

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 28, 2009**

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

At a special meeting duly advertised and held at the township building, David L. Naylor called the meeting to order at 7:03pm in the absence of Chairman Steven H. Gross, Jr.

CVS land development plan/agreement/litigation settlement

Attorney Jack Hurley discussed the settlement agreement, which is a result of the action filed in York County court from the conditional approval of the prior land development plan and an effort to settle the litigation. They are here to address the agreement.

Terry R. Gingerich asked about 4 comments generated from Attorney Andrew Miller.

Matt reviewed and showed how those have been incorporated into latest revision dated 10/28/09, which is being left with Township.

The agreement was reviewed and Jack assured it is same black-lined version of the agreement he and Attorney Andrew Miller have approved.

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, and as agreed upon in the settlement agreement, a motion by Barry E. Rudisill to approve the settlement agreement between Benderson Development Company, LLC, JC Bar Properties, Inc., Timberlodge Tavern, Inc. and East Manchester Township which provides for the settlement of York County Land Use Appeal No. 2009-SU-4569-08 and approval of the "CVS/Pharmacy Final Land Development Plan" revision date October 28, 2009, conditioned on final execution by the counterparties to the settlement agreement and owner signatures of the Drivas on the final plan.

Motion seconded by David L. Naylor and carried unanimously.

Royal Manchester Golf Course

Brian Moreau of Raspberry Golf Management was present to see if there were to be any discussion about the golf course property.

David L. Naylor asked when the golf course will be open. Brian answered tentatively April. The flaggers along Board Road are a result of the detour from Wago Road.

Katrina Rife explained the situation at the golf course and the course of action that is being taken. Byron Trout has discovered a few deviations from the recorded plan with stormwater management, paving structure, and a cul-de-sac. These changes have resulted in a stop work order from Byron Trout; a denial of a permit for the wash pad, and a suspension of the permit for the clubhouse from Katrina Rife. The maintenance building occupancy is pending. A revised land development plan needs to be submitted and approved for recording with the changes. Andy Spear has been into the Township office to start this process.

Barry E. Rudisill asked if Raspberry Golf was aware of these changes?

Brian explained they were aware of changes and discussion, but assumed PPL was following through with action.

Barry E. Rudisill asked if we can live with until Byron Trout decides and is ready to proceed?
Terry R. Gingerich felt that was possible.

Both Supervisors agreed that this should continue to be handled by staff and the Supervisors will get involved when a land development plan comes before them.

Terry R. Gingerich asked who do we work with?

Brian answered that would be both he and Andy Spear of PPL. Raspberry Golf is an agent for PPL, but some things are still with PPL.

Barry E. Rudisill suggested the responsible party submit a new plan post haste; sooner here for review, sooner can be resolved.

Brian mentioned that PPL is aware that Friday is a deadline for submittal.

Draft of proposed 2010 budget was reviewed and discussed. After a few line item adjustments, a motion to advertise for approval for the December meeting was made by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

No Supervisor's comments.

David L. Naylor motioned to recess to Executive session for personnel matters at 8:38pm.

Reconvene at 9:13pm

Motion to adjourn by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously at 9:15pm.

Respectfully submitted,

Terry R. Gingerich,
Township Manager/Secretary/Treasurer