

EAST MANCHESTER TOWNSHIP
Board of Supervisors
February 11, 2020

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 24 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 January 14, 2020, 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 December 23, 2019. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of January 14, 2020. All members voted aye; motion carried.

Public Comments

Mike Grotehouse, 1215 Canal Road Extended, thanked the Board for addressing the issues with the DHL building. He distributed photos showing the lighting on the building, noting that one of the lights' glare is actually worse now than it was. Also, regarding the security cameras, he had a question; Mr. Trout will look into it. Chairman Gross noted that the Township is still working on the remaining issues. There were some complaints of loud noises over the weekend; Sunday evening after 9:30 p.m., it sounded like there was a small jet plane in the parking lot. Vice Chairman Naylor's windows were vibrating Monday morning.

Denny Dolan, 195 Zions View Road, received a copy of the extensive report on the issues and progress. Perhaps a further discussion later in this meeting when Mr. Dolan's had a chance to read the report. This is still a work in progress, with additional studies being done. [Later in the meeting, Mr. Dolan said he had no further questions, so no discussion was held.]

Emergency Services Report

Fire Chief's Report – No questions. No additions. Reports from both fire companies – great!
Northeastern Regional Police – will re-send the report; nothing to add or discuss.

Special Request

Mar-Ben HOP – no one was present on this request. Mr. Trout explained that this is standard PennDOT form that the Township is asked to sign so that the applicants can submit the application on behalf of the Township for the work to be done. This is on Board Road; public improvements have never been done; the Township said no more permits will be issued until the improvements are completed. Apparently, the applicants are well aware of the Township's position in this matter. **Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the signing of this form, making sure staff is aware that no permits shall be issued until all public improvements are completed; AND to inform the applicants that they need to address the outstanding Sewer Authority issues, too; AND to authorize Mr. Miller to send a letter outlining all of the above. All members voted aye; motion carried.**

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Correspondence

Nothing at this time.

Solicitor's report – Attorney Andrew Miller

- Motor Vehicle and Traffic Regulation Ordinance – Attorney Miller presented the revised draft for the Board's review. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to authorize Attorney Miller to advertise this ordinance for adoption in March. All members voted aye; motion carried.**
- Brunner Island soccer field lease – the lease has been amended. Five-year extension plus two five-year terms after that. Is that still the plan? Mr. Gentzler has not heard from his contact person. No action required on this lease tonight; just looking for authorization to move it along to Talen Energy. The idea is to present this lease to Talen Energy; that way they don't have to do it! Save time! **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize staff to send the letter to Talen, plus make a courtesy phone call to tell them it's on the way. All members voted aye; motion carried.**

Engineer's report – Byron Trout

Inspections
Plan reviews
Correspondence
MS4 and Chesapeake Bay Plan
EMT salt building

Dellinger Road easements – Mr. Trout can add the easement line to the drawings if necessary. Should Attorney Miller prepare the easement agreements? Definitely. Mr. Trout will work with Attorney Miller to make sure he has all the right information.

Re: Mr. Grotehouse's issues with DHL -- Mr. Trout obtained a quote to do vibration testing: \$2,350; plus \$950 tear-down, plus a weekly charge – total, about \$4K to do the testing and follow-up. Can other sites be added? Vice Chairman Naylor suggested another location to monitor. Mr. Trout will get further information on any charges for additional locations and will report back to the Board.

Also related to DHL: Chairman Gross noted that there was a truck stuck in the mud, closing Zions View Road for a while. *They need to get the curbs and sidewalks installed.* Plus, Met-Ed has requested that the old lane remain open so that the utility company can access the poles there. Chairman Gross fears that if the driveway remains open, "it'll just be a playground" which is not acceptable. Mr. Gentzler clarified that the Township is activating the six-month note on the sidewalks to have that work done.

Motion by Chairman Gross, second by Vice Chairman Naylor, to activate the six-month note for curbing and sidewalks on the rest of the DHL plan. All members voted aye; motion carried.

How about the water dump discussed last month? York County Conservation and DEP worked together to at least temporarily resolve the issue.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – Joel Klinedinst discussed the permitting for the plant – assistance with the permit fee? Wait until further information is investigated. Mr. Gentzler did not ask anyone to waive the fee, he said. The plant upgrade is very nearly finished; to be completed by the end of February. Saginaw plant buildings are not actually necessary; upgrades can be accomplished without new buildings. Good news indeed.

How much will the Sewer Authority contribute to the pump station for the Garrod property? Chairman Gross feels that the Sewer Authority shouldn't be contributing at all. Also, the DHL building line still needs some work before it can be adopted. Mr. Klinedinst noted that DHL is aware of all of the work that needs to be done. *No work on the road until that line is fixed.*

Recreation Board – no minutes available.

Public Works Director – no additions to the report.

Zoning Officer – Mrs. Masemer reported that the ZHB has a vacant Alternate position. Also, she presented an encroachment agreement for an in-ground pool at 430 Burberry Lane. The pool will encroach into the stormwater easement but will not be blocking any stormwater. The Zoning Officer and Manager feel that this situation is pretty innocuous and that the request should be granted. Mr. Trout had some concerns that have been addressed. Vice Chairman Naylor noted that the residents knew about all the easements on their property when they purchased; now they want to circumvent the Township's rules to put their pool in? This isn't riding well with him. **Motion by Supervisor Rudisill, second by Chairman Gross, to authorize the applicant and the Township to sign the agreement to accomplish their pool installation AND to authorize Attorney Miller to prepare the Indemnity Agreement. Two members voted aye; Vice Chairman Naylor opposed. Motion carried.**

Conewago Creek Road project is progressing. Also, the Sherman Street property is getting better.

Bids – salt building – good call to rebid the numbers! Five bids; low bidder was Leola Cabinet Shop, d/b/a CGA Construction – good references – salt building bid was \$339,167.49.

Paving – additional parking around the salt building – five bids, low bidder was Fitz and Smith for a cost of \$95,122.40.

Fuel tanks, two bidders, Low bidder was B and F Petroleum, for \$60,490. Seems high. Perhaps *table* awarding this bid to do some further research. Good idea.

Motion by Vice Chairman Naylor, second by Chairman Gross, to award the bid for the salt building to Leola Cabinet Shop, d/b/a CGA Construction for \$339,167.49; to award the paving bid to Fitz and Smith, for \$95,122.40; AND to *table* the award of the fuel tanks until March. All members voted aye; motion carried. Chairman Gross noted that this is within the budgeted amount so there is no need to borrow money or raise taxes. Thousands cheered.

Boom mower quotes – Mr. Gentzler reported that the Township purchased no large piece of equipment last year. The current mower is slowly dying; hence the request for a new one. The Massey-Ferguson mower is preferred by the public works personnel. Chairman Gross isn't sure that this would be a good move, as he's not had good experiences with this brand. Mr. Gentzler gave a comparison between the Massey-Ferguson and John Deere models. It was noted that the Ferguson transmission is better for mowing along the roads, and the warranty is also better. **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize the purchase (budgeted expense) of the Massey-Ferguson mower, entering into the contract with Stevens Equipment Company at a cost NTE \$141,969.92. All members voted aye; motion carried.**

The Township received a copy of the proposed "Intent to Enter" letter from Erdmann Anthony, design engineer for the Canal Road Betterment project. The Board members will review and comment. Perhaps change the title to "Intent to Survey." Good idea.

Land Development/Subdivision –

Orchard Business Park Lot #3, Final Land Development Plan

Dan Creep, Warehaus, was present on behalf of the applicant. Plan dated 10/28/19/; last revision 1/17/20. The Land Development Plan was approved for a 150K square foot warehouse; this plan adds 25K square feet, with no problems with impervious coverage.

Waiver request for preliminary plan, §208-21. Open items have been addressed.

Note 41 on the previous plan doesn't appear on this plan – is this plan part of the Canal Road Betterment Project? Mr. Creep will check into this issue. [Muffled discussion was held.] How about curbs and sidewalks? Both sides of the road? If the work is not requested as part of the Canal Betterment Project, it won't get done. Also, don't forget how this might affect the Sewer Authority lines/pump station. Mr. Gentzler noted that curbs/sidewalks are not included in the Canal Road Betterment Project. Can the Township suddenly request this? From the audience, Blaine Rentzel asked if there's enough room for a ramp to Route 83. A photo was distributed for review.

Discussion of the proposal for the “meadow mix” planting – Mr. Trout is concerned about the tall weeds/flowers within the clear sight triangle. Also, the “mix” has a lot maintenance associated with it, and history hasn't shown a good amount of success. The Board members and Mr. Trout are skeptical. Mr. Creep noted that the applicant proposes to mow the front area to a height of between 6 and 12 inches. If that's the case, so be it. Also, make sure it doesn't get overrun with noxious weeds. Would it be all right to maintain the front of the property at 6 to 12 inches and let the back area operate as it's designed, with a mowing once per year, AND keep the weeds down? *Yes, just make sure that is noted on the plan.* The problem is when the property changes hands, and the agreement isn't noticed or extended.

How about extending the street lights up the north side of Canal Road? Put that extension on this applicant or include it in the Canal Road Betterment Project? Again, Mr. Gentzler noted that this was not an issue previously discussed by the Betterment Committee. How about a six-month note for the additional street lights? Mr. Creep would need to check with the applicant. Vice Chairman Naylor noted that this is the Township's opportunity to make the industrial area look nice or get what the Township wants in that area, and if all the warehouse owners are going to benefit, it might be better for the Betterment Committee to include that.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve the waiver for the preliminary plan, §208-21. All members voted aye; motion carried.

Mr. Creep noted that if the Board is requesting more street lights, it might be good to *table* the plan tonight. He doesn't have authorization to agree to that request.

Attorney Miller noted that there's already a signed developer's agreement and stormwater agreement in place. With the changes proposed in this plan here tonight, Attorney Miller suggested making amendments to both of those agreements.

Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the Final Land Development Plan for Orchard Business Park, Lot #3, subject to the satisfactory approval and addition of the amendments to the developer's agreement AND to the stormwater agreement, including any updated surety information; no noxious weeds, mow 6 to 12 inches in front; add Note 41 to the new proposal. All members voted aye; motion carried.

Core5, Quarry, Preliminary Subdivision and Land Development Plans

Charlie Cortney was present on this plan. Also present: Josh Hoffman, Paul Pontius, and Craig Mellott. Mr. Cortney outlined the changes that were made to this plan since the last Supervisors and Planning Commission meetings. Manchester Township approved the preliminary land development plan in December, and the preliminary subdivision plan was approved tonight.

Josh Hoffman gave the overview of the plan. Three existing parcels, partly in EMT and partly in Manchester Township. The proposal is to create 8 parcels; 5 for land development, 3 not for development. Roads involved: Dellinger Road, Dellinger Farm Court, Emig and Busser Roads, and Mundis Race Roads.

The site is served by public water, internal sanitary sewer with private grinder pump (located in Manchester Township). Several waivers are requested.

With regard to traffic – Craig Mellott outlined the intentions to improve the intersection at Busser Road; a signal is to be installed as soon as PennDOT approves. He discussed an assigned truck route; prohibiting tractor trailer traffic in certain areas where it's too hard for drivers to negotiate, and funneling the trucks to safer intersections. PennDOT was supportive of the idea, and the applicant is working with Manchester Township on this proposal.

Mr. Cortney anticipates that PennDOT might permit the applicant to install the signal at the beginning of the project. Any improvements will need to be made prior to the occupancy of the first building. Manchester Township is requiring a bond for the roads that will be affected by the construction traffic. Construction road will be closed as soon as Busser Road is ready.

Outstanding issues: Township engineer review letter with several outstanding items. The applicant has no problem complying with all of those items. The Solicitor's review letter's recommendations will be incorporated. Rec fees will be paid in lieu of land dedication.

Discussion – Sewer Agreement with Manchester Township's comments was received; no problems there. The Offsite Improvements Agreement was received yesterday. Attorney Miller noted that the developer's agreement will be associated with the final plan. No action required tonight on the Offsite Improvements Agreement; it will be incorporated into the final plan phase.

Is the Board agreeable to the construction access off Mundis Race Road (from Emig Road) until Busser Road is ready? Seems like it will work; seems like the applicant has no choice.

Chairman Gross thought that it was proposed to make the interior roads a circle instead of, essentially, two dead end roads. Mr. Hoffman explained the reasoning and that the connecting road isn't proposed to be paved. Vice Chairman Naylor noted that a full-width paved connecting road would be better, for safety reasons, in case of an emergency situation. Mr. Cortney assured the Board that the connecting road will be paved at the same width, no problem.

Supervisor Rudisill predicts that Mundis Race Road is going to be used as a truck route, unfortunately. He would like to see Mundis Race Road improved all the way out to Sherman Street.

Vice Chairman Naylor feels that Mundis Race Road must at the very least have a new wearing course put down. And place "No trucks" signs. Add this to the truck restriction route? Yes. Mr. Mellott noted that all of this was proposed in the traffic study. *Mr. Mellott will give Attorney Miller the information he needs to add Mundis Race Road to the truck restriction route outlined in the Motor Vehicle and Traffic Regulation Ordinance that will be advertised for adoption in March.*

Vice Chairman Naylor still has concerns for the sight lines of buildings 2 and 3, and the effect on the astronomy club. Mr. Cortney noted that after the lights are up, they will meet on the site with the astronomy people to determine which lights need attention.

Terry Smith, York Astronomical Society, doesn't have a problem with the proposal, as long as there isn't a direct line of sight to a fixture, that one can see the light coming out of the light source. He's all for meeting and checking for trouble, but what guarantee does the club have that an agreement might be reached? How about a note on the plan? A developer's agreement? Mr. Cortney is willing to add whatever language is necessary to assure the club of the applicant's compliance and cooperation. Mr. Smith expressed the gratitude of the astronomy club for the support and cooperation of the Township and the applicant.

Joel Klinedinst suggested perhaps placing signs at the intersection of Sherman Street and Mt. Zion Road stating “no access to Mundis Race Road” or “no trucks over 40’” or whatever, since it’s very likely that truckers’ GPS units will direct the drivers into forbidden territory. Mr. Cortney noted that the project will have a Busser Road address, so that will help.

The proposed walkway to the rail trail meets with Mr. Trout’s approval.

Open items: quarry permit; remove Note 6 on sheet 3.0.

Waivers

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to grant waivers – plan size, §208-34.A; sidewalks and road widening §208-46.B.1, 208-47.A and B on Mundis Race Rd, Dellinger Rd, and Dellinger Farm Court, with six-month notes on all on the Core5 Subdivision Plan. All members voted aye; motion carried.

On the Core5 Land Development Plan, *outstanding items*: from Gordon L. Brown’s letter dated 9/10/19, item 2, stormwater comments; item 3C, sewage planning modules; paving emergency access; Solicitor comments in email dated 2/7/20; security gate for emergency access (Mundis Race Road); complete ring road with full width cartway; curbs on the west side of Dellinger Road; access Mundis Race only from Emig Road; access Mundis Race Road only for construction until Busser Road access is installed, then close Mundis Race Road access and use it only for emergency purposes.

Waivers requested: plan size, §208-34.A; basin side slopes, §199-15.R; cut face slopes maximum 3:1, §208-44.D; fill slopes §208-44.E; setbacks of slopes and fencing required at 4:1 or steeper, §208-44.F; utility profiles, §208-31.4.3.a.4; curbs/sidewalks all roads, with the six-month note, §20-47.A and B; street widening with the six-month note, §208-46.B.1; shared driveway, §208-46.J.

What does the Township want to have done to the Township’s portion of Mundis Race Road? Discussion was held. How far down to improve? All the way to Sherman Street?! Mr. Gentzler noted that in the original discussion, the applicants said that if they are going to do all the improvements to Mundis Race Road, then they were going to use that road more. That’s why the Township backed off of the request to improve it any further. It all makes sense now.

Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the Land Development Plan for Core5, subject to the satisfactory resolution of the open items referred to above: from Gordon L. Brown’s letter dated 9/10/19, item 2, stormwater comments; item 3C, sewage planning modules; paving emergency access; Solicitor comments in email dated 2/7/20; security gate for emergency access (Mundis Race Road); complete ring road with full width cartway; curbs on the west side of Dellinger Road; paving Mundis Race Rd; access Mundis Race only from Emig Road; access Mundis Race Road only for construction until Busser Road access is installed, then close Mundis Race Road access and use it only for emergency purposes. All members voted aye; motion carried.

The Intermunicipal Agreement with the Sewer Authority needs to be approved. Manchester Township made some minor changes. Nothing that affects East Manchester Township, so it can be approved tonight. Attorney Miller and Mr. Trout have approved the agreement.

Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the Intermunicipal Agreement with Manchester Township. All members voted aye; motion carried.

Supervisor's comments

Vice Chairman David L. Naylor – Manchester Street at the borough line is getting worse; sewer line is sinking! Mr. Klinedinst will investigate. No keeping score for permits and fees. It would be better to have EMT pay its own way for whatever comes up.

Supervisor Barry E. Rudisill – None

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Chairman Steven H. Gross, Jr. – Proposed a road survey. Think about a date to do so.

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 Supervisor Rudisill, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:39 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary