

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**February 8, 2022**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Darryl L. Albright; Attorney Andrew Miller; Manager/Secretary/Treasurer Kristie Masemer; Public Works Director Shane Haugh; Engineer Byron Trout; Zoning Officer Kelly Helsel; Recording Secretary, and 12 citizens.

At a regular meeting held at the Township building, Chairman Steven H. Gross, Jr. called the meeting to order at 7:13 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 January 3, 2022, the Board met on January 11 for road inspection from 9 a.m. to 2:30 p.m.; and on January 24 to discuss the renovations to the Township Building. The Board also met for legal matters prior to this meeting tonight.

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

**Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the minutes of the Reorganization Meeting of January 3, 2022. All members voted aye; motion carried.**

**Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve the minutes of the regular meeting of January 3, 2022. All members voted aye; motion carried.**

**Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the minutes of the Special Road Meeting of January 11, 2022. All members voted aye; motion carried.**

**Motion by Supervisor Albright, second by Chairman Gross, to approve the minutes of the Special Meeting for the Township Building discussion on January 24, 2022. All members voted aye; motion carried.** Chairman Gross reported that no action was taken at that meeting.

**Public Comments**

DHL still noisy, per Mr. Grothouse and Vice Chairman Naylor.

Russ King, General Manager of DHL, referred to the denial of DHL's conveyance permit. DHL serves the life science and healthcare industries. Mr. King said that DHL wants to be a good-faith partner with the Township. If anyone wants to talk, feel free to contact Mr. King. The Board appreciates Mr. King's being present tonight and his extension of the olive branch, so to speak, to foster good relationships with the applicant. However, the Township is pretty much done with DHL.

Vice Chairman Naylor referred to the noise coming from DHL. It seems like a truck is running outside his house. Very annoying. Plus, the road traffic is a problem. Mr. King will take the noise concerns to the appropriate people. He did say that the truck idling problem has been addressed.

**Emergency Services Report**

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

Ambulance service – no questions from the Board.

## Special Request

Core5At Codorus Creek – amendment to Development Agreement for Building 1

Charlie Courtney was present on this request. The area in question is at the intersection of Busser and Emig Roads. The applicant is asking for an amendment to permit occupancy of the first building prior to the improvements being made (turning lanes, signals). The delay has been due to other issues taking precedence over the original timetable and the applicants' willingness to work with other agencies to accomplish those things in a timely fashion.

Mr. Courtney noted that there is lower than anticipated traffic volumes for the first building; Manchester Township has okayed occupancy permit for this building. (Half of the building is in MT; half in EMT.) PennDOT issued the traffic signal permit. Because of this, Core5 had to juggle its timetable and accomplishments. The tenant will have fewer employees than originally anticipated, thereby generating less traffic.

Is it right that the Township make another developer comply and not this one?

Mrs. Masemer noted that all the traffic will go into Manchester Township and Manchester Township has already approved the amendment. Whether a signal light goes in or not, the traffic will still be difficult. Chairman Gross so noted that Core5 did all the improvements on Mundis Race Road as requested, installed the guardrail next to the Rail Trail, and installed the signage on Mundis Race Road. The Township staff is in favor of granting this amendment.

**Motion by Chairman Gross, second by Supervisor Albright, to grant the request by Core5 to permit occupancy of the first building as presented. Two members voted aye; Vice Chairman Naylor opposed. Motion carried.**

## Correspondence

Thank-you letter received from the York County Rail Trail Authority

York County Planning Commission – Development of Regional Significance within Conewago Township – 61 single-family attached and 2 single-family detached dwelling units; Greensprings Road northeast of Copenhaffer Road.

## Solicitor's report – Attorney Andrew Miller

- Mundis Race Road truck restrictions – **Motion by Chairman Gross, second by Supervisor Albright, to authorize the Solicitor to advertise Ordinance 2022-1, Mundis Race Road truck restrictions. All members voted aye; motion carried.**
- LERTA Resolution and Ordinance Amendment -- Discussion was held on how to proceed with the LERTA issue. Can the Township collect an application or hearing fee from a LERTA applicant? Who would pay the costs of the hearing? The applicant will, if any costs are associated. This language could be added to the ordinance. How about taking the application fee and costs from the applicant's escrow account? Good idea, Mrs. Masemer. **Motion by Chairman Gross, second by Vice Chairman Naylor, to advertise the Ordinance which would amend the program and permit the hearing of LERTA applications on a case-by-case basis. All members voted aye; motion carried.**
- Act 97 of 2021 Amendments to SALDO. **Motion by Vice Chairman Naylor, second by Chairman Gross, to forward to the EMT Planning Commission and the YCPC the amendments to the SALDO to comply with Act 97 of 2021; this matter will be addressed at the Board's April 12 meeting. All members voted aye; motion carried.**
- Canal Road Betterment Committee – consider designating Barry Rudisill as a Township representative to this committee -- **Motion by Supervisor Albright, second by Vice Chairman Naylor, to appoint Barry Rudisill as an ex officio Township representative to the Canal Road**

**Betterment Committee. All members voted aye; motion carried.**

- DHL Release from the Canal Road Betterment Committee – nothing discussed.
- Canal Road Betterment Agreement – still making progress; nearly ready for signatures.
- Conewago Township Sewer Authority force main sketch plan -- FYI at this point. This project would reroute one of Conewago Township's force mains to the area affected by the Canal Road Betterment Project. Attorney Miller has advised Conewago Township to contact Erdmann Anthony on this issue. Vice Chairman Naylor is afraid that this project won't start until after East Manchester Township's roadwork is completed. Never fails.
- Comcast cable franchise agreement -- Attorney Miller is meeting tomorrow to discuss the number of municipalities that will be participating in the agreement.
- Exit 26/I-83 Comprehensive Plan update -- draft resolution has been prepared; March 8 public hearing to be held. Make sure all the appropriate roads are included, such as Willow Springs Lane being connected to Espresso Way; also Bartlett Drive to Zions View Road. Put this information on the table now. Attorney Miller noted that the County has prepared all the paperwork thus far – Mrs. Masemer will contact the County personnel to request that this information be added.
- Solicitor Corner – 5G small cell systems informational -- nothing discussed.
- Hillwood Properties at Canal Road and Locust Point Road – Developer's Agreement, Declaration of Covenants, Conditions, and Restrictions; execution of Final Subdivision and Land Development Plan and authorize the approval of the Township Road Occupancy Permit for the Canal Road Extended and Manchester Street public force main -- applicant is asking for approval of the Road Occupancy Permit. Chris Fencel with Hillwood noted that DEP issued the stream permit today, so the HOP should not be far behind. **Motion by Vice-Chairman Naylor to give Hillwood the Road Occupancy Permit to construct the sewer force main on Canal Road and Manchester Street. Second by Supervisor Albright. Chairman Gross did not recognize the motion. Motion died and discussion continued.** Chairman Gross is not happy about this situation, saying that the applicant has been the recipient of the Township's bending rules to suit the applicant. From the audience, Dean Kohr noted that the Township roads were not designed to handle the volume and weight of the truck traffic that has come into the Township. From Mrs. Masemer, perhaps a motion on the road occupancy permit is a bit premature since the developer's agreement is still outstanding. The Agreement does state that the applicant cannot get building permits until road improvements are completed. Chris Fencel acknowledged that yes, as soon as the permit comes through, the work will start. The sooner it can start, the less likelihood there is that this road work will coincide with the other project in the area. Ron Lucas corroborated this information and noted that the sooner the road work is completed, the longer it has to settle and be prepared for the final road work. A revision to the plan is necessary to add Note #32 about an illuminated sign. No problem. **Motion by Chairman Gross, second by Supervisor Albright, to approve the developer's agreement and the Declaration of Covenants, Conditions, and Restrictions subject to the issuance of the HOP; AND add Note #32. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Vice Chairman Naylor, to authorize the Manager sign the HOP permit when issued by PennDOT, pending approval by the Township Engineer. All members voted aye; motion carried.**

- DHL building permit denial appeal to the UCC Board of Appeals -- DHL has filed an appeal. **Motion by Chairman Gross, second by Supervisor Albright, to authorize the Solicitor's office to represent the Township in this matter. All members voted aye; motion carried.** It was noted that there's still room for negotiation before going to court.

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

Mr. Trout received an email from Terry Myers about the Area 2 plans, etc. May Mr. Trout meet with Mr. Myers and Mr. Haugh, etc., to discuss this project? Absolutely.

The new planned development is across the road from the Conewago Township Building.

How about the permit for Starbucks? Mrs. Masemer explained about the substation issue.

Couple of items on Mr. Trout's list haven't seen any action for months.

How about the Ollie's easements? Still in the works; Mr. Trout's soliciting bids and updated prices. Stay on it, so that Mr. Dolan's issue is resolved!

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

*Sewer Authority* – minutes are available. Intermunicipal annual meeting is February 14, 11 a.m., at the sewer authority building. Letter was sent to certain residents regarding legal connections to the sewer.

*Zoning Officer* – no questions or additions to the report. Zoning Hearing Board – no February meeting. For the Planning Commission – no February meeting; likely a March meeting.

*Recreation Board* – no Board serving at this time.

**Motion by Supervisor Gross, second by Supervisor Albright, to accept, with regret, the resignation of Rachele Travers' resignation from the Recreation Board. All members voted aye; motion carried.**

Mrs. Masemer received an email from a resident who expressed interest in serving on the Rec Board. She will contact that person this week.

***Tax Collector Exoneration Request – Motion by Chairman Gross, second by Vice Chairman Naylor, to exonerate 588 residents for a total of \$2,940.00 because of death, relocation, duplication, or paid elsewhere, based on the Tax Collector's recommendation. All members voted aye; motion carried.***

### ***Holiday re-designation***

**Motion by Chairman Gross, second by Supervisor Albright, to move the New Year legal holiday from Friday, December 30, 2022, to Monday, January 2, 2023, per PSATS. The Board's Reorganization meeting will be held on Tuesday, January 3, 2023, with the regular meeting following; and the Auditor's Reorganization meeting will be held on Wednesday, January 4, 2023. All members voted aye; motion carried.**

Regarding the ARP funds, Mrs. Masemer reported that the Township should pay itself back for Covid expenses. A resolution can be adopted periodically to outline and allocate the ARP funds. Attorney Miller can provide a sample resolution. Mrs. Masemer will get the figures together for the Board for the March meeting.

The auditor with Hamilton & Musser requested to come and report the 2021 Audit at the March board meeting. The consensus from the board is that it is not necessary unless there are major infractions.

### **Public Works Report – Shane Haugh**

Nothing to add to his report; no questions.

Township Building renovation/addition/new build -- The Board discussed this on January 24 "in great detail," Chairman Gross said. **Motion by Vice Chairman Naylor, second by Supervisor Albright, to proceed with Option 2 [create additional office space for future expansion; make a "generous file room" for storage; reconfigure walls for electrical upgrades for generated power; create better/larger office space; increase the "day room" space, ADA compliance; drive-through bays for the road crew] AND to authorize Lobar to design and price. All members voted aye;**

**motion carried.**

Grant Writer contract/agreement – **Motion by Vice Chairman Naylor, second by Chairman Gross, to enter into an agreement with Joyce Salazar, the grant writer, to investigate any grant options for the Township Building project. All members voted aye; motion carried.**

**Land Development/Subdivision –**

Nothing at this time.

**Supervisor's comments**

*Vice Chairman David L. Naylor* – yes, our infrastructure is rather lacking, but it's not the Township's sole fault; the County owns some of that. And if there's little or no support from the County, that's bothersome for sure. Comment from Blaine Rentzel about how long it's taking for the supposed Exit 26.

*Supervisor Darryl Albright* – attended supervisor school last Saturday; one more to go.

*Chairman Steven H. Gross, Jr.* – nothing at this time.

**Vice Chairman Naylor requested an Executive Session following the meeting to discuss legal issues.**

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

**Motion by Chairman Gross, second by Supervisor Albright, to adjourn. All members voted aye; motion carried.** The meeting *adjourned to an Executive Session* at 9:25 p.m.

**Motion by Supervisor Albright, Second by Vice-Chairman Naylor to adjourn from Executive Session. All members voted aye; motion carried. The meeting *adjourned* at 9:57 p.m.**

Respectfully submitted,

Kristie Masemer  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary