

EAST MANCHESTER TOWNSHIP
Board of Supervisors
March 10, 2015

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Engineer Byron Trout, Zoning Officer Kristie Taylor, Recording Secretary, and 19 citizens. David Gentzler, Manager/Secretary/Treasurer, was not present at the start of tonight's meeting, due to a family emergency.

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 has neither met nor conducted any business since the meeting on February 10, 2015.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of February 10, 2015. All members voted aye; motion carried.

Public Comments

None at this time.

Emergency Services Report

Fire Chief's Report – Chairman Gross questioned an item on the report. He also confirmed that Chief Stevens had a copy of the ambulance letter regarding Manchester's closing their Conewago unit. Short discussion was held on the implications of this action, affirming that the Township residents are indeed receiving care from the closest, available unit.

Special Request

Shelia Weiser – request for anti-tethering ordinance – Ms. Weiser spoke in favor of an anti-tethering ordinance to prevent residents from tethering their dogs, especially in severe weather. The SPCA representative told Ms. Weiser that, barring a no food/water/shelter situation, the SPCA cannot do anything about tethering unless the Township passes a no-tethering ordinance. Ms. Weiser presented a copy of the ordinance that the SPCA recommends. What can she do to help get this ordinance adopted? Does she need to get a petition? She will certainly do so if that will help. Chairman Gross gave Ms. Weiser a copy of the Township's contract with the SPCA; he feels that the SPCA does have jurisdiction to prosecute under the cruelty to animals rules.

Scott Elfner spoke, agreeing that the authorities' hands are tied with regard to enforcement, if the animal is fed/watered/sheltered.

Chairman Gross' concern is giving a private entity enforcement control, with no oversight.

Correspondence

York County Solid Waste Authority Tire Disposal – the Authority will begin collecting tires – collection date April 22 – bring up to 10 tires to the facility for recycling at no cost. There are some stipulations associated with the donations. Ms. Taylor will see that this information is added to the website.

Daryl Albright – snow removal – Mr. Albright sent a letter commending the road crew for its excellent handling of the road clearing this winter. Also, Mr. Gross reported that there were many other e-mails from residents voicing the same sentiments and appreciation.

York County Planning Commission Public Meetings – trying to develop a storm water management
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authority for regional area/municipalities. The public meeting will be held on Wednesday, March 25, 4-6 p.m., at the West Manchester Township building.

Watershed Alliance of York Public Participation Planner – discussion was held.

Solicitor's report – Attorney Andrew Miller

- Penn Waste Contract Extension Request – there were several items that Mr. Gentzler was to be addressing/investigating. Ed Ward from Penn Waste was present to explain the extension proposal, including two yard waste collection dates. There is a slight rate increase associated with this contract extension of two years. Last month, the Board members discussed large item disposal, particularly with regard to the “tag-a-bag” customers. Would it be possible for these customers to put a large item out for collection without the need to purchase a tag/bag for that item? This would theoretically cut down on the number of large items left around the Township. Mr. Ward noted that adding this service would be difficult for the carrier because currently the “tag-a-bag” customers have no limit to the number of bags they can put out per year. Mr. Miller suggested that this proposal be discussed at the next total contract negotiation process. Mr. Ward encourages some type of bag limit for the next contract. **Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to authorize Mr. Miller to prepare the Penn Waste Contract Extension Resolution for the April Board of Supervisors meeting with further discussion to be held at the April meeting, obtaining Mr. Gentzler's input, reserving the possibility of making any changes to the Resolution at that time. All members voted aye; motion carried.**
- Comcast Proposal – a group of municipalities will audit their cable franchise agreements with Comcast; fee of \$3900 to participate. Most of the other municipalities participating have far more customers than does East Manchester Township, so there would be a greater margin of error in those municipalities. EMT might not recover the cost of the audit, but it's possible. The Board members declined to participate in this audit adventure.
- Agreement for Manchester Park is an inter-governmental agreement, which means it would need to be adopted by an intergovernmental ordinance. From the audience, Mr. Dunbar corroborated the information that Mr. Miller presented. **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to authorize Mr. Miller and the Recreation Board to prepare the Intergovernmental Ordinance, and to advertise the Ordinance for adoption at the April meeting. All members voted aye; motion carried.**

Engineer's report – Byron Trout

Inspections

Plan reviews

Correspondence

Surety Reduction Rolling Meadows; **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to reduce the surety by \$658,226.98, leaving a balance of \$1,091,773.02, per Mr. Trout's recommendation, pending the re-issuance of a suitable and appropriate replacement bond.**

Discussion was held on the issuance of a replacement bond. *NO VOTE, PENDING FURTHER DISCUSSION.* [Action was taken later in this meeting.]

MS4 and Chesapeake Bay Plans – Yearly required employee MS4 meeting was held on Monday, bringing everyone up to date on requirements, procedures and requirements for the road crew as related to the MS4 permit. Mr. Trout is inviting comments from the employees for their thoughts, input, and questions regarding this permit. Mr. Trout recommends labeling of inlets, manholes, and waterways as “No Dumping” sites. [At this point, 7:52 p.m., Mr. Gentzler joined the meeting.] Mr. Trout distributed some information and samples of the labels available. There may or may not be grant funding available for this part of the project. Mr. Gentzler suggested that the Township move on this project, as it's a small

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bit of progress to prove to DEP that the efforts are being made.

On the Chesapeake Bay Plan, there are still some municipalities that need to adopt the ordinance before the entire project can get underway. The website has been updated concerning the storm water information, which gives the Township credit for making effort to further the report/project. Mr. Gentzler noted that there is money in the budget for some of these improvements. He also noted that the Township must start treating the piping system like a road system, giving it as much attention and care, as DEP will start inspecting and following up on whether or not the Township is following and implementing the MS4 requirements. It was noted that complying may require another Township employee. Non-compliance will involve being fined.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – hopefully, the intermunicipal meeting will be held before the next Board of Supervisors meeting. Mr. Klinedinst gave an update on the PP&L issue. Is there anything else that's wrong that the Township should know about? Sherman Oaks pump station will need some attention in the next five years. It's unfortunate that this type of information was not brought to light when the loan funding was being requested. The Board requested that Mr. Klinedinst voice their concerns at the next Sewer Authority meeting.

Recreation Board – already discussed

Public Works Director – no discussion

Zoning Officer – North York Development sent its plans yesterday.

Budget Transfer for Road Salt – this will be done in April. This is the first year that the Township used all of its purchased salt. At next month's meeting, he will be requesting permission to stop using coal ash. Using quarter-inch stone which can be recycled will be a more environmentally friendly option.

2015 Mowing Contract – still awaiting confirmation from Pro-Lawn on the question of whether he can provide all the services for \$10,500 to prevent having to put this contract out for bid. **Motion by Chairman Gross, second by Supervisor Rudisill, to authorize Mr. Gentzler to negotiate with Pro-Lawn for the 2015 mowing contract NTE \$10,500; and if Pro-Lawn cannot provide the services for that amount, authorize Mr. Gentzler to proceed with advertising for bids for the Township mowing requirements. All members voted aye; motion carried.**

2015 Bid Advertising – **Motion by Vice Chairman Naylor, second by Chairman Gross, to authorize Mr. Gentzler to advertise for the 2015 bids for roadwork, materials, equipment and line painting. All members voted aye; motion carried.**

Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the payment of \$69,091.35 for the new tractor, as previously authorized by the Board. All members voted aye; motion carried.

Land Development/Subdivision –

Orchard Business Park II – Dave Koratich was present from LSC Design, on Orchard Business Park, Phase II, Lots 1 and 3; last revision 2/15, revision #4. The Planning Commission recommended approval of this plan. Outstanding items: 4E, rec fee waiver and 4F, developer's agreement. Regarding the developer's agreement, a storm water agreement is necessary; the applicants say they sent it months ago. Mr. Gentzler located the agreement, but it's not signed. Tim Kinsley was present to elaborate and apologize for the delay in getting this plan finished. Five waivers requested – partial monumentation; rec fees; storm water basin slope; basin setbacks; preliminary plan. The Board commended the presenters for a great job on such a large plan with no outstanding issues, showing great respect to the Township and its requirements.

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Mr. Miller asked about the driveway maintenance agreement – has been recorded. Deeds of dedication are satisfactory as well.

Motion by Supervisor Rudisill, second by Chairman Gross, to approve the waivers requested by Orchard Business Park, Phase 2: Section 208-21, preliminary plan; Section 208-49.B.1.a, rec fees; 208-61, monumentation; Section 199-15.P, stormwater basin slope, and Section 199-15.S, basin setbacks. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to approve the Land Development Plan for Orchard Business Park, Phase 2, pending the stormwater agreement being signed. All members voted aye; motion carried.

SCC-Canyon / Rentzel Property

Adam Anderson, Joseph Dean, David Shuti were present to request permission to install community mailboxes for the SCC-Canyon development, on the Rentzel section. The units would be installed behind the sidewalk on a concrete pad and would be common elements for the homeowner's association; the Township would not be responsible, but the boxes would be in the ROW. Some of the staff members feel that this is a good location. Other staff members are not as enamored of the proposal. Mr. Gentzler feels that it's inconvenient for the residents to have to walk to their mailboxes. Chairman Gross noted that this development was approved with smaller lots a few years ago.

Lorraine Gillespie, Postmaster of Manchester, was present to comment. She gave the history of the project, with the developer refusing to set aside two lots for the mailboxes, which was originally proposed as a suitable solution. She is reluctantly amendable to this plan, even though it's not the ideal solution. Mr. Anderson noted that the developer doesn't want to give up any lots because of the cost involved.

From the audience, Blaine Rentzel asked why this changed plan was not presented to the Planning Commission. That would have been the proper procedure. Mr. Gentzler noted that the Board didn't send it to the Planning Commission in the first place because they thought it would be quick and simple. Famous last words.

Mr. Shuti noted that there's nothing in the Township ordinance governing the placement of cluster or group mailboxes. He feels that the developer doesn't have all the information necessary to satisfactorily resolve this situation. He needs direction, without losing money.

Ms. Taylor noted that she deemed this issue/placement a health and safety hazard in the original presentation. Modifications were made to try to resolve the situation.

Mr. Gentzler feels that the Board has indeed given clear direction to the applicant, as has the Zoning Officer. He feels that the applicant hasn't complied.

Mrs. Gillespie agreed that the original proposal was not satisfactory. The modifications that were made were nearly satisfactory. She would prefer they use one or two lots OR that the boxes be located throughout the area.

Mr. Miller noted that the postal service ultimately decides where the boxes should be placed, as it's under the post office's jurisdiction.

Discussion was held on the original plan, the homeowner's association and inclusion of lots within that association; the previous owner's desire to keep certain homes/lots out of the HOA, which doesn't make sense to Mr. Anderson.

Mr. Rentzel feels that it's too late for the applicants to change the plan. The Board members and Zoning Officer agreed that Mr. Rentzel's argument was presented and was overridden by the post office.

Mr. Anderson wondered what homeowners would like in this situation – would they prefer to walk to get their mail OR to drive to get their mail?

Supervisor Rudisill feels that if there were no other option, he could live with this proposal. He feels that the developer does have another option, to dedicate two lots for the mailboxes.

Vice Chairman Naylor feels that this option, dispersing the mailboxes throughout the

development, is workable.

Chairman Gross feels the same as Supervisor Rudisill.

Ms. Taylor said she'd rather walk to her mailbox than drive to it.

Mrs. Gillespie feels it's better to have the boxes behind the curb and sidewalk, as proposed.

Bob Nace asked if the residents that have the "older" boxes will keep the same situation. Mrs. Gillespie said yes. He suggested a trash/recycling receptacle beside the mailboxes to cut down on loose trash. He noted that people will likely be congregating at the mailboxes to chat.

The consensus of the Board is that the developer needs to use one or two of its lots for the mailboxes. The Board cannot take any formal action tonight as what was presented is just a sketch plan.

The post office shall govern the placement of the boxes. The developer should get together with the post office to decide. Mrs. Gillespie confirmed that the use of one or two lots would be the ideal situation. Discussion was held on yet another alternate location for the boxes.

The bond issue was discussed, with Mr. Trout and Mr. Miller agreeing that the new bond and amount are satisfactory.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to reduce the surety on the Rolling Meadows development by \$658,226.98, leaving a balance of \$1,091,773.02, per Mr. Trout's recommendation, pending the re-issuance of a suitable and appropriate replacement bond. All members voted aye; motion carried.

They are in the process of revising the association documents; hopefully can agree to settle the land-use appeal to put that issue to rest.

Supervisor's comments

Vice Chairman David L. Naylor – no comments

Supervisor Barry E. Rudisill – improvements to Canal Road? Recommended that the Township "be the driving force" for the municipal lead project. Soccer question.

Chairman Steven H. Gross, Jr. – April's meeting will be on Monday, April 13, at 7 p.m.; also, there will be an MS4 meeting held on April 13, at 6:15 p.m.

Chairman Gross requested an Executive Session for an enforcement matter.

Motion by Gross, second by Supervisor Rudisill, to pay the bills as presented. All members voted aye; motion carried.

Motion by Gross, second by Supervisor Rudisill, to adjourn. All members voted aye; motion carried. The meeting adjourned to an Executive Session at 9:51 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary