

WEST MANHEIM TOWNSHIP BOARD OF SUPERVISORS MEETING

Regular Meeting

Thursday, October 1, 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 Parr, followed by the Pledge to the Flag and Invocation.

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

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 Williams, seconded by Supervisor Gobrecht, and carried with the following additions: (9 – Status of Pavilion for Rec Park, 12H – Letter from Todd Platts, 12I – Mike Hampton, Pandemic Influenza Summit, 13D – Report-Status of EMA Radios, 14G – Payment Options, 14H – Tree Removal, 14I – Request to use Community Room, 14J – Report from Zoning/Hearing Board, 14K – Property Maintenance Code-Appeals Board, 14L – Edna Myers Lane-Conflicting Addresses, 14M – 3 Certificates of Deposit and 14N – Police Computers).

APPROVAL OF DISBURSEMENTS: The Disbursements for the Month of September, 2009, 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 Regular Meeting of September 3, 2009 were approved in a motion by Supervisor Williams, seconded by Supervisor Raubenstine and carried. Supervisor Hoffman abstained from this approval.

At this time, Chairman Parr proceeded with the Continuation of the Public Hearing for the Conditional Use Application submitted by New Cingular Wireless for a monopole and storage structure at the West Manheim Elementary School property. He explained that the applicants have met all the county, state and federal requirements and that this Board will need to approve the application. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved the conditional use request of New Cingular Wireless.

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RECREATION BOARD REPORT: Scott Barnhart reported that the pavilion has been ordered. Mr. & Mrs. Harold Hartlaub have agreed to pay for the purchase of the pavilion. The West Manheim Township Lions Club will pay for its installation and Keith Smith will contribute the concrete work. Plans are being prepared for the entranceway to the Rec Park.

SOLICITOR'S REPORT: The items he needs to discuss are listed on the Agenda. He would also like to have a brief Executive Session before the close of the meeting.

ENGINEER'S REPORT: Mike Knouse presented a written Report of C. S. Davidson, Inc. dated October 1, 2009. Written copies were distributed to Supervisors and Staff (copy in Township files). Plan Review Status – Wal-Mart Real Estate Business Trust – In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board gave conditional approval to this Plan. The two outstanding issues are having the plans and the access agreement signed by Wal Mart representatives. Construction Projects – 2009 Street Improvements – The contractors have completed the paving and are performing some restoration work. A final walkthrough has been conducted and a punch list has been issued for several outstanding items. Bridge Inspection – The permit for bridge maintenance has been issued and the repairs will be coordinated with the Public Works Department. Permitting has been submitted for the Tracey Road bridge but because of present financial constraints, construction on this project will be postponed until 2010. Area 2 and 3 Sanitary Sewers – The contractor is proceeding with restoration work in Area 2 and construction on Fuhrman Mill Rd. They have been placed on notice that current traffic control has been unsatisfactory. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved Application for Payment #9 for Doli Construction in the amount of \$357,468.80. In a motion by Supervisor Raubenstine, seconded by Supervisor Williams and carried, the Board approved Requisition #13 in the amount of \$379,747.40. Revisions have been prepared to the agreement with S & A Homes for the construction of the sewer line through their property. In a motion by Supervisor Williams, seconded by Supervisor Raubenstine and carried, the Board approved Change Order No. 3 from Doli Construction for this work in the amount of \$172,093.10. Sanitary Sewer Manhole Lining – The contract was awarded to PIM Corporation and a Pre-Construction meeting will be scheduled. Investigations and Reports - Zoning Ordinance Updates – Mike reported that some additional information will need to be incorporated into the sign regulations and this information will need to be done as a text amendment to the Zoning Ordinance. Miscellaneous - Sanitary Sewer/Penn Township – The engineers have forwarded their letters to the Township which document the evaluation of the agreement with Penn Township and the evaluation of the Developer's Agreement. A meeting has been scheduled with Penn Township for October 6, 2009.

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CORRESPONDENCE: (A) Letter received from South Western School District regarding “Black and White Goes Green Event” to be held October 17, 2009 at Park Hills Elementary School. (B) Letter received from the York County Board of Commissioners regarding the first meeting of the Tax Collection Committee on October 15, 2009. (C) Letter received from Jeff Garvick concerning the dangerous situation at the intersection of Black Rock Rd. and Frogtown Rd. New guard rail has been installed which makes it difficult to see to pull out onto Black Rock Rd. In a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried, the Board instructed the engineers to look at the situation and report back to the Board. (D) Letter from Comcast detailing a rate increase. (E) Letter from Leadership York regarding Lunch ON Board workshops and Leadership Roundtable for nonprofit board and staff members. (F) Letter received from the York County Fire Police Association concerning the response of Fire Police all over the County. (G) Letter from Selective Insurance Company concerning a claim resulting from the accident involving the previous Township Manager. (H) Invitation from Rep. Todd Platts to a “Consumer Protection and Education” workshop on October 14, 2009 at the York County School of Technology. (I) a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried, the Board approved the attendance of Mike Hampton to the Fourth Annual Pandemic Influenza Summit. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board gave permission for Mike Hampton and Tim Pfaff to attend the PENNDOT Winter Partnership Meeting on October 19, 2009.

OTHER BUSINESS: (A) Supervisor Raubenstine reported that at the last liaison meeting with the school district, they indicated the need to replace equipment at the Tri-Township Park. West Manheim Township’s share of the cost would be \$1,056.00. In a motion by Supervisor Williams, seconded by Supervisor Hoffman and carried, the Board approved this payment contingent upon the money being available in the 2010 Budget. (B) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved a payment to Simplex Grinnell in the amount of \$1,386.50 for an annual maintenance contract. (C) The Board members discussed the request from the McIlvains to construct a fence around their property that would be in a 30-foot drainage and sanitary sewer easement on the property. Linus explained that there was a note on the original subdivision plan that stated nothing could be constructed within this easement in order to ensure a free and clear access to all the lines. Linus told the Board that an agreement between the Township and the McIlvains could be drafted, signed and recorded in the York County Recorder of Deeds Office. In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board authorized Linus to draft an agreement that would provide for access to the area. Supervisor Hoffman voted against this motion. He feels that construction should not be permitted in a right-of-way. (D) Scott attended a meeting with the York County Commissioners concerning the

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EMA and Fire Company radios in this area since the implementation of the new 911 system. Two extra towers will be constructed to try to correct this problem. Discussion is still underway, but the suggestion was to put a tower at the Hanover Hospital property and at the West Manheim Township Office property---2 of the highest parcels of land in the Southwestern York County area.

NEW BUSINESS: (A) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved a proposal from Adams-York Fire Protection for the purchase of three new fire extinguishers at the new municipal building. (B) The discussion of an Employee Handbook was tabled until the next meeting of the Board. (C) In a motion by Supervisor Williams, seconded by Supervisor Hoffman and carried, the Board approved the Animal Care and Housing Agreement with the SPCA of York County for 2010. This agreement lists an annual sum of \$2,433.00. (D) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and a unanimous roll call vote, the Board adopted Ordinance #09-2009. This ordinance deals with prohibiting noxious vegetation and restricting the height of vegetation in general within the Township. (E) In a motion by Supervisor Williams and seconded by Supervisor Raubenstine, the Board approved Tuesday evening, October 27, 2009 from 6 – 8 P.M. for the annual trick-or-treating in the Township. Motion carried. (F) The Board approved the renewal of membership to the Hanover Area Chamber of Commerce in a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried. The yearly membership fee is \$236.00. (G) The Board received a memo from Miriam Clapper asking for their approval to offer several new payment options for the convenience of Township residents. In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board approved the purchase of a software program from Harris Computer at a cost of \$625.00. This will allow residents to pay bills with credit cards, go on-line to pay or pay with a check by telephone or on-line. (H) In a motion by Supervisor Williams, seconded by Supervisor Hoffman and carried, the Board approved a proposal from American Tree & Stump Removal, Inc. for the removal of 4 or 5 trees at the pumping station on Pumping Station Road at a cost of \$1600.00. (I) In a motion by Supervisor Hoffman, seconded by Supervisor Williams and carried, the Board voted to allow the Daisies, a group of girl scouts, to use a room in the community wing of the Township building for their meetings. (j) Scott reported that the application for a variance that came before the Zoning/Hearing Board was denied. The application was submitted by James & Catherine Reiblich to install a 24' by 24' 2-car attached garage. (K) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board voted to establish a Property Appeals Board. Anyone wishing to belong to the Appeals Board should express their interest to the Board. (L) There seems to be a conflict in the numbering of the addresses on Edna Myers Lane. In a motion by Supervisor Hoffman, seconded by Supervisor Raubenstine and carried, the Board

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agreed to have all three properties with Edna Myers Lane addresses. A letter will be forwarded to these residents. (M) The Township is holding several CD's for prior subdivision plans. The Board decided to have the Township contact the owners of these properties and have them request that the Township release these three CD's. (N) In a motion by Supervisor Raubenstine, seconded by Supervisor Hoffman and carried, the Board approved the purchase of several computers for the Police Department.

SUBDIVISION PLANS:

- (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: 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 and James Horak & Donald Yorlets, 6-lot Preliminary. Motion carried.
- (B) In a motion by Supervisor Raubenstine and seconded by Supervisor Gobrecht, 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; Homestead Acres, J. A. Myers, 134-lot Preliminary; Northfields, Phase II, 52-lot Preliminary; Benrus Stambaugh et al, Land Development Plan and James Horak & Donald Yorlets, 6-lot Preliminary. Motion carried.

PUBLIC COMMENTS AND/OR SUPERVISORS COMMENTS: Chris Gienski wished to thank Mr. & Mrs. Harold Hartlaub, the West Manheim Township Lions Club and Keith Smith Construction for their contributions to the Rec Park. Harold Hartlaub asked since the Township adopted the new weed ordinance, if the Board could now start to have residents clean up some of their properties of junk cars, weeds, etc. Scott explained that the Township will now begin addressing these issues with the property owners. Sylvia Shoemaker asked if any cable providers, except Comcast, are available in West Manheim Township. Embarq does now offer the triple package through satellite and phone lines. Supervisor Gobrecht expressed his frustration with the repair of the Tracey Rd. bridge. The public works department could have fixed the bridge but now, due to new regulations, the Township will have to pay over \$100,000.00 to have it repaired. Dave Barber had several comments concerning the cell tower and insurance coverage in case anything would happen at the site. Supervisor Raubenstine asked that

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Mr. Barber express his concerns to the South Western School District. Supervisor Williams will be asking Paul Wojciechowski of the York County Economic Development Corporation to attend the next meeting to discuss the new electric rate increases.

The Board then recessed to an Executive Session at 8:04 p.m.

The regular meeting was brought back to order at 8:13 p.m. Linus reported that there has been a case filed against two of the Township Police Officers and it has been turned over to the insurance company for them to settle.

NEXT SCHEDULED MEETINGS: Supervisors Work Session - Tuesday, October 20, 2009 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m. Supervisors Regular Meeting – Thursday, November 5, 2009 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m.

ADJOURNMENT: The Meeting was adjourned at 8:15 p.m. in a motion by Supervisor Hoffman, seconded by Supervisor Williams and carried.

Respectfully submitted,

Nancy C. Smith
Secretary