

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
NOVEMBER 8, 2011**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Adam Anderson for Engineer Byron Trout, Dave Gentzler, Manager, and Katrina Rife, Zoning & Codes Enforcement Officer.

At a regular meeting held at the township building, Steven H. Gross, Jr. called the meeting to order at 7:01pm.

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

Steven H. Gross, Jr. disclosed that the Supervisors met on 10/26/11 for a budget workshop, of which copies of the proposal will be available in the Township office. There was no tax increase and the spending was relatively the same.

The minutes of October 11, 2011 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

A motion by Barry E. Rudisill, seconded by David L. Naylor to accept the minutes of October 26, 2011, which included the purchase of a truck was carried unanimously.

Steven H. Gross, Jr. has received a few calls from residents complaining about the sideline talking during meeting. He expressed that those in attendance are to refrain from conversations and comments amongst themselves and if they wish to speak, the Board will recognize them one at a time.

Steven H. Gross, Jr. addressed the continuing issue of enacting a noise ordinance and the after meeting actions of Mr. Duncan's bullying of the neighbors. He assured all that those type of actions will not be tolerated and any persistence will include staff and police response for immediate prosecution in which the Township will ask for full and maximum amount and penalties for actions proven, which may be costly. The Board will take action adopt a stronger noise ordinance under the solicitors' report.

Laura Simco has volunteered to be the Emergency Management Coordinator. A motion by David L. Naylor to approve her as the EMC was seconded by Barry E. Rudisill and carried unanimously. David L. Naylor highlighted some of her qualifications: member of ARC disaster action team, worked with John Moramarco on EMS, is a County Caseworker, has NIMS training BS degree, and lives in Mt. Wolf. Motion carried unanimously.

Public Comments

resident - Richard Eicher of 60 Brenden Mews spoke of the storm water issue at Northern Heights. At the 9/13 meeting, Byron Trout stated he would oversee repairs and as of tonight no repairs have been made. What has been done is temporary and by the HOA. Secondly, at the 10/11 meeting, it was voted to fine maximum amount, which he researched and found is \$1,000.00 day. Third, on 9/22 he sent a formal letter to township – he would appreciate a formal reply. Fourth, the 4/7/10 letter sent to JPM by Township contains mostly the same problems as now. It noted the swale between 195 and 215 of which 205 is where it blew out. It remains uncorrected; nothing has changed in 18 months. And lastly, the undeveloped lots are not

mowed

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– would like Township to take action.

He stated that at the last HOA meeting, Mark Will showed a blatant disregard for rules and authority.

Steven H. Gross, Jr. asked Attorney Andrew Miller what can or cannot tell since the Township is in an ongoing investigation with this. There are steps to commence action.

Attorney Andrew Miller answered that it is ongoing and is for Executive session, which he is requesting. For copy of NOV's can file public record request.

Steven H. Gross, Jr. – assure correspondence has and will be sent.

Special Request

Cable TV – Attorney Andrew Miller sent copy of contract for analysis. An opportunity to increase franchise revenues with renewal in 2012 was suggested. It is time to extend or negotiate a new contract; the existing contract is 15 years old.

The consensus is to get municipal interest in joint negotiating and costs.

Brandon Parks and David Lynch representing US Road Running for use of township roads on April 7 and September 22, 2012 for 13 mile half-marathon. Course starts and ends at Northeastern High School using Board Rd, Wago Rd, Gut Rd, and Second Street/Riverview or if Gut Road is wet; then, Board, Wago, Gravel Hill Rd. Long Rd, Saginaw Rd, York Street, and Second St/Riverview Dr.

The Board is concerned about cost for officer's time for road closures.

Brandon stated that there is no cost. He is asking for permission to close roads and is working with Lt. Daniels.

The Board asked how long the road closure may be. The marathon is scheduled from 8:00am to noon on Saturday 4/7/12.

After discussion, a motion by David L. Naylor was seconded by Barry E. Rudisill to approve and carried unanimously.

PUBLIC HEARING FOR Agricultural Security Area additions and the 7-year review.

At 7:32pm, the Public Hearing was convened. Attorney Andrew Miller confirmed it was properly advertised with notices provided as required.

The following properties for addition received favorable recommendations by York County Planning Commission and East Manchester Township Planning Commission:

- Starview Sportsmen's Association Map LJ Parcel 101 at 501 Jerusalem School Road of 138.18 acres

- Johnnie K. Bare, Jr. Map MI Parcel 47 at 5076 N. Sherman St. Ext of 44.4 acres

There were no comments against the applications. Resolution 2011-9 is proposed for these additions.

The former Blaine Rentzel property Map NI Parcel 114 of 79.63 acres at N. George St Ext, which is now owned by SCC-Canyon and known as Rentzel Heights subdivision is recommended for removal in the proposed Resolution 2011-10.

Resolution 2011-11 is proposed to approve the current list of 29 properties to satisfy the required 7-year review.

A motion by Steven H. Gross, Jr. to adopt Resolutions 2011-9, 2011-10, and 2011-11 was seconded by Barry E. Rudisill and carried unanimously.

Hearing closed at 7:46pm.

Solicitor's report – Attorney Andrew Miller

- Proposed ordinance 2011-5 to amend the Code of the Township of East Manchester chapter 137 – Noise to address the motorized off-road recreations vehicles and expand noise disturbance. A motion by Steven H. Gross, Jr. to prepare for advertising to consider adoption at the December meeting was seconded by David L. Naylor and carried unanimously.

- Act 32 Ordinance York Adams Tax Bureau setting the earned income tax rates at .5% for residents and 1% for non-residents has been advertised. Ordinance 2011-3 for this was adopted by motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

- Resolution 2011-12 set tax rates for 2012 based on the proposed budget was adopted by motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously. No change to rates.

- Ordinance 2011-4 Stormwater – Advertising was postponed to allow more time for review. Discussion on making sure what is being requested. York County approved Act 167 and requested townships to adopt by October. That deadline has passed and there is no threat of action at this point, although DEP may take action via fines.

Steven H. Gross, Jr. attended a meeting on this in southern York County where many expressed concerns and did not like it. He feels we have a good stormwater ordinance. Attorney Andrew Miller explained some differences which will also lead to compliance with MS4.

Steven H. Gross, Jr. – can equate to burn ordinance, don't think I will vote for it

David L. Naylor – no choice, can't fight city hall

Barry E. Rudisill – consider the ramifications, would like to ride it out till they put the hammer down

David L. Naylor – yes, but I do not want fines

Barry E. Rudisill – take that chance

Attorney Andrew Miller - from experience for Notices of Violations, DEP is cash strapped if an opportunity to collect, they may negotiate but once the NOV is issued, in all likelihood - will pay.

Continued discussion.

David L. Naylor motioned for authorization to advertise for next month. Barry E. Rudisill seconded motion. Vote was 2 for –I against Steven H. Gross, Jr.

- Request Executive session to discuss Northern Heights. Asbury Point, and personnel.

Engineer's report – Adam Anderson

- surety reduction for Orchard Business Park lot 10 in the amount of \$21,901.92 with zero remaining, which covers street trees and landscaping. After discussion Steven H. Gross,

- surety reduction for SADG for the East Manchester Village Center in the amount of \$98,728.41 with zero remaining
Concerns and questions on the undeveloped outparcel were expressed. A motion from David L. Naylor to release 1/2 of the requested amount was seconded by Steven H. Gross, Jr. and carried unanimously.
- bid opening for Saginaw storm sewer using plastic pipe also.
\$104,800.00 all concrete pipe or plastic \$93,000.00 was the low bid by EK Services of New Cumberland. Discussion on amount of grant money not completely covering cost and effect of timing on job was held. Barry E. Rudisill would like to see done over winter using plastic and included that in his motion to award to EK Services for \$93,000.00. Motion seconded by David L. Naylor and carried unanimously.

Secretary/Treasurer's report – Dave Gentzler

- Northeastern York County Sewer Authority – received minutes of 10/24&25/11
- Zoning Officer – vehicles and trailer are licensed at 891 Market St, mowing for Griffith Lane ordered
- Public Works Director – no report
- Recreation Commission – no report
- Volunteer Fire Relief Assn – With consideration to the Industrial use on, David L. Naylor motioned to disburse \$50,000.00 to Union Fire Co, \$10,000.00 to Northeastern Area EMS, and \$32,830.01 to Eagle Fire Co. Steven H. Gross, Jr. seconded motion which was carried unanimously.
- Penn Waste increase of .74/qtr. Question if acceptable under contract.
Attorney Andrew Miller will research, but believes it had an escalator clause. Dave Gentzler to provide copy of contract for review during Executive session.
Joel mentioned that the new recycling containers although nice are too large and heavy for senior citizens and some others.

Subdivision/Land Development - none

Supervisor's comments

David L. Naylor

- resolution 2011-13 FEMA representative – The next meeting is scheduled for November 14th. Steven H. Gross, Jr. motioned to approve Dave Gentzler as Township representative and authorization to sign. David L. Naylor seconded motion, which carried unanimously.

Barry E. Rudisill

-Road repairs plan? Dave Gentzler reported that the road crew did an initial assessment right after storm and another one later and prioritized needs. Work where safety was a concern has been done, intend to go back after leaf pick-up.

Barry E. Rudisill mentioned area near entrance to BMX and Dellinger Ct needs attention.

David L. Naylor asked if any debris included in leave piles. Road Crew member Chuck Yingling reported - some

Steven H. Gross, Jr.

- no additional comments

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

Attorney Andrew Miller suggested a correction be made. The 10/26 request for surety reduction for Orchard Business Park has 45 days before deemed approval. December's meeting will be past that time; he suggests supersede prior motion to table and deny. Have them submit next month. Motion by David L. Naylor to deny was seconded by Barry E. Rudisill and carried unanimously.

Public Comment

Joel Klinedinst commented on Saginaw job during winter. He asked if snow plowing would just drag the stones. Dave Gentzler will have them cold patch at end of day.

He also mentioned the accident on Long Road where the car went completely off road and dropped down in the area where there is no guiderail. Request a township letter to PennDOT regarding safety concerns.

Steve Duncan asked if noise ordinance would be in paper. Attorney Andrew Miller explained the advertisement will be a summary, but copy will be available at Township office in full.

He also asked Steven H. Gross, Jr. what is the problem he has with him. Steven H. Gross, Jr. answered that the people inform him of what takes place and the majority of the problem keeps coming back to you. I really do not want to write an ordinance.

Steve – it started with 2 neighbors and he became involved after the fact. I didn't come running to you saying I didn't like the way they spoke.

A motion from Barry E. Rudisill, seconded by David L. Naylor to recess to Executive session was made at 8:30pm.

Reconvened at 10:07pm.

A motion by Steven H. Gross, Jr. to adopt Resolution 2011-14 – employee handbook was seconded by Barry E. Rudisill and carried unanimously.

Meeting adjourned by motion from David L. Naylor at 10:10pm.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager