

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES

Regular Meeting

Thursday, April 5, 2012
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.

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

ROLL CALL: Present were Supervisors Hartlaub, Woerner, Staaf, Parr and Gobrecht. 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 and seconded by Supervisor Parr. Motion carried.

APPROVAL OF MINUTES: The Minutes of the Worksession Meeting of March 20, 2012 were approved, as submitted, in a motion by Supervisor Parr, seconded by Supervisor Gobrecht and carried.

APPROVAL OF DISBURSEMENTS: The Disbursements from all Funds were approved as listed in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

CORRESPONDENCE: Guthrie Memorial Library – “Thank You” to West Manheim Township Supervisors for the Fair Share Contribution in the amount of \$6,000.00.

RECREATION BOARD REPORT: Christine Gienski, Chair, West Manheim Twp Park and Recreation Board reviewed the Rec. Board report as submitted to the Board. Copies of the monthly Park and Recreation Board report were distributed to Supervisors and Staff (copy in Township files). She said that she was contacted by Stephanie Palmer of Arms Outstretched Ministry, a non-profit organization, requesting permission to hold "A Day in the Park" craft show with vendors in the park on Sunday, June 3rd. Setup time will be 8am and the event time to be from 10am to 6pm. The money raised will benefit the Wounded Warrior and Adopt a Soldier programs along with meals for military families whose loved ones are stationed overseas and abroad. The organization carries its own liability insurance and will donate 10% of the vendor proceeds to the Park. The organization is also renting the pavilion for the day. There will be approximately 40 - 50 vendors. The Park Board has been invited to set up a booth free of charge. Also invited to attend is the Pleasant Hill Fire Company, the WMT Police Department, and the EMS. She is requesting approval from the Board for the organization to hold the event.

***West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)***

Supervisor Hartlaub said he is not sure that the Board would like to give approval for the event at this time. They are concerned with the number of vendors and vehicles visiting the park. He asked what the Rec. Board had in mind for parking. He said they are also concerned about the neighbors.

Chris Gienski, Chair, West Manheim Twp Park and Recreation Board said it would be similar to what they did during the Easter egg hunt. They were parked along the parking that was set up for the ball fields, which held the majority of the vehicles, and they reserved an area near the dog park for handicapped accessible parking. The vendors would be aligned around the pavilion and along the wooded trail past the pavilion. She would be glad to check with the neighbors.

Supervisor Gobrecht said he has a concern with the event causing problems for visitors who would like to leisurely use the park during the event.

Chris Gienski, Chair, West Manheim Twp Park and Recreation Board said it shouldn't because it won't affect the trails and the event will be near the pavilion. The pavilion is not reserved for this particular weekend.

Supervisor Hartlaub asked Solicitor Fenicle for input.

Solicitor Linus Fenicle, Reager & Adler, PC, said the vendors are selling crafts which is a craft show. He asked what they plan on providing for restroom facilities.

Chris Gienski, Chair, West Manheim Twp Park and Recreation Board said this is one of the things she is going to discuss with Stephanie Palmer from the Arms Outstretched Ministry. She is going to ask that they pay for additional port-a-pots.

Solicitor Linus Fenicle, Reager & Adler, PC asked if they could get a copy of the organizations liability insurance. He would also like information on the restroom facilities. He would also like to review the zoning ordinance to make sure the event does not present a problem with the particular district.

Chris Gienski, Chair, West Manheim Twp Park and Recreation Board said she is meeting with Ms. Palmer and will pursue the requested information. She said she met with Brenda Mahone, the organizer of the upcoming May 12th Bark for Life event.

Solicitor Linus Fenicle, Reager & Adler, PC asked if the organization could provide in writing to the Board information explaining the organization and the purpose of the event.

Chris Gienski, Chair, West Manheim Twp Park and Recreation Board said that Jeff Klenk has raised money for supplies and donations for the August 5K race. His expenses typically are approximately \$700.00-\$800.00. She is asking the Supervisors to authorize the Park Board to spend over the approved \$500.00 limit in expenses.

**West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)**

In a motion by Supervisor Gobrecht, seconded by Supervisor Parr and carried, the Board authorized to raise the access amount to \$800.00 for the August 5K race event only.

Chris Gienski, Chair, West Manheim Twp Park and Recreation Board said Mack Warner contacted her about planting two (2) red maples in the park in memory of his parents, Bernie & Mary Warner.

In a motion by Supervisor Parr, seconded by Supervisor Staaf and carried, the Board authorized the planting of two (2) red maple trees in the park by Mack Warner in memory of his parents.

Chris Gienski, Chair, West Manheim Twp Park and Recreation Board said Mack Warner would also like to help with mowing. He will need a trained Park Board member to show him the specifics of the New Holland tractor.

In a motion by Supervisor Parr, seconded by Supervisor Staaf and carried, the Board authorized Mack Warner to use the New Holland tractor and assist with mowing.

The Rec. Board Report was approved, as distributed, in a motion by Supervisor Parr, seconded by Supervisor Staaf and carried.

SOLICITOR'S REPORT Solicitor Linus Fenicle indicated that he had nothing to report.

ENGINEER'S REPORT: Mike Knouse presented a written report of C. S. Davidson, Inc. dated March 1, 2012. Written copies were distributed to Supervisors and Staff (copy in Township files).

Mike Knouse, C.S. Davidson reviewed the following action items from staff report:

- (A) 2011 Sanitary Sewer Maintenance
 - 1. Contract 2 – Fitz & Smit, Inc.
 - a. Application for Payment No. 2 - \$3,760.56

He reviewed Application for Payment No.2 – Fitz & Smit, Inc. submitted in the amount of \$3,760.56. He would recommend approval.

In a motion by Supervisor Parr, seconded by Supervisor Staaf and carried, the Board authorized the payment of Application for Payment No. 2 in the amount of \$3,760.56 to Fitz & Smit, Inc.

REPORTS: The Chief of Police Report for February, 2012 was approved, as distributed, in a motion by Supervisor Staaf, seconded by Supervisor Gobrecht and carried.

**West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)**

The Treasurer's Report for February, 2012 was approved, as distributed, in a motion by Supervisor Staaf, seconded by Supervisor Gobrecht and carried.

The Code Enforcement Officer's Report for February, 2012 was accepted, as distributed, in a motion by Supervisor Parr, seconded by Supervisor Staaf and carried.

The Public Works Report for February, 2012 was accepted, as distributed, in a motion by Supervisor Staaf, seconded by Supervisor Gobrecht and carried.

The Pleasant Hill Fire Company and Ambulance Reports for February, 2012 were accepted, as distributed, in a motion by Supervisor Staaf and seconded by Supervisor Gobrecht and carried.

There was no SEO Report submitted for review to the Board for February, 2012.

The Utilities Supervisor's Report for February, 2012 was accepted, as distributed, in a motion by Supervisor Staaf, seconded by Supervisor Gobrecht and carried.

The EMA Activity Report for February, 2012 was approved and accepted, as distributed, in a motion by Supervisor Staaf and seconded by Supervisor Gobrecht and carried.

MANAGER'S REPORT: Kevin Null, Township Manager reviewed the Manager's report as submitted to the Board.

In a motion by Supervisor Parr, seconded by Supervisor Gobrecht and carried the Managers Report for February, 2012 was accepted, as distributed.

OLD BUSINESS:

A. York Water Company Treatment Proposal

Supervisor Marc Woerner said he could present the information he found on his research about the fluoride.

In a motion by Supervisor Woerner, seconded by Supervisor Parr, the Board approved to ask The York Water Company to remove the fluoridation from the Township's drinking water system. Supervisor Gobrecht was opposed. ***Motion carried.***

Supervisor Gobrecht said he has a problem with removing fluoride from the water. He said most dentists have stated that the fluoride has made people's teeth healthier. He is not one hundred percent sold on eliminating something that has been so good. He would hate to eliminate the fluoride totally at this point.

**West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)**

Supervisor Marc Woerner said Myerstown, Pa voted in January to remove fluoridation from their water system. He referenced the frequently asked questions handout previously provided by The York Water Company about the Environmental Protection Agency (USEPA) and U.S. Department of Health and Human Services (HHS) findings. He said this issue was originally brought to the Board's attention because York Water would be asking for a reduction in the fluoride amount that is placed into the water and the question was asked if we wanted to eliminate fluoridation, now would be the time to do it since there is an extensive permitting process. He said the recommendation reduction is based upon the recent Environmental Protection Agency (USEPA) and U.S. Health and Human Services (HHS) scientific assessments to balance the benefits of preventing tooth decay while limiting any unwanted health effects. Supervisor Woerner stated that the USEPA and USHHS are essentially admitting that there is unwanted health effects associated with fluoridated water. He stated the according to a recent Centers for Disease Control report, dental fluorosis has risen to 41% in children ages 12-15 during 1999-2004, up from 23% from 1986-1987.

He asked J.T. Hand of The York Water Company to address any questions related to safety, and if he can answer with a yes or no answer whether or not the drinking water is made safer by adding fluoride. J.T. Hand, The York Water Company said he can't define safety. He can say that the drinking water that is provided to West Manheim meets all State and Federal health requirements. He can't say that adding fluoride to the drinking water has made it safer or less safe. It is a regulatory requirement and they are required to meet the descriptive levels that they receive from State regulating agencies.

Supervisor Woerner asked if the fluoride cleans the water.

J.T. Hand, The York Water Company said it does not disinfect the water.

Supervisor Woerner referenced the Fluoridation Statement handout previously provided by The York Water Company. He read paragraph three of the document. He agrees with the statement regarding fluoride; "...introduction [of fluoride] into the water supply by the Company would not only affect all children within the service area, whether the parents give their permission or not but would also affect each and every customer, regardless of the age, regardless of the appropriateness, regardless of the current level of personal fluoride intake or personal sensitivity to fluoride and regardless of the personal choice of those customers". He referenced a handout from the U.S. Environmental Protection Agency (USEPA) regarding building a database of Developmental Neurotoxicants which lists fluoride as a chemical with substantial evidence of developmental neurotoxicity. He said they are forcing this onto the community, and West Manheim Township is the only community that is serviced by The York Water Company that fluoridates the water. He referenced the Material Safety Data Sheet (MSDS) for Fluorosilicic Acid provided to him by The York Water Company. He specifically pointed out Section 2, Hazards Identification, main effects- very hazardous to human health, toxic by inhalation, in contact with skin and if swallowed, risk of nervous disorders and chronic exposure at high concentrations can cause bone fluorosis. Supervisor Woerner also stated that there is no way to control who

**West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)**

drinks the fluoride, how much they get and no way to monitor the fluoride intake and that people get fluoride from many different sources; fluoride toothpaste, dental products, food, beverages, bottled water that contains fluoride, etc. Supervisor Woerner asked how can a person's total fluoride intake be calculated? He spoke on his additional research findings he found about fluoride. Copies of the handouts were distributed to Supervisors (copy in Township files).

Supervisor Hartlaub said he is in favor of doing away with the fluoride.

Supervisor Parr said he also is in favor of eliminating the fluoride from the drinking water. He said individuals can get fluoride from other sources. The Township should not be providing it for an entire population whether they want it or not.

Supervisor Hartlaub asked if there were any public comments.

Frank Kadyszewski, Valley View Drive, said he would recommend including this issue on the referendum since it affects the Township residents.

Dave Barber, Kenlee Circle, said he would like for the Supervisors to find a compromise.

J.T. Hand, The York Water Company explained the permitting process for eliminating fluoride in the drinking water for West Manheim Township including information related to consumption percentages.

Supervisor Woerner also added his concern for the environmental effects of fluoride. He said that many people are concerned about what is going into our ground water and that while we may use fluoridated water to wash your car, water your lawn, cook dinner, take a shower or flush your commode, all of this non-natural occurring fluoride is going right back into our ground water, streams, rivers and the Chesapeake Bay.

NEW BUSINESS:

A. Resolution No. 2012-04 – Adoption of Emergency Operations Plan

Mike Hampton, Emergency Management said that the Pennsylvania Emergency Management Services Code mandates that West Manheim Township prepare, maintain and keep current an emergency operations plan for major emergency or disasters within the Township. He said anytime there is an update to the required Emergency Operations Plan it requires a Resolution, Promulgation Letter and a Concurrence Letter that is included in the plan.

Resolution #2012-04 was adopted in a motion by Supervisor Woerner, seconded by Supervisor Parr and by a unanimous roll call vote, the Board adopted Resolution # 2012-04 – Adoption of the Emergency Operations Plan.

**West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)**

B. West Manheim Lions Club & Pleasant Hill Vol. Fire Companies Annual
“Wine Tasting on the Hill” – Approval

In a motion by Supervisor Woerner, seconded by Supervisor Gobrecht, and carried, The Board approved the request of the West Manheim Township Lions Club for their joint fundraiser with Pleasant Hill Volunteer Fire Company. “Wine Tasting on the Hill” will be held on September 29th and September 30, 2012 at the Fire Company Carnival Grounds.

C. Homestead Acres – 366 Lot Preliminary Subdivision Plan – Waiver
Requests

Paul Minnich, York Pa, said he was Counsel present on behalf of the applicant J. A. Myers Building and Development, Inc. He said Daniel Frey, Attorney, Frey & Associates was also present on behalf of the applicant. A court reporter was present on behalf of the applicant. Mr. Minnich said he wanted to discuss with the Board the waiver applications that were submitted and heard by the Township’s Planning Commission. The Planning Commission has made recommendations that are not binding on the Board. He said he would like to also present tonight information concerning the applications, the nature of the waiver request, as well as providing testimony from two representatives connected to the plan. He said present is Jeff Stough who is an employee of J.A. Myers, and Brian Reisinger who is the engineer on the plan. He provided for the Board a hard copy of Exhibits #1-16 to reference during the presentation. Copies of the handouts were distributed to Supervisors (copy in Township files).

Brian Reisinger, 369 East Park Dr. Harrisburg, Pa. 17111, Project Manager and Professional Engineer at Hebert, Rowland & Grubic, Inc. presented his testimony to the Board. Mr. Reisinger referenced the Exhibits #1-16 during his testimony, as submitted to the Board.

Jeffrey Stough, 116 Ram Drive, Hanover, Pa. 17331, Project Engineer and Sr. Estimator. He provided his job duties and how they related to the Homestead Acres project. Mr. Stough referenced the Exhibits #1-16 during his testimony, as submitted to the Board.

Paul Minnich, Counsel for the applicant said he has provided a full size separate set of all the plans to be submitted into the record that were included in the Exhibits.

Daniel Frey, Attorney, Frey and Associates said they are asking that they be treated the same way as other developers.

***West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)***

Paul Minnich, Counsel for the applicant said he would like to state for the record that the development is subject to not the current ordinance that is in effect, but the ordinance that immediately precedes the current ordinance based on the time the application was filed.

Jeff Stough, Project Engineer and Sr. Estimator continued with his testimony. Mr. Minnich asked him to review Exhibit #6 as provided.

Supervisor Hartlaub asked if they were asking for waivers on the once the applicant submitted.

Jeff Stough, Project Engineer and Sr. Estimator said they are asking for all eight waivers as noted in Exhibit #2 of the handouts.

Solicitor Linus Fenicle, Reager & Adler said the Board does not have to act on the waiver requests tonight. He said the Board has the right to table the request and take it under legal advisement. He said the Board is not addressing the plan but just the waiver requests.

Daniel Frey, Attorney, Frey & Associates said that is correct. They don't have any problem with the Board taking this under advisement and then render a decision as long as it's taken into account and that there is the understanding that the applicant continues to work on the development and will be asking for extensions. They made a representation that they would continue to work on the engineering comments in order to move the project forward.

Supervisor Hartlaub said they would like to take this under their legal advisement.

Paul Minnich, Counsel for the applicant said unless there any further questions they would like to include into the record the Exhibits they referenced including the full size set of plans. He said their goal is to be able to be treated on the same terms as other developers have traditionally been treated within the Township with a project based on the fact that these waivers have been routinely granted and they think the record reflects the routine basis upon which the waivers have been granted to other developers. They ask that they are given the same consideration that has been given to other developers.

In a motion by Supervisor Woerner, seconded by Supervisor Parr and carried, the Board will take it under legal advisement.

D. Discussion of Prevailing Wage Reform Resolution

Supervisor Marc Woerner stated that the Pennsylvania State Association of Township Supervisors (PSATS) has asked municipalities throughout the Commonwealth to

**West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)**

support Prevailing Wage Reform. They sent the Township a sample Resolution. He contacted the Pennsylvania State Association of Township Supervisors (PSATS) regarding the Resolution, and he felt it was inadequate. Supervisor Woerner asked that the Board support his total repeal and elimination resolution. He said what they are doing is showing the township's support for a repeal and elimination of the Prevailing Wage Act 442 of 1961 and asking that the General Assembly repeal and eliminate the Prevailing Wage Act 442 of 1961. Supervisor Woerner read the Resolution he submitted in its entirety outlining the unnecessary high costs placed on the taxpayers of West Manheim Township, etc. He said he is submitting the Resolution for consideration and adoption by roll call and that it be forwarded to all the elected representatives at the general assembly, the State Senator, the Governor, and Pennsylvania State Association of Township Supervisors (PSATS).

Resolution #2012-05 was adopted in a motion by Supervisor Woerner, seconded by Supervisor Parr and by a unanimous roll call vote, the Board adopted Resolution # 2012-05 – Prevailing Wage Reform to repeal and eliminate the State Prevailing Wage Act 442 of 1961.

SUBDIVISION PLANS

A. EXTENSIONS:

Orchard Estates-Gobrecht, 58-lot Preliminary, Homestead Acres, J.A. Myers, 134-lot Preliminary, Benrus Stambaugh et al, Land Development Plan, Homestead Acres, 366-lot Preliminary.

In a motion by Supervisor Parr, seconded by Supervisor Woerner, the Board granted the 90 day extension requests for the following plans: Orchard Estates-Gobrecht, 58-lot Preliminary, Homestead Acres, J.A. Myers, 134-lot Preliminary, Benrus Stambaugh et al, Land Development Plan, Homestead Acres, 366-lot Preliminary. *Motion carried.*

B. ALL TO BE TABLED:

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, Reservoir Heights – Phase 2 – Section 2 – 28-Lot Final Subdivision Plan.

**West Manheim Township Board of Supervisors Meeting
April 5, 2012 (Cont'd)**

In a motion by Supervisor Parr and seconded by Supervisor Woerner, 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, Reservoir Heights – Phase 2 – Section 2 – 28-Lot Final Subdivision Plan.
Motion carried.

SUPERVISORS AND/OR PUBLIC COMMENTS: There were no comments.

NEXT SCHEDULED MEETINGS: Next Scheduled Meetings: Supervisors Work Session – Tuesday, March 20, 2012 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Tuesday, April 5, 2012 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: The Meeting was adjourned at 9:45 p.m. in a motion by Supervisor Woerner, seconded by Supervisor Parr and carried.

Respectfully submitted,

Laura Gately
Secretary