

Chairman Barry Rebert called the regularly scheduled meeting to order at 7:00 p.m. Supervisors present: Dennis Luckenbaugh and Tanya Crawford. Present on behalf of the Township: Manager Joy Strausbaugh, Solicitor William Poole and Township Engineer Dennis Sarpen. Also present: Recording Secretary and approximately twenty-four (24) citizens.

Chairman Rebert reported that the Board of Supervisors met in Executive Sessions on March 4<sup>th</sup> and March 10<sup>th</sup> for the purpose of interviewing prospective employees.

### Minutes

**Motion** by Crawford, second by Luckenbaugh, to approve the minutes of the regular meeting of February 17, 2009, and the special meeting of March 10, 2009. All members voted aye; motion carried.

### II. Treasurer's Report

A. **Motion** by Luckenbaugh, second by Crawford, to approve the Treasurer's Report for February 2009 as presented. All members voted aye; motion carried.

Mr. Sarpen presented a Change Order from Kinsley Construction, submitted at the Township's request, for the balance of the Ambau Road culvert project. Discussion was held. To have Kinsley do the work, the total projected cost would be \$155,559.00. If the Township crew does the work, the projected cost would be \$153,569.00. This would decrease the time of road closure by about one (1) month. These are rough estimated costs, due to the level of rock that has to be removed.

**Motion** by Luckenbaugh, second by Crawford, to approve Change Order #1 from Kinsley Construction Inc. in the amount of \$49,390.00 for the completion of the Ambau Road project. All members voted aye; motion carried.

### III. General Public Comment

Rodney Shearer of 5244 Shearer Lane, requested clarification on the Kinsley change order just approved. He did not agree with the action taken.

Mr. Shearer also said that he is willing to cooperate with the Township on the Brown Road traffic; however, he feels that the Township owes him a letter of apology for an accusation. Without the letter, Shearer stated that the Township will have to deal with the feed trucks and egg trucks coming in.

Dave Stambaugh of 3316 Days Mill Road requested that a noise ordinance be enacted, specifically to cut down on a neighbor's "excessive shooting" on the weekends. He complained to the police, who told him to come to the meeting to request the enactment of a noise ordinance. The Township does not presently have a noise ordinance and has never enacted one due to problems with enforcement.

Scott Zeigler of 3965 North Rohrbaugh Road, asked why the minutes of the meeting cannot be placed on the Township's website, marked "Pending Approval" to keep the residents more timely informed. Mr. Poole recommends against putting unapproved minutes on the website. The minutes are not actually public records until they are approved. The Solicitor stated that the minutes are not usually up for public discussion. Mr. Rebert added that the Board will consider the possibility of posting the minutes earlier.

Kris Dennis of 2909 Cedar Hill Road had further comment on the approval of the minutes. He objected to content, specifically in meetings where he had comments. Mr. Poole again advised that minutes are not subject to public discussion. They are minutes of the Board of Supervisors.

Teena Hoy of 1834 Hoke Road objected to content of minutes from over a year ago in reference to comments she had made at a meeting.

IV. **Police Report and Police Board Report**

Officer Jeff Knouse gave the Police Report for February 2009. From the audience, Tax Collector Teena Hoy asked what the policy is, if the Police would be able to stop in at the Township Office when she is collecting taxes, either take money to the bank for her or follow her to the bank. No problem, call the Chief and it can be set up as a detail.

Mr. Rebert gave the Police Board Report for March 2009. Special honor was given to Dave O'Brien, the Heidelberg Township representative for his time served on the SWRPD Board. The Chief spent time with the three (3) new board members, Dennis Ilyes for NCT, Paul Rohrbaugh for SG Boro and Terry Frock for Heidelberg Township, acquainting them with the Department. Telephone answering system equipment is being upgraded.

V. **Fire Company Report**

Fire Chief Larry Wildasin gave the Fire Company Report for February 2009. Medical personnel were recently re-certified. He requested that the Rescue Truck and crew be permitted to go to SG High School on April 6, 2009, 7:30 a.m. to 1:00 p.m. for a Safety Bug program. **Motion** by Crawford, second by Luckenbaugh, to approve the attendance of NCT Fire Company personnel, along with the Rescue Truck for the High School Safety Bug program on April 6, 2009 as requested.

VI. **Permits, Plans, and Modules**

A. Attorney Susan Smith was present on behalf of the developer for Colonial Crossings Phase IV L/D Plan #6119.00 located on Mackenzi Lane. This is the last day to take action on this plan. There has been a fair amount of correspondence between the Township and the developer concerning various issues. Ms. Smith feels that the Board has already acted on this plan, and considers it a deemed approval in 2007 as there is no record of a conditional approval letter having been sent to the developer, and therefore has no authority to revisit it. Ms. Smith brought up several issues – ownership – the PUC decision – inaction by the Township. Mr. Poole questioned Ms. Smith's representation. She asserted that she represents Cornerstone, the developer, stating that there are three (3) principals, two (2) of which have previously represented plans here. Solicitor Poole again asked if Ms. Smith represents CMV, to which she again answered that she represents Cornerstone, the developer. Mr. Poole noted that some of the documents are executed by owner/equitable owners, and specifically pointed to the 2003 sewer agreement with NCT asserting the developer to be a "fee simple" owner when, in fact, they were not when that document was executed. Mr. Poole feels that Cornerstone is in breach of that agreement with the Township. Ms. Smith feels that because no one challenged the decision of the PUC, it stands. CMV has been deemed to be a regulated public utility provider, charged with the duty to provide service to the territory it is certificated for, which includes Colonial Crossings. The Township requires public sewer service and CMV is a public sewer provider. Ms. Smith noted that the PUC denied the transfer of the sewer system.

Mr. Poole feels that the Board is being asked to agree to a condition which is in direct conflict with the Township's Act 537 Plan. He feels that the Board certainly does have authority to re-visit the plan. Mr. Rebert feels that the applicants said that they would hook up to the Township's sewer system, and they did not do

that. Ms. Smith said that the applicant cannot do that because of a prohibition by the PUC. Mr. Poole stated that what Cornerstone did was take what could have remained a private sewage facility and by transferring it to CMV, they made it a public utility - it did not have to be a public utility and the agreement never contemplated it being a public utility. Mr. Poole stated the Board has been asked to do three (3) things - 1) acknowledge a deemed approval, which the Board does not have to do 2) acknowledge CMV as a regulated public utility to provide service to Colonial Gardens and 3) adopt a resolution that rescinds prior denial of the sewage planning module, which is in direct contradiction to the Act 537 Plan. Solicitor Poole pointed out that this Board does not have to do any of the three (3). Mr. Poole stated there are several issues here: you have a plan which misrepresents ownership and you have a developer's agreement that has been breached. Ms. Smith insisted that this Board does not have the authority to take action on this plan. Mr. Poole objected to that, giving several examples of incorrect representations which gives the Board the authority to go back and take action on this plan and revisit its approval. Mr. Rebert stated that the developer has failed to do what they agreed to do, the most serious that they have not met the condition of hooking up to the NCT Sewer. **Motion** by Rebert, second by Crawford, to rescind the conditional approval of Phase IV Colonial Crossings L/D Plan #6119.00 and therefore deny this plan. All members voted aye; motion carried. Mr. Poole will send the decision to the Cornerstone Development Group, the applicant and to the property owner. Ms. Smith will supply correct addresses to Mr. Poole for the developer as the application address is no longer valid. Ms. Smith also clarified that the Board took action to deny the three (3) requests of her letter of February 16<sup>th</sup> as outlined above. Yes, that is correct.

B. The Board addressed the bond reduction request from Cornerstone for TV inspection of the sewer lines that were to be turned over to the Sewer Authority, in the amount of \$9,391.80. A letter from Terry Myers of C. S. Davidson, Engineer to the Sewer Authority advised that the SA does not object to release of this bond., but would like the developer to be put on notice that if and when the Colonial Crossings sanitary sewer collection system is connected to the NCT SA system, a TV inspection will be required to insure that there is not excessive infiltration/inflow. **Motion** by Crawford, second by Luckenbaugh, to approve the reduction of the performance bond for Cornerstone in the amount of \$9,391.80, and that if the Colonial Crossings sanitary sewer collection system is ever connected to the NCT Sewer Authority's collection system, a TV inspection may be required to ensure that the Colonial Crossing system does not contain excessive infiltration/inflow. All members voted aye; motion carried.

## VII. Administrative Reports

### A. Manager's Report

1. The 2008 audit has been completed by Smith Elliott Kearns & Co., the appointed auditors and duly advertised.
2. The Park Work Day has been scheduled for Saturday, March 21<sup>st</sup>, starting at 8:00 a.m., with a rain date of March 28<sup>th</sup> for the same time.

### B. Engineer's Report

1. **Motion** by Luckenbaugh, second by Crawford, to authorize the start of the permit application process for the Heindel Road culvert project, at a cost NTE \$6,500. All members voted aye; motion carried.

### C. Solicitor's Report

1. Resolution #04-03-2009, was discussed. Mr. Poole noted that he made changes to the Resolution to reflect the wording "digital or other audio recordings" instead of just tape recordings, to be more

inclusive and correct with regard to the meeting recordings. Mr. Poole explained that in February, the Open Records Office issued a ruling that the recording of meetings is a public record under the new law. Mr. Poole's recommendation is that the Board adopt this policy, to prevent having a roomful of tapes. Mrs. Strausbaugh noted that the former Board already approved this meeting tape retention policy: to meet the requirements, it is being re-adopted by Resolution. **Motion** by Luckenbaugh, second by Crawford, to adopt Resolution #04-03-2009. From the audience, Lisa Dennis asked what if a resident disagrees with what ends up in the minutes? Mr. Poole noted that any resident can lawfully tape-record the meetings. Mr. Dave Stambaugh asked why the recordings are destroyed. Mr. Rebert noted that if there are any changes to be made to the minutes, the Board is the entity that would have to agree to correct it. Mr. Poole noted that minutes are the official documents and are not debated in public. Once the minutes are approved, it makes no sense to keep any recordings that are not official. *Vote on the motion:* All members voted aye; motion carried.

2. Mr. Poole reported that there was a hearing in the Delaney case, at which Mr. Delaney did not appear. The Magisterial District Judge issued a judgment of \$8,000 against Mr. Delaney, which he has thirty (30) days to appeal. **Motion** by Crawford, second by Luckenbaugh, to authorize Mr. Poole to take the appropriate action to proceed with the Delaney case in the event of an appeal. All members voted aye; motion carried.

Mr. Poole distributed a letter from Ms. Smith, the representative of Cornerstone, which was handed to Mr. Poole tonight.

#### VIII. Old Business

A. **Motion** by Crawford, second by Rebert, to hire Miss Mann as a part-time office employee, and to offer Miss Greene a part-time position in the zoning department. Two members voted aye; Luckenbaugh opposed on the basis of the second hire.

#### IX. New Business

A. Carldene Stough, EMA Coordinator, explained that the new EMA plan is different from the old EMA plan. This new plan is up for adoption by the Board tonight, by resolution. **Motion** by Rebert, second by Luckenbaugh, to adopt Resolution #05-03-2009, to adopt the new NCT EMA Plan as presented. All members voted aye; motion carried.

B. **Motion** by Crawford, second by Luckenbaugh, to approve the two-week summer camp program to be under the direction of the Hanover Area YMCA to run from June 15-27, 2009. All members voted aye; motion carried.

C. **Motion** by Luckenbaugh, second by Crawford, to approve the assistance of the Fire Police at the Bob Potts Heritage Rail Trail Marathon on May 31<sup>st</sup>, 6:30 a.m. to 1:00 p.m., Glatfelters Station Road and South Maple Street AND at the YWCA Ladies Sprint Triathlon on June 28<sup>th</sup>, from 8:30 a.m. to noon, Days Mill Road and Markle Road. All members voted aye; motion carried.

D. A letter from Dennis Ilyes of 1440 Dennis Lane requested installation of one dry hydrant in a pond on his property. Funding will come from Adams Electric Cooperative. This will provide extra safety for the residents in the area. Fire Chief Larry Wildasin agreed with this idea and the request will need to come from the Fire Company. **Motion** by Luckenbaugh, second by Rebert, to approve the installation of a dry hydrant on the Dennis Ilyes property, with the assistance of the Township Fire Chief making application to Adams Electric. All members voted aye; motion carried.

X. Announcements

- A. The Rec Board will meet on March 23<sup>rd</sup> at 7 p.m.
- B. The Planning Commission will meet on March 24<sup>th</sup> at 7 p.m.
- C. The Board of Supervisors will meet on April 21<sup>st</sup> at 7 p.m.
- D. The SWRPD Board will meet on April 8<sup>th</sup> at 7 p.m., at 6115 Thoman Drive
- E. The Sewer Authority will meet on April 20<sup>th</sup> at 7 p.m.
- F. There is no Zoning Hearing Board meeting scheduled for April

**Motion** by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried.  
The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Joy Ann Strausbaugh, Secretary