

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**February 12, 2013**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Dave Gentzler, Manager/Secretary/Treasurer, Engineer Byron Trout, Zoning Officer Jon Beck, Recording Secretary, and fourteen citizens.

At a regular meeting held at the township building, Chairman Steven H. Gross, Jr. called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the Flag of the United States of America.

Chairman Gross disclosed that the Board neither met nor conducted any business since the last meeting on January 7, 2013.

**Motion by Vice-Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the Reorganization meeting of January 7, 2013. All members voted aye; motion carried. Motion by Supervisor Rudisill, second by Vice-Chairman Naylor, to approve the minutes of the regular meeting of January 7, 2013. All members voted aye; motion carried.**

**Public Comments**

Bruce Bartz was present to give information on his candidacy for the position of local District Justice. He is a retired police officer and lives in Hellam. He is well-acquainted with law enforcement and the criminal justice system on both sides. He is available for questions and discussion about his candidacy.

**Special Request**

Letter requesting Greenridge Street dedication – Mr. Trout explained the request for the Township to adopt two streets in the Greenridge subdivision. Mr. Trout has completed the punch list of items to be completed. Of note is the deterioration of the fiber expansion joints, which will be replaced. **Motion by Supervisor Rudisill, second by Vice-Chairman Naylor, to send the letter to the Greenridge developer. All members voted aye; motion carried.**

**Correspondence**

- Chief Stevens gave the fire department report. The merger process is still underway. Officers have been appointed. Committees have been established and are functioning. The merger committee will meet again on February 18. Chief Stevens noted that both fire companies are responding to all calls and are sharing equipment, manpower, and access to all facilities.
- Chad Ruby, Northeastern Area EMS, gave the 2012 report, noting that there were the usual anticipated losses each January due to various payments being due and expenses being increased at the beginning of each year.
- Letter from Manchester Borough – No discussion

- Letter from Northeastern Sewer Authority -- regarding the February 21 meeting with the Sewer Authority. Chairman Gross and Manager Gentzler will attend. Supervisor Naylor wondered why the Township should attend meetings when there are representatives to act on behalf of the Township.
- York County Real Estate Market Report – on file for review
- Letter from SPCA – Mr. Wolf was present from the SPCA with some questions and answers on the 2012 contract issue. The 2012 contract still has not been paid, nor has the 2013 contract been approved. Mr. Wolf feels that the SPCA provides a necessary service to the Township; he wonders why the contract has not been paid/renewed. Chairman Gross feels that the contract essentially amounts to a tax to each Township resident. He is certainly not opposed to non-profits asking for funds; it's the way that the non-profit asks for it, basically in the form of a demand that is offensive to him. He cannot, in good conscience, approve this expenditure on behalf of the Township residents. Attorney Miller has drafted a letter to the SPCA from the Township in response to this issue. That letter specifies that the Township will certainly make a donation to the SPCA, but that amount is not equal to the amount requested. The SPCA's demands for payment have not gone over too well with the Township Board of Supervisors. Supervisor Naylor agreed with Chairman Gross on the issue of the contract price being a tax per resident and that's not acceptable. Also at issue is the SPCA's telling the Township that the fee must be paid or what will you do? Are further discussions between the SPCA and the Township warranted? So far, nothing from the SPCA has been acceptable. Mr. Wolf asked if the donation will be applied to 2012 or 2013. This would be for 2013; Chairman Gross feels that it should go to 2013 and that 2012 will not be resolved at all. He just cannot justify adding this "tax" to the Township residents. Would the SPCA's fee cause a tax increase to the residents? Chairman Gross feels not, but it just wouldn't look right to the Township residents and other requests for payment. Supervisor Naylor feels that the SPCA is owed the 2012 contract amount. Joel from the audience feels that the police department is put in the awkward position, when called about an animal, of having to explain to the residents that the Township doesn't contract with the SPCA, etc. He feels that a compromise is certainly possible.

**Motion by Chairman Gross, second by Supervisor Rudisill, to authorize Mr. Miller to send the letter to the SPCA, with Supervisor Rudisill's correction and with the Township offering a \$1,500 donation and to e-mail a copy of the letter to Mr. Wolf in the interest of resolving this issue. All members voted aye; motion carried.**

- Letter from DEP (Grant information) – two reminders to apply for grants for several projects. Might be a good idea to refer this information to the person who was interested in the kayak/waterway project. Mr. Gentzler will forward this information to him.

#### **Solicitor's report – Attorney Andrew Miller**

- Letter to SPCA – addressed above
- Subdivision and Land Development and Zoning Ordinance Amendments – drafts have been distributed for review and comment. Some items may be presented to the Board before the Planning Commission addresses them.
- Comcast Franchise Agreement – nothing discussed tonight
- Request for Executive Session to discuss Rentzel Heights HOA agreement

**Engineer's report – Byron Trout**

Inspections – Lot 1, Orchard Business Park progressing

Plan Reviews – outstanding surety amount in Rolling Meadows for the pavilion project. Mr. Trout inspected the area and found some vandalism to the sign, which is unfortunate. Mr. Miller will review the agreement to see if it could be closed out. Mr. Trout suggested picnic tables for the area.

Correspondence – Mr. Trout sent another letter to Wellspan regarding the improvements to Rosedale Drive. Still no response. **Motion by Supervisor Rudisill, second by Vice-Chairman Naylor, to authorize the Solicitor to send a letter to Wellspan, requesting that Wellspan accomplish this paving work, weather permitting, by May 15, 2013, or the bond will be called and the Township will do the work. All members voted aye; motion carried.**

**Motion by Supervisor Rudisill, second by Chairman Gross, to authorize the following surety reductions for Chestnut Valley per Mr. Trout's recommendations: Phase 3A, reduction of \$43,516, with a remaining balance of \$29,931.49; for Phase B, a reduction of \$24,215.38, with \$7,732.12 remaining; and for Phase 4, a reduction of \$14,117.79; with a remaining balance of \$170,802.00 All members voted aye; motion carried.**

Mr. Trout reminded the Board members that DCNR grants were used to do Dauberton Park; does the Township want to apply for a grant for Phase 2 of that project? Typically, this is a matching fund grant. The Board members will consider.

**Secretary/Treasurer/Manager's report – Dave Gentzler**

*Sewer Authority* – January 7, 2013, meeting minutes are available for review.

*Recreation Board* – minutes are available.

*Zoning Officer* – Violation at 390 Pebble Beach Drive, summary hearing is April 15. Mr. Beck will prepare for the hearing.

*Public Works Director* – highway crew remodeling the Township offices.

DCNR grants – Mr. Gentzler learned that DEP has some recycling grants available. Probably could apply for the grant for a replacement leaf collector. The Board members agree that it would be fine to apply but decline to accept if unacceptable conditions are attached to the funds. Mr. Gentzler will try to schedule a meeting with DEP.

Currently, the Township uses two UCC inspection agencies – Commonwealth does more than Middle Department. Middle Department's fees are higher than Commonwealth's. Mr. Beck noted that Middle Department does not have a local office (Mechanicsburg/Camp Hill area is closest). Commonwealth's local office is in North York. Mr. Beck recommends the continuity of one inspection agency. Do the residents need a choice? Chairman Gross feels they should have the opportunity to choose one over the other. Any legal ramifications to using only one now? None.

**Motion by Vice-Chairman Naylor, second by Supervisor Rudisill, to use only Commonwealth Inspections for inspections in the Township. Two members voted aye; Chairman Gross opposed. Motion carried.**

**Motion by Chairman Gross, second by Vice-Chairman Naylor, to appoint Adam Anderson as alternate Township SEO, on a temporary basis until Mr. Whitmore recovers from surgery. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Rudisill, to authorize Mr. Gentzler to advertise for the mowing and road materials for 2013. All members voted aye; motion carried.**

Request for Executive Session to discuss employee matters

## **Land Development/Subdivision –**

Starbucks Coffee Company – Preliminary Plan – Tim Beaver, NuTec Facilities, was present on this reverse subdivision plan dated 10/29/12, revised 2/4/13, to combine two lots into one. Land development is primarily for parking and loading. Waivers requested: Section 199.15.S, to permit the stormwater management facilities to encroach into the setback area; Section 208.21, preliminary plan; Section 208.46.B, 60' street ROW (requesting the road to remain as it is now); Section 208.46.F.5, 150' clear sight triangle (requesting 100'); and Section 208.47, curb and sidewalks (waiver for 50' section; requesting six-month note for that section). Mr. Trout explained the basis for the waivers.

**Motion by Chairman Gross, second by Vice-Chairman Naylor, to approve the waivers for Starbucks Coffee Company's Reverse Subdivision Plan as requested and referred to above. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Vice-Chairman Naylor, to approve the Reverse Subdivision plan of Starbucks Coffee Company as presented. All members voted aye; motion carried.**

Starbucks Coffee Company – Land Development Plan

Most of the plan involves parking and loading areas. Waivers requested: Section 199.15.S, stormwater management facility to encroach into setback area; Section 208.46.B, 60' street ROW; Section 208.21, preliminary plan; Section 208.47, curbs and sidewalk (requesting waiver for 50' section, with six-month note); Section 208.46.F.5, 150' clear sight triangle.

**Motion by Supervisor Rudisill, second by Chairman Gross, to approve the waivers as requested by Starbucks Coffee Company for the Land Development Plan, referred to above. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Rudisill, to approve the stormwater maintenance bond, and the developer's agreement. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Rudisill, to approve the Land Development Plan for Starbucks Coffee Company as presented. All members voted aye; motion carried.**

Mr. Nace from the audience (Planning Commission member), asked about the existing pump house, information to have been given following the Planning Commission meeting. No new information was presented, as no changes are to be made to the existing areas. Question answered. Joe Briscese was also present to shed some light on the pump area in question; he confirmed that nothing will be done to this pump; eventually the area will be joined and serviced by the same pump. It has no bearing on the plans at hand.

## **Supervisor's comments**

*Supervisor David L. Naylor* – 2013 Park Program – are any problems anticipated for this year's program? None identified at this point. PPL portable toilets are coming up soon. Saginaw Park – who owns this property? Apparently it doesn't belong to the Township. Joel from the audience is uncertain. This will be investigated further. Supervisor Naylor informed the Board/audience that a Community Disaster meeting will be held, which Don Smith will facilitate on Wednesday, March 13, 6:30 p.m., location TBA, for public safety concerns and how each public safety entity interacts with each other.

*Vice Chairman Barry E. Rudisill* – recommends sending a letter to Gabe Furst, volunteer with

Eagle Fire Company, to commend him for making by hand 1000 bracelets which he will deliver to the emergency personnel who dealt with the Sandy Hook shooting incident. All Board members will sign the letter. Traffic signal at George and ????Drive – wire hanging down. Road crew will check. Joel said also that another light is facing toward Rite Aid too much. (DAVID, FILL IN PLEASE – I DIDN'T CATCH THE LOCATION) Letter to PennDOT about the "s" curve on Sherman Street? Not yet; Mr. Gentzler still has it on his list. Transfer of ownership of Rentzel property? No deed transfer yet; is transfer subject to realty transfer tax? The Department of Revenue will investigate the transaction and notify the Township if it is subject to the transfer tax. Saginaw stormwater project? Manholes have been raised. No resolution of the situation near the day care facility.

*Chairman Steven H. Gross, Jr.* – letter from auditor, stating that the Township records have been audited; **Motion by Rudisill, second by Naylor, to authorize Chairman Gross to sign letter. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Naylor, to approve the tax exonerations totaling \$254.14 per Kathy Emswiler's letter. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Rudisill, to pay bills. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Naylor, to recess to Executive Session. All members voted aye; motion carried.** The meeting *recessed* at 8:45 p.m.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary

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