

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES

Regular Meeting

Tuesday, September 20, 2022
7 p.m.

Chairman Ault called the Regular Meeting of the West Manheim Township Board of Supervisors to Order at 7:09 p.m. on Tuesday, September 20, 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.

ROLL CALL: Present were Supervisors Ault, Hartlaub, Rynearson, and Wetzel. Also, present were the Township Manager Michael Bowersox, Engineer Christopher Toms from C. S. Davidson, Inc., Solicitor David Jones from Stock and Leader Attorneys at Law, and Township Secretary Miriam Clapper. Supervisor Franks and Township Engineer Cory McCoy were not present. A quorum was present.

ANNOUNCEMENT: Chairman Ault informed those present that the Board of Supervisors held an executive session before the meeting to discuss the police contract and personnel matters.

PUBLIC COMMENTS: Chairman Ault asked if anyone present wanted to speak at this time, and Andy Hoffman, Baltimore Pike came forward to speak on the Board of Supervisors' desire to change the fence height allowance from 6 feet to 12 feet and his objection to adopting the change.

Joe Harget, Baltimore Pike, approached the Board of Supervisors to make them aware and ask for help in providing a barrier on township property to prevent vehicles from hitting his home.

Todd Harget came forward to show pictures of the aftermath of the accident that ended in his son Joe Harget's front yard on the Baltimore Pike and to emphasize the seriousness of this situation.

Chris Naylor from Barley Snyder was present to represent Burkentine LLC to speak and support two preliminary plan extension requests under item 16 D. items 1 and 2. He explained that the developer has just hired a new engineer.

APPROVAL OF MINUTES: Supervisor Rynearson made a motion to approve minutes from the Regular Board Meeting held on September 1, 2022, seconded by Supervisor Wetzel **Motion carried.** Supervisor Ault abstained because he was not present for that meeting.

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

CORRESPONDENCE: Chairman Ault noted the Board received no correspondence.

RECREATION BOARD REPORT: Chairman Ault gave an overview of the Recreation Board's report (copy in Township file).

Supervisor Ault made a motion to accept the Rec Board's Report as presented, seconded by Supervisor Rynearson. **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 Christopher Toms, C. S. Davidson had nothing new to add to the submitted report (copy on file). He then went over the items that needed action.

A. Motion to approve the request to reduce the public improvement financial security for Lexington 2A, Belmont 3, and Belmont 4.

Supervisor Ault made a motion to approve the request to reduce the public improvement financial security for Lexington 2A for \$490,128.10, leaving the remaining balance of \$154,685.30, seconded by Supervisor Rynearson. **Motion carried.**

Supervisor Ault made a motion to approve the request to reduce the public improvement financial security for Belmont 3 for \$762,629.00, leaving the remaining balance of \$2,459,792.40, seconded by Supervisor Wetzel. **Motion carried.**

Supervisor Ault made a motion to approve the request to reduce the public improvement financial security for Belmont 4 for \$736,982.00, leaving the remaining balance of \$1,908,148.40, seconded by Supervisor Rynearson. **Motion carried.**

B. Motion to approve the request to reduce the public improvement financial security for High Point Phases IID, IIE, & IIF.

Supervisor Ault made a motion to approve the request to reduce the public improvement financial security for High Point Phases IID, IIE, & IIF for \$672,133.00, leaving the remaining balance of \$2,676,267.00, seconded by Supervisor Rynearson. **Motion carried.**

C. Motion to approve the request to reduce the public improvement financial security for Homestead Acres Phases 6 – 8.

Township Engineer Christopher Toms asked that this motion be struck from the agenda. He explained that Homestead Acres Phases 6 – 8 is listed on the agenda for approval and at that time the security will be

established. He said that some of the improvements were done under preliminary plan approval, so the developer does not need to bond those improvements, and that CS Davidson issued a letter so that it is clear what the total improvements were on the project so when the maintenance bond was calculated it shows that total amount.

D. Motion to approve the request to reduce the public improvement financial security for Prinland Heights Phase 1.

Supervisor Ault made a motion to approve the request to reduce the public improvement financial security for Prinland Heights Phase 1 for \$1,750,276.00, leaving the remaining balance of \$340,139.80, seconded by Supervisor Rynearson. **Motion carried.**

E. Impounding Dam Road Bridge S – Request authorization to proceed with completing design and DEP GP-11 permitting.

Township Engineer Christopher Toms told the Board members that CS Davidson has been working with township staff to find a solution to replace failing Bridge S along the Impounding Dam Road. He then asked for authorization to proceed with the final DEP permitting. Township Engineer Chris Toms then pointed out that on the Engineer's Report CS Davidson is recommending replacing the existing structure with an aluminum structural plate culvert, which is like what was installed on Ross Road just smaller in size. He then told the Board members that CS Davidson provided a quote for them to see what the purchase price will be.

Supervisor Rynearson made a motion to provide authorization to proceed with completing design and DEP GP-11 permitting, seconded by Supervisor Wetzel. **Motion carried.**

Township Engineer Christopher Toms then pointed to an email in the Board member's packet concerning West Manheim Township Short Span Inspection Program and the recommendation that CS Davidson made for budgeting for short span bridge inspections for next year. Supervisor Ault questioned why the bridge on Ross Road was on the list for 2023 inspections since the bridge is only two years old. Christopher Toms told Supervisor Ault that the bridge could come off the list, the reason it was on was to get bridge inspections back on a cycle. Supervisor Ault asked how often bridges get inspected and the Engineer told him that they try to keep them on a five-year rotation. He told the Board members that bridges that are over twenty feet are inspected by the county and they are on a two-year rotation, bridges that are more critical get inspected every year. He told board members that the last time bridges in West Manheim Township were inspected was in 2017. He asks that the Board add this cost to the 2023 budget.

REPORTS:

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

Chairman Ault wanted to commend EMS because the ambulance was never out of service due to no staffing. Great job!

Supervisor Wetzel 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) but commented on the roof replacement project in his report. Supervisor Ault asked that the 7-foot two inch Defender plow blade for \$ 6,050.00 be placed on the next agenda for potential purchase.

Supervisor Ault made a motion to approve the Manager’s Report as given, seconded by Supervisor Rynearson **Motion carried.**

OLD BUSINESS: None.

NEW BUSINESS:

A. Motion to approve the 2023 Minimum Municipal Obligation for Non-Uniformed Employees for \$122,168 and Uniform Employees for \$313,218.

Supervisor Ault made a motion to approve the 2023 Minimum Municipal Obligation for Non-Uniformed Employees for \$122,168 and Uniform Employees for \$313,218, seconded by Supervisor Rynearson. **Motion carried.**

B. Motion to approve Ordinance No. 2022-03 - an ordinance of the Township of West Manheim, York County, Pennsylvania, amending its Code of Ordinances by repealing Chapter 221, entitled “Stormwater Management,” in its entirety and replacing it with a new Chapter 221, attached hereto, with the same title, providing for the

management of stormwater within West Manheim Township and setting forth penalties for violation of such regulations.

Supervisor Ault made a motion to approve Ordinance No. 2022-03 - an ordinance of the Township of West Manheim, York County, Pennsylvania, amending its Code of Ordinances by repealing Chapter 221, entitled "Stormwater Management," in its entirety and replacing it with a new Chapter 221, attached hereto, with the same title, providing for the management of stormwater within West Manheim Township and setting forth penalties for violation of such regulations, seconded by Supervisor Rynearson. In a roll call vote of Supervisors Ault, Hartlaub, Rynearson and Wetzel the **Motion carried**. Supervisor Franks was not present.

C. Motion to approve Resolution No. 2022-06 - A Resolution of The Board of Supervisors of West Manheim Township, York County, Pennsylvania, to require the Tax Collector to waive additional charges for real estate taxes in accordance with The Act of July 11, 2022, P.L. 701, No. 57.

Township Solicitor David Jones of Stock and Leader Attorneys at Law explained that the State Legislature passed a law that says the first year after you buy a home if you do not receive your real estate tax bill no taxing authority can charge a late fee of 10 percent and each taxing authority must adopt a resolution to provide to the tax collector.

Supervisor Ault made a motion to approve Resolution No. 2022-06 - A Resolution of The Board of Supervisors of West Manheim Township, York County, Pennsylvania, to require the Tax Collector to waive additional charges for real estate taxes in accordance with The Act of July 11, 2022, P.L. 701, No. 57, seconded by Supervisor Wetzel. **Motion carried**.

D. Motion to approve the advertisement of an ordinance amending Chapter 270 of the Code of Ordinances of the Township of West Manheim, which chapter is entitled "Zoning," by Section 270-92, entitled "Fences and walls," of Article XV, entitled "Accessory Buildings and Uses," to permit fences up to twelve (12') feet in height in any zoning district where the principal use of such lot is commercial or industrial in nature.

Supervisor Ault made a motion to advertise the ordinance with the changes that the barbed wire should be above six feet and the razor wire above nine feet for public safety, seconded by Supervisor Rynearson. In a vote of Supervisors Ault, Hartlaub and Rynearson voting "yay" and Supervisor Wetzel voting "nay" the **Motion carried**.

E. Request from Gene Morelock for additional time to comply with notice he received to lower his fence to six feet in height to comply with the Zoning Ordinance.

Chairman Ault asked Township Solicitor David Jones to speak on Mr. Morelock's request. Solicitor Jones then explained that the Board of Supervisors has the authority to adopt a zoning ordinance. He explained that once that ordinance is adopted, it is in the purview of the Zoning Officer and the Zoning Hearing Board to grant relief under that zoning ordinance. The Zoning Hearing Board must also hear appeals of the decision of the Zoning Officer. Township Solicitor David Jones then told those present that Township Zoning Officer Michael Bowersox had sent a letter to Mr. Morelock saying that he must cut his post down in accordance with the Ordinance. He then told everyone that he believed that Mr. Morelock would need to appeal that decision to the Township's Zoning Hearing Board and ask them whether it was appropriate or not.

Township Solicitor David Jones said that in the meantime if the Board would adopt an ordinance that brings that fence into compliance so be it. He told the Board members that they do not have the legal authority to grant relief under the Zoning Ordinance. Township Solicitor David Jones then told those present that he suggested tabling the request and to have Mr. Morelock appeal the decision to the appropriate body.

Supervisor Ault made a motion to table item E., seconded by Supervisor Rynearson. **Motion carried.**

F. Modification request from Morris Knowles & Associates, Inc for Bob Hemler to allow the building permit application for ModWash to be reviewed at the owner's expense and risk.

Township Manager Michael Bowersox explained that by ordinance that a building permit cannot be reviewed until the plan is recorded. He explained that they are requesting that the construction plans be reviewed so that when the land development plan is recorded, they can start building immediately. Township Manager Michael Bowersox told the Board members that he does not have the authority to grant a waiver to the Subdivision and Land Development Ordinance only they do.

Mr. Robert Hemler came forward to explain why Modwash was asking for their construction plan be reviewed before the plan is recorded. He told the Board members that they are not asking for the permit just to have the construction plan reviewed and pay all expenses involved with the review of the construction plan.

Supervisor Wetzel made a motion to grant the request from Morris Knowles & Associates, Inc. to allow the construction plan for ModWash to be reviewed at the owner's expense and risk knowing that no building permit will be issued until the land development plan is recorded, seconded by Supervisor Rynearson. **Motion carried.**

G. Memorial contribution in James Neiderer's memory, husband of Township Tax Collector, Ruth Neiderer, to the Pennsylvania Cancer Specialists & Research Institute, 20 Expedition Trail, Suite 101, Gettysburg, PA 17325.

Supervisor Hartlaub made a motion to make a memorial contribution in James Neiderer's memory, husband of Township Tax Collector, Ruth Neiderer, to the Pennsylvania Cancer Specialists & Research Institute for \$100, seconded by Supervisor Rynearson. **Motion carried.**

H. Motion to advertise that all public meetings of West Manheim Township will be in-person and will be live streamed for viewing purposes.

Supervisor Ault made a motion to advertise that all public meetings of West Manheim Township will be in-person and will be live streamed for viewing purposes only, seconded by Supervisor Rynearson. **Motion carried.**

Township Solicitor asked Chairman Ault when the Board wanted to start the live streaming on October 6 or October 18, 2022. The Board members decided live streaming will start with the October 6, 2022, board meeting.

I. Request from Hanover Borough to waive municipal fees associated with permits for recreation improvements at the Sheppard-Myers Impounding Dam.

Township Manager Michael Bowersox explained that the letter is asking the Board members to consider waiving fees associated with improvements the Hanover Borough is doing at the dam. He said if the Board says yes, they are willing to consider waiving the fees the Hanover Borough will bring in the plans to show the board what they are doing.

Chairman Ault told those present that the borough wanted to put in hiking trails, portable toilets, picnic tables, enlarge the parking area to allow for canoeing and kayaking entry areas, and the fish commission will begin the restocking process.

Township Manager Michael Bowersox told everyone present that when the borough starts to refill the dam it will be a slow process. They will want to check the integrity of the repairs and then it will take six to eight months before they get the water freely flowing over the spillway.

Supervisor Ault made a motion to consider waiving the municipal fees once the Board sees the plans, seconded by Supervisor Rynearson. **Motion carried.**

J. Motion to approve Managed Information Technology Support Agreements with Stambaugh Ness at a monthly cost of \$1,920 for the Police Department and \$1,380 for Township Administration

Township Manager Michael Bowersox explained to the Board members that these contracts have not been renewed in seven-plus years. He told the Board members that one of the township's insurance policies is cyber insurance and what the township has for information assurance on the network was not sufficient for the township to get a cyber insurance policy. He explained that the new contract meets all requirements of the township's cyber security policy. He told board members that the cost did go up but for \$40,000 a year the township's network is secure.

Supervisor Rynearson made a motion to approve Managed Information Technology Support Agreements with Stambaugh Ness at a monthly cost of \$1,920 for the Police Department and \$1,380 for Township Administration, seconded by Supervisor Wetzel. **Motion carried.**

K. Motion to approve an engineering and traffic study for the intersection of Fairview Drive and Beck Mill Road at a cost not to exceed \$4,000.

After a brief discussion on the need to do a traffic study at this intersection, it was decided to table item K.

Supervisor Ault made a motion to table item K, seconded by Supervisor Wetzel. **Motion carried.**

SUBDIVISION PLANS:

A. Motion to approve Homestead Acres Phases 6-8 (Review time expires 12/14/2022)

Township Engineer Christopher Toms asked the Board to give conditional approval contingent upon addressing comments on CS Davidson's letter dated September 8, 2022. He then went over the comments letter (copy in file). He then said that the plan could be approved since all conditions of the comments letter have been met.

Supervisor Wetzel made a motion to approve Homestead Acres Phases 6-8, seconded by Supervisor Ault. **Motion carried.**

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

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.

Supervisor Ault made a motion to table item 16. B 1 under Subdivision Plans on the agenda, seconded by Supervisor Ryneerson. **Motion carried.**

C. Motion to approve the Keel LP, Phase II – Preliminary Plan - 6 Lot Subdivision Plan (Review Time Expires 12/21/2022)

Supervisor Ault made a motion to table Keel LP, Phase II – Preliminary Plan, seconded by Supervisor Ryneerson. **Motion carried.**

EXTENSION REQUESTS PER DEVELOPER LETTERS:

1. Motion to grant the extension request for Belmont Ridge Phase V, 203 Lot Preliminary Plan (Review time expires 09/21/2022) through December 21, 2022.

Chairman Ault told the solicitor for the developer of Belmont Ridge Phase V, 203 Lot Preliminary Plan that this would be the last time an extension request would be granted.

Supervisor Ault made a motion to grant the extension request for Belmont Ridge Phase V, 203 Lot Preliminary Plan through December 21, 2022, this will be the last time an extension will be granted, seconded by Supervisor Ryneerson. **Motion carried.**

2. Motion to grant the extension request for Belmont Ridge Phase V, 172 Lot Parallel Plan Preliminary Plan (Review time expires 09/21/2022) through December 21, 2022.

Chairman Ault again told the solicitor for the developer of Belmont Ridge Phase V, 172 Lot Parallel Plan Preliminary Plan that this would be the last time an extension request would be granted.

Supervisor Ault made a motion to grant the extension request for Belmont Ridge Phase V, 172 Lot Parallel Preliminary Plan through December 21, 2022, this will be the last time an extension will be granted, seconded by Supervisor Ryneerson. **Motion carried.**

3. Motion to grant the extension request Fox Meadows - 7 Lots – Preliminary /Final Subdivision Plan (Review Time Expires 09/21/2022).

Chairman Ault again told those present that this would be the last time an extension request would be granted for Fox Meadows.

Supervisor Ault made a motion to grant the extension request for Fox Meadows - 7 Lots – Preliminary /Final Subdivision Plan through December 21, 2022, this will be the last time an extension will be granted, seconded by Supervisor Rynearson. **Motion carried.**

ALL TO BE TABLED:

Tidal Wave Auto Spa (Review time expires 11/15/22)
Pine Creek Structures (Review time expires 11/19/22)
Keel LP, Phase II – Preliminary Plan - 6 Lot Subdivision Plan (Review Time Expires 12/21/2022)


Supervisor Ault made a motion to table the following plans to the date that is shown: Tidal Wave Auto Spa (Review time expires 11/15/22); Pine Creek Structures (Review time expires 11/19/22); Keel LP, Phase II – Preliminary Plan - 6 Lot Subdivision Plan (Review Time Expires 12/21/2022), seconded by Supervisor Rynearson. **Motion carried.**

SUPERVISORS AND/OR PUBLIC COMMENTS: Chairman Ault asked to have the hot tar/crack seal machine for the public works department put on the next meeting agenda for consideration from the board to potentially purchase. Solicitor Jones reminded Chairman Ault that he wanted a motion authorizing the solicitor to draft a resolution to appeal extension requests. Chairman Ault would like that to take effect in January 2023.

Supervisor Rynearson reported on the meeting the Rec Park Board had with Township Engineer Cory McCoy and Jessica Field from CS Davidson on the possibility of adding some other things to the grant and the feasibility of a survey and to make the Board aware that they would be asking for the Boards approval if they decide to do anything.

NEXT SCHEDULED MEETINGS: Supervisors Work Session – Thursday, October 6, 2022, at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Tuesday, October 18, 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 8:20 p.m., seconded by Supervisor Rynearson. **Motion carried.**

Respectfully,

Secretary


Chairman