

WEST MANHEIM TOWNSHIP BOARD OF SUPERVISORS MEETING

Regular Meeting

Thursday, May 1, 2008
6:00 p.m.

The Regular Meeting of the West Manheim Township Board of Supervisors was held on the above date and time at the Municipal Building.

The Meeting was called to Order by Chairman Barnhart, followed by the Pledge to the Flag and Invocation.

ROLL CALL: Present were Supervisors Barnhart, Raubenstine, Williams, Parr and Gobrecht. Also present were Manager Richardson, Mike Knouse from C. S. Davidson and Solicitor Linus Fenicle.

RECOGNITION OF VISITORS: Visitor's Register Attached.

PUBLIC COMMENT - ITEMS NOT LISTED ON AGENDA - There were no comments at this time.

APPROVAL OF AGENDA: The Agenda was approved in a motion by Supervisor Parr, seconded by Supervisor Gobrecht and carried with the following changes: Additions (5A - Christine Gienski, 5B - Carl Gobrecht, 11F - Sanitary Sewer Easements, 13B - Clambake and Trade Fair) Deletion (14C - Approval of Utz Plan). Supervisor Williams requested to speak about Dog Parks, Junkyards and The Official Map at the end of the meeting.

Christine Gienski, Chairman of the Rec Board, reported that the Rec Board is working on a set of rules of usage for the Park. Volunteers are also needed for work at the Park site and for the car show on June 14, 2008.

Carl Gobrecht expressed his thanks to the Township and Police Department for the cards, flowers, etc. received after the recent death of his father.

APPROVAL OF DISBURSEMENTS: The Disbursements for the Month of April, 2008, from all Funds, were approved as listed in a motion by Supervisor Williams, seconded by Supervisor Parr and carried.

APPROVAL OF MINUTES: The Minutes of the Regular Meeting of April 3, 2008 and the Work Session Meeting of April 15, 2008 were approved, as distributed, in a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried.

SOLICITOR REPORT: Linus reported that a new appraisal has been received from the Calvary Assembly of God Church. Their appraised value is now \$65,000.00. This item will now go back to the Board of View.

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ENGINEER'S REPORT: Mike Knouse presented a written Report of C. S. Davidson, Inc. dated May 1, 2008. Written copies were distributed to Supervisors and Staff (copy in Township files). Street Maintenance Program - Bids were opened on April 30, 2008 at the office of C.S. Davidson. Kinsley Construction submitted the lowest bid for Project 1 which consists of portions of Hobart Rd., Sunset Dr., Fuhrman Mill Rd. and Shermans Church Rd. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board awarded the contract to Kinsley Construction in the amount of \$119,944.64. No bids were received for Project 2 (oil & chip on Shermans Church Rd. The small section of Frogtown Rd. and the driveway at the new Township building can also be included in this year's budget for improvements. Pumping Station Road Relocation - Correspondence has been received from the attorney representing the Church concerning the pond. The church is apparently concerned about the pond discharging into the drainage easement. This was shown on the original recorded subdivision plan. In a motion by Supervisor Williams and seconded by Supervisor Raubenshine, the Board authorized Linus to submit a letter back to them stating this. Motion carried. Baltimore Pike Curb and Sidewalk - Construction will not begin until the required Highway Occupancy Permit and Temporary Easements are obtained. Several sight distance issues need to be resolved. Area 2 and 3 Sanitary Sewers - The engineers met with the Board on April 15th at 5:00 p.m. to review the construction plans for Areas 2 and 3. Advertisement will be in the beginning of May. Area 3 Interceptor - The environmental permit has been re-submitted and should be obtained over the next couple of weeks. Zoning Ordinance Update - The revised text, incorporating the York County Planning Commission comments, have been re-submitted for their review. The date of the Public Hearing will need to be revised based upon the Planning Commission's action at their May meeting. Subdivision and Land Development Ordinance and Stormwater Management Ordinance - The updates will be completed once the modifications are complete to the Zoning Ordinance. Fairview Dr./Baltimore Pike & Brunswick Dr./Baltimore Pike Traffic Signals - PennDOT has indicated that the permit is forthcoming. Community Development Block Grant Application - Mike reported that the deadline for submitting new applications is June 6, 2008. In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board authorized Mike to submit the application for a grant to complete the Curb and Sidewalk in Pleasant Hill, update the 537 Plan, or evaluate the intersection of Geeting Road with Grand Valley Road. An e-mail has been received concerning the pond at Smeach Drive. The Township replaced the structure that was decayed and the homeowners are now responsible for maintaining this area. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board authorized Andy and Mike to draft a letter to the homeowners and have Linus review it. It will then be sent to the homeowners with a copy of the deed. Supervisor Barnhart explained that

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there have been two planning modules returned from DEP. They will not sign them due to the Corrective Action Plan not being completed by Penn Township. In a motion by Supervisor Parr, seconded by Supervisor Williams and carried, the Board requested a letter be sent to Penn Township and DEP for more information.

MANAGER'S REPORT - Andy distributed a copy of his Manager's Report. He will be updating this report for each meeting. (A) The project is substantially complete. In a motion by Supervisor Williams, seconded by Supervisor Raubenstine and carried, the Board approved change orders for BFPE, Davidson, H & C, Eshenaur Fuels, Inc., Midstate Mechanical and McCoy Brothers. The Board recommended denial of Change Order #29 for McCoy Brothers in the amount of \$2,949.00 in a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried. This change was due to some disputed work. In a motion by Supervisor Williams and seconded by Supervisor Raubenstine, the Board approved Directive #1 for McCoy Brothers to proceed with work from Change Order #29. Motion carried. The Board approved the following certificates for payment from the contractors at the new municipal building in motions by Supervisor Parr, seconded by Supervisor Gobrecht and carried:

- (1) Davidson, H & C Co., Inc. - Appl. #5 (\$18,191.23)
- (2) Eshenaur Fuels, Inc. - Appl. #7 (\$36,535.60)
- (3) Eshenaur Fuels, Inc. - Appl. #8 (\$11,160.00)
- (4) M3T Corporation - Appl. #1 (\$20,000.00)
- (5) Midstate Mechanical - Appl #8 (\$9,156.48)
- (6) Midstate Mechanical - Appl #9 (\$2,256.11)
- (7) McCoy Brothers, Inc. - Appl #7 (\$288,168.89)
- (8) McCoy Brothers, Inc. - Appl #8 (\$58,729.00)
- (9) Freedom Systems - (\$32,949.03)
- (10) First Capital Insulation - (\$1,000.00)

In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board approved asking for a credit of \$6,281.55 from McCoy Brothers, Inc. to delete office furniture from their contract and have the Township purchase furniture direct for a savings of \$1,742.21. (B) Andy has been receiving many calls regarding open burning in the Township. He recommended to the Board to either update the current ordinance or development a new ordinance to prohibit open burning in several zoning districts. Correspondence has been received from Ed Lookenbill (Pumping Station Road). He would like to have curbside pickup for brush and limbs. Correspondence was also received from Jeffrey Good (Kenlee Circle). He would like to have a burn ban enacted in order to prevent residents from burning trash and garbage. Residents were in attendance to offer their ideas concerning a burn ban: (1) Helen Renner (Oak Hills Dr.) - allow responsible burning of yard waste and brush. Cite the ones who do not obey the ordinance. (2) Dorothy O'Leary (Oakwood Dr.) - She follows the rules and uses a burn

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barrel. A complete ban is unfair. Burning should be restricted but not banned. (3) Robert Eckenrode (Casino Court) - Would like to burn yard waste and leaves. Township should make special provisions. (4) Duane Diehl (Oakwood Dr.) - To have the garbage collectors take the extra waste would cost more money. Township should pick it up and grind it for mulch. (5) Bill Wagaman (Baltimore Pike) - Would like burning restricted but not banned. (6) David Barber (Kenlee Circle) - Would like to see responsible burning - no garbage, trash or plastic. Be considerate of your neighbors. (7) Bill Brandenburg (Art Dr.) He doesn't want to lose recreational burning, (grills, chimineas, bonfires). (8) Bonnie Litvin (Fuhrman Mill Rd.) - Shouldn't punish everyone. Advise residents what they are allowed to burn. (9) Bill Kiick (Oak Hills Dr.) - He asked Andy to clarify if the ban would be enforced by acreage or zoning districts. (10) Connie Stiff (Fuhrman Mill Rd.) - Burn ban would be an inconvenience for her. She has many trees on her property and needs to burn limbs and yard waste. (11) Jamie Zartman (Baltimore Pike) - Clarify open-burning and restrict it but don't ban it. (12) Jim Litvin (Fuhrman Mill Rd.) - He prunes trees and has truckloads of brush. Penn Waste would not pick up that amount of waste. (13) Jeff Good (Kenlee Circle) - He used to burn but harmful chemicals are being released into the air due to burning of garbage and plastic. (14) Todd Meckley (Art Dr.) - He agrees that trash, garbage and plastic should not be burned but doesn't agree with a complete ban. (15) Christine Gienski (Waterview Rd.) - Township should try to enforce the current ordinance. Supervisor Raubenstine asked that the Board members receive a copy of the current ordinance to review and that someone check with Chief Hippensteel regarding the enforcement of the ordinance. Supervisor Williams made a motion to adopt a burn ban ordinance according to the zoning districts listed in the Manager's Report. Supervisor Parr seconded the motion. The motion failed when Supervisor Williams voted "yes" and Supervisors Parr, Gobrecht and Raubenstine voted "no". This discussion will continue. (C) Andy distributed the job description for a part-time janitor. In a motion by Supervisor Parr, seconded by Supervisor Raubenstine and carried, the Board approved the job description amended to say "not to exceed 30 hours per week". (D) The traffic study for the speed limit on Fuhrman Mill Rd. has been re-submitted to York County Planning. (E) In a motion by Supervisor Williams, seconded by Supervisor Raubenstine and carried, the Board authorized Andy to respond to Comcast regarding the Franchise Agreement Extension. Andy would recommend a shorter extension time and free cable and e-mail for the Municipal Office. (F) Andy and Mike Knouse have been meeting with some residents of the Area 2 and 3 Sewer Projects concerning their easements. He presented three recommendations to provide funding offers. In a motion by Supervisor Williams and seconded by Supervisor Parr, the following offers were approved: (1) Melvin Garrett (96 Country Lane) - \$3,055.00, (2) John Czapp (130 Sugarboot Lane) - \$2,055.00 and (3) Tim Pfaff (158 Sugarboot Lane) - \$3,055.00. Dolores Kraft asked about flouride being added to the water. A survey was done and the response was that the majority wanted fluoride added to the water.

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CORRESPONDENCE: (A) Letter received from residents of Shaffer Circle asking that the road crew not use cinders during the winter months on Shaffer Circle. They pose a safety problem when attempting to pull out onto Route 94. Andy explained that the cinders will now be able to be picked up with the new street sweeper. In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board authorized Andy to respond to this letter. (B) Supervisors Raubenstine, Parr and Williams will attend the LGAC Full Committee Annual Dinner Meeting. (C) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved the closure of Shermans Church Road on May 17 and 18, 2008 for an annual car and tractor show. (D) In a motion by Supervisor Williams and seconded by Supervisor Parr, the Board approved the distribution of the 2007 Annual Consumer Confidence Report. Motion carried. (E) Andy informed Board members that the application for the DCNR Park Grant has been submitted.

NEW BUSINESS: (A) The Board approved the proposals submitted by Stambaugh Ness, Inc. to perform the 2007 Audits for the Sewer and Water Accounts in a motion by Supervisor Williams, seconded by Supervisor Parr and carried. (B) The Board approved the attendance of Supervisor Williams and Tim Pfaff, Utilities Supervisor, to a Trade Fair sponsored by The York Water Company.

SUBDIVISION PLANS:

(A) The following Subdivisions Plans were given review time extensions as per written requests, in a motion by Supervisor Parr and seconded by Supervisor Williams: Orchard Estates - Gobrecht - 58-lot Preliminary; Dwight & Pamela Myers, 3 - lot Final; Wyndsong Pointe, Phase II, 15 - lot Final; Eugene Beatty, 2-lot Final; Fuhrman Mill Heights, 1-lot, 34 units - Final Plan, Glenn and Jennifer Auchey, 2-lot Final and Chester & Margie Utz, 4-lot Final. Motion carried. Supervisor Barnhart abstained on several plans as per his previously submitted letter of abstention.

(B) In a motion by Supervisor Gobrecht and seconded by Supervisor Parr, the Board then tabled all the following plans: Joshua Hill Farm, 124 - lot Preliminary; Warner Farm, 15 - lot Preliminary; Orchard Estates - Gobrecht - 58-lot Preliminary; Dwight & Pamela Myers, 3 - lot Final; Preserve at Codorus Creek IV, 79 - lot Preliminary; Wyndsong Pointe, Phase II, 15 - lot Final; Eugene Beatty, 2-lot Final; Fuhrman Mill Heights, 1-lot, 34 units - Final Plan; Highpointe at Rojen Farms, Phase IIA, 34-lot Final; Fox Run Village, 25-lot Final; Steeple Chase, 12-lot Final; Community Banks, Land Development Plan, 1-lot; Karl & Blanche Moore, 3-lot Final; Homestead Acres, J. A. Myers, 134-lot Preliminary, Northfields, Phase II, 52-lot Preliminary; Benrus Stambaugh et al, Land Development Plan, James Horak & Donald Yorlets, 6-lot Preliminary; Bowman Property, 3 Add-on Lots, Glenn and Jennifer Auchey, 2-lot Final and Chester & Margie Utz, 4-lot Final Motion carried.

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Supervisor Barnhart abstained on several plans as per his previously submitted letter of abstention.

In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board decided to deny the Chestnut Hill - Pat Stambaugh - 17- lot Preliminary Plan. There has been no activity on this Plan since it was submitted in 2005. Linus will draft a letter to the developer explaining the reasons for denial.

It was decided that no further engineering reviews will be done on the plans that have not paid their escrows up to date.

(C) This item was deleted from the Agenda.

(D) A letter has been received requesting the John & Martha Halter Plan be withdrawn. In a motion by Supervisor Raubenstine and seconded by Supervisor Parr, the Board accepted this withdrawal. Motion carried.

PUBLIC COMMENTS AND/OR SUPERVISORS COMMENTS:

Greg Sullivan (Lee Ann Court) presented pictures of two properties in his neighborhood that he would like the Township to bring into compliance regarding weeds and junk cars. In a motion by Supervisor Williams, seconded by Supervisor Raubenstine and carried, the Board requested action on these issues within a week.

Duane Diehl asked if the signs were ever posted on Vegas Drive to help the Girl Scout with her neighborhood project. Andy responded that this work has been completed.

Supervisor Parr asked if the unmarked police car sitting in back of the building is actually needed or if it could be sold. He also wondered why the decals have been taken off of the Jeep Cherokee. Andy explained that the white unmarked car is available for any employee's use for seminars, training sessions, etc. Supervisor Parr asked that the decals be put on so these cars could be designated as Township vehicles. Supervisor Raubenstine does not want to spend the extra money to replace these markings if they are not needed.

In a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and carried the Board approved the attendance of Supervisor Williams to a training session on the official map. They also would like this training to be offered to the members of the Planning Commission.

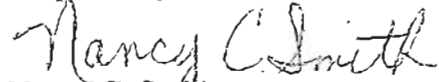
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NEXT SCHEDULED MEETINGS: PSATS State Convention - May 11-14, 2008.
Supervisors Work Session - Tuesday, May 20, 2008 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m. Public Hearing for Agricultural Security, Chester Utz - May 20, 2008 at 6:30 p.m.
Supervisors Regular Meeting - Thursday, June 5, 2008 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m. at the new Township Building.

ADJOURNMENT: The Meeting was adjourned at 7:37 p.m. in a motion by Supervisor Parr, seconded by Supervisor Williams and carried.

Respectfully submitted,



Nancy C. Smith
Secretary