

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 Mark Clark of Holley Associates. Also present: Recording Secretary and sixteen (16) citizens.

I. **Minutes**

Motion by Crawford, second by Luckenbaugh, to approve the minutes of the meeting of May 27, 2009. All members voted aye; motion carried.

II. **Treasurer's Report**

A. **Motion** by Luckenbaugh, second by Rebert, to approve the Disbursements for May 2009 and the Treasurer's Report for April 2009 as presented. All members voted aye; motion carried.

III. **General Public Comment**

A. Rodney Shearer of 5244 Shearer Lane expressed his opinion about the preparation of the minutes of the Supervisors' meetings. Chairman Rebert stated that the Supervisors decided to no longer include all of the comments expressed at meetings to simplify the minutes. Mr. Rebert explained that, following incidents of questioning and discussion from the audience, it was generally decided by the Board that "discussion" is how public comment is referred to in the minutes. How about if a person puts a topic in writing for inclusion at public comment? Mr. Poole said it's up to the Board how they want to handle it. Mr. Rebert stated it is something that the Board can reconsider. Mr. Shearer feels that there's no point in residents attending the meeting if concerns and comments are not going to be referred to in the minutes.

Lisa Dennis of 2909 Cedar Hill Road also spoke, indicating that a complete recounting of the public comment discussion in the minutes is important to the Township residents, especially if they aren't present at the meeting.

Larry Hash of 1802 Noss Road spoke about the Colonial Crossings traffic on Noss Road. Could the Township do something about the corner at 1802 Noss Road (where Joseph Road meets Noss Road). The Township Engineer will take a look at the area. Larry Wildasin noted that there have been several accidents at that corner.

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

As there was no Officer present; Chairman Rebert gave the Police Report for May 2009. Chairman Rebert also gave the Police Board Report for June 2009. Additional staffing is being requested and an intern is starting shortly. The Police Chief has had several speaking engagements and/or appearances to the public. The Police Board received their first communication from the Police Officers Association to start the contract negotiations.

Rodney Shearer asked about the article in the newsletter concerning the use of farm equipment on the roadways. The article was submitted by the Police Chief. How are the farmers supposed to move their equipment?

Discussion followed with Shearer relating a story in which a farmer, moving his equipment at night, was pulled over by the police for driving wide equipment. He had trouble finding a suitable place in the road to pull over at the police officer's request. More police were called in before the farmer finally was able to pull over safely. The farmer was instructed to leave his equipment, and the tractor was vandalized later

that night. At tonight's meeting, there was some confusion about the daytime and nighttime moving of equipment.

V. **Fire Company Report**

Fire Chief Larry Wildasin gave the Fire Company Report for May 2009. He noted that the house fire in Hanover Junction was deemed to be arson. He thanked the Township and the Road Crew and any other helpers for the assistance on the night of the rainstorm that resulted in water rescues, etc. Supvr. Luckenbaugh questioned the status of the old fire truck? Larry said he has had no response to the offer of sale. There are fire companies in Montana which would be interested in the Township's donation of the truck. How to get it there? He can check on how this would be accomplished. Mr. Luckenbaugh would like to get the truck moved on to someone. Mr. Wildasin also noted that the Fire Department could donate the unused portable air cascade system (to fill air bottles) to Nashville Fire Company. **Motion** by Luckenbaugh, second by Crawford, to donate the portable air cascade system to Nashville Fire Company. All members voted aye; motion carried.

Mr. Rebert thanked the Fire Company, the Township Road Crew and crews from surrounding municipalities for the outstanding job of taking care of the residents during the rainstorm. He noted that several roads are still closed. Barry asked Chief Wildasin for a list of those who helped so that we can send letters of thanks.

The new door trim on the overheads was put on at the Fire Company, Mr. Luckenbaugh said, but the job is unsatisfactory. Nelson Brenneman checked the job and thought it was satisfactory; however, he will revisit the site with Mr. Luckenbaugh.

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

A. Chris Blount with ARRO Consulting and Attorney Susan Smith were present on behalf of the Colonial Crossings Phase IV L/D Plan #10012TTL-4 located on Mackenzi Lane. This phase addresses the sixty (60) apartment units that were phased out of Phase II to allow Phase III the EDU capacity to build. Mrs. Crawford asked what capacity their private plant was approved for under the NPDES permit. Mr. Blount could not supply that information. Crawford then asked if the sewage plant was re-rated for the additional capacity the developer is saying is available. Ms. Smith noted that the NPDES permit renewal is pending through DEP. Mrs. Crawford noted a discrepancy in the number of EDUs available at different times. Mr. Blount noted that the original request for 400 EDUs was an estimate.

Mr. Rebert noted that the Township and Colonial Crossings have an agreement that the development will connect to the Township sewer system. This has not been done. Ms. Smith noted that the PUC says that this contract cannot be satisfied. Mr. Poole feels that this is incorrect and for the Board to approve this plan would be in violation of the Township's Act 537 Plan. He feels that the PUC is not a party to the agreement between the Township and the developer and has no standing in its enforcement. Ms. Smith feels that this is a new plan; that the Township cannot "trump" the authority of the PUC; and that the Act 537 plan does not reference any sort of agreement. Discussion was held on the fact that CMV is a regulated public utility, licensed to provide sewage treatment. The developer's position is that CMV is an appropriate utility.

Motion by Crawford, second by Rebert, to reject the Sewage Planning Module for Phase IV, Colonial Crossings. All members voted aye; motion carried.

Motion by Rebert, second by Luckenbaugh, to reject the Colonial Crossings Phase IV Land Development Plan #10012TTL-4. All members voted aye; motion carried.

Ms. Smith requested that the record note that no grounds were stated for either rejection. Solicitor Poole stated that a rejection letter will be sent outlining the motion and reasons. Mr. Rebert said that grounds for his motion are because the Township does have an agreement with the applicant that has not been honored; secondly, this proposal goes against the spirit of the Township's Act 537 Plan; and there is no permit from DEP to utilize that plant for this phase of the project. Mr. Poole noted that all these grounds will be in the letter, along with any other provisions in the ordinance that are appropriate.

Ms. Smith stated that the Township has to state the grounds for rejection at this time given that you have an Engineer's statement that the applicant has met those requirements. The applicant has to be afforded an opportunity to respond. She added that the applicant cannot respond to something that has been pulled out of a hat after the fact. Smith added that you have an Engineer's letter that says the plan is fully compliant, so what are you denying our plan on? Mr. Poole will send a formal letter of rejection outlining the motions and the actions taken tonight by the Board. Mr. Poole attempted to confirm the applicant's address as several items have been returned by the Post Office.

B. Dave Koratich from LSC was present with Joe Darrah on the Eichelberger's U-Pull-It Salvage Yard (located on Sunnyside Road) waiver request to the NCT S/D L/D Ordinance Article IV, Section 165-33. The proposal is to remove some old storage units and build a 5-bay, 1600 square foot dismantling shop. This will allow patrons to work inside in inclement weather. The applicant is requesting a waiver of having to do a land development plan since they are reducing the amount of impervious surface (currently 2500 sq. ft.) on the lot. The applicant will provide appropriate stormwater facilities in the form of a seepage pit for the new building.

Why not do a land development plan at this time? Mr. Darrah would rather not do a plan at this stage because he has other plans for the entire lot and isn't sure about the details yet. He wouldn't be able to include these proposals on a current land development plan.

Will there will be any hazardous materials, such as oils, etc., being discharged? Mr. Darrah answered that if an engine is deemed as good, the oil is left in it. If not, it is drained and used for heating purposes. Will there be drains? Mr. Koratich nodded yes. Mr. Poole noted that, technically, Section 165-4 should be the correct section for the waiver. The applicant agreed to amend to Section 165-4. Mr. Koratich confirmed that these are the plans that will be submitted to get the UCC permit.

Mrs. Crawford pointed out that there are still two (2) outstanding issues to be met on the plan approved across the street - paved parking spaces and flashing signage as warnings of pedestrian traffic. What is the time frame for completion of those requirements? The signage can be done immediately, as he was provided with possible vendors tonight, and probably a year for the paved parking. Where is parking being provided now, without those required spaces? Once the paving was done across the street and properly lined, that created more controlled parking spaces. The Manager added that in passing the yard, she has noticed that patrons are still using the holding area for parking, which was not to have been permitted. Mr. Darrah will add the requested flashing signs as soon as possible. Mr. Rebert added that travel on this road is still hazardous because of parking, people pulling/backing out onto the road. What can be done to address this? Would it be possible to forego the parking on the house side of the road and keep it all on one side, Mrs. Crawford inquired? Would it be possible to cut off the corner of the yard and have parking actually exit onto Fire Hall Road? A one way in-out situation? There are drainage issues there and a required distance to stay away from a waterway. Would the applicant be willing to escrow funds to attempt to remedy the parking issues?

Will a land development plan address the traffic safety issues? Would it be a good idea to require the land development plan now? Part of the problem is that this proposal involves only one (1) of the five (5) parcels to this business. It was noted that a land development plan for this building will not address any of the traffic issues. Paving costs were discussed, with the final estimate being \$2800 or so for 10 spaces. Mr. Darrah is willing to put up an escrow to cover the cost.

Motion by Crawford, second by Rebert, to approve the waiver request by Eichelberger's U-Pull-It Salvage Yard for Section 165-4 waiving the necessity for a land development plan, subject to the applicant's posting \$5000 in escrow for the parking lot remedy, caution signs to be placed within ninety (90) days, and the entire project to be UCC compliant. All members voted aye; motion carried. Mrs. Crawford suggested the applicant come to the In-House reviews for the next two (2) months or so and talk about remedies for the parking issues - Mr. Rebert agreed to attend.

C. Colonial Crossings has made a request for the return of their maintenance bond. This bond was put in place for eighteen (18) months as a guaranty of the street and storm sewer improvements. Mr. Poole sees no problem with releasing the bond. A final walk-through will be done by the Township Engineer and if no issues, the bond can be released after that. Mark Clark said it can be done by the next meeting.

Motion by Rebert, second by Luckenbaugh, to release the maintenance bond for Colonial Crossings upon satisfactory inspection and approval by the Township Engineer; if the work is not satisfactory, funds will be withheld to complete any remaining work. All members voted aye; motion carried.

D. **Motion** by Rebert, second by Crawford, to approve Resolution #11-06-2009, to amend the Act 537 Plan to include the Lynwood Sewage Module. All members voted aye; motion carried.

VII. Administrative Reports

A. Manager's Report

1. Ambau Road – Kinsley has started work on the project. The road will be closed for at least another month.

2. The Sewer Authority has applied for the Libertore permit for the storm sewer work on Old Joseph Road to address the water problems resulting from the WWTP.

B. Engineer's Report

1. Mr. Clark gave the details on the Heindel Road culvert proposal. Mrs. Strausbaugh noted that the engineering fees for determining "structural adequacy" of the last culvert were quite high. Mr. Clark will get some additional information for the Board. A concrete arch is being proposed as well as a box culvert.

2. The Ambau Road culvert assembly was paid with the purchase of the arch culvert late last year; however, the contractor (Chemung) is saying that the contract has expired. Mr. Poole feels that the contract didn't run out, it was fulfilled. The Township paid in full, the arch was purchased and paid in full late last year, which included delivery and assembly. The original contractor for the assembly quote that Chemung obtained is now out of business, and the new contractor requires \$440 in additional funds to complete the work.

Motion by Crawford, second by Luckenbaugh, to approve the payment of \$440, that the quote be signed stating "paid under protest", and a meeting be scheduled with Don Shuck, the sales representative, after the fact. All members voted aye; motion carried.

3. The Engineer reported on the June 10th flood damage; he will have final figures tomorrow. He recommends that Bentz Road remain closed for safety, the footers are badly undermined, making it structurally unsafe. He feels that the culvert project could be accomplished soon, possibly under an emergency permit, if the Township decided to proceed. The new one would be a lot wider than the old one.

A new box would be about \$20,000; wing walls would be probably \$10,000 per side, engineering costs unknown. Mr. Luckenbaugh would like to see the road raised and wing walls included. Guide rails would probably be required on at least one side. The Board did not have adequate information to make a decision tonight. Due to funds, the road may remain closed until next year when a grant could be applied for.

4. The Engineer briefly reported on the punch list items for the Aylesbury development. There is still quite a bit of work to be done. The road adoption process was started way too early. The Sewer Authority also has to televise the sewer lines and give their approval.

From the audience, Nelson Brenneman noted that widening has begun on Panther Hill Road. Mark reported that he and Nelson attended a pre-construction meeting out there and that Nelson was planning on doing the inspection. It will take some time to get the GTE lines moved.

C. Solicitor's Report

1. **Motion** by Rebert, second by Crawford, to approve Resolution #10-06-2009, relating to the Code of Ethics for employees and elected officials. Two members voted aye; Luckenbaugh *opposed*. Motion carried. Discussion: purchasing approval by Township Manager. The Fire Company and Road Crew can still get permission by the Manager for authorized spending, as is currently done. The spending is "funneled" to the Manager. Mr. Luckenbaugh is not comfortable with the Supervisors needing permission/passwords to use the Township computers. Mrs. Crawford noted that part of this is required by HIPPA regulations regarding personnel issues - this should have been in effect long ago. It is a good, sound business practice. It is also good to have a policy in place, particularly since we're dealing with public funds.

2. The Township was assigned the duty of maintaining Heindel Cemetery by York County due to its state of disrepair back in 1995. There are no known survivors of the Heindel Cemetery Association; therefore, the Township was charged with its maintenance. Mr. Hortch, an adjoining property owner, has come forward and asked to maintain the cemetery and repair the stones to preserve its historical value. Mr. Rebert questioned what would happen if Mr. Hortch failed to maintain the cemetery. Solicitor Poole advised that the Township would have to take it back. **Motion** by Rebert, second by Crawford, to approve the Agreement with Gary Hortch for maintenance of the Heindel Cemetery. From the audience, Mike Hoy asked about liability if Mr. Hortch gets hurt doing this job. He is not an employee of the Township, so the Township would not be liable. The Township is merely the custodian of the cemetery, not the owner. *Vote on the motion:* All members voted aye; motion carried.

Mr. Poole requested an Executive Session following tonight's meeting to discuss possible litigation on sewer issues.

VIII. **Old Business**

A. Larry Wildasin explained the situation in which there are "unknown injury" calls with protocol set that personnel and equipment must respond, putting the equipment and personnel at risk in dangerous inclement weather. The County is requesting that each municipality make a decision on response in this type of situation for non-injury or unknown injury calls. It is not a good idea to send out the ambulance on icy roads for a non-injury or unknown injury incident. Police and fire response would remain the same; the ambulance would be dispatched only after the police or fire personnel deem that it is needed. Spring Grove Ambulance has decided to not respond until fire personnel request it. Tri-Community sees it differently but will do whatever the Township decides. The original suggestion comes from the County agency. **Motion** by Crawford, second by Luckenbaugh, to support the County policy of limited response in inclement weather/road conditions. All members voted aye; motion carried.

IX. **New Business**

A. The SEO has requested a waiver of the isolation distance between a well and septic system for a property owned by Robert and Malinda Eisenhart at 5867 Ambau Road. There is a problem with failure of the septic system at this residence, and the replacement area is within thirty-eight (38) feet of the well. Due to coverage on the lot, there is no other suitable location for a replacement system. The well is on the higher elevation side of the replacement location. Some municipalities will require an ultraviolet system be put on the water system. It will not affect any neighboring properties isolation distances, according to the SEO. **Motion** by Rebert, second by Luckenbaugh, to waive the isolation distance as requested by the SEO. All members voted aye; motion carried.

B. **Motion** by Crawford, second by Rebert, to accept the resignation of Joy Strausbaugh as Township Manager as submitted. All members voted aye; motion carried. It was noted that Mrs. Strausbaugh will be using some vacation and personal time from July 14th until August 28th.

C. Township Manager position – Discussion: the salary that the candidate has accepted is \$78,000 to start, which is \$7,000 less than the Township budgeted, with four (4) weeks of vacation and the benefits that are in place now. The salary was comparable to a school district salary with someone holding the same degrees. There were three (3) final candidates selected for oral boards by a board made up of two (2) Township Managers, the Township Solicitor and a resident who also has an engineering background. The Board of Supervisors were not involved in the final interview/selection process. Solicitor Poole added that he, as the Township Solicitor was asked to take the lead - the Board was given no direction at all with what questions to ask and no preferences were indicated. They were given three (3) candidates to interview. The Board unanimously decided that Mr. Derr was extremely well qualified and gave very good answers to the somewhat tough questions he was asked. The Board unanimously recommended Mr. Derr with no direction from anyone. Mrs. Crawford added that inclusive of this salary, the Township will be \$59,000 under what it was last year because of restructuring. The candidate's qualifications were discussed. Mr. Luckenbaugh noted that the candidate is well qualified in the GIS system, which is a big plus in Mr. Luckenbaugh's eyes. Teena Hoy said that she had heard (a year ago) that this candidate was being sought. It's unclear how this sort of rumor got started. Mr. Poole added that Mark Derr told the Board in their interview process that he found out about the job through the advertising process and that he debated internally within himself whether he wanted to apply. Is there a contract in place? No, it's not permitted; the Manager serves at the pleasure of the Board of Supervisors. He's an employee at will. Mr. Luckenbaugh noted that he has heard good things about this candidate and supports his hiring. Mr. Shearer and Mrs. Hoy acknowledged that they have heard good things about Mr. Derr. **Motion** by Crawford, second by Luckenbaugh, to affirm the hiring of Mark Derr as Township Manager. All members voted aye; motion carried.

D. **Motion** by Luckenbaugh, second by Crawford, to affirm the declaration of a disaster emergency for June 10, 2009, due to the storm and flooding. All members voted aye; motion carried.

E. **Motion** by Rebert, second by Luckenbaugh, to approve the execution of the Community Development Block Grant Contract for Brown Road. All members voted aye; motion carried.

F. **Motion** by Luckenbaugh, second by Crawford, to affirm the position of Public Works Director as outlined in the job description and promote Russell Fuhrman as Public Works Director. All members voted aye; motion carried. It was noted that Russell will still be working on the Road Crew and Nelson Brenneman remains as Road Master.

G. **Motion** by Crawford, second by Luckenbaugh, to appoint Mark Derr as Assistant Treasurer and Secretary of the Township effective July 14, 2009, Mrs. Strausbaugh's last day. All members voted aye;

motion carried.

X.

Announcements

- A. The next Rec Board meeting will be on June 22nd at 7 p.m.
- B. The Planning Commission will meet on June 23rd at 7 p.m.
- C. The Board of Supervisors will meet on July 21st at 7 p.m.
- D. The SWRPD Board will met on July 8th at 7 p.m., at 6115 Thoman Drive.
- E. The Sewer Authority will meet on July 20th at 7 p.m.
- F. The Zoning Hearing Board will meet on June 18th at 7 p.m.

At 9:24 p.m., the Board retired to an Executive Session to discuss possible litigation for sewer issues.

Motion by Crawford, second by Luckenbaugh, to adjourn. All members voted aye; motion carried.
The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Joy Ann Strausbaugh, Secretary