

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
AUGUST 9, 2011**

Present: Chairman Steven H. Gross, Jr., Supervisor Barry E. Rudisill, Attorney Andrew Miller, Engineer Byron Trout, Secretary/Treasurer/Public Works Director Dave Gentzler, 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 7:02pm.

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 July 12th meeting.

The minutes of July 12, 2011 were accepted per motion from Barry E. Rudisill, seconded by Steven H. Gross, Jr. and carried unanimously.

Public Comment

George Bull of Orchard Glen HOA brought attention to an 8-year situation they have with storm water flooding that comes from Orchard View Road and Corriedale Street.

He provided pictures of units that were flooded and is asking for repair from the May 18th storm. Byron Trout was questioned about it and he is briefly aware of.

George wanted to make it public record.

Steven H. Gross, Jr. explained that there won't be an answer tonight.

They have an estimate of \$17,000 to improve problem.

Per Attorney Andrew Miller, Township roads Corriedale & Orchard View are adopted and per Byron Trout, Glen Drive and Orchard Glen streets within is private and not built to township specifications. Attorney Andrew Miller added that any fall back onto township streets within right-of-way is the township's responsibility to maintain, but beyond that it is not.

Byron Trout wanted to clarify that this storm produced 4 ½" per hour, which equates to a 500 year storm and the stormwater management is just not designed for that. This is an issue, but with the storm's intensity, it was not designed to handle that kind of volume.

George 2 in less Than 10 years plans approved by township should have been anticipated when built. He understands the property was a dumping ground, was wetlands. There should have been extra thought on drainage. Supposedly, DEP gave compensation to builder. It all dumps into wetlands and is too much for drainage.

Township will look into the issue.

Dave Miley of 130 Riverview Drive explained that he is working with Katrina Rife on a proposed house on Riverview and wanted to mention it now in case he needs to return for request. He will get more paperwork and has just spoken with Attorney Andrew Miller on a legal question that was asked by Katrina Rife.

There was a house on the property with an existing well. The property is adjacent to Asbury Pointe, but not part of it. They would like to use that well, but an old agreement is noted on the Asbury Pointe plans regarding connection to public water. Agreements are being copied to Attorney Andrew Miller and once reviewed, this may not be an issue.

- Neil Gingerich representing Eagle Fire Co. – There was a structure fire in Asbury Pointe that was contained to the basement. This month there was 1 save in the Township and 2 trainings with York City and Met Ed.

Special Request

Lions Club Mike Starner requests permission for Halloween parade. Need township to sponsor the PennDOT road closure permit. Parade date of 10/16/11 to close N. George Street Ext. from Beshore School Road to Township line. Parade continues to Manchester Square and down Maple Street to Fourth Street in Mt. Wolf Borough.

Steven H. Gross, Jr. motioned to sign for township portion. Motion seconded by Barry E. Rudisill and carried unanimously.

Bill Bashore has TABLED his request till next month due to absence of David L. Naylor. He would like to be in front of all 3 Supervisors.

Newberry Township funding toward Shelley Park. No representative present.

Tim Kinsley provided an update on the Espresso Way HOP and location of Canal Road sidewalk. They have been in contact with Met Ed regarding the sidewalk along Canal Road adjacent to Ollie's. The Met Ed tower is located near the area and a retaining wall was proposed to support it. Met Ed is reluctant to give approval; they would rather have the sidewalk go around the site and not disturb the tower base area.

Alternatives were shown. Going around the base or up around at top of hill.

Byron Trout believes if efforts with Met Ed have been exhausted, they can still get a nice job and go around at top of bank. The maintenance of the material is similar to the Rail Trail. It makes sense to move up top of hill and he has no problem with and can see benefits of both ways. Discussion continued and the Canal Road/83 interchange was mentioned.

Penn DOT did not approve the HOP application for Espresso Way and Canal Road. The issue was the truck traffic to Susquehanna Trail via Canal because Canal Road is not a truck route. In efforts to further the HOP, Espresso Way to Willow Springs to Board Road has been indicated and approved.

Byron Trout explained the concerns in Conewago Township on the width of Canal Road.

Returning to the sidewalk issue. Barry E. Rudisill – like the low and around tower design

Byron Trout – no opinion, can go either way. They are doing best to comply with township ordinance.

Steven H. Gross, Jr. – I believe you heard keep down and go around.

Barry E. Rudisill motioned for Dave Gentzler to provide a letter from the joint municipalities in support of getting Canal Road approved as a truck route. Motion seconded by Steven H. Gross, Jr. and carried unanimously.

Tim added that if the local roads can handle the trucks then that would be a better start to lobbying for the Canal Road interchange.

Subdivision / Land Development – none

Correspondence

Strinestown Fire Company thank you letter for support of Northeastern Community Independence Day celebration.

DEP letter regarding the 2010 annual report for Mt. Wolf and Saginaw treatment plants per Chapter 94 acknowledging reports are generally complete and acceptable.

York County Quick Response Team donation – defer to NERPD meeting.

Starview Sportsman request to added their approximately 138 acres (map LJ parcel 101) to Agricultural Security Area. Planning Commission recommended approval.

Will need resolution to add. Steven H. Gross, Jr. seconded the motion by Barry E. Rudisill to proceed with applicant covering costs. Motion carried unanimously.

Northeastern Area Ambulance audit was mentioned.

Solicitor's Report – Attorney Andrew Miller

- noise ordinance – provided 2 sample ordinances for review

public comments:

Buford Chidester 785 Locust Street presented an 8/1/11 letter revised 8/9/11 regarding noise from 775, 765, and 745 Locust Street. These residents have received personal notice by NERPD and continue with the activity of riding mini bikes and ATV's, which is causing issues within the neighborhood.

He is requesting for a change of Chapter 137 (Noise ordinance). A petition has been taken around Saginaw, Chestnut Valley, and Asbury Pointe to get signatures in support of.

There are 151 signatures to support and Mr. Chidester had 5 people say no and 7 don't care. He believes this should help get something done.

Andrea Wertz & son, Michael 740 Locust Street have lived there since 1971 and it has been quiet and peaceful. Last summer all that crumbled with the riding of dirt bikes in yards at 745 765 and 775 Locust Street. She has logged time and dates.

The noise hampers her ability to hear her TV and phone. She has to close windows. The fumes from the exhaust force them inside. The dust is another issue as well as the dogs that race along fence chasing and barking.

Do not wish to stop their enjoyment, just restrict for others enjoyment of their property.

Kimberly Walheim of 755 Locust Street stated she is sorry it has to come to this. It became a problem last summer when the bikes were acquired. Her son used to go outside and enjoy the outdoors; it was his form of therapy. He has now stopped going outside due to the noise from these bikes. He can't do what he likes to do. He has Asperger's syndrome and the noise level is troublesome to him. He will go to their basement as a result of it. They had considered selling and relocating, but cannot sell without a loss. Cutting of trees and piling of dirt along the fence have been a problem, also.

Mr. Chidester added that as a former licensed real estate agent, he can vouch that things like dirt against fence, noise, and such do devalue the property.

Steve Duncan of 745 Locust Street was born and raised in Saginaw. His son is one who is riding on their property. In response to the trees, Mr. Moros gave verbal permission to cut what hung over the garage, but told them don't cut trees. As to the dirt against fence, a permit to install a pool was why there was dirt. It has been taken care of with the final grading around the pool.

If someone would have come over, they would have cut it out. The dirt was from pool install; it is not a bike track. Before an ordinance be changed, this needs to go public. Why fix something not broke? There are no aftermarket exhausts on the bikes. We are talking about a little town, not the whole township.

Steven H. Gross, Jr. explained that a change will require a hearing and is advertised.

Joe Cossentino 205 Abbey Drive learned of this problem the Friday of their development yard sale. He believes the petition misled people; they were told other things and safety was mentioned to get them to sign. He and his son ride. They will test ride around their yard before going to meets and rides. It is unfair to the whole township to consider a change to the ordinance. It has been tested and the decibel level for a weed wacker is louder than an unmodified dirt bike. Before any action is taken, consider the 2 sides to every story.

Heather Sweitzer 848 Locust Street commented that this is not new. Her neighbors had no issue when they rode. They were open with neighbors about what was happening and took care to limit to 25 minutes or a few laps, not 4 hours. Kept area wet for no dust. Communication and courtesy were used and they had no problem.

Harold Nixon 230 Abbey Drive reminded everyone that Saginaw and Asbury Pointe are two separate developments.

Amanda Knokey 775 Locust Street stated that this revolves around her and her son. He rides barely 15 minutes or so then parks and rides again about 15 or so laps. Breaks at lunchtime. Neighbor sits and watches children ride. She added that she can't hear it in her house and if she did she would put a stop to it.

Heather Duncan 745 Locust Street expressed that not one has come to her home ever once to discuss this, which is upsetting to her. She is willing to work with neighbors. Her son rides about 20 minutes, then is off 2 hours before riding again. She sleeps during the day and this does not wake her; she is usually awakened by barking dogs and mowers.

Steven H. Gross, Jr. directed that copies of other ordinances be made available for review tomorrow to the two sides.

- stormwater ordinance – per new requirements of York County's Act 167 plan and Integrated Water Resources Plan (IWRP), the new ordinance is to be adopted by 10/12 and sent to DEP. October's meeting is 10/11; therefore, plan to have at September meeting a final version to authorize for advertisement and adoption in October. A redline version was distributed for review and to indicate the differences.
Byron Trout gave a brief overview of some of the differences - BMP and water quality exemptions eliminated to use their modification criteria, volume and rate control, disconnected impervious areas.
Attorney Andrew Miller suggests keeping the provisions of the existing ordinance, which works well for enforcement issues.
- EIT York Adams Tax Bureau ordinance for consolidated collection of taxes. Consider adoption in November.
- Resolution 2011-6 to adopt Espresso Way and Gea Drive – motion by Steven H. Gross, Jr., seconded by Barry E. Rudisill to TABLE. Attorney Andrew Miller advised adoption by 9/1/11 for liquid fuels qualification. Byron Trout added that the work needs inspected. Dave Gentzler gave more explanation on work that did not get inspected.
Steven H. Gross, Jr. moved to rescind the motion to table. Steven H. Gross, Jr. motioned to adopt Resolution 2011-6 after concerns are addressed and must meet Byron Trout satisfaction. Motion seconded by Barry E. Rudisill and carried unanimously.
- Records Retention – A 3 step process of 1. Gap Analysis 2. Ordinance 3. Records Disposal followed by step 4. Regular Disposal. An ok to proceed was given.
- Steven H. Gross, Jr. asked if recreation funds can be used outside municipal lines for projects like Shelley Park. Discussion on agreement and ordinance to approve.

Engineer's Report - Byron Trout

- storm pond inspections - a 60-day letter has been sent, some are cleaned and some have not started
- Barry E. Rudisill asked about the block grants. They are on August list for distribution.
- Saginaw drainage project is out for bid
Joel mentioned a problem at Market and York Streets
- Will meet with representatives of Orchard Glen, both Dave Gentzler and Byron Trout

Secretary/Treasurer's Report

- Send letter to Newberry Township re: a joint municipal agreement for funding. Attorney Andrew Miller noted that if the project is compatible with our comprehensive plan for recreation then should not have to have an agreement. Get more information.
- Northeastern Sewer Authority – 7/26/11 draft of minutes
- Zoning Officer – July report, no questions
- Planning Commission – July report
- Public Works Director – no questions, like overtime accountability
- Recreation Board – No July minutes, 8/3/11 minutes with survey. Commented that glad to see pursuing trips.
- York County Parks – the Rail Trail Thermoplastic crosswalk was covered when the road was repaved with the Microsurface. After discussion, it was agreed to pay ½ of cost to replace the crosswalk. Sandra Rumsey commented that having crosswalk did add safety.

Supervisor's Comment

Steven H. Gross, Jr.

- Ambulance audit – Dave Gentzler explained that the letter addressed findings? Would like to understand more before donation released.
- Halloween parade donation - Steven H. Gross, Jr. motioned to donate \$2,250.00 to Lions Club for parade, Barry E. Rudisill seconded and motion carried unanimously.
- Meeting House Road looks good. Commend for work.

Barry E. Rudisill

- On Saginaw block grant, is this contributing or matching? Byron Trout answered that the \$5,000.00 in engineering cost should meet the contributing and there should not be additional expense.
- recycle bins? approved and waiting

Steven H. Gross, Jr. and Barry E. Rudisill both agreed to lift burn ban and put on message board for all future decisions.

A motion to approve and pay bills was made by Steven H. Gross, Jr., seconded by Barry E. Rudisill and carried unanimously.

Public Comment

Dave Gentzler

- Saybrook contacted him regarding the traffic signal, which has been approved. A motion by Barry E. Rudisill was seconded by Steven H. Gross, Jr. to authorize signing upon Byron Trout's approval of conditions. Motion carried unanimously.
- Color for hydrant markers? - BLUE
- International Truck driveway entrance to be widened for new user
- Grants for storm damage in May - our area was not included

Bob Nace asked when will Board Road be paved?

Glenn Rumsey 125 Hillview questioned why the compost bin is allowed to remain next door. There is now a rubber mat over its top. Section 187.4 of ordinance calls for enclosed bin. There are No Trespassing signs and security cameras installed. Anything could be dumped into it now. Maybe a new ordinance is needed for this.

James Arex provided information on Adnan el-Shukrijumah, who is linked to the 2009 bombing of the subway in NY. He is believed to be between 5'3" – 5'6" in height and weight of 132 lbs.

At 9:50pm, Steven H. Gross, Jr. motioned to recess to Executive session for personnel matters.

At 10:15 pm, the meeting reconvened. No action was taken. The meeting was adjourned per motion from Steven H. Gross, Jr. at 10:20pm.

Respectfully submitted,

Dave Gentzler, Secretary/Treasurer