

EAST MANCHESTER TOWNSHIP
Board of Supervisors
August 13th, 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, and 13 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 has not met nor conducted any business since the meeting on June 11, 2013.

Chairman Gross noted that the board met yesterday in a work session with the sewer authority and the boroughs; no action was taken.

Motion by Supervisor Rudisill, second by Supervisor Naylor, to approve the minutes of the meeting of July 9th, 2013. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Supervisor Naylor, to approve the minutes of the meeting of July 24th, 2013. All members voted aye; motion carried.

Public Comments

Mr. Floyd White - I'd like to know if the township has an ordinance pertaining to honey bee hives? Chairman Gross - I'm going to refer to our zoning officer. Mr. White - I already know what his opinion is I talked to him on Friday he assured me that the animal ordinance covers honey bees he also told me that a honey bee is an animal that is not an insect so I know the answer I'm going to get from him; I want to know what the board thinks. Supervisor Rudisill - I know we don't have an ordinance that addresses bees specifically to my knowledge. Mr. White- he's gonna say a bee is an animal. Supervisor Rudisill - Jon's interpretation of the ordinance is that these are animals and I will tell you that personally I disagree with that but that's the way the ordinance is. I believe we need to take action to change that. Mr. White - I don't see how you can send a guy a violation to get rid of the bees when you have no ordinances for it. That's why I think he's being dishonest. Supervisor Rudisill- Floyd, I believe that he is interpreting the ordinance as anyone up here would have. Mr. White- evidently he does not know what a bee is; he thinks a bee is an animal. Mr. Beck- I know what a bee is sir.

Mr. White- I believe what you did is not legal and now he has to spend 750 bucks for a hearing. I understand a girl got stung by a bee, you can't prove it was Hamilton's bee that stung that girl. Mr. Beck – no I cannot prove that but it is reasonable to assume that the bees came from that property. Mr. White- I've lived up there since '79 and I've had bees in my yard all the time, Hamilton moved there in '88 and I've had no more bees in my yard than before. Chairman Gross- do you have anything else to add? Mr. White- have you read what he sent to Hamilton? Chairman Gross- yes I've read it. The other board members also acknowledged. Mr. White- what does the City of York Zoning Ordinance have to do with these bees? Supervisor Rudisill- absolutely nothing. Mr. White – the whole thing should be throwed out just because that's in there. Mr. Beck- prior to working for the Township, I worked for the City of York. The Township had no forms, I had to start from scratch, so I end up using forms that I used before, it was a cut and paste form and an oversight on my part that I didn't replace the City of York with East Manchester Township. However that section of the letter is directly from the Municipalities Planning Code; word for word; there's no difference in the ordinances. Mr. Beck- I did some research on bee keeping and provided the board some documents from the Department of Agriculture. Vice Chairman Naylor- I'm concerned that a resident who thinks we interpreted the ordinance wrong has to pay \$750, the resident gets the money back if they win; but it is still too much to initiate a hearing. I also have a problem with the minimum lot size required for domestic animals, which is five acres.

Vice Chairman Naylor- I move to add to the ordinance review, the minimum lot size required for animals including bee keeping, I think five acres is too large. I think the poundage of animals per acre should be included; for example, I don't want to see chickens in Sherman Oaks. Mr. Gross- second. Discussion- Chairman Gross -This will not address the bees. Supervisor Rudisill- I believe we need to address an ordinance regulating bees separately. Vice Chairman Naylor- I then rescind the motion. **I move to add to the ordinance review, the minimum lot size required for animals, period. Chairman Gross- second.** Discussion- Mr. White- Don't you think he's (Mr. Beck) not going by the law because the ordinance you got about animals doesn't say nothing about bees? In Mr. Beck's defense, his job is to interpret the ordinance, I didn't say I agreed with it, but we can't just overrule him, we have to follow procedure. You're gonna get what you want here, the way it's going, but we have to follow procedure. Whether he did or didn't do that is a matter for executive session for employee matters, not in a public

meeting. Joel Klinedinst- I having a little trouble understanding, you should have a definition of a domesticated animal, a domesticated animal is something you can control, a bee, I don't think you can control other than harvesting honey, which puts it into an agricultural endeavor, it's not a pet. I live across the street from a gentleman that has six hives; I have no problem with them. I think if you are going to start regulating agriculture, then it's going to fall onto you. I think you are treading in very dangerous water here. Supervisor Rudisill- that's why I suggested we address an ordinance that specifically addresses bees. Solicitor Miller- do you want the minimum lot size changed or the definitions that we use. Vice Chairman Naylor- I like Hellam's, they go by poundage and setback. I don't want to set up an ordinance that someone with an acre and a half can have too many animals, it has to have parameters and Hellam Township's provides parameters. I'm also looking for the Planning Commission to take a look at the ordinances Mr. Beck provided and come up with a recommendation for us. **All members voted aye.**

Chairman Gross – I move add to the ordinance review, an ordinance that pertains to the keeping of bees in which someone such as Mr. Hamilton would be allowed to have their bees, and we send a letter to Mr. Hamilton telling him that we are revising this ordinance and for the time being, he may keep his bees. Vice Chairman Naylor – second. Discussion- Vice Chairman Naylor – I must caution the board, I reviewed this information on apiaries, I did not see a lot size requirement for bees, I think there is pending litigation over restricting the lot size for apiaries. **All members voted aye.**

There were no further public comments.

Emergency Services Report

Chief Stevens gave the report for Northeast Fire and Rescue for the month of July. Chairman Gross- Since Wellspan is disbanding their medic unit, will it affect the services here in the Township. Chief Stevens – since most paramedic service is provided by Memorial Hospital, it will have limited effect. There are numerous agencies throughout the county prepared to step in.

Special Requests - none

Correspondence – there were no comments on the correspondence provided

Solicitor's report

Sewer Authority Financing/Refinancing – The Sewer Authority is requesting the Township to guarantee new debt by ordinance as well as approve a resolution that will extend the life of the Authority for another fifty years which is necessary to cover the term of the debt. The debt will be proportional to the municipalities based on EDU usage. The ordinance was duly advertised for the board to take action tonight. **Supervisor Rudisill moved to adopt resolution 2013-8, Chairman Gross- second, all members voted aye.**

Vice Chairman Naylor moved to adopt ordinance 2013-2, Supervisor Rudisill second, all members voted aye.

Solicitor Miller – Reminder that we are waiting for the Traffic Ordinance to be reviewed by staff.

5100 Sherman Street – settlement was completed; tax exoneration requests have been filed

Saginaw Park – now owned by the Township outright

Greenridge Street Adoption – we have prepared Resolution 2013-9 but there are a couple outstanding items that will put conditions on the resolution should you desire to go forward. Byron Trout – we currently have three outstanding items:

- Completion of the January 13, 2013 punch list - they have not done the wearing course yet
- Provide a maintenance bond in the amount of \$71,240.00
- Provide map attachments for Debbie Lane and Greenfield Street as part of the centerline descriptions

My recommendation is that if you do consider adopting the two streets that it be contingent on completing these items.

Supervisor Rudisill – we typically don't adopt streets without the wearing course

Mr. Trout – he is on sight and preparing to do that

Supervisor Rudisill – motion to adopt 2013-9 Greenfield Street and Debbie Lane - contingent on the completion of the punch list, maintenance bond provided, and centerline descriptions provided all of which should be inspected and approved by staff, all contingencies met so that resolution may be filed with the County Clerk of Courts before August 31, Supervisor Naylor second, all members voted aye.

Engineer's report – Byron Trout

We have a surety reduction request for the Rentzel Subdivision – my recommendation is not to grant a reduction based on the Development Agreement with SCC-Canyon II, LLC, that is already providing terms for the surety reduction, which terms have not been met.

Chairman Gross – based on Byron’s recommendation I move that we deny any surety reduction for Rentzel Heights, Vice Chairman Naylor – second, all members voted aye.

Secretary/Treasurer/Manager’s Report – Dave Gentzler
Sewer Authority – minutes are available for review.

Recreation Board – minutes are available for review.

Zoning Officer – no questions on Mr. Beck’s report.

Public Works Director – no July report – Vice Chairman Naylor noted that the road crew did a phenomenal job repairing the bridge on Park Street

Supervisor Rudisill – status of the new truck – Mr. Gentzler – ready for delivery

Exoneration Request for Starbucks, York Water Company,

Chairman Gross – motion to approve the exoneration for Starbucks and the York Water Company for \$5090.12 and \$110.99 respectfully. Supervisor Rudisill second. All members voted aye.

Vice Chairman Naylor - Motion to approve \$17.81 exoneration for Manor Village Associates. Chairman Gross – second. All members voted aye.

Land Development/Subdivision – there were no subdivision plans for August

Supervisor's comments

Supervisor Barry E. Rudisill – none at this time.

Vice Chairman Naylor - any storm damage with recent storms? Mr. Gentzler – no reported damage. PPL Park – turf management and mowing ok? Mr. Gentzler – we conduct regular inspections of the work – no negative reports.

Vice Chairman Naylor – motion to send a letter to the borough members of the Northeastern Sewer Authority indicating the Townships interest in entering discussions with the York Water Company about their interest in purchasing the Northeastern Sewer Authority. Supervisor Rudisill – second. All members voted aye.

Supervisor Rudisill – motion to approve road closings for the Halloween Parade, according to the documents provided. Chairman Gross – second. All members voted aye.

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

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

Chairman Gross – any other business? None.

Motion by Chairman Gross, second by Supervisor Rudisill, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:50p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager