

Chairman Lee Hall called the meeting to order at 7:00 p.m. Supervisors present: Rodney Shearer, Dennis Luckenbaugh. Present on behalf of the Township: Manager Joy Strausbaugh, Solicitor Bill Poole and Engineer Gil Picarelli of KPI Technology. Also present: Recording Secretary and approximately 20 citizens.

I. **Minutes**

Motion by Shearer, second by Luckenbaugh, to approve the minutes of the Closeout Meeting of December 28, 2006 and the minutes of the Reorganization Meeting of January 2, 2007. All members voted aye; motion carried.

II. **Treasurer's Report**

A. **Motion** by Shearer, second by Luckenbaugh, to approve Payroll #01-07, in the amount of \$13,341.60 and to approve the Final Financial Report for December 2006, showing a final total in the General Fund of \$1,384,569.99 and a total in all funds of \$1,591,250.22. All members voted aye; motion carried.

III. **Public Comment**

None at this time.

IV. **Police Report**

Sgt. Dixon gave the report for December 2006.

V. **Permits, Plans, Modules**

A. **Motion** by Shearer, second by Luckenbaugh, to approve Road Opening Permits #1-07 to Columbia Gas for a new service to 2092 Noss Road; #2-07 to York Water Company to do a repair to service at 1420 Whispering Springs Drive, and #3-07 to York Water Company to do a repair to service at 1460 Whispering Springs Drive. All members voted aye; motion carried.

VI. **Administrative Reports**

A. **Manager's Report**

1. The Township has received the Spring Grove Volunteer Firefighters Relief Association Audit for January 1, 2003 to December 31, 2004 from the Auditor General's office.

2. The Township received a copy of the P. H. Glatfelter Regulated Substances Report as required by law. This report was forwarded to the EMC and will be placed on file.

3. Cingular has chosen to extend the option to lease the fire station property as a future area for a cell tower to January 24, 2008.

4. The Harvest of Hope Food Pantry, Inc., located at 4485 Wolf's Church Road is increasing the size of their facility and is requesting financial aid. This operation is staffed by volunteers from ten (10) area churches. The Board members will consider this request.

5. PSATS is offering a seminar on Essentials in Police Operations to be held on February 14th and 15th, cost \$90 per person for both days. It's at the Radisson Hotel in Camp Hill. Any Board member interested should let Mrs. Strausbaugh know.

6. The Township received the 2007 Action Plan from the York County Planning Commission for the Block Grant Program. Mrs. Strausbaugh noted that NCT's Brown Road project is still on the short list of projects.

B. Engineer's Report

1. **Motion** by Shearer, second by Luckenbaugh, to authorize the Engineer to begin work on the 2007 Materials bids and to begin the permitting process for Strickhouser Road and Ambau Road. All members voted aye; motion carried.

Mr. Picarelli thanked the Board members for their trust in appointing KPI as the Township's engineering firm.

2. Discussion was held on the easement agreement which Solicitor Poole roughed out for LRD Enterprises on Bentz Road. Mr. Poole made it very clear that this is a rough draft of this easement agreement. The two (2) items for clarification are the location of the easement for the stormwater discharge so that someone in the future could go and identify it and whether it will discharge into a swale or be a more natural sheet flow discharge and the name of the tributary that the water will discharge into. Roadmaster Brenneman said the bank should not be cut back in the area of the barn to catch the water coming down off of the fields - that is not our responsibility.

C. Solicitor's Report

1. The Slenker municipal lien has been filed. If the parties challenge the lien, the Township will need to authorize Mr. Poole to issue a writ to proceed with execution. Due to the amount of money involved, which at this point is minimal, the Board members decided to do a wait and see for now.

2. Mr. Poole discussed the Zoning Ordinance Amendment. Mr. Shearer raised the issue of removing the 3' setback for fences. The 3' fence setback was just put in place in the prior amendment to the Zoning Ordinance. Neighbor disputes over property lines brought about the fence setback initially and Supvr. Shearer feels that it is important to retain this section. Maintenance along a fence needs to be able to be done by the owner in order not to cause further problems. Allowing a fence to be put right on the property line certainly wouldn't help that situation. The fence owner will need to enter the neighbor's property to maintain the fence, and that usually leads to further trouble. After discussion, it was decided to maintain the 3' setback for fences as it currently is. This section (12) will be deleted from the ZO amendment. Mr. Luckenbaugh fears that if a fence is placed 3' from the property line, the fence owner is ultimately "giving" the neighbor 3' of his property. Then if the neighbor's property is sold, the next owner will assume that the fence is on the property line and will have a ready-made dispute with the fence owner over where the property line actually is.

Motion by Shearer, second by Hall, to authorize Mr. Poole to delete section 12 regarding fence setbacks and to proceed with forwarding the Ordinance amendment to the County and local Planning Commissions. Two members voted aye; Luckenbaugh opposed. Motion carried.

3. Mr. Poole discussed the police building buyout situation. In the phone conversation with Attorney Tilley about whether or not the Police Board may own real estate, he first agreed that the Board would have to hold the real estate as trustees for the municipalities. Mr. Tilley has changed his opinion since that phone call and now feels that the Board is permitted to own real estate. Mr. Shearer advised that Mr. Tilley stated that the Police Board currently holds title to the land, it does not say that they hold the land as trustees for the

municipality. It is also Mr. Tilley's firm belief that if the Board owns the building, that Board will have full control over what happens with that building - they will be able to borrow against that building or do whatever they choose to it without the permission of the municipalities. Mr. Tilley says the Police Board is a legal entity. Mr. Poole feels that there is no case law to support Mr. Tilley's position. There is case law backing Mr. Poole's stance on this matter with regard to unincorporated associations not being able to own real estate. Stock and Leader's stance says that the intergovernmental co-operation act allows municipalities to work together and gives them the power to delegate certain responsibilities and rights such as the right to own real estate. There is logic behind this thinking but their position has no legal support. That still leaves several issues to deal with. If the property is owned by the Board (referring to the Police Board), every time a new member comes into the PD, the percentages of ownership would have to change. If it were owned by the present four (4) municipalities, then it would not have to change. The new member does not have to share ownership of the building or real estate. If the Board owns it, they could borrow against it - they have no revenue source except from the municipalities. They could conceivably come back and tell us we owe the loan payments. If we would refuse, they could default on their loan, bringing it right back to the same point. No matter who owns it, the same questions have to be answered - who owns what percentage, what happens upon dissolution, etc.? Using good business sense, who would pay \$540,000 and borrow money without something to show for it? It is ultimately a policy decision but Solicitor Poole, as the Township attorney, cannot see a lot of reasons why the Board should be the owners of the real estate. Mr. Poole said that for the sake of discussion, let's say that the Board can own the land and the building, that still does not change the question of whether that is what you want. The Manager questioned why this Board would want to let the door open to the possibility of the building being used as collateral? Just as this Board of Supervisors, at the time, did not agree to constructing this building, let alone doubling the size and cost of the building, it still happened because that Board (Police Board) decided it, without any input from the municipalities. Mr. Poole suggested that the issues of borrowing against the building could be handled in a side agreement. Chairman Hall agreed that a side agreement would work.

From the audience, John Rebert asked how other regional police departments handle this issue. There are both situations in the area regional police departments, where the police board does own the real estate and where the municipalities own it. With Northern Regional, the original piece of real estate is held by the NYCRPD Board Declaration of Trust, holding it as trustees for the original founding members. Northeastern Regional's building is owned by the municipalities.

Mr. Hall suggested another Executive Session with the other municipalities to resolve this situation. This decision has to be made: this municipality will have to borrow their share by April or May. Walt Tilley's stance has been that he does not know anything, he did not agree to anything, he will not look into other municipal solicitor's opinions because he only works for the Regional Police Board. Mrs. Strausbaugh will schedule a meeting before the next Police Board meeting. (After consideration, by a consensus of the Board later, it was decided not to have this meeting). The Supervisors could also just write back with a suggestion of what should be included in a side agreement if the Police Board is allowed to own the building. The main issue to decide is who should own it and if the Police Board owns it; a. Who owns what percentage of the building b. Nothing can be done to or with the building without the municipalities consent c.

What happens upon dissolution or member withdrawal?

From the audience, Tanya Crawford suggested having two (2) other solicitors (one from Mr. Tilley's office, and one from Mr. Poole's office) to attend the Executive Session to set aside the obvious personality differences between Mr. Tilley and Mr. Poole. Mr. Poole stated that he hates to see this issue bogged down by solicitors. This should not be an ego trip between the Solicitors. That violates the very thing they are to be doing - representing their client. The solicitors need to advise their clients of the issues and then step back and let their clients decide. Mr. Shearer said that Walt Tilley needs to be there to hear what is said to him and Bill also needs to hear it. Mr. Poole noted the date - he will be there if this Board wants him there.

Mr. Poole noted there is one other issue that causes him significant concern. After the last meeting, he checked the deed for the police building real estate. The deed that transfers the land from Glatfelter to the Police Board has three conditions: use the land only as a site for a police department or related public use, use it within five years or Glatfelter will take the land back and lastly if used within the five year period, upon request by the grantee will execute and deliver a quit claim deed. Mr. Poole feels that this quit claim deed should be done as soon as possible to release those three conditions. Mr. Tilley feels that it's better to wait to do this until we settle all the issues and do it all at the same time. Mr. Poole strongly advised there is no good reason to wait another day. If Glatfelter would get uneasy about what is happening to the ownership, they may raise issues that do not exist right now. The Police Board had the right to get this quit claim deed since 2003 and has not done it. Mr. Shearer said that it was reported at the last Police Board meeting that this process has been started.

VII. Police Board Report

Mr. Shearer gave the Police Board report. He noted that the Police Department ended up with a surplus of \$143,815.75 at the end of 2006, not with the \$80,000 shortfall as previously predicted. Standard, the current depository for the Police Pension, came up with different numbers than our actuaries had calculated. By adding in the HT funds that have finally been deposited, NCT over funding is placed at \$501,200, HT over funding at \$9,000 and MT **under** funding at \$234,471. Standard gave some scenarios how this situation could be handled. The issue was brought up to that Board about the illegality of over funding the pension, another issue that "Walt Tilley knew nothing about", yet Tilley and Rudolf sent several e-mails back and forth about this issue.

VIII. Old Business

A. **Motion** by Luckenbaugh, second by Hall, to approve the list of 2007 Fire Company Officers as presented. All members voted aye; motion carried.

B. Discussion was held on the purchase of a new fire truck. Fire Chief Larry Wildasin was present. Supervisor Shearer questioned the amount of funding the Relief Association is pledging to the truck purchase. When the issue was first discussed, Marvin Stine was talking about Relief paying 40% of the truck. At the December closeout meeting, the figure Chief Wildasin provided was \$100,000. At the meeting at the Fire Company with the KME rep, the figure was \$80,000 and now the commitment letter is for \$50,000. The commitment letter is stating the price of the truck at \$423,077, yet the KME contract says \$422,477. The contract price is correct. In the commitment letter from the Relief Assn., the reason for the lesser commitment

is that the truck is not complete as contracted with KME. The Relief Assn. will be paying to outfit the truck further, maybe as much as \$30,000 additional. Supervisor Shearer questioned what the total price of the truck really is. Several Relief Assn. trustees from the audience joined the discussion. No one had the list along of the additional equipment. Someone went to retrieve it. The list from Moul Enterprises shows \$21,773. That would make the price of the truck \$444,250.00. Kevin Baum spoke for the Relief Assn. He stated that the fire company has no idea what the new radios will cost. Supervisor Shearer stated that the radios were estimated by the County at \$23,000 - the only unknown is installation. Chairman Hall questioned how much is in the Relief funds at this time. The regular funds have \$91,239 and there is \$64,020 in the investment funds for a total of \$155,250.00 as of 12/31/06. There will also be an additional \$50,000 in the fall. Mr. Baum indicated they get more Relief funds, but they have to spend more. The delivery date has to be changed to read "not before April 1, 2008".

Motion by Luckenbaugh, second by Shearer, to purchase the KME Predator LFD Rescue Pumper fire truck from Kovatch Mobile Equip. under the COSTARS 13 State Contract at a cost of \$422,477.00, said truck to be delivered not before April 1, 2008, and that the Relief Association will contribute at least \$50,000 towards the purchase, and authorize the Board of Supervisors' Chairman to sign the contract. All members voted aye; motion carried.

C. Raymond Heindel would also like to attend the PSATS Convention. **Motion** by Shearer, second by Luckenbaugh, to approve Raymond's attendance at the PSATS convention NTE two days, paying the registration fee and the hourly wages for the time they attend. All members voted aye; motion carried.

IX. New Business

A. The Township received a copy of the NCT Fire Company Financial Report for 2006. It will be placed on file and available for review.

B. **Motion** by Shearer, second by Luckenbaugh, to regretfully accept the resignation of the Township Auditor, Robert G. Leichliter, effective January 31, 2007. All members voted aye; motion carried.

C. Mr. Luckenbaugh discussed the purchase of a new tractor for mowing along the roadway as budgeted. This is a John Deere 6415 tractor and is being purchased under the PA State Contract from Atlantic Tractor at a cost of \$38,035.92. The mower is being purchased under the PACC Contract. The mower, a Tiger TSF-75C is being purchased from Stephenson Equipment at a cost of \$19,245, which is a savings of \$3,396 by participating in the PACC contract. **Motion** by Luckenbaugh, second by Shearer, to purchase the tractor and mower as outlined above at a cost of \$57,280.92. All members voted aye; motion carried. The intent is to replace the 4630 Ford tractor by selling it on our own.

D. **Motion** by Shearer, second by Hall, to continue in the Commonwealth salt contract for the August 2007- July 2008 winter season as in previous years. All members voted aye; motion carried.

E. York County Solid Waste Authority notified NCT that they are expanding their facility. Currently, all of our waste is committed to the YCSWA incinerator. The Authority is requesting an extension of the present contract to be assured of NCT's commitment to using the YCSWA for trash disposal. This will enable them to get better financing.

Motion by Shearer, second by Luckenbaugh, to sign the contract extension with YCSWA. All members voted aye; motion carried.

F. **Motion** by Hall, second by Shearer, to authorize the Rec Board to approve any field use requests, rather than have the requests come back before the Board of Supervisors for approval. All members voted aye; motion carried.

G. **Motion** by Hall, second by Luckenbaugh, to authorize Mr. Poole and Mrs. Strausbaugh to proceed with preparation of bids for a new mowing contract. All members voted aye; motion carried.

H. **Motion** by Hall, second by Luckenbaugh, to approve the Tax Collector's sitting hours as presented. All members voted aye; motion carried.

X. **Announcements**

A. There will be no Zoning Hearing Board meeting this month.

B. The Recreation Board will meet on January 22nd at 7 p.m.

C. The Planning Commission will meet on January 23rd at 7 p.m.

D. The Board of Supervisors will meet on February 20th at 7 p.m.

E. The SWRPD Board will meet on February 14th at 7 p.m. at 6115 Thoman Drive.

F. The Sewer Authority will meet on February 19th at 7 p.m.

Motion by Luckenbaugh, second by Shearer, to adjourn the meeting. All members voted aye; motion carried. The meeting adjourned at 8:44 p.m.

Respectfully submitted,

Joy Ann Strausbaugh, Secretary