

**WEST MANHEIM TOWNSHIP**  
**BOARD OF SUPERVISORS MEETING MINUTES**

Regular Meeting

Tuesday, January 21, 2020  
7 p.m.

On Tuesday, January 21, 2020, the Regular Meeting of the West Manheim Township Board of Supervisors took place at the Municipal Building at 2412 Baltimore Pike. Chairman Ault called the Meeting to Order at 7:10 p.m., followed by the Pledge to the Flag and Invocation.

ROLL CALL: Present were Supervisors Ault, Hartlaub, Krysiak, Rynearson and Staaf. Also present were, the Township Manager Marc Woerner, Township Solicitor Walter Tilley, III Township Engineer Chris Toms from C. S. Davidson, Inc and Township Secretary Miriam Clapper. A quorum was present.

ANNOUNCEMENT: Chairman Ault informed those present that the Board held an executive session before the meeting to discuss personnel issues.

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

APPROVAL OF MINUTES: Supervisor Rynearson made a motion to approve the Minutes of the Board of Supervisors Reorganizational Meeting and the Work Session Meeting of January 6, 2020, with correction of the spelling of Supervisor's Staaf last name on the first page of the minutes and to give a verbatim account of how Chairman Ault answered Supervisor Hartlaub's concern on the new vice chairman's job as a supervisor on page 6, seconded by Supervisor Staaf. **Motion carried.**

APPROVAL OF DISBURSEMENTS: Supervisor Staaf made a motion to approve the Disbursements of all Funds (as listed), seconded by Supervisor Rynearson. **Motion carried.**

CORRESPONDENCE: Chairman Ault read a letter the Township received a letter from Brody Fuhrman concerning development in West Manheim Township.

Supervisor Staaf made a motion to accept the correspondence from Brody Fuhrman concerning development in West Manheim Township, seconded by Supervisor Krysiak. **Motion carried.**

REC. BOARD REPORT: Kelli Reed representing the Recreation Board reported that she had two appointments that she was asking for board approval. The first was Sylvia Musser filling a term that would end December 31, 2020.

Supervisor Rynearson made a motion to appoint Sylvia Musser to the Recreation Board filling a term that would end December 31, 2020, seconded by Supervisor Staaf. **Motion carried.**

Supervisor Staaf made a motion to appoint Fred Walker to the Recreation Board filling a term that will end December 31, 2022, seconded by Supervisor Rynearson. **Motion carried.**

Kellie Reed also informed the Board that this year's Easter Egg Hunt would take on April 4.

She also reported that a drone would be hovering over the park to get a better view of the area for the Turf to Meadows programs. The drone would be mapping the area on Thursday, January 23, 2020. The Board had no problems with the drone mapping.

Supervisor Rynearson made a motion to accept the Recreation Board Report as presented, seconded by Supervisor Krysiak. **Motion carried.**

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

Supervisor Rynearson made a motion to accept the Solicitor's Report, seconded by Supervisor Krysiak. **Motion carried.**

**ENGINEER REPORT:** Township Engineer Chris Toms informed the Board that he met with the Township Manager and the Roadmaster to discuss the 2020 roadwork. He explained that as part of the projected roadwork, he has included an estimate and a comparison to the budget. He then had the Supervisors refer to page three of his report where there was a breakdown of all the expected roadwork in 2020. He then reviewed each of the projects with the Supervisors.

Supervisor Staaf asked why the Board would go from a paved road to dirt and gravel road for Utz Drive. Township Engineer Chris Toms explained it would become dirt and gravel road if left to deteriorate. Chairman Ault feels that Utz Drive is worth saving and recommends that Hobart Road be budgeted for next year and put those funds towards Utz Drive roadwork.

After discussing the various road projects, Township Engineer Chris Toms then outlined the 2020 township road projects. First, complete the wetlands investigation for pipe crossings and at the same time enter into the agreement with ECS for core samples and testing. Second, C.S. Davidson will begin to work on the bid package, which will include the chip seal, the Beck Mill Bridge blast and paint project, and the full depth reclamation for Utz Drive. He explained it would be one bid package with separate contracts for each type of work. Chairman Ault then asked for a motion to put out the bid package.

Supervisor Krysiak made a motion to put out bid packages for the three projects, seconded by Supervisor Staaf. **Motion carried.**

Supervisor Staaf made a motion to enter into an agreement for core samples to be done by ESC for Utz Drive, seconded by Supervisor Rynearson. **Motion carried.**

Supervisor Staaf made a motion to purchase the pipe for whatever it takes to replace the culverts on Utz Drive, seconded by Supervisor Rynearson. **Motion carried.**

Supervisor Rynearson made a motion to put out for bid the oil and distributor to do the township roads, seconded by Supervisor Krysiak. **Motion carried.**

Supervisor Rynearson made a motion to put the Beck Mill Bridge blasting and painting out for bids, seconded by Supervisor Staaf. **Motion carried.**

Township Engineer Chris Toms informed the Board that he would go ahead with the wetland's investigation on Utz Drive and the creation of the bid documents. Once the documents are done, he will bring them before the Board to review and get authorization to advertise.

Township Engineer Chris Toms then informed the Board that C.S. Davidson had received the well sampling results for Area 6. He then gave each board member a map titled West Manheim Township Analysis Summary Area Six. Township Engineer Chris Toms recommended discussing the results at a work session meeting to see what the next steps are in the 537 Plan and what the cost of the options are.

Supervisor Staaf made a motion to approve the Engineer Report as given, seconded by Supervisor Rynearson. **Motion carried.**

REPORTS: (Copies in Township file)

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

Supervisor Staaf made a motion to accept the Reports A through G as given, seconded by Supervisor Krysiak. **Motion carried.**

MANAGER REPORT: Manager Marc Woerner gave an overview of his report (copy on file).

Supervisor Krysiak made a motion to accept the Manager's Report, seconded by Supervisor Staaf. **Motion carried.**

OLD BUSINESS:

A. Reservoir Heights Final Paving and Sidewalk

Chairman Ault explained that at the previous meeting the Board had approved holding \$1,000 in a bond to make the necessary repairs to a walking path found in Reservoir Heights. He showed a picture of the necessary repair being completed and said that the bond could be released.

Township Manager Marc Woerner explained that before the signed agreement went to the developer for execution the repair was completed. He asked the Board if they were satisfied with the work, he would inform the developer.

Supervisor Krysiak made a motion to inform the Developer that the Board of Supervisors was satisfied with the work, seconded by Supervisor Rynearson. **Motion carried.**

At this time in the meeting, Chairman Ault asked about the nuisance ordinance brought before the Board at the last meeting. He expressed that he was in favor of drafting a nuisance ordinance that best suits the needs of the township. Chairman Ault then read from the Township Manager's report on his findings from New Holland Borough and their nuisance ordinance.

Chairman Ault then made a motion to draft a nuisance ordinance that best suits the municipality and then we can pick through it and figure out which times best suit everybody. Supervisor Rynearson interjected that he had also received a copy of an ordinance from Silver Springs, Pennsylvania had a little bit of nuisance as far as animals are concerned, which piggy backed with what mostly New Holland's had to say. Supervisor Rynearson explained that after speaking with Silver Spring they try to educate residents about first speaking to the offending neighbor making them aware of the situation before you call to make a formal complaint.

Township Manager Marc Woerner suggested he would take the New Holland Ordinance and try to adapt to the needs of the residents living in West Manheim and it will be on the next agenda for the Boards' review. The Board agreed and the motion was withdrawn.

NEW BUSINESS:

A. Joint Bid Opening Wednesday, February 5, 2020, at 5 p.m. - need name of at least one supervisor who will attend.

Supervisor Staaf volunteered to attend the joint bid opening on Wednesday, February 5, 2020 at 5 p.m.

B. Awarding of the Bids Wednesday, February 26, 2020 at 6 p.m. – a quorum is needed so need the names of three supervisors who will be attending

Supervisors Ault, Rynearson and Krysiak volunteered attend the awarding of the joint bids on Wednesday, February 26, 2020 at 6 p.m.

### C. Second Amendment Sanctuary Ordinance

Chairman Ault explained that the state of Virginia is trying to pass a law that would redefine what constitutes an 'assault rifle' under Virginia law and ban anyone from owning said weapons. He then turned the floor over to the Township's Solicitor.

Township Solicitor Walter Tilley explained that the draft ordinance is a combination of ordinances and resolutions that he researched from various gun rights organizations. He informed those present that the draft before the Board was based on gun owners' associations' model ordinances. He explained that the ordinance says the township will not interfere with second amendment rights. Solicitor Tilley explained that a resolution is more for policy issues while an ordinance is something that can be enforced.

Chairman Ault informed those present that at this time the state of Pennsylvania is not in jeopardy of losing gun rights, which Solicitor Tilley agreed. Solicitor Tilley explained that the current legislature is Republican controlled and there are no pending pieces of legislation concerning gun rights.

Chairman Ault asked Solicitor Tilley what authority due local government have if the Board would go through with this potential ordinance. What authority due local governments have when refusing to cooperate with state and federal firearms laws. Solicitor Tilley explained that the basis for the Board's decision would be that it goes against the Constitution.

Thomas Snyder said to the Solicitor, if it is not constitutional, you could refuse to enforce it. Whose opinion do you use of constitutional. If the US Supreme Court or any other federal court says it is constitutional, then it really does not mean anything. Solicitor Tilley explains that there is constitutional provision in the Ordinance and case holding within the first two pages of the ordinance of what is and is not allowed. Solicitor Tilley also pointed out there are certain legitimate restrictions that are recognized by the law and they are in the Ordinance. He explained that the ordinance was drafted to protect legitimate restrictions while not overstepping those bonds beyond what the Second Amendment protects.

Mr. Snyder was worried if this ordinance were just for show. Solicitor Tilley explained that at this time he was not aware of any threats to gun ownership rights that would fall within the provision of this ordinance at this time.

Supervisor Rynearson expressed that he felt it was too encompassing. He then read from the draft ordinance page 2 paragraph I. After reading that section of the ordinance, Supervisor Rynearson felt there are some legitimate laws already in place that place some limits on sales on types of ammunition, types of magazine, etcetera. Solicitor Tilley said that he could revise that section to stop at the word infringed.

Chairman Ault made a motion to advertise the Second Amendment Sanctuary Ordinance, seconded by Supervisors Krysiak. **Motion carried.**

#### D. Police Department Hiring Policy

Chairman Ault informed those present that the Township Manager and the Chief of Police worked together with the Board to draft a Police Department Hiring Policy.

Solicitor Tilley wanted to know who would be doing the hiring of a new police officer, the Board, or the Chief of Police. Chief Schneider said that the Board would be doing the hiring.

Chairman Ault questioned item #4. Must be in good physical health, with weight in proportion to height. Chief Schneider explained what process the potential candidate would go through to make sure he/she would meet the requirement to be an effective police officer.

Supervisor Staaf made a motion to approve the police department hiring policy – General Order 50, seconded by Supervisor Rynearson. **Motion carried.**

After approving the hiring policy, Chief Schneider asked if the Board would be making a motion to advertise for a new police officer. Township Manager Marc Woerner explained that as part of the hiring process the Board must give approval at a public meeting to advertise the position.

Supervisor Staaf made a motion to authorize the Chief of Police to advertise for a new police officer, seconded by Supervisor Kyle Krysiak. **Motion carried.**

#### SUBDIVISION PLANS:

##### A. Fuhrman Mill Heights Update – Scott Barnhart and Paul Minnich

Township Manager Marc Woerner informed the Board Mr. Barnhart and Mr. Minnich were not present and asked that they be put on next month's agenda.

##### B. Keel, LP Minor Subdivision Plan, 4 lots plus 1 add on Keel, LP and waiver requests and conditional approval on the plan ( Review time expires 2/19/2020)

Reg Baugher of Hanover Land Services was present to discuss and answer any questions on Keel, LP Minor Subdivision Plan, 4 lots plus 1 add on Keel, LP, waiver requests and to ask for conditional approval on the plan.

1. Waiver request § West Manheim Township Subdivision and Land Development Ordinance Section 235-46(D)(6) – Table V-1 Street Design Standards. This section requires a minimum cart way width of 20” and a minimum shoulder width of 2 “ for all local roads.

Chairman Ault made motion to grant the waiver request § West Manheim Township Subdivision and Land Development Ordinance Section 235-46(D)(6) – Table V-1 Street Design Standards. This section requires a minimum cart way width of 20” and a minimum shoulder width of 2 “ for all local roads, seconded by Supervisor Staaf. **Motion carried.**

2. Waiver request from the West Manheim Township Subdivision and Land Development Ordinance §235-49(D)(1) Location of monuments. Monuments shall be placed at: The intersection of lines forming angles in the boundaries of the subdivision or development.

Chairman Ault made a motion to grant the waiver request from the West Manheim Township Subdivision and Land Development Ordinance §235-49(D)(1) Location of monuments. Monuments shall be placed at: The intersection of lines forming angles in the boundaries of the subdivision or development, seconded Supervisor Rynearson. **Motion carried.**

Chairman Ault made a motion to give conditional approval on the plan on the condition that the planning module is approved by DEP, the waiver requests are on the plan and all outstanding fees are paid.

Chairman Ault asked if anyone from the public had any questions on the plan and Mr. Steven Bull, 120 Deer Road approached the Board and asked if one of the waivers was about widening Deer Road, Township Engineer Chris Toms explained the first request was that request and that the Board had granted the request not to widen Deer Road. Mr. Bull expressed that he was happy to hear that. Mr. Bull also asked about the paving of Deer Road and when the Board might consider paving Deer Road. Chairman Ault explained that there is currently no ordinance that says a developer is responsible for widening an entire road, but that at some point in the future the township could widen Deer Road.

Chairman Ault called for a second on his motion. Supervisor Staaf seconded the motion. **Motion carried.**

#### C. EXTENSION REQUESTS PER DEVELOPER LETTERS:

1. Joshua Hill Farm, 124 - lot Preliminary (Review time expires 01/22/2020)
2. The Warner Farm, 15-lot Preliminary (Review time expires 01/22/2020)
3. Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary, (Review expires 01/22/2020)

Jim Piet representing Marty Hill Woodhaven Homes came before the Board to explain why Woodhaven is requesting the one-year extension for each of the Preliminary Plans. He pointed out in his letter to the Board that a one-year extension would allow for the York Water Company to finalize the purchase of the Township’s

sewer system, complete their legal documents/utility extension agreements, and initiate the processing of the Joshua Hill wastewater treatment facility through the PA Public Utility Commission.

Supervisor Staaf made a motion to grant the extension request for Joshua Hill Farm, 124 - lot Preliminary through January 20, 2021, seconded by Supervisor Rynearson. **Motion carried.**

Supervisor Staaf made a motion to grant the extension request for The Warner Farm, 15-lot Preliminary through January 20, 2021, seconded by Supervisor Rynearson. Motion carried.

Supervisor Staaf made a motion to grant the extension request for Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary through January 20, 2021, seconded by Supervisor Rynearson. Motion carried.

A. ALL TO BE TABLED:

Belmont Ridge Phase 3 and Phases 4, 224 Lot Preliminary Plan (Review time expires 03/18/2020)  
Lexington Ventures, LLC – Lexington Phase 2A, 1 Lot (24 Units) ( Review time expires 03/18/2020)

Supervisor Staaf made a motion to table to the date that is indicated, Belmont Ridge Phase 3 and Phases 4, 224 Lot Preliminary Plan (Review time expires 03/18/2020) and Lexington Ventures, LLC – Lexington Phase 2A, 1 Lot (24 Units) ( Review time expires 03/18/2020), seconded by Supervisor Krysiak. **Motion carried.**

**SUPERVISORS AND/OR PUBLIC COMMENTS:** Chairman Ault asked all present if anyone wanted to address the Board and Carl Grubb of 717 Impounding Dam Road came to discuss some of the issues concerning runoff coming on his property. He showed pictures of what is currently there and what the York County Conservation District is suggesting. Chairman Ault suggested that he meet at Mr. Grubb's property to review the situation to see what can be done.

Chairman Ault made a motion to table this issue until the next meeting, seconded by Supervisor Rynearson. No vote was taken. It was suggested to put this item on the next agenda.

**NEXT SCHEDULED MEETINGS:** Supervisors Work Session – Thursday, February 6, 2020 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Tuesday, February 18, 2020 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

**ADJOURNMENT:** Supervisor Krysiak made a motion to adjourn the Regular Meeting and go into an executive session at 8:45 p.m., seconded by Supervisor Rynearson. **Motion carried.**