

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 14, 2010**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Secretary/Treasurer/Manager Terry R. Gingerich, Attorney Andrew Miller, Engineer Byron Trout, Public Works Director Dave Gentzler, 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 11/9/10 meeting, the Board has not met.

The minutes of 11/9/10 were accepted per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously after adding that meeting reconvened, no action was taken, followed by adjournment after recess to Executive session for personnel issues.

Public Comment

Steven H. Gross, Jr. commented on this being Terry R. Gingerich's last meeting as Manager and personally thanked him for the years of service since 1975. He felt that Terry has mentored him in ways and commended him for the insight on the working with the Boroughs to accomplish joint sewer and police services. There is an Open House in Terry's honor at Manchester Fire Hall on January 23rd.

Terry R. Gingerich stated that he hopes he did good for the area where he was born and has always known as his community.

Darryl Albright also publicly thanked Terry.

Joel Klinedinst asked about a block grant for consideration of installation of sidewalks along N. George Street from township line to Glen Drive. With more commercial development it is a safety concern to walk. Motorists are passing waiting left-turning vehicles on the right, which basically runs down someone who would be walking along the road.

Chad Ettline of York Haven request of waiver consideration to subdivide and relocate driveway for Chestnut Valley lot 71 which he is considering for purchase. To recoup the cost of building further back into the lot and bringing a driveway off Wago Road he would desire to subdivide a portion of the lot for another lot at the cul-de-sac. Discussion was held. This plan was approved with a condition that no further subdivision be acted upon for lot 71, but that specific note was not placed upon the recorded copy. Katrina Rife stated that the motion for conditional approval from the minutes reflect no further subdivision. The Supervisors recalled the HOA for phase 4, which included lot 71, the easement overlay for stormwater and the no additional subdivision. They indicated that if a request were made; they would not likely be in favor of granting. Byron Trout added that he, Terry R. Gingerich, and Dave Gentzler met onsite and informed Chad that he in addition to the PennDOT requirements he also has to meet township driveway requirements of 8% slope to building setback line and grading including runoff to existing swale.

Steven H. Gross, Jr. – I don't have a problem with the driveway where it does that but I do think we've reviewed the subdivision prior and that issue was already discussed and now we are being asked to review it again. I don't think anyone was in favor of it the first time; so has any one changed their mind? Barry E. Rudisill and David L. Naylor indicated no.

In a real quick nutshell, that is your answer. I don't think anyone is in favor of at looking at a subdivision of that existing lot at this time.

Chad – So basically you are going to have an entrance from a cul-de-sac and if I purchase the property it is going to have all the utilities to the opposite side of the property. How is that going to be maintained? That's my question. It doesn't make any sense. If the developer was here and had 600-800 houses there – I'm not looking for that. I am a local guy that is asking ..(garbled - did not have use of microphone) I've got a lot of money that is going into excavation and a lot going on there. How can I recoup that cost? I am not asking for 6-10 houses I'm asking for ...(garbled) it doesn't do me any good.

Steven H. Gross, Jr. – I agree you make valid points, but you also need to understand that when this was master planned – everything you are discussing was brought up and I can't answer you point for point. The people that serve the township on the Planning Commission on a voluntary basis plus paid staff, the Board of Supervisors – all those people in their infinite wisdom had a reason that this lot was supposed to be this way. And I am sorry it doesn't suit what your present needs or what you would like to do, but that's where we are at.

Chad – Should that have been stated on the plot plan?

Steven H. Gross, Jr. – I believe Katrina stated that when we started.

Chad – It is in the minutes but as far as having it on an actual plan where that is firm and a part of the plan. Does it have to be on that plan?

Attorney Andrew Miller added that it is in the minutes you are asking them to waiver that condition and that is what their making a decision on tonight a lot of this discussion is premature because there hasn't been a plan submitted so there are a lot of issues even beyond that as to whether or not a plan can be approved for it. I haven't reviewed the request or the minutes so I can't speak about it.

Chad – so what I'm getting is that right now ...(garbled)..

Steven H. Gross, Jr. - yeah, unfortunately that's what we are telling you, yeah, I don't see that happening at this time. Based on the information, to be honest with you, 10 minutes ago I didn't even know this was here so if new information would appear that would change the Board's perspective and ended up also changing the Planning Commission perspective before I would be in favor I would have to have a recommendation from the Planning Commission to be honest with you.

No Subdivision/Land development plans

Special Request

Cody Schell of 105 Bitternut is requesting assistance and permission to close a portion of Board Road for a 5k run to be held for his high school senior project to benefit WWII veterans on April 23rd. Terry R. Gingerich suggested he submit a plan for what is going to be done.

The Supervisors noted a run was recently held by Eagle Fire Co. and agreed this if similar to that would be considered and suggested he contact Chief Rizzo of NERPD and Eagle Fire Co. to aid in development of his plan to present to them for approval.

Solicitor's Report – Attorney Andrew Miller

- LERTA for properties MH 20 and MH 21 currently owned by Kinsley as part of Orchard Business Park adding Ollie's per resolution 2010-12 per motion by Barry E. Rudisill, seconded by David L. Naylor and unanimously
- 5110 N. Sherman St. house removal – The bill of sale has been changed to include interior fixtures and grading provision limited to pushing in foundation to level and clean-up debris associated with basement wall and house framing. February 7th is last date for removal. Dave Gentzler mentioned that the deadline was not discussed. Steven H. Gross, Jr. motioned to approve bill of sale, which was seconded by Barry E. Rudisill carried unanimously.
- YCCD MOU - review SALDO and stormwater to incorporate into procedures. Plan to discuss ordinance changes next meeting
- Saybrook Traffic agreement – discussion on an amendment that would increase turning radius to 50' and curb w/sidewalk on west side of intersection, developer agreed to do, proposed agreement to allow resubmission of HOP. Because this is related to prior litigation and settlement, discussed previously in Executive session. The township is to have final review and approval of changes before implemented. Motion to approved agreement as modified by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously
- Terry R. Gingerich retirement agreement employee handbook, manager agreement and pension plan. Motion by Steven H. Gross, Jr. seconded by Barry E. Rudisill to sign was carried unanimously.
- 5115 N. Sherman St sewer easement – need as-built to complete easement agreement for sewer lateral across corner of township property as previously approved. Dave Gentzler furnished as-built Tuesday and Attorney Andrew Miller will have agreement ready for signature by end of week for requested occupancy. Agreed to sign and release occupancy provided expenses are reimbursed.

Engineer's Report – Byron Trout

- Surety reductions:
 - Brylea – A cash bond in the amount of \$10,000.00 for improvements was held which are complete. A maintenance bond of \$2,750.00 (15%) is needed. Recommend release of \$7,250.00 and hold \$2,750.00 for 18 months. Motion to release by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously. Cost of \$116.10 incurred, per Attorney Andrew Miller it is ok to pay from account. Steven H. Gross, Jr. motioned to rescind motion and take action to release \$7,133.90. Motion seconded by Barry E. Rudisill and carried unanimously.
- Leg Up phase 2 storm water issue – met with and they will take care of but requesting Spring for work to be done.
- Craig Bottom Line fence issue – suggested be here, not here
- CVS – utility poles at site have been moved. Demo permits will be renewed.

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

- Northeastern Sewer Authority – received draft of 11/22/10 minutes at 3:00pm today
- Recreation – 12/1/10 report. Community Park request from Manchester Borough for ½ reimbursement of \$5,010.37 maintenance expenses. Motion to pay \$2,505.18 by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.
- Zoning Officer – 891 Market St. Steven H. Gross, Jr. motioned to specifically authorize enforcement proceedings and any charges of District Magistrate. Motion seconded by Barry E. Rudisill and carried unanimously.
- Public Works Director – noted the Jerusalem School Road guiderail is not related to accident.
- Union Fire Co. budget received for review
- Tax exoneration – 180 Bryn Way in the amount of \$10.36 per motion by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.
- Return of uncollected real estate taxes for 2009 – motion to sign by Steven H. Gross, Jr. seconded by Barry E. Rudisill and carried unanimously.
- State Convention April 17-20, 2011
- Outstanding fines for Carr (\$440.00) and Kinert (\$200.00). Attorney Andrew Miller stated that a municipal lien has already been filed on Carr. Katrina Rife to contact Kinert.
- Penn Waste recycling container – consideration of purchase of 3000 32-gallon blue generic containers through YCSWA program which the 25% co-pay will be reimbursed to Township by Penn Waste. Penn Waste will also handle distribution. Motion to approve by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.
- 2011 budget – has been advertised. A motion by Barry E. Rudisill to approve as presented was seconded by Steven H. Gross, Jr. and carried unanimously.

Supervisors' comments

David L. Naylor

- asked Dave Gentzler for cost of leaf machine repair? He replied under \$4,000.00, Terry R. Gingerich believes it is more. Can't answer, will pull bills.
- From the last PPL advisory meeting he read that coal ash may be considered hazardous waste by DEP. That would make a huge impact on our recreation facilities and roads. Dave Gentzler to get more information.
- Joel mentioned the dam collapse in TN may be a part of the concern.
- wish Terry good luck in future
- Terry R. Gingerich commented the purchase of anti-skid would be costly. The ash is currently used as anti-skid

Barry E. Rudisill

- Rumsey's complaint
- Attorney Andrew Miller provided a few options to consider for enforcement. Maintaining animals like that is permitted on property over 5 acres, which it is 25 acres – no violation of zoning. With respect of storage of waste materials, but be careful about how far to go on regulating compost piles and other issue like that recommend to wait on action and see if landowners are back and give a change to discuss. Make sure address to extent we should. I don't want them to think it fell through the cracks or got swept under the rug.

- Traffic study Oak Drive – Dave Gentzler returned this to Byron Trout, who checked site distance.

Byron Trout - it has over 10% slope, a 450' site distance which falls short of the PennDOT required 490'. I will provide an updated letter based upon a previous letter, which states purpose of one-way was for emergency access originally. The Planning Commission and Board of Supervisors did take into consideration the impact on existing roads. I still feels strongly that bringing additional traffic out to a road of lesser quality, which Oak Drive is from Sherman Oaks and with the condition of the existing intersection of N. Sherman Street it is not something the Board should even consider. However, I did put in the letter that as far as addressing the concerns of Sherman Oaks on the conditions along Apple Tree Lane, we may be able to help as far as control speed or do something there. Again I just think it is a poor engineering practice to bring vehicle traffic out to a road that was not designed to handle it.

Barry E. Rudisill – So in your opinion what you've determined from your study, it supports the township's position of a one-way street entering Sherman Oaks.

Steven H. Gross, Jr. recalls they didn't want it built but for emergency purposes it was agreed upon. Byron Trout added under emergency purposes, it would be a controlled egress from Sherman Oaks.

- Clean up of stormwater pond behind old Giant, a section of woods where trash is located – shelters for cats are built there, should pursue to clean up property

Joel gave name of Brian Hayes from Bennett Williams to be a contact

Dave Gentzler suggested include other areas behind Sheetz, the car wash, Quigley's

- Insurance on storm grates? –Terry R. Gingerich commented it is not covered

- York Mold property – Katrina Rife noted that a new owner plans to clean up and demo building

- Auction Drive – Byron Trout reported he checked it and it does meet PennDOT requirements. When they come in to do overlay, they will address the sidewalk at the radius area that somewhat blocks the sight.

Steven H. Gross, Jr. – no additional comments

Jim Coble - Attorney MacNeal, Engineer John Leen met with him to review amounts of contribution. Manchester has asked for minor language changes to the proposed intermunicipal agreement. They are mostly in agreement. A 10-year reduction of surcharge is acceptable. Are there any more comments from East Manchester Township for the draft agreement? If so, need prior to final draft for review by all 3 municipalities for advertisement and adoption.

Steven H. Gross, Jr. asked if the 2011 proposed budget starts process of surcharge reduction.

Jim answered that it will be in the 2nd quarter. The rate resolutions offer \$8.00 per quarter reduction each year in district 3, which is township and \$3.00 in district 4, which is Smith Gardens. An \$8.00 across the board increase for all users per quarter is also proposed for net result - Boroughs go up \$8.00, Smith Gardens up \$3.00, Township no increase.

Attorney Andrew Miller – The Board needs to agree to the 10-year phase out in the proposal. Should see Manchester Borough changes before approving.

Jim also reported that the new plant went online in August. The phosphorus and nitrogen levels are extremely low and have exceeded the expectations.

Steven H. Gross, Jr. asked of the amount of sludge hauled since the upgrade, more or less?
Jim mentioned it is thicker and less.

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

Public Comment

Dave Bloss commented that he hopes to see the 3 EMS providers encouraged to work closer together. In his opinion, he finds they are not working together, but going backwards.

Steven H. Gross, Jr. motioned to hold Executive session after meeting for personnel matters, seconded by David L. Naylor and carried unanimously.

David L. Naylor motioned to adjourn at 8:31pm.

Respectfully submitted,

Terry R. Gingerich
Secretary/Treasurer/Manager