

EAST MANCHESTER TOWNSHIP
Board of Supervisors
June 13, 2023

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Darryl Albright; Attorney Andrew Miller; Manager/Secretary/Treasurer Kristie Masemer; Public Works Director Shane Haugh; Engineer Byron Trout; 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 offered thanks for the cards, phone calls, concern, etc., after his injury a couple of weeks ago.

Also from Chairman Gross, he noted that Channel 27 is soliciting videos of people reciting the pledge to the flag; people are invited to make the video and submit it to Channel 27. Mrs. Masemer will see to this for next month.

Chairman Gross is not in favor of the requirement by the state that the Board approve the agenda with no changes possible throughout the meeting. He feels that this is micromanagement by the state.

Motion by Vice Chairman Naylor, second by Supervisor Albright, to approve the Agenda as presented, keeping in mind that the agenda items might be affected depending on where discussion leads. All members voted aye; motion carried.

Chairman Gross disclosed that since the meeting of May 9, 2023, the Board neither met nor conducted any business.

Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve the minutes of the meeting of May 9, 2023. All members voted aye; motion carried.

Public Comments

Mike Grothouse reported that truck traffic is increasing, along with trash being thrown from vehicles in the Canal Rd/Locust Point Road area. Vice Chairman Naylor will take this to the police.

Emergency Services Report

Fire Chief's Report -- is it normal to dispatch our fire companies on standby calls? As far as Wrightsville? Some dispatchers play favorites. Chief Stevens noted that this is a problem and is under discussion. Not all calls are accepted, however, at the discretion of the company. Discussion was held on QRS certification, noting that Chief Stevens' company is no longer certified for a variety of reasons. There is indeed a roster of those personnel who are certified in this manner. From the Eagle fire company representative, Steve Trott, there might be some discrepancies in the report over the last few months, but it's some internal correcting of items that were mistakenly categorized in prior months.

Matt, Wellspan representative, reported that the ambulance has been staffed every day of the week, all hours of the day. From Chairman Gross, how were the assets transferred from a community-owned volunteer operation to a large business (even though it's a non-profit)? Information will be available and presented in July.

York County Regional Police Report -- Vice Chairman Naylor reported that grants are still being received for the building project. Adding officers and hoping to attract more officers.

Emergency Services donations -- last month the Board attempted to disburse \$100K to Mt. Wolf and 100K to Manchester but was prevented from doing so because that item wasn't on the approved Agenda. **Motion by Chairman Gross, second by Supervisor Albright, to disburse \$100K to Mt. Wolf and \$100K to Manchester from budget line item 01.411.500.** *Discussion:* Vice Chairman Naylor noted that for years, it's been discussed that there's a need for a consolidated fire company. He can no longer (after tonight's vote) support Eagle with this amount of money. He doesn't feel that it's in the best interests of the taxpayers to equally fund both companies. Efforts to consolidate have failed, unfortunately. *Vote: All members voted aye; motion carried.*

Manchester fire company purchased an adjoining property five years ago. Recently another property was acquired, and funds were requested from the Township. **Motion by Chairman Gross, second by Supervisor Albright, to reimburse Union Fire Company \$191K from budget line item 01.400.740.** *Discussion:* the property should be deeded to Union. Yes, it is. *Vote: All members voted aye; motion carried.*

Notice to NEAEMS to return donation -- a letter was sent from the Township with a deadline of June 16. If they don't comply, what happens then? Attorney Miller's office would then take over the enforcement of this issue. Next step, fact gathering. It was a charitable donation by the Township (under false pretenses?). Need to investigate what happened to the funds for starters. If the Board wishes, after June 16, Attorney Miller's office can contact NEAEMS and go from there. Great idea, please do.

Special Request

None at this time.

Correspondence

Republic Services year 2 annual flyer, posted on Township website.

Wellspan Ambulance flyer to all residents, also posted on Township website.

Countywide 30-day burn ban effective June 5, 2023, also posted on Township website.

Solicitor's report – Attorney Andrew Miller

- Emergency Management Coordinator Agreement -- any changes from the Board? The other municipalities are also reviewing this document and will provide any comments/changes. Confirmed that the agreement expires in five years but renews in perpetuity. No comments or additions from the EMT Board. Stand by for the other municipalities' input.
- Comcast Cable Franchise Agreement -- still a work in progress. Mrs. Masemer reported on the pole removal issue. It might be a good idea to have a ROW enforcement ordinance to address this issue. Attorney Miller can provide some sample ordinances if desired. Might be good to incorporate this into the small-cell wireless ordinance or proceed with both concurrently. Supervisor Albright found an error on Exhibit A of the Agreement: correct the Police Department name.
- Exit 26 point of access -- the steering committee meets on June 28, 10 a.m. Other meetings have been held with satisfactory results. Work in progress that's moving forward! At least one or two Board members might attend the meetings to keep informed on the progress.
- NorthPoint Development Agreements -- minor changes were made to the three-party agreement. Attorney Reilly Noetzel was present on behalf of NorthPoint and was hoping for conditional approval from the Board tonight. Discussion was held about the eagles' nest in the area of

construction. The applicant will pursue a specific permit and work with the fish and wildlife commission to assure the safety and comfort of the birds. Get a signed copy from the developer with all exhibits; put it on the Board's Agenda for July; can approve conditionally upon receipt of a formal signed copy. **Motion by Chairman Gross, second by Vice Chairman Naylor, to sign the NorthPoint three-party agreement when it's available. All members voted aye; motion carried. Motion by Chairman Gross, second by Supervisor Albright, to sign the fully executed NorthPoint stormwater agreement when it's available. All members voted aye; motion carried.**

- How should the Board handle the change orders for the Township project? Per Attorney Miller—approve on a monthly basis as they come available. The Board can give staff some parameters under which to act/approve without coming to the Board. **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize the Manager to approve change orders up to \$7500 per change order, up to \$15K per month without prior supervisor approval. All members voted aye; motion carried.** Mr. Haugh noted that this change order included some items that were missed in the original estimate, and he doesn't envision many, if any, more changes/requests for further payment, so that's good.

Engineer's report – Byron Trout

East Manchester's Pollutant Reduction Plan -- how soon can Mr. Trout take some action on this? Question from Mrs. Masemer: what's happening with any other municipalities who aren't complying? Actually, most are complying. Seems like EMT is the only MS-4 municipality without a PRP. From Attorney Miller, the Township will eventually have to get something approved OR go with the County's plan, which is a costly venture. Right now, DEP hasn't threatened any enforcement actions; Mr. Trout gets an email message from someone asking for an update. Might want to look further down the road to anticipate that DEP will eventually get tired of waiting and do something about it. Mr. Trout will relay that the Board is looking at the comments on the submitted plan.

Chestnut Valley Phase IV – **Motion by Vice Chairman Naylor, second by Chairman Gross, to approve the surety reduction in the amount of \$7,133.19 leaving a balance of \$0, per Engineer Trout's recommendation. All members voted aye; motion carried.**

Rolling Meadows/Rentzel Farm – Triple Crown Corporation -- Troy Rentzel reported that there's a lot of metal posts and fencing on his property from this development. Mr. Trout noted that these are to be removed with permission from the Conservation District first; he'll follow up. From Robert Nace, how can these posts and fencing be removed? Seems a tricky location/procedure. Mr. Trout will ask how they will proceed. **Motion by Chairman Gross, second by Supervisor Albright, to approve the surety reduction in the amount of \$468,598.90, leaving a balance of \$156,033.72, per the Engineer's recommendation. Discussion:** Vice Chairman Naylor feels that this is premature, given the history of this project. **Vote: Two members voted aye; Vice Chairman Naylor opposed. Motion carried. Motion by Chairman Gross, second by Vice Chairman Naylor, to authorize the Manager to notify the bank that the letter of credit will be pulled at the end of this month. All members voted aye; motion carried.**

Mr. Trout met with the appropriate people about the Dolan property; the work is to start this week. Hopefully, it will be completed by next Wednesday.

The industrial park HOA for Steamboat Blvd. will be receiving a letter.

Secretary/Treasurer/Manager's report – Kristie Masemer

Sewer Authority – Minutes are available.

Zoning Officer – Zoning Officer Kelly Helsel will be resigning her position effective June 23, 2023.

Motion by Chairman Gross, second by Vice Chairman Naylor to accept, with regret, the resignation of Zoning Officer Kelly Helsel, effective June 23, 2023. All members voted aye; motion carried.

Zoning Hearing Board -- Chairman Gross attended the hearing, noting that the applicant basically got what was requested with a few conditions.

Planning Commission – no discussion

Assistant Zoning and Codes Officer report -- no discussion.

Recreation Board – Steve Trott has resigned from the Rec Board. **Motion by Chairman Gross, second by Supervisor Albright, to accept, with regret, the resignation of Recreation Board member Steve Trott. All members voted aye; motion carried.**

EMT non-uniformed pension plan compliance audit from January 2018 to December 2021 – FYI. It's posted on the website and was a good audit.

Grant update – Mrs. Masemer gave an update that Senator Fetter's office will support the grant application for the Phase 2 East Manchester Township Emergency Operations Center at the 2024 Appropriations committee meetings.

Public Works Report – Shane Haugh

EMT Phase 1 building update -- **Motion by Supervisor Albright, second by Vice Chairman Naylor, to approve Change Order 1, to add two hose bibs and 3" high flow hydrant at a cost of \$5,163.50. All members voted aye; motion carried.**

Shady Lane update -- Mr. Haugh gave this update. Miss Quigley will not provide ROW on the Manchester side, so he asked Manchester Township about shutting the road down. Mr. Haugh received a message from Manchester Township following their meeting tonight saying that the Township is fine with dead ending that road.

The agreements are drafted; Attorney Miller just needs a plan showing the vacated road area. Mr. Trout can provide that asap. Mr. Kohr will sign the agreement with the Township. Attorney Miller is checking on whether an ordinance is required. Perhaps this approval can be on the Board's agenda for July.

Mrs. Masemer noted that there are a couple of references to Shady Lane in various ordinances that will need to be revised. **Motion by Supervisor Albright, second by Vice Chairman Naylor, to do an ordinance to change the motor vehicle ordinance and the agreement for Shady Lane. All members voted aye; motion carried.**

Attorney Miller reported that his office is preparing an Intergovernmental Agreement for traffic signals. Is the Township interested in participating? Yes.

Land Development/Subdivision –

Nothing at this time.

Supervisor's comments

Vice Chairman David L. Naylor – when the Board makes a donation motion, it should be more specific with some stipulations. Route 24 meeting tomorrow 8:30 a.m. Also, think about the mowing in the industrial areas when plans are approved. For the August meeting, can Vice Chairman Naylor participate via Zoom or phone? Yes. Police accreditation passed again, third time in a row!

Supervisor Darryl Albright – Plant a memorial tree for Johnnie Bare. On May 26, a cookout for the staff was held. Supervisor Albright inquired about SB 231, advertising. Still in progress.

Chairman Steven H. Gross, Jr. – Johnnie Bare passed away last week. He worked for the township for a long time and please keep him in your thoughts.

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 Vice Chairman Naylor, to *recess* to Executive Session to discuss personnel/Zoning Officer and the Bryant UCC appeal. All members voted aye; motion carried. The meeting recessed at 8:54 p.m.

Motion by Chairman Gross, second by Supervisor Albright, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Kristie Masemer
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary