

EAST MANCHESTER TOWNSHIP
Board of Supervisors
May 12, 2020

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, 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. Chairman Gross offered to move the meeting to the garage if anyone felt uncomfortable with the number of people in the room. No one voiced any desire to relocate.

The Pledge of Allegiance was given to the Flag of the United States of America.

Chairman Gross disclosed that since the meeting of April 22, 2020, the Board had several Executive Sessions. On May 4 and May 6, both at 8 p.m., the Board had phone meetings with Attorney Miller. At 6:10 p.m. prior to the public meeting tonight the Board met in a brief Executive Session as well. All three Executive Sessions were to discuss personnel matters, which is not in violation of the Sunshine Law, which Attorney Miller confirmed. Chairman Gross reported that Township Manager David Gentzler had unfortunate circumstances while off duty and will be placed on administrative leave without pay, pending further investigation, per the personnel policy of the Township. Due process assures that proper investigation occurs. Chairman Gross also noted that he was greatly displeased with a newspaper article That was published relative to this topic.

Motion by Chairman Gross, second by Vice Chairman Naylor to appoint Dave Naylor to fill the position of Township Secretary; to appoint Kristie Masemer as Assistant Township Secretary; and to appoint Supervisor Rudisill as Township Treasurer, per Attorney Miller's recommendations. These are interim appointments while Mr. Gentzler is on administrative leave and are unpaid positions indeed. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve the minutes of the meeting of April 22, 2020. All members voted aye; motion carried.

Public Comments

Chairman Gross noted that the Board cannot and will not discuss personnel matters in this meeting.

Darryl Albright noted that National Police Officer's Memorial week starts on Friday; flags should fly at half-staff in memory of fallen members.

Mike Grotehouse commented on the DHL site, noting that the seeding of the hill looks unattractive and that there are also some dead trees. Mr. Trout will address tomorrow. Also, please check the ponds to be sure they're draining well. Mr. Grotehouse provided a photo. He also showed a phone video showing what appears to be mosquitos. With Mr. Trout's help, the video was forwarded to Mr. Trout for his reference.

Joel Klinedinst said the Gut Road project is going well and looking great; please put another trash can at the Wago end of the project. Will do.

Emergency Services Report

Fire Chief's Report – Eagle's report was received; Chief Stevens will forward it to the Board members. Chairman Gross asked for clarification on the story of a boat coming into the Township. Chief Stevens explained that, several years ago, a private club did some fund raising and used funds to purchase a boat, but it was never documented nor put into the box assignments. There were no

May 12, 2020

Page 1 of 5

certified boat operators; the boat was to have been sold, but it wasn't. It "appears now and then." A few weeks ago, during flooding on Conewago Creek Road, a driver drove into the standing water. Box assignment for the Township calls for both companies to respond; calls for boat from two municipalities. Mt. Wolf needs to provide documentation for its certified boat operators. Then more recently, there was another water rescue, this time on the creek, for which the normal dispatch was made. Chief Stevens asked for the boat to be present; apparently the trailer was improperly hitched to the truck and the trailer and truck became unattached. York Haven's boat was on the scene, not the Mt. Wolf boat. This was relayed on social media, not favorable to Chief Stevens. Water rescues are not common in EMT.

Very often, there are times when Mt. Wolf's equipment does not appear on the scene because they have no driver. Chief Stevens feels it's better to be more concerned about incidents like that rather than the boat issue. He is tired of being made out to be the bad guy and bullied. Vice Chairman Naylor asked for clarification on the request for funding due to Covid-19. Chief Stevens explained that, with the shutdown, the fire company's fundraising events have been cancelled, plus their hall hasn't been rented, and they have suffered significant losses, at least 10K, mostly from the cancelled shrimp feed. The barbecue event will be held, but that's a much lesser fundraiser. Eagle Company has some losses as well, but they have not made a request for funds.

Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the disbursement of 55K, which is half of the budgeted allotment to Union/Manchester Fire Company. Discussion: is this request for both companies? *Motion RESCINDED for a clearer direction.*

Motion by Supervisor Rudisill, second by Chairman Gross, to, contribute 55K to each fire company, Union and Eagle. Two members voted aye; Vice Chairman Naylor opposed. Motion carried.

Northeastern Regional Police – no meeting was held since April 22.

Special Request

Brick mailbox – 195 Lynne Drive – built prior to stay at home order; resident actually called the wrong municipality for permission to construct this mailbox. Anything other than wood, plastic, metal post has to have ZO approval and the Mailbox Indemnification Agreement. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the mailbox construction at 195 Lynne Drive and sign the indemnification agreement. All members voted aye; motion carried.**

Fence in easement at 145 Hollyhock Drive – the resident would like to place fencing within a 20' wide stormwater easement that is situated at the rear property line; the township engineer says that water would flow through the type of fence proposed; two staff inspectors say it might obstruct the water. Discussion of a property that followed the ordinance a few homes down; if approved 145 Hollyhock would not be following the ordinance.

Fence in the easement was also proposed for 430 Hollyhock Drive, which is on a different block of homes – the resident would like to place a fence within a 20' wide stormwater easement that is situated in the middle of the rear yard. Other homes within this block have been approved by the board with an encroachment agreement signed and to place a fence that will not block that easement.

The concern for any request is the future – residents may forget that the area is an easement and put up a shed or plant trees in the easement. Part of the problem is that the placement of 430 Hollyhock Drive's easement is simply poor planning and does not allow the resident to utilize the yard, while the other property's easement still allows the resident to adequately utilize their yard.

Based on staff recommendation, Motion by Chairman Gross, second by Vice Chairman Naylor to deny the request for fence in easement at 145 Hollyhock Drive. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the request for a fence within the easement at 430 Hollyhock Drive, based on staff recommendation, provided the applicant supplies the fence detail. All members voted aye; motion carried.

Correspondence

Storm drainage, 15 and 25 Burberry Lane – Mr. Trout received a complaint that a 4” French drain encroached across a property line; landscaper fixed the problem.

Community Development Block Grant – letter from county commissioners – Mr. Trout isn’t aware of any low to moderate income areas in the Township, so the Township likely isn’t eligible. Other possibilities would be for an MS 4 project. Joel Klinedinst recommended re-submitting the project from Saginaw, since that money was formerly awarded and withdrawn. **Motion by Supervisor Rudisill, second by Chairman Gross, to authorize Mr. Trout to reapply for the block grant for the Saginaw project. All members voted aye; motion carried.** Mr. Trout will indeed look into it.

Motion by Vice Chairman Naylor, second by Chairman Gross, to vote to maintain the interest in the program for 2021 through 2023. All members voted aye; motion carried.

Solicitor’s report – Attorney Andrew Miller

- **Motion by Vice Chairman Naylor, second by Chairman Gross, to adopt Ordinance 2020-1, the Motor Vehicle and Traffic Regulation Ordinance. All members voted aye; motion carried.**
- **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to adopt Ordinance 2020-2, the LERTA Reinstatement Ordinance. Two members voted aye; *Chairman Gross opposed.* Motion carried.**
- **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the Escrow Agreement Amendment for Canal Road. All members voted aye; motion carried.**
- **Motion by Vice Chairman Naylor, second by Chairman Gross, to approve Resolution 2020-7, seeking immediate reopening of York County, including East Manchester Township.**
Discussion: the Township never declared a disaster order, so technically they’re not eligible for any funds, but there weren’t any costs incurred. Technically the shutdown order didn’t shut down municipal governments. The purpose of the resolution is to encourage the opening of other businesses. ***Vote on the Motion: All members voted aye; motion carried.***
- Copies of Easement Agreements for Rudy/Golotin property distributed relative to the stormwater issue previously discussed. No action required yet; Mr. Trout will meet with the property owners; the Board can take action at a later date.
- Core5 Agreements – Board members received the drafts; Core5 is still waiting for copies to review. Is the Board okay with forwarding to Core5? How about the improvements to Mundis Race Road? Yes, forward to Core5, noting that the agreement is subject to the Planning Commission’s review and action.
- Canal Road developer’s agreement – Manchester and Conewago Townships’ comments have been incorporated into the draft; both municipalities have approved the revised agreement. Okay to distribute to developers to keep it moving? **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to authorize sending to the developers in the interest of progress. All members voted aye; motion carried.**
- Penalties for violation of municipal waste agreement – was that letter sent? Attorney Miller sent the letter to Mr. Gentzler, but it’s unknown if it was actually sent out. Penalty \$600 per incident for large items not picked up. Tomorrow is normal pickup day, large item pickup is included in

the contract, so perhaps the items especially at 50 4th street will be picked up. Large item pickup was to resume on May 4. Perhaps pay attention to this for the next contract negotiation?

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

MS4 and Chesapeake Bay Plan

EMT salt building

A stormwater complaint was received from a resident on Poplar Lane who said he now has a steady stream of water running through the back yard. Mr. Trout asserted that the only work done in the area was the water main extension by York Water Company, which is probably 200' away from the resident's backyard. He feels that there is no way to make the assertion that the extension caused this problem. Are there natural springs in that area? Mr. Trout can't possibly put a cause to the problem. He will send a friendly letter.

FYI: May15 at 10 a.m., pre-construction meeting with contractor for the salt building. Start date May 26.

Dellinger Road – can Mr. Trout proceed with getting the easement signed? Yes!

Starbucks/Dolan drainage issue – Trout contracted Warehaus to give information. He will contact Mr. Dolan to update him.

Secretary/Treasurer/Manager's report

Sewer Authority – Joel Klinedinst reported that the last two meetings have been electronically held. Projects are moving forward as permitted. "Hidden surprise" at the main plant – 36' main that feeds the plant needed to be corrected. All good now, except the pressure was increased and a line burst, but was repaired satisfactorily. The Sewer Authority is finding little issues here and there with the system, indications that the original project installer cut some corners, unfortunately. Also, the project on Manchester Street had the go-ahead, but the quarantine interfered with the progress. It should be starting up again shortly. Loose ends on the DHL line are being addressed. Only two staff members at the Sewer Authority have opted to stay at home during the quarantine.

Recreation Board – no minutes -- Vice Chairman Naylor reported that the Brunner Island agreement runs out May 31; if no lease renewed by that time, Vice Chairman Naylor recommends discontinuing the maintenance that's being done. Attorney Miller is keeping in contact on this project. Perhaps, since no soccer events are being held, the frequency of the mowing can be decreased. Also from Vice Chairman Naylor, Phil Woods contacted him regarding the Rudy Park project – Rudy Park is on board. Portable boat ramps to be installed at Gut Road; Township personnel will do the work.

Public Works Director – report filed. No further additions or discussion.

Zoning Officer – Planning Commission will meet on May 26. On the Agenda is Core5's final SD and LDP. Zoning Hearing Board meeting will be held via Zoom on May 28 for 30 Loucks Street, request for Special Exception for non-conforming use on the property. Food truck discussion – a resident is apparently upset that the Township was not permitting soliciting/peddling in the Township during the quarantine. This person wrote a letter to the governor, who said it's a local issue. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to permit food trucks as long as they practice appropriate social distancing and operate in accordance with the ordinance which requires the food trucks to be on private property, with permission from the property owner, with indications of where the line would form, etc.** *Discussion:* since the Board passed the Resolution to encourage reopening, this would fall under that. This would be the same as a snowball or ice cream truck. Does this include all peddling? Just deal with the food truck request for now. *Vote on the Motion: All members*

May 12, 2020

Page 4 of 5

voted aye; motion carried.

Yard sales – application received for this weekend, not approved yet. Encourage reopening – go ahead and approve it.

On a Zoom meeting, are the Zoning Hearing Board members prepared to deal with someone who cannot join the meeting via computer? Yes, the ZHB attorney is handling it all. It was noted that for Zoom meetings, there is a call-in option, using a regular telephone.

Bob Nace, from the audience, referred to Core5 and Dellinger Road. The Planning Commission will be looking at that plan in two weeks; anything that they should know about? The proposed storm sewer project ties into Dellinger Road, and Mr. Trout says all's good.

Land Development/Subdivision –

Nothing at this time.

Supervisor's comments

Vice Chairman David L. Naylor – Should the Township do a road survey? Yes, but can it be put off into June? Look at Brickyard and Shady Lane in particular. A packaging company wants to make a donation to the emergency services in the Township, and Vice Chairman Naylor directed the representative to the appropriate person. Vice Chairman Naylor noted that he has been into the office daily, and the staff and road crew have done a phenomenal job, what with the unusual circumstances all around these days.

Supervisor Barry E. Rudisill – nothing at this time.

Chairman Steven H. Gross, Jr. – Chairman Gross reported that the Township staff was never laid off; they were working from home. Staff reported back to the office on May 4, then the “unique challenge” presented itself, and indeed, the staff members have performed admirably. No one missed a beat.

Township audit received; available during normal business hours.

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 8:54 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary