

Manor Township Supervisors Meeting Minutes

Monday, June 6, 2016

Time: 7:00 P.M.

Vice Chairman John Wenzel called the meeting to order in the Manor Township Municipal Building at 950 West Fairway Drive, Lancaster, PA on Monday, June 6, 2016 at 7:00 pm. Mr. Wenzel introduced the Board of Supervisors and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John Wenzel, Jay Breneman & Mike Julian
Member Absent: Chairman Brandon Clark and George Mann
Staff Present: Ryan Strohecker, Mark Harris, Chief Todd Graeff and Kelly Clemens
Visitors Present: See attached sheet

Minutes – Mr. Julian made a motion to approve the May 2, 2016 minutes as distributed. Mr. Breneman seconded the motion and the motion carried unanimously.

The Financial Report and Accounts Payable – Mr. Breneman made a motion to approve the Financial Report and Accounts Payable. Mr. Julian seconded the motion and the motion carried unanimously.

Solicitor's Report – There was no Solicitor's Report.

Public Comment – There was no public comment.

Old Business

Codification Project Update & Zoning/Ordinance Changes – Mr. Strohecker read the following statement “This public hearing is concerning the adoption of Manor Township Ordinance #3 – 2016 amending the code of ordinances of Manor Township Chapter 27 by adopting a new zoning ordinance. This hearing has been properly advertised in the Lancaster Newspaper on May 16th & 23rd. The ordinance was sent to the Lancaster Inter Municipal Committees' Land Use Advisory Board and their comments were provided in a letter to you dated May 10, 2016. The ordinance was sent to the Lancaster County Planning Commission with the LCPC providing comment in a letter dated May 24, 2016. The ordinance was also sent to the Manor Township Planning Commission and a letter with their comments is dated on May 10th, 2016. This ordinance has been reviewed by our solicitor and if adopted will be enacted five days from tonight's date per standard procedure of the ordinance.”

Mr. Strohecker said at this time, he would recommend that before the Supervisors go to vote, they would open the floor up to the public for any comments.

Public Comment –

Pat LeMay (78 Sun Lane) – Wanted to know what the change to the ordinance was? Mr. Strohecker said that it was an accumulation of changes over the past several years.

Mary Glazier (269 Chestnut Grove Road) – Was curious to know what was decided concerning the adaptive re-use of a historic mill? Mr. Strohecker said that it had been decided by-right.

Mr. Breneman made a motion to adopt Ordinance 3-2016 amending the Manor Township Zoning Ordinance. Mr. Julian seconded the motion and the motion carried unanimously.

LCSWMA Proposed Text Amendment and Zoning Map Change

Kathryn Sandoe, the Deputy Chief of Communications for the Lancaster County Solid Waste Management Authority (LCSWMA), submitted their formal request to amend Manor Township's Zoning Ordinance as well as the official zoning map. What she presented was a packet of information with 5 different tabs containing:

1. A copy of the signed and notarized petition that outlines in detail what LCSWMA is requesting.
2. Draft of the ordinance LCSWMA is proposing.
3. Exhibits A1-A4 and those are referenced in the petition as well as the ordinance.
4. Drawings of what those 4 parcels are.
5. Comparison of the changes to the zoning ordinance.

Mr. Strohecker wanted to outline the process that begins now that Manor Township has received LCSWMA's proposal. Tomorrow morning, per Manor Township's ordinance, they will pass the proposal onto the Lancaster County Planning Commission and Manor Township's planning commission and start to work through getting the dates scheduled that this will go through a public review. Once it gets through those commissions and Manor Township receives those recommendation letters back to the Supervisors, a public hearing date will be set where LCSWMA will be present to give a presentation of the proposal. He said the earliest that would occur is the August Supervisors meeting, but that is not a guarantee. And once the public hearing meeting has been concluded, Manor Township will call it to vote before the Board of Supervisors.

Mr. Mike Julian asked, just for clarification, that the Ash Project and Text Amendment are two separate projects? Katie Sandoe responded that he was correct.

Mr. Jim Warner, CEO for LCSWMA made a presentation concerning the Ash Processing/Metal Recycling Project.

Mr. Wenzel asked Mr. Warner to discuss the relationship between LCSWMA and Inashco? Mr. Warner said Inashco is a private company where they will build the plant. LCSWMA's obligation is to deliver the ash, Inashco's obligation is to process it and pay them. Inashco will hold the permit to the plant and own the plant and operate the plant for a minimum of 10 years and pay LCSWMA a fee per ton of ash. Mr. Warner said it is really just LCSWMA partnering with a private company to build and operate this plant.

Mr. Wenzel asked if this was a noisy or dusty process? Mr. Warner said if it was outside on a real hot day and there was wind, depending on the moisture content of the ash, it could blow around. But Mr. Warner insisted that this plant would be totally enclosed.

Mr. Breneman asked about increased truck traffic. Mr. Warner said the only increase would be those 8,300 tons that would have to go out to market.

Mr. Julian asked if Mr. Warner believes others will want to contract to bring their ash in? Mr. Warner said there is only one facility within 70-80 miles from Manor Township and that was in York. He said that plant was already advancing a similar type project except they use a wet system, so all their ash will be processed in that investment. The next closest facility is Montgomery County, PA where the ash goes down into lower Chester County and there is a plant in Baltimore. Mr. Warner said there is really no economical way any other ash in coming into this area.

Public Comment:

Allen Kreider (141 Supervisors Road) Asked if there was any advantage for the residents of Manor Township having this processing plant here? Mr. Warner said LCSWMA is a county agency so they try to make their decisions based on what is good for waste management as a whole. Mr. Warner said this is good because the plant is advancing recycling and it is going to use up less landfill space while diversifying their revenue, which helps LCSWMA to keep their tipping fees down and that is all good for Manor Township. He said there is also going to be 10-12 full-time jobs that will need to be filled.

Mr. Kreider also asked if an out of the country business would be licensed to work in Pennsylvania? Mr. Warner said Inashco is a North American company where they are very astute and he guaranteed that LCSWMA would not be making a 10 million dollar loan to an organization that doesn't have the ability to operate and work here in the United States or Pennsylvania.

Dwight Yoder – (Gibbel, Kraybill & Hess, 2933 Lititz Pike) – Mr. Yoder asked Mr. Warner if LCSWMA was a regional waste authority now? Mr. Warner said it was all up to interpretation. Mr. Warner said they are a Lancaster County Solid Waste Management Authority but they have responsibility via contractual obligations to also serve Dauphin County.

Mr. Yoder asked if the Ash Processing Facility was originally proposed for Dauphin County? Mr. Warner said originally they were looking to put it on the site at the SRMC but for numerous reasons, they changed their strategic decision to locate it in Manor Township.

Mr. Yoder asked if this would fall under the Frey Farm Landfill Permit or if it was a separate permit? Mr. Warner said it will be a separate processing permit.

Mr. Yoder said he had a concern as it related to the proposed Zoning Amendment, which is the original draft that was circulated attempted to bypass a public hearing process for the Ash

Process Facility. He said he doesn't know if the proposed zoning amendment now had changes to accommodate the Ash Process Facility.

Mr. Warner said he thinks Mr. Yoder's statement is wrong. LCSWMA has not tried to bypass anything. Said that the facility is a separate project from the landfill. LSCWMA has partnered with Inashco and certain facets of business had led them to put it in Manor Township.

Mr. Yoder said it makes no sense for the Supervisors to forward on the amendment when they have no idea what is in it. He said it seems to him that the right process is for the Supervisors to at least see what has been submitted because it is clear they have no obligation to move this forward. It is a legislative discretion.

Mr. Strohecker said Mr. Yoder's comment wasn't true and that the entire process is governed by the Municipal Planning Code. Mr. Strohecker said there are a couple things that govern where Manor Township goes from here. Mr. Strohecker said #1 the planning commissions are required to be involved. #2 – the Supervisors are required to hold a public hearing and #3 the Supervisors are required to vote on the proposed ordinance. Mr. Strohecker read from the MPC where it says the governing body shall submit, they are required to submit this and we will do that tomorrow.

Mr. Yoder said he respects what Mr. Strohecker said but the case law and the law is very clear that says it is a complete discretionary decision that you are acting your legislative capacity. There is no requirement that you actually start the process. He said he thinks it only makes sense to allow the public and the Supervisors to look at what they are sending before they send it forward.

John May (100 Red Fox Road) – Mr. May said that the section that Mr. Strohecker referred to does not say that the proposal should be submitted tomorrow morning. He said that if he was a Supervisor, he would want to read it, discuss it at a meeting and then submit it. He said there is so much that is involved that no one knows about and he seriously questioned that with two incinerators enough ash would be supplied to make this a viable operation economically. He asked that the Supervisors give due deliberation before they submit anything to anyone.

Mr. Strohecker clarified that submitting the proposal to the planning commissions is what kicks off the public process for review. He said there will be public comment periods during the time that it goes through the planning commissions and public hearings. Mr. Strohecker also said that anyone that proposes to put buildings on their property has to go through a land development process, which is a completely separate process from an ordinance proposal and that they would have to go through for approvals as well. He further added that LCSWMA will follow the public process as any other petitioner and the same permitting process as anyone else would have to go through.

Pat LeMay (78 Sun Lane) – Said that she doesn't think it is unreasonable to ask the Supervisors to do due diligence to at least read and think about the proposal before them tonight and perhaps consult with some professionals before they pass it on tomorrow.

Mr. Breneman said that the planning commission will not meet in June, so the first time they will be discussing it will be their July meeting, so there is a lot of time in between then.

Mr. Strohecker said as part of submitting it to the planning commissions, it goes to Manor Township's solicitors and engineers for their review.

Mary Glazier (269 Chestnut Grove Road) - Ms. Glazier read a comment regarding LCSWMA's revised zoning request written by Dr. Leslie Osborne, who was unable to attend the meeting. Mary said Leslie's comments reflected hers as well. Ms. Glazier said that the Supervisors are here to represent the interests of Manor Township residents. Ms. Glazier then gave the letter to the recording secretary.

New Business

Mr. Breneman made a motion to approve Steve Snyder's retirement notice. Mr. Julian seconded the motion and the motion carried unanimously. Mr. Wenzel thanked Officer Snyder for his 26 years of service.

Mr. Breneman made a motion to approve Trevor St.Clair as a police officer. Mr. Julian seconded the motion and the motion carried unanimously. Mr. Wenzel said he looks forward to his service and being a part of their police force.

Mr. Julian made a motion to appoint John Wenzel on the UCC Appointment Committee and name Jason Stevens on the UCC Board of Appeals. Mr. Breneman seconded the motion and the motion carried unanimously.

Modification Request – 378-380 Old Blue Rock Road – Bill Swiernik from David Miller Associates, along with Laura and Don Dombach asked for the Supervisors consideration for a modification request of the requirements of the ordinance to allow for a plan for the property that they own. Currently, there is a house and existing mill. They would like to make some improvements to the property which would include the establishment of a drive, some grass parking areas and some modifications adjacent to the mill to allow for accessibility issues to be adhered to. They are not proposing to construct new buildings, but to adaptively re-use the existing mill building, Basically going to use the property as it exists, however make some additions that would create a change in the surface and would need to therefore be addressed through the stormwater management requirements of the ordinance. Their request is for the Supervisors to consider this modification and allow them to move forward with the plan directly without having to process it through the land development process.

Mr. Strohecker said this kind of waiver doesn't come in too often. Mr. Strohecker said that the Supervisors do have the ability to waive them from going through the land development process. He said the other option would be prior to making that decision to grant the Dombach's the waiver, to at least have them go before the planning commission for their recommendations.

Mr. Julian said that he believes this is the reason why Manor Township has a planning commission and he would be in favor of referring this request to the planning commission for their comments. Mr. Breneman said he felt the same way. Mr. Wenzel said he personally believes it is a good idea to have additional eyes review it.

Mr. Breneman made a motion to send modification request 378-380 Old Blue Rock Road to the planning commission for their input. Mr. Julian seconded the motion and the motion carried unanimously.

The Supervisors received the PA DEP Notice of the LIMP Meeting.

Mr. Julian made a motion to approve all appropriate personnel to attend the Law Enforcement Management & Leadership Skills for Challenging Times trainings. Mr. Breneman seconded the motion and the motion carried unanimously.

Reports

Traffic Commission – Did not meet in May.

Police Report – Mr. Wenzel reported that the Supervisors had received the 2015 year-end report.

Public Works Director Report – Mr. Harris reported there was a trilogy disc golf tournament at Herr Park that attracted 93 participants on Sunday, June 5th.

Township Manager's Report – No comments.

Blue Rock Fire Rescue Report – Mr. Breneman reported they have a meeting coming up on Thursday, June 9th. They have been bringing in a few new members each month.

Building Permit Report – No comments.

At 8:20 p.m., Mr. Wenzel advised the Supervisors would be going into an Executive Session to discuss a legal and employee matter. At 9:15 p.m., the Supervisors returned from their Executive Session. Mr. Breneman made a motion to approve the reports as submitted. Mr. Julian seconded the motion and the motion carried unanimously. At 9:16 p.m., Mr. Wenzel adjourned the meeting.

Respectfully submitted,

J. Ryan Strohecker
Secretary-Treasurer

Recording Secretary
Kelly Clemens