

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
March 13, 2012**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Engineer Byron Trout, Manager/Secretary/Treasurer, Dave Gentzler, Recording Secretary, and 22 citizens.

At a regular meeting held at the township building, Chairman 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., welcomed Zoning Officer Jon Beck to the Township.

The Board did not meet nor did it conduct any business since its last meeting.

Minutes

There's a correction to the minutes of the meeting of February 14, 2012. On the last page, it should be appoint Jon "Beck", not "Peck." Mr. Gentzler will correct the official copy of the minutes. **Motion by Rudisill, second by Naylor, to approve the minutes of the meeting of February 14, 2012, as amended above. Motion passed unanimously.**

Special Request

Summer Playground program

Mr. Gross has received e-mails from residents opposed to the Township's stance on the park issue. Someone inferred that the Supervisors might feel differently if they had park-age children. Mr. Gross clarified that the Supervisors do indeed have children who attend the park program. The Supervisors don't wish to support the park financially as it's currently being operated. Mr. Gross met with Mr. Dunbar to discuss alternatives, one of which was an alternate location. Mr. Gross is concerned that all the information to and from both sides has not been conveyed correctly. The Board members understand that the parents are concerned with the close proximity of sex offenders in the neighborhood; this is unfortunately the world we live in, and we must be diligent in finding alternatives.

From the audience, Donna Burns spoke, acknowledging the possible omission of some information in the emails. She gave some history of the park program. Some years, 150 children attend the playground program, sometimes with 60-70 children per day. All children are welcome to join the program and pay the fee, regardless of disability or ability. She agrees that evil is out there in the form of sex offenders; five are within one mile of the playground. The problem is with children and other patrons who are not members of the playground program coming to the park while the park is "closed" during the program time. Is anyone allowed to use the equipment and the park area? Does the playground program take precedence over any other activities in the playground during the hours of the program's operation? Those who join the playground must pay a fee; if anyone is permitted to use the facility, what's the incentive to join the program? Teen activities are sometimes a problem during the playground program time; smoking, swearing, etc. There was a stabbing incident and there's a fair amount of drug trafficking in that area. Are dogs permitted? How about opening the playgrounds at some of the elementary schools? That was a problem with the school administration, not the playground

program staff. The playground program would like to work with the Township as best as possible. Perhaps the playground program's hours and policy of closing the park to the public were not fully explained to the public. Mrs. Burns wants to get the word out about the park policies so that the public is aware of the procedures, etc. One of the problems was confusion about the identification of staff members; sometimes the younger staff members are mistaken for teens that participate in the program. Staff members will all wear staff shirts every day now to combat that problem. Safety and liability are, of course, issues for the staff members. This program began in 2006, and they want to see it continue.

Mr. Gross asked if the school district asked Mt. Wolf to close its park during the school's recess time. Yes.

He noted that the Board members have heard repeated complaints over the years about the playground policies, prompting this decision.

Lori Riddle, co-director of the playground program, certainly doesn't want to see the program discontinued. She noted that the program has received support from the Borough. She explained that when a non-playground member comes onto the grounds during "closed" playground time, the staff members make sure that the children are safe, that the person knows the policy, that the park is closed until noon, and that they are welcome to return after that time.

Patti Ford is concerned about the proximity of the sex offenders in the area of the playground. She will not permit her children to attend if the playground is open, as opposed to being closed for the playground program. Justin Ford also spoke in opposition to opening the playground to the public. Many of his friends' parents will not permit their children to attend if it's opened during playground time, as they feel it's not safe.

Ken Dunbar, for the Recreation Board, spoke, saying that the Rec Board requested that the Township Board rescind its decision. He feels that those who made complaints were merely inconvenienced, and that the safety of the children in the playground program is more important than a minor inconvenience to some people.

Mrs. Ford asked about the nature of the complaints and the ages of the children involved. Mr. Naylor gave the scenario that grandchildren visiting their grandparents are not permitted to play at the park until after noon. Mr. Naylor feels that people believe that the park program is safe because of the job the staff does, not because the park is closed to the public during that time. He feels that the staff should be able to decide who is permitted to use the park. Mrs. Ford asked how the staff should approach the teenagers who want to play basketball, or the grandmother who just wants to let her grandchild play. Throw the teens off the grounds and let the grandma stay? How about the sex offenders who just come to the park? How are the staff members supposed to differentiate between a person who just wants to come read a book and a person who is stalking children? The staff has no idea if anyone has any ill intent. Mr. Gross said the program can still close the park until noon; the Township does not just want to support it financially this year. Mrs. Burns feels that her emails were not vilifying the Board members, as Mr. Gross suggested. Mr. Naylor feels that there's a bit of responsibility on the parents' part to help keep their children safe.

Patti Ford recounted a situation wherein a five-year-old came to fatal harm while unattended. Not all parents keep their children as safe as others. She also mentioned that the children also recognize how important their safety is.

Mr. Dunbar said that the Rec Board already approached the school district about moving the program and that wasn't an option.

Mrs. Riddle feels that the program directors have tried to make concessions; they have two signs posting the policies and hours. They are making changes to improve the situation. They feel the Board is not moving to help.

Attorney Miller noted that the MPC gives the Board the power to regulate the park and to delegate power to the Rec Board. Mr. Gross noted that the park that is in question actually belongs to the Borough. Both municipalities would have to agree on the regulations and enforcement. Mr. Dunbar mentioned that the park and the borough have a joint agreement to keep the park going for 25 years. Mr. Gross noted that it's a 25-year agreement for maintenance, not general park operation.

Lori Riddle asked if the Township pulls the funding, can the borough support the park program on its own? No, per Mr. Dunbar.

Mr. Naylor asked the staff if they are unwilling to oversee visitors to the park during the hours of the program's operation. Mrs. Riddle noted that there's a liability issue. What if an unattended child suffers an injury while on park property and that child is not enrolled in the program? Is a staff member to be responsible for treating the child or not? Unattended children have no phone numbers, no parent contacts, etc. It certainly would not look good on anyone's resumé to have a child injury occur while the playground program was going on, no matter if the injured child was an actual member of the program or not.

Olivia Cranmark observed that schools are requiring increased security clearances, etc., and she feels strongly about its existence and would hate to have something happen on her shift.

Mr. Naylor doesn't want to see the park closed, but he can't support closing a public park for any length of time.

The Board took no further action on this matter.

Public Comments

Bob Tabachini, on behalf of Green Ridge development, presented a petition signed by the residents to request a wearing course on the road. The road is deteriorating, and is causing some safety issues. The development is mostly built out and the residents feel that it's time to proceed with the road. That is up to the developer to do; the Township is rather at the mercy of the developer until the wearing course is applied and the Township adopts the road. The other concern of the residents is that Keystone Homes is still the developer? Yes.

Motion by Naylor, second by Rudisill, to authorize the Township staff to proceed with the request to the developer of Green Ridge to apply the wearing course to the road and to have the Township adopt the road by the fall. Motion passed unanimously.

Land Development/Subdivision –

Reed Townsend and Dave Koratich were present on Land Development Plan #2011.0091.00, the February 14, 2012, revision; the expansion of former Harley Davidson building.

One waiver was requested, Section 28-21, preliminary plan.

Discussion of the Planning Commission meeting's recommendation. From the audience, Bob Nace, Planning Commission member, reported that the Planning Commission was concerned with the ingress and egress through the emergency access easement area, that it be brought up to proper condition. Mr. Townsend noted that the portion on this plan's property is paved; outside the applicant's property, it's not paved. Mr. Trout reported that it is the Brickyard Industrial Park Association's responsibility to maintain the road the entire way through. Yearly inspections will be done to assure that the area is clean, clear, and maintained. Mr. Rudisill agreed that the responsibility is through the Association; Mr. Nace noted that the Association is not maintaining the area and it could turn into a serious safety situation. The concern is that if the access drive is blocked, there's no alternate egress.

Mr. Nace also noted that the applicant was asked at the Planning Commission meeting if they would consider a financial contribution for the battery backup for Steamboat. Mr. Gentzler reported that the estimate for this project is \$7,852.00; the applicant has agreed to make some sort of financial contribution.

Outstanding items on this plan: the posting of surety; erosion control approval; stormwater maintenance agreement; waiver approval/denial, and battery back-up contribution agreement.

Motion by Rudisill, second by Gross to approve the waiver request by 75 Steamboat for the preliminary plan, Section 28-21. Motion passed unanimously.

Mr. Beck noted that DEP approved their sewer exemption module.

Motion by Rudisill, second by Gross, to approve the Land Development Plan for 75 Steamboat Blvd, Plan #2011-0091-00, pending the satisfactory resolution of the outstanding items: the posting of surety; erosion control approval; stormwater maintenance agreement and the developer's agreement. Motion passed unanimously.

Motion by Gross, second by Naylor, to approach the Brickyard Industrial Park Organization about the concerns about the emergency access easement area AND to negotiate a contribution to the battery back-up system for the traffic light. Motion passed unanimously.

Correspondence

York County Hazard Mitigation Plan update -- Mr. Trout reported that there are two projects on the list, Gut Road and York Street in the Saginaw area, from five years ago; keep these two on the list. Add any that suffer flood damage regularly.

Solicitor's report – Attorney Andrew Miller

- Comcast franchise agreement

Mr. Miller had previously provided a proposal for the agreement. He will accept comments or revisions from the Board members as presented. Comcast is aware that this franchise contract will be re-negotiated. Mr. Naylor is concerned that higher costs will be passed on to the consumer. The cost for preparing this documentation is \$8,900, before any discounts are to be applied, depending upon the number of municipalities involved. Is that cost recouped? Yes. There is no guarantee of increased revenues by moving forward with this agreement. **Motion by Naylor, second by Rudisill, to engage the letter with Comcast.**

Motion passed unanimously.

- Municipal Waste collection contract

Discussion – yard waste – separate pick-up schedule or not? Currently it's picked up with regular waste, once per week. Go to once per week, April through October? Every other week? Separate day? The Board feels it should stay as it is. Mr. Miller noted that the garbage collector finds that when yard waste is collected on the same day as regular trash, the yard waste is mixed in with regular garbage and the collector doesn't recycle the yard waste, but puts it in with the regular trash. That doesn't help the Township in meeting DEP's recycling regulations. Another day of collection for yard waste only might be confusing to the residents. On the other hand, a separate pick-up on the same day might be confusing, too. The Township has to do a certain amount of recycling, particularly of yard waste, to comply with DEP regulations. Include the fire company, sewer authority, and ambulance club at no charge to those organizations. How about Christmas tree collection? First and second week of January,

once per week. Service provided: basic service and tag-a-bag, with no low-volume option. Minimum purchase requirement for tag-a-bag option? The carrier complains that some people share a collection service or they buy the bags and put their garbage out with their neighbor's collection anyway. The collection company doesn't like that. Leave it the way it is. Flat, single rate for all three years? Yes. One pick-up day for the Township. Go with Mr. Miller's comment on the totes. Keep that it's at the Township's discretion (not the hauler's discretion) to extend the contract for two additional years. Mr. Miller will present this information for the Board to pass a Resolution in April.

Mr. Miller requested an Executive Session following this meeting.

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

Motion by Rudisill second by Naylor, to reduce the surety for Orchard Business Park from \$21,901.92 to \$0. Motion passed unanimously.

The Board members expressed their thanks to Mr. Trout for filling in until the new Zoning Officer came on board.

Secretary/Treasurer/Manager's report – Dave Gentzler

Motion by Rudisill, second by Naylor, to approve the request by ?? for tax exoneration. Motion passed unanimously.

Motion by Rudisill, second by Naylor, to award to the low bidder for the line painting project, Alpha Space Control, the same provider as last year. Motion passed unanimously.

Short-term disability rates will be discussed with another matter.

Sewer Authority – no report

Recreation Board – no report

Zoning Officer – no report from Mr. Beck

Public Works Director – no report

Motion by Gross, second by Rudisill, to pay bills. Motion passed unanimously.

Supervisor's comments

David L. Naylor – is sad and upset that there was no resolution to the park program problem tonight.

Barry E. Rudisill – asked about guide rails, playground, Saginaw? No further information received. Mr. Gentzler will try to get some numbers together for April. How about the sale of the old backhoe? They'll try to get it after tonight's meeting. Mr. Rudisill would like to have another meeting with Mr. Brady, and Mr. Naylor agrees. Perhaps they can meet without Mr. Brady if he's unavailable, to go over the findings.

Mr. Rudisill also asked about paying the Township bills electronically rather than using checks? Some vendors request that the Township not use checks. Sure, as long as there's a proper check and balance system in place. It would also allow direct deposit for payroll.

Steven H. Gross, Jr. – is upset that the playground program people waited so long to try to come to a satisfactory resolution to the park issue.

At 9:14 p.m., the Board recessed to an Executive Session to discuss the litigation in process.

The board reconvened at 9:45 PM.

Motion by , second by , to adjourn.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie Maher, Recording Secretary