

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**November 14, 2023**  
**AMENDED 12/12/23**

Present: Chairman David L. Naylor, Vice Chairman Darryl L. Albright, and Supervisor Dean E. Kohr; Attorney Andrew Miller; Manager/Secretary/Treasurer Kristie Masemer; Public Works Director Shane Haugh; Engineer Byron Trout; Zoning Officer Gary Mayfield; Recording Secretary, and 11 citizens.

At a regular meeting held at the Township building, Chairman Naylor 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 Vice Chairman Albright, second by Supervisor Kohr, to approve the Agenda as presented. All members voted aye; motion carried.**

Minor amendments to the minutes of the regular meeting of October 10, 2023:

p. 3; company TO work with;

p. 4, auditor, IF

p. 4, sooner than later to start

**Motion by Chairman Naylor, second by Vice Chairman Albright, to approve the minutes of the regular meeting of October 10, 2023, as amended. All members voted aye; motion carried.**

**Motion by Vice Chairman Albright, second by Chairman Naylor, to approve the minutes of the budget meeting of October 17, 2023. All members voted aye; motion carried.**

**Public Comments**

Lisa Texter, 40 Zions View Road, lost acreage for the improvements to the Canal Road DHL project. Now the property markers are quite a bit back from Canal Road. She deeded part of her property to someone else (DHL?) and now is being told that she has to maintain the sidewalk, etc.

Attorney Miller reported that the sidewalk ordinance provides that the adjacent property closest to the sidewalk must maintain that area. Mrs. Texter's point is that the land was deeded from her. Attorney Miller noted that it's PennDOT's ROW now, but she still needs to maintain it, according to the ordinance. Miller said there was discussion at the time of the DHL project about putting the sidewalk around the property and the decision was made to hold funds in escrow for the future installation of the sidewalks, however, with the installation of sidewalks at DHL and a required crosswalk at the traffic signal, an ADA compliant ramp was required. The sidewalks abutting Mrs. Texter's lot being in between the two would also need sidewalks to make the connection. How far away from the sidewalk would she still be responsible for its maintenance? It appears the sidewalk from Mrs. Texter's west side lot line to the east side lot line is what she would be responsible for. Byron will pull plans to confirm per Mrs. Texter's request. Mrs. Texter certainly doesn't agree with the Township's/PennDOT's decision in this matter. If her acreage drops below ten acres, she will be removed from the Clean and Green program. This does not appear to be the case as the land exchanged between DHL and Mrs. Texter was to maintain her lot at ten acres (current lot size of 10.9 acres). Further, Mrs. Texter requests the Township to allow the acre land (given to her by DHL) that abuts 84 Zions View Road to grow into woods for wildlife preservation. The Township agrees and will send the requested information to Mrs. Texter in writing.

**Motion by Chairman Naylor, second by Vice Chairman Albright, to declare that Mrs.**

November 14, 2023

Page 1 of 6

**Texter can grow the portion of land that DHL deeded to her (previously used for hay production) into woods for wildlife preservation. All members voted aye; motion carried. The Township will send a letter to Mrs. Texter to confirm this in writing.**

Rene M. Henry, 867 Canal Road Extended, commented that if the Texter property was deeded to DHL, why is it now Mrs. Texter's responsibility? DHL deeded the ROW to the Township, who deeded it to PennDOT. This was the required process per PennDOT. Is there a map that would show that Mrs. Texter doesn't own that piece of land? Mr. Trout will check the survey/plan map to verify.

Also from Ms. Henry, she received a change of notice of tax assessment. She received a bill for the full assessment amount. Upon calling the tax office, she was told that she was removed from the Clean and Green program. There was a ROW dedicated some years ago to the Township, from the Henrys. As part of the widening of Locust Point, the Township accepted dedication of land for the ROW. The Township had to deed the ROW to PennDOT because of PennDOT's requirements. Mrs. Henry says that the deeded ROW was done after the fact and that PennDOT didn't need it. -Unfortunately, sometimes documents with the County and State get processed at slower rate than the project. Attorney Miller has evidence to support that in the 1999 subdivision the acreage that came off of the Henry tract was .338 acres, leaving the current net area of 10.191 acres. That should keep her parcel in the Clean and Green program because the Locust Point Road Improvements did not take additional ROW from Mrs. Henry. Why does PennDOT need that much? Apparently, there are stormwater facilities in that area. Also, Mrs. Henry says she does not have access to the property on the other side of the stream. Attorney Miller can check on this. According to the information that the Township has, she should not have been removed from the Clean and Green program, but unfortunately, the Township has no control over this decision. The Township has asked if the assessor can make a correction to their decision/calculations so that Mrs. Henry's property remains in the Clean and Green program, since it was the error by the assessor's office. The Township Solicitor and Locust Point Engineer have already attempted to see if this could be resolved prior to the August 2024 appeal hearing and have supplied the County additional documentation to prove the case. Are there property markers? Only one, apparently. She'd like to have some property markers placed.

Chairman Naylor said it's obvious that the County made an error and that an onsite meeting is definitely necessary.

**Motion by Chairman Naylor, second by Vice Chairman Albright, to exonerate Rene Henry's municipal taxes (EMT) for the remainder of 2023 and 2024, and to send a letter to the school district's tax office outlining this issue. All members voted aye; motion carried.**

Mr. Trout will refer to the plans to check on the property markers. He'll let Mrs. Texter know where the sidewalk line is, too.

Onsite meeting was tentatively scheduled for December 18, 10 a.m. Ask Erdmann Anthony and Stantec to be at that meeting. This meeting will be advertised.

Also from Mrs. Henry – why no rocks on her side of the bridge? Mr. Haugh reported that he did look into this and it was a DEP requirement per the permit.

### **Emergency Services Report**

Fire Chief's Report – Supervisor Kohr asked if the cash flow is stable. Per Chief Stevens, no, it goes up and down. The Township is planning to send its contribution checks quarterly to help with the regularity of the income. Vice Chairman Albright noted that when one sends a check to the fire company through the solicitation company, the fire company doesn't receive the entire amount of the funds, so he makes sure to drop his check off at the fire company.

York County Fire and EMS Response Municipality Authorization for 2024 – no discussion

York County Regional Police Report – two officers were promoted to lieutenant. From the

audience, Joyce Daniels asked why the police expenses in the police budget were so high at the last meeting by an additional million dollars. Chairman Naylor says that he cannot recall why that happened, therefore he will look into it for an answer.

### **Special Requests**

**Motion by Vice Chairman Albright, second by Supervisor Kohr, to approve the tax exoneration for 140 Burberry Lane in the amount of \$49.05, as recommended by the Township Tax Collector. All members voted aye; motion carried. (It was noted that a building was removed.)**

**Motion by Chairman Naylor, second by Supervisor Kohr, to approve the tax exoneration for 230 Hillview Drive in the amount of \$24.36, as recommended by the Township Tax Collector. All members voted aye; motion carried. (It was noted that a building was removed.)**

**Motion by Vice Chairman Albright, second by Supervisor Kohr, effective immediately, to approve the tax exonerations for per capita tax for active-duty military personnel outside of a 100-mile radius of the Township as recommended by the Township Tax Collector and Solicitor. All members voted aye; motion carried.**

**Motion by Vice Chairman Albright, second by Supervisor Kohr, to approve the request by York Road Runners Club for the winter series race, crossing Mundis Race Road from John Rudy park to the rail trail on December 30, 2023. All members voted aye; motion carried.**

York County Quick Response Team donation request -- **Motion by Chairman Naylor, second by Vice Chairman Albright, to *table* this request until the 1<sup>st</sup> quarter of 2024. All members voted aye; motion carried.**

2024 York County Envirothon donation request -- **Motion by Chairman Naylor, second by Supervisor Kohr, to *table* this request until first quarter of 2024. All members voted aye; motion carried.**

### **Correspondence**

The Township received a thank you letter from the Westshore Wildlife Center for the donation.

### **Solicitor's report – Attorney Andrew Miller**

- Small cell wireless ordinance -- Planning Commission reviewed the ordinance. Cohen Law Group is working on the amendments and will present another draft. From Chairman Naylor, add details on the maintenance, appearance, and decommissioning, and end-of-lease clause for out of ROW. Also what federal regulations supersede local ordinances? From the audience, Bob Nace noted that there's nothing to tell what benefit the landowner gets; also, maintenance should be paramount. The Township must pay close attention to the details involved in this ordinance. Is there a contract involved, and who pays those expenses? Shouldn't be the property owner. Mrs. Masemer confirmed that lots of details are indeed included in the ordinance. From the audience, Herb Nix (Planning Commission member) agreed that more details are needed. How about the developments that have all underground wires? Is a pole to be put up? If the antenna is installed on a utility pole, would the utility receive some rent? Would the Township?
- Rolling Meadows traffic controls ordinance #2023-3 for stop signs; Ordinance #2023-4 for speed limits in Rolling Meadows. **Motion by Chairman Naylor, second by Supervisor Kohr, to adopt Ordinance #2023-3, Rolling Meadows, as presented. All members voted aye; motion carried.**

**Motion by Vice Chairman Albright, second by Supervisor Kohr, to adopt Ordinance #2023-4, Rolling Meadows, as presented. All members voted aye; motion carried.**

- Tax Assessment appeal policy -- draft presented. Does the Township want to discuss this with the school district? Definitely! Send it to the school district to get input. Can send it to the

County, too, to get feedback. Hopefully, re-present it at the December Board meeting, as time is of the essence at this point. Who bears the cost of this policy, etc.? The Township and the school district?

- DHL Estoppel certificates for 84 Zions View Road -- request from DHL for estoppel certificates. DHL is selling the land that the project is sitting on; selling to the same company that owns the Starbucks property. These certificates are a usual step in a transaction such as this. Attorney Miller, Mrs. Masemer, and Mr. Trout have reviewed these documents. Attorney Miller gave the details of the funds that will be either returned or remain in escrow; (i) return the 2.5 million dollar bond and 5 million dollar letter of credit (the funds have been tendered in cash for the CRBP); (ii) return of the demolition financial security (this was to be returned when the demolition permit for the old farmhouse was closed out); and (iii) return the remaining balance of the sewer escrow funds when the connection to 245 Manchester Street is accomplished. This is the last connection that will be made after the installation of the Area 2 Sewer Project. The remaining sewer escrow is around \$18k. **Motion by Chairman Naylor, second by Supervisor Kohr, to approve the estoppel agreement for the developer's agreement. Two members voted aye; Vice Chairman Albright abstained. Motion carried.**

**Motion by Chairman Naylor, second by Supervisor Kohr, to approve the estoppel agreement for stormwater and to authorize the manager to sign the paperwork. All members voted aye; motion carried.** Attorney Miller reiterated that the original copies of bonds and demolition will be returned to DHL.

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

Core5 Project - Dellinger Road curb line has been marked for improvement. The contractor has admitted that the work was substandard.

**Motion by Chairman Naylor, second by Supervisor Kohr, to approve the request for bond reduction #2 in the amount of \$927,575.48 for 84 Zions View Road, with a balance remaining of \$0. All members voted aye; motion carried.**

DEP Notice of Termination for Locust Point Road and Zions View Road project -- **Motion by Chairman Naylor, second by Vice Chairman Albright, to authorize the Manager to sign paperwork. All members voted aye; motion carried.**

**Motion by Vice Chairman Albright, second by Supervisor Kohr, to authorize the Township Manager to sign the LSA Grant Resolutions for the skid loader and Ford Explorer, and to pay the \$200 required to do so. All members voted aye; motion carried.**

North Sherman Street Extended update – Mr. Trout's working on this and will show the Board members the plans after the meeting.

Steamboat update – letter was sent to the corrected address. No repair crew showed up last week. Mr. Trout will turn over all paperwork/claim to Attorney Miller. Now they're in trouble for sure.

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

*Sewer Authority* – minutes are available. Area 2 is ongoing. No word yet on the grant.

*Zoning Officer* – The Zoning Hearing Board will meet on November 16. No Planning Commission meeting in November. Likely one in December.

*Assistant Zoning and Codes Officer* – no additions or changes.

*Recreation Board* – In need of Rec Board members.

2024 SPCA Contract – Mrs. Masemer reported that the SPCA is a non-profit organization and only charges the municipalities in total of 7%. If they were for-profit the cost would be 100%. The Township does not have the resources to make their own shelter and the cost would be significant to do so. SPCA has not raised the price/cost in three years. The Township has grown, and thus the need has grown. The SPCA presented last year at a Board meeting with a heads up and reasoning for the increases. **Motion by Chairman Naylor, second by Supervisor Kohr, to approve the 2024 SPCA contract in the amount of \$5,936.00. All members voted aye; motion carried.**

MPL law firm 2024 proposal – usually addressed at the Reorganization meeting. **Motion by Chairman Naylor, second by Vice Chairman Albright to table this proposal until the Reorganization meeting.**

Northeastern York County Emergency Management Agency – **Motion by Vice Chairman Albright, second by Supervisor Kohr, to nominate Chairman Naylor for service on the Emergency Management Agency Committee. Two members voted aye; Chairman Naylor abstained. Motion carried.**

**Motion by Chairman Naylor, second by Supervisor Kohr, to nominate Vice Chairman Albright as the alternate to the Emergency Management Agency Committee. Two members voted aye; Vice Chairman Albright abstained. Motion carried.**

Additional donations for budget year 2023 – **Motion by Vice Chairman Albright, second by Supervisor Kohr, to donate \$10K to the Northeastern Senior Center. All members voted aye; motion carried.**

PELRAS Training for Manager and Human Resource – The Board is going to recommend attendance of the Township Manager and Human Resources Director at the PELRAS training in March 2024, with the Township covering the cost. More information will be obtained regarding costs closer to the time, and an official motion will be made at that time.

**Public Works Report – Shane Haugh**

**Motion by Vice Chairman Albright, second by Supervisor Kohr, to authorize the purchase of garage door openers for \$8,400.00 from budget line item 01.430.700. All members voted aye; motion carried.**

Special road meeting will be held on December 13, 8 a.m., and will be advertised.

EMT Phase II building discussion -- current building will be gutted. Temporary trailers will be moved in; staff will move offices etc., into the trailers. **Motion by Vice Chairman Albright, second by Supervisor Kohr, to proceed with Phase II at a cost NTE \$3M based on current estimates, etc. All members voted aye; motion carried.**

Eckert Seamans Attorney at Law – legal counsel services in connection with financing by the Township to undertake municipal building project. If a loan is needed, a short-term line of credit will be explored. This will keep the Township's cash available in case of an emergency. Hopefully, no loan/line of credit will be necessary!

Park Street bridge project going very well; might be open Friday.

**Land Development/Subdivision –**

Planning Commission minutes (draft) of October 24, 2023 – No discussion.

**Supervisor's comments**

*Chairman David L. Naylor* – tractor trailer at the square in Manchester today. We need better signs in the industrial area. Particularly indicating where DHL is located. Also, relative to Exit 26, we need to charge a transportation impact fee for certain roadway improvements and/or traffic controls. A bit concerning that there are only four municipalities that will be participating in this new exit project. Discussion was held on the traffic patterns and other features in that area and who pays for the redesigning of the project.

*Vice Chairman Darryl Albright* – nothing at this time.

*Supervisor Dean Kohr* – thanks for the votes in the election.

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

**Motion by Chairman Naylor, second by Supervisor Kohr, to recess to Executive Session. All members voted aye; motion carried.** At 9:50 p.m., the meeting recessed.

At 10:30 p.m. the meeting resumed. **Motion by Vice Chairman Albright, second by Supervisor Kohr, to adjourn. All members voted aye; motion carried.** The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Kristie Masemer  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary