

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
NOVEMBER 11, 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. disclosed that no meetings were held since last meeting.

Minutes of 9/14/08 were approved as presented per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

PUBLIC HEARING for ordinance 2008-1

Attorney Andrew Miller presented ordinance 2008-1 to adopt 25' right-of-way from centerline along Beshore School to facilitate the widening and improvement of said road and to establish removal of obstructions by landowners within 90 days.

He further explained that this is specifically regarding the end property owned by Michael and Peggy Peters and a final land development plan from 1987 indicating the offer of same right-of-way for dedication.

There have been attempts by the Township requesting the removal of a portion of the garage, but no response from the Peters.

Proper notice has been given; the ordinance has been legally advertised for this hearing.

Mrs. Peters is in attendance.

Attorney Andrew Miller disclosed that he has spoken with the Peter's attorney, who is not present.

Steven H. Gross, Jr. opened the public hearing at 7:04pm and asked Peggy if she had any comment. Peggy answered no.

Joel Klinedinst asked why can't right-of-way be taken from other property that is being developed across the street rather than encroaching on existing properties?

Steven H. Gross, Jr. explained the right-of-ways shown on plans, existing development and proposed development at that intersection and how the garage in its current position would be detrimental to the improvements.

Byron Trout also explained the angle of the intersection and that there is no change to the curb line; it remains. The SADG plan has sidewalks shown along both sides of Beshore School Road and now is the time and the position to gain the public improvements for development.

Being no further public comment, hearing closed at 7:07pm.

There is a request from Peter's attorney to approach Giant regarding absorbing the costs for building removal and improvements.

Steven H. Gross, Jr. mentioned that it should be considered a condition of their plan approval.

Discussion on timing of removal, coordinating with SADG, costs and equipment.

Attorney Andrew Miller explained that the ordinance gives 90 days to remove building, but township does not have to enforce the timeline if agreements are made and honored.

David L. Naylor commented he is in favor of ordinance if Giant/SADG covers cost including demolition of structure.

Byron Trout added that the equipment should not be an issue.

Attorney Andrew Miller also explained that this ordinance confirms township has accepted right-of-way and additional action to enforce removal would be needed if compliance fails.

David L. Naylor understands need and also wants to ease pain to Peters. With that comment he motioned to adopt ordinance 2008-1, Barry E. Rudisill seconded and motion carried unanimously.

David L. Naylor motioned to authorize Byron Trout contact SADG regarding incurring the costs to the Peters. Peggy confirmed removal of only end bay, not whole building. Correct. Motion seconded by Barry E. Rudisill and carried unanimously.

Public Comment

Charles Rearick mentioned the lack of cooperation on election day. He was helping at the church. It seemed like chaos. There were 3,400 voters and estimate 1,500-2,000 cars to park. At 6:00am, there were 12 cars, prior to 7:00am, there were 250-300, and by 9:00am even more and no one directing traffic. He asked Chief Albright, who was reading the newspaper, about traffic control and was told he can't do anything and there is only 1 officer on duty. Call fire police – nothing happened.

One of the election people secured vests and flags to direct traffic and she was reprimanded by officer. Fire police did show up around 4:30pm.

Steven H. Gross, Jr. commented that he agrees and had same problem here 4 years ago, but county is in charge, need 2 polling places.

Cheryl Klinedinst agreed. At 6:00am she was in line. She also asked Chief Albright and he commented, not my job today. She expressed that we are lucky some one did not get hurt.

Terry R. Gingerich heard comment from elections people on second polling place, must be a letter from Supervisors to request.

Steven H. Gross, Jr. expressed the need to request and with percentage of turnout, it is something that they have been working on.

Charlie commented that whether or not Chief was on duty, he felt he should have been helpful.

On another issue, he also questioned the white former police car that was running through lot with lights. Joel stated that it is legal; it is fire officer's duty car. He also explained that the Police Department must request fire police be dispatched. He got off duty at 7:00am and told the officer, it would be in best interest to get there to keep traffic under control.

John Adams of Eagle Fire Company told that they were called about 3:30-4:00pm to request control till 8:00pm. He added that Ryan Brenneman could not be at this meeting due to attending the Mt Wolf Borough meeting. As a representative of Eagle, he reported the station received 18 calls for October. They have 14 people in the Emergency Responder course and are developing an EMT bridge program. The new radio system goes into effect November 20th. The house siren may not work after this date; it is on low band frequency.

Barry E. Rudisill asked if John was aware of any meetings between Chiefs of Eagle and Union. John mentioned that Ryan has a new job and his work schedule varies, they are planning meetings; just need to get scheduled.

David L. Naylor commented on the DCED study. He has been contacted twice and was informed that they are working on a team to do study.

Dave Bloss reported that cost of \$1,000.00 -\$1,200.00 to activate the house siren at Eagle. This is a TMI siren also. He would like to see updated.

Joel mentioned that it is also a warning to citizens that there will be equipment and vehicles responding. It is a safety issue.

Dave Bloss has to justify cost to have siren activated.

Cheryl added that there is a day care across street and the siren notifies the people of impending response and need to watch for vehicles and traffic.

Dave Bloss asked if all 3 of the service entities are included in study? Yes

Steven H. Gross, Jr. recognized Dave Gentzler. David L. Naylor commented that the Saginaw micro seal looked pretty good; although, the line painting is crooked. Dave Gentzler suggested to adjust bill or have them come back and reshoot it.

Cheryl asked if anything from PennDOT on Long Rd? Terry R. Gingerich replied it is not on this year's list, supposedly next year.

Joel commented that the wall is really getting bad.

Terry R. Gingerich added that he understood from a PennDOT meeting a lot of 2008 cut projects may roll into 2009.

Subdivision/Land Development

Gingerich 3-lot subdivision plan at 145 Saginaw Road

Dave Fuhrman of C.S. Davidson presented plan #482630100_A revision 2 dated 10/29/08. The Planning Commission action report of 10/28/08 was reviewed. The item per Gordon L. Brown & Associates, Inc. letter of 9/22/08 of a Form B Waiver approval (s.5.1.1.C(1)f). remains open, but has been applied for.

A 6-month note for curbs, sidewalks, and street widening is on plan as note #6.

Planning Commission comments:

- concrete monument in lieu of iron pin
- recommendation to grant the following requested waivers:
 - SALDO 3.5 preliminary plan
 - SALDO 8.6.2.A street width
 - SALDO 8.7.1 curbs
 - SALDO 8.7.2 sidewalks

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 subject to the following conditions and to grant the following waivers:

- q Form B Waiver approval (s.5.1.1.C(1)f).
- q Concrete monuments to be placed as indicated (s.9.9)
- q Recreation fee in the amount of \$2,400.00
- q Waivers granted with 6-month note:
 - SALDO 3.5 preliminary plan
 - SALDO 8.6.2.A street width
 - SALDO 8.7.1 curbs
 - SALDO 8.7.2 sidewalks

was seconded by Steven H. Gross, Jr. and carried unanimously.

Special Request none

Solicitor's Report – Attorney Andrew Miller

- § Kinsley rezoning 12/9/08 public hearing scheduled and advertised
 - § Local services tax meeting set for 11/19/08 at 4:00pm.
 - § The per capita tax must stay at \$5.00 since School district collects \$5.00 rate and it is capped at \$10.00.
 - § Local services tax can go to full \$52.00.
- Cheryl asked if allow employer to do in increments
Attorney Andrew Miller explained yes the employer may take in increments of \$1.00 week
Dave Bloss asked why considering increase.
Steven H. Gross, Jr. explained that a preliminary look at budget with police increase and not considering raise taxes led to this option. Budget meeting 11/19/08 at 4:00 draft #5 now

Engineer's Report – Byron Trout

- § Garrod Hydraulics - basically done, a walk thru with Kinsley was held. Extra stone, paving, work on pipe \$7,028.20 change order to \$70,628.20 total contract price. Bond covers that amount, but engineering costs not included. Need to compete concrete work - recommend a 5% hold. Pay \$67,096.79 per motion from David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously
David L. Naylor asked for total cost w/engineering – estimate \$8,000.00-\$10,000.00 exceeds \$76,950.00 bond amount
- § Surety reductions:
Mar-Ben in the amount of \$4,488.00 leaving \$28,512.55 per motion by Barry E. Rudisill, seconded by David L. Naylor. Vote – 2 yes, Steven H. Gross, Jr. voted no
- § Dauberton - Tyson fence to complete section around pond. The trees are now removed. It has been 2 years. \$3,162.36 plus \$580.00 remobilization and \$430.00 posts total \$3,762.36. David L. Naylor motioned to authorize Byron Trout to contact Tyson and to cover the additional costs. Barry E. Rudisill seconded motion. Steven H. Gross, Jr. commented that don't like additional cost, but our fault on time for tree removal. Carried unanimously.
- § 105 Willow Springs drainage issue - additional water down emergency entrance and into Orchard View. Holding occupancy. Contact with Pooles' office to correct.
- § Northeastern School District - curb pour tomorrow on school side, storm sewer set, Additional meetings on base repair and Board Road and feel now in agreement on what is expected.
- § SADG plan - request for HOP Beshore School/N. George and Glen Drive modifications need signed and returned to PennDOT. Motion to sign by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.
- § Friendly's - Barry E. Rudisill asked about water - Scott Hershey mentioned that they can't mow pond, it is still set for erosion control. Soon should be able to do with the OBP lot 1 modifications to swale. Terry R. Gingerich to send letter to Scott at Friendly's, copy Dan Weeks and Marvin Ebaugh.

Correspondence

- § York County Heritage Rail Trail \$500.00 budget request for 2009 - will look at with budget draft.
- § Susquehanna Lions Club Halloween Parade \$5,000.00 costs. Steven H. Gross, Jr. mentioned have budgeted discussion only community thing Steven H. Gross, Jr. \$2,000.00 David L. Naylor seconded and motion carried unanimously.

Manager

- § Northeastern York County Sewer Authority - no questions. Jim Coble update on Chestnut Street upgrade – no exact timetable, expect to bid Jan-Feb, construction Apr-June, needed plan approval for DEP, state grant submittal
- § Zoning Officer - no questions
- § Public Works Director - no questions
- § Recreation Board – no questions, note replace Merry-go-round with funds available. PPL lease agreement for walking path around soccer field area.
A motion by David L. Naylor, seconded by Steven H. Gross, Jr. to approve was carried unanimously.

- § Tax exonerations - Hackenberger \$13.85 SADG \$21.27 per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.
- § Bank fees for Kathy on returned checks fee to increase from \$20.00 to \$30.00. Attorney Andrew Miller suggested to do by resolution and to take reference to dollar amount out of code. Make change at beginning of year.
- § Playground equipment at Shallow Brook Intermediate School install request - John Miller use township equipment to excavate for it. David L. Naylor added call PA One Call as a condition. John to donate his time after work hours and Township donate use of equipment. Barry E. Rudisill motion to allow John to use equipment on his time with school board approval and release Township from liability. David L. Naylor seconded motion. Attorney Andrew Miller commented on concern volunteer basis - their liability covers. Motion carried unanimously.
- § Daniel Gross letter of Zoning Hearing Board resignation reluctantly accepted by David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously. Terry R. Gingerich to send thank you letter from Board.
- § Ambulance Club donation of \$5,000.00. Rodney Smith, VP Board of Directors was present. Steven H. Gross, Jr. commented that the Board is very concerned they are not at meetings.
Rodney reported that everything is running relatively smooth, financials going to CPA. Have been extremely busy, are fully staffed 24/7 90% paid 10% volunteer
Steven H. Gross, Jr. questioned the contact with Fire Chiefs; they are interested that the 3 organizations work together. Rodney answered that there will be meetings set up with Chiefs
David L. Naylor asked for contact and get dates.
Terry R. Gingerich –Workers Compensation requires volunteers Hepatitis C test. He needs a list of volunteers with dates of when joined to determine who has been involved 3 years or less; those people must have test.
- § Funds disbursement - Dave Bloss commented that they have not received. Terry R. Gingerich checked into and found that they were not cut.
- § David L. Naylor motioned for \$1,850.00 to be payable to Northeastern Area EMS. Steven H. Gross, Jr. seconded motion, which carried unanimously. Rodney requested he be notified on study and he be the contact person.
- § Animal Control 2009 proposal from Kohler Animal Control Services - discussion on animal control. Contact Newberry Township
- § SPCA 2009 proposal of 50 cents per capita of 2000 census. David L. Naylor on SPCA seems to be asking a lot since only service available seems exorbitant. Attorney Andrew Miller thinks it is an entity on its own. It is basically a tax on each resident - that's wrong.

Supervisors comments

David L. Naylor

- Motion to authorize manager to send letter for second polling place all agreed
- Gut Road signs
- developers completion of public improvements is important
- 2009 budget, economy is not good

Barry E. Rudisill

- 3 letters for junk properties - Attorney Andrew Miller reviewed, they are ok and ready to send
- paving Northern Heights - Byron Trout spoke with Kim and hoped to be completed by end of October, will contact again
- Apple Tree Lane park entrance - Terry R. Gingerich painted lines across street, Dave Gentzler did not want to paint curbs, signs to be posted
- Brylea – Byron Trout reported nothing new. Terry R. Gingerich noted that the fees are updated annually. Discussion on keeping pace with inflation.
- Willow Springs sidewalks - Terry R. Gingerich complete with those properties that were noted
- PPL strobe lights - controlled
- Long Road
- Beshore School Rd sidewalks – Attorney Andrew Miller would like a list of property owners to know which have plan notes, suggest letter laying out penalties or can go to magistrate as a summary offense under code.

Barry E. Rudisill motioned to have Attorney Andrew Miller pursue ones with note, Steven H. Gross, Jr. seconded and motion carried unanimously.

- future development of 2 lots at corner of Brickyard & N. George, now is time to get public improvements for that area

Steven H. Gross, Jr.

- signs on Weire tract for rezoning? Terry R. Gingerich answered they are at wrong location, will be corrected
- meeting for Sr. Center scheduled for Monday
- \$52.00 tax would pick up all employers

Dave Bloss spoke word of caution – if go all the \$52.00, then nothing else left to raise

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

Motion to adjourn at 9:30pm.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer