

EAST MANCHESTER TOWNSHIP
Board of Supervisors
October 13, 2020

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Roadmaster Shane Haugh, Engineer Byron Trout, Zoning Officer Brittany Kohler. Absent with prior notice: Kristie Masemer, Manager/Secretary/Treasurer. Also present: Recording Secretary, and 21 citizens.

At a regular meeting held at the township building, Chairman Steven H. Gross, Jr. called the meeting to order at 7:06 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 September 8, 2020, the Board met in Executive Session prior tonight's meeting to discuss legal matters.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of September 8, 2020. All members voted aye; motion carried.

Public Comments

Mike Grothouse, 1215 Canal Road Extended, reported no progress on the noise, lights, still no tree replacement, no hill reseeded. The retention pond IS minus the scum. Mr. Trout reported that all data from the noise/vibration monitoring has been collected and is being prepared for presentation. Trees need to be planted by the end of November. Mr. Trout will follow up on all issues. Also, Mr. Grothouse asked if any of the Supervisors ever stopped by to listen to what he's hearing. Chairman Gross doesn't hear it from his place; Vice Chairman Naylor hears some.

Joel Klinedinst reported that this past Saturday DHL was using the old driveway to park vehicles for some activity. Mrs. Kohler noted that the neighbor, Mrs. Texter, put up a chain with a no-trespassing sign on it today.

Emergency Services Report

Fire Chief's Report – nothing to add; still looking at safe fundraising options. Down about \$30K from usual. Have permitted some very small gatherings at the fire hall. No fire prevention activities this year. Budget proposal submitted for 2021. Rod Cassel, Eagle Fire Company's President, reported that the corn hole challenge fundraiser went over very well! Eagle is helping another company with some fundraising efforts. Chairman Gross thanked Mr. Cassel for the budget submission and the monthly reports.

Fire Company Workman's Compensation Insurance -- **Motion by Chairman Gross, second by Supervisor Rudisill, to authorize payment of \$19,017.19 to Mt. Wolf. All members voted aye; motion carried.**

Fire Relief Payment, Act 205 – \$56,179.46 received. **Motion by Chairman Gross, second by Vice Chairman Naylor, to send \$25,500 to Mt. Wolf and \$25,500 to Manchester, with the remaining \$5,179.46 going to Manchester as well for the chief's extra duties.** Discussion on the Motion: Vice Chairman Naylor would be in favor of dividing the funds equally, based on the cooperation between the two companies. *Motion and second rescinded.* **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to divide the funds equally between Mt. Wolf and Manchester, \$28,089.73 each. All members voted aye; motion carried.**

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Northeastern Regional Police – Vice Chairman Naylor declined to offer a report at this time. It will be discussed later in the meeting. *[Indeed, it was; following the Engineer's Report.]*

Special Requests

Senior Center – nothing discussed.

Ken Martz, Wheatlyn Manor; building permits

Mr. Martz was present on behalf of the Mar-Ben project – can he get the okay to start the permit process for the next building before the HOP process is finalized? Not an occupancy permit, just the building permits. Chairman Gross confirmed that, for the previous construction, the improvements were not made as requested. Mr. Martz confirmed, explained why, and noted that he now has everyone lined up to do that work. Mr. Trout noted that the PennDOT permit should be coming soon. Joel Klinedinst reported that there's been no televising of the lines and no surety – please address these issues for the Sewer Authority. Mr. Martz will double-check to see what needs to be done. The Board members do not want to give any other approvals until the back work is caught up. Mr. Haugh agrees. Understood by Mr. Martz.

Correspondence

Steamboat Boulevard railroad work – revised letter received – work will start October 16, 2020. Steamboat Boulevard will be partially closed on Friday and totally closed on Saturday. Chief Stevens was made aware of this situation.

PennDOT Wago Road project -- meeting to be held regarding the bridge on Wago Road. The work is to be done in 2023.

Solicitor's report – Attorney Andrew Miller

The Hillwood project moved up on the agenda, since Miller's report coincides. Pictures were shown of either sidewalks or no sidewalks on some Industrial properties. Chairman Gross feels that the Township has been requiring sidewalks in Industrial areas for the past 30 years. Apparently, Hillwood is asking to not put sidewalks on Locust Point.

Chris Fencel, on behalf of the applicants, reported that Hillwood is not opposed to sidewalks. If the Township wants them to put in sidewalks, fine; everyone just needs to figure out where to put them and how.

Regarding the Betterment Project, PennDOT has now decided to contribute funds and NOT build a bridge on Canal Road. PennDOT has been removed as a party to that Agreement. The concern is: are the developers willing to escrow the PennDOT funds to make sure all funds are there to make the improvements? Signing a contract for the bridge construction is a bit troublesome for the Township. Mr. Fencel noted that all developers need to be in agreement about funding the escrow account, certainly. Contribution agreement with PennDOT would have to be signed before anything else happens. That would protect the Township and everyone else. Attorney Miller reported that there's a Zoom call with PennDOT tomorrow morning; Bob Leonard and anyone from Hillwood are certainly invited.

Josh Hoffman was also present on this plan. Bob Leonard, project manager for Erdman Anthony, spoke, recapping the situation for everyone. Canal Road's curve with Locust Point will be realigned, Locust Point's grade raised, Canal Road's grade lowered; left turn onto Locust Point Road; signal at the intersection; Kinsley's sidewalk will be redone; sidewalk to be extended to DHL's sidewalk. Originally planned to have all sidewalks along all roads. Continuous sidewalk from OBP to DHL. The question was which side of Locust Point Road should the sidewalk be located. The east side of Locust Point would be the safest location. Putting the sidewalk on the west side of Locust Point involves a crosswalk on a 40-mph road with a curve. Mr. Haugh noted that the east side of Locust Point sidewalk would put a great

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burden on the homeowners on that side. Therein lies the problem.

To put the sidewalk on the west side involves crossing the stream, then connecting to the Kinsley property sidewalk. Because the grade is being raised on Locust Point, guide rails will be required. The slope is too great for ADA compliance. If the grade of the road is steeper than usual, a sidewalk can be placed, but it would indeed be challenging for someone in a wheelchair. Bottom line: it can be done, but does it make sense when there's an alternative? No matter what side of the road is chosen, private property owners will be affected. They will be burdened with maintaining the sidewalks. Apparently, that is not an option for the homeowners who will be affected.

Mr. Leonard is awaiting input and direction from the Township. He noted that PennDOT will not approve a pedestrian crosswalk at the intersection of the driveways. Mr. Fencel reiterated that the applicant will not maintain off-site sidewalks.

How far from the nearest building corner to sidewalk? At least 1000', per Mr. Hoffman.

Vice Chairman Naylor asked how about a six month note for installing sidewalks from Canal Road Extended, on both sides, to the Hillwood driveway? It doesn't seem that sidewalks are needed now (or will be in the near future), so what's the point of doing it now?

From the audience, Gene Garrod agreed that it's not good to burden the residents with maintaining the sidewalks in front of their properties. He seldom sees anyone using the sidewalks that are there now. Plus, sidewalks affect stormwater runoff. Barbara Garrod asked isn't it better to worry about people's safety than anything else? Seems safer to put it on the east side.

Wesley Garrod, Garrod Hydraulics, noted the bank that's there now must be mowed by hand. And they're going to increase the angle? It makes more sense to Mr. Garrod to listen to the applicant's proposals than for the Township to tell the applicant where the Township thinks the sidewalks should be placed.

Vice Chairman Naylor noted that the Garrod property has a six-month sidewalk note attached to it. Perhaps, if the area gets more built up, then call in the six-month notes for everyone along that area.

Blaine Rentzel, Planning Commission member, agrees with Vice Chairman Naylor.

Wesley Garrod feels that the drainage situation/flows were exacerbated when Garrod Hydraulics installed their building and curbing.

Drainage was discussed, with the hope that the Canal Road Betterment project will improve the drainage/water ponding along Canal Road.

Supervisor Rudisill feels that the original design (sidewalks on the entire east side; everything west of Hillwood's driveway to the bridge) is better for the safety of the pedestrians. He will entertain other ideas, though. Perhaps, like Vice Chairman Naylor says, it's not necessary for the sidewalks to be installed at this time.

Attorney Miller's only concern is that there will be a six-month note on the Henry and Texter properties? How about ROW? Is any available? Either the sidewalk should be built now or a developer's agreement would have to provide for that instance, as long as it can be confirmed that ROW is available.

Mr. Fencel feels that escrow can be provided for sidewalk installation, as long as everyone involved agrees. That way, the funds are available for when the Township activates the six-month note.

Attorney Miller feels that the Texter property will not remain a residential property forever. He feels it will eventually have an industrial use, and the single property owner will not be burdened. The six-month note would include the Texter's frontage.

How about if the Hillwood property is sold after all this is accomplished? What if there's trouble with the subsequent owner? What if that owner says, "I didn't agree to all that?"

Gene Garrod presented the Board with information with a list of the top 20 industrial developers in the United States. If the Board is having trouble with DHL, it's not fair to penalize all future

developers. Understood. Chairman Gross has faith in Hillwood for the work that they do, and it seems that they live up to their favorable track record.

Ron Lucas was also present. Could the 6-month note be a 12-month note instead? That would help when working within the PennDOT ROW. Chairman Gross feels that all the plans have 6-month notes; keep it consistent.

Motion by Vice Chairman Naylor, second by Chairman Gross, to confirm that, for the Texter and Henry Properties, 125% of the estimated costs for design, permitting and installation of curbs and sidewalks starting on east side of Locust Point Road from the intersection with Canal Road Extended to the planned traffic control device at Route 921 will be escrowed by the Work Area 4 developers in the amount TBD by estimate of the traffic engineers; will be separate escrow funds to be held by the Township for contribution to curbs and sidewalks when installed with a future development of Texter and/or Henry properties. All members voted aye; motion carried.

Partial Waiver request to construct curbs and sidewalks on one little area where the topography doesn't cooperate.

Partial Waiver request for road widening, Canal Road Extended along Hillwood's frontage AND for street widening in the same area as in waiver 1 above.

Partial Waiver to install overhead utility poles and underground electric from the poles to the buildings.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve all three waivers for Hillwood, as requested and outlined above. All members voted aye; motion carried.

There are many outstanding items, not the least of which is the Betterment Project issue. From the Planning Commission's action report from the August Planning Commission meeting, outstanding issues are: Owner's Association documents, Erosion and Sedimentation Plan approval, Recreation Fees, NEYCSA signature, HOP application, Surety and Developer's Agreement, Owner's signatures, USA COE + PA DEP permit approval, and the Stormwater Facilities Maintenance and Monitoring Agreement.

The Board of Supervisors requested an extension of time until December 29, 2020, to permit the applicant to address most of the open items. The applicant will provide a letter granting such an extension.

- Starbucks driveway restrictive declaration – Attorney Miller is fine with the proposed changes. Well, that's too bad; the Board members said that Starbucks took too long; previous agreement stands.
- Stormwater/Zoning Ordinance Amendment – will review and discuss in November.
- Canal Road Betterment Developer's Agreement -- nothing reviewed right now.
- Hillwood Project—Garrod Property Agreements – Section 2A, page 2, Attorney Miller's fine with the change. Page 3, subsection F, it is only Canal Road improvements for which security is requested. Page 4, sidewalk reference was removed; to be addressed in the Betterment Agreement. Subsection D, page 5, no problem with the change proposed. Section 5, page 5, regarding the temporary occupancy permit required prior to stocking; the applicant would like to stock *before* temporary occupancy permit is issued. Contingent on the approval of the building inspector. *Wait until the Township Manager gives input on wording.* Page 7, section 7A, surety and maintenance surety, okay with the change. Page 8, consistent with the references. Subsection 8A, applicant struck out the request by the Township to monitor *onsite* noise/vibration levels *six*

months after tenant fit-out and occupancy. Hillwood will respond to any complaints, per Mr. Fencel. *Mr. Fencel will recheck the request.* Page 9, subsection J, hours of operation were changed slightly. (Ordinance permits from 7 a.m. to 9 p.m.; *changed to deliveries and start-up between 6 and 7 a.m.; concrete pouring 9 p.m. to 7 a.m., limited to pouring walls.*) Mr. Fencel will make the changes discussed tonight and provide another draft to Attorney Miller.

- Core5 Partners -- Codorus Quarry Site Agreement – nothing discussed at this time. Agreement signed.
- 462 York Street – not this month.
- PPL, soccer fields; keep using for now, since no one's complaining about it.

Engineer's report – Byron Trout

Is there or is there no escrow money available to fix Mr. Dolan's property issue? No money in escrow. Mr. Trout spoke to Mr. Dolan. There are some plans in the works to correct the problem. 1) Try to collect the water and take it over the Ollie's property's grass swale. OR 2) put a perforated pipe up through the property and tie into the drainage system along Zions View Road. How about the stormwater maintenance fund? Any chance of using that money? Is the Ollie's site expanding? Perhaps, and while their equipment is there, that would be a good time to have them put that pipe in. It does make sense to divert the water toward Ollie's, as that is the natural flow. The water is actually ground water that is surfacing from a spring. Starbucks will have to be involved, since the Township will need to go onto their property to accomplish the repair. Would Starbucks be willing to contribute to the solution? Sure, Mr. Trout should approach Starbucks. Mr. Trout has been keeping Mr. Dolan apprised of all the above.

KS Tooling surety reduction – Motion by Supervisor Rudisill, second by Chairman Gross, to reduce the surety for KS Tooling by \$168,608.00, leaving a balance of \$62,644.18, per the Township Engineer's recommendation. All members voted aye; motion carried.

Chestnut Valley surety reduction – Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to reduce the surety for Chestnut Valley by \$12,202.85, leaving a balance of \$7,133.19, per the recommendation of the Township Engineer. All members voted aye; motion carried.

Salt *building* invoice was presented in the amount of \$119,958.85 (building only). Chairman Gross had a question about why the building seems to be set so low. Good question. Mr. Haugh confirmed that the contractor did not dig the area down any lower than the plan called for. Punch list items have been addressed. **Motion by Chairman Gross, second by Vice Chairman Naylor, to pay the invoice. All members voted aye; motion carried.**

2021, 2022, 2021 Community Development Block Grant applications are due January 15, 2021. Mr. Trout suggested submitting the applications for the drainage projects discussed plus any other ones that Mr. Haugh or Mrs. Masemer come up with. How about the update to the Comprehensive Plan?

Northeastern Police Department

Discussions have been held about the future of the police department. Two proposals were received to merge with a larger department, either the York Area Regional Police Department or Northern York County Regional Police Department. Vice Chairman Naylor received calls from residents voicing their preference for the York Area Regional Police Department. Benefits of merging: a total of 20 CIT officers, can use the CODY system, PMRS, pension deficit. The Board makeup for the NYCRPD would be 12 members. Vice Chairman Naylor gave more details of the benefits of merging with York Area Regional Police Department. His understanding is that both Mt. Wolf and Manchester Boroughs have voted to merge with the York Area Regional Police Department. Merging with YARPD would give a total of 60 officers. Vice Chairman Naylor feels that the YARPD fits with the citizens and community at this time. No offense to the fine department of the Northern York County Regional Police.

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From the Northeastern Regional Police Department Chief Rizzo noted that a merger would pretty much assure that the current department would essentially stay the same. He likes the idea of having more officers available to cover shifts in case of illness or vacations.

Chairman Gross echoed that he received calls from residents urging the Township to go with YARPD. There would be new name; hire date would be the officers' seniority. Should be a seamless transition but will involve a lot of paperwork to make sure everything's done right.

Joel Klinedinst noted that YARPD is a nationally accredited department. This seems like a good idea and a huge step forward. The current Northeastern officers would merely need to be brought up to certification.

Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize the municipalities of East Manchester Township, Mt. Wolf Borough, and Manchester Borough, to pursue a merger of Northeastern Regional police with York Area Regional Police Department.

Discussion: Supervisor Rudisill voiced his opposition, as he stated before. Chairman Gross feels that neither borough has been paying its fair share of the cost to support the Northeastern Regional department. *Vote on the Motion: Two members voted aye; Supervisor Rudisill opposed. Motion carried.*

Secretary/Treasurer/Manager's report – Kristie Masemer – nothing discussed in Mrs. Masemer's absence.

Sewer Authority – Minutes are available for review. Budget discussions underway; possible increase per customer \$2 per quarter. Upgrades are either completed or nearly so.

Zoning Officer – No additions or questions.

Recreation Board – no Board currently serving.

Public Works Report – no additions or questions for Mr. Haugh.

Land Development/Subdivision –

The minutes from the July and August Planning Commission meetings are available for review.

Hillwood Project – Garrod property subdivision and land development pans (discussed at length above)

Supervisor's comments

Vice Chairman David L. Naylor – In Mt. Wolf's newsletter, it states that Mt. Wolf and Manchester Boroughs purchased a leaf collector. Normally, East Manchester Township picks up the Manchester Borough's leaves. Apparently, one of the Manchester Borough people said to Mr. Haugh "we'll help you collect leaves; nothing changed." Should EMT stop collecting Manchester Borough's leaves? The Board authorized Mr. Haugh to just collect leaves in EMT unless otherwise directed. If he gets any requests for collection of leaves in Manchester Borough, he should inform the Board members. If Manchester's people show up to help, Mr. Haugh should say that there's no agreement between Manchester and EMT.

Supervisor Barry E. Rudisill – none

Chairman Steven H. Gross, Jr. – Dean Fink, the Auditor, notified the Township that the audit will take longer due to former Township Manager David Gentzler's unfortunate incident, even though the incident occurred on Mr. Gentzler's personal time. The auditors, nevertheless, must do a fraud examination of EMT's financial records. This means that the auditors cannot meet the DCED deadline; however, no penalty will be involved. Audit will be more detailed this year. Chairman Gross emphasized that this is an unforeseen consequence of someone else's actions that will affect others.

Short executive session to be held after tonight's meeting. Discussion of personnel issues.

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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 *recess* to Executive Session. All members voted aye; motion carried. The meeting *recessed* at 11:07 p.m.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to adjourn. All members voted aye; motion carried.

Respectfully submitted,

Brittany Kohler
Zoning Officer

Julie B. Maher,
Recording Secretary