

EAST MANCHESTER TOWNSHIP
Board of Supervisors
July 14, 2020

Present: Chairman Steven H. Gross, Jr.; Vice-Chairman David L. Naylor; Supervisor Barry E. Rudisill; Attorney Andrew Miller; Manager/Secretary/Treasurer Kristie Masemer; Roadmaster Shane Haugh; Engineer Byron Trout; Zoning Officer Brittany Kohler; 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.

The reporter indicated that she will be recording tonight's meeting.

Motion by Chairman Gross, second by Supervisor Rudisill, to appoint Brittany Kohler as Zoning and Codes Enforcement Officer for East Manchester Township. All members voted aye; motion carried.

Since the last meeting, Chairman Gross's father-in-law passed away, and he received flowers and cards from caring friends. Many thanks.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the regular meeting of June 9, 2020. All members voted aye; motion carried.

Chairman Gross disclosed that since the meeting of June 9, 2020, the Board members met on June 17, 2020, for a road inspection. The Minutes from that meeting are not available yet. The majority of the Board did meet twice for Zoning Officer interviews.

Public Comments

Steve Hildebrand commented on the speed limit postings on Jerusalem School Road, saying it was way out of line to set it at 30 mph. He feels that it was "so that the Township can raise it to 35 and say something was done." He requested a copy of the report at the Township office, and it could not be produced due to an office relocation. He was told that the study couldn't be done on a short stretch of road. He's asking for the speed to be 40 mph, which it evidently was prior to it being lowered to 30 mph. Chairman Gross noted that other residents have voiced the same concerns. Vice Chairman Naylor confirmed that there are sections that warrant lower speeds, and sections that can be taken faster. The Supervisors' road inspection/driving test indicated that the speed would be good at 35.4 mph. Mr. Hildebrand feels that motorists drive the road between 40 and 50 mph. Also, it was noted that there are a fair number of deer in that area, which has been hazardous to drivers.

Mike McGuigan, Don Rene Road, agrees with Mr. Hildebrand. He's never seen any issues traffic-wise on that road at the higher speed.

Mr. Dolan asked if there's any progress on his drainage situation. Mr. Trout reported that he has finished his review of the report submitted by 1605 Bartlett Drive's contracted engineer and doesn't think the report addresses the situation properly. He is working on a letter of response and will see that Mr. Dolan gets a copy of the report and his response. He apologized for not keeping Mr. Dolan up to date. How about the vacant Tome property? Someone mows periodically. Mr. Trout will follow up.

Roger Welty, 165 Zions View Road, asked when will his yard and the "speed bump" in the road be fixed? He's getting sediment in his well now and is testing.

Mr. McGuigan spoke again. He doesn't understand the rule that doesn't permit two driveways on one's property. That would be in the Driveway Ordinance. He's not permitted to put a driveway to his

detached garage. He was permitted to build his pole building, but he cannot access it. Mrs. Masemer noted that the staff has “gotten smarter” on these requests, looking ahead to the access to the building. For his situation, he will proceed and wait for guidance from the Township.

Ted Evgeniadis asked about the soccer field lease with Brunner Island. Attorney Miller gave details of the proposed lease agreement, which was slated to be addressed/discussed later in this meeting. Two different versions of the term and the renewal time. Rent is still \$1. Mr. Evgeniadis advised that there’s a history of buried ash under those soccer fields. He recommended caution, not wanting to expose any soccer field users to ash and its components. Chairman Gross said he’s heard the exact opposite concerning the soccer fields for their use the past 15 years, that nothing harmful has ever been detected or reported.

Emergency Services Report

Fire Chief’s Report – Chairman Gross reported that Mt. Wolf did indeed provide a report, after numerous requests. Chief Stevens had nothing to add to his report. He noted that the reason that Mt. Wolf provided such a good report is likely due to Mrs. Masemer’s influence. Well done.

EMS Coordinator Bob Cramer reported on the number of Covid-19 cases reported. He noted that the local urgent care has been designated as a Covid-19 hot site, FYI. Mrs. Masemer was told that the site is not a Covid-19 site, so there might be some conflicting information. Mr. Cramer will double-check.

Northeastern Regional Police – Vice Chairman Naylor noted that York Area Regional approached the Northeastern Police about a possible merger.

Special Request

Tax collector question – because the County decided to defer the penalties on the real estate taxes and because the municipal taxes are mailed with the real estate taxes, how should she handle if anyone pays at the penalty phase? Follow the County recommendation? Yes, to avoid an administrative nightmare for the Tax Collector. **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to instruct the Tax Collector to follow the County recommendation and not charge the penalty.**

Discussion: Attorney Miller recommended that this be accomplished via Resolution. **In August, the Board can adopt a formal resolution for the remainder of 2020. All members voted aye; motion carried.**

Correspondence

YCPC Regional significance and impact -- 1400 Church Road, medical office – to generate 1000 vehicle trips per day. John Seitz, TRG, noted that this is the intersection of Roosevelt/Bull Road and Church Road.

YCPC I-83 representation – asking for an additional person to serve on the Steering Committee for the improvements to Route 83 from Exit 24 to 28, new exit for Canal Road, Exit 26. Supervisor Rudisill is currently serving on this committee. **Motion by Chairman Gross, second by Vice Chairman Naylor, to have Vice Chairman Naylor serve as alternate on the I-83 Steering Committee with Supervisor Rudisill as the representative. All members voted aye; motion carried.**

YAMPO seeking nominations – anyone to nominate? Term: January 1, 2021, to January 1, 2025, would like someone from a lower-income area. **Motion by Chairman Gross, second by Supervisor Rudisill, to nominate Vice Chairman Naylor and Shane Haugh to the YAMPO Committee as the Township voting member and alternate. Two members voted aye; Vice Chairman Naylor light-heartedly opposed. Motion carried.**

Solicitor’s report – Attorney Andrew Miller

July 14, 2020

Page 2 of 6

- Starbucks' driveway restrictive declaration – Discussion was held on what the applicant agreed to do (closing off of the driveways), and whether this declaration echoes those agreements. Vice Chairman Naylor is looking for the permanent closure of Entrance C. Attorney Miller will make the appropriate revisions on the Declaration. The Board informally authorized Attorney Miller to send the amended paperwork to Starbucks for their review and input.
- Jerusalem School Road speed limit traffic study has been completed. Vice Chairman Naylor recommends keeping from DonRenee to Codorus Furnace at 30 mph; then from DonRenee to Sherman Street, 40 mph. Is there a liability issue? Vice Chairman recommended *tabling* this issue until further information can be researched.
- Brunner Island soccer field lease – Township remains responsible for maintenance and/or improvements on the site; restore the restriction for no penetration of the top 12" of soil; Township has a right to terminate the lease with no further obligation to maintain the site. Mr. Evgeniadis from the audience asked about the closing of the fishing area access. He'd like to see it be reopened. Perhaps, after the soccer issue is resolved, the fishing access might be addressed. The Board gave Attorney Miller permission to proceed with the Brunner Island soccer lease, with Attorney Miller's recommendations for amendments.
- Manchester Street sewer connections – Attorney Miller asked Chairman Gross to recuse himself from this discussion, as his properties are involved. Attorney Miller outlined the steps required to have the properties hooked to the sewer. DHL has given approval for this process. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve this process and that the Township, at its discretion, may approve invoices up to \$12K, to connect three properties; tap-in fees to be paid now, out of escrow, for a total of \$13,250. Motion and Second RESCINDED.** How about the fourth property owned by the Rodgers? More research needs to be done. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to table action on this issue to permit further research. Two members voted aye; Chairman Gross abstained. Motion carried.**
- Core5 Partners/Codorus Stone site – nothing discussed at this point. Plenty discussed later in the meeting.
- Surety bonds – JPM – submitted in November – **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to authorize the Chairman to sign the original bonds for Northern Heights. All members voted aye; motion carried.**
- NEYCSA Agreement -- current agreement is expiring soon. All parties will need to discuss an extension of that Agreement. Keep this on the agenda to remind the Board to meet with others. The three Supervisors will figure out a date to meet with Mr. Klinedinst and Mr. Nace.

Engineer's report – Byron Trout

Complaints – met with property owner on Conewago Creek Road; proposed a solution to the problem. Hopefully this addresses the final issue. If Mr. Trout ever feels that any complaints are not legitimate, please let the Board members know.

EMT salt building – concrete walls poured; adjustments made. Should be plenty of time to let the concrete cure satisfactorily.

Mr. Trout met with Oleg Golotin to sign the easement for the storm sewer site on Dellinger Road. **Motion by Chairman Gross, second by Supervisor Rudisill, to enter into the agreement with Oleg Golotin on Dellinger Road. All members voted aye; motion carried.**

Vice Chairman Naylor asked Mr. Trout check on the fall-distance on the cell tower location. Will do. Couple of other minor issues for Mr. Trout to check on as a result of the road inspection.

How about the progress on the vibration and noise issue that was being tested? Contract is signed;

to be progressing.

Secretary/Treasurer/Manager's report – Kristie Masemer

Sewer Authority – minutes available. Joel Klinedinst reported that the Authority does not normally charge reservation fees. Hillwood will be paying their tap-in fees as required. Also, the problem with the UV system has been corrected by the factory. Vice Chairman Naylor reminded him that Manchester Street at the borough line is still sinking. They're aware of it. Hopefully by the end of the year...

NEYCSA audit – everything looks good.

Zoning Officer's report – ZHB meeting on July 23, on the tabled case from last month, plus the case of Jennifer Ostrander, the fence within an easement. The hearing will involve an appeal of the permit denial, plus a request for a Variance, just in case. The Planning Commission will meet on July 28 to discuss Hillwood's final plan. Brittany is being trained in her Zoning Officer duties. She and Mrs. Masemer have aggressively started pursuing code enforcement since that rather fell by the wayside during the staff transition. So far, they've sent out 20 notices. Mrs. Masemer met with Kinsley about mowing at OBP – someone retired, so that transition is progressing and the mowing will be done. Chairman Gross asked does the Township need to be represented at the ZHB hearing on the denial of the fence permit? May not be needed due to the action being a permit with the Board assisting the Zoning Officer with discretion. Attorney Miller suggested that the Ordinance might be amended to deal with similar requests.

Recreation Board – no Board currently

Public Works Report – Mr. Haugh reported that the Township can indeed raise or lower the speed limit on Jerusalem School Road within 5 mph from what the study generated. Attorney Miller suggested that the study be repeated on the 40-mph proposal.

NEYSCA invoice -- there's a \$3,900 bill that Mr. Haugh thought the Sewer Authority was going to pay for work done last fall on Tory Pines and Park Street. The Sewer Authority claims, following a camera trip, there's nothing wrong with those lines, so the SA is not responsible for that bill. The Board members agreed that the Township should pay this bill, since the "agreement" was with the previous Township Manager and cannot be proven either way.

Mr. Haugh requested that when he presents a problem to the Sewer Authority, the SA run the camera through the lines pretty quickly. Okay. It took month for the SA to camera the lines.

Underground fuel tanks are being removed on Thursday.

DHL hasn't followed through with the required landscaping on the site. Also, wasn't there a special resolution to get some items done, like curbing and sidewalks?

Land Development/Subdivision –

May Planning Commission minutes were available for reference to the Core5 plans.

Core 5, *Final Subdivision Plan* – Jim Snyder was present on this plan. Charlie Courtney, and Paul Pontius were also present. Three existing lots to be combined; then subdivided into 8 lots. Planning Commission recommended approval in May. Mr. Snyder reviewed the outstanding items on the Planning commission Action Report dated May 27, 2020. Manchester Township approved this plan earlier this evening according to the representatives. **Subdivision waivers approved with the Preliminary Plan:** Section 208-34.A, plan sheet size; Section 208-46.B.1, street widening Mundis Race Road, Dellinger Road, and Dellinger Farm Court; Section 208-47, curbs and sidewalks on Mundis Race, Dellinger Road, and Dellinger Farm Court, except for a short section.

The Board members will look at the Land Development Plan before taking action.

Core 5, *Final Land Development Plan* – Same representatives as above present on this plan, which involves Final Phase 1, the first building (this parcel and building straddle the municipal line), improvements, and road extension. Planning Commission also recommended this plan for approval.

July 14, 2020

Page 4 of 6

There are a few outstanding items from the Planning Commission Action Report dated May 27, 2020.

The Township is proposing a full overlay from the Township line to Sherman Street. The applicants are balking at this suggestion. Pavement leveling also needs to be done. Also, the staff and one board member, Barry Rudisill, met with the York County Parks representative to discuss the curbing along the rail trail – there's a safety issue – need to prevent traffic from jumping the curb. The County would like to see jersey barriers in that area. Also, regarding the LTAP report on Mundis Race and Sherman Street – a stop bar is proposed for safety, and there were some other recommendations: check with PennDOT on Route 24, and street lighting. Discussion was held on fog lines on Mundis Race Road.

Discussion was held on the request for jersey barriers along the stretch of road nearest the trail. Mr. Courtney said that the applicants certainly would not be able to comply with all the requests. They can offer the Township some funding to address the situation.

Access to the site from Mundis Race Road was discussed. The trucks are prohibited, but there will be a fair amount of employee car traffic using that access.

Vice Chairman Naylor asked about the slopes.

How about swapping rec fee funds for the improvements to Mundis Race Road? Might that be a dangerous precedent? Per Attorney Miller, the case can be made that the improvements are recreation-related because the purpose relates to the safety of the rail trail users. Discussion was held on the costs of the jersey barriers, installation included or not. Kinsley gave Mr. Courtney a price for these barriers, which was much lower than the prices that Mr. Trout found. Can the applicant and Township work something out to satisfactorily resolve this situation? Should the Township get an estimate from Kinsley on the barriers?

Attorney Miller noted that the applicant is asking for some other changes to the road improvements, such as relief from getting HOP permits before doing improvements. This matches Manchester Township's approval of this proposal.

They want to give one update to the traffic impact study after the first building is completed.

Road improvements are clearly the sticking point to the resolution of this plan. Attorney Miller outlined the changes that were made to the developer's agreement.

The applicants want to avoid situations wherein the Township withholds permits pending an agreement on any issue. Mr. Courtney noted that agreements and conditions that Manchester approved are included in the EMT documentation to make sure that both parties conform to the same conditions.

The Board members just want to make sure the Township doesn't get burned with this project like it got burned by the DHL project. The applicant doesn't want the project to be delayed any further.

Would it be possible to forget the additional road improvements and accept the recreation fees? Vice Chairman Naylor is reluctant to trade recreation fees for road improvements. He doesn't want to rush into any approval. Maybe the Board could meet on the fourth Wednesday of July to continue this discussion. That would not make the applicants wait as long as another month, and it would give the Board time for discussion and estimate-gathering. Vice Chairman Naylor still wants to address the slopes and the sight lines and lighting issues, making sure the park is dark for the astronomy club.

Mr. Snyder feels that the slopes and lighting have already been addressed. The Board members just feel like the previous applicant promised the same thing, and they're still dealing with lighting issues.

Motion by Vice Chairman Naylor, second by Chairman Gross, to *table* action on the Core 5 Subdivision and Land Development Plans until the July 22 Board meeting. All members voted aye; motion carried.

Supervisor's comments

Vice Chairman David L. Naylor – Deb is back following her surgery; the office is back to full staff now!

Supervisor Barry E. Rudisill – none at this time.

July 14, 2020

Page 5 of 6

Chairman Steven H. Gross, Jr. – brief Executive Session requested to discuss a personnel matter.

Chairman Gross stated that he still feels that a representative of the Board of Supervisors should attend the next Zoning Hearing Board meeting since the Board acted in denying the fence application for 145 Hollyhock Drive. Attorney Miller stated that he would be unable to attend and could send Attorney Doug Myers.

Motion by Chairman Gross, second by Vice Chairman Naylor, to send an authorized representative on behalf of the Board of Supervisors to attend the coming Zoning Hearing Board meeting. All members voted aye; motion carried.

Attorney Andrew Miller requested that a motion be made if the Board so wishes to prepare and advertise an ordinance for 40 mph on Jerusalem School Road.

Motion by Vice Chairman Naylor, second by Chairman Gross, to have MPL Law Firm prepare and advertise an ordinance for 40 mph on Jerusalem School Road. All members voted aye; motion carried.

Attorney Miller asked Chairman Gross to recuse himself from this discussion. Manchester Street Sewer Line - Attorney Miller stated that after reviewing further, the Rodger property is in fact already included in the agreement. The Rodger property is 245 Manchester Street Manchester Street. No further research is needed.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve this process and that the Township, at its discretion, may approve invoices up to \$12K, to connect three properties; tap-in fees to be paid now, out of escrow, for a total of \$13,250. Two members voted aye; *Chairman Gross abstained*. Motion carried.

The check to the Sewer Authority for 5 tap-in fees per DHL's escrow for resident connection into the new Manchester Street line is in tonight's bills.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to pay the bills as presented. Two members voted aye; *Chairman Gross abstained*. Motion carried.

The Board *recessed* to Executive Session at 11:15 p.m.

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

Respectfully submitted,

Kristie Masemer,
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary