

WEST MANHEIM TOWNSHIP BOARD OF SUPERVISORS MEETING

Regular Meeting

Thursday, July 3, 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 at 2412 Baltimore Pike.

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, Terry Myers and 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 Williams, seconded by Supervisor Gobrecht and carried with the following additions: (12B – Letter from Hanover Chamber of Commerce, 12C – Letter from WMT Police Department, 12D – Letter from DEP to Public Water Suppliers, 12E – E-mail from Michael Lyons concerning no parking on Baltimore Pike and 13E – Well Drilling Requirements).

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

APPROVAL OF MINUTES: The Minutes of the Work Session Meeting of June 17, 2008 were approved, as distributed, in a motion by Supervisor Williams, seconded by Supervisor Parr and carried.

SOLICITOR REPORT: Linus reported that the Board of View has completed their report on the issue with Calvary Assembly of God Church. After hearing testimony and reviewing the situation, they awarded \$45,000.00. Linus explained that this issue is in litigation and a decision should be made. Supervisor Williams made a motion to approve the amount of \$45,000.00 and Supervisor Barnhart seconded the motion. Supervisor Raubenstine disagreed. He feels that when the Plan was approved in 2002, verbal agreement to this construction was given. Linus does not believe that the Plan included the dedication of the right-of-way and recommended resolving this issue. The Board approved the sum of \$45,000.00 be awarded to Calvary Assembly of God Church with Supervisor Raubenstine voting against the payment. Linus will advertise for the Public Hearing on the Amendments to the Zoning Ordinance to be held on

West Manheim Township Board of Supervisors Meeting
July 3, 2008 (Cont'd)

August 7, 2008 at 6:00 p.m. Linus has been asked to meet with representatives of the Bowman Subdivision Plan (engineers, attorney, etc.) to discuss the transfer of development rights and existing non-conformity. He will not meet with them unless authorized by the Board. The Board believes that if a variance or special exception is being discussed, the Bowmans should go before the Zoning/Hearing Board or at least come to a Board of Supervisors Meeting and discuss their requests. In a motion by Supervisor Barnhart, seconded by Supervisor Williams and carried, the Board refused to authorize the Solicitor to meet with the Bowmans. Linus will contact their attorney.

ENGINEER'S REPORT: Mike Knouse presented a written Report of C. S. Davidson, Inc. dated July 3, 2008. Written copies were distributed to Supervisors and Staff (copy in Township files). Plan Review Status – In a motion by Supervisor Williams, seconded by Supervisor Barnhart and carried, the Board authorized the signing of the Planning Module for the Charles and Pamela Bowman Plan. Street Maintenance Program – An agreement has been drafted for the improvements along Fairview Drive. The agreement should be finalized by the next meeting. A pre-construction meeting has been held for the 2008 street improvements and a notice to proceed has been issued to Kinsley Construction. Work should begin the week of July 7, 2008. The Board previously approved the oil and chip projects for Hillcrest Drive and Skylite Drive to be included under the 2008 Street Improvements. Due to the increase of materials, the engineers recommended that this project be postponed until 2009 and at that time they could be completely redone. In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board approved postponing this project. The Tracey Road Bridge remains closed and the required permitting is in process. Baltimore Pike Curb and Sidewalk – Gregory Contractors, Inc. was awarded the contract for this project. The Contractor has made a request for unit price adjustments and Change Order #1 has been submitted. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved this change order which shows an increase of \$18,084.12. Area 2 and 3 Sanitary Sewers – Bids were opened on June 30, 2008. There were nine bidders for Contract #1 for the general construction of the collection system and four bidders for Contract #2 for the pumping station and electrical work. Doli Construction Corporation submitted the lowest bid for Contract #1 at \$4,416,347.00. Electroventions, Inc. submitted the lowest bid for Contract #2 at 45,535.00. Area 3 Interceptor – This item is listed as a separate Agenda item. Water Study – The Board discussed whether the water tank should be placed into operation at this time or just prior to the transfer of the system. In a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and carried, the Board agreed to not proceed with this issue until Tim Pfaff and the Township Engineers are satisfied with all aspects involved in putting the tank into operation. Zoning Ordinance Update - A Public Hearing is to be held on August 7, 2008 at 6:00 p.m. Supervisor Barnhart explained the letter that was sent from DEP to Penn Township concerning their

West Manheim Township Board of Supervisors
July 3, 2008 (Cont'd)

Corrective Action Plan. DEP will not approve any sewer taps and will not approve any planning modules until a Consent Order and Agreement is signed by Penn Township and DEP. The Board authorized the Engineers to ask Ed Corriveau of DEP if our Township will be able to hook up the Area 2 and Area 3 Sewer Projects in a motion by Supervisor Parr and seconded by Supervisor Raubenstine. Motion carried. In a motion by Supervisor Barnhart, seconded by Supervisor Gobrecht and carried, the Board agreed to have Linus review the sewer agreement between Penn Township and West Manheim Township concerning the payments that have been submitted to Penn Township to reserve sewer capacity.

MANAGER'S REPORT - (A) In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board approved Change Orders #32 & #34 for McCoy Brothers. The Board agreed to hold Change Order #33 for McCoy Brothers until the next meeting on the recommendation of the Township Manager and a motion by Supervisor Williams and seconded by Supervisor Raubenstine. Motion carried. The Board approved Certificate for Payment #10 (\$6,228.06) from Midstate Mechanical in a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried. (B) The members of the Board have received the original Township Ordinance from 1992 regulating outdoor fires. Supervisor Williams presented a draft of a municipal ordinance controlling open outdoor burning. Andy asked the Board members to review this draft copy. Wendell Felix of Cardinal Drive commented on his concern for open burning and the distance from property lines. He suggested that the distance should be three hundred feet from *ANY* property line. (C) Andy is working with Linus on the Comcast Franchise Agreement Extension. (D) The service fee for a bad check was increased to \$50.00 by Act 70 of 2007 adopted by the Pennsylvania Legislature. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board adopted the new charge of \$50.00. (E) Andy presented a basic organization chart of elected and appointed officials and employees of the Township. Supervisor Raubenstine questioned the department liaisons which are determined each year.

CORRESPONDENCE: (A) The Internal Revenue Service has increased the mileage rates through December 31, 2008. In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board adopted the new mileage rate of 58.5 cents per mile. (B) The meeting on local planning scheduled by the Hanover Chamber of Commerce for June 30, 2008 was cancelled and will be rescheduled. (C) A letter was presented from Chief Hippensteel regarding the resignation of Officer Shawn Cuffley effective June 30, 2008. The Board accepted the resignation in a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried. Chief will begin the process of searching for a replacement. It was decided to check into a Civil Service Exam for the new hire.

West Manheim Township Board of Supervisors
July 3, 2008 (Cont'd)

(D) Letter received from DEP to the Township as a public water supplier regarding Pennsylvania's Interim Program for Operator Certification. These certified operators should be the only ones to make process control decisions both in the plant and in the system. (E) Supervisor Barnhart received an e-mail from Michael Lyons concerning the "no parking" restriction on the Baltimore Pike. He will forward the e-mail to the Board members.

OTHER BUSINESS: (A) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved the signing of a service agreement with PA One Call to change delivery from fax to e-mail. (B) A letter was received from S & A Homes requesting the Board's consideration of waiving several Township fees (recreation fees and EDU sewer tap fees) for the Fox Run Village Development. S & A indicated this would assist in their ability to construct the Area 3 Interceptor and run the lines. In a motion by Supervisor Parr and seconded by Supervisor Williams, the Board authorized the Township Engineer and the Township Manager to work together on a letter to S & A Homes concerning denial of the waiver requests and requesting the funding for the acquired easements by the next meeting of the Board. Motion carried. (C) Linus has drafted an ordinance regarding the parking limitations on the Baltimore Pike. He received an e-mail from Chief Hippensteel, but has not been able to meet with Chief to review his concerns. This will be discussed at the next meeting. (D) The water tank was discussed under the Engineer's Report. (E) Supervisor Barnhart requested an update on the abandonment of the wells associated with the Quillen Development. Tim Pfaff responded that he has not received all the well abandonment reports that were required. In a motion by Supervisor Barnhart, seconded by Supervisor Williams and carried, the Board decided no well drilling permits will be issued to the persons who have not furnished the abandonment reports.

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 Gobrecht: Joshua Hill Farm, 124 - lot Preliminary; Warner Farm, 15 - lot Preliminary; Preserve at Codorus Creek IV, 79 - lot Preliminary; Benrus Stambaugh et al, Land Development Plan, James Horak & Donald Yorlets, 6-lot Preliminary and Bowman Property, 3 Add-on Lots. Motion carried. Supervisor Barnhart abstained on several plans as per his previously submitted letter of abstention.

(B) In a motion by Supervisor Parr and seconded by Supervisor Gobrecht, 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

West Manheim Township Board of Supervisors
July 3, 2008 (Cont'd)

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, Chester & Margie Utz, 4-lot Final and Lutheran Social Services, Phase 2 – New Apartment Building. Motion carried. Supervisor Barnhart abstained on several plans as per his previously submitted letter of abstention.

(C) In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board approved the transmittal of the Planning Module for the Glenn and Jennifer Auchey, 2-lot Final Plan.

Andy Bealing came before the Board to ask for approval of the Chester & Margie Utz Subdivision Plan. He asked for reconsideration of the proposed private road and the grading of the cul-de-sac. The Plan was recommended for approval by the Township Planning Commission with the condition that the cul-de-sac be stoned at the request of the Township EMA. Mr. Bealing now wishes not to stone the cul-de-sac because it will be part of his yard. Supervisor Williams made a motion to approve the Plan, as is, and it was seconded by Supervisor Gobrecht. Supervisors Williams and Raubenstine voted in favor of the motion and Supervisor Parr and Gobrecht voted against the motion. Supervisor Barnhart would have abstained from this vote due to conflict of interest involving his employment with Hanover Land Services, the engineer for this project. His vote was needed to break the tie vote and he voted against approval of the Plan, as is. The Plan was not approved. The Board asked that Mr. Bealing request a waiver to the Township Private Road Ordinance in written form and present it to the Board.

PUBLIC COMMENTS AND/OR SUPERVISORS COMMENTS:

Melissa Schoenberger, 1359 Wanda Drive – She expressed her concern over the high water and sewer bills. She doesn't understand how the Township can keep raising the rates. Terry Myers explained how the rate is determined. She wondered if a flat rate per household could be charged for all residents. She has a plumber scheduled to check for any problems within her house that could be causing higher water usage.

Duane Diehl of 1525 Oakwood Drive made a formal request for a copy of the contract that was signed when the Township Manager was hired. He received a written response indicating that the Township does not require employee contracts. He then asked when the Manager was given authority for personal use of a Township vehicle. He and

West Manheim Township Board of Supervisors
July 3, 2008 (Cont'd)

several other residents he has spoken to would like to see the Township vehicles be used for Township business only in order to save taxpayer money at this time of high gasoline prices.

Byron Mayne, 1 Dunmore Drive – He approached the Board again about his neighbors not cleaning up after their dogs. He lives in the Menlena Development and they do not have a Homeowners Association to enforce this issue. He previously asked to have signs posted and nothing has been done. In a motion by Supervisor Gobrecht, seconded by Supervisor Parr and carried, the Board authorized Andy to research any available signage concerning this nuisance. Andy will report his findings at the next Board Meeting.

Pete Schoenberger reported that he has seen signs concerning this issue in other municipalities.

Owen Wilson, 1047 Bear Crossing – He wanted to know when Fairview Drive will be repaved. The Board explained that an agreement is being established with the developers of Lutheran Social Services for this road work.

Supervisor Parr asked Andy to verify who is acting Manager when he is out of the Office. Andy explained that it was decided a while ago that Secretary Nancy Smith is next in line if he is out.

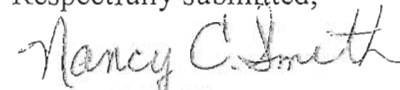
Supervisor Williams asked about getting items on the Agenda and Supervisor Barnhart explained that the cutoff is one week before the scheduled meeting.

Supervisor Raubenstine asked to have the Board discuss the prevention of West Nile Virus at the next meeting. This item will be added to the Agenda.

NEXT SCHEDULED MEETINGS: Supervisors Work Session - Tuesday, July 15, 2008 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m. Supervisors Regular Meeting - Thursday, August, 2008 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m.

ADJOURNMENT: The Meeting was adjourned at 7:41 p.m. in a motion by Supervisor Williams, seconded by Supervisor Parr and carried.

Respectfully submitted,



Nancy C. Smith
Secretary