

**Chanceford Township, York County
Board of Supervisors Regular Meeting
August 27, 2007**

MEETING DAY AND TIME: August 27, 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.

Chairman Gemmill announced that the Board met with the Township Solicitor in executive session prior to the meeting to discuss personnel issues.

APPROVAL OF MINUTES:

Henry Tyson made the motion to approve the 8/13/07 minutes as written. Seconded by David Gemmill, motion carried. Eric Bacon abstained.

TRANSFER OF DWELLING RIGHT:

David Hively was present to request approval of transferring a dwelling right from GN 48 to GN 29.

Attorney Bupp stated the agreement would reference both tracts and the number of dwelling rights on each parcel. Also, the paper trail is no problem since any development in the Township is controlled by the Township.

Henry Tyson made the motion for David Hively to proceed with the transfer. Seconded by Eric Bacon, motion carried unanimously.

ROADMASTER'S REPORT:

Hively Road Box Culvert – Ronald Miller reported that he has not received the structural adequacy approval from PennDOT as yet.

Strayer Property at 11054 Smith Hollow Road – the stormwater runoff problem was discussed and the Secretary was directed to write a letter to the Strayers letting them know what corrective actions are going to be taken to alleviate the problem.

PROPOSED AMENDMENTS:

Transfer of Development Rights was discussed with the Planning Commission members who attended the Supervisors meeting. Some of the concerns and questions raised are;

If land has dwelling rights at the time it is put into Agricultural Land Preservation, do the rights still exist or are they retired?

If development rights are transferred, do they need to be assigned to a specific area at the time of transfer? John Shanbarger stated there would need to be proof that they can be located on equal or lesser soils. Mr. Shanbarger also felt they would need to be made aware of all the ramifications in waiting to locate the lot on the property.

Eric Bacon suggested a Transfer of Development Rights plan showing the parcel it is being transferred from and the parcel it is being transferred to. This plan could then be recorded with all the pertinent information on it. John Klinedinst feels this is not necessary until they use the development right since a plan would be required at that time and the signed agreement will have already been recorded.

Attorney Bupp made everyone aware there is a potential to really increase the development in the Township.

John Klinedinst stated that normally development rights are transferred from Agricultural to Village, Residential, or Commercial not from Agricultural to Agricultural.

Ralph Daugherty feels that if the rights are allowed to be taken out of Agricultural Land Preservation, then the purpose of preserving farmland has been defeated.

John Shanbarger stated maybe give two for one to encourage development in the proper areas.

All agreed that the Township needs to obtain the legalities of the rules and regulations regarding the Agricultural Land Preservation Program relative to whether or not dwelling rights exist after land is preserved or are they permanently retired.

A work session will be advertised and held on September 25, 2007 at 7:00 p.m. for the Planning Commission and Board of Supervisors to discuss proposed amendments and any other business to come before the Board.

TAX COLLECTOR:

David Gemmill made the motion to pay the registration and hotel accommodations at a cost of \$419.26 for Janet Tyson to attend the Tax Collector's State Convention. Seconded by Eric Bacon, motion carried. Henry Tyson abstained.

NEIGHBORHOODS:

Ed Grissinger and Martin Weiss were present to request better commitment to protecting and preserving neighborhoods. Mr. Weiss discussed with the Board a problem he is having with his neighbor running off road vehicles under his bedroom window all hours day and night. In addition, the neighbor is operating an auto repair shop on his property.

Mr. Grissinger asked if the Solicitor or Engineer could come up with a prototype statement about the relative value of our neighborhoods in Chanceford Township which could then be placed in the proper place in the Ordinance.

Also, the Board was asked to consider adopting an off-road vehicle control ordinance.

Reverend Edmundson was present to discuss a compliance letter he received regarding his fence. He has since brought his property into compliance. However, the other two neighbors to whom a similar letter was sent have not complied. Rev. Edmundson stated he is looking for a little equity in the application of the Ordinance.

Jeff Koons will send the neighbors a letter giving them an additional thirty days and if not in compliance at that time, the matter will be turned over to the Solicitor.

SALEM CHURCH ROAD REALIGNMENT:

Edward Dickel was present to let the Supervisors know that he is ready to execute the easement agreement. Henry Tyson made the motion to accept the easement agreement whereby the Township's being granted the easement by the Dickels to relocate Salem Church Road and whereas the amount of \$30,703.18 is determined to be fair compensation by both parties, in lieu of condemning the property. Seconded by Eric Bacon, motion carried unanimously.

It was noted that the Township will be responsible for soil conservation paperwork. The contractor will be responsible for putting into place soil erosion measures regardless of whether or not the disturbance exceeds the 5,000 square feet.

There will be a pre-bid meeting for contractors to look at the site. Ground moving to start end of September beginning of October.

The Hilbert's agreement needs to be revised.

Henry Tyson made the motion to waive the fee for the required zoning permit to relocate the barn. Seconded by Eric Bacon, motion carried unanimously.

Floor closed.

ENGINEER'S REPORT:

Act 537 Plan – initiated data collection with billing being held until 2008.

Douglas Road – still waiting for a DEP general permit.

Fake Road – finishing with the bid preparation.

Bacon Road PennDOT Facility – still waiting for crack sealing work to be completed.

Stormwater –

Green Branch Road – near completion

Susan Drive – sent letter to David Marshall but no response.

STORMWATER MANAGEMENT GUIDE:

David Gemmill made the motion to put the Stormwater Management Requirements and Procedures on the website as well as hand out as standard procedure at the time a permit application is picked up. Seconded by Henry Tyson, motion carried unanimously.

COMMUNITY BUILDING RENOVATIONS:

The remaining outstanding items for completion of the renovations were discussed.

The electrical quotes to repair the wiring to the AC unit were reviewed. The Office Assistant was directed to contact East Coast Contracting for a written guarantee that they would pay for this repair.

The electrical quotes to install a light at the new entrance door and repair or replace the dusk to dawn lights were also reviewed. The Board is waiting for a cost breakdown from Orbit Technologies for the light above the new entrance door that they installed.

The Board decided to discuss these quotes at the September 10, 2007 meeting and make their decision that time.

COMPREHENSIVE PLAN CONTRACT:

A motion to accept the Comprehensive plan contract was made by Henry Tyson. Seconded by Eric Bacon, motion carried.

SOLICITOR'S REPORT:

Fasick Property Project – Attorney Bupp contacted Bill Clifton at NRCS to make him aware that the proposed maintenance agreement has been unilaterally revised by DCED. Attorney Bupp was contacted by William Kcenich stating that the agreement was approved by Congress to fund the NRCS versus the Watershed Emergency Protection Program. NRCS determined that this property has prepared them for this program but instead of a DEP project it is now an NRCS project using NRCS sponsorship which is different from the DEP document. The federal program is funding to the 75% and the municipal cost share of 25% which normally the Township pays is being paid by the state. Mr. Kcenich further stated there is a requirement for the municipality to obtain a temporary easement and assume a ten year maintenance responsibility.

Henry Tyson feels the Township should not be responsible for anything. The Solicitor was directed to contact Mr. Kcenich to invite him to the September 10 meeting or set up a conference call to discuss this issue.

Frank Shaffer Ltd. Partnership Planned Community – Attorney Bupp distributed copies of the brief that was prepared and filed by Attorney Michael Craley in response to the appeal filed by the Shaffers.

Also, drafts of a noise ordinance and ATV ordinance were distributed to the Board for their review.

ZONING OFFICER'S REPORT:

Posey Property – the Zoning Officer was directed to contact Attorney Andrea Anderson and let her know that if the property is not in compliance by the September 10 meeting, the Township will start legal proceedings.

Jeff Koons asked about the procedure to follow when a property that needs inspected has the driveway chained or gated. The Board felt there wasn't anything that could be done by the Township.

CORRESPONDENCE:

A letter was received by the Township from Jeffrey Heindel regarding adding sport hunting activities on his property. The Solicitor was directed to contact Mr. Heindel to let him know that recreation activities are not a permitted use in the Agricultural Zone.

APPROVAL OF BILLS:

Eric Bacon made the motion to pay all the bills in a manner approved by law. Seconded by Henry Tyson, motion carried.

Eric Bacon left the meeting at 9:54 p.m.

WAIVER REQUEST:

Matthew Rulevich and Angelina Marsico requested a waiver from the requirement to submit a land development plan in order to locate a second dwelling on the property located at 11844 Gum Tree Road.

Henry Tyson made the motion to grant the waiver. Seconded by David Gemmill, motion carried.

ADJOURNMENT:

There being no further business, Henry Tyson made the motion to adjourn the meeting. Seconded by David Gemmill, the meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Brenda C. Gohn
Secretary/Treasurer