

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 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 7:02pm.

The Pledge of Allegiance was given to the Flag of the United States of America.

Steven H. Gross, Jr. disclosed that since 11/10/09, the Board has not met or conducted business.

The minutes of 11/10/09 were accepted with the following corrections per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously:

page 3 Leg Up Farms – motion to grant surety reduction was defeated by 3-0 vote
Correspondence – Susquehanna Lions, add agreed to allow them to "keep checks" in minutes. Terry R. Gingerich to send letter.

page 4 – Barry E. Rudisill to re-election not David L. Naylor
Executive session – personnel matters were also discussed

Steven H. Gross, Jr. introduced Bryan Rizzo who will be new Chief of NERPD.

Chief Albright thanked the Township and community for support since he started in 1977. He feels with this support, they have accomplished putting together a good department.

The Board thanked him for years of service.

Chief Rizzo spoke and conveyed that he is excited to begin a new chapter. He plans to work hard as he can.

The Board offered congratulations on the appointment.

Public Comment

Resident – none

Non-resident - none

Note: A copy of a letter from James Arex to President Obama was given to the Board prior to the meeting.

Subdivision/Land Development

Orchard Business Park Fink/Weire final subdivision & Espresso Way extension

Kathy Conley of LSC Design presented an 18-page plan #2007.0050.00 revision 2 dated 11/24/09 to combine 2 existing and subdivision into 3 lots and extend Espresso Way to Canal Road. Attorney Jeff Lobach, Tim Kinsley, and Mike Jeffers were also present.

Planning Commission Action Report of 11/25/09 comments was addressed. There are no open items. A developer's agreement and stormwater agreement are to be executed to cover public improvements along Canal and Zions View Road that need PennDOT approval as well as a few other issues.

Requested waivers:

SALDO 8.6.2.A widening of street along Canal Road and Zions View Road

SALDO 8.7.1.A curbs along Canal Road and Zions View Road

SALDO 8.7.2.A sidewalk along Canal Road and Zion View Road

Barry E. Rudisill motioned to grant with 6-month note. Discussion was held. These waivers are addressed in the developer's agreement as confirmed by Attorney Andrew Miller.

Kathy explained that they are only asking for waivers till PennDOT addresses the HOP and approves the application. They plan to put in improvements as shown on HOP to extent of PennDOT requirements, just asking to waive till PennDOT addresses these improvements. Attorney Andrew Miller requests a note on plan regarding waiver subject to inclusion in HOP application as outlined in developers' agreement. He and Attorney Lobach will approve language.

Tim confirmed it is their intent to do improvements; they can make requirement of HOP application or note on plan. All parties are agreeable to attorney's discernment. Jeff Lobach suggests put on plan as per noted in agreement.

Kathy also mentioned that it is noted both driveways of adjoining residential properties at Zions View Road encroach onto the property to be left as is.

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 to accept as final plan with condition:

- A developers' agreement for public improvements along Canal Road to be executed and recorded in the Office of The Recorder of Deeds of York County.
- A stormwater agreement to be executed and recorded in the Office of The Recorder of Deeds of York County.
- Notation on plan to require that street design, curb and sidewalk improvements along Canal Road and Zion's View Road be included in PaDOT HOP application and the application will be subject to review by Township.

was seconded by David L. Naylor and carried unanimously.

Steven H. Gross, Jr. motioned to approve the developer's agreement and stormwater agreement based on Attorney Andrew Miller's recommendation with understanding of completion of Espresso Way and Canal Road public improvements. David L. Naylor seconded motion, which carried unanimously.

PPL Royal Manchester Golf Course revision

Andy Spear PPL Allentown presented plans for a revision to the former Phoenix Links Golf Course plan 7-pages and cover #D325529 revision 2 dated 12/1/09 and 2 drawings #D326132 revision 3 dated 12/1/09.

Architect's plans varied from recorded plan, which has impacted and increased impervious space. Since the golf course is collecting much of the runoff and using for irrigation, it is actually less runoff leaving site; therefore, stormwater is better.

The Planning Commission Action report of 11/25/09 was reviewed. There were no remaining open items from Gordon L. Brown & Associates and York County Planning Commission's letter indicated the revision did not necessitate any additional review.

per Gordon L. Brown & Associates, Inc. letter of 11/13/09:

The following comments relate to the township subdivision and Land Development Ordinance:

1. The list of drawings on the title sheets should be amended to clearly indicate which drawings are in this drawing set and which are to be recorded. – ok
2. Updated signatures and notaries should be provided (S.6.1.1.B(1)q&r). – ok
3. Stormwater Management Plan comments will be provided by separate letter (S.6.1.1.C(1)f). - The concern of the 42" to 24" diameter pipe reduction has been addressed with Byron Trout as well as porous pavement for parking lot drainage and is satisfactory.

The lighting of the parking lot across street is not intended for use at nighttime. They intend to light both lots at Clubhouse.

If getting groups larger than lot can accommodate; realize need to pave and light across street.

Steven H. Gross, Jr. mentioned the golf carts crossing under Board Road.

Andy – there was one crossing at police station and tunnel near clubhouse. The contractor put smaller tunnel that does not allow golf carts to travel through without difficulty. It has been blocked up and necessitated other crossing. Recognizing a concern for sight distance; they have elevated ramps and placed a speed bump. Additional signs on Board Road 200' prior to crossings are added.

Discussion was held from concern over crossing at driveways. They do not want to encourage crossing there. Placing no cart crossing signs and signs at the 200' point on road in case.

Discussion continued.

2 things are being done to slow carts before crossing road - mound and speed bump.

Barry E. Rudisill stated they he could accept not placing lights across street at this point. They understand there would be a zoning violation if used at night without the lights.

Brian mentioned that maximum occupancy for building is estimate of 165.

After discussion and consideration, it was agreed to put a crossing designation at driveway.

Planning Commission comments items were also addressed.

- q lighting for both parking lots – defined as both lots at clubhouse – provide spec on lights and option of reflector to be noted and added to plan
 - q light at entrance to clubhouse for crossing Board Road – requested of Met Ed
 - q crossing detail at clubhouse entrance to be shown on plan - OPEN
- wash area, when rains it could overflow - Where will excess water go? Need solution to overflow or run-off - Wash area over-flow was discussed. Rainwater becomes part of make-up. One inch of rain is needed to make it overflow and it would be part of the cleaning process. It is not point of discharge, which would require NPDES permit.
- Byron Trout suggested there may be solution by placing a small infiltration for overflow or silt sock, or posting bond.

Bob explained concern from the Planning Commission over wash area overflow.

Andy spoke with the vendors who indicated they are not concerned since the rainwater is designed to sheet flow if it overflows.

- q sheet 16 needs correction to location of water and sewer lines -ok
- q signs for crossings shown on plan at all locations – adding entrance crossing
 - o Note existing issues: maintenance building wall pack lighting – very visible from Board Road, 3' drop-off along resident driveway – needs backfilled, edge of blacktop for lane is breaking
 - Agreed that wall packs are seen from Board Road - will be corrected
 - Fitz & Smith intend to repair driveway and blacktop once they can get back on to property to work.
 - o Note: Tractor trailers have been blocking lane when delivering to maintenance building which prevents the residents access to their homes further back lane.
 - There is no current tractor trailer activity. Was due to delivery of clubhouse items that could not be accepted because of suspension.

It is noted that occupancy for clubhouse cannot be considered till this revision is recorded.

Bob mentioned that water lies inside curve at corner, swale does not go back the whole way. It used to run over road, but does not now. Has been graded to flow forward instead of across and just lays at stone portion of tower area.

Byron Trout commented that they accomplished not crossing lane. This may improve once grass is established. A change in channel may pick up; he will keep eye on it. For now - make aware if ponding persists, continuation of swale may be needed.

Steven H. Gross, Jr. asked if done with backfilling with ash? Andy explained it is bottom ash fines with topsoil to complete grading and seeding of target greens.

Andy also spoke of a future academy building at end of T-boxes, which he will be back with plan. Brian added the need to go through the Clubhouse to use academy.

Steven H. Gross, Jr. commented on how he keeps hearing rumor going around about closing of Wago Road. He can't in good conscience approve plans knowing that. Residents are informing him that the road closing is not wanted.

Andy gave background on reason for request.

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 to accept the plan contingent upon:

- § Clarification on the plan shall be added to show the lighting of both parking lots at clubhouse. Z O 503
- § Lighting for the entrance at clubhouse driveway to be added and shown on plan with use of reflecting shield. Z O 503.F
- § A crossing detail for the pedestrian and cart crossing at the clubhouse entrance shall be shown on the plan and to also include reflective striping on the pavement to demarcate the crossing. C&MS IV Exh. 3

- § The wall pack lighting at maintenance building shall be changed to a less intense shielded type of light so as not to cast objectionable light on Board Road. A detail of the new lighting shall be added to the plan. Z O 420.10
- § The edge of lane leading to the maintenance building shall be repaired and filled. This condition shall be immediately satisfied or a note shall be added to the plan for this obligation. SALDO 7.A.1
- § The driveway drop-off for the adjoining residential property shall be repaired. This condition shall be immediately satisfied or a note shall be added to the plan for this obligation. SALDO 7.A.1
- § A note or other reference shall be added to the plan to require a silt sock be placed along the edge of the golf cart wash station to contain overflow. SALDO 9.10 & 9.11

Developer/owner acknowledges the building permit that was previously suspended by the Township has been reinstated at the developer/owner's request. Satisfaction of the aforementioned conditions shall be required prior to revised plan recording or issuance of any occupancy permits.

David L. Naylor seconded motion. Steven H. Gross, Jr. stated he does not like golf cart crossing on Board Road. There needs to be more to provide awareness to golfers and drivers. Design a diversion in path prior to crossing instead of straight approach.

After discussion, Barry E. Rudisill amended his motion to also include:

- § The golf carts shall be reconfigured and shown on the plan with some type of diversion or jog in path prior to the golf cart crossings in order to slow golf carts and assure a complete stop at the crossings. This safety feature shall be subject to Township review and approval.
- § The developer shall post a \$15,000.00 maintenance bond with a term of three (3) years for the golf cart wash station. SALDO 10.1

David L. Naylor seconded the amended motion.

Call for vote resulted in 2 ayes with Steven H. Gross, Jr. opposed. Motion carried 2-1.

Steven H. Gross, Jr. strongly suggested they resolve the Wago Road issue.

Special Request none

Solicitor's Report – Attorney Andrew Miller

- Plan submission procedures were removed when new ordinances were adopted. The current procedure was reviewed and he has added that copies also be provided to attorney and respective fire chief. A development agreement and surety must be finalized prior to presentation to Board of Supervisors.

A motion from David L. Naylor to adopt Resolution 2009-16 subdivision and land development submission procedures was seconded by Barry E. Rudisill and carried unanimously.

- Smith Gardens rezoning - received a call from an attorney representing resident – no further action

- Fire Safety and Prevention Ordinance 2009-4 has been advertised for public hearing. At 8:54pm, Steven H. Gross, Jr. opened the public hearing. There were no comments. Hearing concluded at 8:55pm. A motion from David L. Naylor to adopt Ordinance 2009-4 was seconded by Barry E. Rudisill and carried unanimously.
- Tax exoneration on Hartman property – Chestnut Street for 2009 \$80.06 face \$88.07 penalty was granted per motion from David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously.
- Intermunicipal Agreement - Jim Coble commented to the best of his knowledge Mt. Wolf is ok. Manchester questioned if Township has paid enough? He has gone back to 1989 for revenue by district and tap in fees to create billable units. Note these are non-audited amounts. Township is District 3 and Smith Gardens is District 4 with surcharge multiplied to create billable units. Districts 3 plus 4 up through 2009 results in over 6 million of surcharge money paid and over 3 million in tap-in fees totaling over 9 million. Then there will be another 3 million over the next 10 years in surcharge fees. Costs against that were: in 1987, the 4.4 million bond for township collection lines and the recent 6.5 million for Saginaw plant.
In his opinion, surcharge and tap-in vs. cost is close.
Proposing equal tap in fees. Study for maximum charge. Request all current sewered areas be equal with tap-in rate.
- Penn Waste ordinance amendment request – no contact from Neal Slenker.
- Executive session request for discussion of Rentzel Heights litigation.

Engineer's Report – Byron Trout

- § Surety reductions:
 - Barnhart Drive Assoc. in the amount of \$44,163.90 per motion from Barry E. Rudisill, seconded by Steven H. Gross, Jr. as recommended by Byron Trout and carried unanimously.
 - Leg Up Farm in the amount of \$87,104.60 and \$24,869.68 with remaining amount of \$313,039.25 per motion by Steven H. Gross, Jr. on recommendation of Byron Trout, seconded by Barry E. Rudisill and carried unanimously.
 - Westminster Court maintenance bond – recommend release, repairs are completed. Motion to release by David L. Naylor seconded by Barry E. Rudisill and carried unanimously.
- § Green Ride public improvements along Beshore School Road - Keystone Custom Homes holds bond – they were unaware work was not done. They will take care of and provide new bond.
- § RCA owner sent letter addressing his access points. Terry R. Gingerich spoke with him and explained that it only effects future development for no left turn, there would be no change till then.

Correspondence - none

Manager's Report – Terry R. Gingerich, Manager

- § Northeastern Sewer Authority – no minutes
- § Zoning Officer – no questions
- § Public Works Director – Gut Road bridge repair? – will check into this. On the line painting – John Conner manager of crew of PSX was present and apologized for less than satisfactory work. He can understand why not happy not satisfied with job. He is willing to repair and does not expect a dime. What can he do? It is a beading problem for the reflectivity. An employee did not do job properly and is no longer with them. The work at end of September was the problem throughout the area. Corrections have been made in Windsor and Dover.
Steven H. Gross, Jr. accepted apology and commended him for being here.
Barry E. Rudisill commented that if can be made right and satisfy Dave Gentzler and Terry R. Gingerich, it needs done.
Steven H. Gross, Jr. added to correct and pay. It is understood work cannot be done in bad weather, work with staff to complete.
- § Recreation Board – no minutes
- § Tax exoneration for 2009 tax exoneration for Mummert 430 Glen Drive of \$45.05 as recommended by Kathy Emswiler approved per motion by Steven H. Gross, Jr., seconded by Barry E. Rudisill and carried unanimously.
- § Fink and Company bid of \$5,300.00 was awarded for 2009. Bid for 2010 lowered to \$5,300.00 same as 2009.
- § 2010 budget advertised for adoption. Barry E. Rudisill motioned to approve 2010 budget, motion seconded by Steven H. Gross, Jr. and carried unanimously.
- § Request personnel issue discussion in Executive session.
- § reorganization at meeting January 4, 2010 at 7:00pm

Supervisors' comments

David L. Naylor

Wednesday 12/2 at 6:30pm is a Fire/Ambulance meeting. The DCED meeting went well and plans to meet regularly

Barry E. Rudisill

- Long Road, see no activity Byron Trout is checking into
- Oaks sinkhole – Dave Gentzler is watching. Jim Coble reported fabric was torn out and they are upset about the quality of work as compared to up the road.
- Traffic studies – consider training our people
- Note: the NERPD speed sign can count number of vehicles

Steven H. Gross, Jr.

- no additional comments

Public Comment

Dave Bloss mentioned he saw that a cut for lines on Willow Springs/Board Road was made. It has not been remarked yet.

Chief Joe Stevens reported 37 calls for November of which 14 were in township = 38%. 260 hours in work detail and 40 training hours. Have received PA Water Rescuers Assn. Certification.

A motion from David L. Naylor to pay bills was seconded by Steven H. Gross, Jr. and carried unanimously.

The Chairman announced the Board will recess for executive session at 9:46 pm to discuss the SCC-Canyon II, LLC litigation matters, Cases No. 2009-SU-3029 and 2009-SU-3253, and personnel matters.

The Chairman reconvened the meeting at 10:50 pm.

Steve Gross made a motion, seconded by Dave Naylor, to authorize the Township engineer and manager to approach the landowner adjacent to the Meetinghouse Road and North George Street intersection to discuss acquisition of the additional right-of-way needed for the developer to install the traffic signal. Motion passed unanimously.

A motion to adjourn by Barry E. Rudisill at 10:55pm was seconded by David L. Naylor and carried unanimously.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer