

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
June 12, 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 12 citizens.

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 no meeting/business had been conducted since the meeting on May 23, 2012.

Motion by Naylor, second by Rudisill, to approve the minutes of the meeting of May 8, 2012, as presented. All members voted aye; motion carried. Motion by Rudisill, second by Naylor, to approve the minutes of the meeting of May 23, 2012, making sure the date is correct. Motion passed unanimously.

Public Comments

Charlie Rearich, 2861 North Sherman Street, asked if the Board is aware that public water is being run through his area. Yes. Mr. Beck spoke to the York Water Company representative, who told him that the water company went door to door asking the residents if they are interested in having public water service. Why isn't the line being extended to the area north. Do those people actually want public water? Unknown. If residents want the service, they should notify the Township office.

Rick Lehman, Hickory Drive, asked about the outdoor burning in the Greenwood Estates development. A neighbor is doing outdoor burning. The smoke is a problem, so much so that it set off Mr. Lehman's smoke alarm in his house. The Lehmans spoke with the neighbor, who said he'd stop. He didn't. The residents contacted the Homeowners' Association; Mr. Lehman presented a letter. The HO Agreement specifies no outdoor burning. The problem has continued, including an outdoor grill and fire pit. It must be green wood, as it smokes a fair amount. The Township cannot enforce the HOA's policies. The police have indicated that they cannot do anything. Does the Township's burning ordinance need an addition to prohibit smoldering or offensive fires? Would that give the fire chief enough to enforce this as a violation? Yes, that would help. Why isn't the HOA doing its job in this development? The concern is that any ordinance that the Township writes will blanket the entire Township. Mr. Lehman feels that the HOA is unsure how to address this violation. Mr. Miller reviewed the HOA letter. Mr. Lehman feels that this situation is similar to a resident who is having a loud party or some other disturbance; there surely would be some enforcement in that case.

James Bernard, Hickory Drive, noted that this is a fairly wooded area with a build-up of leaves. He feels that this open burning is dangerous.

Mr. Naylor noted that it's difficult to legislate common sense. There are always ways around every rule. Mr. Gentzler checked the ordinance; it was adopted in 2006 and already states that fires that emit noxious odors are not permitted. HOA rules are meant to be self-enforcing.

Mr. Gross noted that in March, the fire chief determined that the fire was not presenting any danger nor was the resident in violation of the Township's ordinance.

Mr. Naylor noted that even if the Township adopts a language change to the ordinance, it would still be a matter of interpretation by the police officer or fire chief.

Mr. Gross suggested that the affected neighbors go through the HOA to get some results. They should attend the meetings and urge them to change and/or enforce the regulations within the development. Mr. Miller affirmed that Mr. Lehman can certainly call the local office of DEP to ask if they can help. A videotape of the neighbors burning unacceptable substances would help Mr. Lehman's cause. Mr. Naylor noted that on a police visit, it was evident that the resident was burning leaves, and he was cautioned about that practice (which is not permitted in the Township).

Motion by Naylor, second by Rudisill, to permit the Solicitor to prepare an amendment to the ordinance to include "no smoldering or offensive fires" as a caveat or condition to the permitted fires already addressed in the ordinance to give the possibility of more enforcement;. Two members voted aye; *Gross opposed*; motion carried.

Jane Deamer, from the Northeastern Senior Center, thanked the Township for its support in the past, noting that the participation at the Center is increasing. They are currently looking for a facility dedicated to the Senior Center, rather than holding their meetings and activities in a church basement, which is getting smaller and smaller. Know of any buildings? Let her know!

Special Request

PennDOT winter review questionnaire – let the staff fill out the questionnaire.

Correspondence

Manchester Borough letter – self-explanatory

Shonna Widener letter – Shonna Widener, 20 Hill Street, was present. Her issue is that Hill Street is not designated as a public access road; the cul-de-sac is not "up to specs" she has been told. She feels that the Township has had at least two occasions to bring the cul-de-sac into compliance. Her neighbor recently wanted to sell his house; he wanted the neighbors to sign a document stating that they were all responsible for the maintenance of the road. She is requesting that this situation be resolved. Could Hill Street be designated as a public street?

Jasmine Hall, 35 Hill Street, presented documentation in support of Mrs. Widener's information. This road is currently not serviced by the Township. Mr. Gentzler noted that when the Township adopts a road, documents are filed with PennDOT. Apparently this road does not meet PennDOT specs; the Township does not receive liquid fuels funding for this section of the road. Evidently the bottom portion of Hill Street is adopted by the Township, because the snowplow services that area. Mrs. Widener feels that she should have known about this situation 30-plus years ago when they bought this house. She is concerned about the possible difficulty of obtaining a buyer when she needs to sell her house. Another resident asked about liability and property values being affected by being on a private street.

Unfortunately, this is not the only situation like this in the Township. The Township can legally adopt this street. Mr. Gentzler feels that the surveying that was already done would be complete enough to suffice to get this street adopted. If the street needed major improvements to qualify for adoption, however, and it was cost prohibitive, the street would not be adopted. These must be examined on a case by case basis.

Motion by Rudisill, second by Gross, to adopt Hill Street unless the costs involved are prohibitive, pending review by Mr. Miller and Mr. Trout. All members voted aye; motion carried.

Motion by Rudisill second by Naylor, to authorize a traffic study on Hill Street. All members voted aye; motion carried.

Solicitor's report – Attorney Andrew Miller

Discussion was held on the Saybrook Homeowners Association documents presented for approval. The Board members are quite uncomfortable with the documents, concerned that only a few lots will be saddled with the maintenance of the common areas. Mr. Gross is concerned that some of the lots will be permitted to withdraw from the agreement. This would not be consistent with the zoning approval and the subdivision plans for the development. It was also noted, in light of the earlier discussion of the Greenwood Estates situation, that the HOA doesn't prohibit open burning, smoldering fires, and/or noxious smoke.

Motion by Gross, second by Rudisill, to *deny* the new HOA documents, refusing to sign them. All members voted aye; motion carried.

Mr. Gentzler noted that a building permit was issued today for C&F to do the model home in this development.

- Employee handbook
- Municipal Waste Collection Contract
- Comcast Franchise Agreement
- Signs for private drives
- Rentzel Heights Intersection Agreement
- Miscellaneous

(None of the above items was discussed during this meeting.)

No Executive Session will be necessary following tonight's meeting.

Mr. Gross noted that the state passed a law in April 2011 that states that a Board may deny issuing a permit to an applicant who has unpaid property taxes, school taxes, etc. Mr. Gross feels that the Township should follow suit, that any applicant's tax payment status be checked to make sure there are no unpaid balances, etc., before the Township issues any permits. Chestnut Square currently owes the school district several thousand dollars. The Township should work with the school district, being pro-active in collecting this amount. Since the law is already on the books, Mr. Beck should be authorized to check the tax situations of any applicant.

Motion by Gross, second by Rudisill, to direct Mr. Beck to start enforcing this policy, particularly with reference to developers and commercial entities starting June 13, 2012. All members voted aye; motion carried.

Mr. Gentzler will send a letter to the school board and the sewer authority to inform them of this policy.

Engineer's report – Byron Trout

Inspections – meeting house/George Street – stakes for poles are placed. Mr. Trout will respond to Mr. Rauscher, who appreciates the efforts being taken.

Five year MS-4 application has been submitted – water testing not required. There are many outfalls in the Township; Mr. Trout's office is in the process of inspecting most of them.

Asbury Falls is proceeding, but there are issues with the piping. They will be using replacement concrete piping.

Chestnut Valley – did the inspection; provided a letter to the developer. He'll follow up.

Saginaw/York Street – contacted DK Services to clear up the confusion as to who was waiting for whom and for what. He expects the work to be done next week to repair the pipe. Damage to the daycare area will likely be taken care of by insurance.

At 745 Market Street in Saginaw there's an ongoing stormwater complaint. A neighboring property owner may or may not have filled in a drainage swale or failed to put in a seepage pit. Mr. Trout tried to contact the property owner in question; he left a letter and his card for the person to contact Mr. Trout's office. He has received no response to date. Does Mr. Trout have authorization to go onto the neighboring property to inspect it? He cannot see the situation from Mr. Shermeyer's property or the street. If the swale was filled in, the neighbor should clear it out. If he's required to put a seepage pit in, he should do that. Mr. Trout should send a certified letter to assure that the neighbor receives it and hopefully some response will be forthcoming.

Mr. Gross noted that on Wago Road, near the new sewer authority, the ditch is closed and water is running out onto Wago Road. The state needs to clean this out. Mr. Trout will contact PennDOT to request action. Mr. Rudisill noted that there's a sinkhole near that area that needs attention; Mr. Trout will inspect.

From the audience, an unidentified man had a question about the houses that are being built again in Chestnut Valley. In the past, there was a problem with some of the grading. A grading plan is now required for each lot. Mr. Trout is on top of the situation. How about the shade tree to be planted on each lot? Is this happening? Mr. Trout noted that there's still bonding available for trees if this is a problem. Street trees are on the checklist to be sure that the developer is complying.

Plan Reviews – none at this time

Correspondence – none at this time

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – Mr. Naylor reported that there was a 3-3 vote on whether another entity could use the Sewer Authority's meeting room. This issue was brought up again at another meeting; it was unknown what the decision was.

Recreation Board – no June meeting

Public Works Director – No questions or comments

Zoning Officer – no questions. There's still a vacancy on the ZHB. Motion by Gross, second by Rudisill, to appoint Dwayne Moyer to fill Brad's unexpired term. All members voted aye; motion carried.

Manchester Borough Comp Plan and Land Development Ordinance – Mr. Beck reviewed and found no inconsistencies with EMT's ordinances.

FEMA/PEMA Storm Damage Grant – Mr. Gentzler confirmed receipt of the FEMA funds that had been approved; work is continuing to be accomplished. FEMA has approved 1,600 tons of stone to be replaced on Gut Road.

Mr. Naylor asked why there were no Rec Board minutes; no meeting. Is the park program running smoothly? So far – it hasn't started yet – but registrations are progressing.

Land Development/Subdivision –

Leg Up Development Plan – no discussion

Supervisor's comments

David L. Naylor – Mr. Naylor formed a Fire Committee; this committee consists of members of the fire companies and will not be a Township-sanctioned committee. The first meeting will be held on June 19, not open to the public. Mr. Naylor will give a full report to the Board of Supervisors. This group will focus on the consolidation of the two departments. A second board in the future will oversee the fire and ambulance services.

Barry E. Rudisill – fencing on Saginaw Park? The fencing is ordered. Playground mulch being delivered tomorrow. Stormwater project on Paw Paw Avenue and Locust -- finished? Nearly. Cleaning the upper side of Locust Street? Finished. Overhead door on breezeway? Project must go out for bid. Mr. Gentzler would like to remove the door and window out of the project to get it accomplished sooner. Go ahead.

Steven H. Gross, Jr. – no comments

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

Mr. Gentzler presented the information and documentation to set up the internet banking. What does the Board want to do? Comparisons were made on the expenses for postage and direct deposits. Would the bank provide the service at no charge? Mr. Gentzler is trying to work this out. Direct deposit payroll for the employees would help the office staff. Mr. Gentzler will put this into practice.

Motion by Gross, second by Rudisill, to adjourn. Motion passed unanimously.
The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher, Recording Secretary