

WEST MANHEIM TOWNSHIP BOARD OF SUPERVISORS MEETING

Regular Meeting

Thursday, November 5, 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:

A Public Hearing was then held to hear comments on an application for conditional use from Joseph A. Myers pursuant to the provisions of Article 4, Section 1.4A3 of the West Manheim Township Zoning Ordinance. The proposed use is for single-family attached dwellings. A court reporter was present to take the minutes of the Public Hearing. At the conclusion of the Public Hearing, Supervisor Gobrecht made a motion to approve the conditional use application. This motion died due to a lack of a second. Several Board members were upset that the section of the Zoning Ordinance controlling this use was inadvertently missed when it was updated. The Solicitor explained that Mr. Myers has met all requirements for a conditional use. Supervisor Gobrecht then made another motion to approve the conditional use. Supervisor Parr seconded the motion and it was carried with Supervisors Raubenstine and Williams voting "no".

In a motion by Supervisor Raubenstine, seconded by Supervisor Williams and carried, the Board authorized the engineers to begin drafting an amendment to the Zoning Ordinance to correct several areas that were omitted.

Supervisor Parr reported that the Board held a brief executive session before this meeting to discuss a personnel issue. In a motion by Supervisor Raubenstine, seconded by Supervisor Hoffman and carried, the Board approved an executive session to be held on Nov. 24, 2009 to review the applications that have been received for the Township Manager position.

APPROVAL OF AGENDA: The Agenda was approved in a motion by Supervisor Williams, seconded by Supervisor Gobrecht, and carried.

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APPROVAL OF DISBURSEMENTS: The Disbursements for the Month of October, 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 October 1, 2009 and the Work Session Meeting of October 20, 2009 were approved in a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried.

RECREATION BOARD REPORT: Chairman Parr requested that Chris Gienski submit a written Rec Board report to the Board members for discussion at their meetings. She indicated that would be fine. Chris thanked Mike Knouse for getting a plan for the entranceway to her and she thanked Supervisor Gobrecht for the mowing that he did at the park site. She reported that they will be serving almost one hundred dinners after the Volksmarch on Nov. 7th. The WMT Lions Club will be installing the pavilion before the end of the year.

SOLICITOR'S REPORT: Linus has sent out three letters concerning CD's that the Township has been holding for road improvements contained in three different subdivisions. Three responses have been received and they will be discussed later on the Agenda. He also reported that the Agreement between the McIlvains and the Township is ready for signatures and recording. In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board authorized the signing of the Agreement. Supervisors Raubenstine and Hoffman voted against this motion. They indicated that they had not seen the Agreement.

ENGINEER'S REPORT: Mike Knouse presented a written Report of C. S. Davidson, Inc. dated November 5, 2009. Written copies were distributed to Supervisors and Staff (copy in Township files). Plan Review Status – Dwight & Pamela Myers – In a motion by Supervisor Williams, seconded by Supervisor Raubenstine and a unanimous roll call vote, the Board approved the resolution to submit the planning module to DEP. Construction Projects – 2009 Street Improvements – The project closeout documents have been returned and the following applications for payment have been approved in a motion by Supervisor Gobrecht and seconded by Supervisor Williams: Application for Payment No. 2 (Final) for Shiloh Paving in the amount of \$1,982.37, Application for Payment No. 2 (Final) for Stewart & Tate in the amount of \$8,384.72 and Application for Payment No. 2 (Final) for Stewart and Tate in the amount of \$1,951.10. Motion carried. Bridge Inspection – The Tracey Road Bridge permit has been obtained. Construction is anticipated in 2010. In a motion by Supervisor Raubenstine, seconded by Supervisor Williams and carried, the Board approved formal authorization to prepare the bid specifications. Area 2 and 3 Sanitary Sewers – The contractor is proceeding

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with restoration of all disturbed areas and has completed trench paving in Area 2. They are continuing lateral installation along the completed sections of Area 3. In a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried, the Board approved Application for Payment #10 for Doli Construction in the amount of \$409,661.65. In a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried, the Board approved Requisition #14 in the amount of \$450,971.14. Connection notices have been sent to the residents on Marianne Drive and Oakwood Drive. In a motion by Supervisor Gobrecht, seconded by Supervisor Hoffman and carried, the Board authorized the preparation of an ordinance containing special provisions for commercial properties, such as grease traps, be installed. Sanitary Sewer Manhole Lining – PIM Corporation has completed the project and a final inspection will be scheduled. Community Park – Phase 1 – Plans and bid specifications for the park entrance have been publicly advertised and bids will be opened on November 16, 2009. New Township Municipal Building – Mike received a price from Monarch Industries for bumper blocks to be installed in the parking areas. In a motion by Supervisor Raubenstine, seconded by Supervisor Williams and carried, the Board approved the purchase of 49 blocks at \$17.00 a piece for a total of \$833.00. Investigations and Reports – Sewage Planning Update – The required well samplings and test reports have been returned for incorporation into the Act 537 Plan. Miscellaneous - Sanitary Sewer/Penn Township – A meeting was held with Penn Township and they have acknowledged that they will extend additional capacity to West Manheim Township and will consider the concerns expressed over the existing agreements.

CORRESPONDENCE: (A) “Thank you” letter received from South Western Dollars for Scholars for the Township’s contribution. (B) “Thank you” letter received from South Western Recreation Commission for the Township donation of \$1,000.00. (C) “Thank you” received from Guthrie Memorial Library for the Township’s donation of \$6,000.00. (D) Letter from PennDOT concerning the closure of Westminster Road when work is scheduled on the bridge. They will contact the Township with their plans for a detour at that time. (E) Three letters of request for return of bond money have been received. In a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and carried, the Board approved a payment of \$8,160.15 to Michael & Margie Bevard. The other two requests (Charles Stoner for Freestate Partnership and Kenneth Curry for Millers Village, Inc.) will require more research. (F) Notification received from the York County Planning Commission of a fee for traffic engineering studies that are requested to be completed by their Traffic Engineer.

MANAGER’S REPORT: (A) In a motion by Supervisor Gobrecht, seconded by Supervisor Williams and carried, the Board approved the appointment of Larry Appel, Ron Carter and Andy Hoffman to the Property Appeals Board. Andy’s term will not

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begin until 2010. Supervisor Raubenstine suggested that the Board appoint an alternate in case of an absence. This can be done at a later time. (B) Scott explained the Sketch Plan that was submitted by Edward Lane. Mr. Lane would like to subdivide the property along Hobart Rd. and defer any road improvements until a future date when any of the lots are further divided. There was no action at this time on the Sketch Plan. (C) Scott reminded the Board that Chris Englebort of Smith Barney and Tom Redmond of Redmond Consulting, Ltd. will attend the December 3 meeting to discuss several changes being made to the Township Pension Plans. In a motion by Supervisor Raubenstine, seconded by Supervisor Hoffman and carried, the Board approved the payment of two open invoices from Redmond Consulting Ltd. Scott also reported that he has received an e-mail from Benecon explaining four new state mandates to consider for next year for the Township health insurance. This will be discussed at the next meeting. (D) The application submitted by Carl and Brenda Grubb to the Zoning/Hearing Board has been denied. The case is now in the appeal period and would not be further discussed at this time. (E) Scott presented and reviewed a revised draft of the 2010 Budget. In a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and a 4 – 1 roll call vote, the Board approved the advertisement of the proposed budget for review for the required twenty day period. Supervisor Hoffman voted against the motion. He would like to see the health insurance coverage for the members of the Board of Supervisors be phased out. (F) Scott is currently negotiating with Robert Hemler for a sewer easement. He asked that the Board give him a little more time to acquire the easement. (G) An invoice in the amount of \$7,188.25 for Midstate Mechanical was approved for payment in a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried. (H) The invoice for the Ray Group will be discussed at another time. (I) The issue of address changes along Edna Myers Lane will be discussed at the next meeting of the Board. (J) In a motion by Supervisor Gobrecht, seconded by Supervisor Raubenstine and carried, the Board approved the purchase of several pieces of scaffold in the amount of \$200.00. (K) The Board authorized the signing of the West Manheim Township Medical Plan in a motion by Supervisor Williams, seconded by Supervisor Raubenstine and carried. (L) Linus explained that the Board should approve the personnel executive session matter. In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board authorized Scott to proceed as was discussed in executive session.

NEW BUSINESS: (A) The membership renewal for PSAB for 2010 is included in the Budget for next year. (B) In a motion by Supervisor Williams, seconded by Supervisor Raubenstine and a 3-2 roll call vote, the Board adopted Resolution #2009-40 which is an amendment to the existing Fee Schedule Resolution. The rental fees for the Community Room and the Classrooms in the Township Building were set at \$75.00. They will be rent-free to nonprofit organizations. (C) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board approved the

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applications for Corey Musser and Hollis Harrell to become fire police with the PHVFC. (D) In a motion by Supervisor Williams, seconded by Supervisor Gobrecht and carried, the Board also approved the application of Andrew Keating as a probationary emergency equipment driver. (E) Representatives from S & A Homes will be attending the Dec. 3, 2009 Board Meeting to discuss the Fox Run Subdivision. The Township needs an easement from them in order to continue with the Area 3 Sewer Project. In a motion by Supervisor Raubenstine, seconded by Supervisor Williams and carried, the Board approved the adoption of a resolution of taking if the easement cannot soon be finalized. (F) John Beil, representing Burkentine & Sons, came before the Board to ask for an extension on the Steeple Chase and Wyndsong Point Plans. Scott explained that he has been in contact with Burkentine and he has agreed that if the Board can give them an extension on these plans through 2010, Burkentine and Sons will agree to improve Tracey Road from their property (Paradise Acres) all the way to Hobart road next year. The developers will sign an agreement and will finish the road or provide the Township with the funds to fix the road before the end of 2010. In a motion by Supervisor Raubenstine, seconded by Supervisor Gobrecht and carried, the Board approved this suggestion for the improvement of Tracey Road in exchange for extensions on the two Subdivision Plans.

SUBDIVISION PLANS:

- (A) The extension requests on two conditionally approved plans were approved in a motion by Supervisor Hoffman, seconded by Supervisor Raubenstine and carried. These two plans are the Wal Mart Real Estate Business Trust and Sheetz, Inc.
- (B) The following Subdivisions Plans were given review time extensions as per written requests, in a motion by Supervisor Williams and seconded by Supervisor Gobrecht: Orchard Estates - Gobrecht - 58-lot Preliminary; Dwight & Pamela Myers, 3 - lot Final and Fuhrman Mill Heights, 1-lot, 34-units-Final Plan. Motion carried. The Wyndsong Pointe-Phase II, 15-lot Final and Steeple Chase, 12-lot Final Plans were given extensions earlier in the Agenda.
- (C) In a motion by Supervisor Gobrecht and seconded by Supervisor Raubenstine, 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-

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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: Harold Hartlaub asked if the members of the Board of Supervisors are covered by Liability insurance and the Board assured him that they are. Byron Mayne had a question about the contract that the Township has with Comcast. It was determined that no provider has exclusive rights in the Township and Scott asked Byron to submit a right-to-know request form to obtain a copy of the Township contract with Comcast. Sylvia Shoemaker indicated that she hopes the Board decides to include the two new Supervisors-Elect in the discussions for the hiring of a new Township Manager. Chairman Nils Parr made a motion that Supervisors Elect, Harold Hartlaub and Marc Woerner be invited to attend all Executive Sessions that relate to the hiring of a new manager but as non-voting consultants. Supervisor Williams seconded the motion. After some discussion, the motion failed with a 3-2 vote. Supervisors Hoffman, Raubenstine and Gobrecht voted against the motion.

NEXT SCHEDULED MEETINGS: Supervisors Work Session - Tuesday, November 17, 2009 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m. Supervisors Regular Meeting – Thursday, December 3, 2009 at 6:00 p.m. with Supervisors Caucus at 5:30 p.m.

ADJOURNMENT: The Meeting was adjourned at 9:42 p.m. in a motion by Supervisor Hoffman, seconded by Supervisor Raubenstine and carried.

Respectfully submitted,

Nancy C. Smith
Secretary