

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
OCTOBER 13, 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 September meeting, they met 10/2/09 for a special meeting regarding legal matters on Rentzel Heights. No action was taken.

The minutes of 9/8/09, 9/23/09, and 10/2/09 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

**Public Comment**

- Residents Barb and Jim Spangler of 41 Acorn Drive addressed the Board regarding the sewer sinkholes. It has been getting patched, but more keep opening underground. Back in the Spring of the year, an area was fixed up the street where there is no home. They have called sewer authority, the hole gets patched and another starts. Why is this not being repaired as others have been by digging out and refilling with stone?

The Dove property has been taken care of without them going to meetings; what do they need to do to get theirs repaired? Byron Trout has not been onsite and could not comment when questioned. Dave Gentzler has been in communication with Northeastern York County Sewer Authority. Terry R. Gingerich will call Authority tomorrow. Byron Trout explained that within right-of-way, specs call for full depth stone.

- Resident James Alex  
Steven H. Gross, Jr. before I let you make your public comment, I want to ask you a question. You come to these meetings quite frequently and usually like to make public comment and there is nothing wrong with that but it has been brought to my attention that you don't even pledge the flag. Now that is a basic civil thing that everyone else does and wants to be treated right and now you want us to let you speak and hear what you have to say and you don't even have the respect to do that, why should we let you speak?

James explained that he is a resident of East Manchester Township and if you did not know, any American can have IRS do your taxes and look at your financials. The Mayor of Manchester questioned the police budget about \$9,300.00, which Chief Albright said went to magazine subscriptions. On 10/9 9:44am, a call was made to Federal agency about embezzlement and the protocol to report it. They advised go to East Manchester Township Board of Supervisors and request a salary review audit, which is protocol for getting to the root of embezzlement.

Steven H. Gross, Jr. – well you obviously don't pay attention at the police meetings because we just had Marvin Fink & Company completely audit books at the request of Manchester Borough and they found nothing wrong with it. I think you should pay a little more attention when you are at those meetings because the 3 of us sit there and I am sure that didn't happen. And for further reference, your time here will be limited speaking unless you are going to pledge the Flag like everybody else. As chairman, I will limit you to 2 minutes per meeting.

- o Non-resident Mark Kershner representing Bottom Line regarding property at 405 North Burberry Lane.

Katrina Rife is recommending enforcement for violation of ordinances regarding occupancy. Mark is requesting that the Supervisors consider the situation and the timing and direct that action not be taken in this case under extenuating circumstances.

The final building inspections for the property by CCIS are complete and have been since May. There was a concern and issue with the completion and the inspection of the underpinning of the wall, which was a result of the removal of the retaining blocks. There have been numerous requests and discussion between the engineer who designed the underpinning and the township and township engineer. The paperwork was just received as to the completion and it has been cleared that the inspection by CCIS validates the completion of the construction as designed by an engineer. As to the design, the engineer has stamped and sealed the design for its capability.

Katrina Rife physically confirmed the property is complete for occupancy today, 10-13-09 and at that time discovered occupancy had taken place on Monday, 10-12-09.

Mark further explained that this property is being rented and he thought the tenants were to move in end of week when he requested occupancy on Friday 10-8-09. They have been transferred here from Kansas and have been living in a hotel in Mechanicsburg for weeks. The son is enrolled at Northeastern High School and attending classes. They had started cleaning over the weekend and since their furniture is not here yet: they slept on air mattresses last night. They took delivery of their refrigerator today.

He was unaware that they had stayed overnight and is completely aware of not allowing occupancy prior to issuance of the certificate of occupancy. He apologized for this situation and asked to have the c/o without any violation action. He hopes that this will be viewed as a one time only, never to happen again problem.

Attorney Andrew Miller suggested this issue be further discussed in Executive session.

- o Stacey Springer Apple Tree Lane is asking for the one-way section on Oak Street to be considered for two-way. She had presented a petition to Terry R. Gingerich for distribution. Steven H. Gross, Jr. commented that the other residents from the Oaks as he recalled wanted one-way.

Stacey further explained that if it is a safety issue, she has spoken to Lt. Daniels and he did not believe there have been any accidents contributed to this intersection. The section had not been posted as one-way and was used as two-way. There was no increase in problems. It seems a bigger safety issue to drive the whole way down Apple Tree Lane with parked vehicles and numerous children.

Byron Trout added that the reason for one-way was limited sight distance at Oak and N. Sherman. Was not to encourage traffic but need for emergency entrance.

David L. Naylor also commented that at a previous meeting, other residents were in attendance expressing the need for one-way.

Discussion continued.

Byron Trout noted that any change would require a revised traffic study.

Steven H. Gross, Jr. noted that this would be looked at after all agreed.

Barry E. Rudisill commented that he foresees this issue will be bounced back and forth from both sides. Expect to be continued.

### **Special Request**

Emergency Management Jeff Joy of York County Offices of and John Moramarco East Manchester Township Emergency Services Coordinator were present to acknowledge John's achievement on attaining professional level certification from PEMA, which takes about 3 years to achieve. He is one of the 10 people in York County. Jeff also expressed a thank you for sharing these services with the boroughs.

Chief Joe Stevens of Union Fire Co. provided letter as a follow up to regionalization of services within Township and the 2009/2010 budget.

Mark Shroyer of Eagle Fire Co. also letter on same study follow up. They have responded to 14 calls for 137 year.

Gary Cardasso for Northeastern Ambulance – nothing to add to what is presented.

Waiting for Mr. Brady to set next meeting date for regionalization.

### **Subdivision/Land Development**

Kathy Conley of LSC Design, along with Tim Kinsley and Mike Jeffers of Kinsley to present the Fink-Weire preliminary 3-lot subdivision dated 4/9/09 including the extension of Espresso Way connecting to PennDOT roadway - Canal Road out of 2 existing parcels.

There is a need to work out exact details with PennDOT, which can be incorporated into a developer's agreement. They are planning for a temporary cul-de-sac and are willing to commit to extension of Espresso. They need to have road ready for potential user.

The submission of this as a final subdivision plan is anticipated for tomorrow.

Have gained Northeastern York County Sewer Authority approval.

York County Conservation District has approved.

Tim explained that they have been actively working with Penn DOT on the preliminary traffic study for HOP, have gotten comments back, which includes 5-6 offsite intersections. They are committed to keep working on this and want to initially extend and provide emergency access on temporary basis.

Barry E. Rudisill recalled that this is similar to prior requests on Espresso Way temporary cul-de-sacs due to time commitments with PennDOT.

Kathy explained that it has been going in direction that it has always has been planned. Been on books since late 90's.

The request for waivers deferred to land development for SALDO 8.6.1.2, 8.7.1.A, 8.7.2 on Canal Road and Zions View frontage due to not knowing what PennDOT wants.

Waiver of SWMO 403.Q basin depth of 6'. They are required to maintain wetlands that are currently on site. Wetlands are on deed covenant with Army Corp. Overall basin is 6' deep; a small portion will drop down to 9'.

Kathy referred to having one open comment when lumping into developer's agreement.

Attorney Andrew Miller confirmed they have submitted proposed draft agreement which would have to be executed prior to final land development plan approval.

Attorney Andrew Miller suggests a note on preliminary plan referring to their obligation to enter into the developer's agreement and stormwater agreement.

Kathy – they are willing to place notes on plan or conditions with final.

Byron Trout - Planning Commission report open issues under developer's agreement, technical issues of stormwater taken care of and gave Attorney Andrew Miller comments for agreement.

Barry E. Rudisill mentioned concern with approving something that will be handled in a developer's agreement during preliminary. Concerned what may be needed at final, but gave approval in preliminary. The HOP can be a big issue.

Byron Trout - most of the stormwater comments have to do with improvements along Canal Road

Tim asked if agreeable to approval conditioned upon finalizing developer's agreement?

Attorney Andrew Miller - ok with giving if conditioned on finalizing the developer's agreement to the satisfaction of Township and can address the HOP issues and stormwater issues.

Kathy indicated their desire to submit final plan tomorrow, go to staff and Planning Commission in November and come back to Board of Supervisors in December.

Barry E. Rudisill asked for clarification that they are seeking approval as preliminary plan as presented with condition of developer's agreement that satisfies township include waivers for street, curb and sidewalk due to PennDOT as addressed in agreement.

Steven H. Gross, Jr. asked if essentially what is being approved is the extension of cul-de-sac and waiver of basin depth greater than 6'?

Attorney Andrew Miller added that also committing to the phasing of improvements which is where developer agreements kicks in, are locking into phasing. Since preliminary plan is showing cul-de-sac; it may not make sense to execute agreement at this stage at least work out terms and make a condition of approval. Some things may change based upon PennDOT approval, but not much.

Terry R. Gingerich added Canal Road issue gives concern.

Tim-subject to Penn DOT decision. They keep expanding what they want done. Then township can put their requirement on after that. Just do not want to conflict at this stage.

Terry R. Gingerich explained that our problems a lot of time is with submissions to PennDOT are not seen by township.

Byron Trout - we only see first time; everytime you get comment back, we do not know.

Tim willing to come to staff show progress on this.

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 preliminary plan contingent on compliance with issues of HOP and stormwater resolved as outlined in developer's agreement and stormwater agreement both to be executed prior to final approval; and to included the requested waivers of street widening, curbs and sidewalks as noted in agreement. Motion carried unanimously.

Waiver request of SWO 403.Q for basin depth greater than 6' as discussed granted per motion by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

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

- Sewer Authority issue with former Hartman property on Chestnut Street. The demolition of the structures completed. An exoneration of taxes for next month is needed. Terry R. Gingerich to get \$ value from Kathy Emswiler Tax Collector.
- Fire safety ordinance has been reviewed by Fire Chiefs - there are a few additional comments for a revision – suggest a public hearing on 12/8/09.  
A review by PA Dept. of Labor & Industry prior to public hearing is required due to some of the requirements being more stringent than the UCC.  
Discussion on some details regarding Knox Box was held including the need for a 2<sup>nd</sup> box at the rear of a building, each unit in a strip mall, and residential multi-family.  
It was determined that the ordinance should allow discretionary decisions on the 2<sup>nd</sup> box due to size and uniqueness of structure and/or property, utilizing one box for multiple units, and section 54-12 only as relates to secured public areas in multi-family structures.  
The ordinance does allow waivers and discretionary interpretations. A motion by David L. Naylor, seconded by Barry E. Rudisill to advertise for the December 8<sup>th</sup> meeting was carried unanimously
- Discussion at the September meeting official map status. An ordinance was adopted in 1999, but wasn't acknowledged; may not have been recorded. To be effective needs to be recorded with Recorder of Deeds. He suggests update official map. Note that a landowner has right to challenge with 1-year notice. Steven H. Gross, Jr. suggested think about this in the discussion that followed.
- intermunicipal agreement for Northeastern York County Sewer Authority under review
- request Executive session to discuss the Asbury Pines enforcement action and Rentzel Heights litigation – to be held at end of meeting.

**Engineer's Report – Byron Trout**

§ Surety reductions:

- Leg Up Farm in the amount of \$160,109.40 per motion by Barry E. Rudisill on recommendation of Byron Trout, seconded by Steven H. Gross, Jr. and carried unanimously.
- Chestnut Valley 3A in the amount of \$35,015.92 remaining \$61,638.61  
3B in the amount of \$68,108.62 remaining \$61,166.05  
4 in the amount of \$184,642.12 remaining \$313,176.58

Barry E. Rudisill motioned to approve the 3 Chestnut Valley reductions per recommendation of Byron Trout. Motion seconded by Steven H. Gross, Jr. and carried unanimously.

- § Green Ridge lots 20 & 21 lot grading concern storm water directed modify driveway for lot 20 be increased resulting in 9 ½% slope which is 6" height over 34' length and accomplishes what we want to see. Motion by Steven H. Gross, Jr. per Byron Trout's suggestion to allow modification of slope requirement was seconded by Barry E. Rudisill and carried unanimously.
- § Golf course - access drive to maintenance building finished today.
- § Bob Nace thank for Terry R. Gingerich and Byron Trout involvement on stormwater issues effecting their fields.
- § Barry E. Rudisill asked about the status of Green Ridge sidewalk along Beshore School Road. Byron Trout send letter with deadline. Set deadline of requiring 30 days action. They also have to finish curb from Board to Greenfield.

**Correspondence** - none

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

- § Northeastern Sewer Authority – Jim Coble gave update on June ask for guarantee on line of credit bond-did and now with state grant should be minimal use. One member from each of 3 municipalities is serving on a committee to review the articles of incorporation, bylaws, and the intermunicipal agreement. Have created a draft of the agreement for municipal review. A few highlights: language changes, clarifications, rate district review - initially allows for 4 currently have 6, have Commercial customers in Manchester Twp and Newberry Twp, standardized tap in fees - should be equal fee, rate equalization from Borough rate of \$76.00 with Township rate of \$156.00 difference is an \$80.00 surcharge - proposing over 10-year period reduce by \$8.00 per qtr. Best scenario: 2 Boroughs go up while Township comes down. A 10-year review of agreement has been added. Steven H. Gross, Jr. feels the environmental upgrade costs should be absorbed by everyone. Jim added that the discussion on modification of representation on Board was not favorable – would probably not change and would be a deal breaker. They would have to amend their Articles of Incorporation if that change would be considered.
- § Zoning Officer – no questions
- § Public Works Director– no questions
- § Recreation Board – no minutes
- § Tax exoneration of \$7.72 for Phyllis Harris was approved by motion from David L. Naylor, seconded by Barry E. Rudisill as recommended by tax collector Kathy Emswiler and carried unanimously.
- § State Aid – Police pension to NERPD (note \$47,000.00 received, budgeted \$60,000.00, leaving a \$13,000.00 deficit) Fire Relief distributed to Eagle \$18,906.88, Union \$18,906.89 and Northeastern EMS \$6,000.00 per motion by David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously.

§ Emergency services donations:

Fire equipment fund - \$12,625.00 to each Eagle and Union per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.

Protection - \$25,000.00 each to Eagle and Union per motion by Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.

Retention fund - \$5,000.00 each to Eagle and Union contingent upon feedback on how disbursed per motion by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

§ Sr. Center donation – balance of budgeted \$1,100.00 per motion by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

**Supervisors' comments**

David L. Naylor

- light delay at Sunset and N. George? Byron Trout waiting for report
- Northern Heights trees? Bonded per Byron Trout
- weed issue at N. Sherman Street property
- poor line painting/reflectivity, would not like to see the company receive bid next year. Terry R. Gingerich understands they are coming back to do over.

Barry E. Rudisill

- new spreader for truck? Terry R. Gingerich ordered by Dave Gentzler
- Has monster truck play piece in Saginaw been repaired? Yes, per Terry R. Gingerich
- road projects for 2009/2010 list in book

Steven H. Gross, Jr. had no additional comments

Steven H. Gross, Jr. motioned to Executive session at 9:32pm.

At 10:32pm Steven H. Gross, Jr. reconvened the meeting and disclosed that they discussed Rentzel Heights litigation and the Bottom Line enforcement issue. No decisions were made and no official action was taken in executive session.

A motion by Steven H. Gross, Jr., seconded by David L. Naylor to withhold enforcement proceedings upon solicitor's advice on the Bottom Line occupancy issue was carried unanimously. A letter of reprimand is to be sent.

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

Motion to adjourn by David L. Naylor at 10:35pm.

The October 28<sup>th</sup> meeting will be utilized for budget review.

Respectfully submitted,

Terry R. Gingerich  
Township Manager/Secretary/Treasurer