

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 14, 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 7:07pm.

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

Steven H. Gross, Jr. disclosed that an Executive meeting was held prior to this meeting.

Minutes of 8/12/08 were approved as presented per motion from Steven H. Gross, Jr. seconded by David L. Naylor and carried unanimously.

Minutes of 9/9/08 were approved as presented per motion from Barry E. Rudisill seconded by David L. Naylor and carried by majority – Steven H. Gross, Jr. not present at meeting to vote.

Public Comment

Sue Payne of 25 Hill Street presented photos of the property at 55 Old School Lane. It showed an accumulation of discarded items littering the back yard, which adjoins the Payne property. She has been in touch with Katrina Rife who reported that the property owner has been sent a friendly violation notice and been spoken with twice. No progress has been made to clean up the “junk”. Sue is requesting further action been taken. They keep their property well maintained and have felt the need to cancel picnics at their home due to this unsightly mess adjoining them. The neighborhood is kept nice except for this property. Katrina Rife added that there are two other properties (705 Park Street and 5230 N. George St Ext), which are similar and need further enforcement action. After discussion, a motion by Barry E. Rudisill, seconded by David L. Naylor to have a final 30-day legal notice sent and proceed with enforcement through the magistrate’s office for all 3 properties was carried unanimously.

Subdivision/Land Development

Shenandoah/Shentel cell tower on Starview Sportsman’s club property at 501 Jerusalem School Road, site of 513 Jerusalem School Road.

Katie Relf of CMX Engineering presented plan PL11SH607 referred to as Codorus Furnace revision 3 dated 9/15/08. The Planning Commission action report of 9-24-08 was reviewed. There were no open items. Requested waivers were discussed.

After discussion and deliberation with consideration of prior comments and recommendations from township staff, Planning Commission, Township Engineer, York County Planning Commission, and public as well as applicant and/or applicant’s representatives, a motion by Barry E. Rudisill to approve the plan and grant the following waivers:

SALDO 3.5 preliminary plan

SALDO 5.1.1.B.1(e) show location and elevation of all boundary line markers

SALDO 5.1.1.B.1(f) show existing contours

SALDO 5.1.1.B.1(j) show all buildings and utilities

SALDO 5.1.1.B.1(l) show existing easements and right-of-ways

was seconded by David L. Naylor and carried unanimously.

Northeastern York County Sewer Authority Chestnut Street plant upgrade

Tom Beakler, Plant Superintendent, Stacey MacNeal, Authority Solicitor, James Coble, Authority Chairman, John Leen, Authority Engineer, and Ben Craddock of C.S Davidson represented plan #0945.3.16.10 revision 3 dated 9/26/08 for a plant upgrade as required by a DEP mandate. Ben presented the upgrade, which is not intended to increase capacity to sewage facility, it is to meet regulations. Sewage flow or truck traffic is not intended to increase with this plan. The method of treatment is more stringent and requires several concrete tanks and internal modification to the treatment. The plan includes parking lot improvements. The Planning Commission action report of 9-24-08 was reviewed.

Open comments 1C - waiver requests and 1D - DEP approvals from York County Planning Commission letter remain open.

Requested waivers were discussed.

SWO 8.12 - proposing open tanks that will allow rain to fall into tank, which they believe will be a net reduction of stormwater leaving the site

SALDO 8.6.2.A street widening - At bridge there is 27' wide cartway, which they believe to be adequate.

Steven H. Gross, Jr. asked Byron Trout if he reviewed the plan and it meets what was discussed per onsite meeting.

Byron Trout – yes

Steven H. Gross, Jr. asked Tom Beakler if to his recollection does the plan reflect what was discussed when they met at look at road.

Tom - yes

Steven H. Gross, Jr. questioned the Zoning Hearing Board condition to measure the noise and smell before and after construction. What will be done?

Stacey MacNeal addressed the requirement from the granting of the special exception regarding noise or odor. The process proposed should reduce odor and will meet noise ordinance requirements for the proposed generator. A noise test noise prior to operation will be completed to ensure compliance. Odor measurements before and after will be taken to establish record to compare at future times where it may be questioned.

Barry E. Rudisill commented that he has not heard any recent complaints on the odor issue.

Tom Beakler had asked the residents to contact him, but he has not heard anything.

Byron Trout direct runoff benefits to get directed downstream as quick as possible before the upsteam flush comes through.

David L. Naylor asked when post odor measurement would be taken.

Stacey explained that it takes a certain period of time after becoming operational and functioning the way it is meant to function.

Tom estimated about 3 months to 1 year.

Barry E. Rudisill asked what options are available to lessen odor if it is unacceptable.

Tom – can always go to chemicals, misters and that type of thing to minimize. The technology now and it has been proven by Saginaw is there that the odors are going to be less than they are now. Right now, we are using a 48-year old treatment plant with 50-year old technology. That technology cannot be improved on, but what is available now is a big improvement.

Jim added that it is same process at Saginaw, only larger scale.

Tom – Are options available if something should go wrong.

David L. Naylor – My point to ask that question is that you would certainly not be opposed to filing those findings in addition to your office, our office with the plan.

Tom – absolutely

After discussion and deliberation with consideration of prior comments and recommendations from township staff, Planning Commission, Township Engineer, York County Planning Commission, Sewer Authority, and public as well as applicant and/or applicant's representatives, a motion by Barry E. Rudisill to approve the plan with the following conditions and grant noted waivers:

- Proof that the "WAIVER REQUESTS" were granted (s.5.1.1.C.I.I) – reference date of 10-14-08
- The Department of Environmental Protection (DEP) approvals for the proposed sewage treatment plant expansion (s.5.1.1.B.1.f). – add as note 23.

The following waivers were granted along with the approval:

- SALDO 3.5 preliminary plan
- SWO 8.12 storm water control
- SALDO 8.6.2.A street widening

Steven H. Gross, Jr. seconded motion, which was carried unanimously.

Steven H. Gross, Jr. asked about the withdrawal from the litigation on the Chesapeake Bay.

Jim explained that they have withdrawn at this time to assess future litigation and if it will benefit to contribute toward that strategy.

Chestnut Valley – Riviera Street lot line correction and lot 48A

Bill Bashore, owner and Denise Dohner of Harbor Engineering presented final plan #07251-002 revision 1 dated 10-10-08. This plan is a result of a settlement agreement between Vas-Land and East Manchester Township dated 9-19-08.

Comments from Gordon L. Brown & Associates letter of 10-9-08 and York County Planning Commission letter of 10-14-08 were discussed. The comment regarding planning module for lot 48A remains open. Bill stated that it will be addressed at the next Authority meeting per John Leen.

Byron Trout confirmed the plan met everything except for the planning module.

This issue was almost why the plan for the cell tower meets and bound waiver was not considered per Steven H. Gross, Jr., and Barry E. Rudisill.

After discussion and deliberation with consideration of prior comments and recommendations from township staff, Planning Commission, Township Engineer, York County Planning Commission, Sewer Authority, and public as well as applicant and/or applicant's representatives, a motion by Barry E. Rudisill to approve the plan contingent on the planning module approval was seconded by David L. Naylor and carried unanimously.

Bill added for the record that this project has been around since 2000 and township staff has been very good to work with. He really appreciates the good job from Terry, Kitty, Dave, and Byron.

Special Request

- Lou Castriota with Leg Up Farm – a request regarding a utility HOP. The township must submit per PennDOT, Byron Trout confirmed the change in PennDOT rules. The widening of N. Sherman additional storm sewer to be installed and with this construction the township is applicant. They (developer) provide bonding and sign off. He has reviewed HOP and it is identical to land development plan. Lou expects the bonding next month for plan recording. Those numbers have been reviewed by Byron Trout and John Leen.

The architect has been engaged and they are working toward a construction start date of March 2009. They are in final round of comments with PennDOT for approval.

Barry E. Rudisill motioned to sign HOP application.

Byron Trout commented that there are no changes from plan, have been discussions on access and turning lanes, and cutting bank back. PennDOT signed off on site distance but until he sees it cut down he will not sign off as far as driveway permit. Their engineer, John Luciani has a plan that says the site distance can be met. He is still concerned about ability to meet site distance.

Lou added that there is a solution to that problem, they could further cut bank back, if needed, as expressed earlier by John Luciani.

A motion by Steven H. Gross, Jr. to approve signing of the HOP as applicant was seconded by David L. Naylor and carried unanimously.

11/13/97 project started, Lou commented that everything's coming together for this project. They received \$35,000 from Met-Ed for energy, \$40,000 Wellspan Foundation, \$7,500 York County Community Foundation, and \$5,000 from PPL. Expect an announcement in early November. Early March is goal for breaking ground.

- Northeastern Sr. Center representative Lee Butcher, provide 11,842 seniors are served a month. York County is reducing services and is pushing for merger with Newberry. About 11,519 meals are provided; 30-50 people a day at the center and home delivery of 40-50 day. A handout was presented for review, which included their budget. York County did not add funding with the additional of delivery to Newberry. Steven H. Gross, Jr. stated that the Supervisors will look at this request with budget draft.

- Manor Village – Joel Snyder RGS Associates, property owner Robert Field, and Joyce Gehrhart who are here to get opinion on how to proceed with this project. A brief update on project was given.

In 2006 subdivision township line was processed. A preliminary plan for 166 lots shown in 5 phases was submitted. Issues to resolve were offsite utilities. They have been working on securing easements. They are at a point where they are ready to revise plan. Due to market drop, they would like to drop phases 3, 4, & 5. 75 lots included in phases 1 & 2. Would like to revise plan in lieu of resubmitting.

Barry E. Rudisill commenting - by eliminating last 3 phases essentially what you are doing at this point to go with phase 1 & 2, certainly that makes a difference on infrastructure, utilities, roads, existing road and the traffic impact on those roads and I'm sure you've already weighed that so when you come back at a later date the other 3

phases if you were to do that puts a different impact on all that – the infrastructure, the roads, of course, the utilities would be in with this so I don't imagine that would have a whole lot to do with it except that it would be ..(garbled) to the sewage treatment plan and the number of EDU's that would be available at that time could be a restraint.

Joel stated that they are aware of that and would be subject to the conditions at that time.

Byron questioned where the sanitary sewer is coming from.

Joel explained that an easement has been secured across two vacant lands between Cold Springs apartments and their property. Byron was concerned about the Craft property being sewerred along with this project. He suggested they speak with Blaine Markel at James Holly & Assoc. Additional discussion on long range planning and connection of Craft property that received variance and this project.

Katrina Rife mentioned the staff questions based on options that were presented to them. Significant change to preliminary plan - where is the line that designates where it is considered a revision or it is that much of a change that it is actually a new plan? If property boundary line changes, does that constitute withdrawal and submission of a new plan?

Adding the zoning change between the original submission and this change now, where does that get consideration? The zoning ordinance regarding lot sizes have increased since the original submission.

Attorney Andrew Miller - any kind of material change that is not precipitated by township or sewer authority staff comments would be material change in the plan and would require a new plan be submitted if the township wants that to be done. One of the things I talked about with Laymon, the reconfiguration of the sewer was driven in part by Sewer Authority wishes and in part by developer's wishes to eliminate some forced main, to minimize that. What Laymon and I talked about most was making sure that this project still gets the public improvements that you need in that area such as getting sewer to the existing properties that are there are in the Act 537 plan to be sewerred at some point. Then also doing the sewer planning of the Craft property would get sewerred as well. The alternative, if you would force them to submit a new plan, the obvious alternative to that is to simply get plan approval for this existing plan with all the additional units and they would have every right to continue with that and get that approval. That may not be viable or the option that you want to go with at this point if you want to limit the size of the plan or the size of the development if you want to see it reduced. The big question is, I imagine one of the reasons they want to drop the additional phases is they will have a lot fewer public improvements to do. I think that is what you have to be aware of, the difference in what the public improvements will be.

Joel-even with that the public improvements would be tied to the various phases. If our intention is to do those later phase, we would push those out for a long time, they may not get done anyway and that's where we are coming from. We really didn't want to go through those exercises to preserve this land and revising everything and making everybody deal with this side if our intention isn't to do that for some time. I mean that,

we got to provide the engineering, the township's gotta re-review all of those issues, we got to work through all of those things. That's a lot on the line and we were looking at things we just don't even know so why put everybody through that. It seems more appropriate and prudent to just drop that for the time being and simple deal with what we know and are planning to build, which is phases 1 and 2. And that still brings sewer out to that area. So the Sewer Authority can look at how can they feasibly provide sewer to these other residents, if we develop our project.

Barry E. Rudisill acknowledging that the plan was approved under old ordinance with lot sizes smaller than present ordinance. Personally, what I'd like to see happen, if they are not going to develop phases 3, 4, & 5 is if they come back to develop then the zoning applies at that time.

Attorney Andrew Miller –If going forward with what they are proposing, absolutely phases 3, 4 & 5 would have to be dropped from this plan altogether. There would be a revised plan submitted that no longer show those, that would no longer be part of that plan.

Joel-That's our understanding as well. Those phases are subject to whatever the ordinance is at time. You might change the ordinance again before anything gets done on that part of the property, and we are subject to whatever the ordinance would say at that time.

Barry E. Rudisill – that's where I was headed and as long as you understand that and I certainly think that's the way you should pursue it.

Joel – just wanted to make sure we are all on the same page before we submitted.

- **Kinsley rezoning request** - Mike Jeffers of Kinsley gave a brief overview of the request to rezone a portion (24 of the 32 acres) of the "Fink" tract to Industrial from its current Commercial designation. They have purchased the adjoining "Weire" tract, which is zoned Industrial and plan to file a reverse subdivision to join the Weire and Fink portion as one. Both tracts are located along Canal Road and plan to be incorporated into the Orchard Business Park with the proposed extension of Espresso Way, which will divide the "Fink" tract. They believe utilizing the proposed Espresso Way as the boundary for the zoning districts would be a more natural divider. The 24 acres East of Espresso is the property being considered for rezoning to Industrial and the remaining 8 acres West of Espresso would remain Commercial.

Attorney Andrew Miller suggested that due to timing of request and proper scheduling, the ordinance provides that the township has to hold that hearing within 60 days of submission of the application, which was September 29th, of which the proposed date of December 9th is outside the 60 days.

Mike Jeffers granted permission to hold the public hearing outside of the 60-day requirement and he also mentioned that he already submitted the request to York County Planning.

Katrina Rife confirmed the East Manchester Township Planning Commission is scheduled to review on 10/28/08.

David L. Naylor motioned to prepare ordinance and submit request, and advertise for a December 9, 2008 public hearing. Steven H. Gross, Jr. seconded motion, which carried unanimously.

Attorney Andrew Miller asked Mike for approximately 6 copies of the area of the proposed rezoning in 8.5 x 11 format.

Solicitor's Report – Attorney Andrew Miller

- § public records law - implement by January. State office is open.
- § October 22nd meeting for codes update
- § 2008-10 resolution to support the listing of Conewago Creek River Conservation on PA Rivers registry.

David L. Naylor motioned to adopt resolution 2008-10. Steven H. Gross, Jr. seconded motion, which carried unanimously

- § Right-of-way's adoption along Beshore School Rd and N. George Street for the SADG-11 property accepting their offer of dedication of those right-of-ways. Resolution 2008-11 covers the need to submit with HOP application a resolution authorizing signatures for application and authorizes the Chair to sign deed and fee simple transferring to PennDOT. Byron Trout reviewed the sketches and legal descriptions. Changes include PennDOT comments. A motion by David L. Naylor to adopt resolution 2008-11 was seconded Barry E. Rudisill and carried unanimously.

- § Executive session discussion property along Beshore School Road - any further action? Barry E. Rudisill commented to proceed. Steven H. Gross, Jr. asked for the procedure needed to follow to be explained.

On the land development plan from 1987 for the Peters property on the other side of Beshore School Road, there's a dedicated right-of-way shown as 25' from center line of Beshore School Road. In order to accept that dedication of the right-of-way at this point and there's also a building in that right-of-way at this point. The township would have to, in my opinion in this case because the landowner hasn't been willing to concede that right-of-way, pass an ordinance to widen that section of Beshore School Road and accept that right-of-way and that dedication of right-of-way and then in that ordinance provide that the building in that right-of-way or structure in right-of-way would have to be removed.

Steven H. Gross, Jr. commented on increasing traffic anticipated and opportunity to improve should be taken.

Barry E. Rudisill agrees.

David L. Naylor motioned to authorize Attorney Andrew Miller to prepare for 11/11/08 meeting the ordinance and all necessary advertising and documents and impose a 90-day timeline to remove the building. Barry E. Rudisill agreed 90 is adequate and seconded motion, which carried unanimously.

Engineer's Report – Byron Trout

- § Garrod Hydraulics-just about finished
- Steven H. Gross, Jr. asked about any transition where curbing ends surety

- § Surety reductions:
 - Northern Heights phase 2 & 3 - not recommended, not enough improvements
 - Northern Heights phase I - \$46,225.58 reduction per motion by Barry E. Rudisill seconded by David L. Naylor and carried unanimously.
 - Mar-Ben \$8,228.00 motion by Steven H. Gross, Jr. seconded by Barry E. Rudisill and carried unanimously
 - Asbury Pines phase I \$50,303.95 per motion by David L. Naylor seconded by Barry E. Rudisill and carried unanimously. Asked to finish stormwater and fence basin in letter.
- § Northern Heights paving of Brendan Mews – Fab has been contacted regarding placement of wearing course. He is willing to do and also include Bryn Way. Byron Trout commented after being asked his opinion, it is only way in has been left as being only construction entrance to phase 2 & 3. Dave Gentzler doesn't have a problem; Terry R. Gingerich recommends not to do on the hill. Byron can be ok with either way. Discussion continued.
Barry E. Rudisill would like to see avoid paving up hill, but pave out to N. Sherman
David L. Naylor commented can see developers point with decline of home sales, can be ok with either way.
Discussion on option to pave all with keeping surety on it.
Agreed to allow paving from N. Sherman Street to Brendan Mews and include Bryn if keep bond in place and if not willing the keep bond, the only pave Brendan Mews.
- § Mar-Ben – at rear of property an overflow headwall was requested, this has been completed. A request to change from neighbor due to grandchildren concerns of safety about falling into headwall was made. Discussion was held. Rebar to be considered.
- § Highland Contractors stormsewer pipe to existing inlets – installing an oversize box to replace exist box resulted in grade 8". A portion of box would be in sidewalk. Options were given. Terry R. Gingerich likes option of eliminating manhole in sidewalk. Agreed to defer to Byron Trout.
- § SADG-11 note regarding construction of sidewalk on Peters property till 9/1/09, then developer not responsible to install. They are doing sidewalk installation up to building. Problem should be resolved in near future. Agreed to show sidewalk - no note on plan.

Correspondence

- § York County Heritage Rail Trail \$500.00 budget request.
- § Watershed Alliance MS4 extended deadline to 3/9/10.

Manager

- § Northeastern York County Sewer Authority - no questions
- § Zoning Officer – Asbury Point shed enforcement - to be determined
- § Public Works Director - no questions
- § Recreation Board - damage to net at PPL field by mower. Company is insured, will be taken care of. A walking path around field is proposed.
- § Asbury Point - water system taken over by York Water, send letter from township to assume billing for public fire hydrants
- § Emergency Services
 - Ambulance Club donation of \$5,000.00 was discussed. There was no representation at either the 8/24 or 9/9 meetings. Recognize health issues of Gary Cardasso, but no one else attended.

- Fire Retention fund - After discussion on fire services, a motion by David L. Naylor to release \$5,000.00 each to Eagle Fire Company and Union Fire Company was seconded by Steven H. Gross, Jr.

- Relief funds of \$46,621.40 - Steven H. Gross, Jr. motioned to release funds \$46,621.40 by \$23,310.70 each fire company, Barry E. Rudisill seconded.

Dave Bloss mentioned the radio system costs are coming for fire and ambulance.

Relief money must be disbursed within 60 days of 9/25/08. Discussion on lack of ambulance club attendance at meetings and no communication. Discussion on releasing \$20,810.70 to each fire company with \$5,000.00 earmarked for ambulance.

Barry E. Rudisill called for question on relief fund. vote 2 yes, 1 no - David L. Naylor opposed.

David L. Naylor called for question on fire retention fund. Motion carried unanimously.

§ LGAC 10/30 meeting – no from all 3 Supervisors

§ Safe Routes to School grant – modification to application would increase eligibility.

§ Animal Control 2009 proposal from Kohler Animal Control Services

§ SPCA 2009 proposal of 50 cents per capita of 2000 census.

§ Pension System State Aid \$52,255.80 allocation to police. Steven H. Gross, Jr. motioned to disburse, seconded by David L. Naylor and carried unanimously

§ Municipal Pension Aid \$22,304.30

§ LERTA program request for 105 Willow Springs Lane

Attorney Andrew Miller asked for time to review. David L. Naylor motion to TABLE till next month. Steven H. Gross, Jr. seconded motion, which carried unanimously.

§ Well isolation request at 1755 Conewago Creek Road

Attorney Andrew Miller added that an indemnity from property owner to township will be required.

David L. Naylor motioned to authorize application Z033287 conditioned upon including indemnity. Steven H. Gross, Jr. seconded motion, which carried unanimously.

§ PPL planning module Steve Norris of Skelley and Loy for PPL Phoenix Links maintenance building is gravity discharge, Clubhouse via forced main to connect near police department, 11 EDU's needed, component 3 modified, need resolution to adopt planning modules for golf course

Question on police building connection. Jim Coble mentioned that a lateral is to be provided for police. David L. Naylor motioned to approve and sign Barry E. Rudisill seconded motion, which carried unanimously.

§ Zoning Hearing Board member for 2009 will be needed to finish Dan Gross' term.

§ Beshore School Road sidewalks 2 have been installed by property owners.

Two businesses - Wagman & Kurtz also need installed.

§ Sherman Oaks traffic control on Apple Tree Lane for park entrances was discussed. Byron Trout reported that a 3-way stop was denied by York County. Additional discussion included painting of lines and curbs to draw attention and the posting of signs for pedestrian crossing. To be researched.

Supervisors comments

David L. Naylor

- public improvements completion

Barry E. Rudisill

- Brylea wearing course – Byron Trout is waiting for Mr. Bryant
- Willow Springs Lane sidewalks – Terry R. Gingerich will check into
- Gut Road locks – PPL answered no, keyed for other PPL gates and that is a problem to their security.
- Record Club fence – Katrina Rife explained they have obtained permit, which has an expiration date

Steven H. Gross, Jr.

- Saginaw Park fence – he spoke with many residents who expressed they don't want entire fenced in area
- PPL strobe lights brightness – Katrina Rife spoke with PPL representatives and was informed that the computer generated timer is malfunctioning. They are aware since this also happened at Montour. The sensor will be replaced to correct and allow less intensity as darkness increases. In the meanwhile, manual operation of the switches will aid in the solution.
- Union Fire Company's 150th celebration picnic sponsorship - \$700.00 donation to be made
- budget work session set for 11/19/08

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

Attorney Andrew Miller - Beshore School Road sidewalks will require an ordinance to require installation of those properties that have not complied.

Motion to adjourn at 10:24pm.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer