

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
APRIL 22, 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 William Poole, 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 March meeting, the Supervisors have not met or conducted business.

The minutes of 3/10/09 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously after inclusion of a note regarding fees for PPL fields are not applicable to NEYSA use.

Public Comment

Chief Darryl Albright brought Senate bill 419 to attention. Basically, it is a draft in committee that would allow legal notices to be placed on websites in lieu of newspapers. He is requesting support from the Supervisors to get this bill passed.

non-resident comments-none

Subdivision/Land Development - none

Special Request

Northeastern Emergency Services - Jamie Hauck and Mark M of Medic102 explained that a 1/18/09 call to E. Canal Road for Mr. Green resulted in cardiac arrest. Frank, Ken, Mark, and John revived Mr. Green en route to hospital. They were presented certificates from Representative Keith Gillespie's office and from Nadine Hubner of Senator Mike Waugh's office for their service. Mr. Green expressed his thankfulness.

PPL - Jim Nulton, Regional Community Relations Director and Steve Marbaise, Plant Manager were present to provide update on the unit 3 scrubber project. They anticipate starting this weekend. They have completed much since 2006.

Due to the economic conditions and the down in building they are not going to take all gypsum out as originally planned by rail, they will be adding truck traffic are looking at closing of Wago Road due to truck traffic.

The closing of a section of Wago Road between the curve just North of Gut Road and the area near the main plant entrance was discussed.

PPL will have fewer entrances and this will eliminate 1 rail crossing for public.

The recreation areas will remain open, but the access route will become a bit longer.

They are concerned with public safety and security and will not compromise any emergency response. They feel a lot of traffic is plant related.

The soccer fields are the most used and should expect less and slower traffic in the area.

This closing should help with speeding, underage drinking in area.

The bypass road is in final approval stage and should soon break ground.

The use of the upcoming bypass road should keep some traffic out of East Manchester Township

Cost prohibits for RR overpass on Wago Road.

Steven H. Gross, Jr. commented that in a previous meeting, this was mentioned and the Supervisors are not in support of closing road.

Bart Leisses of NEYSA thanked all for fields. He expressed his concern of added delay in getting to the fields and feels that will discourage parents. He asked about the emergency access.

Steve explained that both the North & South gates would be manned 24/7 and would be opened for emergency providers.

Jim added that road use for PPL has increased. 800 million in environmental improvements has been spent and both sides of Wago Road are in use with more trucks and longer trains; it is no longer business as usual. A train could block the road for 20 minutes or greater.

Joel Klinedinst commented that there is a missed point. Wago Road is a state road. It is used as direct route to Harrisburg and closing it would be a disservice to East Manchester Township residents. PPL knew this when project was started.

Jim agreed it is PennDOT decision and they are making the request.

Joel added that he thinks it should be community decision.

Joyce Daniels asked if there has been any start on the bypass road.

Steve replied that in next few weeks should see surveyor marks. That road will take a good portion of the Commercial traffic.

Joyce asked if that could be mandated.

Steve commented that they could influence, not mandate.

Joyce recollected that the public was told x number trucks in the hearings and now that number has multiplied.

Jim stated that they intend to rail as much as can.

Mike Clancy of Wago Club asked if rail line over gut from S. end would be considered, have plenty room on island.

Steve – study - look at

Cynthia Owad, the closest neighbor commented that traffic is terrible and she would be in favor of closing if cut down traffic and get off that end of road. To get to York Haven depending on time she will use, but if need to sit at train, then use Board Road and N. George Street – it does not take much longer.

Duane Moyer of NEYSA expressed program use has had difficulty in finding fields.

Jim informed the Board that there is a 1.4-mile increase in distance from High School to the fields via N. George Street than from High School to fields via Board Road and Wago Road.

Jim Kinder commented on the bridge over Gut and there had been a study for it.

Scott Elfner felt that this is not going to deter underage drinking if closing at Y, they will continue to go back where they do now

Barry E. Rudisill commenting as elected officials it seems to show that people are opposed by far. He suggests Reps. Gillespie and Waugh be contacted and let them go to PennDOT on behalf of township

David L. Naylor feels that PPL is politely advising they are closing Wago Road, no decision in the matter. If that is true, Representatives will be hearing from Supervisors. He does not feel in best interest of citizens to close road.

Steven H. Gross, Jr. - no one present for bid opening. Go to Manager's report

David L. Naylor – going back to bill 419, he motions the township Manager send a letter in favor of this bill. Steven H. Gross, Jr. seconded motion, which carried unanimously.

CVS/JC Bar/Benderson

Matthew Allen of Bohler Engineering presented an access issue with plan #CP08117 for the land development of 4035/4045 N. George Street Extd.

Rob Gothier of J. C. Bar Properties also present.

The plan has been to staff and proceeded to Planning Commission on 3/24/09, where it was reviewed and ultimately tabled due to lack of York County Planning Commission letter.

The plan is scheduled for the April 28 Planning Commission meeting for full review.

Benderson has received approval for the lot consolidation and the Zoning Hearing Board granted a special exception for 2 users.

The issue for discussion on the land development plan is the access and right-of-way for extension of Beshore School Road to Record Club of America property.

The entire property is needed for seconded user to make project move forward for Commercial use. The RCA is for Industrial use and they believe combining Industrial traffic with vehicle Traffic is not good idea.

Question of options of extending Devco through or extending Steamboat were mentioned.

They believe RCA owner is not looking to redevelopment since property is for sale.

The access would not work for this property.

Planning Commission recommended access approved as presented.

They are waiting for York County Planning Commission comments to receive a full Planning Commission recommendation.

They are asking for discussion on the Beshore School Road access.

Barry E. Rudisill commented to use Devco as street for RCA service does not make a lot of sense, it is not wide enough and the radius not wide enough at Sunset and N. George.

It was not designed for Industrial Traffic - not viable option.

Matt - RCA does not have frontage on Beshore School Road. Similar issues with both properties, how is it for this developer to address their hurdles?

Barry E. Rudisill added that there have been past mistakes and he sees this as major mistake if do not propose an easement across corner of CVS proposal to get to RCA property. Then complete the road on RCA property at their cost, when needed.

Rob expressed CVS position and traffic concerns.

They will not allow Industrial traffic to cross their property. The intended commercial use is not best for their patron's safety. They tried to design to comply with ordinance.

Steven H. Gross, Jr. - if not open to discussion, could move on with agenda. Hope to see something to accommodate everybody. Board is trying to accomplish access for future needs.

Are not asking to build whole road. Looking for something to agree on.

Rob stated that if give a drawing that shows truck and commercial client traffic merging, not only will it scare a lot of drivers, CVS will not build a store that will share Industrial truck traffic.

Steven H. Gross, Jr. added that now's time to accommodate for additional growth. There is a similar situation further up George Street. They are not opposed to plan, but not in favor as presented.

Rob cannot make agreement for unknown. He is authorized to state look at all Options presented be best neighbors we can heed today

SG-not in favor of plan as presented

Attorney Poole clarified that the Supervisors were telling their opinion at this point, they will address as required b

Solicitor's Report – Attorney William Poole

- § recreation fees for Touse (Rentzel Heights) \$96,000.00 spent. By 5/5/09 expires ratifies the balance for capital improvements toward Northeastern School District middle school recreation area of 2 soccer fields and play ground area. Barry E. Rudisill asked for amount - \$98,263.87 plus all interest. A motion by David L. Naylor to adopt resolution 2009-9 was seconded by Steven H. Gross, Jr. David L. Naylor suggested exclusive use of facility for NEYSA – meet with Dr. Tabachini. Motion carried unanimously.
- § resolution 2009-10 policy of meeting recordings and destruction of tapes was adopted by motion from Steven H. Gross, Jr., seconded by Barry E. Rudisill and carried unanimously.
- § floodplain ordinance and SALDO changes - suggest review at May meeting with Attorney Andrew Miller
- § enforcement actions: Harrell-Carr judgment \$1,000.00 plus costs of about \$800.00, and Kinert negotiation on the \$8,000.00 judgment plus costs, discuss after appeal period
- § Steven H. Gross, Jr. suggested research on the Wago Road closing issue – Board formally opposed, David L. Naylor agreed. He also requests to send letter to that effect and request both Mayors also send a letter. Attorney Poole commented that sending letter is appropriate and can research for "life after" letter. David L. Naylor motioned to have Terry R. Gingerich write to PennDOT, Waugh, and Gillespie. Barry E. Rudisill requested inclusion of PPL on letter. David L. Naylor amended the motion to send letter to PPL, copying elected Representatives Gillespie, Waugh, Platts, Spector, and neighboring municipalities; York Haven, Newberry, Manchester, and Mt. Wolf . Barry E. Rudisill seconded motion, which carried unanimously.

Engineer's Report – Byron Trout

- § Surety reductions:
 - Green Ridge \$67,291.40 reduction also sent letter regarding Beshore School Road curb and sidewalk installation. Motion to authorize reduction by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.
 - Chestnut Valley phase 2 reduction \$41,136.58 as motioned by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously
- § release of payment to Tyson \$3,192.36 for Dauberton fence authorized by motion from Steven H. Gross, Jr., seconded by Barry E. Rudisill and carried unanimously
- § DCNR \$63,000.00 owed, approved payment expect in 1-2 month
- § phase 2 Dauberton resolution 2009-8 adopted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously .
- § MS4 - gave drawings to Terry R. Gingerich and Dave Gentzler for drainage locations and bridges, water testing in future

- Joel suggest copies to fire companies for potential drainage from accidents
- § Dellinger Road subsurface investigation at sinkhole – an estimate of \$5,500.00. Discussion on quarry water discharge relocation
 - § Willow Springs berm has few dead trees - checking berm height
 - § Friendly's drainage concerns - Poole and Kinsley to be contacted
 - § Steven H. Gross, Jr. asked about light at N. George and Meeting House. He believes it is time to pull bond and do the improvements to Meeting House. Byron commented that Conor Gilligan did not call as stated previously. Byron sees no problem with Meeting House improvements outside of Penn DOT right-of-way – send letter giving notice to complete improvements or expect consideration of bond recall by next meeting in May Howard Daniels mentioned repairs at intersection of Meeting House and N. George are needed and will need continued repair till final improvements are completed.
 - § Northern Heights - no reduction recommended

Correspondence

- § Comcast cable franchise renewal for consideration – no action at this time.
- § FEMA map review completed
- § Strinestown Fire Company request for donation towards fireworks for July 4th community celebration at 865 Locust Point Road. Discussion on benefit to East Manchester Township residents now in better location.
Joel mentioned a traffic control issue had been a previous problem.
Agreed to send letter addressing traffic control. Steven H. Gross, Jr. motioned to send \$2,000.00 from recreation fund with letter. EMA included as suggested. Steven H. Gross, Jr. rescinded motion.
David L. Naylor motioned to TABLE till next month.

Manager's Report – Terry R. Gingerich

- § York County Sewer Authority – no questions
- § Zoning Officer – no questions
- § Public Works Director– no questions
- § Recreation Board – Request from NEYSA for another storage trailer on PPL lot was approved by motion from David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously.
PPL soccer field need for signs re: dog litter
Ken Dunbar explained some of the dog control problems they have been facing.
James Arex suggested the 53-page dog law addresses these issues.
Mayor Kinder expressed that the Borough has a dog law for leased and under control, clean up or face \$100.00 fine.
Rudy Park has a dog park, no need to abuse the soccer fields designed for the children.
Scott suggested since the area is leased from PPL, should check with them. Terry R. Gingerich answered that they are ok with placing controls.
David L. Naylor asked of the recognition toward the Boy Scouts and Lions Club involvement. It is.

§ bids:

- joint line painting awarded to low bidder PSX per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously
- Super Dave awarded to Kinsley Materials low bidder per motion by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously
- Equipment awarded to low bidder Emory Peters per motion by Barry E. Rudisill, seconded David L. Naylor and carried unanimously
- Equipment milling machine awarded to low bidder Wilson Paving per motion by David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously
- Stone awarded to low bidder Codorus Stone per motion by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously
- Mowing awarded to low bidder Pro Lawn per motion by David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously
- Emulsion awarded to low bidder Stewart and Tate per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously
- Ralumac awarded to low bidder Stewart and Tate per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously

Supervisors' comments

Barry E. Rudisill

- noticed quarry fence around discharge – Terry R. Gingerich mentioned DEP approval
- RCA fence does not seem to be what was agreed upon, too much space between ground and bottom of fence – check into
- Northern Heights - Long Road drainage pipe
- Hartman house at Chestnut Street

David L. Naylor

- Northern Heights trees –bond is being held, Byron Trout reported number of trees is not met along pond to Long Road, will check further
- Poole's building at Willow Springs Lane
- Public Officials meeting on 4/30 – contact John Moramarco
- township road tour – anything to concentrate on? Byron Trout can work up prices on the projects

Steven H. Gross, Jr.

- Thanks to everyone who spoke on the PPL issue
- Leg Up Farm request for permit fee reduction would be open for discussion when amount is determined

Public Comments

Joyce Daniels asked about a report from last month's meeting from the NE EMS. It was a breakdown for the month on their income and expense and calls. They have provided same for this month.

Scott Elfner mentioned the concern with lack of water pressure for Northern Heights and how that could also affect the Leg Up Farm project. Terry R. Gingerich and Joel Klinedinst along with others joined in as discussion continued on the issue of the water problem in the area.

James Arex commented on a concern regarding definition of sexual harassment and a situation.

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

Barry E. Rudisill motioned to adjourn at 9:34pm.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer