

**Chanceford Township, York County
Board of Supervisors Regular Meeting
April 28, 2008**

MEETING DAY AND TIME: April 28, 2008

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 Bradley Smith.

Others present: Township Engineer Casey Deller, Solicitor Timothy Bupp, Zoning Officer Jeffrey Koons, Secretary-Treasurer Brenda Gohn and Office Assistant Amie Kauffman.

APPROVAL OF MINUTES:

David Gemmill made the motion to approve the minutes of April 14, 2008 with the following amendment: under Tax Collector, it should read, Bradley Smith made the motion to refund *for previous years* nothing less than five dollars due to the time and paperwork involved in refunding less than this amount. Seconded by Bradley Smith, motion carried unanimously.

PROPOSED AIRPORT ORDINANCE:

The floor was opened for any comments.

Pitts Dockman felt this particular meeting is a moot issue since there is no time to resurrect the ordinance or go back to the judge for an extension. He further stated he doesn't feel it is proper that the Township adopt the ordinance as is and then go back after adoption and make amendments. He also has problems with the ordinance as it relates to ACRE. He further stated that the residents are forced to shoulder the burden of this airport complying with FAA regulations.

Bruce Eveler reiterated that the effect on Chanceford Township is not the far reaching effect that everyone believes. It only affects a very small area. Bruce explained that the primary overlay zone is the elongated area in the middle of the map. He felt that for most of the applications, the FAA and the State of PA would agree to let the individuals do what they wanted to do. Towers may be the exception. The lay of the land will be the determining factor as to what can be built.

Attorney Bupp explained what the various colors on the map represent. Crops were discussed with regards to where they will be allowed. Attorney Bupp made it clear that it is the Township's responsibility to listen to what the judge told us which was to put together an ordinance and adopt it by May 31. Everything was done to minimize the effect the ordinance will have on the surrounding farmland.

Bruce Eveler explained that the airport has been a public use airport since 1975 and this airspace has been in effect since that time. It's all federally controlled air space.

The elongated area is where there needs to be more control and to be made more manageable.

William Heindel stated that the Heindel land will be affected as well as depreciated. He feels the Heindel family should be compensated.

Eric Bacon stated that the PennDOT Bureau of Aviation would not give us on letterhead the definition of a frangible crop and wouldn't tell the Township how close to the runway crops can be planted.

Sludge was discussed and it will need to be determined if this is an issue with regards to the bird strike hazard.

Chairman Gemmill stated to William Heindel that the Township is required by law (State Supreme Court) to pass an ordinance relating to this airport and the Board is trying to do the very best it can. If nothing is adopted, then the Board is in contempt of court and at that point, the court can tell the Board what to adopt.

Mary Dockman stated that the primary surface was defined as only 100 feet even though the FAA and PennDOT Bureau of Aviation want 250 feet. The Supreme Court said that the Township can define the zones and this should be addressed in the ordinance.

Since some of the Heindel family are just now aware of this ordinance, Mary Dockman feels that it is only fair that the Township should ask for a stay in order to rewrite the ordinance for the property owners of Chanceford Township and not the airport. Mrs. Dockman feels the airport should acquire the necessary land needed. She feels there are so many regulations coming down from the FAA and state that if it is not stopped now, Chanceford Township will eventually end up owning the airport.

Eric Bacon stated that we were thrust into this thing and the reason it doesn't say 250 feet but 100 feet is that theoretically that's a taking of your property rights.

Bruce Eveler stated that by federal regulation, the public airport's primary surface needs to be 250 feet.

Person Unknown – asked how did they use this airport all these years if it was not legal to use it as it is right now. Eric Bacon stated because the former owner of the airport never made an issue of it and he wasn't seeking any grant money.

Brad Smith stated that the Township is in a no win situation and the Board is trying to make a logical decision. Mr. Smith sees no compromise in this situation.

Attorney Bupp feels the only way we will obtain an extension is if the airport owners agree that they are working with the township to make the ordinance better and agree to an extension. However, if they are in opposition to it, then there is no point to go back to the judge.

Chairman Gemmill asked the question, will the small elongated area on the map be changed whether or not we go for an extension? Attorney Bupp stated the immediate area around the airport is going to be affected and he feels it cannot be reduced any further.

Eric Bacon asked the question as to whether this ordinance will be in conflict with ACRE. Tim Bupp explained that ACRE is a state law that prohibits the municipalities from adopting an ordinance that is unfairly prejudicial against agricultural operations.

Pitts Dockman stated that one Supreme Court Justice feels it is not a public airport. Mr. Dockman asked the question why isn't the township appealing this decision by getting an injunction from the federal court. Attorney Bupp feels that doing this has no merit.

Attorney Matt Haar asked if there was any Township plan to expand the runway. David Gemmill stated that the township has not been approached and it has not been discussed among the Board.

Bruce Eveler stated that there are no plans to expand in the near future.

Attorney Haar asked the question has the airport taken a position as to whether the proposed ordinance is acceptable to the airport and does the ordinance in any way affect what the adjoining property owners can do on their properties such as walking around the property without limitation or limitations on using a tractor or other equipment? Attorney Bupp stated that there is nothing in the ordinance that limits activities per se or movements on the property. It's strictly a control on height of natural growth and structures.

Floor closed at 8:11 p.m.

OTHER BUSINESS:

May 18, 2008 at 2:00 p.m. has been set for the dedication of the ambulance garage doors in memory of Cecil Dunbar and in honor of Michael Simpson and Nelson Tome, Sr. The Office Assistant was directed to contact Rep. Saylor to see if he would be available to attend the dedication and recognize these EMTs with a citation.

The Secretary was given permission to attend the LGAC meeting on May 22, 2008.

The Board would like three quotes obtained on replacing the ceiling tiles, grids, and light coverings in the small room of the community building. The fan is to be taken out but the box left in.

LARGE ITEM TRASH DROP-OFF:

David Gemmill made the motion granting permission to hold a large item trash drop off at the maintenance building between the hours of 8:00 a.m. and 12:30 p.m. in the month of May. Seconded by Eric Bacon, motion carried.

PROPOSED AIRPORT ORDINANCE:

After a lengthy discussion of all the ramifications of this ordinance, David Gemmill made the motion that the Board proceeds with the hearing and the adoption of the ordinance as written. Seconded by Eric Bacon, motion carried unanimously.

Eric Bacon made the motion to authorize Tim to obtain the documentation from the PennDOT Bureau of Aviation regarding the grant that Chanceford Aviation is pursuing. Seconded by Bradley Smith, motion carried unanimously.

APPROVAL OF BILLS:

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

EMT:

David Gemmill made the motion to hire K. Franklin Kiehner as a full time Brogue Ambulance EMT at an hourly rate of \$9.75. Seconded by Bradley Smith, motion carried.

ASSISTANT ZONING OFFICER:

Bradley Smith made the motion to hire Clifton M. Baldwin as assistant zoning officer at an hourly rate of \$12.50. Seconded by David Gemmill, motion carried.

ADJOURNMENT:

There being no further business, David Gemmill made the motion to adjourn the meeting. Seconded by Bradley Smith, the meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Brenda C. Gohn
Secretary/Treasurer