

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
JULY 13, 2010**

Present: Chairman Steven H. Gross, Jr., Vice-Chair David L. Naylor, Supervisor Barry E. Rudisill, Secretary/Treasurer/Manager Terry R. Gingerich, Attorney Andrew Miller, Engineer Byron Trout, 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 6/8/10 meeting, the Board has not met in Executive session.

The minutes of 6/8/10 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

The minutes of 6/16/10 were accepted per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

Public Comment

Steve Kohr of 475 Shady Lane made a request to close Shady Lane as a public road. He is experiencing hundreds of vehicles especially the 3:30-4:00pm range which includes Industrial trucks. He has had people dump trash on his property, walk all around, caught them doing drugs and in sexual contact, and travel at high speed on the section of this 1-lane dirt road.

It is a major safety and liability issue.

He is waiting for someone to get T-boned on N. George Street at the entrance. When traveling North on George and turning into Shady Lane, you cannot complete the turn if another has started out from Shady Lane to N. George because there is no where to go; cannot pass.

He has assisted many tractor trailers every month after dark helping back them up because they cannot get over the bridge or through the area.

There was discussion on the trust, the history of the property and the road, afterwhich it was agreed that the bridge issue needs more information.

The bridge is documented in the land trust and is to be kept in original condition. It has a 9' wide cartway from wall to wall and a current 5-ton weight limit. It has been recently damaged and is in need of repair. Byron Trout and Dave Gentzler looked at it today along with a York County bridge inspector. A senior bridge inspector is to be brought in also and a report is expected at the next township meeting.

Attorney Andrew Miller questioned if the Township was party to the Farm & Natural Lands Trust. He is not sure how or if the F&NLT knew that this is a public right-of-way and a township maintained road and how landowner could put conditions on it.

He also explained there are procedures in the 2nd class township code for vacating as well as improving and assessing adjoining landowners.

Byron Trout confirmed that Shady Lane is used in directions on GPS, which is why many trucks do not realize it is limited use.

Steven H. Gross, Jr. & Terry R. Gingerich commented that Shady Lane was included in discussions when Brickyard was developed and the traffic signal for Steamboat was designed. It was not closed then. Terry R. Gingerich also stated that the right-of-way to Greenwood is there.

Steve Kohr mentioned that when he bought the property, he didn't realize it was a public road; it is not on his deed. He would consider giving land for cul-de-sac or road through back part and is willing to work toward a solution.

Todd Strickhouser of 305 Creek Bottom addressed the Board regarding the spillway from the retention pond for Rentzel Heights just above his property. This has been brought before the Board many times previously and there are no changes. The meeting with Rob Fetter that was planned has not taken place.

It still is a problem for him. He does not want this overflow spillway on his property and believes it to be illegal. He never had water and does now.

Discussion continued. Byron Trout commented that the pond is currently set up for erosion control and until it is converted, there are always problems under the erosion control condition.

Todd explained that there are 2 – 3' pipes and 4 – 16" pipes all directed toward 1 – 16" pipe. Another 3' discharge pipe should be added.

The plan was reviewed as discussion continued.

All agreed to meet with Rob Fetter.

James Arex of S. Poplar Street commented on his interest in helping emergency responders from his past personal experiences like when the burka-wearing driver of a minivan came at him while he was walking on the sidewalk and when people sick their dogs on him. The FBI advised him to work with the NERPD.

Charlie Gladfelter of 105 Canal Road expressed his frustration at having to deal with and look at a parking lot behind him in Orchard Business Park. He asked if there will be any more trees on the 4-5' mound at the property line. He can see over that from his first floor and definitely from 2nd floor. He did get mud from the filled in valley now that the water runs opposite from its previous direction. Discussion on this was held and the plan is being revised currently. It is scheduled for the Planning Commission meeting of 7/27 and possibly the 8/10 Board of Supervisors meeting.

Joel Klinedinst asked if a speed hump would be considered on the roadway alongside of the police station. The trees that were part of the plan act as a blinder. The problem is two-fold – high speeds of traffic and police not used to other use and having focus on responding to calls.

He also mentioned that efforts to make the golf carts use the crossing needs addressed. Carts are going around the designated area and crossing.

Scott Elfner representing Eagle Fire Company reported the high cost of building enlargement has made them at this point put emphasis on apparatus and start a separate building fund.

A new 2,000-gallon straight single-axle tanker is to arrive on 8/9/10 with equipment est. cost of \$161,000.00. They are planning to sell the existing 3,000-gallon tanker. The newest pick-up truck and engine have balances to pay off. They are looking into replacing Engine 1 next year.

**Land development /Subdivision
PPL Waste Water Treatment Plant**

Andy Spear of PPL presented plan #D327220, D326828 – 33, and D326845 - 49 dated May 14, 2010 for a waste water treatment plant on Brunner Island for processing Industrial waste. He explained the processing and disposal.

The Planning Commission report of 6/24/10 was addressed as follows:

Per Gordon L. Brown & Associates comment letter dated 6/17/10:

The purpose of this plan is to provide for the development of a waste water treatment plant within the Brunner Island power generating facility site. The plan reviewed is a re-submitted plan that has addressed most of the comments from the Township staff meeting. Waivers are being requested from the requirement to prepare a Preliminary Plan and for groundwater recharge as required by the Township Stormwater Management Ordinance.

The following comment relates to the Township Subdivision and Land Development Ordinance:

1. The date of approval of the Erosion and Sediment Control Plan by the York County Conservation District should be provided in the General Notes (s.6.1.1.C(1)i).-
OPEN

Per York County Planning Commission letter dated 6/15/10:

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

3. The following information should be shown on or provided with the plan:
 - B. The proposed use should be noted under “Site Data” (s.6.1.1.B.1.n) – ok
 - E. Any required erosion and sediment control plan for approval by the York County Conservation District (s.6.1.1.C.1.i). -OPEN

General Comments:

6. Proof that all Department of Environmental Protection (DEP) approvals will be obtained, should be indicated on or provided with the plan. – OPEN

waiver requests as recommended for approval:

SALDO 3.5 preliminary plan

SWMO 2006-1 groundwater recharge

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 with conditions for approval of E&S and DEP permit # be placed on plan as well as the granting of waiver of preliminary plan and groundwater recharge as requested was seconded by David L. Naylor and carried unanimously.

Royal Manchester Golf Course Driving Academy

Andy Spear of PPL and Brian Moreau of Raspberry Golf presented 15-page revised land development plan #173651040 dated May 2010. This plan is for an occupied academy building and practice area for golfers to be filmed to see how they can improve their play. It will utilize a composting facility for waste. The grading has changed from previous plan but the basic footprint has not.

Steven H. Gross, Jr. asked if they are done with the filling in of ash?
Andy answered, Yes, other than for cart paths and mixing with soil.

The Planning Commission report of 6/24/10 was addressed as follows:

per Gordon L. Brown & Associates, Inc. letter of 6/16/10:

The purpose of this plan is to revise the previously approved plan for the above referenced site to make modifications in the area of the driving range to include a range shed, restroom, academy building, additional cartway and grading to accommodate these improvements. This plan does not alter the conditions of approval for the previously approved golf course facilities.

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

1. A note should be provided on the plan to document the permit approved for the proposed sewage facility (s.5.1.1.B(1)f). - ok
2. The following information should be provided on or with the plan:
 - A. Cartway widths for Wago and Board roads (s.6.1.1.B(1)g). - ok
 - B. Note indicating the source of the flood plain boundary (s.6.1.1.B(1)f). - ok
 - C. Erosion and Sediment Control Plan approval by the York County Conservation District (s.6.1.1.C(1)i). - ok
 - D. Surety (s.6.1.1.C(1)m.2). - OPEN
 - E. Flood plain boundary line in Sheet 4 Legend. - ok
 - F. Revision date on Sheet C-1 and the Sheet Number should be C-1 of 15.- ok
3. The deed book and page numbers provided on Sheets C-14 and C-15 do not match the Table on Sheet C-1. - ok
4. Stormwater management plan comments shall be provided by separate letter (s.6.1.1.C(1)j). - OPEN
5. Details should be provided for the walls shown on Sheet C-11. - ok
6. A waiver should be requested for the drawing scale for the drawings on Sheets C-14 and C-15 (s.6.1.1.B(1). - ok

Per York County Planning Commission letter dated 6/15/10:

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

1. The following information should be shown on or provided with the plan:
 - A. The location of all lot line monuments and markers (s.6.1.1.B.1.k). - ok
 - E. The uniform parcel identifier number (UPIN) for each parcel on the site (s.6.1.1.B.1.w).-ok
 - F. The bearings and dimensions of the dedicated street right-of-way for Wago Road (s.6.1.1.B.1.g). - ok

Recommendation to grant requested waivers as noted:

SALDO 3.5 preliminary plan

SALDO 6.1.1.B.1 plan scale for sheets 14 & 15

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 contingent upon the satisfaction of stormwater comments and posting of surety and to grant the requested waivers of preliminary plans and scale for sheets 14 & 15 was seconded by Steven H. Gross, Jr. and carried unanimously.

Brian commented that they will address the traffic issue and have been made aware of and are looking into options on the crossing issue.

Special Request

Leg Up Farm – The request for roll-back tax forgiveness in the amount of \$339.31 for 2005-2009 was denied per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.

Solicitor's Report – Attorney Andrew Miller

- Code revisions –Ordinance 2010-3 a Code of the Township of East Manchester has been advertised for adoption. Motion by David L. Naylor, seconded by Barry E. Rudisill to adopt was carried unanimously.
- Orchard Business Park traffic signal – Kinsley has forwarded an agreement. Terry R. Gingerich and Byron Trout are to review with comments for August meeting.
- Gracey property letter of intent – any questions should be dealt with in Executive session. A resolution to be ratified for purchase agreement. Appraisal was in excess of price. Resolution 2010-6 to enter purchase agreement was passed per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously. Terry R. Gingerich or Board of Supervisors are authorized to sign settle documents after satisfaction of liens.
- Intermunicipal agreement – reviewed the March 18, 2010 draft. Jim Coble mentioned that Manchester Borough is still reviewing. Any changes the Township suggests should be made during this review. Attorney Andrew Miller suggested the Board mark the memo of July 8th with agreed upon items to keep process moving.

Engineer's Report – Byron Trout

- Surety reductions:
 - Rentzel Heights subdivision in the amount of \$2,806,161,63. Attorney Andrew Miller suggests considering the reduction based upon the outcome of a meeting Thursday with bonding company and SCC-Canyon and the compliance with obligation of agreement. Barry E. Rudisill motioned to reduce the bond providing the conditions and compliance of the agreement are met. David L. Naylor seconded motion, which carried unanimously.
 - Orchard Business Park lot 10 land development in the amount of \$848,107.15 A pending revision for this plan is filed. After discussion on the changes that were made prior to the revision, David L. Naylor motioned to table till after the revised plan is settled. Motion seconded by Barry E. Rudisill and carried unanimously.

- Kinsley/Fink-Weire subdivision (Espresso Way extension) in the amount of \$628,722.60.

Attorney Andrew Miller mentioned that action must be taken within 45 days of request or a deemed approval follows. David L. Naylor removed the lot 10 land development request from table for discussion along with the subdivision plan request. After discussion, the subdivision plan reduction was approved per motion by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

The lot 10 land development plan request received a motion to approve by David L. Naylor, seconded by Barry E. Rudisill. Vote: 1 yes-Barry E. Rudisill, 2 no-Steven H. Gross, Jr. and David L. Naylor

- Pond on Bartlett Drive across from Friendly's has dewatered due to 10' section of broken pipe. Kinsley is currently fixing.

Correspondence - A letter from Terry R. Gingerich indicating his retirement effective 1/2/11 and a thank you for 36 years of service was read by Steven H. Gross, Jr. who commented that the timing is a surprise and he will be missed.

York County Conservation District's letter regarding a review of a Memorandum Of Understanding (MOU) was discussed. Steven H. Gross, Jr. commented that it seems like they want the municipalities to do a lot of their work. Attorney Andrew Miller mentioned a gap in enforcement. There are concerns in shifting responsibilities.

Manager's Report – Terry R. Gingerich, Manager as presented by Dave Gentzler

- Northeastern Sewer Authority –6/28/10 draft minutes received. Jim reported on the property settlement and the probability of moving non-processing to the site.
- Recreation – no report
- Zoning Officer – discussion on Stonerook property and few others that are not complying with mowing. Direction to mow and lien properties
- Public Works Director – report just received
- Christmas Magic week set for December 12-18, 2010
- An energy audit for township buildings costing est. \$2,000.00 that would recommend how to conserve energy would be covered by a Met-Ed grant
- Espresso Way street lights – Resolution for 7 customer-owned 250 watt high pressure sodium vapor ornamental street lights to be energized at lot 10 and 11 in Orchard Business Park. Motion by Steven H. Gross, Jr. to proceed was seconded by Barry E. Rudisill. Vote 2 in favor, David L. Naylor abstain. Motion carried by majority.
- Tax Collector – request for fee increase from \$5.00 to \$10.00 for duplicate bills was approved by motion from Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.
- 41 Oak Drive basketball hoop – David L. Naylor would like a website notice for all. After discussion, it was determined that final notice be posted and if not removed have road crew do so with any and all throughout township.
- Code book costs to purchase – To be set at \$100.00. Discussion on copies on CD. A link to General Code to be placed on website. Attorney Andrew Miller suggested that any new ordinances are to be physically kept with books.

Supervisors' comments

Steven H. Gross, Jr. – commented on vacancy of old Giant facility and property; would like to see used.

David L. Naylor

- Shady Lane or Gut Road consideration for any closure – need more clarification
 - The abandonment of building project for Eagle seems appropriate. He is concerned with 2 stations buying equipment and duplication. Understands talks have dissolved.
 - Traffic lights – list ones that are on battery back up or generator and ones that are not. Byron Trout commented that the lights at Willow Springs/ Board, Beshore School Road/N. George St, and Steamboat/N. George are. Sunset/N. George and Glen/N. George are not.
- Joel asked about costs for battery back-up? Terry R. Gingerich answered a few thousand.
- Rentzel Heights demo permit for farmhouse? No application per Katrina Rife. Dave wants Dave Gentzler informed when that is submitted; he does not want stone to “get away”.

Barry E. Rudisill

- PSATS request for resolution to oppose house bill 2431, senate bill 1357 where counties would oversee local government, not municipalities. Resolution 2010-7 opposing such legislation was passed per motion by Barry E. Rudisill, which was seconded by Steven H. Gross, Jr. and carried unanimously.
- HOP for Long Road? Byron Trout left a message for John Hoffer; need change to paper application indicating plastic not CMP. Byron Trout will follow up.
- Brylea wearing course? Byron Trout contacting Richard Bryant
- Beshore School Road sidewalks? Byron Trout to get info to Attorney Andrew Miller. Greg Hill of Keystone has turned it to their legal department. Byron Trout will follow up.
- Green Ridge feasibility will not be completed by Gordon L. Brown & Associates; Byron Trout is not comfortable with conflict of interest issue.

Motion to pay bills by Steven H. Gross, Jr., seconded by Barry E. Rudisill and carried unanimously.

Public Comment

James Arex indicated his plan to move out, his mom is sick and attacked a 5-year old. She tore up the application for cable. He requested a detective due to belief that he needs better people to work with. He has to contact state police. He requests NERPD get a better detective.

Motion to adjourn at 10:10pm per Steven H. Gross, Jr., seconded by Barry E. Rudisill was carried unanimously.

Respectfully submitted,

Terry R. Gingerich
Secretary/Treasurer/Manager