

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
SEPTEMBER 8, 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 August 28th meeting, they have not met or conducted business.

The minutes of 8/11/09 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously with a typographical correction on page 8.

The minutes of 8/28/09 were accepted per motion from Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

Public Comment - none

Subdivision/Land Development - none

Special Request

§ Jack Hurley of the law firm Rhoads & Sinon LLP requested waiver of possible conflict of interest. This firm has represented East Manchester Township in the past on labor contract and municipal finance matters. They are currently representing J.C. Bar Properties in regards to the proposed CVS. They do not believe there is a conflict, but he feels it is in the best interest to make this request as expressed in their letter of 9/1/09. Attorney Andrew Miller explained that he believes the past representation is not directly or indirectly related to this matter.

Barry E. Rudisill asked if don't grant waiver, what will result?

Jack - plan not to challenge conflict of interest, would advise client to seek other council
Steven H. Gross, Jr. – I take it 'cause you are asking for this that you are going to challenge our decision from last month.

Jack – I am not, but the developer still has that option open to them. (garbled).. don't think there has been any adversity

Steven H. Gross, Jr. – I don't think there has been any adversity, I think we are still discussing it. I did thoroughly read the minutes from that discussion from last month and one thing I forgot to point out that I think you should hear and pass on to your client is that Rite Aid had to do the exact same thing that CVS is being asked to do and I didn't think about that at that time. If you look at Rite Aid building, they had to do the exact same thing your client is being asked to do. I think we could negotiate a settlement here; I hate to just have to go to all this length because all it is going to do is hold up your client.

Jack – I think taking the appeal doesn't rule out possible settlement, it was taken primarily to protect legal position in case something could not be worked out but I think there will definitely be an effort to settle the case in proper time.

Steven H. Gross, Jr. – Before we have a vote I'd like to get that message that we would be interested in resolving this. I don't think the Supervisors are out of line – that's my humble opinion

Barry E. Rudisill – And I think it would be advantageous for your client to take a look at Rite Aid, who did comply with what was required of them in pretty much the same.

Steven H. Gross, Jr. – almost an exact same situation to a T and Rite Aid has been here for a long time.

Barry E. Rudisill – If you remember our initial offer, was pretty much just asking your client to give the Township an easement for the street initially to go about construction of their site with easement there knowing that sometime in the future it could be a street that would be dedicated street

Jack – I would fully expect this kind of discussion

Agreed getting off subject.

Steven H. Gross, Jr. motioned to grant waiver noting that he feels confident the previous labor negotiations are a different side of the firm. David L. Naylor seconded and added that he is not in favor of negotiation; he believes it was talked about enough. Motion carried unanimously.

§ Emergency Management - John Moramarco waiting for Jeff Joy of York County

Solicitor's Report – Attorney Andrew Miller

- LERTA resolution expires end of October Barry E. Rudisill motioned to prepare extension for another year. Motion seconded by Steven H. Gross, Jr. and carried unanimously.
- HOP for Long Road improvements forwarded to Attorney Andrew Miller's office, Terry R. Gingerich and Byron Trout have not received yet. An issue regarding if the improvements are of comparable costs to replace what was there. Can they be required to replace the corrugated metal pipe with reinforced concrete and larger diameter pipes? This is for Byron Trout's review. Barry E. Rudisill asked if bonding covers concrete? Byron Trout explained phase 1 had no bonding; this came up in phase 2. Will have to pull bond to review. He recalls not tear out existing pipe, just add another. The plans call for 2 - 36" pipes installed. Byron called Dawood today to ask if additional pipe is from Penn DOT comments? Attorney Andrew Miller believes he was contacted prematurely, just make aware that is going on.

Barry E. Rudisill noted that ultimately it is Penn DOT's call.

- requesting short Executive session to discuss Rentzel Heights after this meeting.
- September 23rd meeting for ordinance amendments
- Knox box ordinance - David L. Naylor questioned if includes pre-existing buildings and if that is what to do? Attorney Andrew Miller will check for provision in draft.

Engineer's Report – Byron Trout

§ Surety reduction for Leg Up Farm \$95,898.80 per motion by Steven H. Gross, Jr. on recommendation of Byron Trout, seconded by Barry E. Rudisill and carried unanimously.

§ MS 4 extended for another year, program not ready, check for \$250.00 has been returned.

Correspondence

- Susquehanna Lions Club letter regarding Halloween parade and street closing of Sunset Road and Loucks Street on Sunday, October 18th at 1:30pm. A motion by David L. Naylor to contribute \$2,000.00 was seconded by Barry E. Rudisill and carried unanimously. Steven H. Gross, Jr. motioned to permit street closing request. Motion seconded by Barry E. Rudisill and carried unanimously.

Manager's Report – Terry R. Gingerich, Manager

- § Northeastern Sewer Authority – no report received
 - Steven H. Gross, Jr. asked Jim Coble about Hartman property issue. There is issue on tax exoneration. Jim understands Authority intends to go forward with acquiring the property. Attorney Andrew Miller added that the agreement has been signed by all. Stacey MacNeal informed him that York County is agreeable on tax exoneration, not sure if School district will.
 - Kinsley has started the plant upgrade, which is anticipated to be less than year to complete. A right-of-way for temporary road on Kurnik property has been established to allow tanks to be installed to save costs of need to shore for driveway use. Always looking to reduce costs where can. The 3.8 million grant was awarded; question is when will receive.
 - Byron Trout asked about the water meter pit – it will be in sidewalk. Dave Gentzler told them ok.
- § Zoning Officer – no questions
- § Public Works Director– no questions
- § Recreation Board – Ken Dunbar
 - Barry E. Rudisill asked about tables at Manchester Recreation building, he understands some are in poor condition. Ken reported they just replaced 3 last week.
 - Dauberton Park dedication on Saturday, 9/26 at 1:00pm - all invited.
 - The dog problem at PPL fields is not as bad since more activity is there now.
 - David L. Naylor mentioned that is important to get word out to develop the new area adjacent to middle school.
 - Joel pointed out that the monster truck at Saginaw needs grill repaired. Terry R. Gingerich will have Dave Gentzler look at.
- § Asbury Pines October 10th block party request to close portion of North Burberry Lane from 1:00pm-11:00pm. Access for emergency services is to be provided. No tent stakes driven into roadway.
- § Emergency services donation – Ambulance club donation planned for October.
- § Strickhouser fire insurance check in the amount of \$11,468.57 to be returned per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously

Supervisors' comments

David L. Naylor
- none

Barry E. Rudisill

- waterflow problem at Mundis Race Road. Any activity on the rerouting of quarry water?
- sidewalk on Beshore School Road between Green Ridge to Greenwood needs completed
- road projects for 2009/2010 have new list for book Byron Trout confirmed list was updated 2 months ago, will have new copy for next month
- lines painted on Dellinger Road are not quality - look at job, seems reflective materials are missing in some areas

Steven H. Gross, Jr.

- Kinsley Fink-Weire and Espresso Way plan not approved yet. They are moving dirt.
- How is our share of Workman's Compensation for fire insurance for Mt. Wolf figured? Population and number of calls determine a formula.

David L. Naylor motioned to pay bills as submitted. Barry E. Rudisill seconded motion, which carried unanimously.

Public Comments

Joel mentioned two items:

- Saginaw and Long Road high weeds between road and corn - Steven H. Gross, Jr. is farming there and will do something about
- Golf course weeds along guardrail – Terry R. Gingerich will remind Dave Gentzler to take care of this

7:45pm recess to Executive session per motion from Steven H. Gross, Jr.

8:15pm reconvene

Motion to adjourn by David L. Naylor at 8:15pm.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer