

**Chanceford Township, York County  
Board of Supervisors Regular Meeting  
April 14, 2008**

**MEETING DAY AND TIME:** April 14, 2008

David Gemmill opened the regular meeting of the Chanceford Township Board of Supervisors at 7:07 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 Bradley Smith.

Others present: Township Engineers John Klinedinst and Casey Deller, Solicitor Timothy Bupp, Zoning Officer Jeffrey Koons, Roadmaster Brian Olewiler, Secretary-Treasurer Brenda Gohn and Office Assistant Amie Kauffman.

**APPROVAL OF MINUTES:**

Bradley Smith made the motion to approve the minutes of March 10, 2008 as amended under the Solicitor's Report. Seconded by Eric Bacon, motion carried.

**FIRE CHIEF'S REPORT:**

David Gemmill, on behalf of Chief Witmer, reported there were 72 calls for the quarter and a \$55,000.00 loss.

**AMBULANCE REPORT:**

David Gemmill, on behalf of Scott Kauffman, reported there were 52 calls in March.

**PUBLIC COMMENT:**

Jeff Heindel asked the Board if Attorney Bupp had permission to attend the public hearing of the House Local Government Committee regarding HB 2159 (Airport Hazard Zoning Legislation) that was held at the Chanceford Township Community Building on March 26, 2008. Chairman Gemmill stated that he was given permission at the prior executive session.

Mr. Heindel further stated that Gerald Gromlowicz asked that it be put in the hearing minutes of March 26 that he tried to work with the Township to put together the ordinance that is required for the size of the airport. Mr. Heindel also stated that the Chanceford Elementary School is not in the approach zone as previously stated.

Mr. Heindel asked why would the Township want to back a bill that is basically going to allow the Township to collect the money from the airport because somebody sued the Township for adopting an Ordinance that the FAA and the state regulations require. He further stated that the Township failed to zone the airport when everything else was zoned in 1979. Mr. Heindel finalized by saying he feels there has been a lot of money wasted on one aspect of zoning when the rest of us in this Township have had to

put up with zoning issues we don't like but it is our freedom and responsibility to abide by what is on the books.

Mr. Heindel asked it to be on the record that he will sue if the Township does not adopt an ordinance as instructed by the Supreme Court.

Bruce Eveler asked Attorney Bupp if there were any of the York County Planning Commission recommendations included in the current proposed ordinance. Attorney Bupp stated that York County Planning Commission is a recommending board and that a public hearing will be held. At that time, the proposed ordinance will be reviewed and if there are changes to be made, they will be addressed then. Attorney Bupp stated the Township is looking for a way to get from where we are to where the court says we have to go with the least amount of cost and the least amount of suits. An ordinance has been prepared that is, in our opinion, in the best interest of everyone. It is an ordinance that can be amended the same as any other ordinance.

Jeff Heindel stated that the two property owners most affected by the airport is himself and the Dockmans.

Bruce Eveler stated that the ordinance is to protect the flying public. Attorney Bupp stated that it is not about safety but who is going to pay for that safety.

Eric Bacon asked the question of Mr. Heindel whether he would be willing to bear the burden of the cost of maintaining safety with regards to things that encroach in the safety plain (1-7 slope)?

Mr. Heindel answered, if you show me that from the time aviation began until today that the cost of doing what you are asking me to do has always been incurred by every airport, then I think we don't have to answer because the law already states we have to do it. However, then why is Mr. Saylor trying to change this statute that has been in place since 1984?

The floor was closed.

#### **SUBDIVISION PLAN FOR REVIEW:**

Esther Knisely Final Plan #L-5041 – David Gemmill made the motion to approve the plan and grant the waiver from the requirement of Section 601.c (topography). Seconded by Eric Bacon, motion carried.

#### **ROADMASTER'S REPORT:**

Brian Olewiler requested permission to advertise for stone, oil, and blacktop as well as for the Waughtel, Hively, and Gipe Roads projects. David Gemmill made the motion to give permission to advertise for the above and to buy diesel fuel through the County. Seconded by Bradley Smith, motion carried. Bids will be opened May 9 and awarded May 12.

Brian also requested permission to advertise for sale the following: 1993 (350) Ford truck, 1983 Ford dump truck and the John Deere loader. Bradley Smith made the motion to approve the sale of this equipment and to advertise the same in the Lancaster Farmer. Seconded by Eric Bacon, motion carried.

Replacing the boom mower was also discussed. Brian was directed to check with other townships to see if any have one for sale.

Permission was given to hold a large item pickup. The Roadmaster was directed to set the date and hours, determine the number of personnel helping and check with haulers.

**ZONING OFFICER'S REPORT:**

Wilbur Posey – close to compliance.

James Stinchecum – was given requested information as to what he needs to do to comply.

Assistant Zoning Officer – Bradley Smith made the motion to appoint Clifton Baldwin as assistant zoning officer. Motion was seconded by David Gemmill with the amendment that by April 28, a representative from the Board will meet with Mr. Baldwin to discuss duties and wages with the starting date of May 1. Motion carried unanimously.

**ENGINEER'S REPORT:**

Act 537 Plan – solicited quotes for the testing of approximately 300 wells. Had \$15,000.00 budgeted for this process. Received three quotes: \$42,000.00, \$15,260.00, and \$15,000.00. The low quote of \$15,000.00 (Labs, Inc.) was chosen.

Salem Church Rd. Project – Kinsely Construction, Inc. will be restoring embankment next week.

Keener Subdivision Plan – plan is ready to record. Garner Road is ready for inspection. Will need sign off by C.S. Davidson or Board before money is released.

Susan Drive – Mr. Marshall did excavate openings to the trenches. However, there is a separate and distinct issue--there is a part of the road that drains down into the cul-de-sac. A meeting is scheduled for April 17 with Dave Marshall and Rob Fetter to try to resolve this problem.

**SOLICITOR'S REPORT:**

Salem Church Road Speed Limit Ordinance – David Gemmill made the motion to approve advertising this ordinance to be adopted at the May meeting. Seconded by Eric Bacon, motion carried.

Frank Shaffer Community Plan – Mr. Shaffer is appealing the Court's decision. Attorney Michael Craley will continue to handle this case. Mr. Shaffer did contact Attorney Bupp to discuss settling this matter. When Mr. Bupp has more information, he will inform the Board.

Airport Ordinance – A hearing has been set-up for both Boards for May 19. The Planning Commission will convene at 7:00 p.m. to discuss what the Ordinance contains and why it contains what it does. At which point it will then be handed over to the Board. At this time, questions and comments will be heard before the Board's decision.

David Gemmill made the motion to approve advertising the Ordinance as well as setting down on April 28<sup>th</sup> with both parties involved or representatives to discuss a possible resolution to this matter. Seconded by Eric Bacon, motion carried unanimously.

Trinity Road – Attorney Bupp was contacted by Irvin Allott’s attorney, Timothy Ruth, regarding the water run-off problem on Trinity Road.

Henry Tyson commented that what has already been done was more than fifty-percent Mr. Allott’s idea.

John Klinedinst stated that if the road were crowned properly, there would be three inches of crown on the middle of the road and that would serve to keep the water on the other side of the road and get it to the pipe that was put in. However, Mr. Allott was opposed to putting on a crown because of it impeding access to his drive.

David Gemmill commented that a lot of money was spent and we have done what was asked by Mr. Allott and the problem still exists and it is time to move on.

David Gemmill made the motion to table the issue. Seconded by Bradley Smith, motion carried. The Solicitor will convey the Board’s decision to Attorney Ruth.

**MOWING QUOTES:**

Two quotes were received for mowing around the Community Building.

Miller’s Lawn Care - \$24.00 each mowing

Myer’s Lawn Care & Landscaping - \$25.00 each mowing

David Gemmill made the motion to accept the low quote from Miller’s Lawn Care.

**APPOINTMENTS:**

David Gemmill made the motion to appoint Candi Duda to the Recreation Board. Seconded by Bradley Smith, motion carried.

David Gemmill made the motion to appoint Henry Tyson as alternate to the Zoning Hearing Board. Seconded by Bradley Smith, motion carried.

**MA & PA COMMUNITY GREENWAY:**

Brenda Gohn and Amie Kauffman were appointed to serve on the Steering Committee with the one available attending. It is also to be put on the web site for volunteers to serve on this committee.

**CONRAD’S YOUTH BASEBALL:**

They would like to erect an additional building for equipment on the field at New Bridgeville. This is a legal issue because it is not the Recreation Board’s building. It was suggested that the better way to handle this situation is for them to donate it to the Township. This matter will be discussed further when the building is purchased.

**RESOLUTION 2008-04:**

Bradley Smith made the motion to pass Resolution 2008-04 adopting the York County Hazard Mitigation Plan. Seconded by Eric Bacon, motion carried unanimously.

**EAGLE SCOUTS:**

David Gemmill made the motion to write letters acknowledging the achievements of eagle scouts, Thomas Arnold, Steven Brahson, Timothy Brownson, Jr. and Zachary McClellan. Seconded by Eric Bacon, motion carried.

**RESIDENT LETTER:**

The Board of Supervisors received a letter from Tammy Rineer regarding two dogs she claims are not being restrained properly and have bitten her child. The animal enforcement officer has been out and the state police were called but refused to come out. The Board feels there is no action they can take if the State Police and Animal Enforcement Officer did not take any action when called.

**LETTER OF UNDERSTANDING:**

Bradley Smith made the motion to sign the Letter of Understanding for the Ma & Pa Community Greenway Feasibility Study. Seconded by Eric Bacon, motion carried.

**GIRLS SOFTBALL:**

Keith Barshinger would like to put an 8' x 8' equipment storage building at the Chanceford Crossings recreation area. The Board gave permission with the conditions that it be removed at the end of the season and that they accept full responsibility for the building.

**OFFICE ASSISTANT'S REPORT:**

The 2006 Peachtree Accounting Program the Township currently uses will become obsolete at the end of this year and needs to be upgraded to the 2009 version. The Office Assistant requested permission to upgrade this software. David Gemmill made the motion to purchase the Peachtree Complete Accounting 2009 Upgrade and Payroll Renewal. Seconded by Eric Bacon, motion carried.

A Township resident had requested to rent metal folding chairs from the Community Building. The Board decided that they do not want to rent out chairs at this time, but would continue to loan them out to civic groups who request to use them.

David Gemmill made the motion to reimburse Brogue Ambulance \$2,173.75 for part-time EMTs from Memorial Hospital. Seconded by Eric Bacon, motion carried.

**TAX COLLECTOR:**

Henry Tyson, on behalf of Janet Tyson, asked the Board how they wish to handle tax refunds on properties that receive reduced assessments by the County.

Bradley Smith made the motion to refund nothing less than five dollars due to the time and paper work involved in refunding less than this amount. Seconded by Eric Bacon, motion carried.

**APPROVAL OF BILLS:**

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

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

**PUBLIC COMMENT:**

Bruce Eveler stated he is willing to set down with the Township Solicitor and review the Proposed Airport Ordinance and give his suggestions.

Pitts Dockman advised the Board to give serious consideration to having Attorney Bupp do some preliminary work with the judge regarding the Airport Ordinance.

Floor closed.

**ADJOURNMENT:**

There being no further business, Bradley Smith made the motion to adjourn the meeting. Seconded by David Gemmill, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Brenda C. Gohn  
Secretary/Treasurer