

EAST MANCHESTER TOWNSHIP
Board of Supervisors
June 14, 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 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.

Amendment to the Agenda: Add Executive Session at the end of the meeting.

Motion by Chairman Gross, second by Vice Chairman Naylor, to amend the Agenda to add Executive Session to the end of the Agenda. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the minutes of the regular meeting of May 10, 2022. All members voted aye; motion carried.

The Board also met on May 13, 2022, for discussion about the township building project. **Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve the minutes from the meeting on May 13, 2022. All members voted aye; motion carried.**

Public Comments

George Bottenfield, 270 Abbey Drive, Mt. Wolf, asked about the requirement that fireworks be 150' from any structure. In Asbury Point, there's no way that can happen! Mr. Bottenfield is concerned for the safety of structures, people, and animals, having lost a family member to a fire. State law permits the enjoyment of fireworks. Attorney Miller noted that the township can set hours for use, but likely can't ban the use itself. He can provide some language from other municipalities for the Board members to examine. Vice Chairman Naylor reported that the police are "gearing up" for the upcoming holiday.

Emergency Services Report

Fire Chief's Report -- no questions, etc. No questions for the ambulance club representative. Staffing is still an issue, but they're trying to work on it.

York County Regional Police Report -- grant received for general policing from the state (over \$100K), and they're applying for an additional grant for fuel costs (as this is over budget). Chairman Gross noted that the fireworks issue was discussed at the last police meeting. Supervisor Albright noted that August 2 is National Night Out; are plans being made? Yes, plans are in the works.

Emergency Services donations – nothing discussed; just keeping it on the agenda.

Special Requests

Waiver request for holding tank at 1265 Canal Road, parcel 26-000-NI-0032.00-00000, due to Area 2 project

Duane Greenplate, Red Lion, was present on behalf of his son, who is purchasing the property. He'd like to use a temporary holding tank until the sewer is extended to his property. Engineer Chris Toms reviewed and recommended approval of this request. **Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve the request for the waiver for holding tank at 1265 Canal Road,**

as presented with the agreement to be recorded, and to authorize the Manager to sign the paperwork. All members voted aye; motion carried.

Request by Penn Waste to start trash pickup one hour earlier on days with temperatures above 90 degrees -- consensus by the Board was "fine, go ahead."

Republic Services will begin placing mobile carts on the week of June 20th. Penn Waste will pick up their mobile carts within the last two weeks of the month. Penn Waste will pick up the trash in the Republic carts until Republic starts. Also, Chairman Gross received several calls from residents about the switch to Republic. The recycling cart is smaller than the Penn Waste cart AND is there unlimited recycling? Discussion was held on the sizes of the carts and what the Township has now and what Republic will offer. Mrs. Masemer checked the contract. The container is to be 65 gallons, not 96 gallons. This contract specifies a 65-gallon recycling container. *Mrs. Masemer later discovered through messaging the Republic Service representative during the meeting that the Penn Waste recycle carts only appear to be the same size as the mobile trash carts but hold less volume. Therefore, the Republic recycle carts and the Penn Waste recycle carts are both 65 gallons.*

Herb Nix, 245 Chestnut Street, asked about the per-bag cost and the minimum number of bags to be purchased. Might it be possible for the resident to sell the extra bags? Sure, why not, no prohibition is evident. How many residents use the bag program? Not many. Also from Mr. Nix, is Republic's contract price set? The only way it will increase is if the tipping fee increases. There's no fuel surcharge from Republic.

Waiver request for fence around stormwater basin in Northern Heights -- Mark Will was present to request that this fence be removed. This waiver request has been before the Board previously (2018). Are all outstanding items addressed? Yes, per Mr. Trout. Was the letter sent out to the residents getting their opinions? No documentation is available from any of those meetings, but Mr. Will could provide that information if necessary. **Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the waiver request for the fence around the stormwater basin in Northern Heights contingent on receiving a letter of support from the HOA. All members voted aye; motion carried.** Vice Chairman Naylor said the approval of this waiver does go against his better judgment -- there's a fence for a reason -- but in this case it makes sense.

Correspondence

Penn Waste announcement to commercial customers -- increase
Republic Services mailer

Solicitor's report -- Attorney Andrew Miller

- Canal Road Betterment Project -- Locust Point ROW Resolutions are ready -- No one was present to discuss any of these Resolutions. **Motion by Chairman Gross, second by Vice Chairman Naylor, to adopt Resolutions 2022-10 through 2022-15. All members voted aye; motion carried.**
- Small cell wireless ordinance -- estimate from Cohen Law Group -- Attorney Miller recommends this group to prepare the ordinance. They have the necessary experience. **Motion by Vice Chairman Naylor, second by Supervisor Albright, to enter into the contract for \$4800 with Cohen Law Group for the drafting of a Small Cell Ordinance. All members voted aye; motion carried.**
- Electric Vehicle charging stations -- there's a manual with a model ordinance available that Attorney Miller will distribute to the Board members and staff. This item will be discussed at the Board meeting in July.
- Executive Session requested to discuss the DHL/UCC litigation. It was noted that DHL has not

yet paid its share of the Canal Road design process. Chairman Gross has a real problem with that, particularly since DHL is saying ‘we’ll pay if you give us such and such.’ Please, Attorney Miller, convey this dissatisfaction to the DHL representatives.

- Evidently Talen Energy has filed for bankruptcy. Attorney Miller gave the history of the company and its dealings. Any impact on Brunner Island? Unknown at this point. Does the company owe anything to the Township? Unknown, but Talen is a large taxpayer, hence the notice to the Township about the bankruptcy.

Engineer’s report – Byron Trout

Motion by Chairman Gross, second by Supervisor Albright, to approve the surety reduction request in the amount of \$94,685.53 for Northern Heights Phase I based on the engineer’s recommendation, leaving a balance of \$0, contingent on receipt of the letter from the HOA in support of the waiver, as referred to above in the Special Requests section. If the HOA does not support this waiver, the surety reduction is approved with the remaining surety of \$18,150.00. All members voted aye; motion carried.

Motion by Supervisor Albright, second by Chairman Gross, to approve the surety reduction request in the amount of \$105,360.28 for Northern Heights, Phase 2 and 3, leaving a balance of \$0. All members voted aye; motion carried.

Motion by Chairman Gross, second by Supervisor Albright, to approve the surety reduction request by Northern Heights, Phase 2 and 3 maintenance bond final release in the amount of \$103,423.39, leaving a balance of \$0. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the surety reduction request by Northern Heights, Phase 2 and 3, maintenance bond sidewalk final release, in the amount of \$1,350, leaving a balance of \$0. All members voted aye; motion carried.

Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve the surety reduction request by Core 5 Phase 1 (reduction #2) in the amount of \$631,655.86 leaving a balance of \$358,239.97, per the engineer’s recommendation. All members voted aye; motion carried.

Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve the surety reduction request by Core 5 Phase 2 (reduction #1), in the amount of \$1,849,888.98 leaving a balance of \$3,053,589.44 per the engineer’s recommendation. All members voted aye; motion carried.

Rolling Meadows update -- requirement to install sidewalk at 55 Hollyhock. Mr. Trout and Mr. Haugh did a street walk-through, finding there’s much work to be done. Mr. Haugh and Mr. Trout are holding firm on their decision to have the developer/contractor re-do the roadwork. Also, on the drainage issue on the eastern side of Hollyhock, the infiltration pits must be re-done. If necessary, should Mr. Trout work with Attorney Miller to keep this issue moving? Absolutely. RE: the seepage pit at 110 Blaine, infiltration structure is older and is full of water; it bleeds out the cap. Mr. Trout gave the homeowner instructions for correcting the problem, and as far as Mr. Trout knows, the homeowner will address the situation. From Chairman Gross – if this older model is malfunctioning now, might we anticipate the other older models in this development to start failing? Possibly, but not necessarily.

Stormwater Ordinance -- two items for discussion – Mr. Trout called DEP on the “no stormwater management required for up to an acre of disturbance” language, plus he has a few issues that he wants to discuss with Attorney Miller.

Brendan Mews property still a problem. Mr. Trout will discuss with Attorney Miller.

Secretary/Treasurer/Manager's report – Kristie Masemer

Sewer Authority – nothing discussed.

Zoning Officer – ZHB meeting June 23, 2022; no June Planning Commission meeting. No questions on the submitted report.

Recreation Board – no minutes available.

Mileage rate to increase to 62.5 cents per mile. **Motion by Supervisor Albright, second by Chairman Gross, to amend the mileage rate as set by the IRS to 62.5 cents per mile. All members voted aye; motion carried.**

Chairman Gross reported that, on a project in Manchester Township, Verizon has not moved the poles so that the project can continue. Discussion was held.

Public Works Report – Shane Haugh

No questions on the submitted report.

NEYSA concession shed – hauling quote – Penn Dutch Structures \$875.00. Chairman Gross gave the background on this issue. Concession shed has been transported to Conewago Township to a private individual's property. Technically, though, the shed is the Township's property. Mr. Haugh spoke to the individual, who understands the situation. The quote above is for transporting the shed back to the Township's property. Chairman Gross doesn't think the Township should have to pay for bringing it back! Supervisor Albright stated that the Township would have had to pay to move the shed from the soccer fields to the Township building anyways. **Motion by Supervisor Albright, second by Vice Chairman Naylor, to authorize Penn Dutch Structures to move the shed back to the Township at a cost of \$875. Discussion:** do we really need this shed? Need? No. Could we use it? Absolutely. Vice Chairman Naylor feels that it's property of NEYSA. Mr. Haugh reported that the "new owner" did offer to purchase the shed. **Vote on the Motion: Two members voted aye; Chairman Gross opposed. Motion carried.**

East Manchester Township Park Street bridge replacement --- engineering quote from Dylan Quinn, PE, \$18,000.00. Mr. Haugh is not comfortable with the Township road crew doing this work. He's afraid that the Township crew will start the project and run into more than they can manage. Without plans it would then take even longer to have to get plans drawn up and a contractor lined up. He would feel more comfortable if there were some engineering behind it and that we don't push this out any further than we have to. **Motion by Vice Chairman Naylor, second by Supervisor Albright, to enter into the contract with Dylan Quinn for engineering work for the Park Street bridge replacement and to authorize Mr. Trout to provide his prices for surveying, NTE \$18K for the entire engineering estimate. All members voted aye; motion carried.**

Mr. Haugh would like to hire two new full-time road crew members. Justin Leibensperger and Justin Rauhauser. **Motion by Chairman Gross, second by Vice Chairman Naylor, to hire these two full-time road crew members, based on the recommendation of Mr. Haugh. All members voted aye; motion carried.**

Land Development/Subdivision –

Josh Myers, Shaw Surveying, present on behalf of the developer Keesey Farm, LP; waiver request for preliminary/final subdivision plan; 4350 River Farm Road in Hellam Township

The majority of the involved area is in Hellam. Part of the total parcel is in EMT (about 68 acres), but nothing will be happening on the EMT portion. This is an add-on lot near the railroad. The YCPC comments suggested that the plan be reviewed by East Manchester Township. The Township Planning

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Commission recommended approval. Attorney Miller disclosed that his firm represents the applicants in the transfer of the property. This plan cleans up all the errant lot lines in anticipation for sale of the property to Lancaster Conservancy.

Motion by Supervisor Albright, second by Chairman Gross, to approve the waiver for the Keesey Farm, LP, as requested. All members voted aye; motion carried.

Final Consolidation Subdivision Plan for 3940-4044 North George Street Extended; NuTech presenting on behalf of developer Molt, LLC

Chris Beauregard of NuTech was present on this plan to consolidate three existing lots in the North George and Beshore School Road area. The Township Planning Commission recommended approval contingent on the preparation of the deed and a confirmation deed.

Four waivers; preliminary plan (§208-21.A), curbs and sidewalks (§ 208-47.A-B), postponement of payment of rec fees (§208-49.B)

Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the waivers as presented AND to approve the Final Consolidation Subdivision Plan for 3940-4044 North George Street Extended, subject to the satisfactory resolution of the items on the MPL Law Firm letter dated 4/22/22. All members voted aye; motion carried.

Supervisor's comments

Vice Chairman David L. Naylor – concrete construction to last through September. Also, dump truck traffic is increasing on Canal Road. Mr. Haugh will check the road.

Supervisor Darryl Albright – 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 recess to Executive Session. All members voted aye; motion carried. At 8:58 the meeting *recessed* to Executive Session for personnel matters and litigation.

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

Respectfully submitted,

Kristie Masemer
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary