

Chairman Nelson Brenneman called the regularly scheduled meeting to order at 6:30 p.m. with the following in attendance:

Supervisor Dennis Luckenbaugh

Mark E. Derr, Manager
William Poole, Solicitor
Julie B. Maher, Recording Secretary
Approximately 8 citizens

I. **Minutes**

Motion by Luckenbaugh, second by Brenneman, to approve the minutes of the meeting of March 16, 2010. All members voted aye; motion carried.

II. **Treasurer's Report**

Motion by Luckenbaugh, second by Brenneman, to approve the Treasurer's Report for March 2010 as presented. All members voted aye; motion carried.

III. **General Public Comment**

Keith Hunnings, the Acting Chairman of the Sewer Authority had questions regarding the Sewer Authority and its current financial condition. Mr. Derr explained that due to limitations of the Sewer Authority's ability to borrow any additional funds, the Board of Supervisors will have to borrow the monies required to make up the Sewer Authority's annual shortfall due to the on-going legal battle with the developers of Colonial Crossings. The Board set certain conditions that would be associated with that borrowing. The conditions were that all financial transactions of the Sewer Authority be handled by the Township, that the part-time person's job be eliminated, and that the Sewer Authority's engineer be replaced with another firm. Mr. Hunnings agrees with the dismissal of the engineering firm. He doesn't agree, however, with the dismissal of Brenda. Mr. Poole feels that discussing Brenda's position is a personnel issue and inappropriate to discuss outside of an Executive Session.

From the audience, Mr. Robert Taylor felt that, when he attended the meetings, the engineer was the only one who knew what was going on, he set the agenda, provided all the information, etc., but his interest was more with the contractor, not the residents. Mr. Hunnings feels that the engineer was called upon to do things that the staff or employees could have or should have done.

Mr. Poole noted that the Sewer Authority must authorize the Township staff and/or Mr. Derr to perform the duties and responsibilities for the Sewer Authority. Mr. Hunnings doesn't want the Township to use the Township Staff or Mr. Derr's administrative costs in working for the Sewer Authority as an excuse to raise the sewer rates in the future. Mr. Derr described a leaseback authority and suggested that may be an alternative for the Board and the Authority to consider. Cost cutting was also discussed.

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

No police officer was present, therefore no report was given. Mr. Brenneman reported that next police board meeting will be May 12, with a short ceremony preceding the meeting. The department has a new police car, a black one.

V. **Fire Company Report**

Mr. Brenneman gave the fire company report for March 2010. Mr. Luckenbaugh noted that he attended the last fire company meeting. The windows have been caulked, with dubious results. Perhaps new windows should be installed inside the old ones, without removing the old ones. It was noted that this would probably not be anytime soon, given the financial situation of the Township.

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

A. K & K Services, Trinity Road, request for re-zoning

Jim Yingst and Clark Craumer were present to request re-zoning at the intersection of Trinity Road and West College Avenue. The owner of K & K Services, Mr. Krebs, proposes subdividing his property to convey a portion to his neighbor, Mr. Hinson. There's a commercial use on Lot 2 and three residential units on Lot 2 – all non-conforming uses in the R1 district. The applicants are proposing to make the Hinson Lot 3 and the Krebs Lot 2 both Highway Commercial zones and to change the Krebs Lot 1 and Hinson Lot 4 to the R2 zone. Then the townhouse use would be permitted in that zone (R2). The business would be solely on Lot 2. There would be one driveway for the three homes.

Mr. Brenneman and Mr. Luckenbaugh both believe that this would be a good move. This would not be considered spot zoning since there are similar zones and uses in this area.

Mr. Poole outlined the appropriate steps that must be taken by the Township and/or the applicants.

Motion by Luckenbaugh, second by Brenneman, to authorize Mr. Poole to draft an ordinance and forward it to the Township and County Planning Commissions. All members voted aye; motion carried.

VII. **Administrative Reports**

A. Manager's Report

1. **Motion** by Luckenbaugh, second by Brenneman, to approve the engagement letter for the CGA Law Firm for the Colonial Crossings lawsuit. All members voted aye; motion carried.

2. **Motion** by Luckenbaugh, second by Brenneman, to approve Resolution 02-04-2010, designating Township Manager Mark Derr as the Agent to execute forms for Financial Assistance related to the snow emergency. All members voted aye; motion carried.

3. The snow emergency routes were discussed. Mr. Luckenbaugh believes that the Supervisors should declare the snow emergency and it should probably be a majority of the Supervisors at any rate.

Relating to the declaration of a snow emergency, signs are not required, but Mr. Poole

strongly suggests placing snow emergency route signs. Towing of vehicles must be authorized. Mr. Poole wants to prevent trouble in the future. He doesn't want to see the Township tow vehicles that are parked on the street and then have the residents take the Township to court, saying that they didn't know about the snow emergency routes or see any signs. This item was *tabled* until the next meeting.

4. The fee resolution was discussed. Mr. Luckenbaugh wants to see the comparison between the current fees and the proposed fees. He also would like to have the recreation fees paid at the time the house is built rather than at the time the property is subdivided. He feels that the homebuilder should pay the fee that is in effect at the time the house is built, even if the fee has increased from the time of the subdivision plan to the actual building of the structure.

Mr. Luckenbaugh would like to keep the application fee at \$450 for a Zoning Hearing. He would also like to have a fee for abandoned plans. Mr. Poole proposed a different sort of solution – get a fee up front and request further fees as warranted.

5. **Motion** by Brenneman, second by Luckenbaugh, to approve the award of the low bid for materials, as attached. All members voted aye; motion carried.

6. **Motion** by Brenneman, second by Luckenbaugh, to approve the award of the low bid for micropaving to Asphalt Paving Systems, per the attachment. All members voted aye; motion carried.

7. **Motion** by Brenneman, second by Luckenbaugh, to approve the award of the low bid for the mowing contract to Trump Lawn and Land Company for a three-year contract, as attached. All members voted aye; motion carried.

8. **Motion** by Luckenbaugh, second by Brenneman, to accept, with regret, the resignation of David Boyer from the Sewer Authority, effective immediately. Mr. Derr will send a letter to Mr. Boyer thanking him for his time. There are two vacancies on the Sewer Authority now. **Motion** by Brenneman, second by Luckenbaugh, to appoint Mr. Robert Taylor to complete Dave Boyer's term to expire 12/31/2013; and to appoint Brian Buchanan to complete Jose Carrio's term, which expires 12/31/2010. All members voted aye; motion carried.

9. **Motion** by Luckenbaugh, second by Brenneman, to approve the use of Fire Police for June 27, 2010, for the YWCA in York for the Annual Ladies' Sprint Triathlon, to start at York College and go through parts of the Township. All members voted aye; motion carried.

10. Camp North Codorus - **Motion** by Luckenbaugh, second by Brenneman, to discontinue Camp North Codorus this year, per the recommendation of the Recreation Board. All members voted aye; motion carried.

11. **Motion** by Brenneman, second by Luckenbaugh, to remove Cindy Stoner from the Recreation Board, and add Darlene Krout to the Rec Board. All members voted aye; motion carried.

12. It's proposed to raise the Community Building's rental fees to cover the increased costs of cleaning up after the renters. **Motion** by Luckenbaugh, second by Brenneman, to set the fee at \$100 residents and \$200 for non-residents. All members voted aye; motion carried.

B. Engineer's Report

1. The John Shearer Partnership has requested a reduction in the letter of credit (April 7, 2010). Holley's office said that the amount in the line of credit should be increased, not decreased. The Board has 45 days to act on this request.

Motion by Luckenbaugh, second by Brenneman, to *deny* the request for a reduction in the letter of credit, per the engineer's recommendation. All members voted aye; motion carried.

2. Jerry Stahlman was present on the Lynwood subdivision. He noted that the changes to the bonding for public improvements have been made, according to the recommendation by Mark Clark from Holley Associates.

Mr. Stahlman would like the Board to conditionally approve the subdivision, conditioned upon posting of the necessary security. Mr. Clark recommends that if the Supervisors vote to approve the security, the approval should be conditioned upon both the inlets and pipe passing inspection or funds being provided for security of these items.

In another matter, the inlets were discussed. Two different contractors did the road work in this area. The inspection of the inlets, etc., was called into question. Mr. Stahlman said that Fitz and Smith will clean the rock and loose debris out of the inlets and re-grout the areas in question. The Board asked if Fitz and Smith would provide a letter to the Township to that effect? The actual pipes themselves also need to be cleaned out. From the audience, Russell Fuhrman confirmed the conditions of the pipes/inlets.

Discussion was held on the ramifications of a conditional approval, and what would happen if the Township declines to adopt the streets in question, etc.

Motion by Luckenbaugh, second by Brenneman, to approve the Lynwood Phase 2-C final plan, **subject to:** the receipt of the letter from Fitz and Smith, with the referenced work being done, the posting of the remaining bond, the payment of any outstanding fees, and inspection of the storm water management system in this phase and the appropriate bond posted. All members voted aye; motion carried.

C. Solicitor's Report

1. Mr. Poole presented an ordinance adding a 10% penalty and interest on late payments to the York Adams Tax Bureau's local services tax, per their request. **Motion** by Luckenbaugh, second by Brenneman, to approve the added information to the YATB ordinance. All members voted aye; motion carried.

2. Mr. Poole still needs input on the peddler's permit ordinance. Mr. Derr noted that Supervisor Crawford's opinion is that non-profit or charitable organizations should be exempt. Mr. Brenneman is particularly bothered by the roving solicitations for home repairs, paving, etc. Mr. Poole noted that this proposed ordinance does not prevent any solicitations; it only requires that the seller must register with the Township. The registration would be renewable every calendar year.

3. Mr. Poole deferred to Mr. Luckenbaugh's presentation of the information on the Ag Security area.

Motion by Luckenbaugh, second by Brenneman, to forward the Ag Security information to the Township and County Planning Commissions for review and input. All members voted

aye; motion carried.

4. Mr. Poole asked about the house numbering system that the staff/fire department recommends. Make the reflective numbers 3" or greater, and the numbers should be on every house, as well. From the audience, Mark Shea indicated that he doesn't believe that it is necessary to put reflective numbers on his house, as his house is the only one on his lane. He doesn't want to see the numbers when he turns on his spotlight. Mr. Luckenbaugh responded that it's fine if there's only one house on the lane/driveway. However, if there are three houses on a shared driveway, the house numbers should be on the houses. Russell noted that for a single house, as long as the numbers are on the property, in the front yard, on a post, etc., near the house, that should be good enough. It can't be just on the mailbox, though. The Board concluded that more than 75' from the road, numbers need to be on the house and at end of driveway. Within 75' from the road, house alone is fine.

Discussion was held on the Recreation Fees and when to charge the applicants. Mr. Luckenbaugh believes it's not really fair to charge a Recreation Fee when a farmer subdivides his land to give a small portion to the neighbor. It's not good to have plans fall through the cracks and never be charged the Recreation Fee, either. It's not good to not charge the fee up front, when the applicant says that the lot will remain in Ag use, and less than six months later, puts up a house and then doesn't pay the fee. The developer passes that cost on to the eventual homeowner who is totally unaware of the fee. However, if the developer doesn't pay the fee up front and it is passed on to the person building the home, the developer made all the money off the lot but does not pay all the costs. The way the ordinance reads now is that the developer pays the fees up front. Perhaps add the word "residential" in front of the words "building lot" in the ordinance.

VIII. **Old Business**

None at this time.

IX. **New Business**

Mr. Derr noted that the Township has been renting a vacuum for cleaning out stormwater inlets. West Manchester Township is offering their old one for \$5,000 which is also capable of flushing and cleaning sewer lines. Mr. Brenneman, Mr. Fuhrman and Mr. Derr are going to look at it on Wednesday.

X. **Announcements**

- A. No Zoning Hearing Board meeting for April.
- B. The Recreation Board will meet April 26, 2010.
- C. The Planning Commission will meet on April 27 at 7 p.m.
- D. The SWRPD Board will meet on May 12.
- E. The Sewer Authority will meet on May 17.
- F. The Board of Supervisors will meet on May 18, 6:30 p.m.

Motion by Luckenbaugh, second by Brenneman, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:56 p.m.

Respectfully submitted,

Mark Derr,
Township Secretary/Manager

Julie B. Maher,
Recording Secretary