

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

Supervisor Dennis Luckenbaugh
Supervisor Tanya L. Crawford

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

Mr. Brenneman reported that there were two meetings before tonight=s Board of Supervisors meeting: one Executive Session immediately prior to tonight=s meeting to discuss personnel matters and the other with the Sewer Authority last night.

I. **Minutes**

Motion by Crawford, second by Luckenbaugh, to approve the minutes of the meeting of April 20, 2010. All members voted aye; motion carried.

II. **Treasurer=s Report**

A. **Motion** by Luckenbaugh, second by Crawford, to approve the Treasurer=s Report for April 2010 as presented. All members voted aye; motion carried.

III. **General Public Comment**

A. Rodney Shearer, 5272 Shearer Ln., had questions and expressed concerns about the financial condition of the Township. He is concerned that DCED, an outside agency, is being called in to perform an evaluation of the Township's financial condition. He is disappointed that the outside agency is going to be paid to do what he believes the Board and Manager should be able to do. Mr. Brenneman feels that it=s important to keep as much work as possible in the Township, done by Township personnel. However, due to the extent of the financial problems that the Township is faced with, he believes that it is important to gather as much information as possible to help the Township get out of the current financial problems that they're in. Mr. Luckenbaugh noted how the DCED grant process works and what the outside consultants will be examining. The consultants will review the Township=s revenues and expenses, the financial condition and processes in order to make a recommendation on how to get the Township=s finances back on track. They will also be looking at the on-going situation with the sewer authority as well as the regional police. Mr. Shearer asked if there was any grant money available for the sewer authority. Mark Derr explained that often times it is available at the start of a project, but unfortunately no grant applications were filed and PENNVEST funding wasn't explored.

Mr. Shearer also asked about the police officer at McGrew=s auction. He would like to know why an officer is stationed there. The cost being charged for the service is significantly less than what the regional police study showed as the cost per hour for an officer. Why are the municipalities subsidizing the costs of a private business?

B. Paul Schlegel, 5480 Bentz Road, requested that the Township abandon the section of Bentz Road to eliminate the bridge repair. He suggested that a turnaround at each end might be a more financially sound idea. He stated that his property is the only one that would be affected along that stretch of the road. Mr. Luckenbaugh noted that several people have requested that this bridge be repaired so that they can use it, so he=s not sure abandoning the road is a good idea.

C. Jesse Fringer had questions on the on-lot management program and asked what is involved in the inspection of a septic system. Mr. Luckenbaugh explained the process. Mr. Fringer asked about the use of a video system; that=s a possibility, but it=s not provided for in the Township=s ordinance. Mr. Poole noted that DEP is reluctant to approve video systems. There=s an inspection port through which the company can inspect, but the septic system cannot be pumped effectively through the inspection port. The Township ordinance requires that the system be pumped through the manhole or access hole. Mr. Poole suggested that the Township may have adopted this from a DEP requirement. Kris Dennis noted that some companies actually use the smaller port and use a propeller type fixture on the bottom of the hose to stir up the solids and pump the tank out. Mr. Fringer asked for a copy of the DEP regulations.

D. Sam Sutherland, 1924 Rockville Road, reported that a Township snowplow hit his tractor trailer this past winter. The Township Manager requested that he obtain an estimate and he would contact the insurance company. Mr. Sutherland had the truck repaired and submitted the bill to the Township. Now the insurance company says there=s no proof that the snow plow hit his truck. He stated that the only truck that would be able to get up the road at that time was the snow plow. Mr. Derr confirmed that Mr. Sutherland=s reported the incident to him after the first snow storm in February. Mr. Derr indicated that he spoke to Township personnel and no one reported hitting the vehicle indicated that the Township=s insurance denied the claim. The Board members and the Manager will discuss this matter and have an answer for Mr. Sutherland at next month=s meeting.

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

Officer Duffey presented the Police Report for April 2010.

V. **Fire Company Report**

Chief Larry Wildasin presented the Fire Department Report for April 2010.

