

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
DECEMBER 13, 2011**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Engineer Byron Trout, Dave Gentzler, Manager/Secretary/Treasurer, 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 7:00pm.

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

Steven H. Gross, Jr. disclosed that the Supervisors have not met or conducted business since the 11/8/11 meeting.

The minutes of November 8, 2011 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

Steven H. Gross, Jr. gave a background on the issue of the pending amendment to the current noise ordinance. The issue was brought to the Board in July and was also at the police board. He explained the after the hearing, they have 3 options to vote upon: adopt effective 5 days, deny, or table.

7:07pm **Public Hearing on Ordinance 2011-4 amending chapter 137 (Noise)** commenced.

Attorney Andrew Miller confirmed the ordinance was properly advertised on 12/5/11 for the Public Hearing tonight.

Public Comments in favor:

Question – what if one side of property has a 4 wheeler running for 15 minutes and then the other side for another 15 minutes = ½ hour

Attorney Andrew Miller explained that the paragraph J could be used as a “catch all” to enforce depending on how that situation may be viewed or interpreted by the police.

Buford Chidester commented that this was not intended to stop, just limit the hours. Some way for police to take action for those who abuse was needed. Never wanted to take rights away, but also there are rights for those to not have to listen to the noise.

Pastor Jeff Wilt 765 Market Street commented on the reference from the police minutes on others who came to him who lived blocks away. He has heard from quite a few residents. This is beyond a neighbor dispute; it is a community problem.

Eric Evans 105 Locust Court added that both he and his son ride, but not in their neighborhood. He also added that stock mufflers and such should not be that noisy; it is the after-market items that really make the noise.

Opposed:

Steve Duncan 745 Locust Street affirmed the photos presented by Steven H. Gross, Jr. are of his house and to make the record clear, it is new dirt from installing drainage around the outside of basement from the flooding.

He continued by commenting that the 15 minutes seems fine but he does not care for the 150'. Also, would like more definition on paragraph J, does that mean any noise? What about air tools or the children when using the pool or trampoline?

Attorney Andrew Miller believes the standard will be set by police application as to what is actual disturbance of the peace and quiet.

Dave Bloss is not for or against, just had a question on the "residential structure or use". Attorney Andrew Miller explained that after discussion with staff – it was determined to include that phrase so as not to create difficulty with uses within the zoning districts.

Deb Aldridge of N. Sherman Street commented on limits. They have 4 wheelers although they ride outside the area. She can hear the announcements over the loud speaker from the high school football games at her home.

Heather Duncan also expressed concerns over paragraph J and having 3 active children who can be quite noisy over the summer when playing outside. Saginaw is not a retirement community. If her children are outside being noisy all afternoon while they play – will that be a violation?

Attorney Andrew Miller reiterated that this is a by-product of an ordinance and the police will use their judgment when applying. It gives some limits.

Pastor Jeff Wilt stated that he has never had anyone come to him complaining about children's noise or air tools.

David L. Naylor – has expressed from day one caution and to be careful on what changes are made. Do not desire to take away individual rights and have to rely on officer's common sense. We have due process for enforcement. Feels this has been forced upon to make ordinance.

Barry E. Rudisill – reiterate what David L. Naylor said on passing this ordinance. Any time, it is expensive to do an ordinance and rights are lost.

A motion by Barry E. Rudisill to adopt Ordinance 2011-4 was seconded by David L. Naylor. There was no discussion. Steven H. Gross, Jr. commented he doesn't want to but the situation hasn't resolved itself. Motion carried unanimously.

Hearing closed at 7:35pm.

### Northern Heights

Keith Brim 80 Brendan Mews provided information from the annual HOA meeting on 12/10/11. The property owners took control of the HOA and by CCR rules, township notification is required; thus, notification is provided.

He is the President of a 5-member board.

The biggest issue they currently face is that Phase 3 is not paved with final wearing course. They are requesting paving and adoption for snow plowing.

Byron Trout – The rule of thumb has been when majority of homes are built before allowing final wearing course. He recommends not allowing. The binder is down. Final course can be damaged during construction of homes.

Keith expressed that snow removal is the issue.

Dave Gentzler disagrees with Byron Trout on this and agrees with the homeowners.

Barry E. Rudisill asked for downside.

Dave Gentzler – liability. A manhole can put a snow plow out of service if hit. With binder on they stick up and they are a potential problem.

Byron Trout encouraged completion of final by August 1, 2012 to meet the deadlines for adoption. Suggest make start in April.

All agreed to work toward the goal of completion and adoption in 2012.

### Public Comments

Ken Dunbar representing the Recreation Board presented their survey for possible bus trips which will be on the website and at township office. He also expressed a need for additional board members.

John Hoffer of JPM Northern asked if there will be any discussion on Northern Heights?

Attorney Andrew Miller answered that it would be deferred to executive session due to pending enforcement action.

John also mentioned that he is a Northern Heights HOA board member and will work to resolve the issues.

### Special Request

Cable TV Franchise – Attorney Andrew Miller has been working with a county consortium to get municipal interest in joint negotiation and costs. There is no final proposal to act upon. Questions were asked about the letter from Comcast indicating a 5-year extension through 2/27/2017. Is this automatic? Will check into.

Donation requests were received from:

- PA Heritage Society (includes subscription to PA Heritage magazine) \$30.00 est. Have supported in past.
- Watershed Alliance of York (MOU services for MS4) \$100.00
- Child Abuse Prevention Outreach Committee

Discussion on support of local organizations preferred.

A motion by Steven H. Gross, Jr. to deny requests was seconded by David L. Naylor and carried unanimously.

The following Tax Exonerations were granted per motion from Steven H. Gross, Jr., which was seconded by Barry E. Rudisill and carried unanimously:

Haney - 78 Burberry Lane	\$19.72
Harbold – 870 Conewago Creek Rd	8.46
Rohrbaugh – 415 Saginaw Rd	9.10

Asbury Pines

Sherri Seibert 460 North Burberry Ln spoke about concrete markers that have not been installed. She presented a petition from 20 of 22 lot owners requesting monuments at property corners.

She was told that Mark Will may not want to put markers on hill. Within the last 2 months, they have started by placing stakes.

Byron Trout added that he had suggested the petition. There was talk about only placing stakes at midpoint of property line because the surveyor unable to get down to the bottom. He suggested they find another surveyor. The monuments are required per SALDO and he recommends denial of surety till set.

Barry E. Rudisill – feel we've failed in this and that aggravates me

### **Correspondence**

No discussion

### **Solicitor's report – Attorney Andrew Miller**

- ACT 32 copy to YATB and DCED
- Ag Security resolutions that were signed had reference to incorrect numbering of 8, 9, and 10 with some correction to the title needed. This has been corrected and a motion to ratify the resolution is needed. Motion by David L. Naylor, seconded by Barry E. Rudisill to ratify was carried unanimously.
- Stormwater ordinance – the ad was postponed for additional time. A motion to TABLE by David L. Naylor was seconded by Barry E. Rudisill and carried unanimously. Steven H. Gross, Jr. asked if the township could write it's own?  
Attorney Andrew Miller – if it is consistent with County plan DEP is saying must adopt within 6 months.
- Executive session is requested for discussion on Asbury Pointe and JPM Northern

Heights.

East Manchester Township  
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**Engineer's report** – Byron Trout

- surety reduction for Asbury Pines is denied per motion from Steven H. Gross, Jr., seconded by Barry E. Rudisill and carried unanimously. Concrete markers are not complete.
- Hazard Mitigation grant for Saginaw and Gut Road – have made through first round of cuts, still in for round two for \$50,000.00 Gut and \$40,000.00 Saginaw. Due 1/15 /12

**Secretary/Treasurer/Manager's report** – Dave Gentzler

Sewer Authority – none

Recreation Board – none

Zoning Officer – Steven H. Gross, Jr. asked about 170 Austin Dr. truck parts – enforcement pending

Public Works Director – no questions

Manchester Borough seeking funding from PPL for Manchester playground sliding board

12/28/12 Board of Supervisors meeting to adopt budget

Reorganization meeting on 1/3/12 at 7:00pm

**Land Development/Subdivision** – no plans

A motion by Steven H. Gross, Jr. to adopt Resolution 2011-14 which transfers line item amounts of \$32,000.00 from capital to \$20,000.00 legal, \$7,000.00 highway engineering, and \$5,000.00 to Recreation Fund maintenance was seconded by Barry E. Rudisill and carried unanimously.

Steven H. Gross, Jr. motioned to pay bills. Barry E. Rudisill seconded motion, which carried unanimously.

**Supervisor's comments**

David L. Naylor – none

Barry E. Rudisill – answered

Steven H. Gross, Jr. – nothing additional

A motion from Steven H. Gross, Jr. to recess to Executive session was made at 8:24pm.

Reconvened at 10:00pm.

No actions were taken.

At 10:01pm, Barry E. Rudisill motioned to adjourn, David L. Naylor seconded and motion carried unanimously.

Respectfully submitted,

Dave Gentzler  
Secretary/Treasurer/Manager

DRAFT