

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**September 14, 2021**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill; Attorney Andrew Miller; Manager/Secretary/Treasurer Kristie Masemer; 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 of August 10, 2021, the Board met with the Solicitor on August 24 to discuss the Canal Road Betterment project; no actions were taken.

Amendments to the Agenda: Under the Solicitor's Report, add Settlement Agreements for two right-of-ways at properties located at 785 Canal Road Extended (Wisotsky) and 40 Zions View Road (Texter). Also, under the Manager's Report, add 2020 Audit.

**Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the Agenda as amended. All members voted aye; motion carried.**

**Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of August 10, 2021. All members voted aye; motion carried.**

### **Public Comments**

Mike Grotehouse, Canal Road Extended, smelled diesel exhaust all day today from the DHL site; also, the pond is providing a plethora of bugs. Plus, there's been no progress on the light issue. Vice Chairman Naylor noted that last Saturday there was a lot of noise from the DHL site. Mrs. Masemer is trying to keep things moving with the Conservation District so she will mention the pond/bug issue.

Ed Hewitt, 290 Manchester Street, re: Garrod property. There's a problem with tractor trailers using Manchester Street. Any chance of marking that street "no truck traffic"?

Chris Irwin, Devonshire Court, noticed that the police item has been removed from the agenda. Why? Per Kristie, it's covered under the Solicitor's report, and the police chief doesn't usually attend the supervisors' meetings to give a report. Can Mr. Irwin get any information on the new entity and meetings? Vice Chairman Naylor reported that indeed, the new police department/entity did meet and will normally meet the second Thursday of the month, 7 p.m.; the new entity starts operation on 1/1/22. Budget is being finalized for the remainder of 2021. No contracts, no agreements signed yet. Are the minutes from first meeting available? Not until after they are approved at the October meeting.

Chairman Gross noted that there's been no tax raise in the last few years. Anyone interested in a tax increase? No takers.

### **Emergency Services Report**

Fire Chief's Report -- a cold storage building is proposed on Steamboat Boulevard, by way of a ZHB Variance request to exceed the maximum height requirement. Chief Stevens has some concerns. To be addressed later in this meeting. It was noted that no report was received from Eagle Company. [See the Manager's Report, page 4, for the declaration that Chief Busch sent a partial report with apologies for

lateness.]

Also, kudos to the many volunteers involved from both fire companies for their work before, during, and after the hurricane and storms. Great working together!

Newberry Ambulance is going out of business. The Board wanted to speak to the ambulance representatives about this, but they had to leave for a call. Other companies will need to share the call responses until July 2022.

Emergency services donations and other donations -- **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to release \$115K each to Manchester and Mt. Wolf fire companies; plus disperse \$10K total to Mt. Wolf Senior Center. All members voted aye; motion carried.**

### **Special Requests**

Hillwood Properties – request for building/occupancy permits for property at Canal Road and Locust Point Road

Chris Fencel, Hillwood, reported that their construction group wants to change the use of 920 Canal Road. The applicants would like to use that existing house for a temporary field office rather than pulling a trailer onto the lot.

Also, constructing the retaining walls requires a permit, related to the site development activity. The applicants are requesting that the Township issue that permit to get the work done to comply with the E&S study.

From Chairman Gross: the Land Development Plan has not been recorded, and the Board approved it with several open items, contrary to its usual practice. The Township has been patient. The Township wants the .3 mile of the road to be improved before any permits are issued. This has not been done. Chairman Gross is thoroughly disappointed with the applicants. He's not even willing to entertain a motion tonight.

Mr. Fencel noted that the improvements requested are in conjunction with PennDOT, and that's the problem. Mr. Fencel is just as disappointed. Chairman Gross wasn't buying it. The road needs to be improved to deal with the truck traffic. Mr. Fencel can't do the road without the HOP from PennDOT. He said that the permits requested tonight have nothing to do with the roadway being done.

Attorney Ron Lucas spoke on behalf of the applicants, noting that the NPDES permit has been obtained, and the construction can begin under that permit. Plus, the occupancy permit for the "yellow house" should be able to be issued. Or, alternatively, the applicant can pull a construction trailer onsite from which to operate. Attorney Lucas said that Hillwood has been pushing all along for things to happen on this development and keep the progress rolling on the Canal Road Betterment Agreement. He resents the statement or even the implication that Hillwood has been dragging its feet on this project in any way. He noted that all the roads involved are part of the Betterment project for PennDOT roads. Unfortunately, Hillwood has no control over PennDOT and its operations. It would be great to meet with PennDOT representatives and all the developers and Townships to move this issue forward. Attorney Lucas mentioned the drainage inlets that suddenly the Township has to take over and maintain.

Supervisor Rudisill reported that the conversation with PennDOT indicated that PennDOT is "backing away from this project" which certainly isn't going to help. Attorney Miller confirmed that the latest word is that it will be weeks before a date is set for a meeting. Attorney Lucas suggested requesting help from the state representative and the deputy secretary of PennDOT/transportation.

Attorney Miller noted that the agreements are close to being ready for signatures. Those agreements are part of the several open items that were a condition of plan approval.

Mr. Fencel has spoken with York Water about the Betterment project. He has not spoken with the gas company yet. These utility agreements couldn't be obtained until the design was completed, and the design was delayed time and time again.

Mr. Hewitt corroborated a statement by the applicant at the Planning Commission meeting that

indicated that the .3 mile of roadway would be improved before the onsite construction began.

Chairman Gross noted that the residents have been complaining about Hillwood's construction beginning and the condition of the road and the trucks, etc. Improving that .3 section of roadway is imperative.

Dean Kohr, 1700 Canal Road Extended, was shocked that progress has been made without any agreements being signed. The road is getting more and more dangerous in that area.

Keith Zeigler, Canal Road Extended, corroborated the truck traffic associated with the area. He also mentioned a lot of noise on the DHL site last weekend.

Supervisor Rudisill will make a call to Mr. Gillespie to see if he can shed any light or offer any assistance.

Hillwood Properties – background noise study and vibration study -- the sound/noise already exceeds what the ordinance permits. The noise pre-construction was already above the permitted levels.

Mike Scarborough asked about liability for granting a separate permit for construction without a recorded subdivision plan. Mr. Fencel noted that the applicant is ready to record the plan.

Attorney Miller asked if the Board wants to discuss the noise study. The study provided the baseline; the developer's agreement should specify that the construction noise, etc., cannot exceed a certain level which the ordinance would permit. Mr. Trout noted that the study numbers are skewed because of short-term, once-a-week noises, such as a lawn mower, a loud motorcycle, etc. Perhaps measure the noise at different intervals of time to better capture what noise is in the area and get an average. The DHL situation was discussed again, noting that there is still a noise problem, but there are no listening stations onsite.

2022 SPCA contract -- no price increase for 2022. **Motion by Vice Chairman Naylor, no second, to pay the SPCA \$3,849.92, no increase for 2022. Motion died for lack of a second.** Supervisor Rudisill would like to defer the payment until December 2021.

### **Correspondence**

York County Agricultural Land Preservation Board -- in 2020, 31 farms were selected for preservation.

### **Solicitor's report** – Attorney Andrew Miller

- York County Regional Police Charter document -- no action yet. Still waiting for comments on the Dissolution Agreement. Stand by.
- Canal Road Betterment Committee -- see previous discussion.
- Auditor RFP -- the Board members have received copies. This is going out for bids. **Motion by Chairman Gross, second by Vice Chairman Naylor, to distribute the RFP for professional services for bids. All members voted aye; motion carried.**
- Solar Farm Ordinance -- The Planning Commissions have reviewed this document. In which district would the Board like to permit this use? Industrial only. How much Industrial acreage is actually available for this use? Just make sure there's enough so that an applicant could actually present a viable proposal. Chairman Gross read a letter/email regarding Brunner Island/Talen Energy solar farm use. He already provided copies to the appropriate Township personnel/Board members. Does the ordinance provide for a minimum amount of land to be used for a solar farm? Yes. Attorney Miller noted that industrial land is a high-tax revenue area; a solar farm is not a high-tax revenue provider. He feels that if the use is provided for in this zone only, it may well not be purchased, as the land is so expensive. Does the ordinance provide for solar panels on the roofs of large buildings? Yes. In its final form, this document will need to be re-submitted to the

Township Planning Commission and YCPC, then a public hearing will be held. Should it be a part of the Zoning Ordinance or a stand-alone ordinance? *Put it in the Zoning Ordinance.* Special Exception, Conditional Use or Permitted Use? Attorney Miller suggests going the Permitted Use route. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to move ahead with the solar ordinance process as a permitted use in the Industrial District. All members voted aye; motion carried.**

- **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the settlement agreement and bill of sale for ROW for Wisotsky and Texter AND to authorize Shane to sign. All members voted aye; motion carried.**

#### **Engineer's report** – Byron Trout

Received email from DEP for inspection of the MS-4 program, which occurs once every five years. Mr. Trout's on it.

How about the Dolan property? Still a work in progress. Can the water be directed away from his property before the end of this year? Per Mr. Trout, yes!

"Illicit discharge" from the Chester Square Shopping Center – Mr. Trout explained and a letter was sent. We just need documentation that the issue has been fixed.

#### **Secretary/Treasurer/Manager's report** – Kristie Masemer

*Sewer Authority* – Minutes are available from the August 2, 2021 special meeting for Area 2 Sewer Project.

NEYSCA Area 2 Sewer Project: connections to properties outside of Area 2. The Sewer Authority would like to *table* this issue until they can obtain further information. Discussion was held on whether an amendment to the Act 537 Plan is required; if the properties in question are indeed in the Area 2; what if a resident wants to hook up who is not in Area 2 but within 150' of the sewer line...

Mr. Hewitt owns one of the properties in question about hooking up to the sewer and/or the water line. He's not in Area 2, but he would consider hooking to the sewer if hooking to the water line also is an option.

*Zoning Officer* – ZHB meeting on September 23, 2021, for 60 Steamboat Boulevard; request for Variance to exceed height requirements in the Industrial District (to 150'; maximum permitted is 75'). There are some Township/staff concerns surrounding this request to double the maximum height of the building. Fire Chief Stevens has concerns and has submitted a letter detailing his position. Mr. Trout has concerns about the lighting and possible fly zone delineation, to name two. Attorney Miller's concern is the fire safety because neither fire company has the equipment or training to fight a fire in such a tall structure. Chairman Gross asked if the applicant is creating its own hardship. Quite possibly. It's probably a good idea that the Board of Supervisors members attend the ZHB meeting to give input on their concerns. Will do. **Motion by Vice Chairman Naylor, second by Chairman Gross, authorize Attorney Miller's office to attend the ZHB meeting AND to ask Chief Stevens to attend. All members voted aye; motion carried.**

Planning Commission meeting on September 28, 2021, for Ollie's building expansion and Comprehensive Plan Amendment per the I-83 Exit 26 study conducted by YCPC.

*Recreation Board* – currently no Board serving.

*2022 Minimum Municipal Obligation (MMO)* for the pension plan -- **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize payment of \$37,712 for the MMO. All members voted aye; motion carried.**

*DocStar* cloud transition from server by Stratix Systems -- Mrs. Masemer explained what is needed. From the audience, Dean Kohr asked about bandwidth. The township IT company already made sure it is compatible with what the Township has. **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize the transition to the DocStar Cloud by Stratix Systems, per the Township's IT company's recommendation, at a cost of \$14,007.39 for the first year, then about \$5,500 per year for years 2, 3, and 4. All members voted aye; motion carried.**

FYI, update from the beginning of the meeting. Jake Busch sent his partial report and apologized for its being late.

*Audit* – completed and passed. Available for public viewing.

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

**Public Works Report** – Shane Haugh

No questions or comments on the submitted report.

Fencing at Dauberton Park – The fence was bided. We received no bids. Mr. Haugh found out that this did not need to get bid because it is through Costars. Mr. Haugh presented a quote from Security Fence Company.

**Motion by Chairman Gross, second by Vice Chairman Naylor, to accept the quote from Security Fence Company for Dauberton Park fencing of retention ponds, which is a Costar quote of \$42,030, for chain link, all metal fencing. All members voted aye; motion carried.**

*Keystone Purchasing Network* -- Mr. Haugh would like to take the township building addition/remodel sketch plans from CGA Architects and submit them to the Keystone Purchasing Network. We will get a quote from KPN which is already bided services for the year. KPN is like Costars and will simplify the entire process, considering any changes that need to be made. Good idea; *go for it*.

**Land Development/Subdivision** –

Ollies' warehouse expansion -- Orchard Business Park Lot 10 – direction needed per Attorney Miller's memorandum

Chris Beauregard and Mike Scarborough were present on this plan, which was approved in 2009 or 2010. This plan was resubmitted recently. The Planning Commission reviewed this plan in August and *tabled* the plan at that time. Attorney Miller's memorandum dated March 29, 2021, was reviewed. All items were outstanding *at the time of the Planning Commission meeting* and read as follows:

1. This property is subject to a stormwater agreement recorded at Book 2071, Page 2330, and a sidewalk easement recorded at Book 2221, Page 3879. Both recorded agreements will continue to apply to the properties and should be specifically referenced in notes on the plan. The adequacy and effectiveness of the stormwater facilities on Lot 11 to control the additional stormwater should be reviewed.

2. Notes have been added to the plans that lots 10 and 11 must remain under common ownership because Lot 11 contains only the stormwater basin for Lot 10. The Township should consider requiring the developer to reverse subdivide the two lots into one lot. The applicant requests that the current situation remain the same without proceeding with a reverse subdivision. Mr. Beauregard noted that the ordinance has since changed, and the stormwater basin is now permitted to be located along Canal Road. *The Board and Attorney Miller agreed.*

3. The expansion of the building will be in the direction of the adjacent residential structures. The Township may want to require additional lighting details or noise monitoring. The Township should also

September 14, 2021

Page 5 of 7

review whether the existing screening will be adequate to protect the residential properties from the proposed truck parking lot that will now be on the 100' setback line. Mrs. Masemer noted that Laymon Mortorff has no problem with the screening proposed. Mr. Beauregard noted that the new truck parking will be located farther away from the setback line and the residential properties.

4. The Township should confirm the availability of sewer EDUs from Northeastern York County Sewer Authority. Any building permits should be conditioned on availability and reservation of EDUs. No building permits should be issued until the NEYCSA connections plan is approved. Discussions are continuing on this issue, and progress is being made. Clearly, per Mr. Beauregard, there's a leak or something going on, as the site is using far more gallons per day than it should be. *Investigation is ongoing.*

5. This project adds 201,000 square feet of warehouse space that will directly access Canal Road. The Township should consider whether the Owner should be required to proportionally contribute to the Canal Road Betterment Agreement. Per Mr. Beauregard, the original traffic study for the original plan accounted for the full additional warehouse, and the developer already did the road improvements based on the traffic study. Attorney Miller is fine with the situation.

This presentation tonight is just investigative to make sure the applicant doesn't need to do anything further before presenting to the Planning Commission for a final review/recommendation. All good.

Core5 at Codorus Creek, Phase 2 – Final Land Development Plan -- Josh Hoffman, Brian Reisinger, and Charlie Cortney were present on this plan. From the July 29, 2021, Planning Commission report, there were 3 outstanding items: stormwater management letter (changes submitted); surety and developer's agreements; and owner's signature. The only outstanding issue now is the payment of the surety, and a change of label on the plan (proposed water tank). Several questions were asked and answered to the Board's satisfaction. **Motion by Chairman Gross, second by Supervisor Rudisill, to approve the Final Land Development Plan for Core5 at Codorus Creek, Phase 2, subject to the satisfactory resolution of the outstanding items (payment of surety and change to the label on the plan) AND to sign the amendments as presented. All members voted aye; motion carried.**

### **Supervisor's comments**

*Vice Chairman David L. Naylor* – From the Planning Commission minutes on August 24, 2021, his comment was that it was his idea to develop a solar ordinance. He was not taking credit, just protecting the Manager. To Chris Irwin, please don't badmouth the Township when attending another municipal meeting. Mr. Irwin assured the Board that he did not badmouth the Township. Vice Chairman Naylor heard different reports from two other people. Mr. Irwin wanted to make some points to the police chief, not be combative.

*Supervisor Barry E. Rudisill* – bills for Canal Betterment program status? To be paid out of the design escrow.

*Chairman Steven H. Gross, Jr.* – Johnson Control Building outside storage and fence – please check it out. Will do. Large political signs are still hanging around and people are tired of looking at them. Please check it out. Will do. Would it be a good idea to inform the people of the Township of the proposal for the proposed 150' tall building. How to do that? Attorney Miller feels that the Variance is a long shot in the first place, and any action like that on the Township's part might be construed as unfavorable to the Township's position. Never mind.

From the audience, Blaine Rentzel spoke in favor of Hillwood's request for the permit to use the house as a contractor's office. He feels that the Board should reconsider Hillwood's request.

**Budget discussion date:** October 20, 6 p.m.

September 14, 2021

Page 6 of 7

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

**Motion by Vice Chairman Naylor, second by Chairman Gross, to adjourn. All members voted aye; motion carried.** The meeting adjourned at 10:37 p.m.

Respectfully submitted,

Kristie Masemer  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary