

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
FEBRUARY 9, 2010**

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 since the 1/12/10 meeting, the Board has not met nor conducted business.

The minutes of 1/12/10 were accepted with a correction to page 3 typo, "of" should be "if", per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

**Public Comment**

Resident – Cheryl Klinedinst commented on seeing the NEArea EMS vehicle going to Golden Brew January 29<sup>th</sup> around 5:45pm, it gives a bad impression if not there on a call.

Steven H. Gross, Jr. noted that from last month's public comment, a letter has been sent to York County Parks.

**Special Request**

Leg Up Farm – Two requests:

1. to allow an amendment to the developer's agreement to separate the \$681,018.73 bond into three (3) phases: one \$573,012.62, two \$9,084.68, and three \$98,921.43.
2. bond reduction of \$108,006.11 for phase 2 and 3.

Both requests a result of tying up credit for work that cannot be completed in phase 1 which is a problem for conversion of the construction loan to permanent financing.

Steven H. Gross, Jr. asked if Byron Trout had any concerns. Byron Trout replied not really, all public improvements along N. Sherman are done, the numbers work, and this is a unique situation and if Attorney Andrew Miller is ok with, he is ok.

Attorney Andrew Miller commented on the amendment to the current developer's agreement and how that would require building permits for phase 2 at 3 separately. He understands why request is being made and it is acceptable.

Lou phase 2 building plans have been submitted - can post bond. If Attorney Andrew Miller will draft the amendment, Leg Up will pay for that cost.

Discussion. Barry E. Rudisill motioned to approve conditioned on execution of developer's agreement as amended. David L. Naylor seconded for discussion. After discussion on option of how to deal with this request, Barry E. Rudisill amended the motion to authorize Attorney Andrew Miller to draft amended developer's agreement for next month's meeting, then consider approval. Motion seconded by David L. Naylor and carried unanimously.

Penn Waste contract extension – Attorney Neil Slenker and owner Scott Wagner were present to follow up on the proposed draft ordinance, which gives Penn Waste authority to collect delinquent accounts. Steven H. Gross, Jr. asked of the value of our contract. Scott answered \$400,000.00. \$30,000.00 is the delinquent amount for the Township.

Attorney Andrew Miller mentioned that there is still time to submit the ordinance when adopted for inclusion into the code update. Code books are expected to be ready April/May with adoption in May/June. Timing is best now for incorporating into code update.

Discussion was held on consideration of adoption. It is agreed that adoption of the proposed ordinance is acceptable. One item Attorney Andrew Miller needs to work with Neil on is the penalty since this would be a summary offense. They will remedy prior to advertisement for adoption.

Neil expressed that there is no issue with reimbursement to the Township of the advertising expense for this ordinance. They are willing.

Barry E. Rudisill motioned to advertise for next month's meeting. Motion seconded by David L. Naylor and carried unanimously.

The current contract expires 6/30/10. A 2-year extension is proposed with no price changes for 7/1/10 – 6/30/11. An increase of approximately 3.3% for 7/1/11 – 6/30/12 is proposed.

The renewal packet was discussed. Steven H. Gross, Jr. asked about the YCSWRA increase. Scott explained that if disposal costs increase from the current \$56.00 ton, he will have to adjust the fees. There is no increase for 2010, but uncertain for 2011.

He also is providing a wage increase April 1<sup>st</sup> for Penn Waste employees.

Scott mentioned that PA Dept. of Revenue notice beginning June 1st weekly payments on payroll withholding instead of quarterly, which affects all employers and the cash flow.

Plan to have representation at next month's meeting for continuation of these issues.

### **Subdivision/Land Development**

#### **Orchard Business Park lots 10 and 11 of Fink/Weire subdivision**

David Koratich and Dan Creep of LSC Design and Mike Jeffers of Kinsley Equities were present for land development plan 2009.0247100 dated 11/25/09 rev. 4 1/29/10.

The Planning Commission recommended approval upon satisfaction of OPEN items and granting of requested waivers.

The 12/23/09 Planning Commission report was reviewed:

The following items remain OPEN:

per Gordon L. Brown & Associates, Inc. letter of 12/11/09:

The following comments relate to the Township Subdivision and Land Development Ordinance:

8. The following information should be provided on/or with the plan:
  - d. Approved erosion and sedimentation control plan (S.6.1.1.C(1).1).
  - g. Sewer authority representative signature (5.6.2.3.4).

per York County Planning Commission letter of 12/15/09:

These comments refer to the East Manchester Township Subdivision and Land Development Ordinance:

2. The following information should be shown on or provided with the plan:

- C. Erosion and sediment control plan approval by the York County Conservation District (s.5.1.1.C.1.g).

Per Planning Commission comments:

- Gordon L. Brown & Associates stormwater comments to be addressed

The following waiver requests were made:

- SALDO 3.5 preliminary plan for less than 4 lots
- SALDO 6.1.1.A.1.d scale of 1" equals 50' – Planning Commission condition that the details as shown are kept at 50 scale
- SALDO 8.4.1.E grading of 2 to 1 slope – Planning Commission condition with details that have been provided
- SWO 403P – bottom slope of 2% or less – Planning Commission condition that the low flow structures are provided

Discussion and explanation of requests and reasons for requests was held.

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 Steven H. Gross, Jr. to grant the requested waivers with the Planning Commission conditions as set forth was seconded by Barry E. Rudisill and carried unanimously.

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 upon satisfaction of the OPEN items was seconded by Steven H. Gross, Jr. and carried unanimously.

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

- code adoption
- Northern Heights – Long Road HOP application reviewed, JPM needs to confirm acceptance of improvements costs. Have learned that the HOP has not been submitted to PennDOT. With the proposal of 2 additional pipes, JPM feels they are not responsible for pipe costs, only the cost for section of widening of the pipes. Byron Trout will discuss this with the engineer. It was noted that completion was anticipated in 2008. After discussion, it was agreed that a notice of breach is to be sent. This would also included holding of applications for any additional permits
- Intermunicipal agreement – nothing new
- Kinert & Harrell-Carr fines – Kinert made payment on account today. Harrell-Carr Writ of execution filed. To be further discussed in Executive session

- Executive session request for discussion of personnel matter and Saybrook litigation

East Manchester Township  
Board of Supervisors  
February 9, 2010

### **Engineer's Report – Byron Trout**

- PPL request for signature on the DEP permit for barrier debris to be constructed in the river at intake. Although the river is Conoy Township, the barrier is touching the bank on the East Manchester Township side. After explanation and discussion, a motion from David L. Naylor was seconded by Barry E. Rudisill and carried unanimously to sign.

**Correspondence** - York County Rail Trail Authority letter acknowledging our 1/13/10 letter.

### **Manager's Report – Terry R. Gingerich, Manager**

- Northeastern Sewer Authority – no January minutes
- Zoning Officer – no Zoning Hearing Board for February
- Public Works Director – just received report
- Recreation – no report
- Tax Exonerations – Steven H. Gross, Jr. motioned to approve the list of residents that have moved or are deceased as submitted by Kathy Emswiler, seconded by Barry E. Rudisill and carried unanimously.
- snow emergency funds - declaration of disaster for receipt of emergency money. A motion to approve, was made by Barry E. Rudisill, seconded by Steven H. Gross, Jr. and carried unanimously.

### **Supervisors' comments**

David L. Naylor – have heard good comments on roadcrew for snow removal

Barry E. Rudisill – question on progress for intermunicipal agreement

Steven H. Gross, Jr. – added that the roadcrew did an outstanding job on roads, unbelievable amount of traffic to deal with

### **Public Comment**

Dave Bloss asked if funds for snow removal is in budget or will the budget items be moved around to cover this. Dave Gentzler is working on the numbers.

James Arex mentioned the 1-800goog411 call for free is for public use.

Motion to pay bills by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.

Steven H. Gross, Jr. motioned to recess for executive session at 8:10pm to discuss the SCC-Canyon II, LLC litigation matters and proposed settlement, Cases No. 2009-SU-3029 and 2009-SU-3253, Harrell-Carr and Kinert enforcement, and personnel matters. David L. Naylor seconded motion, which carried unanimously.

Chairman Gross reconvened the regular meeting at 9:20pm and disclosed the discussions of the Executive session consisted of aforementioned subjects only.

No further action was taken.

East Manchester Township  
Board of Supervisors  
February 9, 2010

The meeting was adjourned at 9:22 pm by motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

Respectfully submitted,

Terry R. Gingerich  
Township Manager/Secretary/Treasurer