

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
JULY 14, 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.

The minutes of 6/9/09 were accepted per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

The minutes of 6/24/09 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

Steven H. Gross, Jr. disclosed that since the June 24th meeting, they have not met.

Steven H. Gross, Jr. expressed condolences on behalf of the Board to Terry R. Gingerich on the passing of his Mother.

Public Comment

- Joel Klinedinst 2 issues

1. Rail Trail incident along Mundis Race Road near Rudy Park. A car jumped the 8" curb to avoid a deer around 4:30pm. It was completely on the trail. The road is posted 40 MPH limit. He is concerned that one day this may become a major disaster - the safety of walkers is compromised especially around the roadway curve, which adds to the problem. An 8" curve is not enough to protect pedestrians from vehicles and the dump trucks that travel the road for the quarry only increase the danger. He asked why wasn't the trail separated from the roadway.

With being in township right-of-way, he expressed his concern that the township is open to suit.

Steven H. Gross, Jr. recalled fight to get curb, but the County didn't even want that.

York County now wants something done.

Terry R. Gingerich mentioned guardrail was desired.

Joel noted it measures 10' wide seems enough room for jersey barrier

Byron Trout noted they also asked for reflective posts and grass strip, all to no from County. County even wanted slant curve.

Terry R. Gingerich suggested contacting county engineer Jeff Shue for suggestions.

2. recycling bins – He feels embarrassed and noted it is horrible to see the broken taped up bins throughout the township. This is not the case in other municipalities. He was told by Penn Waste that problem is that they are the low quality type.

Terry R. Gingerich explained that they were purchased with a grant through YCSWRA and at that time were the ones available and yes the bins are better quality today.

It was asked of a grant to replace can be obtained. Terry R. Gingerich can check on this.

Steven H. Gross, Jr. mentioned that could be a good Eagle Scout project.

- Darryl Albright requested no parking on Board Road East side at middle school during school hours. It is marked on the West side. David L. Naylor asked about progress on the 4-way stop. Byron Trout noted it was approved. Signs to be installed
- Darryl also asked about a timetable for the right turn lane on Board to Willow Springs. Joel mentioned lack of working lights is a complaint he gets often.
- Charles Rearick 4861 N Sherman St. commented on a severe accident on curve in front of his property, who is responsible to clean up debris? Chief Albright answered tow truck operator. There is still debris laying up there per Charlie.
- Ryan Brenneman distributed copies of a 6-month report for Eagle Fire Co., thanked the Supervisors for attending a meeting, and offered invitation to each 1st Thursday of month meetings. He noted their 4WD vehicle was recently used and was very helpful. The report contains details on such items as number of calls, response times, incident response, attendance, summary training, and meeting topics. Their response time of 7.89 minutes and 3.51 enroute time exceeds standards.

non-resident comments-none

Subdivision/Land Development

Northeastern School district – revision to middle school plan showing demolition of 3 buildings formerly known as 290 Chestnut Street. Brian Bingeman of K&W Engineers presented plan 2012.003 revision 2 dated 6/30/09.

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 as final plan was carried unanimously.

Special Request

- Northeastern Senior Center - Deb Davis and Jane Deames provided a handout/report on the Center, which serves 13,000 seniors and delivers 12,300 home meals from Rout 30 to New Cumberland. Funding has been severely cut. They are looking to expand and need a different facility due to growth. Otterbein church has been generous over years, but they have day care now and the Sr. center must tear down daily. Manchester Borough was informed also and they commented that the Northeastern Area Ambulance is also looking for space. The Beecher building was suggested. Asking price is \$750,000 and would need conversion. Options were discussed. Bill Bashore asked about use of Chestnut Valley lot 71. They would like to see a community center that would include youth and seniors. Steven H. Gross, Jr. asked about funding comparisons: East Manchester Township \$3,100.00, Conewago Township \$2,000.00, Manchester Township \$980.00, Manchester Borough \$2,500.00, Mt. Wolf \$1,500.00, York Haven Borough \$100.00, and Newberry Township and Fairview Township, both of which receive home delivered meals - refuse to contribute. Please keep their needs in mind.
- Chestnut Valley - Bill Bashore correspondence regarding phase 3A, 3B & 4 bond retention. He understands the MPC allows 10% retainage. He believes the Township is holding 3A-49.9%, 3B-48.5%, and 4-60.8%. He is asking to get back what he deserves.

Attorney Andrew Miller commented on 2 separate issues from what he understands and what Byron explained:

1. annual bond renewal – presenting a surety estimate and asking for a reduction to what should be 110% on remaining improvements
2. at same time you are requesting release from improvements that are completed there is a separate section of the MPC that allows the township to retain 10% of the cost of completed improvements, and that is the reason for the numbers you are coming up with. You are adding together the 110% for the improvement that hasn't been completed yet and the 10% retainage of what has already been completed, which is held until all improvements are completed. At a point where you are completely finished, then you transfer that and change over to a maintenance bond.

Discussion and explanation continued on the issue. MPC sections 509J-509H were noted.

Steven H. Gross, Jr. asked Byron Trout if anything was done different with this project than any other project in the township.

Byron Trout – no. He also explained that he is following procedure here. The amounts are based on current rates at time of calculation to complete the project within one year.

Discussion continued.

Attorney Andrew Miller added that the MPC allows for submission of certified estimates by professional engineer before the bond is renewed. The reestablishment of amount of surety (still 110%) can be done and retainage is a separate issue. You can do that if that is what you want to do. If you are not doing that, what Byron Trout could be doing is getting estimate completion dates for all those improvements and tacking on 10% for each year beyond one year and calculating the estimate that way. My opinion would be under the MPC if you want to submit a certified surety estimate from an engineer to reestablish that prior to renewing your bond, you can do that. The township can review that: they have to make sure they are protected for those improvements. You do have that option.

Discussion continued.

Byron Trout explained his numbers are based on bids of 17-20 bidders.

Bill expressed he likes working with this Township and its representatives but does not like the way bonding is done.

Barry E. Rudisill commented that the issue is not going to be resolved here, obviously Byron Trout and Bill Bashore do not agree on the the way things have been handled and is not in favor of being here till 10:00pm to discuss. Obviously MPC gives us right to do what we are doing and there must be a reason for that or it wouldn't be in the MPC. And even though we may not be doing it the way other municipalities are doing it we are doing it by the MPC.

Steven H. Gross, Jr. mentioned it is too bad this was not at the May meeting when room full of people from Chestnut Valley attended and commented about street paving of Lynne and Austin, moving construction entrance down, snow removal, and Board Road not being paved.

Have an agreement when houses are filled on Board Road he would pave. There is still a lot of vacant property on Board Road and the pavement would be cut for utility.

Steven H. Gross, Jr. asked about paving to intersection Lynne and Board. Bill indicated no-not in wind this year - being honest with you.

Solicitor's Report – Attorney Andrew Miller

- requesting executive session after meeting
- floodplain ordinance - York County Planning Commission comments on ordinance have been received. Suggest schedule for public hearings. Schedule floodplain management for 8/11 public hearing per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.
- Knox box ordinance comments from fire chiefs not received. David L. Naylor mentioned that he preferred Shrewsbury's; Attorney Andrew Miller agreed it was most comprehensive.
- SALDO amendments include provision to require developers agreement
- Terry R. Gingerich mentioned Mar-Ben road improvements are not done. How will this effect occupancy? Attorney Andrew Miller commented that should not issue or sign final plans till HOP permits are issued. Safety or usability of lots impacts issuance of occupancy.

Correspondence – none

Manager's Report – Terry R. Gingerich, Manager

- § Northeastern Sewer Authority – Jim Coble reported that he has received verbal communication that the CFA committee met and divided the 500 million in grant funds and Northeastern York County Sewer Authority is expected to receive 3.8 million. They will proceed with setting up the guaranty and loan, but hope they will not be using it.
- § Recreation Board – no report
- § Zoning Officer – no questions. Katrina Rife asked if the Board had a preference on the demo permit fee for the school district – no fee to be charged – just complete paperwork
- § Public Works Director– no questions
- § 2 tax exonerations per Kathy Emswiler from York County:
 - Brenner \$12.02
 - Inch \$29.92
- David L. Naylor motioned to approve the 2 exonerations, seconded by Barry E. Rudisill and carried unanimously.
- § Harrell Carr letter – to be discussed in Executive session along with Hartman property

Engineer's Report – Byron Trout

- § updated Township highway list
- § Northern Heights paving met with Todd Gosnell, paving contractor today
- § Kinsley Wearing course on Gea and Espresso Way
- § Brylea wearing course letters returned
- § traffic counts for revised signal
- § traffic study for Meeting House and Board Road stop signs were approved
- Joel asked about installing flashing lights on proposed stop signs at Meeting House and Board. Byron Trout suggested using police sign board also.

Supervisors' comments

Barry E. Rudisill

- Northern Heights overlay sounds like soon happening
- Todd Strickhouser's problem. Byron Trout reported they met on site Rob Fetter made recommendations, question is will they get done? David L. Naylor asked if recommendations make Todd somewhat happy. 2 years not any more problems Todd said on site but basically it is the spillway that is the issue The pipe filled with sediment water goes across and over the spillway and runs through his property regrade corner 2' drop to get water to properly disburse - developer agreed to do, no time line set. Todd would like swail or berm constructed to divert spillway or 36" pipe installed underneath driveway with inlet.
- Byron Trout recommends regrade bottom of pond
- 220 Olde Hickory Road mowing done, put lien on property
- when install sewer line by police building for golf course maintenance building?
- Joel mentioned he was told tomorrow start
- road projects list 2009, should be looking at 2010 projections
- corner building lot and setbacks. Katrina Rife is meeting with YCBZOA tomorrow – item for discussion.
- Bob added explanation of consideration of 30' from center plus 10' based upon discussion of where right-of-way line is determined in developed areas vs undeveloped areas – could be 11' from edge of road to 17' from curb.

David L. Naylor

- Beshore School Road closing. per Dave Bloss sign is there indicating 20th
- Tar and chip not his choice, but new Micro seal looks nice seem to be holding up
- Terry R. Gingerich commented that in past it pealed off. They have improved it and hopefully not the case this time.

Steven H. Gross, Jr.

- no further comments

Steven H. Gross, Jr. motioned to pay bills as submitted. Barry E. Rudisill seconded motion, which carried unanimously.

Public Comments

- Joel asked if fire services are consulted with land development plans. Yes.
- Dave Bloss reported that the Willow Springs and Bartlett new pavement is tore up already.
- Dave also asked if the checks and balances are good since it is half year into budget.
- Leg Up Farms needs mowing. It is to be taken care of per Katrina Rife, was discussed at Friday's meeting.

Steven H. Gross, Jr. motioned to recess to Executive session at 9:01pm. Barry E. Rudisill seconded motion, which carried unanimously.

Reconvene at 10:15pm with no further action.

Adjournment per motion by David L. Naylor at 10:15pm.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer