

Chairman Barry Rebert called the regularly scheduled meeting to order at 7:00 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 fifteen citizens.

I. **Minutes**

A. **Motion** by Luckenbaugh, second by Rebert, to approve the minutes of the meeting of March 18, 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 March 2008 as presented. All members voted aye; motion carried.

III. **General Public Comment**

A. Rodney Shearer of 5244 Shearer Lane requested a clarification of the Police Board meeting minutes from March 2008, statements that were made with regard to his credibility. Supvr. Crawford qualified her comments of that meeting.

B. Sue Grammer of 4114 Woodcliff Circle has a complaint about ramshackle buildings in the Township, specifically at the intersection of Glatfelters Station Road and Seven Valleys Road. The Township has no maintenance ordinance. It would be up to the Board of Supervisors to adopt such an ordinance, and Mr. Poole noted that this is a very "staff-intensive" ordinance to enforce. Supvr. Crawford asked the Solicitor if he was familiar with a dangerous structure ordinance. This allows regulation of this type of situation where it becomes a hazard to surrounding persons and structures; however, these are normally put in place in a more dense area. Mrs. Grammar offered hers and her neighbors' help in governing this type of situation. The Solicitor added that a committee of citizens deciding which properties are unsightly would not meet the qualifications of the regulations. It would require Township staff inspection. David Garrett of 3698 Tunnel Hill Road, commented from the audience that this could be a public safety issue if high winds blow pieces off the building into the roadway.

In the past, the Chairman reported that the Township has had good results by first contacting the owner of the structure to let them know that people have complained and requesting that they improve the situation, either renovating or removing the problem. That might be a good way to start the process in this case.

C. Tom Waltersdorff spoke as a member of the NCT Ag Security Board, inquiring about the stance that the Township will take on the court decision with regard to the Bob Rebert condemnation issue. Chairman Rebert asked Mr. Waltersdorff what his main concern is. Waltersdorff stated that the Ag Security Board followed the procedures they had at that time. Information was very limited - in fact, upon startup of Ag Security, the Township information was limited to one single pamphlet. The Judge in this matter pointed to a technical defect in procedures. Is it possible to appeal the judge's decision in this matter and does this technical defect affect the legality of the balance of the Ag Security area? Could the land in NCT Ag Security be judged invalid by this decision? Mr. Poole stated that this decision only applies to a property that crosses a municipal boundary and more specifically, only the portion of that property that lays in the adjoining municipality. The Solicitor is recommending that the Township notify those owners whose farms cross the

municipal boundary lines and tell them that based on this decision, a portion of their farm may not be in Ag Security, specifically the portion that lays outside of NCT. These owners should look into this matter and deal with it with the municipality that the portion of the property is in. These property owners should be given the opportunity to cure what the judge sees as a problem. Waltersdorff and other farmers are feeling very vulnerable to condemnations. Some of these farms were given serious reviews at the time of preservation - the Ag Security was noted to be proper then. What happened now? Can the Township appeal the Rebert case? The Solicitor noted that this issue will be discussed during an Executive Session, which is where he will advise his client - NCT - of possible strategy. Mr. Shearer pointed out that even at the seven (7) year review in 2003 when some land was added to the Ag Security area, the Township did not follow all the procedures outlined in the new manual (land that is in NCT). If someone challenges those parcels, certified mailing was not required. The Solicitor is not concerned about the land that lays in NCT - the issue in this case was very narrow and regarded only the portion of the Rebert property that was not in NCT. Waltersdorff expressed concern that if one (1) very small procedural defect can throw the Rebert property out of Ag Security, he can list at least five (5) things that were not done procedurally correct in the 2003 review according to today's standards. If a farm in NCT should need protection in a future issue, would these procedural defects eliminate other properties? There are a lot of farmers depending on Ag Security to protect their farms. The Solicitor stated that an appeal of this particular issue will not address the concerns that Waltersdorff has - the Rebert issue is very narrow. In Mr. Poole's opinion, this decision will not be overturned.

Nelson Brenneman related that one of his farms is in the Codorus Ag Security program - a part of that farm lays in NCT, yet is included in Codorus Township Ag Security program. Mr. Poole advised him to apply to NCT to have this portion of the land included in the NCT Ag Security program. Rodney Shearer is very concerned about the legitimacy of the NCT portion of Ag Security land. His question is "The Township took the time and the money to develop the Ag Security Program, now how do we make it right?" Mr. Poole reiterated that he feels the NCT property is protected and not affected by this decision.

IV. Police Report and Police Board Report

Chief Bean, sporting his new 'do, gave the Police Report for March 2008. His shaven look contributed his hair and monetary sponsors of \$850 to Saint Baldrick's Foundation for children with cancer. Commendable, indeed.

Chief Bean gave some details on the March 31st shooting incident at 3559 Messersmith Road that involved the York County Quick Response team. It was a very serious incident, taxing the manpower and resources of all concerned as the incident lasted approximately fourteen (14) hours. Many thanks to all those who participated in the event - police, fire, civilian and County personnel, approximately sixty (60) persons at one point in time. Twin Pines responded in the early morning hours, opening their business for rest rooms, food, whatever needed. As there was an officer involved in the shooting, the State Police are still investigating. Chief Bean thanked everyone involved in the incident and praised the residents and County for their support. The Chief will answer any questions that he can: there are some details that are withheld due to the ongoing investigation. As difficult as the situation was, Chief Bean assured the Board that policies were followed, the people the officers worked with were very qualified, and although the ending was not a happy one, it was one that was done as safely as possible.

Mr. Rebert, not sporting a new 'do, gave the Police Board Report, noting that the next meeting on May 14, 2008 is being held at Porters Fire Company and will involve an awards ceremony. He urged the residents to attend. He also noted that Sgt. Jack Greene was nominated for the County Officer of the Year Award, an

item to be proud of.

V. Fire Report

Township Fire Chief Larry Wildasin gave the NCT Fire Company Report for March 2008, thanking the Chief for the quality comments about the Fire Dept's. participation in the March 31st incident. In March there were two (2) serious structure fires, resulting in \$330,000 in damages. Larry noted that Chief Marvin Stine was recently honored as a 53-year fire department member at their annual Firefighters Awards Banquet. Marvin served as Chief for twenty-seven (27) of those years and was honored with a plaque from the Township and citations from the Senate and the House. Kudos to Mr. Stine for his commitment and service.

On April 25th, there will be a field trip to do the final inspection of the new fire truck. Pending all going well, delivery will be on April 29th or 30th.

VI. Permits, Plans, and Modules

A. Zane Williams of Gordon L. Brown's office, was present on the Dietrich, GWM Properties and Aubel Final Subdivision Plan #L-5201 located on Seven Valleys Road/Main Street. This plan, which is primarily in the Borough of Seven Valleys already has the Seven Valleys Borough approval. There is only a very small portion in NCT. It was noted that most of the portion that is in NCT is in the flood zone and should be noted as such. **Motion** by Luckenbaugh, second by Rebert, to approve the Final Subdivision Plan #L-5201 of Dietrich, GWM Properties and Aubel, subject to the following condition being met: add note that nothing shall be placed in the flood zone. All members voted aye; motion carried.

B. The Sewage Module for the Samuel D. Keiser Final Subdivision Plan #L-5220 located on Glatfelters Station Road and Keiser Lane was presented. **Motion** by Rebert, second by Luckenbaugh, to approve Resolution #06-04-2008 which amends the Act 537 Plan for the inclusion of the Sewage Module for the Samuel Keiser Plan as noted above and to forward this Sewage Module to DEP. All members voted aye; motion carried.

C. Doug Crawford, the surveyor and Kenneth Myers of 5828 Waltersdorff Road were present on the Anthony B. & Susan E. Smith Final S/D Plan #243608EF35 located on Waltersdorff and Brown Roads. Mr. Poole and Attorney Guthrie are working on the deed of merger for this subdivision. Both tracts are to be put onto one deed, with the preference of a total outer boundary description. If the outer description is not possible, a Tract 1 - Tract 2 deed will be done with clear language of merger. It appears that a perimeter deed can be done. **Motion** by Rebert, second by Luckenbaugh, to approve and forward the Form B Waiver of Anthony and Susan Smith to DEP. All members voted aye; motion carried. **Motion** by Luckenbaugh, second by Crawford, to approve the Final S/D Plan #243608EF35 of Anthony B. and Susan E. Smith, on the condition that a merger deed be prepared for this subdivision, and subject to approval of that deed by the Township Solicitor. All members voted aye; motion carried.

D. **Motion** by Rebert, second by Crawford, to approve Road Opening Permit #02-2008, for Columbia Gas for the abandonment of the service line at 4019 Sharoden Drive. All members voted aye; motion carried.

E. **Motion** by Crawford, second by Rebert, to approve Road Opening Permit #03-2008, for York Water company for the installation of an 8" water main at the intersection of Messersmith Road and Tunnel Hill Road. All members voted aye; motion carried. The Roadmaster notified the Water Company that the installation will need to be at least five (5) feet deep to get under the Township stormwater drain. Nelson already notified the Water Company of this condition.

F. Ricky E. Kessler of 2284 Myers Road requested a waiver of Section 165-4.B of the NCT Code

which requires a land development plan to place a pole barn on another property that he owns on Myers Road. Mr. Kessler wants to put up an accessory structure, but there is no primary or principal structure for the new building to be accessory to. Because it is an accessory structure, it would require a land development plan. Mr. Poole feels that the ordinance should be changed to allow an accessory structure to be built when there is no principal structure. **Motion** by Rebert, second by Luckenbaugh, to approve the request of Ricky E. Kessler for the waiver to Section 165-4B of the NCT Code, allowing him to erect an accessory structure (pole barn) on his lot without having to do a land development plan. All members voted aye; motion carried.

VII. Administrative Reports

A. Manager's Report

1. Kinsley has applied for an NPDES permit for his residential development being planned for Joseph Road.

B. Engineer's Report

1. Mr. Hertz gave an update on his visit to John Brenneman's property on Walters Hatchery Road (adjacent to Lynwood Development) with Jerry Stahlman. Both John Brenneman and Robert Brenneman were present. The stormwater ROW has become silt bound and should be re-graded, which should alleviate the situation. Fitz & Smith will do the work sometime in late May, when things dry out a bit. Mr. Stahlman will inform the owner when the work is to be scheduled.

2. Mr. Hertz noted that details and projected dates on the following projects are included in his monthly report: Ambau Road culvert, Strickhouser culvert, Joseph Road development plan, Messersmith and Tunnel Hill road improvements, Township rec park trail extension, CDBG grant re-application for Brown Road. See Engineer's report.

3. Mr. Hertz went over the materials bids received. He has made his recommendation to the Board. Items 1 through 12 are recommended for approval by the Board as follows: (1) York Building Products for the Crushed Aggregate FOB job site \$86,592.40 (2) Lane Enterprises for Storm Sewer Pipe FOB job site \$12,881.35 (3) Kinsley Materials for Ready Mix Concrete FOB job site \$15,070 (4) Stewart and Tate for Emulsified Asphalt FOB job site \$51,900 (5) Recon Construction for Liquid Calcium Chloride FOB job site, \$11,000 (6) York Building Products for Bituminous Materials FOB job site \$152,974.70 (7) Chemung Pipe for Aluminum Arch Culvert delivered and assembled \$28,599 (8) Kinsley Materials for Rebar FOB job site \$1,500 (9) Monarch Products - Precast Concrete Items FOB job site \$9,344 (10) No bidders for line painting (11) Recon Construction for Reclamation and Widening of the Specified Roads \$55,617.90 (12) H & H Contracting for Bituminous Placement, Seeding and Edge Paving \$26,111.70. The Engineer recommends rejection of Item 13 for Culvert Construction: Kinsley at \$35,220 and JR Construction at \$10,300. The Kinsley bid was a great deal higher than expected and Mr. Rohrer of JR Construction has liability issues. Due to his religious beliefs, he does not carry liability insurance. The specs called for certain dollar figures in insurance coverage which Mr. Rohrer cannot meet. He has provided a letter of Brotherhood Assistance from his church in lieu of insurance. Mr. Poole feels that the Township must follow the specs or reject the bid.

Motion by Luckenbaugh, second by Crawford, to award the 2008 materials bids for Item #'s 1 thru 12 as recommended by the Engineer pending the receipt of appropriate and proper contracts and documents and to reject Item #13 as recommended by the Engineer. All members voted aye; motion carried.

Chairman Rebert was in favor of looking into the cost of the insurance needed for the culvert construction, especially since it will save the Township \$20,000. Supervisor Crawford is opposed to getting involved into a situation like this - precedents will be set. This is not an area to get lax upon. She would rather

see some time and material quotes to see if the costs the Engineer came up with originally (\$9,600) are close to real costs. Ms. Crawford feels this is far too grey an area.

Motion by Crawford, second by Rebert, that after having rejected Item #13, the Manager get some informal time and materials quotes to get a ball park price for Culvert Construction. All members voted aye; motion carried.

C. Solicitor's Report

1. At 8:17 p.m., the Board retired to an Executive Session to discuss the Rebert court decision matter, some land that the Township is thinking of selling and a Police Board matter. At 9:12 p.m., the meeting reconvened. Result of the Executive Session: Regarding the Rebert issue, the Township has no standing to appeal, as it was not a party to the action. The Reberts can appeal the decision if they wish.

Motion by Crawford, second by Luckenbaugh, to authorize Mr. Poole to identify the several properties in the same situation as the Reberts and send a letter to them pointing out the existence of this case, and advising them that unless and until this case is overturned, they should contact the municipality or municipalities wherein their property lies and request that their properties be accepted in that municipality's Ag Security program. Copies of this letter (written by the property owners) should also be sent to the municipalities in question. All members voted aye; motion carried.

VIII. Old Business

A. Comp Plan Update Committee - Mr. Luckenbaugh feels that each Supervisor should select two (2) members to serve on the Comp Plan Committee, to make a committee of eleven(11), six (6) appointees plus five (5) Planning Commission members. Mrs. Crawford suggested nine (9) members, feeling that eleven (11) is too many. **Motion** by Rebert, second by Luckenbaugh, to appoint the following persons to the Comp Plan Committee to serve along with the NCT Planning Commission: Michael Gladfelter, Nelson Brenneman, Paul Miller and Nancy Sheely. All members voted aye; motion carried.

B. It was agreed to at the last Police Board meeting that clarification of the Articles of Agreement for the Southwestern Regional Police, specifically the Third Amendment, needs to be done. It was Mr. Rebert's recommendation that the elected officials from each municipality meet to make changes to straighten out some of the existing issues for the LAST TIME. **Motion** by Luckenbaugh, second by Crawford, to authorize Mr. Rebert to meet with the other municipalities to discuss the Third Amendment of the Articles of Agreement. All members voted aye; motion carried.

IX. New Business

A. **Motion** by Luckenbaugh, second by Crawford, to approve the Fire Police to assist in parking and night watch duty for the steam engine show, July 18-20 held by Menges Mills Historic Horse, Steam and Gas Association held at the York County 4-H Center on Stoverstown Road. All members voted aye; motion carried.

B. **Motion** by Luckenbaugh, second by Crawford, to install two (2) fire hydrants at Tunnel Hill and Timber and at 3839 Tunnel Hill Road (on the north side of Tunnel Hill) on the water line being installed by Gregory Contractors for Holly Court. All members voted aye; motion carried.

C. **Motion** by Crawford, second by Rebert, to apply for Hazard Mitigation funding for the Ambau Road Culvert Project and the lower end of Ambau Road at the Rte 116 end which continues to flood. All members voted aye; motion carried.

D. **Motion** by Luckenbaugh, second by Crawford, to appoint Chad Hess of 1274 Keiser Lane as the Alternate on the Zoning Hearing Board. All members voted aye; motion carried.

E. **Motion** by Crawford, second by Rebert, that the Township sell at public auction, Parcel #109A located on Bentz Road and owned by NCT. Two members voted aye; Luckenbaugh *opposed*. Motion carried.

Motion by Crawford, second by Rebert, that the Township sell at public auction, Lot #79A owned by NCT and located on Martin Road at Stoverstown Road. All members voted aye; motion carried.

Motion by Crawford, second by Luckenbaugh, that the Township sell at public auction, Lot #79 owned by NCT and located on Martin Road at Stoverstown Road. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to contact Charles Wherley Auction Service to run the auction. All members voted aye; motion carried. Mr. Luckenbaugh will get information on rates and dates from Mr. Wherley.

F. Mr. David Garrett at 3698 Tunnel Hill Road was present to request a second address and a second mailbox on his property for his home-based business. The Township Office has already denied his request, not wanting to have two addresses assigned to a property. The reason for Mr. Garrett's request is that he does not want his personal mail co-mingling with his business mail, as his employees open the mail, as is the custom in most offices/businesses. He also feels that he can realize some tax benefits by doing this. He said that the USPS would allow this request. He would add a sign to his business area with the business address on it. It was noted that the Township assigned the same address to a multi-family residence, such as for apartments, simply assigning an extension such as "A". Supervisor Crawford questioned whether the property has separate utilities for the home and business. Some are separated, but that is his intent.

Mrs. Crawford feels that this is cumbersome and not a good idea for emergency vehicle access. Mr. Poole asked what happens if he sells his house? There would be two addresses and could be trouble for the parties involved. It was noted that the Township's policy of house numbering was based on the fact that each address is determined by the road frontage of the property, numbers being assigned to every ten (10) feet. This allows emergency services to find a difficult location simply through the measurement of distance. **Motion** by Rebert, second by Crawford, to *deny* the request of David Garrett for a second address to his property for his business. All members voted aye; motion carried.

G. When the turnback agreements were done with PennDOT, Nelson Brenneman signed them as the Chairman. For the extension of time to complete the maintenance work on Tunnel Hill and Messersmith Roads, a new resolution needs to be passed designating Nelson to sign the documents as the Roadmaster. **Motion** by Crawford, second by Luckenbaugh, to approve Resolution #05-04-2008 designating the persons who can execute the paperwork, for attachment to the extension of time for the PennDOT Tunnel Hill and Messersmith Road Turnback Agreements. All members voted aye; motion carried.

H. After discussion about the rising costs of fuel and transportation, the Manager recommended that a minimal charge be set on the summer playground program. The Rec Board made a recommendation of \$10 per child per week. With the inflated price of fuel, the bussing costs for field trips are going up. **Motion** by Luckenbaugh, second by Crawford, to charge \$10 per child per week for the Summer Recreation program, giving the staff some leeway to waive fees on any hardship cases. All members voted aye; motion carried.

I. Mr. Luckenbaugh requested a list of what H and H accepts for mulching, thinking that information would be appreciated on our Township website. Mrs. Strausbaugh has the list for him. **Motion** by Rebert, second by Crawford, to authorize Mr. Luckenbaugh to post this information on the Township's website. All members voted aye; motion carried.

X.

Announcements

A. The Zoning Hearing Board will meet on April 17th at 7 p.m.

- B. The Recreation Board will meet on April 28th at 7 p.m.
- C. The Planning Commission will meet on April 22nd at 7 p.m.
- D. The Board of Supervisors will meet next on May 20th at 7 p.m.
- E. The SWRPD Board will meet on May 14th at 7 p.m. at 6115 Thoman Drive.
- F. The Sewer Authority will meet on April 21st at 7 p.m.

Motion by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried.
The meeting adjourned at 9:54 p.m.

Respectfully submitted,

Joy Ann Strausbaugh
Secretary