

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**July 24, 2019**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Stephanie Kogut, Dave 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 the Board met in Executive Session at 6 p.m. prior to tonight's meeting, to discuss litigation. Other than that, the Board has not met since the meeting on June 11, 2019.

**Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of June 11, 2019. All members voted aye; motion carried.**

**Public Comments**

Mike Grotehouse, 1215 Canal Road Extended, spoke. He has concerns about the DHL project. There are still some wet areas presenting a problem. Mr. Trout inspected the area on July 11; Vice Chairman Naylor also walked the area recently, and found that yes, there's still some wetness, which is difficult to explain. The area that's wet is higher than the surrounding area, so it doesn't make sense. Mr. Grotehouse presented photos of water that was visible in the area, saying it looked oily. Is there contamination somewhere? Could a water test be performed? Vice Chairman Naylor requested permission to direct Mr. Trout to get a sample the next time there's standing water at that location. It's important to see what's in there. Mr. Grotehouse also voiced a concern about the lights on the building and how they shine into his backyard. Also, one light is shining on the road curve, which may well affect drivers' ability to see in that area. Shields have been ordered, but will these shields and the bushes be enough? He's also concerned with the view --- it's now a 22' hill, which is larger than originally proposed. More photos were presented. His view of the area has been ruined by this project. Compensation?

There are also retention pond issues—the area is muddy, and the grass needs to be cut (he confirmed that it was indeed cut right behind his property). Also, two security cameras are positioned on the building, and he fears for his privacy.

Showed his water filter with pieces of metal in it, which he feels is a result of the blasting in the area. He never had this problem before.

Darryl Albright spoke on behalf of Brooke and Ron Rodgers, asking when is the road to be opened? The Rodgerses and Mr. Albright have to go out of their way to get to the Rodgers' home, adding several minutes to the trip. Mr. Albright also voiced his concern for public safety on Canal Road, Manchester Street, Route 921, noting that there's only one lane open. Manchester Street and Route 921 shouldn't be shut down at the same time. This could indeed present a bad situation for emergency vehicles needing to get to the area.

Ed Hewitt, 290 Manchester Street, had DEP to his house to look at the spring and the well. This spring has been on his property since 1800. Was the "hydrology" of the water level changed with this project? DEP says it's not their problem. Mr. Hewitt is concerned about what happened to his spring.

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Also, the emergency access drive radius goes across his property. He referred to the plan that the Planning Commission saw at their meeting. [Mr. Hewitt is a member of the Planning Commission.] On that plan, the radius is at the edge of the property line. On another plan, one entire section is in his field. How can that happen? Mr. Trout confirmed that he looked at the area today. He agrees that the little corner is indeed on Mr. Hewitt's property. He asked the contractor to move the line over. Also, they took out the gutter line across the entrance; Mr. Trout will follow up with the contractor. No problem.

Amanda and Scott Lucas, 1235 Canal Road Extended, voiced many of the same issues. Their property is between Mr. Grotehouse's house and the new building. They are concerned with the noise, and the lack of action, despite their reporting the situation to the police. They are also concerned with the light reaching their property. There are no trees planted yet, it's not being mowed; it looks unsightly. Is the fence temporary? Where are the trees? Water is a problem on their property, draining into their yard. They are also concerned about the oily residue that Mr. Grotehouse mentioned, as their well is in the back. This whole thing isn't turning out to be what was originally proposed. The noise interferes with their sleep, and they are both quite upset over the whole situation.

Joel Klinedinst, Chairman Northeastern Sewer Authority; when the sewer line was installed, there was never a road closure. Can't understand how it's happening now.

Dave Bloss requested that the Township property at the corner of Willow Springs and Canal Road be cleaned up. He said it needs to be mowed, and the old political signs should be removed. Mr. Gentzler asserted that the area was indeed mowed, and that the signs were not there when the mowing was done. Mr. Bloss feels otherwise.

Donna Miller, 1120 Conewago Creek Road, brought some fireworks problems to the Board's attention. She knows that the state law has been changed, and, since their garage is *unoccupied*, fireworks are permitted to be used near that building. She presented photos of her garage and fireworks activity from July 6, 2019. Can something be done before something burns down? She did contact the police about the problem. She's afraid that eventually, something will happen somewhere in the Township as a result of fireworks use. In answer to questioning, she stated that there has been no fireworks activity since July 6; there were, however, three dates in June, and it's been going on for quite a while. Police said as long as the fireworks are 150' away from the home, there's nothing they can do. Other neighbors have called the police. The Board will review and discuss.

Darryl Albright spoke again, noting that the road in front of the Township building is in bad shape. Is PennDOT going to pave it? He sees the "End of Construction" signs at end of Mt. Wolf borough line; does that mean that nothing is going to be done past that point? Will PennDOT remove the temporary fill and replace with permanent?

### **Emergency Services Report**

Fire Chief's Report – Vice Chairman Naylor asked about Union's three responses out of the Township in the last month. Eagle Company responded out of the Township quite a few times – why is that? Chief Stevens said he could give no specific explanation. The broad reason is that the call might have been as a result of automatic aid to other areas. Mutual aid is a specific request for response. It was noted that there were several fire police dispatches, perhaps because they have more personnel available.

Also from Vice Chairman Naylor, is it common practice to have non-trained, non-certified persons accompanying the fire company on calls? Chief Stevens confirmed that for short-term rides, yes, that is acceptable, and those persons are certainly limited in their involvement during the call. Bottom line, yes,

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it's acceptable.

There was no Eagle financial report this month; Eagle's chief did let Chief Stevens know it was missing from the report. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to issue the second-quarter payment to Union Fire Company in the amount of \$26,500 AND to hold Eagle Company's payment until a satisfactory explanation is received as to why the financial information has not been included in their monthly reports as previously agreed. All members voted aye; motion carried.** The Board feels that this Motion/action is well within the bounds of the agreement from the first of the year.

### **Special Request**

Triple Crown Corporation – Rolling Meadows retention ponds – Mark DeSanto, CEO of Triple Crown Corporation, was present on the waiver request for fencing.

Mr. Trout still has an issue with this area, namely, the adjoining property owners still have downstream problems, as in standing water on more than half of their 3-acre property. He's received no response from Triple Crown to his requests for action and a resolution to these problems. Also, complaints about mowing have been received. Chairman Gross informed Mr. DeSanto that the Board will issue no waiver approval until appropriate action is taken by Triple Crown Corporation to correct the problems that Mr. Trout cited.

### **Correspondence**

Brunner Island – letter to comment on their air quality permit. Nothing to add.

Animal Control Officer – sent notice that he/she is resigning first of year 2020. Recommended Michelelee Klug, who, when contacted, said she might not be able to handle another municipality. Mr. Gentzler will continue to search.

Garrod property – Act 14 Notification – they intend to submit a water obstruction and encroachment permit application. No action required on this. When does the Township give comments? Anytime, to the Conservation District. Vice Chairman Naylor confirmed that the wetlands are at the bottom of the swale, and also that a stream runs there most of the year. If those wetlands are relocated and filled in, water flow will be stopped to four area properties. Mr. Trout will draft a letter to the Conservation District voicing those concerns.

### **Solicitor's report – Attorney Stephanie Kogut**

- Canal Road Betterment Task Force – discussed a draft of the agreement; waiting for DHL's review
- Update to Motor Vehicle and Traffic Regulation Ordinance—nothing discussed
- General Ordinance Amendments – nothing discussed
- Short-Term Rental Ordinance—the Planning Commission reviewed this Ordinance at their meeting last night; they agreed with what was proposed. They wanted to be a little less restrictive, but there isn't a lot to remove. Air bnb is different from bed and breakfast. Airbnb is a short-term rental use. Vice Chairman Naylor asked if this is actually what the Township wants. Mrs. Masemer explained to his satisfaction that all is covered.
- Park Street sewer extension—nothing discussed.
- 84 Zions View Road – enforcement issues and request for temporary Certificate of Occupancy; title search done; pending PennDOT's approval of the deeds of dedication.
- Codorus stone – nothing discussed
- Hillwood – nothing discussed
- Kling property – questions answered.

- Greenfield --- HOA enforcement options. Hopefully Mr. Miller is figuring out how to deal with abandoned stormwater ponds.
- Chairman Gross asked for a review of Resolution 2014-2, which is authorization for the LERTA program. He feels that the language needs to be re-worked to say that action will be determined on a case by case basis. The Solicitor will provide examples to Board members for August's meeting.

#### **Engineer's report – Byron Trout**

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan -- DEP just issued deadlines for PRP plans. Mr. Trout is working on it; hopefully to submit within the next month or so. Work in progress.

EMT salt building – Mr. Trout obtained some preliminary cost estimates. Estimate for all work including concrete, parking; new gas tanks, etc.: \$445K. Hopefully these estimates are high. It was recommended to advertise for bids, so the salt storage can be accomplished this year. **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to put the salt building project out for bids, reserving the rights to reject the bids if they are over-budget or if they present a timing issue.**

*Discussion:* is there enough time to get this done for the winter salt season? Get the bids out and look at them on the second meeting in August. **All members voted aye; motion carried.**

Rolling Meadows street adoption – the developer has requested street adoption for the next phase. Mr. Trout's punch list accomplished. Mr. Trout reviewed the legal description and plan and recommends adoption. No, he can't guarantee that there won't be utility cuts after the adoption, but there shouldn't be. He contacted Keystone about the mud tracked all over, with a request to get it swept off immediately. Also, he requested no parking trailers with hitches that might damage the new paving. Supervisor Rudisill asked how to get the utilities done before final paving?! Why does it always seem that the final course is applied, then the utility needs to open the road again. What does the road crew think of the Township adopting and plowing the roads? Mr. Gentzler said that the road crew knows that the Township is expanding, with more roads to care for, hence the need a new salt building! The road crew feels it's not a problem. **Motion by Vice Chairman Naylor, second by Chairman Gross, to adopt the Rolling Meadows streets in question per Mr. Trout's recommendation AND to authorize the Solicitor to prepare the resolution which will make this possible. All members voted aye; motion carried.** Resolution to be prepared for the August 13 Supervisors meeting.

Hillwood – release of maintenance surety – there's a maintenance bond in place for street adoption; it's been held for 18 months, plus an additional \$12,219.60 for two years. Mr. Trout's reinspection revealed that all is satisfactory, so he recommended to reduce the maintenance bond in the amount of \$12,219.60. But what about the Dolan property issue? That is actually still pending; Hillwood representatives missed two meetings on this subject, so, sorry, no bond will be released with this issue still pending. Mr. Trout will follow up. The Solicitor was authorized to make sure this bond doesn't expire. NOT SURE OF THE WORDING, AND THERE WAS NO MOTION TO THIS EFFECT.

Rentzel/Mitzel/Waltersdorff – surety reduction #5 – **Motion by Chairman Gross, second by Supervisor Rudisill, to reduce the surety for Rentzel/Mitzel/Waltersdorff in the amount of \$187,425.43, leaving a balance of \$624,532.62, per the recommendation of the Township Engineer. All members voted aye; motion carried.**

**Secretary/Treasurer/Manager's report – Dave Gentzler**

*Sewer Authority* – Minutes are available for review. Joel Klinedinst related that the Authority is having issues with CelonCentric on Industrial Blvd. This business needs to upgrade its sewer capacity by three units; there's been no response to the Sewer Authority's letters. Enforcement will be the next move. Also, on 84 Zions View Road, everyone agrees that the Sewer Authority will not adopt that system until it's inspected and the time for settling has passed (30 days). That means that the residents won't be able to hook to the system until it's adopted. The Authority is moving forward on the Park Street extension and the Canal Road extension. Last building for upgrade has been erected. Saginaw plant is next.

*Recreation Board* – NO minutes are available for review.

*Public Works Director* – nothing to add.

*Zoning Officer* – Mrs. Masemer reported that the residents at 440 Pebble Beach Drive can't use most of their property because of easements. **Motion by Chairman Gross, second by Vice Chairman Naylor, to sign the encroachment agreement for 440 Pebble Beach Drive, per staff's recommendation. All members voted aye; motion carried.**

Also, on the Sherman Street properties for overgrowth situations, more citations will be issued to the repeat offender. On another property, the new owners will work with the Township's regulations to clean up the property and make it look better. Everyone's eager for that to happen.

YCPC wants a representative to the I83 committee -- perhaps Mr. Rudisill or Mr. Gentzler. They'll think about it.

Mr. Gentzler presented two signal-timing resolutions to change some signal timings on George Street. This was done by grant. **Motion by Chairman Gross, second by Supervisor Rudisill, to adopt Resolutions 2019-8 and 2019-9 to change two signal timings on George Street. Two members voted aye; Vice Chairman Naylor opposed. Motion carried.** Vice Chairman Naylor wonders if this is a small example of the tentacle of YCPC reaching into the Township. Caution!

Mr. Gentzler reported that the Township credit card is currently in his name through BB&T. Members' First presented a solicitation to get business; they will provide a credit card in the Township's name. **Motion by Chairman Gross, second by Supervisor Rudisill, to adopt Resolution 2019-7, appointing Members' First Credit Union as an authorized depository and authorizing the credit card account in the Township's name; depositing \$500 for the first year; closing the BB&T account and destroying the old credit cards; AND naming David Gentzler and Shane Haugh as the only authorized users for now. All members voted aye; motion carried.**

**Land Development/Subdivision –**

Land Development Plan, 15 Marianne Drive

There are no outstanding items; the majority of this proposal is in Manchester Township. The Planning Commission recommended approval.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the Land Development Plan for 15 Marianne Drive, subject to any and all open items being addressed. All members voted aye; motion carried.**

84 Zions View – Mark Smalleck, DHL Board of Directors, was present with several other representatives of DHL. Mr. Smalleck apologized for upending the residents' lives with this project. Their project is a warehouse to store and move medical products; the caveat of beginning this project was to open by the end of July 2019. They underestimated the impact of putting this facility next to a residential neighborhood. They moved faster than perhaps they should have in order to meet that end of July deadline. Unfortunately, they didn't follow their business motto of integrity, fairness, and respect. He offered to meet with each resident who's been affected by this project, apologizing, by name, to each

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one present tonight. There's no excuse for what's happened. The company wants to make things right for the residents, the Township, and the applicant. They have a renewed commitment to work with the residents to address their concerns. DHL wants to be a good neighbor.

They'd like to open the doors by July 29, 2019. They know this might not happen, but they want to open as soon as possible.

There was a request to amend the agreement and move products into the facility. Mr. Smalleck admitted that Zions View Road will not be improved by July 29. There's a permitting process that needs to be completed. Also, when they were digging, they hit a fiber optic cable that they didn't know was there, so the digging had to be moved, which delayed things a bit. He admits that there's short-term pain, yes, but he's confident in the long-term gain.

Mr. Smalleck introduced Mr. Saponaro, the project manager, who was present tonight and spoke later. Matt Drobanek, Director of Operations, has moved to the Dover area to be closer to the project.

Chairman Gross, discussed the applicant's request for temporary occupancy for this coming Monday. He reported that the entire Township team (Manager, Zoning Officer, Solicitor, Township Building Code Inspector) advised against granting the temporary occupancy. The Building Code Inspector, Mr. Schilling hasn't done any final inspections yet. The Board cannot overrule the commonwealth code inspector.

Apparently, all inspections scheduled for today were cancelled. Why?

The state board of pharmaceuticals [Mr. Smalleck originally phrased it "the state"] has inspected the property for occupancy and permits will be issued on July 29. Their final inspection will be done on July 29, at 9:30 a.m., and the Board members are invited to attend.

Sewage and electricity permits are outstanding, but Mr. Smalleck feels that the Township can issue the temporary occupancy permit since the temporary systems are operating. What's required?

Mr. Saponaro explained it's the state board of pharmaceuticals doing the inspection for their purposes only. DHL can't move in without the Township's approval.

Mr. Gentzler noted that there's a protocol to follow before occupancy can be issued. The Township needs Pete Schilling (the building code inspector), the Fire Chief, and the Township Engineer to sign off, then the Township can issue the occupancy permit.

Chris McGrath of DHL spoke, confirming what Mr. Gentzler said. The problem is, based on the last meeting with Mr. Gentzler and Mrs. Masemer, DHL was told to get all inspections/signatures. They called for final inspections today; Chief Stevens was to be there today but wasn't (Chief Stevens said he did not receive a phone call giving a specific time, so no, he didn't know when to show up.). Who is responsible for setting up the inspections? Mrs. Masemer said that she will facilitate or the applicant can contact the appropriate people directly.

Chief Stevens related his involvement with this inspection process. Two weeks ago, he had a walk-through on the site and marked the inspection on calendar for today, but for no specific time, as it hadn't been finalized. He was to receive a telephone call to let him know what time the inspection would take place. No phone call received, so he didn't go. The applicants were still waiting for Pete Shilling at noon and called Chief Stevens, but he couldn't make it today, as he was at work. He noted that the pump test is set for tomorrow, Thursday, July 25; he's not available tomorrow morning, but he'll go by the numbers they provide. The applicants thought the pump test was today; Chief Stevens said it was set up for tomorrow, Thursday, at 4:30 p.m. Okay, that's on.

Mr. Smalleck said that there's no expectation tonight for the Board to issue this certificate. Mr. McGrath agrees that they need the inspections. As for the complaint that the trees aren't in place yet, trees can't be planted until October.

Mr. Gentzler stated the Township cannot grant occupancy to permit the business to use the road if the road is not finished. Mr. McGrath said that PennDOT gave them the permit to do improvements. PennDOT can't issue the HOP until the ROWs are complete. The entrance on Zions View Road will be

left alone for now, to enable the contractors to finish Manchester Street. The street is closed now because of the sewer line. The sewer line was never supposed to be in the road in the first place, but the fiber optic line was discovered, and the sewer line had to be moved. The applicants are trying to address the situation as best they can, and they understand the complaints. The goal is to have sewer line done in two weeks and the paving done by August 18. Until then, finalize the ROWs, get PennDOT's second HOP, then resurface the entire road.

Vice Chairman Naylor noted that he and Dave Gentzler were onsite to try to get the road cleaned up. Mr. Gentzler asked the driver to move the stone off the road and was told to "just deal with it." The way it looks, the applicants have made several violations: closing both roads at the same time; working around the clock; structures installed that were not on the land development plan; generators running; wrong lights; fence, berm height; helicopter working for three hours without warning; miscommunications all along the way. Unfortunately, because of this fiasco, the Township residents won't want to see another development for ten years!

Supervisor Rudisill echoed all of the above.

Mr. Gentzler reminded the group that the agreement was that Phase 1 of the road would be done prior to occupancy. He feels that it would not be safe to use the road before it's done. He cannot, in good conscience, advise the Board to grant the permit. Also, the second part of the developer's agreement says that the applicant will participate in the Canal Road Betterment Program, and they haven't done so. Mr. McGrath said that everyone got sideswiped at the ROW dedication process. That part was out of their control. He feels that they've been participating in the Canal Road Betterment process; it's just down to the escrow agreement, and needing an escrow agent, which was just issued a week ago.

Joel Klinedinst advised everyone to make sure the sewer authority is on the Township's punch-list for an occupancy permit because they won't approve the system early.

Chairman Gross noted that the generators running all night have caused numerous complaints, and he thinks this will only get worse when he cuts his corn. He feels that the applicants have disrespected the Township and the residents, even after they were extended the benefits of the LERTA program. He heard that DHL made a sizeable contribution to the local school district. To have the applicant say "what can we do to make it right?" sounds suspiciously like a bribe to Chairman Gross. Other commercial industrial businesses that have moved into this Township have done a much better job than DHL. He's heard that subcontractors are saying "DHL got away with this, we'll expect the same treatment."

Mr. Smalleck countered, saying that it was certainly not a bribe to offer funds for the school district. DHL is not asking for special favors. The Township's expectations are clear, and DHL will comply. The state board of pharmaceuticals will issue its permit but DHL can't operate until the Township gives its approval. They know they won't open on July 29. They will meet and try to exceed expectations.

Vice Chairman Naylor related that he did research on another DHL facility in Indiana. He called the local zoning enforcement officer and was told that DHL didn't follow the rules there and had to be issued a stop-work order. As for the power problem, in March of 2018 DHL started to ask about power; the complete load study was ready in December 2018. Why did the Township not know that the company would bring generators in to provide power until the facility is supplied with power?

Ed Hewitt noted that he can hear the workers swearing from his house.

Amanda Lucas spoke again, confirming that she and her family can also hear the workers' language from their house. The Lucas family has lived here 16 years; DHL has ruined their lives. She doesn't see how it's going to be better for them. She lives in a constant state of agitation, and, indeed, was visibly upset during her comments. How can trees and fences make it better? All the noises echo into their yard, including some unkind comments made by workers to them. She doesn't want to hear the company say, "we messed up." That is unacceptable.

Chairman Gross reported that he has instructed staff, including the Engineer and Solicitor, to keep

an eye on this situation; if the applicants move in, the Township will take the appropriate steps, so be aware. Don't move in and start operating.

**Supervisor's comments**

*Vice Chairman David L. Naylor* – Northern Heights water company damage? Developer was supposed to fix the situation; litigation underway. Several ordinances need attention, such as to standardize emergency entrances and decide the number of entrances for each property for emergency access, changing the setback from an industrial property against R1 zone. The Township needs to protect the citizens' properties. More amendments are proposed.

*Supervisor Barry E. Rudisill* – sidewalks on Board Road where telephone pedestal removed/replaced? No update. Low-impact surfacing for the playground, George Elys was to be contacted. He was not contacted. Whoops. Mr. Trout can check with someone. On George Street, near Church Road, can anything be done about the bumps? Mr. Gentzler says he's talked with Mr. Kaiser... and has gotten nowhere.

*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 Vice Chairman Naylor, second by Chairman Gross, to adjourn. All members voted aye; motion carried.** The meeting adjourned at 9:33 p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary