

WEST MANHEIM TOWNSHIP BOARD OF SUPERVISORS MEETING

Regular Meeting

Thursday, September 1, 2011
7:00 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 Hartlaub followed by the Pledge to the Flag and the Invocation.

ROLL CALL: Present were Supervisors Hartlaub, Woerner, Williams, Parr. Supervisor Gobrecht was absent. Also present were Solicitor Linus Fenicle, Mike Knouse of C. S. Davidson, Inc. and Manager Kevin Null.

RECOGNITION OF VISITORS: Visitor's Register Attached.

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

APPROVAL OF MINUTES: The Minutes of the Work Session Meeting of August 16, 2011 were approved, in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

APPROVAL OF DISBURSEMENTS: The Disbursements for the Month of August, 2011, from all Funds, were approved as listed in a motion by Supervisor Williams, seconded by Supervisor Parr and carried.

CORRESPONDENCE: There was no correspondence.

RECREATION BOARD REPORT: Chris Gienski, Chair West Manheim Township Park and Rec Board was absent. Supervisor Woerner reported the 5K Run was a success with 91 runners. Expenses exceeded the \$500.00 limit and in a motion by Supervisor Parr, seconded by Supervisor Williams, and carried, the Board approved the overage of \$209.00. The Chicken-Bar-B-Q/Fun Day will be held on September 24, 2011 and the Volks March and German Dinner will be held on October 15, 2011. The Rec Board report was approved in a motion by Supervisor Woerner, seconded by Supervisor Parr, and carried.

Supervisor Hartlaub mentioned that an executive session was held prior to the start of the Regular Meeting to discuss personnel issues.

SOLICITOR'S REPORT: Solicitor Fenicle reported all individuals have hooked up to the public water system. In a motion by Supervisor Williams, seconded by Supervisor

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Parr, and carried, the Board approved for Solicitor Fenicle to attend the Zoning/Hearing Board meeting on the appeal of the determination of the Zoning Officer by J.A. Myers.

ENGINEER'S REPORT: Mike Knouse presented a written report of C. S. Davidson, Inc. dated September 1, 2011. Written copies were distributed to Supervisors and Staff (copy in Township files). Miscellaneous- Construction and Material Specifications- In a motion by Supervisor Williams, seconded by Supervisor Woerner, and a unanimous roll call vote of members present, the Board adopted the revised Construction and Material Specifications. 2011 Street Improvements- In a motion by Supervisor Parr, seconded by Supervisor Williams and carried, the Board approved Change Order #3 in the amount of \$39,050.99 for Project #1 for Shiloh Paving. Application for Payment #3 for Shiloh Paving in the amount of \$48,322.74 was approved in a motion by Supervisor Williams, seconded by Supervisor Woerner, and carried. In a motion by Supervisor Williams, seconded by Supervisor Parr, and carried, the Board approved Change Order #2 in the amount of \$26,119.51 for Project #2 for Stewart & Tate, Inc. Application for Payment #2 for Stewart & Tate, Inc. in the amount of \$26,119.51 was approved in a motion by Supervisor Parr, seconded by Supervisor Williams, and carried. In a motion by Supervisor Parr, seconded by Supervisor Woerner, and carried, the Board approved Change Order #1 in the amount of \$997.92 for Stewart & Tate, Inc. for Project #3. Application for Payment #2 for Stewart & Tate, Inc., in the amount of \$1,707.68 was approved in a motion by Supervisor Parr, seconded by Supervisor Woerner, and carried. Application for Payment #1 for J.A. Myers Building & Development, Inc., in the amount of \$116,451.00 was approved by Supervisor Parr, seconded by Supervisor Williams, and carried. This payment is for the Rec Park.

REPORTS: The Chief of Police Report for July, 2011 was approved in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried. Chief Hippensteel reported that in July there were two fatal accidents in the Township. He also stated that there have been several burglaries reported in the township.

The Treasurer's Report for July, 2011 was approved, as distributed, in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

The Code Enforcement Officer's Report for July, 2011, was accepted, as distributed, in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

The Public Works Report for July, 2011 was accepted in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

The Pleasant Hill Fire Company and Ambulance Reports for July, 2011 were accepted in a motion by Supervisor Woerner and seconded by Supervisor Parr. Motion carried.

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The SEO Report for July, 2011 was approved and accepted in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

The Utilities Supervisor's Report for July, 2011 was accepted, as distributed, in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

EMA Director Mike Hampton reviewed the EMA report as presented to the Board. Activity Report for July, 2011 was approved and accepted in a motion by Supervisor Woerner and seconded by Supervisor Parr and carried. EMA Hampton is still preparing for the Healing Field to be held at the West Manheim Elementary School.

MANAGER'S REPORT: Manager Null reviewed the Managers report as presented to the Board. The Managers Report for August, 2011 was accepted, as distributed, in a motion by Supervisor Parr, seconded by Supervisor Williams and carried.

OLD BUSINESS: (A) Burn Ban – Supervisor Woerner would recommend that the (previously approved) burn ban that was in effect until September 5, 2011 be lifted effective September 2, 2011 so that residents have any opportunity to clean up from the current storm. In a motion by Supervisor Woerner, seconded by Supervisor Parr and carried, the Board approved lifting the burn ban effective September 2, 2011.

NEW BUSINESS: (A) Boards & Commissions Appointments (1) Planning Commission – Kevin Null, Township Manager reported that they received three applications/resumes for the Planning Commission and the Board has recommend the appointment of Jay Weisensale as a member to replace member Grant Reichart whose term ends on December 31, 2011. In a motion by Supervisor Woerner, seconded by Supervisor Parr and carried, the Board approved to appoint Jay Weisensale as a member of the Planning Commission to fill the term of Grant Reichart until December 31, 2011. (2) Zoning Hearing Board – Kevin Null, Township Manager said there is an opening for an alternate member on the Zoning Hearing Board. In a unanimous roll call vote of members present, the Board approved to appoint Ron Wentz as the alternate member to the Zoning Hearing Board. The motion carried.

(B) Request to Hire – (1) Police Officer – Chief Hippensteel introduced Justin Seibert to the Board. He said Justin Seibert is present tonight seeking approval of the Board as a probationary police officer. He will be replacing an officer that left the department at the end of June. He would seek the approval of the Board to hire Justin Seibert as a new officer. In a motion by Supervisor Parr, seconded by Supervisor Williams and carried, the Board approved the hiring of Justin Seibert as police officer. (2) On-call EMT – Kevin Null, Township Manager said he has a request to hire three part-time EMT's. The authorization is based on the condition that the applicants pass the background

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screening. They will not be increasing the hours they will serve, but it will provide a bigger pool for coverage. He requested authorization to conditionally hire the three EMT applicants. In a motion by Supervisor Parr, seconded by Supervisor Woerner and carried, the Board approved the hiring of three EMT's.

(C) Keith D. Smith Concrete Contractors, Inc. - Final Land Development Plan/Minor Subdivision Plan Waiver Requests – Ted Decker, GHI was present to represent the applicant. He said there are several waiver requests he would like the Board to consider. He gave a brief history and review of the Land Development Plan. **(1) Painted lines on gravel parking** – This is a request for relief of painted parking spaces on gravel parking. The recommendation from the Planning Commission was to provide bumper blocks at the head of the stalls. The concrete areas will be painted with lines. In a motion by Supervisor Parr, seconded by Supervisor Williams and carried, the Board approved the waiver request for painted lines on gravel parking. Supervisor Woerner said reviewing the Planning Commission meeting minutes the Commission made their recommended approval not to require line painting until or unless the spaces are blacktopped and the bumper blocks will be included. He would like to amend the motion to include the recommendation from the Planning Commission. Supervisor Parr amended his motion, Supervisor Williams amended his second, and carried, the Board approved the waiver request per the recommendation of the Planning Commission to waive striping of the stone parking areas provided that the applicant provide bumper blocks and at such time those areas are paved and/or concreted, they shall be striped. **(2) Preliminary Plan** – Ted Decker, GHI said the second request is for the consideration of the plan to be considered a final plan due to the minor nature that consists of combining two lots into one lot and because there are no proposed public improvements. Linus Fenicle, Solicitor said the waiver request is to go directly to final plan approval and avoid the preliminary plan approval. In a motion by Supervisor Williams, seconded by Supervisor Parr and carried, the Board approved the waiver request for preliminary plan and to consider the plan a final plan. **(3) Landscape Architect** – Ted Decker, GHI said the waiver request is to allow the landscape plan to be prepared by a licensed Professional Engineer instead of a landscape architect. The waiver request is due to the limited scope of the project (this project requires 20 planting units) and the allowance in Section 523.E.2.d of up to 25 planting units and 5 units in a commercial development before a licensed landscape architect is required. Mike Knouse, C.S. Davidson said he would like to clarify that a commercial development by the requirements of the Subdivision and Land Development Ordinance (SALDO) the applicant would be required to use a Landscape Architect. The waiver is requesting that since there is only additions to existing landscape there is minimal planting units being added and with a residential development it would be allowed. He said Mr. Decker has also submitted a letter indicating his qualifications of past experience of doing such plans to testify that he is capable, and the plan provided is sufficient. Supervisor Woerner said the Planning

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Commission recommended that the Engineer have five years experience preparing landscaping which is sufficient. Supervisor Williams asked if the applicant was going to follow the landscape plan. Mr. Decker, GHI said yes they would be following the landscape plan. In a motion by Supervisor Woerner, seconded by Supervisor Parr and carried, the Board approved the waiver request for the Landscape Architect per the recommendation of the Planning Commission that the engineer submit a letter confirming that they have 5 years experience preparing landscape plans **(4). Contour Intervals** – Ted Decker, GHI said the waiver request is to allow two (2) foot contours instead of one (1) foot contours. The use of 2 foot contours will provide equal results to using 1 foot contours in the design and provide better level of clarity to the plan. The use of a 2 foot contour interval is relatively standard in preparing land development plans. Supervisor Woerner asked Mike Knouse, Engineer if the 2 foot contours would accomplish the same as the 1 foot contours. Mike Knouse said yes that is correct also keeping in consideration that the Stormwater Ordinance has not been updated to match the Subdivision and Land Development Ordinance (SALDO). He said the plan submitted has adequate detail to determine all the sufficient data. In a motion by Supervisor Parr, seconded by Supervisor Woerner and carried, the Board approved the waiver request for contour intervals of 2 foot instead of 1 foot per the recommended approval of the Planning Commission due to the topography of the property. **(5). Public Improvement Security** – Ted Decker, GHI said they are requesting the waiver to relieve the owners from posting financial security for public improvements due to the improvements being located on private property not intended for dedication to the Township. In a motion by Supervisor Parr, seconded by Supervisor Woerner and carried, the Board approved the waiver request for waiver from public improvement security.

(D) Resolution for Automated Red Light Enforcement Program – Kevin Null, Township Manager said this is a grant they received for work along Baltimore Pike and Fuhrman Mill Road. In a motion by Supervisor Parr, seconded by Supervisor Woerner and a unanimous roll call vote, the Board adopted Resolution #2011-18. This resolution is to give the Chairman the authorization to sign the agreements with PennDot. (E) Rec Park Rules Revisions – Kevin Null, Township Manager reviewed the revisions to the rules. He said they need a Resolution to adopt the revision to the park rules. In a motion by Supervisor Parr, seconded by Supervisor Woerner and carried, the Board adopted Resolution #2011-19.

A. SUBDIVISION PLANS:

Homestead Acres, J.A. Myers, 134-lot Preliminary, Homestead Acres, 366-lot Preliminary and James Horak & Donald Yorlets, 6-lot Preliminary

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Paul Minnich and Jeff Stough, J.A. Myers, Homestead Acres was present to represent the developer.

Jeff Stough, J.A. Myers said the developer had two plans pending simultaneously. He said an issue arose at a recent Board of Supervisors meeting concerning the pursuit of the plans as well as clarification on the developer's intentions regarding the plans. He said after further research the case law establishes that the developer can pursue two plans simultaneously. It has been discussed with Mr. Myers and his intentions are to proceed with both plans simultaneously. He said ultimately at some point they will have to make an election because obviously two plans are inconsistent but at this point the plan is proceed with both development plans.

Supervisor Hartlaub asked if there was work being done on the 134-lot preliminary plan to date.

Jeff Stough, J.A. Myers said they have been focused principally on the 366-lot plan and there has not been substantial activity on the plan.

Supervisor Hartlaub asked if there was any working being done on the 134-lot plan.

Jeff Stough, J.A. Myers said they have received comments from the Township Engineer and their project engineer is addressing the comments.

Supervisor Hartlaub asked Mike Knouse, C.S. Davidson if this was correct.

Mike Knouse, C.S. Davidson said the developer has examined portions of the sewer system. He has not physically seen anything but he has heard through other parties that they have been in contact. He said they are coordinating the evaluations of the sewer system with the manufacturer.

Jeff Stough, J.A. Myers said they are ready to submit Erosion and Sediment Control (E & S) plans for a permit.

Supervisor Hartlaub asked what they were doing to progress with the project.

Jeff Stough, J.A. Myers said the items they still need to address are the Erosion and Sediment Control (E & S) permits to be completed; they have to evaluate the pump station for the sewer located on Pumping Station Road, National Pollution Discharge Elimination System Permit Program (NPDES) calculations were completed and the most recent comments received from the Township Engineer. He said they focused on the townhome plan and put their money into that plan, versus working on the single

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family home plan. Since zoning changed and the submittal of the 134-lot plan this is the reason they continued working on the single family home plan in case they had issues with the townhome plan. He said this is the reason they have two plans.

The Board decided to grant a 30-day review time extension until October 6, 2011 (the next Regular Meeting of the Board) for the Homestead Acres, 134-lot Preliminary Plan and Homestead Acres, 366-lot Preliminary. In a motion by Supervisor Woerner, seconded by Supervisor Parr, and carried, the Board granted the 30 day extension.

Supervisor Hartlaub asked if there were any visitors present that wished to address the Board regarding the plan. There was no one present from the public to address the Board.

Mike Knouse, C.S. Davidson said he has not seen any progress on the James Horak & Donald Yorlets, 6-lot Preliminary Plan. There are outstanding issues on the Engineering comment letter as well as York County Planning Commission comments. He said the primary issue is they do not have sewer capacity.

Supervisor Woerner asked Solicitor Fenicle if there were any legal obligations to extend the plan.

Linus Fenicle, Solicitor said no, if it doesn't meet the Subdivision and Land Development Ordinance (SALDO), and there are specific sections that the plan does not meet the Board has a right to deny the plan based on the failure of the preliminary plan to meet the provisions. He said there are outstanding deficiencies pursuant to the Township Engineer and the York County Planning Commissions' review. If the deficiencies have not been met the Board has a right to deny the plan.

Kevin Null, Township Manager said the plan was originally submitted in 2007 and on July 7, 2011 the Board granted a 60 day extension until September 1, 2011.

Linus Fenicle, Solicitor asked if the developer has requested any further extensions.

Kevin Null, Township Manager said he has not received any communications. In a motion by Supervisor Woerner, seconded by Supervisor Parr, and carried, the Board denied the extension of the plan based on not receiving a letter to extend the plan on behalf of the developer, nor did they appear before the Board as requested.

Linus Fenicle, Solicitor said it is a motion to deny the plan and not the extension.

Supervisor Woerner said he would amend his motion to deny the plan due to the outstanding deficiencies set forth in the plan by the Township Engineer and York County Planning Commission, and based on not receiving a letter to extend the plan on

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behalf of the developer, nor did they appear before the Board as requested, seconded by Supervisor Parr, and carried.

Linus Fenicle said within 15 days the developer must receive a written letter setting forth the denial.

B. ALL TO BE TABLED:

In a motion by Supervisor Woerner and seconded by Supervisor Parr, the Board tabled all the following plans: Joshua Hill Farm, 124-lot Preliminary, The Warner Farm, 15-lot Preliminary, Orchard Estates-Gobrecht, 58-lot Preliminary, Preserve at Codorus Creek IV (Marlee Hill), 79-lot Preliminary, 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, Benrus Stambaugh et al, Land Development Plan, Homestead Acres, 366-lot Preliminary. Motion carried.

SUPERVISORS AND/OR PUBLIC COMMENTS: Supervisor Williams said he would be absent from the September 20, 2011 Worksession meeting.

Carl Grubb presented an article from the Hanover Evening Sun regarding the Township Chief of Police helping stranded motorists.

NEXT SCHEDULED MEETINGS: Next Scheduled Meetings: Supervisors Work Session – Tuesday, September 20, 2011 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Thursday, October 6, 2011 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

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

Respectfully submitted,

Laura Gately
Acting Secretary