

EAST MANCHESTER TOWNSHIP
Board of Supervisors
December 8, 2020

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor (*by remote access*), Supervisor Barry E. Rudisill; Attorney Andrew Miller; Roadmaster Shane Haugh; Engineer Byron Trout; Zoning Officer Brittany Kohler; Recording Secretary, and 14 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 reported that Vice Chairman Naylor is self-quarantining because of a possible Covid exposure, so is attending tonight's meeting remotely.

Also, please sign in – James Landis' and Mr. Porter's signatures weren't legible last month; please write neatly, particularly if you want to make public comments.

Budget has been open for a month, no tax increase. Apparently, the Boroughs say that the Township should raise taxes; anyone want the Township to raise taxes? No takers again, in response to this question that has been asked for the past six months or so.

Joel Klinedinst has to resign from the Sewer Authority. Chairman Gross presented a plaque in honor of his dedicated service to the Sewer Authority and the Township.

Chairman Gross disclosed that since the regular meeting of November 10, 2020, the majority of the Board met twice on December 4; there are brief minutes to add to November 10 minutes. First meeting, at 8 a.m., was with Keystone Custom Homes and members of the Board/staff re: no hookups to sewer. Mr. Bowers asked if maybe they could keep building, but the Board did not make any decisions on this matter and stated they will give it a few more weeks and review in January. Second meeting was the same day at Checkers to address traffic and safety issues; result, Checkers was given 14 days to present a corrective plan on how to correct the issues. PennDOT is receiving complaints about this situation and has been in contact with the Township.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of November 10, 2020. All members voted aye; motion carried.

Public Comments

Mike Grothouse, 1215 Canal Road Extended asked has DHL been given any time frame to address noise and light issues? It's still a work in progress; noise study was completed. Mr. Trout will forward a copy of the study to Mr. Grothouse for his review. How about the noise dampeners that were recommended and not installed yet? Attorney Miller noted that the expert report says that DHL is meeting the obligations of the ordinance, so it might be difficult to enforce anything over and above. He can work with Mr. Trout to see if a warning letter might be warranted. Mr. Trout will follow up on the lighting issue; no official deadline set, though.

Chris Irwin is still concerned about the merger of police departments. He gave instances of how a merger would extend the response times for officers. He is also concerned about the funding. Asked the Township to conduct a feasibility study before merging.

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Joel Klinedinst noted that Northeastern Regional Police has always had a good working relationship with Newberry Township for police backup. He feels that the police department will still have adequate coverage and protection if a merger with YARP takes place.

Emergency Services Report

Fire Chief's Report -- no questions or comments on the submitted reports.

Nixel renewal – anyone in favor of this renewal? Vice Chairman Naylor suggested *tabling* this issue until further discussion with the EMS coordinator. Good call. *Item tabled* until further information can be obtained, including the actual cost and how many residents use the service.

Northeastern Regional Police -- nothing further.

Special Request

York County Envirothon -- request to sponsor the 2021 Envirothon, as in the past. Have until March 1 to decide.

Correspondence

YCPC – proposed land development plans in Newberry Township. Chairman Gross gave some information on the locations of the proposed sites.

Solicitor's report – Attorney Andrew Miller

- Stormwater/Zoning Ordinance Amendment -- submitted to YCPC and EMTPC; comments forthcoming
- Garrod property/Hillwood facility red-lined agreements – to be addressed later in the meeting.
- Resolution 2020-11, setting tax rate. **Motion by Chairman Gross, second by Supervisor Rudisill, to adopt Resolution 2020-11, establishing the tax rate. All members voted aye; motion carried.**
- Cable franchise renewal with Comcast. Perhaps a group contract can be negotiated.
- Sewer Authority Intermunicipal Agreement – preliminary draft available – does the Board want to address any areas of the township that are to receive sewer services in the future? Or leave that up to the Sewer Authority? Chairman Gross reminded everyone that the Sewer Authority is obligated to do the 537 Plan, per their agreement. Attorney Miller should proceed accordingly, reminding the Sewer Authority of that obligation. Joel Klinedinst updated the Board with some of the details. Chairman Gross noted that a resident requested that a gas line be run in his area while the sewer line is being run. Mr. Klinedinst noted that if other utility lines are run, they will not be placed in the sewer lines' trenches. Are there plans or a timeline? Perhaps next December for the plans.
- Reminder: LERTA Ordinance was extended only through January 4, 2021; Resolution presented to extend that program for an additional year, to January 4, 2022. Prepare for the Reorganization meeting? Yes, prepare the paperwork for the Reorganization meeting, per the Board's authorization.
- Canal/East Locust Point – still a work in progress; perhaps to be ready for the January Reorganization meeting.
- PennDOT agreement recently received; has been distributed.

Engineer's report – Byron Trout

KS Tooling – Motion by Supervisor Rudisill, second by Chairman Gross, to approve the surety reduction for KS Tooling in the amount of \$62,644.18, leaving a balance of \$0, per the Engineer’s recommendation. All members voted aye; motion carried. Discussion was held regarding the construction entrance – Mr. Trout doesn’t want that access to be permanent, but to be used as an actual emergency entrance. Vice Chairman is fine with the entrance being there.

MS4 periodic report review was approved!

Motion by Chairman Gross, second by Vice Chairman Naylor, to adopt Resolution 2020-13, and to authorize the Engineer to apply for PennDOT HOP for Canal Road. All members voted aye; motion carried.

Nothing new on the Dolan property. Next step is to decide/obtain easements from adjoining property owners. The two quotes that Mr. Trout was waiting for never materialized. Supervisor Rudisill: redirect the stormwater first? Yes. **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to authorize the Engineer to obtain a stormwater easement across Ollies’ property and get the job started. All members voted aye; motion carried.**

Community Block Grant programs for 2021, 2022, 2023 – no discussion

Secretary/Treasurer/Manager’s report –

Sewer Authority – Mr. Klinedinst reported that they can now issue sewer permits for the Saginaw basin area. Still waiting to hear about Mt. Wolf basin update. Hopefully soon. Even with those two permissions given, permits will be issued minimally. Approached John Nace to see if he will chair the Board; he will give it a try! Thanks to the Township for working with Mr. Klinedinst to get the Sewer Authority back on track. Supervisor Rudisill confirmed that another Sewer Authority Board member will be leaving soon, and Mr. Klinedinst noted that that position has been filled, tentatively. Anyone want to represent the Township on the Sewer Authority? Contact the Board or staff.

Zoning Officer – no additions to the submitted report.

Recreation Board – no board currently serving

Comcast – price changes – copies available if desired. Mr. Klinedinst asked that the sewer plant be included for internet services because they use it on site and remotely in the field.

Motion by Supervisor Gross, second by Supervisor Rudisill, to adopt Resolution 2020-12, transfer of unencumbered monies as follows: a. \$500.00 from Account # 01.400.740 (General Government Capital Expense) to Account # 01.400.353 (Bonding), b. \$65,000.00 from Account # 01.439.200 (Highway Construction Supplies) to Account # 01.409.730 (GP Capital Purchases), c. \$15,000.00 from Account # 01.400.740 (General Government Capital Expense) to Account # 01.411.430 (Fire Co. Workers Comp), d. \$1,500.00 from Account # 01.400.740 (General Government Capital Expense) to Account # 01.430.300 (Drug/Alcohol/CDL), e. \$15,000.00 from Account # 01.439.200 (Highway Construction Supplies) to Account # 01.430.700 (Highway Capital Purchases), and f. \$2,000.00 from Account # 01.452.300 (Saginaw Playground) to Account # 01.452.290 (Dauberton Park). **All members voted aye; motion carried.**

Public Works Report – Shane Haugh

Last day of leaf collection will be Friday, December 11. Ready for snowplowing!

Added to the submitted report: Manchester Street to be closed on the 15th; closed for sewer repairs for three or four weeks. Also, I-83/Exit 26 second public meeting was held – land use alternatives presented at that meeting. Go on their website and fill out the survey, last day to do so is this Saturday.

Saginaw Park playground equipment – Supervisor Rudisill confirmed that additional rubber mulch for beneath the equipment is to be purchased. He asked that Mr. Haugh get information for installing a mat in that area. Will do. He will get the price/quote for the mat and hold off on purchasing the additional mulch. The Board can act on that purchase separately. So, the prices before the Board include the equipment only. **Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the purchase of equipment only, \$16,396.99, with the understanding that a price will be obtained for the mulch and/or padding and a decision will be made on that item later. All members voted aye; motion carried.**

Land Development/Subdivision –

Hillwood/Garrod property -- Chris Fencel, Hillwood, was present on this plan. Also present: Attorney Ron Lucas and Engineer Josh Hoffman. Approvals from outside agencies still in the works. No questions on the plans.

Mr. Fencel noted that the applicants received the red-lined copy of the developer's agreement right before the meeting. Covenants and restrictions distributed to Board members from Attorney Miller.

Discussion on the developer's agreement – page 4, Section 4.b.3 – minor changes – \$100K contribution by developer for sidewalks on Henry and Texter properties is non-refundable. Also \$100K purpose is for design, permitting, and installation for the curbs and sidewalks. Attorney Lucas noted that the applicants approve of those changes.

Section 5, minor change – developer is requesting permission to receive and store product when building shell is completed and occupancy permit is issued. Added: clarifies process that the Township Manager would follow when shell construction is completed; might be a temporary occupancy permit or certificate of use and compliance. Applicants approve.

Section 3 addresses sanitary sewer – no occupancy permits issued until adequate connection to public sewer is accomplished without the use of holding tanks. Applicants approve.

Section 10.g and 10.h – noise and vibration monitoring. Applicants have given a detailed process to address these issues, including follow-up studies to ensure that the applicants comply with the ordinance. Vice Chairman Naylor recommends a baseline completed now to establish noise levels to have something to compare to. The applicants are fine with this addition, which Attorney Miller will include with the proper language. Attorney Lucas requested to add to the baseline/noise study: ... “or delays beyond the reasonable control of the developer.” Last of the sound studies would be done on completion of Building 2, no matter when Building 2 is constructed since it is the bigger building of the two.

Attorney Lucas noted that there's a problem with section 6 – financial security – this is for construction. Does the Board feel that this obligation (noise studies) should be secured so that there's funding available for those noise/vibration studies should they need to be done? Attorney Lucas referred to the remedies section 11 – doesn't that take care of this issue? It was noted that the original financial security numbers will not be affected. The Board members are comfortable with the safeguards that are already in place.

Page 4, Section 4.b – prior to issuance of building permits, certain conditions must be met. Attorney Miller outlined those conditions to the satisfaction of the Board and staff.

Mr. Haugh asked for clarification on 2.d – adoption of streetlights – only for Canal Road/Zions View? Yes, not on the private streets. But Attorney Miller will double-check. Clarification was given on the fire hydrant location/easement/owner/maintenance.

August minutes from the Planning Commission include nine open items, but most are outside agency approvals as noted. *Outstanding issues: owners' association documents, E&S plan approval, rec fees; Sewer Authority signatures; HOP, developers' agreement (including all sureties), owner's*

signatures, USA COE + PA DEP permit approval, and the stormwater agreement.

Vice Chairman Naylor asked if the substation is still out of the question. Mr. Fencel responded, "Today, yes." The applicant is not pursuing the installation of a substation at this time but would revisit in the future if necessary.

Declaration of covenants – Hillwood hasn't had time to review the changes. It was noted that an item is still included in the document regarding subdivision that the Board voted to remove/change last month. Attorney Lucas and Mr. Fencel will discuss. If the applicant wants to subdivide, perhaps they'd have to improve the internal roads to Township standards. Mr. Fencel noted that for that to happen, several waivers would need to be granted.

Stormwater to be handled by property owner.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve the Hillwood/Garrod property land development plan subject to the satisfactory resolution of the following items from the August minutes of the EMT Planning Commission meeting: owners' association documents, E&S plan approval, rec fees; Sewer Authority signatures; HOP, developers' agreement (including all sureties), owner's signatures, USA COE + PA DEP permit approval, and the stormwater agreement. All members voted aye; motion carried.

Supervisor's comments

Vice Chairman David L. Naylor – be prepared for multiple polling places within the Township, according to the School Board. Kudos to staff for handling the office without the Manager. Re: Checkers: what happens if their correction action plan doesn't suit the Township? Elevate to a warning or notice of violation. Also from Mrs. Kohler, PennDOT is willing to work with the Township to resolve this issue; PennDOT would void the PennDOT permit to prevent Checkers from using the entrance. Also: reminder that there will be blasting at Core 5 tomorrow.

Supervisor Barry E. Rudisill – nothing at this time.

Chairman Steven H. Gross, Jr. – from the Zions View Road gas cut – there's now a bump in the road below the entrance to DHL on the north side and people are complaining. Mr. Trout and Mr. Haugh will look into this. Discussion was held on the Checkers situation, noting that the problem will likely decrease, given the fact that the newness of the business is wearing off and the fact that the Board members gave the owner some easy and sensible solutions to alleviate the problem.

Motion by Chairman Gross, second by Supervisor Rudisill, to adopt the 2021 Budget. All members voted aye; motion carried.

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

Reorganization meeting will be Monday, January 4, 2021, at 6 p.m.

Motion by Chairman Gross, second by Supervisor Rudisill, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary