

MANHEIM TOWNSHIP
5191 Wool Mill Road
Glenville, PA 17329

Minutes, Manheim Township Board of Supervisors Meeting
September 19, 2022

The Manheim Township Board of Supervisors, York County, PA met on Monday, September 19, 2022 to transact the regular monthly business.

The following were in attendance:

Larry Miller, Chairman

Rose Kirkpatrick, Supervisor

Township Staff:

Michelle Hershey, Administrator-Secretary-Treasurer

Dennis Perks, Public Works Manager

John Elliott, Solicitor

Not Present:

Nate Osborne, Vice Chairman

There were 9 persons 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 –

None

Consent Motion Package

Chairman Miller made a motion, seconded by Supervisor Kirkpatrick, to approve the consent motion package consisting of: Board Minutes of August 15, 2022 & September 1, 2022, Tax Collector Reports for August 2022, and reports from the following: Road Department (August 2022), Zoning Reports (August 2022) August NYCPRD Activity report.

Vote 2-0

A. Board Correspondence –

Manheim Township will be hosting a Fall Festival & Trunk or Treat on October 29, 2022, from 3:00 pm – 6:00 pm. Signage will be placed to advertise the event on Monday, October 10, 2022.

B. Solicitors Report –

Solicitor Elliott reported that he has been in touch with Attorney Grossnickle regarding the Blue Hill Road property. The Maryland estate is still open, but more importantly they will need to open an ancillary estate in PA to deal with the Blue Hill Road real estate, which has not happened yet. Attorney Grossnickle indicated that the heirs will likely seek to put the property up for auction, but that has not been finally determined yet. Solicitor Elliott forwarded the invoices associated with the property clean up and related costs/fees. She is to get back to him to see if he should continue to use her as a go between or if the heir(s) will be in contact directly. As long as Solicitor Elliott hears back promptly, he will wait to file the lien because not having the additional filing and attorney fees associated with the lien filing might make getting payment a little easier. A deadline was requested to be set prior to the October 17th meeting so the board can determine if a lien will need to be filed. A date of October 10th to receive confirmation of intentions in writing was set.

C. Committee Reports

1. Northern York County Regional Police Department –

Lieutenant Migatalski reported that they are in the process of purchasing two more electronic sign boards, they currently have two. The old ones that they have were purchased in 2009 and still work. They are retrofitting them to solar so they will have four solar operated sign boards. Lieutenant Migatalski reported that their portable radios are reaching the end of life and are working on getting costs to replace those. Lieutenant Migatalski reported that Project Lifesaver have two active clients and four additional clients to come on board. They are still working on finding a community co-responder. The 50th Anniversary Dinner will be held on Thursday, September 22, 2022. North Point Land Development has donated a five-acre parcel in Manchester Township for the purpose of a new police station. October 21, 2022, from 5:00 pm – 7:00pm at the Little Creek Golf Course will be the annual David Tome community picnic. Traffic enforcement continues on Blue Hill Rd, Blooming Grove Rd., and Lineboro Rd. Chairman Miller asked if there was any information back from PennDot on a traffic study on North Church St. Public Works Manager Perks reported that he is waiting to hear back from Chris Plad. He is the one who does the studies and is currently pulling the accident reports.

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 90-day extended review period will expire on September 20, 2022. This application has been reviewed by all required agencies. Based on the nature of the application and the agency comments, it is recommended to grant provisional unconditional approval once the \$2,000.00 Recreation fee and \$550.00 Subdivision fees are paid.

Chairman Miller made a motion seconded by Supervisor Kirkpatrick to grant provisional unconditional approval once the \$2,000.00 Recreation fee and \$550.00 Subdivision fees are paid for the Ferne C. Stonesifer Estate & Brant R. & Telesa A. Berwager – 4 lot Subdivision & 1 Lot Add-On.

Vote 2-0

E. Unfinished Business – Ordinance Amendments

Chairman Miller stated that they have been adding multiple Ordinance Amendments for over a year now and would like to discuss what changes can be made. Jim Caldwell and Benjamin Morral with Rettew Associates stated that they looked at the agenda and saw what items the Board of Supervisors are currently working on.

- A) Agricultural Entrance – Chairman Miller stated that they need something to separate out Ag entrances from driveways. They are very similar, but the use is not. Mr. Caldwell stated that he can look at how they are defined in the ordinances and write some recommendations. Mr. Caldwell stated that typically Ag driveways are very limited for access for spraying, tilling, fall harvest, spreading manure, etc., but not on a routine basis. Mr. Caldwell stated that typically the level of improvement is a lot different. Chairman Miller stated that a situation that they ran in to is with one particular property. Water was eroding the Ag entrance and when ever there was a serious storm the mud would run down the road because it's on the side of a hill. The homeowner spent the money, and had it corrected but in doing so it looks a lot like a driveway, so he was told that he needed a permit because he installed a driveway, but he was only improving his Ag entrance. Chairman Miller stated this is where we ran in to an issue because it looks like a driveway but it's not and he did an excellent job, spent a great deal of money, and made it right and the mud is not going to run down the road. Chairman Miller stated that it could get a little convoluted, he understands. Mr. Caldwell stated that he will look the ordinances, and they can craft some language so it's stating it not for routine access to properties. Need to differentiate daily use from seasonal use. Mr. Caldwell asked if what they have now is too lenient, or to tough? Supervisor Kirkpatrick stated that it's to vague. Chairman Miller stated that it is so basic that pretty much anything serves as a driveway and there is nothing separating it out.
- B) Timber Harvest – In the Ordinance it is stating that an E&S plan is required and that needs to be removed because the ACRE Law states it is not. Mr. Caldwell stated that what he has done for other townships is state what ever the state requires for a timber harvest is what is required. Supervisor Kirkpatrick stated that is correct, but our ordinance doesn't read like that.
- C) Junk – Mr. Caldwell asked does the board feel this ordinance isn't stringent enough for what they want. Mr. Caldwell stated that he can provide some recommendations. Supervisor Kirkpatrick stated that it is not defined clearly, and Public Works Manager Perks can pull the information and go over that with Mr. Caldwell.

- D) Police Citations for Zoning Violations – Chairman Miller asked Mr. Caldwell how they go about handling situations when residents don't have permits and the neighboring residents call the police, but the police don't have any authority to do anything because the ordinances don't give them the authority. Mr. Caldwell stated the violations of the zoning ordinance are considered non-criminal offences. Lieutenant Migatalski stated that they can't enforce zoning ordinances but the other ordinances such as curfews they can. Administrator Hershey stated for example a resident was given a cease and desist for a violation. The residents did not comply, so the neighbors called the police. Mr. Caldwell stated that with the cease and desist the residents have a certain number of days to obey the violation. If they don't appeal it, they would be guilty of that notice of violation and the board can work with the solicitor to file a non-criminal citation with the District Justice for enforcement. Supervisor Kirkpatrick stated that she spoke with Chief Lash and he said that in some townships there is a provision written, such as a preamble to the ordinances where it says the department can actually write citations or enforce them. Mr. Caldwell stated that he would be interested in seeing that. Mr. Caldwell stated that the board would need to meet with the solicitor because there is a whole string of what is considered non-criminal and what is criminal. Chairman Miller requested that Mr. Caldwell work with Public Works Manager Perks and provide some recommendations and that Public Works Manager Perks would work with Solicitor Elliott.
- E) Shooting Range – Mr. Caldwell stated that he has done a lot of research with the NRA when he wrote that section in the zoning ordinance. Mr. Caldwell stated that they have a book called the Official Range Book which is the bible for shooting ranges. Mr. Caldwell stated that most of the information in the ordinance is from that book. Chairman Miller stated that in the ordinance it says a resident must have 25 acres to have a shooting range. The only problem is, it doesn't matter if you have 100 acres, but if you put the shooting range along the property lines it's still going to bother neighbors. Chairman Miller stated there needs to be distance from property lines, design standards and where they come from in the ordinances. Mr. Caldwell stated he will look more into what the ordinance shows and provide feedback for the October 17th meeting.

Supervisor Kirkpatrick stated that she has some questions for Mr. Caldwell from Vice Chairman Osborne who couldn't attend tonight's meeting. Supervisor Kirkpatrick asked Mr. Caldwell if he remembers when Vice Chairman Osborne sent him an email back on August 10th. Mr. Caldwell stated that he does not remember. Supervisor Kirkpatrick asked if Mr. Morral who is attending tonight with Mr. Caldwell is going to be assisting Mr. Caldwell and if Mr. Caldwell is unable to call Public Works Manager Perks back, then Mr. Morral will call him back. Mr. Caldwell stated yes, Mr. Morral will be assisting him. Supervisor Kirkpatrick stated that Mr. Osborne's concern is a lack of response or timely response time in some questions or situations prior to last month discussion that Supervisor Kirkpatrick had with him. Supervisor Kirkpatrick stated that there have been large gaps of time from when the township has reached out, even when Vice Chairman Osborne has reached out and he mentions that in an email to Mr. Caldwell that it is taking too long for him to get back to the township. Supervisor Kirkpatrick stated that they as a board are thinking how do we fix this problem without changing our engineering firm. Mr. Caldwell acknowledges the issue that he didn't respond in a timely manner. Mr. Caldwell stated that Mr. Morral is his right-hand man and will be working closely together to serve

Manheim Township. Mr. Caldwell stated that if he is unable to respond within 24 to 36 hours the township will hear from Mr. Morral. Mr. Caldwell stated that he gives his word that this is how this will work and if it doesn't then the board should send them packing and find a new engineering firm. Supervisor Kirkpatrick stated that one of the questions that Vice Chairman Osborne has is what are the qualifications that Mr. Morral has, if a resume can be sent over. Another concern that Vice Chairman Osborne has is his skepticism prevents him from seeing how replacing an inattentive senior engineer with an inexperienced junior would be a vast improvement. Our team is already full of people trying to learn the job, the advice and guidance of an experienced professional is what would be truly appreciated. Mr. Morral stated that he is a body that can be reached out to at any time. If there is anything that he doesn't understand and he needs to get help with he has regular communication with Mr. Caldwell as well as other senior engineers in the firm. Mr. Morral stated that he is readily available. If he's in the field on a construction site, he checks his email on his phone while he's there. He would be an easier person to get in contact with if something happens to get buried in Mr. Caldwell's email and he can call him and get the answers. Supervisor Kirkpatrick asked who the point of contact is. If an email is sent, should it be sent to both Mr. Caldwell and Mr. Morral. Mr. Morral stated that discussions are still being had with experienced engineers. He is not going to go out and give you an answer without conferring with people. Supervisor Kirkpatrick asked what the cost factor would be. Mr. Morral stated that if it's time that Mr. Caldwell would have spent on something at a higher billing rate, if he can do it himself, it will be money saved for the township. Mr. Caldwell stated that Mr. Morral is very knowledgeable and skilled in what he does. Mr. Morral has a bachelor's degree in civil engineering from Messiah College.

Violation Notice Blooming Grove Rd.

Public Works Manager Perks reported that the violation notices have been sent to the District Justice. Commonwealth Code will be sending over copies of the notices that were submitted.

Brodbeck Road Violation

Public Works Manager Perks reported that on August 30, 2022, him and Simon met with Jackie Walker, Elaine Walker, and his younger brother. Public Works Manager Perks and Simon began walking the premises with Jackie and he was informing them on what he was able to complete since July's meeting.

The tasks that we requested the Walkers to get done in August included:

- Finish the cleanup and removal of the mobile home
- Repair dump truck and empty the dump truck
- Continue to remove junk from property

From that list, the work that was completed was:

- Continued progress on mobile home pile (claimed he could remove it by next meeting)
- Got dump truck working and removed one load of junk (after first load, the dump truck broke down again)
- Continued to cut up vehicles and work on various junk piles

His tasks for September include:

- Finish the cleanup and removal of the mobile home
- Repair dump truck and continue to haul junk away
- Continue to remove junk from various piles on right side of property

Our next visit is scheduled for Tuesday, September 27th.

ARPA Funds & Uses

Administrator Hershey reported that a survey was put into the newsletter that will be active for 30 days for the residents regarding the need for internet service. The results of the survey will be provided at next month's meeting.

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 the township could borrow one of their radios to try once they receive the radios. This can remain tabled.

F. New Business–

Well Isolation Waiver

Chairman Miller made a motion, seconded by Supervisor Kirkpatrick to approve the Well Isolation Waiver request for Shawn and Amber Burns.

Vote 2-0

Authorize applying for the 2022 York County Open Space & Land Preservation Grant up to \$40,000.00

Public Works Manager stated that he would like to put the grant funds towards making the playground area more ADA Accessible.

Supervisor Kirkpatrick made a motion, seconded by Chairman Miller to authorize Public Works Manager Perks to give authorize applying for the 2022 York County Open Space & Land Preservation Grant up to \$40,000.00.

Vote 2-0

CDL License new requirements for first time Class B CDL drivers

Public Works Manager Perks reported that a new federal law was passed that all first-time class B CDL drivers must apply to a trusted and approved training facility which includes 40 hours of theory work, written testing and driving test. The cost ranges between \$3,000.00 - \$4,500.00. Equipment operator Mark Anders did get his permit and he is now contacting schools for the costs and options to determine his next course of action. Public Works Manager Perks will notify the board at the next Board of Supervisors meeting regarding Mark Anders status.

G. Purchase Requisitions:

None

Training Notices:

None

Next Meeting – October 17, 2022 @7:00 pm

With no further business Chairman Miller adjourned the meeting at 8:09 pm to Executive Session.