

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
MAY 13, 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 7:05pm.

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

Steven H. Gross, Jr. disclosed that the Board met on the 18th and 30th of April for road inspection and with the school district for resolving the issue with Board Road

The minutes of April 8th were approved with the following corrections by a motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously:

page 3, SN should be David L. Naylor

page 5, s/b Dave Gentzler

page 6, typo Dave

Note: have Keith Gillespie letter from road inspection and will add to 4/18 notes

Public Comment

Jim Spangler 41 Acorn Drive problem with erosion in front of his property since sewer put in. 4" soil was supposed to be placed on top, but is not. He has spoken with Terry R. Gingerich about this and has tried to build a small berm to redirect.

Terry R. Gingerich suggest bad dirt be removed and good soil placed back per Dave Gentzler's report when he looked at and agreed that only dirt that was excavated was replaced. No topsoil was placed.

Discussion continued on condition and possible solutions.

Terry R. Gingerich will check with Dave Gentzler on speaking with Tom at Northeastern York County Sewer Authority to see if they will take care of this.

Barry E. Rudisill believes it is certainly their responsibility to take care of and to give them a chance to do it.

May 19th is the next sewer authority meeting per James Coble.

Terry R. Gingerich will call Mr. Spangler Thursday after checking with Dave Gentzler on speaking with Tom Beakler about this.

Steven H. Gross, Jr. invited Mr. Spangler to come back if concerns are not addressed.

Dan Lightner - Canal Road water problem

Steven H. Gross, Jr. stated it has been looked at and an estimate received.

Mr. Lightner commented there are 5 driveways across street that are contributing to the problem by enlarging and/or paving their driveways and for the last 4-5 years he can see his yard is becoming a wetland and cannot be mowed

Steven H. Gross, Jr. – we looked at during road inspection, just got numbers on cost today, we were told you did some work there

Dan – I got upset and pushed dirt up toward the road, I'm not allow to do anything to the road so I just pushed up dirt in front of my house to stop it so it goes down my driveway, it comes down my driveway no matter what.

Steven H. Gross, Jr. - If we do anything with curbing or anything it is still going to end up in your driveway

Dan – Curbing can be taken across my driveway – a bump across driveway. I'd be ok with that to take it down to the culvert and then I spoke to Dave and we want to add 40' to that drainpipe. I already talked to the neighbor and got the ok with him. I want to push the water to the property line. It has to go down to that valley. I want to fill that bottom yard in so the pipe needs to be put in so the water goes down to the gully, should run pipe whole way to creek

Barry E. Rudisill – I'm looking at the estimate, this is a lot to digest in a short time. What about addressing other side of road. If all that water is coming out of these driveways, what can we do to contain it on that side of the road rather than having to come across and impact him? Try to retain water on the opposite side of the road along there so that would only fall from the point of Griffith's driveway to Conewago Creek Road, it does fall that way doesn't it.

Discussion continued.

Terry R. Gingerich biggest problem the driveways have been there for years now would require pits for a new driveway.

More discussion.

Dan - over years got worse, used to be able to mow bottom yard, now up to ankles

Steven H. Gross, Jr. – while reading this estimate, if think if we can do work for less than \$6,000.00 I think we should do it, so moved

Barry E. Rudisill - cost of pipe is not on

Byron Trout asked what size pipe

Dan – 2 foot and I bought the last 20'

Byron Trout – last time he bought pipe it was \$8.35 foot

Terry R. Gingerich thinks there is 24" in maintenance building

David L. Naylor - agrees less \$6,000.00 - do it, seconded motion

Steven H. Gross, Jr. – that is within the estimate Dave worked on, have to understand it is not going to happen overnight. I know we had a lot of rain over the weekend, you got frustrated, pushed your grass over, but we can't just, I know you were here last month, we had to look at it, we have to get estimate, this is the way we have to do things, I don't want you to think we ignore your problem.

Terry R. Gingerich – there's going to be another problem if you add onto the pipe that's there now you are going to have to fill in more in his yard.

Dan – If you guys want to bring the dirt in – I'll bring the dirt in too

Steven H. Gross, Jr. – we can't commit to a lot of extra dirt other than what is already on the plate – our cost estimate here.

Byron Trout was just contacted by contactor doing work in Conewago Heights who is looking for place to dump some material; supposedly it is what they are digging out of the trench for storm sewer.

Terry R. Gingerich – another problem, neighboring property could be affected by directing water onto property

Dan is going to stay on his property, the pipe would stop on his property and he will make a bank there, he has talked to neighbor and neighbor is ok with this

Steven H. Gross, Jr. called for vote, which was unanimous to complete work not to exceed \$6,000.00

Subdivision and Land Development plans- none

Special Request

Michael Altland-York County Men's Soccer League requesting use of PPL fields for June - August

Steven H. Gross, Jr. asked if he attended recreation board?

Terry R. Gingerich mentioned that Ken is aware of this request coming up.

Michael explained reason, they are late usually use Rudy Park – it is filled

Steven H. Gross, Jr. -do you interfere with NEYSA?

Michael - asking every Tuesday and Thursday

Barry E. Rudisill – Ken and recreation board should have final say. We can give our blessing but if they have problem, they have say.

David L. Naylor - not want to pass buck have told recreation board they have say on this. Do you pay a fee?

Michael - yes

Barry E. Rudisill - as long as they resolve their issues should be ok

Terry R. Gingerich should have Ken contact Mike and NEYSA to see when they are utilizing fields

Michael - 12 games from June through August

Steven H. Gross, Jr. commented that fields should be utilized

Michael asked if goals and nets are available? He has paint for lining.

Terry R. Gingerich will have Ken Dunbar contact Michael to make arrangements.

Solicitor's Report -Attorney Andrew Miller

Highlighted action items

- § Joint bid for road materials and traffic signal agreement – the 1997 ordinance was broad enough to cover joint cooperation, just need a resolution approving joint bidding for road materials with Springettsbury Township 2008-5.

David L. Naylor motioned to adopt **resolution 2008-5**, Barry E. Rudisill seconded and motion carried unanimously.

- § Traffic signal cost sharing agreement with Manchester Township for Willow Springs and Board Road. This again refers to the same ordinance, you'll see at the bottom of the page, you should have a copy in your notebooks, the whereas clause refers the East Manchester's ordinance and Manchester's ordinance and given that I think a motion from the Board to approve the agreement will be sufficient. I don't think we need any additional resolution. The cost share will be 1/3 to Manchester Township. East Manchester Township will bill them and they would reimburse in 30 days.

Steven H. Gross, Jr. – This is for operating costs after developer has put in?
Attorney Andrew Miller – that's right the developer will be installing, this is for the ongoing operation and maintenance expenses and we have in there specifically including without limitation insurance, electric, and associated signage and road markings whether located in Manchester or East Manchester. That would also include line painting.

Steven H. Gross, Jr. asked if there was a construction timeline?

Terry R. Gingerich permit for traffic signal was approved.

Barry E. Rudisill motioned to adopt the agreement David L. Naylor seconded and it carried unanimously

- § York County Hazard Mitigation plan • FEMA approval of the County's plans 1/17/08, East Manchester Township has one year to approve and get into place by adopting a resolution. Have option of joining the county plan or creating own.

Byron Trout commented that the 564-page plan does have projects for East Manchester Township included in overall scope of plan. 3 projects were submitted.

Attorney Andrew Miller added that the Gut Road gates would have been an opportunity to apply for grants through this plan. Terry R. Gingerich reported this has already been taken care of

Barry E. Rudisill asked if any disadvantage if not take now

Attorney Andrew Miller – not really

Barry E. Rudisill would like to see adopt before put on back burner and forgotten

Resolution 2008-6 for Hazard Mitigation plan adopted per motion from Barry E. Rudisill, David L. Naylor seconded. Steven H. Gross, Jr. - hesitate to adopt something we have not read, rely on Byron Trout and Attorney Andrew Miller comments and advice. Motion carried unanimously.

- § A more concise breakdown of what needs to be done for township to comply with new open records law. He has a timeline to be ready for the effective date of January 2009. Designate an employee as open records officer. A department secretary was just appointed. Forms are being created and distributed. Continued discussion and explanation on public records and law. Start thinking about the appointment of the open records officer.

David L. Naylor asked if that person and staff needs to be trained by January 1st. Attorney Andrew Miller answered that is correct.

- § Cell tower at NERPD collocation issue – spoke with Chief Albright and got a copy of the lease, there are no provisions in lease for additional fees for collocation. He spoke with a representative of Hirshfeld, and they sent a letter back refusing to negotiate the fee issue. Under the lease agreement there are three separate places where it says they do not need the township's consent to get the zoning approval and they are appointed agents of the township and he is not sure.

Steven H. Gross, Jr. stated that the township never appointed them agents.

Attorney Andrew Miller - The police board did. It's a question of how much of that and usually that lease agreement goes with the land. Now the power of appointment may be somewhat different – that's not a right to enjoy and use the land. Either way, I think it's a Zoning Hearing Board issue for whether or not they have a proper application in front of them. They are not here to request any signature tonight.

Steven H. Gross, Jr. – since last meeting, the research indicated rent of \$880.00 month Attorney Andrew Miller's research indicated and average rent of \$1,200.00 -1,500.00 month

Steven H. Gross, Jr. – I wanted those numbers verified because I do think the police lease is under fair market value and as representatives of the public it is in our interest and we should in my opinion try to negotiate a little higher especially when they are coming in and doing something else. Every year when they do the police budget everybody complains about what it costs and here we have a chance, and it's not going to be 10's of thousand of dollars but every little bit helps. And here is an opportunity where that board should take a strong stand even if they only get \$3,000.00 or \$4,000.00 a year. I'm not happy about this they move ahead and collocate and do not increase rent, I think that is very wrong.

Attorney Andrew Miller - The justification for the monthly payment, so the rest of you are aware of this, that I was given by Hirshfeld is because the police department gets to put something up there for free.

Terry R. Gingerich – when the cell tower was installed it was agreed upon that the fire companies, the sewer authority, and any emergency operation could utilize that tower including the township.

Continued discussion on use and lease provisions.

Steven H. Gross, Jr. has seen cell tower leases where there is provision for additional fees for collocation and compensation to whoever is hosting. We are not out of line to ask.

Attorney Andrew Miller - I don't think because they have the consent in the lease agreement already, I'm not sure, it would be one thing to negotiate with them and another to try to appear at the zoning hearing board and stop them from their application. Negotiating with them is somewhat different because, I'm not sure how you are in breach of the agreement if they have the right to proceed without you. The fact that they are coming here voluntarily is their decision I think and their action. So my only concern would be that if you were held in breach of, and I think what you have to be aware of, if they did go after you for breach of contract it would be because they lost the Shentel contract to collocate and their damages would be the value of that contract to them so depending on what that contract is worth you could be talking sizeable damages as a result of that. That's completely besides the point of whether or not you would actually be in breach or anything like that. I'm just putting that out there for your awareness of what potential damages would be alleged. But obviously they are not here tonight and they haven't sent any correspondence asking for any further action.

Steven H. Gross, Jr. – they only sent us that letter scolding us.

Attorney Andrew Miller – They sent the letter saying they wouldn't change the rate structure, I don't think there was anything in there requesting anything other than that.

Katrina Rife explained that there is an application that is signed by someone other than the leasee (Hirshfeld) and the property owners (municipalities), she asked who's signature is necessary to show the Zoning Hearing Board a properly filed application.

Attorney Andrew Miller believes Hirshfeld's signature would be adequate because they lease that portion of property, but that's, and there's a couple of sections in the lease that says they are designated as a agent of the municipality to prosecute those zoning applications. I think that's a decision for the Zoning Hearing Board to make. That's an issue that may be raised with the Zoning Hearing Board when the application is in front of them. I think the application should be put in front of them and let them make the decision whether or not they are going to hear it and move forward with it on that issue. Typically, the applicant has to prove they have the standing if they can bring the application in the first place if it's an issue.

Terry R. Gingerich asked if the Zoning Hearing Board Solicitor should have a copy of that agreement.

Attorney Andrew Miller – yes if they are on the agenda for that meeting.

Steven H. Gross, Jr. – It would be their obligation, not ours. If we do, it would appear that we are taking a position and we are not doing that.

Steven H. Gross, Jr. - agree to not attend the hearing and take a stance against it

David L. Naylor let's regress back to open records law - will you remind us that it is pending? I don't want to wait till October or November to do this I'd rather do it early.

Terry R. Gingerich – it will stay in notebook

Attorney Andrew Miller will keep on his agenda. The timeline will be dictated by when forms are released. It should not be a big change.

Terry R. Gingerich – It does open up more records.

More explanation given by Attorney Andrew Miller.

§ Review of Zoning Hearing Board application by Vas-Land for phase 4 creation of additional lot – variance was denied.

One issue that still needs to be addressed with phase 4 of Chestnut Valley – if you remember, back last summer they were in front of the Board about crating a HOA and units and we were going to review the homeowner's documents and review a revised plat that they were then going to record. I reviewed the HOA documents and they made the changes that I requested and they got us a revised plat that we reviewed previously and Katrina and I looked at it again tonight. In the meantime they filed or started the proceedings with this zoning application on these other lots and we held off on doing anything with the homeowner's documents because if they created an additional lot it would change the plat again that they would have to be filing. I don't think it's likely that's going to happen now, given what their application was, and that the Zoning Hearing Board decided against them at this level.

Steven H. Gross, Jr. asked if there is an appeal.

Katrina Rife commented that Mr. Bashore gave no indication of any kind of intended action.

Attorney Andrew Miller – they have 30 days to do that and the decision was just rendered so we won't know for another month. Even if they would appeal, I think it's fairly unlikely, after I saw their actual application, and they didn't change anything in the

hearing I don't think, they went for a straight variance and tried to argue for a hardship and what it really came down to was their engineer had the opportunity to create that lot prior to the final plan being approved and just simply failed to do it, I mean it was an oversight on their part. I think it is going to be virtually impossible for them to win that appeal, so I don't think there's a high likelihood that issue will come up again and even if it did the homeowners agreement or the plat could be revised again to reflect an additional lot if it would have to be, it's not ideal but it could be done.

What concerns me is what Katrina found out this week is that someone got a deed to lot 308 that referenced unit 308 from the existing homeowners document that were recorded. Katrina and I were looking at it tonight, and I don't think because of the way the lot lines are shown, it doesn't have a meets and bounds description of the lot. I think that underlying lot, now unfortunately the owner is not really aware of this or aware of what actually took place here, but that lot I think is or even the way it's described in the deed, it just references unit 308 as shown on the plat. If you look at the plat the actual lot lines – the double dash lot lines are the same as they were on the subdivision plan, so I think unit 308 and lot 308 are the same thing, there's just a common area easement for the stormwater pond over half of that lot. He thinks he has a ½ acre lot; he has the whole acreage of the lot according to the plan. I don't think his deed changes that. The bottom line though is, I think it would be a good idea now to get that revised plat recorded to correct the other lots before anybody would deed away any of those lots.

Steven H. Gross, Jr. – You think this lot owns the whole stormwater.

Attorney Andrew Miller – I think he owns the underlying ground, I think the HOA has the obligation to maintain the stormwater. I think the issue that came up that may be the big issue here is what Katrina raised is who maintains the sidewalk along that stormwater pond and that may be because I am not sure that the sidewalks are maintained by the HOA and a lot of times they are not. If they are not then that responsibility is going to fall on him and I think that's the way the township should look at it. If he has an issue with that or an issue with the way the deed was done, then that's going to be to a degree somewhat of a private issue with the developer. Before anything like that happens on 71, and the other lots that were involved with the easements, it would be a good idea to direct them to go ahead and record that. I don't know, we didn't have them back in front of you and I don't know when they were here last summer whether you expected them back in front of you to formally request approval of those documents.

Steven H. Gross, Jr. – I thought it was just to meet your approval. We can look at the minutes.

Attorney Andrew Miller – ok, Byron have you looked at that revised plat.

Byron Trout – no I haven't

Attorney Andrew Miller – I think we should have Byron look at that as well and make sure everything conforms to the prior plan and then direct them to go ahead and record it. The assessment office is carrying that parcel number as an entire lot, so they are not carrying it as anything less than the entire lot although their acreage says .5 acres, which I think is the portion which his building lot is on and is the amount he is assessed for because the rest of it is easement and he wouldn't be paying tax for. If there are no other questions we will finish reviewing that plat and direct them to get it recorded.

§ Terry R. Gingerich – The fee simple deed issue, we never resolved that from last month, I brought up the issue of whether we should have a fee simple deed drawn up for every one of our subdivision plans when they are approved.

Attorney Andrew Miller – you mean with the right-of-way? I think what we talked about was what they can do, the township doesn't want fee simple right-of-ways because that would mean you own everything outright –have all the maintenance responsibilities and everything, you can require them to do a deed of dedication with their plan although typically the deed of dedication is not done till all the roads are turned over and the township would accept that right-of-way.

Terry R. Gingerich – I'm concerned about this issue more so on state road right-of-way than I am on township road right-of-way. Because of the issue we just ran into with Board Road

Attorney Andrew Miller – Have they had any issues with their HOP?

Terry R. Gingerich – We did a fee simple deed for them that was turned in to PennDOT. However, that could become an issue with property owners in the future and that's why I want to make sure we don't run into that issue in the future

Attorney Andrew Miller –you can show that land as dedicated on the plan, but if you take a fee simple deed to that land now, it's the townships no matter what happens in the future. The other thing that's not certain I what PennDOT, and I think we all agree that what PennDOT is doing doesn't make any sense, and that hopefully will change in the future. If you start taking fee simple deed now that's something that you can't necessarily undo in the future, you are going to own that land outright now and you are going to have maintenance responsibilities and everything over it so I don't know that doing fee simple deeds outright at this time is the best solution to that but certainly showing it as a dedication of that right-of-way in the future I think is still the best way to handle it.

Byron Trout – I agree that we go with a deed of dedication but not to PennDOT, to the township.

Attorney Andrew Miller – right at the time the right-of-way is dedicated and the township accepts to do improvements and up to that time shown on the plan to be dedicated.

Terry R. Gingerich – I understand we have the dedicated right-of-way on every subdivision, the issue that I'm concerned about is those property owners that own those property along that state road could come back and want a fee for that additional right-of-way, although it does show on the plan, and that's what they were concerned about on Board Road

Attorney Andrew Miller – right, well, with the streets, if you are going to get a deed of dedication you would almost have to do it then at the time, if those are lots, like what happened on Board Road. We were able to do it after the fact along Board Road because the offer of dedication was there. We could do a resolution accepting that dedication, there's no requirement and what the second-class township code says is if it's not shown on a plan – you've got to have a deed of dedication. If it is shown on a plan, you can accept that dedication by resolution. So there was no need to go back and get the additional deed when that was done. That's not an ideal situation and I think we've also run into the situation with Schreibers where the right-of-way requiring that dedication of right-of-way is a condition on a plan that if a need for that expansion is

not there at the time you require the dedication, the question of whether that is a taking from the very beginning regardless of these other issues whether you do it as a fee simple or a deed of dedication. I don't know that there is a fail safe answer that would apply across the board everywhere, I think as these right-of-way come up on plans, we should try to address it.

Terry R. Gingerich- Is there any way we can protect the township through a note on the plan?

Attorney Andrew Miller – yes, I think we talked about that last month, making sure there was a note on the plan regarding the dedication of that right-of-way. Actually, what the note would say is requiring dedication of right-of-way is fee simple if required to the township

Terry R. Gingerich asked for a note to be made for this.

Attorney Andrew Miller answered yes and if there are any plans coming up where this is an issue.

Terry R. Gingerich – not yet but want to be sure it is taken care of before it is an issue

Steven H. Gross, Jr. asked Terry R. Gingerich if other townships are doing this or what are they doing?

Terry R. Gingerich explained that some of them do dedicate the right-of-way along a state road and have not run into the maintenance issue. He has been asking at state convention.

Engineer's Report - Byron Trout

§ Garrod Hydraulics Penn DOT was approved subject to posting surety letter \$27,626.00. Terry R. Gingerich reported that the bank will float that bond - should have within week

§ HOP SADG (Giant) met with TRG twice; this permit is just for improvements, does not include traffic signal, that permit can be submitted after this work is done. Beshore School Rd work not affected since it is not a state road.

Township is permittee with PennDOT and they are requesting to sign application.

Steven H. Gross, Jr. asked if the issue with Mike's Service Center garage was ever resolved. There were lengthy discussions about it but was it resolved?

Terry R. Gingerich – no we didn't

Barry E. Rudisill – It's going to be an issue.

David L. Naylor –It certainly is and another issue that I don't want to forget. – the battery back-up for traffic light at Beshore School and N. George St.

Byron Trout – already included

Barry E. Rudisill - what kind of backup, what kind of reserve power, Dave talked to them about a generator

Byron Trout - talked about generator type system

Barry E. Rudisill – I don't think Dave is in favor of that type back-up, when I talked to him this week, he thought that is what was being proposed

Byron Trout – what is being proposed is the battery back-up, the generator back-up would be something in addition to

Barry E. Rudisill – I don't think he is aware of that and in my conversation with him, he thought the gas-powered generator back-up was the system they were going to go with;

he had some issues about that and I understand that and I told him I didn't think that was going to happen, you may want to talk to him about that.

Byron Trout – that's fine, the battery back-up will be installed as part of the plan. The generator was discussed and the base needs modified to be able to hook-up.

David L. Naylor – ok, now back to Mike's Service Center. Is that constructed in the right-of-way or prior to right-of-way?

Terry R. Gingerich right-of-way in existence since 1930's, 33' at that point

Bob Nace - 1964 addition on Mike's

David L. Naylor – It was constructed in the right-of-way, and I don't think we want sidewalks going to nowhere.

Barry E. Rudisill – I agree, we need to pursue because we are requiring developer to install curbing and sidewalk along that side of street to George Street

Terry R. Gingerich – how do you want to handle that?

Agreed to have Attorney Andrew Miller handle in a positive, firm way

Byron Trout suggested remove just 1 bay – rest looks like storage

Barry E. Rudisill –for the record, I remember when he proposed the new building, there was a verbal agreement when the new building was complete the old building would be removed, but as far as I know, and Terry's researched it, the minutes did not reflect that.

Terry R. Gingerich - Minutes actually say as long as that building is being used, it could stay in place.

Barry E. Rudisill – I remember being at the meeting when he said he would remove that building.

Terry R. Gingerich agreed.

Terry R. Gingerich - Board Road section between Beshore School and Willow Springs for sidewalk, utility pole in way, will move sidewalk back and go behind pole. That's the only location where that is a problem.

Barry E. Rudisill asked about right-of-way for sideway in front of the Wilber Craley property

Terry R. Gingerich - not sure, discussion continued

Steven H. Gross, Jr. – Do we need a formal motion, Andy, do we need a formal motion or get a general consensus from the Board about the intersection of Board Road and N. George Street and the buildings, do we need a formal motion or.

Attorney Andrew Miller – I don't think so I will have to research if that is under zoning or right-of-way obstruction or exactly where that would fall, so I don't think that a formal motion is necessary right now.

- § Northern Heights inspection phase 1 and phase 2 portion for street adoption of Brendan Mews and Bryn Way, comments were given, one issue with application of final wearing course to Brendan Mews, which is primary entrance - will still have construction traffic on it. An 18-month maintenance bond is in place, concrete trucks would be worse for future work on wearing course.

Steven H. Gross, Jr. – It looks like it is a pretty long punch list.

Byron Trout – overall it is not that bad: no street repairs, sidewalk sections to be repaired, typical comments, topsoil work, basically has to have everything done before

August meeting for adoption, letter of May 9 has not been sent yet, although contractor was involved with the walk thru.

The other issue of curbing - Dave Gentzler and Byron Trout's opinion cosmetically repaired at least in 4 areas and are flaking, should this be repaired or torn out?

David L. Naylor – knowing the past history on this I would not adopt any streets, release any bonds until Byron Trout is 100% happy?

Steven H. Gross, Jr. – you need to do everything to the letter given the history

Byron Trout – ok I will modify this letter and say anything cosmetically repaired needs replaced.

Steven H. Gross, Jr. suggested wearing course for Brendan Mews from intersection of Bryn back be put down.

Byron Trout did not like this option due to joint.

All agreed to wait on wearing course till construction complete.

Byron Trout commented that typically wait till 70% completion; agreed.

David L. Naylor asked if water diversion berms on street would stay

Byron Trout - will be removed, was a requirement from YCCD

Barry E. Rudisill asked about Long Road improvements

Byron Trout – part of phase 2 and 3

Barry E. Rudisill – that's a major issue

Steven H. Gross, Jr. – especially since we looked at the wall down there

Terry R. Gingerich on another issue, a sewer authority metered manhole sticking out of ground 3' by his property along N. Sherman Street, he spoke with Tom and he suggested to contact CS Davidson

Byron Trout –has spoke with John Leen of CS Davidson about this

The emergency access is still problem, the neighbor has water problems from this

Barry E. Rudisill asked about storm water review for lots

Byron Trout explained that each lot submits grading plans following the approved plan.

They have met with C&F and spoke about a couple of concerns of those lots during the heavy rains. Surety bond will be held until satisfied.

Discussion continued

- § Next 3-year cycle for Community Development Block program due next month. Looking at 4 projects - Wago Rd improvements, Saginaw Park fencing, MS 4 mapping, and Saginaw drainage improvements.

A resolution listing 4 projects is prepared. Two requests are being made; approval of the resolution and to get additional points for financial contribution from municipality.

Resolution 2008-7 adopted per motion from Steven H. Gross, Jr., seconded by Barry E. Rudisill and carried unanimously.

- § Stormwater easements for SADG-11 will need to be recorded prior to plan recording

Attorney Andrew Miller asked how close are they to recording the actual plan.

Steven H. Gross, Jr. asked Katrina Rife about the recording and the demo of old house. Katrina Rife – HOP and stormwater are the biggest issues to be satisfied prior to recording – should be about 60 days out.

On the farmhouse demo – is expected to be down within month, they pulled demo permit when the pulled vanilla box permit for former Food Lion.

§ Steven H. Gross, Jr. asked Byron Trout on any additional correspondence for school district engineer. He is waiting for contractor to give estimate on school district, nothing seen or heard. Terry R. Gingerich also has heard nothing from them.

§ Terry R. Gingerich asked about another issue from last month; the right-of-way across from Musser Manor at 2 Bixler properties - neither will agree to allow encroachment, which holds up the HOP application.

Discussion on the plan for Musser Manor and outstanding issues. There are stormwater issues. The tract for the proposed townhomes is for sale.

Correspondence - none

Manager's Report

§ Northeastern York County Sewer Authority - Steven H. Gross, Jr. asked Jim Coble about the minutes where it refers to reserving capacity. He explained that they are on nutrient overload. They have volume capacity but with new EPA and DEP guidelines and requirements, they are dealing with nutrient overload. Steven H. Gross, Jr. noted the paragraph on reservation fees, it talks about capacity to township, is this only to the township? – Jim answered that it applies to any area served. Any tap-in will have to be reviewed to see if do have capacity; reservations are going to become more important. A plant upgrade will lower the nutrients. Steven H. Gross, Jr. commented that he understands the flow and nutrient capacity, but asked if it is known how far out do you see this capacity issue and being reserved. Jim explained that any request would have to be addressed and approved before tap-in. In future, if want to make sure will have to make reservation and if determined nutrient overload and a way to obtain credits - can be approved. Fairview Township announced they will not upgrade but will buy credits. Northeastern York County Sewer Authority is looking at no cost credits. Jim explained that any connection request would have to be reviewed. Katrina Rife asked how existing tracts are affected. Example, Smith Gardens where the home and its adjacent lot are for sale. Calls to the township asking if they buy both properties – can they build on the other one. They have been told should be able to build in an existing development with public utilities. James – they will have to apply. Barry E. Rudisill – first come first served basis? There are a lot of people who I'm sure are anticipating some development that may not happen because they can't get EDU's. Katrina Rife – so my answer to those properties that have area serviced is to go to the sewer authority and see if you can connect. Jim – they will have to do a reservation.

Terry R. Gingerich – we had the same issue back years ago before the plant upgrade
Jim commented that back in 1987 there were no connections until the upgrade.

David L. Naylor –I understand different rates in different zones but do not understand different tap-in fees. In Manchester Borough it is \$1,200.00 but a few feet down the road in East Manchester Township it is \$1,800.00. Why is it different?

Jim – because of the intermunicipal agreement that was adopted, it all goes back to the intermunicipal agreement. As the basis for that was that Manchester, Borough and Mt. Wolf Borough as well as Smith Gardens had basically already paid for the collection lines. The new areas are being charged a higher fee to pay for the collection lines as well as the initial plant plus operating expenses.

Terry R. Gingerich added that some of it was because of the bond issue.

David L. Naylor – no disrespect, but to me that is double dipping, I am already paying a higher rate - I'm paying for the lines

Jim – you are paying the rate to pay for the collection lines and the operations in the plant. Manchester and Mt. Wolf is paying for plant expansion and operating expense.

David L. Naylor –ok, but I'm also paying a higher rate to help pay again for the lines for the tap-in fee. Because in my simple mind all tap-in fees should be the same.

Discussion and explanation, but it all goes back to the inter-municipal agreement.

Attorney Andrew Miller also explained that the Municipalities authorities act governs.

Jim gave a brief overview of the history and costs.

Steven H. Gross, Jr. asked about connections of any upcoming homes in Rentzel Heights where the lines are already in place and about the plant upgrade.

Jim reported that the Authority is progressing with plans for an upgrade.

Discussion on request for better communication and note that when decisions are made let township know. It is important to be knowing and giving same information.

Street repair to overlay Saginaw streets - letter from John Leen including Oaks \$48,491.52 Authority contribution and an additional amount for manhole risers. Dave talked to Tom about that. Tom and John agreed to pay for the manhole extensions.

Barry E. Rudisill – In talking to Dave, Terry, he is also concerned that there is a certain amount of labor involved with installing those risers and on these manhole covers and that's not, and the last I talked to him it was not resolved.

Terry R. Gingerich – He told me they just sat inside the existing ones, there shouldn't be too much labor involved.

Barry E. Rudisill – the way I understand his explanation to me was they paved over the manhole and then they had to manually remove the manhole to set the ring and then they had to recap the ring to put in place.

Discussion continued on the process and method to complete the job.

Byron Trout and Dave Gentzler to review with John Leen for acceptable costs - ok.

Terry R. Gingerich to find out about labor for riser

Barry E. Rudisill – a lot of money, why need answer by 19th

Jim Coble - like to be able to know financial end and get settled

Terry R. Gingerich - Come to us before project

Barry E. Rudisill expressed he is not comfortable with loose ends

Steven H. Gross, Jr. –upon review of numbers by Dave & Byron, if acceptable ok if not come back next month

Terry R. Gingerich commented that \$27,000.00 was received from York Water Company for Second Street from Locust to their pumping station – that makes these numbers for the entire Saginaw look sick.

Byron Trout – numbers look low, until talk to Dave Gentzler and John Leen can't give an educated guess – is it ½" or 3" material, giving prices for ID - can't use ID, have to use Super Pave which is more expensive than ID

- § Zoning Officers – one continuance of hearing for May, nothing for June yet. Lack of concrete markers creating issues on property line problems and disputes. Zoning officer's opinion that occupancy contingent on markers installed where applicable. Terry R. Gingerich and Byron Trout agreed, how do you check building setbacks for structure
- § Public Works Director - no questions
- § Recreation Committee – no report
- § LGAC – no for RSVP
- § Northeastern York County Sewer Authority -
- § EMS donation – Steven H. Gross, Jr. will meet Wednesday
- § York County Parks Christmas Magic letter - second week of December to sponsor. Motion by David L. Naylor to let up to discretion of manager. Terry R. Gingerich reported it was second week of December last year, so stay with second week. Steven H. Gross, Jr. seconded motion and it carried unanimously.
- § A motion for authorization to sign HOP application for N. George Street for SADG-11 was made by Barry E. Rudisill, David L. Naylor seconded for manager to sign was carried unanimously.

Supervisor's Comments

Steven H. Gross, Jr.

- prior discussion on OSHA, current issue in Township News currently exempts townships from OSHA
- did township really sell \$1,400.00 trash bags each quarter, Terry R. Gingerich explained that is correct and the money goes back into that account, not petty cash

David L. Naylor – no additional comments

Barry E. Rudisill

- Gut Road gates - Terry R. Gingerich reported railroad approved and PPL needs approval to make gates, railroad also said high water can't access anyway – they don't want a key because if the road is flooded they don't need to go there.
- stormwater problem on Steamboat Blvd. - Byron Trout answered York County Conservation District said it is a Township issue since they have closed out their permits. The drainage swale has washed out 4-5' and sediment is filling culvert, have asked them to fix, now have Attorney Andrew Miller write letter

- Record Club outside storage – past the point of working with them, need to pursue
 - Mundis Mills – brick part of mill has freestanding brick wall adjacent to road that may be a potential hazard. What are owners doing? A permit as obtained for new roof and the structures are planned to be maintained. Discussion continued on comments from Jeff Snyder to Terry R. Gingerich about possible intentions. Barry E. Rudisill and Steven H. Gross, Jr. agreed that any structure not being torn down needs supported.
 - rear of Harley facility - access road blocked, Terry R. Gingerich will set up meeting with the manager and include lights
 - code books - Terry R. Gingerich here and have covers from before, needs reviewed and make decisions on recommendations
- Katrina Rife suggested police officers be include in code enforcement especially for violations that incur outside the Monday-Friday 8-4 work hours
- Kohler Animal Control bill - are we passing charges along to pet owners? Terry R. Gingerich answered that we can't. We do get a credit for \$25.00 fee for the charge that he is allowed to charge by law.

David L. Naylor – check on Penn Waste plan regarding shoot coming out to dumpster

Steven H. Gross, Jr. – letters for sidewalks along Beshore School Rd and Industrial Park. Terry R. Gingerich has heard nothing. Kinsley is working on the Industrial Park. Send follow up letter via certified mail.

David L. Naylor motioned to pay all bills; Steven H. Gross, Jr. seconded motion that was carried unanimously.

Public Comments

Bob Nace on an issue in Chestnut Valley - Board Road condition has no wearing course, drawings state finished with phase I although agreed to wait for gas company cuts. There is no building along Board Rd at this time. It has been a long time to live with.

The macadam ramps at end so cars scrape and the stormwater is above grade. Water and silt accumulates. The development street that are done and are nice, been long time for existing residents to not be complete.

Consider request to require finishing of Board Road from Frank Strang's property to model home at corner of Board and Payne Drive when more paving in Chestnut Valley. All agreed that request is reasonable and have been inconvenienced long enough.

Byron Trout suggested Orchard Glen at Smith Gardens be included.

Steven H. Gross, Jr. instructed Byron Trout to write letter.

Motion to adjourn at 9:57pm by Barry E. Rudisill, David L. Naylor seconded.

Respectfully submitted.

Terry R. Gingerich
Secretary/Treasurer/Manager