

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**July 22, 2020**

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

At a regular meeting held at the Township building, Chairman Steven H. Gross, Jr. called the meeting to order at 7:07 p.m.

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

Since the meeting of July 14, 2020, the Board met at 6 p.m. tonight to discuss personnel and legal matters with the Township Solicitor.

**Public Comments**

Nothing from the public at this time.

Chairman Gross noted that it was revealed at an outside meeting that the Township hasn't raised taxes in the last several years, and some people thought that was "irresponsible." He asked of those in attendance at tonight's meeting, "Does anyone want us to raise taxes?" No one indicated so. Chairman Gross will be asking this same question from now until budget time.

**Land Development/Subdivision –**

Core 5 Final Subdivision Plan

Core 5 Final Land Development Plan

May Planning Commission Minutes

Developer's Agreement -- Charlie Courtney was present on these plans. He noted that the developer's agreement was in question at the last meeting – particularly the issues of extending the road to Sherman Street and the jersey barriers. Phase 1 would include the overlay to Sherman Street; they are paying the full recreation fee; they are asking the township to waive road widening, curbs, and sidewalks on Dellinger Road and Dellinger Farm Court except where indicated; and no exercising of deferral of Mundis Race; also offering Lot 6 to be dedicated to the County.

Attorney Miller clarified: the applicant is requesting a deferral on widening Dellinger Road and Dellinger Farm Court. This would be a full waiver; no six-month note. For the deferral on Mundis Race Road, the developer is asking to defer until the construction of the third building or five years, whatever is sooner.

Also, change in the second half of 4A related to the Manchester Township agreement: at the Buser Road radius, they will need additional ROW; the developer will pursue that ROW. If property owner doesn't agree with the offer, Manchester Township has agreed to pursue eminent domain to obtain the ROW.

Related to that, the developer's agreement with Manchester Township says improvements must be in place before occupying the first building. They must get the additional ROW to obtain HOP first. As soon as they submit the application to PennDOT, they will talk to the property owners and resolve that ROW issue ASAP.

Vice Chairman Naylor is leery of agreeing to that because of past problems with another developer.

Supervisor Rudisill – is it possible that the property owners could challenge the eminent domain

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process and the whole thing end up in a lengthy court battle? Attorney Miller advised not unless there is a problem with the Declaration of Taking. A challenge to the compensation paid alone would not hold it up. East Manchester Township could add that actions must be accomplished within 60 or 90 days. That still doesn't satisfy Vice Chairman Naylor's concern.

Attorney Miller noted that Manchester Township is getting most of the traffic from this project, so they will likely act fast to get the improvements accomplished because it affects that township and its residents.

Vice Chairman Naylor reiterated that the Township got burned with DHL, and he isn't interested in letting another applicant to occupy a building before the road improvements are completed. Mr. Rudisill is "kind of neutral in that area."

Section 4C applies to the overlay of Mundis Race Road; Section 4D, to the jersey barriers.

How about the intersection of Sherman and Mundis Race Road? No additional discussion since last Tuesday's meeting. Mr. Haugh reported that he spoke with PennDOT about this issue, and PennDOT will make some corrections to N Sherman St. Ext. to "feather" into the new improvements.

Attorney Miller asked if there are any plans that Mr. Trout and Mr. Haugh need to see or do they want to meet with someone so that they know what's going on with the overlay on Mundis Race? Mr. Haugh asked that they make sure the water still gets to the catch basins. Both Mr. Trout and Mr. Haugh requested a site meeting. The developer also agreed that the overlay on Mundis Race will not be done until the construction access is closed on Dellinger.

Jersey barrier issue along the rail trail: Mr. Courtney's cost estimate is \$99K or so for the barriers to be installed. Mr. Trout reported that the Parks Department was not in favor of a guide rail or a landscaping barrier. Mr. Courtney feels that the developer is offering the land; the park can do with it whatever they like. Discussion was held on a variety of related issues. Mr. Haugh wants to be assured that the snowplow can maneuver properly. Mr. Trout suggested that that section of the rail trail be moved to the developer's side of the road. That would add at least one more crossing, though, so the idea was not discussed further.

Next issue: Section 4B, traffic impact studies; developer requested only one study following completion of the building and limiting it to the traffic originating with the development. Supervisor Rudisill says you have to have a study as a baseline to compare to the new one. Mr. Courtney feels that the count can be obtained without a baseline study. Attorney Miller asked if the study is to be done after occupancy of the third or fourth building? Attorney Courtney clarified fourth building that is built, not necessarily Building Number 4.

Next issue: Section 4E, private streets constructed as phases are completed. Mr. Courtney assured the Board that after Building Number 3 is constructed, they will complete the loop. The Board wants to make sure that safety vehicles can access the site/buildings. Developer will agree that they won't do buildings 4 and 5 until the loop is completed. Good.

Paying total recreation fee of \$292,640.00.

Section 15, remedies – Mr. Courtney asked that if the developer did something wrong that prompted the Township to levy a fine, when would that fine kick in? Vice Chairman Naylor suggested that the township give the developer a grace period before levying the fine. Attorney Miller summarized that for breaches of section 4A, no cure period. However, it's reasonable for a 30-day cure period for breaches of section 14A and five days for 14B, E, and J. The reference to subsection H can be deleted. Everyone agrees.

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Also, the developer wants to pour concrete at night? Yes, if possible. Vice Chairman Naylor noted that the site is isolated, and he would be fine with the developer pouring the concrete at night, unless there are complaints from the residents. Just please give the office a call 24 hours before pouring (and blasting) so that the staff is aware in case any calls or come in. Also, in those instances, the Township Manager should call Northeastern Regional and let the Astronomy Club know, too.

Attorney Courtney also requested dropping the cross-default to Manchester Township agreements in Section 16. Attorney Miller agreed that the cross-default is unusual and Manchester Township does not have it in their agreement. Attorney Miller is okay with removing it. The board agreed.

The developer's plan is to split the taxes between the two municipalities and the school districts. Attorney Courtney confirmed the developer is willing to do that.

Action Report - Final Subdivision Plan Core 5 Final Subdivision Plan -- Mrs. Masemer said 2C, street addresses, is still open.

**Motion by Chairman Gross, second by Supervisor Rudisill, to approve the Core 5 Final Subdivision Plan, Drawing #18-0357-004, subject to the satisfactory resolution of the following items referred to above: street addresses, (2C from action report); modify the six-month note waiver language for Mundis Race Road, deferring the right to call the note until after the third building is constructed or five years, whichever is sooner; granting a blanket waiver for the East side of Dellinger Road and Dellinger Farm Court. All members voted aye; motion carried.**

Action Report - Final Land Development Plan – Phase 1 Core 5 Final Land Development Plan

From the action report -- open items: 2B, street addresses; 2E, recreation fees; and 2F, surety and developer's agreements. The Stormwater Agreement needs to be executed, and revision of the same notes as on the subdivision plan motion above:

**Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the Final Land Development Plan, Phase 1 of Core 5, subject to the satisfactory resolution of the following open items from the action report and discussion above: 2B, street addresses; 2E, pay rec fees; 2F, post surety; execution of developer's agreements; execution of stormwater agreement; revision of notes as follows: modify the six-month note waiver language for Mundis Race Road, deferring the right to call the note until after the third building is constructed or five years, whichever is sooner; granting a blanket waiver for the East side of Dellinger Road and Dellinger Farm Court. All members voted aye; motion carried.**

## **Public Works Report**

Willow Springs closing at Canal Road Extended for I-83 interchange – Mr. Haugh asked, “should the Township should be thinking of putting in a cul-de-sac now?” The original query came from Will Clark. Not now, because it'll be years before the interchange is in place; make that project a part of the cost of the interchange when it actually happens. Agreed.

Salt building progress is on schedule.

Mr. Trout reported that he received another stormwater complaint in the same area where he's checking one now, the Rentzel farm area. He will inspect the site tomorrow and will report back.

Mrs. Masemer and Ms. Kohler inspected DHL and the seeding is to be done. There's a new property management company in the mix, and Mrs. Masemer is working with the new representatives.

Zoning Hearing tomorrow evening.

**Supervisor's comments**

*Vice Chairman David L. Naylor – none*

*Supervisor Barry E. Rudisill – none*

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

**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 Vice Chairman Naylor, to adjourn. All members voted aye; motion carried.** The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Kristie Masemer  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary