

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**March 10, 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 18 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 February 11, 2020, the Board neither met nor conducted any business.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of February 11, 2020. All members voted aye; motion carried.**

**Public Comments**

Tina from the York Dispatch had asked to speak to the Board; neither she nor someone on her behalf was present. Chairman Gross reiterated that the Supervisors will gladly talk in person but will grant no phone interviews.

James Reandeau, Mt. Wolf, reported that the York Water Company is once again releasing water and flooding the neighbor's property. This discharge water is not going into the storm sewer. It's running at approximately 10 gallons per minute, and has been going on for at least a week. Mr. Trout and Mr. Gentzler will inspect tomorrow morning.

Mike Grotehouse, Canal Road Extended, asked if there's been any progress on shielding the DHL lights. Mr. Trout has followed up; new shields are being made. Also, the situation with the end camera is being addressed. Also, still a lot of noise coming from the building; it's becoming more consistent and louder. Mr. Grotehouse filed a complaint with York County 911 (right after the last Supervisors meeting). Northeastern Regional police spoke to him, nothing that this is an industrial site, and there's nothing the police can do. It's a constant drone; he can feel the vibrations inside the house. Mr. Trout has an update on the estimate to monitor any noise issues. Vice Chairman Naylor feels that it's air vibrations, not ground vibrations. How well one can hear it depends, literally, on which way the wind blows. Mr. Trout can request additional locations to be monitored. Other neighbors can hear the noise, too.

Bob Nace reported a litter problem in Rolling Meadows. Troy Rentzel owns the property nearby and told Mr. Nace that he's been removing siding and cardboard pieces from his property. Mr. Nace can see lots of litter from his house now. Mrs. Masemer can investigate. Also from Mr. Nace, on Hollyhock, the silt fence has been knocked down and trespassers walk in Mr. Nace's woods. Mr. Trout will contact the site foreman tomorrow.

**Emergency Services Report**

Fire Chief's Report – no questions or additions

Chairman Gross asked why does the ambulance attend the Borough's meeting? The driver/representative is on duty and tries to attend the meetings of all the municipalities. If the driver/representative isn't on duty on a meeting night, he or she uses a personal vehicle. Understood.

Northeastern Regional Police – a study was done by the Department based on hours of use, etc. The study revealed that the Township overpaid by about \$15K per year. Also, the amounts that the

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boroughs are underpaying are significant. EMT should keep its position that the other boroughs should pay more. EMT pays 70% and that's it.

### Special Requests

Triple Crown – Rolling Meadows basin review – no one was present on this request. **Motion by Chairman Gross, second by Vice Chairman Naylor, to deny the request by Rolling Meadows not to build the fences around the stormwater pond. All members voted aye; motion carried.**

Hillwood – LERTA reinstatement – Chris Fencel was present to request that the Board adopt a LERTA ordinance (the previous ordinance was suspended in October 2019). Schools have benefitted from the LERTA program and so have the Township and County from increased tax base with businesses coming into the area. Mr. Fencel says LERTA offers long-term value for all. He cited the Canal Road Betterment project to promote working together and increasing the business base in the area. LERTA helps promote the viability of Hillwood's development in the Township and community.

Chairman Gross noted that at the January meeting, there was an agreement as to public improvements to be done. Suddenly, that isn't happening, and the Township is not happy about that. Part of that has to do with DHL, and the Township's sorry that Hillwood's experiencing the fallout from that debacle, but this is what we have now. He feels that Hillwood bears some of the responsibility for what went on with DHL. Mr. Fencel asserted that Hillwood has been cooperating all along. Chairman Gross noted that progress was slow until this past fall, when the pace picked up a bit. Mr. Fencel noted that the company wasn't in a position to make a financial commitment until this past August. He doesn't want his company to be judged by DHL's performance. Hillwood wants to be a good community partner. It was DHL's behavior that affected the Township's decision to suspend LERTA.

Supervisor Rudisill has been working with Attorney Miller and others to decide which proposal for LERTA should be adopted. He's also discussed the LERTA situation with the school board members. Supervisor Rudisill feels that the Board should evaluate the proposals and move forward. No one's making any progress like this.

Gary Frederick, Hillwood, assured the Board that Hillwood's past positive performance should be indicative of future actions. If Hillwood had known how the DHL project was going to progress and then end up, Hillwood might not have been so hasty to cooperate with DHL and permit their project to go ahead of Hillwood's project. Everyone has 20-20 hindsight.

If the LERTA time frame is reduced, might the school board members approve? Yes, a reduction from ten years to five years would suit at least two of the school board members, Supervisor Rudisill said. Would it be possible for one entity to include an application to the program and the other to deny it? Attorney Miller would have to research that situation. Why not ask the school board to give the particulars of what they would like to see and see if the Township can incorporate those requests into the township's ordinance? It would be good to review the two proposals from Attorney Miller and modify if necessary, evaluating each application on a case by case basis.

**Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to develop a proposal based on the school board's requests and the proposals drafted by Attorney Miller, submit such proposal to the school board, and make a decision based on their input, noting that this would be a five-year proposal; AND to authorize Attorney Miller to attend a work session with Supervisor Rudisill, Vice Chairman Naylor, and the school board members. Discussion:** from the audience, Mr. Klinedinst asked does Conewago Township have a LERTA program? Not entirely sure. Check and see if an agreement can be developed that suits both Townships and the school district. *Vote on the Motion:* Two members voted aye; *Chairman Gross opposed.* Motion carried.

EMT trash contract extension, Penn Waste – the present contract expires June 30; it has an extension option for two years. Prices already set in the contract: \$56.15 per quarter; \$65.15 with toter; \$5 for pay-as-you-go option. Prices now: \$52.80 per quarter. From the audience, Joel Klinedinst requested clarification on e-recycling. There's apparently some discrepancy in the information presented and items that are picked up. Let Mr. Gentzler know if items aren't picked up, and he will contact the carrier. Good point to ask for clarification.

**Motion by Vice Chairman Naylor, second by Chairman Gross, to extend the contract with Penn Waste, and inform the carrier that there's been some problem with the large-item pickup items that could use some clarification. All members voted aye; motion carried.**

### **Correspondence**

I-83 Exit 24-28 Implementation Committee – Supervisor Rudisill reported that the study recommended that Exit 26 be installed. The upcoming April meeting is to discuss the procedure of how the improvements to Route 83 will be done and where the new exit will be located. There is a proposal to widen Route 83 to three lanes in each direction. Both Vice Chairman Naylor and Supervisor Rudisill will attend that meeting.

921 Canal Road Betterment Project concern – letter from Janet Miller complaining about traffic – no one was present to discuss further. Ms. Miller is evidently mistaken about East Manchester's position on truck traffic from Strinestown.

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

- **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve Resolution #2020-5, the Sewer Intermunicipal Ordinance. All members voted aye; motion carried.**
- Checkers/4315 North George Street Extended – developer's agreement signed and returned. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve and sign the agreement. All members voted aye; motion carried.**
- 500 Canal Road/Orchard Business Park Phase II, Lot 3 Agreements – **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the amendments to the agreements as presented. All members voted aye; motion carried.**
- 500 Canal Road/OBP Phase II, Lot 3, BOS Approval letter – Attorney Miller explained why Note 41 is actually not needed, as requested last month. **Motion by Chairman Gross, second by Supervisor Rudisill, to waive the condition to add Note 41 and approve the plan with all other conditions as before. All members voted aye; motion carried.**
- DHL, six-month note; **Motion by Chairman Gross, second by Supervisor Rudisill, to approve Resolution 2020-6, authorizing the Township Manager to send a letter activating the six-month note for DHL; AND to reiterate that DHL must close the driveway; AND add any punch list items that Mr. Trout finds. All members voted aye; motion carried.**

From Chairman Gross, the Sewer Authority did not adopt DHL's sewer line – what's the Township's next move? The line's connected and in use; right now, it's still a private line and DHL must bear any cost of repair or maintenance. There is indeed a repair that needs to be made; DHL has been notified of the need for the repair; no response yet. Does the Township have the authority to force the applicant to fix it, since it's in the Township ROW? These open items need to be resolved as soon as possible; Chairman Gross has about had it. Attorney Miller reminded the Board that DHL paid quite a bit in penalty funds. Could that money be used for sewer line repair? That penalty money has nothing to do with DHL's obligation to perform certain tasks in

the first place.

**Engineer's report** – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

EMS salt building – fuel bids tabled from last month – staff determined that the bid received was indeed reasonable, at \$60,490 from B and F Petroleum. Always good to check. **Motion by Chairman Gross, second by Supervisor Rudisill, to award the fuel bid for the salt building to B and F Petroleum in the amount of \$60,490. All members voted aye; motion carried.**

Noise/vibration issues: **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize the increased monitoring at four (4) locations at a cost of \$6,585, with the funds to be paid from DHL's escrow, as long as the test monitors *air and ground* vibrations. If Mr. Trout determines that it only monitors ground locations, this motion is rescinded, and the approval is withdrawn and no such testing will occur. All members voted aye; motion carried.**

Any progress on Mr. Dolan's issue? Mr. Trout reported that an engineering firm has been hired to do a report and file within 60 days. Mr. Trout's on it.

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

*Sewer Authority* – nothing significant to add. Chairman Gross reiterated his position that the Sewer Authority should not be contributing anything to the pump station that Hillwood's building. He's disappointed with the Sewer Authority's inaction to pressure DHL to remedy this sewer line issue. From Vice Chairman Naylor, he was disappointed with the behavior and attitude of the Sewer Authority's attorney at the last intermunicipal meeting. Mr. Klinedinst apologized for that behavior and agreed that sometimes that attorney gets out of hand. Mr. Gentzler noted that the Authority sent a letter noting the repair that needs to be done to DHL's sewer line. The Sewer Authority is requested to put pressure on DHL to resolve this situation. Mr. Klinedinst's understanding was that DHL wasn't supposed to use the line before it was fixed.

*Recreation Board* – nothing to add.

*Public Works Director* – nothing to add.

Quotes for back-up generator – Lefever offered the low bid of \$20,589 for a back-up generator at maintenance building across the street. **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the low bid of NTE \$20,589 to Lefever Electric for a 158-amp back-up generator at the maintenance building, including installation, concrete pad done by Township road crew.**

*Discussion:* don't be talked into a yearly maintenance contract. Mr. Gentzler assured that the road crew will maintain the unit. **All members voted aye; motion carried.**

*Zoning Officer* – addition to the report – there will be a Zoning Hearing Board meeting for a Special Exception to change a machine shop use to another use at 30 Loucks Street; no specific use given, although the applicant did present a list of possibilities. Also, Sheetz will be remodeling, FYI. From Vice Chairman Naylor, regarding the problem residence on Sherman Street – any progress? Mrs. Masemer will inspect next week to check on progress. Deadline is April 1. Stay tuned. From Blaine Rentzel, in the audience, Brendan Mews area – the backyard is full of trash. Also, on Route 24, there's another messy place. Mrs. Masemer will check both. There's also one in Saginaw on the right – already on her list. She's cited the owner. Also, Fourth and York Street, there's a vehicle with an obscene

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message on the rear window. Police called; duct tape put on the message. Car/jeep is parked in the way of visibility.

2020 bid awards – **Motion by Chairman Gross, second by Supervisor Rudisill, to award the materials bids as follows to the low bidders as recommended by the Manager:**  
**Equipment rental to Emory J. Peters, and Stewart and Tate; road work to Stewart and Tate; asphalt to York Materials Group; line painting to Alpha Space; mowing to McCabe's Lawn and Landscape. All members voted aye; motion carried.**

Relative to the bulk pricing on asphalt and micro-surfacing – do the Board members want to conduct a road survey? Yes, please, March 24, 9 a.m. **Motion by Chairman Gross, second by Vice Chairman Naylor, to authorize the Manager to advertise the road inspection for March 24, 9 a.m. All members voted aye; motion carried.**

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

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

*Vice Chairman David L. Naylor* – re: Core 5, Mundis Race Road – feels that there will be a lot of vehicle traffic on that road; consider improvements at Mundis Race and Route 24, possibly a left-turn lane and signs to prevent truck traffic there. He's thinking ahead to the next time Core 5 is before the Board. Should the Township have the applicant do the full overlay from the Township line to Route 24? Also on Core 5: re: traffic monitoring – should we have a standard traffic monitoring agreement for all developments? Who would do that work? Good to have a discussion about this. Thinks that the Township should hire a traffic engineer to present information, instead of just the developer's traffic engineer wrangling the numbers to suit the applicant. Mr. Gentzler thinks that the developer should do the improvements all the way to Route 24 at this point. Thinks it's possible to install a turning lane. If no signal is warranted, would any traffic study differ? Perhaps the Township doesn't really care what the numbers say – the Township sees the need for the turning lane, etc. Vice Chairman Naylor feels that YCPC is shirking its duties in planning the traffic patterns, etc. The county would be responsible for signs, etc.

Fire services – Vice Chairman Naylor requests that the fire company submit a 2020 budget, put in a donation request, and tell what the funds would be used for.

Vice Chairman Naylor spoke to Ron Smith, County Commissioner, to ask what information they're planning to publish on the coronavirus situation. The Board is on top of the situation, and will distribute information as needed.

*Supervisor Barry E. Rudisill* – letter to Mar-Ben? Not yet; on Mr. Miller's list. Talen – phone call about soccer fields? Yes. No response yet; Mr. Gentzler has spoken to someone who says he's never heard anything from anyone about closing the soccer fields, but he will check with other people. Also, Dellinger Road easement – info coming tomorrow.

*Chairman Steven H. Gross, Jr.* – nothing at this time.

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

No Executive Session is requested tonight!

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**Motion by Chairman Gross, second by Supervisor Rudisill, to adjourn. All members voted aye; motion carried.** The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary