

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**January 14, 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 31 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 December 10, 2019, the Board met on December 23, 2019, and in a Reorganization meeting on January 6, 2020.

**Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of December 10, 2019. All members voted aye; motion carried.**

Attorney Miller reported that at the meeting on December 23, 2019, the Board met and discussed DHL with regard to the second amendment to the financial security agreement, payment by DHL of a \$5M letter of credit to secure DHL's participation in the Canal Road Betterment Project, and payment by DHL of a penalty in the amount of \$350K as a contribution to the Township; DHL reaffirmed their commitment to the Canal Road Betterment Project; and the Township issued a Certificate of Occupancy to DHL. Minutes from the December 23 meeting will be prepared and presented for approval at a later date.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes from the reorganization meeting of January 6, 2020. All members voted aye; motion carried.**

**Public Comments**

Ed Hewitt, 290 Manchester Street, said DHL's lights on the building still aren't shielded satisfactorily. Mr. Trout said he did a light inspection. Mike Grotehouse presented photos of the lights to corroborate Mr. Hewitt's story. Also, at the sinkhole on Manchester Street – traffic is now going into the opposing lane. This is in the Borough, and they've been notified.

Mike Grotehouse, 1215 Canal Road Extended, asked if there are restrictions on DHL opening new docks? They've opened five new docks. He hears lots of truck noises. Any progress on the swale around the old Lucas property? Mr. Gentzler inspected and thought it was fine. Not around the old Lucas property; water still stands there. Mr. Trout will look. Also, a structure has been made out of tires which doesn't seem safe or a good idea to Mr. Grotehouse; Chairman Gross said that was there long before DHL was present. Mrs. Masemer will look. How about the security camera on the building – with no trees there now, the camera can "see" into Mr. Grotehouse's property. Also, DHL should be a secure facility—Mr. Grotehouse showed a picture of the gate – no locks, gate hanging open. Not too secure. Another gate securing the pond isn't too secure either. He also mentioned the lights shining into his backyard. Mr. Trout is on it. Also, noise from the a/c units is pretty loud. Mr. Trout's trying to get a company to investigate the situation. Mrs. Masemer noted that some units are being repaired, so this is a work in progress. How about in Starview and by The Oaks—there's been a terrible odor in that area. Mrs. Masemer reported that there was a complaint about the odor; Chairman Gross assured everyone that the transportation of the substance was properly permitted. Yes, it's pretty rank, but all properly handled.

Philip Woods, 380 Old Hickory Road, talked about the lack of a Recreation Board. Question: how willing would the Township be to invest rec dollars to renovate part of John Rudy Park for a baseball

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field? There are 250 kids plus many softball players, many from East Manchester Township. Any possibility of the Township working with the County on such a project? He estimates \$2K for fence repair; \$12-15K for the total project *without* redoing the backstop (obviously just a guess without getting any prices yet). This would include a storage shed and portable fence. Chairman Gross noted that the Township has contributed to John Rudy Park in the past. What kind of assurance would the Park give for field use? Mr. Woods explained that the reservations are operated on a paid permit basis. There's a process for securing the use of the field. He's looking to renovate just one field at this point. Mr. Woods has a contractor in mind to do the work. Other fields are in need of repair, too. Who would maintain this new field? The County plus the organization. Will the County be willing to financially contribute to this upgrade? Mr. Woods didn't ask yet, but he can and will if need be. He's confident that he can find the money for the project. Vice Chairman Naylor wants to make sure that if the upgrade is done, the organization will be assured that field use is available. Mr. Woods will get estimates, etc., and report back. This seems like a good idea, and Mr. Woods has secured funding and gotten excellent results in renovating other fields like he's proposing to do in the Township.

Joel Klinedinst asked about the old driveway to the Knaub property – aren't they supposed to not use this? Still working on interior of one of the buildings; will be closed when the job trailer is removed.

### **Emergency Services Report**

Fire Chief's Report – no additions or discussion. Ambulance club representative reported that there are two MICU staffed units.

Northeastern Regional Police – no comments or discussion.

### **Special Requests**

PPL Soccer fields – upcoming lease expiration – Brent Shirk

No one was present on this issue; Mr. Shirk had brought it to the Board's attention that the lease is expiring. **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize staff to investigate renewing the soccer fields lease. All members voted aye; motion carried.**

Tax exonerations – several people either moved or passed away, so they should be removed from the Per Capita tax rolls. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to agree to the tax exonerations in the amount of \$2,995, based on the Tax Collector's recommendation. All members voted aye; motion carried.**

### **Correspondence**

Nothing at this time.

### **Solicitor's report** – Attorney Andrew Miller

- Motor Vehicle and Traffic Regulation Ordinance – changes were distributed in December. New draft will be circulated for review and comments.
- Resolution to Purchase equipment necessary for fuel tank – not required because of the cost.
- SPCA letter prepared per the Board's wishes. Mr. Gentzler noted that the new director called him to discuss the situation. Investigations will resume; feral cats will be dealt with again.
- CVS collection wrapped up
- Core5 wanted to be here tonight but Chairman Gross declined, as there are already two major plans on tonight's agenda. Oh, what a wise man. They will be here in February.

**Engineer's report – Byron Trout**

Inspections  
Plan reviews  
Correspondence  
MS4 and Chesapeake Bay Plan  
EMT Salt Building  
Checkers – final surety

**Motion by Chairman Gross, second by Supervisor Rudisill, to reduce the amount of Orchard Business Park Lot 6's surety by \$76,722.80, leaving a balance of \$14,121.58. All members voted aye; motion carried.**

Violation notice for 1605 Bartlett site; a response letter was received; the property owner's engineer will be investigating the site on January 17. Mr. Gentzler will be present at that meeting. Mr. Trout will see that Mr. Dolan is informed of this meeting. No time has been set, but when Mr. Trout knows, he will let Mr. Gentzler know.

Mr. Trout received an email from 84 Zions View; they are requesting to dump the water into the storm sewer system as a tributary to their basin system. It would be 10K gallons maximum; 1/week for now – that's a lot of water! 84 Zions View is required to test this water; they don't just want to dump it over the bank, so they asked for permission. What about DEP? Do they have any say in the matter? Mr. Trout thinks not. If the water is chlorinated, is it all right to discharge it? The Board is a bit leery of blessing this discharge without DEP approval and/or involvement. Mr. Trout will follow up.

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

Sewer Authority – Minutes available.

Request to install sewage collection on Canal Road Extended --

Joel Klinedinst discussed the Hillwood agreement – the Sewer Authority is asking if the Township want this area to be sewerred. It would make sense to do the force main and another project at the same time. Vice Chairman Naylor feels that this road (Canal Road Extended) doesn't need public sewer at this time. Can be done in the future. There was no motion to install sewer in this area. Chris Fencel with Hillwood spoke, noting that discussions have been held with the Sewer Authority. Hillwood will do whatever the Sewer Authority and Board of Supervisors want. Josh Hoffman spoke, noting that he will be presenting information later tonight on the possibility of the Hillwood pump station being utilized to sewer this area in the future.

The Mt. Wolf plant upgrade is nearly complete! The Saginaw plant was re-engineered; the UV light upgrade is not necessary.

Ed Hewitt feels that Hillwood should be paying for the residents to hook up to the sewer system because it's being "forced" on the residents. Chairman Gross noted that Hillwood is planning to install a force main, and residents can't hook into a force main. Mr. Hewitt understood.

*Recreation Board* – no minutes available.

*Public Works Director* – no questions or additions.

*Zoning Officer* – additions to the report: Northern Heights submitted plans for the last three building lots. Junkyard inspections done (2); she recommends renewal of the permits. At 1277 Conewago Creek Road, the owner is making progress. At 509 Jerusalem School Road; minor violations are being addressed. There are no outstanding tax issues. **Motion by Chairman Gross, second by Vice Chairman Naylor, to renew both junkyard licenses per the Zoning Officer's recommendation. All members voted aye; motion carried.**

Mrs. Masemer requested some sort of security measures for the office. She said the staff members are a bit fearful when irate residents come in and rant and rave at them. The Board will discuss.

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Vice Chairman Naylor brought up 3900 North Sherman Street – there was a meeting, with some hopeful positive direction. Time will tell. Stay tuned.

Fire Company – workers’ compensation – Mr. Gentzler double-checked the calculations from last month, and they are correct. **Motion by Vice Chairman Naylor, second by Chairman Gross, to pay \$19,205.28 to Mt. Wolf for their fire company workers compensation, AND to pay \$11,503.17 to Manchester for the same. All members voted aye; motion carried.**

#### **Land Development/Subdivision –**

Checkers – Final Land Development Plan – Eric Johnston was present with Don Zeigler, property owner. The Township Planning Commission conditionally recommended approval. This site is a little over one acre; they will raze the car wash; install new curbing and paving; realign curbing to the north; sidewalks; keep the entrance as it is now. A dual drive-through is planned, after comments received from various sources. The restaurant will be a small building, offering drive-through only service; outdoor seating is available if the weather’s good. Public water and sewer. The applicants are actually reducing the amount of impervious surface on this site. Stormwater will still flow to the existing swale. Sewer Authority approval obtained but signatures are needed.

Two waivers; preliminary plan (208-21.A) and formal traffic impact study (Section 208-31.A.3.a.13). Lesser studies have been done, and Mr. Trout’s fine with the information provided.

Outstanding items: Sewer Authority signature; surety and developer’s agreement; proof of waiver granting (disappears if granted tonight).

Any restrictions on the plan about the back of the lot? Yes.

Don Zeigler, owner of the site, explained the use of the freezer.

Vice Chairman Naylor asked what assurance the Board has that the traffic count presented is accurate. He feels that a traffic count is advisable. Mr. Johnston noted that all data was presented at the start of this project. That satisfied Vice Chairman Naylor, with Mr. Trout’s recommendation.

**Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the waivers as presented by Checkers for Section 208-21.A, preliminary plan, and Section 208-31.A.3.a.13, traffic impact study. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the Final Land Development Plan for Checkers, subject the Sewer Authority signatures being obtained and surety and developer’s agreement approval. All members voted aye; motion carried.**

#### **Hillwood – Preliminary Subdivision and Land Development Plan**

Present on this plan: Josh Hoffman, Chris Fencel with Hillwood, Gary Frederick, Ron Lucas, and John Seitz. Josh Hoffman presented the plan.

This site consists of three parcels, with two buildings totaling 1,850,000 square feet at the intersection of Canal Road Extended and Locust Point Road. Access is onto Locust Point Road. After the December 10 Board of Supervisors meeting, the applicants reviewed comments; submitted line of sight drawings; met with the Sewer Authority and identified an alternative route for the sewage. They will be providing a pump station and manhole that the Township can use in the future to sewer the adjacent residential homes. This will indeed require a Township HOP to place the collection piping.

Mr. Hoffman presented the line of sight drawings.

The Township Planning Commission conditionally recommended approval. Mr. Hoffman reviewed GLB’s comment letter vis-à-vis any outstanding items to be addressed.

Waivers requested: utility profiles (Section 208-31.A.3.a.4); plan sheet size (Section 208-34.A); cut face slopes max 3:1 (Section 208-44.D); shared driveway/streets (Section 208-46.J); setbacks of slopes and fencing required at 4:1 or greater (Section 208-44.F); lot depth to width ratio 208-43.C.5.c); street widening/6-month note (Section 208-46.B.1); curbs/sidewalks on Canal Road Extended and Locust

Point Road with a 6-month note (Section 208-47); and riparian buffer zone width (Section 199-20.B). *Mr. Trout requested an easement/ROW to assure access for any future MS-4 work.*

Mr. Fencel noted that discussions are being held on improvements to Locust Point Road as it relates to the Canal Road Betterment Project. The waiver for curb/sidewalks may change depending on the outcome of the Betterment project.

Attorney Miller reported that he recommended several notes to be added to the plan. Payment of rec fees in lieu of land dedicated; proposed note requires rec fees be paid prior to recording of final plan.

Note requiring developer provide a declaration of a covenant dealing with shared stormwater facilities, etc., to be completed prior to final plan approval.

Engineer's comment – require traffic studies on completion of the building to verify traffic to and from the property and if there are variations from the original plan, improvements are to be done. Developer proposed that most roads in this area will be upgraded as a result of the betterment project. How to differentiate traffic from one project or another? Proposed doing traffic count studies from their driveway and proposed thresholds for when additional work should be done; plus putting \$100K in escrow.

Screening from equipment on top of facility – developer would submit details of screening prior to any permit being issued for the shell structure.

Timing of road improvements and developer's participation in the Canal Road Betterment Project. Would commit to being a party to the developer's agreement for the Canal Road Betterment Project. Any bonding due to be paid to an escrow agent prior to bid awarding. Post a letter for 125% of the construction costs.

Timing for constructing the improvements; permits issued at the Township's discretion.

Submit a construction schedule prior to building permits issued, or penalties will be levied.

All improvements on Locust Point to Canal Road and Zions View will be completed before issuance of any occupancy permits.

Mr. Gentzler noted that #3 would be a concern.

Ron Lucas noted that a note will be added to the plan concerning the setback on Canal Road – the setback will be increased to 250' (from 100'), and will be 250' abutting a residential property. The applicant is not proposing a separate building on Lot 2. Might be a possibility of another building in the future.

Vice Chairman Naylor had some questions. Strike out the height of the proposed building. Mr. Fencel noted that with the additional setback proposed, there's a limited number of uses that might be proposed for the rest of the area. Access should be off Canal Road Extended; can add this to the declaration, if required.

Next on Mr. Gentzler's list – updated traffic impact study – John Seitz, TRG, addressed the matter of the traffic studies. Mr. Gentzler feels that 3 months isn't enough time to count the vehicles after completion. How about three years? Gary Frederick, Hillwood, feels that this is a new requirement. Mr. Trout wants to make sure that the traffic counts (for whatever length of time) indicate whether vehicles go to the left or to the right from the driveway. Mr. Seitz said that this information would definitely be included.

Next, Mr. Gentzler is concerned with the timing of the building permit and when the road gets built. Mr. Fencel noted that site work and construction of large building would take roughly 12-15 months. Then road work will begin (assuming the PennDOT HOP is obtained). Chairman Gross noted that the Township will not be doing any of the work or bidding the process. He advised Hillwood that the intersection at Canal Road and Locust Point must be improved asap. Do the road improvements!! Gary Fredericks agrees, wondering how to share the costs with DHL. Attorney Miller explained. Mr. Gentzler affirmed that the Township will not bid the projects or do any of the work, but the Township will add its name to the bid documents. Mr. Fredericks doesn't want to pay for anyone else's share of the project

(understandable), and he will instruct counsel to work with the Township to make this all happen.

Conditional approval might happen, but then the applicant will want final approval and the road work will not be finished yet, and Chairman Gross is adamant that this will not happen again! Building permits won't be issued until the HOP permit is obtained and road work commences, and everyone agrees to that. All good.

Attorney Miller requested that the Board members review notes D and E (of the document that he gave to them tonight) and give Attorney Miller any feedback. Also, look at the amount of the letter of credit and make sure that's a suitable amount. DHL paid 200%, way above the usual 125%. Mr. Fredericks noted that the design will be set in March 2020, so it's easier to calculate when plans are in place, which is why the applicant requested 125%.

As for the traffic counting, how about six months after the building is occupied? Hillwood will be flexible. Clarifying the term "occupancy" will help the matter.

Attorney Miller noted that this is only at the Preliminary Plan stage. If the Board members need more time to digest and review all this information, so be it. It will definitely be returning to the Board for further review along the way.

Waivers: discussion was held on the waiver requested for curbs and sidewalks for the section of Locust Point Road. Chairman Gross feels it's premature to grant that waiver at this time. Whichever way the Board decides, the designer needs to be aware! Mr. Lucas noted that the Board won't be acting on the plan before March, and by that time, the design should be finalized.

**Motion by Chairman Gross, second by Supervisor Rudisill, to grant the waiver requests for Hillwood for the following:**

**Section 208-31.A.2.a.4, utility profiles;**

**Section 208-34.A, plan 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 208-47, curbs and sidewalks on Canal Road Extended ONLY with a 6-month note; and Section 199-47, riparian buffer zone width, adding the ROW per Mr. Trout's request.**

**All members voted aye; motion carried.**

**JUST TO VERIFY, THEY DID NOT GRANT THE WAIVER FOR THE STREET WIDENING, SECTION 208-46.B.1.**

**Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to incorporate onto the plan the comments from Attorney Miller's letter/memorandum dated 1/14/20, as discussed above: AND add that the setback is increased from 100' to 250' from public street ROW AND strike any reference to maximum building height; strike #5A; AND to complete the open items from the Planning Commission's action report dated December 3, 2019. All members voted aye; motion carried.**

**Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the Preliminary Subdivision and Land Development plan for Hillwood, subject to the satisfactory resolution of the outstanding items from the Planning Commission's letter referred to above; AND the additions to the plan in the previous Motion. All members voted aye; motion carried.**

#### **Supervisor's comments**

*Vice Chairman David L. Naylor – none*

*Supervisor Barry E. Rudisill – none; brief Executive Session requested.*

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*Chairman Steven H. Gross, Jr. – none*

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

At 10:30 p.m. the meeting *recessed* to Executive Session.

**Motion by Chairman Gross, second by Vice-Chairman Naylor, to adjourn. All members voted aye; motion carried.** The meeting adjourned at 11:30p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary