

EAST MANCHESTER TOWNSHIP
Board of Supervisors
January 24, 2024

Present: Chairman David L. Naylor, Vice Chairman Darryl Albright, and Supervisor Dean Kohr; Attorney Andrew Miller; Manager/Secretary/Treasurer Kristie Masemer; Engineer Byron Trout; Zoning Officer Gary Mayfield; Mike McCowan, Mike Scarborough, Ed Hewitt, Herb Nix Jr., Troy Rentzel, and Recording Secretary.

Chairman Naylor called the meeting to order at 6:00 p.m.

Public Comments

Nothing at this time.

Review of East Manchester Township's Codified Ordinances

Ordinance Section 67-6(A), permitted fires. Past Zoning Officer Kelly Helsel made some suggestions to make this ordinance/section clearer regarding agricultural management. Attorney Miller presented some revisions to accomplish this. Discussion was held, noting that DEP required this ordinance in the first place, having to do with recycling. Various situations were discussed with an eye toward having all the bases covered. It was noted that normally the fire department and police department respond to calls regarding burning. Fortunately, this hasn't been a big issue.

Taxation Section 212-56, service charges for bad checks. ordinance states the amount is \$40, but the fee schedule states \$50, so it would be good to conform to the fee schedule. Make sure to state that it matches the state criminal code and keep it on the fee schedule. Attorney Miller presented a revision.

Vehicles, Abandoned or Junked, Section 227-1, definitions. Is there a time deadline to comply? There's no set time included in the ordinance, but when a violation is issued, a date is given within which time to comply. Mrs. Masemer made it clear that the Township is certainly willing to work with residents who have vehicles outside. This hasn't been an issue too often either. Discussion on the word "license" and its meaning per the law. Discussion on the criteria for a vehicle being deemed junked. Attorney Miller will revise it into a list for clarity.

Stormwater Ordinance Section 199-9.C, per Mr. Trout's recommendation, add the following language: "All land developments that disturb 1 acre or more or that require a NPDES permit shall reduce the TSS loads by an additional 15% greater than what is required by DEP and the YCCD." Mr. Trout explained the basis of this addition.

Stormwater Ordinance Section 199-8, per Mr. Trout's recommendation, "exemption of stormwater up to 750SF ~~from the date of the ordinance.~~" Replace with "cumulative from September 13, 2022."

Stormwater Ordinance, Section 199-32, Ownership of stormwater pipe in PennDOT ROW. Attorney Miller proposed some changes to address this issue.

SALDO 208, Amendment for Traffic Studies, Attorney Miller proposed some changes to this section. Per Attorney Miller, this would place the burden of performing post-development traffic studies for traffic control devices on the developer rather than the Township staff. This would also provide for the developer to pay review fees for the traffic studies and costs for the preparation of the ordinances to adopt the study recommendations. Chairman Naylor would like to be assured that the Township has the opportunity to get a second opinion/traffic study, to compare to the developer's traffic study.

SALDO 208, per Laymon Mortorff's recommendation, the Township does not accept Level of Service E and F. Mr. Trout referred to another municipality's language. Level of Service (LOS) was discussed. Attorney Miller will draft this section to address the issue.

Zoning Ordinance Section 255-21(C), accessory and structures and uses, Attorney Miller has language to address the setbacks to make this clearer.

Zoning Ordinance Section 255-28, Portable Dumpster and Roll Off, staff recommends allowing commercial/industrial site construction to have a dumpster for the length of the permit; plus the dumpster must be emptied regularly. This has been a problem for enforcement. It was noted that, if a dumpster is placed on the street, the said dumpster must be marked with cones, reflective material, etc., and also to have the dumpster put on some sort of base (as required by the Public Works Director). Add this language. Mrs. Masemer stated that she will send the requirements that staff already utilizes to address this issue to Attorney Miller.

Zoning Ordinance 255-46 Public Utility facilities; and 255-21.B Accessory Structures; Mr. Mortorff recommends that accessory structures be permitted within the side and rear yards and not to be permitted in the front yard. Add this language, but this does not include stormwater facilities, which are permitted in the front yard.

Zoning Ordinance Section 255-62.B(2)and (3), Sign Regulations under illumination and location. Staff recommends the addition of language to require appropriate illumination of signage for industrial buildings and to require an industrial building to install better signage if lack of viable signage is creating traffic issues. Signs should be internally illuminated. Attorney Miller will draft language.

Zoning Ordinance Section 255-90, Definition of Yard. Per Mr. Mortorff's recommendation, change the yard definition from dwellings to structures.

Chapter 36, Recreation Board. The Board of Supervisors suggests changing the quorum requirement for the Rec Board. It's a five-person board, so three is required for a quorum. Discussion was held. The Township doesn't really have a five-person board, just a couple of gents who get together to discuss recreation in the Township. Attorney Miller made the change to make the quorum two members. In the event of a disagreement between those two members, no action can be taken. The Rec Board/Committee could then present that proposal to the Board of Supervisors for action. The Board of Supervisors must approve any financial proposals anyway.

Chapter 86, Drug Paraphernalia Ordinance. Township staff recommends rescinding this ordinance, as it is difficult to decide on what is a violation of the ordinance. Attorney Robinson (from MPL) checked with DA's office about the Township dropping this ordinance. The problem is that the objects in question are being manufactured and sold legally. It's better to drop the ordinance rather than have it and not enforce or to enforce it improperly. The Board agreed to rescind this ordinance. Attorney Miller will handle the procedure for eliminating this ordinance.

SALDO Section 208-44.F, Grading. Mr. Mortorff and Mr. Trout feel the way this is written is fine. Waivers or partial waivers need to be reviewed on a case-by-case basis. The Board agreed.

Zoning Ordinance Section 255-31, Resource Removal – a property within the Township has been logged for years now, with heavy equipment, mud on the road, etc. and the ordinance exempts it. If the mud is a problem, the Township should call DEP. So noted no changes.

Zoning Ordinance Section 255-90, Definition of Public Utility Facility – is everyone in agreement with how 'public utility' is written? Does the Township want to include sanitary sewer pumping stations in this ordinance? Should these facilities be screened? Mr. McCowan asked about the small wireless facilities that the Planning Commission discussed last night. Attorney Miller suggested omitting the small wireless facilities, solar farms, etc., from this section, as those uses are addressed and regulated elsewhere or with other ordinances. In a residential area, the sewer pump station should be fenced, screened, and lit in accordance with the Township ordinance. Remove this use from the exclusion list, and if an applicant wants to apply for a waiver, he or she is permitted to do so.

If the Planning Commission members hear/discuss plans that have problems with ordinance

requirements or waiver issues, please let the Board of Supervisors know. From Mr. McCowan, let's think of firefighting procedures on buildings with roofs covered by solar panels. Is that regulated in the fire code? Most likely. Chief Stevens did participate in drafting the primary solar ordinance. From Attorney Miller, think about battery storage in these solar-powered buildings as well.

From Mr. Scarborough, if there's no ordinance prohibiting a particular use, can the Township say no, a certain use isn't permitted here (just because we don't want it)? Attorney Miller noted that the Township has to provide for the use somewhere somehow. Uses not provided for is addressed in the Zoning Ordinance and requires a special exception.

From Attorney Miller, how about a stand-alone 'quality of life' ordinance? This would apply in some instances (like trash, high grass/weeds, etc.) and the township could create a redacted Property Maintenance Code. Attorney Miller explained how this would work. There'd be a graduated ticketing system to follow. Mrs. Masemer urged the Supervisors not to adopt the Property Maintenance ordinance. She feels we don't have the staff to properly enforce and manage it and firmly believes that a ticketing system would create more work for staff. Ticketing systems create more follow-up, because if not paid, the staff member would then have to write a citation, which could have been written in the first place.

Supervisor Comments

Supervisor Dean Kohr – no comments.

Vice Chairman Darryl Albright -- no comments.

Chairman David Naylor -- The Planning Commission can use the traffic engineering firm to use at its discretion if necessary, meaning they can authorize staff or the developer to send the traffic study to the traffic engineer for review and comments prior to acting on a plan if staff hasn't done so already.

Motion by Naylor, second by Albright, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:31 p.m.

Respectfully submitted,

Kristie Masemer
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary