

MANHEIM TOWNSHIP
5191 Wool Mill Road
Glennville, PA 17329

Minutes, Manheim Township Board of Supervisors Meeting
April 19, 2021

The Manheim Township Board of Supervisors, York County, PA met on Monday, April 19, 2021 to transact the regular monthly business.

The following were in attendance:

Larry Miller
Nate Osborne
Rose Kirkpatrick

Township Staff:

Loren Riebling, Township Manager
Gerald Shue, Road Foreman
Michelle Hershey, Secretary-Treasurer

John Elliott, Solicitor

There was 13 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 – NYCRPD Open House at David Tome Substation, May 18 – 4:45 – 6:45pm

Public Comment –None

Consent Motion Package

Chairman Miller made a motion, seconded by Vice Chairman Osborne, to approve the consent package consisting of: Board Minutes of March 15, 2021, Tax Collector Report for March 2021, Planning Commission Minutes of April 1, 2021 (draft), SWSD Recreation Commission Minutes of February 23, 2021, Board of Auditors Minutes of January 5 to March 25, 2021 and reports from the following: Manager, Zoning, Treasurer, Road Department, NYCRPD Calls (March 2021).

Vote 3-0

A. Board Correspondence –

Chairman Miller reported that an insurance rebate will be sent out from Benecon in the amount of \$60,000.00 which will go towards the tail insurance for SWRPD to be held in the account housed by Heidelberg Township.

Chairman Miller reported that there was a mix up at the York County Election office for the upcoming election of the Board of Supervisors. Chairman Miller stated that this has now been corrected.

Supervisor Kirkpatrick provided a list of residents with whom she has spoken with regarding comments/concerns:

E. Hansen – Ad placement in newsletter/had asked previously to have an add – township never contacted him.

Secretary-Treasurer Hershey reported that only recently has there been available space for newsletter advertisements and that she did not receive anything from a Mr. Hansen to advertise in the newsletter. Supervisor Kirkpatrick will contact Mr. Hansen to let him know there is now available space for him to place an advertisement.

C. Wherley – Culvert needs repaired on Zumbrum Rd.

Supervisor Kirkpatrick asked how culverts become eligible for repair. Township Manager Riebling reported that they look at the design life of the structure, and the condition it is in at the time it is being looked at. Culverts are typically looked at every year to every other year. When the culvert degrades to the point where it needs attention it gets attention. Road Foreman Shue reported that there are 3 culverts on that road. One was replaced due to a car accident, the 2nd was taken down because there was concern getting equipment in and out of travel area, the 3rd one is showing signs of needing to be repaired and the road department is looking at what needs to be done.

C. Wherley/R. Brady/J. Langkam – Township Manager asked for a permit for Ag entrance on Zumbrum Rd.

Supervisor Kirkpatrick reported there have been some issues regarding if a permit is needed to repair an Ag entrance on a property located on Zumbrum Rd. Township Manager Riebling reported that an Ag entrance is a cut through a dirt bank to get a tractor in to a field. Riebling stated that when four to six inch base of stone is put in and it runs 150 yards with some type of storm water control it is generally considered a driveway by the ordinance. Riebling reported that he spoke with the Municipal Solicitor and the Engineering representative that was involved in the development of the ordinance in 2002 to look into this. Solicitor Elliott reported that when there is that type of improvement under the ordinance that does meet with the definition of driveway located under section 306 which is titled access drives and driveways, paragraph 2. Solicitor Elliott stated that there are a number of requirements that have to be met which is part of the zoning occupancy permit process. Supervisor Kirkpatrick asked if there was a separate ordinance just for ag entrances. Riebling stated no. Supervisor Kirkpatrick asked if that is something that the board could look at too clearly define what is allowable for a repair of an ag entrance vs a driveway. Solicitor Elliott stated yes, the board can explore making amendments to the existing ordinance to clarify what it means by separate categories of access driveways or dirt path cut in that is not going to impact erosion and sedimentation issues or be located such that its not going to impact a neighboring property. Riebling reported that the board needs to keep in mind the situation dealing with the amount of substantial improvement and the use. After a discussion with residents the Board of Supervisors will look in to amending the ordinance to addressing the issue of an ag entrance vs driveway and address engineering fees.

R. Hertzog – Complaint about speeding on Blue Hill Rd. Supervisor Kirkpatrick reported that one complaint came in about the speed on Blue Hill Rd. Supervisor Kirkpatrick stated that she saw the report provided by NYCRPD and it shows several stops made on Blue Hill Rd. and notified the resident.

J. Langkam – Township Manager advised work started on property on Allison Mill Rd. without permit. Resident apologized. Confusion over required permits for remodel. Supervisor Kirkpatrick reported that going online to get a request for a permit only shows new construction but doesn't define anything for a remodel or Ag. Supervisor Kirkpatrick feels this is an area that can be improved.

J. Wright – Uninhabited property on Blue Hill Rd. Has previously filed a verbal complaint. Riebling reported that he has been unable to locate the owners. Supervisor Kirkpatrick requested that a letter be sent again and asked what can be done if still unable to locate them. Riebling reported that he would have to look in to working with Commonwealth Code to condemn it or use the legislative action that allows the township to condemn and recover any expenses through a lien. Vice Chairman Osborne suggested researching with York County Tax ownership and where they are sending the tax bills to and follow up with that same address.

J. Langkam/J Markey – Complaint from forestry broker over townships request for timber harvest to be reviewed by CCD and charging a \$200.00 fee.

B. Solicitors Report –

Zoning Ordinance Amendment needed due to ACRE case law.

Solicitor Elliott reported that the forestry provision in the zoning ordinance requires that the erosion and sedimentation pollution control plan be submitted to the York County Conservation District and that the applicant provide evidence of review and approval by the York County Conservation District. Solicitor Elliott stated that does run afoul of ACRE. Solicitor Elliott stated that under ACRE in the right to farm law the township cannot regulate agricultural activities to a greater extent than the state does. The state does not require, and the county conservation district doesn't have any role or say in that process. Those provisions in the ordinance run afoul in ACRE and should be amended. Solicitor Elliott also reported that there is a provision that he needs to check that may also be overly restrictive about no clear cutting within 50ft of a wetlands stream or water course.

C. Committee Reports

1. Northern York County Regional Police Department –

Chief Lash reported that they have a supply of "We Support Our Police" signs available at both of their stations. They ask for a minimum donation of \$10 per sign. All proceeds go towards the Police Explorers Teen Program.

Chief Lash reported that they will be holding an open house at the Officer David Tome Substation and the new headquarters of Spring Grove Area EMS. Everyone is welcome to join them as they will be offering tours along with hamburgers, hot dogs, snacks, and drinks.

2. EMA –

None

D. Subdivision –

Claude Warner – Add-on Subdivision & MR Applications

This application was accepted on February 15, 2021. The review period would expire on May 16, 2021.

All required reviews have been completed and all necessary comments have been addressed. The recommendation is to approve all 3 modification requests and the plan as last revised on March 26, 2021.

The MR application is for 403.A.1 (plan scale), 403.C (proposed features on a separate sheet) and 303.F.1.b (engineering review).

Chairman Miller made a motion, seconded by Vice Chairman Osborne to approve the Claude Warner – Add-on Subdivision & MR Applications as presented.

Vote 3-0

E. Unfinished Business –

Hanover Borough request on Landfill Fee-in-Lieu of Taxes

Riebling had reported that he spoke with the Hanover Borough official that is the liaison for this matter. He advised Riebling that they have an engineer engaged in the land development plan, but they were not able to get the plan to the township by the deadline which was requested by February. Riebling reported that he knows that this is in process and they are hoping to have this by the April meeting. Riebling stated that this can remain tabled.

Memorial at MACP for Chairman Muir

Riebling reported that he had spoken with Chairman Muir's wife, Dawn, and will get in contact with Kevin Dickmyer regarding a memorial for Chairman Muir. Riebling stated that this can remain tabled.

Well Isolation Waiver Request

Riebling reported that the well would be located 70ft from the existing drain field and 50ft to the tanks. Solicitor Elliott stated that this can be recorded with the UPI number.

Supervisor Kirkpatrick made a motion, seconded by Chairman Miller to approve the Well Isolation Waiver Request as presented.

Vote 3-0

F. New Business–

Authorize Bid Letting Ads For 2021 Materials Procurement

Riebling reviewed budget estimates and necessary materials based on 2020 prices for the planned road work for this season.

Chairman Miller made a motion, seconded by Vice Chairman Osborne to authorize the 2021 materials bid letting.

Vote 2-0

Letter from NYCRPD – Invitation to Join with Full Membership

Chief Lash reported that a letter was sent inviting Manheim Township to join NYCRPD to become a full participant. Chief Lash reported that the Commission will begin the process of reviewing and revising its Charter which dates to 1972. If Manheim Township became a full participant this would secure a seat at the table during the important discussions. Chief Lash stated that copies of the required Resolutions and Ordinances with an explanation of the joinder process will be emailed to the solicitor. The only material change is that Manheim Township must make a capital contribution in the amount of \$7,464.27. No action was taken by the Board.

Ordinance Amendments to Be Prepared

The Board of Supervisors discussed looking at amendments for timber harvest provisions, and access provisions of Manheim Township Ordinances.

ARPA Funds & Uses

Riebling reported that the township will receive \$345,000 from the American Recovery Plan Act. Half will be sent out June of 2021 and the remainder will be June of 2022. The funds can only be used for specific needs. Manheim Township only qualifies for broadband usage. Riebling reported that he is currently working with Comcast to get information on properties and trunk line placement.

Employment Advertising

Supervisor Kirkpatrick will write up the advertisement for the Township Manager and Road Foreman open positions. She will send to Chairman Miller and Vice Chairman Osborne for review and comments. Once everyone agrees Supervisor Kirkpatrick will place the employment advertisements on Indeed.

Chairman Miller made a motion, seconded by Vice Chairman Osborne to approve the employment advertising upon approval by all three board members.

Vote 3-0

Purchase Requisitions

Road Dept. – Line Painting – Alpha Space Control, \$18,840.00: Budgeted SF 438.

Secretary-Treasurer – Quickbooks Software Update v 2021 with 3-year support license, Intuit \$399.99: Unbudgeted - GF 405.260.

Recreation – Materials for Exercise Station Installation (Tuff Timber Borders & Wood Carpet safety surface) – General Recreation, \$4,010.79: Budgeted \$7,000.00 including wages.

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

Vote 3-0

Training Notices:

None

Next Meeting – May 17, 2021 @7:00 pm

With no further business Chairman Miller adjourned the meeting at 9:14 pm.