

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
JUNE 9, 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 May meeting, they have met in Executive session just prior to this meeting.

The minutes of 5/12/09 were accepted per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

Public Comment

- Jaime Bell from Northern Heights on street paving - issue still there. Water is accumulating in road.

Byron Trout commented that this is the only entrance to the development and they did not pave due to continued construction. The offer to pave was given to C & F from Sherman to Bryn where adopted. Have not released bond. There was an issue on why pave if not surety is not released. He has not heard from C & F recently.

Barry E. Rudisill added that this was previously discussed and agreed upon.

Byron Trout reported that the developer did but wanted to go up Bryn

Terry R. Gingerich has spoken with Mark Will who questioned the bond reduction process, a letter will follow

Jaime explained that the water covers whole street, it cannot go up hill to the culvert.

Steven H. Gross, Jr. suggested consider pulling bond and tell developer to fix or draft resolution to pull bond.

Attorney Andrew Miller suggested looking at the developer agreement for pond drainage issue.

Steven H. Gross, Jr. also commented on this being a safety issue.

Jerry Kern also of Northern Heights mentioned the drainage issue, sinkholes down to pond, channel eroded. He does not want to see builder get homes built and then be gone.

Byron Trout has directed some of those issues to YCCD for Rob Fetter and will also call to follow up.

Jaime asked if there are any deadlines?

Attorney Andrew Miller explained that if we can tie into developer agreement, that would be best. Township has to give reasonable time to get work done.

Jerry noticed on the pond that the rebar work has been done but no concrete. He asked about lining.

Byron Trout answered that it is still set for E&S control, conversion would take place at till 80-90% build out.

Terry R. Gingerich mentioned the work on Long Rd. Stormwater piping should be pushed, Keith Gillespie & PennDOT are being contacted.

Barry E. Rudisill expressed his concern with the road improvements.

- James Arex asked for a property owner's name due to a Rottweiler, which may be a problem at a specific address.

Attorney Andrew Miller mentioned that this information is public records.

Katrina Rife can give name of property owner during business hours.

- Trevor Rentzel – Union Fire Co. report distributed. Reviewed account balances in report and noted that they have added 2 more EMT's to roster
- James Coble 5105 N. George St. Extd asked of the status of the Meeting House Road/N George Street improvements.

Steven H. Gross, Jr. replied that was the subject of Executive session, which he can't comment further on now.

Jim asked if any permits were needed to bring the large piece of equipment into the township on the roads by PPL today. They had the intersection of N. George and Meeting House closed down for about an hour because of the difficulty in making the turn.

Joel Klinedinst added that a PennDOT permit for PPL was for access N. George St. Ext.

Terry R. Gingerich mentioned that normally, PPL would call when they bring in something like that

- Todd Strickhouser 305 Creek Bottom Rd mentioned the ongoing water problem from Rentzel Heights. They mow up top spillway, still overflows any progress?

Steven H. Gross, Jr. explained that the original people sold and now in position where start over at square 1 with new owners.

Todd sent a letter last year to Lenny Dunn at Saybrook

Barry E. Rudisill – will need to mow to look at.

Byron Trout commented that the spillway is a Conservation requirement and has been a problem

Todd explained that the berm is 9" high at his side and with 3-3' pipes coming in and 1-16" pipe going out, it is not hard to figure out - he gets the water

Byron Trout -Rob Fetter gave permission to eliminate the four bay

Todd expressed that the solutions have not cured his problem. Homes are not built yet – what will happen then? He would like to get whole spillway off his land.

David L. Naylor agreed it should point into another direction.

Todd commented that he lives on a hill and is getting flooded.

Steven H. Gross, Jr. suggests tying this issue into all other issues.

Attorney Andrew Miller - make sense to ask for all that needs done at upcoming site meeting

David L. Naylor asked if Rob Fetter would be there?

Barry E. Rudisill commented that need letter answered, Todd should not have to come back

Todd - can I attend?

Steven H. Gross, Jr. to Terry R. Gingerich - make sure Todd knows when the meeting is scheduled

- Charles Rearick thanked NERPD for placing the sign on election day, it helped with traffic
- Markwood Shroyer distributed an invitation to the Supervisors and provided a list of box assignments for calls

Scott Elfner mentioned that Ryan Brenneman is out of town.

There were 14 calls with the biggest being the barn fire in Starview. They are helping

with Rudy Park Balloon Fest on June 19-21 and stations 23 & 27 have been contacted to help cover for fireworks

PPL meeting is scheduled

- Roger Guise, soon to be resident, brought the abandoned property of 220 Olde Hickory with its weed issue to the Board's attention. He is hoping Township will consider mowing and take care of. Katrina Rife has not been able to get information on which mortgage company has taken this back. No property owner known to notify.

Attorney Andrew Miller - could consider a municipal lien

Terry R. Gingerich asked if ok to get mowing service

Attorney Andrew Miller - will check

Board agreed not to use our mowing contractor, have our crew do it.

Roger asked about a timeframe for this

Attorney Andrew Miller - post notice on property

Scott Elfner commented that using any provision to give the township a better image is needed

non-resident comments-none

Subdivision/Land Development

none

Special Request

NEYCSA

James Coble Chairman, Gordon Walker, Tom Beakler, Attorney Stacey MacNeal and Attorney Twaddle are requesting an approval for an ordinance and guarantee for bank financing onto meet the requirements to complete the plant upgrade.

This upgrade project will not result in new capacity.

The bids have exceeded the estimate cost of 4.8 million with 5.9 million in bids. They are looking for alternatives to reduce costs.

Kinsley will be the General Contractor. They would like to give the go ahead to do the concrete work and pour in non-freezing weather.

The Authority is seeking up to 5 million loan with an 18-24 month draw down period and a 5-year fixed adjustable rate through Susquehanna Bank. They are not intending to borrow more than needed for the project.

There is a \$500,000.00 DEP grant, which expires late this year.

Intend to use 1 million of current money.

An application for the state H2O grant money of allocated 655 million for sewer and water upgrades has been submitted; could get nothing to 3 million from it. An awards committee was expected to meet in February or March, but has been delayed till July.

May need upfront money to cover expenses till grant is known.

Federal stimulus money only qualifies for loans and adds costs to project.

They would appreciate any action the Board can take tonight but also understand due to complexity of this, if needs to be delayed. A delay could put a little further behind.

Steven H. Gross, Jr. – For the record, Jim spoke with me about this Sunday evening a little bit. I had some concerns, which I discussed with him. Some of them I see have already been addressed; we have some minutes here, we talked about your latest audit - do you have a copy of the latest audit? - draft copy provided. As I told you I heard some things and I wanted to read

this before I would personally make a decision. And the other thing I'll bring up that I did discuss with Jim that I would like to hear an answer about and I might look to Tom just to know. And I understand the practice in the past is that new construction in the township had a higher percentage paying for new construction and I certainly understand that and I think that is appropriate. But I have a real concern because these are environmental regulations, that being the reason for this expansion as Jim explained is mainly environmental requirements that you must meet now. The question that comes to me is: What assurances (for lack of a better word) are in place that this is spread equally to everybody that is using the plant? In the past for the expansion down in Saginaw, I understand a lot of that going to the township because it serves the township but because these are environmental regulations I feel these should be more equally by everybody. I asked if there was a formula in place or not and we didn't really come up with a determination.

Jim – This would result in a rate increase and we would have to look at 1. the intermunicipal agreement that the 3 municipalities have approved, what I would push for and again this does effect all users equally would be a flat rate increase not a % increase.

Steven H. Gross, Jr. asked if there is a formula.

Jim – There would probably be no increases until budget is worked on in October/November.

David L. Naylor had a few questions on the intermunicipal agreement and specifically if it stipulates how projects are funded within the districts?

Stacey – do not have agreement in front of me, there is a paragraph that addresses cost for upgrade, not detailed formula 5-6 lines on page 3 top

David L. Naylor – forgive me, but I don't really understand what transpired here, about a year ago we had a site meeting down there and construction documents for Kinsley were signed for phase 1. correct?

Jim – No, the only thing we did and what we met for back in the Fall was the starting of this project. First of all to see what all Township approvals were needed. At the same time, the engineering had already been started, was looking to go out to bid March/April, needed DEP permit to start, received township approvals.

David L. Naylor – ok, so let me put this in a nutshell so I understand. The reason that it is time sensitive now is because the bids were opened and they are a million dollars higher because of the tight conditions. That created more labor hours and what makes that a million dollars more?

Tom explained that there is a lot of rock down there and that was not taken into account at design. Some construction has to go around existing tanks and everybody that bid came in a little higher

Jim further explained that temporary shoring for roadway is considerably higher. The bids were extremely close for size of the project. Kinsley was almost 5.7 to 6.4 million for highest.

The reason need Ordinance and guarantee, after bid opening, spoke with banks and they said in order to get better rates (could get money without guarantee but at higher rates where users would pay more) but banks said will need guarantee for better rates, were not sure how much money to seek. Have been hoping for awards, which is still not sure but could be up to 3 million. Tom gave a little background, project was planned years ago, had design to retrofit without any construction and was estimated at 5 million. They could not get DEP definition on parameters and interim limits that were constantly changing. EPA entered and things changed again. Original design and then that company was sold, costs then doubled to 10 million - no longer feasible to go with that design. Had to come up with new design and settled for what done at Saginaw as model. Basically fitting a treatment plant into what area we have left. That led to costs. One of the reasons under a non-negotiable time limit, delayed receiving any money from

that grant for 3 years, now on 3rd requested extension from DEP and they have given a December 31st or funds will be gone. We now have a permit, which has a time limit. Must start this summer. At a point where there can be no more delays.

Steven H. Gross, Jr. asked Jim to explain for benefit of residents about reserve and capacity. Understood that in gallon capacity, it is all right but to meet environmental it is not.

Jim – volume capacity licensed at 1.7mil/gal per day, flow generally 800,000-1 million per day average, but have a nutrient level limit and are at or over the limits - this upgrade will fix that

Steven H. Gross, Jr. – will you take from haulers?

Tom – at this point, everything we have now basically will become extra tankage. Our plan for the future is that we will have old tankage, if we ever decide that we need additional revenue. It is only a possibility sometime in the future there are no immediate plans to do so, we have never done it, and there are no immediate plans to do so. That is something that could be there in the future if it ever wants to be done. Maybe when I'm gone someone will want to do it.

David L. Naylor asked about the intermunicipal agreements ability to deal with that.

Stacey believes it does although it does not address sharing of revenue. It has provisions to establish districts, set rentals, set tapping fees, cost upgrades, cost sharing.

David L. Naylor – Is the intermunicipal agreement the manual on how the Authority runs things?

Stacey - yes and no. It sets some very broad parameters. There are certain areas dealing with general agreement between on collection. In some ways it is very specific and broad in others.

Gives Authority necessary ability to set rates and run operations as see fit.

Drafted in 1987 or 1988.

David L. Naylor – would you agree that we have evolved to a point where we need a new agreement?

Jim replied absolutely, but unfortunately that is something the township and 2 boroughs need to reach an agreement on a new intermunicipal agreement.

Steven H. Gross, Jr. agrees and commented that when this was done over 20 years ago no one every dreamed of the environmental issues today. He hears from residents that township residents pay more than Borough residents. With new construction he understands, but in fairness to residents when environmental improvements are being done, have to look at how that is spread.

A new agreement between the municipalities might be the long term answer but the Authority has the ability to regulate rates and have another document that is about 25-pages on rules and regulations and I am trying to find how this is going to be bore equally. It needs to be equally born by everyone; it is a concern, not joking when I tell that residents raise the question.

Joel Klinedinst pointed out that Saginaw rates for a percentage increase is not fair. Higher rates with percentage increase is a higher increase rate, it should be flat rate increase across board.

Jim expressed that there will probably be a rate increase coming up for next year because of the loss of tapping fees

David L. Naylor asked if there will be any time where they will equalize?

Stacey did not believe it will equalize because of other factors, but what does go away is surcharge on Smith Gardens and the Township for the initial capital buy in to the existing plant, which will go away in 2017 (30 years)

Steven H. Gross, Jr. – that is an 8.25% surcharge

Jim gave background on the Manchester/Mt Wolf sewer plant licensed for 400,000gal/day.

When agreement adopted, new users (Township) except Smith Gardens contributed nothing to plant. Cost 4-6 million for collection lines into Township and higher rate was to cover lines, % of plant and % of upgrade. Smith Gardens lines were in and paid for.

Current rates \$76.00 Boroughs, \$105.00 Smith Gardens, and \$156.00 Township
Saginaw project added 5-6million to debt and to be honest Saginaw is not paying their share of that total debt.

Joel commented that Sherman Oaks goes into Saginaw plant

David L. Naylor asked how many township customers, what is ratio between township and borough customers

Jim – there are 2 kinds of customers - household and commercial EDU's

Tom estimated 3500 EDU's total

Jim – have 3 commercial rates – one for Boroughs, one for Township, and one for schools and nonprofits. Tap in is \$1,800.00 for Township and \$1,200.00 for Borough.

Stacey mentioned that there are stipulations that tie Authority.

Jim added that the Ordinance and guarantee is worded same as for December 2005 bond issue, just different amount and financial institution

Steven H. Gross, Jr. would like to hear how environmental costs bore equally because he has to be able to answer. Would like to see need to read audit before decision not this evening, need more time to research it.

David L. Naylor agreed; it is a lot to think about. When asked why township pays more than Borough he will refer to Jim.

Scott questioned why township residents are being asked to secure this.

Steven H. Gross, Jr. – use municipal taxing authority to guarantee

Stacey mentioned that both Boroughs have passed

Attorney Andrew Miller explained guarantee agreement with lender that the Township and Boroughs jointly and separately guarantee the liability if Northeastern York County Sewer Authority would default lender would come back to municipalities.

Solicitor's Report – Attorney Andrew Miller

- Proposed ordinance changes for review - YCPC comments back on floodplain change new map effective 9/25/09 ordinance should become effective same date. SALDO and Zoning on York County Planning Commission's July agenda suggest public hearing August or September meeting for allowing any changes, have time to make after YCPC
Terry R. Gingerich asked about submitting to Harrisburg
Attorney Andrew Miller answered that it was, and there were no comments from DEP and suggested at July's meeting to authorize for public hearing in August
- Knox box ordinance examples
Since this would be a requirement outside UCC it would need L&I review and approval. May have more enforcement authority if separate from SALDO or Zoning or if want to apply to older construction
Barry E. Rudisill – should have fire input
David L. Naylor asked if it applies to old construction?
Attorney Andrew Miller agreed should have fire companies input.
Trevor Rentzel commented that Manchester Township has provisions for older construction and he has fought with our school districts to use.
Union had a 3:00am call at Friendly's and were able to get access - is absolutely essential.
Attorney Andrew Miller would like to see a fire department review of the 3 samples. Terry R. Gingerich to pass along to them.

- David L. Naylor – pass along to fire companies with full intent to pass an ordinance
- Bob Nace asked if the PC recommended ordinance changes are being considered?
Attorney Andrew Miller - will bring up in July with county comments
Bob brought the copy of an email on fire hydrant distance to the Board's attention. It addresses the 500' spacing being the current standards for NFPA and ISO instead of the York Water Co. suggested 800'. Attorney Andrew Miller mentioned that the type and/or clerical issues will be corrected.
 - Steven H. Gross, Jr. asked about the fireworks stores in PA. He heard they are promoting that residents can obtain permits for displays if a municipal official signs for them.
Attorney Andrew Miller explained that the issue came up in other municipalities. There is a statute in PA that governs displays.
Katrina Rife further explained that the paperwork is fake, cannot be used in PA, municipal officials do not have authority in this.

Correspondence – none

Manager's Report – Terry R. Gingerich

- § Northeastern Sewer Authority – no questions for April and May
- § Recreation Board – no report
- § Zoning Officer – no questions
- § Public Works Director– no questions
- § 3 tax exonerations per Kathy Emswiler from York County:
 - Brenner \$17.86
 - Strickhouser \$26.92
 - Gingerich \$18.71

Steven H. Gross, Jr. motioned to approve the 3 exonerations, seconded by Barry E. Rudisill and carried unanimously.

- § Emergency Services – will consider release of portion of funds (see motion below)
- § Northeastern Sr. Center donation – A motion from David L. Naylor to release \$2,000.00 was seconded by Barry E. Rudisill and carried unanimously. This motion also included release of \$50,000.00 from fire protection - \$25,000.00 each to Eagle and Union Fire Co.
- § Peters balance for garage removal - Byron Trout confirmed building removal ok, meets requirement, ready for sidewalk and widening. A motion by Steven H. Gross, Jr. to release was seconded by Barry E. Rudisill and carried unanimously.

Engineer's Report – Byron Trout

- § MS 4 annual report – 11 of 31 sheets completed on mapping. 1/3 of township is done
- § CV sent letter requesting Lynne, Austin and Board to be paved
- § Act 167 survey on storm water issues completed
- § Chestnut Street sidewalk crosswalk striping
Dave Gentzler recommends not striping lower crossing - Torrey Pines is striped but no ramp at school side of Chestnut Street, should there be a ramp?
Terry R. Gingerich mentioned that the Board Road and Meeting House ramps are in but not painted – it is not on plan.
Byron Trout – traffic study for 4-way stop at Meeting House and Board Road has been submitted

§ Golf course plan for sewer extension

The issue of pavement restoration was discussed. A comment to make sure police station is hooked up was made. Terry R. Gingerich mentioned that all 3 municipalities must approve right-of-way.

Bob mentioned the Andy Spear email re: sewer easement should be on the police advisory board agenda. Terry R. Gingerich to advise Barry Acker to be at Police Board meeting.

§ Bob – Board Road paving to Payne? gas company cuts to lots between Payne & Riviera

David L. Naylor motioned to pay bills as submitted and get 3 signature lines on checks. Steven H. Gross, Jr. seconded motion, which carried unanimously.

Supervisors' comments

David L. Naylor

- July 13th tentative date from DCED representative for Emergency Services meeting. Dave will contact both fire companies and the ambulance club when confirmed. He will have DCED dictate the formation for committee members, but has already been informed that would at least prefer the Chiefs and organizational Presidents.

Barry E. Rudisill

- road improvements list? – Byron Trout to finalize estimates, projects are identified. Get the list to Terry R. Gingerich to be placed in book
- Brylea wearing course? – Byron Trout sent letter

Steven H. Gross, Jr.

- Executive session on Rentzel Heights and Meeting House Road issues

Public Comments

- James Arex asked if anyone has ever seen a rottweiler dog attack a child. He has seen this on video and plans to do what he can to make sure it does not happen here. That is why he has requested the information on the persons name at a property.
- Jim Coble mentioned that if the Board chooses not to do the Sewer Authority request in June; he is sure there will be added costs and fees. Steven H. Gross, Jr. commented that they should have meeting to discuss whole project

Steven H. Gross, Jr. motioned to recess to Executive session at 9:10pm. Barry E. Rudisill seconded motion, which carried unanimously.

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

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer