

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
APRIL 8, 2008**

Present: Chairman Steven H. Gross, Jr., Vice-Chair David L. Naylor, Supervisor Barry E. Rudisill, Township Secretary/Treasurer/Manager Terry R. Gingerich, Engineer Byron Trout, Attorney Andrew Miller, and Zoning & Codes Enforcement Officer Katrina Rife

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

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

Steven H. Gross, Jr. stated that the Board has not met since the March 11<sup>th</sup> meeting.

The minutes from 3/11/08 were approved with a motion from David L. Naylor, seconded by Barry E. Rudisill.

Steven H. Gross, Jr. mentioned that he has not received the Northeastern York County Sewer Authority requested copies of adopted rules and regulations, it was noted that they are not back from their attorney.

Motion carried unanimously.

**Public Comments**

Resident

Ken Dunbar for recreation board – in addition to the minutes, he reported that the rec board has received an application for use of PPL facility. Will use be approved by Board of Supervisors or Rec Board? It was agreed to have rec board discern applications. Terry R. Gingerich will keep copy

PPL's proposed walking trail – request to look at impact on lease agreement

3 issues on field use - vehicle parking in front of gate, dog walking that is not curbed, and golfing that is taking divets out of field – they have put work and expense to get the fields into good condition – this is destructive

It was agreed to post signs that prohibit parking in front of gate, require dogs to be curbed, and prohibit golfing activity.

Helen Musser asked how long the old house along N. George Street that is partially demolished will look like it does. Barry E. Rudisill commented that this was missed on approval and owners should be approached with concerns.

Joel Klinedinst asked about the meeting with representatives Keith Gillespie and Mike Waugh on roads. Meeting is set for 4/18 with Keith Gillespie. Road inspection tour starts at 9:00am.

PennDOT advised Terry R. Gingerich that they are looking into roads.

Joel also asked about the possibility of securing right-of-way from Steamboat Blvd. to S. Main St. Mt. Wolf to provide future extension of road. Traffic is

getting worse and that would help get traffic off N. George Street and would give route out of Steamboat area in case of train derailment.

Steven H. Gross, Jr. shared that he has had citizens expressed same comment especially with development on Steamboat. He would like to see some alternate access road from that area.

Terry R. Gingerich mentioned that the access road from Steamboat to Brylea is there for emergency route. Joel commented that rocks and fence have been put across that access road. Terry R. Gingerich will check into this.

Charlie Rearick commented that as he was walking his property lines he noticed Northern Heights does not have all markers installed properly, either location or not proper size marker-too short.

Byron Trout sent letter regarding this and some unacceptable conditions. He can pull some of the markers out. He will not release surety bond until satisfied.

Dan Lightner of Canal Road expressed his concerns with stormwater from roadway washing out front of his yard and driveway. Dave Gentzler has looked at and suggested curbing.

Terry R. Gingerich commented that there is an inlet nearby. This will be looked at on 18<sup>th</sup> during road inspection.

non-resident

Andy Spear of PPL was present to give an update on the golf course and present the disposal area 8 project.

They will be taking ash to driving range probably starting in few weeks

A DEP application submitted for disposal area atop ash basin 5 that will take waste materials that are generated at the plant and are now trucked off site and will reduce trucking. The scrubber project will generate more waste. This is a residual waste landfill with a geo-membrane liner that will be developed in 3 phases.

He has checked with York County Planning Commission and township staff and since there is not an expansion of the footprint and no improvements; this not a land development plan.

An update on the golf course; it has 15 playable holes, but it is not open.

A letter from the sewer authority to PPL was mentioned. Andy was unaware of this letter. He received a phone call as a result of information in previous minutes. Terry R. Gingerich will fax copy of letter to Andy.

### **Special Requests**

Deborah Baker of Shenandoah Personal / Shentel Communications Communications, they are the Sprint Communications affiliate of York County presented a request for property owner's permission that is needed on a Zoning Hearing Board application for antenna and equipment cabinets to collocate on the existing tower at NERPD. The property is owned by 3 municipalities.

Steven H. Gross, Jr. asked if the police board was presented with an agreement on the monthly compensation.

Deb answered that they have nothing to do with that because the tower is owned by Hirshfeld Communications and Shentel will lease from them and has nothing to do with the agreement between Hirshfeld and the police. Shentel has Chief Albright's permission.

Attorney Andrew Miller explained that typically there is a provision in lease agreements for when the primary lessee collocates another service, either you will get a percentage of that or a bump up in the lease payment or in some cases you don't get anything and they reserve the right to collocate anything they want there. We would have to refer back to that original lease agreement.

David L. Naylor's understanding is if they can put anything up on the tower and we can't demand a payment increase until that contract expires, then we can negotiate for additional equipment on the tower according to discussion with Chief Albright.

David L. Naylor commented that Hirshfeld can increase their compensation willingly.

Steven H. Gross, Jr.'s opinion is that collocation on an existing tower is the right thing to do but since we are aware of the challenges the police board faces with its operating expenses, to do so without being compensated is short-sighted.

David L. Naylor asked what recourse they have other than contact Hirshfeld?

Steven H. Gross, Jr. – As owners of the property, we don't sign to allow the zoning hearing.

Barry E. Rudisill – yes, that or make it conditional

Steven H. Gross, Jr. – conditional would be a good compromise

Deb – Conditional that Sprint has to pay the township an additional fee?

Steven H. Gross, Jr. – no, the police board, not the township.

David L. Naylor – maybe it's not Sprint, but it could be Hirshfeld

Steven H. Gross, Jr. – I'm sure that Hirshfeld is not going to let you put your equipment on their existing tower out of the kindness of their heart, with all due respect. The police is a public entity and is here for the public good and has operating expenses and budget concerns that continually escalate, challenge our resources as municipalities running a police department and the business side of me kicks in here and says I'd like to see you collocate here but I'd like to see what benefits the regional police board gets on top of it. If this was a 911 or a public entity, it wouldn't – it would be a different story, but you are a for-profit company and that's my concern.

Deb – correct, but the lease is between Hirshfeld and the police. We have a sublease agreement with Hirshfeld.

Barry E. Rudisill – maybe it should be some communication between Hirshfeld and the police board before we go forward with this because as you pointed out I'm sure they are being compensated in some shape or form for the antennas being on their tower. And if that being the case, it could be conditional that we allow that special exception hearing if the police board is compensated.

Steven H. Gross, Jr. – because we don't have an alternative here. The contract doesn't spell out an increase when the tower is subleased and our only alternative is to hold up your process – I'm sorry

Deb – It meets the intent of the ordinance and the money situation has nothing to do with the zoning aspect, the lease is in place.

Steven H. Gross, Jr. – But you are requiring our signature because we own the property and that's a trump card. We own 60% of the property and you stated you need our signature to move ahead with the zoning hearing and I think what you are hearing from the Board is that we are not opposed to you moving ahead with the zoning hearing but we are concerned that the police board be compensated in some fashion.

Deb – I guess an alternate is to build another tower. We can meet the zoning ordinance somewhere else.

Steven H. Gross, Jr. – that might be the alternate

Barry E. Rudisill – I think the communication has to be with Hirshfeld before we do anything else to see where they stand on it. Are they willing to share in the compensation? I understand the current lease doesn't specify that but are they asking to go beyond the current lease by approving some additional equipment on their tower? I don't know if we have any other alternative because surely if we go forward and it's approve then they mount the equipment they can say we will catch you when we renew the lease.

Steven H. Gross, Jr. believes that renewal is longer than 2 or 3 years.

Attorney Andrew Miller suggests either the police board solicitor or he take a look at lease. Make sure no obligation to township to approve or sign any application and if that is the case go one step further and negotiate collocation for future. He agrees that if required to sign for zoning hearing board application, now is opportune time to negotiate for collocation provision.

Steven H. Gross, Jr. – there are other towers out there that the property owner is compensated.

Steven H. Gross, Jr. suggested Attorney Andrew Miller should review because police board does not have solicitor.

David L. Naylor motioned to table till next month till reviewed by solicitor and possibly contact Hirshfeld. Barry E. Rudisill seconded motion, which carried unanimously.

Steven H. Gross, Jr. noted that there are 4 tower sites in the township.

## **Land Development/Subdivision plans - none**

### **Solicitor's Report - Attorney Andrew Miller**

- PAC resolution joint bid with Springettsbury Twp for Ralumac sealing. He suggest motion to authorize Terry R. Gingerich and Dave Gentzler to prepare bid packets for material for existing paving in lieu of tar-chip and to authorize Attorney Andrew Miller to prepare paperwork - draft resolution.

David L. Naylor asked of joint contract with Springettsbury on other materials.

Terry R. Gingerich explained line painting bid and bid amount, which is a joint contract between 9 municipalities. Additional discussion was held on joint bidding.

David L. Naylor motioned to authorize Attorney Andrew Miller to draft a resolution or ordinance for intergovernmental cooperation and purchasing and advertise for adoption for next month.

Barry E. Rudisill seconded motion, which carried unanimously.

- Traffic signal agreement draft for split of maintenance cost with Manchester Township for Board Road and Willow Springs Lane intersection. Terry R. Gingerich explained background for co-application and maintenance. Attorney Andrew Miller further explained that most of liability comes from negligence of maintenance.

Joel asked if there is a left turn lane and signal for North bound on Board Road.

- A development agreement and storm water agreement for SADG-II was sent to Attorney Ron Perry. Attorney Andrew Miller will follow up.

- Steamboat HOA documents reviewed, comments were added.

- Kinsley property multiple tracts on one deed – A question on selling a tract if they would need subdivision.

Attorney Andrew Miller unless deed merges into one or a reverse subdivision has been done, they remain separate tracts and can be deeded off.

- The fee simple deed on state road for right-of-way was discussed. This may need to be on plans. It is something new. If taking right-of-way's, it wouldn't be a bad idea to require some kind of deed of dedication from the landowner, but look at plans on a case by case basis. Terry R. Gingerich mentioned that Mar-Ben plan is next, Musser Manor and water company tract may need this, also.

PennDOT is requesting fee simple deeds for right-of-way that township is taking. The township wants a right-of-way and the ability to expand the road in the future on that right-of-way, you don't actually want fee simple ownership of it because then you've got the obligation to maintain that area. I'm not sure what makes the most sense for the township to do there, I think its unreasonable for what PennDOT is demanding. The right-of-way is the right-of-way and it should be sufficient for PennDOT but now they are asking for these fee simple interests in it. We can take a look at those plans.

Byron Trout also agreed that it doesn't make much sense, PennDOT only wants the portion of the right-of-way where the improvements are going to be, not the entire width.

Both Attorney Andrew Miller and Byron Trout mentioned that in some situations PennDOT only wants the cartway, nothing else.

Steven H. Gross, Jr. suggested Byron Trout bring that issue up on the 18<sup>th</sup>.

### **Engineer's Report - Byron Trout**

- PPL surety roadway and curb improvements along Board Road maintenance bond release of \$80,760.00 per motion from David L. Naylor, Barry E. Rudisill seconded and carried unanimously.

- Rentzel Heights pools are being constructed per plan – a 30' x 50' lap pool and a 30' x 30' beach pool

- Northern Heights letter in response to surety letter from last month as to why they feel surety should be reduced. They understand the concrete monuments need replaced, they mention curb repair which township does not permit, they disagree on the sidewalk repair. They say they replaced sidewalk. Byron Trout, Terry R. Gingerich. and Dave Gentzler saw them repairing sidewalks. Recommendation stands to not release surety at this point in time. Will add drainage concerns to the list. Trees are another issue that needs resolved.

Barry E. Rudisill asked of the pipe under Long Road – Byron Trout believes it is under phase 2&3. Joel mentioned the erosion problems and Byron Trout is aware and is working with Rob Fetter of YCCD on it.

- Steven H. Gross, Jr. asked about draining of pond at Rentzel Heights, how was it allowed? DEP does not look at pond as wetland, permit to drain was part of NPDES. It is easier to get permit to drain a pond especially a pond that is not natural.

- Nugent pond was drained but now has water in it - Byron Trout will look at

- Northern Heights grading of lots 1, 2 & 53 not satisfactory, not enough swales, grading plans not followed. Rear of lot 1 is not graded properly.

Barry E. Rudisill asked about the paver removal for emergency access. It did not meet PennDOT requirements. PennDOT and township are working together to resolve this issue.

Another problem with the drainage is the metering manhole 2' to 3' out of ground, which the sewer authority allowed, instead of flush, it pushes water to adjoining property. It is also an eyesore.

- Musser Manor Board Road easements-cannot get right-of-way from property owners across road on both sides of Wheatlyn according to developer's engineer. It is not in best interest to have widening and curbing, then jog in at 2 properties. Terry R. Gingerich asked Attorney Andrew Miller on requirement of curbing and sidewalk installation. Second class code provides for it and there is a chapter in Code for it - limited to % of assessed value of property.

The developer is willing to install. Developer's expense vs. property owner's expense to install curbing and sidewalk may make a difference in considering granting right-of-way.

- Barry E. Rudisill asked of Board Road widening for school and the on-site inspection. Is what they are proposing to do with Board Road pretty much the way it was shown on plan? Byron Trout answered that on the widening of Board Road the initial discussion and planning was to lessen impact on adjoining property owners. Gordon L. Brown & Associates under direction of township went out, surveyed, and established a curb line for them which would allow the poles to be in the grass strip, sidewalk behind the poles and none of the poles would have to be relocated. They now want to move the poles back further into peoples' yards and do part of the widening on their side in the right-of-way, instead of all widening on school property, which was shown on the final plan. It was mentioned that the school district has a cost estimate that is less to complete widening and curbing and pole relocation on both sides. Byron Trout has not seen this cost estimate but cannot understand how it would cost less to complete road widening, curb installation and pole relocation vs. the same road widening, same curb installation without pole relocation. Byron Trout received email on this just yesterday.

Barry E. Rudisill –if they are doing it by the original plan there isn't much you can say about it, you can appeal to their common sense that it would make more sense to keep the road to their side and not impact the residents on the other side of the road, but if they choose to do that and spend the extra money to move the poles.

Byron Trout would like to get a copy of the cost estimate. On the school side there are no other utilities in conflict. Terry R. Gingerich confirmed that even the cable was set back far enough to allow for this.

Joel Klinedinst commented that they were at a meeting just a few months ago claiming a hardship that they could not afford to put sidewalks and curbing in and now they want to spend an additional \$30,000.00 to move poles back. David L. Naylor feels they are thinking that recrowning the road would cost more than moving poles.

Byron Trout and Terry R. Gingerich commented that they are already re-profiling/re-crowning the road.

Byron Trout would like this cost estimate to compare. The pole relocation seems to be only variable, it is the same amount of widening, curbing, and sidewalk.

Terry R. Gingerich mentioned that the other difference is the impact to the existing property owners.

Steven H. Gross, Jr. – we should oppose it then if it is going to have a greater impact to those property owners who were told that we would minimum impact on them and also if you follow what happened with Chestnut Valley where all the widening was done to the other side to accommodate the property owners.

I'm not an engineer or anything but I know there at the corner of Chestnut Street, the stormwater inlet is behind the sidewalks now and if they don't move that street over far enough – what good is that inlet going to do?

When this street is done, Board Road and Chestnut Street, if that isn't a good intersection I'm not going to be very happy with our engineers, their engineers, or anybody. We have an offset there.

Byron Trout replied that they are moving and adjusting that inlet and the radius of Chestnut Street is changed. Some existing curb and sidewalk will be torn out to improve that radius.

David L. Naylor commented that this situation get rectified quickly because there are going to be line trucks showing up there to relocate those poles.

Terry R. Gingerich – I told Brian to hold on it. Byron told Brian to hold on it.

David L. Naylor – yes, but the bill is paid.

Byron Trout – it has been paid for 4 months

David L. Naylor – so they have it on hold

Byron Trout – yes, Brian's been calling me wanting to know should he return their check. We've been waiting for this cost estimate for them to make a decision; that just came out Monday or Tuesday of this week.

David L. Naylor – ok

Terry R. Gingerich – And I thought last month or the month before there was a decision made here by this Board that we don't want them to change anything, that we want them to stick with the way it was from the beginning.

Barry E. Rudisill – yes, but the way the original plan was they could make the changes on the side of the street that the houses are.

David L. Naylor – that's the way I recollect it also.

Barry E. Rudisill – unless that changed, but I thought that was the way the original plan was laid out

Byron Trout – The original plan was laid out, because we surveyed it, we went up, and if you go up now you can see the paint – we spray painted orange and the marks are still there where we had to face the curb. We set the curb line so we could relocate the utilities on the school district side back far enough to accommodate the widening in the future cause that lined up with the intersection down there at Chestnut – it all lined up then. That's how they were told, we actually provided them with the survey, with all the information.

Terry R. Gingerich – We paid for that.

Barry E. Rudisill – So what you are saying – the original plan that we approved

Byron Trout – no, I'm saying our original comments to them, and I'd have to go back to my original plan sets, but originally that is where that curb line was supposed to be, based on the edge of pavement. Curblin, grass strip, and sidewalk and the end product came in ... (garbled)... not putting poles in grass strip, they are going behind the sidewalk going back 7 feet more.

Steven H. Gross, Jr.- that's ridiculous to see all those people give up that much yard.



David L. Naylor asked what the solution is to this.

Byron Trout will call the engineer and get a copy of the cost estimate to review. Before calling Brian Stoner on the pole relocation, have another meeting on site.

David L. Naylor suggested a meeting on the 18<sup>th</sup>.

Terry R. Gingerich commented that all this was discussed with Dr. Baughman when he was here. He and Byron had additional meetings with Dr. Baughman and went over the way it was wanted and that was the way it was supposed to be drawn up. But now if the plans are different that what we wanted, the ones that were approved - they didn't follow our instruction.

Barry E. Rudisill – need to make certain that nothing is done between now and until a decision is made for the meeting of the minds.

Bob Nace added that discussion was that all improvements would be done to school side. Can't ignore pole at Chestnut Street.

Joel Commented that it seems to him that when the school district was here a few months ago, the township bent over backwards to reduce the permit fees and accommodate school, now the one thing township asks is being an issue.

**Manager's Report – Terry R. Gingerich**

Correspondence from Braking the Cycle-bicycle trek on 9/26/08 David L. Naylor motion to permit use of roads for this, seconded by Barry E. Rudisill carried unanimously. Joel asked about permission for road use – he mentioned a previous time when York Roadrunners used Riverview for 200-300 people to run. The road was basically closed due to people and parking.

Northeastern York County Sewer Authority – David L. Naylor asked if the authority knows the township building is no longer the polling place for the township since they are changing their next meeting date and note that it may need to be held at the Mt. Wolf Borough building. Terry R. Gingerich will check.

Zoning Officer – school district feasibility update with EI Associates

Public Works Director – no questions

Recreation Board - no questions

**Bids:**

- Line painting low bid PSX Inc. of Kennet Square \$140,659.00 \$3,380.00 alternate 9 municipalities Steven H. Gross, Jr. motioned to award, Barry E. Rudisill seconded and motion carried unanimously

- Highway materials aggregates low bid Codorus Stone David L. Naylor motioned to award Barry E. Rudisill seconded, carried unanimously

- Equipment bid-road maintenance equipment

Emory Peters was only bidder on equipment and Wilson Paving on road widener and milling machine. A motion by Barry E. Rudisill seconded by David L. Naylor was carried unanimously to award.

- Paving - low bid Kinsley DN motioned to award Steven H. Gross, Jr. seconded and carried unanimously.

- Emulsion - David L. Naylor motioned to award to low bidder Stewart and Tate Steven H. Gross, Jr. seconded and carried unanimously.

- Mowing - currently have Clippers Lawn Care who are second lowest bidder. A motion by Barry E. Rudisill to award to low bidder ProLawn of PA was seconded by David L. Naylor. David L. Naylor asked if not satisfactory work can get out of? Terry R. Gingerich answered that can happen and they do have 5 days to provide bond.

Motion amended to included award to next lowest bidder should ProLawn not provide bonding. Motion carried unanimously.

### **Supervisors Comments**

Steven H. Gross, Jr.

- was a bit concerned when article in newspaper indicated there is only a \$19,000.00 fund balance, he can see where that is not a concern – funds are available.

- 9:00am 4/18/08 road inspection

David L. Naylor

- update on material specifications for traffic signals. Byron Trout indicated yes this is on list as well as other information

- Gut Road, making provisions for gates, talk to Norfolk Southern

- newsletter publication, Terry R. Gingerich will do at convention

Barry E. Rudisill

-inform owners of N. George Street property (SADG-II) He motioned to send letter on building demo, Steven H. Gross, Jr. seconded and it carried unanimously

- Bixler easement letter

- Byron Trout's expenses billed? Terry R. Gingerich explained they are billed out to escrow accounts

### **Bill Approval**

A motion by David L. Naylor, seconded by Barry E. Rudisill to pay all bills was carried unanimously.

**Public Comment**

- Joel Klinedinst mentioned that on Fourth Street, the dirt behind curbs needs completed
- Dave Bloss asked about the Board Road widening for Willow Springs project  
There is right-of-way on plans for widening on both sides mostly on Poole tract.

9:10pm motion to adjourn meeting and go into Executive session

Respectfully submitted,

Terry R. Gingerich  
Township Secretary/Treasurer/Manager