

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
May 8, 2012**

Present: Chairman Steven H. Gross, Jr., Vice-Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Engineer Byron Trout, Zoning Officer Jon Beck, Dave Gentzler, Manager/Secretary/Treasurer, Recording Secretary, and 16 citizens.

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

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

Steven H. Gross, Jr. disclosed that neither a meeting nor business had been conducted since the last public meeting.

Correction to the minutes of the meeting of April 10, 2012: page 2, second paragraph, the word should be NEYSA, not Lisa. **Motion by Rudisill, second by Naylor, to approve the minutes of the meeting of April 10, 2012, as amended above. Motion passed unanimously.**

Public Comments

None at this time.

Special Requests

Northeastern Independence Day Celebration request for support. When? June 30, 2012. \$2500 was budgeted for this year for this activity. **Motion by Gross, second by Naylor, to approve supporting the Northeastern Independence Day Celebration with a contribution of \$2500. Motion passed unanimously.** The Committee was thanked for its good work.

Jeff and Barb Packard – request for Zoning Hearing fee reimbursement – no one was present on this request. Mr. Beck explained that the Packers had to come to the ZHB twice; the Packers said they didn't get a chance to ask the Zoning Hearing Board at the first meeting back in 2011 to change their hours of operation. At the second hearing, their request was granted by the ZHB; they are requesting that their fee be reimbursed because they had to appear twice. Mr. Gentzler noted that the fees are initiated by the request for a ZHB. Why couldn't they do it at the first meeting in 2011? Unknown. Mr. Beck said that he examined the meeting transcript, and it was still unclear to him. It would make more sense for them to request reimbursement if the applicants' request was denied. It was noted that the Township still had expenses associated with this hearing, advertising, notifying neighbors, etc... Refunding this money could set a dangerous precedent.

Per the Supervisors' instructions, Mr. Gentzler will write a letter to the Packards explaining the situation, fees, time, advertising, etc., declining to reimburse their hearing fee.

PennDOT – request for municipal road detour – Mundis Race Road will be the alternate route for a few weekends in 2013. It would be better if it would be used during the week, but the Township has no control over that. **Motion by Gross, second by Rudisill, to approve the state's request for road detour. Motion passed unanimously.**

York Water Company has requested to install fire hydrants to extend water service to Starview Estates. **Motion by Rudisill second by Gross, to approve the fire hydrant request. Motion passed unanimously.**

Ashley Brenneman – annual Firefighter 5K Benefit – Ms. Brenneman was present on behalf of Eagle Fire Company to request approval/support for the 5K benefit fundraiser. The event will be held on September 8; the 1-mile fun run will begin and end at Northeastern Middle School. The 5K run will begin and end at Otterbein Church. All residents along both routes will be notified. Ms. Brenneman requested an approval letter that she can send to PennDOT indicating the Township's awareness and approval of this request. **Motion by Naylor, second by Rudisill, to authorize Mr. Gentzler to send a letter to Ms. Brenneman, authorizing and approving the race and its details. Motion passed unanimously.**

Correspondence

Leadership York, leadership training

Solicitor's report – Attorney Andrew Miller

- Municipal Waste Collection Contract

Mr. Miller distributed the bid tabulation sheet from the contract. This year, the contract was billed as a three-year single rate. The low bidder was Penn Waste; \$191.40 basic service charge per year. \$435,180.00 total yearly revenue. There was a Penn Waste representative in the audience. Mr. Gentzler noted that the bidding is more competitive due to the recycling option. A performance bond will be required of the successful bidder.

Motion by Naylor, second by Rudisill, to adopt Resolution 2012-9, to award the municipal waste contract to Penn Waste. Motion passed unanimously.

- Comcast Franchise Agreement

The municipalities participating have been established. A meeting will be scheduled for municipality personnel to discuss the entire process.

Engineer's report – Byron Trout

Inspections – Steamboat Boulevard improvements begun; inspections on-going.

Met with Mike Jeffers about the Canal Road curbs and sidewalks; PennDOT conditionally approved the layout of the curbs and sidewalks. Mr. Trout reported that the person in charge at PennDOT now says that the Township knows its roads best; PennDOT will try to work with the Township to comply with its requests. This was a pleasant surprise. Curbs and sidewalks in that area should be completed by this summer.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – Mr. Cole?from the audience reported that the hope is to be into the new building by the end of June. They are still requesting funds from FEMA. There will be a new meeting room in the new building. There are differences of opinion regarding who will be permitted to use the meeting room; policies will be established soon.

Recreation Board – no minutes at this time.

Public Works Director – Mr. Gentzler reported that he and Mr. Rudisill met at Saginaw Park to discuss the wooden guide rail. Mr. Gentzler suggested putting a line of silver maples down through that area, alternating trees and wooden guide rail. He requested the other Board members take a look at the area and give their opinion of the proposal. Mr. Rudisill suggested doing something along the third base line, extending the chain link fence, then do wooden guide rail to the corner. This will keep vehicles out of the area. Also, install guide rail from the block building to the chain link fence. Can the rec funds be spent for these improvements? Absolutely. Mr. Gentzler will get estimates.

Zoning Officer – No questions on Mr. Beck's report. Mr. Beck noted that there's a vacancy on the Zoning Hearing Board due to a death of a Board member. No one's lining up so far.

Mr. Beck requested a hard copy of the Township's code book for the magistrate's office. This is a costly item to purchase; the information is online, but the magistrate's staff is not interested in that. They'd prefer a hard copy, particularly for the District Magistrate to use during court. It would be a good idea to provide that office with a copy. The Township's staff could conceivably make a photocopy of the Code Book at a much-reduced cost. This book is updated periodically. Mr. Rudisill feels that the magistrate's office can get the information online and the Township can provide a hard copy of the updates, but Mr. Miller corroborated the Magistrate's need for the paper copy during a case.

Motion by Naylor, second by Gross, to purchase a copy of the Township's Code Book for the District Magistrate's office. Motion passed unanimously.

Tax Exoneration Request – there were two requests, one by the Skill Center of Pennsylvania and one by the Sterners. Discussion was held on the advisability of granting these requests. The Sterner property was reassessed, hence their request for exoneration. Discussion: if the property is reassessed, why not get a rebate? Is this setting a precedent? The point was made that granting exoneration because of a reassessment could produce a flood of requests and less tax revenue for the Township!

Motion by Gross, second by Rudisill, to *deny* the request for tax exoneration by the Skill Center of Pennsylvania AND the Sterners; two members voted aye; Naylor opposed. Motion carried.

FEMA/PEMA Storm Damage Grant -- Mr. Gentzler reported on the FEMA process. Approval was received for work completed, in the amount of \$83K, and approval has been received for some work not yet completed, Creek Bottom Road and Park Street among those items. The whole process is moving forward. The money was approved but not yet received. \$5K was received for emergency repairs.

Judy called this week; cost still rising on the maintenance on the septic system at the park. Since public sewer is available nearby, Mr. Gentzler suggested hooking into the system rather than pouring money into this failing system year after year. He feels that the Township's crew could accomplish this work. He will get an estimate.

Land Development/Subdivision –

Leg Up Land Development Plan

Present on behalf of the applicant: Jacob Dortch, John Luciani, and Lou Castriotta from Leg Up farms. This is a revision of plans approved in 2003 and 2006???. This latest revision proposes to remove a riding arena and replace it with a fishing pond and therapy garden. The Planning Commission's comments have been addressed, including the retaining wall at the spring house.

The potential draw-down of the local water table was a concern of the Planning Commission. Mr. Luciani explained that surface flow and roof flow will be directed to the pond. The concern was if the pond was topped off using the on-lot well, would that affect the nearby wells? Mr. Luciani's research indicated that a flow of three gallons per minute would be needed to refill the pond to make up for the normal evaporation of about ¼ inch per day. He feels that there will be no impact to the adjoining wells. The closest well to this area is about 1000 feet away. Most of the homes are served by public water. It was noted that with ample rainfall, the pond will not need to be topped off for many days. There is an extra capacity of 12 inches within the pond.

Mr. Trout asked how the well pump will turn on. It will use a float system, so that when the 12 inches of extra capacity is used, when the level of the water drops, the pump will kick on. Will the pump automatically fill the level to the extra 12 inches? No, it'll keep it at the normal base level, not the extra. Inspections by the Township could assure the proper level. Mr. Trout feels that this will be a normal aspect of his inspections. Any other comments by Mr. Trout have been addressed.

Motion by Rudisill, second by Naylor, to approve the Leg Up plan as a final plan.

Motion passed unanimously.

Supervisor's comments

David L. Naylor – none

Barry E. Rudisill –

The burn ban has been lifted.

Streets in Chestnut Valley are adopted but the wearing course has not been applied. Mr. Trout noted that this is a common practice in the Township. Mr. Rudisill questioned this practice. Mr. Trout notes that the installation of the wearing course in this area is apparently in the works, but not until next year. Discussion was held on the normal course of operations regarding bonding, etc. Mr. Rudisill strongly suggested not adopting the streets until they are completed. Mr. Gross and Mr. Naylor agreed. Mr. Trout will send a letter to the appropriate developers to get the wearing course laid down. This practice should be discontinued; the Township shouldn't be adopting and maintaining roads that aren't finished.

Mr. Naylor asked how many trees were replaced in the ??area. This is still in the surety bond, in the process.

Mr. Rudisill asked about the storm water ponds at Asbury. Has the water company finalized the purchase of the sewage treatment plant? Unknown. Last month, Mr. Trout approved the plans for pond repairs. He will be involved in the repair process.

Battery backup installed? Agreements have been signed, so the project will be under way shortly. Parts are on order.

Meeting House intersection: Met-Ed's waiting to go. It's a work in progress, but there's been no action.

Steven H. Gross, Jr. –

Cohen Law group has billed the Township for work done concerning the cable franchise. Seems a bit early in the game for a bill. Mr. Miller noted that money was required on retaining the firm.

There will be a brief Executive Session following this meeting to discuss a personnel matter. No action will be taken.

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

8:25pm Motion by Gross, second by Rudisill, to adjourn. Motion passed unanimously.

Respectfully submitted,
Dave Gentzler
Secretary/Treasurer/Manager
Julie B. Maher, Recording Secretary