

EAST MANCHESTER TOWNSHIP
Board of Supervisors
December 10, 2019

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, David Gentzler, Manager/Secretary/Treasurer, Engineer Byron Trout, Zoning Officer Kristie Masemer, Recording Secretary, and 28 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 November 12, the Board neither met nor conducted any business.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of October 30, 2019. All members voted aye; motion carried. Chairman Gross noted that the proposed Budget has been open to view by any interested parties.

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

Public Comments

The Mayor of Mt. Wolf, Maureen Starner, was present to ask about the Workman's Compensation insurance – will it be paid? She and Chairman Gross will have further discussions. Chairman Gross noted that he spoke incorrectly at the police board meeting. Manchester Borough is requesting \$11,500; \$19,200 is Mt. Wolf's request; how exactly is that calculated? Services within the Township? Apparently, there's a formula to follow.

Denny Dolan, Zions View Road, said that the retention pond is still causing trouble. What's the story? Last month the Board instructed Mr. Trout to prepare a violation letter, which he submitted letter today. He believes that the damage/issue is indeed caused by the retention pond. Pending comments from Attorney Miller, Mr. Trout will finalize this letter. Representatives from the former owners of the property in question were present; Chairman Gross suggested that further projects before the Township might have trouble getting Township approval unless this retention pond issue is satisfactorily solved. It was noted that the Township is holding some bonds on the property owner, so there's that. Perhaps the Ordinance should be changed so that the Township has some recourse in enforcing violations.

Roger Welty, Zions View Road, asked if the road project is completed. Per Mr. Gentzler, the road isn't finished; it's only in phase 1. Mr. Welty said that it's very noisy when the trucks creep onto the rumble strips in the center of the road, and he wondered if the strips are actually raised instead of indented. He also noted that his yard still isn't completed; Mr. Gentzler will check on this. Joe Stein by Warehaus reported that the rumble strips are indeed dug into the roadway, not humped up.

Dan Lightner, 1765 Canal Road Extended, asked for an update to his concerns presented at the November meeting. Mr. Trout inspected the area three days after the November meeting and made some suggestions to the homeowners. He noted that many of Mr. Lightner's concerns have been addressed. There was no improper fill observed. Floor drains have been concreted in and are not exposed. Fence height is exactly 6' high, and it was a permitted project. No concrete slab in the front of the building. Drainage—stone drip edge around the building, trees installed. There is some water run-off, but it's not

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just from Mr. Lightner's neighbors' property, it's coming from the road and other properties. How about the camera issue? Not a Township issue, that would be a police matter; but the cameras have been removed. Mr. Lightner asked Mrs. Masemer if the cameras are fake. That's what Mrs. Masemer heard and may have repeated. If she misspoke, she apologizes. Mr. Lightner noted that he'd been arrested based on camera evidence, so they are indeed real.

Mrs. Miller was present and was asked, are there cameras? Yes, there are two; one at the garage door and one by the trailer. On the night of 11/12/19, after the Board meeting, she and her husband unplugged all lighting outside. They also removed other trail cameras that were in the yard. The only two remaining are the ones referred to above.

Mr. Lightner also reported that another property's leaves end up in his yard; he said that the owners don't rake the leaves from the bank because of the proximity of the road. Mr. Gentzler noted that the Township cannot go on private property to collect leaves. He will check the situation and see if the Township can collect those leaves.

Also, Mr. Lightner pulled the Produce signs from the neighbor's yard. He asserted that Mrs. Masemer threatened to remove his trucks from his property. Actually, she said that since he's operating a business from his property, she could cite him, and she didn't want to do that as there are several other properties who are out of compliance. Mr. Lightner kept going on and on in a rather combative manner, and Chairman Gross said he's bringing up things that have been resolved. Mr. Lightner left the meeting, seeming dissatisfied with its outcome.

Donna Miller, 1120 Conewago Creek Road, noted that it was another neighbor, not she, who had Dan Lightner arrested several months ago. Thanks for the clarification.

Emergency Services Report

Fire Chief's Report – nothing to add to the report. Chairman Gross referred to Mr. Knaub's presentation about fundraising last month. Has Mr. Knaub ever given half to Manchester? Chief Stevens feels that this is the first year in recent memory that this has happened. Perhaps it was done in the distant past...Jake Busch, Eagle Fire Company, recalls that for the first three years, the funds were indeed split, then it stopped.

Northeastern Regional Police – Some the residents had asked for the police contracts and budget. Chairman Gross has those copies if anyone wants to see them. The police department is planning to operate on 2019's budget for 2020.

Special Request

York Road Runners Club – Winter series – Mr. Gentzler presented the information; no one from the Club was present. The Club would like to have an event on January 4, 2020. Supervisor Rudisill suggested an ambulance be on call. Mr. Busch confirmed that the Club has ambulance coverage for all events and will have extra fire police protection for this event. **Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the activity by the York Road Runners Club on January 4, 2020, by John Rudy Park and the rail trail. All members voted aye; motion carried.**

Brunner Island – Basin 6 Traffic Impact Assessment – Mr. Gentzler requested that if anyone sees these trucks coming through the township, please report same.

Correspondence

Northeastern Senior Community Center – received a thank-you letter. About 21% are from the Township.

YCPC – 1400 Church Road Medical Center -- FYI

YCPC – 125 Stonewood – Stonewood Logistics Center -- FYI

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YCPC – 3750 East Market Street -- FYI
Manchester Township – Action Reports for Core5 Project – will address in January
NERP Advisory Board membership – Mr. Dwight Hollenbaugh will serve on the police board if needed.

Hazard Mitigation Plan approval – good news.

Solicitor's report – Attorney Andrew Miller

- LERTA Reinstatement – Attorney Miller gave some details about the proposed Ordinance. *No action taken tonight.*
- Motor Vehicle Regulation Ordinance – This Ordinance has been advertised. Mr. Gentzler noted that the Public Works Department had requested reducing the speed limit on several roads-- Beshore School Road, Jerusalem School, Gravel Hill, Mundis Race Road, 30 mph. Truck restrictions added – no trucks greater than 40' on certain roads. The problem with that is that it doesn't say local deliveries only. Chairman Gross noted that he has several pieces of equipment that are over 40' long coming and going from his farm – what about those? He just knows that he will be violating this very Ordinance! John Seitz, TRG, noted that there was discussion of local deliveries; it can be rather loosely interpreted. Plus, all the signs that are posted to inform motorists of this can be confusing. Mr. Seitz feels that there might be an exemption for farm traffic. From the audience, Joel Klinedinst gave details on a previous court case that decided what "local delivery" means. **Motion by Supervisor Rudisill, second by Chairman Gross, to *table* this Ordinance until proper information is received regarding local deliveries/farm vehicles. Two members voted aye; Naylor opposed. Motion carried. Item tabled.**
- Short-Term Rental Ordinance – **Motion by Vice Chairman Naylor, second by Chairman Gross, to adopt Ordinance #2019-5, as presented. Motion by Vice Chairman Naylor, second by Chairman Gross, to *amend* the above Motion to adopt Ordinance #2019-3, using the correct ordinance number. All members voted aye; motion carried.**

Engineer's report – Byron Trout

Inspections
Plan reviews
Correspondence
Complaints – Mr. Trout referred to a stormwater dispute in which the developer has made a cash offer. Mr. Trout's monitoring the negotiations. Possible discussion in Executive Session.
MS4 and Chesapeake Bay Plan
EMT Salt Building
Bond Reduction for 84 Zions View – nothing discussed; *no action taken*.

Secretary/Treasurer/Manager's report – David Gentzler

Sewer Authority – Minutes are available for review. Joel Klinedinst noted that completion of Mt. Wolf plant is getting close. Must be completed by the end of January. Saginaw upgrade will cost less than anticipated! After this year, all residents will pay \$124/quarter per customer. Kudos to the Sewer Authority for accomplishing this! Other projects are moving forward.
Recreation Board – needs volunteers
Public Works Director – nothing to add or discuss.
Zoning Officer – The Zoning Hearing Board met in November to act on Variance requests for auction house and storage for auction house; unpaved and unscreened parking areas. ZHB granted all Variance requests. Continuing to work with the jungle owner on Sherman Street. Much permitting on Conewago

Creek Road, as a result of Mr. Lightner's complaints, etc.

Truck Restriction studies in East Manchester Township – proof of Ordinance information. Addressed above.

SPCA – 2020 Animal Care and Housing Agreement – Chairman Gross did check for the minutes and the letter to prove his recollection that the SPCA guaranteed the current rate for 10 years, meaning there would be two or three years left. **Motion by Chairman Gross, second by Supervisor Rudisill, to approve the 3% rate increase AND to have Attorney Miller send a letter to the SPCA, noting the concern of the supposed rate freeze and referring to the high asset base of the SPCA and the reduction in services. All members voted aye; motion carried.**

Fire Company Workman's Compensation invoices – instruct Mr. Gentzler to check the percentages, and if all's in order, pay at the first of the year. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to reimburse at the amounts requested, and if those amounts are wrong, deduct from next year's payment.**

Discussion: Mr. Gentzler noted that the insurance broker is the firm that calculates the percentages. Discussion was held on exactly how the percentages are calculated. MOTION RESCINDED; TOO MANY UNANSWERED QUESTIONS.

Motion by Chairman Gross, second by Supervisor Rudisill, to authorize staff to meet with SWIF and review these bills and whatever is right, go with that. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve Resolution 2019-16, budget transfers. All members voted aye; motion carried.

Motion by Chairman Gross, second by Vice Chairman Naylor, to adopt the 2020 Budget as presented, unchanged from the work session on October 30, 2019. All members voted aye; motion carried.

Land Development/Subdivision –

84 Zions View – Mika Driscoll, CGA Law firm, was present on behalf of the applicant. They are requesting the Second Amendment to the Developers' Agreement and Estoppel Certificates. Information was presented to the Board members right before tonight's meeting, so no Board member is prepared to vote tonight. Attorney Driscoll noted that there are some points to the request that are time-sensitive and requested that the Board discuss in Executive Session and take action. Vice Chairman Naylor suggested that the Board review the pending subdivision plan, then recess to Executive Session to discuss 84 Zions View. Chairman Gross says no. The deadline for submitting action items for the Board meeting is the Thursday before, *maybe* the Friday before the Board meeting, and, clearly, this applicant missed that deadline.

Garrod property – Preliminary Subdivision and Land Development Plans

Chris Fencel with Hillwood noted that this site comprises 205 acres at the intersection of Locust Point and Canal Road Extended. It is an unusually shaped lot, bordered by Conewago Creek, and a Met-Ed transmission line bisects the property. Final plan proposal is two buildings with 1,850,000 square feet total. Locust Point Road will be improved by way of the Canal Road Betterment Project. Hillwood would be the majority contributor to the funding for the improvements. *No action is requested by the Board tonight.*

Gary Frederick, Ron Lucas, Josh Hoffman, and John Seitz were all present on this plan. Mr. Hoffman presented further details of the proposal. Two parcels exist today; the plan is to consolidate parcels, then subdivide into three lots. All within the Industrial Zone. Stormwater is being discussed and

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designed. Primary access from Locust Point Road. Emergency access follows existing farm driveway. Sewage Planning Module exemption already received. NPDES and Joint permits are outstanding. Planning Commission recommended approval of this plan, subject to all outstanding items being satisfactorily addressed.

Waivers requested:

208-31.A.3.a.4, utility profiles

208-34.A, plan sheet size

Section 208-44.D, cut face slopes maximum 3:1

Section 208-46.J, shared drives or streets

Section 208-44.F, setbacks of slopes and fencing required at 4:1 or steeper

Section 208-43.C.5.c, lot depth

Section 208-46.B.1, road widening

Section 208-47, curbs and sidewalks on Canal Road Extended and Locust Point Road

Section 199-20.B, riparian buffer zone widths

The Township's Planning Commission recommended approval of the waivers.

Mr. Seitz spoke about the lack of widening along Canal Road Extended and the portion of Locust Point Road. He said that Canal Road is not set up for truck traffic, and the applicant doesn't want to encourage truck traffic in any way. Widening that road would entice trucks to use this road. Vice Chairman Naylor noted that trucks will indeed come from the Strinestown exit into this area. Is this area suitable? Mr. Seitz referred to the Canal Road Betterment Project, with the joint partners working together to make the area better. Areas of Canal Road will be improved. The intersection of Canal Road, Locust Point, and Zions View Roads will be improved.

Attorney Ron Lucas spoke about moving forward. He distributed comments related to Attorney Miller's memorandum.

Question – would the Board like to have recreation land dedicated OR a fee in lieu of dedication? Matters not to the applicants; they just need to know which way to proceed.

Vice Chairman Naylor noted that the residents along Canal Road met and do not want a big industrial use right in their collective front yard, so speak, particularly since they now have one in their back yard.

The traffic studies were discussed. Mr. Gentzler noted that the original idea of the study was from Laymon Mortorff to make sure that what the applicants say will happen is what actually happens.

Mr. Hoffman presented screening options. Mr. Fencel presented screening options for the rooftop units.

Attorney Lucas noted that the applicants will have a problem if they cannot get a building permit until all the Canal Road Betterment Project aspects are completed (this could be several months). Requesting to delete that note on the plan. If Hillwood pays a significant amount of the Betterment Project, they would like to be moving forward to get a return on its investment. Gary Frederick noted that occupancy would be restricted until completion, but they would at least like to get started.

Mr. Fencel noted that the applicants request, upon satisfaction of the final plan conditions, they be permitted to apply for their building permit. Supervisor Rudisill suggested that with the money in escrow, the developer be permitted to proceed.

Vice Chairman Naylor feels that this project differs vastly from the DHL project. Make sure everything about the area is safe for construction personnel and residents alike.

Joel Klinedinst feels that the Canal Road widening should encompass straightening out the "s" curve. That will be easier for the Township to maintain.

Chairman Gross feels that the Zions View intersection should be improved prior to construction of the Hillwood project. He is also concerned with water runoff on Locust Point.

Vice Chairman Naylor requested more proposed sight lines associated with this project.

Regarding the riparian buffer waiver, Mr. Trout feels that 35' is ample and will qualify under the Township's MS-4 plan. Any increase in runoff? No. It was noted that the Planning Commission did discuss this issue. How about existing water traveling through the site?

Direction from the Board on the timing issues with the Canal Road project and construction?

Gene Garrod, the actual property owner, noted a situation where a ditch was dug that goes nowhere. It doesn't end up going right to the pipe.

Mr. Fencel wants to discuss the situation with PennDOT to get input.

Attorney Lucas feels that PennDOT approval/input is risky. He had a suggestion to work with PennDOT and the Township and the Betterment Committee to time the work and proceed. Attorney Miller feels that the applicant and the Township have enough information or language to move forward.

How about the recreation fees/land? Board members need to discuss this issue further. Any information or informal decision, please contact Attorney Lucas.

From the audience, Keith Zeigler, Canal Road Extended, asked about the rec fees/dedication. That's still under discussion. *No action taken tonight.*

Supervisor's comments

Vice Chairman David L. Naylor – At the last Planning Commission meeting, Mr. Mortorff suggested monitoring the traffic situations after the construction project has been completed. That's a good idea. Can that be regionally monitored? Uncertain. Does the Ordinance need to be changed? That would permit the Township to go back to the industrial partners after the building changes hands and enforce any violations. How about if an applicant says there will be 100 trucks, and it turns out to be 200? What then? Vice Chairman Naylor noted that Hillwood has met with the residents in the area and is willing to work with them, and it would be good to encourage and work with that.

Supervisor Barry E. Rudisill – fuel station? Any information? No. How about the polling place for the next election? The church withdrew its permission. Still up in the air. Flagpole light? Mr. Gentzler handled it. To Mr. Trout, Texas Eastern granted permission, waiting on Columbia Gas.

Chairman Steven H. Gross, Jr. – leaf pickup is over? Yes. Prepared for snow? Yes.

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

Attorney Driscoll asked about the Estoppel Certificates. Attorney Miller explained the progress. Discussion was held about the deadline for Board meeting, noting that the deadline for inclusion is Thursday; information about this applicant's case wasn't presented until last evening (Monday), then to the Board members today, clearly past the deadline. There are still outstanding issues on the punch list, but it's getting shorter, which is good.

At 10:28, p.m., the Board adjourned to Executive Session. All members voted aye; motion carried. The meeting was reconvened at 11:00 p.m. Motion by Chairman Gross, second by Supervisor Rudisill to adjourn. The meeting adjourned at 11:02p.m.

Respectfully submitted,

David Gentzler,
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary