

EAST MANCHESTER TOWNSHIP
Board of Supervisors
September 10, 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 22 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 August 13, 2019, the Board met on August 28, 2019, to review the Planning Commission's Comprehensive Plan. No other business was conducted.

Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the minutes of the meeting of August 13, 2019. All members voted aye; motion carried. Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of August 28, 2019. All members voted aye; motion carried.

Public Comments

Ed Hewitt, 290 Manchester Street, commented about DHL. He sent a letter to Mr. McGrath about the damage to Mr. Hewitt's lawn. After the initial response by Mr. McGrath, assuring Mr. Hewitt that action would be taken, Mr. Hewitt has heard nothing further. Also, recently the backhoe has been parked on Mr. Hewitt's field. He confronted the workers, who responded with an attitude. Mr. Hewitt requested that DHL replace the damaged shrub and a concrete monument. The mulch issue is fine. Oil spill is still there, despite the applicants' efforts to remove.

Dave Bloss asked about the turning lane at the intersection of Willow Springs and Board Road. Is this a joint intersection? Yes. He noted that when Willow Springs traffic has a green arrow, his tractor trailer can't make the turn onto Board Road. This is a problem. Mr. Gentzler noted that Hillwood purchased all the ROW that is available. Mr. Gentzler will pass comment/concern to PennDOT.

Emergency Services Report

Fire Chief's Report – nothing to add; no questions or discussion.

Special Request

York County Rail Trail Authority – request by Rail Trail to be considered in the Township's budget allocations for 2020.

Correspondence

Darryl Albright – polling location; stream monitoring

Chairman Gross reported that Mr. Albright is advocating for a second polling place in the Township; the County plans to have a second polling place for the 2020 primary election.

DEP Improvement Plan for Chesapeake Bay Watershed – announcement only.

Pennsylvania Hardwoods Development Council – concerned about Townships writing ordinances that prevent logging.

Solicitor's report – Attorney Andrew Miller

- **Motion by Vice Chairman Naylor, second by Chairman Gross, to adopt Resolution 2019-13, opposing the proposed amendment to the Municipalities Planning Code under House Bill 103. All members voted aye; motion carried.**
- LERTA Amendments – Attorney Miller distributed amendments to the LERTA ordinance. A LERTA Agreement is proposed for each property that is approved. This amendment also requires application and approval by the Board before being granted LERTA status. This is a work in progress, and the Board members will have time to review and comment before the next Board meeting. Would it be appropriate to rescind the Ordinance that the Board passed at the beginning of the year? Yes, the Township would need to repeal that Ordinance by way of another Ordinance. There could be a temporary repeal of the existing Ordinance while the new Ordinance is being prepared, advertised, and adopted. Yes, do that, repeal the current ordinance and have a new one ready to adopt at the first of the year. Suspend it indefinitely, then it can be re-enacted at any time. In the new one: if an existing industrial partner should do an addition, make that applicant go through the regular hoops going forward. Will do. **Motion by Chairman Gross, second by Vice Chairman Naylor, to authorize the Solicitor to advertise an ordinance suspending LERTA. All members voted aye; motion carried.**
- FYI – changes to the development agreement for future projects. Staff to review, etc.
- Tax hearing referred to in August? Mr. Miller reported that the appeal was postponed, so he hasn't attended that hearing yet. Stay tuned.

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

EMT Salt Building – the low bidder was Dutchman Contracting, who bid \$419,394.00 for the salt building itself and the concrete pads.

For the parking area and one section of storm sewer pipe, the low bidder was H and H, for \$112,957.

For the fuel tanks, there were no bidders. The tank supplier can assure some bids if the Township wants to re-bid. Materials alone for the fuel tanks was about \$26K.

Mr. Gentzler and Mr. Trout recommended *rejecting* these bids as they are all above the Township's estimates. Mr. Trout reported that there are ways to reduce costs without compromising the ultimate goal.

Vice Chairman Naylor feels that the bids are "too salty" (he just couldn't resist the pun). He feels that the timing is bad; try again in January.

Motion by Chairman Gross, second by Vice Chairman Naylor, to reject all bids and to rebid in the first quarter of 2020. All members voted aye; motion carried.

The request for reduction in surety for Hillwood was *tabled*.

Regarding the spot on the bank that Mr. Grotehouse was dissatisfied with – Mr. Trout made some progress – materials are below the allowable levels, but they still want to know why this is happening. Awaiting further information from the other contractor/engineer.

Check out the oil spill that Mr. Hewitt referred to – Mr. Trout will check tomorrow. He's on it.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – Minutes are available from the meeting of July 22, 2019; and the special meeting of August 7, 2019. Joel Klinedinst reported that they are nearing completion on the main plant upgrade. No bids were received on the effluent line. Received authorization to apply sludge from Saginaw to the farm in Emigsville. The lower bid was accepted to raise several manholes. There have been some personnel issues, which everyone is working through. The next upgrade will be made to the Saginaw plant. Should not be as costly, since this plant is newer. A check was received from SalonCentric for EDU use. Also, there are sink holes on Park Street and Torrey Pines. The Sewer Authority is going to televise those lines before making a decision and proceeding.

Recreation Board – no minutes

Public Works Director – no additions; no questions.

Zoning Officer – Mrs. Masemer distributed a list of citations that she wrote in August. The “problem property” owner has been cited yet again. Each citation goes up another \$100. Frankly, the Township is not interested in the funds; the Board is mainly interested in the clean-up of this property.

MMO Pension – Jennifer calculated the amount to be \$38K – **Motion by Chairman Gross, second by Vice Chairman Naylor, to accept the MMO worksheet, based on Jennifer's calculations. All members voted aye; motion carried.**

Proposed Checkers Restaurant – the old car wash might become a Checkers Restaurant. Discussion was held. We shall see.

HOP Bond, Manchester Street – not discussed at this point. Perhaps at the DHL discussion time.

Mt. Wolf's Workmen's Compensation Renewal – *tabled* for September to clear up a mistake in calculations.

County Convention – **Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the attendance of the Board of Supervisors, staff, auditors, and the tax collector to attend the County Convention on November 14 at Heritage Hills. All members voted aye; motion carried.** Anyone interested, please let Mr. Gentzler know ASAP!

Land Development/Subdivision –

DHL Request for extension of time for temporary occupancy – Chris McGrath apologized to Mr. Hewitt for not responding to Mr. Hewitt's concerns. The shrubbery and the monument will be replaced, and Mr. McGrath apologized for the attitude of the crew.

The project is moving along. Met-Ed completed the power conversion recently – no more generators! The facility has permanent power now. The Sewer Authority approved the sewer connection today. Four items remain on the list: 1) shields for the lights to arrive tomorrow, to be installed end of next week; 2) demolition of other houses -- asbestos abatement completed; to be finished in a week or so; 3) completion of Zions View Road, ahead of schedule, paving tomorrow through the end of the week, then switch lanes; and 4) landscaping to be completed within the next few weeks.

Mr. McGrath noted that the Temporary Certificate of Operation was for 30 days; but work activities will continue through October and possibly November. The applicant has requested an extension of time for the Temporary Certificate of Occupancy (TCO).

In August, the applicant said that there would be about 25 employees on two shifts – there are clearly more, and the hours are more than originally stated. Jim Sapanaro said that the intent of the request for the TCO and the number of employees requested had to do with the sewer situation. He explained that this is a huge building and will indeed have more than 25 employees. There was no intent to mislead anyone.

Mr. McGrath noted that the temporary sewer permit limited the number of employees that could be onsite. Now that the sewer connection has been approved, the building can support more people.

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Vice Chairman Naylor noted that the August Motion to approve the TCO had to do with the road closure. The company can't have full operations without a complete road. Mrs. Masemer reminded the applicant that they're under a temporary work approval from Commonwealth Codes. Mr. Gentzler agreed that the agreement had to do with the road conditions. Chairman Gross referred to the minutes from August to be sure of the wording.

From the audience, Mr. Welty reported that he sees people drive up, move the barriers, drive through, then end up in trouble because they should not have proceeded through the area in the first place.

Mr. McGrath agreed that evidently there was a misunderstanding of intent. So, referring to the minutes from August, does that agreement apply to the point when the road is finished?

Mr. Gentzler reported that because there are too many employee cars going in and out, this is slowing down the construction project. What can be done? Question: is the Township entitled to any damages?

Mr. Miller noted that Commonwealth Codes will not issue a TCO for more than 30 days; that's why it was issued for 30 days. Mr. McGrath thought that the 30 days' time frame had to do with the temporary power and sewer status. Mr. Miller agrees that the number of employees was 50 to get the facility stocked; the Board made a concession to permit that, and now it appears that the applicant misled the Township. Mr. Sapanaro noted that the applicant called PennDOT to say that traffic would be increasing. He reiterated that his understanding was that the 50 employees were based on the maximum number permitted for the temporary sewer hookup.

