

EAST MANCHESTER TOWNSHIP
Board of Supervisors
October 12, 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; Zoning Officer Brittany Kohler; Recording Secretary, and 13 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 September 14, the Board had a road meeting on September 17 with Hillwood, PennDOT, and others. No action was taken. A second road meeting was held but only Chairman Gross was present; no action taken.

Addition to tonight's Agenda: Under Special Requests, add item 6.3, exoneration for 4061 Board Road.

Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the Agenda for October 12, 2021, as amended above. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the minutes of the meeting of September 14, 2021. All members voted aye; motion carried.

Next Wednesday, a budget meeting will be held with a Covid funds discussion prior to that meeting. So, at 6 p.m. will be the Covid meeting; then the budget discussion will follow. Does the Board want to have a representative from the Solicitor's office there? No, because there's no updated information. Attorney Miller will discuss with Mrs. Masemer prior to that meeting, and she can present the information.

Per Chairman Gross, someone in the Borough noted that the Township hasn't raised taxes in several years. That person thought that it might be time for an increase. Chairman Gross put the question to those in attendance tonight -- anyone at all interested in a Township tax increase for 2022? Please let the Board members know. At this meeting, no one expressed interest. Imagine.

Also, from Chairman Gross, someone asked him why the Township was not represented in the re-dedication ceremony at the cemetery? Easy answer: the Township wasn't invited. People can hardly be expected to appear at a function that they don't know about. Disheartening that no invitation was issued.

Public Comments

Mike Grothouse, 1215 Canal Road Extended, complained about the bugs that have been associated with the retention ponds on the DHL property. DHL did pump the pond again this past weekend. He and his family cannot enjoy their property because of DHL's behavior. He provided some photographs to illustrate the problems. There's a low hum associated with the operations. No progress on the light issue nor on the reseeding of the area. He's had it with the whole thing. Mr. Trout reported that he spoke to Rob last week, who said he would take another look. Mr. Trout feels that they need to cut a notch in the basin to drain it better. They need to figure out why it's not infiltrating. He will have another conversation. There is still surety available to assure that the problem is fixed if necessary. The Township will not release that surety until the issue is resolved. Per Mrs. Masemer, regarding the seeding of the bank, those are Conservation District requirements. Should Mr. Trout send a violation letter? Yes,

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and Attorney Miller will provide a sample letter to use. Re: the lights, Mr. Trout met with the applicant last week, and there's a possibility of the company just turning some of the lights off rather than trying to further shield them. Mr. Trout will meet with them again last week. Vice Chairman Naylor agreed with Mr. Grothouse on the constant hum issue. He also had a problem with bugs today at his house. The hum can be any time of the day or night, and it depends on the breeze. Mrs. Masemer is getting results to have DHL change the sign. The nighttime sign issue needs to be corrected. Also, a "driveway ahead" sign or something similar might help with one of the traffic issues. Right now, some vehicles miss the driveway and then stop and back up in the road to make the turn into the driveway. Not a safe situation.

Ed Hewitt, 290 Manchester Street, also noticed that the bugs are worse this year. Also, a truck exiting the DHL property today took up four lanes of traffic, dangerously. Also, he has noticed a strong diesel/oil smell lately. Perhaps it was the way the wind was blowing. Mr. Trout will go take a smell!

Dean Kohr, 1700 Canal Road, requested that the audit results be put on the website. Mrs. Masemer will see to this.

Emergency Services Report

Fire Chief's Report – no questions on the submitted report. Mrs. Masemer complimented Chief Stevens on the goodies that they left for the children for Fire Prevention Week. Mrs. Masemer did not receive any report from Eagle Company.

Bob Kramer of the ambulance company reported that Newberry Township's ambulance service is shut down now. Life Team is covering that Township for now, with assistance from Fairview Township. Impact to East Manchester Township should be minimal. Per Attorney Miller, Newberry issued the RFP in July, in anticipation of a combined police and ambulance facility, then they were informed that the ambulance services would be discontinued. From Mr. Kramer, the company received some grant funding that allowed them to purchase some new equipment to improve their patient care. Always a good thing!

2021 Volunteer Fire Relief Allocation was received in the amount of \$51,896.31. Mrs. Masemer checked the minutes from previous years, and for 2020, the distribution of \$56K was split equally. For 2019, \$52K was distributed \$30K to Manchester and balance to Mt. Wolf.

Motion by Vice Chairman Naylor, second by Chairman Gross, to distribute \$30K to Union Company and the balance of \$21,896.31 to Eagle Company. All members voted aye; motion carried.

Special Request

1495 Conewago Creek Road request for waiver to install temporary holding tanks for proposed single-family dwelling

Robert Berkheimer and Linda Spiridonoff, 1495 Conewago Creek Road were present. They requested permission to install temporary holding tanks until they can hook to the public sewer. The Agreement would require the SEO to inspect the tanks and approve them for actual use, and the tanks need to be pumped on a regular basis with proof of the contract/agreement to the Township and to the SEO; acknowledge that it's a temporary connection, and upon expansion of Area 2, the owners will connect to the sewer system and then remove the tanks. SEO inspection following that removal.

Motion by Chairman Gross, second by Supervisor Rudisill, to permit 1495 Conewago Creek Road property to install temporary holding tanks until such time as they connect to the sewer AND to authorize the Manager to sign the agreement, and to incorporate the correspondence so that all parties are aware of the history and reasoning behind this request/approval. All members voted aye; motion carried.

Hillwood Properties request for building/occupancy permits for property located at Canal and Locust Point Roads

Chris Fencel with Hillwood and Ron Lucas were present. Hillwood has submitted two applications for permits: to use an existing structure as the office; and to proceed with a structural retaining wall for the earth-moving operations. They would also like to submit a shell building permit application for review.

Attorney Miller reported that changes were made to the Developers' Agreements. He outlined those changes for the benefit of those present. Remaining issue: request to change language to permit the issuance of the shell permit prior to issuance of the HOP for the eastern Locust Point improvements. Other than that, the Agreement is ready for signatures. It was noted that the HOP is likely several months away from being ready. Mr. Fencel noted that the utility relocations have been designed; it's just a matter of posting the funds and agreeing. That could happen concurrently with the HOP work. It was noted that the DEP review was received earlier than originally thought, which is indeed a good thing.

Supervisor Rudisill is convinced that Hillwood will continue to act and perform in good faith in this matter. **Motion by Supervisor Rudisill, to issue the permits for the use of the house and all building permits requested prior to the HOP issuance. Motion died for lack of second.**

Dean Kohr noted that the intersection is getting more dangerous. Getting these permits will bring construction traffic to that intersection, making it even worse. The construction vehicles would enter and exit at the house that is to be used as the office, and this entrance will become the main entrance.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the change of use application for 920 Canal Road Extended to operate as a construction office. Two members voted aye; Chairman Gross opposed. Motion carried.

Mr. Fencel thanked the Board for the approval of one permit. Eventually the retaining wall construction application will halt the construction on the site. Might the Board reconsider approving this application?

Mike Grothouse noticed that a silt sock was out on the road at the intersection, creating a dangerous situation. Mr. Fencel made note of it and will check.

Chairman Gross reiterated how he understands Hillwood's position, but he also needs to consider the needs and concerns of the residents. He feels that approving some permits without the road improvements being done is not advisable. Vice Chairman Naylor urged movement on the road improvements.

Ed Hewitt reminded the Board of the school bus traffic that uses that road. That traffic will definitely be affected by the road improvement process.

Dean Kohr asked how long the road improvements might take. Mr. Fencel estimated six months from the date when everything is in place.

If road construction started on the .3 mile of the road, could the applicant work concurrently on the road and the site construction? Sure.

Blaine Rentzel asked if the equipment is already onsite to make the retaining wall. Most of it is already onsite; might need to bring in some smaller pieces. So, if the equipment is already there, increased traffic might not actually be a problem. End of discussion.

As added to the Agenda, **Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the exoneration of \$66.23 for 4061 Board Road. All members voted aye; motion carried.**

Correspondence

East Manchester Township tax collector audit – after the second audit, nothing untoward was found. This will be added to the website.

York Water Company – survey – Canal Road Extended – Chairman Gross is pretty sure that his family didn't vote in favor of public water coming to the area. Not sure how that name got in the Yes side of the question/answer. The majority of the survey responses were “no” to the question.

Solicitor's report – Attorney Andrew Miller

- York County Regional Charter Document – **Motion by Vice Chairman Naylor, second by Chairman Gross, to adopt Resolution #2021-10, Intergovernmental Cooperation Agreement for the Dissolution of the Northeastern Regional Police Department, AND to authorize the Chairman to sign the Dissolution Agreement. Two members voted aye; Rudisill opposed. Motion carried.**
- Canal Road Betterment Committee – stormwater maintenance responsibilities for the HOP on Locust Point Road and Canal Road. Mostly covered at the Hillwood discussion. Still in progress.
- Solar Farm Ordinance – **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to set November 9, 2021, as the hearing date for this Ordinance AND to authorize MPL Law Firm to advertise the hearing and Ordinance for adoption. All members voted aye; motion carried.**

Engineer's report – Byron Trout

Mr. Trout has been trying to contact Mr. Dolan and has had no results. He will continue to try to make contact.

Secretary/Treasurer/Manager's report – Kristie Masemer

Sewer Authority – Minutes are available for August 23, 2021

Area 2 sewer project—connections to properties outside of Area 2 – Chris Toms, C. S. Davidson, was present on this discussion. He referred to the map that shows the sewer lines and properties. There's a part of the Township that does not appear in the Act 537 Plan. Mr. Toms outlined Area 2. Question: will the residents be required to connect according to the requirements? There's a mandatory connection ordinance – will it be enforced to the letter for this project? The residents that will be affected should be informed. The concern is that in previous conversations at the beginning of this proposal, some residents were informed that they might not be required to hook up to the system. Actually, they probably need to hook up.

If the Township doesn't want to follow the ordinance, does the ordinance need to be changed? Perhaps grant hardship variances to the affected properties? Attorney Miller noted that it would be best to agree on the lines and enforce the ordinance as written.

John Nace, Sewer Authority Chairman, feels they should hook up and lock in the rates for now.

Mr. Hewitt asserted that the residents didn't know about this soon enough. Also, he was not happy that if he is required to hook to the sewer, he will tear up his yard for that, then if he wanted to hook to the public water, he'd have to tear up the yard the other way.

Per John Nace, obviously the Sewer Authority would like the Township to adhere to its ordinance.

Consensus by the Board: follow the ordinance. Thanks to the Sewer Authority members for attending this meeting.

The piping at the Talen Energy site was discussed. Still a work in progress.

Zoning Officer – Planning Commission meeting on October 26, 2021 – Comp Plan Amendment per the I-83 Exit 26 study conducted by YCPC. There's a small portion of Commercial land that would likely be rezoned to Industrial.

The cold storage zoning request was continued at the request of the applicant. Staff comments and concerns were presented. Any Board concerns? Please bring forward to Mrs. Masemer. If Americold
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also applies for a variance to the Line of Sight would the Board be against this? The consensus is absolutely.

Douglas Explosives will be blasting on October 14 in the morning for short blasts. This will be posted on the website. If weather is inclement, they will reschedule.

Recreation Board – still no one serving on this Board

Covid relief money workshop -- addressed at the beginning of the meeting

Public Works Report – Shane Haugh

November 1 to 16 will be leaf collection.

DEP did another inspection of some stormwater locations in the Township.

Excellent job on painting the Gut Road gate.

Land Development/Subdivision –

September 2021 draft minutes available

Ollies Warehouse expansion – Orchard Business Park Lot 10 Final Land Development Plan

No one was present on this plan tonight. Ollies is still trying to find the leak in its system. If it's determined that a leak exists, and it's fixed, the applicant likely has reserved enough EDUs to handle its use. If no leak is there, the applicant would likely need to reserve more EDUs.

Supervisor's comments

Vice Chairman David L. Naylor – kudos to the road crew for participating in Touch-A-Truck. Wasp nest in Saginaw? Mr. Haugh will check.

Supervisor Barry E. Rudisill – Nothing at this time.

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

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

Motion by Chairman Gross, second by Vice Chairman Naylor, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:29 p.m.

Respectfully submitted,

Kristie Masemer
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary