

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES

PUBLIC HEARING

Chairman Hartlaub called the Public Hearing to order at 7:10 p.m. on Tuesday, May 15, 2018.

Present were Chairman Hartlaub, Ault, Blettner, Rynearson and Staaf. Also, present Marc Woener, Township Manager, Walt Tilley, III, Township Solicitor, and Chris Toms, Township Engineer.

Visitors: Visitor Registered attached.

Chairman Hartlaub explained that this is a Public Hearing to hear a waiver request from Chapter 261 – Water Ordinance and a request for Zoning Map Change and street designation change. He informed those present that the Public Hearing had been properly advertised. The Properties had been properly posted and the neighboring property owners in those areas had been properly notified by mail. He announced that the first hearing would be the waiver request of Duane and Rebecca Mayla. He then read the Notice to Attend the hearing that Duane and Rebecca Mayla were seeking a waiver request to build a shed within ten (10) feet of a well.

1. Duane & Rebecca Mayla – Waiver Request from Water Ordinance, Chapter 261
Location: 790 Hobart Road, Hanover, PA 17331

Mr. and Mrs. Mayla came forward to explain why they wanted to put a shed at the top of the property, which would be too close to the existing well. Mr. Mayla expressed his concerns due to a steep hill on the other side of their property that if would require a large amount of fill dirt that would be required to place the shed on the side where the steep hill is located and the environmental impact it might have on the creek located below his property.

Mr. Mayla also informed the Board that he had spoken with well drillers who expressed that placing the Shed that close to the well would not have any impact on the well.

Chairman Hartlaub asked how many in the audience were at the public hearing in response to the waiver request for the well and received no reply.

Supervisors Ault and Blettner expressed that they had no problem with placing the shed so close to the well.

Chairman Hartlaub recommended that their well be tested six months after the shed is erected and then once a year for three years after that for his family's protection. Chairman Hartlaub agreed that there was no reason not to grant the request and asked for a motion.

Supervisor Staaf made a motion to grant the waiver request to build a shed within ten (10) feet of a well, seconded by Supervisor Rynearson. **Motion carried.**

Chairman Hartlaub announced that the second hearing was to rezone a property on the west side of the Baltimore Pike. He explained that the first 200 feet of the property was zoned commercial, at one time the entire property was zoned commercial, then the property owners requested that it becomes a split zone of residential /commercial. The property owners are again requesting it be rezoned all commercial.

**2. James Horak & Donald Yorlets – Request for Zoning Map Change & Street Designation Change
Location: 2917 Baltimore Pike, Hanover, PA 17331**

Paul Minnich, counsel for the applicants was present to represent the Horak-Yorlets Partnership requests for the Zoning Map change and the Comprehensive Plan, Map 4 Transportation change. He explained the Planning Commission had heard their request and had granted a favorable recommendation on the rezoning request, but the Planning Commission members did not act on the street designation change, because they felt they did not have enough information to make any recommendations.

Mr. Minnich then introduced Mr. Jack Powell Engineer for the Horak-Yorlets Partnership project and Mr. Phil Redding who wants to build a motel on this tract of land. Both were present to give testimony/background on the intended project.

Christine M. Myers, RPR, Chief Court Reporter, York County Judicial Center, was present to take the minutes of the Public Hearing and to swear in the witnesses.

Mr. Minnich called Jack Powell, Engineer for the property owners to come forward to state his name and his credentials. Mr. Minnich then asked Mr. Powell to describe where the property is located and how the property is zoned. Mr. Minnich went on to ask questions on the property and the reason the Horak-Yorlets Partnership is asking for the zoning change. Mr. Powell explained that by rezoning the property, it would allow for a proposed (for informational use only) 41-unit motel on the property. Mr. Powell explained that access to the motel would be off Tollgate Road adjacent to the cemetery, where a proposed road was planned as part of a previously approved preliminary subdivision plan.

Mr. Minnich then asked Mr. Powell to talk about Tollgate Road's current designation, why the request is being made relative to the collector and what issues have come up relative to the traffic count. Mr. Powell explained that one issue they faced with the planners was the bridge repair. They were unable to get a count on Tollgate Road, so Mr. Powell referred to a study done by Pennsylvania Department of Transportation's traffic study. Mr. Powell also referred to the Pennsylvania Department of Transportation's guidelines for what would warrant a traffic light at the Tollgate Road and Baltimore Street intersection. He informed the Board members there was no need to place a traffic light at that intersection, because traffic flow does not call for one. Mr. Minnich indicated that the Planning Commission suggested they could ask for a waiver for the road.

Mr. Phil Redding, 230 Stock Street, Hanover, PA a local developer who is looking to build a motel on the property, explained that he has various projects throughout the Hanover area. He explained that he has locations on George Street, Ram Drive, Lafayette Street in Penn Township, plus several other rooming house type operations. Mr. Redding explained that it is because of the beautiful surroundings and location to the

Baltimore Pike that he would like to purchase this property from Horak-Yorlets Partnership. Mr. Redding understands if the property were to be rezoned to commercial that he would not be able to put in a project that is residential in character. He explained that he planned on operating a motel on the property not a rental property. Mr. Minnich asked Mr. Redding if he currently owned any motels and Mr. Redding stated that he did not own any motels. Mr. Redding went on explaining what he hopes for this property and what other properties that he owns look like.

The Supervisors asked a variety of questions on the project and voiced their concerns about the proposed motel. After presenting their case of changing the zoning of the Horak-Yorlets Partnership and the street designation, members from the audience came forward to state their reasons for keeping the property split zoned and Tollgate Road as a local road.

1. Joseph Lambert – 45 Tollgate Road, whose property is located directly across from the property, is against the re-zoning of the property. He thinks that residential properties are more in-line with the current landscape of the area.
2. Kate Lambert – 45 Tollgate Road, explained that she has lived in the area for 15 years and she has concerns about the added traffic on Tollgate Road. Currently, residential properties are located on Tollgate Road and with the added traffic from a motel, she worries about the safety of the children in that area as they are walking to and from the bus stop on Tollgate Road.
3. Sonya Sabo – 23 Tollgate Road, brought her concern of property values. She worries that property values will be affected if the property goes from residential to commercial. She also is worried about the noise that commercial business brings to the area. She reminded the Board members the Township does not have a noise ordinance.
4. Anna and Gerald Snyder – owners of 11-15 Tollgate Road, agreed with earlier testimony. They asked the Board of Supervisors to keep the property residential.
5. Susan Gabler – 2940 Baltimore Pike, worries that the change from residential to commercial will bring more commercial to the area. She asked that the Supervisors to leave the zoning as it is.

6. Amanda Beard-White – parents live at 33 Tollgate Road, has concerns of the environmental impact on the spring feed pond on the property, deer, fire access to the woods and property values.

7. Karl Gatz – Pleasant Hill Road, thought that the motel really sounded more like apartments. Mr. Gatz thinks that by not changing the zoning, the Township can prevent the apartments. He also pointed out that a motel might be very nice, but what happens if the motel fails to happen. What might be built on the property that doesn't look so nice since it would be commercial. Once it is commercial, it will be commercial. He voiced his concerns for the added traffic that could be generated.

8. Sylvia Shoemaker – 65 Shaffer Circle, supports the people who have come out against the zoning change and road designation change. She is asking the Board of Supervisors to keep it as it is.

9. Delores Beard – 33 Tollgate Road, voiced her concerns about the added traffic and speeding vehicles. She also expressed she did not want to look at a three-story building. Mrs. Beard expressed that she would also like the property to stay residential.

After residents brought their concerns before the Board, Mr. Minnich informed the Board members that Mr. Redding wanted to address some of the comments from the residents.

Mr. Minnich reminded the Board that the property in question is currently surrounded by commercial properties.

Chairman Hartlaub thanked everyone and expressed that the Board would consider the request. Supervisor Ault felt that he could make a motion on the request after all the testimony.

Supervisors Ault made a motion to deny the request for the Zoning Map Change at 2917 Baltimore Pike, Seconded by Supervisor Ryneason. Motion carried.

Supervisors Ault made a motion to deny the request for the change in street designation for Tollgate Road, Seconded by Supervisor Ryneason. Motion carried.

The Public Hearing was concluded and the Board immediately went into their regular meeting. Chairman Hartlaub called the Regular Meeting to Order at 8:30 p.m., followed by the Pledge to the Flag and Invocation by Supervisor Ault.

ROLL CALL: Present were Supervisors Ault, Blettner, Hartlaub, Rynearson and Staaf. Also present were, the Township Manager Marc Woerner, Township Solicitor Walter Tilley, III and Township Engineer Chris Toms. A quorum was present.

ANNOUNCEMENT: Chairman Hartlaub announced that an executive session was held before the meeting to discuss personnel issues.

PUBLIC COMMENTS: Chairman Hartlaub asked all present if anyone wanted to address the Board and Mr. Jerry Hoppa, of 50 Kenlee Circle, approached the Board to ask for reimbursement of an unused permit and inspection. He explained that when he purchased his home he was told that the septic system was bad and he had to replace it. After receiving a notice to start the process to replace his system or face being fined, he made application for the permit to start the process. After further investigation the system ultimately passed without need of a tank replacement.

He explained to the Board that he has paid for two inspections, a permit and a hydro-test to find out that his septic system ultimately passed.

Mr. Hoppa is asking to be reimbursed for the second inspection and the permit that were not necessary.

Supervisor Ault made a motion to refund Mr. Jerry Hoppa \$250 for his permit that he applied for to repair his septic tank that wasn't broken and \$75 for the second inspection fee for a total in the amount of \$325, seconded by Supervisor Blettner. Motion carried

APPROVAL OF MINUTES: Supervisor Ault made a motion to approve the Minutes of the Board of Supervisors Work Session Meeting of May 3, 2018, seconded by Supervisor Rynearson. **Motion carried.**

APPROVAL OF DISBURSEMENTS: Chairman Hartlaub made a motion to table the Disbursements of all Funds (as listed) until the June 7th meeting, seconded by Supervisor Ault. **Motion carried.**

CORRESPONDENCE: Chairman Hartlaub noted the Board received no correspondences.

REC. BOARD REPORT: Kelli Reed representing the Recreation Board had nothing to add to her written report.

Supervisor Rynearson made a motion to approve the request of Cub Pack 105 St. Matthew Church, Hanover to use the soccer field at the West Manheim Recreation Park for launching model rockets on Saturday, June 2, 2018, with proper precaution being taken, seconded by Supervisor Staaf. **Motion carried.**

SOLICITOR REPORT: Solicitor Walter Tilley had nothing new to add to his submitted report (copy on file).

ENGINEER REPORT: Chris Toms, C. S. Davidson, pointed out on his submitted report (copy on file) that three items needed authorization. The first item was the 2018 Street Work. He explained the awarded contracts had been submitted to C. S. Davidson, but there some items on the bonds that needed correcting.

Chris Toms, recommend the Board give authorization to the Township Manager to execute the contracts upon C. S. Davidson's review, which would allow the contractors to start the work. Chris Toms explained that there were no changes being made to the bonds it was an administrative error, they were improperly notarized.

Supervisor Ault made a motion giving the Township Manager, Marc Woerner authorization to sign the contracts, seconded by Supervisor Blettner. **Motion carried.**

The second and third items that required action were a small stream crossing on Impounding Dam Road (from Rt. 94) and the culvert on Ross Road (from Hobart). He explained that both areas have been inspected and are in poor condition. After meeting with Gary Peacock from York County Conservation District, both projects meet the requirements for a Dirt and Gravel Road grant. He explained that the Dirt and Gravel Road grant requirements means the township would need to place larger structures than what is currently there, and even though the structure would be larger it does limit the cost to the township. He explained the cost to the township will be much less.

Chris Toms, Township Engineer then asked for authorization to submit a Dirt & Gravel grant application for a 12-foot low profile box culvert for Impounding Dam Road. The proposed township match would be to purchase and install the road materials over the structure. He then asked for authorization to submit a Dirt & Gravel grant application for an 8-foot multi-plate arch culvert for Ross Road. The proposed Township match would be for labor and machine time to install the structure road materials. He explained rented equipment would be included in the grant application.

Supervisor Ault made a motion granting permission to apply for the Dirt and Gravel Application for Impounding Dam Road and Ross Road projects, seconded by Blettner.

Chris Toms, Township Engineer explained the grant application is due on May 24, 2018. He explained that it would take at least two months before C.S. Davidson will know if they get the grant, at which point the township must apply for the permit, because the approval of the permit could take a couple of months depending on DEP backlog. He also explained these repairs will take place in 2019.

Supervisor Ault made a motion to accept the Engineer's Report as presented, seconded by Supervisor Rynearson. **Motion carried.**

REPORTS: (Copies in Township file)

- A. Monthly Budget Review – Treasurer’s Report - April 2018
- B. Chief of Police, Monthly Activity Report – April 2018
- C. Public Works Report – April 2018
- D. Pleasant Hill Volunteer Fire Co.-EMS Reports – April 2018
- E. EMA Report – April 2018
- F. Code Enforcement Officer Report – April 2018
- G. Utilities Supervisor’s Report – April 2018
- H. SEO Report – April 2018

Supervisor Ault made a motion to accept the Reports A through H as submitted, seconded by Supervisor Blettner. **Motion carried.**

MANAGER REPORT: Manager Marc Woerner highlighted township employee Brandon Martz for having earned his commercial driver’s license and the township receiving a \$59,428.28 surplus distribution check from Benecon of his submitted report (copy on file).

Township Manager Marc Woerner also pointed out in his report that the township has three new collective bargaining agreements and the township needed to update both non-uniform and the uniform pension ordinances to reflect any changes that were made and then consolidate the various pension ordinances for the non-uniform and uniform into one ordinance for each plan. He explained that each collective bargaining unit and the Board of Supervisors would be given a chance to review the consolidated ordinance before any action was taken by the Board. The Manager also made the Board aware that the cost for this would come out of Pension Funds

Supervisor Staaf made a motion to update and consolidate the uniform and non-uniform pension ordinances, seconded by Supervisor Rynearson. **Motion carried.**

OLD BUSINESS: Chairman Hartlaub noted that there was no old business to take care of this meeting.

NEW BUSINESS:

- A. Motion to approve the hiring of Colby Snyder part-time EMT

Supervisor Ault made a motion to approve the hiring of Colby Snyder part-time EMT, seconded by Supervisor Staaf. **Motion carried.**

SUBDIVISION PLANS:

A. ALL TO BE TABLED:

Steeple Chase, 12-lot Final, review time expires 08/03/2018
Joshua Hill Farm, 124 - lot Preliminary, review time expires 07/18/2018
The Warner Farm, 15-lot Preliminary, review time expires 07/18/2018
Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary, review time expires 07/18/2018
Harpers Hill, 20 Lot – Preliminary Subdivision Plan, review time expires 08/22/2018

Supervisor Ault made a motion to table to the date that is indicated Steeple Chase, 12-lot Final, review time expires 08/03 2018; Joshua Hill Farm, 124 - lot Preliminary, review time expires 07/18/2018; The Warner Farm, 15-lot Preliminary, review time expires 07/18/2018; Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary, review time expires 07/18/2018; Harpers Hill, 20 Lot – Preliminary Subdivision Plan, review time expires 08/22/2018, seconded by Supervisor Blettner. **Motion carried.**

SUPERVISORS AND/OR PUBLIC COMMENTS: Chairman Hartlaub asked all present if anyone wanted to address the Board and received no reply.

NEXT SCHEDULED MEETINGS: Supervisors Work Session – Thursday, June 7, 2018 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Tuesday, June 19, 2018 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: Supervisor Staaf made a motion to adjourn the Regular Meeting at 9 p.m., seconded by Supervisor Blettner. **Motion carried.**

Miriam E. Clapper, Secretary

Chairman