

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 eleven (11) citizens.

I. **Minutes**

Motion by Shearer, second by Luckenbaugh, to approve the minutes of the Regular Meeting of July 17, 2007, which was continued to July 20, 2007; the Special Meeting of July 31, 2007; and the Regular Meeting of August 21, 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. Supervisor Shearer presented Nelson Brenneman with a Certificate of Appreciation for his seven (7) years as the Township Road Master. He noted that Mr. Brenneman has saved the Township over \$250,000.00 in acquiring grants and seeking out special programs, particularly the Dirt and Gravel program. It was also noted that Mr. Brenneman works with the residents in a spirit of cooperation and respect.

B. Tom Ruth was present from the Glatfelter Memorial Library to thank the Board for its past support of the library and to urge it to increase its support in 2008.

IV. **Police Report**

No one was present at this time.

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

A. A letter of request has been received from Robert H. Dubbs, Jr., asking the Supervisors to approve the withdrawal of the Final S/D Plan #L-5110 titled Robert H. Dubbs, et al. There were issues with DEP approval of their submission. **Motion** by Luckenbaugh, second by Shearer, to approve the request by Robert H. Dubbs, et al., for withdrawal of Plan #L-5110 upon payment of any costs owing. All members voted aye; motion carried.

B. Scott Rohrbaugh, owner of Rohrbaugh Construction Inc. sent a letter requesting additional time to install the septic system at his business at 5233 Lehman Road. Mr. Rohrbaugh was granted approval for the use of a temporary holding tank on October 17, 2006 for a period of one (1) year. He was to have the septic system installed at the end of the one (1) year period. Mr. Rohrbaugh is requesting an extension of time of six (6) months to one (1) year to install his septic system. If the Board does not grant this extension of time, it will mean that his holding tank permit is invalid. **Motion** by Luckenbaugh, second by Hall, to grant Scott Rohrbaugh a final extension of time of six

(6) months within which to install his septic system. All members voted aye; motion carried.

C. Road Opening Permit Requests

There were three (3) road opening permit requests: these permit requests were just received yesterday. The Road Master has looked at all of them. He has a problem with the York Water request for Hoff Road. The request is to install an 8" water main for the Shearer Partnership on Hoff Road. The drawing shows the main in the roadway. Nelson and Russell had met onsite with Bob Nedzel of GHI when it was decided to install public water. Nelson recommended at that time, and still maintains that the water main be installed fifteen (15) feet from the center line of Hoff Road for the John Shearer Partnership Plan. He does not want the water line to be installed under the road and disturb the base of that road. Also, that road is to be finished to an 18' width, tar and chip surface, by the developer as part of the plan. From the audience, Jeff Hines of the York Water Company assured Mr. Brenneman that the drawing is probably incorrect: it is always the intent of YWC to stay out of the road. If Mr. Brenneman marks the drawing, the Water Company will install the line accordingly.

Nelson also noted that a cut was made for water at 3880 Old Joseph Road and three (3) cuts were made from 1709 to 1742 Country Manor Drive, and three cuts were made on Estate Drive from 4480 Estate Drive to Stoverstown Road. All of these cuts have settled and need attention. Rodney advised Nelson to assure proper compaction on these cuts. Mr. Hines assured him that these sites will be taken care of, and asked him to call Ryan Laucks at the Water Company. **Motion** by Luckenbaugh, second by Shearer, to approve the following Road Opening Permits: Permit #13-2007 for Verizon to place two (2) new poles and anchors for Aylesbury Subdivision at 3786 Old Joseph Road; Permit #14-2007 for York Water Company to place an 8" water main as amended to 15' off the C/L on Hoff Road for Shearer Partnership; and Permit #15-2007 for York Water Company to repair a leaking water service at 3991 Little John Drive. All members voted aye; motion carried.

