – no questions or comments on the report or activities.

Zoning Officer – no comments, questions, or additions.

Donations – **Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the following donations: \$37,500 to Mt. Wolf’s fire department, and \$37,500 to Manchester’s fire department, to be paid out of the Fire Protection fund; AND to disburse \$13,000 to each of the above companies from the Fire Equipment fund. All members voted aye; motion carried.**

Also, the Township is still holding retention funds to be disbursed. Awaiting word from the fire company to award. Chief Stevens will investigate and make a recommendation.

**Motion by Chairman Gross, second by Vice Chairman Naylor, to award \$2,000 to the Manchester Ambulance club. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Rudisill, to award \$2,500 to the Mt. Wolf Senior Center. All members voted aye; motion carried.**

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

Land Development Plan for Orchard Business Park, Lots 6 and 9A –

David Koratich was present on behalf of the applicant. Plan date: 1/24/17; original submission 1/31/17; last revision (#1) 3/20/17; LSC Job #201625700. This plan proposes the development of Lot 9A, which is less than 11 acres, for warehousing and docks, and Lot 6, to include 53 or so tractor trailer parking spaces.

Waivers are requested for the following sections: §208-21A, preliminary plan; §208-47, sidewalks along the east side of Gea Drive (actually a 90-day note to be placed on the plan); §208-46.D.3, clear sight distance along center lines; §208-44.D, final grading cut face steeper than 3:1; §208-44F, slopes minimum 10’ plus 1’ per vertical foot over 5’.

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The only outstanding item is the Developer's Agreement, which is ready for submission tonight. Also, question from Mr. Trout, is an easement needed for the pole that is now outside the ROW? Mr. Koratich noted that said easement agreement will be between the property owner and Met-Ed and will be required before final plan approval. Should be good.

**Motion by Supervisor Rudisill, second by Chairman Gross, to approve five waivers as requested for the following sections: §208-21A; §208-44F; §208-46.D.3; §208-44.D; and §208-47. It was noted that the Planning Commission recommended that the fifth waiver be modified to include a 90-day note; this Motion affirms that recommendation. All members voted aye; motion carried**

Regarding the request for a reduction in the amount of the recreation fees, the applicant is requesting that the fees be reduced by one half, to \$16,864.80, because, per Mr. Koratich, industrial uses such as this proposal do not add to the high demand of recreational space or use.

**Motion by Supervisor Rudisill, second by Chairman Gross, to approve the 50 percent reduction in recreation fees, to \$16,864.80. All members voted aye; motion carried.**

**Motion by Rudisill, second by Naylor, to approve the Land Development Plan of Orchard Business Park, Lots 6 and 9A, subject to the payment of the rec fees. All members voted aye; motion carried.**

#### **Supervisor's comments**

*Vice Chairman David L. Naylor* – nothing at this time.

*Supervisor Barry E. Rudisill* – nothing at this time.

*Chairman Steven H. Gross, Jr.* – nothing at this time.

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

**Motion by Chairman Gross, second by Supervisor Rudisill, to recess the meeting to Executive Session. All members voted aye; motion carried. At 8:45, the meeting recessed.**

The meeting was reconvened at 9:10 pm

**Motion by Chairman Gross to purchase parcel 49C from Kristina Leppo for \$14,000 and agree to conduct any subdivision, appraisal, and legal work. Second by Vice-Chairman Naylor. All members voted aye; motion carried.**

**Motion by Chairman Gross to file a tax assessment appeal for 1605 Bartlett Drive and share costs with Northeastern School District, contingent on the Northeastern's decision to appeal. Supervisor Rudisill second. All members voted aye; motion carried.**

**Motion by Vice-Chairman Naylor to donate the 1999 Cat Roller from our fleet to Conewago Township. Second by Chairman Gross. All members voted aye; motion carried.**

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

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**motion carried.** The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary