

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES

Regular Meeting

Tuesday, December 17, 2019
7 p.m.

The Regular Meeting of the West Manheim Township Board of Supervisors was held on Tuesday, December 17, 2019, at the Municipal Building at 2412 Baltimore Pike, Hanover, PA 17331. Chairman Hartlaub called the Meeting to Order at 7:05 p.m., followed by the Pledge to the Flag and Invocation by Supervisor Ault.

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

ANNOUNCEMENT: Chairman Hartlaub informed those present that they held an executive session to discuss personnel issues.

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

APPROVAL OF MINUTES: Supervisor Ault made a motion to approve the Minutes of the Board of Supervisors Work Session Meeting of Thursday, December 5, 2019, seconded by Supervisor Ryneerson. **Motion carried.**

APPROVAL OF DISBURSEMENTS: Supervisor Blettner made a motion to approve the disbursements as listed, seconded by Supervisor Ault. **Motion carried.**

CORRESPONDENCE: Chairman Hartlaub noted the Township received no correspondences.

REC. BOARD REPORT: Kelli Reed representative for the West Manheim Township Rec Park had nothing new to add to his submitted report (copy on file).

Supervisor Ryneerson made a motion to accept the Rec. Board Report as given, seconded by Supervisor Staaf. **Motion carried.**

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

Supervisor Blettner made a motion to accept the Solicitor's Report as given, seconded by Supervisor Staaf. **Motion carried.**

ENGINEER REPORT: Chris Toms, C. S. Davidson, had nothing new to add to his submitted report, but noted on his report that LABS has completed sampling of 25 properties and C.S. Davidson has mapped those properties, but two more volunteers are needed to schedule sampling of the water to be compliant with the DEP sampling requirement.

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

REPORTS: (Copies in Township file)

- A. Monthly Budget Review – Treasurer's Report - November 2019
- B. Chief of Police, Monthly Activity Report – November 2019
- C. Public Works Report – November 2019
- D. Pleasant Hill Volunteer Fire Co.-EMS Reports – November 2019
- E. EMA Report – November 2019
- F. Code Enforcement Officer Report – November 2019
- G. SEO Report – November 2019

Supervisor Ault made a motion to accept Report the submitted reports A to G, seconded by Supervisor Rynearson. **Motion carried.**

MANAGER REPORT: Township Manager Marc Woerner had nothing new to add to his submitted report (copy on file).

Supervisor Ault asked about the Manager's appointment to the Public Safety Advisory Board (PSAB) for York County Department of Emergency Services. Marc explained the reason he took the position was in part to represent West Manheim Township.

Supervisor Ault made a motion to accept the Manager's Report as listed, seconded by Supervisor Ault. **Motion carried.**

OLD BUSINESS:

- A. Motion to approve the Klugh Animal Control Services Contract for 2020

Supervisor Ault reminded the Board that he had asked to table this item so he could review the two different choices. He felt that the choice with the retainer contract of \$400 along with the hourly terms and conditions, and the service fee of \$19 per hour and 75 cents per mile was the more workable of the two choices that were presented for approval. Supervisor Ault also noted that Klugh Animal Control Services will charge the owner of any dog that they pick up during regular business hours and return to pay a return to owner fee.

Supervisor Ault made a motion to approve the Klugh Animal Control Services Retainer Contract with hourly terms and conditions, seconded by Supervisor Rynearson. **Motion carried.**

B. Motion to adopt Storm Water Assessment Ordinance #2019-05 Revision

Supervisor Ault questioned why the stormwater assessment fee of \$13.66 was not in the ordinance. Township Manager Marc explained the fee is part of the fee schedule resolution, which the Board will adopt at the reorganizational Meeting. This is just revising the late fees and penalties section of the ordinance. If the property owner does not pay that fee in the allotted time, a late fee of \$50 is added to the bill and further collection action will take place.

Supervisor Staaf asked if this change was due to property owner(s) not paying the assessment fee on time. The Township Manager explained the way penalties were imposed in the past it made it cumbersome on the administration side. So, starting in 2020, the stormwater assessment bill will be sent to the residential property, on that bill it will say the amount due is \$13.66 ERU and the date that amount is due by. The bill will also reflect the amount that is owed after the due date. That amount will reflect the new \$50 penalty.

Supervisor Ault made a motion to adopt Storm Water Assessment Ordinance #2019-05 Revision, seconded by Supervisor Blettner. In a roll call vote of Supervisors Ault, Blettner, Hartlaub, Ryneerson and Staaf all saying yes, the **Motion carried.**

C. Motion to adopt Resolution # 2019 – 11 A Schedule of Attorney Fees to be Added to The Amounts Collected on Delinquent Services

Supervisor Ault asked who pays the delinquent fees now and Solicitor Tilley responded that the Township pays the fees up front, when the delinquent fees are collected, the township would be reimbursed. Supervisor Ault asked why the changes are happening at this time. Solicitor Tilley explained that these changes reflect current court cost.

Supervisor Ault made a motion to adopt Resolution # 2019 – 11 A Schedule of Attorney Fees to be Added to The Amounts Collected on Delinquent Services, seconded by Supervisor Ryneerson. **Motion carried.**

D. Motion to adopt Resolution #2019 – 12 to Adopt the West Manheim Township 2020 Budget

Supervisor Ault asked how the Budget Committee came up with \$8,364 for line item 429-311 Professional Services-Inspection/Reimbursements. He pointed out to the Board members that the last two bills the Township received and paid were \$6,000 and \$7,000. Supervisor Ault questioned how the budget for 2020 could reflect such an odd amount.

Township Manager Marc Woerner reminded the Board members that they had given him direction to move away from the Township doing the on-lot certifications and inspections. He explained that when the Board

adopts the new on-lot ordinance the application fee would be reduced; a saving to the residents who have an on-lot septic system.

Supervisor Ault and Township Manager Marc Woerner had a discussion on how the process would work once the ordinance is adopted. Supervisor Ault asked if the Township would still be sending out the required notices and Marc said the township would. Supervisor Ault asked if an amount had been decided on and the Manager replied he thought \$25/\$35. Supervisor Ault asked if that would be part of the fee schedule and Marc said that a revised fee schedule would need to be adopted with the new cost added to the fee schedule once the new ordinance was adopted.

Supervisor Ault made a motion to adopt Resolution #2019 – 12 to Adopt the West Manheim Township 2020 Budget, seconded by Supervisor Staaf. **Motion carried.**

NEW BUSINESS:

A. William and Andrea Bishop Appeal of SEO decision

Mr. William Bishop came before the Board to ask that he be given more time to repair his septic system. He did inform the Board that he has removed the plumbing for the washer. He then gave an overview to the Board of what has been taking place to get the situation rectified.

After Mr. Bishop presented his case for the extension, Township Solicitor called the Township's Sewage Enforcement Officer, Doug Stambaugh of Group Hanover, Inc. forward to give testimony to what he saw and documented on his report. It was during this testimony that Township Solicitor pointed to state law Act 537 for the implementing of regulations. He informed everyone that the Township is required by law to have an Act 537 plan. Township Solicitor Tilley asked the SEO if he knew of any provision to allow for an extension like this. Doug responded that he was not aware of any. The Township's solicitor then asked if the Board would be violating state law if they granted Mr. Bishop's request and the Township's SEO responded that each day that the discharge continued the Township would be in violation of state law.

Township Solicitor Walter Tilley then explained to the Board members that if they were to grant the extension, they would be in violation of state law. He explained that DEP sets the regulation to how a septic system is supposed to function, but DEP puts inspections and enforcement requirements on the municipality. It is the Township's responsibility that these requirements are being carried out according to DEP.

Supervisor Ault made a motion to deny Mr. and Mrs. Bishop request for an appeal, seconded by Supervisor Staaf. **Motion carried.**

B. PSATS Membership for 2020-Motion to Continue PSATS Membership for \$2,148.00

Supervisor Staaf made a motion to approve the PSATS Membership for 2020 for \$2,148, seconded by Supervisor Rynearson. **Motion carried.**

C. Motion to adopt Resolution #2019 – 13 fixing the real estate tax rates and assessments, the per capita tax, and the earned income tax levy for fiscal year 2020

Supervisor Ault wondered where the Stormwater Assessment Fee for \$13.66 is found within the resolution and Township Manager Marc Woerner indicated that item would be listed on the Fee Schedule to be adopted at the reorganizational meeting.

Supervisor Ault made a motion to adopt Resolution #2019 – 13 fixing the real estate tax rates and assessments, the per capita tax, and the earned income tax levy for fiscal year 2020, seconded by Supervisor Rynearson. **Motion carried.**

D. Motion to adopt Resolution # 2019 - 14 to allow the Transfer of Unencumbered Monies

Supervisor Ault made a motion to adopt Resolution # 2019 - 14 to allow the Transfer of Unencumbered Monies, seconded by Supervisor Rynearson. **Motion carried.**

E. Motion to purchase Administration Copier for \$1,658.52

Township Manager Marc Woerner explained to those present that the lease for the copier township staff was using had expired and the township can buy the copier for \$1,658.52. He then explained if the Board would choose to buy the copier, the only cost to the township was the cost per print. The Township Manager explained there is a cost for black and white copies and color copies, which covers service, toner, and maintenance charges.

Supervisor Ault made a motion to buy administration copier for \$1,658.52, seconded by Supervisor Blettner. **Motion carried.**

F. Discussion to purchase Back Hoe

Supervisor Ault explained to those present that the township currently owned a 1998 580L Case Back Hoe that has started costing the township more and more money to repair. He continued to explain that the Board was aware that the back hoe would need to be replaced so they budgeted \$27,000 for 2019 and \$27,000 in 2020's budget towards the purchase of a new back hoe. He explained that they received prices on a Case 580, on a JCB and a Caterpillar all spec out virtually the same. He then went ahead to give details on each back hoe and the price for each one. He then explained that the township received a trade-in price for the back hoe of

\$15,000, which Supervisor Ault thought was too low and would not recommend trading it in but keep it to load salt. Supervisor Ault recommended buying a new Caterpillar 420F2.

After Supervisor Ault reported on the purchase of a new back hoe, Chairman Hartlaub asked for a motion to buy a new back hoe.

Supervisor Ault made a motion to purchase the new Caterpillar 420F2 IT back hoe for \$108,676.00, which includes the paladin bolt on brackets and new set of forks, with terms of net 30, seconded Supervisor Staaf. **Motion carried.**

At this point, Chairman Hartlaub informed those present that the Board was going to be approving the permanent employment of one of the township's police officers. Chief of Police Edwin Schneider explained that the officer had completed his 12-month probation period and he, along with his patrol sergeant was recommending Derek Schneider for full-time employment.

Supervisor Ault made a motion to approve permanent employment to Derek Schneider, seconded by Supervisor Blettner. **Motion carried.**

SUBDIVISION PLANS:

A. Keel, LP Sketch Plan waiver requests and Sewer Planning Module Resolution for Keel, LP Minor Subdivision

Reg Baugher of Hanover Land Services was present to discuss and answer any questions the Board of Supervisors had on Keel, LP, Sketch Plan waiver request and the planning module. He reminded the Board that this is the same sketch plan that they saw at their meeting on the 6th of June. He reminded them that according to those minutes the Board was in favor of extending the Northridge Drive cul-de-sac by 363 feet, which makes the length of the drive approximate 891 feet. He is looking to get the official action of granting the waiver request.

1. Waiver Request to Section 235.45.B.5.f2 of the West Manheim Township Subdivision and Land Development Ordinance to allow for the length of the cul-de-sac to exceed 500 feet

Supervisor Ault made a motion to grant the waiver request to Section 235.45.B.5.f2 of the West Manheim Township Subdivision and Land Development Ordinance to allow for the length of the cul-de-sac to exceed 500 feet, seconded by Supervisor Staaf. **Motion carried.**

2. Motion to approve Sewage Planning Module Resolution 2019 - 15 for Keel, LP Minor Subdivision

Supervisor Ault made a motion to approve the Sewage Planning Module Resolution 2019 - 15 for Keel, LP Minor Subdivision, seconded by Supervisor Rynearson. **Motion carried.**

B. Jay Weisensale, 587 Impounding Dam Road - Waiver Request to Section 235-51 (E) of the West Manheim Township Subdivision and Land Development Ordinance to allow a property driveway to exceed the 15 % slope requirement

Jay Weisenale came before the Board to explain why he was asking for the waiver request for the property drive way at 587 Impounding Dam Road. He is asking for a slope of 17percent.

Supervisor Ault made a motion to grant the waiver request to Section 235-51 (E) of the West Manheim Township Subdivision and Land Development Ordinance to allow the property driveway to exceed the 15 % slope requirement, seconded by Supervisor Blettner. **Motion carried.**

C Harpers Hill – Final Subdivision Plan and Developer’s Agreement (Review Time Expires 12/31/19)

Mr. Sharrah approached the Board and reminded the Board members that he was here previously to discuss the plan. He explained that the plan is ready for approval and that he was here to discuss the Developer’s Agreement.

Township Engineer Chris Toms then explained that he hadn’t received a quote from Monarch but using similar repairs, he explained how he calculated the cost to improve the bridge box culvert for an estimate of \$119,900. He explained that he was confident that as C.S. Davidson works with Monarch and get the actual cost that the cost will be lower than \$119,900.

Supervisor Ault asked if the Agreement was the only thing holding up approving the plan. Township Engineer Chris Toms explained that the Board would need to agree to execute the Developer’s Agreement and the Developer to supply the financial security. Township Engineer Chris Toms explained once he knows what the cost for the bridge repair, he will insert it into the financial security. Supervisor Ault asked if it was for just the bridge project and Chris said the security would be for the entire Harper Hill project.

Supervisor Ault made a motion to approve the Harpers Hill Final Subdivision Plan and the Developer’s Agreement to improve the bridge on the condition that the township receives an executed copy of the Developer’s Agreement, the public improvement security provided, pay rec fees, and tapping fees for sewer, seconded by Supervisor Blettner. **Motion carried.**

D. Conditional Approval Day Farms Partners, LLC. Prinland Heights, 100 Lot Preliminary Plan (Review time expires 12/20/2019)

John Runge from Gordon Brown and Associates was present to represent the Day Farms Partners. He explained he was asking for conditional approval on the Preliminary Plan since all, but three engineer comments have been addressed. After discussing the outstanding engineer's comments that needed to be addressed Supervisor made a motion to grant approval.

Supervisor Blettner made a motion to grant approval of Prinland Heights Preliminary Subdivision Plan conditioned on the agreement that no construction would occur in Phases II or III until final plan approval for those phases and all engineering comments are met, seconded by Supervisor Ault. **Motion carried.**

E. Motion to release Public Improvements Security for Reservoir Heights Phases 2A, 2B, 2C in the amount of:

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|----|--------------------------------|-------------|
| 1. | Phase 2A – Bond No. 1000955611 | \$71,632.00 |
| 2. | Phase 2B – Bond No. 0603298 | \$45,090.00 |
| 3. | Phase 2C – Bond No. 0603316 | \$12,650.00 |

Township Engineer Chris Toms explained that all roads within this develop have been dedicated to the Township. The amounts left were part of the original securities for grading, seeding, fencing for the stormwater ponds, and pedestrian trail. He recommends that the Board releases the public improvement security amount except for \$1,000 to be put in a separate account for a minor repair on the pedestrian trail.

Supervisor Ault made a motion to grant the request to release public improvements security for Phase 2A – Bond No. 1000955611 in the amount of 71,632.00; Phase 2B – Bond No. 0603298 in the amount of \$45,090.00; and Phase 2C – Bond No. 0603316 in the amount of \$12,650.00 on the condition that provision is made to provide for monies for the small minor repair, seconded by Supervisor Blettner. **Motion carried.**

A. EXTENSION REQUEST

Lexington Ventures, LLC – Lexington Phase 2A, 1 Lot (24 Units) (Review time expires 12/17/19)

Belmont Ridge, LLC – Belmont Ridge Phase 3 and Phase 4 – 2 lot (305 dwelling units) (Review Time Expires 12/20/2019)

Supervisor Ault made a motion to grant the motion request for both Lexington Ventures, LLC – Lexington Phase 2A, 1 Lot (24 Units) and Belmont Ridge, LLC – Belmont Ridge Phase 3 and Phase 4 – 2 lot (305 dwelling units) thru March 18, 2020, seconded by Supervisor Blettner. **Motion carried.**

Day Farms Partners, LLC. Prinland Heights, 100 Lot Preliminary Plan (Review time expires 12/20/2019)
Harpers Hill – Final Subdivision Plan (Review Time Expires 12/31/19)

No action was needed on Prinland Heights or Harpers Hill since attraction had already taken place.

ALL TO BE TABLED:

Harpers Hill – Final Subdivision Plan (Review Time Expires 12/31/19)
Day Farms Partners, LLC. Prinland Heights, 100 Lot Preliminary Plan (Review time expires 12/20/2019)
Belmont Ridge Phase 3 and Phases 4, 224 Lot Preliminary Plan (Review time expires 12/20/2019)
Lexington Ventures, LLC – Lexington Phase 2A, 1 Lot (24 Units) (Review time expires 12/17/19)
Joshua Hill Farm, 124 - lot Preliminary (Review time expires 01/22/2020)
The Warner Farm, 15-lot Preliminary (Review time expires 01/22/2020)
Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary, (Review expires 01/22/2020)
Whitetail Ridge LLC/Grayson P. Amy J. Wingert – Minor Final Subdivision Plan, (Review expires 01/22/2020)

Supervisor Ault made a motion to table to the date that is indicated for Joshua Hill Farm, 124 - lot Preliminary (Review time expires 01/22/2020); The Warner Farm, 15-lot Preliminary (Review time expires 01/22/2020); Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary, (Review expires 01/22/2020); Whitetail Ridge LLC/Grayson P. Amy J. Wingert – Minor Final Subdivision Plan, (Review expires 01/22/2020), , seconded by Supervisor Rynearson. **Motion carried.**

SUPERVISORS AND/OR PUBLIC COMMENTS:

Thomas Snyder came forward to request that the Board consider enacting a barking dog ordinance. Supervisor Ault explained why it is difficult to enact such an ordinance but will have the Manager look in to it.

Township Manager Marc Woerner brought to the Board that they had previously approved High Pointe Penn South contingent upon Penn Township's approval. When the developer went to record the plans, York County Planning brought to the developer's attention that the time of the West Manheim Township part of the plan had expired.

Supervisor Ault made a motion to re-affirm that the approval for the High Pointe Penn South Final Subdivision Plan would be as of December 17, 2019, seconded by Supervisor Staaf. **Motion carried.**

Supervisor Staaf asked why the road at Harper's Hill was not being used and Township Engineer Chris Toms said that the Township would not allow them to pave it.

Chairman Hartlaub recognized Supervisor Brian Blettner for his service as a member of the West Manheim Township Board of Supervisors with a plaque. He then recognized Kyle Krysiak as the incoming member of the Board of Supervisors.

NEXT SCHEDULED MEETINGS: Supervisors - Re-Organizational Meeting for January 6, 2020 at 6:00 p.m. The Supervisors Caucus will start at 5:30 p.m. Supervisor Regular Meeting – Tuesday, January 21, 2020 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: Chairman Hartlaub adjourned the Regular Meeting at 9 p.m.

Miriam E. Clapper, Secretary

Chairman