D. Attorney Matt Guthrie was present on behalf of the Myers family to address add-on lots in AP (Agricultural Protection) Zones. Ken Myers of 5828 Waltersdorff Road was also present. Mr. Myers has a contract to purchase a parcel of land, a portion of which he intends to add onto his existing lot to prevent any homes from being built around him. How does this affect the 20% maximum subdivision allowed in the ordinance? As Mr. Guthrie sees it, the subdivision rights follow the parcel, which will not change the maximum allowed to be subdivided. The parcel of land being purchased from Glatfelters totals 272 acres, which Mr. Myers is purchasing with a silent partner. Mr. Myers is purchasing sixty (60) to seventy (70) acres of land, which he intends to add onto his fourteen (14) acre parcel. He is taking the road frontage area to keep it from being developed. He is attempting to preserve the farm land. There will not be any new lots created. If creating the add-on lot uses up the 20% subdivision rights of the parent tract, no further subdivision would be allowed of the approximately 200 acre parent tract.

Does a transfer from one AP parcel to another AP parcel count toward the maximum development allowed? Solicitor Poole indicated in a memo done to the Board on August 31, 2007, that the Zoning Ordinance in Section 195-7.D(2) addresses add-on lots to

nonfarm parcels specifically, citing that the subdivision of add-ons do count against the maximum area to be subdivided. The implication by lack of inclusion, seems to say that farm parcel add-ons do not count against the maximum allowed to be subdivided. By rights, the new combined lot will not have any additional development rights than it had before the change - the 20% rule still applies. Mrs. Strausbaugh doesn't want to see Mr. Myers be limited or precluded from ever putting any other homes on that property, such as for one of his boys. Mr. Luckenbaugh suggested that the tract be surveyed and markers placed. The add-on must be put on one deed, including the existing 14 acres. It was agreed that the development rights travel with the parcel. The consensus of the Board is that Mr. Myers needs to survey the tract being subdivided and place the appropriate pins, including the existing 14 acres, and that the Myers parcels be put onto one deed.

VI. Administrative Reports

A. Manager's Report

1. There will be a Public Safety Day Program presented by the York Co. EMA on November 14th from 7 to 10 p.m. at the Alert Fire Company on North George Street in Emigsville. The title is "Building Bridges and Relationships Between Responders and Community Resources."

2. The YCSWA Authority approved its 2008 Budget with no increase in disposal costs.

3. The York County Association of Second Class Townships Convention will be held on November 8th.

B. Engineer's Report

1. Mr. Picarelli reported that the Buffalo Valley Culvert has been placed, with a special commendation to the Road Crew for its preparation of the site. The Terre Hill installation crew commented that this was one of the best prepared sites that they have encountered. Supervisor Shearer stated that our Road Crew does an outstanding job. Gil stated that this project is basically finished. Nelson and his crew continue to shine.

2. The Strickhouser culvert is nearly finished as well, except for some minor blacktop work.

3. Aylesbury has requested two reductions in their security. Request #1 is asking for \$384,844.50 reduction in their bonding. Request #2 & #3 is asking for \$249,362.50 reduction in their bonding. KPI is recommending \$422,888.95 reduction for Request #1 and \$252,395.00 for Request #2 & #3 or a total reduction of \$675,283.95. This leaves a total surety remaining for Aylesbury in the amount of \$427,803.09. One item to note that was not released: Kinsley went ahead and paved an area that KPI felt was too wet. KPI held back \$20,000 on this issue. The reason for the increased amount released was that part of the retainage was released, which was not included in the request. **Motion** by Hall, second by Luckenbaugh, to approve Keystone Homes Request #'s 1, 2, and 3, for Security Reduction on the Aylesbury project, as amended above, in the total amount of \$675,283.95. All members voted aye; motion carried.

4. A meeting was held with Terry Myers, the Sewer Authority Engineer, the Road Master, Township Manager and Mr. Picarelli on October 3rd, to determine the

status of the final road restoration and/or monies paid to the Township for future road upgrades in Areas B and C. The next section of roads to be restored after sewer installation were discussed and agreed upon: some will be restored by the contractor, the Township will take the money to do some of the others on their own. Rodney was given the list later, which he also agreed upon. The Sewer Authority verbally committed to the three (3) year maintenance period on the road restoration; however, no written documentation has been received. It is important to have this guarantee in writing. Mr. Picarelli will continue to follow up on this matter. As a Sewer Authority member, Nelson added from the audience, that Terry Myers will have that ready by the next SA meeting. That extra year of maintenance will require a separate bond from Gregory Contractors.

5. Gil reported that KPI has not done any additional work on the street adoptions at Colonial Crossings since the last meeting. At the September meeting, the Board had decided not to adopt the roads until springtime; therefore, KPI has not moved forward with that issue. By mail today, Cornerstone Development has submitted security reductions for Colonial Crossings Phase I, II, and III. Due to the lateness of the request, the Engineer was unable to make a recommendation. KPI will have a recommendation on those security reduction requests for the next meeting.

6. KPI had been requested to look at the stormwater issue at the Manuel and Patricia Ramos property at 3791 Old Joseph Road. This problem is a result of stormwater runoff from the New Salem School addition, which has been an ongoing issue for several years and is killing the trees on the Ramos property. The roots of the arborvitae have been exposed by erosion, killing them. While this is more a School District problem, it becomes our problem to enforce the stormwater measures imposed by their plan for the school addition. It appears the school district was supposed to install larger stormwater detention basins. CSD, the Township Engineer at that time, allowed the school district to put in the smaller detention basins, with the agreement that when the school connects to the public sewer, they will remove the sand mounds and enlarge the stormwater detention basins, which should alleviate the problem. At the meeting with Terry Myers regarding road restoration, he mentioned that New Salem school is getting ready for hookup. Through other communication with the School District, it appears they are looking at another expansion project for the New Salem School. If the School District does start a new project, it is noted that the stormwater issue should be closely monitored and addressed.

7. The 2008 culvert project will be on Ambau Road. Gil is suggesting that KPI start now on the permitting and design phases, so that things are in order when the project is ready to start. Rodney indicated that it would be a good idea for the Engineer to get some prices together for budget purposes, especially for Ambau Road as this is scheduled for a box culvert. CSD had done some preliminary work on this project - an estimated flow study of the area was already done to determine the size pipe needed there. **Motion** by Luckenbaugh, second by Shearer, to authorize Mr. Picarelli to proceed with the permitting process for Ambau Road and the project estimates for the budgeting process for 2008. All members voted aye; motion carried.

C. Solicitor's Report

1. On September 26th, a letter was sent from Craig Kehoe, representative

for Colonial Crossings, requesting that the Board reconsider its decision of Sept. 18th when they decided not to consider adoption of Patriot Street and Payne Boulevard until Spring of 2008. The letter is requesting that the Township adopt these streets now, as opposed to waiting with an incentive thrown in to pay the Township in an amount equal to what they would receive in Liquid Fuels money for these two (2) streets. Mr. Poole advised that prior to any street adoption, the punch list must be completed and an eighteen (18) month maintenance bond must be in place in an amount recommended by the Township Engineer. He strongly advises that streets never be adopted without those two (2) conditions being met. At this point, the maintenance bond amount has not been agreed upon. If the Board is inclined to consider this request, it can be put on the November agenda; Bill would have the proper resolution ready. The Board agreed to look at the

proposal in November if the punch list is completed, the proper maintenance bond is in place and the funds are properly deposited with the Township equal to the Liquid Fuels maintenance amount. The Board directed the Engineer to assess the proper maintenance bond amount. Mr. Poole asked that the minutes reflect that if all three (3) of the above conditions are met, the Board agreed to adopt the resolution.

2. An engagement letter for the 2007 audit was obtained from the current CPA firm, Smith Elliott Kearns and Company, LLC. The cost quoted is not to exceed \$5150. **Motion** by Hall, second by Luckenbaugh, to prepare and advertise Resolution #01-01-2008, appointing the CPA firm for the 2007 Audit. All members voted aye; motion carried.

3. Mr. Poole attended the John Shearer Partnership tax assessment appeal. By selling off a five (5) acre tract, the entire farm was removed from Clean and Green, causing a tax liability of \$36,980.12 which the Shearer Partnership is appealing. After the developer's arguments were refuted by Mr. Poole, their case looks weak. There should be a decision within thirty (30) days.

4. After speaking with the Manager about charging developers for legal review fees, Mr. Poole analyzed his annual bill to the Township and noted that about 12.5%, approximately \$3100, of his bill to the Township comprise costs for reviewing materials that the Township could/should recover from the developers. This may require an amendment of the subdivision ordinance to accomplish this. The Supervisors agreed with the theory and directed the Solicitor to get the process started. Mr. Poole will review the ordinance and draft a change if necessary. He will forward the documents to the appropriate Planning Commissions for review.
(KPI left at this point)

5. The Solicitor has drafted a proposed agreement with a footer date of 10/12/07 with the NCT Fire Company Relief Association with regard to sharing cost in the purchase of the 2008 Rescue/Pumper. Fire Chief Larry Wildasin was present to discuss this agreement with the Board. Larry is not an officer of the Relief Association; however, he was present at the meeting when this agreement was discussed. Bill put the agreement in "edit format" to allow the changes the Relief Association requested to be easily discerned. One item the Solicitor pointed out specifically, the Assn. added #13 allowing the Assn. to make their portion of the payment on the truck loan due Nov. 15th or later. The loan will be done in the early part of 2008, making the due date for annual

payments in the early part of the year. This will leave the Township with the liability of paying the entire payment and waiting until late in the year for the Association's portion.

The Association also wants to pay their portion directly to the lending institution, which raises another problem if the payment is due in the Spring. Bill indicated that Paragraph #13 makes absolutely no sense. Chief Wildasin added that the Auditor General's office had no problem with the Association paying the Township, so long as they kept a good audit trail. Lee stated that the Township set the delivery date on the truck at April 1st because of cash flow, so it stands to reason that the Township simply needs to make the truck payment to suit their time table. The Solicitor asked if the Board was saying that the Township will make the payment whenever it is due and the Relief Association will pay their portion on November 15th. Yes, that is correct. Mr. Poole will make some changes and it will need to go through the Relief Association for their approval. Mr. Poole reminded the Board of how long it takes to get DCED approval and urged them to begin the loan planning in plenty of time.

D. Police Board Report

1. Mr. Shearer presented the 2008 SWRPD budget. The budget is \$1,599,743.02, with NCT's share being \$734,598.08. Rodney still has questions on some of the items in the budget. The PD is unsure where the handguns are that the municipalities turned over to them. The Chief got a trade-in value on 4 of the 5 guns that NCT had provided. The Smith & Wesson .40 caliber handguns provided by NCT are dinosaurs and unusable. The PD Board had a problem with a 4-wheel drive vehicle this year; however, the Chief stated if he does not get a 4-wheel drive vehicle, then he does not want a vehicle. The Board left the \$10,300 in the budget in that line item "just in case" - that amount will cover the lease of a 4-wheel drive vehicle. The maintenance was upgraded to \$19,000 from \$16,000. The budget proposes a 4.5% raise for the Chief, and administrative employees. The Chief is requesting a 5% raise. These are the items that Mr. Shearer finds questionable. Mr. Luckenbaugh doesn't feel he can vote on this budget tonight; he wants to plug it into the Township's 2008 budget to see how the numbers affect our budget. The Township payment on the police building in 2008 will be \$46,939.32, and for the next six (6) years thereafter. Mr. Luckenbaugh will respond to Mr. Shearer with his comments on the budget prior to the Police Board meeting.

2. Mr. Shearer reported that Chief Bean sent an e-mail to the Township notifying Rodney that questions can only be answered after he puts them in writing and send them to the Chief, don't call him or bother him and live with it. Mr. Shearer is not happy with that situation.

E. Fire Company Report

1. Larry presented the Fire Company Report for September. There were thirty-three (33) calls for the month, with \$12,000 in loss. There have been some issues in the last few weeks with fires started by cigarettes. Fire Prevention Week went well, with a great request for our Fire Company to present programs at various locations.

VII. Old Business

A. There are still vacancies on the Sewer Authority and Community Building Committee.

B. **Motion** by Luckenbaugh, second by Hall, to appoint Thomas J. Reilly of 1621 Jefferson Road to the Recreation Board. All members voted aye; motion carried.

VIII. New Business

A. Jeff Hines, Chief Operating Officer and Mark Snyder, Engineer Manager were present from York Water Company to discuss a new water main extension they are proposing, starting about 1490 Seven Valleys Road and continuing onto Walters Hatchery Road to about 4256 Walters Hatchery Road. When Cornerstone Development was built, YWC requires any development over one hundred (100) homes to have two (2) water feeds. At that time, YWC was proposing to come from Seven Valleys Road onto Noss Road. The Township objected due to the fact that Noss Road had just been reclaimed and paved in that section of the road. Either of the loops proposed would serve to improve the quality of the water and alleviate a low pressure situation, especially to the hydrants in that area. The Walters Hatchery Road extension is more costly; therefore, they are looking to the Township to require mandatory hook up to the residents along this line. Mandatory hook up would take in about fifty-five (55) customers, allowing the line to be put in at no cost to the residents. There was a recent request for water on Seven Valleys Road. The cost to the customer would be their actual house line installation and their monthly water bill. Without the mandatory connection requirement, YWC does not have enough money to do the Walters Hatchery loop. The Manager pointed out that the mandatory connection ordinance is still in place, as well as the Water District is still intact. When the water lines were paid off in the Township, the only thing that was changed was the removal of the connection fees and the surcharge. Mr. Shearer pointed out "that may be what the ordinance says, but that is not what this Supervisor thinks". These people did not ask for water and the mandatory hook up was put in place to repay the Township for the money they paid out for water line installation. The Township is not laying out any money in this case. Most of these same residents just had to pay for sewer hook up this year and they do not need this additional expense. Only one resident on this road has officially requested water service. Mr. Hines made it very clear that he does not want to make people hook up that do not want the water. The officials from YWC agreed to table the issue for now.

B. Penn Waste has made the proposal to go to a one-day pickup, with all trash being collected on Wednesdays. Penn Waste is notifying the customers by mail, handouts to each customer twice and advertisement in the newspaper. **Motion** by Hall, second by Luckenbaugh, to approve this change to our Refuse Contract. All members voted aye; motion carried.

C. **Motion** by Luckenbaugh, second by Hall, to authorize forwarding the Non-Uniform Pension State Aid in the amount of \$28,857.51 to the Pension holder along with the balance required for the 2007 MMO. All members voted aye; motion carried.

D. **Motion** by Luckenbaugh, second by Hall, to authorize forwarding the Uniform Pension State Aid in the amount of \$38,823.45 to the SWRPD. All members voted aye; motion carried.

E. **Motion** by Luckenbaugh, second by Hall, to authorize the Treasurer to send

the Foreign Fire Insurance funds in the amount of \$53,783.47 to NCT Volunteer Fireman's Relief Association. All members voted aye; motion carried.

F. **Motion** by Hall, second by Luckenbaugh, to approve Trick or Treat Night for October 31st from 6 to 8 p.m.

G. The Township received notice to connect the Nace property to the sewer system. Mrs. Strausbaugh will get some estimates. This will need a grinder pump.

H. **Motion** by Hall, second by Luckenbaugh, to award the line painting contract for 2007 to Ross Industries at a cost of \$.06 per lineal foot, 8.85 miles for a total of \$3,090.42. All members voted aye; motion carried.

I. The Halloween party is on October 24th from 6:30 to 8:30 p.m.

IX. Announcements

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

B. The Recreation Board will meet on October 22nd at 6:30 p.m.

C. The Planning Commission will meet on October 23rd at 7 p.m.

D. The Board of Supervisors will meet on November 20th at 7 p.m.

E. The SWRPD Board will meet on November 14th at 7 p.m. at 6115 Thoman Drive

F. The Sewer Authority will meet on November 19th at 7 p.m.

Chief Larry Wildasin thanked the Board for the cards following his illness. He commended Marvin Stine for his fine work covering for Larry during his absence.

Motion by Luckenbaugh, second by Hall, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Joy Ann Strausbaugh
Township Secretary