

WEST MANHEIM TOWNSHIP BOARD OF SUPERVISORS MEETING

Regular Meeting

Thursday, May 7, 2009
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 Mike Knouse from C. S. Davidson and Solicitor Linus Fenicle.

RECOGNITION OF VISITORS: Visitor's Register Attached.

PUBLIC COMMENT - ITEMS NOT LISTED ON AGENDA

APPROVAL OF AGENDA: The Agenda was approved in a motion by Supervisor Parr, seconded by Supervisor Williams, and carried with the following additions: (12C – Request from Sandy Myers, Receptionist, 12D – Letter from DCED, 12E – Letter from Penn Township Board of Commissioners, 13E – Custodial Services at the Township Building, 13F – Memo Concerning Water and Sewer Bills and 13G – Discussion of Meeting Dates (Supervisor Gobrecht).

APPROVAL OF DISBURSEMENTS: The Disbursements for the Months of April and May, 2009, 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 Work Session Meeting of April 21, 2009 were approved, as distributed, in a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried.

RECREATION BOARD REPORT: Linus has reviewed the rules and regulations for use of the park and made some suggested changes. In order to enforce these rules and regulations an ordinance would need to be adopted. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board authorized Linus to advertise for an ordinance to be adopted. There was a discussion about any work being done by Township staff that pertains to the Park should be charged to the Rec Park. The Board will discuss this item at the next Work Session Agenda concerning work being done by the receptionist, secretary, manager, etc. The yard sales to benefit the Park will be held on four consecutive Saturdays beginning May 23, 2009. There will not be a skating demonstration presented during the yard sales.

West Manheim Township Board of Supervisors Meeting
May 7, 2009 (Cont'd)

SOLICITOR REPORT: Linus has sent a letter to Columbia Gas regarding the excessive bill that was received for the old Township building. Columbia Gas will now be conducting an investigation into this charge as required by the PUC. In a motion by Supervisor Parr, seconded by Supervisor Raubenstine and carried, the Board approved the signing of the Side Letter of Agreement between the Township and the Police Association acknowledging the adoption of the DROP Ordinance. The Board authorized the signing of the rental lease agreement with the Doli Construction Corporation for rent paid at the old Township Building in a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried. The Township will sign the agreement after it has been executed by Doli. Linus indicated that a brief will need to be filed in the Carl Grubb appeal of the zoning decision.

ENGINEER'S REPORT: Mike Knouse presented a written Report of C. S. Davidson, Inc. dated May 7, 2009. Written copies were distributed to Supervisors and Staff (copy in Township files). Plan Review Status – Samuel & Linda Cox – In a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried, the Board gave Conditional Approval to the Plan pending the furnishing of public improvement security. Supervisor Barnhart abstained from the vote and Supervisor Parr voted against the approval. Joshua Hill Farm – In a motion by Supervisor Raubenstine, seconded by Supervisor Williams and carried, the Board approved the signing of the PennDOT Indemnification for the Highway Occupancy Permit Application #160945. Joshua Hill Investments, LLC will assume the Township responsibilities as the Permittee. Public Improvement Construction – Members 1st Federal Credit Union – The line striping has now been completed on Rt 94. Construction Projects - Street Maintenance Program, 2009 Street Improvements – Mike provided a recap of the awarded bids for the four separate projects. Pre-construction Meetings are being scheduled. Area 2 and 3 Sanitary Sewers – Mike updated the Board on the progress of Doli Construction with the Area 2 & 3 Sewer Project. In a motion by Supervisor Parr, seconded by Supervisor Williams and carried, the Board approved Application for Payment #4 for Doli Construction in the amount of \$181,414.68. In a motion by Supervisor Parr and seconded by Supervisor Williams and carried, the Board approved Requisition #8 in the amount of \$217,910.58. This requisition includes payment for engineering fees, payment to Doli Construction and to Capital Purchases for the additions to the new Ford truck. The Township will need to submit a Letter of Credit in the amount of \$391,000.00 as required under the Highway Occupancy Permit for work along the Baltimore Pike. Adams County National Bank is finalizing the paperwork. In a motion by Supervisor Williams, seconded by Supervisor Parr and a unanimous roll call vote, the Board adopted Resolution #2009-24 to authorize the chairman and the secretary to execute these documents. S & A Homes has indicated that based on their schedule for the completion of the Fox Run Village development, it will be necessary for the Township to construct the sewer across the property to connect the homes in the

West Manheim Township Board of Supervisors Meeting
May 7, 2009 (Cont'd)

area. A reimbursement agreement would be negotiated with S & A Homes. In a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried, the Board authorized the engineers to perform the design and construction of this section. The Board also gave authorization to C. S. Davidson to perform the design and construction to complete the portion of sanitary sewer on Fairview Drive from Sunset Drive to Casino Drive in a motion by Supervisor Gobrecht and seconded by Supervisor Williams. Motion carried. Sewer – General – The Board asked that Tim Pfaff draft a job description for additional staff in the utility department and forward the draft to the Board for their review. Area 1 Funds – In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board authorized these funds to be used for maintenance of the existing sewer system. Investigations and Reports – Zoning Ordinance Update – The documents with the proposed revisions have been submitted to the York County Planning Commission for their review. Miscellaneous – Sanitary Sewer/Penn Township – DEP has approved sewer connections for 2009. Mike has reviewed Penn Township's Corrective Action Plan and has determined that it is consistent with the Chapter 94 Report. In a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and carried, the Board authorized the engineers and the solicitor to begin negotiations with Penn Twp regarding a revision of the sewer agreement with the Township and WMT's anticipated buildout/capacity. FEMA – West Manheim Township has received notice that an updated Floodplain Management Ordinance must be adopted. In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board authorized Linus to draft the ordinance. Fuhrman Mill Rd./York Water Company – The existing waterline on Fuhrman Mill Rd. must be lowered to accommodate the culvert replacement. In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board agreed to provide the authorization to the York Water Company to complete this work utilizing Fitz & Smith in the amount of \$5,250.00. Township Business – Municipal Building – The Township staff has compiled a list of outstanding items and they are now being evaluated. Old Township Building – The Board received an update from Chambers Environmental Group regarding the underground tank. In a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and carried, the Board approved having the chairman sign the invoice for Chambers. Transition from York Water – The invitation has been extended to the Board to tour their facilities. Computers/Website – An update will be distributed to the Board at the next meeting. Water Account – In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board approved the transfer of \$500,000.00 from the Public Water Fund to the interest bearing account at People's Bank. General Fund - In a motion by Supervisor Parr, seconded by Supervisor Williams and carried, the Board approved the transfer of \$500,000.00 from the General Fund to the interest bearing account at People's Bank. Supervisor Raubenstine opposed both of these motions.

West Manheim Township Board of Supervisors
May 7, 2009 (Cont'd)

CORRESPONDENCE: (A) The Board received a request from Melvin & Toni Sterner for the Township to refund the amount they paid for a building permit. The Board decided, in a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, to allow the building inspector to issue an extension on the permit and waive the renewal fee. (B) A request was received from attorney Daniel Frey, representing Keith Smith. They asked for a refund of the funds collected for a Zoning/Hearing Board application. In a motion by Supervisor Raubenstine, seconded by Supervisor Williams and carried, the Board denied the request for a refund. A letter of denial will be forwarded to the parties involved. (C) In a motion by Supervisor Williams, seconded by Supervisor Raubenstine and carried, the Board approved the attendance of Sandy Myers, Receptionist, to a Customer Appreciation Day sponsored by The Phillips Group. (D) Letter received from the Dept. of Community and Economic Development detailing the federal stimulus bill. DCED will be responsible for monitoring and disbursing these funds. (E) Response received from the Penn Township Board of Commissioners agreeing to provide the 400 EDU's that were requested by West Manheim Township.

OTHER BUSINESS: (A) The Board of Supervisors and the Fire Company will take a closer look at the EMT Agreement and discuss it at the May 19, 2009 Meeting. (B) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved Hanover Land Services's proposal to provide inspection and code enforcement services for the Township on an "as needed" basis as a third-party agency. Supervisor Barnhart abstained from this vote. (C) In a motion by Supervisor Gobrecht and seconded by Supervisor Williams, the Board authorized the re-transmittal of the Sewage Module for the John Bond Subdivision. Motion carried. (D) The update by Chambers Environmental on the underground tank at the old Township building was discussed under the Engineer's Report. (E) There was some discussion on the custodial services being provided at the new Office. Supervisor Raubenstine will meet with Alan Ault and stress that the cleaning of the building is to be the first priority of the individual assigned to that duty. (F) The Board Members received a memo from Miriam Clapper concerning some outstanding water bills that she is having a hard time collecting and requesting direction from the Board as to what can be done. Linus will meet with her and discuss this issue and have the Board act on it at the next meeting. (G) In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board approved changing the next meeting date from May 19, (Primary Election Day) to May 20 at 6:00 p.m. This scheduled change will be advertised.

SUBDIVISION PLANS:

Since there has been no activity on the Eugene Beatty, 2 – lot Final Plan, Mike recommended that the Board deny this Plan. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board denied this Plan. Correspondence will be forwarded to them from the Solicitor.

West Manheim Township Board of Supervisors Meeting
May 7, 2009 (Cont'd)

(A) The following Subdivisions Plans were given review time extensions as per written requests, in a motion by Supervisor Gobrecht and seconded by Supervisor Raubenstine: Orchard Estates - Gobrecht - 58-lot Preliminary; Dwight & Pamela Myers, 3 - lot Final; Fuhrman Mill Heights, 1-lot, 34 units - Final Plan; Glenn and Jennifer Auchey, 2-lot Final; Samuel A. & Linda L. Cox, 2-lot Final and Wal Mart Real Estate Business Trust, 2-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 Williams, the Board then tabled all the following plans: Joshua Hill Farm, 124 - lot Preliminary; Warner Farm, 15 - lot Preliminary; Preserve at Codorus Creek IV, 79 - lot Preliminary; Orchard Estates - Gobrecht - 58-lot Preliminary; Dwight & Pamela Myers, 3 - lot Final; Wyndsong Pointe-Phase II, 15-lot Final; Fuhrman Mill Heights, 1-lot, 34 units - Final Plan; 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; Glenn and Jennifer Auchey, 2-lot Final, Lutheran Social Services, Phase 2 – New Apartment Building, Samuel A. & Linda L. Cox, 2-lot Final and Wal Mart Real Estate Business Trust, 2-lot Final. Motion carried. Supervisor Barnhart abstained on several plans as per his previously submitted letter of abstention.

PUBLIC COMMENTS AND/OR SUPERVISORS COMMENTS: Carl Grubb of Impounding Dam Road, was provided an “Authorization to Enter” from the Engineer. He spoke to Mike Knouse to obtain some answers to several questions. Mike indicated that he would revise the Authorization and resubmit it to Mr. Grubb. This “Authorization to Enter” is for the purpose of removing sediment being discharged from the existing storm sewer onto Mr. Grubb’s property. Duane Diehl, of Oakwood Drive, asked if Doli Construction could put the “Road Closed” signs farther down the road as they are working on the Area 2 & 3 Sewer Project. Mike will be in touch with S & A Homes regarding a time line for the completion of the Area 3 Interceptor. Supervisor Parr would like to discuss the use of purchase orders at the next meeting of the Board. Linus indicated there was an amendment to the Township Health Insurance coverage that was never signed and returned. In a motion by Supervisor Parr, seconded by Supervisor Williams and carried, the Board authorized the signing of this amendment and forwarding it to the insurance company.

Page – 6 –

West Manheim Township Board of Supervisors Meeting
May 7, 2009 (Cont'd)

NEXT SCHEDULED MEETINGS: Supervisors Work Session - Tuesday, May 19, 2009 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m. Supervisors Regular Meeting – Thursday, June 4, 2009 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m.

ADJOURNMENT: The Meeting was adjourned at 7:44 p.m. in a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and carried.

Respectfully submitted,

Nancy C. Smith
Secretary