

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 12 citizens.

I. **Minutes**

Motion by Shearer, second by Luckenbaugh, to approve the minutes of the regular meetings of May 22, 2007, and June 19, 2007. All members voted aye; motion carried.

The minutes of the meeting of July 17th which was continued to July 20, 2007, will be addressed at a later meeting after the Supervisors have an opportunity to review those minutes.

II. **Treasurer's Report**

A. **Motion** by Shearer, second by Luckenbaugh, to approve the Treasurer's Report for August 2007 as presented. All members voted aye; motion carried.

III. **General Public Comment**

Tammy Miller, Director of Windy Hill Senior Center, gave a presentation on the activities that the Center provides for the senior citizens of the area. Ms. Miller thanked the Township for the financial support; she asked if the Township could increase its contribution, even slightly, to help the Center receive additional funding. The County will match any contributions that are increased.

Carla Suskie, 4125 Palmer Ave, in the Salem Heights area, had a complaint about the crack sealing recently done on her street. She would like to opt out of the practice, if possible, because of the tar globs on the curbing. From the audience, Nelson Brenneman explained the procedure. He said that they may be able to use a different tip to fill the curb seams; that would leave a finer bead. The crack sealer is new to the road crew and the process will improve each year as they become more experienced. Supervisor Hall will come out and take a look at it.

Nelson Brenneman presented the Township with a digital level for the Road Crew: this level is for checking the crown on the roads and was a recognition gift from the Dirt and Gravel Program as part of his award. Chairman Hall thanked Nelson on behalf of the Township.

IV. **Police Report**

Chief Bean presented the Police Report for July of 2007. Their reports are delayed due to the Administrator being out of the area for illness in the family. He noted that the Police Department received help from a citizen regarding a robbery at Rutter's on Seven Valleys Road. The PD put a small item in the newspaper with a description of the perpetrator. Someone called in with information as to the identity. It was solved within seventeen (17) hours. Two (2) other serious incidents: a 17 year old youth on View Drive assaulted his foster mother with a gun and a 14 year old attempted rape upon a 22 year old jogger on Haar Road. Again with the aid of the neighbors, the incident was solved almost immediately. Regarding the 2008 budget for the Police Department, the budget committee is still working on the numbers.

V. Permits, Plans, and Modules

A. Clark Craumer of Stahlman Enterprises, LLC was present on the Lynwood Phase IIC, Final Subdivision Plan #A-03-006, located on Lynwood Drive. The Sewage Modules are ready for re-submission after the re-testing was done where necessary. The replacement sites have been identified on the plan. Clark gave the Manager the additional drawings needed and the check for their submission to DEP. The SEO has signed off on the module. **Motion** by Shearer, second by Luckenbaugh, to approve Resolution #10-09-2007 to amend the Act 537 Plan for inclusion of Lynwood Phase IIC Sewage Module and authorize submission of the Sewage Module to DEP. All members voted aye; motion carried.

B. **Motion** by Shearer, second by Luckenbaugh, to approve Road Opening Permit #12-2007, for York Water to install a new service at 3880 Old Joseph Road. All members voted aye; motion carried.

C. Donna Troupe was present on behalf of Mr. Sweigart for consideration of a plan that was approved in 1973. The Salem Hill Addition, Benjamin W. and Helen R. Sweigart Final Subdivision Plan #H-653 creating Holly Court was approved Sept. 5, 1973; no further action took place on this plan and no deeds were prepared or recorded. This subdivision will be served by public water and sewer; EDUs have been reserved. In speaking with Mr. Little, the Zoning Officer, it will need to comply with the current ordinances. The lot sizes will comply after the installation of public water and sewer. The ROW meets the qualifications. There may be a problem with the length and size of the cul-de-sac. There is room to require the applicant to add the additional 5' radius, and everyone agreed that this should be done. There are actually two different plans involved here. There were five (5) additional lots from a previous Sweigart Plan (Lot #'s 3,4,5,7,18) that were not yet built upon. Those five (5) lots would be undersized to today's standard; however, at least 75% of that development was built out. That fact validates those five (5) lots. Three (3) of them were just not built upon (3,4,5) and Lot #'s 7 and 18 were substandard at that time due to poor perks. The Board agreed that those lots are valid because the plan is substantially completed. More discussion followed with regard to the cul-de-sac. It was the Board's inclination to have the developer increase the size of the cul-de-sac to bring it into conformity. **Motion** by Hall, second by Luckenbaugh, to validate the Benjamin and Helen Sweigart Plan #H653, which was approved in 1973, with the condition that the applicant increase the diameter of the cul-de-sac to 80 feet and a radius of 40 feet for the cartway. All members voted aye; motion carried.

VI. Administrative Reports**A. Manager's Report**

1. The audit for the Jackson Volunteer Firefighters' Relief Association for the period from 1/1/03 to 12/31/05 has been received from the Auditor General's office and will be placed on file.

2. York County Solid Waste Authority is offering phone book recycling through October 19th at several locations. This year, residential customers with curbside recycling may put the phone books in their household recycling along with their newspapers.

3. The Township received Notice of Intent from Elisabeth Utting at 5741 Thoman Drive, to apply for three (3) stream crossing permits (GP6). This would be the former Richard

Dennis farm on Thoman Drive. This is to give the Township time to object if there were any objections. There were none.

4. The YCSWA Household Hazardous Waste Collection will be done on October 6th, from 9 a.m. to 1 p.m. at the YCSWA.

B. Engineer's Report

1. Mr. Picarelli gave an update on the DEP MS4 permit process. The Township was granted a waiver from compliance with the MS4 process to March 2008. Intent to renew the waiver must be filed 180 days prior to its expiration. DEP recently announced that everyone has been granted another one-year extension within which to complete the reapplication. Gil will follow up on the deadline.

2. Craig Kehoe of Cornerstone Development Group was present on Colonial Crossings with reference to street adoption. The developer's punch list has yet to be completed. The work is in process. Mr. Kehoe said he only had a draft of the punch list, to which Gil replied that Greg had only added one additional thing to the original draft, which Mr. Kehoe was aware of. Craig indicated that most of the items would be done tomorrow. The punch list consisted of sixteen (16) items; Nelson Brenneman corroborated that there is still work to be done from the list. The Solicitor pointed out that the maintenance bond is still outstanding. Mr. Kehoe indicated that he is still waiting for the amount of the bond. The bond is required to be 15% of the actual construction. Normally, the contractor proposes an amount that the Engineer then reviews and makes a recommendation to the Board. In the roads being offered for dedication, there are pipes and catch basins, etc. Discussion was held regarding how much of the road/storm drains the Township wants to take over. Since there are private roads not being adopted, the storm drains for public and private roads are all interconnected. The Solicitor indicated that the Township is only dealing with that part of the stormwater system that will be in the public roads. Nelson interjected that the sections of private drains may clog up the drains in the public roads. Gil then pointed out that in communication with Rick Levan at PennDOT, they will not guarantee any inclusion for 2008 Liquid Fuels funds of roads adopted after September 1st. Previously, PennDOT commonly accepted any roads adopted up to October 1st. Craig Kehoe, from the audience, noted that the information that he received from the Township was that the cut-off date was October 1st. Mr. Poole interjected that neither he or the Manager had guaranteed him of adoption until October 1st. Mention was made that PennDOT had generally accepted applications up until October 1st, which they consistently had done in the past. The Manager indicated that she and the Solicitor were working with Mr. Kehoe, attempting to accomplish adoption. PennDOT makes the decision. Mr. Levan did not recommend any road adoptions until after the winter months - possibly in the spring. The Township would be taking a chance adopting the roads now. Chairman Hall asked why the Township would take that chance. Mr. Kehoe indicated that he should be able to take the word of the Township officials. Mr. Hall indicated that PennDOT is the higher official and this is their decision. Irregardless of whether the date is September or October, why didn't the developer start the punch list in July, not the last week of August? From the audience, Tanya Crawford offered that the developer could make a good-faith offer of funds to have the Township accept the roads now, and have the Township take care of the roads during the winter months. If the developer wants to get rid of the roads bad enough, they will pay the Township to take them now. The Solicitor added that even if

PennDOT would accept the roads until October 1st, as of right now, the punch list has not been completed and the maintenance bond has not been posted. This is the last Township meeting before October 1st. The Board would be unable to do anything without completion of both items.

Craig offered the following: the Township would move forward with the adoption of the roads and apply for the Liquid Fuels funds, and if the Township doesn't qualify for the 2008 Liquid Fuels funds, the developer will reimburse the Township that amount. The Manager objected on the basis that adoption requires passing a resolution. Once that is passed, the roads belong to the Township. Supervisor Shearer agreed. Solicitor Poole indicated that the State will not look at the request until the deeds of dedication are recorded. Nelson cited several items that he knew still needed correction. Gil also brought a serious issue to Craig's attention: the water is not getting to one of the inlets on Paine Blvd. at Noss Road (Item #15 on the punch list from KPI dated 9/10/07). **Motion** by Luckenbaugh, second by Hall, to *table* the request for the adoption of Patriot Street and Paine Boulevard until the spring of 2008. All members voted aye; motion carried.

3. Mr. Fiorillo called Lee with a complaint from several residents in Colonial Crossings on Patriot Street about speeders on the road in front of their homes. The residents are requesting speed bumps be placed on Patriot Street to deter speeders. The Manager had already answered Mr. Fiorillo by e-mail. Solicitor Poole sees speed bumps as a huge liability and secondly, this would create further demands by residents in other areas who would also like to slow down speeders. Their request for speed bumps on public streets is not an option that the Township is willing to pursue; however, the residents were not pleased with that answer.

C. Solicitor's Report

1. Carldene Stough, the NCT EMC, recommended that the Township adopt the York County Hazardous Mitigation Plan. **Motion** by Luckenbaugh, second by Hall, to approve Resolution #09-09-2007, adopting the York County Hazardous Mitigation Plan. All members voted aye; motion carried.

2. Mr. Poole discussed Michael Fenton's August 27th response to Attorney Poole's letter. Mr. Fenton of 2286 Brush Valley Road is still balking at paying the C. S. Davidson bill for engineering on the relocation of Brush Valley Road. His argument is that the Township would have had to do this engineering whether or not the road was relocated. He maintains that CSD overcharged the Township and he is refusing to pay. Mrs. Strausbaugh suggested splitting the cost with Mr. Fenton to make this issue go away. Mr. Fenton paid the legal fees and the materials. The outstanding bill is \$2761.09. The Board members have a problem with that option due to the fact that Mr. Fenton had previously stated that he would pay the costs. To get the issue off of dead center, Mr. Poole was given the approval to negotiate for 50% of the bill.

3. The Township received notices of assessment appeals on six (6) properties within the Township. Some of the residential parcels are add-ons to other property: the residential lots involved have very low assessment value. The two (2) for concern are the two (2) farms. One of those is the John Shearer Partnership property. The Manager questioned why the Township would go along with a reduction of assessed value when the whole parcel already has an approved preliminary plan subdividing the entire parcel. The Solicitor looked at the assessment on that parcel today and the whole farm is assessed at \$71,520. Two (2) years ago,

the farm was assessed at \$795,000 and the purchase price in January 2004 was \$960,000.

Motion by Hall, second by Luckenbaugh, to authorize Mr. Poole to appear at the hearing to oppose the reassessment of the John Shearer Partnership Property on Green Valley Road, and any others the Manager and Solicitor deem profitable. All members voted aye; motion carried.

4. Mr. Poole suggested that the Solicitor and Manager begin work on the CPA appointment resolution, obtaining the quote for the audit of the 2007 financial records, so that it is in place for the reorganization meeting. The Board agreed.

D. Police Board Report

1. Mr. Shearer noted that the 4th version of the Police Budget was submitted to the Police Board. The Police Budget Committee will review that version on the 26th at their meeting. The biggest issue is, does the Township want to add another officer for 2008? The Board unanimously reported No to additional personnel. Chairman Hall indicated that he was in favor of the budget the Managers had presented from August 24th. Supervisor Luckenbaugh indicated he would not look at a budget with additional personnel.

E. Fire Company Report

1. Fire Chief Larry Wildasin was present with Chief Marvin Stine, Vice President of the Fireman's Relief Assn., to discuss the suggestions for payment of the new Rescue/Pumper in 2008. The Relief Assn. countered the Township with their suggestions for payment of the Fire Truck. Discussion was held on how their portion of the payment should be made - to the Township or to KME for the down payment and the lending institution for the loan portion. The Relief Assn. is checking with the Auditor General's Office to see what would be allowed. The Relief Assn. made some small changes. The Township will insure the truck for at least the purchase price. The Solicitor pointed out that the Township will need to go through the same procedure with DCED to borrow the funds for the Fire Truck as we did with the Police Building buyout. The Fire Truck has been started; it is on the manufacturing line. Chairman Hall added that the Foreign Fire Insurance funds have been steadily increasing. Mr. Poole wants to be assured that the Township is the only borrowing source - yes, that is the plan. **Motion** by Luckenbaugh, second by Hall, to accept the suggestions from the Fire Relief Association for the 2008 Rescue/Pumper, with an agreement to be drawn up by the Solicitor, noting that there will be insurance coverage equal to the purchase price. All members voted aye; motion carried.

2. The Fire Company made a purchase request for a chain saw at the cost of \$312.95 as a replacement for one that can no longer be repaired and on spot automatic chains for Engine 12-2 at a cost of \$2,004.44. These items were not specifically budgeted, but fit into the budget replacing items that will not be needed. **Motion** by Luckenbaugh, second by Hall, to approve the Fire Company purchases as noted totaling \$2,317.39. All members voted aye; motion carried.

VII. Old Business

A. It was noted that there are still vacancies on the following boards: Sewer Authority, Recreation Board and the Community Building Committee.

B. **Motion** by Shearer, second by Hall, to approve the sale of the rear mower (used on the 1993 Ford Tractor) to Upper Bern Township for \$500.00. All members voted aye; motion carried.

C. The Sewer Authority has made recommendations on the restoration of the next section of roads. The Engineer has not had a chance to review the recommendations yet. There was a bit of confusion surrounding the wording on the restoration that will be done. Supervisor Hall commented on the lateness of the submission. This list was a result of the Sewer Authority meeting last night and this Board is not prepared to act on it without further information. Gil questioned Nelson about the length of the maintenance agreement, if the Sewer Authority had mentioned it. Yes, three (3) years. Gil pointed out that the Township still has nothing in writing to confirm that. **Motion** by Hall, second by Luckenbaugh, to refer this issue to Rodney Shearer, Nelson Brenneman, Terry Myers, Gil Picarelli and Dennis Luckenbaugh to have them inspect and decide. All members voted aye; motion carried. Gil will call Terry and arrange the meeting. Chairman Hall reiterated that the three (3) year maintenance period must be gotten in writing.

VIII. New Business

A. The York County Association of Townships of the Second Class Convention will be held on November 8, 2007 at the White Rose Room at the Fair Grounds. **Motion** by Hall, second by Luckenbaugh, to approve the attendance of the Supervisors, Manager, Road Master, Zoning Officer and Tax Collector at this convention, all associated costs to be paid by the Township. All members voted aye; motion carried.

B. **Motion** by Hall, second by Luckenbaugh, to approve a contract for 2008 with Susquehanna Stray Animal Shelter, Inc. at a cost of \$920 annually for animal shelter services. All members voted aye; motion carried. The SPCA contract was considered at a cost of \$1490 annually; however, no action taken due to the cost and some of the conditions.

C. **Motion** by Shearer, second by Hall, to approve and renew the five (5) year Winter Services Contract with PennDOT for snow plowing 7.86 miles of State Roads. All members voted aye; motion carried. It was noted that the 2007-2008 year fee is a 4.6% increase for a fee of \$9,306.24.

D. **Motion** by Hall, second by Shearer, to renew the Community Building Ball Field Lease with the Stoverstown Athletic Association for an additional five (5) year period beginning October 1, 2007 and ending on September 30, 2012. All members voted aye; motion carried.

E. **Motion** by Shearer, second by Hall, to approve the installation of four (4) fire hydrants in the Aylesbury subdivision as follows: NW corner of Hampden Drive and Hampden Drive Lot #27, NW corner of Hampden Drive and Elmhurst Court at Lot #16, Elmhurst Court cul-de-sac between Lot #12 and #13 and the S side of Hampden Drive between Lot #31 and #32. All members voted aye; motion carried.

F. Does the Township have a gypsy moth problem that the County needs to address? The Manager consulted with the Road Foreman and the Road Master, noting no areas that have been affected. The County is requesting that the municipalities pay for half of the cost of spraying any areas in the Township that require it. For 2008, the County cost share was set at \$17 per acre. If the Township commits to the cost of the program and no areas are found to be sprayed, is the Township liable for any costs? No, only the municipalities where spraying takes place will be asked to contribute. Does the Board want the Township to participate? No, as there seems to be no need for it and there has to be fifty (50) contiguous acres.

G. Budget meetings for discussing the 2008 budget were suggested: week of October 8th,

week of October 22nd and one the week of November 5th. The Supervisors will check their calendars and let Mrs. Strausbaugh know when they're available. **Motion** by Hall, second by Luckenbaugh, to authorize Mrs. Strausbaugh to advertise the Budget meeting dates when they are finalized. All members voted aye; motion carried.

IX. Announcements

- A. The Zoning Hearing Board will meet on September 20th at 7 p.m.
- B. The Recreation Board will meet on September 24th at 7 p.m.
- C. The Planning Commission will meet on September 25th at 7 p.m.
- D. The Board of Supervisors will meet on October 16th at 7 p.m.
- E. The SWRPD Board will meet on October 10th at 7 p.m., at 6115 Thoman Drive
- F. The Sewer Authority will meet on October 15th at 7 p.m.

Nelson Brenneman received a complaint about skateboarders in the tennis court area. We have installed signs twice and the kids have ripped them down. The last set was fastened with heavy connectors and it was cut off.

Motion by Luckenbaugh, second by Hall, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Joy Ann Strausbaugh,
Secretary