Mr. McGrath also requested to be permitted to increase the number of employees.

Vice Chairman Naylor reiterated the trouble with the traffic that is affecting the residents.

Mr. Sapanaro noted that the business must go on – how about having the employee's park in another facility's parking lot and be bused to the warehouse?

Chairman Gross spoke, saying it's been too much for an entire year, this is a mess of DHL's own making, and they're asking for special actions. Apologies all around, but it seems like they just want to do what they want to do. It's not a good image that they've portrayed.

Mr. Sapanaro understands that this big project is disruptive – and it was unfortunate because it was such a rush job. No one can change the past, let's work ahead, serve the community and get more businesses into the Township. DHL wants to run the business well for their customers.

Chairman Gross thinks that it might be difficult for DHL to ask for anything in the future based on their track record. Plus – please mow the area! He feels that the applicants' actions at meetings differ from their actions outside the meetings.

Attorney Miller – confirmed that the applicant is asking for 100-plus employees per shift. Just to confirm: over 200 employees per day, on a temporary CO, on an unfinished road? Yes. Did Pete Schilling sign off on the increased number of employees and operations? No. Even if the Board recommends an extension, the Codes officer has to approve, too. Can't operate without Commonwealth's TCO, either.

Road completion? Ahead of schedule – weather permitting, first week of October to be finished.

Mr. Welty – complaint about dust.

Mr. Hewitt feels that DHL has been continually irritating him and other Township residents all through this project. He won't use DHL's services in the future.

Vice Chairman Naylor feels that, until a permanent Certificate of Occupancy is issued, DHL should not be permitted to have full operations.

The Board members are not inclined to act on the applicant's request for an extension of time for the TCO. Now what? The TCO was issued for 30 days. Will a review by Pete Schilling make a difference?

Chairman Gross feels that the company will continue to operate even without an extension of the TCO.

Motion by Chairman Gross, second by Vice Chairman Naylor, to recess to Executive Session. All members voted aye; motion carried. At 8:23, the meeting recessed.

Call to order at 9:06 p.m.

Discussion: Vice Chairman Naylor feels that DHL does what it wants and when. He's concerned with the traffic.

Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the request by DHL for an extension of time for 30 days from today (9/10/19 to 10/10/19) for the TCO with the following conditions: (1) all employees, including management, shall park in another location (ideally the GSK lot) and shall be bussed to the DHL site, starting with the first shift on Monday, 9/16/19; (2) the applicant shall conduct any employment interviews at an offsite location; (3) all delivery trucks shall be grouped offsite and brought to the site in groups of five or more with a lead car to escort the trucks in; (4) the applicant shall satisfy Mr. Hewitt's concerns (replacement of shrubbery, concrete monument as referred to above), with Mr. Trout's office setting the property marker; (5) hours of operation shall be 5 a.m. to 9 p.m. Monday through Friday until the final Certificate of Occupancy is issued; (6) the road work shall be completed by 10/1/19 OR the applicant shall face a \$10K per day penalty OR the Township may seek an injunction to force the applicant to stop work immediately. When the road work is completed and approved by the state's inspector, conditions 1, 2, and 3 above will expire. *All of the above is also conditioned on the Commonwealth Codes inspector Pete Schilling extending his TCO to the applicant.*

Discussion on the Motion: Vice Chairman Naylor feels that with no Motion by the Board tonight, the applicant will keep going anyway. At least this way, the Township has some teeth. It was noted that after the permanent Certificate of Occupancy is issued, there are no limitations on the hours of operation.

Vote on the motion: Two members voted aye; Chairman Gross opposed. Motion carried.

Supervisor's comments

Vice Chairman David L. Naylor – Too much tractor trailer traffic on Canal Road Extended. Plea to the Township Staff – please resolve this dilemma.

Supervisor Barry E. Rudisill – none at this time.

Chairman Steven H. Gross, Jr. – Board Road sidewalk is finished – hooray!

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

Motion by Chairman Gross, second by Vice Chairman Naylor, to adjourn, following a brief Executive Session to discuss a personnel issue, after which no action will be taken. All members voted aye; motion carried. The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary