

EAST MANCHESTER TOWNSHIP
Board of Supervisors
April 9, 2019

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 20 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 March 12, 2019, the Board also met on March 28, 2019. Road improvements were discussed; Minutes are available.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of March 12, 2019, as presented. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of March 28, 2019. All members voted aye; motion carried.

Public Comments

Mike Harmon, a resident of Hillview, mentioned the boat landing at Saginaw. He would really like to have cement or something put in to keep the ramp useable. Can recreation funds be used? Did someone purchase the upper ramp? There's a rumor to that effect. Mr. Gentzler and Vice Chairman Naylor visited the upper ramp; it was indeed sold to an individual, who contacted Mr. Gentzler to offer to give this area to the Township, or did he mishear that?!? Mr. Gentzler will double-check; if so, great, the owner wants to restore the boat launch for use, but he doesn't want to be responsible for maintenance and trash removal. Good idea to improve the boat ramp. Vice Chairman Naylor feels that both areas should be improved. In the Saginaw area, does the railroad have any jurisdiction there, since they own it? Yes, but there's a Township ROW already in place, and a good relationship with the railroad will help that situation. **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize the road crew to inspect the Saginaw ramp area and give an estimate for improvements to it AND to have the Manager contact the owner of the other ramp to see if the Township can obtain that land and to report back to the Board. All members voted aye; motion carried.**

Renee Henry asked about the easement at the lane where DHL is under construction. Mr. Miller explained that the current plan indicated that the ROW would remain open unless Mrs. Henry approves DHL's request to close it. The Board members made the situation clear to the people from DHL.

From the audience, Mr. Miller discussed a gutter between his property and the neighbor's property in Saginaw. Mr. Trout investigated the possibility of obtaining a grant to address this problem. With the recent Township certification in dirt and gravel roads, this might be an avenue for a grant. First, though, an easement must be obtained. It was noted that this is a state road. Could the Township, after obtaining the easement, put some sort of temporary measure onsite until grant funds might be obtained? Sure. Mr. Trout will meet with Gary Peacock on another matter and will ask him if this area is eligible for a grant.

Motion by Supervisor Rudisill, second by Chairman Gross, to authorize Mr. Trout to investigate the fix for this area via a 100% grant, at no cost to the township. One member voted aye; Vice Chairman Naylor and Chairman Gross opposed.

No one came forward for bid openings; to be addressed later in the meeting.

Emergency Services Report

Fire Chief's Report – nothing to add. Eagle's report was received. Vice Chairman Naylor asked for an explanation of a letter concerning the ISO rating for Mt. Wolf Borough. From the audience, Jacob Bush explained the rating's drop from 6 to a 5. Not all information was available at the time of the inspection, and Mr. Bush is trying to submit all relevant information for the classification within the permitted time to bring the rating back up. Also, Vice Chairman Naylor reported on the Fire Panel's activity. Two meetings were held with both fire departments; the departments will be required to submit annual budgets, monthly expense reports, and all financial information (not information on operations yet). Could the Township send the \$26,500 quarterly payment in a timely fashion provided the fire department gives all requested information?

Public Protection Classification (PPC) – nothing discussed.

Special Requests

Northeastern Senior Center -- Jane Deamer was present to thank the Township for its continued support of the Senior Center. The Center's main area of growth is the home-delivery meal program. The Senior Center is seeking a different space from which to operate, as they've outgrown the basement of the Otterbein Church. Supervisor Rudisill made a suggestion. Please continue to advertise their need for volunteers.

Metal detecting request – Tom Johnson requested permission to detect for metal at the house that the Township had removed. The Township would be covered under its liability policy. **Motion by Chairman Gross, second by Vice Chairman Naylor, to permit Mr. Johnson to detect for metal on the property in question, with the caveat that he has to show the Township what he finds. All members voted aye; motion carried.**

Starbucks – Espresso Way 4th driveway access – Dan Creep, Warehouse, was present on this request, which is a waiver of Section 208-48.E.1, to add an additional driveway. There are many points of access at the site now, which is a bit confusing. Security fence being installed; traffic control signs also being installed. Per the ordinance, only two driveways are permitted unless road frontage is in excess of 600', which it is. The installation of the security fence will close off two points of access, so they are requesting another driveway to make two.

Chairman Gross reminded the applicants that Starbucks came before the Board a year ago concerned about the safety at the intersection. Now they're asking for another driveway even closer to that same intersection. Mr. Creep explained that it's for employee access to get to work. The security fence is partly to deter truck traffic from trying to enter the site at an inappropriate access point, which Starbucks has been having trouble with. Mr. Creep noted that prior to this application, there were three access points to this site. Question: the driveway that is being closed, is it going to be closed for real? Or just have a chain?

Manisch Mathur explained that the closed gate will be siren-activated for emergency use only, in case of a fire, etc. The reason for this application is to ensure safety of trucks coming onsite. Mr. Mato explained why the applicant acted such a year ago, with this application in mind. They wanted the traffic to "get used to" the way the access was. Mr. Gentzler noted that the proposed signs are exactly what is needed, and he would recommend the required HOP from the Township to install.

It's a great idea to regulate traffic flow. BUT, if these driveways are closed except for emergency use now, who's to say that they won't be reopened in the future? Chairman Gross has a problem with the proposal to move the driveway closer to the intersection.

John Seitz, TRG, spoke, noting Starbucks' effort to try to ensure the safety and security of their site. He explained again the reasoning behind this application, noting that he feels that it will make this

area safer for access. Vice Chairman Naylor proposed another solution, but, after discussion, it was determined that might interfere with emergency access to the site. Is there any way to keep another driveway farther away from the intersection? Fire Chief Stevens and Engineer Trout looked at the plans to try to help identify an alternative.

Also, Mr. Trout discussed the stormwater basin off of 1605 Bartlett that is causing issues with water runoff to a neighboring property. Mr. Trout met with representatives of Starbucks who admitted that there is a problem, and they requested an extension of time within which to take action to remediate the problem. Mr. Gentzler noted that the property owners have been putting up with this situation for years; can something be done any earlier than June?! Mr. Mato explained that he was made aware of this situation only two weeks ago; he has made contacts and received the date of June for action, too. Kudos to Mr. Mato for his actions to resolve this situation. Mr. Trout will contact Mr. Dolan tomorrow to let him know what is going on, to let him know that the target date for action is June.

Mr. Creep noted that the location from the intersection would be 325 feet; minimum is 200 feet, so they are within the confines of the ordinance.

Motion by Gross, to grant the signs that they are requesting but not the driveway. Motion died for lack of second.

Supervisor Rudisill agrees with Mr. Creep that the driveway is far enough away from the intersection, per the ordinance, so why shouldn't it be granted? How about Mr. Gentzler's position? Neutral, doesn't see anything bad about it, but it is indeed 325 feet from the intersection. He trusts Mr. Seitz's position that it's safe, but he sees Chairman Gross's position, too. Vice Chairman Naylor feels that the driveway is not needed. Why can't the applicant just incorporate the satellite parking into the larger parking lot? Mr. Mato explained that there's the problem of the difference in elevations between the two lots. Vice Chairman Naylor wants the two closed driveways to be closed forever, through a deed restriction or similar action. Mr. Creep proposed could they reopen one to maintain three points of access as there are now?

Mr. Mato noted that another area will be the distribution area, so there would be no likelihood of either of those two driveways ever being reopened.

Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the signs, which will be supplied by Starbucks; the Township will install signs and bill Starbucks for the labor; AND to TABLE the driveway decision for a month to permit the parties to work toward a resolution of the situation. All members voted aye; motion carried.

Correspondence

Leaf waste collection exception

Culvert pipe replacement, Canal Road/Locust Point Road, FYI

York County Solid Waste Authority Dedication Ceremony – Tuesday, June 4, 9 a.m., light refreshments and tours.

Solicitor's report – Attorney Andrew Miller

- Canal Road Betterment Task Force – nothing discussed
- Update to Motor Vehicle and Traffic Regulation Ordinance – nothing discussed
- General ordinance updates – nothing discussed
- Short-Term Rental Ordinance – nothing discussed
- Letter to DEP re: Separation Technologies Title V Air Permit – letter distributed to the Board members for review. **Motion by Vice Chairman Naylor, second by Supervisors Rudisill, to authorize Attorney Miller to send the letter. All members voted aye; motion carried.**
- Street light agreement with Met-Ed – termination letter proposed – **Motion by Vice Chairman**

Naylor, second by Chairman Gross, to authorize the Manager to send the letter and begin the termination process for the street lights in question. All members voted aye; motion carried. How about moving forward? Does the Township want to continue to maintain that responsibility? Or does it go in the developer's agreement, as Attorney Miller proposed? Give it to the developer's agreement, but maintain that the Township would have the right to enter the property to make the repair if necessary. Make it a summary offense if not complied? After discussion, Mr. Gentzler feels that it will be easier if the road crew just does the work, rather than trying to report it to a developer or property owner and hope that they attend to it. Perhaps address this on a case-by-case basis? Yes.

- Park Street sewer extension – Attorney Miller had nothing more specific to report. Chairman Gross suggested that someone should find the paperwork indicating the adoption of the 537 Plan for that area.
- Executive Session requested for an enforcement matter.

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

84 Zions View letter sent – still outstanding comments to be addressed.

FYI – representative from Northern Heights called Mr. Trout; York Water Company's water discharge washed out a swale that a property owner had installed. Any action/resolution is between the property owner and the York Water Company.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – Minutes are available for review.

Recreation Board – no minutes available.

Public Works Director – no questions or additions.

Zoning Officer – no questions or additions

Touch-A-Truck at Northeastern High School – the Township received a request to participate. **Motion by Chairman Gross, second by Vice Chairman Naylor, to authorize staff and road crew to participate in the Touch-A-Truck event on June 15. All members voted aye; motion carried.**

Land Development/Subdivision –

Codorus Quarry waiver request/discussion – Charlie Courtney, Brian Reisinger, and Josh Hoffman were present on this application. They want the Board's input on waivers, sewer improvements and connections; and recreation/MS-4 opportunity.

Mr. Hoffman presented the information for the subdivision plan and the land development plan. There are three existing parcels; two in EMT and one in Manchester. They want to subdivide and create five parcels. There would be 3.5 buildings in EMT. There are 333 acres in the total site. All buildings would be warehouse or distribution centers. Roads involved: Mundis Race and Dellinger Roads. Four access points on Mundis Race; none on Dellinger. Inner access road. Truck traffic to Mundis Race and Emig Mill.

Waivers requested: sheet size for both subdivision and land development plans; concrete monuments for subdivision plan (propose 12 concrete monuments and balance iron pins); curbs and sidewalks and widening for Mundis Race and Dellinger on both plans.

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Additional waivers requested pertain to grading/slopes, stormwater, proximity to internal property lines, utility profile sheet duplication. Four waivers requested on the subdivision plan; ten on the land development plan.

Also proposed, sanitary sewer, there's an existing sewer line that runs through this property. They would like to collect from the entire site and gravity flow to the Manchester Township collection system. Otherwise sewage would have to go through a grinder pump, then to the pump station at Sherman Oaks. This would require an intermunicipal agreement with Manchester Township.

Mr. Gentzler noted that the Board members don't normally review proposals at this stage of the game. Normally the plan starts with the Planning Commission, but staff thought it would be a good idea to give the Board an idea of the plan, hence the applicants' appearance here tonight.

Thirteen acres are required/proposed for recreation – proposed MS-4 opportunity on the side of Mundis Race Road opposite the development. Is this feasible?

How about truck traffic? Traffic study is currently underway. Unknown numbers at this time. Internal road is private. From the audience, Blaine Rentzel, Planning Commission member, noted that the proposed 13 acres for recreational area is swampy; half of it is in Manchester Township.

From Chairman Gross, currently the Township is experiencing difficulties with another construction project. He warned the applicants that they will be held to high standards, based on unpleasanties that have occurred with this other applicant. Understood.

Vice Chairman Naylor is concerned about the road situation with trucks descending on the Township's roadways.

Mr. Trout discussed the stormwater situation. He recommends granting the waivers for the stormwater basins. How about the slopes? Mostly internal; possibly fenced if required. There will be safety concerns to be addressed along the way. Rec/MS-4 area – no way this will be used for recreation, but perhaps an area for riparian buffers, stream restoration, etc.

Mrs. Masemer noted the Astronomy Club's concern about light pollution – street lighting along Dellinger may interfere with their astronomy viewing. The Astronomy Club will be making a presentation to the Planning Commission. So noted.

Traffic concerns? More on Mundis Race or Dellinger? Chairman Gross said that, from his observations, wherever there are sidewalks, people are using them to walk at lunchtime. Vice Chairman Naylor didn't express an opinion. Supervisor Rudisill noted that foot and bus traffic will require sidewalk areas, so keep that in mind. Mr. Gentzler, on behalf of the Public Works Department, noted that the culvert on Dellinger Road might need to be piped. He feels that both roads should be improved to the standards the Township Code specifies.

Internal road is private – any Township liability? Attorney Miller feels that it shouldn't render the Township liable for anything within that area. But, how is that private road to be maintained and policed to keep people out of the quarry area? Mr. Courtney noted that there will be a property management firm to deal with these issues.

The Board cannot make any recommendations or encouragement regarding the sewer proposals. The Sewer Authority would make that determination.

Mr. Gentzler asked about the truck route out of town. Black Bridge to the south. To the north, there is a one lane railroad underpass and an intersection that is too small for trucks.

Robert Nace, Planning Commission member, asked about how to handle the building/area that straddles the Township line between EMT and Manchester. Mr. Trout said that he reviewed the site and made his determinations and recommendations based on EMT's requirements. He also noted that he and the Manchester Township engineer will work together to coordinate the project. Mr. Nace wants to make sure that someone will coordinate the whole project for the Planning Commission's benefit. No problem.

Supervisor's comments

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Vice Chairman David L. Naylor – please check Canal Road Extended to see if the berm height behind the homes is adequate. Mr. Trout will check. Two, DHL issues--feels the Township needs a stand-alone ordinance on work hours, separate from the sound ordinance. Third, is the Township prepared to accept five buildings to be built on one site? Think of the impact on staff, emergency personnel, police, traffic, residents. Fourth, if approved, Manchester and EMT's managers and staff must act as one body to be consistent. From the audience, Robert Nace referred to a truck being fined for crossing the bridge on Shady Lane. Was the bridge damaged? Not visually. Perhaps the bridge was stressed, but nothing is visible. The driver was not fined for an overweight vehicle. Blaine Rentzel talked about the quarry traffic onto Emig Mill Road.

Motion by Chairman Gross, second by Vice Chairman Naylor, to accept the low bids for the materials bids as follows:

Alpha Space Control – Line Painting - \$20,426

Stone Aggregate – York Building Products - \$96,865 delivered

Plant mixed asphalt – York Materials Group for \$128,975 delivered

Equipment Rental -Stewart and Tate road widener \$169hr; Kinsley milling machine \$410hr and excavator \$160hr; Bob Peters various equipment for a total of \$16,470

All members voted aye; motion carried.

Supervisor Barry E. Rudisill – none

Chairman Steven H. Gross, Jr. – none

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, to *recess* to Executive Session. At 9:40 p.m., the Board recessed to executive session.

Motion by Chairman Gross, second by Vice Chairman Naylor, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:50p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary