

EAST MANCHESTER TOWNSHIP
Board of Supervisors
August 11, 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 7:00 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 July 22, the Board neither met nor conducted any business.

Motion by Chairman Gross, second by Supervisor Rudisill, to approve the minutes of the special meeting of June 17, 2020 (road meeting). All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the regular meeting of July 14, 2020. All members voted aye; motion carried.

Regarding the minutes of the meeting on July 22, 2020: there was a discussion how much the developer for the Quarry Site will pay to overlay and guard rails/barriers. Unfortunately, there's no mention of this item in the minutes of July 22, 2020. Supervisor Rudisill recalls that someone was going to provide an estimate for the guard rails. Attorney Miller corroborated that understanding, noting that we didn't have the cost of the guard rails at the last meeting. *Still waiting for that information.* Important to clear this issue up with Attorney Courtney. Further, there's a typographical error on page 2, the paragraph that begins "Next issue..." – in that last paragraph, it should read the "fourth" building, not "ourth" building. Will correct. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the alternate meeting of July 22, 2020, with the correction above. All members voted aye; motion carried.**

Chairman Gross noted that this is the first meeting since Mr. Gentzler's unfortunate incident that no reporter has been in attendance at a Board meeting. Prior to that incident, no reporter had attended a Board meeting for years. Also from Chairman Gross, at the last police board meeting, it was noted that the Board of Supervisors has not raised taxes in a number of years, and evidently someone thought that was irresponsible. Just to be informed, Chairman Gross asked the audience members tonight if anyone is interested in a tax increase? No one came forth.

Public Comments

Nothing at this time.

Emergency Services Report

Fire Chief's Report – Chief Stevens updated his report, adding the recent fire, which did include some damage but no injuries. At Union, their indoor fundraising plans have been cancelled for the rest of 2020. Several food truck activities are in the works, though, and some carry-out "drive-up" meals are planned. These activities aren't making near enough money, for sure. Annual fund drive paperwork is prepared for distribution in October. Also, Chairman Gross was happy to report that this is the second month in a row that the Board has a report from Eagle Company.

The ambulance company representative confirmed that the number of "refusals to transport" have

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increased. It's a new trend indicative of the times – people are reluctant to go to the hospital. They want an immediate check of their symptoms by the EMTs, then a follow-up with their family doctor. The EMS staff does not have the ability to test for Covid-19. Confirmed that the WellSpan Urgent Care in the Giants shopping center is no longer a testing site for Covid-19. From the audience, Bob Nace asked how the EMS staff members handle mouth-to-mouth resuscitation. There are barrier materials in place.

Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the disbursement of \$110,000 (the balance of the budgeted amount), \$55,000 to each company. All members voted aye; motion carried.

Probably no Lions Club parade this year. Probably no senior center activity yet. Mrs. Masemer will check to see if the senior center is open. Then the Board can decide what to do with the earmarked funds.

Regarding the ambulance company – **Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the disbursement of the budgeted amount of \$4K to the ambulance club. All members voted aye; motion carried.**

Northeastern Regional Police – no questions to the Manager within the last six weeks. All police documentation (Articles of Agreement, budget, etc.) is on file at the Township and is available for public inspection during regular business hours.

Special Request

Nothing at this time.

Correspondence

Tax Collector – attended a Zoom meeting. Tax Collector's audit was good.

YCPC grant opportunity for open space -- upcoming Zoom meeting to tell municipalities how to submit grant applications, etc. Mr. Trout might listen in.

YCPC I-83 representation – Supervisor Rudisill was concerned that he and Vice Chairman Naylor (two supervisors) are both serving on a steering committee for the I-83 committee, etc. He did not want the appearance of impropriety. He recommends that Shane Haugh serve in Supervisor Rudisill's place with Vice Chairman Naylor. **Motion by Supervisor Rudisill, second by Chairman Gross, to authorize Mr. Haugh and Vice Chairman Naylor to serve on the I-83 committee. All members voted aye; motion carried.**

Solicitor's report – Attorney Andrew Miller

- **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to adopt Ordinance 2020-3, setting the Jerusalem School Road speed limit (40 mph). All members voted aye; motion carried.**
- **Motion by Chairman Gross, second by Supervisor Rudisill, to adopt Resolution 2020-8, Tax Penalty Forgiveness/Refund. All members voted aye; motion carried.**
- Discussion was held on the developer's agreement for the Core 5 plan. Attorney Miller made the requested revisions. The only sticking point was the cap on the improvements on Mundis Race Road, as referred to in the Minutes section of tonight's meeting. Suggestions? There was no estimate given at the last meeting (July 22); the estimate given now is much higher than the estimate for the jersey barriers. Some recollect that Attorney Courtney said that the applicant would pay the entire rec fee and if the Township wanted to use some of that money for the barriers, that would be fine, as it was technically a safety issue. Was that actually the last word on the issue? Chairman Gross had voiced at the July 22 meeting that he is uncomfortable using recreation funds for anything other than recreation. Does the Board want Attorney Miller to

instruct the applicant to pay the entire amount of the guard rails? Wait for Mr. Haugh to get an estimate? It seems that everyone thought that the guard rails would be less expensive than the jersey barriers, but that's not the case. It was noted that the County was not in favor of guide rails on either side of the curb, nor did they want the buffer strip. The County suggested the jersey barriers. Also, Attorney Miller suggested: maybe the Board wants to take the money and make future improvements to the intersection instead of going against what the County wants along the roadway. There's still the issue of the safety factor along the Rail Trail. Vice Chairman Naylor feels that the Township gave some concessions on other issues; the applicant should pay for the guide rails. Attorney Miller will inform the applicants. Regarding Section 4D, there's a discrepancy in the understanding of when the loop road will be completed. The Board members verified that it was their understanding that it will be completed after Building 3 but before Building 4 was constructed. Also, a Building Permit section/paragraph was added by Attorney Miller. Does Mrs. Masemer approve of the information contained in that paragraph? Yes. Ditto for the Board members. Attorney Miller will return the documents to the applicants, noting the *removal of the cap on the cost of the guide rail project.*

- Garrod property agreements – Hillwood made changes to the agreements. At the Planning Commission, the applicants requested that the Planning Commission *table* the plan to permit the applicants to complete some of the many open items. Discussion was held on when the applicants would be granted an occupancy permit. Also, at the Planning Commission meeting, Mr. Mortorff recommended that a schedule be developed for the timing of the granting of an occupancy permit and the Canal Road Betterment Project. The Planning Commission did not want to have the occupancy permit issued before the Hillwood and DHL road improvements are completed. Where would the truck traffic go if that happens? The Supervisors held a discussion on curbing and sidewalks along the Garrod side of the property; how far the road improvements go (nearly to the bridge); the advisability of a construction schedule. From the audience, Joel Klinedinst asked about the relocation of the poles at Canal Road Extended (not relocating now; too costly; three utilities involved). Discussion was held on the improvements to the intersection of Canal Road Extended and Locust Point – with the improvements planned, the radius is just too tight for a school bus or farm equipment. That radius needs to be increased to facilitate a right-hand turn without the motor vehicle encroaching into the lane of oncoming traffic. The reason that the applicants proposed what they did is because the Township doesn't want to encourage any large truck traffic at all. Enlarging the turning radius might indeed do just that, but other large vehicles (school buses, etc.) simply cannot make the turn without going into the opposing lane as it's proposed now. Sewer improvements – three years to complete the sewer improvements? Yes? Joel Klinedinst confirmed that length of time. *Add language re: no occupancy permits issued until connection to the public sewer is accomplished.* Regarding road improvements – 4A, prior to recording the plan, applicant must post construction escrow funds, either cash or letter of credit. Subsection b, HOP must be presented and escrow funds deposited for the areas in question before issuance of the building permit. Subsection c, the applicant agrees to the fines that the Township is permitted to levy for non-compliance by the applicant for the construction, etc. Also, issuance of an occupancy permit will depend on the road being completed. Need to be clear on “substantial completion with road widening” before an occupancy permit will be issued. Applicant added Section 5, permission to deliver and stock goods to warehouse as long as public improvements are substantially completed, prior to issuance of final inspection and certificate of occupancy. The Board's not comfortable with that, seeing shades of DHL. Attorney Miller noted that there will likely be several types of occupancy permits to be issued – shell stage, fit-out stage, etc. Mrs. Masemer noted that the inspector, Pete Schilling, will determine the degree of completion and/or the degree of occupancy permitted. Maybe just say that the road improvements have to be

substantially completed BEFORE any occupancy permits are issued at all. From the audience, Planning Commission member Ed Hewitt noted that the Planning Commission permitted the applicant to forego putting utility poles in several locations. Supervisor Rudisill noted that the applicants are waiting for the Township to tell them what the Township expects for Locust Point Road. Mrs. Masemer is to confirm the total amount of the recreation fee. Next: request to pour concrete and perform another procedure between 9 p.m. and 7 a.m. Attorney Miller suggested permitting the applicant to start work at 3 a.m. Vice Chairman Naylor suggested using vibration and sound monitoring from the start; incorporate that into this agreement, and make sure the applicants are responsible for those costs. Mr. Trout was asked to provide some estimates; Attorney Miller will add those numbers to the agreement. He will make the other changes and return to the Board for further review and digestion. Attorney Miller noted that there were other changes to the Developer's Agreement; he is awaiting further information from the applicant. Apparently, the Stormwater Agreement is good to go.

- Ostrander zoning appeal – Attorney Miller reported that the applicant was granted permission to construct the fence, with some restrictions. The Township has 30 days within which to appeal. Does the Board want to appeal? No; the restrictions in the approval are enough. **Motion by Chairman Gross, second by Supervisor Rudisill, to decline to appeal the Zoning Hearing Board's decision on the Ostrander property. All members voted aye; motion carried.** Does the Ordinance need to be amended for this issue? Quite possibly... give the Zoning Officer the power to determine? Or make the applicant go before the Zoning Hearing Board in the first place? The Zoning Officer can make a determination; then an applicant could appeal to the Zoning Hearing Board afterward. That way the ZHB can set conditions on a case-by-case basis. Also, the Engineer will need to be involved anyway, for the stormwater issues. Yes, for the September meeting, Attorney Miller will present a revision to the ordinance.

Engineer's report – Byron Trout

Dellinger Road Easement Agreement with York County – the County approved the Agreement and drawings. They request that the Township sign the agreement first. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to authorize the Board to sign. All members voted aye; motion carried.**

EMT salt building invoices – **Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the payment of Invoices 1 and 2 in the amounts of \$134,826.93 and \$86,669.71 respectively. Balance: \$117,670.85. All members voted aye; motion carried.**

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the Change Order in the amount of \$2,288 for the township salt building. All members voted aye; motion carried. Curb and concrete pad were staked out today; hopefully, concrete pouring will be done next week.

Stormwater along North Sherman Street Extended – previous agreement was that the Township will do the design/PennDOT does the work. Township stopped the project because of cost. Interesting reading indeed.

Mar-Ben – Mr. Trout received a call from the owner; applicant needs to add Mr. Haugh's name on the permit for signature. Still a work in progress. But Mr. Haugh shouldn't sign anything until he's sure it's all in order.

RE: Locust Point improvements/turning radius, as discussed in Attorney Miller's report. Mr. Trout asked if the board wants curbs and sidewalks on the west side from the Garrod Hydraulics driveway to Kinsley property sidewalks, then cross over to the Hillwood side? *Curbing only; and no crossing.* Chairman Gross suggested putting curbs *and sidewalks* on the west side of the road all the way up to Kinsley sidewalks, then put the six-month note on the plan for sidewalks on the east side. Plus, adjust the

turning radius to accommodate a school bus at the Canal Road Extended and Locust Point Road intersection. Mr. Trout will pass the information along to the appropriate people.

From Vice Chairman Naylor, what about the Starbucks driveway? Attorney Miller spoke with someone today about this issue. They propose to cut off all truck access from Espresso Way; relocate their single access to 1605 Bartlett Dr. Problem: access point on Bartlett Drive is under different ownership from the roasting plant. Attorney Miller cannot locate any easement agreement for access. Starbucks has to have a legal right to cross that property for access. What now? The Board will act on this at another meeting.

Also from Vice Chairman Naylor, is the building occupied at the cell tower? Ask the Zoning Officer to check on 621 Willow Springs to make sure it is indeed unoccupied. Mrs. Masemer stated that no one is living in this structure and they are not allowed to live in this structure due to it losing its non-conformity. Also, it is now too close to the cell tower which has restrictions for distances away from a residential structure.

How about the sound barriers/meters at the Grotehouse property or nearby? Mr. Trout's working on it.

Secretary/Treasurer/Manager's report – Kristie Masemer

Sewer Authority – Minutes are available. Joel Klinedinst recounted the history of the Sewer Authority's loan. Locked in at .7275 percent for the duration of the loan – on the advice of the SA's money manager. Also, plant upgrade completed. No upgrade to Saginaw plant; found ways around it. Finally, all employees are back or newly hired. Less than \$40K in outstanding payments. Very few water shutoffs. From Vice Chairman Naylor, what's the story on the sinkholes on Manchester Street? The SA will patch temporarily.

Zoning Officer – Mrs. Kohler reviewed the items before the Zoning Hearing Board. Seven citations issued thus far this month.

Recreation Board – No Board currently

Public Works Report – Shane Haugh

Activity report – no questions, additions, or discussion.

New road crew hire – **Motion by Chairman Gross, second by Vice Chairman Naylor, to hire Conner Slanker, driver for road crew, start date 8/24/20. All members voted aye; motion carried.**

New furnace/ac unit for the meeting room and some other rooms; estimate \$6,900, public works crew to do the work. **Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the \$6,900 furnace/ac replacement estimate, taking the funds from Capital Expenditures. All members voted aye; motion carried.**

Amendment to master building plan – Mr. Haugh wants to make changes to the master plan. He'd like to get a quote from Warehaus, then start the bidding process. Need space for a file room and for truck and equipment storage. From Vice Chairman Naylor, this building should have a generator. Possible grant money available? The Board members will review the plans. No action taken tonight.

Gut Road boat ramp – installed. Many positive comments received. Question? In a possible hurricane, etc., could the ramps be moved/removed? Yes, conceivably, but Mr. Haugh feels it would be unnecessary.

All in order on the liquid fuels audit – passed.

Land Development/Subdivision –

Minutes from July Planning Commission meeting – already discussed.

Supervisor's comments

Vice Chairman David L. Naylor – I-83 study – make a hard copy for the office. When PennDOT paved from the Township building on down, the manhole covers were exposed, creating a very dangerous situation. He is having a total knee replacement at end of August and will likely miss the September Board meeting.

Supervisor Barry E. Rudisill – nothing at this time. Stay tuned for I-83 comments later.

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

Motion by Chairman Gross, second by Supervisor Rudisill, to pay the bills as presented, to be prepared for signature when the accountant returns. All members voted aye; motion carried.

Chairman Gross requested a short executive session to discuss a legal matter with Attorney Miller. The meeting *recessed* at 10:25 p.m.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:46 p.m.

Respectfully submitted,

Kristie Masemer
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary