

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
APRIL 13, 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 3/9/10 meeting, the Board has not met nor conducted business.

The minutes of 3/9/10 were accepted per motion from Barry E. Rudisill seconded by David L. Naylor and carried unanimously.

**Bid Awarding**

- Mowing low bidder Andrews Con of York total \$11,889.00. Terry R. Gingerich commented that the bond needs to be obtained. David L. Naylor motioned to award. Barry E. Rudisill seconded motion, which carried unanimously
- Equipment low bidder collectively Emory Peters. The low bidder for road widener and milling machine was Wilson Paving. A motion by Steven H. Gross, Jr. to award was seconded by Barry E. Rudisill and carried unanimously.
- Materials low bidder Codorus Stone. A motion by David L. Naylor was seconded by Barry E. Rudisill and carried unanimously to award.
  - Superpave materials low bidder Kinsley (includes truck rate)
  - Emulsion and Ralumac low bidder Stewart & Tate. Steven H. Gross, Jr. motioned to award. David L. Naylor seconded motion, which carried unanimously.

**Public Comment**

Bob Fogle, representing Strinestown Community Fire Co. on the Northeastern Community Independence Day Celebration at 865 Locust Point Road starting at 5:00pm this year. \$2,000.00 was allocated last year. Steven H. Gross, Jr. encouraged support. A motion by Barry E. Rudisill, seconded by David L. Naylor to match 2009 donation of \$2,000.00 for 2010's event was carried unanimously.

Bob Nace had questions regarding the golf course:

-on the wash pad, which is currently under construction, he is concerned about the possible runoff that could happen during a heavy rain causing an overflow that would result in traveling across PPL property, across the Police woods, into his meadow, and then to creek. Grease and oil residue could be involved.

Byron Trout has reviewed the plan and a maintenance bond is in place. A silt sock is also to be placed to deter runoff.

-on the golf cart paths, the plan indicated prior to crossing Board Road, a 90 degree turn and stop signs are to be placed. Stop signs are up, but not the turn in path. They are advertising tee times in May. Byron Trout agreed it is on plans and he will follow up.

### **Special Request**

Attorney Robert Katherman representing Rentzel Heights development had questions regarding the work anticipated for Meeting House Road.

Byron Trout received a revised plan from Lake Roeder Hillard for widening of Meeting House Rd on their side, moving center line to where we wanted and putting an overlay of entire roadway where we wanted it.

Steven H. Gross, Jr. asked if everything we wanted is there, just no light yet.

Byron Trout – The plan that I have is the length of their current property, no light.

Attorney Andrew Miller – I just wanted to make sure it is understood that this goes back to a dispute over what was actually on the plan, whether or not it required a crown to be centered on the road and they submitted a plan that was consistent with the township's view, what Byron was saying, of what was shown on the plan, but it does not go beyond the property border. Byron will address whether it set up the transition into the traffic signal.

Byron Trout – From best that I can tell they start pulling the transition toward the end of their property, pulling over to line up with the redesign lining up at a 90 at N. George Street about 220' short of George Street is where the public improvements end.

Steven H. Gross, Jr. – I trust Byron on this. Did you see this Andy?

Attorney Andrew Miller – I didn't see the plan but I did talk to Byron about it a few times. I think the other thing to be clear about since Mr. Katherman is here tonight, if there is two phases to the construction and the developer is going to be responsible for any inconsistencies to transition into the traffic signal, so them going forward with this part, the township is not relieving them of a responsibility to do the traffic signal, the second point is there is still other issues to be address before any of the permits would be released, and foremost among those is the traffic signal, so I don't think that changes that, but this is consistent with what the township asked for and it is certainly a step in the right direction I think to get it started.

Bob Katherman – I want to build a road for you and so I came up here this evening to find out if Byron has reported that to you and now that he has I want to tell you that immediately if not sooner, they are going to get out there and do that road. They are going to try to minimize the impact for school buses. I am not a construction engineer so I don't know if there will be one lane open or something like that but they tell me it will be 10 business days, 10 work days to do it.

Byron Trout thinks that is a little optimistic, 3-4 weeks seems more realistic, but maybe with a double crew. Before breaking ground need to hold a pre-con meeting on site. Contact township to schedule. Available next week.

## **Public Hearing**

Steven H. Gross, Jr. opened public hearing at 7:22pm.

Terry R. Gingerich confirmed advertisement of proposed ordinance 2010-2

Attorney Andrew Miller stated that it is consistent with discussion from last meeting. Again addresses the issue of rented properties and allows collection from tenants and notice to owner before taking lien actions against property.

Steven H. Gross, Jr. motioned to adopt ordinance 2010-2, seconded by Barry E. Rudisill and carried unanimously

Hearing closed at 7:26pm.

Penn Waste contract extension for 2 years from 7/1/10 to 6/30/12

Steven H. Gross, Jr. motion to approve contract extension per 1/27/10 letter from Penn Waste outlining the specifics. Barry E. Rudisill seconded motion, which carried unanimously.

Scott Wagner mentioned work at end of Brickyard on trees and guide rail. They are actively working with Dave Gentzler to improve that area.

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

- General Code - nothing new will include ordinance 2010-2
- Northern Heights – refer to Executive session to discuss violation notice
- Touse/Rentzel – refer to Execution session due to litigation and discussion on crosswalk easement for signal installation

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

- Northern Heights – have spoke with Fabio regarding the 30" pipe. Intend to modify HOP application although have not seen yet. Working with YCCD on E&S issues. Further discussion in Executive session
- Friendly's – stormwater is being worked on, have dewatered pond. The improvements are lined up with contractor. Found gate valve broken.
- Brickyard Road work – question on right-of-way and area that is RCA property
- Orchard Business Park lots 10 & 11 – blasting is occurring

## **Correspondence - none**

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

- Northeastern Sewer Authority – did not provide March minutes.
- Recreation – March minutes not received
- Zoning Officer – no questions
- Public Works Director – Terry R. Gingerich discussed road projects reviewed Riverview & Jerusalem School Rd are in bad shape, milling to be completed. Expect to pave soon and have \$130,000.00 in liquid funds to spend. If use all, will result in very little for next year. Expect the Governor to reduce next year's allocation. Asked Dave Gentzler to save some dollars for next year anticipating a reduction in funds. Plan to oil and chip Riverview. Possibly overlay to Jerusalem School Road. Schedule a Spring road inspection for the advertised alternate Board of Supervisors meeting on Friday April 30<sup>th</sup> at 8:30am.

- Tax exoneration \$19.02 for property at 4485 Starview Road. Steven H. Gross, Jr. motioned to approve per Kathy Emswiler's report, Barry E. Rudisill seconded and it carried unanimously.
- LGAC meeting on 5/19/10 – not attending
- Mundis Race Road traffic counters being placed by York County Parks
- Green Ridge refund request of \$9,250.00 (9,000.00 for land use, 125.00 occupancy, and 125.00 driveway) for 5 land use permits for homes that will not be built. Permits were issued October 2009. It has been made known that the UCC admin fee of 200.00 is not refundable. Discussion was held on the fees, the condition of the development, incomplete improvements, and stormwater. Sidewalks incomplete on Beshore School Road.

Attorney Andrew Miller – Generally once you paid for a permit if you don't build you run that risk I don't think there is an obligation to township to refund it.

After discussion, David L. Naylor motioned to deny refund request. Steven H. Gross, Jr. seconded. Discussion on extension and no provision in ordinance to refund. Motion carried unanimously.

- line painting 2009 – PSX failed to make corrections. A new contract with Alpha Space Control is in place for 2010.

Terry R. Gingerich and Dave Gentzler suggested a payment of 50% of invoice. Arrows and crosswalks are ok. It is the yellow and white lines that are deficient. \$18,241.00 total of the invoices is being withheld. They have not been paid at all.

Attorney Andrew Miller – You are required, and if there are any items, and you've got a line by line breakout, if there are any items that weren't deficient, you are required to pay them those amounts. It looks to me as though they were given proper notice of the deficiencies. You can withhold payment for anything for where you have notified them of the deficiency. If you withhold payment of something that was completed to spec or satisfactory, there are additional penalties that could be applied for withholding payment in that situation, so in other words you cannot penalize the contractor by withholding payment for things that were done correctly. Were there any line items that were sufficient.

Terry R. Gingerich – Everything was ok, except for the white and yellow lines.

David L. Naylor – So the turn arrows, straight arrows, crosswalks, stop bars, cross hatchings, and railroad crossings were all done and acceptable.

Terry R. Gingerich – They were done by hand and are all acceptable.

Discussion continued, consider pay for work completed satisfactorily and inform of no longer needed to return to correct.

A motion by Steven H. Gross, Jr., seconded by David L. Naylor to pay line items for arrows, crosswalks, stop bars, RRX, and cross hatchings totaling \$4,619.91 was carried unanimously.

- Donations – per motion from Steven H. Gross, Jr. to release to Fire Companies \$35,000.00 from Fire Protection Fund and \$13,000.00 from Fire Equipment fund, to Northeastern Area EMS \$1,950.00, and to the Sr. Center \$1,550.00 keeping Retention funds till end of year. David L. Naylor seconded and motion carried unanimously.

### **Supervisors' comments**

Steven H. Gross, Jr.

- question on why there is no fence along pond at Beshore School Road. Byron Trout commented that plan did not require and that area was originally to be residential lots. Terry R. Gingerich also explained that the pond was a result of wetlands removed in Dauberton and Army Corps of Engineers required replacement elsewhere, so that is where.
- Still dirt moving dirt alongside pond at Giant, Byron Trout knows they moved spillway location there is a notch in pond that was filled in and moved back to side as per plans although he is not sure who is doing the work-Highland is out of business.

David L. Naylor

- dirt pile at Leg Up being moved? Yes, eventually as phase 2 is completed
- delayed green on Sunset still an open issue

Barry E. Rudisill

- Shady Lane bad shape, should be looked into improving it.
- Green Ridge motion to give 30 days to complete sidewalk work between Greenwood and Green Ridge. Byron Trout has already sent notice, but there has been no activity. Terry R. Gingerich asked to include the curb edge to Board Road to be completed. Motion by Barry E. Rudisill was seconded by David L. Naylor and carried unanimously
- Judy brought to attention that property owners are not following thru with rental changes as ordinance requires. Discussion on suggestions on how to improve this.

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

8:26pm recess to Executive session

Reconvened at 9:45pm.

Steven H. Gross, Jr. motioned to proceed with a Declaration of Taking at 5140 N. George St Ext. (map 6 parcel 55) to install pedestal and equipment for traffic signal at intersection of Meeting House Road and N. George Street Ext.

Motion to adjourn at 9:55pm

Respectfully submitted,

Terry R. Gingerich  
Township Manager/Secretary/Treasurer