

Chairman Lee Hall called the regularly scheduled meeting to order at 7:00 p.m. Supervisors present: Rodney Shearer and Dennis Luckenbaugh. Present on behalf of the Township: Manager Joy Strausbaugh, Solicitor William Poole and Gil Picarelli of KPI. Also present: Recording Secretary and 18 citizens.

I. **Minutes**

Motion by Shearer, second by Luckenbaugh, to approve the minutes of the meeting of April 17, 2007. All members voted aye; motion carried.

II. **Treasurer's Report**

A. **Motion** by Shearer, second by Luckenbaugh, to approve the Treasurer's Report as presented. All members voted aye; motion carried.

III. **General Public Comment**

A. Chairman Hall presented a Certificate of Recognition to Casey Keller of 2099 Stoverstown Road for achieving the Girl Scouts Gold Award, the highest award achievable with the Girl Scouts.

B. Ed Dressler, who is also a resident of NCT and an active fire fighter for NCT, and Steve Hartlaub, Vice President of Weber Insurance were present to discuss the Weber Insurance quote for the Township. Mr. Dressler presented the information on Weber's proposal, which was quoted from Selective Insurance Company. Several things of interest were noted. The Nace property is slightly underinsured - that was bumped up to meet more of the actual value. Value Guard is included on Fire Equipment, which replaces at replacement value, rather than Actual Cash Value. The current values on the fire equipment are set rather low, they should be updated. Weber quoted on more updated values. One concern is that the Fire Company Officials and Directors do not seem to have liability coverage. They ended with several notes and recommendations.

C. Doug Truax from Keystone Insurance Group (our current agent) presented his company's proposal quoting coverage from EMC Insurance. Keystone Insurance and EMC currently provide insurance coverage to the Township since 1995. He noted that EMC does not audit expenses for liability coverage as Mr. Dressler mentioned. One of the things that EMC offers in the General Liability that Selective does not, is Premises Medical Payments. This is a \$5000 payment that is made without question by the insurance company for medical treatment to anyone other than an employee for injuries sustained on the Township premises. Selective confines that strictly to the Township building: EMC covers any of the Township properties, inclusive of the park. The Township has a Linebacker policy which not only covers public officials, but also covers all appointed officers and boards that operate within the Township, which would cover the Fire Company officials and directors as the Fire Company is a named insured throughout the entire policy. The Linebacker also offers some benefits that Selective does not offer. One of those is supplemental payment for the cost of defending a claim when no monetary damages are being sought, and legal fees in this type of action can be very costly. Mr. Truax presented a dividend check for the year 2007 to the Township in the amount of \$2400.67. With the way that dividends are paid, 1/3 the first year, 1/3 the second and third year,

the Township would stand to lose about \$1600.00 in accumulated dividends if we left EMC. When changing carriers, new inspections will be done with loss control and underwriting coming in as well. The insurance market is in a soft market state right now: the companies are hungry for new business. The Manager questioned whether acts of terrorism are covered - yes, by both companies.

The Board members would like to discuss and digest this information and will make a decision to be ratified at the June meeting. The Board thanked both companies for their proposals.

D. Don Isabella of York Waste Disposal was present. York Waste holds the current trash collection contract for the Township. He is here respectfully requesting that the Board consider rejecting all the bids received and not award the contract tonight. York Waste had requested in writing prior to submission of the bids that the bid language be changed regarding tipping fees. Due to the short lead time involved, the Township chose not to make those changes in fairness to all of the other bidders. There is pending legislation in process that would affect the tipping fees. York Waste bid the proposal based on the possible increase in the tipping fees. He asked that if the Township is not going to reject the bids, would the Township consider awarding a one-year contract, to give time to see if the legislation has passed or not. Two bids were received. The other bidder (Penn Waste) did not raise this issue. As the specifications and contract are currently written, the hauler would assume the increase.

Scott Wagner, President of Penn Waste was also present. He feels that the company will deal with the legislation if and when it passes. The Trash Haulers Association has been opposing this legislation very vigorously along with the PA State Chamber. The haulers are opposed to the "trash tax". They take the risk that this legislation is not going to pass. They are a locally owned and operated company and own and operate their own recycling facility, and stand behind their bid. This matter will be discussed further under New Business.

IV. Police Report

Chief Bean presented the Police Report for April 2007. He discussed the eight (8) DUI charges filed in April. PENNDOT, for the first time, provided police departments with crash information and locations where DUI's were higher than normal. One of those locations is Seven Valleys Road, where the bulk of these DUI arrests took place. The Chief noted that today is Police Memorial Day, hence the flags are at half mast.

V. Permits, Plans, and Modules

A. **Motion** by Shearer, second by Luckenbaugh, to approve Road Opening Permit #06-2007 for Columbia Gas for a monitoring pit on Fire Hall Road and to approve Road Opening Permit #07-2007 for the York Water Company to cut off unused services in Country Manor Estates. All members voted aye; motion carried.

B. Steve Watkins of Century Engineering was present with Phil Martin on the Martin/Barley Farms Final Subdivision Plan #26327.00 located on Green Valley Road. They intend to subdivide Lot #3 and Lot #4 from the Barley Farm tract and add them to Lot #2, the Martin tract. This subdivision is in Codorus Township; none of the activity takes place in NCT, although a portion of one of the larger tracts lays in NCT. Both properties are in Clean and Green, and the County has approved the proposal. It was noted that the NCT Planning

Commission has not seen this plan, but there is no reason for the plan to go to that board since the activity is all in Codorus Township. **Motion** by Shearer, second by Luckenbaugh, to approve the Final Subdivision Plan #26327.00 of Martin/Barley Farms located on Green Valley Road. All members voted aye; motion carried.

C. No one was present on the Colonial Crossings Phase IV Land Development Plan #6119 located on Mackenzi Lane. **Motion** by Luckenbaugh, second by Shearer, to resubmit the Planning Module Exemption. All members voted aye; motion carried.

Mr. Picarelli noted that KPI received a request from Meridian Management with regard to final paving of the roads in the Colonial Crossings development. The contractor wanted a final walk thru and punch list prior to final paving. A meeting was scheduled for inspection; later, they called back and cancelled because "arrangements were made" with the Township. The Manager was present when Jay Little directed Craig Kehoe from Cornerstone to call KPI and arrange for the inspection. The Road Master commented that some of the preliminary paving has broken up, so there is a definite need for inspection. The Board directed KPI to inspect this project. Mr. Picarelli will tell the applicant that they may not proceed without an inspection.

D. Chris Raubenstine of Hanover Land Services, was present on the Aylesbury Final Subdivision Plan #E-5314 located on Old Joseph Road. Mr. Poole apologized for failing to initiate a scheduled conference call on this plan. They are here tonight for re-submission of the Planning Module Exemption and should have things cleaned up for approval of the plan by the next Township meeting. **Motion** by Shearer, second by Luckenbaugh, to resubmit the Planning Module Exemption for the Aylesbury Final Subdivision Plan #E-5314. All members voted aye; motion carried.

Mr. Picarelli asked about the bonding for the sewer and water lines. Does the Township want to hold the bond money? The Township has never had bonding posted for the water lines since they are owned and operated by York Water Company. As far as the Sewer, Solicitor Poole stated that the Township does not have any agency relationship with the NCT Sewer Authority; therefore, the sewer should be bonded with the Authority. Mr. Picarelli indicated to Mr. Raubenstine that they will need a letter from the Sewer Authority and one from York Water.

Mr. Poole discussed the Homeowners' Association documents. The one item worth mentioning is that these documents do not give the Township the power to bypass the HOA to do municipal liens if there should be a default on the obligations in the maintenance of the pond. The NCT PC Chair, Al Wright, expressed that the Township would be better protected against this issue by having a surety bond in place for the HOA's stormwater management area and piping not dedicated to the Township. Mr. Poole feels that is another way to go and should be "an in perpetuity bond". The Solicitor will forward the automatic renewal language for the bonding to Mr. Picarelli.

E. Ray Markey was present on the Markey and Leisenring Final Subdivision Plan #L-5134 located on Whispering Springs Drive. They have requested a waiver of the requirement to include the location of existing features within 400', Section 165-29.D(6) of the NCT Code. The concerns that the Manager had as far as existing features are already noted on the plan as they are all on these parcels. There is a steep gorge, some wetland area and a sewer easement, all of which are noted. These features will make it difficult to get a driveway onto Lot 1A, but it is

shown on the plans. The Planning Commission has recommended approval of the waiver request. This is a three (3) lot S/D. **Motion** by Luckenbaugh, second by Shearer, to approve the waiver request for Section 165-29.D(6) of the NCT Code, location of existing features. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Shearer to forward the Planning Module Exemption for the Markey and Leisenring plan to DEP. All members voted aye; motion carried.

F. Robert Myers of 4431 Beards School Road presented a Sketch Plan for his property and one purchased by his son on the same road. He is seeking permission for a shared driveway due to the physical features of the property and sight distance safety. In the interest of full disclosure, Mr. Poole revealed that his partner John Miller has represented Mr. Myers for many years. Mr. Miller prepared a deed and easement ROW agreement for this shared driveway concept in anticipation of the Board's favorable ruling on this request, and Mr. Poole has reviewed those documents. The language used is that which Mr. Poole has used for other such documents: he also required some changes which have been made. Mr. Myers has done extensive stormwater control on his properties, greatly improving the stormwater control of the general area. The Township is not a party to the agreement. The agreement is strictly a document that will ensure that what the Township is approving will be maintained. **Motion** by Shearer, second by Luckenbaugh, to approve the easement and the joint maintenance agreement for the Robert Myers shared driveway request, and to request that the applicant forward to NCT a signed copy with the recording information. All members voted aye; motion carried.

VI. Administrative Reports

A. Manager's Report

1. The Township received notice that PennDOT is making application for a permit to replace a culvert on Glatfelters Station Road.
2. The Susquehanna Stray Animal Shelter submitted its first quarter report. It will be placed on file for review at the Township Office.
3. Notice was received from the County Conservation District that the Dirt and Gravel Project on Prospect Hill Road has been approved in the amount of \$46,653. All that is needed at this point is a motion to execute the contract. **Motion** by Shearer, second by Luckenbaugh to authorize the Township Secretary and Board Chairman to sign the Prospect Hill documents and return them to the appropriate agency. All members voted aye; motion carried.

B. Engineer's Report

1. The Engineer presented a written report of things accomplished this month. Mr. Picarelli gave an update on the street restorations after sewer installation. Advantage Engineering has provided a letter confirming the compaction test results done in Country Manor. Per communication from Terry Myers on behalf of the Authority, the contractor wants to begin final restoration in the near future. The Township still has some issues to be dealt with prior to final restoration. Since litigation may be possible, Mr. Poole suggested discussing this matter in Executive Session. It was decided to schedule a special meeting. Mr. Picarelli requested that Mrs. Strausbaugh inform Terry Myers not to proceed with the resurfacing.

C. Solicitor's Report

1. **Motion** by Shearer, second by Luckenbaugh, to approve Resolution #5-5-2007, approving the sale/re-transfer of the WTP Land to the Sewer Authority and to appoint Joy

Strausbaugh, Township Manager, as the Township's representative in this matter and to authorize the Township Secretary and Board Chairman to execute any documents relative to this issue. All members voted aye; motion carried.

2. **Motion** by Shearer, second by Luckenbaugh, to approve the changes as proposed by Solicitor Poole in his memo dated 3/14/07 on the Zoning Ordinance Amendment and authorize him to forward to YCPC for review. All members voted aye; motion carried. Mr. Poole will make the changes and resubmit the information to YCPC.

3. Mr. Poole noted that he has not yet received the deed for the Nace property. He will inquire with the Nace attorney, Sharon Myers, about it again.

4. Mr. Poole discussed the County Health Department update. The big issue for the Township is that the County may be taking over management of the Township SEO duties. This would make it more difficult for the Township to replace the SEO. Staffing the SEO office at a sufficient level to provide prompt service to the people may also be an issue, Mr. Poole feels. Currently, the Township has the right to waive some of the rules in the case of a hardship. The municipalities would lose that right. Mr. Poole suggested contracting with the fifteen (15) SEO's currently supplying service to the County. There are still issues with this proposal.

5. Mr. Poole discussed the DCED financing procedures, regarding the police building buyout. The process starts with the Township making specific decisions. The Township must first accept a note, negotiate a loan with the bank for a specific amount with a specific interest rate, pass an ordinance with the name of the bank, the rate and the amount - all of this must be done before applying to DCED for approval. DCED approves it after the fact. Mr. Poole cautioned the Board to proceed in a timely fashion. (The Engineer was excused)

D. Police Board Report

1. Mr. Shearer gave the report. Mr. Poole is generally satisfied with the document. **Motion** by Hall, second by Shearer, to approve the Agreement for Real Property to purchase the SWRPD building, with a final revision date of 5/10/07, and to authorize Mr. Poole to prepare and advertise the appropriate intergovernmental ordinance to adopt this agreement. Roll call vote: Hall, aye; Shearer, aye; Luckenbaugh, opposed. Motion carried by a 2-1 vote.

The Board authorized Mrs. Strausbaugh to begin looking for financing for the police building buyout. The Township's share of the building is \$539,172.04 plus 5% closing = \$566,130.64. Half is \$283,065.32.

2. **Motion** by Shearer, second by Luckenbaugh, to regretfully accept the resignation of Tom Waltersdorff from the SWRPD Board. All members voted aye; motion carried.

E. Fire Company Report

The NCT Fire Company had a total of 44 calls in the month of April with \$500.00 in damages.

VII. Old Business

A. There is still a vacancy on the Sewer Authority.

B. **Motion** by Luckenbaugh, second by Shearer, to approve replacing the fire extinguishers in the Township Building and the Community Building for \$915.23 as budgeted and to have BFPE inspect and service the fire extinguishers and suppression system at the Township Building and Community Building annually. All members voted aye; motion carried.

C. Mrs. Strausbaugh discussed the Bentz Road ROW Agreement. This agreement should be signed before the pipe is installed. Mr. Luckenbaugh will meet with the Roadmaster and a representative of LRD Enterprises. **Motion** by Luckenbaugh, second by Shearer, to approve and authorize the Chairman and the Secretary to sign the agreement. All members voted aye; motion carried.

VIII. **New Business**

A. **Motion** by Shearer, second by Luckenbaugh, to approve the use of Fire Police at the Jacobus Borough July 4th celebration (all day). All members voted aye; motion carried.

B. The two bids for the refuse contract were reviewed. Currently, the Township pays \$13.99 per month per residence for trash collection. Supervisor Shearer questioned the tipping fees, whether or not the Township would be responsible for the additional cost. Solicitor Poole answered no, not as the specs were advertised, the hauler is responsible. Scott Wagner from Penn Waste clarified further by saying that the Growing Greener fees that were passed four (4) years ago exempted resource recovery facilities. That exempted the five (5) incinerators in the State. The trash haulers believe that will take place the next time that a tax is imposed. The Solid Waste Authority has kept their rate at \$56 a ton for fourteen (14) years. The Authority has well over \$100 million in their cash investments and can afford to pay for their expansion - there is no increase in tipping fees planned. **Motion** by Luckenbaugh, second by Shearer, to award the refuse contract to the low bidder Penn Waste Inc., for Alternate 3 for a three (3) year contract from 7/1/07 to 6/30/10, at a cost of \$14.75 per month per residence. All members voted aye; motion carried. The refuse rate will be amended at the next meeting. Supervisor Luckenbaugh questioned the refuse customers who pay late. He thinks that the penalty section of the ordinance should be imposed.

C. **Motion** by Shearer, second by Luckenbaugh, to authorize the sale of the Ford Tractor, by any approved method of sale. All members voted aye; motion carried.

D. The Rec Board would like to start a Tree Memory program for the trees that were recently planted. A small plaque would be installed at each tree. The cost would be about \$150 per tree, for 20 trees, which would recover the cost of the tree purchase and corresponding plaque. **Motion** by Hall, second by Luckenbaugh, to approve the Tree Memory program at a cost of \$150 per tree. All members voted aye; motion carried.

E. The Township Insurance renewal decision will be on the next agenda.

F. **Motion** by Luckenbaugh, second by Shearer, to approve the Tax Collector's fall sitting hours at the Township Building as presented. All members voted aye; motion carried.

IX. **Announcements**

A. There will be no Zoning Hearing Board meeting in May.

B. There will be no Recreation Board meeting in May.

C. The Planning Commission meeting will be held on May 22nd at 7 p.m.

D. The Board of Supervisors will meet on June 19th at 7 p.m.

E. The SWRPD Board will meet on June 13th at 7 p.m. at 6115 Thoman Drive.

F. The Sewer Authority will meet on May 21st at 7 p.m.

Mr. Poole noted that the Supervisors could conceivably vote on the Zoning Amendment

ordinance at their June meeting.

Motion by Shearer, second by Luckenbaugh, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:07 p.m.

Respectfully submitted,

Joy Ann Strausbaugh, Secretary