

EAST MANCHESTER TOWNSHIP
Board of Supervisors
April 9, 2024

Present: Chairman David L. Naylor, Vice Chairman Darryl Albright, and Supervisor Dean Kohr; Attorney Andrew Miller; Manager/Secretary/Treasurer Kristie Masemer; Public Works Director Shane Haugh; Engineer Byron Trout; Recording Secretary, and 15 citizens.

At a regular meeting held at the Township building, Chairman Naylor called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was given to the Flag of the United States of America.

Motion by Vice Chairman Albright, second by Chairman Naylor, to amend the Agenda as follows: Add Resolution 2024-6 under Solicitor's Report. All members voted aye; motion carried. Also, Chairman Naylor requested that the small cell ordinance be addressed right after public comments.

Chairman Naylor disclosed that since the meeting of March 27, 2024, the Board did not meet or conduct any business.

Motion by Vice Chairman Albright, second by Chairman Naylor, to approve the minutes of the meeting of March 12, 2024. All members voted aye; motion carried.

Motion by Chairman Naylor, second by Supervisor Kohr, to approve the minutes from the meeting of March 27, 2024. All members voted aye; motion carried. All members voted aye; motion carried.

Public Comments

Mike Grothouse reported that there are two sections of temporary wooden fencing still in disrepair at the DHL site. Plus, no one ever came out to address the noise from the trucks.

A Public Hearing was convened to address the small cell wireless ordinance. Chairman Naylor opened the hearing at 6:06 p.m. Attorney Mike Roberts attended this part of the discussion via Zoom. Anyone opposed to the ordinance? No comments from the audience. Anyone in support? Again, no comments from the audience. It was noted that Resolution 2024-6 is the design manual.

Public hearing closed at 6:09 p.m.

Motion by Vice Chairman Albright, second by Supervisor Kohr, to adopt Small Cell Wireless Ordinances #2024-1 (Standalone Ord.) and #2024-2 (Zoning Ord.) and Fee Resolution #2024-5 and Design Manual Resolution #2024.6. All members voted aye; motion carried.

Mrs. Masemer reported that this ordinance was reviewed very carefully by the YCPC, EMTPC, and Engineer.

Emergency Services Report

Fire Chief's Report – Chief Stevens reported that the shrimp feed in March sold out way in advance; profit of over \$8K! Chairman Naylor asked a question related to mutual aid; Chief Stevens answered, noting that the occurrence in question had to do with training.

The Wellspan representative had nothing to add to his report.

York County Regional Police Report -- Vice Chairman Albright reported that the next meeting is Thursday at 6 p.m., at the Board Road facility.

Northeastern York County EMA – no report.

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Special Request

Nothing at this time.

Correspondence

Nothing at this time.

Solicitor's report – Attorney Andrew Miller

- Township Phase II Construction Financing -- no bids received; nothing was advertised for this evening's meeting. The Township will file an extension for the RFP; hopefully, something will be submitted for the Township Supervisors' May meeting.
- Jake Brake Ordinance -- Attorney Miller provided the Supervisors with a sample jake brake ordinance (Carroll Township). Let him know if the Board wants to go any further. Yes, this might be a bit difficult to enforce. Mr. Haugh noted that PennDOT must approve installation of jake brake enforcement signage, even if it applies to Township roads. ****At the May 14, 2024 Board of Supervisors meeting, there was a bit of ambiguous wording regarding Jake Brakes. Attorney Miller clarified that no action was taken at that meeting, and this issue was effectively tabled.****
- Bill Pay Resolution -- this would authorize the staff to pay certain bills within certain parameters between Board meetings via online payment. Mrs. Masemer discussed this with the Township's auditor, who recommended that those payments be included on a list attached to the approved resolution and included in bi-weekly payment packets for approval. This resolution could be ready for the Board's May meeting. How about if another expense needs to be added? Does that require another resolution? Attorney Miller suggested adding that resolution to the January Reorganization meeting for housekeeping, but yes, if during the year if the list needed to be altered, that may need to be another resolution.
- Public Comment policy – Attorney Miller provided sample ordinances from other municipalities. This policy would set some parameters for public comment, particularly with a hot-topic issue. The Board members will review and give any comments to Attorney Miller.

Engineer's report – Byron Trout

MS-4 Pollution Reduction Plan update – It was noted that the East Manchester Township Board of Supervisors closed the required public comment period on the PRP on March 11, 2024. There were no outstanding issues or public comments on the plan during that period. Mr. Trout also noted that EMT is the only municipality in Pennsylvania that considers no-till farming practices as a reduction in pollution.

Secretary/Treasurer/Manager's report – Kristie Masemer

Sewer Authority – no questions on the report. Supervisor Kohr noted that Area 2's schedule for installation has been extended. So, for the residents who were delaying pumping their septic systems (thinking that they'd have public sewer soon), should they have those systems pumped in the meantime? Chairman Naylor noted that during a recent storm, he received calls from residents whose basements were being flooded from sewage coming from their floor drains. The residents called 911 and were instructed to call a plumber. Now, if you need to call 911 about Sewer Authority matters, 911 has a list of numbers to call.

Zoning Officer – No April meeting for either Planning Commission or Zoning Hearing Board. New Zoning Officer Katie Snyder will start on April 22. **Motion by Vice Chairman Albright, second by Supervisor Kohr, to appoint Katie Snyder as the Township Zoning Officer at a salary of \$47K,**

starting on April 22, 2024. All members voted aye; motion carried.

Assistant Zoning and Codes Officer report – no questions or discussion.

Recreation Board – nothing to report.

Township staff requests mandatory scheduling of large items with Republic Services -- Mrs. Masemer reported that Republic doesn't require a phone call to schedule a large item pickup, but the Township staff would like to cut down on the phone calls/complaint forms/walk-ins to the Township office to inquire about missed large item pickup. How much notice is required to schedule a large item pickup?

Unknown. How about 48 hours prior to trash day? **Motion by Supervisor Kohr, second by Vice Chairman Albright, to amend the contract with Republic to require mandatory scheduling of large items no earlier than 48 hours prior to the regular trash day. All members voted aye; motion carried.**

Public Works Report – Shane Haugh

Motion by Vice Chairman Albright, second by Supervisor Kohr, to approve the purchase of a Bortek walk-behind scrubber/system in the total amount of \$14,566.95 (Scrubber: \$13,813.70 & Sweeper: \$753.25), with funds to be taken from Item 01.409.370, maintenance, and repair of the building. All members voted aye; motion carried.

From the audience, Bob Nace asked some questions about the brush and scrubber.

EMT Phase II building project update -- Per Lobar, they are two days behind schedule because of the rain. They're catching up and making progress. Per Vice Chairman Albright, change order 1 was for an LED sign for the front yard in the amount of \$51,155.11; change order 2 was for new overhead garage doors for \$39,050.

Mr. Haugh explained that the material bids seem high, but often the Township doesn't use any or most of those supplies (or uses less than the total supplies included in the bid). It's a requirement to hold bids every year especially for emergency purposes to ensure the Township has the lowest price already secured. Perhaps at the end of the year Mr. Haugh could let the public know how much of the supplies were used OR at the next public meeting for bid acceptance and going forward, provide what was spent the prior year for a better perspective.

Land Development/Subdivision –

Final Land Development Plan for proposed Sheetz Store #233 rebuild – Molt, LLC, 4040 North George Street Extended; HOP submission to allow Sheetz to submit the HOP application in the name of the Township for proposed storm water, sidewalk, and ADA improvements within PennDOT's ROW.

Terri Delo from Integrated Consulting and Bob Franks was present on this plan. The plan calls to demolish the existing buildings on property; the applicant will build a new store. Five fueling islands.

HOP and joint permit for removal of wetlands on property are outstanding.

8 waivers requested:

§208-21.A, preliminary plan requirements

§208-44.A, minimum 2% slopes

§208-44.F, minimum separation between top/bottom edge of slopes and property ROW lines

§208-46.G.4, minimum curb radii

§208.46.J, private streets serving more than one property are prohibited

§208-47.A.2, curbs (vertical curbing)

§208.48.D, shared access drive

§208-49.E.1, shade trees

Question by Attorney Miller on the developer's agreement – HOP issued before building permit

issued? Or concurrently with the building work? Eric Mountz spoke to this, noting that the HOP work must be completed before the store can open. Chairman Naylor confirmed that the HOP work must be completed before the occupancy permit is issued. Discussion was held on the schedule of work to be done on the building. It was noted that one contractor is working on the site.

Per Mr. Trout, add note on the plan that the applicant is responsible for the storm water improvements? Per Attorney Miller, that's included in the stormwater agreement. Mr. Trout had another question about striping and turning lanes; answered.

Open item: stormwater management plan – make the stormwater report and the profiles match. Also open: Sewer Authority approval; access easement agreement; Army Corps of Engineers; HOP.

Motion by Chairman Naylor, second by Vice Chairman Albright, to approve the final land development plan for Sheetz #233 rebuild as a final plan with all waivers approved as requested for the following sections:

§208-21.A, preliminary plan requirements

§208-44.A, minimum 2% slopes

§208-44.F, minimum separation between top/bottom edge of slopes and property ROW lines

§208-46.G.4, minimum curb radii

§208.46.J, private streets serving more than one property are prohibited

§208-47.A.2, curbs (vertical curbing)

§208.48.D, shared access drive

§208-49.E.1, shade trees

AND with the satisfactory resolution of the following open items from the EMT Planning Commission action report:

Sewer authority approval (§ 208-34.B.21); Use and maintenance agreement for the access easement (§208-34.C.11); traffic study finalization (§208-31.A.3.13); stormwater management plan approval (§208-34.C.10); and US Army Corps of Engineers approval for wetlands removal (§208-34.C.8); and the PennDOT HOP issuance/approval.

All members voted aye; motion carried.

Motion by Chairman Naylor, second by Supervisor Kohr, to allow the Township staff to continue the practice of signing the original form 950AA on behalf of the Township. All members voted aye; motion carried.

Preliminary Subdivision and Land Development Plan for Orchard Business Park Phase II, Lot 2, Canal/Bear Roads

Josh Hoffman and Brian Johnson, Jeff Lobach, and Jon Seitz were present on this plan.

Several issues from Chairman Naylor:

1. Staff would like to see Kinsley submit a waiver request for Bear Road so that is an option for the Board to consider. (Completed) Staff has concerns it would be a change on the plans that would require further review, but if the vacation of the road does not entail other changes on the plans that may not be required. It appears it would simplify the access construction so long as the future right-of-way dedication were extended over the private road.
2. The staff still has issues with the failing level of service (LOS F) for the driveway/Bear Road at the intersection with Canal Road. There continues to be a strong feeling that Kinsley is taking a bad traffic situation they know exists and is cramming an additional warehouse on the lot which only makes it worse. Kinsley has not offered any mitigation strategy beyond what had already been proposed for the first building. There is a deep reluctance to approve the second building that will only add to the problems that already exist.
3. The current Canal Road Betterment Project (CRBP) Agreement must be amended to allocate the

costs for the additional Regional Way/Canal Road intersection improvements. Attorney Miller has said repeatedly that is a fundamental part of being able to get access to this project. The agreements must be in place to move forward with a project that is dependent on the intersection improvements to be addressed in the amendment.

4. The slope waiver is open. There are doubts about granting a waiver that allows an additional building unless everything else is in place for the project to minimize impacts on the road system.

Supervisor Kohr also had concerns with the failing LOS problem. Also, Exit 26 might create an unsafe situation for tractor trailers and deceleration. Also, he requested that the applicant strengthen the language in the agreement about participating in the Exit 26 project. From Mr. Johnson, it's hard for the applicants to contribute to and get on board with the Exit 26 project, having heard mixed feelings about this project. The applicants feel that their proposal is the best use of the land in this area. He doesn't want the Township to feel like the applicants are acting in bad faith in any way. Mr. Johnson feels that the applicant has met the spirit of the ordinance regarding the waivers.

Vice Chairman Albright echoed the safety concerns for the intersection. Perhaps the Township can abandon Bear Road and let the applicant have it. Kinsley Properties, given its history in York County, will likely keep the area looking nice and take good care of it appropriately.

Mr. Johnson said that the applicant can wait to submit final plans until the Canal Road Betterment agreements are completed. Discussion was held on the progress of the Betterment Project. Attorney Miller thinks the partners (developers) should keep the ball rolling on this project and not depend on the municipalities to keep it going.

From Chairman Naylor - Bottom line tonight, industrial warehousing in this area has outpaced the infrastructure. Of main concern, how can the applicant make that intersection safer? Chairman Naylor feels that a traffic light is the best way, and we know that PennDOT will not approve a signal at that intersection. Mr. Johnson offered that the applicant has provided any number of mitigation proposals to keep the intersection safe such as contributing to the Canal Road Betterment and money for the future light. The concern is that the intersection is going to be unsafe with tractor trailers and other traffic.

The applicants conferred to discuss the safety issue on the site. Mr. Johnson said that there are only so many geometry changes that the designer can make to accommodate all the concerns. Mr. Seitz presented a drawing of a roundabout. He noted that a signal might make it dangerous for motorists rounding the corner approaching stopped traffic at a signal.

Are all other issues addressed for this plan? And how about the waiver(s)? Mr. Johnson reminded everyone that this is indeed a permitted use for this site – what other use would the Board rather see that would be safer? Chairman Naylor agreed that some of the other issues are 'wait and see' issues. Attorney Lobach noted that Kinsley is a good citizen in this Township. This plan is attached to the Betterment Project and this applicant has already provided funds for the Betterment Project as required. The applicant has worked with the Township's Planning Commission to amend the plans according to the Township's input. Prior to next month's meeting, both parties can work through Attorney Miller with comments, etc.

The Board *tabled* this plan.

Supervisor's comments

Supervisor Dean Kohr – nothing further.

Vice Chairman Darryl Albright – nothing at this time.

Chairman David L. Naylor – read the following statement: “For all the citizens asking why all these large buildings are popping up overnight, the default answer is usually that “you can't stop progress,” but at what cost?! The impact of granting additional traffic access onto an already existing inadequate transportation infrastructure that was originally designed for farm wagons, then automobiles and light trucks, and now being tasked with accepting more and more large tractor trailer combinations is very

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troubling. In my opinion, this is contributing to the creation of an unsafe, congested, and frustrating local traffic system. To control the so-called progress will require a concerted effort not only borne by the local municipalities, but by county and state officials as well. I'm not suggesting that we try to stop progress, but rather that we take the necessary steps to control it by asking the developers hard questions and by holding them to a higher standard with the mitigation of negative local traffic impacts. Sometimes local officials are limited in their powers, especially if a developer meets all the requirements outlined in municipal ordinances. I suggest that East Manchester Township, and all other municipalities, consult with our engineers, our planning commissions, and our solicitors in reviewing ordinances in an effort to control what we now call progress. Developers and design services have evolved with the times, and our open spaces have become very attractive and lucrative. It's time for government leaders to evolve as well."

It was noted that the Kinsely applicants said it's their right to build this proposal, and they know just how to maneuver around and through the regulations to do just what they want. However, the Township deserves safe roads in the midst of all of that.

From the audience, Scott Elfner complained that he can't see to get out of his driveway because of a trailer on the Township's site in the way. Mr. Haugh said that the trailer will be moved tomorrow. Mr. Elfner also complained about lack of visible patrols by the police department. His concerns will be presented to the police board/commission meeting on Thursday evening. Further, the soccer fields need attention – can the entrance be graded, and new stone added? The area needs some grooming, please.

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

At 8:52 p.m., the Board *recessed* to an Executive Session to discuss personnel. No action will be taken.

Motion by Chairman Naylor, second by Vice Chairman Albright, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:13 p.m.

Respectfully submitted,

Kristie Masemer
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary