

**EAST MANCHESTER TOWNSHIP
Board of Supervisors Meeting
July 10, 2012**

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

Chairman Steven H. Gross, Jr. disclosed that no meeting/business had been conducted since the last meeting on June 12, 2012.

Supervisor Naylor had a question for Attorney Miller on the Fire Committee paragraph; what constitutes a Township-sanctioned committee? One that the Board would set up and grant authority to. Is it the Township's intention to oversee this Committee? Mr. Miller outlined the differences between Township-sanctioned and non-township sanctioned. The Board members were satisfied with the explanation. **Motion by Supervisor Rudisill, second by Supervisor Naylor, to approve the minutes of the meeting of June 12, 2012. All members voted aye; motion carried.**

Public Comments

Jasmine Palmer was present on the Hill Street issue; a traffic study was to have been done. Mr. Trout explained that he is working on the center line descriptions; 255' meets the standard for Township adoption. Perhaps the Board can consider next month for adoption of Hill Street. Trees and shrubs will need to be removed from the ROW. If any residents desire to have their property corners marked, they will need to contact a surveying company to have this done. Attorney Miller will prepare a Resolution for the adoption of the street; deadline to submit the Resolution to PennDOT is August 31 to get the liquid fuels funds. The Board can act to adopt in August. Residents with trees/shrub to be removed will be notified by the Township that these items will be removed or trimmed. The residents certainly appreciate the Township's efforts.

Robert Urban, 1460 Conewago Creek Road, complained about a "public racetrack" right next to his house. His next door neighbors run four-wheelers each day, pretty much all day long. Calls to the police have proven ineffective; indeed, one member of the police force suggested Mr. Urban move. Mr. Urban feels powerless to deal with this situation any longer; the violators trespass on his property at all hours, he has trouble sleeping, and the whole problem is costing him money. He feels that he cannot continue to live in this house due to the stress and aggravation. The situation has become emotionally and physically draining for him. After calling the police in the past, he has suffered harassment from the offenders. He feels that his property is worthless; he couldn't sell it if he tried. The previous zoning officer did not give any satisfactory advice. Mr. Beck will look into the matter as soon as possible.

Terry Shickley, 1480 Conewago Creek Road, also spoke, confirming that his property has been damaged. He recently spoke with Lt. Daniels of the police department who said that he would talk with the offenders. Apparently, that didn't last long. Lt. Daniels told him there's a new rule; Attorney Miller reminded the Board that there are a few new code amendments in the works. These should give better results and recourse. Chairman Gross assured Mr. Urban that this matter will be addressed, not with instant results, but surely in a timely fashion and with diligence. Mr. Urban and Mr. Shickley appreciate the Board's and Mr. Beck's efforts.

Kevin McDonald, Manchester Borough, lives beside Meetinghouse Road, with the same type of trouble. The road carries a 25 mph speed limit; vehicles regularly far exceed the speed limit. It's worse during the school year; students use it like a race track. He is requesting better police enforcement for the speeding issue. The Borough told him to come here. Chairman Gross will bring it up at the police meeting on Monday evening.

From the audience, Joel Klindinst noted that he had the same trouble on High Street; a four-way stop sign helped the speeding. How about a three-way stop at Meetinghouse Road? This might be a better long-term solution to the problem.

Special Requests

U. S. Road Running – Brandon Parks was present to request the use of the roads for a half-marathon. Roads same as last time. **Motion by Supervisor Naylor, second by Supervisor Rudisill, to approve the use of the requested roads (?) for the half-marathon. All members voted aye; motion carried.**

Daniel Blair – Right on Red at Beshore & George – no one was present.

Correspondence

None at this time.

Solicitor's report – Attorney Andrew Miller

- Employee Handbook – no discussion
- Municipal Waste Collection Contract – no discussion
- Comcast Franchise Agreement – still waiting for the draft of the agreement of all municipalities involved.
- Burn Ordinance Amendment – Attorney Miller had previously provided a draft of the ordinance amendment. He recommends that if the Board members feel all's in order, the next step would be to check with the police department to see if they can enforce it; then in September the Board can approve for adoption. Supervisor Naylor will present the amendment to the police board on Monday for their input.
- Rentzel Heights HOA Amendment – sent a letter denying the approval of the HOA amendments addressed last month. Attorney Tim Patrona, Gettysburg, representing SCC Canyon, the developer, was present tonight. Discussion was held. Mr. Patrona distributed drawings. He gave some history of this project, saying that there was a preliminary contract a few years ago; property searches were done. The Declaration in place was not satisfactory. Problem with that was resolved. His advice was to make sure each phase of a development can stand on its own. Another builder asked him to fix the declaration; 7 or 8 lots were in the original first phase. That number of lots can't support the common elements. Mr. Patrona told them to re-figure the lots to better support. The common area and pool were added to the original number of lots. There are withdrawable lots to flex with the economy and necessity; it makes it simpler. He noted that two documents were combined into one. Question: this wasn't a phased development in the first place. Chairman Gross feels that the previous applicant put a lot of time/effort/money into this proposal years ago and now it's all changing. Chairman Gross will not support the prospect of convertible, withdrawable lots relative to the HOA. He feels that the HOA fees are high; HOAs are a source of trouble for this Township. Mr. Patrona explained that the configuration of the lots has been changed. He feels the budget can be supported with the reconfiguration. Chairman Gross is doubtful. The developer is paying the HOA fees himself as well, so he has a stake in the development. Supervisor Rudisill asked Mr. Miller: is there a statute that requires the developer to pay the HOA fees, too? Yes; the developer must pay like any other owner. The HOA document in the phasing scheme doesn't undermine the rest of the project. Chairman Gross feels that each owner in the development is tied into the open space area because of the zoning hearing process a few years ago. Mr. Patrona feels that the developer can get 76 units into the agreement to support the pool. Chairman Gross wants the documents to indicate that all the lots must be included in the pool/HOA. Mr. Patrona feels that there is no statute to require this. He feels that it's better to phase this development. Chairman Gross suggested that Mr. Patrona, Mr. Gentzler, and Mr. Beck read the transcript or minutes from the Zoning Hearing Board hearing that sets forth the conditions of approval of this development. Apparently, the inclusion of all lots in the HOA was a big selling point for the zoning approval of a cluster development. Now, the

paperwork indicates that the HOA will be established only after 80% of the lots are sold. Mr. Patrona feels that the developer can put 80% of the first 10 units sold into the HOA. He feels that the developer doesn't need to include any of the lots in the HOA. Supervisor Rudisill recalled a conversation with Dan Hayes who said that he would send someone before the Board to assure them that this proposal is better than the old one, and to assure the Board that not just a small part will support the entire common area features. Technically, this plan is better; just not good enough to satisfy the Board. Chairman Gross wants to see every lot in the HOA. He feels that if the lots aren't included in the HOA, they won't be able to use the pool, and they're not going to like that. Mr. Patrona can convert the units to the original documents if that's what the Board wants. Can Mr. Patrona assure the Board that when say, Phase 2 starts, those homeowners will be included in the HOA? He said they have to either include them or withdraw the land, and that's what the Board doesn't care for. Attorney Miller noted that they might have trouble legally doing so, but that remains to be seen. Attorney Miller – how about an assessment for the developed units and another assessment for the undeveloped units? Not really feasible. The developer wants to reserve the right to withdraw the lots. Attorney Miller noted that another ZHB could rule differently on a different plan. Attorney Miller proposed keeping the HOA documents and the subdivision plan together (?). Supervisor Rudisill wants Attorney Miller to take his idea /proposal back to Mr. Hayes for his input. Mr. Trout has a problem with the storm water maintenance elements of this plan. There are no provisions for long-term maintenance and/or converting the stormwater ponds to something permanent. Conversion cannot be accomplished until all the lots are sold anyway, per DEP regulations. It was noted that until the conversion is made, the developer is responsible for the maintenance of the areas. The Board members have had problems with the builder who is currently building the spec home in this development. Attorney Miller suggested that the Board members, Mr. Trout, and Mr. Gentzler go over the budget to try to come to some agreement or input. How about using 150 lots? Suggestion: there should be Board approval of a request to withdraw any lots. How much should the amount of the contribution per unit be to assure that the costs are covered? No agreement on any figure. Chairman Gross reminded Mr. Patrona that the school taxes are rather high in this Township. Couple that with the high HOA fees, and there might not be a long line of people waiting to purchase a lot and house in this development. Attorney Miller noted that the Township's ordinance does not set forth any standards for HOA agreements/documents, etc. **Motion by Supervisor Rudisill, second by Supervisor Naylor, to authorize the Solicitor to revise the Township's ordinance with respect to HOA standards. All members voted aye; motion carried.**

- Orchard Business Park Agreement – no discussion
- Fee schedule for municipal liens – changes distributed by Attorney Miller. There are a number of properties on the list to have liens filed against them; he recommends that the Board adopt this updated fee schedule. This will need to be advertised. **Motion by Chairman Gross, second by Supervisor Rudisill, to authorize the Solicitor to advertise the fee schedule to be adopted at the Board meeting in August. All members voted aye; motion carried.**
- Attorney Miller requested an Executive Session following this meeting to discuss personnel and Herman easement agreement and employee matters.

Engineer's report – Byron Trout

Inspections – Long's Paving has been hired for paving in Chestnut Valley development; this company will take care of all the items on Mr. Trout's list. Possible start October 1. Saginaw paving for storm sewer project – still some concerns to be addressed. Mr. Trout will provide a punch list for the completion of this project. Asbury Point embankment repair is complete. The basin is not complete yet, but work is underway. Lynn Drive? Swale – Mr. Trout's on it, with Mr. Beck's help on the occupancy permits requested. Apparently, the homeowner filled the swale in with mulch and some plantings, which will have to be removed. Mr. Trout can address this if need be. Discussion was held on whether the homeowners realize that the swale is even there. Mr. Miller noted that the property owners are informed at the title search phase of the home-buying process. Whether or not the buyers are aware of what that

actually means and whether realtors inform the buyers is another matter.

Plan Reviews – none at this time

Correspondence – nothing to discuss

Secretary/Treasurer/Manager's report – Dave Gentzler

Northeastern York County Sewer Authority Minutes – no questions. Still unaware of whether the meeting room will be available for municipal use.

Recreation Board Minutes – no minutes available this month.

Public Works Report – question from Supervisor Rudisill on Saginaw white line painting – done on only one side. Why not two? If there's no line on one side, the crew didn't have orders to paint where there was nothing there before. From the audience, Joel Klindinst clarified that that road's not wide enough to include lines on both sides.

Fencing for playground? Wooden guide rails are being installed, starting today.

Zoning Officer's Report – from Supervisor Rudisill – any reason to deny permits because of past-due taxes? Not yet, but there's one in the works that Mr. Beck's checking on.

Steamboat project is still underway.

Any applications for permits that should be denied pending payment of sewer bills? Chairman Gross made note of two residents/entities who owe past-due sewer bills. Mr. Beck will address this list, along with the other back tax applications. It was noted that Rentzel Heights, the development with which Mr. Patrona is involved, is on this list.

Tax Claim Bureau Request for Approval of Property Sale – Parcel numbers NI 0124, 0125, and NH0028 - the money received from the sale of these properties will not cover the amount of back taxes owed to the Township. The hope is to sell the properties and move forward to get them back on the tax rolls. **Motion by Supervisor Rudisill, second by Supervisor Naylor to accept the highest offer for the properties in question. All members voted aye; motion carried.**

Tax Exoneration Request – **Motion by Chairman Gross, second by Supervisor Rudisill, to exonerate Todd Strickhouser for the face amount of the tax and refund the amount. All members voted aye; motion carried.**

FEMA/PEMA Storm Damage Grant Update – no discussion

Recycle Bin Fee – no discussion

Land Development/Subdivision

Orchard Business Park -- Dave Koratich, Mike Jeffers, and Tim Kinsley were present. Chairman Gross noted that the community is very close to discontinuing LERTA. The Board is asking for Mr. Kinsley's help in keeping this program going. Plus, residents are asking when the Kinsley project at Canal and Espresso will be finished. Mr. Kinsley explained that the delay had to do with the discrepancy between the Township ordinance for curbs and sidewalks and PennDOT's refusal to accept that part of the project. Finally, only a couple of months ago, PennDOT agreed to accept curbs and sidewalks. Plans will be resubmitted to PennDOT by the end of July; it would be great to finish this project this year, next spring at the latest. It all hinges on PennDOT's approval/return of the documents.

On the Orchard Business Park plan, Lot 1, Bartlett Drive, construction of large building. The Planning Commission comments were discussed. A buffer yard is required on the northern and eastern sides plus a 15' separation distance. On eastern end, there's a 15' separation and a 15' buffer. They are planning to keep the existing vegetation on the berm plus supplement with more trees. The applicants have done a revised grading plan, satisfactory to Mr. Trout. Curbs and sidewalks on both sides of the road will be shown on the plan. Stormwater will be kept between the existing berm and the new berm, on the applicant's property. The staff has no concerns with this plan, other than the normal stormwater plan approvals, etc. The idea is to present the revised plan to the Township Staff next week, addressing any outstanding comments so that the Board of Supervisors can approve the plan in August. Discussion was held on the possibility of there being a gas line running through the property. Mr. Jeffers has made a one-call request; if the line's there, it will be marked. Lights will be shielded.

Supervisor's comments

Supervisor David L. Naylor – Fire Committee met; next meeting will be next Tuesday. A representative from DCED will be there to assist.

Motion by Supervisor Naylor, second by Chairman Gross, to enact an immediate burn ban, subject to being repealed at the discretion of the Manager/Zoning Officer. All members voted aye; motion carried.

Supervisor Barry E. Rudisill – the Sewer Authority minutes indicate that the Manchester Street manhole was repaired, but the Board members agree that it still isn't satisfactory. Evidently, this is an on-going issue with new problems cropping up here and there. Wago Road water runoff; PennDOT is to clean out the area. It's been re-graded. Playground – rubber mulch has been placed instead of wood mulch. Supervisor Rudisill had seen shock-absorbing blocks over an entire playground surface; how about that? It would be a one-time expense and there's a local manufacturer. Mr. Gentzler will look into it.

Chairman Steven H. Gross, Jr. – there are several places in the Township where phone lines or cable TV lines are hanging down near the roads – what's the deal? Also, there are places where a pole was replaced and the old pole remains. Mr. Gentzler has made a call to get some results. Also, the prospect of starting internet banking has not seen any progress; change banks? Let Mr. Gentzler shop around for the best deal. Playground program going all right? Presumably. No news is likely good news.

Motion by Supervisor Rudisill, second by Supervisor Naylor, to appoint Jon Beck as Building Codes Officer. All members voted aye; motion carried.

Motion by Supervisor Rudisill, second by Supervisor Naylor, to sell the green and blue recycling bins for \$5.00 for one of each. All members voted aye; motion carried.

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

Motion by Chairman Gross, second by Supervisor Rudisill, to recess to an Executive Session. All members voted aye; motion carried. The Board recessed at 10:02.

The meeting reconvened at 11:10 there was no action taken and the meeting adjourned.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary