

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 seven citizens.

I. **Minutes**

No minutes to approve at this time.

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**

Sgt. Greene reported that the Police Report for July was not available at this time. He was available for questions during the meeting.

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

A. **Motion** by Shearer, second by Luckenbaugh, to approve Road Opening Permit #10-2007 for York Water Company to tap into the 12" water main on Old Joseph Road for the Aylesbury S/D. All members voted aye; motion carried.

B. **Motion** by Shearer, second by Luckenbaugh, to approve Road Opening Permit #11-2007 for Columbia Gas to install a new service line at 3476 Messersmith Road. All members voted aye; motion carried.

C. Greg McGrew of GWM Properties LLC/DBA McGrew Equipment, Inc. located at 2191 Seven Valleys Road, was present to request a waiver from having to do a Land Development plan to place a temporary office trailer on an existing concrete pad on the property. A portion of the GWM property was acquired from the Paul Lau Estate S/D Plan #L-4883. Note #23 on that plan states that any expansion of the existing use on the GWM Property shall be required to do so by a Land Development plan. Their business is growing; they are currently checking sites for expansion. The expansion may or may not be on the current site. The Board questioned how long the applicant is planning to use the temporary trailer, to which the applicant stated a couple of years.

**Motion** by Luckenbaugh, second by Shearer, to waive the L/D Plan requirement of Note #23 on the Paul Lau Estate S/D Plan for McGrew Equipment to have a temporary trailer to be used as office space placed on the site for not longer than three (3) years: this waiver does not extend to any permanent structures on the property for expansion of the business. All members voted aye; motion carried.

D. Jerry Stahlman was present on the Lynwood Phase II-C Final S/D Plan #A-03-006 which previously received an extension of time until tonight's meeting for action. He reported that the modules are completed, the alternate septic sites have been identified.

Identification of those alternate sites is part of what delayed the progress and the compliance with the extension of time until tonight's meeting. He requested that the Board table this plan to allow the applicant to file the modules with DEP. Mrs. Strausbaugh noted that the recreation issue still has not been resolved. The developer was required to give land and place a play area on it (there is a drawing of the required area). It was discussed since that time to give money in lieu of the required rec area. The rec fees at the time of plan submission were \$400 per lot. It was noted that the Board must either deny this plan tonight or again extend the time allowed for a decision. The Board wants resolution of this plan by the end of 2007; perhaps the Board could take action on the plan at its close-out meeting in December. **Motion** by Luckenbaugh, second by Shearer, to extend the time for action on the Lynwood Phase II-C Final S/D Plan #A-03-006 until December 27<sup>th</sup>, at 4 p.m. All members voted aye; motion carried.

E. David Koratich of LSC Design and Mike Jeffers from Kinsley Construction, Inc. were present on the Kinsley request for five (5) waivers for the Residential Community Preliminary Plan #2005.0016.00 located on Joseph Road. The Planning Commission recommended that the applicants come to the Board for some input as the decision on the waivers will determine whether or not the plan will move forward. C. S. Davidson had previously recommended that they realign the 90-degree turn on Joseph Road. What does the Board think of this plan? Discussion was held on the situation. The Board has no problem with the proposed realignment so long as the new street aligns with the current roadway and Kinsley handles all the paperwork to abandon and relocate the road, the Kern driveway and any others affected.

Mr. Koratich asked about the two (2) proposed temporary cul-de-sacs. This plan is being proposed in two (2) phases, creating a need for temporary cul-de-sacs. The first one will be on the proposed street at the line between Phase I and Phase II and the second will be on the proposed street at the end of Phase II to allow for possible further connection to other land owned by Kinsley. It was noted that one of the temporary cul-de-sacs will likely be in place for at least two (2) years; the other may end up being permanent if land cannot be acquired for the connection to other Kinsley properties. Supervisor Luckenbaugh questioned the cul-de-sac in Phase II in relation to the pipe shown in that phase. He reiterated the Cedar Hill problem with people getting trapped in there should the pipe blow out. Mr. Picarelli noted that the cul-de-sac proposed in Phase II is well over 500 feet, which exceeds the limit of the ordinance. Mr. Shearer has no problem with Phase I, but Phase II is presenting some major problems. Rodney added that until the developer finds a second way out of Phase II, it should not even be considered. As a responsible Township Supervisor, it should not be allowed to have a cul-de-sac out in the middle of nowhere with only one way in and out of it. Emergency situations could crop up with people trapped back in that area. Phase II needs a lot of work before it would ever be considered in NCT. Supervisor Shearer made it very clear that he would not consider a plan that included Phase II as it is designed. Solicitor Poole questioned how the ownership is arranged on the lots that include the stormwater basins (Lots 39 and 41). Both individuals indicated the homeowners. Chairman Hall indicated that all three

(3) Supervisors have a problem with Phase II because of the limited entrance/exit. Mr. Koratich argued that the Preliminary Plan does not create the lots. Solicitor Poole added

that once you approve the Preliminary Plan, you are stuck with that approval. In a Final Plan, the developer has the right to rely upon that Preliminary Plan approval; therefore it could delineate the lots if the Board approves it. Chairman Hall again added this Board would not approve a plan that included Phase II as presented.

Waiver requested: Traffic Impact Study, Section 165-53 of the NCT Code – their request proposes that a fee be paid in lieu of the study, funds that could be used elsewhere. It was noted that CSD had done an informal study in this area when Colonial Crossings was done, taking into consideration how many lots could be developed in the general area, for the purpose of setting a road improvement fee. The Manager stated that she did not think the traffic from these homes would greatly impact the area. Joseph Road would probably see more use. The only concern the Manager had was the Joseph Road and Salem Road intersection. The sight distance is already very limited. Additional traffic would probably pose some issues. There is no provision in the ordinance for determining a fee in lieu of the traffic study. It was noted that Colonial Crossings was charged \$350 per lot for road improvement fees. Mr. Koratich expressed the thought that since the Township has no provision for collecting traffic impact fees, they would rather offer the money that a traffic study would cost for use on the roads in lieu of doing the study. Discussion followed with the possibility of charging a similar fee as Colonial Crossings. The Manager pointed out that the cost of road materials has increased a good bit since that figure was calculated. Mr. Picarelli feels that a from-scratch traffic study would cost more than \$400 per lot. Supervisors Hall and Shearer questioned why we are looking at waiver requests now on a plan that is not set in stone. The outcome of some of the waiver requests will determine how or whether the developer will proceed with the plan. **Motion** by Luckenbaugh, second by Shearer, to approve the waiver request to NCT Code Section 165-53 which requires a traffic impact study, conditioned upon the developer's agreement to pay a fee in lieu of the traffic study in the amount of \$400 per lot for Phase I. All members voted aye; motion carried.

Waiver requested: Existing and Proposed Features Within 400', Section 165-29.D.6 of the NCT Code. Mr. Koratich explained that this would include a lot of off site area that would have to be surveyed that has no relevance to this development. An alternative solution would be to show this as an overlay on aerial mapping to give the peripheral offsite existing conditions. Mr. Picarelli suggested as a compromise that they show some features here that will impact their area, such as stormwater, fire hydrants, the specific area where they will be changing the road, details of that intersection and within 150' of any area where it intersects the roadway. Some features of Colonial Crossing would be pertinent, such as the hydrants, stormwater, sewer, etc. **Motion** by Luckenbaugh, second by Shearer, to approve the waiver to show the existing features within 400 feet of the project except for the intersection of the new street onto Joseph Road, the area of Joseph Road that is to be relocated, and 100 to 150 feet across Noss and Joseph Road in the Colonial Crossings area. These areas must be shown. All members voted aye; motion carried.

Waiver requested: Hydrogeological Study Required, Section 165-32 of the NCT Code. This development will have both public water and public sewer. The Manager questioned whether the Township could waive this section since this is now a requirement

of the Act 537 Plan. Mr. Picarelli pointed out that the ordinance requires the hydro study due to specific existing conditions which are listed in Section 165-32.A.3. Gil suggested that the applicants add a statement on the plan to indicate that these conditions do not exist and that the ordinance requirements have been met. **Motion** by Luckenbaugh, second by Shearer, to approve the waiver request for the hydro study, Section 165-32.A.3 of the NCT Code with the above note added to the plan. All members voted aye; motion carried.

Waiver requested: Environmental Impact Assessment Report, Section 165-54 of the NCT Code. Mr. Picarelli felt this section could be waived as long as they have done their PNDI (PA Natural Diversity Index) to determine that there are no endangered species: we already know where the wetlands are. Gil suggested getting a letter from PHMC (PA Historical and Museum Commission) to indicate that their historical data requirements have been met. **Motion** by Luckenbaugh, second by Shearer, to approve the waiver request for Section 165-54 of the NCT Code requiring an environmental impact assessment report, provided the applicant gets a satisfactory letter/report from PHMC and PNDI. All members voted aye; motion carried.

Waiver requested: Street Trees, Section 165-61.E of the NCT Code. The developer is requesting to put one street tree per lot frontage, rather than one every sixty (60) feet. **Motion** by Luckenbaugh, second by Shearer, to approve the waiver request for Section 165-61.E of the NCT Code, modifying the requirement to provide only one street tree per lot frontage. Two members voted aye; Hall opposed. Motion carried.

Waiver requested: Maximum ten percent (10%) Grade for Vertical Street Alignment, Section 165-38.D.2 of the NCT Code. To minimize the impact of the stream crossing in Phase II and the impact of the flood hazard zone and minimizing the amount of earth moving, the developer is proposing a thirteen percent (13%) grade. This would eliminate a huge culvert installation at the stream crossing. This only relates to Phase II. The applicants withdrew the waiver request at this time.

Mike Jeffers added that LSC was instructed by the developer to submit this plan in its current form. He could not predict the timing of Phase I without Phase II. Supervisor Shearer noted that some of the residents on Noss Road could not connect to sewer without the Kinsley connection. Mr. Jeffers was aware of that and was instructed to add Phase II to the concept. He could not commit to whether the plan would move forward without the resolution of Phase II. It was his "estimated guess" that the plan would not.

## VI. Administrative Reports

### A. Manager's Report

1. The Susquehanna Stray Animal Shelter Report for the second quarter of 2007 was received and will be placed on file.
2. The Township received thank you letters from the Spring Grove Area Community Center and the Glatfelter Memorial Library for the annual allocations.
3. YCSWA reported that 8.4 tons of household hazardous waste was collected.
4. Dirt and Gravel Funds were received from the York County Conservation District for Prospect Hill Road in the amount of \$23,326.50.

5. Seminars are available on Winter Road Operations and Volunteer Fire Company Partnerships. Mrs. Strausbaugh feels that the fire company seminar does not apply to the Township since we own the Fire Company and the winter road seminar has been attended by our Road Crew previously. The Manager is not recommending either at this time.

6. The Treasurer will be attending the PennDOT Training on Filing Annual Reports, to be held on September 20<sup>th</sup> in Millersville.

7. The Township received notice from Comcast. The company is dropping another channel. That's the fifth channel drop this year, yet the cable cost keeps increasing to its customers. Mrs. Strausbaugh is receiving complaints from residents. This is just an FYI to keep in mind for the next cable franchise agreement. We may want to put a minimum on the amount of stations.

8. The WAY (Watershed Alliance of York) report for 2005-2006 was received. It was noted that the Township is not a WAY partner, but their report can be used toward MS4 reporting, should we ever be required to comply with the reporting procedures.

9. Eric Bistline has given an update on the Emergency Services radio project.

10. A YCPC Regional meeting will be held on September 20<sup>th</sup>, at 7 p.m. at the New Creation Community Church in Dover.

11. The LGAC meeting will be held on September 25<sup>th</sup> at 6:30 p.m., at the Holiday Inn, Loucks Road, York. This coincides with the Planning Commission's meeting, so those members will not be able to attend this year. The subject is one that is already affecting NCT - Base Realignment and Closure for Aberdeen Proving Grounds. **Motion** by Luckenbaugh, second by Hall, to approve the attendance and payment of the costs for the Zoning Officer and any Supervisors who wish to attend this meeting. All members voted aye; motion carried.

12. Mrs. Strausbaugh acknowledged a donation from former residents Ruth and Richard Gentzler of a painting of the former Township Building. Mr. Gentzler commissioned the painting from a pencil sketch he had drawn in 1974. The present building was built in 1976. Mr. Gentzler was an official of the SGASD for many years and the Gentzlers lived on Stoverstown Road at Fire Hall Road. **Motion** by Hall, second by Luckenbaugh, to allow Mrs. Strausbaugh to purchase a plaque to accompany the painting. All members voted aye; motion carried.

#### B. Engineer's Report

1. Mr. Picarelli is trying to move the Buffalo Valley project along. The notice to proceed was given for the manufacture of the box culvert. Culvert delivery is slated for Sept. 24<sup>th</sup>; however, the shop drawings have not yet been submitted by CSD to the manufacturer. KPI will stay on top of this project.

2. The Strickhouser Road project is progressing. KPI has stakeout scheduled for the week of Aug. 27<sup>th</sup>. Rodney will talk to Russ on the co-ordination of the rental of the equipment for both projects (1 & 2).

3. Aylesbury is progressing very well. Mr. Picarelli is pleased with the work so far, and Mrs. Strausbaugh noted that the stormwater has been contained

satisfactorily. Kinsley is doing the work and was complimented. Mrs. Strausbaugh noted that the SGASD's stormwater problem still exists at the Ramos property on Old Joseph Road; the "fix" from two years ago has not worked. The Ramos' have lost two (2) more trees. Mr. Picarelli will meet with the Roadmaster and check out the site.

4. On the Sewer project, Greg met with Gregory Contractors, Russ and Nelson on site for Area A street restoration. They painted areas for restoration and the contractor was advised to let the Township know when they were going to do the final paving. The contractor did not let the Township know when they did the final paving. When Greg next visited the site, the paving was done. The Township and Engineer were there for the restoration of the street, but were not present for the final paving. The Engineer could spot check several areas and take some core samples if they feel there is a problem. Their cleanup prior to paving was very well done. Rodney pointed out that we never got anything back in writing after our meeting with the Sewer Authority about extending the maintenance period. Mr. Picarelli will contact Terry Myers to follow up for some confirmation in writing.

5. Mr. Picarelli noted that Colonial Crossings is progressing on the punch list provided to them with regard to restoration that needs done prior to the final wearing course being put down. The Township has received a letter from the developer requesting the Twp. adopt Patriot Street and Payne Boulevard. The Engineer had not yet seen that. It was received August 15<sup>th</sup>. The Manager will provide a copy. The developer is not ready for adoption until the restoration and final wearing course is done. The parking situation was discussed, with a suggestion from Dennis that parking be restricted on both sides. The Manager pointed out that we will need a traffic study to restrict parking and we cannot do the traffic study until we take over the street. Gil pointed out that if you restrict parking on both sides of the street, you are inviting a speedway! Complaints have already been received about vehicles speeding down the street. From the audience, Sgt. Greene suggested having parking on one side of the street only. That would allow parking for visitors, but cut down on the speeding vehicles. How about during a snow emergency? The Township would need to have an ordinance to enforce snow emergency. Mr. Poole will begin the resolution preparation for street adoption.

6. Mr. Picarelli presented information that was dropped off by Ron and Sheila Carter regarding sewer installation on the property on the corner of Stoverstown and Slagel Roads. Mrs. Strausbaugh felt this was more of a Sewer Authority issue; however, it will be coming before the Board of Supervisors as a Final Plan. They wanted KPI to review this. The Manager also questioned the easements for sewer and water and whether driveways could be constructed in those easements. **Motion** by Hall, second by Luckenbaugh, to have Mr. Picarelli review the Carter request. All members voted aye; motion carried.

#### C. Solicitor's Report

1. Mr. Poole reported on the police building financing. Bill received the DCED approval for the financing today. The Solicitor has spoken to the bank and put all the documents together. After the items tonight, only the settlement remains to be scheduled. There is a non-arbitrage certificate that needs to be signed which simply says that we are not borrowing money to make money and that we are following IRS

guidelines. Mr. Hall will need to sign the non-arbitrage certificate. The final amount of payment for the police building is \$539,172.04, not including any transfer taxes. There is some disagreement between Kinsley and the Police Board - is it a realty transfer as Kinsley believes, or a personalty transfer as the Police Board sees it? Bill agrees with the Police Board that it is a personalty transfer and would not require transfer taxes. If it ever transfers again, it will be the property with improvements. There will be no closing costs. This amount is the original amount agreed upon. **Motion** by Hall, second by Shearer, to agree to pay \$539,172.04 for NCT's share of the police building, of which the \$280,000 that NCT is borrowing on a general obligation note will be applied in its entirety toward the \$539,172.04. Two members voted aye; Luckenbaugh opposed. Motion carried.

2. Mr. Poole reported on the Mannino appeal. The case has been assigned to a judge.

3. The Township is supposed to have a hazard mitigation plan in place by the end of September 2007. **Motion** by Luckenbaugh, second by Hall, to have Mr. Poole prepare the resolution which adopts the County's plan, as recommended by the Township's EMA Director, Carldene Stough. All members voted aye; motion carried.

#### D. Police Board Report

1. Mr. Shearer discussed some items in the proposed 2008 Police Budget. There is now a 3<sup>rd</sup> draft, prepared by the Chief. This version shows that the budget is slightly over a 3% increase, but if you compare our payments for 2007 to 2008 payments, it is a 10.5% increase. The Chief is still requesting an additional officer based solely on the Chief's recommendation of need. The DCED report did not indicate the need of additional personnel. After the last budget meeting, the next step was to take it to the Managers. Supervisor Luckenbaugh stated that we are going to look at our own budget first before consideration of this one. He predicts that the NCT taxes will have to be raised to 1.25 mils. The final version of the budget is due to the Township by the end of September. Rodney stated that he is not going to decide which items this department needs: he got cuffed last year for that reason. All of the Supervisors agreed that a percentage increase should be agreed upon and let the Chief work out what he can afford for that amount of money. Some questions were asked of Sgt. Greene. Some of the reports do not jive. There are several items on the budget that need to be cleaned up and corrected.

2. Mr. Shearer received an e-mail from Chief Bean through the Township Manager requesting that Mr. Shearer not talk to Chief Bean except at a public meeting. In the same time period Shawn Fishel received an e-mail from Chief Bean advising him to contact him with any questions he may have. Rodney's last meeting with the Chief was when he took Shawn over to introduce him. At that time, Rodney again asked the question about the money left over in the budget when the Chief proposed laying off two (2) officers and he asked the Chief to go over and talk to Mr. Hilker as Rodney still gets many phone calls from him. The Chief responded that he would not see the Hilkers because if Mrs. Hilker's story differed from Ofcr. Matthews, then the officer's job would be on the line. Rodney also asked why Tom Waltersdorff had not gotten an award - the Chief's response was that he did not put that award list together. After the first budget was prepared, Rodney left several messages inviting the Chief to come to our meeting and

discuss the budget. Chief Bean never responded. Chairman Hall asked why the questions Rodney asks are not answered right then. The Chief does not know the answers. Then Rodney is told to put it in writing. Before he could get his questions in writing to the Chief, this e-mail came to the Manager saying that Rodney cannot ask questions except at a Board meeting. What does the Board want Rodney to do - ask no questions? Lee responded that Rodney has the right as a Board member to ask questions. Lee also attempted to get the Chief to attend this meeting. The Manager then recounted that she had asked the Chief the same question at her monthly meeting with him and he responded in the same manner that he should not be asked questions anywhere except in the Police Board meeting. The Manager pointed out that the municipalities may not be his bosses, but we pay the tab with public funds and he does owe us answers to our questions. Communication seems to be a definite problem again. The answers to the fiscal questions could give us insight where the budget could be reduced. Lee will continue to try to contact the Chief and ascertain what is going on. It is hard to take the police budget seriously when we cannot communicate. Solicitor Poole added that he heard in the conversation that Rodney was told to put everything in writing. The Chief cannot do that unless every person who has a question at the Police Board meeting is required to put it in writing. You cannot require that of a member of a governing body. Lee added that Rodney is within his rights to ask questions and seek information. The Solicitor pointed out that under the agreement, if this Board does not approve the 2008 budget, it reverts to the 2007 budget.

#### E. Fire Company Report

1. The Board members received a copy of the monthly report for July showing a total of forty-one (41) calls with no losses. Rodney questioned where we were with regard to seeing the Relief Association books. Mr. Luckenbaugh reported that he met with Andrew Martin the head of the Relief Association and the Fire Company Relief Association does not want to show the Township its books. The Relief Association wants the Township to sign a contract that NCT Relief Assn. will continue to get the entire Foreign Fire Insurance funds and then they will show us their books. Mr. Luckenbaugh got a copy of the booklet that governs the Relief Associations from the Auditor General's office and he read it from cover to cover. He maintains that the Township does have the right to examine their records.

### VII. Old Business

A. There are still vacancies on the Sewer Authority and the Rec Board.

B. LRD Enterprises signed the ROW agreement for Bentz Road; the Township signed the agreement at this time. Bill will record the agreement.

C. **Motion** by Luckenbaugh, second by Shearer, to approve the sale of the 1993 Ford Tractor to Upper Bern Township, the highest bidder, at the price of \$7,502.00. All members voted aye; motion carried. It was noted that the rear flail mower was not included in this price; it could be offered for sale separately. Upper Bern Township may be interested in it. Rodney checked with several dealers - a used mower is going for between \$500 to \$1000. The Township paid \$3230 for the mower thirteen (13) years ago. The Board decided on an asking price of \$800, but no less than \$500. This mower was kept with the thought that it could be used with the new John Deere tractor, but it does not fit.

VIII. New Business

A. **Motion** by Luckenbaugh, second by Hall, to approve \$3700 for budgeted items for the Fire Company, \$3300 for electrically actuated valves for the Brush Truck and \$400 for a strobe and audible alarm for the fire detection system in the Fire Company building. All members voted aye; motion carried.

B. **Motion** by Luckenbaugh, second by Hall, to appoint Michael Krebs of 5363 Waltersdorff Road to the Ag Security Committee as the resident representative. All members voted aye; motion carried.

C. **Motion** by Luckenbaugh, second by Shearer, to appoint Carlene Stough to the Vacancy Board to fill the vacancy created by the death of Philip Wagner. All members voted aye; motion carried. Phil also served on the Community Building Committee, so a vacancy exists there.

D. The new proposal for the health insurance for the 2007-2008 period includes approximately a 7.5% increase in premiums. After checking into several other plans, the increase seems reasonable and Mrs. Strausbaugh is recommending staying with the current company, Highmark Blue Shield with the current plan in place and United Concordia for the dental coverage. **Motion** by Luckenbaugh, second by Hall, to renew the current health and dental insurance coverage as quoted for the 2007-2008 year. All members voted aye; motion carried.

E. **Motion** by Hall, second by Luckenbaugh, to approve the Non-Uniform MMO (Minimum Municipal Obligation) for 2008, in the amount of \$61,588.77. All members voted aye; motion carried.

F. **Motion** by Luckenbaugh, second by Hall, to contribute \$589.00 to Seven Valleys Borough for the Tri-Community Ambulance Workers' Compensation Insurance. All members voted aye; motion carried.

IX. Announcements

A. There was no Zoning Hearing Board meeting in August; there is a meeting scheduled for September 20<sup>th</sup> @ 7 p.m.

B. The Recreation Board will meet on August 27<sup>th</sup> at 7 p.m.

C. The Planning Commission will meet on August 28<sup>th</sup> at 7 p.m.

D. The Board of Supervisors will meet on September 18<sup>th</sup> at 7 p.m.

E. The SWRPD Board will meet on September 12<sup>th</sup> at 7 p.m. at 6115 Thoman Drive.

F. The Sewer Authority will meet on September 17<sup>th</sup> at 7 p.m.

**Motion** by Luckenbaugh, second by Hall, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:38 p.m.

Respectfully submitted,

Joy Ann Strausbaugh  
Secretary