

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

Regular Meeting

Tuesday, February 18, 2020  
7 p.m.

On Tuesday, February 18, 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 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, and there would be a change to the Agenda under item 12 Reports letter F. would be changed to Code Enforcement Officer Report. He then explained that the meeting would start with agenda item number 15.

NEW BUSINESS:

A. Motion to approve the date for the Shredding Event – Saturday, May 30 from 9 a.m. to 12 noon

Supervisor Staaf made a motion to approve the date for the shredding to take place on Saturday, May 30 from 9 a.m. to 12 noon, seconded by Supervisor Hartlaub. **Motion carried.**

B. Detour for Bridge Replacement – PennDOT

Chairman Ault explained that the township received a letter from the Department of Transportation informing the township that Department of Transportation will be replacing the bridge over Indian Run located on Westminster Avenue and will need to use a portion of Fairview Drive as a part of the detour route (copy of letter and detour route is on file).

Supervisor Ault made a motion to approve the detour route using Fairview Drive, seconded by Supervisor Krysiak. **Motion carried.**

C. Sewer Repairs – Reservoir Heights Drive and Menlena Circle

Chairman Ault informed those present that the township has received many letters concerning the settlements on both Reservoir Heights Drive and Menlena Circle.

Township Engineer Chris Toms went on to remind the Board members that they previously received bids to repair Fuhman Mill Road, Reservoir Heights, and Menlena Circle. At that time, the Board had decided not to move forward

with the repairs. If the Board would like to move forward at this time, but he would need to revise the previous specifications for just these two projects. He also explained there are other concerns with the settlements found on Reservoir Heights, which he indicated would need evaluation before placing everything out for bids.

Supervisor Staaf made a motion to put the sewer repairs for Reservoir Heights and Menlena Circle out for bids. Chairman Ault interjected to draw up spec sheets first; to which Township Engineer Chris Toms explained he would prepare the specifications and bring them back for review, and at that time, the Board would authorize for advertisement.

Supervisor Staaf then made a motion authorizing Township Engineer Chris Toms to prepare the specifications for the sewer repairs for Reservoir Heights Drive, and Menlena Circle, seconded by Supervisor Rynearson.  
**Motion carried.**

SUBDIVISION PLANS:

A. EXTENSION REQUESTS PER DEVELOPER LETTERS:

B. 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)  
Belmont Ridge Phase V – 203 Lot – Preliminary Plan (review time expires 06/05/2020)  
West Manheim Township Preliminary/Final Land Development Plan (review time expires 06/03/2020)  
Joshua Hill Farm, 124 - lot Preliminary, (review time expires 01/21/2021)  
The Warner Farm, 15-lot Preliminary, (review time expires 01/21/2021)  
Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary, review expires 01/21/2021)

Supervisor Krysiak 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); Lexington Ventures, LLC – Lexington Phase 2A, 1 Lot (24 Units) ( review time expires 03/18/2020); Belmont Ridge Phase V – 203 Lot – Preliminary Plan (review time expires 06/05/2020); West Manheim Township Preliminary/Final Land Development Plan (review time expires 06/03/2020); Joshua Hill Farm, 124 - lot Preliminary, (review time expires 01/21/2021); The Warner Farm, 15-lot Preliminary, (review time expires 01/21/2021); Preserves at Codorus Creek IV (Marlee Hill), 79 - lot Preliminary, review expires 01/21/2021), seconded by Supervisor Rynearson. **Motion carried.**

At this point in the meeting Chairman Ault went from Item 5 forward on the Agenda.

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

**APPROVAL OF MINUTES:** Supervisor Hartlaub made a motion to approve the Minutes of the Board of Supervisors Work Session Meeting of February 6, 2020, seconded by Supervisor Rynearson. **Motion carried.**

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

**CORRESPONDENCE:** Chairman Ault informed those present that the Township received the following correspondences:

- A. Petition of York County Board of Elections for the Redistricting of the Election District for West Manheim Township, York County
- B. Ordinance 2020-01 – Steve and Sylvia Musser
- C. Memo from Anna Cosgrove concerning the SASO received today

Supervisor Rynearson made a motion to accept the correspondences, seconded by Supervisor Krysiak. **Motion carried.**

**REC. BOARD REPORT:** Kelli Reed representing the Recreation Board acknowledged that the Board had her report (copy on file) but wanted to highlight the Turf to Meadows project, and the reappointment of Jonathan Smith and Colleen Smith.

- A. Motion to reappoint Jonathan Smith to the West Manheim Township Recreation Park Board for a five-year term ending December 31, 2024.

Chairman Ault made a motion to reappoint Jonathan Smith to the West Manheim Township Recreation Park Board for a five-year term ending December 31, 2024, seconded by Supervisor Staaf. Motion carried.

- B. Motion to reappoint Colleen Smith to the West Manheim Township Recreation Park Board for a five-year term ending December 31, 2024.

Chairman Ault made a motion reappoint Colleen Smith to the West Manheim Township Recreation Park Board for a five-year term ending December 31, 2024, seconded by Supervisor Rynearson. **Motion carried.**

She also asked the Board to approve a request from the Hanover Cyclers to use the front entrance to the park as a water station for their annual horse farm tour.

Chairman Ault made a motion to approve the request from the Hanover Cyclers to use the front entrance to the park as a water station for their annual horse farm tour, seconded by Supervisor Rynearson. **Motion carried.**

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

ENGINEER REPORT: Township Engineer Chris Toms pointed out two items on his submitted report (copy on file). The first was the 2020 Road Projects. He noted that he continues to work on the road specs, and the intent is to have them to the Board before the Work Session meeting in March. The second item he pointed to in his report was Area 6 Act 537 Re-evaluation. He plans to have a discussion on that at the Board's April work session.

Chairman Ault asked if the plan for Utz Drive was a full dept reclamation from SR 94 the whole length of Utz Drive or just from the first road. Township Engineer Chris Toms informed Chairman Ault that he had not seen the results of the core samples and would like to have that information before he answers Chairman Ault's question.

A. Motion to approve the request to reduce the public improvement financial security for Belmont Ridge (Lexington) Phase 2 in the amount of \$960,866.50 leaving the remaining balance of \$239,958.40.

Chairman Ault made a motion to approve the request to reduce the public improvement financial security for Belmont Ridge (Lexington) Phase 2 for \$960,866.50, leaving the remaining balance of \$239,958.40, seconded by Supervisor Krysiak. **Motion carried.**

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

At this point in the meeting Township Engineer Chris Toms asked to be excused from the rest of the meeting. He left the meeting at 7:20 p.m.

REPORTS: (Copies in Township file)

Supervisor Rynearson made a motion to accept the Treasurer's Report as submitted for December 2019, seconded by Supervisor Staaf. **Motion carried.**

B. Chief of Police, Monthly Activity Report – December 2019

Chairman Ault made a motion to accept the Chief of Police, Monthly Activity Report as submitted for December 2019, seconded by Supervisor Krysiak. **Motion carried.**

C. Public Works Report – December 2019

Supervisor Krysiak made a motion to accept the Public Works Report as submitted for December 2019, seconded by Supervisor Hartlaub. **Motion carried.**

D. Pleasant Hill Volunteer Fire Co.- EMS Reports – December 2019

Supervisor Staaf made a motion to accept the Pleasant Hill Volunteer Fire Co.- EMS Reports as submitted for December 2019, seconded by Supervisor Rynearson . **Motion carried.**

E. EMA Report – December 2019

Supervisor Staaf made a motion to accept the EMA Report as submitted for December 2019, seconded by Supervisor Rynearson. **Motion carried.**

F. Code Enforcement Officer Report – December 2019

Supervisor Staaf made a motion to accept the Code Enforcement Officer Report as submitted for December 2019, seconded by Supervisors Ault. **Motion carried.**

G. SEO Report – December 2019

Supervisor Staaf made a motion to accept the SEO Report as submitted for December 2019, seconded by Supervisors Ault. **Motion carried.**

MANAGER REPORT: Manager Marc Woerner had nothing new to add to his report (copy on file). He did ask for direction on the installation of the building generator. He reminded the Board members they had asked him to get another quote, so they could do a cost comparison to IB Abel. He pointed out in their board packet was an estimate for installation from Swam Electric, and they could see for themselves how different both quotes are. He indicated that Swam Electric was lower than IB Abel and suggested that a representative from IB Abel meet with the Board to get a better understanding of what is involved with the installation of the

West Manheim Township generator. Once they hear from IB Abel how they reached their quote, the Board can decide if they want to go to the expense of bidding out the project.

Supervisor Rynearson asked what the process would be if the board decided to use Swam Electric; would they need to bid their quote out independently. Township Manager Marc Woerner then explained that they would need to contract with an electrical engineer to develop the bid specification sheet to be sure each potential bidder would be bidding on the same project, which takes a lot of effort, time, and expense.

After discussing the two quotes, Chairman Ault felt the project should be put out for bids and Supervisors Hartlaub and Staaf agreed with Chairman Ault.

Chairman Ault made a motion to work with an electrical engineer to draw up a bid packet and go ahead and advertise for bids, seconded by Supervisor Hartlaub. **Motion carried.**

#### OLD BUSINESS:

##### A. Second Amendment Sanctuary Ordinance

Chairman Ault gave those in attendance a brief history on how the township could become a sanctuary township. He explained that the request came from a township resident who asked the Board to consider becoming a Second Amendment sanctuary township. The Board agreed and directed the Solicitor to research what would be needed, and after doing the necessary research the Solicitor presented the Board with the Ordinance before them to be adopted at this meeting.

After explaining how the meeting would be conducted, Dr. Val Finnell, from the Pennsylvania Director for the Gun Owners of America came before the Board to thank them for their willingness to stand in the gap by protecting the constitutional rights of the citizens of West Manheim Township.

Alicia Rouscher, York County's Coordinator for the Pennsylvania Second Amendment Sanctuary Ordinance thanked the Board for considering the adoption of the Second Amendment Sanctuary Ordinance. She feels by the township adopting this ordinance to protect the rights of the citizens in the township, other municipalities located in York County will do the same as she pushes the York County Commissioners to make York County a Second Amendment Sanctuary County.

Andrea Burns expressed that the Township should reject the SASO because the Township does not have the authority to criminalize the enforcement of state and federal laws.

Steven Musser read from his correspondence that he shared with the Board (copy on file) asking the Board to consider not adopting Ordinance 2020-01.

Justine Trucksess, came before the Board to state that she was opposed to the adoption of the Ordinance and to ask why the Ordinance makes exception for the Protection from Abuse orders, and she questioned why then an Extreme Risk Protection order is something that you also would not allow and provide an exception for.

Leslie Dietz, a Victim Advocate with the YWCA Hanover Safe Home came before the Board to express her concerns of how this ordinance will interfere with the enforcement of the PFA laws. She indicated that she has read the Ordinance and acknowledges that the Ordinance says it won't interfere with enforcing PFA laws she feels it is the first step.

Tom Long came before the Board to express his support for the Ordinance. He expressed that guns do not kill people; people kill people. He reminded those present that mental illness is a huge problem in this county.

Dave Tushingam came before the Board to express disagreement with the Ordinance. He expressed that gun violence is out of control and getting worse. He believes that an ordinance to allow law enforcement not to enforce state and federal pass laws such as universal background checks is wrong.

Bob (last name not audible) South Pointe resident wondered why everyone was there. He was not aware that hunters were not allowed to hunt. He asked if people were still allowed to carry guns. He questioned if the Township was inviting people who could abuse the privilege of carrying a gun.

Raymond Proctor expressed that a gun does not harm anyone until someone pulls the trigger. He feels there are laws that are not being enforced. He expressed guns are not the problem people are the problem because they have moved away from God.

Justin Lighty came before the Board to explained that the Ordinance was not going to change any of the current laws in effect here is Pennsylvania. He feels that the current laws are very strong and that gun regulations are strict, and he would like the current laws to stay the way they are. He explained the one thing this proposal does is making sure they stay that way. He feels the laws do need to be protected because of the current atmosphere and he believes we need to uphold the Constitution.

Bob Matthews expressed that he moved from Baltimore, Maryland to get away from the violence. He explained that Maryland has adopted a red flag law that puts the burden of proof on the accused not on the accuser. He believes that goes against the Constitution. He believes the problem lies with the politicians.

Last to speak was Gordon Coggins who explained that he attended the meeting for the sole purpose to educate himself. He is worried that the government is going to chisel away at his right to own a gun. He expressed his support for the township to become a sanctuary township.

After everyone spoke, Chairman Ault explained that the public had the wrong perception/interpretation of this specific ordinance. He expressed that those in attendance believed that the Board was trying to change the laws, which he explained they were not changing any laws. He then asked the Township Solicitor to explain what the Ordinance would mean to the taxpayers of the township.

Township Solicitor Walter Tilley, III then explained that he had previously been asked by the Board to investigate Second Amendment ordinances and resolutions. He then explained that when researching he looked at what the governmental interest would be. He felt that the governing body did not want to make any political statement. He explained that the West Manheim Township Board of Supervisors is charged with the oversight of personnel, application of its funds and it was the regulation of township finances and personnel that are the focus of the Ordinance. Solicitor Tilley explained that he reviewed a variety of ordinances and resolution. He explained that a resolution was more of a political statement and not a governing document, so that is why an ordinance was decided. In addition, an ordinance requires advertising and a resolution does not. By advertising the Ordinance, the resident would know what the Supervisors were considering for adoption and make their concerns or support known.

Solicitor Tilley explained while drafting the ordinance he had to make sure that it was consistent with the constitutional rights of the Second Amendment, but also the constitutional obligations of the Board of Supervisors. He also had to consider the obligations of the police officers, and the law enforcement officers who would oversee enforcing the ordinance. He believes that the ordinance before the Board meets those obligations. He also addressed the concerns for court orders for public safety. He explained that all court orders would be upheld. Township Solicitor Walt Tilley explained that public safety and school safety are not affected by the ordinance and present laws are unchanged. The ordinance is a prospective ordinance which it is intended to show the Board's intent with respect to the application to township finances and personnel looking forward in case of future legislation.

Chairman Ault wanted to make sure that everyone present understood that the Township was not changing laws when it came to background checks or red flag laws, which Solicitor Tilley agreed. He explained that the ordinance deals with how the Township will apply its funds and personnel.

Chairman Ault made a motion to adopt the Second Amendment Sanctuary Ordinance 2020-01, seconded by Supervisor Krysiak. In a roll call vote of Supervisor Ault, Hartlaub, Krysiak and Staaf voting yes and Supervisor Rynearson voting no, the Motion carried.

**SUPERVISORS AND/OR PUBLIC COMMENTS:**

Thomas Snyder approached the Board to see if any decision was made concerning his request for a nuisance ordinance. Chairman Ault informed Mr. Snyder that the nuisance ordinance is tabled until further notice. He informed Mr. Snyder that the Board had heard from his neighbor, and the Board felt that since it was only one

complaint they would not act at this time. He explained when the Board receives more complaints they will act at that time.

Chairman Ault reminded the Board members about attending the awarding of the Municipal Joint Bids at the Hanover Borough Office on Wednesday, February 26, 2020 at 6 p.m. Representing the Board are Supervisors Ault, Ryneerson, and Krysiak.

NEXT SCHEDULED MEETINGS: Supervisors Work Session – Thursday, March 5, 2020 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Tuesday, March 17, 2020 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: Supervisor Staaf made a motion to adjourn the meeting at 7:45 p.m. and go into an executive session, seconded by Supervisor Ryneerson. Motion carried.

Respectfully,

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Miriam Clapper, Secretary

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Chairman