

EAST MANCHESTER TOWNSHIP
Board of Supervisors
August 13, 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 23 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 July 24, 2019, the Board also had public meeting on July 31, 2019; no action was taken, minutes are available.

For the minutes of the meeting of July 24, 2019, one correction: Page 7, second paragraph, it should read that Vice Chairman Naylor and Mr. Gentzler were onsite, not ~~Chief Stevens~~.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of July 24, 2019, as amended above. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of July 31, 2019, which was held at 10:30 a.m. No action was taken at that meeting. The Board attended an informational site visit at 84 Zions View. All members voted aye; motion carried.

Public Comments

Mike Grotehouse, 1215 Canal Road Extended, asked if Northeastern Regional Police could patrol Canal Road Extended a bit more when traffic is shut down on Zions View. Mr. Grotehouse anticipates speeding problems. Chairman Gross asked if last month's issues that Mr. Grotehouse brought to the Board were addressed. Yes, Kling's visited about the well; it's a "wait and see" situation, and Mr. Grotehouse said he's okay with that. Higher bushes were installed on the berm; and Mr. Grotehouse doesn't know about the water from the hill. He discussed the well situation with Mr. McGrath, and Mr. Grotehouse is satisfied with the results of that conversation. Mr. Trout said that the test results should have been back today, but that didn't happen. Tested for fuels, biohazards, sewer issues. The swale in spots, is still undraining. Mr. Trout to follow up.

Dori Grim, 225 Manchester Street, are unhappy that she and two neighbors need to borrow money to hook up to the sewer. They have heard that there will be reimbursement for some of their costs, and they don't feel that it's their responsibility to have to front that money.

Sean Massey, 215 Manchester Street, said that, since it's mandatory that they hook up to the sewer system, he feels that the funds should be given up front so that they don't have to pay it first. There's no contract specifying the details, especially of the reimbursement, so he's not comfortable with this. He feels that they might not get the money back after the fact. He feels that communication has been lax; no personal contact, just two letters. Also, another neighbor has created problems with the detour, such as blocking the roads, putting cones in the roadway. Now, the other road is to be closed; since they use this

road as their detour, they will need to go all the way around Manchester. He wanted more information about this. He already met with the Manager, Mr. Gentzler, on the sewer hook-up issue, but heard nothing back from him. Attorney Miller relayed new information: there will be reimbursement for all costs within 30 days of the work being done and proper receipts submitted to the proper person/address. This developer's agreement has been a work in progress, so that's why there was no answer from Mr. Gentzler.

Chris McGrath, DHL, thought the communication was going through the sewer authority; he should have followed up. Apologies. Affirmed that the entire cost for hooking up will be reimbursed upon submission of invoices. Putting the pieces together has been a long process. Mr. McGrath will see that it's all done.

Chairman Gross confirmed that yes, neighbors have been mischievous, blocking the road, etc. It's likely young people who are doing it, thinking that it's funny, but it's getting out of hand.

Joel Klinedinst, chair of the Sewer Authority, said that the letters went out recently in response to comments and contact. Lines have to be inspected before the Sewer Authority adopts them. Must finish construction, lines to be working for 60 days, then inspection, adoption, and then everyone hooks up. Neighbors will get notice when they are required to hook up to the sewer system.

Also, Dori Grim asked will the road be repaved? Yes, from the Borough line to Canal Road, not till spring, though. Patches through the winter.

It was noted that Zions View Road will not be affected until Manchester Street is reopened.

Scott Lucas, 1235 Canal Road Extended, has spoken to Mr. Trout about the water leak. Is it a spring? What's it doing to the water supply and well? He is still concerned about the possible flooding. Will two oak trees be destroyed? Replaced? There's still lots of generator noise, even at midnight. Re: the deflectors on the pole lights – he's concerned about the main ones affecting his property. Still concerned about the views from his backyard. School starts soon – how will the traffic and busses be handled? Concerned about decreasing property values. Feels that the company has abused the process and has had at least one rude employee. Feels that everything that has been done has been halfway. What's next? How should they proceed?

