

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES

Regular Meeting

Thursday, August 2, 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.

ROLL CALL: Present were Supervisors Hartlaub, Woerner, Staaf, Parr and Gobrecht. Also present were Manager Kevin Null, Solicitor Wayne Martin, and Mike Knouse of C. S. Davidson, Inc.

RECOGNITION OF VISITORS: Visitor's Register Attached.

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

APPROVAL OF MINUTES: The Minutes of the Worksession Meeting of July 17, 2012 were approved, as submitted, in a motion by Supervisor Gobrecht, seconded by Supervisor Woerner 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: There was no correspondence.

RECREATION BOARD REPORT: Christine Gienski, Chair, West Manheim Twp Park and Recreation Board was absent from the meeting. Kevin Null, Manager 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). He said Christine Gienski received a phone call from Randy Hilker from the First Church of God on Fairview Dr. The church would like to perform some community service work in the park. Kevin Null said that he would like to defer this item for further discussion until the Worksession meeting on August 21, 2012.

SOLICITOR'S REPORT Solicitor Wayne Martin indicated that he had nothing new to report.

ENGINEER'S REPORT: Mike Knouse presented a written report of C. S. Davidson, Inc. dated August 2, 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. Township Park – Phase 3: J.A. Myers Building and Development, Inc.

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1. Contract Change Order No. 4 (Final) – Decrease \$12.90

In a motion by Supervisor Parr, seconded by Supervisor Staaf and carried, the Board authorized Contract Change Order No. 4 (Final) – Decrease in the contract price in amount of \$12.90.

2. Application for Payment No. 7 (Final) – \$15,625.98

In a motion by Supervisor Parr, seconded by Supervisor Woerner and carried, the Board authorized the payment of Application for Payment No. 7 (Final) – in the amount of \$15,625.98.

B. 2011 Sewer Maintenance

1. SWERP, Inc.

a. Contract Change Order No. 2 (Final) – Decrease \$952.60

In a motion by Supervisor Parr, seconded by Supervisor Staaf and carried, the Board authorized Contract Change Order No. 2 (Final) – Decrease in the amount of \$952.60.

b. Application for Payment No. 2 (Final) - \$20,116.16

In a motion by Supervisor Parr, seconded by Supervisor Woerner and carried, the Board authorized the payment of Application for Payment No. 2 (Final) – in the amount of \$20,116.16.

2. Fitz & Smith, Inc.

a. Application for Payment No. 4 (Final) - \$987.61

In a motion by Supervisor Parr, seconded by Supervisor Woerner and carried, the Board authorized the payment of Application for Payment No. 4 (Final) – in the amount of \$987.61.

In a motion by Supervisor Parr, seconded by Supervisor Staaf and carried the Engineer's Report for August 2, 2012 was accepted, as distributed.

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

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

The Code Enforcement Officer's Report for June, 2012 was accepted, as distributed, in a motion by Supervisor Gobrecht, seconded by Supervisor Woerner and carried.

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

The Pleasant Hill Fire Company and Ambulance Reports for June, 2012 were not available for review.

The SEO Report for June, 2012 was approved and accepted, as distributed, in a motion by Supervisor Gobrecht, seconded by Supervisor Woerner and carried.

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

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

OLD BUSINESS

A. Burn Ordinance

Kevin Null, Manager asked the Board of Supervisors if they have any additional questions or comments regarding the Ordinance. He said if they decide to move forward tonight it would authorize the publication of the Ordinance.

Bill Kick, 77 Oak Hills Drive said he has a 2-3 acre tract that is zoned agricultural except the tract that his house is located. He said on the particular tract he has five fruit trees which require pruning several times a year. He finds that it is going to be a hindrance that he will not have access to a burn barrel. He is looking for input and help from the Board.

Kevin Null, Manager said there is a provision to allow for burning in an agricultural setting. He said the Ordinance allows for burning of materials that are created on the property as part of an agricultural operation. He said fruit trees may meet the criteria. He said they have to take this on a case by case basis.

Supervisor Woerner said he would like to suggest the Board table the advertising of the Ordinance for the future. He said the Board has discussed a lot of the revisions that have been made, but he feels that the larger issue is Harrisburg continuing to push things down onto the

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smaller municipalities and expect them to fund and find a way to pay. He would like to have more time to research the issues and the enactment of the Ordinance. He would like to table the advertising of the Ordinance and keep under Old Business on the agenda.

Supervisor Hartlaub asked Solicitor Wayne Martin how long it could be postponed.

Solicitor Wayne Martin, Reager & Adler, PC said once West Manheim Township fell into the category of 5,000 – 10,000 population according to the new Census information the Township fell under the new mandates that they adopt a fire ordinance according to the Department of Environmental Protection (DEP) guidelines. He does know if there was a “hard date” set for the adoption of the Ordinance.

Kevin Null, Manager said the Department of Environmental Protection (DEP) was looking for the adoption of the ordinance sometime by the spring. He said as part of the requirements he has applied for the recycling grant, which he included a copy of the initial ordinance. He said in order to apply for the \$219,000.00 grant the Township has to adopt the burn ordinance. He said there is no “hard” drop dead date. He indicated that the grant application has been submitted. He said the ordinance is a requirement of the grant approval, and according to Act 101, once the Township became a mandated recycling community the Township is required to adopt a burn ordinance that prohibits the burning of materials that can be recycled. He said the only exception is for agricultural purposes.

Supervisor Woerner asked what would happen if the Township did not enact the ordinance.

Solicitor Wayne Martin, Reager & Adler, PC said if the Township does not enact the ordinance there are certain provisions they can take which include fines, enact a civil lawsuit to enforce the ordinance as well as holding state funds. He read Act 101, Section 1708 that included other penalties that can be taken against the Township.

Supervisor Hartlaub said he would like all of the Supervisors to review the Burn Ordinance for changes so that the Ordinance can be advertised. He does not want to be fined by the State Department, nor have available funds held.

Supervisor Woerner said they can keep going along to get along but where does it end. He is not satisfied and he wants additional time to review the Ordinance.

Supervisor Hartlaub asked the Supervisors to bring any suggestions and they would discuss the ordinance at the next Worksession meeting.

Supervisor Woerner said this is a “back door tax”.

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NEW BUSINESS

A. York Water Company – Request for reimbursement of cost related to The modification of the permit for the elimination of fluoride

In a motion by Supervisor Gobrecht, seconded by Supervisor Staaf, and carried the Board authorized payment of \$1,957.90 to York Water Company related to the modification of the permit for the elimination of fluoride.

B. Request from South Western Football to hold bonfires at the Township building

Jim Moffit, Southwestern School District Football Team, said is requesting permission to hold bonfires on the Thursday nights for a total of five nights before the scheduled home games from 7:00 pm to 9:45 pm. There will be ten parents in attendance as chaperones during the event.

In a motion by Supervisor Gobrecht, seconded by Supervisor Woerner and carried, the Board approved bonfires to be held at the Township Building by the Southwestern School District Football Team, and if there are any complications the Board of Supervisors will discuss.

C. Request from Reservoir Heights for a modification of Subdivision Plans for the removal of a walking trail

Judy Bouchet, Bob Ward Companies, said they are requesting that the proposed trail on Lot 121 be removed. She said there are two other ways to enter the proposed rear walking trail. The proposed trail on Lot 121 is making it impossible to sell the lot due to the liability issues.

Mike Knouse, Engineer said the developer could request a subdivision lot add-on to the open space, or there may be a means to take a pedestrian easement to Reservoir Heights Homeowners' Association which would transfer the liability to the HOA and assign maintenance responsibilities to them as well.

Judy Bouchet, Bob Ward Companies said they would be agreeable to moving the lot and having the Homeowners' Association take over the liability of the lot.

Supervisor Hartlaub said yes.

D. South Pointe Phase III – Emergency access road

Gerald Funk, GHI Engineers said there are two adjacent property owners that were given information that the access road was to be temporary and not permanent. He said that both of the property owners were upset. He provided a handout to the Board that showed the alternative method that Ryan Homes is proposing to make it less obvious. He said the access road is also being used by people bringing things in and out. He said they are not requesting to eliminate the

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access road but are requesting a change to the top materials so that the access road appears different so people don't continue to use the road.

Supervisor Gobrecht said he does not have a problem with the change as long as it is approved by the Fire Department and Emergency Management.

Mike Hampton, Emergency Management Director said he would like to find another location that is using the materials to see if it is working and can support the weight of the fire apparatus without any issues. He is looking at this from a safety perspective and getting the residents out safely.

Gerald Funk, GHI Engineers said he would try to locate where the materials are being used.

Supervisor Hartlaub said they would table the item for further discussion until Mike Hampton; Emergency Management Director receives more information.

SUBDIVISION PLANS

A. EXTENSIONS

Joshua Hill Farm, 124-lot Preliminary, The Warner Farm, 15-lot Preliminary, Preserve at Codorus Creek IV (Marlee Hill), 79-lot Preliminary, Reservoir Heights – Phase 2 – Section 2 – 28-Lot Final Subdivision Plan.

In a motion by Supervisor Staaf, seconded by Supervisor Gobrecht, the Board granted the 90 day extension requests for the following plans: Joshua Hill Farm, 124-lot Preliminary, The Warner Farm, 15-lot Preliminary, Preserve at Codorus Creek IV (Marlee Hill), 79-lot Preliminary, Reservoir Heights – Phase 2 – Section 2 – 28-Lot Final Subdivision Plan. *The 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

In a motion by Supervisor Woerner and seconded by Supervisor Staaf, the Board tabled all the following plans: Joshua Hill Farm, 124-lot Preliminary, The Warner Farm, 15-lot Preliminary, Orchard Estates-Gobrecht, 58-lot

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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. *The motion carried.*

SUPERVISORS AND/OR PUBLIC COMMENTS:

Supervisor Woerner said he would like to pass on information to the residents about some residential energy saving opportunities. The residents can visit the FirstEnergy website at FirstEnergy.com and learn more about available energy programs and how to save on kilowatt hours.

Stanley Werkeiser, 60 Sara Lane presented a copy of the Colonial Hills community newsletter to the Board of Supervisor so they are aware of what is happening in their development. He also wanted to make the Supervisors aware of the pop-up camper that is parked on the public street; Colonial Drive and Wanda Drive. He said the township has an ordinance regarding the long term parking of recreational vehicles on public streets. He said there is a hearse also parked along the public street which has not been currently inspected.

Mike Knouse, C.S. Davidson said if the vehicle is sitting on the road under the vehicle code it needs to be inspected.

Stanley Werkeiser, 60 Sara Lane said he has received comments from the residents on the good job done with the paving of the road.

NEXT SCHEDULED MEETINGS: Next Scheduled Meetings: Supervisors Work Session - Tuesday, August 21, 2012 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m. Supervisors Regular Meeting - Thursday, September 6, 2012 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: The Meeting was adjourned at 8:05 p.m. in a motion by Supervisor Parr, seconded by Supervisor Woerner and carried.

Respectfully submitted,

Laura Gately
Secretary