

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 eight citizens.

I. **Minutes**

Motion by Shearer, second by Luckenbaugh, to amend the minutes of the regular meeting of April 17, 2007 by adding on Page 3, Line 4, clarifying the increasing amount each year by adding the sentence "In 2006, the cost was \$25,700 and in 2007, it is budgeted at \$26,200" and approving the minutes of the special meeting of April 30, 2007 and the regular meeting of May 15, 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**

None at this time.

IV. **Police Report**

Officer Brillhart presented the Police Report for May 2007.

V. **Permits, Plans, and Modules**

A. **Motion** by Shearer, second by Luckenbaugh, to approve Road Opening Permit #08-2007 requested by Columbia Gas at 1041 Smith Hill Road, for a service cutoff. All members voted aye; motion carried.

B. Chris Blount of Arro Consulting was present on the Colonial Crossings Phase IV, Land Development Plan #6119 located on Mackenzi Lane. A check for \$21,000 for traffic improvement fees has been paid tonight. The Planning Module exemption has been approved by DEP. Discussion was held on the bond for the public improvements. C. S. Davidson's letter of June 19, 2007, suggested that the screening, buffering and walking trail have not been completed yet and that the Supervisors may want to secure bonding to have this accomplished, as these items had not been included in any of the previous phases. Davidson suggested \$285,725 which seemed high to Mrs. Strausbaugh and Mr. Picarelli. A lot of the landscaping has already been planted. Mr. Blount was unaware of the landscaping issues; perhaps more of this project has been completed than C. S. Davidson was aware of. It might be a good idea to have KPI inspect the area with regard to the outstanding public improvements, namely the landscaping and walking path and develop a new cost estimate for security. Mrs. Strausbaugh referred to a letter from Craig Kehoe of Cornerstone Development Group outlining what has been done and what remains to be done. It was noted that the development has not yet been connected to the public sewer system. The sixty (60) housing units in this phase have no capacity in the privately owned sewage treatment plant. **Motion** by Hall, second by Luckenbaugh, to conditionally approve the

Colonial Crossings Phase IV Land Development Plan #6119, pending the posting of the security,

at a revised figure agreed upon by the Township Engineer for the outstanding issues that have not been bonded in other phases, completion of the connection to public sewer and payment of all fees. All members voted aye; motion carried.

C. Doug Kollmar of Hanover Land Services and Diane Frame of Keystone Homes were present on the Aylesbury Final Subdivision Plan #E-5314 located on Old Joseph Road. Per the recommendation of KPI, Mr. Kollmar paid the Township \$10,000 to be held in escrow for the inspection fees. The letter of credit covering the public improvements has been received in the amount of \$1,103,087.04. The letter of credit with York Water has been posted to York Water in the amount of \$72,000. There was a problem with the letter of credit for the Sewer Authority, which was just discovered this afternoon. The amount posted was \$159,126, which Ms. Frame states was the original estimate; however, Terry's letter to the Sewer Authority gave a total of \$318,018.80 as the new amount. The revised letter of credit for the Sewer Authority will be available Thursday. Mr. Poole noted that the HOA documents are in order. **Motion** by Luckenbaugh, second by Shearer, to approve the Aylesbury Final S/D Plan #E-5314 on Old Joseph Road subject to the receipt of the revised letter of credit for the Sewer authority in the amount of \$318,018.80. All members voted aye; motion carried.

D. The John Shearer Partnership made a request that the Township decide on the levels of well testing that will be required for Phase II and Phase III Final Subdivision Plan #031582 located on Green Valley, Hoff and Panther Hill Roads. Mr. Picarelli reported on the well testing issue, after having consulted with DEP. There are three (3) levels of testing: transient, non-transient and community. Transient would apply to something such as McDonald's, where persons go in for something to eat or drink and leave. Non-transient would be like a community of 0-500 homes. Community would be something over and above the non-transient. As the levels move upward, the testing limitations are more stringent. The community level would test everything that DEP tests for, even nuclear testing. KPI also talked to the geologist who signed off on the landfill closure report. The geologist suggested that the Township may be looking for "new source sampling requirements for groundwater sources". These would be the requirements for the transient and non-transient situations. This list is considerably less than the community standards. The new list is not as extensive, but it would include all appropriate tests for home wells. The issue behind enforcing these standards is that the ground on which these homes will be built is a former landfill. There is a note on the plan that says that the water will be tested according to DEP standards. Which standards will apply? GHI only wanted to test a bare minimum - fecal coliform, nitrates, nitrites and suspended solids. The bare minimum tests may be typical for a home; however, the Township knows there is a landfill involved here. The testing at non-transient level could possibly cost several thousand dollars per lot tested. Supervisor Shearer asked the Solicitor what the Township needs to protect itself. Mr. Poole noted that the Township is not at any risk no matter what they decide to do, but the note on the plan is ambiguous by saying to DEP standards. No matter how many tests are required, they would all have to meet DEP standards. The landfill closure tests were probably to the non-transient standards - there did not appear to be any nuclear testing. The Township does not have liability because they are not guaranteeing anything; they are only setting requirements. The Supervisors need only to decide on the level of testing to be required. Mr. Picarelli feels that the "non-transient" tests would be sufficient. There are only five (5) lots involved here. Per Solicitor Poole, because of the note on the approved preliminary plan, it is the responsibility of

the Township to decide what level of test is to be done and make sure those tests are done and pass to normal standards. If they do not pass, permits are not issued. The Township is not monitoring the water. The Township would need to see well driller's certificates to assure that the tests were done at the proper depth with the proper yield (required in the note on the plan). The Township is only a checklist agency. Chairman Hall questioned what happens if four (4) or five (5) years down the road, the wells fail. The Township is not guaranteeing the quality of the water or anything: under the law the Township cannot guarantee anything. The deeds on those lots have to show that there was a landfill there. The Township has gone out of their way to provide as much information as possible to warn potential buyers of the situation here: that does not create a liability. Supvr. Shearer asked the Engineer if the same test requirements were done upon the landfill closure. Yes, and the test results were good at that time. Mr. Shearer wanted to be sure the Township was not setting impossible standards. **Motion** by Hall, second by Luckenbaugh, to require the New Source Sampling Requirements for Groundwater Sources for Non-transient Water Systems and satisfactory results for the John Shearer Partnership Subdivision Plan #031582, Phases II and III required lots per the approved preliminary plan. All members voted aye; motion carried.

VI. Administrative Reports

A. Manager's Report

1. The E-Cycle Day on April 14th by the YCSWA resulted in 83.4 tons of electronics being recycled. This is the highest ever!
2. PENNDOT has notified the Township that the Krafts Mill Road bridge deck (close to the sawmill) is scheduled for repair within the next thirty (30) days.
3. Since Windy Hill was listed among the allocations, Chairman Hall inquired as to their status. The Manager gave a short report noting all of the help that has come forward to help the Center start a 5-year business plan - George Glatfelter is getting York Community Foundation involved to help with developing the plan, Bob Kinsley is helping and various other persons. Rodney commented that he thinks that the money earmarked for the SPCA could be going to better use by giving the funds to some of the other entities, the Library or Ambulance Clubs. He does not feel that strongly about the SPCA. The Manager pointed out that the Township signs the stray animal contract with Susquehanna Animal Shelter - they take all of our strays. The Township has not signed a contract with the SPCA for many years due to the cost of it and the unwillingness to take certain animals. The Chairman felt that this subject had already been hashed out at budget time. **Motion** by Luckenbaugh, second by Hall, to pay the annual allocations as budgeted for 2007: Glatfelter Memorial Library, \$3200; SPCA of York Co., \$1100; Spring Grove Ambulance, \$3000; Tri - Community Ambulance, \$3000; Spring Grove Area Community Ctr., \$2000; Susquehanna Stray Animal Shelter \$1100; Visiting Nurse Assn., \$1000; Windy Hill Senior Ctr., \$5000; and the York Co. Quick Response Team \$1000. All members voted aye; motion carried.
4. The Sewer Authority is investigating the refinancing of their 2005 series bonds seeking lower rates. The Authority has passed a resolution authorizing PFM to take action if there is a 2% change in rates. For this reason, the Township has had to supply all new financial records for them.
5. The Sewer Authority Audit for 2005 and 2006 was received today - copies

were supplied to the Supervisors. The Audits will be placed on file for review.

B. Engineer's Report

1. It was noted that there was a workshop last evening at 6:00 between the Twp. Engineer, the Sewer Authority and the Supervisors, for the purpose of the Engineer providing the Supervisors with information with regard to street restoration due to sewer installation. No decisions were made, no deliberations were undertaken. Mr. Picarelli discussed the street restoration for Sewer Area A, which was delineated by Terry Myers in his communication dated 6/15/07, Township Street Trench Restoration. Supervisor Shearer noted that part of Area A includes Tunnel Hill Road. The Township has intentions of milling that out next year. He does not want to see restoration on that portion - Gil clarified that is only restoration around the manhole that is sinking badly. It has already been patched once. Part of Old Joseph Road is also to be added to Area A. The Authority and Gregory Cont. were considering Old Joseph as final restoration due to the amount of roadway that had to be restored. Nelson said that Terry would be consulting with Gary Gregory about that. Gregory had overlaid about 2/3 of the roadway due to the destruction done during construction of the sewer plant. Mr. Shearer thinks the balance of Old Joseph Road should be added to Area A. Terry Myers was still going to calculate how much money would be available for the wearing course, to see if the Township would consider taking that to do the work at a later time in lieu of the contractor placing the wearing course now. Terry indicated that Gregory had verbally agreed to a three (3) year warranty period. The three (3) year warranty period starts when the contractor's final restoration is done. Most of the roads in Area A were done during the Feb. to Apr. time period. Gil pointed out that until restoration in Area A was completed, you would almost get three and a half years of maintenance period out of some of these roads. **Motion** by Hall, second by Luckenbaugh, to allow the final restoration to begin in Area A as proposed by the Sewer Authority on their proposal of June 15th with the addition of part of Old Joseph Road. All members voted aye; motion carried. Rodney would still like to see the dollar figure on the wearing course as promised by Terry Myers last evening and all of Old Joseph Road to be included in the three (3) year warranty period. He would also like to see the total number of square yards of material involved in Section A roads.

2. The Township received an Inadequacy Letter from York Co. Soil Conservation for the Erosion & Sedimentation plan on the Strickhouser Road permit. The Conservation District is very picky - this same format for submission was done for a municipality in Adams County and approved immediately. York County had 23 comments, mostly about small items that they wanted, certain notes that were included on different pages, etc. Gil talked to the Manager about this and agreed to a reduction on their bill for preparation of this permit. Changes were made and the permit has been resubmitted.

3. **Motion** by Hall, second by Luckenbaugh, to reject all bids received for the box culvert on Buffalo Valley Road, due to the lack of wing walls in the bid. All members voted aye; motion carried. **Motion** by Hall, second by Luckenbaugh to re-bid the box culvert, including the wing walls and their placement. All members voted aye; motion carried. The bid

opening will be included at our next Board meeting in July for award.

4. The approval of the waiver from having to comply with the MS-4 requirements was approved by DEP after quite a wait. The new application is due in September. **Motion** by Hall, second by Luckenbaugh, to authorize KPI to apply for the new MS-4 waiver.

All members voted aye; motion carried.

C. Solicitor's Report

1. Mr. Poole reported that P.H. Glatfelter appealed its tax assessment increase some time ago. At that time this Board voted to not participate in the appeal. The change to the Township was minimal. The SGASD and PHG have agreed to a FMV of \$11,500,000. The notification is to give NCT one last chance to intervene. The Board agreed to take no action.

2. **Motion** by Shearer, second by Hall, to approve Resolution #7-06-2007, which adopts the Disposition of Records Act. All members voted aye; motion carried.

3. **Motion** by Luckenbaugh, second by Shearer, to approve Resolution #8-06-2007, Authorizing the Destruction of Certain Township Records. All members voted aye; motion carried.

4. A Public Hearing was opened on Ordinance #201-06-2007. Tanya Crawford questioned what the preamble of the amendment stated. Mr. Poole read the title and stated that some of the amendments are definitions, some are phrase changes and other specific situations are addressed. No zoning districts were changed. Hearing closed. **Motion** by Luckenbaugh, second by Hall, to adopt Ordinance #201-06-2007, the Zoning Ordinance Amendment. All members voted aye; motion carried.

5. Mr. Poole reported that he has discussed with Zoning Officer Jay Little the regulations for animals in NCT. The Zoning Officer is concerned that there are no specific regulations for animal ownership in the Zoning Ordinance. Mr. Poole is also concerned that there is no kennel regulation at all. Some municipalities have distinguished the difference of a private kennel and a public kennel. The Manager added that this Board previously reviewed this subject as animal units and could not come to any agreement. Mr. Poole stated that animal units is not always the best way to look at this. Some areas have specifically defined what animals are pets. Supervisor Luckenbaugh interjected that if we are going to be re-writing ordinances, Mr. Luckenbaugh would like to eliminate cul-de-sacs from any zone. Mr. Hall indicated this is another whole subject for consideration. **Motion** by Hall, second by Luckenbaugh, to authorize Mr. Poole, Mr. Little and Mrs. Strausbaugh to draft some proposals for animal regulations. All members voted aye; motion carried.

D. Police Board Report

1. After talking to six (6) or seven (7) people about the resident position on the Police Bd., Mr. Shearer made a recommendation to the Supervisors. **Motion** by Luckenbaugh, second by Shearer, to appoint Shawn Fishel of 2206 Slagel Road to the SWRPD Police Board to fill the resident vacancy created by the resignation of Thomas Waltersdorff. All members voted aye; motion carried.

2. Manheim Township delivered four (4) signed copies of the agreement to purchase the Police Building. A Public Hearing was opened to discuss Ordinance #202-06-2007, which authorizes municipal cooperation for the purchase of the SWRPD building. There was no public comment. Hearing closed. **Motion** by Shearer, second by Hall, to adopt Ordinance #202-06-2007 which authorizes the Inter-municipal Cooperation of Heidelberg Twp., Manheim Twp., North Codorus Twp., Spring Grove Borough and the Southwestern Regional Police Board to purchase the SWRPD building. Roll call vote: Hall–Aye; Shearer – Aye; Luckenbaugh – *Opposed*. Motion carried 2-1. The Solicitor passed along the four (4) original copies of the

Agreement for the Chairman and Secretary to sign. The Ordinance gave authority for the agreement to be signed. These agreements will pass to Spring Grove Borough to sign and then on to Heidelberg Township, one original for each municipality.

E. Fire Company Report

1. Mrs. Strausbaugh presented the Fire Company Report for May showing a total of twenty-nine (29) calls for the month, with no losses.

2. For Workmen's Comp purposes, the Township's insurance company has requested that a list of the annual functions for the Fire Company be approved once a year. This list was requested in January, but has just been received. **Motion** by Luckenbaugh, second by Shearer, to approve the list of functions for the Fire Company for 2007 as presented. All members voted aye; motion carried.

3. The Board has requested to review the Fire Company's Relief Association records for 2004, 2005 and 2006. For some reason, the Relief Assn. representatives have been reluctant to provide this information. Chairman Hall suggested that a meeting be set up with the Relief Assn. to discuss the situation and this should be done on an annual basis.

VII. Old Business

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

B. The Board set a price of \$8,500 for the sale of the 1993 Ford Tractor 4630 with the side mower. The Manager will advertise the tractor for bid.

VIII. New Business

A. **Motion** by Shearer, second by Luckenbaugh, to approve the request of West Manheim Township for the use of NCT Fire Police at the Pleasant Hill Firemen's Carnival from July 23rd through July 28th and the request of York YWCA for the use of NCT Fire Police at the YWCA Bike Ride on June 24th from 8 a.m. to noon in the vicinity of Days Mill and Markle Roads. All members voted aye; motion carried.

B. **Motion** by Shearer, second by Luckenbaugh, to amend the NCT Personnel Policy Sections 16-1(c), 2(a) as presented, setting the minimum amount of Personal and Vacation time to be used as one half (1/2) hour. All members voted aye; motion carried.

C. **Motion** by Luckenbaugh, second by Hall, to approve J. Miller's Electric proposal for computer wiring for the new server installation at a cost of \$1400. All members voted aye; motion carried.

D. **Motion** by Luckenbaugh, second by Hall, to approve General Code's proposal of \$3,000 for moving, upgrading and re-training personnel on the LaserFiche. All members voted aye; motion carried. This is a two (2) day process. This will require additional ram memory on the new server for an increase of about \$300, which the Manager already approved. The General Code and additional memory requirements were not budgeted items.

E. Mrs. Strausbaugh presented a letter from a resident on Brush Valley Road contesting some charges that were assessed against the resident; it appears that this matter may end up in litigation. This matter will be discussed either at an Executive Session or at a later Supervisors'

meeting.

IX. **Announcements**

- A. There will be no Zoning Hearing Board meeting this month.
- B. The Recreation Board will meet on June 25th at 7 p.m.
- C. The Planning Commission will meet on June 26th at 7 p.m.
- D. The Board of Supervisors will meet on July 17th at 7 p.m.
- E. The SWRPD Board will meet on July 11th at 7 p.m. at 6115 Thoman Drive
- F. The Sewer Authority will meet on July 16th at 7 p.m.

Motion by Shearer, second by Hall, to adjourn. All members voted aye; motion carried.
The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Joy Ann Strausbaugh, Secretary