

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
FEBRUARY 10, 2009**

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 January meeting, the Supervisors have not met or conducted business.

The minutes of 12/22/08 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

The minutes of 1/13/09 were accepted per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

Public Comment

Peggy Peters-Mike's Service Center addressed the Board regarding the ordinance that was adopted to tear down the end bay of their garage, which is in the right-of-way for Beshore School Road to make way for the improvements for Giant. She explained that when she came to that meeting, the township stated the right-of-way would be taken and Giant was to be responsible for the removal of that portion of their building and the improvements, which helped ease her mind. Then they received a letter that Giant did not want to be responsible unless the Peter's signed a waiver that if any other portion of the building was damaged, Giant was not responsible. They were not interested in signing that waiver and Giant gave them a \$10,000.00 offer to take the portion of the building down themselves and they agreed.

Peggy is present to request \$5,000.00 (one-half) of that money to proceed to cover upfront expenses to do the job.

Steven H. Gross, Jr. asked Attorney Andrew Miller to explain position.

Attorney Andrew Miller – The original agreement with your attorney was that if you hired a contractor and if there was a required down payment on the contract, you would be reimbursed at the time of signing that contract if you brought a contract to the township so that the township had assurance that the building would get taken down in a timely manner. If you are going to do the work yourself, my suggestion was if there is cost that you have to expend upfront, you could be reimbursed for those at the time you incur those costs.

It is up to the Board whether they want to distribute any additional funds upfront based on your request for half that money.

Peggy – My husband has his own excavating business, and he is going to have another excavator help him do this project, only we do have payroll, we are going to have to bring in dumpsters, an electrician to move our electrical service so that we can tear that portion of the building down.

Attorney Andrew Miller – It is up to the Supervisors whether you want to disburse any of that money upfront. My only caution is obviously you are holding that money to guarantee that work gets done in a timely manner so that there isn't a tie up with the construction or road improvements that are going in there. Once you release that money you've lost some of the

control over whether or not the improvements get done and how quickly they get done. The request is for half of that upfront and I think that is at your discretion, what you would want to do.

Steven H. Gross, Jr. – what is the Board's wishes here?

Barry E. Rudisill would be interested in a better idea of what the breakdown of upfront costs are going to be to release half of that money.

He understands payroll, electrical relocation expense.

Steven H. Gross, Jr. – I think we already put a hardship on the Peters'. How we got there is beside the point, but I would be in favor of giving them some money upfront. I don't know and I understand all the legal ramifications from our attorney, but at some point you have to trust people to do what they say they are going to do.

Peggy stated they have been in that location for 30 years, paid their taxes, and their bills.

Steven H. Gross, Jr. – and they did not promise us the world like we hear from other people.

Peggy – this is very stressful, every time I think we get over a hurdle and it is going to calm down, something else comes along and starts it up again. We agreed to do this and I can't promise you it will be completed by end of February, but I am fairly certain it will be done by the middle of March. It is my understanding that Met Ed is proposing to move that pole within 30 days so we should be ready for them.

Barry E. Rudisill – If their intention is to move that rapidly to take building down, maybe we can get that half upfront.

Steven H. Gross, Jr. suggested releasing one-thirds of money based on progress.

Barry E. Rudisill asked Peggy if that would be acceptable.

Peggy – I guess it would have to be.

Barry E. Rudisill – it is a compromise, if you are moving that fast I see no reason why we couldn't turn the second third loose as we see the progress of the building.

David L. Naylor - no later than mid March. I think she came here in good faith; she has an accelerated plan. I think we should give the \$5,000.00. I make a motion that we release \$5,000.00 to the Peters'. Motion was seconded by Steven H. Gross, Jr. and carried unanimously.

non-resident comments-none

Subdivision/Land Development

Musser Manor final land development – Board Road 48-unit townhouse

Attorney Robert Katherman representative of Snyder Developers and Dave Kegerize of Lake Roeder Hillard & Associates presented plan #564100 revision dated 1/30/09 for 48-unit townhouses.

Dave reported that lots 1 and 2 of the Musser property subdivision have been recorded and transferred.

Based on review comments from staff and Planning Commission, they have added an offset to the cul-de-sac with curb, so the sidewalk runs all the way from Board Road to the end with a 10' offset of the property line. The curb also extends into lot 1 with an offset turnaround. So both turnarounds are on Musser Manor property.

There is a 2' gap in curb by the sidewalk and a 2' curb break to handle stormwater.

Bob confirmed HOA documents were reviewed and are in order according to Attorney Andrew Miller.

Bob asked for Byron Trout's comments.

Byron Trout reviewed the Planning Commission action report of 1/27/09. The stormwater management is adequate.

Steven H. Gross, Jr. asked if stormwater management agreement is ok – it is ok, and it is the document as provided by Attorney Andrew Miller.

Byron Trout – Basically a few open items such as surety, there are no plan changes at this point.

Bob – I believe there is one point of discussion that was wanted to be addressed. The question arose as to pushing snow into the cul-de-sac, the concern of whether or not that is problematic, so I asked Dave and some others at his engineering office to take a look at this and what we have on this plan in yellow highlight is what we've come up with. Along both these cul-de-sacs there is 10' depth from the curb line back to the property line.

Dave – Yes, actually the sidewalk and curb run down and stop short 10' of the property line and a 2' storm break in the curb. He showed the area and explained the details.

Bob - Are there any questions after hearing Dave stating there is provision there for pushing the snow, as we know these cul-de-sacs are temporary, howbeit, the definition of temporary, we don't know, with the current market it might be a little longer than we anticipate.

Barry E. Rudisill – I'm going to be upfront, I take issue with the fact than you can plow snow off that cul-de-sac and not plow at least the very end driveway closed with snow. I'm not the one who plows snow in the township but I've talked to the people who do and they agree that is a problem.

Bob – I guess if one were aware of that situation you could simply not push the snow directly back at that point, which is where I think you are seeing there is an issue. In light of the fact of the size of the cul-de-sac and the 10' area all the way around it pushes slightly at an angle it would keep it away from that last driveway.

Dave – The distance from the edge of that last driveway to the end of the curb is about 11-12' plus beyond the curb we have 10' to property line. So from the furthest edge of the last driveway you have close to 21-22' of space.

Barry E. Rudisill – How are you going to swing that radius with a snowplow? You are not going to be able to go back to that end driveway and turn a snowplow and be able to make that radius and come around the cul-de-sac.

Bob – If one is aware of that coming back down the road instead of plowing straight in and starting to swing in a little bit earlier, in light of the fact you have 22' of space to push snow if you go in directly. If you don't go into directly and swing it, and you are right, if you started to swing a little earlier, you'd be pushing to the extent we have a truly voluminous snowfall, you'd be pushing slightly off (the way I'm looking at it), to the left a little bit, the only portion that would go straight back in you have 22' to push snow in.

Steven H. Gross, Jr. – When I was reading over your plan, I believe it says somewhere on here, no parking on street. We've changed that because we did not want another situation like we have some other places. I just want to clarify, and I asked Katrina Rife today if those streets are wide enough for parking on one side.

Katrina Rife – The streets are designed to the township specs and yes they are.

Steven H. Gross, Jr. – Somewhere in here it says no parking on streets – there is an issue to be resolved. I thought we widened the streets and you can't have an area like this and not have at least parking on one side. I should have marked it - it is one of the notes. Here note 17.

Bob – if that is the Board's wish that be stricken, we would be glad to strike it. The roads were built wide enough to provide parking on.

Attorney Andrew Miller –Just to clarify, I don't know that that note prevents off street parking, I think what the note means is that you've got to provide minimum amount of parking and that has to be provided off street. So you can't count the on street parking as part of your parking requirement, but I don't think it would prohibit any off street parking for additional cars.

Steven H. Gross, Jr. – under your outstanding issues, it says you have some other plans filed for this property, I'm asking, are you withdrawing them now?

Dave – yes, that will be a condition of approval

Steven H. Gross, Jr.- but you haven't withdrawn them yet

Dave – I don't believe they are withdrawn

Terry R. Gingerich mentioned the waiver regarding return of paid recreation fees and gave them a copy of the form.

Steven H. Gross, Jr. asked if they were sure they tried really hard and talked really nice to the Bixlers.

Bob – I was my most charming, persuasive self and it fell on deaf ears. As I said to you one time before Mr. Gross, at one house we went in and spoke with Mrs. Bixler, at the other house there was no one home although we left a letter and card there.

Steven H. Gross, Jr. and Barry E. Rudisill asked Attorney Andrew Miller what options they had on this.

Attorney Andrew Miller commented he thought that was an issue that was dealt with previously; Bob agreed about 1-year ago.

Steven H. Gross, Jr. explained that along other side of Board Road at the Bixler properties one at each end of the improved road, township does not have right-of-way

Bob – If I may, we discussed this extensively at a meeting here before that we had made our best effort to get Bixlers at both ends and I think that Dave had modified the plans to widen where we can, to do what you asked us to do, but we could not do what we could not do, which is to get the Bixlers to acquiesce in having the road widened in front of their properties. I believe this configuration has been showing up on these plans for a year.

Dave – It's been that way for some time. We've met with PennDOT regarding this configuration, they have informally checked off on that configuration. I don't think there has been formal action. Dave explained how the transition at each end will be, a taper from full depth curb widening across to other side within the existing right-of-way at both ends, will be painted per PennDOT requirements. A left turn lane into development. A right in and right out lane.

Barry E. Rudisill asked Terry R. Gingerich what he recalled on this issue. He explained that has been on the plan for a long time like Dave said, they tried to approach the Bixlers without success; right-of-way is not there. One of the properties may come in future for an approval, but he doubts if the one toward Manchester would change.

Barry E. Rudisill – I know we asked the developer to approach those people and make an honest effort, but in the process did we say if they could not get it, did we say that we would proceed without it.

Terry R. Gingerich – can't recall

Bob - I don't think the applicant would have proceeded over last 12-18 months if we hadn't been operating under the assumption and belief that the road configuration that we've shown here repeatedly is a road configuration that would be acceptable because again, we have done all we could do, now in some point in time, the two Bixler properties will change hands and someone may come in and ask for approval from the township whether for an individual property or a portion of the property at which time the township could seek to widen the roadway.

Attorney Andrew Miller asked for an explanation of the HOP revision.

Dave – the HOP revision from what was acknowledged the first time it went in to this proposal essentially is the taper at both ends for full widening both sides for this project. PennDOT has seen this configuration and is informally ok with it. The compliance revision to current application to process and did not review again.

David L. Naylor – Planning Commission comment, last comment regarding future right-of-way and realignment of Gobbler Lane has been addressed?

Dave – yes and he showed how

Barry E. Rudisill questioned the stormwater maintenance agreement. Terry R. Gingerich has this agreement and Steven H. Gross, Jr.'s signature is needed to complete.

Byron Trout added that the previous plan had 4 stormwater outstanding comments, which have been addressed.

Barry E. Rudisill asked Byron Trout if he has established the surety for public improvements

Byron Trout – I have it, but have not given it to them. It was finished today.

Discussion on items from Planning Commission action report was held.

Barry E. Rudisill – I am not going to stand on that cul-de-sac only because should the tract to the rear be developed, that problem goes away. It is my contention that it is still a problem and will continue to be a problem until that street is extended.

David L. Naylor – The reason I can go along with is because it is a temporary turnaround and we and we currently have these in our township. This configuration – am I correct?

Barry E. Rudisill – We do but we have one like that at the end of Steamboat Boulevard, however there are no existing driveways in that cul-de-sac and even though its configured that same way we don't have that problem because we don't have driveways there.

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 as presented contingent on:

- The applicant/owner shall submit a written request to withdraw all other plans for the referenced project.
- The applicant/owner shall post surety for site improvements in accordance with SALDO s. 6.1.1.C(1)(m) and 10.1. Upon acceptance of streets or other improvements by the Township, the applicant/owner hereby agrees to provide a maintenance guarantee in accordance with SALDO s. 10.8.
- The applicant/owner shall pay recreation fees for the forty-eight (48) newly created units in the amount of \$700.00 per unit in accordance with SALDO s. 8.9.1.B(1)(a).
- The applicant/owner shall be issued a final Highway Occupancy Permit (HOP) by the Pennsylvania Department of Transportation for the required highway improvements as required by SALDO s. 5.3.2. HOP approval shall indicate improvements to both sides of Board Road with the exception of the frontage for the two (2) Bixler properties using a tapered design for transition where right-of-way does not exist on those properties.

The following waiver requests were granted:

- The applicant/owner is granted a waiver from the requirement to place concrete monuments at right-of-way points located in driveways for units 1, 17, 20, 30, and 44 per SALDO s. 9.9.1.A.1.a.

Motion seconded by David L. Naylor.

Steven H. Gross, Jr. commented that in his opinion the limits on units has been pushed and he is voting against plan.

Upon roll call, motion carried 2 –1 by Barry E. Rudisill and David L. Naylor – aye, Steven H. Gross, Jr. - nay

Benderson lot consolidation - reverse subdivision final plan

Matthew Allen of Bohler Engineering presented plan #CP08117 revision 2 dated 11/26/08 for 4035/4045 N. George Street Extd. proposing to consolidate 2 lots into one parcel and dedicate right-of-way along Brickyard Road as well as N. George Street Extd.

Also present were Bill Ray and Kim Fielder of Benderson Development Co., Rob Gothier and Jason Mitchell of J. C. Bar Properties, and Attorney Jack Hurley

The plan has been to staff on 11/13/08 and Planning Commission on 11/25/08.

The Planning Commission action report of 11/26/08 was reviewed. There were no open items remaining from the Gordon L. Brown & Associates or York County Planning Commission comment letters.

Matt indicated the dedicated right-of-way along Brickyard and N. George St. Ext. is shown as well as the other comments from the letter have been addressed.

Noted Planning Commission comments:

- q Note: time waiver not requested, go before Board of Supervisors 2/10/09 – has been signed and filed
- q request - CM where IP found – developer agreed to comply
- q future LD for understanding of traffic and future street from Transportation Map – no discussion

Requested waivers:

SALDO 3.5 – preliminary plan for less than 4 lots

SALDO 8.6 – street design

SALDO 8.7.1.A – curbs

SALDO 8.7.2 – sidewalks

Barry E. Rudisill commented that the preliminary waiver request is a no-brainer and the other waivers are in order since they are being deferred to land development plan

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 approve the plan as presented contingent on:

- Applicant/Developer shall install concrete monuments in accordance with SALDO 9.9 where iron pins are currently located on the property lines.

and the following waivers were granted along with the approval:

- The requirement to submit a preliminary plan is waived per SALDO s. 3.5.
- The requirement to widen the abutting street is waived per SALDO 8.6.2.A with the following modification: Additional right-of-way for future widening of the street is being dedicated to the Township as shown on the Plan and the abutting street shall be widened by the owner of the property at the time of land development or within six-months of receiving notice from the Township to do the widening.
- The waiver of curb and sidewalk requirements under SALDO s. 8.7 and EMT Code s. 85-16(A) is granted with the following modification: Curbs and sidewalks shall be installed by the owner of the property at the time of land development or within six-months of receiving notice from the Township in accordance with EMT Code s. 85-16(B).

Motion was seconded by David L. Naylor and carried unanimously.

Special Request

Northeastern York County Sewer Authority - Stacey MacNeal, Solicitor and John Leen, Engineer from C.S. Davidson both for Authority were present to give an update and status of plant upgrade. The project is moving along; design mostly complete. Have submitted to DEP for part 2 submission and received initial comments. That permit is the only outstanding condition from the land development plan. Hoping to have permit in next 1-2 months to allow the plan to be recorded. Then on to getting bids and construction started soon after.

Stacey has been directed by the Authority to contact the township about permits fees and the permit process.

Stacey commented that a very helpful, productive meeting with staff a couple weeks ago gave an understanding of what to do to comply with UCC and land use requirements.

To summarize their understanding, there will be UCC permit and requirements for certain parts of the project, which CCIS will be inspecting and requiring of the contractor to comply with and the township charge of \$40.00 administration fee for that permit is reasonable.

Also understand the CCIS fees pass through township; therefore, the township cannot do anything where those fees are concerned.

Also understood that a separate land use permit based on construction cost is required. They did talk with staff about what portion of construction would be subject to that calculation because they have an overall 5 million dollar project but a good portion is equipment and not structures, so the Engineer put together a cost estimate of structures of \$520,000.00 = \$3,120.00 fee.

Stacey – My understanding is that there will really be limited work at that point that is going to be necessary because we have the zoning approval, we have an approved land development plan, so hopefully there is not going to be a lot of land use type work at this point. We understand certainly that the township should be compensated for time that your people spend on that. Is there anything that you can do for us on this fee? Can you cut us any sort of a break on this \$3,000.00 fee? Are you willing to waive it? My understanding is that you have not waived it in the past, but my Board directed me to come in and talk to you to see if there is anything you might consider.

Steven H. Gross, Jr. – On a \$3,100.00 fee, you are asking us to waive that if am I clear? What other fees are you asking to waive?

Stacey – that's the only fee that we are asking for consideration on

The other item that I want to discuss with you is about the Authority's grant application.

Stacey explained that there is approximately \$700 million in grant money available for these projects. They are applying for a grant of about \$3 million dollars through a consultant. Terry R. Gingerich confirmed that a formal notification of grant application has been received by the township which asks the township to consider a letter of support for the grant application stating they are aware of, agree and support the Authority in getting a grant for the project.

Steven H. Gross, Jr. questioned if other 2 municipalities are being asked for same.

Stacey - Manchester-yes, and they were ready to sign, Mt. Wolf-yes, and tonight is their meeting The letter can be submitted at any time, it does not have to accompany the application. Any assistance with application is greatly appreciated. This process is different then the Pennvest grant, it is more political.

Barry E. Rudisill asked if any legislators were approached

Stacey explained the Authority's Chair has been in discussion and it is the consultant's job to make those contacts also

Barry E. Rudisill mentioned that he didn't want to duplicate effort.

Stacey – I would not want to discourage you from doing that. My understanding is that even though we may have already sent a letter in and we are already in communication that additional letters and communication from the affected municipalities would be very helpful. I think the important thing is there are going to be many grant applications going in right now for these types of projects and we want our legislators to know that this project should be at least as important as the project in Springettsbury for example.

Attorney Andrew Miller suggested the Supervisors keep in mind that the grant will ultimately reduce the guarantee of the financing the township has to give, which becomes an ultimate reduction in liability or debt guarantee that may have to be incurred.

Steven H. Gross, Jr. - any other requests

Stacey – no, this just so happens this is around the same time period so I mentioned to Terry that since we were coming in already on the permit request, that I would personally bring and discuss that for the Board, in case you have any questions on it. And also I wanted to make sure you have an update on the project; that we are continuing to move forward on the permitting process, and are hoping to be in construction in either May or June. We want to make sure to keep those lines of communication open with the Board and you are not left wondering what is going on with the project.

David L. Naylor verified with Katrina Rife that the construction costs estimate of \$520,000.00 will result in estimate \$3,100.00 in fees. Land use fee of \$3,120.00 plus \$40.00 UCC admin fee and \$40.00 occupancy equals \$3,200.00. He asked if one half of that amount would be enough to cover in house costs. Terry R. Gingerich commented that it might be close depending on involvement with project. Discussion.

Steven H. Gross, Jr. – This is the same project where we met on site and already waived road improvements; already extended olive branch on some issues; already made some concession on public improvements

Barry E. Rudisill – I do not want to see Township incur fees

Steven H. Gross, Jr. – on other side could cost more

David L. Naylor would feel more comfortable to collect and refund after tally

Steven H. Gross, Jr. thought it would be a higher fee

Stacey replied that they did also. That is why the Authority directed them to ask.

Katrina Rife mentioned that the permit has not been applied for yet, a decision is not necessary tonight on fees for permit

David L. Naylor motioned to authorize send letter of support for grant application and to collect fee, the Manager will tally and take out expenses incurred and hopefully issue back a balance. Motion seconded by Steven H. Gross, Jr. and carried unanimously.

Solicitor's Report – Attorney Andrew Miller

§ Zoning Hearing outcome for removal of stone farmhouse. The applicant agreed, on record, to give up special exception and variances for community center on that lot. In future if any kind of community center is planned, zoning approval and land development will need additional approval.

Township has not received a request for demolition permit since the hearing.

May want to give guidance on the request for demolition permit when received.

The concern of replacing the structure with something else was alleviated by the stipulation on the record. He sees no other legal justification to withhold the demolition permit, but that is still up to the Supervisors.

Steven H. Gross, Jr. – I'd like to hear when they are going to finish the improvements on Meeting House Road and the light at N. George St/Meeting House because the new school is going to open and they have done a lot of things and I would not be in favor of releasing this demolition permit regardless of the legal opinions. That's my opinion

David L. Naylor – I would tend to agree if that is legal.

Barry E. Rudisill – I tend to agree whether it's legal or not, I think it is time to take a stand. Attorney Andrew Miller suggested an option to ask for a signed development agreement that sets out the schedule and timetable for the improvements.

Steven H. Gross, Jr. – How about when you are done the improvements, then we will talk about a permit.

Attorney Andrew Miller – the other option is you have the surety there, I don't know how realistic it is because there is no longer any construction outfit, the outfit that owns the property now by default after everyone else is gone away is essentially a land bank company; they are essentially an investment company. They are not in the construction business or the development business. I don't know that there is construction people there to do the improvements at this point. You could at least begin to make the threat of pulling the surety on that property to complete those improvements on your own, and that may be as strong of a threat as anything. Has the HOP been issued to do the improvements on Meeting House Road?

Terry R. Gingerich mentioned that is a few minor things to be taken care of like crosswalk on N. George St

Steven H. Gross, Jr. – it comes down to what I said earlier, they promise everything and then we get this. They still want to tear it down and we talk and talk about it and never really do anything, it is time to do something

David L. Naylor – They have a few issues to address before they get their HOP? Was there anybody there to address those issues?

Byron Trout - Dave Kegerize has been working on it. I can talk to Dave and see if I can get an update. Last thing that we did was they got TRG involved, we met with them and again it was down to a right-of-way issue and the primary issue was a crosswalk. That was the last I heard of it.

David L. Naylor asked even if they don't move to take care of this, does the surety cover us to do it?

Byron Trout commented the surety is over \$5 million and never been reduced

David L. Naylor - I think we have the ways and means to take care of the items because PennDOT does not care who takes care of the items to get the HOP. So I think we should do what Attorney Andrew Miller is mentioning - send a letter stating we are going to pull bond, then we will do the work ourselves. Let's get the work done.

Steven H. Gross, Jr. - and not give them a demo permit on top of it

Discussion on HOP was held.

Byron Trout - once conditions are met they will send out a conditions statement and if they require posting of surety, the township will have to sign the conditions statement and someone (whether its them or the township) will have to sign conditions statement and post surety for improvements

More discussion

David L. Naylor thinks Attorney Andrew Miller should be authorized to pull bond

Joel expressed concerns about losing the old farmhouses in the area, he asked about preservation

Attorney Andrew Miller explained that landowner consent is necessary for preservation

After more discussion, Steven H. Gross, Jr. instructed Katrina that when they request the demolition permit, just hold it and Andy will have to defend our position.

Attorney Andrew Miller - if we address the issue with road improvements and if it is true they are not reasonably pursuing or making the effort to get the HOP resubmitted, I think we have colorable arguments to withhold that demolition permit, but you have to understand going into it, it is a difficult legal position to maintain because you really don't have a lot of requirement on the issuance of a demolition permit.

Steven H. Gross, Jr. - remind them about the Waltersdorff house they took down without a permit when this whole project got started. It got started on that foot there

Terry R. Gingerich stated that they have been working to get the HOP approval because he has letters back and forth to PennDOT. The comments have dwindled down from 15 or so to 1 or 2. He believes the problem is with PennDOT

Attorney Andrew Miller - we can use the Waltersdorff house issue to some extent. I can see where we can do, there's no real practical way for them to force the township to issue the permit either.

David L. Naylor - so basically we are saying we want the road improvements done and farmhouse to remain

Steven H. Gross, Jr. - and if not, we are going to start the procedure to pull the bond.

Byron, how long would it take to get everything done?

Byron Trout - if I could go ahead today and put it out for bid, could have bid opening in April, get everything signed - May start date, it is the curb and widening and depending on who does the work, the guys need work

Steven H. Gross, Jr. - I'm in favor of not letting them tear the house down and pull their bond

David L. Naylor - I am, too.

Attorney Andrew Miller - I do think you have to give them notice and give them 60 days to get the improvements completed. I would not pull the bond till the HOP application is completed. The money does you no good until after you have the HOP and can do the work.

Byron Trout added that the work along Meeting House Road could be done, just not the work in the PennDOT right-of-way without the HOP.

Steven H. Gross, Jr. – I think the staff has the Board's wishes.

- § Manchester Village / Peters issue addressed now should be moving along and structure be taken out
- § TRG request - ready to submit HOP application, need fee simple deed for right-of-way along N. George St. Ext., for SADG-II project. David L. Naylor moved that the Chairman be authorized to sign the deed, Barry E. Rudisill seconded and motion carried unanimously
- § Met with Terry R. Gingerich on recreation fees and accounts, subject for Executive session
- § Asbury Pines easement issue
- § PPL lease amendment is ok

Engineer's Report – Byron Trout

- § Surety reductions:
 - Northern Heights - no reduction recommended
- § maintenance bond Asbury Point – 1 block has sidewalk crack that needs repaired and curb repair – hold for completion
- § MS 4 annual report submitted, pushing for mapping- will get price to complete
- § Worked with Dave Gentzler to come up with preliminary 2009/10 highway project list-highlighted map, will have preliminary costs for each project next month
- § Gordon L. Brown & Associates has prepared a calendar with meeting dates – copies available no cost

Correspondence

- § NE Boys Volley ball request to advertise in the program book – no action

Manager's Report – Terry R. Gingerich

- § Northeastern York County Sewer Authority – nothing received
- § Recreation Board – nothing received
- § Public Works Director – no questions
- § Zoning Officer – Steven H. Gross, Jr. asked if any activity on Manor Village - no
- § Mt. Wolf street sweeping - \$117.00 hour bid from Manchester Township. Terry R. Gingerich and Dave Gentzler suggest \$115.00 hour. Prior problem with vehicles on street requires additional manpower to get them moved and traffic control along Center Street, provided time and they did not like that. David L. Naylor had asked Dave Gentzler if time to do it-at that time of year he thinks ok
 - David L. Naylor motion to extend price \$115.00 hour to sweep streets not inclusive of labor and material Barry E. Rudisill seconded motion, which carried unanimously
- § Dave Gentzler asked about street sweeping for developer in emergency – after discussion - not in favor

Supervisors' comments

Barry E. Rudisill

- any fire company update? Scott Elfner is not here to represent the Fire Company but he commented that he knows there was meeting in December, any other meetings he

was not involved. There is joint SCBA training with Eagle and Union scheduled for 6:00pm Wednesday night at Manchester. He also mentioned PSATS article on volunteer fire services in this month's issue is great.

- Long Road improvements? HOP for drainage pipe in hand, now that Penn DOT is repair the wall are they overlaying Long Road? Terry R. Gingerich is not aware of their plans. Now is time to get pipes installed so don't miss out, get it taken care of so there will not be a road cut.
- Board Road wearing course? Bill Bashore's answer to Terry R. Gingerich was not now. Terry R. Gingerich will call him again.
- progress for junk properties that are in violation? Katrina Rife and Attorney Andrew Miller are preparing for District Magistrate
- RCA fence is installed

David L. Naylor

- have Dave Gentzler present quote for springs for 550 truck along with bids
- recommend canceling the April 14th meeting and holding the April 22nd date due to TMI drill – all agreed
- post prom committee will receive a \$350.00 donation per motion from David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously.
- request to check if the training in Enola for the entire day can be traded for the 2 half-day sessions in Jefferson, Terry R. Gingerich will check

Steven H. Gross, Jr.

- none

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

Public Comments

James Arex who stated he made world broadcast news by stopping an airplane from flying into the White House on 911 who is here at the direction of PA State Police and would like the firing or resignation of every member of the East Manchester Township police. It is self evident they are unfit for public service.

David L. Naylor – Why do you say that?

James – It is self evident, sir; dereliction of duty, harassment, stalking, ethnic and racial intimidation. I was tipped off to the murders of 47 people. And because I would rather call Reno 911 instead of these cops, there's a problem here. I'm here at the direction of PA State Police to make my concerns public.

David L. Naylor –ok

James – and you are welcome about stopping the airplane from flying into the White House. I have suggestion about how to get rid of these police and I would like to bring them up at the next meeting. I will express my concerns to you in writing.

Steven H. Gross, Jr. informed all of the Police Board meeting next Monday night at the police station at 6:00pm. That is where the Board that oversees the police Board meets because East Manchester Township is just a member.

Darryl Albright expressed concern about the Hartman property on Chestnut Street. It is becoming a trap for kids to go and they are getting calls about safety and conditions - anything

township can do? Police have asked her to post no Trespassing, which was not done.

Steven H. Gross, Jr. asked about option to

Terry R. Gingerich – We do not have anything in our ordinance regarding abandoned building to enforce. Public safety is the option.

Attorney Andrew Miller – If we have someone to document and establish that, then there is certainly more that can be done about it. What I would say is start with a letter that could come from my office on our letterhead requiring at a minimum no trespassing signs be posted and the property be boarded up that no one can gain access. Give them 2 weeks to do that, see if any progress is made before the next meeting and if there isn't any progress I can give you a few options at the next meeting for the next step.

Steven H. Gross, Jr. asked if the letter should come from the Solicitor's office or from Katrina first?

Attorney Andrew Miller – It is up to you and how serious you. I mean it probably looks more serious if it comes from our office – it is not a codes violation per say of I think if you are looking at addressing it in some other way it is probably something that I am going to be handling more than Katrina because it is not really a zoning violation.

Steven H. Gross, Jr. motioned to get this process started. Barry E. Rudisill seconded

David L. Naylor asked if it would give any credence if Chief Albright sends letter to township office to document that it is a safety hazard at this time along with Chief Joe Stevens?

Stm – I think it would and at a minimum we need some kind of documentation as to what kind of calls you have been getting for there. Something that we can go on if we need to know exactly what the threat is and know that we established that there is a safety issue there.

Joel commented on the Devco Drive property that has the blocks stacked along the front, it is a mess. Steven H. Gross, Jr. added to remind them about fence ordinance if storage outside.

Steven H. Gross, Jr. motioned to adjourn to Executive session at 9:03pm.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer