

Chairman Lee Hall called the meeting to order at 7 p.m. Supervisors present: Rodney Shearer and Dennis Luckenbaugh. Others present: Township Manager Joy Strausbaugh, Solicitor William Poole, Gil Picarelli of KPI Technology, Recording Secretary, one newspaper reporter and about 25 citizens.

I. Minutes

Motion by Shearer, second by Luckenbaugh, to approve the minutes of February 20, 2007. All members voted aye; motion carried.

II. Treasurer Report

Motion by Shearer, second by Luckenbaugh, to approve the Treasurer Report as presented: including Payroll #5-07, \$18,847.78; Payroll #6-07, \$16,110.72; the payment of bills for February 2007 in the amount of \$169,360.21; and the Financial Report for February 2007 with a total in the General Fund of \$1,239,625.92 and a total in all funds of \$1,440,770.40. All members voted aye; motion carried.

III. General Public Comment

Gordon Brown from Little Creek Road in Jackson Township and a member of Boy Scout Troop 149, requested permission to build and place four bat houses in the Township Park for his Eagle Scout project. Each bat box holds up to about a hundred bats. The bats are good for the environment. They eat their own weight in bugs each night and help prevent the spread of West Nile virus as they eat the carrier mosquitoes. **Motion** by Shearer, second by Luckenbaugh, to approve the request of Gordon Brown to do his Eagle Scout Project for NCT. All members voted aye; motion carried.

IV. Police Report

Chief Bean gave the Police Report for February 2007. The Chief indicated that he has initiated meeting with each of the Township Managers prior to the Township meetings to touch base on any and all issues of concern. He feels that this process is working out well. One item of note on the Chief Notes was the study done on staffing levels.

V. Permits, Plan, Modules

A. Roger and Patricia Gregory of 1685 Jefferson Road, along with their son, Joseph Puppe, were present to discuss a Sketch Plan on Jefferson Road. They would like to subdivide a two (2) acre lot off of their farm for their son. The Gregory farm is a seventy-four (74) acre tract. There is very little road frontage along Jefferson Road. There is already a shared driveway with the next farm on this property. This would create the situation of a third home sharing the same driveway. Mrs. Strausbaugh feels their proposal would be creating a land-locked lot. Would the applicant be able to create a flag lot? They would need fifty feet (50) of road frontage, which would not leave enough frontage for the remaining parcel. The frontage on the entire parcel is only 110 feet. The only comments that the NCT Planning Commission made were cautioning Mr. Gregory about the placement of the lot, so as not to hinder further subdivision of the property. Does he need to put in a street to public street standards? Could he request a waiver? Supervisor Shearer talked about the Otterbein/Brenneman situation where a shared driveway was allowed. In that situation, as many as six (6) homes could have gone in on the parcels involved. However, all of those parcels were existing parcels; nothing new was being created. The requirement for a public street could be waived this time, but if they do any further development, they need to put in a formal street. The Board could require them to put the six (6) month note on the plan, stating that within six (6) months of

notice from the Township, they would be required to construct a street to Township standards. The waiver could be granted with condition that with any further subdivision, the street would have to be improved to the then-current requirements. The applicants will have a formal plan prepared and begin the subdivision process.

B. Lloyd C. and Robyn C. McCumber of 2935 Kitzmiller Road, Glenville, and Derek Shew of 25 East Third Street in Spring Grove were present to request a waiver to Section 165.6 of the NCT Code, specifically the definition of Land Development, which requires a Land Development Plan when building a single non-residential structure on a property. They are requesting to put a nonresidential building on Parcel 81, which has no road frontage. They have a fifty foot (50') ROW to the parcel, which was granted by David and Carla Brenneman. The Brennemens are working on the stormwater plan that was a requirement of their waiver request (5/16/06 minutes). The intent is to place a building on the property to store building materials while their home is being built. Solicitor Poole pointed out that this building would become an accessory structure once the home is built. They are requesting a waiver to put a 30 x 50 building on the lot without having to do a Land Development plan. Their plan is to have the home built within eighteen (18) months after the pole building is built. The Manager pointed out that in several instances a Land Development Plan was required - one of which was the Ensminger plan on Thoman Drive. Recently, Ray Webb was granted a waiver to put a shed on his vacant lot on Stoverstown Road without doing a Land Development Plan. Mr. Poole suggested that the applicants meet with the Zoning Officer to properly site the building to avoid any future complications with zoning regulations. The completion date was discussed due to the fact that the McCumbers cannot start until the driveway has been installed. Twenty-four (24) months was agreed upon.

Motion by Luckenbaugh, second by Hall, to grant the waiver request to Section 165.6 of the NCT Code, not requiring Lloyd and Robyn McCumber to do a Land Development plan, with the condition that the house be built within twenty-four (24) months from today date (by March 20, 2009) or the McCumbers would be required to do the LD plan after the fact. All members voted aye; motion carried.

C. Bruce Ruhlman was present to request that a traffic study be done on Freedom Drive. There is no speed limit posted in this area. He has a lot that he needs to get a driveway permit for. No posted speed limit means automatically that the speed limit is 55 mph. This is a short cul de sac street that he cannot achieve site distance, with a 55 mph speed limit. The Manager pointed out that since the request is being done for a private individual, the cost of the signage could be put back on Mr. Ruhlman.

Motion by Hall, second by Luckenbaugh, to request a traffic study from YCPC for speed limitations on Freedom Drive and to stipulate that Mr. Ruhlman will pay for the cost of the signs in this area following the traffic study results. All members voted aye; motion carried.

VI. Administrative Reports

A. Manager Report

1. Green Valley Farms located at 2266 Junction Road, will be applying to DEP for a renewal of its NPDES Permit.
2. Harry Becker and Claude Rohrbaugh on Little John Drive, have made application for a DEP Stream Crossing Permit.
3. The Act 101 Recycling Performance Grant award for 2005 was received in the amount of \$8,341.00.
4. The audit of the 2006 financial records of NCT has been completed and advertised as required. The exit conference is scheduled for April 3rd at 3:00.

5. Ricky L. Hoke of 1572 Seven Valleys Road has submitted a letter of interest to be considered for the Sewer Authority vacancy. This was just submitted by the Sewer Authority Secretary at 3:00 p.m. today. This individual lives in the sewer area. Nelson Brenneman, a member of the Sewer Authority, did not know anything about this individual, other than the fact that he is employed by Gregory Contractors, the contractor who is installing the sewer lines. Chairman Hall asked for a recommendation from the Sewer Authority on this appointment.

6. The YCSWA E-cycling event will be held on April 14th from 9 a.m. to 2 p.m. at 2700 Blackbridge Road.

7. Mrs. Strausbaugh noted that Governor Rendell declared the February 14, 2007, snow/ice storm as a snow disaster emergency. It is unknown at this point if any disaster funding will be made available. Mr. Poole noted that in November of 2003, the Board passed a resolution granting the Board Chairman the authorization to declare a local disaster emergency, which will alter the number of hours that CDL drivers can drive while working for such an event. This declaration then has to be ratified by the Supervisors at the next scheduled meeting.

8. In Convenient Truth will be the subject of a meeting on Global Warming to be held on April 4th at 6:30 p.m. at the West York Middle School. It is being sponsored by Representative Bev Mackereth and Representative Eugene DePasquale.

B. Engineer Report

1. The 2007 materials bids will be opened Friday, March 23rd at 1:00 p.m. at the Township Office.

2. The Strickhouser Road culvert replacement permit application and design is about 75% complete. They will be applying for a GP 11 permit from DEP.

3. Mr. Picarelli noted that someone from Colonial Crossings called him to discuss inspections of the land development on the commercial lot (Lot#50). Mr. Picarelli recommends having the public improvements and the streets inspected to make sure that they meet the NCT standards, particularly if the Township is going to adopt these roads. Mr. Picarelli was given the notice to proceed with those inspections necessary.

4. Mr. Shearer asked about the sewer connection for the Nace property (owned by the Township) at 1976 Stoverstown Road. The first-floor elevation given is for the shed, not the house. **Motion** by Shearer, second by Hall, to have KPI check the elevations on the Nace property for purposes of the sewer connection. All members voted aye; motion carried.

C. Solicitor Report

1. Mr. Poole discussed the proposed amendments to the Zoning Ordinance. YCPC had two pages of comments; Mr. Poole would like to have the Board input on these comments. Mr. Poole made some comments as well. The Board members did not review this information yet; they will review the information and come prepared to discuss at their next meeting.

2. Mr. Poole reported that a resident, Lawrence Suskie of 4125 Palmer Avenue, asked for some records from the Sewer Authority. The Sewer Authority declined to provide the records in the format requested. Mr. Suskie wants the CAD drawings of the sewer design. Mr. Suskie sent a letter to the Township; Mr. Poole responded that the Sewer Authority is a separate legal entity and the Township has no control over its records. Nothing further has been heard.

D. Police Board Report

1. The building buyout will be discussed under Old Business.

E. Fire Company Report

1. Fire Chief Larry Wildasin gave the report for February. The Fire Company requested and received a grant for a new AED unit. The pre-construction meeting for the fire truck was held; some items were added that were missed in the original specs. **Motion** by Luckenbaugh, second by Shearer, to authorize the Chairman to sign the addendum to the fire truck contract with KME, which shows an increase of \$3,619. All members voted aye; motion carried.

VII. Old Business

A. Police Building Purchase Agreement

Mr. Poole presented his comments to the new draft of the Agreement for Real Property (footnote date 3-15-07), the draft of the purchase agreement for the police building presented by SWRPD. Poole questioned the intermixed use of the entities SWRPD and Board. Settlement is to occur on or before September 2007. Mr. Poole recommends changes to the wording, which he has outlined in his confidential memo to the NCT Supervisors, dated 3-20-07. He questions the provisions of withdrawal and the amount of reimbursement for the building. It is structured in a 2 tier arrangement, which Mr. Poole elaborated on and cautioned the Board to closely review. It is the way the increase in value of the building is structured for reimbursement that raises the most questions. Mr. Poole pointed out that it does not address at all what happens if another municipality comes in. That could definitely affect the Township percentage of ownership. Chairman Hall inquired of Supervisor Shearer why the agreement is silent on someone joining. Supervisor Shearer raised that issue with the SWRPD Board and they do not want to address it. Hall questioned what the reason was. Shearer responded they don't want to do that now. When Shearer raised the issue to that Board, which is in the minutes, the Board's answer was that they do not want to discuss that now they don't want to get into that right now. One of the issues that Manager Strausbaugh brought to the Solicitor's attention was the concern that this Board does not ever want to lose money in the case of withdrawal or disbandment. The Solicitor said this agreement does not address this as such. There is concern over the way the insurance issues are addressed in Section 8. Mr. Hall picked up on that also. Section 8E in the agreement is worded in such a way that it says the members agree to approve and fund budgets to provide for the insurance. Mr. Poole wants to clearly define that to approve line items in the budget the phrase is so broad that it leads the reader to believe the members have to agree to the budget. Mr. Poole continued addressing his comments on this purchase agreement.

Mr. Poole will get the amendments to Mr. Tilley for his review and comments. He will request that Mr. Tilley reply well in advanced of the April 11th SWRPD Board meeting to allow NCT to review his comments.

B. NCT has been dealing with an attempt by the Jefferson Codorus Sewer Authority to condemn a portion of property on Krafts Mill Road owned by the Robert Rebert family, that is in the NCT Agricultural Security Area. Mr. Poole stated that the Township issue goes beyond the Reberts property. There are other properties that the same issues need to be clarified for. That will be the strongest argument for intervention. The Reberts cannot protect the interests beyond their property. Mr. Hall said that intervention may come even later after the outcome of the Rebert situation is determined. Hall feels that it comes down to the interpretation of the law. Mr. Hall questions whether we will be allowed to intervene. Mr. Shearer reiterated that if the Ag Security program in NCT is not worth any more than someone coming in here and saying that something was not done right, therefore, we are not going to abide by it and do what they want to do then it is no use that we spend taxpayers money to continue to update this program and keep it active. Chairman Hall stated that a conclusion needs to be drawn here: what we did was right. Any of the properties within the NCT Ag Security are protected. Hall continued that others are thinking that just

because the majority of their property is in NCT, the protection would extend to the their property that is in another municipality. Shearer agreed that is correct. It is borne out to be true, because York County Land Preservation preserved farms that were done exactly the same way and they accepted that. Shearer continued that those condemning the ground are the ones to make the issue, which they have, giving the municipality no recourse. From the audience, Bob Rebert stated that is why his family is so confused. Rebert continued that the Sewer Authority and its attorney should not have the right to determine whether it was done correctly. NCT did do what it was supposed to do, unfortunately, now Mr. Rebert and his family have to prove it. The ball falls in the Reberts court now to file Preliminary Objections. The decision is whether to intervene or not. This will be discussed further in an Executive Session following this meeting.

C. Atty. Poole put together a number of documents for the Fentons to sign with regard to the Brush Valley Road relocation. The Fentons have already signed and returned them to Mr. Poole.

Motion by Shearer, second by Luckenbaugh, to authorize the Chairman and Secretary to sign the Affirmation of Petition and to authorize Mr. Poole to finalize and advertise the ordinance. All members voted aye; motion carried.

VIII. New Business

A. **Motion** by Hall, second by Luckenbaugh, to accept the resignations of Wayne E. Jacoby and John R. Brenneman from the Ag Security Board. All members voted aye; motion carried.

B. **Motion** by Shearer, second by Hall, to appoint Pete Byrnes to the Ag Security Board. All members voted aye; motion carried.

C. **Motion** by Shearer, second by Luckenbaugh, to award the mowing contract for 2007 through 2009 to Tim Outdoor Services at a cost of \$27,872 for the three (3) years. All members voted aye; motion carried.

D. **Motion** by Hall, second by Luckenbaugh, to purchase up to fifteen (15) tables and three packs of floor tiles for the Community Building at a cost of about \$1,300. All members voted aye; motion carried.

E. Mr. Hall asked who does the resurfacing of the roads after the sewer lines are installed. So far, roads have not been satisfactorily restored to pre-construction status. The roads will have to be put back to pre-construction condition. There will be further discussions on this subject.

IX. Announcements

A. There was no Zoning Hearing Board meeting this month.

B. The Recreation Board will meet on March 26th at 7 p.m.

C. The Planning Commission will meet on March 27th at 7 p.m.

D. The Board of Supervisors will meet on April 17th at 7 p.m.

E. The SWRPD Board will meet on April 11th at 7 p.m. at 6115 Thoman Drive.

F. The Sewer Authority will meet on April 16th at 7 p.m.

G. The Park Work Day will be held March 24th, weather permitting.

Motion by Shearer, second by Luckenbaugh, to retire to an Executive Session at 9:00 p.m. to discuss the Ag Security litigation. All members voted aye; motion carried. The Board returned from Executive Session, taking no action.

Motion by Hall, second by Shearer, to adjourn. All members voted aye; motion carried. The meeting adjourned at p.m.

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Respectfully submitted,

Joy A. Strausbaugh, Township Manager

Julie B. Maher, Recording Secretary