Joel Klinedinst noted that at the intersection of Saginaw and Long Roads the weeds are high. These are state roads, and the Township is aware of the problem.

Donna Miller, 1120 Conewago Creek Road, asked if there's been any progress on the fireworks issue. She's worried about the approaching Labor Day holiday. There are unoccupied buildings in the area, on her property, even though hers is a metal building. Could the Township specify that all fireworks and related paraphernalia be kept on one's own property? She's very concerned about the fireworks being a fire hazard. Vice Chairman Naylor asked if the Township make a local ordinance to supersede the state ordinance/law. Likely not, per Attorney Miller. The Township can enforce extended setbacks for proximity to animals, etc., and the Township certainly can't ban fireworks entirely.

Emergency Services Report

Fire Chief's Report – Vice Chairman Naylor needs someone to meet with one of the members of Eagle Company to tell that company that their financial reports are inadequate. Both companies should use the model of Union's report.

Ambulance Report – Lieutenant Bob Cramer was introduced and welcomed. Question: Mt. Wolf responds to lots of EMS calls, why? The ambulance company representative and Chief Stevens also explained. He noted that medical calls are on the increase.

Special Request

York County resolution to appoint representative of the I83 Study -- **Motion by Chairman Gross, second by Vice Chairman Naylor, to adopt Resolution 2019-9, appointing Supervisor**

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Rudisill as the representative to the I83 Study Committee then Vice Chairman Naylor as the first alternate, then Chairman Gross as the second alternate. All members voted aye; motion carried.

Mike Starnier, Susquehanna Lions Club, requested permission to host the 54th annual Hallowe'en parade on October 20, 2019; 1:30 p.m. road closing; parade starts at 2. He noted that the Lions Club would also gratefully accept any financial contribution that the Township might be inclined to make. He noted that the usual detours may be more difficult with the road closings.

Motion by Chairman Gross, second by Vice Chairman Naylor, to sign the documents to approve/allow the parade as requested. All members voted aye; motion carried.

Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the release of the budgeted amount of \$5,000 for the parade, with the Township's thanks to the Lions Club for doing this event again. All members voted aye; motion carried. Yes, the police and fire companies are aware of the plans. It was noted that this is the only large community event that is held in the Township.

Correspondence

PA Municipalities Planning Code, Section 503 – information only. Planning Commission should be aware of this information, too.

Disabled Veterans, Tax Exemption Certification – Ralph Ault? was granted tax exemption status.

Tax Assessment appeals – Talen Energy? With no formal Motion, the Board authorized the Solicitor and Manager to research this matter and to attend the assessment hearing to obtain more information on these two requests.

Solicitor's report – Attorney Andrew Miller

- Resolution #2019-11, Adopt Zions View Road Phase 1 HOP ROW, south side improvements -- **Motion by Vice Chairman Naylor, second by Chairman Gross, to adopt Resolution #2019-11. All members voted aye; motion carried.**
- Resolution #2019-10, Adopt Zions View Road Phase 1 HOP ROW, north side improvements – **Motion by Chairman Gross, second by Vice Chairman Naylor, to adopt Resolution #2019-10. Two members voted aye; Gross opposed. Motion carried.**
- Resolution #2019-12, Adopt streets in Rentzel Heights -- **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to adopt Resolution #2019-12, conditioned upon the deposit of the maintenance bond of \$59,909.46. All members voted aye; motion carried.**
- Canal Road Betterment Task Force – design contract has been finalized; the developer's contribution just under \$1 million. Funds to be deposited into escrow. The Escrow Agreement is ready, and the Township is entered as a party to this Agreement. Finalized just yesterday; Supervisors just received it for review. How soon do they want to vote on it? No developer has signed it yet. Discussion was held, noting that the developers are paying for the bridge design. There's a risk that PennDOT might pull out of this Agreement if it doesn't proceed. The decision was made to *table* this item until next meeting to ensure that the Supervisors have enough time to review. Attorney Miller is comfortable with the entire packet. If the Board wants to wait, the developers' signatures can be obtained, then the Board should sign it at the second meeting of the month. Chairman Gross feels that the developers should sign it before the Board members.
- Codorus Stone – **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to acknowledge and approve the request by Codorus Stone for a time extension to November 21? All members voted aye; motion carried.**
- Short-Term Rental Ordinance – one of YCPC's comments had to do with "tourist home" designation in the ordinance – this language was removed from the ordinance. Mrs. Masemer noted that the YCPC recommended not adopting this, as it doesn't meet the intent of the zoning

district (Conservation). Planning Commission Engineer Laymon Mortorff feels it does. This is a very detailed ordinance, and the Planning Commission has reviewed it several times. Any input from the Board members? Chairman Gross noted that he is indeed seeing more of these popping up around the area. Mrs. Masemer noted that the ordinance is strict so that the use is limited. Too many of these establishments would require additional staff to enforce. She's happy with Chapter 165. Supervisor Rudisill agreed that a detailed ordinance is better. What's next? If all information is received and questions are answered, send it back to the Township Planning Commission and the YCPC to review changes (essentially, the removal of "tourist home" language). Then advertise for a public hearing, then the Board can adopt that same night. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to send this proposal back to the EMT PC and YCPC for final review. All members voted aye; motion carried.** Discussion: Bob Nace, Planning Commission member, relayed the Planning Commission discussion relative to enforcement and limiting the number of people permitted. Does this come under Labor and Industry? Building code enforcement would determine the number of people permitted on site. Building Code specifics not included in this ordinance. There's a licensing process, which shakes everyone out.

- LERTA Amendments – sample ordinances to be provided for next month. Chairman Gross favors determining each situation on a case-by-case basis.

Vice Chairman Naylor noted that, regarding the general ordinance amendments, such as false alarms and blighted properties, the latter was addressed in the latest newsletter. Also, we must address abandonment issues for HOAs. Attorney Miller noted that new HOA documents include the ramifications of the abandonment of stormwater ponds.

Supervisor Rudisill asked about the Canal Road improvements – do those ROAs have to be dedicated to PennDOT? Yes, and that process will be involved, but it shouldn't be as bad as this last one.

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

Complaints – 5205 North George Street, the developer made a cash offer to resolve the drainage issue. Mr. Trout suggested to the resident that they get an estimate to make sure that offer is enough. Waiting for the resident's information. Waiver request had been tabled; he will revisit the site.

Mr. Trout received another complaint, this one concerning Zions View Road and Mr. Dolan's property. There are still drainage issues, Hillwood met with the Dolans. Hillwood bringing in an engineer to investigate. Moving forward. Mr. Dolan is being patient.

Maintenance bond release in the amount of \$12,219.60 was *tabled* until next month.

Also, DEP says it's unaware that stormwater basin issues are affecting downstream water quality. No one believes that. DEP representative said that someone will look into it and return Mr. Trout's call.

MS4 and Chesapeake Bay Plan

EMT Salt Building -- information is out for bid. Bid results to be opened before the next Board meeting.

Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the Final Surety Reduction for Orchard Business Park, Phase II, Lot 1, in the amount of \$37,313.37, leaving a

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remaining balance of \$0. All members voted aye; motion carried.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – 2017 NEYCSA Audit – passed. Well done! Joel Klinedinst noted that the upgrade for the Mr. Wolf plant is progressing. Phase II 537 Plan currently being prepared. Possibly can contact PennVest for financing. Possibly including all of Canal Road Extended. Vice Chairman Naylor asked about enforcement on SalonCentric. Waiting for response.

Recreation Board – no minutes available.

Public Works Director – no additions or questions.

Zoning Officer – no additions or questions.

PennDOT Regional Innovation Day – it would be great to send some highway workers to this event. Mr. Gentzler will direct the staff to send the appropriate public works members and any interested Supervisors to attend in November.

Klugh Animal Control Services – this choice might be filled quickly, and Mr. Gentzler recommends signing early. Fees? Slightly higher than one of the previous animal control persons. Supervisor Rudisill suggested offering a previous person the amount that is proposed by this new outfit. **Motion by Supervisor Rudisill, second by Chairman Gross, to offer the contract to Mike Ellis, a previous provider, and if it works, great; if not, go with the new provider. All members voted aye; motion carried.**

Land Development/Subdivision –

165 Fourth Street, minor subdivision plan – Dave Fuhman, C. S. Davidson, was present, representing the applicant, Frank Holtzapple. The applicant's daughter wants to sell this property, and Mr. Holtzapple is concerned about who might move in, so he's buying a part of the parcel for his own. All outstanding items have been addressed.

Waivers requested:

Preliminary plan

Curbs/sidewalks

Street widening

Motion by Chairman Gross, second by Supervisor Rudisill, to approve the waivers as requested for 165 Fourth Street. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the plan for 165 Fourth Street. All members voted aye; motion carried.

84 Zions View – Chris McGrath, DHL, requested an amendment to the developer's agreement to permit the supervisors to issue an occupancy permit for tenant 1 in the building. Chairman Gross suggested a few changes: the SEO wants to see a contract with the septic hauler for wet wells; the SEO thinks it can be done without a new sewage planning module as long as effluents are under 750 gpd; the SEO wants to verify that information with a water meter; and alarms should be installed in the wet well (will be installed on Thursday).

Sewer Authority attorney said the Sewer Authority didn't need to review again. The on-lot system is private; it was suggested that Mr. Trout inspect. Sure.

Add to the agreement the name and address where invoices are to be sent, as referred to earlier in this meeting by Sean Massey and Dori Grim.

What about the residential structures to be demolished – there are other structures on this property, not just residential ones. Those extra buildings will be demolished on exit, but not before, because

they're being used for storage, etc. *Can add "to be removed prior to final occupancy."*

Also, discussion was held about the berms on the stormwater detention basins. The current agreement only provides for buffer plantings to be installed. Berms are per the design plans, but do they meet the ordinance? Mr. Trout noted that the ordinance requires the building be screened within five years. The question is whether the trees that are being planted will indeed adequately screen within five years.

Jason Kirkum questioned the ordinance wording. He feels it doesn't specify well enough.

Mr. Trout said that, for the lower properties, it will be hard to screen from those properties without raising the berm. Mr. McGrath noted that the original plan proposed using 5' trees; the applicant is now using larger trees to help screen quicker.

Mr. Trout admitted that some sight lines are lower than the top of the building, but trees will help.

Mr. Gentzler read from the ordinance that the screening is to "block visibility from neighboring structures."

Vice Chairman Naylor feels that the berm just isn't high enough to comply.

Attorney Miller noted that the above were additional changes. Onsite generators would continue in the configuration as now – if this isn't correct, need to make a change now. Some measures have been taken; Mr. Gentzler said they're waiting for the readings from the sound meters. There are still other measures that might be taken to alleviate the sound problem. Residents are complaining about the noise, day and night.

Attorney Miller confirmed that time deadlines are in the agreement with penalties for non-compliance. Also, with regard to the lighting, the applicant agrees to shield all lighting, but until that is done, all lighting will be visible. But, until that's done, the applicant has agreed to not use some pole lighting to alleviate the lights shining into backyards.

Generators will be used until Met-Ed runs the permanent power. Only one days' work is all that's left to be done, per Met-Ed.

Attorney Miller requested that the applicant submit a revised landscaping plan for Mr. Trout's approval. This was presented to the Board and staff at tonight's meeting. Per Mr. McGrath, the ideal evergreen planting dates are October 15 through November 30. The southern corner was discussed – raise the berm? Technically it could be done, but it would be asymmetrical because of the maximum slope already in place on one side. There's a risk of the added soil being washed out. The applicant feels that the best way to proceed is to plant larger trees, not increase the height of the berm.

Mr. Trout confirmed that the sight line drawings on the original plan are being met, in general. It's when one moves farther away from the building that the building becomes more visible.

Joe Stein, Warehaus, explained that the installation of the berm had to do with staying away from property lines and wetlands. He also noted some trees were installed to shield the immediate property from view of the warehouse. Could taller trees be installed in a specific area? Could the trees be installed farther up the slope? Yes, within reason, keeping out of the fence and buried lines. The applicant is willing to install trees in the low spots AND closer. The Board members feel that would be fine.

Jim Saponaro confirmed that they will install trees in the low areas and farther up.

Mr. Stein and Mr. Trout will go over the areas and the plan and agree on the landscaping procedures to be followed. Attorney Miller feels when that is completed, we can go on from there.

Did Mr. Schilling sign off? The temporary occupancy permit assumes his approval. Chief Stevens is fine with the site. Mrs. Masemer said that Mr. Schilling is willing to give a temporary approval for 30 days; he's willing to work with the applicants and the Township. This would include a limited amount of truck traffic. The SEO is looking at calculations; should be able to issue the permit upon good numbers being received.

Mr. Trout said his issues all are bonded, mainly the trees/screening, stabilizing Manchester Street for the winter, and PennDOT's approval. The HOP is part of the agreement.

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Manchester Street – the Township will do a final inspection, and that will include striping at least temporarily. Final inspection upon completion. Road closure schedule will be included in the agreement.

Mrs. Masemer noted that they are waiting for DEP on generators; the general permit applied for but not received, so Mrs. Masemer didn't release the generator permit. Permits are either in place or are coming soon.

General permit for air should be received within days, per Mr. McGrath.

Things to be done: revise the landscape plan, obtain the air general permit, SEO inspection on Friday, (none of these spelled out in the agreement – can be added). Attorney Miller suggested leaving those items out of the agreement and just make the approval conditional on all those things being completed.

Discussion was held on the calculations for temporary sewage flows. Matt Drobanack discussed the calculations for sewage flows and the number of people on site. There will be 20 people per shift, 5 a.m. to 9 p.m. Monday through Friday. They will be moving products into the facility, getting ready for final operation.

How to keep the driveway in use when the road's closed? Mr. McGrath explained the way that the road will be closed. Lanes closed one lane at a time, all driveways will have access at all times. All authorities have been notified, including school district, fire, emergency personnel, etc. to be informed of the plan. Six to eight weeks are necessary to accomplish this work.

Mr. Gentzler apologized that he forgot to obtain the cost of the special van that will have to be used to pick up students. Vice Chairman Naylor had requested that information previously.

Roger Welty, 165 Zions View Road, is concerned about truck traffic coming through the area during the construction. Signs will be posted prohibiting truck traffic. Discussion was held. How about opening up Bartlett to Willow? Good idea.

Vice Chairman Naylor feels that the closing will have a negative impact on the two small businesses in the area. Signs will be placed directing travelers. Applicant will contact the school to see how much it will cost.

Approval of air quality general permit, approval by township SEO of the alarm system for the wet well; finalized revised landscape plan to be included with the agreement. Also, incorporate hours of operation and number of employees (no more than 50 people per day); 5 a.m. to 9 p.m. Mr. Gentzler noted that PennDOT will not actually issue an approval, but they will likely not object to what's going on.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to grant the 1st amendment to the development and security agreement with outlined conditions and additions: approval of air quality general permit, approval by Township SEO of the alarm system for the wet well; finalized revised landscape plan to be included with the agreement. Also, incorporate hours of operation and number of employees (no more than 50 people per day); 5 a.m. to 9 p.m. Two members voted aye; *Gross opposed*. Motion carried.

Supervisor's comments

Vice Chairman David L. Naylor – nothing at this time, but he requested an Executive Session for personnel matters.

Supervisor Barry E. Rudisill – each Supervisor should have a Township email addresses, per Mr. Miller's suggestion. Good idea. Mr. Gentzler will handle the process.

Chairman Steven H. Gross, Jr. – Nothing at this time. He's all talked out.

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, second by Supervisor Rudisill, to recess to Executive Session. All

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members voted aye; motion carried. The meeting recessed at 10 p.m.

Motion by Chairman Gross, second by Supervisor Rudisill, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary