

**EAST MANCHESTER TOWNSHIP**  
**Board of Supervisors**  
**April 9, 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 20 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 majority of the Board met on March 27, 2013, with Joel Klinedinst to discuss a sewer bond; no action was taken, nor were any minutes recorded at that meeting. Discussion only. The Board will discuss this tonight during the sewer authority report.

Correction to the minutes of March 12, 2013: Page 3, last full paragraph, the man's name is Lee Hanes. Mr. Gentzler will correct the official copy of those minutes.

**Motion by Supervisor Rudisill, second by Vice-Chairman Naylor, to approve the minutes of the meeting of March 12, 2013, as amended above. All members voted aye; motion carried.**

**Public Comments**

Referring to a Memorandum dated April 9, 2013, to the Township residents from the Board of Supervisors, concerning recent events concerning animal control, the SPCA, and the media, Roy Garland, Mt. Wolf, spoke in full support of the Township Supervisors' position concerning the SPCA. Mr. Garland feels that the SPCA is acting more like a government agency than a non-profit agency. The SPCA provides a good service but Mr. Garland is disturbed by its imposition of funds on the residents.

Peggy Buchanan had some questions on the SPCA issue. During the televised meeting, why was there so much discussion on the tethering law? Mr. Gross explained that he is concerned that although the tethering law was just a suggestion at this point, there might be more behind it in the future. Ms. Buchanan asked if the cost increase was an increase as a cost or as a per capita charge. Mr. Gentzler feels that years ago the bill from the SPCA was not questioned. The 2012 bill was based on the 2010 census data. What is the \$136,000 per year for 12 years going for? Unknown. From item 7 of the memo, it says that the SPCA denied a request to "pay per animal." What is the cost of the alternative ways that the Township is proposing? Ms. Buchanan would rather see a 50 cents per capita charge than a more expensive method. Yes, Heavenly Paws has agreed to take the stray cats, but they will not trap the animals. Ms. Buchanan feels that some of the stray cats are residents' pets that have gotten loose. There must be a better way of dealing with stray animals. Ms. Buchanan presented a petition with 108 signatures to propose to renew the contract with the SPCA.

Carol Deller noted that she and her neighbor tried in vain to catch two stray dogs recently. What would she have done with these animals had she been able to catch them? The state dog officer must pick up animals, but their hours of operation are limited. She feels that there should be an SPCA contract with the Township; she would have been able to call the

SPCA for help.

Chuck Wolf, EMT resident, addressed the recent article in the newspaper and the references to the SPCA. He feels that those references (to Nazi Germany?) were unfounded, unnecessary, unfair, and unprofessional. He requested a public apology to the SPCA by the board members (to the newspaper) and requested a review of the policy and proposals.

Diane Wolf, Mt. Wolf, referred to item four of the above-referenced memorandum--the \$136K for 12 years – funds will be used for the new spay-neuter facility. Perhaps the SPCA will not need to assess the townships in the future if this facility is self-sustaining as planned. She noted that she needed to pick up her dog at the Shrewsbury facility (the state dog officer picked the dog up); that was certainly not convenient. Feels that the SPCA is necessary, especially with a 50 cent increase.

Mike Ellis asked about the Heavenly Paws facility – the person he spoke with said they're not equipped to deal with stray cats.

Peggy Buchanan asked what the Township's Animal Control Officer is doing for the Township. Mike Ellis, present tonight, is in fact that animal control officer. He is only paid when he is called to do a job; he's not on a payroll so to speak.

Joel Klinedinst requested a burn ban. Will be addressed later in the meeting.

Mr. Naylor noted that there's a bit of negative press surrounding the Township's handling of the SPCA issue. He commended the Township and the SPCA both. There's an outstanding bill from 2012.

**Motion by Vice-Chairman Naylor, second by Supervisor Rudisill, to pay the \$3,632.00 that the Township owes the SPCA for 2012.** Discussion: Supervisor Rudisill noted that it was October before the Board realized that this bill was outstanding. Both parties were negligent, perhaps, in assuring that payment was made.

**Vote on the motion: All members voted aye; motion carried.**

Mr. Naylor read a statement urging the Township staff to continue the negotiations with the SPCA, and to find an alternative solution. Need to find a suitable compromise for both parties involved.

**Motion by Vice-Chairman Naylor, to enter into the 2013 season contract with the SPCA for a cost of \$3,632. Motion died for lack of a second.**

Chairman Gross feels that the SPCA was not making appropriate negotiation efforts at the start of this problem. He is concerned with how this figure was determined and assessed and approached.

Ms. Buchanan asked what the Board feels is a reasonable amount to charge per animal. Unknown/unanswered. The Board feels that the non-profit should not be permitted to assess this per capita figure. The Agency performs a valuable service but they also have a monopoly on this service, and Mr. Gross doesn't approve of the tax. Did the manager exhaust all viable alternatives? Mr. Gentzler has tried with mixed results.

Mrs. Wolf thanked the board for the 2012 payment promise. She noted that East Manchester Township is the only municipality that hasn't paid their bill. The Township can't request different circumstances for one municipality. Perhaps there's indeed a different way of assessing the amount; she will encourage the SPCA board to explore those possibilities.

## **Emergency Services Report**

Chief Joe Stevens gave the fire department report for March 2013.

Chad Ruby gave the EMS report for March 2013. Better year than last year. Volunteer EMTs are always welcome. Board members are needed! No need to be an EMT or have any ambulance experience. Reminder from Mr. Gentzler– new volunteers need to register with Township office for insurance purposes, etc.

## **Special Requests**

Ashley Brenneman/Eagle Fire Company 5K run/walk – requested permission for 4<sup>th</sup> annual 5K event, Saturday, September 7, same route as before.

**Motion by Supervisor Naylor, second by Supervisor Rudisill, to approve the Eagle Fire Company's request for the 5K run/walk on September 7, 2013. All members voted aye; motion carried.**

Lou Castriota – Leg-Up Farms – noted that this is the facility's third anniversary already. Many families are concerned with children reaching age 21 and being too "old" for the programs. The facility would like to expand their operations to deal with adults, including therapeutic riding programs. This would also be offered to wounded vets for therapy, etc., and the owners would like to open a market to create job opportunities for adults with growing vegetables, etc, to support local agriculture. They are also proposing some housing at the 80-acre property for sale at 4635 North Sherman Street. It was noted that the zoning of the property (R-1 and Village) is okay for most things but not the market. Requested that the board consider expanding the Village Zone, adjacent and encompassing the proposed property. Primary access will be onto Route 24, with secondary access onto Codorus Furnace Road. The building would have 15,000 square feet of space and would be sort of like Brown's Market at the southern end of the county. They would use local produce and products. Bigger supply of local goods inside the market. They also want to build greenhouses for vocational programs, with some housing for residents, as well as the therapeutic riding facility. Is this requesting multiple zones on the property? Mr. Beck noted that the Village zoning would permit several uses on this property. They don't want to rezone the entire property. The R1 area would continue as is. He would like to expand the Village zoning on the property. This would require a zoning amendment – go to the planning commission to be considered, as well as YCPC. Housing? No master plan yet. Want to add the market first.

From the audience, Blaine Rentzel, EMT Planning Commission Chairman, asked if this is a curative amendment. (No.) They are purchasing two properties, owned by the same person.

Mr. Miller noted the procedure – pay the fee, go to the EMT Planning Commission, then to the YCPC. Mr. Miller suggested that the applicants/Township keep this separate from the text amendments to the zoning Ordinance, though, as this will not be as lengthy a process.

Recommended that the applicant pay the application fee and submit the plan to the Planning Commission. Will do.

## **Correspondence**

York County 2013 Hazard Mitigation Plan – next step is that the board will receive the actual ordinance for approval. Are there any Township projects that would qualify for funding? Mr. Trout will review the plan and advise Mr. Gentzler.

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

- Comcast Cable Agreement – any end in sight? Not yet.
- Subdivision and Land Development Ordinance Amendments -- text amendments still in the works. Hopefully the Board can discuss next month.
- SPCA – discussed earlier in the meeting.
- Wheatlyn Medical Center – nothing discussed
- Loych property – Saginaw – Locust Street Extended; never adopted; property owner submitted a plan to abandon private street and the area would revert back to adjoining land owners. The applicants would like to sell their present house and build new one on the private access street. They don't need a subdivision plan to convey the lot and build another home. Requested a private driveway and maintenance agreement, involving all six property owners. With that accomplished, they can get a building permit and can withdraw the subdivision plan. Just for the Board's information. Mr. Rudisill hasn't seen any plans or drawings on this proposal. Is the new house to be in the private street ROW? No, there's enough room on the lot. Utilities are already run to this property. Mr. Rudisill feels that this is not a good idea to allow a home to be built on a private street. What's to stop others from doing the same thing? The current ordinance permits one house per private drive. Mr. Rentzel noted that this is pre-existing lot; the subdivision was approved in 1980, creating eight lots. All other property owners own the adjacent lots across the street. This is the only lot proposed for a building. They are trying to alleviate the problem of access with the access agreement. This situation is slightly different because the subdivision is already approved, just not completed.
- Mr. Miller noted that the Gentzler enforcement action postponed until the middle of May.

### **Engineer's report – Byron Trout**

Inspections – Lot 1 improvements at Bartlett and Espresso; curbing to be poured tomorrow. Progress being made.

April 18, PennDOT, scoping meeting for Canal Road – any comments or concerns that Mr. Trout should take to PennDOT on this project? Canal Road as an official truck route? It was suggested that the applicant Kinsley should consider positioning the new buildings with an eye to the future for a possible interchange. Mr. Trout will take the concerns to PennDOT. Mr. Gentzler noted that every time this has been brought up to PennDOT, it never makes it past the YCPC. PennDOT won't consider this without a recommendation from YCPC. Mr. Gentzler also noted that the bridge across Church Road at Route 83 is a problem right now.

Plan Reviews  
Correspondence

Surety Reductions:

**Motion by Supervisor Naylor, second by Supervisor Rudisill, to release \$4,650.00 for the storm sewer project at Saginaw All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Rudisill to release \$103,972.00 for Orchard business Park Lot 1, with \$289,184.83 remaining. All members voted aye; motion carried.**

**Motion by Supervisor Rudisill, second by Supervisor Naylor, to release \$48,364.20 for the East Manchester Village Center project, leaving a balance of \$0. All members voted aye; motion carried.**

Update – MS-4 permit submitted 2/12; review was done/ comments received – must list “impaired streams” including Musser Run and Codorus Creek. Mr. Trout will update the mapping; will be finished this week.

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

Sewer Authority – possible bond refinancing – Mr. Klinedinst wants assurance that the Township will back the bond issue after the refinancing. Mr. Gentzler received a request for information concerning the Township’s financial condition. The Sewer Authority needs a letter from the Board indicating its support. With this bond completion, the Sewer Authority will owe about \$17.6 million in bonds. Mr. Gross is in favor of refinancing but is concerned with the amount that is owed. This concern will be voiced in the letter of support which will be drafted.

Recreation Board – no minutes available.

Zoning Officer – no questions or comments. Mr. Beck received notice from Hellam Township that they are reviewing and updating their Comp Plan. East Manchester has 45 days to comment.

Public Works Director – no report available. The oldest Ford pickup truck was repaired. Street sweeping has begun. Mt. Wolf has requested this service. Township office remodeling nearly completed.

Award bids –

**Motion by Chairman Gross, second by Supervisor Rudisill, to award the mowing contract to Premier Property for a cost of \$7,475. All members voted aye; motion carried.** It was noted that this is the same provider as before and that there have been no reported problems.

**Motion by Supervisor Naylor, second by Supervisor Rudisill, to award the contract for stone aggregate to York Building Products.** Discussion--Mr. Trout noted that some materials from this company were delivered in poor condition in previous years. Apparently it depends upon which plant the material comes from. The road crew should be diligent in making sure the material is satisfactory, and the Township should reject and document anything that is sub-standard. It was noted that in those instances, the Township can go to its second bidder.  
**Vote: All members voted aye; motion carried.**

**Motion by Supervisor Naylor, second by Chairman Gross, to award the equipment bid to Emory Peters for \$22,080.00. All members voted aye; motion carried.**

**Motion by Supervisor Rudisill, second by Supervisor Naylor, to award the super pave highway materials to Highway Materials for \$130,210 delivered or \$117,445 FOB. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Rudisill, to award the contract for microsurface, fiberized seal coat, polypatch and rut fill to Steward and Tate for an amount of \$252,735. All members voted aye; motion carried.**

**Motion by Supervisor Rudisill, second by Supervisor Naylor, to award the contract for equipment -- road widener and milling machine – to Wilson Paving for \$13,000. All members voted aye; motion carried.**

**Motion by Supervisor Rudisill, second by Supervisor Naylor, to award the contract for stone aggregate to York Building Products for a total of \$36,221.45. All members voted aye; motion carried.**

**Motion by Chairman Gross, second by Supervisor Naylor, to award the contract for**

**line painting to Alpha Space Systems.**

**Land Development/Subdivision – None at this time.**

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

**Supervisor's comments**

Vice Chairman David L. Naylor –

Renovations to the Township office open for inspection.

**Motion by Supervisor Naylor, second by Supervisor Rudisill, to *hold* the funds approved last month for the fire companies (\$2,500 each to Eagle and Union). All members voted aye; motion carried.**

**Motion by Supervisor Naylor, second by Chairman Gross, to enact a burn ban, to be lifted by the Township Manager and the Fire Chief. All members voted aye; motion carried.**

Mr. Naylor requested a road inspection trip through the township.

Supervisor Barry E. Rudisill – last month asked senior center rep for info concerning EMT's contributions as compared to other municipalities – nothing received.

Clean up on Creek Bottom Road? Still in process. Mr. Gentzler is looking for a place to get rid of some of the old tires.

Saginaw Park – contact the park association? Mr. Gentzler will do.

There's a house that backs up to Codorus Furnace Road – ground deteriorating. Nothing done so far. Any suggestions? Discuss in Executive Session? Not tonight. Mr. Trout noted that the bank requested a structural engineer in hopes of making some repairs.

Chairman Steven H. Gross, Jr. – none at this time.

**Motion by Rudisill, second by Naylor, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:54 p.m.**

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

Julie B. Maher,  
Recording Secretary