

Chairman Barry Rebert called the regularly scheduled meeting to order at 7:05 p.m. Supervisors present: Dennis Luckenbaugh and Tanya Crawford. Present on behalf of the Township: Manager Joy Strausbaugh, Solicitor William Poole and Greg Hertz of KPI. Also present: Recording Secretary and approximately twenty (20) citizens.

Mr. Rebert noted that there was an Executive Session held at 6:30 p.m. on personnel issues prior to the regular Supervisors' meeting.

I. **Minutes**

Motion by Crawford, second by Rebert, to approve the minutes of the regular meeting of January 15, 2008. All members voted aye; motion carried.

II. **Treasurer's Report**

A. **Motion** by Crawford, second by Luckenbaugh, to approve the Treasurer's Report for January 2008 as presented. All members voted aye; motion carried.

III. **General Public Comment**

None at this time.

IV. **Police Report and Police Board Report**

Officer Duffy gave the report for January 2008. She also gave an overview of the procedures that the Regional Police follow for dog or animal calls. About 8% of the calls per year are animal related. She also gave information concerning dog licenses, rabies shots, dog bites, etc. The officer talked about the situation of dogs barking and that the Township does not have an ordinance regulating this. She suggested that Fairview Township has a very good set of ordinances with regard to animal regulation. Kathy Purcell is the State Dog Officer for this area and Hemler Animal Control is the dog control service. If residents have problems, contact the police first.

Mr. Rebert reported on the Police Board meeting for February 2008. Police departments in the area are trying to hire more officers and are conducting a campaign for hiring. SWRPD is in need of one (1) officer at this time. The Police Board is part of a hiring consortium consisting of eleven (11) departments. There is a bit of a disagreement between the Township and the Police Board as to whether the Township is due a refund for 2007 according to the Third Amendment to the Articles of Agreement. NCT will be pursuing other avenues to settle the disagreement. The Police Chief's employment contract was discussed and will be discussed in Executive Session at the next meeting. Mr. Rebert reported that Supervisor Crawford was also at that meeting. **Motion** by Crawford, second by Rebert, to send the Third Amendment to the Articles of Agreement to the NCT Auditors, Smith Elliott Kearns and Company, to get their interpretation and recommendation on the Police Board's position and the Township's position on the 10% refund issue AND to have Mr. Poole contact Mr. Tilley for the definition of the "Reserve Balance Account" AND to request any documentation in setting up this account, particularly the minutes from that time period which may define its purpose. Mr. Luckenbaugh made the point that he does not see the need for this, he knows what 10% of the budget is. His suggestion is to just hold up the payment to the Police Board. The Manager pointed out that everyone agrees on what the 10% figure is - the item in question is what is considered cash and whether the sick and vacation liability should be considered in the calculation. Two members voted aye; Luckenbaugh opposed. Motion carried.

V. Permits, Plans, and Modules

A. Steve Loss of Loss Stair Engineering, Brett Warren of H&H General Excavating and Randall Turner were present on the Randall S. Turner L/D Plan #0443-07 located on Stoverstown Road. Greg Hertz of KPI addressed the comments on this plan. There is a deeded shared driveway with the adjoining property. Mr. Loss indicated that the cover sheet included a stormwater maintenance agreement to be executed by Mr. Turner as the owner. The Manager questioned the need for a stormwater maintenance agreement. When did this come into play - we have never required them on a single use stormwater structure before. There is a low grade retention pond at the front of the property and an underground pit at the rear of the building. This is going to be a very low volume business. The stormwater is all on Mr. Turner's property, why the need for an agreement? This originated as a KPI recommendation. The driveway is already existing, therefore, there is no need of additional driveway permitting. The Solicitor pointed out that he recommends the Township have maintenance agreements when the facilities are on a private residential lot that is serving a development. All engineer's comments have been addressed, with the exception of the signatures of the owners and the correction of the ROW along Stoverstown Road. **Motion** by Luckenbaugh, second by Rebert, to approve the Land Development Plan of Randall Turner, Plan #0443-07, provided the applicants correct the ROW on Stoverstown Road to 30' and the owner's notarized signature on the front page concerning the stormwater maintenance. All members voted aye; motion carried.

B. The sewage module for the Timothy O. Lau Final S/D Plan #L-5200 located on Seven Valleys, Green Valley, Cemetery and North Rohrbaugh Roads is under consideration. **Motion** by Crawford, second by Luckenbaugh, to adopt Resolution #04-02-2008 to amend the Act 537 Plan to include the Lau Sewage Planning Module and to forward the module to DEP. All members voted aye; motion carried.

C. Reg Baugher was present on the Dennis E. Wiens, Carol S. Pfaff Final Subdivision Plan #E-5435 located on Stoverstown Road. Wiens/Pfaff are subdividing two (2) acres from their parcel to be attached to the Emory E. Becker parcel at 2935 Stoverstown Road. The Planning Commission has recommended that a new deed is to be written for both properties with the Becker deed reading that the property is now bisected by two (2) different zoning districts. The deeds have not yet been prepared. The balance of the Engineer's comments have been addressed. Zoning was discussed with regard to this plan.

Motion by Rebert, second by Crawford, to approve forwarding the Form B Waiver to DEP for the Final Subdivision Plan #E-5435 of Dennis E. Wiens/Carol S. Pfaff. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to approve the Final Subdivision Plan #E-5435 of Dennis E. Wiens/Carol S. Pfaff located on Stoverstown Road, provided they prepare new deeds for the approval of the Township Solicitor for both parcels (the new Lot #1, and the Lot #1A with the merged property for Becker), and that the Becker deed record that the property is now bisected by two (2) zoning districts. All members voted aye; motion carried.

D. Craig Kehoe was present on the Colonial Crossings Lot #50, Revised Land Development Plan #071208 located on Patriot Street and Eagleton Lane. He presented a revised site plan which was recommended for approval by both YCPC and NCT Planning Commission; he requested that the Supervisors sign this plan tonight. Mrs. Crawford questioned how many uses are currently on this property - currently three (3) occupied with two (2) vacant. Tanya questioned what EDU reservations were there for the former uses and how that would affect the proposed uses. Mr. Kehoe did not have that information. She asked what the uses are for the two (2) vacant lots. Kehoe did not know. She

is concerned that changing uses might increase the EDU requirements. What if the EDUs are not available? The risk is that the use might be approved but the Sewer Authority might say that the capacity is not available. No one seems to know how many EDUs were reserved for this parcel. Rest assured, someone knows how many EDUs they are paying for. Mr. Kehoe will check with the Sewer Authority. Mr. Poole added that a residential unit normally requires one (1) EDU per unit; however, in the case of the commercial units, a use will determine how many EDU's are necessary. A letter from the Sewer Authority indicating the status of the EDU reservation and what that reservation was based on would suffice. From the audience Nelson indicated that some of the residents have filed with the PUC protesting the rates that they have to pay for sewer service, using the data that the new NCT rates are so much higher than the rates they are currently paying. No action was taken by the Board tonight - the plan was tabled to the next meeting.

Mr. Kehoe questioned why the Supervisors are concerned over the Sewer Authority's issues. Supervisor Crawford stated that the two entities have to work very closely together - when there is raw sewage pumping up out the ground, they are going to walk into or call this office, not the Sewer Authority. Solicitor Poole also added that if the Township approves a plan, they are approving the actual use as they have approved it. If the applicant wants to put a laundromat in and the Sewer Authority does not have any EDU's, the Township does not want to be in a fight with the developer saying that the EDU issue is the Township's problem because they approved the plan. Supervisor Crawford apologized, but the first she saw this request was on Friday. She did talk to Holley and Associates, the developer's engineer. Mr. Kehoe questioned the ownership of the current WWTP in use for the development - it is still under the ownership of the developer; however, there was an approved sewage module that stipulated the number of gpd that would be allowed. The Manager pointed out that there are two (2) new members sitting on this Board who are not familiar with any of these issues. Mr. Kehoe questioned what would happen if neither the Cornerstone Office nor the Sewer Authority know the answer to this question, will the Board approve the plan? The Solicitor said if the Sewer Authority signs off on this, that covers the Township. Whatever the SA agrees to, is what capacity will be available.

E. Heather Stough of 1791 Pin Oak Drive was present to request a waiver to Section 165-42.A of the NCT Code. Heather L. & Kurvin E. Stough, III are requesting to put a second driveway on the same frontage at their Pin Oak and Lynwood Drive residence. They are planning to build a garage and would like to add a driveway straight out from the new garage. The permit was approved and the garage is started. On their drawing for the permit, the applicant showed a possible driveway to the street. The applicant feels that it would be more aesthetically pleasing to have the driveway go straight out from the garage 32' than having the second driveway cut across the front yard 46' to meet up with the existing driveway. Mrs. Crawford noted that the proposed driveway does not include the required turnaround. They could put the 10' x 20' turnaround close to the garage. Supervisor Crawford questioned where the water line runs - if the waiver is not approved would the new section of driveway be within the street ROW or impede water lines. The Manager stated that the road ROW

should be fifty feet (50') on Pin Oak. Mrs. Crawford is concerned about setting a precedent in this neighborhood or even in the Township to allow two (2) driveways on one lot. Mr. Rebert noted that there are other properties in the Township with two (2) driveways. The applicant feels that other neighbors would not be interested in doing the same thing, as the Stoughs have more room as they are located on a corner lot. Mrs. Crawford stated that this is a possibility on other lots within the Township. **Motion** by Rebert, second by Luckenbaugh, to approve the waiver request by Heather and Kurvin Stough, III, to Section 165-42.A of the NCT Code, allowing them to put a second driveway on

the Pin Oak frontage, provided the applicant amend the zoning permit and add the 10 x 20 turnaround in accordance with the setback requirements. Two members voted aye; Crawford opposed. Motion carried.

F. Kenneth Boose of 415 Woodland View Drive in York, and Nancy Spangler of 2348 Myers Road were present on this request for a shared driveway with a sixteen foot (16') clear path and twelve foot (12') improved cartway between Nancy's property and the next parcel to be occupied by the Booses. They will have a shared driveway and maintenance agreement prepared by their attorney with the assistance of the Township Solicitor. **Motion** by Luckenbaugh, second by Crawford, to approve the request of Nancy Spangler of 2348 Myers Road for a shared driveway with the next property so long as there is a shared driveway and maintenance agreement recorded and approved by the Township Solicitor. All members voted aye; motion carried.

G. Jerry Funke of GHI Engineers and Kim DeGroft of St. Peters Lischey's Church were present on a request for a waiver of Section 165-29.D(17) requiring a landscaping plan as part of the plan submission process. Mr. Luckenbaugh stepped down from the Board for this plan, as he is a member of the church. Mr. Funke noted that there will be landscaping done around the property, just not exactly as required by the Township, partly due to some steep areas that prevent the street trees from being planted every forty feet (40'). There is also a stormwater management easement needed across the property, a sewage easement off site onto the cemetery property, and a cemetery access easement to work around. The applicant would like the Township Solicitor to prepare some of these easement agreements. Mr. Poole would need authorization from the Board to do so, and it was noted that the applicant would pay the bill for Mr. Poole's time.

Motion by Crawford, second by Rebert, to approve the waiver request to Section 165-29.D(17) of the NCT Code waiving the landscaping requirements of a plan submission. Two members voted aye; motion carried. (Luckenbaugh not present.)

Motion by Crawford, second by Rebert, to authorize Mr. Poole to work with the applicants to prepare the three (3) easement agreements needed, with costs to be paid by the applicant. Two members voted aye; motion carried. (Luckenbaugh not present.)

Mr. Funke approached the Board on some parking requirements. With a fellowship hall being added, the church would have to meet the parking requirements of both buildings; however, they would not be in use simultaneously. They can meet the number of spaces required for the church. Mr. Rebert questioned whether the fellowship hall would ever be used for Sunday School classes - Mr. DeGroft said no additional classes would be added, but some may be moved into the fellowship hall space. The Board chose not to comment on the situation until the plan was in the review process. Mrs. Crawford asked Mr. Funke to drop off a copy of the plan for her to review in advance, to which he agreed.

H. José and Angela Ortiz made a request for the transfer of building permit fees from a 2005 permit that they were unable to use. No one was present on this plan. Mrs. Strausbaugh presented the information. The applicants are requesting that the permit fees that they paid in 2005 be carried over to the present or that the Board extend the permit. Mr. Ortiz sustained an injury requiring him to be off work prior to construction. After discussion, the Board felt that three (3) years was too late to extend the permit. The building codes have been revised in that time, and it is likely that the permit would need to be revised anyway. **Motion** by Crawford, second by Luckenbaugh, to *deny* the request of José and Angela Ortiz for extension of their building permit (#05-157) or carryover of the permit fees, based on the length of time elapsed and the fact that the requirements may well have changed. All members voted aye; motion carried.

VI. Administrative Reports

A. Manager's Report

1. **Motion** by Rebert, second by Crawford, to authorize the Manager to approve attendance of and payment for continuing education for personnel. All members voted aye; motion carried. Supervisor Crawford indicated that she forwarded notification of a seminar being held on Volunteer Liability to the Manager and she feels that someone from the Fire Department should attend. Fire Chief Wildasin indicated that he would attend.

2. Carlene Stough was present to discuss a request by the Red Cross that the Community Building be used as a temporary/short-term (less than one day) shelter or comfort station. This would be in the case of a power outage or similar type of situation to allow people to stay in the building for a few hours. There would be no overnight stays, as there are no shower facilities in this building. This could possibly be used by a neighboring municipality, if necessary. The Red Cross requires an application from the Township, an inspection and measurements and a signature of a Township official. Discussion followed. Who would open the building and set the heat? The Supervisors or a designated person from the Township would have to okay the use of the building as a shelter for each use. The Board members could designate a representative to open and close the facility and then from that point the Red Cross would man the shelter and run it. How about a conflict of scheduling? What if the building is rented for the day or evening and the Red Cross calls to use the facility? Whose need takes precedence? Mr. Stough does not want the Red Cross to dictate the scheduling of our building. How about clean up and the timing of the cleanup due to rentals? Food? Damages? Mrs. Crawford wants some time to find out some answers to several questions. She will get her questions to Mrs. Strausbaugh, who will contact Bob Straw. It was noted that the Community Building does not have a food license anymore. This request was *tabled* pending further information. Mr. Stough reported that due to the implementation of NIMS, each jurisdiction must write new emergency operation plans. Mr. Stough, as our EMC is working on this issue. He needs two people who could act as Public Information Officers in the event of a local emergency or incident. These people would be responsible for dealing with the press, if necessary. Previously, the Chairman and Vice-Chairman were listed in these positions. The County PIO would be utilized in large scale incidents. Mrs. Strausbaugh will provide some names to Mr. Stough.

3. For information purposes, Mrs. Crawford will not be taking a salary as a Supervisor. She has provided a list of charitable organizations that are to receive the funds that she would be paid.

B. Engineer's Report

1. Mr. Hertz reported on the Ambau Road culvert project. Option #8 is a new option which is proposing an aluminum arch, cast in place retaining wall, wingwalls and headwalls. The previous decision was to use Option #5 which proposed an aluminum culvert, aluminum wing and endwalls and a cast in place retaining wall. The cost for Option #8 is approximately \$79,740.00. Question was raised whether the concrete contractor carries liability insurance due to the fact that he has religious beliefs that do not include insurance. Discussion was held with regard to using a subcontractor for the concrete work who does not have insurance. That is likely why this contractor's price was lower than other bids. From the audience, Nelson Brenneman stated that he feels comfortable with the arrangement. Mrs. Crawford is absolutely not in favor of allowing this to happen; she feels that it would set a dangerous precedent. Mr. Brenneman reported that this contractor will provide a letter from the church which would cover any damages or losses. Mrs. Crawford would like to see this letter. Mr. Hertz can attest to the workmanship by this crew. **Motion** by Rebert, second

by Crawford, to approve Option #8 for the Ambau Road culvert replacement at a proposed cost of \$79,740. All members voted aye; motion carried.

2. Mr. Hertz discussed the Ambau Road stormwater issues at the intersection with Route 116. We have had complaints from three (3) residents on Ambau Road. There is severe flooding every time there is a hard rain storm. Pictures of two properties were presented. It was noted that the problem starts down at the triangular property at Ambau and 116, which is railroad property. The railroad also has a right of way to the west of that intersection, leading down through the Anderson pasture. Because of the poor maintenance of the ROW, the whole stream bed is totally silted in and the front end of the culvert is caved in, which leads to flooding of the whole area. The water has actually backed up into two (2) of the basements. Tanya will supply a new contact name for the rail system.

3. Mr. Hertz reported that his office is working on the materials bids, paying particular regard to the Ambau, Tunnel Hill and Messersmith Road projects.

C. Solicitor's Report

1. Mr. Poole reported that on 2/16/08, a new law became effective raising the fees allowed to be assessed for bad checks. The new fee we are allowed to charge is \$50 or the actual fee charged by the bank, if it exceeds the \$50. **Motion** by Crawford, second by Rebert, to adopt the policy for fees on bad checks at the maximum allowed by law as stated above. All members voted aye; motion carried.

2. Mr. Poole was contacted by the attorney for the Mannino family, saying that the couple is not appealing the ZHB/court ruling and that they are planning to remove the pool and are in the process of getting bids to do just that. Mr. Little is ready to assess the applicants the appropriate penalties for violating the Zoning Ordinance. Does the Board of Supervisors feel that penalties are appropriate when they are in the process of removing the pool? The general consensus was that the Manninos not be given a lot of time to see if they actually remove the pool, as these applicants have "pushed every envelope" possible in this case. Supervisor Luckenbaugh is in favor of fining these residents starting immediately. Solicitor Poole agreed that a finite date for the start of penalties should be set. In the Solicitor's opinion, if the Township starts assessing the penalties immediately and the Manninos appeal to the District Justice and produce a contract for removal of the pool, it is not very likely that a maximum fine will be assessed.

Motion by Luckenbaugh, to turn the penalty issue over to the District Magistrate for assessing penalties immediately. Motion died for lack of a second. Tanya pointed out that some consideration should be given for the time of year.

Motion by Rebert, second by Crawford, to give the Mannino family until 3/15/08 to have a signed contract to have the pool removed no later than March 30, 2008. Two members voted aye; Luckenbaugh opposed. Motion carried.

D. Fire Company Report

1. Township Fire Chief Larry Wildasin presented the fire company report for the month of January 2008.

2. The Chief noted that representatives from the Fire Company took a field trip to KME, the manufacturers of the new fire truck, for a truck inspection. They will be going back for another inspection and the truck should be ready by April. The siren is up and running again. Larry will test it this week.

3. He reported that the County has not made a definite decision with regard to the sirens in the County. He noted that pagers will be "going digital." Information will be relayed on the

paggers on a screen, somewhat like a text message as to where the personnel will be going and what equipment is being dispatched. There will no longer be audio paggers. These paggers were paid for by the County and should be available in about two (2) months. There is some kind of a pager that will give audio, but they are expensive and the cost would have to be paid by each entity. The radios should be installed by the end of the year.

4. The firemen had indicated that there is a lot of air leakage around the windows and doors at the fire station. It is their opinion that the windows need replaced. The Manager and Supervisor looked at the situation and it was noted that the overhead doors on the Fire Department need new weather stripping. Russell will check it out and see what the Road Crew can do with them.

VII. Old Business

A. **Motion** by Luckenbaugh, second by Crawford, to authorize the necessary signatures on the 2008 Bungalow Road Dirt and Gravel Grant Contract in the amount of \$40,635. All members voted aye; motion carried.

B. **Motion** by Rebert, second by Crawford, to appoint Harold G. Luckenbaugh, Sr., of 2041 Slagel Road to the Community Building Committee. All members voted aye; motion carried.

VIII. New Business

A. **Motion** by Crawford, second by Luckenbaugh, to not require a mandatory connection to the Tunnel Hill water extension, based on the fact that no one from this area made the Township aware of any problems or concerns with water in that area of Tunnel Hill Road. All members voted aye; motion carried. The Board also voiced concern over the fact that this would be a hardship on the residents since mandatory sewer connection was just enforced in this area.

B. Mrs. Strausbaugh referred to the spreadsheet for the fire truck loan proposals. **Motion** by Crawford, second by Rebert, to approve the Susquehanna Bank proposal for the fire truck loan at the recommendation of the Manager, using the eight (8) year term at a 4.0% rate with a total payback of \$351,051.16. All members voted aye; motion carried. There are no prepayment penalties. Some details will be clarified with the Fire Relief Association with regard to when and how much their payments will be on the fire truck loan. The annual payments for this loan will be put into a separate sinking fund and payments will be deducted from there

C. Some action is required for the parking issues on Patriot Street. With cars parked on both sides of the street, it is difficult to plow snow, even difficult to get garbage trucks through. **Motion** by Crawford, second by Luckenbaugh, to authorize the request of a traffic study on Patriot Street to determine the parking requirements, stop signs, and speed limits. All members voted aye; motion carried.

D. There's a workshop tomorrow on the Chesapeake Bay Initiative. Mrs. Crawford noted that representatives from New Freedom Borough will be attending this workshop. Those representatives can give the NCT office the information, since NCT received the information a bit late. The NCT Board of Supervisors took no stand tonight.

E. There are some issues with the backhoe. The Manager questioned Roadmaster Brenneman if he knew that this request was being submitted tonight. The Road Foreman was informed that this would probably not be acted upon tonight as the request was just received today. Mr. Brenneman is concerned that this equipment is going to see some hard use this summer and should be repaired or replaced. It was noted that the machine has under 6000 hours on it, which is not that many. The Township has not put a lot of money into this machine. It needs new tires and a

boom repair, at the very least. The Board asked that the Road Crew compare other machines with John Deere, that they look at CAT and Case and compare them. The Roadmaster will see that the Road Crew gets prices other than the John Deere model.

F. Discussion was held on the Comp Plan Revision Committee names and procedures. Is it really necessary to have residents involved in the revision, since it is not a revision of the entire Comp Plan? Mr. Luckenbaugh has at least two other names, and it is a good idea to have some Supervisory input. It would be a good idea to find out who the people are who have applied to participate. No action tonight.

G. There was one estimate on the painting of the Community Building. Mr. Rebert would like to see the building painted before the election. The estimate was for about \$4,900. It was noted that the building needs to be professionally cleaned prior to painting. Mrs. Crawford suggested Golanco Construction for an estimate. **Motion** by Crawford, second by Rebert, to authorize Mrs. Strausbaugh to get bids for painting the Community Building and proceed with the lowest bidder. All members voted aye; motion carried.

H. Nelson Brenneman asked if the situation on Hoke Road has been discussed at all. Mrs. Strausbaugh noted that information is on her Manager's Report and pictures will be obtained before a meeting on the 22nd with York County Conservation District.

I. Mrs. Strausbaugh noted that there is a Zoning Hearing Board case which is a request for a Variance on the Schrum property on Stoverstown Road. Mrs. Strausbaugh feels that Mr. Poole should represent the Township's interest to oppose this issue as there is no sufficient case for a variance.

Motion by Luckenbaugh, second by Crawford, to authorize Mr. Poole to attend the Zoning Hearing Board meeting on February 21, 2008, at 7 p.m. for the Schrum case to represent the Township's opposition to this variance. All members voted aye; motion carried.

IX. Announcements

- A. The Zoning Hearing Board will meet on February 21, 2008 @ 7 p.m.
- B. The Recreation Board will meet on February 25, 2008 @ 7 p.m.
- C. The Planning Commission will meet on February 26, 2008 @ 7 p.m.
- D. The Board of Supervisors will meet on March 18, 2008 @ 7 p.m.
- E. The SWRPD Board will meet on March 12, 2008 @ 7 p.m., at 6115 Thoman Drive.
- F. The Sewer Authority will meet on March 17, 2008 @ 7 p.m.

Motion by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:48 p.m.

Respectfully submitted,

Joy Ann Strausbaugh
Township Secretary