

MANHEIM TOWNSHIP
5191 Wool Mill Road
Glennville, PA 17329

Minutes, Manheim Township Board of Supervisors Meeting
December 20, 2021

The Manheim Township Board of Supervisors, York County, PA met on Monday, December 20, 2021 to transact the regular monthly business.

The following were in attendance:

Larry Miller, Chairman

Nate Osborne, Vice Chairman

Rose Kirkpatrick, Supervisor Via Phone Conference

Township Staff:

Michelle Hershey, Secretary-Treasurer

Dennis Perks, Public Works Manager

John Elliott, Solicitor

Not Present:

Pete & Simon Schilling – Commonwealth Code Inspection Services

There were 4 people in the audience.

Chairman Miller called the meeting to order at 7:00 PM with the Pledge to the Flag.

Executive Session -

None

Announcements –

None

Public Comment –

Resident Lynn Smith addressed the Board of Supervisors regarding storm water. Mr. Smith asked when a new house is built, they must have an infiltration pit for storm water. Vice Chairman Osborne stated that there are multiple ways it can be handled. It doesn't necessarily have to be an infiltration pit from what he's read within the best management practices. Vice Chairman Osborne stated examples of rain gardens, detention trenches but the storm water does need to be managed. Mr. Smith stated that rain spouts just can't run rapid with water running across someone's property and the neighboring property. Mr. Smith stated that there is a new house built in the township with 2 out of the 5 rainspouts discharge directly on top of the land, the other 3 have piping that go into the ground. If those 3 of the 5 piping go into the ground and go into a retention area, why don't the other 2 do the same. Vice Chairman Osborne stated that he is speaking in generality and doesn't know the specifics but will need to go back and look. Vice Chairman Osborne stated that there is the avenue for disconnected impervious area

distribution if it's under a certain square footage of impervious area and it flows out then it can be put out on to a flat yard of not to exceed a certain slope and has a certain amount of length to run that allows it to naturally percolate back into the yard which is an acceptable approach. Mr. Smith stated that when a new house is being built and they come in for permits aren't plans submitted that show how they are going to handle the ground water. Vice Chairman Osborne stated that would be his understanding. Mr. Smith stated so there would be a copy of those plans. Chairman Miller asked how long the house has been there. Mr. Smith stated it's been occupied for about the last month and located on Manheim Road. Mr. Smith stated that from what he's read in the storm water management plans of the Manheim Township ordinances is that someone can come in and apply for an exception or a waiver. Mr. Smith's other concern is that if there was a plan submitted and if the plan was not followed to the T how can a zoning officer issue a use and occupancy permit. Vice Chairman Osborne stated that they would need to go back to the zoning officer to verify the storm water management of that plan. Supervisor Kirkpatrick stated that she believes that there is some type of problem with that property and that she will get in touch with Commonwealth Code to verify the situation.

Consent Motion Package

Chairman Miller made a motion, seconded by Vice Chairman Osborne, to approve the consent motion package consisting of: Board Minutes of November 15 & November 22, 2021, Tax Collector Report for November 2021, and reports from the following: Treasurer, Road Department, SEO, November NYCPRD Activity report, 2019 & 2020 Liquid Fuels Audit Exit Letter- No Findings.

Vote 3-0

A. Board Correspondence –

None

B. Solicitors Report –

Solicitor Elliott reported that the township received a Notice of Appeal from the Office of Open Records for a Right-to-Know request that was never received. Back in November someone from the Americans for Fair Treatment sent a request by email to Loren's old email address which is no longer active. They are seeking information regarding collective bargaining agreements since 2016. Solicitor Elliott stated that the other problem was that at the same time they had asked for the same information from West Manheim Township and the appeal that was received was referencing the West Manheim Township request. Solicitor Elliott stated that according to the request they were asking Manheim Township for collective bargaining information relating to West Manheim Township. Solicitor Elliott stated that it is now straightened out and a response was filed with the Office of Open Records and retroactively responded that there are no such records to the original requester. The original requester agreed to withdrawal the appeal but did confirm that they still want records from Manheim Township. Manheim Township has no records for what they are asking for so a response will be sent back to them tomorrow.

C. Committee Reports

1. Northern York County Regional Police Department –

Lieutenant Migatulski reported that he doesn't have anything to report at this time.

Chairman Miller asked Lieutenant Migatulski concerning some calls reported on the activity list located on Blooming Grove Rd in Penn Township. Lieutenant Migatulski stated that the report is generated through York County Control CAD. Chairman Miller asked how policing works in the state park? Chairman Miller stated that there are Park Police and then there are State Police that are paid for by taxpayers' money. Chairman Miller feels like Manheim Township shouldn't be paying Northern Regional to police the state park because Manheim Township would then be paying for a third set of police in the park. Chairman Miller would like the police to patrol where there are major speeding issues that have been reported. Chief Lash stated last month that the township was to thin on time for him to have people at these other spots more frequently. Chairman Miller stated that if Northern Regional stayed out of the state park and concentrate more of the contracted patrol time in those other high speeding areas. Lieutenant Migatulski stated that he will take that information back to Chief Lash.

Supervisor Kirkpatrick asked about information regarding the road rage incident on Church St. Lieutenant Migatulski reported that from reviewing the incident that one of the updates would be that if people are to observe something going on to call 911 and make sure 911 has been alerted to an incident that is occurring so that police can get enroute to the scene. Lieutenant Migatulski stated that as far as arrests, that has been cleared out. The biggest thing is that people trying to take matters into their own hands and not notifying 911. Supervisor Kirkpatrick stated that was the conversation that she had with a couple of the residents was to grab your phone vs your weapon. Supervisor Kirkpatrick stated that one of the residents has requested that PennDOT come and do a traffic study. Supervisor Kirkpatrick asked Lieutenant Migatulski if he knew what the PennDOT study would accomplish. Lieutenant Migatulski was not sure what the PennDOT study would do. Chairman Miller reported that in the past they have submitted a road study to be done for a 3-way stop but was turned down because not enough traffic. Chairman Miller stated that he thinks that is what these residents are looking for. Supervisor Kirkpatrick stated that she was told that a letter would need to come from the township to request the study be done. Supervisor Kirkpatrick stated that since it has been requested by a resident can this be done. Chairman Miller stated that they are looking for a traffic study, looking for the possibility of a 3-way stop at one of the intersections. Chairman Miller stated that he would be concerned that if PennDOT did put a 3-way stop there at N. Church St. that the residents are going to have a whole new set of complaints. Chairman Miller stated should that they should wait to contact PennDOT until after PennDOT paints the slow down on the road to see if that helps. Vice Chairman Osborne stated that he hopes that with adding the additional policing hours and coupling that with focusing on that end of the township instead of the park, with more regular visibility that will slow traffic down. Chairman Miller stated that they should let the winter months go by and then maybe things will calm down.

2. EMA –

None

D. Subdivision –

None

E. Unfinished Business –

Memorial at MACP for Chairman Muir

Vice Chairman Osborne spoke with Kevin Dickmyer and stated that Dawn Muir is still looking for the right project for the donation money received in honor of Chairman Muir. This can remain tabled.

Ordinance Amendments

Vice Chairman Osborne is working on a list of items that the Board of Supervisors would want to explore on the stormwater management end and provide to the municipal engineer for review. This can remain tabled.

ARPA Funds & Uses

Secretary-Treasurer Hershey reported that the township would need to tell Comcast what areas they want to provide service to, and the survey & design team would then be able to provide a cost. The map provided shows where Comcast service currently exists in Manheim Twp. A “standard” drop from their plant is around 200-250 feet, so there may be some homes that are colored in red on the attached map that don’t have service because they are beyond a standard distance and were not willing to pay the additional construction costs. The Board of Supervisors requested Secretary-Treasurer Hershey to contact Comcast to see about better mapping to determine where service is currently needed. This can remain tabled

Record of Complaints Received for 4357 Blue Hill Rd.

Supervisor Kirkpatrick reported that the District Magistrate sent out certified and registered mail to the owners. The certified mail is being rejected. Supervisor Kirkpatrick stated that she was told that the District Magistrate is going to issue a warrant for arrest. Supervisor Kirkpatrick stated that when that is done, the problem is that you must wait for a speeding ticket, or some sort of small infraction so that the individual that the letter was sent to gets stopped or picked up for something and there is the warrant. That could take quite a long time. Supervisor Kirkpatrick stated that a suggestion came back to go to our Solicitor on what to do next. Supervisor Kirkpatrick asked what the process would be if they decided to condemn the building. If that is the route, they take then the District Magistrate would withdraw the warrant. Solicitor Elliott stated that there are multiple ways they could proceed depending on what they mean by condemning. They could do an eminent domain proceeding to take ownership of a property. They could theoretically under a nuisance ordinance put a lien on the property or go after the money damages. Supervisor Kirkpatrick stated that her concern is that they can’t even get these people to get their mail. Solicitor Elliott stated realistically either of those proceedings would be through the Court of Common Pleas and the township would have to retain a process server in Maryland to try and track them down to get notice. Solicitor Elliott stated that blighted property gives a legal basis to exercise eminent domain to take title of a property. The other possibility would be a nuisance enforcement action where the owner fails to correct the nuisance under the ordinances. The township can use their own employees or hire someone to raze the property or make whatever repairs necessary so that it is not a danger. The charges incurred would become a municipal lien and if the township doesn’t want to wait around for that property to eventually be sold there would be the ability to get that reduced to a money judgement. Vice Chairman Osborne asked what the most expedient way is to approach this

house. How long and drawn out is it to get it taken by eminent domain on a health and safety standard vs the township going in and saying it's a nuisance property and we are going to board the windows and doors shut. What is the dollar impact in pursuing eminent domain? Solicitor Elliott stated that if you take a property by eminent domain, they have to provide fair compensation. The first step would be to find someone who can track down the defendant and serve them personally. Solicitor Elliott stated that they may be able to deputize the sheriff in the county that they live in for the state of Maryland to provide service. Solicitor Elliott stated that an attempt has to be made to get personal service on the owners, given they are refusing to pick up the certified mail. If that doesn't work he can ask the court for service by alternative means if it appears that they know about this because they have received regular mail that hasn't been returned, but they are trying to avoid service. Solicitor Elliott can get an order from the court in the alternative. Vice Chairman Osborne asked Solicitor Elliott if he had any type of estimate on legal fees to go forward with eminent domain. Solicitor Elliott stated that attorney fees wouldn't be more than a few thousand dollars. The larger cost will be the compensation for the taking of the property. Solicitor Elliott stated that there is a process for the defendant to challenge the compensation of the property. Supervisor Kirkpatrick stated that we need to find a way to get in contact with the property owners. Solicitor Elliott stated that the Board needs to decide what legal action they want to take prior to trying to serve the property owners. Solicitor Elliott stated that he will check with his connection at the law firm for process servers to notify the property owners of ordinance violations on the property.

Chairman Miller made a motion, seconded by Supervisor Osborne to authorize Solicitor Elliott to contact one or more private process servers to retain them to attempt to serve the enforcement notice.

Vote 3-0

Mills Communication Quote for Repeater and New Radios

Vice Chairman Osborne stated that a Hanover Group, which is Hanover Borough, Penn Township, West Manheim Township are interested in exploring an option to create a Hanover area radio coverage. What would happen is all the separate repeaters that are currently owned would get linked together through the internet. Vice Chairman Osborne stated that if this whole idea comes together, it may make sense for Manheim Township to potentially join into that consortium. Vice Chairman Osborne stated he has yet to see the cost and is unsure of the time frame. Vice Chairman Osborne stated that Public Works Manager Perks should reach out to B. Moyer to discuss what the best radio options are to see what would work with the repeaters.

Backhoe Transportation Charges for repair Inspection

Public Works Manager Perks reported that he received quotes from James Langkam and Ault Paving. Langkam charges \$350.00 round trip. Ault Paving charges \$100.00 per hour starting at time of pickup and goes until Backhoe is unloaded. A Manheim Township Equipment Operator would have to be there with Ault Paving to load and unload the backhoe.

Chairman Miller made a motion, seconded by Vice Chairman Osborne to authorize James Langkam to haul the Backhoe to Jesco at a cost of \$350.00 round trip at a cost of \$700.00.

Vote 3-0

Disposal of paver and riding mower

After a brined discussion it was requested by the Board of Supervisors to place both the paver and riding mower on municibid. Minimum bid for the paver should be what they could get if scrapped and the minimum bid for the riding mower should be the cost of the engine.

Chairman Miller made a motion, seconded by Vice Chairman Osborne to authorize Public Works Manager perks to place both the paver and riding mower on municibid.

Vote 3-0

F. New Business–

Maintenance of Municipal Building

Public Works Manager Perks reported that he has received some quotes for the roof, siding, and painting of the building but is still waiting to hear back from a few more. This can remain tabled.

Electronic Sign at Manheim Elementary School

Supervisor Kirkpatrick stated that she contacted Mandy Weaver with the Manheim Elementary PTO to see if the PTO would be interested in doing a fundraiser to help to come up with some funds for the electronic sign. There are also funds in the Recreation Fund that could possibly be allocated towards the sign as well. Ms. Weaver stated that their PTO has a lot of amazing family and a lot of them are builders. Ms. Weaver stated that they would be happy to talk about doing a fundraiser but without knowing what those costs are its hard for her to take that back to her group. Ms. Weaver stated that they are not against doing a massive fundraiser, not against reaching out to any of our local builders. Vice Chairman Osborne stated that he brought along a mockup drawing of the sign that West Manheim Township is looking at. Vice Chairman Osborne would like to keep all the miscellaneous schools working along the same line. They are looking at modeling the sign that was placed at the stadium very closely, while there is room for deviation. Vice Chairman Osborne stated that there have been a couple different pricings starting at \$22,800.00. Vice Chairman Osborne stated that is a starting point and thinks there are a lot of avenues that they can do better on by reaching out to local contractors and district staff.

Approve 2022 Rate Schedule from Rettew Engineering

Chairman Miller made a motion, seconded by Vice Chairman Osborne to approve the 2022 Rate Schedule from Rettew Engineering.

Vote 3-0

2022 Proposed Budget

Chairman Miller made a motion, seconded by Vice Chairman Osborne to adopt the 2022 budget as presented.

Vote 3-0

Authorize Advertising 2022 Adopted Budget & Tax Rates, and January Meeting Dates

- ✓ Board of Supervisors – Monday, January 3, 2022 @ 7:00 pm
- ✓ Auditors – Tuesday, January 4, 2022 @ 7:00 pm
- ✓ Planning Commission – Thursday, January 6, 2022 @ 7:00 pm

Chairman Miller made a motion, seconded by Vice Chairman Osborne to authorize advertising the 2022 adopted budget & tax rates, and January meeting dates.

Vote 3-0

Acknowledge receipt of Proposal for addition of an Agricultural Security Area

2801 Gemstone Lane, 53.12 Acres - The ASA application is held for 180 days, then at the end of the 180 days (June 1, 2022) the Supervisors must approve an ASA Resolution adding that property application to our previously created ASA. The Solicitor can present the Resolution and Application to the Supervisors, at the 180th day, and once adopted, the Solicitor is to record it in the courthouse. The York County Agricultural Land Preservation Board will need copies of the Recorded ASA Resolution.

Chairman Miller made a motion, seconded by Vice Chairman Osborne to acknowledge receipt of the proposal for addition of an Agricultural Security Area – 2801 Gemstone Lane, 53.12 Acres.

Vote 3-0

Tree Removal on Top of Hill Behind Municipal Building

Public Works Manager Perks asked if it would be okay to remove some tree saplings at the top of the hill behind the municipal building to be able to have easier access and placement of materials. The Board of Supervisors had no issue with the removal of the trees.

Boulder removal at Manheim Recreation Park

Public Works Manager Perks asked about removing boulders at Manheim Recreation Park due to them being a safety hazard as well as yellow jackets borough underneath of them. Due to these boulders being donated to the recreation park the Board of Supervisors requested to table to discussion.

Purchase Requisitions

None

Training Notices:

None

Next Meeting – January 3, 2022 @7:00 pm

With no further business Chairman Miller adjourned the meeting at 8:40 pm.