

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
JULY 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. announced that the Board has not met since last month.

Minutes of 6/10/08 are missing the motion to pay bills that took place after Executive session, this will be added as an addendum per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

5/28/08 minutes were accepted per motion by David L. Naylor seconded by Barry E. Rudisill and carried unanimously.

Public Comment - no resident or non-resident

Special Request

- RCA outside storage

Peter Snyder-Mid Atlantic Pallet and Robert Glass-Sample Express presented a drawing of how they would like to position a fence in response to enforcement letter requirement of screening of outside storage. They are in a lease arrangement with the property owner, Mr. Sigmund Freidman and are subject to his approval.

Bob explained that it is their intention to comply, but to understand as the business owners it will be at their expense and they hold one-year leases with the landlord.

Their concept showed a 7" high fence running from the front of the building across the parking lot to the side line adjoining the vacant lot next to Kirby's with 2 openings for vehicle traffic. Pete & Bob are working with owner of building who wanted it that way.

Steven H. Gross, Jr. asked if staff was ok – it seems to be a good option. He also expressed that residents are bringing this to our attention.

Discussion was held on the question of the height of 7' being enough. Maximum height allowable is 10' and nothing is to be piled higher or visible than the screening.

Barry E. Rudisill asked why fencing that far forward.

Steven H. Gross, Jr. added that a big concern is that you can see side from George Street; something along the side should be included. The height can be agreed with but side is needed. Held discussion on side line being screened by natural buffer of trees and brush along most of the side.

David L. Naylor - basically we don't want to see from George Street

Barry E. Rudisill - necessary to include side fencing

Barry E. Rudisill -biggest concern 7' at highest – consider move back and include side

All agreed that a band-aid approach is not what is being sought.

Bob commented that they want to meet requirements and comply with the ordinances.

Pete added that the ownership of property controls what they do and that is why they are proposing something that would be acceptable and approved by Board of Supervisors as stated in the ordinance.

Steven H. Gross, Jr. suggested they re-think the proposed fencing and its location and may come back next month

Terry R. Gingerich - put tree line in drawing to give perspective

Steven H. Gross, Jr. - no gates seem ok

David L. Naylor -ok with that for Emergency access

Bob - rather have open and encourage police to have opportunity to look around

Steven H. Gross, Jr. – have determination of length along side by Katrina Rife

Katrina Rife asked what would be decision on enforcement; the dates will expire by next meeting.

Bob & Pete requested an extension.

Steven H. Gross, Jr. motioned to continue enforcement, but grant an extension of 45 days and determine side length and height, and not exceed height of storage. David L. Naylor seconded motion, which carried unanimously.

- Northeastern York County Sewer Authority

Stacy MacNeal, John Leen, John Klinedinst, and Tom Beakler were present to explain and discuss the bio-nutrient removal upgrades to existing plant

The initial plan was reviewed with staff with hopes to submit land development plan next month.

An application for special exception and variance was made for July's Zoning Hearing Board.

3 issues staff suggested are open for discussion and more input

- preliminary plan waiver – staff not opposed

- waiver from financial security requirements – similar to Saginaw project

- biggest issue street widening and sidewalks along Chestnut Street that continues into Borough of Mt. Wolf

Discussion on the issues: The challenges with the widening and sidewalks include the Norfolk Southern RR crossing, \$255,000.00 is an estimate of cost in township.

Terry R. Gingerich mentioned that in staff meeting they discussed township improvements and \$87,000.00 was a close number, which didn't require improving RR crossing. The next property up Chestnut Street is not widened. The existing curb would match, but widening was not planned from school down.

Stacey – sidewalks, recognize with new school will have impact and could expect students to walk. At this point, Authority is receptive to sidewalks from N end of property line to RR right-of-way of about 150' est. \$38,000.00 and the Authority is willing to pay for engineering and design of that.

There was discussion on applying for Safe Route To Schools grant, which carries a deadline. This would need municipal sponsors. Mt. Wolf Borough council would consider if township will consider - would need motion if intend to approach school district.

If grant is not available propose multi-municipal contribution to pay cost of sidewalk into Borough to the railroad right-of-way est. \$18,000.00.

RR issue is a concern might need future cooperation

Steven H. Gross, Jr. -if applying for safe routes grant why not include road widening?

John Leen and John Klinedinst both verified that walking paths and crossings are only eligible, Byron Trout also agreed.

Stacey also wanted to make it clear so all understand that the sidewalks would be installed at end of project to avoid damage to them during construction.

Discussion on issues - engineering designs of sidewalks over creek, think about if made part of existing bridge structure (township owned) dedicated to township, owned by township

David L. Naylor –township then responsible for it - i.e. snow/ice maintenance

Stacey – Authority would agree to shovel snow but not able to fix. Sidewalk would be on township structure.

Steven H. Gross, Jr. – I understand your preliminary plan request, go over financial, why you don't want to bond.

Stacey – Authority is financially solvent, able to raise rates if needed.

Steven H. Gross, Jr. - ok, just for public improvements bonding

Terry R. Gingerich - if streets not included, just sidewalks

Barry E. Rudisill - if application by end of month detailed plan of proposal

John Leen - sketch plan can be used for grant, this is an electronic grant application - no plans just need scheme out to figure cost - sidewalks on bridge a challenge

Steven H. Gross, Jr. suggested a meeting to view site.

John Leen – options for sidewalk over the creek include incorporating keystone block wall, raise and fill, or concrete wall, raise and backfill behind

David L. Naylor - multiple entities – If Borough portion of improvement is \$18,000.00 why contribution for that

Terry R. Gingerich - divided 3 ways

David L. Naylor - Why would we do that?

Stacey - Borough is outside township jurisdiction, they would not require improvements

Steven H. Gross, Jr. asked if a land development plan will be submitted to Borough

Stacey – previously waived submission due to no construction in Borough

David L. Naylor - sponsorship of grant application

John K explained 100% reimbursable grant of federal dollars, need lead sponsor - other entities can be included

discussion on sponsorship and granted continued

John K - October will know if approved for grant

Stacey – hope for September-October approval of land development plan if get grant

Steven H. Gross, Jr. asked of basic cost on project cost

Tom - 4.8 million

Stacey - because of this project, rate increases are possible, Authority is looking at any way to save money on this project

David L. Naylor -no shocker

Byron Trout - school district looked at safe route to schools, but did not apply, \$38,000.00 seems low for the funding

John Leen - look at RRX encourage what works

Byron Trout - look at also including Board Road for more attractive project with RRX

Terry R. Gingerich -check with school district - they have numbers and costs

John K - one shot at grant

Steven H. Gross, Jr. - have time to work on negotiations till construction

Charlie Rearick - when school connects high school and middle school, Hartman Street will not be useable, this will also add walkers to Chestnut Street

Steven H. Gross, Jr. – pending Zoning Hearing Board and not a lot of changes to plan, would be in favor of waiving preliminary plan and hopes Authority would not come back later to change

Stacey – if know getting waiver, don't anticipate changes

Steven H. Gross, Jr. – in favor

Barry E. Rudisill – is it expense or what is reason?

Stacey – compliance issue, waiver gives more time to meet DEP compliance schedule, which is very tight

Steven H. Gross, Jr. - all done correctly first time

Barry E. Rudisill – most etched in stone, final plan some changes one shot only

Terry Gingerich – copy of schedule in pressure on everyone to make sure accurate

David L. Naylor – ok with waiver of preliminary and no street widening, ok with motion to sponsor grant

David L. Naylor motioned to co-sponsor grant application for Safe Routes to School, to grant waivers of surety bond, preliminary plan, and street widening. Steven H. Gross, Jr. seconded for discussion on existing conditions and plans

After discussion, David L. Naylor amended motion to waiver surety, preliminary plan, and co sponsor grant, Steven H. Gross, Jr. seconded

Barry E. Rudisill – agree on preliminary & grant, surety not till plan ready to record

Terry R. Gingerich – consider if street widening would become part of public improvements

David L. Naylor's opinion - making us come up with on ourselves

Barry E. Rudisill – yes, but all on township, like to wait till plan approval

David L. Naylor amended previous motion to grant preliminary plan waiver and co-sponsor grant application. Steven H. Gross, Jr. seconded and it carried unanimously.

All agreed to meeting on July 16th on site 8:00 am for street widening and sidewalk discussion

Engineer's Report – Byron Trout

§ William Jones Bryn Way commended Byron Trout for his involvement and attempt to correct situation at Northern Heights. C&F some fixing to property which may work

Byron Trout did recommend another yard inlet, but C&F did do some improvements, he suggests wait and see and will stay in contact with C& F.

Terry Gingerich commented that water over top of embankment has been happening, could the trench be deepened to keep from overflowing?

§ Joseph & Jamie Bartolow of 160 Bryn Way commented on grass not mowed in the easement area behind them which is also owned by HOA with lot 6 being worse. They have discovered buried construction materials in yard and have seem empty lots used for dumping, HOA has not been receptive

Attorney Andrew Miller explained that developer owns unsold lots and HOA owned by developer at this time. Property owners should police development as a group - township can't be involved.

Jamie questioned the easements on their property.

Steven H. Gross, Jr. answered that a variance from the Zoning Hearing Board would be how to request relief.

- § Victor Harper 180 Bryn Way asked who dealt with area behind them
Charlie Rearick mentioned that when they graded the lawns they never did sewer easement
Terry Gingerich answered that Dallmyer may be responsible for easement area and developer some of that also
- § Surety reductions:
Kinsley – not ready
Penn Waste – not ready
- § Friendly's complaint – met with Marvin Ebaugh, hold bond to make sure the pond is cleaned. The flow of constant water is creating difficulty – can't maintain channel
- § Leg Up Farms – Penn Dot permit, change in policy, township now becomes applicant. They post surety, township signs as applicant.
Discussion on asking them to come back for update before signing as applicant.
- § Strickhouser site – mowing has been done, YCCD per Rob Fetter agreed to take baffles out of pond
- § ConAgra – met with contractor & new site foreman, contacted for prices to repair.
- § Willow Springs – PennDOT application for Board Rd improvements needs signed & have developer post surety.
A motion to sign the application was made by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously
- § Willow Springs Road improvements have started. A gas line problem with inlets occurred - stone and inlets would be on top of gas line. Poole dug trench and Gas Company will move line.

Solicitor – Attorney Andrew Miller

- § Chestnut Valley appeal of Zoning Hearing Board on additional lot along Riviera Street
A motion from David L. Naylor, seconded by Steven H. Gross, Jr. per recommendation of Attorney Andrew Miller to allow Peter Solymos (Zoning Hearing Board attorney) issue brief and if goes beyond that, then have Attorney Andrew Miller intervene for township was carried unanimously.
- § Northern Heights – forwarded a draft of the developer's agreement, work out issues and put on next month with street issues
Confirm resolutions for street adoption for August meeting – no requirement to adopt
Barry E. Rudisill motioned to authorize Attorney Andrew Miller to prepare resolutions for possible adoption. David L. Naylor seconded motion, which carried unanimously.
Byron Trout added that all of phase 1 and portion of 2 are requested – Brendan Mews and Bryn Way to Ryan Lane. All punch list items need addressed.
- § Editorial analysis on code - Some policy decisions need made.
Typos or changes to statue, nothing subsequent
 1. Want to increase fines & prison terms for items that are criminal manner.
\$1000.00 maximum fine – recommend yes
District Justice determines the amount then levies. Code sets maximum amount.
good idea to go over in a meeting.
 2. Curfew change – recommend no

Attorney Andrew Miller commented that a chance to make changes at once and advertise for all recommended places to change

Some of the changes are covered by other statutes by state or not used for that code any longer.

3. Occupant registration.

4. Trailer Ordinance.

5. Tax certifications and fees

They have extensive comments to subdivision ordinance. Attorney Andrew Miller recommends waiting for other SALDO changes and to take time to review the editorial analysis with each reading on own and determine.

§ Motor Tech appeal – Steven H. Gross, Jr. asked about this. Heard nothing new.

3-4 calls to get 1 back from Bill Hast, if didn't resolve, then trial this week will try to follow. York County will represent township interest.

Correspondence

Northeastern Sr. Center sent a thank you for donation.

Manager's Report – Terry R. Gingerich

§ Northeastern York County Sewer Authority – no questions

§ Zoning Officer

- enforcement of Asbury Point shed in front yard

Discussion on Ordinance regarding front yard – 2 front yards as defined

David L. Naylor create list of ordinance issues, add SALDO

Attorney Andrew Miller advised that can waive or postpone going to district Magistrate on the enforcement, can decide not to pursue, allow time to lapse and decide next step.

Agreed to continue with enforcement, then decide.

Get input from Planning Commission also on SALDO

- YCZBPOA meet at East Manchester Township on July 16th at 10:00am

Terry R Gingerich added that East Manchester Township would also be participating in meeting at Penn Waste facility.

§ Public Works Director

- Lightner job????

- Beck property – Dave did not meet with him

- Hydraulic pump on John Deere??

§ Recreation Board - none

§ Tax exonerations - Steven H. Gross, Jr. motioned to approve the 4 presented per Kathy Emswiler's recommendation –Hineline \$77.24, Bentzel/Martz \$58.48, JG Leasing \$98.05, SADG \$20.25. Barry Rudisill seconded and motion carried unanimously.

§ Emergency Services Donation – consider paying when receive the sewer authority check for Saginaw amounts

Barry E. Rudisill asked of any communication on progress - David L. Naylor answered no, suggest table till 9/9 meeting or see how 8/27 meeting goes.

Supervisor's comments

Steven H. Gross, Jr.

- line painting looks good, PSX contractor new to area

- townhouses at Wheatlyn Manor - they have dumpster, need to put trash in it

- Rentzel Heights- why are roads covered? Terry R Gingerich answered to drive pans across and he gave an update on their progress
- School district – middle school project – work on roads before start of school, this is soon approaching not started yet. Northeastern Medical Center was told by school representative they would have no access during the street work, Terry R. Gingerich met with them to give facts – they will still have access – it will be limited to one area at a time. Byron Trout added that he still need new cost numbers.

David L. Naylor

- Garrod Hydraulics – Byron Trout bid open next month for work, have permit, was bid with all materials using bond amount

Barry E. Rudisill

- property next to Allegheny York - Keystruct, not recorded plan yet
- Noise ordinance for industry and residential
- Board Road weeds at Bortz property – Katrina Rife has contacted and learned that Paul Musser's hospitalization has caused the mowing to be a little late, but will be done.

Bill Approval

Motion from David L. Naylor to pay bills was seconded by Barry Rudisill and carried unanimously.

Public Comment

Bob Nace asked about the Board Road and Chestnut Valley development wearing course.

Terry R. Gingerich reported that it is to be pursued per Bill Bashore cost too much for small section.

Barry E. Rudisill commented that he agreed the residents have been inconvenienced too long in this situation.

Bill Bashore will do when doing Chestnut Valley again per Terry R. Gingerich.

PPL and Chestnut Valley property line dispute. The house at corner lot of Riviera and Board may be 19' from property line – construction stopped willingly till dispute settled. Katrina Rife added that she will not be signing any occupancy requests nor permit applications for properties along this disputed line.

Cog Hill Way – clearing to left what is going on? PPL driving range work.

Rentzel Heights – dust from excavating is disturbing to neighbors.

Dave Bloss commented on the sidewalk install at Willow Springs Lane – need traffic control – no flaggers on Willow Springs.

Steven H. Gross, Jr. added that Starbucks needs to put in sidewalk.

Terry R Gingerich asked if legal to withhold c/o – yes, prove question
He also reported that the Damm/Penn Waste issue is being worked on.

LERTA renewal – end of October adoption per Attorney Andrew Miller

Federal Fuel allocation has increased. A resolution to set to federal allocation is in effect. Barry E. Rudisill motioned to set rate for reimbursement to be concurrent with current IRS rates in effect at the time of use and use of township vehicles is encouraged. Motion seconded by Steven H. Gross, Jr. and carried unanimously.

Township shirts estimate \$300.00 to purchase additional shirts for staff. David Naylor asked if considered uniforms. Cost is higher than purchase of shirts. Katrina Rife on behalf of the women requested the female perspective be considered when ordering; prefer to keep a feminine look/style for the ladies. Steven H. Gross, Jr. motion to table for further research, David L. Naylor seconded.

At 10:34pm, David L. Naylor motioned to adjourn.

Respectively submitted,

Terry R. Gingerich
Township Manager/ Secretary/Treasurer