

**Chanceford Township, York County
Board of Supervisors Regular Meeting
May 14, 2007**

MEETING DAY AND TIME: May 14, 2007

David Gemmill opened the regular meeting of the Chanceford Township Board of Supervisors at 7:00 p.m. in the Community Bldg., 51 Muddy Creek Forks Rd., Brogue, PA. He led those in attendance in the pledge to the flag.

Members present: Chairman David Gemmill, Vice-chairman Eric Bacon, and Henry Tyson.

Others present: Engineer John Klinedinst, Solicitor Timothy Bupp, Zoning Officer Jeffrey Koons, Roadmaster Ronald Miller, Secretary-Treasurer Brenda Gohn, and Office Assistant Amie Kauffman.

David Gemmill announced that an executive session was held prior to the meeting to discuss personnel issues.

APPROVAL OF MINUTES:

Henry Tyson made the motion to approve the 4/23/07 minutes as written. Seconded by Eric Bacon, motion carried unanimously.

FIRE CHIEF'S REPORT:

Chief Ronald Witmer reported via written report that there were twenty-one calls for the month of April.

AMBULANCE REPORT:

Scott Kauffman reported via written report that there were thirty-five calls for the month of April.

SUSQUEHANNA SENIOR CENTER:

Mary Caldwell was present to give a report on the various activities and programs the Center offers and thanked the Board for their support.

FLOOR OPEN TO PUBLIC:

Elizabeth Dinsmore of 2776 Delta Road was present to file a complaint about her neighbor Wilson Burns Sr. at 2775 Delta Road. Mr. Burns has a stove pipe coming out of a boarded up window which Ms. Dinsmore feels is very dangerous because of the potential fire hazard. Attorney Bupp will contact Commonwealth Code Services, Inc. to discuss this issue.

PLANNING MODULE RESUBMITTAL:

David Gemmill made the motion to adopt Resolution #2007-05 and resubmit it to DEP for approval as a revision to the "Official Sewage Facilities Plan" of the municipality for the David and Catherine Carr Sewage Facilities Planning Module. Seconded by Henry Tyson, motion carried unanimously.

David Harrison at 9845 Douglas Road was present to find out the status of road repairs on Douglas Road. He was advised that the Engineer is still working on the estimated cost of the project. Mr. Harrison requested that the logs that were put in place as barriers be located in such a way to prevent people from riding on his property with four-wheelers and dirt bikes.

Randall Patterson commented that he would like to see the road closed. Mrs. Harrison stated that they do not want it closed and would like two means of egress.

Matthew King was present to report on the progress of the Chanceford Crossings Recreation Area renovations for his Eagle Scout project. He stated the basketball backboards are finished and ready to be put up, he started re-building the picnic tables and replacing team benches and he plans to build the equipment box the second week of June.

Edward Keeney and Michael Hudak were present regarding the boat ramp on the Chad Ward property along Lower River Rd. Mr. Ward has poured concrete piers and chained the ramp off from public use. Mr. Keener alleges there is an easement in Pennsylvania covering all navigable waterways and the State owns all the property along the navigable waterways between the high and low watermarks. Attorney Bupp feels this is a policy decision for the Board and that the Board must determine whether or not there is a public easement down across the property based on the fact that it has been used for well over 100 years as well as the fact that the Township built the ramp and maintained it. The current owner does not feel this easement should be part of this property. It is up to the Board whether or not to dispute this in court.

Mr. Keener stated he has been in touch with the PA Waterways Control and they are investigating the situation.

Mike Hudak asked the Board if the Township could buy this portion of land. Chairman Gemmill said the landowners are not interested in selling the land.

The Board feels that if it is state owned property, it is up to the State to enforce their laws over their property and the Township does not want to spend township funds disputing this issue. Furthermore, it has been researched and there is no recorded document that specifies any kind of easement on this property.

There is another access available at Otter Creek but not accessible at all times due to high water. Vice-chairman, Eric Bacon, stated that if this access is not accessible at all times, then solicit a landowner along the river who is interested in granting an easement/access. The Board would be more than interested in looking into the possibility of doing something somewhere else.

Irvin Allott, Jr. was present to discuss the stormwater problem on his property along Trinity Road. He feels that the work that was done last year was ineffective in resolving the problem.

John Klinedinst felt that the project was to get the water to the pipe. Mr. Allott feels that the inlet is too high, poorly positioned, and too small. Supervisor Tyson stated to Mr. Allott that he was present when the problem was discussed as well as the resolution to it. Mr. Tyson feels it was a mutual agreement. However, Mr. Allott stated he did not agree that it was mutual.

Roadmaster Ronald Miller stated that there would not have been a problem if the road would have been constructed the way the Township wanted but Mr. Allott objected.

Mr. Allott informed the Board that he installed a trench drain on his side of the road and he will be sending the bill to the Township.

Chairman Gemmill feels that every effort was made and a great deal of money spent to resolve the problem. Plans were drawn up by the Engineer and followed and Chairman Gemmill doesn't feel any more money should be spent on this. The Engineer will take another look at it when he is in the area on other projects.

Floor closed.

ROADMASTER'S REPORT:

Dirt and Gravel Project – The York County Conservation District is asking the Township to revise their proposal to provide a 20% match in-kind. The County would obtain the necessary permits. David Gemmill made the motion that if our 20% match does not exceed \$32,000.00, we will proceed to resubmit the application. Seconded by Eric Bacon, motion carried unanimously.

Salem Church Road – the Roadmaster asked the Board to apply for County Aid in the amount of \$10,000.00 to help defray the costs of this project. Henry Tyson made the motion to submit the application. Seconded by Eric Bacon, motion carried unanimously.

Sechrist Road – three quotes will be needed to repair the guiderail. He was directed to accept the lowest quote if there are no former disputes with the company.

Douglas Road – the Engineer was asked to calculate firmer costs on both repair and construction of turnarounds. Also, John Klinedinst will do a walk-through with DEP.

ZONING OFFICER'S REPORT:

Wilbur Posey – is continuing to make progress but has exceeded his Settlement Agreement time of April 30, 2007. The Zoning Officer was directed to send Mr. Posey a letter informing him that the Board is giving him an extension of time until June 30, 2007.

Donna Calabrese – will be removing the addition that was started. Ms. Calabrese is also going to put up temporary/portable panels to use as dog runs.

ENGINEER'S REPORT:

Battle Hill Road Bridge – Work to be started the week of May 14th.

Trinity Road Bridge – Work is complete.

Act 537 Plan – The Task Activity Report can be completed at a cost of \$500.00. The plan itself will cost approximately \$50,000.00 with the Township's share being \$25,000.00.

David Gemmill made the motion to direct the Township Engineer to prepare the Task Activity Report. Seconded by Eric Bacon, motion carried unanimously.

Salem Church Road – Survey is completed and mapping is in progress.

Bacon Road PennDOT Facility – Waiting on PennDOT to reschedule inspection.

Concord Commons – John Klinedinst met with the developer on May 7, 2007 to discuss status and review comments. Resubmission pending.

Susan Drive – After reviewing the Earth Disturbance Inspection report from York Co. Conservation District the Township suspects that Dave Marshall's failure to implement soil erosion control compromised the operation of his additional stormwater and the Township is going to look for verification that it was constructed as designed by his engineer. Attorney Bupp was directed to send Mr. Marshall a letter to this effect.

SOLICITOR'S REPORT:

Attorney Bupp submitted the William Fasick Indemnification Agreement for the Board's signatures.

The Frank Shaffer and Chanceford Aviation Properties Zoning Hearing Board decisions were explained to the Board. Attorney Bupp feels that it would be of no avail to challenge the decision of the Zoning Hearing Board regarding Chanceford Aviation Properties.

Attorney Bupp made the Board aware that the Federal Dept. of Defense is in the process of doing a base realignment which could potentially impact the Township with population growth.

The Solicitor was asked to keep the Board informed of this situation.

Rev. Testerman was present to obtain a decision on using the Chanceford Crossings Recreation facility for activities other than sports. Attorney Bupp reiterated to the Board that when this facility is opened up for this purpose, it will need to be opened up for all other uses.

It is the Board's contention that while the use Rev. Testerman is proposing is a good thing, this facility is not designed for this type of use. There are no adequate restrooms, no pavilion, and there is the potential of having to provide services that could be very costly to the Township depending on the organization and the extent of use. However, this does not mean that the Township is precluding Rev. Testerman from using the park for the usual sports uses. He was given permission for a three on three basketball tournament. Attorney Bupp will check on closing off Oriole Drive past the retention area. It was suggested to Rev. Testerman the he notify the State Police of his activities.

TRAFFIC STUDY:

David Gemmill made the motion to add thermal plastic stop bars at the intersection of Pond Road and Cold Stream Trail. Seconded by Eric Bacon, motion carried unanimously.

RECREATION AGREEMENT:

Attorney Bupp will draw up a resolution before the next meeting and see that Red Lion Borough receives a copy for their review.

HARDSHIP:

Jeffrey Koons asked that it be on record that he does not support the decision made by the Board regarding the Joe Kilgore/Gerald Elfner hardship.

Eric Bacon left the meeting at approximately 9:40 p.m.

BID AWARDS:

David Gemmill made the motion to award bids for stone, oil, pipe, Hively Road Culvert, and equipment rental to the low bidders (bids attached). Seconded by Henry Tyson, motion carried.

APPROVAL OF BILLS:

David Gemmill made the motion to pay the bills in a manner approved by law and to include the two invoices totaling \$26.49 from Matthew King and to exclude Henry Tyson's state convention mileage. Seconded by Henry Tyson, motion carried.

COMMUNITY BUILDING RENOVATIONS:

The next Community building renovations meeting will be held June 11, 2007.

ADJOURNMENT:

There being no further business, David Gemmill made the motion to adjourn the meeting. Seconded by Henry Tyson, the meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Brenda C. Gohn
Secretary/Treasurer