

MANHEIM TOWNSHIP
5191 Wool Mill Road
Glenville, PA 17329

Minutes, Manheim Township Board of Supervisors Meeting
June 20, 2022

The Manheim Township Board of Supervisors, York County, PA met on Monday, June 20, 2022 to transact the regular monthly business.

The following were in attendance:

Larry Miller, Chairman
Nate Osborne, Vice Chairman
Rose Kirkpatrick, Supervisor

Township Staff:

Michelle Hershey, Administrator-Secretary-Treasurer
Dennis Perks, Public Works Manager
John Elliott, Solicitor
Simon Schilling, Commonwealth Code - Zoning Enforcement
Pete Schilling, Commonwealth Code - Construction Enforcement

There were 9 persons in the audience.

Chairman Miller called the meeting to order at 7:10 PM with the Pledge to the Flag.

Executive Session -

Chairman Miller reported that there was an executive session on June 10, 2022, at 5:30 PM and on June 20, 2022, at 6:30 PM to discuss legal matters.

Announcements –

None

Public Comment –

Residents Randy and Jackie Brady addressed the Board of Supervisors regarding fly issues. Mr. Brady stated that he has had horses for 31 years and has never had this type of problem. Mr. Brady stated that the fly issues started around May with them having to bomb his barn 3 times. Mr. Brady stated that he also gets spalding fly larva eaters every year which kills flies instantly and that he has bought out Walmart's supply. Mr. Brady stated that it is getting better, but Mrs. Brady has to go out and spray their barn floor every day. Mr. Brady stated he doesn't know what the problem is and that his barn is extremely clean. Mr. Brady wanted to make sure that the Board of Supervisors is aware of the issue. Chairman Miller stated that this is strange because he just lives right up the road and doesn't have a fly issue and asked what is around that could be causing this issue. Supervisor Kirkpatrick reported that the township has been working with York County and provided the information that they have received:

On June 7th, Public Works Manager Perks reached out to Bobby Gladfelter about a fly issue. Bobby said he received a few complaints and called Shelly Dehoff. Shelly said the issue was already being worked on and believed it was Manheim Township due to all the complaints saying it was Manheim Township.

June 7th, Public Works Manager Perks reached out to Mike at North Codorus to see if his Township was being affected by the flies and stated no.

June 8th, Public Works Manager Perks visited Dan Petry's chicken farm. He was not there but spoke with his wife. While there, there was no odor nor any flies. Public Works Manager Perks asked what they have been doing since the chicken pandemic. She stated they have not moved manure for almost 2 months. They are controlling the flies with parasitic wasps and spray for the manure.

June 8th, Public Works Manager Perks spoke with Shelly Dehoff about the visit, she was going to be in contact with DR. Martin from Penn State University about the issue and that it may be coming from Hillandale which is not located in Manheim Township. Public Works Manager Perks informed her of a complaint made from a resident on Kitzmiller stating they followed the smell to Hillandale. As soon as she pulled into the parking lot her car was engulfed with flies and seen what looked to be carcasses being burned out in the open.

Shelly stated open air burning is illegal. Public Works Manager Perks asked for a contact for DEP, Shelly stated they will not do anything about the matter because they do not have the funding or authority. She said they would tell us to call her (Shelly). Shelly stated they do not have the authority to demand something to be done either but was going to check about the FDA.

Mr. Brady provided samples of products that they are using for the fly issues and showed them a sample of flies that they have caught within a 24-hour period. Mrs. Brady stated in a normal year they only go through 3 small bags for flies. This year they have gone through 10 large bags that are filled with flies. Supervisor Kirkpatrick asked Public Works Manager Perks if there is anything that says farmers can or cannot move chicken manure at this time. Public Works Manager Perks stated that there is nothing written but they are asking farms not to move the manure because of the avian flu virus. Mr. Brady stated that he just wanted to bring this to the board's attention and see if anyone can find anything out to help resolve the issue. Public Works Manager Perks stated that he will contact Shelly Dehoff again regarding the FDA.

Consent Motion Package

Chairman Miller made a motion, seconded by Supervisor Kirkpatrick, to approve the consent motion package consisting of: Board Minutes of May 16, 2022, Tax Collector Reports for May 2022, and reports from the following: Treasurer (May 2022), Road Department (May 2022), Zoning Reports (May 2022) May NYCPRD Activity report.

Vote 3-0

A. Board Correspondence –

None

B. Solicitors Report –

Solicitor Elliott stated that he has nothing to report.

C. Committee Reports

1. Northern York County Regional Police Department –

Officer Migatalski reported that Megan Moore will be starting sometime in the month of July, as the Co-responder for NYCPRD. Ms. Moore has 10 years of experience with children, youth and family services. Officer Migatalski reported that 2 officers were hired last month. Officer Migatalski reported that the UTV that was ordered last year has arrived and put into service. Officer Migatalski reported that Mark Allen a school resource officer with the department for 29 years retired on June 3, 2022.

Supervisor Kirkpatrick asked Officer Migatalski about the recent complaints on Blue Hill Rd., Lineboro Rd. general area regarding some teenagers speeding and wanted to know if that has calmed down. Officer Migatalski reported that he believes it has. Contact was made with the young man's father who owns the property of where the complaints were coming from. The father indicated that he wasn't aware this was going on and would address the issue. Officer Migatalski stated that if you look at last month's traffic enforcement report, all the traffic enforcement that took place was on Blue Hill Rd., Glenville Rd., and Intersection Rd.

2. EMA –

None

D. Subdivision –

Ferne C. Stonesifer Estate & Brant R. & Telesa A. Berwager – 4 lot Subdivision & 1 Lot Add-On

This application was accepted on March 21, 2022. The review period will expire on June 21, 2022. All agency reviews were completed. Several items were discovered that needed to be addressed during the local planning review. A 90-day extension is being requested and will expire on September 20, 2022.

Supervisor Kirkpatrick made a motion, seconded by Vice Chairman Osborne to approve the 90-day extension request and table until plans are reviewed by the municipal planning commission.

Vote 3-0

E. Unfinished Business –

Memorial at MACP for Chairman Muir

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

Board of Supervisors are discussing multiple Ordinance Amendments regarding Agricultural Entrances, Timber Harvest and Junk. This can remain tabled.

Violation Notice Blooming Grove Rd.

No progress has been made regarding the junk removal to date. Supervisor Kirkpatrick stated that they have worked with the resident for quite a while. Now that there is written documentation provided there has been a smidge of compliance. Simon Schilling stated that he agreed but it is only on one of the issues. Simon Schilling reported that on the failure to pull

permits the resident did attempt to apply for one, but after the application was denied for severe lack of information he has since refused to apply for another one. Supervisor Kirkpatrick stated that at this point they need to follow through with the violation notices as written. Vice Chairman Osborne agreed with this and stated that they have worked in good faith with the resident, and they've reached the point that he seems to not be willing to work with the township to get into compliance and forcing their hand to issue the written violation. Simon Schilling stated that this will not be the first written violation notice he will be receiving. Solicitor Elliott stated that Commonwealth Code needs to confirm how long he has to officially comply. There needs to be a definitive, "you need to act within a certain number of days." When the resident gets that notice the resident has the ability to appeal if he disagrees there is a violation. Solicitor Elliott stated that if the time frame lapses, and he hasn't complied the township can seek enforcement through the District Justice. There can either be summary or civil penalties that can be attached for the failure to cure the violation. Supervisor Kirkpatrick stated that in this case they are asking for 10 days to respond for the zoning violations and then the board would need to set the compliance date. Simon Schilling stated that there needs to be some sense of urgency for compliance and give the resident 60 days for full compliance. Supervisor Osborne asked if Simon would work with the resident in filling out a correct and full adequate application to help get them closer to an ending. Regarding the UCC permit Pete Schilling stated that he normally gives 5 days to apply for a construction permit. Simon stated that the resident said that he is no longer allowed on his property. Simon is asking if he can give Public Works Manager Perks the documents to post on the property. Supervisor Kirkpatrick stated that an officer can accompany Public Works Manager Perks to the property.

Chairman Miller made a motion, seconded by Supervisor Kirkpatrick to authorize the zoning violation notices to be delivered by Public Works Manager Perks giving the resident 10 days to respond and 60 days to become compliant and 5 days to apply for the UCC permit.

Vote 3-0

Brodbeck Road Violation

Simon Schilling reported that the process that he and the township have is that he and Public Works Manager Perks are making monthly visits to the property to check the progress that's been made from the previous month and then set an expectation for the next month. Simon stated that Mr. Walker, his brother and some other people have been out helping. Both Simon and Public Works Manager Perks noted progress being made on the property. A neighboring resident asked what progress has been made. Simon reported that a violation notice was sent on March 9, 2022 and was delivered and accepted on March 11th. Simon heard back from Mr. Walker asking why his mom was in violation and none of this was her fault. Mr. Walker agreed to allow Simon on to the property to meet with him. Simon stated that he informed Mr. Walker that he received reports that someone was living on the property in a camper. Mr. Walker did confirm that he was staying there around 3 days a week so that he can work on the property, which he was told he was not allowed to do. Simon stated that he and Mr. Walker walked through the property and took note that there were close to 15 vehicles on the property, several different trash piles, building materials, damage to the house, a trailer with a shed attached that was falling apart and getting overgrown. Simon stated that he asked Mr. Walker about coming back in a little over a month to be able to check his progress. Mr. Walker was asked to remove the camper as well as start to remove some of the vehicles. Mr. Walker stated that he couldn't get the vehicles removed

until someone could come out and help him get them in removeable shape. Simon and Public Works Manager agreed with that but stated in the meantime he needed to work on the trash piles. Simon reported that him and Public Works Manager Perks made their 2nd trip to the property and noticed that a lot of the trash was picked up and placed in a dump truck. Simon stated that the township ordinance does say that as long as the junk is stored in a container that is for removing the trash that's ok. Simon stated that the dump truck was brought up to Mr. Walker the last time that they were at the property. They are scheduled to go back to the property on June 30, 2022. The expectations that were set for the next inspection was to have some of the vans and the trailer taken away, clear away one of the piles located by the camper, get the dump truck up and running due to the brakes not working, remove the barrels of trash and start working on the removal of the structure that has partially fallen down. A neighboring resident asked what the time frame on this is because it's been going on for 20 years. Simon stated that as long as he's showing compliance that is all that he can ask of him. The neighboring residents are asking for a time frame. They don't feel that this should be open ended and be able to just continue day in and day out. They want to know what is the point of having a law. Simon stated that a good example to use is the issue they are having on the Blooming Grove Rd. property. In the beginning he was showing compliance and working with the township. Simon stated that we do have to understand that people have their certain life situations and doesn't know how much he can go in to regarding the Walkers, but with their current life situation at the moment it does not allow them to get this property cleaned up in a month. A neighboring resident stated that he understands that we need to be compassionate and it's a noble thing, but the township needs to realize that the whole area around that property are in retirement mode and the day is going to come when they are going to want to sell their property and this will diminish their property value. The residents feel that their rights need to be protected and they feel that's not being done. Simon stated that he understands they have a legitimate complaint but what they are expecting of him is to solve a 20-year problem in a month and that is not possible. Simon stated that he has had to start this process from scratch as the new zoning officer, listen to the residents' complaints, go out to the property to see what was going on and try to work with them the best that he could. Simon stated that he has been giving them his expectations and they have been meeting them to an extent. Simon stated that they don't want to try and push them past their limit, and they just shut down to any compliance that they expect from them. The neighboring residents stated there are advertisements in the paper that they will come and pick up scrap vehicles. Simon stated unfortunately they will only pick them up if there is a title with the vehicle. Simon stated that the township has been in contact with salvage yards and asked if they would take them and no one would take them without the title. Public Works Manager Perks stated that Mr. Walker is in the process of getting the titles for the vehicles but because of the cost he can only do so many at a time. Mr. Walker has had several cars removed from the property. Simon stated that it's a very difficult process and there isn't going to be an answer that everyone likes, including himself. The family has no money to hire anyone, but Mr. Walker is trying to comply with what's being asked of him and that should account for something. Simon stated they could go the extreme route and file with the District Magistrate saying they are in violation of the township ordinances, residents are complaining, but unfortunately then this will sit for months, and Mr. Walker was showing some compliance and the District Magistrate is going to turn the township away. Pete Schilling stated that in some cases he's seen where townships have come down to hard and people just walk away and then the property becomes the townships problem and then the township has to take over the property at the taxpayers' expense.

A neighboring resident stated that's the way it needs to happen and if it went that route wouldn't that go up for sale. Pete Schilling stated it would be in the court system for years at the taxpayer's expense and if that can be avoided it should be even though it may take longer to get resolved. Supervisor Kirkpatrick stated that they do understand their frustration because they've been dealing with this for so long, but this was just put into their laps, and they are doing the very best that they can to try help. They have gone down road after road after road to try and figure out what we can do and apologize for what didn't happen. The board knows it's not happening in the time frame that the neighboring residents want, but they are asking for a little bit of grace so that they can work through it. The neighboring residents asked if pictures are being taken during the visits. Simon stated yes, Mr. Walker has been very compliant. The neighboring residents stated that once Mr. Walker isn't being compliant and stops making any type of progress the township will take legal action. Simon stated yes, that's when the citations will be filed with the District Magistrate. A discussion and review regarding the definition of the junk ordinance and the types of vehicles described in the ordinance took place. Solicitor Elliott stated that there was a similar situation and with his recollection it's tied to whether it's properly licensed and registered then it's not junk and where the vehicles can be parked. Solicitor Elliott stated that he would do some more research on the ordinances regarding junk vehicles. Chairman Miller stated however slow this is moving he wants to let the residents know there is progress being made.

ARPA Funds & Uses

List of addresses were sent to Comcast for the design and construction team to provide a quote. Public Works Manager Perks and Administrator Hershey talked with David Stone from the design and construction team to clarify what the township is looking to do. Mr. Stone will be meeting with his supervisor to go over the information and provide a quote as soon as possible. This can remain tabled.

Road Department Radios and Repeater

Vice Chairman Osborne reported that the school district placed their first order for the first phase at the main campus. Vice Chairman Osborne stated that he was told that there is potential that if they want to break off a side channel for the township, that would be an option. Vice Chairman Osborne stated that eventually they will probably be looking at putting a repeater out in this area, but not in the initial phase. Vice Chairman Osborne stated that the township could borrow one of their radios to try them.

Paver Claim & Disposal

Administrator Hershey reported that the insurance company is ready to submit the insurance payment of \$20,000.00 plus reimbursement for the towing and estimate cost for repairs. They need a letter stating how the township would like to dispose of the paver. The insurance company can dispose of paver through a highest bid process, or the township can dispose of the equipment as they so choose.

Chairman Miller made a motion, seconded by Vice Chairman Osborne to authorize the insurance company to dispose of the totaled paver.

Vote 3-0

F. New Business–

Fuel & Heating Oil Quotes

Public Works Manager Perks reported that Aero Energy locked the price at \$5.33 a gallon, they have the non-ethanol gasoline and requested 500 gallons. The heating oil would be \$5.33 a gallon as well. Leffler provided no quote and doesn't have non-ethanol gasoline. Shipley energy runs their contract from October to September. To get in on that contract they would charge the township \$5.99 per gallon now and then in October they would lock the price at \$4.99 per gallon.

Supervisor Kirkpatrick made a motion, seconded by Vice Chairman Osborne to authorize the contract with Aero Energy with a cost of \$5.33 a gallon for both fuel and heating oil.

Vote 3-0

Authorize hiring Mark Anders from part time to full time Equipment Operator 2

The Board of Supervisors discussed a 90-day probation period. Pay increase to \$15.00 per hour, once Mr. Anders has his CDL his payrate will increase to \$16.00 per hour and once his probation period is up his pay will increase to \$16.50 per hour.

Vice Chairman Osborne made a motion, seconded by Supervisor Kirkpatrick to authorize the hiring of Mark Anders from part time to full time Equipment Operator 2 with a pay increase to \$15.00 per hour, once Mr. Anders has his CDL his payrate will increase to \$16.00 per hour and once his 90- day probation period is up his pay will increase to \$16.50 per hour.

Vote 3-0

G. Purchase Requisitions:

Road Dept – Flail replacement for boom mower – Tri County Contractors - \$3,260.00 SF

Chairman Miller made a motion, seconded by Supervisor Kirkpatrick to approve the purchase requestion as presented.

Vote 3-0

Training Notices:

None

Next Meeting – July 18, 2022 @7:00 pm

With no further business Chairman Miller adjourned the meeting at 8:50 pm.