

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 approximately 25 citizens.

I. **Minutes**

Motion by Crawford, second by Luckenbaugh, to approve the minutes of the meeting of October 21, 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 October 2008 as presented. All members voted aye; motion carried.

III. **General Public Comment**

A. Pat Watson of 4067 Woodcliff Circle owns a property at 1479 Seven Valleys Road, which sits at the corner of Seven Valleys Road and Tunnel Hill Road. There is a beauty shop in the lower level (this originally was approved as a Special Exception in 2002 by the ZHB for a craft shop) and her daughter lives in the apartment above. She has concerns about excessive stormwater runoff from the newly paved Tunnel Hill Road. Her main concern is with ice build up in the parking lot with the winter weather approaching. The direction of the stormwater has changed, running onto her property. She spoke with Nelson Brenneman about the problem and he suggested she come to the Board meeting tonight. The Township installed a small diversion berm on the driveway across from this site for the same issues. Mr. Hertz looked at the site, no final recommendation was made. At the Special Exception hearing, the ZHB stipulated that customers must exit the back of the property onto Tunnel Hill Road. Mrs. Watson stated there was always a small puddle at the location, but now it is quite a problem. Mr. Hertz noted that there is a crown in the roadway: the water used to pass by this property but because of the elevation change in the roadway, it now enters the property. The neighbor on the opposite side of the road also has a problem. The next time it rains, Mrs. Watson will take some photos of the site, Nelson may already have some. Mr. Hertz and Mr. Brenneman will go out to visit the site when it is raining - Mrs. Watson would like to be present. She requested a copy of the minutes from this meeting, which she may indeed have after their approval next month.

B. Rodney Shearer of 5244 Shearer Lane had comments about the Board's decision to allow the SWRPD to keep the 10% overage from the 2007 budget. In 2006, the SWRPD Budget was too high and NCT only passed four (4) months of the budget, leaving the 2005 budget in place for the balance of the year. Chief Bean went on record with a letter stating that two (2) officers would have to be laid off, no raises for Chief and Velda, no part time clerk, all services would have to be cut in half. At the end of the year, none of those things happened and they had a surplus of \$150,000. 2006 was a rough year for the NCT Supervisors as they stood their ground with regard to this issue, now this Board just threw all that away. On top of that, this Board is now going further and changing all of the Third Amendment: he wants to go on record saying that this is a very poor solution and this Board needs to look at the situation further.

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

A. Sgt. Jack Greene gave the Police Report for October 2008. He noted with some satisfaction that

Halloween was a quiet event this year, and the bags that the Township provided for the police to hand out was a real success and he hopes that we do it again next year.

Rodney Shearer questioned how the new regulations on width of farm equipment allowed on the roadway can be gotten out to the farmers. Sgt. Greene responded that the PD could put some information together and send that out. Shearer responded that he thinks the farm community needs to be made aware of this information. The farmers he has talked to were unaware that they are not permitted to drive or haul equipment on the roadways after sunset. There was some discussion as to who knows this information and how to inform the public. Supervisor Crawford pointed out that this issue is covered under the PA Motor Vehicle Code. Mr. Rebert noted that he is awaiting a call from Representative Waugh's office on this matter. Shearer feels the Township should clarify this matter and inform the NCT farmers. Rebert suggested putting something in the next newsletter. It is about ready to go to the printer.

B. Mr. Rebert gave the Police Board Report for November 2008. SWRPD arranged the traffic control for the funeral of fallen Officer David Tome on October 24th and 25th, and did an excellent job in a difficult situation under extreme weather conditions. The new 911 radio system is up and functioning on the County level as of Nov. 6th. The Hanover Exchange Club recognizes outstanding officers and this year Sgt. Lisa Layden was nominated as Officer of the Year.

V. Fire Company Report

Fire Chief Larry Wildasin gave the Fire Report for October 2008. The letters of thanks that the Township Manager sent to members of the fire department who participated in Halloween Trick or Treat night were much appreciated. The scheduled activation date for fire companies to go live with their new portable radios has come and gone with no success. No new date set for activation - it was put on hold indefinitely. The fire fighters are not very pleased with the digital pagers as there is no longer verbal pages, everything has to be read, which makes nighttime dispatch very difficult. The transition is becoming cumbersome. There are good and bad points to the new system. The portable reception has increased remarkably, which is a real plus, but the digital pages are time consuming at night - get up, turn on lights, find glasses, etc. Mr. Rebert specifically thanked the members of the fire department, police department, Township staff and local businesses who worked so hard to make the Trick or Treat night a success. It turned out to be a very good public relations night with the community and about three hundred (300) kids were reached by doing it this way. It was very well received by the residents of the community and Mr. Rebert would like to see it continue.

VI. Permits, Plans, and Modules

A. Dan Creep and David Koratich from LSC Design, Brian Sterner and Joe Darrah were present on the Eichelberger's U-Pull-It L/D Plan #2008.0271.00 located on Sunnyside Road. Mr. Creep noted that the plans have been revised to reflect the changes that were requested at the October 21st BOS meeting, namely two flashing warning signs and painting road edge definition striping. Mrs. Crawford thanked the developer for meeting with the Supervisors on site to discuss the traffic issues and for taking the initiative to have Southern Regional Police place their traffic detection device to measure various traffic aspects. It was of surprise to her that an average of twenty-three (23) vehicles pass there every fifteen (15) minutes.

Motion by Crawford, second by Luckenbaugh, to approve the waiver of Section 165-53 of the NCT Code requiring a traffic impact study, provided that Mr. Darrah continues to work to a satisfactory resolution of the traffic issues. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to approve the Eichelberger U-Pull-It L/D Plan

#2008.0271.00 located on Sunnyside Road. All members voted aye; motion carried.

B. Greg and Laurie Hess were present on the Gregory and Laurie Hess Final S/D Plan #E-5484 located on Waltersdorff Road. This plan has satisfied all of the comments except for payment of the rec fee of \$1500. **Motion** by Rebert, second by Crawford, to approve the Final S/D Plan #E-5484 of Gregory and Laurie Hess on Waltersdorff Road, subject to payment of the \$1500 rec fee. All members voted aye; motion carried. Mr. Hess presented a check for the \$1500 rec fee.

C. Matthew Burtner, on behalf of Shentel, was present on the Merle and Phyllis Myers/Shentel Final L/D Plan #PA 32014/08032850 located on Myers Road. The applicant has made the requested change to the plan with regard to the note on maximum lot coverage allowed on Sheet Z-1. Mrs. Strausbaugh noted that previous cell tower plans have been required to post a letter of credit or bond in the amount of \$75,000 to cover the possible future demolition of the cell tower. Solicitor Poole confirmed that.

Motion by Luckenbaugh, second by Crawford, to approve the Final L/D Plan #PA 32014/08032850 of Merle and Phyllis Myers/Shentel on Myers Road, subject to a \$75,000.00 bond being posted with renewal language approved by the Township Solicitor. All members voted aye; motion carried.

D. Patty Fisher of James R. Holley and Associates, Matthew Kessler and Robert Linker were present on behalf of the Matthew and Candy Kessler Final S/D Plan #080907 located on Stoverstown Road. This is a 3-lot subdivision of 49.72 acres bisected by Stoverstown Road. The Kesslers would like to subdivide off the portion of the lot south of Stoverstown Road. The neighboring property owners, the Linkers, whose property is now landlocked would like to purchase the acreage to bring their lot into conformity for road frontage requirements. Ms. Fisher noted that the plan will be done in two (2) stages as the Kessler property is in the Clean and Green Program, which permits one 2-acre subdivision transfer per calendar year. The plan is to subdivide the property (two parcels) at this time, to transfer one lot in 2008 and the other in 2009. Discussion was held as to the logistics of this proposal. The plan is not showing lightning strikes that will attach them to the Linker property, as that will happen in two (2) different years. Solicitor Poole questioned if the plan said anywhere that the lots are to be adjoined to the Linker lot. Poole also raised the issue that using this method would allow the property owners to sell them off individually to anyone. Mrs. Strausbaugh raised the issue that the Township did a very similar subdivision several years ago and it actually had to be done as two (2) subdivisions. Ms. Fisher said that the Tax Assessment Office gave approval for this process. Will the Clean and Green office look at this as the transfer of one lot larger than two acres? If so, will there be an assessment of back taxes on the entire parcel? The concern is that showing both the lots on the same subdivision would certainly make it look like one lot, larger than two (2) acres.

Matt Kessler, the owner of the property, stated that he is okay with this proposal; however, he has not talked to anyone in the Clean and Green Program recently. He wants to be very sure that he is not assessed any back taxes. Kessler stated if there are any rollback taxes, they will need to be paid by the Linkers. The purchaser of the two (2) lots, Robert Linker, was also present. He echoed Ms. Fisher's information that the Assessment Office gave approval of this procedure.

Question was raised why a Sewage Module was not prepared. The Manager pointed out that a hydro-geological study is also required under the LD/SD Ordinance. Ms. Fisher stated that Jay Little, the Township Zoning Officer advised her that she did not need to do the Sewage Module or the hydro study. Ms. Fisher stated that she showed the perks on the plan and was fully aware of the hydro study. Mr. Little, at the In-House Review, told Ms. Fisher to take the probes off of the plan, have it approved as agricultural and submit a Form B Waiver. The Linkers intend to build on the lot, you cannot do that with a Form B Waiver, Solicitor Poole pointed out. Ms. Fisher stated that the applicant was not going to be building on Lot 1 or Lot 2

individually, it would not be a building lot until they combine the three (3) parcels. The Manager added that there is nothing to prevent someone from building on either of these intended parcels, they meet the qualifications of a building lot. The Solicitor pointed out that the Township would be creating a lot of "what ifs" to approve the plan the way it is presented. Supervisor Crawford was not in favor of approving the plan in this fashion - too much of the Ordinance is being circumvented. Ms. Fisher is concerned about the time frame to permit the applicants to subdivide one lot in 2008. She did the plan to meet the Ordinance and Mr. Little said "No, do it this way". Ms. Fisher stated that Mr. Little was very forceful about handling the plan this way. Mr. Linker would like to begin building a house on this lot in the spring of 2009. Mrs. Crawford apologized for the erroneous information she was given by Mr. Little. There are just too many corners being cut here. The Manager pointed out that this applicant has not signed the time limitation waivers for review or for use of the rec fees. Ms. Fisher asked about the rec fees. Mrs. Crawford stated there would be two (2) rec fees owing.

Motion by Crawford, second by Rebert, to *table* this plan until the December meeting. Solicitor Poole suggested moving the lot line for the proposed subdivision to configure the lots so that Mr. Linker can do what he wishes to do on his original timetable? Ms. Fisher will look at the suggestion. Vote: All members voted aye; motion carried. The applicants signed the waivers of time limitations.

E. Jerry Stahlman was present on the Lynwood Phase IIC Final S/D Plan #A-03-006 located on Lynwood Drive. The time extension for this plan expires today. Since DEP denied the Sewage Planning Module, Mr. Stahlman is here to request another time extension. Mr. Stahlman proposes to resubmit the plan to DEP, per the request of Mark Siguoin of DEP. Mr. Stahlman would re-submit the plan to DEP for the ten (10) lots and submit the remaining fourteen (14) lots at a later date. **Motion** by Rebert, second by Crawford, to grant an extension of time until April 21, 2009, to accomplish the above steps on the Lynwood Phase II-C Plan. All members voted aye; motion carried.

VII. Administrative Reports

A. Manager's Report

1. Mrs. Strausbaugh reported that she received a letter and phone call from Atty. Susan Smith requesting a meeting with the Board of Supervisors with regard to the Colonial Crossings development, specifically the sixty (60) units yet to be built. Mr. Poole also received a phone call from Ms. Smith. She informed the Solicitor that it is very unlikely that the PUC is going to allow this development's sewage to be transferred to the NCT Sewer Authority. From the audience, Nelson Brenneman questioned whether the plant at Colonial Crossings had been approved as a temporary plant. Crawford stated that their NPDES permit is good until the year 2010. The Manager stated that the CC Phase IV plan was conditionally approved with connection to the public sewer. The developer is now trying to classify their current WTP as "public". The CC plant was only approved for 340 EDU's which are currently connected. It is very baffling how this developer can now just arbitrarily re-rate this plant at their whim. The issue that the PUC is seeing is that CMV Sewage Company, who operates this plant, have tied this plant together with Chanceford Manor. The PUC is saying that cutting out the CC plant will affect the Chanceford Manor rates, and will not allow the CC plant to dismantle and hook up to the NCT WWTP. Brenneman thought that the CC plant was only given temporary permitting until the NCT plant was up and operable. Crawford clarified that the plant was permitted to 2010, not on a temporary basis. The agreement to connect to NCTSA was only done through an agreement between the Township and the developer. A meeting will be set up between the applicants, the Sewer Authority and their attorney, the Township Engineers, Township Solicitor, and the Board of Supervisors to try

to come to an understanding in this matter.

B. Engineer's Report

1. Per PennDOT, Ambau Road may be posted with a weight limit on an interim basis without a formal traffic study for purposes of reducing traffic loads only, not issue citations.

2. No new progress on the Residential Development along Joseph Road project.

3. **Motion** by Rebert, second by Crawford, to approve Change Order #1 to the 2008-09 Materials Contract with York Building Products for a reduction in the amount of \$13,270.78 for the materials not needed on Messersmith and Tunnel Hill Road improvements. All members voted aye; motion carried.

4. Hoff and Panther Hill Improvements (John Shearer S/D Plan) – Mr. Hertz and Mr. Brenneman met with the developer on site concerning erosion problems around two inlet grates and siltation associated with farming practices on Lot #6. The developer has agreed to comply with the YCCD's recommendations.

C. Solicitor's Report

1. Mr. Poole reported on the tax assessment appeal for Franklin Holding Company, the PHG Warehouse at the Roundwood Processing Facility. The BOS had approved the Solicitor's attendance; however, after discussing the situation with the Manager, the taxes on the amount of the appeal request would barely cover the legal fees. He advises the Township to just sit tight and see if the School District wins its appeal, which will affect all of us.

2. The newly opened Open Records Office still has not posted the necessary forms and information to their website. Mr. Poole is still working on this project, modifying the few forms that they have posted. Since the deadline for adoption is drawing near, Mr. Poole will work with policies and forms that have already been prepared by PSATS and PELRAS and modify them for the municipalities that he represents; however, the fees have to be set by the State, so we will have to wait for them. He is recommending that the Township appoint an Open Records Officer and an alternate. Esther R. Clark is being appointed the Open Records Officer and Sharon M. Kerchner will be the Alternate.

3. Mr. Poole submitted a draft of an Ordinance to amend the refuse rates and fees for collection. The Board members will review it and reply to Mr. Poole.

4. **Motion** by Crawford, second by Rebert, to authorize Mr. Poole to prepare the Tax Resolution for 2009 and Repeal the Street Light Tax. All members voted aye; motion carried.

VIII. **Old Business**

A. **Motion** by Crawford, second by Luckenbaugh, to approve the use of Fire Police at the funeral of Officer David Tome on October 24th and 25th, 2008. All members voted aye; motion carried.

B. The SPCA Contract for 2009 was discussed. Supervisor Crawford had spoken with the SPCA Director and if the municipality does not approve the contract, no animals will be accepted from NCT. Senator Waugh's office said they were not aware that the SPCA had chosen the per capita option for payment - there are other payment options available. **Motion** by Rebert, second by Crawford, to approve the SPCA Contract for 2009 at a cost of \$3,958. All members voted aye; motion carried.

IX. **New Business**

A. **Motion** by Crawford, second by Rebert, to decline the request by the Rail Trail for a \$500.00 contribution. All members voted aye; motion carried.

B. The 2009 Budget was presented. Mrs. Strausbaugh reviewed the changes that were made. It was

noted that there is no tax increase proposed for 2009. There will be a rebate of \$15 for persons paying their refuse bill in full at the beginning of the contract year (on or before July 1), the refuse rate to increase to \$200 annually.

Motion by Rebert, second by Crawford, to approve the proposed 2009 Budget and to authorize its advertisement as required by law and approve laying the Budget open for inspection. All members voted aye; motion carried.

C. **Motion** by Luckenbaugh, second by Crawford, to approve the purchase of a 2009 International Model 7400 dump truck for \$123,547.00. All members voted aye; motion carried.

Mr. Luckenbaugh feels that properties that are included in the Ag Security program should be documented by a Resolution and/or inclusion in the meeting minutes to prove that the property is in the program. It might not be necessary but it is probably a good idea. Solicitor Poole stated that the purpose of taking no action for one hundred eighty (180) days is that it automatically goes into the Ag Security Area by default. Mr. Luckenbaugh is concerned that the Dept. Of Agriculture and the County Land Preservation agencies be made aware of this addition to the NCT Ag Security Area. Solicitor Poole is asking what Mr. Luckenbaugh wants a resolution to say, "that this parcel is in the NCT Ag Security Area?" It really does not matter what it would say, because the parcel is already in!

Motion by Crawford, second by Rebert, to authorize the Solicitor to draft a statement that he deems suitable, signed by the Chairman of the Board of Supervisors, to record at the Court House for the addition of the Kauffman property into the NCT Ag Security area. All members voted aye; motion carried.

X. **Announcements**

- A. There will be no Rec Board meeting in November.
- B. The Planning Commission will meet on November 25th at 7 p.m.
- C. The Board of Supervisors will meet on December 16th at 7 p.m.
- D. The SWRPD Board will meet on December 10th at 7 p.m., at 6115 Thoman Drive.
- E. The Sewer Authority will meet on December 15 at 7 p.m.
- F. There will be no Zoning Hearing Board in November.

From the audience, Scott Zeigler of North Rohrbaugh Road asked for clarification on the continued operating "in the red" that is shown in the budget. The Manager clarified that the Expenditures exceed the Revenues for the year, pulling from the Assets to balance the budget. He suggested a small tax increase might be in order so that a larger increase can be avoided in the future. Supervisor Crawford stated that this Board could not agree on a tax increase. Chairman Rebert stated that with the state of the economy so unstable, he could not agree to a tax increase. Mr. Zeigler countered that a small increase now would be so much easier than the larger one later, especially considering the state of the economy.

The Board retired to an Executive Session at 9:32 p.m. The Board returned from Executive Session at 10:24 p.m. **Motion** by Crawford, second by Luckenbaugh to approve the personnel action discussed in Executive Session. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:28 p.m.

Respectfully submitted.

Joy Ann Strausbaugh
Secretary