

WEST MANHEIM TOWNSHIP
PUBLIC HEARING MINUTES

Public Hearing

Tuesday, February 21, 2023
7 p.m.

Supervisor Ault called the Public Hearing to Order at 7:00 p.m. on Tuesday, February 21, 2023, the public hearing took place at the Municipal Building at 2412 Baltimore Pike, Hanover, PA, 17331.

ROLL CALL: Present were Supervisors Ault, Hartlaub, Franks, Rynearson and Wetzell. Also, present were Township Manager Michael Bowersox, Township Engineer Cory McCoy from C. S. Davidson, Inc, Solicitor Dave Jones from Stock and Leader Attorneys at Law, and Township Secretary Shanna Smale.

The Public Hearing is regarding 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.

PUBLIC COMMENTS: Supervisor Ault stated he would call each person up to the podium in the order in which they signed in on the sheet to speak to the board.

Scott Maldonado, 34 Firmin Way; Mr. Maldonado came to the hearing on behalf of his in-laws that live at 34 Firmin Way. He wants the record to show that this is for commercial and industrial use and wants to know what will happen to the properties that border those properties. Is there a setback? Will there be consideration from the board to add a buffer area for a fence that is twelve feet high with razor wire. Mr. Maldonado wants to know why the board is not thinking about the residential properties that abut the commercial properties.

Supervisor Ault stated that the board would take that into consideration. Township Manager, Mike Bowersox gave a history of how this ordinance change came to be. Over the past fifteen years, 8 zoning variance requests have been granted for fences to exceed six feet in height, most are related to utilities and businesses or non- profits. A year or so ago a variance was granted for Gene's Propane that was challenged in court and it was overturned. In the judge's opinion that if the township wishes to allow commercial properties to have fences over six feet, they should change their ordinance.

Pam Hoffman, 2571 Baltimore Pike; Mrs. Hoffman came up to the board and immediately addressed the public with wanting to give a clear understanding of what this ordinance is proposing. She read the ordinance and explained this is the motion before the board to vote on, and does not feel any business is justified in needing a twelve foot fence. She feels that a twelve-foot fence with razor wire without setbacks is detrimental to our community. She is also concerned about the residential property next to the twelve-foot fence who has zero recourse due to the board's vote. Mrs. Hoffman would like the board to explain why this change is good for the township as a whole. Why change the variance process that is used around the country. She does feel there are some instances where a higher than six-foot fence is necessary but we have a variance process that provides for

those justifications and considered on a case-by-case basis. She ended her comments by reading what the York County Planning Commission's comments were on this ordinance change.

Andy Hoffman, 2575 Baltimore Pike; Mr. Hoffman came up and stated that no other municipality in Pennsylvania allows razor wire and twelve-foot fencing and directly impacts our community. He feels that if you have a residential property with a twelve-foot fence with razor wire in their backyard it would become difficult to sell in the future. He has some suggestions, fences should be allowed at eight-feet in the commercial zone where security is needed and define them as security fences with standards attached to them. The fences must be setback off the property five-feet, chain-link and the gates must be closed. Some facilities should be allowed ten-foot fences if they are setback at least 10-feet off of the property line. He wants to know why the board is rushing through the process of changing the fence ordinance costing the township thousands of dollars. He asked if anyone had a request right now for a fence over six-feet in height and was told not at this time. He would like the York County Planning Commission comments read into the minutes and was surprised that was not done at the beginning of the meeting to give an insight into other governing bodies recommendations. He would also like the results of the West Manheim Planning Commission read which gave an unfavorable recommendation to the twelve-foot-high fences.

Dennis Pollock, 39 David Lee Drive; Mr. Pollock wants to know if Gene's Propane has gone for any type of appeal and stated there is more than one judge to go to. He does not see why this needs to be brought up and changed now. If anything change it to an eight-foot fence and keep with the appeal process which seems to work in every other district.

Supervisor Ault then read the West Manheim Planning Commissions recommendations for the fence ordinance. The West Manheim Planning Commission recommends a maximum height of fences for commercial properties be reduced from twelve feet to ten feet. Ideally the fence should be eight feet in height with an additional two feet allowance for the barbed wire, with no razor wire being permitted. The Planning Commission also recommends that a three foot setback from the property line if the fence exceeds six-feet in height.

Correspondence: Supervisor Ault read the following correspondence regarding amending the current fence ordinance:

Keith Smith, 3333 Baltimore Pike; Mr. Smith feels that as a business owner you should have the right to protect their assets and install fences that are ten feet to twelve feet high. However, he does not agree with barbed wire fences. He also feels that as far as these fences taking away the rural feel of the community with all the current building going on that statement does not hold much merit.

Steve Dotson, 2150 Baltimore Pike; As a current business owner who has had multiple incidences of vandalism on his lot he would be in favor of this ordinance passing. He feels that local business owners should have all the tools necessary to protect their businesses the best they can.

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Sandy Soyke, 2315 Swiftwater Drive; Sandy is opposed to the new fence ordinance, she feels that the higher fence height would take away from the more rural feel of the community. Sandy does not want West Manheim to look like Baltimore City.

Janet Shepard, 1521 Wanda Drive; Janet feels that if you have a property that borders a business the business should have to have a twelve-foot (12') fence with no razor wire.

ADJOURNMENT: Chairman Ault adjourned the Public Hearing at 7:25 p.m. and then went directly into the regular Board of Supervisor Meeting.

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES

Regular Meeting

Tuesday, February 21, 2023
7 p.m.

Supervisor Ault called the Regular Meeting of the West Manheim Township Board of Supervisors to Order on Tuesday, February 21, 2023, at 7:25 p.m., at the Municipal Building, 2412 Baltimore Pike, Hanover, PA 17331, following a public hearing regarding a zoning ordinance amendment.

ANNOUNCEMENT: Supervisor Ault stated that there was an executive session held after the February 2, 2023 meeting to discuss personnel matters.

PUBLIC COMMENTS: Supervisor Ault asked if anyone present wanted to speak at this time on anything listed on the agenda for this evening's meeting and received no response.

APPROVAL OF MINUTES: Supervisor Rynearson made a motion to approve the Minutes of the Board of Supervisors Reorganizational Meeting and Work Session Meeting of Tuesday, February 2, 2023, seconded by Supervisor Wetzel. **Motion carried.**

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

CORRESPONDENCE: None

RECREATION BOARD REPORT: Supervisor Rynearson had nothing new to add to the Rec. Board's report (copy on file). Supervisor Hartlaub asked why some of the fields in the Rec Park were mowed down low and needed to be reseeded. James Horak a member of the Rec Park Board came to the podium to explain that invasive species had grown in the fields and needed to be chopped down. The fields that were mowed low are not part of the Turf to Meadows grant.

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

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

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

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

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

A. Motion for authorization to proceed with the 2023 Township Bridge Inspection Program.

Supervisor Rynearson made a motion to grant authorization to proceed with the 2023 Township Bridge Inspection Program not to exceed \$13,000, seconded by Supervisor Franks. **Motion carried.**

B. Motion to approve the request to reduce the public improvement financial security for Harper's Hill in the amount of \$727,293.45; leaving the remaining security amount of \$403,844.65.

Supervisor Wetzel made a motion to approve the request to reduce the public improvement financial security for Harper's Hill in the amount by \$163,395.80; leaving the remaining security amount of \$403,844.65, seconded by Supervisor Rynearson. **Motion carried.**

REPORTS:

- A. Monthly Budget Review – Treasurer's Report – January 2023
- B. Pleasant Hill Volunteer Fire Co.-EMS Reports – January 2023
- C. EMA Report – January 2023
- D. Code Enforcement Officer Report – January 2023
- E. SEO Report – January 2023

Supervisor Wetzel made a motion to accept Reports A-E as given, seconded by Supervisor Franks. **Motion carried.**

MANAGER'S REPORT: Michael Bowersox had nothing new to add to his submitted report (copy on file). He did mention to the board that they had a copy of the Township Newsletter in their notebooks, to look it over and if any corrections to get to the Township Secretary as soon as possible.

Supervisor Wetzel 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 consider approval of Ordinance No. 2023-01 - an ordinance of the Township of West Manheim, York County, Pennsylvania, 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 asked the board what their wishes were for this motion. Supervisor Wetzel stated that he would like to have the ordinance redrafted and readvertised to reflect the changes of permitting fences up to eight feet (8') in height with up to two feet (2') of barbed wire with three foot (3') setbacks when principal use of lot is commercial or industrial. Razor or concertina wire is not permitted. Supervisor Rynearson seconded the motion. With a vote of Supervisors Hartlaub, Rynearson and Wetzel voting "yay" and Supervisors Ault and Franks voting "nay". **Motion carried.**

- B. Motion to ratify an additional \$500.00 payment to Greg Yohe for the 2013 – 24" Bobcat Model 24PLA Cold Planer to add to the previously approved payment of \$6,000.00. Additional payment is based on post-inspection maintenance and parts for the equipment prior to delivery.

Supervisor Rynearson made a motion to ratify an additional \$500.00 payment to Greg Yohe for the 2013 – 24" Bobcat Model 24PLA Cold Planer to add to the previously approved payment of \$6,000.00. Additional payment is based on post-inspection maintenance and parts for the equipment prior to delivery, seconded by Supervisor Wetzel. **Motion carried.**

- C. Motion to grant the request by the West Manheim Lions Club & Pleasant Hill Volunteer Fire Company to hold the Annual "2023 Wine Tasting on the Hill" on Saturday, September 23rd from 12 p.m. until 6 p.m. and Sunday, September 24th from 12 p.m. until 5 p.m.

Supervisor Wetzel made a motion to grant the request by the West Manheim Lions Club & Pleasant Hill Volunteer Fire Company to hold the Annual "2023 Wine Tasting on the Hill" on Saturday, September 23rd from 12 p.m. until 6 p.m. and Sunday, September 24th from 12 p.m. until 5 p.m., seconded by Supervisor Rynearson. **Motion carried.**

D. Awarding of the Joint Bids for Commonly Used Supplies and Services from 4/1/23 to 3/31/24

1. Pre-mixed Bituminous Concrete

- a. Motion to accept the bid and award the contract to York Materials Group for Pre-mixed Bituminous Concrete

FOB Plant

- 1. Pre-mixed Bituminous Stock Pile Material \$110.00 per ton.
- 2. 9.5 mm Superpave Surface Course \$70.65 per ton.
- 3. 19 mm Superpave Surface Course \$61.05 per ton.

FOB Job

- 1. 9.5 mm Superpave Surface Course \$77.20 per ton.

2. 19 mm Superpave Surface Course \$70.60 per ton

2. Crushed Stone - Purchase Product Penn DOT Number or AASHTO Number:

a. Motion to accept the bid and award the contract for Crushed Stone to Vulcan Construction Materials LP for:

FOB Plant:

1. PA 2A Stone at a price of \$10.05 per ton.
2. Sand and Crushed Stone Anti-skid Type 2 at a price of \$14.80 per ton.
3. 1B Stone (AASHTO #8) & HE6 Stone (AASHTO #9) at a price of \$18.50 per ton.
4. 2B Stone (AASHTO #57) at a price of \$14.50 per ton.
5. All other stone including 4-inch Ballast (AASHTO #1) – (AASHTO #3), at a price of \$14.50 per ton.
6. Rip-Rap at a price of \$19.75 per ton.
7. FOB Job: Stone Delivery Prices per ton delivery only in full truck load quantities to job locations at time of delivery in: WEST MANHEIM TOWNSHIP: \$4.45

3. Petroleum Products

a. Motion to accept the bid and award for the contract for Petroleum Products to the following at the bid prices as quoted:

1. To PPC Lubricants Inc. for #15-40 motor oil in 55-gallon drums for a price of \$11.89 per gallon.
2. To PPC Lubricants Inc. for #10-20 hydraulic oil/low foaming action in 55-gallon drums for a price of \$10.86 per gallon.
3. To Mid-Atlantic Cooperative Solutions d/ba Aero Energy for diesel oil #2 for a price of \$3.5492 per gallon.

4. Traffic Line Painting

a. Motion to accept the bid and award for Traffic Line Painting to the following at the bid prices quoted as follows:

1. To Alpha Space Control Co., Inc. for Center Line Painting: Two (2) four-inch yellow lines at a price of \$0.1420 per lf.
2. To Alpha Space Control Co., Inc. for Edge Line Painting: One (1) four-inch white line (solid or dashed) at a price of \$0.0720 per lf.

5. Water Borne Traffic Paint

- a. Motion to accept the bid and award for Water Borne Traffic Paint to the following at the bid prices quoted as follows:

1. To One Nation Industrial LLC for white paint in 5 gallon pails at a price of \$16.60 per gallon.
2. To One Nation Industrial LLC for yellow paint in 5 gallon pails at a price of \$16.60 per gallon.

6. Snow and Ice Rock Salt

- a. Motion to accept the bid and award for the contract for SNOW & ICE ROCK SALT to Deicing Depot at the following bid prices as quoted:

Deicing Depot for Bulk Snow and Ice Rock Salt for a price of:

- \$76.39 per ton if delivered before July 1, 2023
- and for a price of \$77.18 if delivered before October 1, 2023
- and for a price of \$78.76 if delivered after October 1, 2023

Supervisor Wetzel made a motion to approve all of the listed awarded supplies on the joint bids for commonly used supplies from 4/1/23 to 3/31/24, seconded by Supervisor Rynearson. **Motion carried.**

Subdivision Plans

A. PLANS TO BE APPROVED: None.

B. EXTENSION REQUESTS PER DEVELOPER LETTERS: None.

ALL TO BE TABLED:

- Belmont Ridge Phase V, 203 Lot Preliminary Plan (Review time expires 3/22/2023)
- Belmont Ridge Phase V, 172 Lot Parallel Plan Preliminary Plan (Review time expires 3/22/2023)
- Oakwood Hills 69- Lot Preliminary Plan (Review time expires 3/22/2023)
- Burkentine Fields – 310 Unit Preliminary Land Development Plan (Review time expires 5/31/23)

Supervisor Wetzel made a motion to table the following plans to the date that is shown, seconded by Supervisor Rynearson. **Motion carried.**

SUPERVISORS AND/OR PUBLIC COMMENTS: Supervisor Ault asked if anyone from the public wanted to speak to the Board members.

Andy Hoffman, 2575 Baltimore Pike; Mr. Hoffman wants to thank the board for reconsidering the fence ordinance. He recommends that the board take action on the zoning of bulk LPG Distribution Plants.

Mike Hoffman, 2571 Baltimore Pike; Mr. Hoffman would like to commend the supervisors for listening to the concerns of the citizens.

Supervisor Ault then asked if anyone wanted to come and speak on the Mt. Ventus Road – Glenville Road topic, he stated that at the last meeting he asked the residents to bring proof that this was in fact a road and at this point the township was not provided with any concrete evidence proving this point. Supervisor Ault asked if anyone had anything to give to the board. Solicitor Dave Jones stated that he has done the research on the Bedsaul property and the Warner tract, plotted the deeds out and actually the Bedsaul property has a subdivision plan that was done in 1999 that has a center line for an existing gravel road but there is a very specific note on the plan that states “the Township Supervisors of West Manheim, hereby, give public notice that improving this plan for recording purposes only and the municipality assumes no obligations, legal or otherwise expressed or implied either to accept said streets as official streets or roads or grade paved and curbed streets and such plan to or construct sewers therein or to install any other service ordinarily installed on streets or roads.” This is in line with what the township has heard from two former Roadmasters who have said they had been instructed to never touch that road or do anything to that road and the supervisors all signed that note in 1999.

Dave McNeal, 81 Glenville Road; Mr. McNeal would like a copy of the document the township supervisors signed in 1999. He also stated that he has an attorney now reviewing that whole area. He has also been to Carroll County, Maryland to see if they have any information on this road. Mr. McNeal would like to know where public safety falls in all of this.

Jose Vazquez, 1560 Edna Myers Lane; Mr. Vazquez is concerned with the amount of traffic now coming down his private driveway now that the road is closed and the safety of his children while outside playing on his property. He is also concerned for public safety if ambulances and fire trucks can't get through the lane for an emergency.

Supervisor Ault stated again that until proof is given this is recorded at the York County courthouse the Township's hands are tied.

Greg Wentz, 733 Glenville Road; Mr. Wentz wanted to make a couple of points. He stated that the township says they never maintained the road but while he worked for the township he did maintain that road.

Supervisor Ault told Mr. Wentz that he contacted two of Mr. Wentz's former bosses (Roadmasters Ault and Rummel) and they both stated that they told their crew to not touch that road. Mr. Wentz told the supervisors that Dean Hempfing, who is no longer with us, advised him to maintain the road. He said he was instructed to

go out and stone that road, so the township did maintain it. Supervisor Ault asked how many times he maintained the road and Mr. Wentz stated that he stoned the road one time.

NEXT SCHEDULED MEETINGS: Supervisors Work Session – Thursday, March 2, 2023, at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Tuesday, March 21, 2023, at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: Supervisor Wetzel made a motion to adjourn the meeting at 8:35 p.m., seconded by Supervisor Franks. **Motion carried.**

Respectfully,



Secretary