

EAST MANCHESTER TOWNSHIP
Board of Supervisors
June 9, 2015

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 Taylor, Recording Secretary, and 21 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 the Board did not meet nor conduct any business since the meeting on May 12, 2015.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve the minutes of the meeting of May 12, 2015, as presented. All members voted aye; motion carried.

Public Comments

Joel Klinedinst had a question about the state of the property at 415 Saginaw Road – is something being done about the weeds? Ms. Taylor noted that it's on the list for inspection/citation.

Kirk Alwine still has storm water problems with 395 Park Street – spouting is still malfunctioning. Some progress has been made, but it's still not satisfactory. Mr. Trout reported that the biggest concern was that the water was not reaching the seepage pit. Admittedly, during some heavy storms, the water overshoots the spout and escapes the drainage area. How about during a normal storm – does the water still bypass the pit? Unknown. Mr. Trout can take another look at it. Mr. Gentzler noted that the Township cannot afford to monitor every home for drainage issues. Mr. Trout's done what has been required for proper inspection and follow-up. Mr. Trout suggested that the next time there's a normal steady rain, he'll look at the situation.

Jane Deamer from Northeastern Senior Center thanked the Township for its continued support. She noted that the center is busier than ever with increased home-delivered meals to patrons.

Emergency Services Report

Fire Chief's Report – Chief Stevens noted that the report from Eagle Fire Company has indeed been received. Vice Chairman Naylor asked about the gas leak in Mt. Wolf. Was Station 23 paged to respond to that call? No. Chief Stevens explained why, noting that he does not fully understand the logic behind the double-tapping process at this point. This will be investigated when the box issue is addressed.

Special Request

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the tax exoneration requests as follows: North York Development LLC, in the discounted amount of \$293.28; and PPL Brunner Island LLC in the discounted amount of \$38.56. All members voted aye; motion carried. It was noted that the third request (by Edward and Lois Hollinger) does not meet the requirement.

Shady Lane Hearing

A public hearing was convened at 7:15 p.m. for the purpose of hearing the Petition to Vacate a Portion of Shady Lane from North George Street Extended west to the municipal boundary of East Manchester Township.

Attorney Margaret Driscoll was present and testified on behalf of the Kohrs, owners of a property
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on Shady Lane. Applicant Steve Kohr also presented testimony in favor of the petition. The applicants have been granted a special exception by the zoning hearing board for operation of a resort on the property. A condition to the special exception is that the owners file an appropriate land development plan. Petitioner now requests Shady Lane be vacated as a public road. The road is .23 miles; the request would make it a private road. Attorney Driscoll introduced a newspaper article from the 1940's indicating Shady Lane was a private road at that time. It's been a public road for many years, likely since shortly after 1948. The road varies from 9' to 16' wide; no specific ROW given to the Township; also contains a historic bridge, 9' wide; part paved, part stone. Weight limit 3 tons, which would theoretically prohibit tractor trailers from using the bridge/road, although they still try. The through traffic on this road is not really afforded safe passage due to the deteriorating conditions of the bridge. Since 2010, Township received a little over \$5K in liquid fuels money for this particular road. Ms. Driscoll submitted as an exhibit her calculations of the annual liquid fuels monies received for Shady Lane by East Manchester Township. In 2014, the bridge was damaged by a truck, and the Township had to repair it at Township cost. Ms. Driscoll feels that this public road is a burden on the Township, particularly for maintenance costs.

Applicant Steven Kohr verified that daily trucks try to use the bridge, and very often tractor trailers try to use it and must turn around. He noted that the Township has indeed posted "no truck" signs on the road before the bridge, and frankly, it hasn't helped, and the bridge continues to be damaged. It was noted that Mr. Kohr's property is the only property to abut the roadway in this area.

Ms. Driscoll also said that it's not practical to try to create a proper ROW on the road, as nearly every building would be within that ROW, which is not permitted.

She presented minutes and recommendations from Manchester Township, York County Planning Commission and East Manchester Township Planning Commission in support of abandoning the roadway, as well as photos that Mr. Kohr took to document the truck traffic over the bridge. Manchester Township owns part of the road and supports the vacating of the portion, subject to satisfying one of three possible conditions: as long as the applicant provides a connection to Mia Brae Dr.; applicants will reimburse Manchester Township for liquid fuels funds; and the applicant must provide a cul-de-sac at the end of the public portion of the road so that Manchester Township can continue to receive liquid fuels money in the future.

Attorney Driscoll indicated the applicants would be willing to construct a 50' radius cul-de-sac on their property at the terminus of the public street. Attorney Driscoll introduced a sketch plan exhibit to show the location and dimensions of the cul-de-sac. The cul-de-sac would lie in East Manchester Township. The matter of access was discussed, and it was suggested that the Kohrs would grant an access easement to any single family property owner on Shady Lane on Manchester Township so that they could still access George Street for as long as the use was single-family residential. A security gate would be installed, with remote or access code provided to those who need to use it.

Supervisor Naylor posed the question of who would maintain the cul-de-sac? The majority of that cul-de-sac would lie in East Manchester Township, but there's no expectation by the applicant or Manchester Township that EMT will maintain it. The Supervisors all questioned whether Manchester Township will maintain a cul-de-sac that is mostly within EMT? It would be built to Manchester's specifications. The Board members can't see that happening. It's also difficult to envision that Manchester Township would build a cul-de-sac to East Manchester's specs. The Board indicated they would want the cul-de-sac built to East Manchester Township specifications. Byron Trout, the Township engineer, stated that East Manchester Township has stricter standards for construction of the cul-de-sac than Manchester Township.

From the audience, Dave Carley, resident on Shady Lane asked to be heard. He doesn't oppose the proposal; has a few questions to be addressed later in the meeting.

Attorney Kurt Blake was present on behalf of Evelyn Grothey, 330 Shady Lane. Mrs. Grothey owns the first property in Manchester Township along this road and has lived there for 70 years. She
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wants to make sure she will still have access and that none of her land will be taken to be used for the cul-de-sac. No problem.

No one spoke in opposition to the application.

Dave Carley, 215 Shady Lane, asked about event traffic. Will that be routed via George Street or Shady Lane? He feels that it should be closed to event traffic as well as the public. Mr. Carley confirmed the unauthorized truck traffic. Ms. Driscoll noted that is the reason for the cul-de-sac, to permit trucks to turn around. As to the gate that is not permanently locked – that's for any trucks to access the event instead of going across the bridge. Ms. Driscoll said that the event traffic would be required to use George Street.

Chairman Gross asked if, under the Farm and Natural Lands Trust conservation easement agreement for the property, the applicant would be permitted to add that much impervious area. The applicant is addressing this issue with F&NLT.

Vice Chairman Naylor asked about EMT's and Manchester Township's specs for the cul-de-sac. Size is the same, but construction materials, etc., will differ. Still outstanding in Vice Chairman Naylor's mind is whose specs and who maintains the cul-de-sac.

Mr. Gentzler asked if the bridge needs repair now, and if so, he wasn't aware of that. He stated that it seems to him that the bridge suddenly wasn't good enough, since event traffic has been using it. Up to then, the Township didn't put much money into the bridge. Ms. Driscoll respectfully asserted that the event traffic did not damage the bridge, but heavy trucks damaged it.

Joel Klinedinst asked about extending the road through Manchester Township Mia Brae Dr. Ms. Driscoll feels that this will happen in the future. Mr. Klinedinst fears no emergency access; Ms. Driscoll noted that there will be emergency access at all times. Mr. Klinedinst feels that the extension of the road should be explored before the cul-de-sac.

Hearing closed at 7:49 p.m.

Supervisor Rudisill noted his reservations with the cul-de-sac being built to MT's specs and being maintained in East Manchester Township by Manchester Township.

Mr. Miller suggested certain conditions for approval; permanent maintenance agreement for the cul-de-sac and assurance of approval by the Farm and Natural Lands Trust for the additional impervious area.

Motion by Vice Chairman Naylor, to approve the request by the Kohrs to abandon the relevant portion of Shady Lane, with the following conditions: that the cul-de-sac be constructed to EMT specs; that there be a written, permanent agreement with Manchester Township, to maintain the cul-de-sac; and a permanent access and right of way agreement with residents along Shady Lane; and that all event traffic use North George Street, not Shady Lane. Motion died for lack of second.

Motion by Chairman Gross, second by Supervisor Rudisill, that, based on too many outstanding issues at this time, the Board will not prepare/advertise the ordinance to abandon Shady Lane. Discussion – Vice Chairman Naylor asked what issues are outstanding not in his previous motion? None, actually. Chairman Gross feels that the cul-de-sac presents too many issues to deal with. *Motion rescinded* due to Vice Chairman Naylor's opposition and his valid point.

Motion by Chairman Gross, second by Supervisor Rudisill, to deny the application by Steve Kohr to vacate a portion of Shady Lane. Two members voted aye; Vice Chairman Naylor opposed. Motion carried.

Correspondence

PennDOT/Manchester Borough truck traffic – letter from PennDOT suggests diverting truck traffic onto Beshore School Road – seems like a common-sense decision. East Manchester Township must give permission. Does the Board agree? If so, tell the Borough to proceed. How about the truck traffic that goes on Route 921? Signs will be posted. Consensus of the Board: sure, go ahead, as long as
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there's no cost to East Manchester Township. Chief Stevens feels that the truck traffic has decreased on Canal Road since Espresso Way was opened. Good news indeed.

Solicitor's report – Attorney Andrew Miller

- Rentzel heights/SCC Canyon – Attorney Miller presented the settlement agreement to address three issues: replacement of the original bond and to acknowledge that replacement by the Developer's Agreement; approval of the amendment of the declaration and withdrawal of the denial; and approval of the CMUs in the area. Mr. Miller noted that this is an agreement on an issue that is still pending. Mr. Gross asked about each lot being a part of the homeowner's association. Mr. Miller explained, saying that the developer is not obligated to include every lot right now but are obligated to put the lots into the HOA as they are sold. From the audience, Attorney David Tshudy, explained the process, and the short answer was yes, all lots will be included in the HOA eventually. Supervisor Rudisill is still concerned about the safety of the residents in crossing the street to access the central mailbox unit. Apparently, there's nothing that the Township can do about the placement, no matter what the issue is. **Motion by Chairman Gross, with a reluctant second by Supervisor Rudisill, to approve the Settlement Agreement for Rentzel Heights/SCC Canyon. All members voted aye; motion carried.**

Engineer's report – Byron Trout

Inspections

Plan reviews

Surety Reduction – none at this time.

MS4 annual report due Saturday – Mr. Trout's on it, and the Township will be in compliance for another year. Always good news.

Chesapeake Bay Plan is conditionally approved.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – In addition to the minutes on file, Joel Klinedinst noted that it's been a very productive month. Tap-in fees have been put into the correct category. The Authority has worked on a list of five-, ten-, and twenty-five-year capital projects; he'll distribute when in final form. A part-time office person was hired out of 77 applicants. Office will be open through lunch for the public's convenience.

Recreation Board – Minutes on file. Mr. Gentzler noted that Manchester Park has requested to expand the parking area. Should Mr. Gentzler get the road crew on it? Materials will be split fifty-fifty; labor is usually traded back and forth. The funds are in the budget, Mr. Gentzler feels. He should use his best judgment – get the prices and make sure the costs are divided equally, and check with Ken Dunbar to make sure he's on board with it.

Zoning Officer – no discussion of her report– she's been busy!

Public Works Director – dust control at PPL – is it working? Unknown yet; it was just applied. Does Mr. Trout have all the information necessary to back up the MS4 report? Yes. The documentation was all included and Mr. Trout seemed to feel that the report was quite complete.

Mr. Gentzler reported that he met with Mr. Hand of the York Water Company on adding public water to Poplar Estates. There was a request for a hydrant on Sherman Street, which also adds to its attractiveness. Mr. Hand doesn't want to be required to re-pave the entire street, unless it was demolished in the process! His repairs must, of course, meet Township specifications. Mr. Hand requested permission to use the Township meeting room to discuss the project with any residents of Poplar Estates. Mr. Gentzler feels that the use of an inspector will be warranted for this major project to ensure that the

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patching is done properly. The Township will send a letter to the residents in the area to determine the interest, etc. Micro-surfacing the road afterward is an option. Bottom line: they can certainly use the meeting room; inspector absolutely; micro-surfacing possible.

Sewer Authority refinancing ordinance to be adopted in July.

Land Development/Subdivision –

Nothing at this time.

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. – how about the house to be used for fire/police use? Tomorrow night it will be used.

From the audience, Scott Elkner asked if the speed machine will be placed as he requested. Discussion will be held at the police board meeting tomorrow night. Also, should there be police presence down at Shady Lane to deter/document trucks going over the bridge?

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 Vice Chairman Naylor, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary