

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES

Regular Meeting

Tuesday, August 16, 2022
7 p.m.

Chairman Ault called the Regular Meeting of the West Manheim Township Board of Supervisors to Order at 7:10 p.m. on Tuesday, August 16, 2022, followed by the Pledge to the Flag and Invocation. The meeting took place at the Municipal Building at 2412 Baltimore Pike, Hanover, PA, 17331, and through the GoToMeeting video conferencing software.

ROLL CALL: Present were Supervisors Ault, Franks, Hartlaub, Rynearson, and Wetzell. Also, present were the Township Manager Michael Bowersox, Township Engineer Cory McCoy from C. S. Davidson, Inc., Solicitor David Jones of Stock and Leader, and Township Secretary Miriam Clapper. A quorum was present.

ANNOUNCEMENT: Chairman Ault informed those present that the Board of Supervisors held an executive session that took the entire hour before the meeting to discuss personnel matters.

At this time Chairman Ault announced that he wanted to make a motion before going further to amend the agenda.

Supervisor Ault made a motion to amend the agenda to add a sentence to Item B under New Business to read, *further, to amend the Zoning Map for two (2) parcels from Residential to Farming*, seconded by Supervisor Rynearson. **Motion carried.**

PUBLIC COMMENTS: Chairman Ault asked if anyone present wanted to speak at this time, and Steven Myers, 141 Winifred Drive came forward to explain why he is asking to be exonerated from the past due penalty of \$42.19.

Pam Hoffman, 2571 Baltimore Pike came forward to speak about item M. under New Business on the agenda Discussion - Zoning Ordinance change – to amend Section 270-92 Fences and walls. Fencing height for commercial purposes: to allow for 8-foot fences in the Commercial/Industrial Zoning District. She expressed her concern about allowing a business to install an eight-foot fence but a residential property owner within the commercial district would not be allowed to do so. She said that there is currently an alternative in place to allow for an eight-foot fence when there is a need for one.

Andy Hoffman, 2575 Baltimore Pike came forward to speak about item B. under New Business on the agenda advertising to amend the Zoning Ordinance. He asked if there were any changes from what was proposed two months ago. Township Manager Michael Bowersox told him there were no changes. He said that there were some procedural errors where a couple of parcel owners did not get notified, so the township is redoing the same process. He said that nothing changed except for a couple of parcels in the Woodridge Hunt Subdivision that were accidentally identified as commercial/industrial will be taken off, which is what the Board was going to do anyway.

Township Solicitor David Jones told Mr. Hoffman and those present that a lawsuit was filed protesting the validity of that ordinance. He said that there were a couple of procedural errors one of which was it did not specifically state that there was going to be a zoning map change. So, that specific language will be added to the Ordinance that calls out the changes to the zoning map, so that will be a change to the Ordinance. He said that for all intents purposes it will be the same ordinance, but it is to address a procedural validity challenge to the Ordinance that was filed by J. A. Myers.

Mr. Hoffman then asked if there was a particular reason to continue to move this forward after the recommendations of the York County Planning Commission that were completely opposed to this. Chairman Ault said that the Board had already voted for those changes and now they are just correcting the procedural mistakes. Mr. Hoffman then read from York County Planning Commission's review letter.

Mr. Hoffman also talked about his concern for item M. on the agenda. Mr. Hoffman expressed a hardship is being created for current property owners, who will now be in the commercial zone. He told the Board members that there are conditionally approved subdivision plans for residential lots. When this change goes through, and the developments are completed, the homes will be in a commercial zone. He then told them that each of those lots if the property owner wants to, could change their home into a truck stop, a refueling pit, or whatever is allowed in the commercial zone, and they will be able to put up an eight-foot fence because it is now a commercial lot.

Township Manager Michael Bowersox then asked if anyone online wanted to speak and Chris Naylor, attorney for the law firm of Barley Snyder, 100 East Market Street, York, PA said that he appeared tonight on behalf of his client Burkentine its affiliated entity Belmont Ridge LLC. He said I speak tonight to oppose the Board moving forward with New Business item 15 C., which would be a text amendment to remove certain permitted essential uses within the Business Center district. He explained that initially, it was his understanding that Belmont Ridge is one of two property owners of business center district zoned properties in the township. He told the Board members that this would be an acute concern and would impact them. He said that it singles out a very isolated group of owners in the township to target them to restrict the use of their property, which is otherwise permitted, namely the ability to have new dwelling units in conjunction with commercial uses. Solicitor Naylor wanted the Board members to know that he agreed with a prior speaker and ask the Board to consider the time and effort that was taken by the Board and in time and resources, the staff has taken to issue an RFP to update the township's Comprehensive Plan. He expressed that he felt it was inappropriate and premature at this time to go ahead and make a text amendment to affect land use in the township when there is clearly a process underway and a task acknowledgment that a fresh look needs to be taken on the land use within the township. He urged the Board to table this change. He again expressed that it unfairly targets and isolates two property owners in the township for use of inquired property in this case Belmont Ridge 12 units in conjunction with commercial.

APPROVAL OF MINUTES: Supervisor Rynearson made a motion to approve the Regular Board Meeting held on August 4, 2022, as corrected, seconded by Supervisor Wetzel **Motion carried.** Supervisor Ault abstained because he was not present.

DISBURSEMENTS: The Disbursements from all Funds were approved, as listed, in a motion by Supervisor Hartlaub, seconded by Supervisor Franks. **Motion carried.**

CORRESPONDENCE: Chairman Ault noted the Board received no correspondence.

RECREATION BOARD REPORT: Christine Sones Co-chair of the West Manheim Township Park and Recreation Board gave an overview of her report (copy in Township file).

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

SOLICITOR'S REPORT: Solicitor David Jones had nothing new to add to his submitted report (copy on file).

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

ENGINEER'S REPORT: Township Engineer Cory McCoy, C. S. Davidson had nothing new to add to his submitted report (copy on file).

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

REPORTS:

- A. Monthly Budget Review – Treasurer's Report - July 2022
- B. Chief of Police, Monthly Activity Report – July 2022
- C. Public Works Report – July 2022
- D. Pleasant Hill Volunteer Fire Co.-EMS Reports – July 2022
- E. EMA Report – July 2022
- F. Code Enforcement Officer Report – July 2022
- G. SEO Report – July 2022

Supervisor Ault made a motion to approve the Reports A. through G. as given, seconded by Supervisor Rynearson. **Motion carried.**

MANAGER REPORT: Township Manager Michael Bowersox had nothing else to add to his submitted report (copy on file).

Supervisor Ault made a motion to approve the Manager's Report as given, seconded by Supervisor Franks.
Motion carried.

OLD BUSINESS:

A. Motion to adopt Ordinance #2202-02 An **Ordinance Controlling Vehicles and Traffic within West Manheim Township, York County, Pennsylvania.**

Chairman Ault told those present that the Ordinance was properly advertised and that this is updating the Township's roads so if someone would run a stop sign on the road, the police can give them a ticket. Township Manager Michael Bowersox added that it captures the stop signs and speed limit signs. Once the Board adopts those roads, the township has to do this ordinance.

Supervisor Ault made a motion to adopt Ordinance #2202-02 An **Ordinance Controlling Vehicles and Traffic within West Manheim Township, York County, Pennsylvania**, seconded by Supervisor Rynearson. In a Roll Call vote of Supervisors Ault, Franks, Hartlaub, Rynearson, and Wetzel all voted "yay" the **Motion carried.**

NEW BUSINESS:

A. Motion to approve the distribution of the fall Township newsletter through the Merchandiser on October 5, 2022 - \$1,994.00 with added fees the approximate cost of \$2,250.00.

Supervisor Ault made a motion to approve the distribution of the fall Township newsletter through the Merchandiser on October 5, 2022 - \$1,994.00 with added fees the approximate cost of \$2,250.00, seconded by Supervisor Rynearson. **Motion carried.**

B. Motion to approve the advertisement of an ordinance amending the Zoning Ordinance to delete the Rural Resource District and remove references thereto, to amend references regarding the Rural Resource District to Farming District as applicable, to add campground and outdoor shooting ranges as conditional uses in certain zoning districts, to modify the area and dimensional table in Section 270-46 of the Zoning District, and to amend the Zoning Map to change all parcels zoned as Rural Resource to Farming and, further, to adopt a Zoning Map amendment for certain parcel along Baltimore Pike to Commercial/Industrial and to set a public hearing date for consideration of such Ordinance. Further, to amend the Zoning Map for two (2) parcels from Residential to Farming.

Supervisor Ault made a motion to approve the advertisement of an ordinance amending the Zoning Ordinance to delete the Rural Resource District and remove references thereto, to amend references regarding the Rural

Resource District to Farming District as applicable, to add campground and outdoor shooting ranges as conditional uses in certain zoning districts, to modify the area and dimensional table in Section 270-46 of the Zoning District, and to amend the Zoning Map to change all parcels zoned as Rural Resource to Farming and, further, to adopt a Zoning Map amendment for certain parcel along Baltimore Pike to Commercial/Industrial and to set a public hearing date for consideration of such Ordinance. Further, to amend the Zoning Map for two (2) parcels from Residential to Farming, seconded Supervisor Franks. **Motion carried.**

Township Solicitor David Jones asked Chairman Ault about setting the public hearing date. It was decided that office staff will discuss dates and put the agreed-upon date on the Board of Supervisors' work session agenda.

C. Motion to authorize the Township staff to prepare an ordinance amending the Zoning Ordinance to remove Hotels, Motels, New dwelling units in conjunction with and above a principal use permitted in Section 270-31B, C and D, and No-Impact Home Occupations as Permitted Uses within the Business Center Zoning District and to set a public hearing date for such Ordinance.

Supervisor Ault made a motion to authorize the Township staff to prepare an ordinance amending the Zoning Ordinance to remove Hotels, Motels, New dwelling units in conjunction with and above a principal use permitted in Section 270-31B, C and D, and No-Impact Home Occupations as Permitted Uses within the Business Center Zoning District and to set a public hearing date for such Ordinance, seconded by Supervisor Wetzel. **Motion carried.**

D. Motion to approve the disbursement of a donation to the Guthrie Memorial Library in the amount of \$8,000 (2022 budget amount).

Supervisor Rynearson made a motion to approve the disbursement of a donation to the Guthrie Memorial Library in the amount of \$8,000 (2022 budget amount), seconded by Supervisor Hartlaub. **Motion carried.**

E. Motion to approve Limb Collection – West Side October 10-13 and the East Side October 17-20.

Supervisor Rynearson made a motion to approve Limb Collection – West Side October 10-13 and the East Side October 17-20, seconded by Supervisor Ault. **Motion carried.**

F. Motion to approve Leaf Collection November 1-30.

Supervisor Ault made a motion to approve Leaf Collection November 1-30, seconded by Supervisor Rynearson. **Motion carried.**

G. Motion to set date for Trick or Treat – Tuesday, October 25 or Monday, October 31, 2022.

Supervisor Rynearson made a motion to set the date for Trick or Treat for Monday, October 31, 2022, seconded by Supervisor Wetzel. In a vote of Supervisors Franks, Hartlaub, Rynearson, and Wetzel voting “yay” and Supervisor Ault voting “Nay” the **Motion carried.**

H. Motion to appoint James Horak to the West Manheim Township Recreation Park Board.

Supervisor Rynearson made a motion to appoint James Horak to the West Manheim Township Recreation Park Board, seconded by Supervisor Franks. **Motion carried.**

I. Consideration of a request by Stephen Myers, 141 Winifred Drive, to exonerate past due penalty in the amount of \$42.19 for late payment of interim property tax bill that was due on December 21, 2021.

Chairman Ault told Mr. Myers that the Board understood his concern, however, if the Board granted his request, it puts the Board in the position of granting any future request. Solicitor Jones interrupted Chairman Ault to tell the Board members that the Governor had just signed a law earlier this year to address this exact situation. He told the Board members that as of October 4, 2022, in a situation where a new property owner does not receive their interim tax bill in the first year, school districts and taxing authorities will not be able to charge penalties going forward. He said that he was not sure how they show receipts or non-receipt of someone's tax bill. He told them it is only the first year and only the interim tax bill.

Supervisor Ault made a motion to grant the request by Stephen Myers, 141 Winifred Drive, to exonerate past due penalty in the amount of \$42.19 for late payment of interim property tax bill that was due on December 21, 2021, seconded by Supervisor Franks. In a vote of Supervisors Ault, Franks, Rynearson, and Wetzel voting "yay" and Supervisor Hartlaub voting "Nay" the **Motion carried.**

J. Motion to approve the Side Letter of Agreement between West Manheim Township and the West Manheim Township Police Association that amends the current Collective Bargaining Agreement to allow for new hire lateral transfer with credit for prior years of service.

Supervisor Ault made a motion to approve the Side Letter of Agreement between West Manheim Township and the West Manheim Township Police Association that amends the current Collective Bargaining Agreement to allow for new hire lateral transfer with credit for prior years of service on the condition that "*at West Manheim Township*" be added to paragraph no. 3, seconded by Supervisor Rynearson. **Motion carried.**

K. Motion to approve the advertising to hire two police officers for the West Manheim Township Police Department.

Supervisor Rynearson made a motion to approve the advertising to hire two police officers for the West Manheim Township Police Department, seconded by Supervisor Franks. **Motion carried.**

L. Motion to approve the retention of Officer Moyer and Officer Black as full-time officers in the West Manheim Police Department.

Supervisor Ault made a motion to approve the retention of Officer Moyer and Officer Black as full-time officers in the West Manheim Police Department, seconded by Supervisor Wetzel. **Motion carried.**

M. Discussion - Zoning Ordinance change – to amend Section 270-92 Fences and walls. Fencing height for commercial purposes: to allow for 8-foot fences in the Commercial/Industrial Zoning District

Chairman Ault told the Board members that he felt a property owner with a business in a commercial area along the Baltimore Pike should be able to install an eight-foot fence to protect the business owner's investments. Supervisor Hartlaub expressed that he was fine with amending the ordinance if it was for only commercial businesses and not residential properties.

Township Manager Michael Bowersox told the Board members that zoning districts are not what you have but are what you want. He said that at some point in time the commercial corridor was created along the Baltimore Pike knowing full well it was residential and because there are not a lot of places in the township for commercial, which makes sense because it is along the Baltimore Pike. He told those present that as far as variances being the solution, which is not a good answer. Township Manager Michael Bowersox pointed out that variances have routinely been granted for eight-foot fences; if any of those variances would be challenged in court, the Zoning Hearing Board would lose. He then told everyone that the Township just had a case where an eight-foot variance was granted, and it was challenged. The Zoning Hearing Board lost, and it was reversed. He said that could have happened with every one of those businesses to whom the Zoning Hearing Board had granted that request. He explained that you need to prove a hardship and they cannot. Township Manager Michael Bowersox then explained that if the Zoning Hearing Board is going to routinely grant a variance for fences in a particular zoning district, just change the ordinance. He said he was not advocating one way or the other, it just made sense to him.

Township Solicitor David Jones told those present that hardships cannot be self-created; if you can put up an eight-foot fence, you can put up a six-foot fence. So, on legal basis, if that is challenged the argument would be it is self-created because you want an eight-foot fence, not a six-foot fence. He told the Board members that they could craft it in such a way that it does not go against the residential properties. He explained that it would allow for an eight-foot fence if it is associated with commercial or industrial use versus if it is a resident, you do not want an eight-foot fence around a house.

Supervisor Ault made a motion to draft an ordinance for the Board to review, seconded by Supervisor Ryneerson. **Motion carried.**

SUBDIVISION PLANS:

A. Motion to approve the waiver request for Keel, LP -Phase II waiver request/modification requested.

Reg Baugher came before the Board of Supervisors and asked that they table A and B on the agenda.

1. Waiver request to the West Manheim Township Subdivision and Land Development Ordinance, Chapter 235, Article IV Plan Requirements, §235-53 Hydrogeologic and groundwater assessment report. A. A hydrogeologic and groundwater assessment report is required to be submitted at the time of the submission of

the application for approval of the preliminary plan, in accordance with §§ 235-11 and 235-33, respectively, of this chapter. As such: (3) A hydrogeologic and groundwater assessment report is required for all proposed land development projects when any of the following conditions are present: (b) All proposed residential developments, including phased development, containing five or more lots, either initially or cumulatively, of any size. In lieu of preparing the Hydrogeologic and groundwater assessment report, the applicant has drilled the proposed wells and provided the well reports from the well driller for the data associated with each well.

B. Motion to approve the Keel LP, Phase II – Preliminary Plan - 6 Lot Subdivision Plan

Supervisor Ault made a motion to table items 16. A and B under Subdivision Plans on the agenda, seconded by Supervisor Wetzel. **Motion carried.**

C. Motion to approve the Modwash Land Development Plan (Review Time Expires 9/21/2022)

Chairman Ault asked Township Engineer Cory McCoy if everything looked good on the Board's side, and he replied yes. He then asked if anyone from the Board had any questions, and no one replied.

Supervisor Ault made a motion to approve the Modwash Land Development Plan, seconded by Supervisor Wetzel. **Motion carried.**

D. Motion to approve the Form "B" Waiver – Request for Planning Waiver & Non-Building Declaration – No facility or building will be erected on the subdivided lot either now or in the future that will result in the generation of sewage requiring a permit or planning under the Pennsylvania Sewage Facilities Act.

Reg Baugher of Hanover Land Services was present to discuss and answer any questions on the Adam J Ross, Jeremiah R Ross, and Matthew A Ross Final Add-On Subdivision Plan and to ask for the West Manheim Township Board of Supervisors to approve the plan. Mr. Baugher told planning members the purpose of the plan was to take twenty-five acres from the 65-acre farm (Lot #1) and transfer that to a 15-acre parcel (Lot #2). He said that it would give Lots #1 and #2 about forty acres for each lot. Mr. Baugher also told the Planning members that there is no new building purposed at this time.

E. Motion to approve the Adam J Ross, Jeremiah R Ross, and Matthew A Ross Final Add-On Subdivision Plan (Review Time Expires 9/30/2022)

Supervisor Ault made a motion to approve the Adam J Ross, Jeremiah R Ross, and Matthew A Ross Final Add-On Subdivision Plan on the condition that the signature of the professionals responsible for the plan, the notarized signature of the owners acknowledging that the subdivision shown on the plan is presented with the consent of the landowner, and all filing fees and additional fees are paid, seconded by Supervisor Wetzel. **Motion carried.**

At this time, Township Engineer Cory McCoy said to Chairman Ault that the approval for the Modwash Land Development Plan should be a condition upon outstanding comments that CS Davidson had as well, based on their review letter. He then asked the township's solicitor if Chairman Ault could amend the motion. Chairman Ault said that he could amend his motion but did not remember seeing any of those comments from the Planning Commission. Chairman Ault said that the Board had a favorable recommendation from the Planning Commission and that he did not remember seeing outside agencies. Township Engineer Cory McCoy told Chairman Ault that CS Davidson does have some general stormwater comments and mostly administrative comments associated with the plans. The Township Engineer recommended conditional approval based on the two most recent review letters.

Chairman Ault then told the Township Secretary to strike his last motion.

Supervisor Ault made a motion to approve the Modwash Land Development Plan on the condition that all conditions of the Township's Engineer Stormwater Review letter dated August 10, 2022, and Lot Consolidation & Final Land Development Plan Review letter dated August 10, 2022, are met, seconded by Supervisor Wetzel. **Motion carried.**

Reg Baugher of Hanover Land Services reminded the Chairman that he still needed to act on his Form "B" Waiver and the Chairman told him we are getting there.

Supervisor Ault made a motion to approve the Form "B" Waiver – Request for Planning Waiver & Non-Building Declaration – No facility or building will be erected on the subdivided lot either now or in the future that will result in the generation of sewage requiring a permit or planning under the Pennsylvania Sewage Facilities Act, seconded by Supervisors Wetzel. **Motion carried.**

EXTENSION REQUESTS PER DEVELOPER LETTERS: None.

ALL TO BE TABLED:

Belmont Ridge Phase V, 203 Lot Preliminary Plan (Review time expires 09/21/2022)

Belmont Ridge Phase V, 172 Lot Parallel Plan Preliminary Plan (Review time expires 09/21/2022)

Fox Meadows - 7 Lots – Preliminary /Final Subdivision Plan (Review Time Expires 09/21/2022)

Supervisor Ault made a motion to table the following plans to the date that is shown: Belmont Ridge Phase V, 203 Lot Preliminary Plan (Review time expires 09/21/2022); Belmont Ridge Phase V, 172 Lot Parallel Plan Preliminary Plan (Review time expires 09/21/2022); Fox Meadows - 7 Lots – Preliminary /Final Subdivision Plan (Review Time Expires 09/21/2022, seconded by Supervisor Rynearson. **Motion carried.**

SUPERVISORS AND/OR PUBLIC COMMENTS: Chairman Ault asked the Board members if they had any comments and Chairman Ault asked if it was legal or beneficial if the township would reach out to local businesses to advertise their business to help offset the cost of the newsletter. The Township Manager and Township solicitor said it was okay. The office assistant Shanna Smale told the Board members that they had

done that in the past and she was not sure when it stopped but she has the information to do so. She was directed to come up with what it would cost to advertise in the newsletter according to space.

Supervisor Franks asked that the GoToMeeting video conferencing program be placed on the next agenda to discuss whether the Township should keep or stop using the program. Township Manager Michael Bowersox explained that the system that is currently being used is old and a new one is needed. He told those present that the office staff did research on the cost of replacing the current system and those costs are more than \$50,000.

Pam Hoffman approached the Board to ask that the Board consider keeping the system so that people can get used to using the system.

Jim Staaf, 25 Oak Hills Drive approached the Board and said that he would rather have this system stay in place than have no system at all.

Kelly Gabilks, 2010 Waterfall Drive expressed that she was happy that the Board voted to celebrate Halloween on the 31st of October.

Jim Myers, 1621 Oakwood Drive, explained why municipalities celebrate Halloween at the same time. He also said that he supported Supervisor Franks' request to advertise for a couple of months letting people know that the Board is considering getting rid of the online meeting program.

Supervisor Hartlaub expressed that he feels the Board should move forward with the maintenance building.

Mike Hoffman 2575 Baltimore Pike asked about the comments that were previously made about the eight-foot fence to protect equipment. He asked what percentage of protection an eight-foot fence has over a six-foot fence. He then said why not go to a ten-foot fence or 12-foot fence.

After taking comments from those present in the board room, Township Manager Michael Bowersox asked if anyone online wanted to address the Board and received no answer.

NEXT SCHEDULED MEETINGS: Supervisors Work Session – Thursday, September 1, 2022, at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Tuesday, September 20, 2022, at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: Chairman Ault made a motion to adjourn the meeting at 8:23 p.m., seconded by Supervisor Ryneason. **Motion carried.**

Respectfully,

Secretary

Chairman