

**EAST MANCHESTER TOWNSHIP  
BOARD OF SUPERVISORS  
NOVEMBER 10, 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 10/28/09, the Board has not met or conducted business.

The minutes of 10/13/09 were accepted per motion from Barry E. Rudisill, seconded by Steven H. Gross, Jr. and carried unanimously.

The minutes of 10/28/09 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

**Public Comment**

Resident

- Joel Klinedinst
  - Ambulance service costs, who takes complaints? An October 5<sup>th</sup> transport from Saginaw to Hershey Medical Center cost him \$1,100.00. He has learned that an average cost to transport to York area hospitals is \$675.00. Why so costly? He is still waiting for a return call and a bill from the Northeastern Area EMS since no one was available to speak with when he stopped at the building.
  - Traffic light at Willow Springs Lane and Board Road, when will it be operational? Technically the stop signs are not proper; they are not installed correctly. Terry R. Gingerich answered that light is on blink and PennDOT will possibly activate next week.
  - Golf cart crossings, suggest turnstile at crossing for carts to make them stop
- Jim Rohrbaugh of Smith Gardens mentioned that it has been 2 years since Richard Rinehart started the situation with the requested Commercial use of his lot at Sunset and N. George Street and the deed restrictions that only allow residential use. They have heard that he now wants to pave the lot for use with the shopping center. They would like to see this lot rezoned back to Residential as the others had been. Attorney Andrew Miller mentioned that the Board can do this, but advised that it would be setting precedent on rezoning without property owner request.
- Ed Vernon 50 Rosedale Drive reiterated request to not allow the commercial use. Also mentioned that owner's should be aware of deed restrictions.
- Scott Elfner asked about upcoming DCED meeting. David L. Naylor has not heard anything.

**Special Request** - consideration of Oak Drive to a 2-way street

Jeff & Michelle Hake of Apple Tree Lane spoke in support of the 2-way due to bus stop, and safety concerns.

Bob Brenneman Oak Drive is concerned about speed, has lived there 46 years, leave it one-way.

Joel Klinedinst – recall road put in for emergency access, agree not change, not right to burden long time residents to appease, could request emergency access only

Scott Elfner – when they respond for emergency not thinking about Oaks to Sherman Oaks

Mike Scarborough 31 Oak Drive presented pictures showing cartway 21-22' wide, have to walk in cartway - no sidewalks

After discussion it was determined that there would be no changes considered at this point.

Penn Waste Attorney Neal Slenker, owner Scott Wagner, and Eric Sentz addressed the problem they are having in dealing with account delinquencies. Neal explained the situation and in adding the cost to collect, it can exceed the original amount owed. They are asking for consideration of an amendment to the current ordinance to recover fees per claim. Not a rewrite of ordinance, just a simple amendment. Example provided to Attorney Andrew Miller. 25 of 63 municipalities do the billing. This is being asked of all the municipalities that do not. They see this as a benefit to the township and residents by avoiding adding costs into bid, which spreads to all users, which is unfair to those who pay timely.

After discussion, it was determined that Attorney Andrew Miller is to look at request in more detail.

Current contract is renewable in 2010 and would be appropriate time to consider.

Attorney Andrew Miller will have report for next month's meeting.

**Subdivision/Land Development** – none

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

- Ordinance 2009-3 amending the Zoning Ordinance and Subdivision & Land Development Ordinance has been resubmitted to York County Planning Commission with changes. It has been advertised for public hearing.

At 7:55pm Steven H. Gross, Jr. opened a public hearing for ordinance 2009-3.

There was no public comment.

At 7:56pm, the hearing was closed.

A motion from Barry E. Rudisill to adopt ordinance 2009-3 was seconded by David L. Naylor and carried unanimously.

- Fire ordinance – The letter submitted to L&I was answered that they do not feel subject to UCC; therefore, exempt. Can adopt ordinance and advertise for December meeting.
- Hartman property tax exoneration -Terry R. Gingerich confirmed township and county paid, school district not paid
- Fink/Weire developer's agreement received yesterday, looks acceptable. Stormwater agreement expect minor changes.
- request Executive session to discuss SCC-Canyon vs Katrina Rife litigation and the GH Enterprise tax assessment which is in litigation. The tax assessment office had lowered \$900,000.00 and the application was appealed.

## **Engineer's Report – Byron Trout**

### § Surety reductions:

- Leg Up Farm in the amount of \$87,104.60 per motion by David L. Naylor on recommendation of Byron Trout, seconded by Barry E. Rudisill. \$337,908.93 remaining. Discussion on the problems with not following the recorded plan. A few minor changes with interior parking layout and design and shifting of inlet for stormwater Byron Trout feels can be resolved with the phasing that had been approved and submission of an as-built is needed. Steven H. Gross, Jr. is not in favor of surety reduction due to this situation. Barry E. Rudisill commented that he believes the township has been more than helpful toward this project, but things need to be done the way they are required. An issue with turn lane signage was mentioned – it is past the point where a driver needs to see it. Byron Trout will check into with PennDOT. Vote was defeated 3-0.

### § Golf course – A storm water inspection revealed a 42"-24" pipe reduction, cul-de-sac install and diversion of stormwater. Different plans are being following than the recorded plan. Raspberry Golf has added 25,000 sf impervious area. Katrina Rife has issued a suspension letter on building and denied application for golf wash. This will stay in effect till satisfactory resolution. Revised plans have been submitted and are scheduled for staff review and Planning Commission in November.

Discussion on the tunnel being undersized-cannot be used for golf carts. Will show 2 at grade street crossings.

Storage of fertilizer outside near maintenance building was noted as well as weekend work on clubhouse. Katrina Rife will check into. Discussion was held on Raspberry Golf giving impression of out of control with disregard to township requirements.

### § Northern Heights pipe at Long Road – C&F to supply information

### § Board Road markings are police calibration marks

## **Correspondence**

- School Bus parking in Chestnut Valley complaint via unsigned letter – no action
- York County EnviroThon sponsorship – no action
- Northeastern Community Independence Day Celebration – thank you and 2010 support request – defer to 2010
- Northeastern Sr. Center – thank you letter
- Susquehanna Lions thank you for Halloween – offer to return check or allow to retain and place into "Project Fund" for community service work and vision care. It was agreed to allow them to keep the check.

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

### § Northeastern Sewer Authority – no questions

### § Zoning Officer – no questions

### § Public Works Director– no questions

### § Recreation Board – no minutes

### § Tax exoneration for 2009 of \$16.36 for Floyd & Anna Wise was approved by motion from David L. Naylor, seconded by Barry E. Rudisill as recommended by tax collector Kathy Emswiler and carried unanimously.

### § Fink and Company \$5,500.00 audit estimate. A motion by Steven H. Gross, Jr. to retain at \$5,000.00 was seconded by Barry E. Rudisill and carried unanimously.

- § Kinsley/LERTA for Fink/Weire in Industrial zone. Attorney Andrew Miller explained that do not need motion to accept, location within Industrial is in LERTA. David L. Naylor noted request. Steven H. Gross, Jr. commented history on how it has been disrespectful to ask for reduced assessment at end of program, while all along the assessed value had been accepted. Attorney Andrew Miller suggested looking into having the option to ask sign waiver of reduced assessment if adding into LERTA.  
Terry R. Gingerich to provide written response.
- § Asbury Pines – Bringer refund of \$350.00 escrow to replace sidewalks approved per motion by Barry E. Rudisill, seconded by David L. Naylor and carried unanimously.

### **Supervisors' comments**

David L. Naylor - nothing additional

Barry E. Rudisill

- sinkhole problem in Oaks at Spangler property? Terry R. Gingerich reported they are keeping eye on and will continue to fill. Why township? It is Northeastern York County Sewer Authority responsibility. Terry R. Gingerich work with them – easier for us to do and keep track and bill.
- Beshore School sidewalk? Byron Trout sent certified letter to developer, they have new address, letter came back – has been resent to updated address
- Stonerook property need of mowing, suggest owner automatically do or get fine
- Dunkin Donuts progress? Katrina Rife reported issue of restrooms resolved – will have 2 and permits ready for contractor pick-up
- Denny property along N. Sherman Street not enough progress – suggest fine

Steven H. Gross, Jr. congratulated Barry E. Rudisill on re-election to Board.

Motion to pay bills by Steven H. Gross, Jr., seconded by David L. Naylor was carried unanimously.

### **Public Comment**

Dave Bloss asked about budget. A copy for review is on the office counter.

Rep. Keith Gillespie gave a brief update on few topics.

He has heard from many that the proposed Wago Road closing is not wanted.

David L. Naylor mentioned correspondence regarding enhancements to RRX and why consider if closing road?

Steven H. Gross, Jr. recessed to Executive session at 8:53pm.

Reconvene at 9:30pm with no action taken. Discussed Rentzel Heights and GH Associates litigations and personnel matters.

Motion to adjourn by David L. Naylor at 9:32pm. Steven H. Gross, Jr. seconded and carried unanimously.

Respectfully submitted,

Terry R. Gingerich  
Township Manager/Secretary/Treasurer