

EAST MANCHESTER TOWNSHIP

Board of Supervisors

December 12, 2017

Present: Chairman Steven H. Gross, Jr., Supervisor Barry E. Rudisill, Attorney Stephanie Krout, Dave Gentzler, Manager/Secretary/Treasurer, Engineer Byron Trout, Zoning Officer Kristie Masemer, Recording Secretary, and 14 citizens. Vice-Chairman David L. Naylor was absent.

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 November 14, 2017, meeting the Board neither met nor conducted any business.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve the minutes of the meeting of October 25, 2017. All members voted aye; motion carried.

On the minutes from the November 14, 2017, meeting, under Public Comment on the first page, regarding the sidewalks, the question was asked “who’s paying?” It should *not* read “the residents;” it should be “the property owners.” Motion by Chairman Gross, second by Rudisill, to approve the minutes of the meeting of November 14, 2017, as amended. All members voted aye; motion carried.

Public Comments

Wendy Staub, on behalf of Bud Staub, reported that the new radios are in. Any questions, see Bud Staub.

Floyd White had a complaint about his neighbor putting out leaves after the last township pickup time/date. What can be done? Typically, the Township has done nothing about any late leaf piles. Mr. White has not spoken to the neighbor about this problem. A letter will be sent to respectfully request that that the homeowner remove the leaves.

Richard Eicher, Northern Heights HOA, voiced the concern that at the top of Brynn Way, there have been way too many close calls of near-head-on collisions at this area. The residents have requested that the Township perhaps mark one side of the road as a No Parking area. (This is on the agenda for later but was discussed now.) Chairman Gross noted that the Township cannot just willy-nilly put up No Parking signs on the street; there’s always so much opposition to this practice, especially at holiday or party time. Mr. Eicher noted that he has not actually spoken to the few homes which would be affected by a No Parking sign.

Also, the developer has requested a waiver to not install the fence around the stormwater pond. The residents and HOA agree with the granting of that waiver. Mr. Gentzler reported that he has not received an official request for waiver yet. The Board needs to wait to receive the official request; then action would be taken. Mr. Eicher just wanted the Board members to know that the HOA supports that request.

From the audience, Joel Klinedinst noted that there’s pickup truck half parked, half-jacked on Ryan Lane; it’s been a problem for several months. Mr. Gentzler was already aware of the problem. It was noted that the HOA certainly has no jurisdiction over the traffic/road situation.

Emergency Services Report

Fire Chief’s Report – no questions or comments on Chief Stevens’ report

The ambulance representative brought the unit for which they are requesting funds. **Motion by Chairman Gross, second by Supervisor Rudisill, to approve the requested \$7,200, a one-time donation to Northeastern EMS. All members voted aye; motion carried.**

No discussion on Mt. Wolf’s activity. The chief apologized for not filing a formal report. It’s been a
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busy two months for him.

Special Request

Tax exonerations – discussion was held on the nature of the requests. **Motion by Chairman Gross, second by Supervisor Rudisill, to deny all three requests for tax exonerations. All members voted aye; motion carried.**

York County Planning Commission – the Township needs to inform the YCPC that it wants to officially withdraw from the PRP plan project. But, then a second letter from YCPC indicates that the Township has withdrawn... so what's the deal? Mr. Trout explained and confirmed that it's a bit confusing, with one plan being the Chesapeake Bay Plan and the other being the PRP Plan. Mr. Trout has another meeting on this issue, and he will be asking some specific questions and will report back to the Board in the January meeting. Stand by...

Orchard Glen HOA -- Steve Garland was present. He requested a waiver last month from the Board for the Orchard Glen HOA to be able to negotiate with Penn Waste on their own garbage contract. They would like to get a discount from Penn Waste to budget their funds for road maintenance. All roads in this development are private roads, meaning the HOA must maintain them. This issue came up because a Penn Waste truck leaked hydraulic fluid on the road. Mr. Garland also noted that there is another trash contract negotiation situation within the Township, that being the mobile home park. That park uses another carrier for its trash collection. He feels that it's a similar situation.

Mr. Garland reported that Penn Waste is willing to negotiate this contract with the HOA, but it needs to hear the permission from the Township.

Solicitor Kogut reported that, according to her contact with Penn Waste, Penn Waste is not willing to negotiate this contract with any discount, nor is it willing to negotiate an opt-out. There's an element of liability of breaking a contract with Penn Waste that the Township needs to avoid. The company will bill the HOA quarterly, but it will not reduce its price, as a result of the contract with the Township. Solicitor Kogut also noted that the trailer park is dealt with differently because of the use and zone. Mr. Garland feels that the Township has the power to supersede the contract and issue the waiver.

Why is Orchard Glen not pursuing a civil case against Penn Waste in this matter? That is likely the best way to proceed.

Mr. Eicher asked what provisions are in the contract on Penn Waste's behavior? Does the Township have any guarantee that Penn Waste will act appropriately? The Township is protected through its contract, but the private HOA is not covered under that contract, apparently. Can't the Township enforce its contract and cite the damage to the road as reason to have Penn Waste repair the road? Chairman Gross noted that this development was presented from the onset with private roads, that the Township was under no obligation to prove any services, etc.

What if the HOA didn't permit Penn Waste to collect the trash in the development? Mr. Garland said he's getting to the point that the HOA would like to prohibit the trash collector's trucks from even entering the development. What then? They'd negotiate a contract with another company.

If the HOA wanted to file a civil suit, could they have the Township file for them? No, as it's a development with private roads. The applicants feel that's a bit much – they pay taxes, they pay the garbage bills, but the Township can't help with paying for legal representation. They will indeed need to pay their own attorney. If this were on Township roads, the Township would have to act on the residents' behalf, but this is not the case with this development.

Chairman Gross said that, unfortunately, the Township cannot grant Mr. Garland's request.

Correspondence

Nothing to report.

Solicitor's report – Attorney Stephanie Kogut

- Canal Road traffic improvements – the Agreement will not be ready until next week.
- PMRS Pension Plan document – discussion was held in a previous Executive Session. There were some questions to which Solicitor Kogut provided answers at tonight's meeting. Discussion will continue during an Executive Session following tonight's meeting.
- Brunner Island fishing access – The Solicitor's research found no access was guaranteed in any deeds or records, etc. Mr. Gentzler will search the Township records from around the time of construction for any ROWs or easements, etc. Apparently, there's some big publicity in the works, so some result might be forthcoming.
- LDP for Penn Waste fueling station in the works.
- One municipal lien filed. Other items to be discussed in Executive Session.

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

Kinsley started construction on Gea Drive, Lots 6 and 9. Mr. Trout is inspecting as it progresses.

Chairman Gross reported that they're building an addition back there; are there proper permits for that? Mrs. Masemer will check it out and will let Solicitor Kogut know what the situation is.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – nothing further to report. Supervisor Rudisill asked if there was any further discussion or decision to permit the residents to pay their bills by credit card. Mr. Klinedinst will check again; if it was approved, it should be so noted on the Township website.

Recreation Board – minutes are available.

Public Works Director – boom mower still being repaired.

Zoning Officer – ZHB approved a Special Exception for home occupation (notary) and conditionally approved an application for a third dwelling unit in a different case. Question about Quigley Motors – don't they need a waiver for non-paving? It's a work in progress. How about the Kling property? The applicant hired an attorney to work through this problem; the paperwork should be ready to submit at the January meeting. Added to the report: Mrs. Masemer noted that she and Deb have attended the meeting/certification for census counting. She requested that the Chairman sign the paperwork. Chairman Gross also signed the Non-Building Waiver for the Kline property.

Orchard Glen HOA [discussed above]

SPCA agreement -- Motion by Chairman Gross, second by Supervisor Rudisill, to sign the 2018 SPCA Agreement. All members voted aye; motion carried.

2018 Budget – **Motion** by Chairman Gross, second by Supervisor Rudisill, to adopt the 2018 Proposed Budget as presented. **All members voted aye; motion carried.**

Land Development/Subdivision –

Final Subdivision Plan, Kline property; lot line change Plan #1011-1

Bradley and Derek Kline were present on this lot line change. Bradley is deeding .771 acres to Derek to make Derek's property better conform to the Township's ordinance requirements; final revision date 11/29/17. No development is planned on either lot.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve all three waivers as

requested: Section 208-21A, preliminary plan; Section 208-34.B.5, contours; and Section 208-34.B.16, natural features. All members voted aye; motion carried.

It was noted that there is a 10' utility easement on the far corner of the property for future sewer installation. Normally a 20' easement is required for ease of maintenance, but it's very likely never to be used – but should it be needed, the 10' easement would have to be increased to 20' at that time. So noted.

Chairman Gross apologized to the Klines for the hoops they all had to jump through to accomplish this simple lot line change. It's part of the process, and everyone has to comply.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve the Kline plan, #1011-1, as presented. All members voted aye; motion carried.

Supervisor's comments

Supervisor Barry E. Rudisill – nothing at this time.

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

Motion by Chairman Gross, no second, to recess to Executive Session. The meeting *recessed* at 8:34 p.m.

Meeting reconvened at 9 p.m.

Motion by Chairman Gross, second by Supervisor Rudisill, authorizing the Solicitor to settle the tax appeal at the 1605 Bartlett Dr. at \$57,500,000. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Chairman Gross, to pass Resolution 2017-11, Transfer of funds. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Chairman Gross, authorizing the Township Solicitor to advertise a proposed ordinance adopting new pension plan documents. All members voted aye; motion carried.

Motion by Chairman Gross, second by Supervisor Rudisill, to approve the purchase of a new tandem axle snowplow truck, not to exceed \$175,000.00. All members voted aye; motion carried.

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

Motion by Chairman Gross, second by Supervisor Rudisill, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher
Recording Secretary