

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
JUNE 24, 2009**

Present: Chairman Steven H. Gross, Jr., Vice-Chair David L. Naylor, Supervisor Barry E. Rudisill, Township Secretary/Treasurer/Manager Terry R. Gingerich, and Zoning & Codes Enforcement Officer Katrina Rife

At the alternate monthly meeting held at the township building, Steven H. Gross, Jr. called the meeting to order at 7:00pm.

**Special Request**

Scott Kling of Highland Contractors representing their request to close Beshore School Road for road improvements associated with the development of the Giant complex.

Terry R. Gingerich explained there was an onsite meeting where Byron Trout and Terry R. Gingerich learned of the lowering of Beshore School Road, the hump will go away and it will become a gradual slope.

Options for closing one lane at a time were discussed, but that would take flaggers on N. George Street and a longer time to complete construction.

Steven H. Gross, Jr. asked of an anticipated start date.

Scott indicated July 13<sup>th</sup> or 20<sup>th</sup> and should not exceed 3 weeks unless have 2 weeks of rain during that time. He also spoke with Chief Albright regarding a detour plan. Copies attached to letter.

Steven H. Gross, Jr. mentioned that not to exceed 3 weeks is in the letter.

Barry E. Rudisill mentioned pole by Peters should be removed. Question if that is a problem for elevation.

Scott mentioned that is one of the reasons for the work schedule; it is to be removed by start time.

Barry E. Rudisill expects quite a few unhappy people - be ready

Terry R. Gingerich confirmed that Highland is posting notice via the electronic sign on Board Road a week in advance.

Scott explained they would close the road just below Flinchbaugh; all access to any properties would be from Board Road.

David L. Naylor motioned to grant permission to close Beshore School per Scott Kling's letter, Steven H. Gross, Jr. seconded with comment of not really in favor, but safest way to get improvements done that have been required.

David L. Naylor reinforced 3-week completion.

Scott – anticipate 2 weeks to complete, 3 weeks gives them built in time

Barry E. Rudisill - call for question

Motion carried unanimously.

Per capita tax collector - Resolution 2009-12 naming the company of G.H. Harris as collector of delinquent per capita taxes. Terry R. Gingerich explained that this firm has been doing this for years and does a good job; it is just a formal resolution to recognize as agent to allow payroll deductions. Steven H. Gross, Jr. motioned to adopt, seconded by Barry E. Rudisill and carried unanimously.

resolution 2009- - proposing to pull portion of bond on Rentzel Heights. Terry R. Gingerich, Attorney Andrew Miller, Byron Trout and Saybrook have a site meeting tomorrow. Discussion was held on whether to pull portion or all of bond and if parties have agreed on any issues.

Steven H. Gross, Jr. motioned to TABLE this resolution till July 14<sup>th</sup> meeting and Terry R. Gingerich and Attorney Andrew Miller are instructed to inform them tomorrow, the Supervisors are prepared to act. Motion seconded by David L. Naylor and carried unanimously.

Steven H. Gross, Jr. recessed till 7:30pm.

### **Public Comments**

John Lenz 430 Lynne Drive has a corner lot. He has received a violation notice for placing a storable pool in the second front yard for his girlfriend's 10-year-old daughter. He further explained that due to placement of the home on the lot, it creates a small backyard and makes his lot useless. He had always considered a side yard, but learned it was front yard when getting a fence and had to compromise. He and his girlfriend believe the Zoning ordinance is outdated and needs to be reviewed. With respect to right-of-way and sight triangles, he sees no reason why you can't use side yard for the enjoyment of your property. He has checked and other Township's are changing to make front yards side yards, Fairview is one. He requests that location be taken into consideration when considering decisions. Development corner lots have sidewalks, right-of-way, and certain size street regulations.

Katrina Rife added that in her conversation with Mr. Lenz, she explained that ordinance reviews and consideration of changes are currently underway; therefore, now would be an appropriate time to express views and concerns directly to the Board and that is one of the reasons Mr. Lenz is in attendance.

Barry E. Rudisill recognizes these ordinances were put into place before this Board, but he would like to research and learn why was written or defined as front yard. He believes there was a reason.

Steven H. Gross, Jr. remembers this issue with a fence in Asbury Point.

David L. Naylor stated that it was not resolved then, other than property owner complied.

Barry E. Rudisill suggests look at other township ordinance on this matter.

David L. Naylor agreed that this should be investigated with other township and come up with possible solution and that Katrina Rife is doing what hired to do – what is in the book

Terry R. Gingerich added these came with the original ordinance suggestions and has been carried on.

Barry E. Rudisill – every so often we have this same situation come to the forefront and we have not be able to address it properly because it keeps jumping up and we are at a loss to explain to anybody exactly why it is the way it is. That's why we need to research this and find out why the ordinances are the way they are and if we feel they are not proper then we need to change it. But we should have some background and some input from other municipalities who are dealing with it now.

Steven H. Gross, Jr. asked for address to drive by and look at.

David L. Naylor – Steve, understand there may be some instances in Chestnut Valley, but Asbury Point has quite a few. If we do make a concerted effort to change these ordinances what is it going to do for this gentleman, right now?

Steven H. Gross, Jr. – nothing, government moves slow

John – with all new development designed going to have problem more and more

### **Northeastern York County Sewer Authority guaranty**

Represented by Jim Coble and John Nace, both appointed township representatives to the Authority Board

Jim relayed that 2 motions from the last meeting have a direct effect on this

1. If Township does not guarantee by 6/30, they will pursue different financing. The proposed financing package goes off table.

2. A committee was formed with 1 representative from each municipality to review the intermunicipal agreement with intent to draft new agreement contingent on agreement approval. Consensus is if not supporting, going to be extremely difficult to get new intermunicipal agreement.

Steven H. Gross, Jr. asked for the material weakness letter.

Jim will get a copy.

Steven H. Gross, Jr. was told it would not exist.

Jim had skimmed over it some time ago; he will track down and get to township. Construction and those things took priority.

It appears construction costs will be reduced by \$459,000.00 at this point.

Steven H. Gross, Jr. noted that the 3 Supervisors have spoken with Jim and to bring John up to speed he relayed the concern that the cost is not bore equally by everyone on the environmental requirements for the upgrade. We understand new construction costs should be bore by the areas they service, but the environmental costs should be equal and there are concerns that there is no formula to bear costs equally. Under the current rate structure, a percentage increase is a lot more \$ for township than others

Jim feels 95-98% sure of a rate increase being a flat rate increase.

David L. Naylor heard many times and still not crystal clear on why tap in fee and rates differ for zones 1&2 in Manchester and Mt. Wolf than zones 3&4. Understand have to pay for lines. The lines in Mt. Wolf have infiltration, can't understand why there will never be a time where the rates will equalize.

Jim believes that time is 2017 according to the intermunicipal agreement.

David L. Naylor needs to know formula how and when, hear many questions on why have to pay \$155.00 when Mt. Wolf, pays \$76.00. If by EDU's counted does township have more than Boroughs - should township have more representation than Boroughs if basing on EDU's

Have hashed this out with police board – has formula based on numbers. 4 from Township, 2 each Borough.

Barry E. Rudisill added that their budget is directly portioned to numbers and percentage for each municipality.

David L. Naylor – Jim called, we talked and I hope those thoughts would be considered

John asked if that should fluctuate with EDU's?

David L. Naylor – yes

Barry E. Rudisill – if board members were based on EDU's – discuss and agree upon and put into agreement

David L. Naylor – might not be feasible to do, but important to look at

Steven H. Gross, Jr. - the Township has had growth, Manchester Borough has had growth, new townhouses in Borough pay less than new Board Road townhouses - both are new construction

Terry R. Gingerich added that the buy in is paid off in 2017

Jim commented that there are a lot of bad things in the intermunicipal agreement and he has discussed with Stacey

David L. Naylor – do you feel this intermunicipal agreement will be discussed and reformulated

Jim – yes. Hopefully we can get enough compromise upfront and can get a working document that will be accepted by all 3. We need a better agreement to operate under.

David L. Naylor motioned to support and back the Authority guaranty, Barry E. Rudisill seconded. Discussion on resolution or ordinance.

Terry R. Gingerich commented there is an ordinance here for this.

Jim mentioned that the last rate adjustment that was done was a temporary surcharge that was a flat rate back in the 90's.

Jim explained fund redemption/improvement fund – will use about 1 million from that.

The 5 million is higher than anticipated for need. Make sure any contingencies are covered hoping for 3.5 million and still hoping for state grant money for which an application is in.

Steven H. Gross, Jr. mentioned the Harrisburg issue where the city did not have the money to pay for their incinerator and it went to the county. Here in this scenario we are in if something happens and this bond gets called I know ----well the creditors are going to come to the township because we have the deeper pockets than the 2 Boroughs, so we in reality are on the hook for more than the 2 Boroughs which concerns me.

Jim - It is based upon percentages and the language in this one is the same language that was passed in 2005 for our current bond issue.

Steven H. Gross, Jr. questioned the total indebtedness

Jim replied about the other is 13.7 or 14.2 million.

Steven H. Gross, Jr. clarified that this will be another 5 on top of that

Jim explained it is potentially. They are calling it a bond, but is strictly a drawdown. Will draw only what is needed and pay interest on amount drawn. Prior bond issued gave all money upfront had to pay interest and invest and it costs.

David L. Naylor amended motion to include adoption of ordinance 2009-1 supporting and backing the Northeastern York County Sewer Authority guarantee.

Barry E. Rudisill seconded amended motion.

The Newberry Township agreement was discussed.

Jim explained they pay toward use and this upgrade. They are locked into a formula recalculated by CS Davidson each year. They are an additional commercial user.

Barry E. Rudisill – call for question – motion was carried unanimously

Terry R. Gingerich requested copy of the legal advertisement proof of publication.

Jim advertisement was placed by solicitor's office.

Authority has issued notice to proceed.

David L. Naylor -eager for updates on progress on intermunicipal agreement discussions on funding

Steven H. Gross, Jr. noted 19,100,000.00 total debt in report

Barry E. Rudisill commented that if Authority got into position where income would not make payments on the bond the first place to go would be to increase fees.

Jim confirmed rates adjustment would be done. There is a special fund that would guarantee about 9 month of bond payment. A fund redemption reserve fund has about \$900,000.00 in it.

Barry E. Rudisill noted that he is not comfortable with having to back bond, but it is necessary.

Jim added that if not supported the interest costs would double according to Gordon Walker.

Barry E. Rudisill commented that it seems right that the people who use sewer should bear that burden. Essentially township is behind bulk of bond affecting all taxpayers, not just users.

Jim expressed he certainly does not believe it would come to that.

## **Supervisors' comments**

Barry E. Rudisill

- no additional

David L. Naylor

- PPL easement agreement for sewer lateral across police property

He expressed he would like the Board to sign; it is in best interest of township. Do not want to push PPL and do not sign so they will go across golf course and not get driveway improved along police station or get police hooked up.

Steven H. Gross, Jr. thought police doing own hook up.

Bob explained that the sewer lateral on Board Road is going to be used to use existing line under driveway. Really do not need PPL proposed lateral.

David L. Naylor the benefits to go back the road for improvements, the swale for storm water, do not want to confuse this issue with any other issues that PPL has going on with us. This is an issue all on its own.

David L. Naylor motioned to sign easement agreement for sewer for PPL. Barry E. Rudisill seconded for discussion.

Barry E. Rudisill – the plant manager and Jim Nulton not here, so I'm not getting on my soap box it would be for their benefit, because I think what they are proposing to do with Wago Rd is wrong. They way they went about proposing it is wrong. We hashed out before no reason to do it again it is a matter of record we disagree and will continue to disagree. I do agree with Dave on this matter, road improvements do serve purpose, for us to hold up or refuse to sign easement agreement won't gain anything with Wago Road. We have other means to do that and I believe that's the way we should pursue it.

Steven H. Gross, Jr. – we've hashed out enough, won't beat a dead horse, if you guys think you want to sign it, but every time have an issue with something, I'll use this PPL one, we always end up doing right thing, like we just backed the sewer bond on hopes we will see changes in the future, on good faith we sign this, they do what they want and we have no leverage, we always put ourselves in that position where we have no leverage and can't negotiate with no leverage. And yes this is a small trivial thing, but we've put up with "hide the ash" on Board Road 10 years and they promised they will build this and build that and it never materialized. They are building the by pass road around York Haven, but they were going to build a road to Long Road to bypass Mt Wolf Borough and that all went away. PPL is going to do what they want and if you guys want to do what you think is the right thing, I think you are wrong. I don't know how else you get some attention, but I think its wrong to do it. If grant easement given the way the current circumstances are, if you look at the history of the golf course, they haven't done a ---- thing they said they were going to do. The clubhouse here then there, we inconvenienced Chestnut Valley and made them put a road right-of-way in where they originally wanted their clubhouse. Then they moved the clubhouse away and Bill Bashore came in and said hey can I have this lot back and that was all done on good faith effort working with PPL on the golf course. And every time we've done it we come up short. And if we approve this and give them the right-of-way we are going to come up short again.

David L. Naylor – what I'd like to discuss, both bring up valid points. I don't think its a bad thing to do right thing. I think the easement agreement is the best for the Township and

the police department. If not signing gives us no additional leverage, I disagree that it would. I think that what they will do is they will take it whenever they want to and thumb their nose at us. I don't want it misconstrued that I agree with the Wago Road closure, I do not I fight that tooth and nail, but I don't think this gives us any leverage to fight that.

Steven H. Gross, Jr. – if you guys sign this we are going to regret it

David L. Naylor – how and in what respect

Steven H. Gross, Jr. – we very seldom disagree, but I really disagree with you guys on this

Steven H. Gross, Jr. called for vote - David L. Naylor and Barry E. Rudisill – eye with Steven H. Gross, Jr. opposed

A motion to adjourn at 8:30pm by Barry E. Rudisill was seconded by Steven H. Gross, Jr. and carried unanimously.

Respectfully submitted,

Terry R. Gingerich  
Township Manager/Secretary/Treasurer