

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 ten citizens.

I. **Minutes**

A. **Motion** by Crawford, second by Rebert, to approve the minutes of the meeting of May 20, 2008. All members voted aye; motion carried.

II. **Treasurer's Report**

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

III. **General Public Comment**

A. Thomas and Nancy Bartenfelder of 2179 Brush Valley Road were present to voice concerns about Brush Valley Road near their home. Upon replacement of the culvert at this location, the Bartenfelders feel that the elevation of the road has been raised, which has resulted in severe flooding. The water now gets trapped and pools in their field. They presented photos of the flooding problems. The Bartenfelders talked to Roadmaster Brenneman last fall and were assured that someone would be back to deal with the problem in the spring. Brenneman added from the audience that the roadway was raised about 2 ½ feet in the culvert area. A history of flooding existed prior to the culvert replacement, but the problem seems to have worsened. The Bartenfelders also did expansive grading and added a pond. Some modifications were made to the site, but the situation is still not satisfactory. Brenneman feels that if a two foot (2') pipe were added, the problem would be solved. The Engineer and the Road Foreman will look at the site.

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

A. Officer Matthews was present with the Police Report for May 2008. He clarified the "suspicious person" calls that show up on the report - it seems to be a catch all category when there seems to be no better code for identification.

B. Chairman Rebert gave the Police Board Report for June 2008. Volunteers and officers did some spring cleaning around the station, inside and out. Seven Valleys Borough has requested to either purchase hours or buy into the SWRPD. Chief Bean will follow up on that request. The Department is in the process of hiring a replacement for the last officer who left the department several months ago. Budget meetings will begin on June 30th with the elected officials that serve on the Police Board participating.

V. **Fire Company Report**

A. Marvin Stine gave the Fire Company Report for May 2008. He noted that the new fire truck developed an oil leak, truck only had 400 miles on it, and had to be taken up to Cummins Power Systems for repair. Cummins followed up with Invoice #005-59088 (no charge) to document the problems. This will be filed in the new truck file in the Township Office for documentation. He also presented the tool list for the new truck that was approved at the last meeting. The small tools will be put in bags on the truck for easy and faster transport on the scene. Driver training is currently in process. The chicken barbecue was a success.

VI. Permits, Plans, and Modules

A. No one was present on the Colonial Crossings Phase IV Final L/D Plan #E6119.00 located on Mackenzi Lane. The request in front of the Board tonight is the submission of a Sewage Module to DEP that was tabled at our last meeting. Discussion was held on the conditional approval at the 6/19/07 Supervisors meeting. It was noted that the conditional approval included hook-up to the public sewer. As there are PUC issues holding up public sewer connection, the developers are requesting to submit a sewage module to add the flow for this phase to their private sewer system. The Engineer explained that the sewage module for the private treatment plant had 346 EDU's, all of which have been used. The developers are basing this submission on gallons per day rather than the EDU's. Greg Hertz has reviewed some of the DMR's (Daily Monitoring Reports) filed by the CMV Company that operates the plant, which currently show that they are not exceeding flows, however, there is no way to tell the occupancy rate at this time. Mrs. Strausbaugh recommends denial of the module due to the fact that the public sewer connection was a stipulation of the conditional plan approval. **Motion** by Crawford, second by Luckenbaugh, to **deny** Resolution #08-06-2008 which would Amend the Act 537 Plan for inclusion of Colonial Crossings Phase IV module and to **deny** forwarding the module to DEP. All members voted aye; motion carried.

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

1. Mrs. Strausbaugh reported that the Lehman Road resurfacing project will not begin as scheduled this year. Due to erroneous ROW information given by PennDOT to the utility companies, all the utility poles must be moved again. The utility companies estimate that this cannot be accomplished for another six (6) to eight (8) months. This is an unfortunate turn of events for the project. In a meeting with PennDOT at Rep. Mackereth's office, the Manager questioned whether the State will make some needed repairs to the project area. Their response was NO, that PennDOT rules will not allow material to be put down that will be dug out in the near future. Supervisor Luckenbaugh questioned whether the end of Lehman Road is still planned for relocation because of the traffic light. The project is still slated to only go within 700-800 feet of Route 116, so apparently that is still the intent.

B. Engineer's Report

1. The Ambau Road culvert design and permitting are in process, with a possibility of being ready to start construction by the beginning of August.

2. Mrs. Strausbaugh and KPI met with Gerald Wagner, the Municipal Services Rep, and presented a Memorandum of understanding for the Strickhouser culvert.

3. Stormwater improvements and additions are being installed by the Township Road Crew on Messersmith Road in preparation for the reclamation and re-paving. The PennDOT project number has been obtained for the stormwater portion of the project. No project number is needed for turnback maintenance work being done.

4. KPI will attend the June meeting of the NCT Rec Committee to present a preliminary design and to discuss permits/construction efforts in preparation for a grant request.

5. The CDBG and Ambau Road grant requests have been submitted.

6. The contracts for materials and placement for 2008 have been signed, copied and copies returned to the successful bidders. It was noted that the Ambau Road culvert concrete construction bids were rejected at the April 15, 2008 Board of Supervisors meeting. An alternative bid for the construction of the culvert has not yet been obtained. The estimated construction start date for this project is August 2008. The concrete contractor issue must be resolved before the project can progress into final approvals and construction.

C. Solicitor's Report

1. A Public Hearing was convened on Ordinance #206-06-2008 which regulates the speed,

parking and stop signs on Patriot Street and Paine Boulevard. There were no questions or testimony from the public on this ordinance. Hearing closed. **Motion** by Luckenbaugh, second by Rebert, to adopt Ordinance #206-06-2008, Regulating Speed, Parking, and Stop Signs on Patriot Street and Paine Boulevard. All members voted aye; motion carried.

2. Mr. Poole reported on the prevailing wage update. On June 4, 2008, the Supreme Court issued a decision confirming the decision of the Commonwealth Court in the Borough of Youngwood v. Pennsylvania Prevailing Wage Appeals Board. There were eight (8) projects involved in this case. The reclamation and re-paving of less than 3 ½ inches, which was traditionally the standard PennDOT had used for many years to define maintenance rather than re-construction and not requiring prevailing wage, was the center of the case. The Judge stated that everything except “maybe” the patching of the one street would be repair and not maintenance. Any road work in the Township, therefore, should be paid at the prevailing wage. It was noted that the Township did indeed bid the 2008 road work at the prevailing wage figures. It seems that a new definition of “repair” work is needed.

Mr. Luckenbaugh noted that he will be sending a letter to local elected officials giving his opinions. Will the Board of Supervisors write such a letter? Will a letter from the Board have more of an impact than a letter from a resident? **Motion** by Rebert, second by Crawford, that the Board of Supervisors take a stance against the prevailing wage and to authorize the Solicitor to write letters to the State and Local elected officials. All members voted aye; motion carried.

3. Mr. Poole discussed the Gregory Contractors issue with regard to his road maintenance agreement in sewer areas with the Sewer Authority. The amount of settling of the roadways before the contractor is required to repair them was the only outstanding issue and was discussed, whether it should be 3/16th of an inch or one inch. One item that Mr. Hertz mentioned is that one (1) inch of settlement around a manhole can mean a good bit as far as the snowplow catching them. Roadmaster Brenneman noted that there are at least two (2) manholes that the snowplow catches, which it did not catch last year. Greg felt that one half inch is tolerable. It was decided that one (1) inch was acceptable. **Motion** by Rebert, second by Crawford, to approve the road maintenance agreement as finalized with a one (1) inch maintenance standard. All members voted aye; motion carried.

4. Mr. Poole addressed the Rodney and Judy Ness case, which involves a private road action for a landlocked property. Atty. Gil Malone represents Mr. & Mrs. Ness. The judge needs to rule if a private road exists and the location of that. Malone is requesting that the judge have the road straddle the two (2) properties between his lot and the road. Malone requested that Bill find out if the Township has any objection to that strategy, if that is what the court orders. Malone feels this will be the least disruptive, rather than the road running directly through one of the properties. This is a private action not involving the Township. It involves a property owner trying to force a neighbor to give rights of access to the first party's property. The Township does not feel they have enough information on the case to make any comment on it - it is a neighbor dispute just waiting to happen.

VIII. New Business

A. PSATS recommends that the Township oppose the legislation on the Federal Collective Bargaining Mandates for certain State and Local Employees. **Motion** by Rebert, second by Crawford, to oppose the legislation on the Federal Collective Bargaining Mandates and to authorize the Solicitor to write letters to the appropriate elected officials conveying that opposition. All members voted aye; motion carried.

B. The Manager addressed the issue that due to the lack of buildings and grounds maintenance personnel, the Road Crew fills those duties. There are a lot of small maintenance issues that need to be addressed at both the Township Building and the Community Building. Along with that are small housekeeping details in the park that need corrective measures. Over the summer, it is difficult to justify pulling Road Crew

personnel off of road projects with tight deadlines to do the menial maintenance items. It is her recommendation to hire a college student or someone to put in about fifteen (15) hours a week to catch up on these items. **Motion** by Rebert, second by Crawford, to hire a part-time person for general building, park and grounds maintenance at a rate NTE \$10 per hour with no benefits. All members voted aye; motion carried.

C. Mr. Randall Turner, the owner of the property at 1895 Stoverstown Road sent a letter via e-mail for consideration on the public sewer mandatory connection ordinance. It was noted that contractors and owners are being billed for sewer service to buildings that are not even built yet or are only in the process of being built, which is Mr. Turner's case. The billing for sewer usage is tied to the connection being made to the sewer main. Sewer connections are made when excavation is done, long before there is a completed building there. The mandatory connection ordinance adopted by NCT limits connection to a habitable dwelling. The Sewer Authority took no action to change their practice at last night's meeting. The Authority may consider a change in definition of their rules and regulations.

Mr. Poole reviewed the relevant sections of the connection ordinance, pointing out Sect. 2.01 of Ordinance #184-02-2005, which points out that an "improved property" is required to connect. An improved property is defined as having a habitable building erected on it. In the bond issue document, which the Sewer Authority authored, is a Sewage Capacity Reservation Agreement. #7 of that agreement reads that the developer shall be deemed to use Reserved Capacity at the time sewage is discharged in the Sewer System. It also states that following utilization the developer shall be subject to the annual sewer rates and charges then in effect. #10 of the same agreement reiterates again that sewage must be discharged into the system before billing can begin. At the time the Use and Occupancy permit is issued would be a good standard for when to start the billing. From the audience, David Boyer requested that Attorney Poole share the relevant sections of the ordinance and bond document with the solicitor for the Sewer Authority, Craig Scharnetzka. **Motion** by Rebert, second by Crawford, to have Attorney Poole contact Attorney Scharnetzka to discuss the relevant sections of the ordinance on the issue of the public sewer mandatory connection ordinance. All members voted aye; motion carried.

IX. Old Business

A. Junkyard ordinance – Mr. Rebert noted that he checked junkyard ordinances in other municipalities and he feels that the NCT Ordinance has most of the items contained in the other comparisons. One item that our ordinance does not address is keeping the brush and weeds cut back. Can the Township force the junkyard owner (on Sunnyside Road) to bond the road to cover damage to the street/road by heavily loaded trucks that haul junked vehicles into the junkyard? It is estimated that there are fourteen (14) or fifteen (15) trucks per day at the very least going in and out of the yard. The junkyard personnel stop traffic to get the trucks in and out of the yard. Also of concern is the stacking of junked/flattened vehicles high and very near the fence. Also, is there enough parking for this site? Solicitor Poole added that road bonding can be attached to certain uses, however, he has never seen it attached to a junkyard. This is usually attached for heavy construction types of uses. This is not to say this cannot apply to junkyards.

Mr. Luckenbaugh is also concerned about the number of unlicensed or unregistered vehicles on any given property and thinks that it may be time to limit this to one unlicensed vehicle per property. Well, how about a classic car collector? How about a farmer who has a field full of broken down equipment that is rusted and disintegrating? Any ordinance governing or limiting such vehicles would need to be well thought out.

How about a quarterly inspection of the junkyard as opposed to a yearly inspection? Is it time to re-examine the ordinance to update it to include recycling facilities? Some junkyards are now calling themselves salvagers and recyclers. Who enforces the ordinances? Supervisor Crawford thinks that it would be a good idea to have the Township personnel meet with the property owner to try to resolve some of these issues in a civil manner. Mrs. Strausbaugh will set up a meeting.

Mr. Poole suggested that the Board pick a sample ordinance on which to build and/or modify to suit NCT's needs. Each Board member will "cut and paste" the sections that they like and will convey to Mr. Poole.

Mr. Poole suggested removing the police as the enforcement agency.

Chairman Rebert pointed out that the parking at this particular junkyard is definitely creating a public nuisance. What will happen if they buy the property across the street which is currently used by Harry Eichelberger as a junkyard to expand this business? This is a bad situation waiting to get a lot worse.

From the audience, Nelson Brenneman asked about the status of the work required of the developer on Panther Hill Road. The public improvements are not complete at this time. The Manager pointed out that the development is not substantially completed, therefore, it would be difficult to force the road work to be completed yet. The developer just posted their letter of credit for public improvements approximately a year ago. Evidently, one of the owners is keeping at least three (3) of the lots. They will not be sold to a third party. Mr. Poole noted that if the party is keeping any lots or even transferring property for no consideration, that constitutes a sale of the property. Just keep an eye on the situation. Greg will go look at the area.

Mr. Luckenbaugh requested that the answering machine be updated with the new office hours and also to refer callers to the Township's website.

X. **Announcements**

- A. The Rec Board will meet on June 23rd at 7 p.m.
- B. The Planning Commission will meet on June 24th at 7 p.m.
- C. The Board of Supervisors will meet on July 15th at 7 p.m.
- D. The SWRPD Board will meet on July 9th at 7 p.m. at 6115 Thoman Drive.
- E. The Sewer Authority will meet on July 21st at 7 p.m.

The Board retired to an Executive Session at 8:52 p.m. to discuss a personnel issue. Action will likely be taken. The Board returned from Executive Session at 9:20 p.m. **Motion** by Rebert, second by Crawford to ratify the action discussed at the Executive Session with regard to Personnel. Two members voted aye, one opposed; motion carried.

Motion by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:22 p.m.

Respectfully submitted,

Joy Ann Strausbaugh,
Secretary