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

A. Strayer Tract B #2008.0303.01 B Glatfelter=s Station Road and Strayer Lane B Final Subdivision Plan
Neal Metzger, LSC Design, was present to request a conditional approval of this Final Subdivision Plan. The plan redefines the two existing lots in order to separate two dwellings on one of the lots. This redefinition will put a home on each lot, thereby improving the plan. A waiver has been requested to continue using an existing driveway. No improvements are planned for the driveway. The driveway location was discussed at length. Mr. Metzger noted that the intent of the subdivision is to permit a family member to live in one of the homes as a life estate and to place the other lot into the Ag Preservation program. Mr. Brenneman=s concern is that there is no plan for widening and improving the driveway. Even with the applicant=s intent that the larger lot will not be further subdivided, there=s the risk of the larger lot being sold for subdivision purposes in the future and the driveway as it exists now is too narrow for emergency vehicles. Is it even wide enough for a fire truck to get up or down? From the audience, Denny Ilyes added that he drives his 15' combine on the driveway with no trouble, so a fire truck should have no trouble. The Planning Commission recommended approval of the waiver request and the overall plan, subject to payment of the Recreation fees, the Board of Supervisors' decision on the waiver, and the Form B Waiver action.

Motion by Crawford, second by Luckenbaugh, to approve the waiver of Section 165-43. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to approve the Planning Waiver and Non-Building Declaration (Form B), and to forward it to DEP. All members voted aye; motion carried.

Mr. Metzger provided Mark Derr with a check for payment of the Recreation fees.

Motion by Crawford, second by Luckenbaugh, to approve the Strayer plan. All members voted aye; motion carried.

VII. Administrative Reports

A. Manager=s Report

1. Award of low bid for Refuse Contract

Mr. Derr noted that without leaf pick-up, Penn Waste is the low bidder. With leaf pick-up, York Waste is the low bidder. The Board of Supervisors need to decide whether they want the refuse collector to pick up the leaves or, if they want the residents who wish to have leaf collection pay for this service through the Township or if they want to abandon the leaf service all together. If the refuse collector does it, the cost will be spread out over everyone who has trash collection. The difference for the cost for leaf collection is an additional 38 cents per month per resident. Mr. Brenneman feels that the residents want leaf collection. Mr. Luckenbaugh noted that the Township certainly cannot maintain its leaf collection truck for that price. Mrs. Crawford noted that not everyone in the Township puts their leaves out for collection and therefore the cost shouldn't be charged to everyone.

Motion by Crawford, second by Luckenbaugh to go with lowest bidder (Penn Waste) without leaf collection. All members voted aye; motion carried.

2. Mr. Derr reviewed the Community Building rates and rules as recommended by the Community Building Committee. **Motion** by Crawford, second by Luckenbaugh, to approve the revised Community Building rates and rules.

Mr. Sarpen, James R. Holley and Associates, left the meeting at this point, 7:41 p.m.

3. The Township purchased a Vaccon truck from West Manchester Township at a cost of \$5,000. The truck will be used to clean stormwater inlets, flush stormwater pipes and has the ability to flush and clean sanitary sewer lines should the need arise. **Motion** by Luckenbaugh, second by Crawford to ratify that purchase. All members voted aye; motion carried.

4. J & K Salvage provided the only bid on the fire truck that was advertised for sale. **Motion** by Crawford, second by Luckenbaugh, to approve the sale of the fire truck for \$2,000 to J & K Salvage. All members voted aye; motion carried.

5. The Fee Resolution was reviewed. Discussion was held on the Zoning Hearing and other costs. Mr. Luckenbaugh expressed concern that the Township=s not supposed to make money off of the hearings. Mr. Brenneman reviewed the actual costs associated with a hearing. **Motion** by Crawford, second by Brenneman, to adopt Resolution 04-05-2010, as written. Two members voted aye; *Luckenbaugh opposed*. Motion carried.

6. **Motion** by Crawford, second by Luckenbaugh, to implement PSAT's 457(b) Plan for the Township employees, at no cost to the Township. All members voted aye; motion carried.

7. Mr. Derr asked about the frequency of the refuse collection billing. The Board decided to continue the practice of billing on a semi-annual basis with a discount offered for those that pay the entire bill up front. The first six months of the three and one-half year contract should be billed separately as a six month charge with no discount being offered. This will get us on an annual billing cycle. Mr. Luckenbaugh asked how we were going to handle vacant houses? Mrs. Crawford suggested that all residents should pay for the possibility of trash collection, whether it=s used or not. In cases of rental properties in particular, you constantly have residents moving in and out. When the tenant moves out, the landlord will have trash from cleaning out the property, etc. How about home occupied businesses, etc. that have dumpsters? That owner should be required to prove that he/she has a contract with a dumpster company to allow them to opt out of the service.

From the audience, Scott Zeigler asked if his employer allows him to bring his trash to work to dispose of it, can he opt out of the mandatory trash collection if he brings in a copy of his employer=s contract with his carrier? No, the contract must be between the Township resident and the contractor.

Mark Shea asked why the Township is still doing the billing for the refuse collection. Mr. Derr explained it was for cash flow purposes. Currently, the Township collects the funds from residents upfront and pays it out to the refuse contractor monthly. If the contractor does the billing, The Township would lose the use of this money from the time it is collected until it is paid out.

Mr. Shearer asked why the Township now has mandatory trash collection. What is the carrier charging? How much is the Township charging?

The Board explained that they anticipate that the current census will show that the Township has a population of 10,000 residents and at that point curbside recycling is mandatory. The current contract assesses a monthly fee of \$14.75. The Township charged \$200 per year or \$100 per six months. A \$10 discount was provided if full payment was received.

8. Mr. Derr requested that the Board sign the material bids contracts pending the receipt of the Performance Bonds.

9. **Motion** by Crawford, second by Luckenbaugh to approve the Letter of Intent for technical assistance from the Governor=s Center for Local Government Services; AND to approve the Early Intervention Grant application. All members voted aye; motion carried.

10. **Motion** by Luckenbaugh, to approve the purchase of a 200-gallon 3-point sprayer from Tractor Supply as provided by Mr. Luckenbaugh. Discussion was held on the merits of various types of pumps, the quality of equipment from different suppliers, availability of replacement parts, etc. Several audience members gave their opinions and input on each. *Motion died for lack of second.* Russell Fuhrman, Public Works Director will obtain several other quotes for comparison prices and features, per the request of the Board.

11. Mr. Derr reported that the Sewer Authority has agreed to permit the Township to oversee the financial administration of the Authority, have dismissed the current Engineer and will be seeking a new Engineer as requested by the Board of Supervisors. In the interim, an Engineer will be consulted on an as-needed basis. Several members of the Authority are opposed to the suggestion of doing away with the part-time employee's position.

Motion by Luckenbaugh, second by Crawford, to begin the process of borrowing \$1.5 million with a draw-down option. All members voted aye; motion carried. Mr. Poole will begin the paperwork.

12. There=s H2O grant funding available however the deadline is July 1, 2010. The H2O grant is a potential source of funding for the replacement of the stormwater culverts; the Township would need to provide match funding in the amount of one-third of cost for the culvert projects. The one-third match could be provided by the Pennsylvania Infrastructure Bank loan that was proposed in the 2010 budget. The loan would be repaid through liquid fuels funding. **Motion** by Crawford, second by Brenneman, to approve applying for the H2O and PIB grants. All members voted aye; motion carried.

B. Engineer=s Report

Nothing at this time.

C. Solicitor=s Report

1. **Motion** by Crawford, second by Luckenbaugh, to approve Ordinance 216-05-10, amending the House Numbering Ordinance. All members voted aye; motion carried.

2. The Township discovered that Mr. Schlegel had built a home on his property on Bentz Road but the York County Assessment Office has never assessed the property for building improvements. The Township thought that the building may have been constructed without a permit however, Mr. Schlegel brought a copy of his permit to the Township Office to prove that he had indeed built under a permit. Evidently, the Township dropped the ball in notifying the Assessment Office in 1992 when the property was constructed. Mr. Schlegel noted that he=s been paying taxes on the land, just not on the improvements to the land. The Solicitor spoke to the school district about any retroactive taxes to be paid. Mr. Derr checked the Township's GIS system, highlighting all the parcels that have a \$0 value for improvements and overlaid that with the aerial photography from the County. It appears that there are several properties with improvements that have not been added to the tax rolls. There's no way of knowing how many smaller sheds, barns, etc., that have not been permitted because there is just one number for the total improvements on the property. Mr. Poole feels that the school district will be more interested in any back taxes.

Motion by Crawford, second by Luckenbaugh, to authorize Mr. Derr and Mr. Dietrich to forward the delinquent tax information to the assessment office. All members voted aye; motion carried.

3. Mr. Poole presented a draft of Peddler=s Ordinance for the Board=s review. Mrs. Crawford had two concerns B is there to be a full criminal background check or just an informal question and a signed affidavit; also how far back does the Township want to look to investigate a criminal record? Does it matter that ten years ago someone had some violation on his or her record? She also believes there needs to be a better description for agricultural products. Mr. Poole will make some changes and get the new draft to the Supervisors as soon as possible.

4. The Snow Emergency Ordinance was reviewed. The Board members feel that the penalty for violation should be \$30. Mr. Poole asked if all streets are to be signed? If so, that=s quite a few signs. Are signs even necessary? Mr. Poole feels that, because violation of the ordinance would be a criminal offense, signs would probably be a good idea. Otherwise, in a hearing for violating the ordinance, the magistrate will ask if there was reasonable notice to the violator (i.e., a sign). Mr. Poole will make the changes and will wait for Mrs. Crawford to provide some additional information before a final draft is prepared and circulated to the Board.

5. Mr. Luckenbaugh reported on the progress of the Ag Security Area update. A Public Hearing will be held at the Board of Supervisors meeting on September 21, 2010.

6. Discussion was held on the revision to the SALDO regarding the recreation fees. Mrs. Crawford feels that if the recreation fees are not paid up front, the staff will have a hard time making sure the recreation fees are paid if and when improvements are made to the lot. She and Mr. Luckenbaugh differed in their opinions. Mrs. Crawford feels that this tracking wasn=t done in the past; why think it=s going to be done in the future? She feels that it=s better to preserve the Township=s right to waive the recreation fees in the first place. Mr. Poole reminded the Board that it=s likely easier to collect the recreation fee when it=s built into the cost of the lot (when the developer sells the lot to the homeowner) rather than after the fact, when the homeowner applies for his building permit and the request for recreation fees comes as a surprise. Discussion was held on the addition of the word *residential* and its ramifications.

Motion by Luckenbaugh, second by Brenneman, to advertise the Revisions to the SALDO Ordinances for the First Business Day of the Month and Recreation Fees on Residential Lots as written. Two members voted aye; *Crawford opposed*. Motion carried.

7. Discussion was held on Section 195-8-D(2) of the Code of Ordinances regarding the maximum area of the parent tract permitted to be subdivided and or developed parcels. The formula for the calculation references nonfarm or non-estate lots. The ordinance was to be amended to remove the nonfarm or non-estate language. Mr. Poole stated that he must have missed this, apologized for the error and indicated that it would be corrected for the Board to act on.

VIII. **Old Business**

None at this time.

IX. **New Business**

A. Mr. Brenneman met with PennDOT about the Seven Valleys bridge, he'll keep the other members of the Board informed of any information available on the project.

X. **Announcements**

- A. The Zoning Hearing Board will meet on May 20.
- B. There will be no Recreation Board meeting in May.
- C. The Planning Commission will meet on May 25
- D. The SWRPD Board will meet on June 9.
- E. The Board of Supervisors will meet on June 15.
- F. The Sewer Authority will meet on June 21.

Motion by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:24 p.m.

Respectfully submitted,

Mark Derr,
Township Secretary/Manager

Julie B. Maher,
Recording Secretary