

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 16 citizens.

I. **Minutes**

A. **Motion** by Crawford, second by Luckenbaugh, to approve the minutes of the meeting of June 17, 2008. All members voted aye; motion carried.

II. **Treasurer's Report**

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

III. **General Public Comment**

Rodney Shearer of 5244 Shearer Lane asked about the SWRPD budget excess from 2007. In April it was tabled and slated to be deducted from the 3rd quarter payment, which was not done. Where do we stand on this issue. Mr. Rebert will present the rewritten Fourth Amendment to the Board members tonight for comment, the budget committee will look at the revision on July 31st, and final information will then be presented to all of the municipal Supervisors. Changes are being made so that everyone will know what the Third Amendment said. There was a lot of discussion and argument, but no one could agree on what the Third Amendment said. As far as getting the \$28,000 credited to us for the excess, Mr. Rebert stated that he is not sure we will be doing that, because there was so much confusion. In order to get this done, so as not to face it next year again, the \$28,000 will be sacrificed. Mr. Shearer pointed out that Chairman Rebert checked with 5 or 6 other officials, NCT included, who all gave you the same version of the intent behind the Third Amendment. Rebert stated that he fought for the other Police Board members to see the issue clearly, to no avail. Mr. Shearer stated that nothing changes - the police just get to keep the money as they did before.

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

Officer Dickmyer gave the Police Report for June 2008. He also gave information on the bike patrol that will be starting in Spring Grove Borough and some of the development areas in the Township. Bike patrols are particularly effective in that a person committing a crime is usually unaware of the officer's approach on the bike, giving the element of surprise. The Colonial Crossings development will be a target area, as there has been some crime in that area. Officer Dickmyer is currently the only member of the force who is certified and trained to patrol on a bicycle. He will be training other officers in the program. The patrol program will have a three-fold benefit – 1) visibility to prevent crime 2) arrests and 3) fuel savings.

Chairman Rebert gave the Police Board Report for July 2008. Police Chief Bean met with the representatives of Seven Valleys Borough, who are requesting the possibility of police coverage to that area. The Budget Committee has begun its discussions on the 2009 Budget. The Smooth Operator program funded by Federal funds has been implemented to patrol roadways that have been identified as aggressive driving areas. Rodney Shearer asked about the increase in the police budget for 2009 (about 6%).

Chairman Rebert questioned if the NCT Board would be interested in paying \$159.99 for the bicycle carrier since Spring Grove Borough purchased the bicycle? **Motion** by Crawford, second by Rebert, to pay

\$160. for the bicycle carrier for SWRPD for the bicycle patrol program. All members voted aye; motion carried.

V. **Fire Report for June 2008**

Township Fire Chief Larry Wildasin gave the report for June 2008. He noted that the new fire truck, which is a rescue pumper and replaces two (2) pieces of equipment, is in service and is quite an impressive piece of machinery.

VI. **Permits, Plans, and Modules**

A. Jerry Stahlman was present on the Lynwood Phase II-C, Final Subdivision Plan #A-03-006 located on Lynwood Drive. He reported on the John (Robert) Brenneman site issues (that was still wet in June). Fitz and Smith is bringing a backhoe in to clean out the swale. Robert Brenneman was present and approved the plan for cleanup. The brush and briars have been trimmed back along the II-C section of Lynwood Drive. Mr. Stahlman noted that there is about a 10" pipe coming from the pond in the area that drains water continuously which he feels accounts for most of the water in the area.

He also reported that he received an e-mail message from DEP that indicated that DEP would only consider three (3) Small Flow Treatment Systems (SFTS) for the fourteen (14) lots and ten (10) individual on-lot systems for the up-slope lots. However, Stahlman is proposing fourteen (14) individual small flow systems known as Advantex Systems with nitrate treatment, instead of the three (3) SFTS. DEP is considering the approval of the Advantex Systems for the high nitrate areas. DEP also noted that a community system with up-front denitrification technology is a possibility. One system would serve several lots. The problem with that option is that it would take quite a long time to approve. DEP recommended that the fourteen (14) lots be set aside for future development and submit a module for the ten (10) lots.

As the SFTS would require a discharge permit which would take a long time to get approved, aside from the fact of all the tracking paperwork that would be necessary, Mr. Stahlman proposes to mark the fourteen (14) lots as "unapproved building lots" and leave it as is until some type of denitrification systems are approved by DEP. Would this need to be resubmitted as a phased plan? Is this a substantially changed plan to warrant a re-submission? Jerry's concern is that the plan not lose standing, as this plan was filed and had preliminary approval under the prior S/D Ordinance. Lot size and other things have had substantial changes under the new S/D Ordinance. Tonight is the deadline for action on this plan. Mr. Stahlman requested (by letter) an extension of time until November 18, 2008.

Mr. Poole noted that the NCT Ordinance requires that a plan can only be conditionally approved pending something like DEP approval. In this situation, this conditional approval could go on for quite some time. The Manager also pointed out that NCT has never been interested in having SFTS scattered throughout the Township. They become a huge liability when they fail, as NCT would then have to take them over as far as operation.

It was recommended that the plan be resubmitted. The fourteen (14) lots would have lot lines removed and shown as a residual tract and labeled as a future Phase IID. Phase IIC would stand as it is now, showing the ten (10) lots and the unimproved area to later become Phase IID. Phase IID would need to go back through the normal plan process. Would Phase IID be subject to the new ordinance regulations? It would probably fall under the five-year protection option. **Motion** by Rebert, second by Crawford, to grant the Final S/D Plan #A-03-006 Lynwood Phase IIC an extension of time of one hundred twenty-one (121) days until November 19, 2008. All members voted aye; motion carried.

B. No one was present on the Residential Community Along Joseph Road Preliminary S/D Plan

#2005.0016.00. This is only for a Sewage Module Exemption submission. **Motion** by Crawford, second by Luckenbaugh, to forward the Preliminary Residential Community Along Joseph Road Sewage Planning Module Exemption to DEP. All members voted aye; motion carried.

C. Samuel Keiser of 6327 Glatfelters Station Road was present on the Samuel D. Keiser Final S/D Plan #L-5220 located on Glatfelters Station Road and Keiser Lane. All outstanding items have been addressed and the Rec fee has been paid. **Motion** by Rebert, second by Crawford, to approve the Final S/D Plan #L-5220 of Samuel D. Keiser located on Glatfelters Station Road. All members voted aye; motion carried.

D. Dale and Henrietta Myers were present on the Dale W. Myers Final S/D Plan #081210 located on Krafts Mill Road and Harmony Lane, to request a waiver for Section 165-29.D(2) of the NCT Code, which requires that a benchmark be placed on the plan. There are already three (3) dwellings on this parcel; the main house and two rental mobile homes. Dale stated that they only want to subdivide the rental lot area into two (2) lots for their children. No other structures are being added. GHI advised that they would have to survey the property again to put the benchmark on. The bridge on Krafts Mill Road at the sawmill could be used as the benchmark and just tie the corner of the property into that using a GPS locator and note the location on the plan. The front location sheet of the plan actually shows the bridge. All they have to do is tie the corner of the property into that. They really would not need a waiver. Mr. Hertz will talk to GHI Engineers to let them know what needs to be shown on the plan. The waiver fee will be refunded, as the waiver is not needed.

Discussion was held on the necessity of a maintenance agreement for the shared driveway use and maintenance. The Board members will permit Attorney Poole to prepare the agreement for the Myerses, the expense to be billed back to them.

E. John Huenke and Sam Juffe of Cornerstone Development Group located at 200 Bailey Drive, Suite 202, in Stewartstown, PA, were present to discuss reconsideration of the Colonial Crossings Phase IV Sewage Planning Module submission. Last month the Township denied the sewage modules submitted for this plan/phase to connect to the existing private system operated by CMV Company. The Phase IV plan was granted conditional approval on 6/19/07. One of the conditions of approval was the completion of the connection to the NCT public sewer. CDG submitted the transfer application to the PUC to transfer the entire waste collection system and customers at Colonial Crossings to the NCT Sewer Authority on 8/27/07. The PUC Consumer Advocacy Dept. has protested the transfer of the sewage system. This requires a lot of time and a lot of hearings. Right now, the applicants do not know when the transfer will occur. There is plenty of capacity in the existing plant; they want to get their apartment units constructed. The only way to do that is either get the modules approved for this system or get the transfer completed. They want to work from both ends, whichever happens first. The applicants feel that it is better for the Sewer Authority to get as many dwellings on the system as quickly as possible. Supervisor Crawford questioned, weren't the developers supposed to have already been hooked up to the public sewer by August 2007? The developers waited until August of 2007 to submit to the PUC. On PUC's website it notes that CMV has two (2) WWTPs tied together. There were earlier issues filed with regard to rate increases. Didn't this muddy the waters? Probably, because PUC is looking at how abandoning this plant will affect the other rates. CDG testified that this should not be an issue because the rates at the other location were set before this plant went on line. Solicitor Poole asked what if the PUC doesn't approve the transfer? Then there is a conflict with DEP and the PUC. Mrs. Strausbaugh questioned if CDG hooked to the private system, wouldn't that negate the conditional approval because now they had not met the conditions? The Solicitor advised that DEP would probably be the only ones who would have standing to force the issue, or possibly the SA would have standing. PUC will probably

not care if they make a ruling in conflict with DEP.

Mrs. Crawford indicated that the Township minutes from June of 2007 indicated that there was no capacity in the private system. The developers stated that they had to prove that there is capacity in the private system by doing studies to show that their plant was running under capacity. The developers are not re-rating the plant. They had to show that they are consistently running under the 100,000 gpd that the plant is permitted for. Huenke stated that the plant is running at less than a third of the capacity with all but the sixty (60) apartments connected to it. Mrs. Crawford stated that is risky - running the loading doesn't tell you what percentage of the homes are actually occupied, you have no way of knowing how the number of persons living in each may vary, there are a lot of variables here. Has the plant had any violations - no, there was one minor issue with a filter that had to be changed out.

Mrs. Crawford clearly stated that she is not in favor of this request and suggested that a representative from CDG and their attorney need to meet with a representative from the Sewer Authority, their Engineer and a member of this Board and the Township Engineer to discuss the situation and lay out all the options and possibilities. From the audience, Nelson Breneman who is also on the SA, noted that the original agreement was that Colonial Crossings would use its temporary sewer plant until the NCT plant was up and running, and now it appears they are having second thoughts. Mrs. Strausbaugh pointed out that the Sewer Authority projected the number of customers to make repayment of their bonds feasible. Colonial Crossings was part of that customer base. If the Township granted this request and the developer was allowed to construct these additional apartment units, what incentive would they have to complete this transfer? The Township has to support our SA in this matter. We backed their bonds. After all, additional customers to the developer would only serve to bring them more money and deplete the SA funds. The SA has already lost close to a million dollars of connection fees and service charges. John Huenke wanted to clarify a point made earlier that hooking to their privately owned system is connecting to public sewer; therefore, they would not be violating the conditions of the plan approval. Solicitor Poole advised that the Board could take no action on this reconsideration issue, since the Board appropriately denied the module last month. Mrs. Crawford stated that this is the first time that she has had a clearer explanation of this issue and others may benefit from hearing this explanation as well. **Motion** by Crawford, second by Rebert, to *deny* the request as submitted for reconsideration of the Sewage Module for Colonial Crossings Phase IV to construct additional apartments **and** to instruct the applicants to have a meeting with the Sewer Authority, the Township and the engineers involved, and other interested parties to clear up the confusing issues surrounding this request. All members voted aye; motion carried.

VII. Administrative Reports

A. Manager's Report

1. The Township received letters of thanks from the Glatfelter Memorial Library, the VNA and the SPCA for the financial support from the Township.

B. Engineer's Report

1. It was noted that there was only one bid on the 2008 Reclamation Project on Messersmith and Tunnel Hill Roads. Wayne Cleaver from RECON, 3289 Susquehanna Trail, York, 17406, was present to discuss this bid with regard to the prevailing wage issue. He is requesting a change order to the contract to address prevailing wage. The advertisement was worded that some items might be at prevailing wage. It is the responsibility of the contractor to know when prevailing wage kicks in. Until recently, with a Supreme Court decision, milling and reclamation were considered maintenance items as defined by PennDOT. These

two (2) specific items, which were the basis of the *Borough of Youngwood v. Pennsylvania Prevailing Wage Appeals Board* case, redefined maintenance and repairs. Prior to this decision, maintenance was not subject to the prevailing wage. RECON did not bid this under the prevailing wage. Supervisor Crawford stated that since they were the only bidders, perhaps the additional amount could be a shared responsibility of the Township and RECON. After hearing further discussion the Board decided to take action. The contract amendment requested is \$6,926.40. Chairman Rebert added that he felt the contractor had gone more than halfway by only charging a minimal additional amount on the calcium which is added to the reclamation. **Motion** by Rebert, second by Luckenbaugh, to approve the contract amendment request to RECON for the 2008 Reclamation contract in the amount of \$6,926.40. Rebert and Luckenbaugh voted aye; Crawford opposed. Motion carried. This will be handled as a Change Order.

2. The Ambau Road culvert project schedule was presented. The erosion control plan has been approved; the GP-11 permit application is pending. The structural design is complete, and the PennDOT liquid fuels project number is pending. Possible construction start is set on or about August 15th. The concrete work will have to be rebid. **Motion** by Crawford, second by Luckenbaugh, to re-advertise the concrete work for the Ambau Road culvert. All members voted aye; motion carried.

3. The revised plan for the Joseph Road development has been submitted to KPI and is under review. The Planning Commission will review this plan on July 22, 2008.

4. The Road Crew recently installed stormwater improvements and additions to the Messersmith and Tunnel Hill Road areas. Nice job, Road Crew!

5. KPI will attend the July meeting of the NCT Rec Committee to discuss the Township recreational park and trail extension.

6. Mr. Hertz reported on the Hoff and Panther Hill Road improvements. He recommends that a final “walk-through” with a punch list be required before the asphalt surface is applied to Hoff Road. Panther Hill has some “gutter washing” and will need some restoration to maintain the road for safe driving.

7. At the last meeting, a pipe was proposed by the Bartenfelders on Brush Valley Road for drainage correction on their property. At the last meeting, the Bartenfelders showed pictures of flooding which they claim has occurred since the renovations on Brush Valley Road with the Dirt and Gravel project. What they are proposing would transfer water from one property to another, putting the water onto the Shearer property. Aerial photos from 2003 show that extensive clearing of the property has also occurred in that time period. Correcting their problem in this manner would only cause problems for another property owner. There was always flooding in that area. The road improvements did not alter that situation. KPI will call the Bartenfelders to explain the situation.

C. Solicitor’s Report

1. Nothing further at this time.

VIII. **Old Business**

A. The junkyard ordinance was discussed. Mr. Rebert is in favor of the following points from the sample ordinances that the Board members reviewed: raise license fee from \$25 to \$100; post a bond for clean-up; remove the police as inspectors - change to another Township official, such as the Zoning Officer; junkyard must meet DEP standards as laid out on their FACT SHEET - water pollution, standing water, water quality; address brush and weed control; increase off-street parking; parking area not to be used for repair of vehicles or parts removal; hazardous materials/flammable liquids control; fire lanes, with open and easy access for fire truck/equipment; stacking of cars NTE 8' high or above the fence and must be away from public traffic

areas; inspection and notice; recycling center to follow State regulations.

Supervisor Luckenbaugh objects to the word junkyard - salvage yard seems more appropriate. Will the existing junkyard be "grandfathered in", even if the existing ordinance is modified? Mr. Poole is unsure and will investigate the issue and report back. The current junkyard existed long before any of the junkyard ordinances were in place. Are they enforceable? Any expansion of the current yard could be made to comply. Mrs. Crawford is satisfied with the Silver Lake ordinance. Mr. Rebert's list above is a compilation of points from several sample ordinances, largely the Silver Lake ordinance.

There are at least three eyesore spots in the Township about which the Board members get calls – Kann's property on Waltersdorff Road; Old Forge Service Station at Lehman/516; and the Eichelberger junkyard on Sunnyside Road. Discussion was held regarding the opposite side of Sunnyside Road where Eichelberger's junkyard is currently storing junked vehicles. This lot will be offered for public sale at the end of this month. Can this property continue to function as a junkyard as is or will it be required to comply with the new ordinance requirements? Both sides of the road were licensed as junkyards and will probably be able to continue as such.

The Board would like Mr. Poole to draft an ordinance using Silver Lake as a guideline and incorporate Mr. Rebert's suggestions from the other ordinances. Mr. Poole will try to get the draft for the August meeting; if not August, for September.

B. Mr. Rebert presented a draft of the revised Fourth Amendment to the Articles of Agreement with regard to regional police service. The Police Board Budget Committee will be reviewing it at the end of this month.

IX. New Business

A. **Motion** by Luckenbaugh, second by Crawford, to approve the request by Spring Grove Borough for NCT Fire Police to serve at the Borough's September Fest on September 20, 2008, 8 a.m. to dusk. All members voted aye; motion carried.

B. There have been complaints of speeding on Hickory View Drive. **Motion** by Crawford, second by Luckenbaugh, to request a traffic study with regard to speed for Hickory View Drive. All members voted aye; motion carried.

C. **Motion** by Rebert, second by Crawford, to approve the submission of the School District's request form for use of New Salem Elementary for the volleyball program held from November 2008 to May 2009. All members voted aye; motion carried.

D. There has been discussion with regard to lowering the tax collection commission. During the last term of the NCT Tax Collector, the tax commission in dollars has gone from \$10,300 in 2003 to \$26,500 in 2008. A countywide tax reassessment has occurred in that time period as well as two (2) tax increases. In order to change the rate of tax commission, this action would need to be taken before the next election filing period, which usually occurs in mid February. PA Economy League sent notices out reminding municipalities that the only time they can change commission rates is before the next election filing period. They periodically send this notice to all municipalities every four (4) years. Chairman Rebert asked what the normal commission rate is in York County. From the audience Teena Hoy, Tax Collector, gave information comparing the tax collection commission rates from 1997 to the present. She prepared a chart showing what she made per hour over the last eleven (11) years. The former Chairman Lee Hall talked to Mrs. Hoy about the increase in her commission and she agreed that the Township portion is an "unfair amount". She feels that her commission from the school district is an appropriate amount, and that the Township is paying too much for their tax

collector's fees when she is doing the same job for the County, School District and Township. Mrs. Hoy has heard that there was talk of cutting her salary as a tax collector. She vehemently stated that she does not want her salary to be discussed among everyone. She would be satisfied with the Township commission being set at 3%, which is what she makes from the School District. Mrs. Hoy continued to state that she does not want anyone discussing her salary in the public. Mrs. Crawford noted that the State requires the municipalities to examine the tax collector's commission. Solicitor Poole interjected that it makes no difference whether she wants her salary discussed - it is public record. He continued by saying that the information is factual and the Township has to decide what the compensation is and they have to do it before the position is opened up for election. He also pointed out that Mrs. Hoy had just told the Board what some of the other tax collectors make - all you have to do from there is take the assessment numbers and apply them. It comes down to the fact, this is all public record. She reiterated that she is paid too much and is willing to go to 3% commission. The Board will check the other commissions in the County. The Solicitor pointed out that the commission has to be set before February 15th. The ordinance should be advertised by December and adopted no later than January. No action was taken.

E. With regard to the no-smoking policy in the Township buildings or vehicles, should the Township offer an incentive to the employees to encourage them to quit smoking? This could result in reduced insurance rates, as well. The Board members are in favor of the idea; options will be explored and reported at next meeting. Mr. Poole noted that the Township must comply with the regulation by September 11, 2008, post no-smoking signs and not permit smoking indoors, which includes vehicles. He suggested that the prohibition be added to the personnel policy. He mentioned that the local police department has been tasked with enforcement.

F. Mrs. Strausbaugh has been pricing small trucks for the Township. It seems that a small vehicle is needed to attend meetings, etc., rather than take the larger vehicle. Prices range from \$35,000 to \$42,000, for a pickup truck with a crew cab, NOT under the State contract, and without toolboxes, extras, etc. She will pursue it under the State contract. The truck would replace the Township car which is dying a slow death. Get rid of the car. Pull the Rescue Truck from the Fire Company as soon as possible. Mr. Luckenbaugh feels that the Township should use the police budget as a gauge and use an amount equal to 10% of what the Township pays for police service for the purchase of equipment. Chairman Rebert feels that a large dump truck is needed more than a service pickup truck. He is not against buying a small truck, but just feels that the large truck needs to take priority. Mrs. Strausbaugh will get prices and information on both sizes of trucks.

G. Updates to the Township Personnel Policy were discussed. Comp time would be a choice given to the employees. Also, disciplinary actions should not be removed from the employee's folder.

Discussion – comp time would save the Township money, rather than pay overtime. There are two employees who have health issues who could benefit from comp time rather than take days off without pay. This entire issue was *tabled* to allow review of both the comp time and the disciplinary actions.

H. **Motion** by Rebert, second by Crawford, to have the Manager write letters in support of HB#1515 regarding the prevailing wage. All members voted aye; motion carried. Solicitor Poole did get a response from his letters regarding prevailing wage from Senator Mike Waugh's office. The Senator currently has some legislation on the floor in reference to restore prevailing wage as it was before.

I. **Motion** by Crawford, second by Luckenbaugh, to increase the mileage rate to match the IRS Rate of \$.585 per mile beginning on July 1, 2008. All members voted aye; motion carried.

J. From the audience, Scott Zeigler of North Rohrbaugh Road asked if the Township had a yard sale ordinance. Yes, the Township only did away with the permit fees, but the ordinance still stands. The reason

he is asking is that on Seven Valleys Road, at the "Spring", on the weekend, there is a collection of yard sales at that location. Each weekend, it seems to get larger. Cars park on the roadway and it is becoming a real hazard. They have yard sale items, soft pretzels, produce - it's like a flea market. The people aren't even from our area. The Manager reported that she will have the police department check into it. It is unknown who owns the property.

K. Roadmaster Brenneman said that he is getting calls about a dead tree that was struck by lightning on Walters Hatchery Road that is leaning out over the roadway. Mrs. Crawford inquired whose property the tree was on - possibly John Brenneman or Randy Mitzel. He is concerned about it possibly falling into the roadway and causing an accident. It does not appear to be in the road ROW. The Solicitor said that Sect. 2325 of the Second Class Township Code allows you to remove obstructions that are hazardous; however, if you take down trees that are 6" or greater, you have to notify the property owner and that notice has to be established by resolution. Nelson will check who owns the tree and ask them to take it down.

X. **Announcements**

- A. The Rec Board will meet on July 28, 2008, at 7 p.m.
- B. The Planning Commission will meet on July 22, 2008, 7 p.m.
- C. The Board of Supervisors will meet on August 19, 2008, 7 p.m.
- D. The SWRPD Board will meet on August 13, 2008, 7 p.m. at 6115 Thoman Drive.
- E. The Sewer Authority will meet on July 21, 2008, 7 p.m.
- F. There will be no Zoning Hearing Board meeting in July.
- G. The Community Building Committee will meet on July 21, 2008, 7 p.m.

The Board retired to an Executive Session at 10:43 p.m. to discuss a personnel matter. The Board returned to the meeting at 11:05 p.m. **Motion** by Crawford, second by Rebert, that the Manager will take the action deemed necessary as a result of this Executive Session re: personnel. All members voted aye; motion carried.

Motion by Crawford, second by Luckenbaugh, to adjourn. All members voted aye; motion carried. The meeting adjourned at 11:08 p.m.

Respectfully submitted,

Joy Ann Strausbaugh
Secretary