

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
February 14, 2012**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Engineer Byron Trout, Dave Gentzler, Manager/Secretary/Treasurer, Recording Secretary, and five citizens.

At a regular meeting held at the township building, Steven H. Gross, Jr. called the meeting to order at 7:00 p.m.

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

Chairman Gross reported that the Board members met in sessions on January 25, January 30, February 6, and February 9.

Minutes

Motion by Rudisill, second by Naylor, to approve the minutes of January 10, 2012. All members voted aye; motion carried. Motion by Gross, second by Rudisill, to approve the minutes from January 25, 2012. All members voted aye; motion carried.

Public Comments

Jim Rohrbaugh, 55 Cottage Drive, Manchester, requested a re-zoning for one lot, 90 Sunset Drive, in Smith Gardens, from commercial back to residential. Mr. Trout consulted the map; that one lot in question is indeed zoned Commercial. Mr. Rohrbaugh does not own the lot, but the Board is permitted to change the zoning on a lot without the actual owner's permission or request. The owner would, of course, be informed of the proposed change and a hearing would need to be held. This is not considered spot-zoning, as there are other residential lots nearby. The Board members feel that it is probably appropriate to rezone this lot, although there was a concern that the actual owner is not requesting this change. Motion by Naylor, second by Gross, to start the proceedings to rezone this lot from Commercial to Residential.

Discussion: the residents would like it to be residential so that a house could be built on it. Without the rezoning, the owner would need to obtain a Variance to build a home on it, in the Commercial zone. If the Township does not rezone the lot, there would be no cost to the Township. If the Township initiates the process, the Township will have to pay those fees. If the owner requests a rezoning, the applicant could pay for the rezoning advertisement, etc. The Board members are leaning toward having the actual owner make the application for rezoning, thereby saving the Township the expense of doing so. It was noted that a recent court ruling involving this development upheld the deed restriction that no commercial uses are permitted in this development. A rezoning costs about \$1000. Is there a down-side to leaving this lot as it is? None identified at this point.

From the audience, Bob Nace reminded the Board members of some other lots (along George Street) that were rezoned to enable some lot owners to qualify for mortgage refinancing. Is this a similar situation?

Vote on the Motion: one aye; Gross and Rudisill opposed. *Motion denied.*

Joe Stevens, fire chief spoke on behalf of the Manchester Union Fire Company, giving the report for the end of 2011 and for January 2012. The training schedule is continuing. Mr. Rudisill asked about the regionalization of fire companies. Mr. Stevens feels that it's a good idea for efficiency, etc. Mr. Stevens explained mass casualty boxes to be prepared for a larger emergency involving multiple victims. There are a number of forms involved, which the fire company and ambulance service will address and file with the appropriate authority. The Board members will need to sign these documents and the document relative to another aspect of rescue, which is already being done.

Motion by Naylor, second by Gross, to implement the proposed changes in the call boxes and changes in tactical rescue teams; and to have Chief Stevens to review and complete the forms. All members voted aye; motion carried.

Special Requests

The SPCA requested an anti-tethering ordinance. No motion was entertained.

Commissioner Chronister has requested a letter in support of property tax reform. Motion by Naylor, second by Rudisill, to have Mr. Gentzler draft a letter via e-mail to be signed by all Board members in support of Commissioner Chronister's request. All members voted aye; motion carried.

YAMPO nomination – no comment.

Correspondence

PPL Railroad Crossing Signal improvements – no questions or comments.

NEYC Sewer Authority – new rates – no comments or questions.

Solicitor's report – Attorney Andrew Miller

- Municipal Waste Contract – Mr. Miller previously distributed a packet of documents regarding this contract; some items required Board input. The current contract expires June 30; bid award to be at the June 12, 2012, meeting or earlier if desired. Mr. Miller walked the Board through the contract documents, noting changes or items to be addressed. How many customers would the contract include? Mr. Gentzler will find out. The fine amounts have been increased from \$500 to \$600. Christmas tree pick-up was discussed; change it to twice, likely once per week for the first full two weeks of January. Mr. Miller noted that this will increase the contract cost. This change will be made. Yard waste pick-up was also discussed with Chairman Gross noting that yard waste is not being picked up satisfactorily now; does the contract specify how the yard waste is to be bundled, etc.? Yes. What about grass clippings? Apparently grass clippings are not permitted because of the Township's code and possibly the PA solid waste management code. Is it because grass clippings can heat up and ignite? Could the contract be modified to include the collection of grass clippings? Mr. Miller and Mr. Gentzler will research this issue and Mr. Miller will change the contract to include the collection of grass clippings if permitted. Chairman Gross noted that the contract should include the collection of waste at the Police Department and the Ambulance Club at no charge. Mr. Miller will bring the resolution to begin the bid process to the March meeting.
- Comcast Cable Franchise -- Mr. Miller noted that there will likely be a few other municipalities joining together to negotiate this franchise. Total franchise fee for 2011 was about \$67,000 or \$68,000. Chairman Gross noted that he has received complaints from residents about some channels that were previously free now having fees associated with them. It's unclear how much sway the Township will have over the

channel line-up. This issue can certainly be brought up at the meeting with the cable company.

- Mr. Miller requested an Executive Session to discuss Asbury Point.
- Rentzel Heights – bankruptcy? Unclear. Mr. Miller can research the tax sale or sheriff sale lists to see if any or all of these properties are affected.

Engineer's/Zoning Officer's report – Byron Trout

Inspections – Chestnut Valley started repairs to stormwater ponds and Ollie's is making repairs to the embankments.

Motion by Naylor, second by Rudisill, to authorize the county payment of \$72,044.10 for Saginaw Stormwater Project. All members voted aye; motion carried.

Plan Reviews

Correspondence

Zoning Officer's Report

Junkyard License – Motion by Gross, second by Rudisill, to approve the junkyard applications for Carl Cassel, Charles Keister, and Bradley Klinefelter, as recommended by Mr. Trout. All members voted aye; motion carried.

Motion by Naylor, second by Rudisill, to approve Resolution 2012-5 for Saginaw and Gut Roads. All members voted aye; motion carried.

Motion by Naylor, second by Rudisill, to approve Resolution 2012-6, the Planning Module for the Osinski tract. All members voted aye; motion carried.

Motion by Rudisill, second by Naylor, to approve Resolution 2012-7, Planning Module for the Wago Club. All members voted aye; motion carried.

Mr. Rudisill asked about Mr. Trout's meeting with JC Barr; there's still a cone there. It's a work in progress.

The Board complimented Mr. Trout on the format of his report and for filling in as Zoning Officer while the Township is without an official Zoning Officer.

Secretary/Treasurer/Manager's report – Dave Gentzler

Northeastern York County Sewer Authority Minutes – no questions or comments.

Recreation Board Minutes – Mr. Gentzler noted that the Rec Board Chairman is still hoping for some guide rails at Saginaw Park. Mr. Gentzler had some trouble getting a quote from a company. He will continue to pursue this issue, per the Board's direction.

Public Works Report

New truck in service

Traffic Signal Battery back-up quotes – Discussion was held on having the battery back-up hardware installed at various locations, including Sunset and North George. The quote for this intersection was over \$7,800, which puts the entire project over \$10,000. How about requesting a local company that is expanding to contribute toward the project, which would benefit the company and its related traffic? Sure, always an option. Mr. Gentzler will get a quote and request funds from the company. The worst they can say is no. The total figure is \$10,736 to do both intersections, Glen Avenue and Sunset Drive. Since it's over \$10,000, Mr. Gentzler will need to get two more bids. How about adding Steamboat, too? Motion by Rudisill, second by Naylor, for Mr. Gentzler to proceed on Glen Avenue and Sunset, and get a separate estimate for Steamboat. All members voted aye; motion carried.

Backhoe proposal – Mt. Wolf Borough would like to purchase EMT's backhoe. Motion by Naylor, second by Gross, to purchase the new one and sell the old one to Mt. Wolf Borough for \$12,750. All members voted aye; motion carried.

Motion by Gross, second by Naylor, to authorize Mr. Gentzler to bid for mowing, including weed, feed, and seed, Saginaw Park and ???. All members voted aye; motion carried.

The Liquid Fuels Audit for 2010 was received; Mr. Gentzler provided copies for the Board members to review.

Land Development/Subdivision – no plans

Supervisor's comments

David L. Naylor – none

Barry E. Rudisill – none

Steven H. Gross, Jr. – Motion by Gross, second by Naylor, to appoint John Beck as Zoning and Codes Enforcement Officer. All members voted aye; motion carried.

Bill approval/payment

Motion by Gross, second by Rudisill, to pay bills. All members voted aye; motion carried.

Motion by Gross, second by Naylor to recess to an Executive Session. All members voted aye; motion carried. The meeting recessed at 8:35 p.m.

After the Executive Session, motion by Barry Rudisill, to forward a letter to the zoning hearing board voicing concerns about the property at 170 Beshore School Rd, second by Naylor. All members voted aye. Motion carried.

Chairman Gross motion to adjourn. Second by Naylor. Meeting adjourned at 9:50PM.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie Maher, Recording Secretary