

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 about 25 citizens.

I. **Minutes**

Motion by Crawford, second by Luckenbaugh, to approve the minutes of the meeting of September 16, 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 September 2008 as presented. All members voted aye; motion carried.

III. **General Public Comment**

A. Lynn Becker was present on behalf of the Spring Grove Ambulance. She noted that expenses for Memorial Hospital will increase next year and that NCT is the Ambulance Club's largest requester for services. Any mailings? Not yet; there was talk of placing membership envelopes in the Township Building for pick up.

B. Tom Ruth was present on behalf of the Glatfelter Memorial Library, requesting funds for 2009. He also requested qualified members to serve on the Board.

IV. **Police Report**

There was no one present to give the Police Report. Mr. Rebert gave a synopsis of the Police Report for September 2008.

V. **Police Board Report**

Mr. Rebert also gave the Police Board Report for October 2008. \$9,200 was donated to SWRPD. Purchased with those funds: 2 Patrol rifles, formal jackets and shirts for each officer, replace laptop computer, golf shirts, long sleeve Tees, motorcycle and bicycle jackets. A police officer will assist with Trick or Treat night on October 31st. He noted that the police budget was cut, but Chief Bean obtained a sizeable grant from the Department of Homeland Security.

VI. **Fire Report**

Fire Chief Marvin Stine gave the report for September 2008. Chairman Rebert commended the Fire Department and the Police Department for handling their duties well and protecting the citizens of the Township.

VII. **Permits, Plans, and Modules**

Mrs. Strausbaugh noted that Aylesbury requested a reduction in their bond today. This has been referred to KPI for review and comment.

A. Doug Stambaugh, Kris and Lisa Dennis, Dan Rodgers, and D.J. Hart were present on the John E. Shearer, Jr., Final Subdivision Plan #081720 located on Martin and Cedar Hill Roads. Mr. Poole stated the

issue still on the table is whether the 5.9 acre tract owned by Kris and Lisa Dennis is, in fact, a qualified agricultural primary use. Mr. Rodgers wrote a letter to the Township on October 7th and Mr. Poole is ready to comment on that whenever the Board is ready. Mr. Poole added that if the Dennis tract is deemed an agricultural use, the 25% allowed to be subdivided and attached to it would not apply, as it would qualify as agricultural to agricultural. If the Dennis tract is not deemed an agricultural primary use, the Shearer property could only subdivide 25% or seven (7) acres, not the ten (10) acres being proposed. Mrs. Dennis noted that a house is permitted on a farm tract, per the PA Farm Bureau. Mr. Hart feels that the definition allows the use to be agricultural. Mr. Poole intervened, defining a farm lot as having agriculture as its primary use and allowing a dwelling or accessory uses related to the farm on it, and a non-farm lot as a parcel containing one principal use and agricultural activities may be carried on. Mrs. Crawford asked of the Dennises if the only problem with complying with the 7.25 acres allowed by the Ordinance was the same as in Mr. Rodgers letter, the substantial rollback taxes involved. Mrs. Dennis very adamantly answered that "No, it's because we want to purchase that now so that your sister and brother-in-law don't get it." Mrs. Dennis continued on with her comments that Mrs. Crawford is not an impartial Board member for this case, as her family members are neighbors to the Dennises and have an interest in this land. Mr. Poole questioned D.J. Hart who he represents and suggested that he do the talking, to which Mrs. Dennis very angrily replied that she can speak for herself. Mr. Hart continued on by addressing the Ethics Act and Mrs. Crawford's impartiality. Mrs. Crawford very firmly stated that if this parcel met the 7.25 acres allowed by the Ordinance, she would sign this plan tonight. Mrs. Crawford reiterated that she believes the issue is clearly the rollback taxes as indicated in Mr. Rodgers letter and she does not believe the Township should overlook the integrity of the Ordinance to assure that no one has to pay the rollback tax. Doug Stambaugh referred to a previous plan by Kenny and Donald Myers add-on tract from the Smith property on Waltersdorff Road. The transfer in that case was more than the 20% permitted because the Board deemed this a transfer from one agricultural tract to another. Mrs. Dennis noted that she called the Farm Bureau, who defined a farm as any agricultural tract that produces more than \$1000 in sale of crops: the farmer who farms their land made over \$2000 this year from their crop (hay this year), which meets the requirement of \$1,000. Mr. Poole pointed out that the property in question has to meet the definitions of our Ordinance. Mr. Poole inquired of D.J. Hart if the applicant had considered taking this to the ZHB for interpretation. Mr. Hart said they are asking this Board to make a decision. This is a zoning issue and a subdivision denial appeal will be a lot more difficult. Mrs. Dennis stated that they are doing what the NCT Zoning Officer told them to do. Mr. Rebert feels that the subdivision exceeds the 25% requirement that was established many years ago in an Ordinance that he helped to develop and he is going to stick with that. He also noted that he took offense to Mr. Rodgers's letter and the assertion that NCT's ordinances should be the same as those in Jackson and Manheim Townships. This Township has their rules and regulations that our citizens helped in preparing. (Mr. Rodgers apologized.) Mr. Poole feels that this matter should be before the Zoning Hearing Board as this is an interpretation of a zoning issue.

After the applicants met privately, Mr. Poole informed the applicants for the record that he feels that it is his duty to tell them that they should be taking their request to the ZHB. Mr. Hart requested that the Board *table* this matter to enable the applicants to apply to the Zoning Hearing Board on this matter. The Board members agreed with no formal motion.

B. Kim DeGroft and Doug Stambaugh were present on the St. Peter's Lischey's UCC L/D Plan #052470 located on Lischey's Church Road. Mr. Luckenbaugh stepped down from the Board due to a conflict of interest in this case as he is a church member. **Motion** by Crawford, second by Rebert, to approve Resolution #10-10-2008, to amend the Act 537 Plan for inclusion of St. Peter's Lischey's UCC Sewage Module

and to forward the module to DEP. Two members voted aye; Luckenbaugh abstained. Motion carried.

C. Brian Sterner, David Koratich and Dan Creep of Land Survey Consultants and Joe Darrah were present on the Eichelberger's U-Pull-It L/D Plan #2008.0271.00 located on Sunnyside Road. The applicant has requested waivers to the following Sections: (1) Section 165-32, hydro-geological study; (2) Section 165-53, traffic impact study; (3) Section 165-29, preliminary plan; (4) Section 165-29.D.6, location of existing features within 400'; (5) Section 165-54, environmental impact assessment report; (6) Section 158.9.C.11, requiring considering 50% of impervious area as existing pre-development condition. Mr. Creep noted that the applicants are requesting waivers to item #'s 2, 4, and 6 only, as the NCT PC advised that waivers 1, 3, and 5 are unnecessary. He requested that the Board act on the waiver requests as well as the plan tonight. Mr. Poole pointed out that the PC is an advisory board only - the Supervisors would need to make that determination. Does the Board agree that waivers 1, 3, and 5 are not necessary?

Mr. Darrah noted that the new site in question (across the road from the existing yard) will be used as a "holding" area of sorts, where vehicles will be held until the title work clears. Will there be tow truck traffic at all hours of the night? No; this yard area is for holding vehicles that the business purchases for Eichelberger's but for which paperwork has not been completed.

Mr. Rebert would like to see that the traffic impact study be done. Mr. Rebert lives on Sunnyside Road and the utility pole in front of his neighbor's house has been hit several times either by Eichelberger's trucks or other trucks. Areas of the banks have been worn down by the trucks. School buses have had to back up to make room for the Eichelberger trucks. Wear and tear on the road is also a matter of concern. Mr. Rebert has received complaints from area residents concerning the traffic and parking issues at the yard. Mr. Rebert would like to see the traffic directed to one side of the road or another, not both. The suggestion was made to enlarge the existing parking area to accommodate the increased parking requirements. Mr. Darrah pointed out that the parking existed at the yard prior to his purchase of the property. The issues at the corner are not all on behalf of this business. Darrah has actually sent his equipment up to that intersection to dislodge trucks and vehicles not pertaining to the yard. He is concerned with the safety here as well. Mr. Sterner noted that he has requested a speed reduction from the County to protect pedestrians and business people alike. He also noted that Mr. Darrah has placed cautionary signs on the property. Sterner is asking what a traffic impact study will tell you that the County study will not? The County will point out what signage is necessary and where it should be located. He was not permitted to put up signs to "slow down" because that signage must come from the Township. How about putting the parking at the end of the existing lot near Fire Hall Road? There is a stream to deal with and a fifty foot (50') isolation distance from it. Mr. Koratich asked how much traffic one home will create? It was pointed out that the site will eventually create a parking lot. Mr. Sterner noted that on Saturdays when the lot is busiest, Mr. Darrah has designated an employee to direct traffic to help with safety issues. Mr. Sterner isn't sure what a traffic impact study will really accomplish - how would it designate a remedy for the situation. If a wider road would be called for, there is no room. He also noted that the cars heading to and from Spring Grove just fly through this area. Traffic needs to be slowed down. How about a pedestrian crosswalk with an obstacle (sign) in the road? The road is not really wide enough to handle this type of solution. There has to be a satisfactory solution to this problem. Mr. Darrah is willing to meet with the Supervisors for an on-site inspection to take a look at the area. Mrs. Strausbaugh noted that Mr. Darrah has responded positively to any concerns and requests that the Township has made, which is most appreciated. Mr. Darrah certainly wants to continue to work with the Township to remedy this situation.

The Board of Supervisors feel that waivers are not required for 1, 3, and 5, as those issues have been satisfied. **Motion** by Crawford, second by Rebert, to grant the waivers for Section 165-29.D6, existing

features; Section 158.9.C.11, considering 50% impervious area as existing pre-development condition; and to table any action on waiver request 2 (Section 165-53, traffic impact study), pending the on-site inspection, noting that waivers are not necessary for 1, 3, and 5. All members voted aye; motion carried. The applicant reiterated an earlier point that they would rather give money to the Township in lieu of doing the traffic study that could be used for roads and signage - wouldn't that be money better spent?

VIII. Administrative Reports

A. Manager's Report

1. Mrs. Strausbaugh noted that the Township received PURTA funds for the tax year 2007 in the amount of \$1981.27.

2. Glatfelter has made application for a GP-4 Permit (intake and outfall structures permit). Structures designated for improvement are at Hershey Road and at Route 116 and Rockery Road.

3. The Liquid Fuels allocations are projected by PennDOT to be down by \$7,800 for 2009. The estimated figure for 2009 is \$235,119.83. This figure is important because not only have the funds decreased, but the additional mileage for Colonial Crossings is also included this year.

4. The Jeffrey S. Kauffman property at 4793 Bentz Road is accepted into the Ag Security area by default. This is 37.67 acres of land. The 180 day period ended 9/14/08.

B. Engineer's Report

1. Mr. Hertz reported that the Ambau Road Culvert project will begin in 2009. The Township will continue to monitor the situation and will investigate "plating" the road with steel plates to help distribute wheel loadings. We are also looking at limiting weight on this road temporarily. The Manager has contacted the School District transportation department to advise them of the situation and to give them time to put a contingency bus route in place, should the culvert "blow out" suddenly.

2. The Joseph Road (Kinsley) Residential Development Plan was to have been ready for review by the NCT PC on September 23rd; however, Mr. Hertz is uncertain of the status of the plan.

3. The Messersmith and Tunnel Hill Road improvement projects have been completed. There is a stormwater issue near Route 616 and Tunnel Hill Road that is still pending, water going back a driveway into a garage. This problem existed prior to the project, but has about tripled due to the project.

There was an issue with a new vehicle being damaged when it traveled over Messersmith Road during the reconstruction period. One of the contractors was to have been in charge of traffic control to prevent this from happening. The Township and Mr. Hertz feel that this damage is the contractor's (Recon's) responsibility. They were supposed to either close the road or maintain it in a passable, safe condition. The owner of the vehicle is not pursuing it further with her insurance at this time, as the amount of the damage is under their deductible. It was noted that this job site was not posted properly on that day. Supervisor Crawford noted this fact as well as the Manager and Road Crew. The Township's Workers Compensation carrier noted the same thing, on a different day, same project. Greg agreed the signage was very poor during the whole project. Mr. Hertz talked to Harry Brose from Stewart and Tate, who indicated that the driver was probably going too fast for conditions, basically he is not interested in the claim. Mrs. Crawford noted that the Township worked in a positive manner with RECON on the prevailing wage issue - this should be taken care of. The Supervisors asked Solicitor Poole to correspond with KPI and write a very "strong" letter to both contractors to take care of the problem to the satisfaction of the car owner.

4. The Ambau Road Hazard Mitigation Grant has been submitted; the Township is awaiting the decision.

5. The stormwater inlet box at Hoff and Green Valley Roads was elevated for proper stormwater flow capture. No contact from the developer.

6. A letter was sent to the Bartenfelder family with no response yet.

C. Solicitor's Report

1. Mr. Poole reminded the Board that the Open Records Policy will take effect in January 2009. The State is to be providing guidelines, forms, and procedures for this new policy, but no information is available just yet. Mr. Poole will keep checking the Commonwealth's website. The Township must appoint an Open Records Officer and make several other decisions. He will keep us posted.

2. The health insurance resolution will be addressed at the Executive Session following this meeting.

3. The refuse rates and fees for collection need to be amended. Mrs. Crawford provided a sample resolution. It was noted that the Township is spending a fair amount of money in processing delinquent claims and collecting past due refuse fees. Mr. Rebert suggested that the rate for collection be amended to \$200 annually to cover the costs of administration more adequately. Mr. Poole will prepare a resolution to state that the fee will be \$200 with the \$10 rebate for annual payment. It was also suggested to include any increases from the hauler.

From the audience, Rodney Shearer stated that the Manager advised the previous Board that the administrative costs covered most of one person's salary in the office. Interest on the annual payments used to pay for a lot of that administration before interest dropped so severely. The economy has caused a lot of delinquency problems. He feels that he and others who pay their bill timely are having to pay an extra \$10 because of the people who don't pay their collection fees. How about having the refuse carrier do the billing and collection? Mrs. Strausbaugh will check with the carrier and report back with some cost comparisons.

IX. Old Business

A. The personnel issues will be discussed at the Executive Session.

B. Mrs. Strausbaugh reported that there is a correction to last month's approval of the Workers Comp contribution for Tri-Community Ambulance to Seven Valleys Borough. The amount changed from \$802.60 to \$431.00. Seven Valleys made an error in calculation and sent a refund.

C. **Motion** by Rebert, second by Crawford, to rescind the April 15th motion and not seek to retrieve the \$28,000.00 2007 year end funds from SWRPD, not choosing to deduct it from a payment, and to put Article 4 in place by the end of the year. Two members voted aye; Luckenbaugh opposed.

Mr. Rebert reported that one change to Article 4 will be made regarding the Capital Purchase Fund. The funds will not come out of the end of the year balance; instead, the money will begin as a line item in the budget every year and will be put into the Capital Purchase Fund to give more control over what goes into that fund.

X. New Business

A. **Motion** by Luckenbaugh, second by Crawford, to approve payment of the 2008 Non-Uniform Pension MMO of \$61,588.77 to Standard Insurance Company and to approve payment of the 2008 Uniform Pension Funds of \$41,667 to SWRPD; and to approve the payment of the 2008 Fire Relief Funds to the NCT Volunteer Fire Relief Fund in the amount of \$57,091.54, sending the bill for \$11,701.69 to the Relief Association for their share of the fire truck payment for 2008, along with the Fire Relief funds. All members voted aye; motion carried.

B. **Motion** by Luckenbaugh, second by Rebert, to approve the attendance of the NCT Fire Company and Fire Police at the Justice for Peighton Fundraiser at 1818 Hoke Road on Saturday, October 18, 2008 for 2:00 p.m. to midnight. Two members voted aye; Crawford opposed. Motion carried.

C. **Motion** by Luckenbaugh, second by Crawford, to approve the purchase of Non-Uniform Annuities for Previously Retired Employees at a cost of \$155,000.00, and the balance of the pension funds being held by Principal Financial Group to be transferred to Standard Insurance Company. All members voted aye; motion carried.

D. The Board decided not to authorize attendance at the LGAC gathering on October 30th due to the cost and meeting content.

E. **Motion** by Crawford, second by Luckenbaugh, to approve the SPCA contract for 2009 at a cost of \$3,958 annually, noting that there is no competition, and to approve the Hemler Animal Control Contract for 2009. It was suggested that the Township indicate their displeasure when submitting the check to SPCA.

Discussion followed on the SPCA contract. The cost has tripled and almost quadrupled for 2009. Is all of this cost necessary and are there any other options? In order for the residents of NCT to be able to take animals to the SPCA, the Township has to participate with the contract. There is no other shelter available at this point in time. Supervisor Crawford indicated that there is another option available to the SPCA in the way that they are charging. This figure was arrived at by \$.50 per capita. Their other option is to have no contract and charge \$20 per animal, not the per capita method. The Manager pointed out that the second option would make a very large difference in the fee to NCT as we have few animals submitted. The question is, do they need to quadruple their budget. The Director of the SPCA has not returned two (2) calls to Mrs. Crawford. Is the SPCA going to start reporting the statistics to us? Susquehanna Animal Shelter did a quarterly report to each municipality that they served. The municipal managers group took a stand against some of the SPCA practices a few years ago, formed a board and found a property for Susquehanna Animal Shelter and actually found funding to get them on their feet to settle these same issues. The new standards from the Department of Agriculture put Susquehanna out of business. They could not absorb the kind of expense necessary to follow the new guidelines. There is no need to pay the contract yet - the funds are not due until March 31, 2009. The Manager pointed out that between the contract last year and the allocation/donation for 2008, we gave the SPCA considerable funds, probably within \$500 to \$1000 of this figure requested this year. It was decided to hold off on the SPCA contract. **Motion rescinded.** **Motion** by Crawford, second by Luckenbaugh, to approve the Hemler Animal Control Contract for 2009. All members voted aye; motion carried.

Mrs. Strausbaugh was directed to send a letter to the SPCA indicating the Township's displeasure with the rate/arrangement, and suggesting that the contract be for \$20 per animal and Mrs. Crawford will continue to attempt to contact Melissa Smith at the SPCA.

XI. Announcements

- A. The Rec Board will meet on October 27th at 7 p.m.
- B. The Planning Commission will meet on October 28th at 7 p.m.
- C. The Board of Supervisors will meet on November 18th at 7 p.m.
- D. The SWRPD Board will meet on November 12th at 7 p.m. at 6115 Thoman Drive.
- E. The Sewer Authority will meet on November 17th at 7 p.m.
- F. No Zoning Hearing Board meeting in October.
- G. Trick or Treat night is set for October 31st from 6 to 8 p.m.

The Board retired to an Executive Session at 9:32 p.m. with possible action to be taken at its end. The Board returned from Executive Session at 10:20 p.m. **Motion** by Crawford, second by Luckenbaugh to approve Resolution #11-10-2008 which rescinds Resolution #11-8-93 and Resolution #16-11-01 addressing the discontinuation of health insurance to qualified non-uniformed retirees of the Township from this point forward. All members voted aye; motion carried. **Motion** by Rebert, second by Crawford to change the Personnel Policy to read that disciplinary actions will be a permanent part of the employee file and will no longer be pulled on a two (2) year basis. Two members voted aye, Luckenbaugh opposed; motion carried.

Motion by Luckenbaugh, second by Rebert to offer compensatory time to all employees, with the stipulation that the employee cannot accrue more than forty (40) hours of comp time at any time, and must be utilized within the same year that it is earned or paid out within that year. All members voted aye; motion carried.

Motion by Crawford, second by Luckenbaugh, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:31 p.m.

Respectfully submitted,

Joy Ann Strausbaugh
Secretary