

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 Greg Hertz of KPI. Also present: Recording Secretary and 14 citizens.

I. **Minutes**

Chairman Hall noted that in the minutes from October 16, 2007, page 6, Item D, the Police Board Report, the line that mentions that the 2008 proposed police budget shows a 5.35% increase over last year's budget, per Supervisor Shearer, does not add up. Mr. Shearer agreed to just delete that item from the minutes. **Motion** by Shearer, second by Luckenbaugh, to approve the minutes of the meetings of September 18, 2007, and October 16, 2007, with the removal of the section about the 5.35% increase as noted above. 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 on the Agenda. All members voted aye; motion carried.

III. **General Public Comment**

None at this time.

IV. **Police Report**

No one was present at this time. Officer Dickmyer presented the October statistics at about 7:45 p.m. There were no questions from the Board or the audience.

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

A. Scott Rohrbaugh was present to discuss his property at 5233 Lehman Road. Last month he received a six (6) month extension of time to install a septic system at this location and the Board allowed him to continue using a holding tank pending the installation. His property consists of two (2) parcels which he would like to combine into one parcel. The perk test done that passed, is located on the parcel without the building. Due to the shape and size of the parcels, they are not usable as they exist. The Solicitor advised that there are two (2) ways to do this. One would be to merge the two (2) tracts or secondly, he could create the easement on the 2nd tract for the septic system. The merger is simpler in the fact that no one has to remember or track the easement area. The easement would also work as long as the documents are in proper order. One way to remove the lot lines would be by a reverse subdivision, which would require a formal subdivision plan. The Board could waive the subdivision requirement; however, Mr. Poole suggested that the Township require a recorded agreement with an explanation of why there is no subdivision plan on file. The other solution is the formal subdivision process. A similar plan done with the agreement process was the Mantz property on N. Rohrbaugh Road. There was also another one waiting to be done for the Estella Myers Estate on Stambaugh Road. Fortunately, the same owner bought both parcels in that case and the agreement was never completed. The Board had no problem with the agreement process. Mr. Rohrbaugh should submit a formal waiver

request and pay the \$100 fee. A formal agreement will need to be drafted and approved. With the Board's approval, Mr. Poole would agree to draft the agreement providing that Mr. Rohrbaugh pay the cost. Scott Rohrbaugh agreed to pay the costs.

Motion by Hall, second by Luckenbaugh, to have Mr. Rohrbaugh submit the waiver request, pay the fee and authorize Mr. Poole to draft the agreement which would allow Mr. Rohrbaugh to proceed with the proposal as presented. All members voted aye; motion carried.

B. **Motion** by Luckenbaugh, second by Shearer, to approve Road Opening Permit #16-2007 for Columbia Gas for a new service at 3519 Messersmith Road and to approve Road Opening Permit #17-2007 for Columbia Gas to install a test station at 3985 Eldine Avenue. All members voted aye; motion carried.

C. Randy Turner was present with Steve Loss of Loss-Stair Civil Engineering, Inc. and Brett Warren of H & H Excavating. Mr. Turner owns a property at 1895 Stoverstown Road which currently has a deeded, shared driveway with the John P. Shive property at 1897 Stoverstown Road. The driveway straddles both property lines. There are two separate deeds; each shows the driveway as shared. The use being proposed on the site will not generate a much different volume of traffic than already exists and still qualifies for a PENNDOT minimum use driveway. It is the intent of the owner to tear down the existing structure to construct a new one. The first waiver request is to Section 165-43 of the NCT Code which defines access drives and shows the subsequent requirements. An access drive is defined as vehicular access between a public street and land containing any use other than a single-family or two-family dwelling. Access drives are required to be twenty-four feet in width, which is wider than a lot of the Township public streets. The applicant is requesting to keep it as a shared driveway and design it to the driveway requirements, keeping it more narrow and create less impervious surface which will have less impact to the site and stormwater issues. Mr. Shive, who shares the driveway has no problem with the proposed changes. Mr. Turner is looking to pave the entire length. It will be graded toward their proposed stormwater facility. The second waiver request is to Section 165-42.B(3), which addresses the side setbacks for a driveway. As the driveway straddles the property lines, the side setback of ten (10) feet will not be met. **Motion** by Luckenbaugh, second by Shearer, to approve the waiver requests for the Randall Turner Land Development Plan #0443-07 to Sections 165-42.B(3) of the NCT Code for Driveway Setbacks and Sect. 165-43 of the NCT Code for Access Drives. All members voted aye; motion carried.

D. Bob Nedzel was present on the John Shearer Partnership Phase II & III Final Subdivision Plan #031582. Solicitor Poole checked with Mr. Nedzel whether the automatic renewal language was added to the bond -Yes. Greg Hertz went over the outstanding issues on this plan. Discussion was held regarding the fire hydrants and their placement. There were two (2) hydrants in Phase I, which the Township notified York Water on January 2, 2007 to have installed in late Spring. These hydrants are located at the SW corner of Green Valley Road and Strickhouser Road and the SW corner of Green Valley Road and Brush Valley Road. There were no hydrants figured for Phase II and III on the preliminary plan approved, because the developer was intending to install private wells. The agreement the developer has signed with York Water Company did not include any hydrants. There will be three (3) hydrants required on this new water line to meet the standards of the LD/SD Ordinance. Mr. Nedzel will add these tonight. Greg addressed the second issue which is that the ordinance requires that probe tests be done for the

replacement septic areas with satisfactory results. On the previous version of the plan, the Township PC advised Mr. Nedzel to remove the septic replacement areas from the plan, because there were no probes done to qualify those areas as suitable replacement areas. Mr. Nedzel said the replacement areas were located on the plan to satisfy the comments of the YCPC, but the probes were never done to see if the area met the required standards. The NCT Planning Commission felt that this was misleading (shown but not tested) and requested that the applicant remove the septic replacement areas from the plan. DEP did not require the probe tests for the replacement areas on this plan due to the size of the lots. Mr. Nedzel said that lots that size should be able to find a suitable replacement area. There were no replacement areas shown on the approved preliminary plan for this subdivision. The applicant verbally requested a waiver tonight to Section 165-31.D of the NCT Code which requires replacement areas for all subdivided lots. **Motion** by Shearer, second by Hall to grant the waiver to Section 165-31.D of the NCT Code, allowing the John Shearer Partnership to complete this subdivision without septic replacement areas due to the fact that the approved Preliminary Plan did not require it and the minimum size lot on this plan is twenty-five (25) acres. All members voted aye; motion carried.

It was noted that the rec fees were paid tonight, the original letter of credit was produced in the amount of \$298,933.07 and the waiver request fee of \$100 is outstanding. From the audience, Nelson Brenneman asked if the test wells were ever grouted shut on Panther Hill Road. Not yet; Mr. Brenneman and Mr. Nedzel are to meet to determine which wells should be closed.

Motion by Luckenbaugh, second by Hall, to approve the John Shearer Partnership Phase II and III Final Subdivision Plan #031582 subject to the addition of the three (3) fire hydrants on Hoff Road, that all of the test wells on the property be closed by grouting them shut and the payment of the waiver fee of \$100. All members voted aye; motion carried.

VI. Administrative Reports

A. Manager's Report

1. The YCSWA netted 69.4 tons of old phone books from York County.
2. The Township received the Third Quarter Report for 2007 from the Susquehanna Stray Animal Shelter and it will be placed on file.
3. The Township received official Notice to Proceed from PennDOT for the Winter Services Contract.
4. The Township received notice from Rettew on behalf of PennDOT that it is replacing the culvert on Emig Road. This culvert has been collapsing for quite some time.
5. Since the leaves have not all fallen as quickly this year, the Manager suggested extending the leaf collection period. There is only about a 75% leaf drop to this point. **Motion** by Luckenbaugh, second by Hall, to extend the leaf collection through the first full week in December. All members voted aye; motion carried. This should cover one additional full round of collection.
6. The Liquid Fuels audit for the period ending 12/31/05 was received from the Auditor General's Office. The Supervisors have received a copy and a copy will be placed on file. The report was a positive one with no findings.

B. Engineer's Report

1. The Buffalo Valley Road culvert is nearly finished. There has been some

consultation with regard to guide rail.

2. On the Ambau Road culvert, some preliminary cost estimates have been submitted, and they are still working on budget figures. Some preliminary design has been initiated. Supervisor Shearer asked if the permitting has been started - not yet.

3. Aylesbury – no further inspections have been requested. There is still one area that was not approved for the bituminous installation that KPI is keeping tabs on. There is some security that was not released because of that area. Some settling is occurring in the areas that surround some of the inlet grates there. These areas will continue to be monitored.

4. There is no further action or reports on the Sanitary Sewer Project. There is still no written confirmation on the additional year of maintenance that Mr. Gregory agreed to. The Manager will remind the Authority Secretary to keep that moving.

5. Mr. Hertz gave an update on the Colonial Crossings road adoption. Mr. Craig Kehoe from Cornerstone Development was present. Final inspection was done today. One speed limit sign needs to be placed and will be taken care of. Mr. Poole noted that the maintenance bond in the amount of \$106,437.45 was received on November 9, 2007 and has been reviewed by him and is in order. Along with that was a check in the amount of \$2,650.43 to cover the reimbursement of Liquid Fuels funds that will not be received in 2008 due to the late filing of the deeds of dedication. **Motion** by Luckenbaugh, second by Shearer, to approve Resolution #11-11-2007, adopting Patriot Street and Payne Boulevard. All members voted aye; motion carried.

6. Colonial Crossings has requested Security Reductions for Phases I, II, and III and for a Landscaping Bond. The Engineer is making recommendations as follows: Phase I to be reduced by \$31,642.60, leaving a remaining security of \$36,248.85; Phase II can be reduced by \$26,895.00, leaving a remaining security of \$9,391.80; Phase III can be reduced by \$31,031.00, leaving no remaining security for this phase; the Landscaping bond can be reduced by \$65,780.00, leaving no remaining security. **Motion** by Hall, second by Luckenbaugh, to approve all four of the requests for security reductions for Colonial Crossings as outlined above. All members voted aye; motion carried.

C. Solicitor's Report

1. On October 17, 2007, the Board of Assessment Appeals had denied the John Shearer Partnership tax appeal. The Shearer Partnership has not filed an appeal and the time has expired for appeal.

2. The lawsuit involving the accident with Daniel Reiller is still pending and ongoing. A Complaint was filed in this matter by one of the other defendants, Megan Dalton. Nothing to do at this point, it is being handled by our insurance carrier.

3. The Township received comments from the YCPC regarding the Subdivision Amendment Review. They had one comment, taking the position that the MPC does not authorize the collection of fees for public hearings, which Mr. Poole disagrees with. The Board agreed not to make that change. **Motion** by Luckenbaugh, second by Shearer, to advertise the Ordinance which amends the SD/LD Ordinance as the Solicitor has prepared it, not accepting YCPC recommendations for change. All members voted aye; motion carried.

4. Mr. Poole distributed a revised Agreement for the fire truck purchase. **Motion** by Hall, second by Luckenbaugh, to approve the Agreement with the NCT Fire Relief Association for the purchase of the fire truck and to authorize the Chairman and Secretary to sign the final

agreement in its current form (with a footer date of 10/17/07). All members voted aye; motion carried.

5. Mr. Poole discussed the outstanding bill for the relocation of Brush Valley Road as the Board had approved and just today, Mr. Fenton agreed to pay half of the bill and will be sending a check for \$1,380.55 to close out this matter.

6. Mr. Poole gave an update on the cell tower bond for the tower on Trinity Road. He has reviewed the appropriate bond, which is renewable perpetually. The original bond will be sent to Mr. Poole: he will see that the Township gets that original.

7. Mr. Poole reported on the letters and telephone conversations between Chief Bean, Walter Tilley and Mr. Poole. Mr. Tilley told Mr. Poole that the Police Board [Mr. Shearer noted that the Police Board never made any decision like this in a public meeting]* expects the Supervisors to designate someone other than Mrs. Strausbaugh to meet monthly with Chief Bean and that their prohibition against contacting Chief Bean extends only to Rodney. Walt suggested another Supervisor, which Mr. Poole questioned as they already have a Supervisor on their Board. Day to day operations are best discussed with those who handle it - the Township Manager. Perhaps the new Board members will have an answer as to how to improve relations with the police department. Mr. Luckenbaugh will attend the final meeting of the year with Chief Bean. Mr. Poole will notify Mr. Tilley of this fact.

D. Police Board Report

1. The Police Budget for 2008 (Version dated 9/26/07) is again before the Board of Supervisors. The money budgeted will be spent. **Motion** by Luckenbaugh, second by Hall, to approve the proposed 2008 Police Budget with NCT's share being \$734,598.08. Comment by Chairman Hall, this process should not be so difficult, so many versions of the budget were offered this year. The best version was drawn up by the Managers, but the Board and the Chief continued to tweak it. Rodney's letter to the Police Board had some very good points to it, not just points peculiar to NCT but to all municipalities that they should be thinking about. Where all should we be spending our money or who should we be contributing to? We all have to balance our budgets and constantly face the difficulty of having to raise the taxes to try to provide the services we need, and that is more than just police services. Lee wishes this Board well and the Police Board well, that maybe in the next five (5) years, we can cross some bridges to better communication. It is a shame that the relationship between the police department and the Township is so strained. Roll call vote on the motion: Hall, aye; Shearer, opposed; Luckenbaugh, aye. Motion carried, 2-1.

2. Mr. Shearer reported that the Police Board would like the quarterly payments to be paid in the beginning of each quarter. This would move the payment from February 1st to January 1st. Mr. Shearer feels that this change should be amended in the Articles of Agreement. From the audience, Dave O'Brien noted that the Police Board has to ask to have it voluntarily done or go through the amendment to the Articles of Agreement. The Police Board chose the voluntary agreement to support the cash flow. The other three (3) municipalities agreed to make the change as long as they receive the invoice in time. The bills are to be sent out early enough to permit the municipalities to pay at the beginning of the month. Dave noted that if the bills aren't received in time, then the municipalities ~~aren't required to pay early~~ will not pay them early.* As long as it does not cause any problem with the municipal cash flow, then they will change the Articles. Mr.

*amended December 27, 2007

Shearer indicated that it will cause a problem with the cash flow - the money will either have to be pulled from the investments or be borrowed, especially for the second payment April 1st. Our cash flow doesn't start coming in until then. Rodney still feels if that is what they want to do, then it should be made a policy and put into place. The Solicitor added that he agrees with Rodney that if it is going to be a definite change, the dates in the Articles are firm and set, then they should indeed amend the Articles of Agreement. Each municipality is free to pay any bill whenever they want, so if they receive the bill, there is nothing to prohibit them from paying it early. **Motion** by Luckenbaugh, second by Hall, to pay the quarterly payments in the beginning of each quarter, provided the bill is received early enough. All members voted aye; motion carried.

E. Fire Company Report

1. Fire Chief Larry Wildasin presented the report for October 2007 showing thirty-seven (37) calls with \$39,600 in loss. There were no questions from the Board or the audience.

VII. Old Business

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

B. Nelson Brenneman recommends that twenty-five feet (25') of guide rail be installed on either side of the Buffalo Valley Road culvert. The low quote was Ace Fence and Guide Rail, Inc. for \$5,900. There were two (2) other quotes, L.S. Lee and Green Acres Contracting. **Motion** by Luckenbaugh, second by Shearer, to award the contract to Ace Fence and Guide Rail for \$5,900 for the installation of guide rail on the Buffalo Valley Road culvert. All members voted aye; motion carried.

C. The Sewer Authority has requested that the Township allow the Authority to pay the portion of the road restoration funds for Tunnel Hill and Messersmith Roads in 2008 as follows: \$31,000 for Tunnel Hill and \$91,000 for Messersmith; the Authority wants to pay the \$188,000 for the other roads in 2009. Part of the reason is because Colonial Crossings has not hooked up yet, so funds are shorter than planned. **Motion** by Luckenbaugh, second by Shearer, to approve the request by the Sewer Authority for a partial payment of \$122,000 in 2008 (\$31,000 for Tunnel Hill, \$91,000 for Messersmith) and to pay the \$188,000 for the restoration towards the other roads in 2009. All members voted aye; motion carried.

VIII. New Business

A. The 2008 Budget for North Codorus Township was presented with an Alternate A (1.0 mil of real estate tax, which is a .25 mil increase) and an Alternate B (.75 mil of real estate tax). Mrs. Strausbaugh explained the Budget and also prepared an analysis of the cash flow for each fund in the 2008 year. Mr. Hall feels that the tax increase to 1.0 mils is warranted; Mr. Shearer feels that it is not necessary yet. It was noted that many of the items in this budget are one-time purchases.

Motion by Luckenbaugh, second by Hall, to approve the 2008 proposed budget using Alternate A with a .25 mil tax increase and to authorize laying open the Budget for public inspection. Roll call vote on the Motion: Hall, aye; Shearer, opposed; Luckenbaugh, aye; motion carried 2-1.

Motion by Luckenbaugh, second by Hall, to authorize the advertisement of the Budget for adoption on December 27, 2007, at the Closeout Meeting, and to authorize Mr. Poole to prepare the Tax Resolution. All members voted aye; motion carried.

B. Mr. Hall submitted his letter of resignation from the Board of Supervisors, effective immediately, due to his moving out of the area in January 2008. **Motion** by Luckenbaugh, second by Shearer, to regretfully accept Mr. Hall's resignation. All members voted aye; motion carried. Mr. Shearer thanked Mr. Hall for his service. At this point, Vice Chairman Rodney Shearer assumed the Chair.

Motion by Luckenbaugh, second by Shearer, to appoint John B. Rebert as Supervisor, to fill the unexpired term of Leland Hall to December 31, 2009. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Shearer, to appoint John B. Rebert as Chairman of the Board of Supervisors for the balance of the year. All members voted aye; motion carried.

IX. **Announcements**

- A. There was no ZHB meeting in November.
- B. There is no Recreation Board meeting in November.
- C. The Planning Commission will meet on November 27th at 7 p.m.
- D. The Board of Supervisors will have its Closeout Meeting on December 27th at 4 p.m.
- E. The SWRPD Board will meet on December 12th at 7 p.m. at 6115 Thoman Drive.
- F. The Sewer Authority will meet on December 17th at 7 p.m.

The Board retired to an Executive Session at 9:00 p.m. The Board resumed at 9:25 p.m. with no action taken.

Motion by Luckenbaugh, second by Shearer, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Joy Ann Strausbaugh, Secretary