

EAST MANCHESTER TOWNSHIP
Board of Supervisors
November 10, 2020

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill; Attorney Andrew Miller; Zoning Officer Brittany Kohler; Public Works Director Shane Haugh; Engineer Byron Trout; Recording Secretary, and 15 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 on October 13, the Board met on October 20 and 21.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meetings of October 13, 2020. All members voted aye; motion carried.

Regarding the meeting with two representatives from the Sewer Authority on October 20, Chairman Gross noted that the minutes should be amended to add language that says that any regulatory costs are borne equally by all parties. From the audience, Mr. Klinedinst agreed. **Motion by Chairman Gross, second by Supervisor Rudisill, to approve the minutes of the meeting of October 20, 2020, with the above addition. All members voted aye; motion carried.**

The meeting of October 21, 2020, was a budget work session meeting. The result: a balanced budget and no tax increase. The budget will be available for inspection through the end of the year. Anyone fussing about no tax increase for 2021? No takers, shockingly. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill to approve the minutes of the budget session of October 21, 2020. All members voted aye; motion carried.**

Public Comments

Dwight Hollenbach asked about a traffic study on the quarry project. This project has been approved, having had discussions over the last several months. Mr. Trout confirmed that a traffic study was indeed performed, and he gave some details of that study, noting the location of the new traffic light and the access onto Busser Road. Could Mr. Hollanbach view the reports? Absolutely – he should complete a “Right to Know” request from the website and be specific in the request. Will do.

Chris Irwin, an employee of the Northern York County Regional Police Department, thanked the Board for its work for the residents. The Board is financially responsible – well done. Also, the Township has always been transparent in its actions. Mr. Irwin has always gotten good response from supervisors and staff. The Northeastern Regional Police Department is also transparent and helpful. He feels that the days of a small police force are over. Mr. Irwin illustrated with two recent issues: on 9/28/20, one Northeastern Regional officer was sent to the middle school on the report that there was an intruder at the school. Additional officers from Newberry and Northern Regional were called to assist. Also, in October, Northeastern Regional officers needed help with prisoner transport. If a merger were to take place with York Area Regional, where might any backup and extra officers come from? Worried about the extended distance from where the extras will come. He is also concerned with minimum staffing of the police station; concerned about vacation or sick time or other times spent away from the normal duties. He asked where the supplemental/covering officers would be coming from and “is the 20-December 9, 2020

minute response time to and from the other station being considered?” Gave details about the last police budget meeting. Concerned that YARP’s costs have done nothing but increase. Reduction of duplication is the benefit of regionalization. He doesn’t see that happening with the merger with YARP. Officers, with the merger, would have additional salary and benefit costs, but the costs to each resident would increase. He said that York Area and Mt. Wolf have not been transparent and have refused to provide public documents. Charter vs. contract membership – gave pros and cons of each. He urged the Board to look at all the aspects before signing the agreement to merge with York Area Regional. Presented some cost information to the Board members.

Wade Witt, Manchester Borough Vice President, says that if Mr. Irwin has requested information from Manchester Borough, Mr. Witt hasn’t seen a request. Is EMT still going to participate in the Recreation Program? Mrs. Kohler noted that she just received the name of a person who is interested in serving on the Recreation Board! The Board is leaning toward withdrawing its participation in the Joint Recreation Program with the Borough. Mr. Witt noted that he was unaware that the Township did certain tasks associated with the Joint Recreation Program. He would like the Township to continue its involvement; there will be several changes to look forward to. If the Township withdraws, the Borough will discontinue the Summer Program. That would be unfortunate.

Vice Chairman Naylor will contact the interested person and let her know the state of the recreation partnership and programs. Good idea. Chairman Gross noted that the Township has other recreational expenses, and with no one serving on the Joint Recreation Board, that’s why the interest has been waning.

Mr. Witt noted that if the Township pulls from the Joint Rec Board, fine, they just need to let the summer recreation people know that there will be no program in summer 2021.

Supervisor Rudisill asked where does the facility rental money go? It is put into the budget and shared between Borough and Township. How about the professionals who are involved? Where does their fund-raising income go? Into an account, carnival expenses are deducted; Borough does have oversight of that account/income/expenses. Supervisor Rudisill asked Mr. Witt to please be more transparent than in the past. No problem.

James M. Landis, Lincoln Place, and his attorney, John C. Porter, were present to discuss a land and water issue. Mrs. Kohler explained that she has gotten calls from Mr. and Mrs. Landis and a neighbor Amy Sterling. The Landis’ were complaining about trash and water in their yard. Mr. Haugh handled some calls. Vice Chairman Naylor also handled some calls; this is a civil matter or a series of civil matters, not Township staff problems. Mr. Porter spoke, noting that a drain nearby to Mr. Landis’ property backs up, and water flows onto Mr. Landis’ property. Mr. Haugh explained that Mr. Landis purchased the property where the water flows as a natural grade to the ground. This was happening for years, and Mr. Landis knew or should have known of that situation when he purchased the parcel. Mr. Trout confirmed that this situation was properly approved in the land development plan that built the apartments. Mr. Porter noted that the land was originally dedicated as a ROW and was never used/completed; the land reverted to the adjacent landowners; never deeded or proven/the title wasn’t quieted until an appeal was filed. According to Mr. Porter that means that the Landis’ owned the land prior to the apartment complex being built. Technically, Yarrow Court is not owned by the Condominium Association, but the Landis’ and neighbors would have a right of ingress and egress.

Chairman Gross asked why Mr. Landis didn’t address the issues many years ago? Where was he when the apartments were being built, supposedly on his land? What does Mr. Landis want? Attorney Porter says that the Township, at the time of the apartment plan, might have erroneously approved that plan. Attorney Miller noted that there is a 30-day appeal period, and it’s a bit late now. Is there any allegation that the Township occupied that land? The Township simply approved a plan; didn’t make it a public street, etc. correct? Attorney Porter says that is indeed the issue; no land was deeded or

transferred.

Is there a littering ordinance? If trash is on the Landis property, that's a police matter. How about snow being plowed from the condo association? Also, grass clippings? These are all police matters. Got it.

Yes, Mrs. Kohler hears from Mr. Landis three or four times per week. He's been told that these are civil matters to be dealt with separate from the Township.

Emergency Services Report

Fire Chief's Report – nothing to add. No questions from the Board or audience.

York County Fire and EMS Responses -- there's a form to be signed approving the handling to the call boxes. The EMS representative agreed with Chief Stevens' assessment of the situation/form.

Chairman Gross will sign the form. Also, there is a complete report from Mt. Wolf Borough; well done and thank you. Any volunteer members for the ambulance crew yet? Not yet.

Northeastern Regional Police – no comments.

Special Requests

Senior Center -- letter received.

York Road Runners John Rudy Park Run – the Runners will not be running on the Township roads this year, which is good. They will be running in the Park, but they will be crossing Mundis Race Road. Race is set for Saturday, January 2, 2021; police should be notified about the crossing. Will do.

SPCA Contract renewal – \$108.96 increase. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the contract. Two members voted aye; Chairman Gross abstained. Motion carried.**

York County Rail Trail donation request – unknown how much the Rail Trail paid for the additional land for the Rail Trail. **Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the donation of \$500 to the York County Rail Trail for 2021. All members voted aye; motion carried.**

Correspondence

Penn Waste – rate increase at the York County Resource Recovery facility from \$56.15 to \$56.77 per quarter

I-83 Exit 26 Land Use public meeting #2 will be held on November 18, 6:30 p.m., via Zoom. The last meeting, also via Zoom, covered land use. Mr. Haugh noted that most of the land involved is in Conewago Township. Anyone interested in participating in the next online meeting, use the link on the Township's website. Must pre-register, using that link.

Solicitor's report – Attorney Andrew Miller

- Starbucks restrictive declaration was recorded
- Stormwater/Zoning Ordinance Amendment – can't move forward with the Code update until this item is accomplished. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to authorize the submission of the stormwater/zoning ordinance amendments to YCPC and EMT Planning Commission for review. All members voted aye; motion carried.** Comments from the two Planning Commissions will be directed to the Board of Supervisors; public hearing will be held after that time.
- Garrod property/Hillwood facility red-lined agreements -- still waiting for comments from other parties. Discussion was held on further subdivision – Chairman Gross wants to make sure the party cannot further subdivide any lots on that private street. He feels that merely the inclusion of the subdivision language implies that subdivision is possible in some manner. Attorney Miller

noted that this provision would require the neighbors' approval and the approval of the Township. If the ordinance changes in the future, and this language is omitted, that essentially would permit one lot owner to subdivide without the neighbors' approval. Attorney Miller feels that the language actually makes it more difficult for a lot owner to subdivide. **Motion by Chairman Gross, second by Vice Chairman Naylor, to remove item D under 10 "Use Restrictions" on the Declaration of Covenants, Conditions, and Restrictions. All members voted aye; motion carried.** Discussion of the Development and Financial Security Agreement with occupancy/road improvements – improvements must be completed before goods are brought in/occupancy occurs. Also, on page 8, subsection F, language will be added regarding noise monitoring. Subsection K, hours of operation 7 a.m. to 9 p.m., except equipment start-up and deliveries at 6am and concrete pouring 9 p.m. to 7 a.m. provided notice is given in advance – all correct? Yes. Discussion was held on the application for the PennDOT HOP [that is to be addressed in the Public Works Director's report for tonight's meeting]; it was decided that it would be premature to apply for the HOP, as no plans have been received/reviewed. When Attorney Miller and Mr. Trout approve the plan, the request should be re-presented to the Board for certainty. It was clarified that there will be no holding tanks.

Engineer's report – Byron Trout

Mr. Trout presented the noise and vibration studies from the DHL/Grothouse issue. Findings: noise low, constant, always present; the testing agency recommends soundproofing around the HVAC units on the DHL facility. Most noise will be reduced once the trees mature. Regarding the vibration issue: highest level at the feed store, at the "troublesome" level; all other levels are "perceptible." Possible that the vibrations are coming from Route 83 (Mr. Grothouse, from the audience, disagreed with that). Possible that the noise is causing the vibrations. No bill received yet for the testing/monitoring services.

Also on DHL, Mr. Trout referred to the pond that wasn't draining – DEP must authorize any repairs to this bottom of the pond. Oh, fine. How about the lights? No changes; Mr. Trout still has concerns about four of the lights. Still a work in progress. Mr. Trout will work with Attorney Miller to try to move DHL off center.

Orchard Business Park Lot 6 Surety release -- **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to authorize, per the Engineer's recommendation, the release of surety in the amount of \$14,121.58, leaving a balance of \$0, for the Orchard Business Park Lot 6 plan. All members voted aye; motion carried.**

Salt building improvement final invoice – **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to pay Fitz and Smith the final payment of \$95,122.40. All members voted aye; motion carried.**

2021, 2022, 2023 Community Development Block Grant programs – moving forward.

Line of sight drawings for Core 5 received – didn't show future conditions, and Mr. Trout requested that they include line of sight from roof units. Revised plans were received. Stand by.

Dolan property – estimates requested – Fitz and Smith was the only responder so far with an estimate of \$6,800 to install pipe to the Ollie's property. Also, \$15,500 to put French drain system in on Mr. Dolan's property. Can we get other estimates? Three other contractors are pricing the project. There are stormwater maintenance funds that can be used. Get the other estimates and move forward. Keep Mr. Dolan informed. Will do.

Sangers' property on George Street, stormwater complaint – response from Triple Crown that they will contribute \$1,500 toward the fix. Mr. Trout will keep on this.

Secretary/Treasurer/Manager's report – Kristie Masemer

December 9, 2020

Page 4 of 6

Sewer Authority – Chris Toms from C. S. Davidson gave a report. One plant had organic overload. Plan for correction was submitted at end of March. DEP reviewed in July. Sewer Authority took limited action, thanks to the Covid-19 pandemic. Further testing was completed; data collected. From July to present, no organic overloads. There were times of simultaneous pump runs, which is not usual, but a storm could have contributed. All data submitted to DEP. Saginaw plant is hydraulically overloaded. Mt. Wolf plant is organically overloaded. Hence, both plants are restricted to connections, except any building permits approved/issued prior to October 29, or in case of fire replacement/or health hazard to occupants.

Need to clarify what building permits were issued prior to October 29, 2020. Mrs. Kohler will check.

The Sewer Authority has been given 90 days to issue a corrective action plan. Trying to issue much sooner than 90 days. Upon DEP's approval of the action plan, sewer connections can begin again. Need to demonstrate one year without organic overloading to get the corrective action plan lifted. The hydraulic overloading might be a sump pump issue. Inspections may need to be done. Mr. Toms favors inspections in the middle of the night, so, heads-up, if residents complain of people at the manholes in the middle of the night, that would be why. Fortunately, we're not close to plant capacity/replacement yet.

Is this drastic, that suddenly, no more connections are permitted? Mr. Toms explained the situation. He did not anticipate any higher levels which is why it seems like it all dropped at once.

It was noted that Keystone is requesting to be on the December BOS agenda, demanding action on their building permit applications. Building permits for this project were put on hold/denied because of the DEP ruling. Good call by the Township staff. The Sewer Authority cannot proceed without DEP's permission. Those Keystone lots cannot be built upon without hooking to the public sewer system. If Mr. Toms foresees any issues with the rest of this project, please let everyone know. Will do.

How about issuing a *conditional* building permit and then not issue an occupancy permit until the sewer issue is resolved? Not a good idea.

Information requested from the Township – future construction/connections to the sewer system for 2021. Mrs. Kohler worked with Mrs. Masemer to think of all the possibilities to help the Sewer Authority anticipate the number of EDUs that might be needed.

The Intermunicipal Agreement expires in April 2021, so the Board needs to decide how to proceed. Is a joint meeting recommended? No, just incorporate the comments from the last meeting and put together an initial draft. Go for it. Attorney Miller will proceed.

How long will Manchester Street be closed? Still unknown, but likely several weeks. Mr. Toms will let the Township know as soon as he knows.

Zoning Officer –

No PC meeting in October or November. There will be another open position on the ZHB. Post the openings on the Township website. Regarding 110 and 120 Steffie Drive – stakes were placed, and no one knew anything about it. The stakes are gone, but trees are planted in their place. Apparently, all's good. Also, all recent citations held in court were held in the Township's favor.

Recreation Board – still no Board serving.

Public Works --

There was a request to authorize the Mr. Haugh to apply for the PennDOT HOP for Canal Road, Work Area 4. This is premature, as no plans have been received to review.

Salt is in the salt shed. Now we wait for snow!

Discussion was held on some blasting that was going on without Township knowledge. This will be looked into tomorrow by staff.

December 9, 2020

Page 5 of 6

Leaf collection going well.

Land Development/Subdivision –

No plans at this time. Minutes from the July and August Planning Commission meetings are available for review.

Supervisor's comments

Vice Chairman David L. Naylor – should the rec board person of interest come to the Township for an interview/discussion? Yes. Also, relative to Exit 26, the Township is merely interested in traffic movement/flow.

Supervisor Barry E. Rudisill – nothing at this time.

Chairman Steven H. Gross, Jr. – regarding the long lines at the election – the Township has tried for years to get another polling place with no results. Please, Attorney Miller, draft a letter to the election board to indicate that the growth of the Township has outgrown the current polling place now. Request that the election board take a hard look at the voting precincts in the township, and help the Township solve this problem. If the letter is ready, the Board members will sign it and mail it before the next BOS meeting.

Motion by Chairman Gross, second by Supervisor Rudisill, to pay the bills as presented. All members voted aye; motion carried.

Brief executive session requested. **Motion by Chairman Gross, second by Vice Chairman Naylor, to recess to executive session. All members voted aye; motion carried.** The meeting recessed at 10:09 p.m.

Respectfully submitted,

Brittany Kohler
Zoning and Code Enforcement Officer

Julie B. Maher,
Recording Secretary