

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
MAY 12, 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 7:01pm.

The Pledge of Allegiance was given to the Flag of the United States of America.

Steven H. Gross, Jr. disclosed that since the April meeting, they have met in Executive session just prior to this meeting.

The minutes of 4/22/09 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

**Public Comment**

- Markwood Shroyer, acting President of Eagle Fire Co. asked about the timing of the release of funding for 2009. It is usually in May - will consider.
- Strinestown Fire Co. July 4<sup>th</sup> celebration - Rob Fogle Co-chair of the Northeastern Independence Committee was present. Discussion on traffic control, maybe a NERPD officer at intersection of Canal and Locust Point Roads for main traffic point. All other points fire police should be used.  
Lt. Daniels commented that they could try to accommodate request, with 3 officers on duty, could use 1 for traffic control  
Steven H. Gross, Jr. asked about other donations. Last year \$500.00 from Newberry Township and \$2,000.00 from Conewago Township was received.  
Their budget is about \$10,000.00 for celebration.  
David L. Naylor expressed his concern for utilizing paid officers, would rather use fire police.  
Barry E. Rudisill agreed fire police for traffic control is preferred over paid on-duty officers who really have their specific job to do.  
Rob - if need, will provide fire police. It is easier for officer but will make sure some means of traffic control at that intersection is provided.  
Steven H. Gross, Jr. stated that they will review and forward letter.
- Chestnut Valley road paving - Kathleen Campbell 115 Austin Dr., one of a group of Chestnut Valley residents asked about phase 3 and 4 paving of wearing course and adoption of their roads. Portion of Lynne, Austin, and Payne are still under the developer's bond and care.  
Byron Trout commented that a bond is in place for this. Attorney Andrew Miller explained that as long as a bond is posted, the Township can't withhold permits, but can take steps toward final adoption. The requirement for permits, hence occupancy is that the roads are in a passable, useable condition, of which, they are. The developer remains responsible for road maintenance and plowing until he requests adoption by

Township. To adopt the roads must meet township requirements after inspection.

Steven H. Gross, Jr. asked if Board could forward letter to request the paving be completed?

Discussion continued with determination that Byron Trout will contact Bill Bashore.

Barry E. Rudisill recalling the issue with Board Road where Bill commented that he was going to wait till they are ready to pave streets within the development.

Other concerns over detention basin were mentioned. Byron Trout explained that it is an erosion control basin under YCCD till complete.

- Ryan Brenneman reported that the audit of the relief fund of Eagle Fire Co. exceeded requirement. They have completed a GPS map of hydrants for all of Eagle's response area, compiled a list of responders, and have a PPL walk through on hazard mitigation scheduled for Fall.

non-resident comments-none

### **Subdivision/Land Development**

Darryl Kirsch of BL Companies representing SADG-II's East Manchester Village Centre on a revision for a drive thru Dunkin Donuts - no outstanding comments

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, seconded by David L. Naylor to approve was carried unanimously.

### **Special Request**

- Leg Up Farm - Lou Castriota, Jr. gave a brief update on this project. They have received an 11 million dollar grant from PA, which will allow them to proceed with the building of the indoor arena proposed for phase 2.

A USDA loan condition wants all issues completed before construction can start. He is hoping to start by end of June. Alternative energy such as solar and wind could qualify for a DCED renewable energy grant.

He is requesting support for an alternative energy grants in the form of a letter to the legislative representatives.

Steven H. Gross, Jr. asked for specifics and mentioned that the proposal would have to fall within current zoning regulations. It was questioned if that could affect land development plan.

Attorney Andrew Miller mentioned that it is a special exception for windmill.

Lou mentioned that he is not aware of the geothermal or solar having an effect on the land development plan – it is more building related. They are looking into doing preliminary wind, solar, geothermal HVAC if can get grants. They could become a potential zero energy facility - first in PA.

A motion by David L. Naylor was seconded by Barry E. Rudisill and carried unanimously to provide a support letter regarding alternative energy grant for Leg Up Farm.

- Dale Knepper representing Northeastern School District was present at Dr. Tabachini's request, but not sure why.

Steven H. Gross, Jr. – It has been brought to our attention that the farmhouse and the buildings there have been removed.

Dale – right

Steven H. Gross, Jr. – And the plan didn't call for that and I don't know how to politely say this but you've put the Board in a, basically, backed us into a corner because that was done and maybe Andy can explain it a little better. It goes against what your land development plan said.

Attorney Andrew Miller – removing those building was not consistent with approved land development plan, and whether or not that creates any problems with the land development plan, the Board doesn't even have the opportunity to look at because there was never a plan in front of them showing that being done. Whether that creates any issues.

Dale – In any perspective the original plan shows one building being removed. There were 4 down there.

Attorney Andrew Miller – I don't know any of the details of that, I think the other issue that has been raised by staff is that there was no permit obtained to take those buildings down. The township is in a position where they are trying to enforce or are in somewhat of a in a dispute with another developer over a similar issue and puts the township in a position where they can't treat one differently than the other.

Dale – So what does the District ..... the Board.....(garbled)....

Steven H. Gross, Jr. – We discussed this briefly and like I said because of due to the other issues we are really backed into a corner.

I also read in the paper you are advertising for additional construction of fields below the new school. Construction of recreation fields, I thought I read that was out for bids.

Dale – No, that was a softball field behind the high school.

Steven H. Gross, Jr. – oh, that was not at the middle school. My suggestion was that if you were doing some additional fieldwork below the new building that we could maybe incorporate the buildings being removed into a plan of the new fields.

Dale – We don't have any plan for that.

Steven H. Gross, Jr. – I just thought that could be some kind of a remedy.

Dale – Do we need to submit some kind of a plan?

David L. Naylor – Well I think at a bare minimum. Are all the buildings down that are going to be removed?

Dale – yes

David L. Naylor – ok, then the original plan does not show that. I think we need a revised plan that shows what buildings are removed because it is different that the original plan. I would like to see a revised plan.

Dale questioned what should the plan show and how should it be handled.

Byron Trout – I was just asking Andy whether or not we could do a, they have to provide us as one of their requirements is an as built on storm water management systems. So could they incorporate the removal of the buildings in something like that? They have already agreed on the stormwater plan.

Dale – And that stormwater management plan would encompass the whole area because I think that covers our whole site.

David L. Naylor – that would be fine with me as long as we have something in the township showing the removal.

Barry E. Rudisill – you said the as-built plan, is it recorded?

Byron Trout – typically no

Barry E. Rudisill – Is that an option?

Attorney Andrew Miller – You as a Board just want to think about what, in an ideal situation, where we weren't doing this after the fact, what would you require of the developer in order to show those building were coming down and have an accurate plan and I think that would be one way to accomplish that. If we were doing this before that fact we would be looking for a revised land development plan with a sheet that shows that structure coming down.

Joel Klinedinst asked why the teardown? He recalls Dr. Baughman showed that they were only going to use about 10 acres of that property and keep the rest in clean & green. Why have to tear building down? Maybe need some stipulations not going to build on. It was assured by Baughman at a township meeting that they were only going to use a 10-acre footprint. Were they torn down with future growth in mind?

Steven H. Gross, Jr. – I don't know what the reason was for, but the township is in this position now.

Dale answered that the buildings were not useful to district and there were security concerns and other issues in that past year. The existing use was not appropriate for tenant use with district as landlord. To change for school use, did not meet codes, remote area, and maintenance issue.

Steven H. Gross, Jr. – If we would have just had it on the plan that you were going to take them down.

Dale – I think when the plan was done 3-4 years ago; things have changed.

Dale – The property is in the Farm and Natural Lands Trust, have 14 acres and it is still in that.

Attorney Andrew Miller – If that's the case the F&NLT should have an easement that that can never be developed.

Continued discussion lead to an agreed upon suggestion of a 1-page revision similar to the EMVC plan for the Dunkin Donuts drive thru that was just approved.

Terry R. Gingerich brought to attention that next Thursday or Friday paving on Board Road is expected.

Katrina Rife explained the issue with the Zoning Hearing Board condition on the plan regarding the parking lot and a buffer for lights. Currently trying to resolve this issue for the reason behind the condition.

Steven H. Gross, Jr. – the Board of Supervisors cannot waive a condition of the Zoning Hearing Board, I'll just tell you that right up front.

Dale – I remember way back when there being a concern about lights shining into houses across the street and our engineer said we could construct that in such a way with the parking lot being lower and a bank there so that there wouldn't be light across the street. I'm not sure how a headlight would shine over an 8' bank and how 36" isn't visible. We can put a row of shrubs along the front edge of the parking lot at the bottom of the 8' bank; that seems pretty silly.

Steven H. Gross, Jr. – I am going to ask Joyce to comment since she is chair of the Zoning Hearing Board currently.

Joyce – We met at the school this morning to take a look at it. The way the existing bank is now, most of it fine. In fact, Katrina took the camera along took some pictures. The only thing that we saw and I understand where you are coming from and I understand

where the residents are coming from, it was about 5-6 parking spaces on the S end of the parking lot that will need shrubs or screening of some sort. Not the Borough, these are in still in the township. We stood on the road, we thought that was fair, true if you go over to the homes up their driveway, we did that, yes, you are going to see lighting. That wasn't and that is not what we tried to solve at the meeting when this came up. The rest is fine are far as we are concerned. I can see some may call in and say something, but they sit up high. If they are going to complain about that, they should already be complaining about the other traffic already coming to and from the school. This particular lower part I think is going to be an issue.

Dale – I thought the bank was going to meet that condition, if the bank is higher than that would meet the need.

Joyce – to a certain point as far as I'm concerned, but there is one other member that was to take a look this afternoon. I don't know if he came to a conclusion. Other than that, I'm fine.

Steven H. Gross, Jr. – I'm going to ask Andy, What if a Zoning Hearing Board put a condition on a plan 3 years ago, who does it fall to interpret that condition, here we have the Chair of the Zoning Hearing Board now which she stated was on the Zoning Hearing Board at the time and our Zoning Officer, who was the Zoning Officer at the time. So who and where does that interpretation of that condition, who make that ultimate interpretation.

Attorney Andrew Miller – Ultimately, it is made by the Zoning Officer. You can appeal that interpretation to the Zoning Hearing Board if you are not satisfied with the decision of the Zoning Officer. Typically whether or not they are inclined to that condition, it's a Zoning officer determination like any other zoning issue that comes up to the township.

I would suggest with respect to this, and is a little bit off subject but, if you are going to ask for revised plan on the buildings being taken down, if you are going to get that revised plan have it updated to reflect any change in this condition or what. If they are not going to put in shrubbery, if you are going to get an accurate plan on the buildings taken down, get accurate on the condition. I'm just putting out there if there are other things as a result of this issue that need to be corrected on the plan, make sure they all get caught at one time to make sure you have an accurate plan.

Steven H. Gross, Jr. asked – do you think the screening issue can be worked out between Katrina, Joyce and you to everyone's satisfaction?

Joyce – I should not speak for Brad but for myself, Katrina knows what is what and I trust her judgment, she is the Zoning Officer and that should be her call.

Katrina Rife – I am more than willing to work with the school district to make sure that we are all meeting the needs that placed that condition there and that the need is no longer there and that it is obvious. We want to work to resolve this.

Dale – yes, we have some areas where the bank got pretty low and I know toward the high school if those areas can be built up ...(garbled – no mic)... Personally, we don't like any more shrubbery than we have to have because it attracts trash and paper and thinks we don't want to have, it becomes cluttered ...(garbled)

Steven H. Gross, Jr. asked for any more comments or any other issues.

Katrina Rife – not specifically that I am aware of. We have not given final yet in regards to accessibility and I know Byron has been doing his part for the entire land development. We are close to helping them get occupancy.

Dale mentioned that the accessibility was waiting for a final inspection due to parking lot.

Steven H. Gross, Jr. – Are they on target to have occupancy as planned?

Katrina Rife – At this point in time, providing all punch list items are met, I certainly hope they are ready to start the new school year in the new building. That is their goal, and we want to get to that goal together.

Ryan Brenneman asked about lawn care on Chestnut Street.

Dale commented that the contractors are supposed to be taking care of till the property is turned over to the school maintenance dept.

Katrina Rife answered that she has spoken with Dr. Tabachini regarding this and has been assured that it will be taken care of by Friday.

Joel asked about a Traffic & Engineering study for Meeting House at Board for consideration of a 4-way stop.

Dale confirmed that Katrina Rife will be working with Rick of Quandel and he will work with Byron on the revised plan.

Discussion

The Board agreed that no enforcement action will be taken on the building demo and a revised plan will be submitted.

Katrina Rife asked if and how any of this would affect issuance of occupancy.

Attorney Andrew Miller – What is your timeframe for occupancy? What I am asking is there any reason why the revised plan would not be into the township before you would request occupancy?

Dale indicated he did not know how long that would take. There is an event scheduled for end of June for the auditorium.

Attorney Andrew Miller – What I would suggest that you don't set any kind of precedent of issuing an occupancy permit while there is a violation. The school district get the revised plan to the township for review and approval prior to occupancy or if there is a need to use auditorium or a portion of the building because of timing issues with meetings with the revised plan, you could authorize Katrina to issue temporary occupancy so you would at least have something there to encourage them to get the revised plan in and be in compliance.

Steven H. Gross, Jr. asked if that answered Katrina's question

Katrina Rife – Understood, we can cross that bridge when we get there – accessibility will be main consideration.

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

- § Wago Road letter - Steven H. Gross, Jr. authorized signing for all 3 Supervisors regarding opposition to road closing to all elected representatives, neighboring municipalities, PennDOT representatives, and PPL. Barry E. Rudisill seconded motion which carried unanimously

Note: Joel also sent letters to representatives expressing his concerns; Spector, Casey, and Waugh have replied

- § CVS meeting today request Executive for informational purposes
- § Enforcement actions pending: Hartman property needs served by constable

- § Developers' agreement - Leg Up Farm for signing and file. David L. Naylor motioned to authorize the Chair to sign. Steven H. Gross, Jr. seconded and motion carried unanimously
- § Floodplain Management, SALDO, and Zoning Ordinance amendments were reviewed. Will need to go the Planning Commission and York County Planning Commission for review  
deadline of 9/25/09 for Floodplain ordinance adoption  
A review of the proposed amendments was held.  
An official hearing date will need to be set for adoption.  
Steven H. Gross, Jr. motioned to start the process, David L. Naylor 2<sup>nd</sup> and motion carried unanimously.  
Knox box requirement was mentioned.

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

- § Katrina distributed a letter from R. Tabachini regarding the Green Ridge pond and sediment trap holding water. Dan Dwyer of Kinsley was contacted to remedy situation. Bt will respond to Dr. Tabachini.
- § Sidewalks along Wago Road – photos showing one section has dropped 4" and another has buckled. These are hazardous. Grant money was used 12-14 years ago to construct. This is a property owner responsibility, letters will be sent.
- § Act 167 plan letter for stormwater was received; questionnaire is being completed.
- § Peters property – met with Highland for concrete removal, cost \$900.00 gave go ahead to do.
- § Signal light at Sunset for left turn arrow – in discussion with TRG for analysis to apply for permit, \$750.00 cost.
- § County can do study for 4-way stop per motion from Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.
- § Willow Springs berm height – an as built was provided, verified that the plan shows equal to or higher; however, the FFE of the building is 6" higher. Standing at the door of the complainant's home, you cannot see the loading docks, but from the 2<sup>nd</sup> floor, you can. We can ask them to raise the berm at that point about 1' or so since they have to replace the dead trees. Will contact property owner who is concerned.
- § Meeting House Road improvements letter was sent to Saybrook giving 30 days to start. Attorney Andrew Miller will look into what is needed to enforce and pull bond by next meeting.

#### **Correspondence**

- § Strinestown Fire Company request for donation towards fireworks for July 4<sup>th</sup> community celebration at 865 Locust Point Road. Steven H. Gross, Jr. in favor of supporting this community event. \$3,000.00 is budgeted for July 4<sup>th</sup> celebration and Halloween parade a motion to contribute \$2,000.00 was made by Barry E. Rudisill, seconded by Steven H. Gross, Jr. and carried unanimously.

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

- § York County Sewer Authority – no report
- § Recreation Board – no report
- § Zoning Officer – no questions

- § Public Works Director– no questions
- § York Area Tax Bureau form naming Kathy Emswiler as representative per Resolution 2009-11 was adopted per motion by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.'
- § Tax Exoneration for Paul & Helen Musser of \$18.71 for property sold to Snyder was approved per motion by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.
- § NE EMS open house May 16<sup>th</sup> 11am-2pm
- § Letter to support Senate bill 419 (web advertising) is ready for review. Steven H. Gross, Jr. motioned to sign and send David L. Naylor seconded and motion carried unanimously.

### **Supervisors' comments**

Barry E. Rudisill

- Signs at PPL soccer fields regarding dogs and golfing need placed. Public Works Director should get them installed.
- Mundis Race Road – some areas are sealed other are not, Terry R. Gingerich will be done when get machine again it is shared with Manchester Township
- Brylea wearing course – Byron Trout will call

David L. Naylor

- Is there an ordinance prohibiting snow or grass from being placed into the roadway by the property owners? No. It is a problem with keeping streets clear.
- Northern Heights trees – seems that not all are there and some are not living, include paving issue
- Long Road needs completed
- NERPD officers should not be used to direct traffic for civic events. Joel mentioned that he questioned the need for NERPD at the balloon fest. It is a county event and the county has trained officers from the Sheriff's office to handle this. The Chief of Police must make a request to the Sheriff's office.

Steven H. Gross, Jr.

- no additional comments

### **Public Comments**

Motion to pay bills and include \$12,625.00 to each fire company from the equipment fund by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.

David L. Naylor asked about joint training. Mark answered that it is scheduled.

Barry E. Rudisill stressed a need to see a plan for combined efforts to provide consolidated services.

David L. Naylor asked about rumored capital improvement plans at Eagle. Mark explained that they had discussed looking into renovation versus rebuild of the engine room and social hall.

David L. Naylor and Steven H. Gross, Jr. both reaffirmed that a consolidated effort for these types of projects be considered. The township cannot afford to fund both if both are looking to do the same thing.



Steven H. Gross, Jr. motioned to recess to Executive session at 9:58pm.

Reconvene and adjourn at 10:49pm with no further action.

Respectfully submitted,

Terry R. Gingerich  
Township Manager/Secretary/Treasurer