

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 twenty (20) citizens.

There was an executive session held November 20, 2008 at 3:30 p.m. on a personnel matter, and also tonight at 6 p.m. for a personnel matter.

I. **Minutes**

The minutes of the meeting of November 18, 2008, were not available tonight.

II. **Treasurer's Report**

A. **Motion** by Luckenbaugh, second by Crawford, to approve the Treasurer's Report for November 2008 as presented and to pay all bills and deposit all funds until the close of the year. All members voted aye; motion carried.

III. **General Public Comment**

Jim Crawford of 3651 Aldinger Road apologized to the Supervisors and to the Township. Evidently people are calling the Township with questions about his hunting trips. He said if it happens again, the people who are questioning the trips should be referred to him.

Rodney Shearer expressed disappointment over the fact that farmers' rights and regulations were not included in the last newsletter as he thought it was going to be. Mrs. Strausbaugh noted that at the time of Mr. Shearer's request, the newsletter was nearly ready to go to press and there was little time and/or room. They will try to include the proper information in the next newsletter. Chairman Rebert feels that information should come from the police, at their next Board meeting he will make that request.

Mr. Shearer also expressed concern over the \$49,000 increase in the Manager's salary for 2009. Mr. Rebert noted that Mrs. Strausbaugh is retiring in July of 2009. There will be a slight overlap period so that Mrs. Strausbaugh may work with the new Manager. He noted that even the Federal Government has a transition period for the new President. The budget increase includes the new Manager's salary during that overlap time. There was \$91,692 in the Manager salary line item - \$29,442 for the current Manager and \$62,250 for the new Manager. It was noted that just because these figures are included in the budget does not necessarily mean that is what will be paid. Shearer questioned why the Township is going to pay a new Manager almost \$20,000 more than the current one. Mrs. Strausbaugh advised that the Supervisors took the median salary range from the PSATS Wage and Salary survey for municipalities with a population of 8,000 or more. Shearer responded by asking the Supervisors not to hire someone at a higher salary and with the same benefits as the current Manager.

Rodger Laughman of 1595 Krafts Mill Road asked why the Manager's proposed salary is so high. He feels that this is an unnecessary increased burden on the Township residents. He urged fiscal responsibility by the Township Supervisors. Mr. Rebert noted that this Board held the line on taxes, there is no tax increase. There are several decreases in the budget for 2009, which he feels indicates fiscal responsibility. One employee will totally be taken over and paid by the Sewer Authority. The commission paid to the Tax Collector is being cut back to what the School District pays.

Lawrence Altland of 2931 Cedar Hill Road, asked about the qualifications for the manager to be hired.

Are there guidelines for the position? There is a job description that calls for a Masters degree. Mr. Rebert stated that the Township is looking for a qualified person that will have other background than just management, that will be able to get grants and do a good job for the Township. Experience is also key to this process.

Mr. Shearer noted that there is deficit spending in this Township - there is \$160,000 less coming in than is being spent. Mr. Rebert replied that is the case, just as it has been for the last few years, even when Mr. Shearer served on this Board. Plainly speaking, the expenses are outpacing the revenues and the Township has been making up the difference with an existing surplus that they have been using for the last few years. Rebert continued by saying that the Supervisors keep an eye on the funds all throughout the year and if funds are low, they cut projects or whatever needs to be done to conserve funds.

Dave Stambaugh of 3316 Days Mill Road asked who decides on the successful applicant for the Manager's job and who determines that person's salary. The Supervisors will decide on the applicant and the salary.

Mr. Laughman asked what a reasonable salary is, in Mr. Rebert's opinion. Between \$60,000 and \$70,000. Mr. Rebert would not feel comfortable with paying the proposed manager the salary in the budget, but they had to use some figure as a guideline for budget purposes.

Mahlon P. Stambaugh of 3312 Days Mill Road, was uncomfortable with the comparison between the Township and the Federal Government. He feels that this is not a good comparison to make, considering the state of the Federal Government. Consider the taxpayer - isn't anyone else in the office qualified for the position? Mrs. Crawford made the point that it makes sense to hire someone with other capabilities, such as in Accounting or Engineering to cut down on the professional services. Some experienced township managers have engineering degrees or accounting degrees. It makes sense to pay a better salary to attract this type of candidate. Stambaugh asked if the residents will know when the Township is hiring - yes, it is required by law to advertise.

Mr. Altland noted that the residents put their faith in the Supervisors and he feels that they are not considering the needs and lives of the residents. Mr. Altland brought up a matter concerning the Zoning Officer - he wanted to know how the Township could hold a planning meeting and have the head of the planning suspended. Solicitor Poole answered that the Zoning Officer is a zoning officer - he or she administers the zoning ordinance, they are not the head of the planning commission or department. Their role in the planning process and subdivision plans is very limited. Zoning is only a very small part of subdivision and land development planning. They are not in charge of that. Mr. Altland stated that all of a sudden someone that is supposed to be at a meeting and testify for another person is all of a sudden suspended. Mr. Poole reiterated that it is not the zoning officer's job to testify for or against anyone.

M.P. Stambaugh wanted to know exactly why the Zoning Officer was not at the last Planning Commission meeting. Mr. Poole firmly stated that is a personnel matter and by law the Township is not allowed to discuss it. Stambaugh countered with "As a taxpayer, we are not allowed to get answers to these questions? Are you representing the Township as a Board or the citizens?" Mr. Poole indicated that he represents the Board of Supervisors. The Supervisors represent the citizens. By law, employers are not allowed to talk publicly about personnel matters and Mr. Poole's strong advice to this Board is not to do so. They can be criminally prosecuted if they do so. Several citizens got somewhat unruly and Mr. Rebert called a halt to this subject.

Jake Herbst of 3684 Tunnel Hill Road noted that the incoming president does not get paid during the overlap period. In another matter, there was a permit issued for a home on Noss Road. On that permit there

is nothing stated that the contractor needed to install dry stormwater pits or trench drains across that driveway. Mr. Herbst was notified after the job was about 99% complete that driveway trench drains needed to be installed. He has been building homes in this Township for the last twenty-four (24) years and they were never required. It was noted that this requirement should have been on the permit. He has had to go back to the homeowner, explain to him that he has to come up with \$1500 at the end of this job to put the trench drain in. Mr. Rebert replied that he does not know why it wasn't on there, but it should have been on there. The stormwater pits in the driveways were in place when Mr. Rebert was previously in office 6-8 years ago. Mrs. Strausbaugh noted that the requirement for a complete trench drain across the driveway was changed about three (3) years ago, due to the fact that so many of the smaller ones were not catching the driveway water, allowing it to run out into the roadways. Jake state that Jay Little had called him back and told him that the trench drain had to be put in there. Mrs. Crawford stated that if the requirement was not included on the permit, the applicant would not be required to add the trench drain. This sounds like an internal issue that should be resolved. Mr. Herbst certainly wants the situation to be resolved before the occupancy permit is issued.

IV. Police Report and Police Board Report

Officer Lindenmuth gave the Police Report for November 2008. Dave Stambaugh asked about a hearing that was scheduled for a DUI incident that he had a subpoena to and the police officer did not show up. If he wants to check up on the facts and why the officer did not show up, he could ask at the Police Department, the District Magistrate's office, or on the internet at the proper site. He can check with Chief Bean - he needs to have the name of the defendant and the date of the violation. Stambaugh was upset that he missed several hours of work time for nothing.

Officer Lindenmuth also read a letter from Chief Bean regarding an incident that happened on December 2nd. An elderly woman wandered away from her home on Indian Rock Dam Road in bad weather. Chief Bean's letter commended Fire Chief Larry Wildasin, Lt. Tim Carr and the entire NCT Fire Department for their assistance and persistence in locating the missing woman. Lt. Carr set up a search party of over fifty (50) persons, who remained on the scene, working for ten (10) hours straight. They are to be commended.

In the Police Board Report, **Motion** by Crawford, second by Rebert, to approve the draft language of the Fourth Amendment to the Articles of Agreement as presented and the Capital Purchase Policy. Two members voted aye; Luckenbaugh opposed. Motion carried.

V. Fire Company Report

Fire Chief Larry Wildasin gave the Fire Company Report for November 2008. He thanked the NCT Road Crew for their assistance last Saturday in keeping the roads clear during some bad weather when a funeral was being held at Grace Fellowship Church. Rte 616 became very icy with all the traffic in and out at the church. He was unable to get a PennDOT truck to come to the area to salt/cinder, but our Road Crew showed up and helped out. PennDot showed up four (4) hours later. Many thanks!

The new radios have not been activated yet. There were some minor bugs to work out, so it was put off for another month or so.

VI. Permits, Plans, and Modules

A. Colonial Crossings Phase IV Conditional Approval - This plan was conditionally approved on June 19, 2007 with one of the conditions being that the development has to be connected to public sewer. The

developer or their agent signed a waiver of time limitations for review when the plan was originally filed. As the developer has not been able to meet the conditions of approval in eighteen (18) months, it may be of value to the Township to give notice to withdraw the waiver of time limitations "to start the clock running" on this plan. Either party can rescind this waiver, which was signed in September of 2006. **Motion** by Crawford, second by Rebert, to rescind the waiver of time limitations for review of the Colonial Crossings Phase IV plan, starting the clock running on December 23, 2008, with a last date of meeting the conditions March 23, 2009. All members voted aye; motion carried. The Solicitor will notify the applicant by letter.

B. Dave Koratich and Dan Creep of LSC Design and Rick Fink of Kinsley Properties were present on the Salem Overlook (formerly called A Residential Community Along Joseph Road) Preliminary S/D Plan #2005.0016.00 located on Joseph and Noss Roads. All of the Township Engineer's comments have been addressed and all permits obtained. This is about a 62-acre tract with 35 single family lots, 4 open space lots, and remaining lands. This qualifies as an open space community. Mr. Poole discussed the stormwater maintenance agreement with regard to the homeowners' association's maintenance of the storm water area. Discussion was held regarding the recording of the preliminary plan and the assignment of the UPI numbers. Mr. Koratich will check with the assessment office. Mr. Poole suggested that notes be added to the plan regarding the homeowners' association's maintenance and other issues. **Motion** by Rebert, second by Crawford, to approve the Salem Overlook Preliminary S/D Plan #2005.0016.00 located on Joseph and Noss Roads, conditioned upon the approval of the maintenance agreement for the open space being completed with the final plan. All members voted aye; motion carried.

C. Denny Potts of Gordon L. Brown and Associates and Tom Waltersdorff of 5823 Colonial Valley Road were present on the Timothy A. Sterner Final S/D Plan #L-5276 located on Colonial Valley Road. This property is located in three (3) municipalities - NCT, Heidelberg and Jackson Townships. Mr. Waltersdorff and his brother are the purchasers of the lots being subdivided. Thomas Waltersdorff will be adding it to his adjoining property. The use will remain agricultural. The applicant has requested a waiver of the rec fees since no building is proposed. The Form B waiver was submitted and issued through Heidelberg Township, the taxing authority, since that is where the buildings are located. Mrs. Crawford addressed the waiver for rec fees. The Ordinance specifies that all lots are subject to the rec fees, regardless of the use of the land. The Planning Commission recommended approval of this waiver. **Motion** by Crawford, second by Rebert, to *deny* the request for waiver of the recreation fees. Two members voted aye; Luckenbaugh opposed. Motion carried. **Motion** by Rebert, second by Crawford, to approve the Final S/D Plan #L-5276 of Timothy A. Sterner located on Colonial Valley Road. All members voted aye; motion carried. It was decided that the applicant must pay rec fees for two (2) lots.

VII. Administrative Reports

A. Manager's Report

1. YCPC is requesting that municipalities participate in the homeless count on the night of January 28, 2009. Anyone participating must provide his or her name and phone number.

B. Engineer's Report

1. Aylesbury has requested a bond reduction. KPI has twice requested documentation from the contractor with unsatisfactory results. The concern is that if the Township doesn't act within a certain length of time, it means an automatic approval, which the Township certainly does not want. **Motion** by Crawford, second by Rebert, to *deny* the request for bond reduction for Aylesbury until proper documentation

is submitted for our Engineers to review. All members voted aye; motion carried.

2. In Phase 2 of the John Shearer Partnership Plan #031582, we are still holding \$5,500 of security. The developer is requesting this amount be released. Mr. Hertz feels that the \$5,500 can be released at this time. **Motion** by Rebert, second by Crawford, to release security in the amount of \$5,500 for the John Shearer Partnership Plan Phase 2, for the improvements on Hoff Road. All members voted aye; motion carried.

3. The prevailing wage documentation has been received from the paving contractor for the Messersmith and Tunnel Hill project. Mr. Hertz reported that, according to the dates of service, Recon would have been the contractor on duty at the time of the damage to the resident's vehicle. He will follow up with the resident, Frank and Rosalie Youkers, about this matter.

C. Solicitor's Report

1. **Motion** by Luckenbaugh, second by Crawford, to adopt Resolution #14-12-2008, Adopting Junkyard Licensing Fees of \$500, and ZHB fees of \$450 per hearing. All members voted aye; motion carried.

2. **Motion** by Crawford, second by Luckenbaugh, to authorize the Solicitor to prepare the CPA Appointment Resolution to be adopted at the Supervisors' meeting on January 20, 2009. All members voted aye; motion carried.

3. Solicitor Poole brought the Municipal Lien Fee Ordinance to the Board's attention. We have still not given him the go ahead on this ordinance. This also addresses the additional refuse fees.

4. The Zoning Hearing Board meeting on Thursday, December 18th, is the Dennis case that requests interpretation of what is a farm parcel and a variance request to the section that allows only 25% Subdivision of a parcel in a RAC district. Just as a reminder, your Assistant Zoning Officer will be attending that hearing in that capacity. The Township Supervisors wish to have Mr. Poole attend this meeting and Mr. Rebert is taking the stand that the Ordinance be upheld and that only 25% will be allowed to be subdivided as per the Ordinance. Bill clarified by saying that he is to take the position that the tract the new lot is to be added to is not principally an agricultural tract and to oppose the request for Variance. The Board agreed. He noted that the Assistant Zoning Officer will be present on this case instead of the Zoning Officer Mr. Little.

Kris Dennis of Cedar Hill Road, asked about the Sterner plan that the Board approved tonight. Is that parcel considered a farm? Yes. The applicant did not exceed the 25% subdivision requirement. This is not a fair comparison to the Dennis case that will be decided at the ZHB meeting because a thirty-two (32) acre tract that has no buildings on it, which is a farm parcel is being added to lands of Thomas and Julie Waltersdorff's farm. M.P. Stambaugh kept interrupting the Solicitor saying that if everything comes out at the ZHB that was said here tonight, the Dennises are wasting their time. Mr. Poole attempted to instruct Stambaugh on the proceedings of a ZHB. This Board is a party to Thursday night's meeting - they do not have any control over what the decision is. The ZHB is a free standing body that hears evidence and makes their own decision. They take evidence from any parties. The Township is always a party if they want to be. The Township can do more than go to the ZHB and try to persuade the Board of their position, like the applicant will do and anyone else will do. The Board of Supervisors has no power to direct the ZHB to do anything. Stambaugh asked if the ZHB is final - no, it can be appealed by either party. Stambaugh again questioned if the ZHB decision is final as far as the Supervisors go. No - Bill advised that the BOS can appeal the ZHB decision to the Commonwealth Court and a Judge will decide it. Stambaugh then stated that their side already has three (3) strikes against them - they cannot go and threaten the people who work for the Township with their jobs. Mrs. Crawford interjected that no one was threatened with their job. Stambaugh kept demanding that the Manager answer questions with a yes or no. The Manager responded that the Zoning Officer was told

that the Asst. ZO would be attending any meetings in his place. Stambaugh demanded to know why. Solicitor Poole reiterated that it is not appropriate as a matter of law for Township employees to be discussing Township personnel business outside of the Township. Kris Dennis jumped into the fray, complaining about the sound system. The discussion disintegrated with many people talking over each other. Mr. Dennis continued by very angrily saying that it was very convenient that the Zoning Officer was not present on their behalf at the Planning Commission meeting. Mr. Rebert stopped the conversation and addressed the unknown caller who called him earlier today and reiterated that it is against the law for us to discuss personnel issues. There were valid reasons for everything done. Solicitor Poole added that the Zoning Officer does not advocate plans for anyone. Dennis yelled again, "Why wasn't he here?" For personnel reasons that no one can discuss. Rebert ended the discussion! M.P. Stambaugh admitted that he was the anonymous caller to Mr. Rebert earlier in the day.

Mrs. Crawford asked how Stambaugh would feel if she abstained. Kris Dennis said "it's a little late for that". Mrs. Crawford feels that the issue on the Dennis plan is the requirement of 25% subdivision, the fact that property is coming out of the Clean and Green program, and the payment of any back taxes that are due. It was made clear the first night the plan was presented that the issue is the back taxes. It was stated twice, first by the realtor and second by Mrs. Dennis. "I look at everything with regard to the Ordinances. Earlier when that plan came through, I did not waive the rec fee. The ordinances are the ordinances regardless of who they are." Kris Dennis angrily interrupted saying that he wants to talk about the rec fee. Crawford answered that her point was that she did not waive that rec fee because the ordinance reads that there is a rec fee, not MAYBE there is a rec fee. She continued on with the fact that the only issue with her was the 25%- if it goes to a farm, then no back taxes are paid. The Township and School District should not lose those taxes. Properties are put into Clean and Green to give farmers relief from their taxes. My concern is that all of this meets the criteria of the Ordinance. Kris Dennis asked if they agreed to only take the seven (7) acres, it meets the ordinance and the case is done. They would have to pay the rollback taxes. M.P. Stambaugh asked if the Zoning Officer could have given the Dennises this information? Crawford and Poole both answered "Absolutely, and he should have done that." Kris Dennis said that they did what the Zoning Officer advised them to do, obviously they were misled. He still feels there is more to the story, if we can do it for one, we can do it for the rest of them. The Myers farm plan was totally different. Mr. Rebert used the gavel to stop the discussion, again. **Motion** by Rebert, second by Crawford, to authorize the Solicitor to attend the Zoning Hearing Board meeting and to take the position that the tract to be added to is not principally an agricultural tract and to oppose the variance request. Two members voted aye; Luckenbaugh opposed. Motion carried.

VIII. Old Business

A. **Motion** by Luckenbaugh, second by Crawford, to approve the Loganville Fire Police request for NCT Fire Police personnel at a firefighter's funeral on December 6 and 7, 2008, being held at Grace Fellowship Church on Seven Valleys Road. All members voted aye; motion carried.

B. The personnel manual amendment was *tabled* until January 2009.

IX. New Business

A. **Motion** by Crawford, second by Rebert, to adopt the 2009 Budget as laid open. Mr. Luckenbaugh stated that he will vote for the budget except for the police portion which he voted against the last time. The Manager asked of the Solicitor if this can be done, who advised Mr. Luckenbaugh that the motion was to approve the budget as it was laid open. Two members voted aye; Luckenbaugh opposed. Motion carried.

Motion by Crawford, second by Luckenbaugh, to adopt Tax Resolution #13-12-2008 as presented. All members voted aye; motion carried.

B. **Motion** by Rebert, second by Crawford, to authorize the Solicitor to prepare the Tax Collector's Commission Resolution and to advertise its adoption at the January 20th meeting. All members voted aye; motion carried.

C. **Motion** by Luckenbaugh, second by Crawford, to adopt Resolution #12-12-2008, adopting the Open Records Policy. All members voted aye; motion carried.

D. **Motion** by Crawford, second by Luckenbaugh, to adopt the Non-Uniform Pension Changes to comply with the IRS Regulations as recommended. All members voted aye; motion carried.

E. **Motion** by Luckenbaugh, second by Crawford, to adopt the 2009 meeting schedule and to authorize its advertisement. All members voted aye; motion carried.

F. **Motion** by Crawford, second by Luckenbaugh, to approve the application by Harry Joseph Darrah, III, for a Salvage Yard Permit, combining both 1381 and 1384 Sunnyside Road. All members voted aye; motion carried.

Motion by Luckenbaugh second by Crawford, to adopt Resolution #15-12-2008, Ag Security Resolution. All members voted aye; motion carried

X. **Announcements**

A. No Rec Board meeting in December.

B. No Planning Commission in December.

C. Zoning Hearing Board meeting December 18th at 7 p.m.

D. The Board of Supervisors will meet on Monday, January 5th, 2009 @ **4 p.m.** for re-organization. E. The SWRPD Board will meet on January 14th, 2009 @ 7 p.m. at 6115 Thoman Drive.

F. The Sewer Authority will meet on January 19th, 2009 @ 7 p.m.

Nelson Brenneman asked about installing No Parking signs on some streets in the Bahn development. There has been a problem plowing snow, etc., in that area. No parking on one side may create a problem for those residents who have no garages. Perhaps a letter should be sent to all Bahn development residents requesting no parking during times of snow.

He also noted that there is a truck and camper parked in a cul-de-sac on Stephen Avenue, which will definitely be a problem if there is a heavy snow to plow. Mrs. Crawford suggested calling the police and ask them to check into the situation.

Motion by Crawford, second by Luckenbaugh, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Joy Ann Strausbaugh
Secretary