

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**April 22, 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, Recording Secretary, and six 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.

**Motion by Chairman Gross, second by Supervisor Rudisill, to approve the minutes of the meeting of March 10, 2020. All members voted aye; motion carried. Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the emergency meeting of March 26, 2020. All members voted aye; motion carried.** Chairman Gross reported that at the meeting of March 26, the Board decided to reduce the road crew by half; office workers were permitted to work from home; no layoffs. Also, between the March 26 meeting and tonight's meeting, the Board met informally via telephone calls; no minutes were kept of those several phone conversations. The Board members decided that the Township will continue to operate as per March 26 minutes. Other than that, no business was conducted.

**Public Comments**

Mike Grotehouse, 1215 Canal Road Extended – any progress on the DHL light or noise issues? No, given the Covid-19 situation. Probably in May. Mr. Trout reported that he has had phone conversations with the sound engineer to verify if his studies will include noise and vibrations. Vice Chairman Naylor is still experiencing noise/vibrations from the DHL site, too. Are the fans on top of the building variable pitched? Unknown. Mr. Trout will talk with the expert about it.

**Emergency Services Report**

Fire Chief's Report – Union Fire Co. and the ambulance association filed reports, no Mt. Wolf report. Vice Chairman Naylor, at Mr. Gentzler's request, went to the ambulance club to sign a document to give them access to the 911 system.

Northeastern Regional Police – Vice Chairman Naylor reported on Monday's police board meeting which was held via Zoom. At that meeting, the board gave approval for Naylor to approach patrolman's association to request extension of their contract, expires at the end of 2020. No other decisions were made. Still using 2019 budget.

Mr. Damon is present tonight – Chairman Gross encouraged him to attend the police meetings. At issue is how much each municipality pays for the services. Once office is reopened, Chairman Gross assured Mr. Damon that he will be provided whatever information he requests.

**Special Request**

Tax Exoneration -- **Motion by Chairman Gross, second by Supervisor Rudisill, to deny the tax exoneration request because the exoneration was under \$10. All members voted aye; motion carried.**

## Correspondence

Tax Penalty elimination – Based on the tax collector’s information, more than 85% of the Township’s residents paid their taxes under discount amount. No reason to eliminate the tax penalty.

## Solicitor’s report – Attorney Andrew Miller

- Motor Vehicle and Traffic Regulation Ordinance – **Motion by Chairman Gross, second by Vice Chairman Naylor, to authorize the Solicitor to prepare the Motor Vehicle and Traffic Regulation Ordinance advertisement for adoption at the Board’s May meeting. All members voted aye; motion carried.**
- Has the Township adopted emergency declaration? No. Would the Board want to do so, in order to receive reimbursements for hardships from Covid-19? At the meeting on the 26<sup>th</sup>, the Board decided that the Township has not experienced any hardship thus far. Does the declaration include police department costs? Does the municipality that it serves have to have an emergency declaration? Would probably help everyone involved. No action taken tonight.
- Brunner Island soccer field lease – nothing discussed.
- LERTA Reinstatement – Attorney Miller previously distributed two LERTA ordinance options for the Board’s review. The change to the number of years has not been made yet; that’s a simple change to make. Attorney Miller suggested a consistent standard that is applied “across the board” to prevent the appearance of impropriety or favoritism. For several reasons, Supervisor Rudisill prefers Option 2. How about the number of years? From Vice Chairman Naylor—how about a sliding scale based on the development and completion of the project? Discussion was held on the benefits and options. Attorney Miller recommended to determine a set number of years regardless of the condition of the property. Supervisor Rudisill thinks the Township should make it as flexible as possible so that it appeals to any number of applicants. So – does the Board want a cap on the value or a differential on the number of years? Must try to mitigate the possibility of any challenges or lawsuits. Also, might want to check how easily Kathy Emswiler can administer a program of this nature. Can it be flexible and easy to understand?! From the audience, Timothy Kinsley, Kinsley Construction, wondered how shortening the term affects everything. Reducing the benefits to the developer would likely result in fewer projects coming to the Township. He presented some calculations to illustrate his point, comparing the number of projects and the number of years and the amounts of the payments. He is in favor of the LERTA program the way it is, with the 10-year program. Chris Fencel, Hillwood, agreed with Mr. Kinsley. The 10-year program is the typical program. He recommends staying as close to the original LERTA program as possible. Bottom line: Attorney Miller will present flexible options for the Township Board to present to the school board. The school board was the entity that brought up the possibility of a 5-year program. Some people feel that industry will come whether or not LERTA is present; Mr. Gentzler disagrees.
- Canal Road Betterment Committee – Attorney Miller gave the update. All documents were presented to the Board and the other municipalities. Given the shutdowns, little has been sent back to him, but he does not anticipate any major comments or revisions. The Core 5 agreements are in the same limbo, review by the Board, etc. Mr. Fencel noted that, based on the last agreements that he saw, they are fairly well ready to go with signing, etc. Attorney Miller feels that, even if the other municipalities have comments, the developers can go ahead and start reviewing the documents. Mr. Gentzler’s conversations with both municipalities indicate that both parties feel that all is well. **Motion by Vice Chairman Naylor, second by Chairman Gross, to distribute the drafts to the developers. All members voted aye; motion carried.** How about

the Hillwood and Core 5 agreements? Present to developers as well? Hillwood, yes, Core 5, not yet. **Motion by Supervisor Rudisill, second by Chairman Gross, to present to Hillwood and Core 5. All members voted aye; motion carried.**

- Park Street sewer extension – nothing discussed.
- Olegg/York County Parks stormwater easement – perhaps for the May meeting.
- Question from Vice Chairman Naylor – we currently do **not** have a LERTA ordinance in place? Program suspended to new applicants. Ordinance was NOT repealed. How about Hillwood, Core 5, and Kinsley – are they afforded LERTA benefits? Currently, they're not eligible; the Township would have to reopen the program. Vice Chairman Naylor feels that the benefits must be offered, since the Hillwood project was started with LERTA expectations. Maybe not Core 5, just yet, per Chairman Gross. No further action taken. From Mr. Fencel: LERTA application is to be submitted at time of building permit application? Yes.
- Executive Session for personnel matters to follow this meeting.

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

Inspections

Plan reviews

Correspondence

Complaints – Dolan property issue still in progress; numbers being studied and reviewed to design a solution.

MS4 and Chesapeake Bay Plan

EMT salt building – low bidder would like to start as soon as he's released to get back to work.

No problems from the Board – rock on when he can.

Triple Crown requested a waiver on fencing requirements -- Mr. Trout advised the applicant to be present at a meeting to discuss the waiver request. Since the applicant was not present at tonight's meeting, he asked that his request be tabled. Vice Chairman Naylor relayed a story that happened earlier this evening – a young child was missing from his home; he was found in a neighborhood pond; fencing was inadequate, and it's quite possible that the child will not survive, so the Supervisors are not likely to grant approval of any pond fencing waiver.

Reverse Subdivision for 900 Second Street – can Gordon Brown's office prepare the reverse subdivision plan? Yes. **Motion by Chairman Gross, second by Supervisor Rudisill, to permit Gordon L. Brown's office to prepare the reverse subdivision plan at 900 Second Street. All members voted aye; motion carried.**

Mr. Trout met with some residents regarding some grading and drainage complaints, all in the Rentzel farm area. A few should be resolved when the development is completed. One will be re-graded. All's quiet right now.

K&S Tooling is under construction. Inspections underway.

How about the Dellinger Road storm water project? There has been some activity there that wasn't approved by Mr. Trout's office.

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

Sewer Authority – minutes are available. Looking for a full-time maintenance person. Formal action taken to permit the Gross property to hook up to DHL line. Why not the other two properties as well? Unknown. Could Attorney Miller ask again? Sure. Plus, DHL must either adopt the line as well or repair it so that the final wearing course might be applied to the road.

Recreation Board – minutes – request to contribute to the baseball field. **Motion by Chairman Gross,**

**second by Vice Chairman Naylor, to approve the start of the Northeastern Little League baseball field project, based on input by all parties involved, with the expenditure of funds NTE \$15K from the Rec Fund. All members voted aye; motion carried.**

Public Works Director – nothing to add. Gut Road? Is that closed every time the water's high? Yes.

Zoning Officer – Mr. Gentzler noted that the Zoning Officer has been processing permits from home and things are ready for when all's opened up again.

**Land Development/Subdivision –**  
Nothing at this time.

**Supervisor's comments**

*Vice Chairman David L. Naylor* – Penn Waste has not been picking up large items and yard waste, even though it is in their contract. They arbitrarily cancelled pickups, posted on their website. Can the Township document any large items that were not removed? **Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the Solicitor to investigate the situation with Penn Waste; AND to send a letter right away to request that they start picking up large items; and to have Attorney Miller draft a letter for presentation to the Board at the May Board meeting. All members voted aye; motion carried.**

Also, last month there was a gentleman present complaining about water dumping. Mr. Gentzler told the Water Company to cease discharging water until the property owner gives permission to do so. Hopefully, the situation is resolved.

*Supervisor Barry E. Rudisill* – save for next month

*Chairman Steven H. Gross, Jr.* – nothing else.

**Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the Manager to hire “The Mop Ladies Cleaning Service” to replace the current janitor, using the current budgeted funds for janitorial services. All members voted aye; motion carried.**

**Motion by Vice Chairman Naylor, second by Supervisor Rudisill to enter into a contract with Middle Department Inspection Agency and Approved Codes Services as alternate codes inspectors, on an “as needed” basis when the regular providers are unavailable. All members voted aye; motion carried.**

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

Chairman Gross reported that, by law, the Township must have a meeting once per month. It was the Chairman's call to have tonight's meeting in person. Appropriate social distancing measures were observed by all in attendance.

**Motion by Chairman Gross, second by Vice Chairman Naylor, to recess to Executive Session. All members voted aye; motion carried. Meeting recessed at 8:45 p.m.**

**Motion by Chairman Gross, second by Vice Chairman Naylor, to adjourn. All members voted aye; motion carried.** The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary