

**Chanceford Township, York County
Board of Supervisors Regular Meeting
November 12, 2007**

MEETING DAY AND TIME: November 12, 2007

David Gemmill opened the regular meeting of the Chanceford Township Board of Supervisors at 7:03 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 (arrived at approximately 7:30 p.m.), Secretary-Treasurer Brenda Gohn and Office Assistant Amie Kauffman.

APPROVAL OF MINUTES:

Henry Tyson made the motion to approve the 10/8/07 minutes as written. Seconded by Eric Bacon, motion carried unanimously.

FIRE CHIEF'S REPORT:

Chief Witmer reported that there were fifteen calls for the month of October. Also, there were two structure fires and one vehicle fire. Total loss for the month of October was \$463,000.00 and \$728,000.00 for the year to date.

SUBDIVISION PLAN FOR REVIEW:

Robert B. & Judy K. Burchett Final Plan #L-5168 – David Gemmill made the motion to table the plan. Seconded by Henry Tyson, motion carried unanimously. There are several minor stormwater corrections to be made as well as awaiting DEP approval of the planning modules.

Dr. Edward Grissinger submitted a rough draft of the Red Lion Municipal Authority's Source Water Protection Plan for the Board's review and comments. John Klinedinst stated that this plan will be included in discussions at the Comprehensive Plan meetings.

Dr. Grissinger also reported on the Muddy Creek Rivers Conservation Plan and submitted a copy of the minutes outlining the Project Status, Plan of Attack, Proposed Assessment Tasks, and Other Projects & Status.

AMBULANCE CAPTAIN'S REPORT:

Scott Kauffman reported that there were 52 calls for the month of October. Also David Gemmill will discuss the new Personnel Policy with Scott before he begins interviewing for a third full time EMT.

PUBLIC COMMENT:

Pitts Dockman submitted a list of eight issues for which he would like either the Board or Township Solicitor's response.

ENGINEER'S REPORT:

Salem Church Road – bid opening was held on November 8, 2007 at 10:00 a.m. John Klinedinst recommended the bid be awarded to Kinsley, low bidder.

Fake Road – PennDOT pipe connection completed. Roadmaster to complete supplemental grant application for the increased costs. The Engineer recommended payment of the Application for Payment #1 in the amount of \$67,161.20 to Fawn View Construction.

Susan Drive – York County Conservation has deemed the site to be in compliance. John Klinedinst will set up an on site inspection with David Marshall and his engineer to determine if the stormwater management issues have been resolved to the Township's satisfaction.

Hively Road Box Culvert – culvert was delivered and set on 11/1/07.

Green Branch Road – the sponsorship for Fasick project has now been assumed by the County.

ZONING OFFICER'S REPORT:

Michael and Tina Mack/Timothy and Jennifer Newman – both parties have accessory buildings on their properties that do not meet setbacks. Both parties were notified several times of their violations but have done nothing to bring their properties into compliance. Attorney Bupp was directed to proceed with sending compliance letters.

Wilbur Posey – continues to be in violation. Jeff read a list of refuse items still remaining on the property including a residual waste tank that wasn't on the property at prior inspections. Attorney Bupp will talk with Mr. Posey's attorney and give a report next month.

Donald Saylor – is voluntarily doing all he can to comply with the new Salvage Yard Ordinance even though he is not required to do so because of it's pre-existing non-conformity status. Mr. Saylor is requesting a waiver from the requirement of a 10' fence due to the cost and requesting to be allowed instead to install an 8' fence.

David Gemmill made the motion to allow Mr. Saylor to install an 8' fence since he is doing it voluntarily and is not required to comply. Seconded by Eric Bacon, motion carried.

James Stinchecum – has installed a fence in the stormwater easement on his property. It was the consensus of the Board that Mr. Stinchecum must move his fence due to this easement being recorded on the subdivision plan and his waiver request being denied.

De minimis setback issues were discussed with regards to residents having accessory uses mere inches short of the required setbacks. Attorney Bupp stated there are court cases that held 5% is de minimis and another that 15% is too much to be de minimis. The Board feels that the Zoning Officer can use his discretion in these kinds of

situations. Attorney Bupp further stated that if an adjoining property owner is unhappy, they can appeal the Zoning Officer's decision.

SOLICITOR'S REPORT:

Attorney Bupp submitted to the Board copies of the briefs that were filed and assigned to Judge Bortner regarding the Frank Shaffer case. Attorney Bupp will keep the Board informed about this case. If there is going to be oral argument, Attorney Bupp may defer to Michael Craley since he prepared the brief.

Catherine Parkent of 93 Locust Springs Road was present to request DSL Service in the Township. She stated that the PA legislature recently enacted a new law instructing Verizon and other telephone companies to give customers an opportunity to complete a Bona Fide Retail Request for service. Under this program, if 50 customers or 25% of the retail access lines in our area, whichever is less, commit to purchase service for a minimum of one year, Verizon will provide service in that area within twelve months.

Attorney Bupp suggested that Ms. Parkent be the Bona Fide Retail Request aggregator of the fifty residents and he will work with her and Verizon in trying to provide this service to areas in the Township.

Attorney Bupp addressed briefly the eight issues submitted by Pitts Dockman regarding Baublitz Airport. He made the point that these issues are not being taken lightly.

1. No airport activities can be extended to the Muddy Creek Forks Road lot.
2. Attorney Bupp feels it is not necessary to resubmit the application for future hangars on airport property depicting Township setback requirements.
3. The Ordinance issue stands separate from their right to apply for building permits.
4. The Township cannot order Chanceford Aviation LLC to acquire, at their expense, any necessary easements to satisfy the Primary Surface Zone as described in FAA-77 for both length and width requirements.
5. May be a good idea to develop a safety plan for the airport.
6. Could request that Chanceford Aviation LLC provide a complete topographical survey outlining the airport zones and define all present discrepancies under current law and their plans to resolve those discrepancies but they are under no obligation to provide it.
7. It would be a futile waste of money for the Township to file a mandamus against the Bureau for not enforcing their own regulations and requesting a stay from the courts until said case can be resolved. There are better solutions to the problem and the Township is pursuing them.
8. Filing an act of Eminent Domain against the airport is not an option at this time.

Attorney Bupp further stated that he is obtaining input from York County Planning Commission and Rep. Stan Saylor's office and the course of action taken relating to the airport is appropriate.

OTHER BUSINESS:

Salem Church Road Realignment Project bids are as follows:

W. Craig Adams, Inc.	\$ 72,133.82
Fitz & Smith, Inc.	\$ 61,511.75
Donald E. Heffner & Son, Inc.	\$ 55,739.76
Jerry Justice Excavating Inc.	\$ 70,853.30
Keystruct Construction Inc.	\$ 82,262.00
Kinsley Construction Inc.	\$ 54,217.30
York Excavating Co., Inc.	\$ 82,499.00

Eric Bacon made the motion to accept the low bid of \$54,217.30 from Kinsley Construction Inc. Seconded by Henry Tyson, motion carried. David Gemmill abstained due to the fact that he was approached by Kinsley with the possibility of obtaining fill dirt from him for this project.

David Gemmill made the motion to accept the SPCA Stray Animal Housing & Disposal Agreement at a cost of \$1,130.00 and Hemler's ACS Contract with a \$400.00 retainer fee. Seconded by Eric Bacon, motion carried unanimously.

Henry Tyson made the motion to approve the Application for Payment #1 to Fawn View Construction in the amount of \$67,161.20. Seconded by Eric Bacon, motion carried unanimously.

Heindel Easement Agreement (Fake Road) was approved by a motion from Henry Tyson. Seconded by Eric Bacon, motion carried unanimously.

Henry Tyson made the motion to approve the Amendatory Contract for the Block Grant Project (Comprehensive Plan) to extend the time period of execution of the project covered in the contract to June 30, 2008.

Henry Tyson made the motion to approve Resolution #2007-07 which is a corrected copy of Resolution #2007-06 reflecting the correct number and date that it was adopted. Seconded by Eric Bacon, motion carried unanimously.

COMMUNITY BUILDING RENOVATIONS:

Henry Tyson made the motion to approve signing the Certificate of Substantial Completion for East Coast Contracting since all outstanding items have been completed. Seconded by David Gemmill, motion carried unanimously.

Henry Tyson made the motion to approve Change Order E-2 (revised) from Orbit Technologies Inc. for the exterior dusk to dawn light fixture at a cost of \$160.00. Seconded by David Gemmill, motion carried unanimously.

The final Applications and Certificates for Payment from East Coast Contracting and Orbit Technologies Inc. were reviewed. Slonaker McCall Architects had recommended withholding \$1,932.50 from East Coast Contracting and paying it to Orbit Technologies Inc. to cover the cost of the electrical work for the overhead doors. The architect felt this work was the responsibility of the General Contractor.

The Board directed Attorney Bupp to review this matter and decide how it should be resolved.

David Gemmill made the motion to approve transferring the total cost of the Community Building roof repairs, \$81,847.68, from the PLGIT- Community Building Fund to pay for the roof repairs. Seconded by Henry Tyson, motion carried.

David Gemmill made the motion to approve Century Farms Electric repairing/replacing AC unit wiring at a cost of \$242.00, and repairing/replacing the five dusk to dawn lights around the outside of the building at a cost of \$245.00, as long these prices are still current. Seconded by Henry Tyson, motion carried.

Eric Bacon made the motion to allow the Recreation Board to have use of the Community Building for batting cages January through March and also making the Recreation Board responsible for getting participants to sign waivers, repairing any holes or damages that occur as a result of the use, and making sure the building is kept clean. Seconded by Henry Tyson, motion carried unanimously.

David Gemmill made the motion to reimburse Brogue Ambulance Inc. \$4,453.87 for Memorial Hospital providers covering a vacant full time employee's shift. Seconded by Henry Tyson, motion carried unanimously.

Henry Tyson made the motion to pay the PA Unemployment Compensation Solvency Fee for Relief from Charges in 2008 in the amount of \$316.31. Seconded by David Gemmill, motion carried.

MA & PA COMMUNITY GREENWAY:

Henry Tyson feels this greenway should end at Brownton Road before it gets into Chanceford Township. The reason being that in Chanceford Township the greenway will end in the middle of a farm field. However, since the Township has committed, they will remain in the feasibility study.

APPROVAL OF BILLS:

David Gemmill made the motion to pay all the bills in a manner approved by law, excluding Orbit Technologies' invoice in the amount of \$1,932.50. Seconded by Henry Tyson, motion carried unanimously.

Eric Bacon left the meeting at approximately 9:30 p.m.

PUBLIC COMMENT:

Pitts Dockman asked the Board to give him an answer to his request that the Township file an act of Eminent Domain against the airport. David Gemmill stated he

agrees with the Township Solicitor in that it is not an option at this point. Henry Tyson agreed.

2008 BUDGET:

David Gemmill made the motion to tentatively adopt the budget and to advertise the budget hearing and meeting for December 10, 2007. Seconded by Henry Tyson, motion carried.

EXECUTIVE SESSION:

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

ADJOURNMENT:

There being no further business, Henry Tyson made the motion to adjourn the meeting. Seconded by David Gemmill, the meeting was adjourned at 11:13 p.m.

Respectfully submitted,

Brenda C. Gohn
Secretary/Treasurer