

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 12 citizens.

Mr. Rebert announced that an Executive Session was held on August 12, 2008 at 8:30 a.m. with regard to a personnel matter. **Motion** by Luckenbaugh, second by Crawford, to ratify the action taken on the personnel matter at the Executive Session on August 12, 2008. All members voted aye; motion carried.

I. **Minutes**

No minutes were available for approval at this time.

II. **Treasurer's Report**

A. **Motion** by Luckenbaugh, second by Crawford, to approve the Treasurer's Report for July 2008 as presented. All members voted aye; motion carried. The Treasurer's Report included a Non-Uniform Pension report for January through March 2008, showing a total in both funds of \$505,783.10.

III. **General Public Comment**

A. John Frantz, Vice President of the Codorus Creek Railway Company, was present to request the Township's support of its proposed operations in the Township. York County Commissioners requested that the rail operation proposed be presented to each municipality that it will run through for the purpose of seeking a letter, either in support of the endeavor or making no commitment. The proposal is to run passenger and freight service on the rails that make up the current Heritage Rail Trail that runs from York to New Freedom. CCR needs a lease from the County to use the rails. Mrs. Crawford questioned what municipalities had expressed interest in receiving "road salt" by rail. Mr. Frantz responded that Shrewsbury, Hopewell and Railroad Boro have expressed interest in this service - he was unsure if it was Shrewsbury Boro or Township and if it was Hopewell or North Hopewell Township. Trains would be housed in a York or New Freedom rail yard. In further questioning, Mr. Frantz either had no answer or gave very vague information. The CCR actually does not have track access all the way into York - York Rail owns a piece of necessary track. Tracks will, of course, need to be restored. Mrs. Crawford questioned if the company is willing to post a performance bond to any municipality to ensure that the company follows through on any work that they start.

"No, that's not in our nature." The previous owner/operator of the railroad left the operations abandoned and in a sorry state for the municipalities to clean up. It was noted that no financing has been secured, but the company is applying for grants for funding. It will take about \$1.1 million to restore the tracks to Class I track status. Mrs. Strausbaugh questioned Mr. Frantz about who will be responsible for at grade crossings and crossing signage on a Township road. The Township would.

Mr. Rebert is not in favor of this project going through North Codorus Township, in light of the information that is in front of the Board tonight. He is particularly concerned with the Township's outlay of funds for the crossing upgrades and the responsibility for police and fire service along the tracks. The citizens of NCT should not be responsible for supporting this private endeavor. Mrs. Crawford is flat-out opposed, at the very least because of financing issues that have not been finalized as yet. She feels that the concept is a good one, but this is a "pie in the sky" that is entirely dependent on grant funding with a lot of loose ends to be tied up. This would change the entire use of the Rail Trail and surrounding area.

Bob Nedzel of 5020 Zeiglers Church Road asked about the speed of the trains along the Trail, expressing his concern about intimidation of riders on horseback, how long will sections of the trail be closed for reconstruction of the rails? He is all in favor of rail transit; however, there are many concerns about this project that need to be further addressed. The freight trains can go up to 15 mph. With regard to construction of the tracks, etc., that would likely not begin until January of 2009, when portions of the Rail Trail would be shut down for construction. **Motion** by Crawford, second by Rebert, to recommend that the Township draft a letter to the County Commissioners to outline the Township's concerns with this proposal, with a copy to the Codorus Creek Railway Co. All members voted aye; motion carried. Mr. Luckenbaugh feels that mass transit is the way of the future.

B. Seth Grove of Dover Township and a Spring Grove High School graduate, candidate for the 196th State House position being vacated by Mackereth, was present to introduce himself and become familiar with the municipalities within the District.

C. Robert Rebert of 1223 Krafts Mill Road had some questions about the Ag Security areas on his property. There is some confusion as to which Ag Security area his farm falls under, as his property is actually in two townships. Since he has an appeal filed in court with regard to this issue, he was advised to speak to his attorney.

IV. Police Report and Police Board Report

Officer Linda Duffy gave the Police Report for July 2008. Mr. Rebert gave the Police Board Report for August 2008. He noted that Brandon Nolan is the new officer hired for the department. Budget discussions for 2009 are continuing - the police budget increase started at 10% and has been reduced to about 6%.

V. Fire Report for July 2008

Fire Chief Larry Wildasin gave the monthly report. In other matters, Mr. Wildasin requested an upgrade to the department's cell phone system, which is obsolete and currently not functioning. They have the old stationary type bag phones mounted in two (2) of the vehicles. The firemen are using their personal cell phones to make service calls. Mrs. Strausbaugh suggested that she add the fire department phones to the Township's plan. The Manager has a meeting with a cell phone representative from Verizon set up for Friday, which Mr. Wildasin is more than welcome to attend. Also, Mr. Wildasin reported that Engine 12-2 needs a service maintenance check at a cost of \$930 plus \$28 per hour travel time for the technician. **Motion** by Rebert, second by Luckenbaugh, to have Engine 12-2 serviced as requested at a cost of \$930 plus \$28 per hour travel time, and to secure two (2) cell phones for the Fire Department. All members voted aye; motion carried.

The portable Air Cascade System which refills air bottles on site was discussed. This was originally purchased by the Township. The Chief reports this system is becoming obsolete as two (2) other fire companies have mobile trucks that can respond right to the fire scene to refill bottles with an unlimited supply of air. The new air bottles have about twice the capacity as the old ones; therefore, the system can only fill about half the number of bottles as before. Nashville Fire Company is interested in purchasing the system. The Manager questioned how this company will be able to use the equipment. The Chief did not know.

Mr. Rebert noted that the Rec Board is no longer interested in having the annual Halloween party. The Township is considering putting small treat bags together for distribution by fire and police personnel on Halloween night during Trick or Treat within the Township. Would the Fire Company be interested in participating? The Police Department has responded affirmatively. This would be great public relations for

both departments and a chance to show off the new Rescue Pumper. The new truck could help to light up the areas the children are trick or treating in. Mr. Wildasin will present it to the Fire Company at its next meeting and report back to us.

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

A. Lynwood Phase II-C Final Subdivision Plan #A-03-006 located on Lynwood Drive has submitted their sewage module to the Township. **Motion** by Luckenbaugh, second by Crawford, to approve Resolution #09-08-2008 to amend the Act 537 Plan to include this module and to forward the Lynwood sewage module to DEP for consideration. All members voted aye; motion carried.

B. Dale and Henrietta Myers were present on the Dale W. Myers Final Subdivision Plan #081210 located on Krafts Mill Road and Harmony Lane. They have added the benchmark to the plan as requested. Mr. Hertz noted that the NCT Ordinance requires a replacement area for each of the septic systems. Since all three (3) systems are installed and operating for years, the applicants have not tested for replacement areas. It was noted that because of this, the SEO will not sign the Form B waiver. The Form B's are no longer approved by DEP, they are merely sent in for informational purposes. The Myerses' position is that the septic systems have been working, with regular pumping and proper care, for over thirty (30) years; the applicants are not constructing any buildings on the lots, merely subdividing the rental properties onto their own lots for their children in the future. **Motion** by Luckenbaugh, second by Crawford, to approve the Dale W. Myers Final Subdivision Plan #081210, and to send the Form B waiver to DEP. All members voted aye; motion carried.

The recreation fees are still outstanding. Mrs. Myers noted her dissatisfaction with that requirement as well.

C. Twin Pine Farms, Inc. has requested a waiver Section 165.4.B of the NCT Code, which stipulates the requirement of a land development plan. Twin Pines is applying to put a 384 square foot shed on the property for the purpose of storing their "pit beef and pork cookers" on site. Solicitor Poole directed the Board to look at the definition of land development in Section 165.6.C which exempts out accessory buildings which are subordinate to an existing principal building. If in fact it is an accessory building, then it does not require a land development plan under our ordinance. Luckenbaugh had started an approval motion, which he promptly withdrew upon the Solicitor's advice. **Motion** by Rebert, second by Luckenbaugh, that no waiver is necessary for Twin Pine Farms' request nor is a land development plan needed. All members voted aye; motion carried.

D. Benjamin Strunk from Alpha Technologies Services was present on a waiver request by Cable Holdco Exchange I LLC (Property owner Comcast) to Section 165.4.B of the NCT Code, requiring a land development plan. Solicitor Poole advised that this request is not the same as the Twin Pines request. The applicant is proposing to eventually replace an existing shelter that houses cable transmission equipment with a larger unit. Ultimately the compound will be 60' x 40'. Because of the proximity to the residences, the proposal includes a chain link fence with vinyl strips to hide the facility, as well as vegetative screening. The building will be a pre-manufactured modular facility. The applicant is requesting a waiver of the land development plan because there is an existing driveway and existing power and utility to the facility already on site. There will be barbed wire at the top of the fencing behind the shrubbery and greenage around the building. The fiber optic equipment will be transferred into the new unit, the old shelter will house some of the old analog equipment that cannot be disposed of until February of 2009. It will be kept as a temporary storage facility for about two (2) years, unless it is necessary to remove it immediately. This is not an accessory structure under the ordinance definition, so a waiver would be required, if the Supervisors so deem. **Motion** by Crawford, second by Luckenbaugh, to grant the waiver request of Section 165.4.B by Cable

Holdco/Comcast for the land development requirement. All members voted aye; motion carried.

Nelson Brenneman noted that Comcast should be instructed that they must obtain road occupancy permits for any work they do in the Township. He has not had any luck with their doing this in the past. Mr. Strunk will relay those concerns to the Outside Plant Department of Comcast.

E. Spring Grove Area School District has made a request to withdraw their plan currently on the floor for the expansion of New Salem Elementary School by the inclusion of modular units. After opening bids, the School District has determined the project to be cost prohibitive. **Motion** by Rebert, second by Crawford, to permit Spring Grove Area School District to withdraw Land Development Plan #2070.002 which proposed the addition of modular classroom units at the New Salem Elementary Center. All members voted aye; motion carried.

VII. Administrative Reports

A. Manager's Report

1. October 1st is the deadline to renew the Township's health insurance plan/policy. If any changes are made the signed plan renewal has to be received by the Company on or before September 15th; therefore, the Supervisors will need to have a special meeting to discuss the plan because of time constraints. The broker has offered to come down to explain the choices. Mrs. Crawford pointed out that companies tend to give lower rates for a lesser plan for a year or two, then go back to the higher rates - kind of like the bait and switch theory. The Board members will review the information presented.

2. Mrs. Strausbaugh reported that the Township's health insurance carrier does not cover any stop-smoking efforts. Wellspan offers a three part program with 1 hour sessions at a cost of \$125 each session for instruction in smoking cessation. There are at least four (4) out of nine (9) employees who smoke. **Motion** by Crawford, second by Rebert, to offer the Wellspan program to the Township employees who are interested. All members voted aye; motion carried.

3. Mrs. Strausbaugh noted that the Township recently underwent a Workers Compensation inspection, which was again very positive.

B. Engineer's Report

1. Cornerstone Development has requested a bond reduction of \$8,360.00 for Colonial Crossings Phase I. **Motion** by Rebert, second by Crawford, to approve the bond reduction of \$8,360.00 for Colonial Crossings Phase I. All members voted aye; motion carried. This leaves a remaining security of \$27,888.85 being held for Phase I.

2. The John Shearer Partnership has requested a bond reduction for Phase II in the amount of \$194,643.17 for the work completed on Hoff Road. KPI is recommending a retainage of \$5,500.00, which includes the 10% contingency. **Motion** by Crawford, second by Luckenbaugh, to reduce the John Shearer public improvement security on Phase II by \$188,193.17 for the improvements completed on Hoff Road. All members voted aye; motion carried. This leaves the total remaining public improvement security for the John Shearer Partnership Phases II and III at \$109,789.90.

3. At the pre-construction meeting on the Messersmith Road/Tunnel Hill Road project, Stewart and Tate made it known that there will be a large increase (possibly \$60,454.71) in the cost of materials for the asphalt. The exact amount is not known at this time: a change order will be processed and brought back to the next meeting. The materials were not bid with an escalator; however, there is a loophole in the PennDOT Publication 408 which allows them to adjust the price to the current rates. Greg suggested that Mr. Poole look at this section and give his opinion. The Board agreed. In the process of reviewing this

increase, the Township decided to use the millings they have on hand from sewer construction in the Township, in place of the 2A stone for this job and cut the amount of asphalt back to 2.5" opposed to 3" which will create a substantial savings of approximately \$58,000 of the additional \$60,000. The change order will reflect the increase and the credit for materials used.

4. Mr. Hertz reviewed his Engineer's Report dated August 19, 2008. The GP-11 permit is set to be approved by the end of the week. That will allow KPI to get the PennDOT structural approval and project number underway. The bids for the concrete work on the Ambau Road culvert project were opened on August 15, 2008 at 1:00 p.m. and recorded as follows: Keystruct Construction, \$88,765; Doug Lamb Construction, Inc., \$73,450; and Kinsley Construction, \$57,195.69. **Motion** by Crawford, second by Rebert, to award the contract for the concrete work on the Ambau Road culvert project to the lowest bidder, Kinsley Construction at a cost of \$57,195.69. All members voted aye; motion carried. Nelson Brenneman asked from the audience if it wouldn't be better to go back to a box culvert at this point. The contracts were already awarded on the aluminum arch and the permits were applied for this way. It would be too costly to change at this point. Supervisor Luckenbaugh asked Greg to get him a total projected cost for this project.

Paving is underway on the Messersmith and Tunnel Hill Road project and is scheduled for completion on or about August 20th.

KPI is preparing a surveyed basemap for the rec park addition to the walking trail and parking areas. This is being done to implement application for a grant.

Ambau Road Hazardous Mitigation Grant application and supporting documentation has been submitted. Additional sources of grant funding are being investigated.

5. Mrs. Strausbaugh noted that Darlene Hamme of 1491 Wishing Well Court sent a letter to the Township. There has been an existing stormwater problem on this property, as she indicates for 32 years. The resident feels that the problem has worsened, however, with the sewer construction. Mr. Hertz will look at the site tomorrow and make some recommendations.

C. Solicitor's Report

1. It was noted that preparation of the ordinance for speed limits on Hickory View Drive will be postponed until the study is received for Sunnyside Road, which is being requested tonight. This will be combined and advertised at the same time.

2. The junkyard ordinance was discussed briefly. The Board members will continue to review the draft ordinance that Mr. Poole has provided.

VIII. Old Business

A. Ag Security area notifications were mailed in error on Sewer Authority letterhead, and there were some errors in the notices as well. Should they be re-mailed correctly? Yes. Discussion was held on the procedures for property owners who have property in two different municipalities. **Motion** by Luckenbaugh, second by Crawford, to re-mail the letter on the proper letterhead and correct the errors within. All members voted aye; motion carried.

IX. New Business

A. **Motion** by Rebert, second by Crawford, to request a speed study for Martin/Sunnyside Road from Stoverstown Road to the Township line. All members voted aye; motion carried.

B. **Motion** by Rebert, second by Crawford, to set Trick or Treat night for October 31st, from 6 to 8 p.m. and to discontinue hosting the Halloween Party, replaced by the police/fire departments participating in the

distribution of safety and treat items on Trick or Treat night. All members voted aye; motion carried.

C. Budget meeting dates were set as follows: September 24th, October 15th and October 29th at 3 p.m. These will be duly advertised.

Mr. Brenneman asked about the fire truck that is going to be offered for sale. It would probably be a good idea to switch the tires on one of the dump trucks with the ones on the fire truck. The Board agreed to switch the tires only, not the wheels.

X. **Announcements**

- A. The Rec Board will meet on August 25th at 7 p.m.
- B. The Planning Commission will meet on August 26th at 7 p.m.
- C. The Board of Supervisors will meet on September 16th at 7 p.m.
- D. The SWRPD Board will meet on September 10th at 7 p.m., at 6115 Thoman Drive.
- E. The Sewer Authority will meet on September 15th at 7 p.m.
- F. The Zoning Hearing Board will meet on August 21st at 7 p.m.

Mr. Luckenbaugh wants to test the OLM Ordinance which requires pumping of the septic system in some areas of the Township. His "pumper" said that all properties in North Codorus Township require inspections. In actuality, only eight sections in the Township are required to be inspected, not all areas. He is interested to see if the pumper insists that there be an inspection or not. Mr. Luckenbaugh will report on the results next month.

The Board retired to an Executive Session at 9:18 p.m. Personnel issues will be discussed. The Board returned to Open Session at 9:50 p.m. **Motion** by Crawford, second by Luckenbaugh, that the personnel policy be amended to include a sick policy that will require any personnel off work for two (2) consecutive days shall have a doctor's excuse for a return to work and that Esther Clark shall receive a pay increase of \$.65 per hour upon the receipt of her notary commission. All members voted aye; motion carried. Hearing no further business at hand, **Motion** by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Joy Ann Strausbaugh
Secretary