

EAST MANCHESTER TOWNSHIP
Board of Supervisors
November 15, 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 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.

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

Chairman Gross disclosed that since the meeting of October 11, 2022, the Board met for budget discussions on October 18, 2022. The budget is available for anyone to review during regular business hours.

Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the minutes of the meeting of October 11, 2022. All members voted aye; motion carried.

Public Comments

Robert Nace asked about the drainage issue in Rentzel Heights. He said that he understood that no building permits would be issued until the situation is resolved. At first, building permits were to be withheld; then it was occupancy permits. He sees that people are moving into a new house, so what's the deal? Mrs. Masemer understands that the situation was indeed resolved, and Mr. Trout corroborated at least part of that understanding. The downspouts have been redirected toward the front and the swale was installed. Troy Rentzel from the audience agreed. Mrs. Helsel explained that the house that is completed received a building permit in March of 2022, and the permit-withholding policy wasn't instituted until July 2022. Attorney Miller thought that the issue was resolved, then the permits were issued.

Ed Hewitt reported that the police were called to sit where the motorists were running the stop sign. He noted that tractor trailers are still proceeding down the road, despite the 'no trucks' sign. The drivers turn around wherever they can. Maybe add staggered Jersey barriers? Possible; Mr. Haugh will look at the situation.

Emergency Services Report

Fire Chief's Report – working with Americold to use the house for training purposes, so that's exciting! No report from Eagle Fire Company.

Union Fire Budget – adopted as is by the fire company.

Attorney General Audit of Eagle Fire Company No 1, 2018-2021 – Chairman Gross read from the findings, many of which were not positive to include noncompliance with prior audit recommendation – failure to maintain a complete and accurate equipment roster, undocumented expenditures, unauthorized expenditures, failure to maintain minutes of meetings, inadequate financial record-keeping system and inadequate internal controls, and inappropriate pre-signing of blank checks. **Motion by Supervisor Albright, second by Chairman Gross, to add this Audit to the Township's website. All members voted aye; motion carried.**

Supervisor Albright is concerned that the funds that the Township donates to Eagle Company aren't being used appropriately or aren't being documented properly. Not good.

Motion by Supervisor Albright, second by Vice Chairman Naylor, to withhold all funding including the purchase of the turnout gear discussed in the budget meeting to Eagle Fire Company until they comply fully with the audit; the Board will review again in the future. *Discussion:* Chairman Gross relayed information that Eagle Fire Company was selling property and purchasing property. Some points in this audit were referred to in a prior audit. He's concerned as well. It was noted that the turnout gear was approved, and if the funding isn't there, this fire company will not receive that gear before the end of this year. How will the Board know if compliance is accomplished? The auditors should keep up with this...but findings won't be evident until the next audit. Chief Stevens noted that Eagle pays a Treasurer; shouldn't that person be held accountable? Mrs. Masemer said that the Treasurer basically excused herself from the situation, saying that the answers should be sought from someone else in the organization. It was noted that Eagle provides financial information to the Board of Supervisors sometimes...and sometimes not. Mostly not. *Vote on the motion: All members voted aye; motion carried.*

Motion by Supervisor Albright, second by Vice Chairman Naylor, to authorize Chief Stevens to use the full amount of \$100,000.00 of the ARP funding for turnout gear for his department. All members voted aye; motion carried. Mrs. Masemer will inform Eagle of tonight's decisions.

York County Regional Police Report -- budget passed; all municipalities will be informed. That budget will be available for review at EMT. Horse patrol (2 horses and a trailer) now available and financed totally through a non-profit organization.

Emergency Services donation – Bob Kramer was present on behalf of the ambulance club. He noted that staffing is reduced and there are some days when the club is out of service because no one's available to staff. They increased salaries a bit, but that might not be quite enough. They're still looking at the numbers. Any chance the Township could send some money the ambulance club's way to help them cover the raises? \$30K of it? He could wait until December's meeting. What's the situation with the outstanding funds that the club was trying to collect? The balance due is not as large as it was, and the club's still working on collecting. Good news, though, a cardiac arrest patient treated at the scene survived (after a hospital stay), thanks to the quick actions of the police, fire fighters, and ambulance crew! Well done all!

Special Requests

York County Tax Claim Bureau – **Motion by Supervisor Albright, second by Vice Chairman Naylor, to accept the bid from repository list: Board Road, parcel #26-000-NI-0151C0-00000. All members voted aye; motion carried.**

Kathy Emswiler, Tax Collector, was present to request that she be permitted to not accept loose or rolled coin in the drop box. A gentleman stuffed a Ziploc bag of coins into the drop box; she had to take it to the bank to be counted; the coins were sticky with something and needed to be separated by hand after jamming the machine twice. At the time, Attorney Miller had advised Ms. Emswiler that she had to accept the coins as they were legal tender. She is refusing to accept loose or rolled coins anymore. Ms. Emswiler reported that the County refuses, as an office policy, to accept cash or coins either. Attorney Miller says that there's nothing prohibiting her from creating her own office policy. There's already a resolution in place prohibiting taxpayers from putting more cash than \$100 in the drop box. If she makes this policy, the Board can support it.

Correspondence

Thank-you letter received from Senior Center for the donation.

Lions Club thank-you letter received; tentative parade date for 2023: October 15, 2023

Solicitor's report – Attorney Andrew Miller

- Attorney Miller explained that Resolution 2022-18 was rejected by the Recorder of Deeds' office because of a clerical error. The Resolution was corrected, and new signatures are requested. Deeds still in progress. **Motion by Vice Chairman Naylor, second by Chairman Gross, to execute Resolution 2022-18a, Canal Road Betterment Project, Locust Point Road. All members voted aye; motion carried.**
- Canal Road Betterment Project agreement is fully signed! Fully funded and escrowed!
- DHL UCC appeal – **Motion by Vice Chairman Naylor, second by Supervisor Albright, to authorize Attorney Miller to *withdraw* the DHL UCC appeal. All members voted aye; motion carried.**
- Core5 Phase III, Lot 4 Agreements have been signed. **Motion by Chairman Gross, second by Vice Chairman Naylor, to approve the amended agreements for Core5 Phase III, Lot 4. All members voted aye; motion carried.**
- Comcast franchise Agreement – draft is out for review. Does the Township want to change the franchise fee? Currently that fee is 5%. No change.

Engineer's report – Byron Trout

Motion by Chairman Gross, second by Supervisor Albright, to approve the surety reduction request for 84 Zions View Road (DHL) in the amount of \$3,999,288.00, leaving a balance of \$927,575.48, as recommended by the Township Engineer. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the surety reduction request for Orchard Business Park II, Lot 3 (Kinsley Properties) in the amount of \$169,995.27, leaving a balance of \$0, per the recommendation of the Township Engineer. All members voted aye; motion carried.

Stormwater update behind Zions View Road -- Dolan property repairs will hopefully be done by the end of the year. Attorney Miller is actively getting the easement agreement worked out with all industrial property owners involved.

Complaint about the paving along Dellinger Road. The company is addressing it; the replacement work will be done in the spring, since it's late in the year for this type of work.

Rolling Meadows update – discussed earlier in the meeting. The gas company replaced some sidewalk tiles that settled quite a bit. Who's responsible for restoring this? Mr. Trout's following up.

Secretary/Treasurer/Manager's report – Kristie Masemer

Sewer Authority – from the Sewer Authority minutes, Vice Chairman Naylor reported that the tapping fee for Inch & Company's Apartment Complex was paid, and funds were placed in PLIGIT for a year. Also, the SA received a quote from Met-Ed (over \$300K) for a project.

Zoning Officer – No meetings in November for either Planning Commission or Zoning Hearing Board. Likely a Planning Commission meeting in December.

Assistant Zoning and Codes Officer report -- She's making progress cleaning up permits. Discussion was held on the non-domestic animal violation.

Good news and kudos: Kelly passed her Building Code certification!

Recreation Board – the Rec Board lost a member, Tess Croy. Minutes will be forthcoming. Disc golf activity is going well.

SPCA Contract for 2023 – No increase for 2023, however, they issued a heads up that an increase is proposed for 2024. Mrs. Masemer will inquire as to why the increase and request a copy of the SPCA’s financial information, too. Action next month.

2023 Animal Enforcement Contract – **Motion by Chairman Gross, second by Supervisor Albright, to approve and sign the contract with Klugh. All members voted aye; motion carried.**

2023 Solicitor Contract – Attorney Miller’s firm to be appointed at the Board’s Reorganization meeting. *York County LGAC Municipal Spotlight newsletter article for EMT* – final draft to be displayed as well as the proposed 2023 budget in the Township office. Well done, Mrs. Masemer!

Mike Grothouse asked Mrs. Masemer to mention in his absence tonight that rivets should be installed on the center line of North Sherman Street Extended at the bend near Poplar Lane. Mrs. Masemer reported that the Township has requested action many times from PennDOT for several issues on their state roads within the Township with never a satisfactory response or action.

Public Works Report – Shane Haugh

The backhoe is back and was being repaired again today. Sigh... Stay tuned.

Road inspection Friday at 9 a.m.

Chipper 2023 for \$73,198.80 -- The current chipper is co-owned with Manchester Township. Mr. Haugh would like to stop co-owning equipment. The chipper will become Manchester Township’s.

Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve the purchase of a new brush chipper from the 2023 budget for \$73,198.80 from Stevenson’s Equipment. All members voted aye; motion carried.

Locust Point Road improvement project update – Verizon is still saying it will be months until this the work will begin. Columbia Gas is still working there. Mrs. Masemer will update the website with proper information, rather than relying on information from Facebook.

North Sherman Street, in front of Sherman Oaks, has a ‘waters of the Commonwealth’ issue; clearly the state needs to take some action. Might PennDOT do the work and bill the Township for it? Have the Manager contact the local legislatures to come to a meeting to explain the situation, perhaps in 2023? Mr. Trout is convinced that the problem started after PennDOT increased the pipe sizes upstream and didn’t deal with what happened downstream.

Land Development/Subdivision –

Northpoint Development LLC; preliminary subdivision and land development plan for Manchester Commerce Center

Shannon Buster presented the plan again, outlining the revisions that were made. The temporary connection from Bear Road and Regional Way should be made before next winter.

Josh George from Landworks Civil Design reviewed the comments from the engineer, using the Action Report. *Open item on the preliminary plan: owner’s signature, s. 208-31.A.2.a.3.*

Waivers requested: plan scale (s. 208-31.A.1.a); curbs/sidewalks (s. 208-47); plans and profiles for Regional Way (s. 208-31.A.3.a.3).

Chairman Gross feels that the traffic signal needs to be installed at the beginning of the project, not ‘when it’s warranted.’ From John Seitz, Transportation Resources, the plans now show two lanes plus additional ROW for a possible third lane. The applicant is all in favor of having the signal installed as soon as possible, however, *the signal installation timing depends on PennDOT.* It was noted that the HOPs will likely all happen at the same time for this area. Ms. Buster explained the meaning of ‘warranted’ as it applies to PennDOT and to lay people. Attorney Miller suggested communicating to PennDOT that the Township is strongly in favor of the signal being installed sooner rather than later. Good idea.

Who will the permittee be for this signal? East Manchester. The Township will review the HOP

information and will send a consistency letter to PennDOT.

A condition for the three-party agreement should address the traffic signal and the maintenance of that signal, plus provide for inspection of the stormwater pond that is in EMT. Absolutely.

Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the preliminary subdivision plan for NorthPoint Development LLC with the following waivers being approved as well: Section 208-31.A.1.a, plan scale/sheet size; Section 208-47, curbs/sidewalks with the addition of the standard six-month note; and Section 208-31.A.3.a.3, plans and profiles for Regional Way; AND subject to the satisfactory resolution of the open item from the Action Report dated September 27, 2022 (add owner's signature). All members voted aye; motion carried.

Land development plan outstanding items: owner's signature and the three-party agreement between East Manchester Township, the developer, and Manchester Township regarding Bear Road. Waivers requested: plan scale; sidewalks; stormwater basin size/slope

Motion by Vice Chairman Naylor, second by Chairman Gross to approve the land development plan for NorthPoint Development LLC with the following waivers being approved as well: Section 208-31.A.1.a, plan scale; Section 208-47, curbs/sidewalks with the addition of the standard six-month note; and Section 199-15.R, permitting slopes of 4:1; AND add a note regarding the escrow for future traffic signal installation; AND subject to the satisfactory resolution of the following open items referred to above: addition of owner's signature and completion of the three-party agreement regarding Bear Road. All members voted aye; motion carried.

Supervisor's comments

Vice Chairman David L. Naylor – road inspection this Friday must be concluded by 2 p.m.

Supervisor Darryl Albright – he'd like to attend the Emergency Management webinar through PSATS.

Vice Chairman Naylor would like to attend also. Mrs. Masemer will register both.

Chairman Steven H. Gross, Jr. – SPCA has \$10M in assets. He gave some other figures relating to the SPCA's funds. The Township needs a new Emergency Management Coordinator. The Board will address this after the first of the year.

Motion by Chairman Gross, second by Supervisor Albright, 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 at 9:35 p.m.

Respectfully submitted,

Kristie Masemer
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary