

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
MARCH 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 7:01pm.

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

Steven H. Gross, Jr. disclosed that since the 2/9/10 meeting, the Board has not met nor conducted business.

The minutes of 2/9/10 were accepted per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

Public Comment

Resident –

Jaime Bell Northern Heights HOA President asked to get on record regarding the problem of maintenance for undeveloped lots. There have been and are currently weeds and other growth over 12". There are also erosion issues.

Byron Trout is aware of the erosion and is working with Rob Fetter to take care of stormwater issues. There is \$115,000.00 surety still being held.

Jaime mentioned that the HOA is worried the developers leave and nothing gets completed. 62 of the 94 lots are completed. Weed killer was sprayed last fall, but that is all that was done.

There are topsoil piles on lots and chunks of debris around.

Chief Joe Stevens of Union Fire Co. gave a brief report. There were 465 calls last year. The loss is down \$34,000 from last year.

Continuing training and recruitment. There is an average of 8 responders per call - 6 during day and 12-14 at night. 6pm to 6 am are the busiest hours. 2 pm is busiest hour for vehicle accidents.

They are discussing and planning to replace the 21-year old tanker. New cost \$490,000.00 can't afford, probably go with used 2003 American-Le France for \$143,000.00. Hopefully can sell old one for \$45,000.

Scott Elfner of Eagle mentioned that Chief Brenneman is at the Mt. Wolf Borough meeting and anticipated coming here afterward. They are discussing their building and looking for used tanker.

proposed ordinance 2010-1 amending Chapter 76 to provide for billing, collection, and payment procedures related to collection of solid waste and recyclable materials.

Attorney Andrew Miller verified the ordinance has been properly advertised for adoption tonight.

Steven H. Gross, Jr. commented that he has received calls from property owners who are questioning the liability of the unpaid bills on them instead of their tenants.

Neil Slenker explained that this ordinance does not change existing ordinance; property owner is already liable. A lien if not paid is tied to owner. It is difficult to track tenants; that information is not public record, property owner is. They suggest the owners contract with tenant to be able to take action against their tenant.

Scott mentioned that to obtain other services, an applicant's credit is checked via SS# and other methods they do not have access to. It is customary to send notices to tenant, then owner.

Steven H. Gross, Jr. asked about the Township tenant registration. It was mentioned that could help if the owner's notify township; otherwise, it is not a matter of public record.

Discussion continued on this subject.

Attorney Andrew Miller added that this ordinance applies to Residential of 4 units or less.

He also explained that one other thing this would clear up is that currently under the ordinance there are no express provisions to enforce these collection mechanisms against the tenant or the occupant, so this clears up that issue as well. So this gives them the right to collect from the tenant under the provisions that they are otherwise proposing.

David L. Naylor asked for an explanation on the proposal for the change to a sentence.

Attorney Andrew Miller – it would be just striking a portion of it that says “provided to the exclusive contract hauler by the owner”, so it would read “notification shall be provide by first class or certified mail to the address of the owner and to the building address or the occupant”

If an amendment for this change is to be considered, Penn Waste would pay for the advertising cost.

Barry E. Rudisill motioned to **adopt ordinance 2010-1**, seconded by David L. Naylor and carried unanimously.

David L. Naylor motioned to advertise an amendment for next month at Penn Waste's expense to address the proposed change to existing subsection E, which would become F and adding a new subsection E, and striking a portion of it that says “provided to the exclusive contract hauler by the owner”, so it would read “notification shall be provide by first class or certified mail to the address of the owner and to the building address or the occupant”.

Steven H. Gross, Jr. seconded motion and it carried unanimously

Contract renewal was mentioned - no action at this time – place on June 's agenda

Subdivision/Land Development

Ryan Hahn of VIF II/York, LP presented a revision to the land development plan for 105 Willow Springs Lane, which adds an outdoor patio area for tenant GlaxoSmithKline. John Luciani of First Capital also presented this plan as revision 2 dated 2/15/10.

There will be an island to segregate car from truck traffic.

Byron Trout mentioned that he needed signatures on plan. Katrina Rife has original submission with signatures.

It was noted that the stop bar on Board Road is being taken care of; a separate contractor has been hired and they have installed a temporary tape in the new location until weather permits to complete the job. Byron Trout commented that this really has nothing to do with plan as well as the Friendly's stormwater issue, which is also being worked on.

Ryan acknowledged needing a future application for signage for demarking traffic.

Barry E. Rudisill asked if HOP still original? Byron Trout responded that yes it is and that includes the comment to move the stop bar back.

Note: sensor is not recognizing temporary tape, must go up to original location to get turn arrow.

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 David L. Naylor to approve the plan contingent upon satisfaction of all signatures was seconded by Barry E. Rudisill and carried unanimously with the additional notation that they are working on the stormwater situation from previously and confirmation from Byron Trout that surety is still in place for such.

Special Request

none

Solicitor's Report – Attorney Andrew Miller

- Leg Up amendment to the 3-phase surety. Release entire and repost for phase 1 balance (\$205,000.00 remaining) and reduction on phases 2 & 3 (\$108,006.11 remaining). Building permits held till surety provided.

David L. Naylor motioned to approve the proposal, Barry E. Rudisill seconded and motion carried unanimously.

After discussion and review of the fees, the phase 2 land use permit fee is reduced per motion by David L. Naylor in the amount of \$2,000.00 seconded by Barry E. Rudisill and carried unanimously.

- General Code - Nothing new to report
- Northern Heights – Attorney Andrew Miller received a letter on Long Road improvements indicating JPM is now refusing to complete the improvements. They claim there is not an increase in runoff from their development. Byron Trout reviewed calculations and stormwater management plan. The original approved plan was based on calculation when the trees were there, subsequent removal of those trees changes the rate.

Byron Trout gave update.

Attorney Andrew Miller – can consider enforcement letter under stormwater ordinance for being in violation of their stormwater management plan.

Keith Grim 80 Brendan Mews – anytime a large rain, they get a torrent of water coming down hill and it cannot go into drain. Culvert is graded up, not down to basin. Discussion continued.

Steven H. Gross, Jr. – enough information and I also think you know the Board's wishes Attorney Andrew Miller – I think what we wind up doing is that I will work with Byron Trout, Terry R. Gingerich and Katrina Rife to come up with that list of violations. Based upon your direction from last month I have already sent them a default letter under the development agreement that you did; however, that was what they came back with and said no we are not in violation of the development agreement because we haven't changed or increased the runoff to that culvert in any way, which we know isn't what the agreement says and wasn't the intent of it. That notice has already been sent out so this would be an additional enforcement action against them altogether.

Steven H. Gross, Jr. asked if the permits can be held now that we have enough; can they be withheld

Attorney Andrew Miller - Under the development agreement, if they are in breach of developers agreement, declared them in breach of it and if they haven't remedied the problem, the development agreement provides that you can do that. I think what you are talking about doing now is suspending the stormwater management plan requiring them to review their calculations based on what has actually occurred.

Steven H. Gross, Jr. – well Katrina did you get that? No more building permits for across the street because that is the only thing that gets their attention.

Barry E. Rudisill asked if there is any activity going on there now?

Jamie answered that there are currently two under construction and breaking ground on a third.

Katrina Rife commented that there are open permits. Would have to verify number of open permits. No requests for new permits nor occupancies have been made recently.

Attorney Andrew Miller believes there is enough to work on a cease and desist letter.

All agreed to proceed.

Byron Trout also mentioned to Attorney Andrew Miller that their NPDES permit for the E&S control has expired so they do not have an active permit for that, although enforcement for that is going to fall under YCCD.

Steven H. Gross, Jr. – Do you have enough direction there Katrina, do you understand what we are saying? I want it to be crystal clear.

Katrina Rife – yes

Steven H. Gross, Jr. – In my opinion the two homes that are started we can't do much about but if they are breaking on a third on we can probably stop that one.

Jaime Bell – As a home owner in that subdivision, one of my biggest concerns is; and obviously there is a \$100,000 plus bond that they could use if things are not fixed and I would think that here is way more than \$100,000 of work that needs to be done, the pond still has rebar sticking up where there is supposed to be concrete poured around it, the Long Road issues, our drainage issues, and it seems like it goes on and on, is there anything that protects me as a home owner if they just decide to default and up and leave? Am I going to get stuck for paying for this? We are an HOA.

Attorney Andrew Miller offered that they become familiar with the Uniform Planned Community Act and the protections that are in there for the HOA. The Township really has no role in that and I can't advise you as to what your rights are or aren't, but you do have the Act.

Keith asked if there is anything they can do.

Attorney Andrew Miller encourages continued cooperation with the Township.

Both Jaime and Keith are concerned that the developers may come to a point where they take a loss on the few lots that are left and just leave.

Byron Trout mentioned that \$115,000 balance on phase 1 and there is additional bonding for phase 2 & 3.

Barry E. Rudisill added that typically the profit is at the end of the development.

- 705 Park Street action – no payments received since initial down. Appears to have vacated the house. Suggest action for lien.
- Touse/Rentzel Heights – sale of Touse assets in FL, already happened. Nothing new on the Rentzel Heights development

Engineer's Report – Byron Trout

- Northern Heights phase 1 reduction request – not recommended at this time. Steven H. Gross, Jr. motioned to deny, David L. Naylor seconded motion, which carried unanimously.
- Friendly's – have been working with Ryan Hahn of VIF II who is taking a more active roll in resolving the stormwater issue.
- Rentzel Heights – received a call from Dave Kegerize of Lake Roeder Hillard requesting permission to start public improvements on Meeting House Road. Attorney Andrew Miller mentioned it might be helpful to get clarification on what work specifically. Refer to Executive session due to ongoing litigation.

Correspondence none

Manager's Report – Terry R. Gingerich, Manager

- Northeastern Sewer Authority – received January 25th and February 22nd minutes. Dave Bloss asked if there is any update on the rate equalization? Discussion on need to get that accomplished.
- Recreation – February 3rd minutes received. The mowing bids are formatted in 2 options – one includes the PPL soccer fields, other one does not.
- Zoning Officer – no zoning hearing applications for March
- Public Works Director – snow costs of estimated \$45,000.00. Terry R. Gingerich applied for a \$27,000.00 grant. Note: 3 inlets on Dellinger Road were damaged and more on Jerusalem School Road
- Intermunicipal Line Painting has been awarded to low bidder Alpha Space Control – \$153,291.43 for all municipalities, our portion is approx. \$17,000.00 Barry E. Rudisill motion to accept bid and Steven H. Gross, Jr. seconded. Motion carried unanimously
- Coates sewer connection request to utilize a lateral on township property providing connection to his proposed dwelling. It would need to be stubbed for township's future use. An easement agreement should be recorded per Attorney Andrew Miller. Barry E. Rudisill motion seconded by Steven H. Gross, Jr. and carried unanimously

Supervisors' comments

Barry E. Rudisill – questioned complaint about NE Area EMS at Golden Brew, David L. Naylor will follow up.

David L. Naylor – suggests start auctioning off on energy costs. Terry R. Gingerich commented that the Managers are working on this.

Steven H. Gross, Jr. – Note \$3,000.00 cost on repair of transmission failure for truck

Noted that letters have been received complimenting snow removal.

Suggest keeping the soccer fields in the mowing bid

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

Public Comment

Scott Elfner mentioned the Manchester Royal job fair. It was held at the maintenance building.

8:48pm recess to Executive session for discussion on Rentzel Heights litigation.

Reconvened at 9:28pm.

9:30 Barry E. Rudisill motioned to adjourn. Meeting adjourned

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer