

Chairman Nelson Brenneman called the regularly scheduled meeting to order at 7:00 p.m. Supervisors present: Dennis Luckenbaugh. Absent: Rodney Shearer. Present on behalf of the Township: Manager Sharon Kerchner, Solicitor Andrew Miller. Also present: Recording Secretary and approximately 45 citizens.

Chairman Brenneman announced that the Board held Executive Sessions on April 26, 2019, and May 13, 2019, for discussions of personnel, real estate, and legal advice.

Motion by Luckenbaugh, second by Brenneman, to retain Pillar + Aught-Cory Iannacone, Esquire, Labor and Employment Counsel Services, related to the Police withdrawal. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Brenneman, to accept the Proposal from Mid-Atlantic Real Estate Valuations, Inc., to conduct an appraisal for the police building, related to the Police withdrawal. All members voted aye; motion carried.

I. **Minutes**

Motion by Luckenbaugh, second by Brenneman, to approve the minutes of the meeting of April 16, 2019. All members voted aye; motion carried.

II. **Treasurer's Report**

A. **Motion** by Luckenbaugh, second by Brenneman, to approve the Treasurer's Report for April 2019 as presented. All members voted aye; motion carried.

III. **Police Report**

Officer Stalcup gave the police report for April 2019. There were 347 total calls for service, with 152 being in NCT. Officer Stalcup offered his services throughout this time of uncertainty. From the audience, Willa Lefever noted appreciation for the police department for "holding it together" during all this up and down.

IV. **Fire Company Report**

Tim Carr gave the fire company report for April 2019. Of note, on June 1, the first chicken barbecue will be held at the fire hall. The department wants to replace 1994 service truck; NCT has had it for 15 years, having bought it used. Fundraising will help to pay for a new truck.

V. **Permits, Plans, and Modules**

A. David Hartman, shared driveway agreement for future subdivision plan.

Mr. Hartman was present; he'd like to subdivide 10 acres along Arnold Rd. His intent is to share a driveway with neighbors Roland & Beth Hoet-1829 Arnold Rd, then branch off onto his own driveway after the stream, instead of incurring cost with building a bridge. There will also be a slight rearranging of the property lines to make a cleaner lot. Attorney Miller stated that a Driveway Agreement is required. The Board approved Mr. Hartman to move forward with his plan.

VI. Administrative Reports

A. Supervisors' Reports

1. Mr. Luckenbaugh noted that the recycling (Refuse) contract is expiring soon. **Motion** by Luckenbaugh, second by Brenneman, to authorize the Solicitor to prepare a new contract proposal for trash collection and recycling. All members voted aye; motion carried.

2. Mr. Brenneman asked about the fog sealing of the roads – still to be done. Oil and chip roads have been completed. Mr. Luckenbaugh noted that he had two complaints of the contractor sweeping the stones off the roads onto the yards. We will have the contractor inspect and if necessary, vacuum.

B. Manager's Report

1. **Motion** by Brenneman, second by Luckenbaugh, to approve the renewal of the junkyard license for Eichelberger's. All members voted aye; motion carried.

2. **Motion** by Luckenbaugh, second by Brenneman, to accept contracted services with Jeff Helwig for WWTP on-site support on an as-needed basis. All members voted aye; motion carried.

3. FYI- State Police fines- \$3,182.89.

4. Sewer vacuum truck needs new tires. **Motion** by Brenneman, second by Luckenbaugh, to authorize the purchase. All members voted aye; motion carried.

C. Engineer's Report

No comments or questions on the submitted report.

D. Solicitor's Report

1. Fireworks ordinance – Fire Prevention Ordinance was reviewed by the Board members. Hours were changed to 6 a.m. to 11 p.m.; distance from any structure, barn, livestock is now 300 feet. **Motion** by Brenneman, second by Luckenbaugh, to authorize Attorney Miller to advertise this ordinance and prepare it for adoption by the Board for the June meeting. All members voted aye; motion carried.

2. **Motion** by Luckenbaugh, second by Brenneman, to adopt Ordinance #276-05-2019, repealing the Yard Sale/Auctions ordinance. All members voted aye; motion carried.

3. SALDO ordinance amendments were discussed. GPS locations are to be kept in the ordinance; this still gives the Board the option to waive that requirement if it's a hardship for the applicant. Also, the definition of a banquet hall was expanded for more clarity and not so general. The definition of land development in the Zoning Ordinance should remain as is, because it comes directly from the MPC, in which the Township is bounded by. Also, the definition of a small school was modified. The parcels limited to lot size of 1.5 acres was removed. Discussion was held on the requirement to have a small school file a full subdivision/land development plan. Perhaps this requirement could be modified to require only a building permit and grading plans and stormwater compliance. Stormwater requirements cannot be waived, it was noted. Or modify the language to require the full plan for a new construction situation. There were several other minor changes to correct language, punctuation, etc. *Table* this for action until another month's meeting.

VII. Old Business

A. Tom Steele's request for reduction of financial surety by \$26,412.00 for Lynwood, Mr. Steele was present. Mr. Brenneman asked about the area where all those trees are, wasn't that supposed to be cleaned out? Yes, Mr. Steele is indeed to be cleaning that area out. Mr. Steele noted that his NPDES permit required him to remove the temporary riser, due to terminating the use of the basin, which he has done. There still remains cleanup of the scrap, Mr. Steele intends to have removed. Mr. Brenneman will meet with Mr. Steele on site, to go over the Township's expectations for the cleanup of the area. Attorney Miller suggested that Mr. Brenneman check with the Conservation District to verify what the NPDES permit requires.

Motion by Luckenbaugh, second by Brenneman to approve Mr. Steele's request to reduce the financial surety for the Lynwood development by \$26,412, leaving a remaining balance of \$114,847.80. All members voted aye; motion carried.

VIII. New Business

A. **Motion** by Luckenbaugh, second by Brenneman, to keep the rate of \$65 for two 20-minute leaf pickups. All members voted aye; motion carried.

B. **Motion** by Luckenbaugh, second by Brenneman, to accept the Rec Board's recommendation to offer 15 park benches for sponsorship at \$400 each. All members voted aye; motion carried.

C. Mr. Luckenbaugh noted the letter received from Seth Grove, reference to DEP proposing a move to increase several fees, not yet finalized, and under state law, the department must accept public comment from the affected entities. Attorney Miller has not seen the letter.

D. Attorney Miller reported on the police contract negotiations. The Township's representative of the police board, also proposed contract services with the SWRPD instead of remaining a member. Not an option. [See more information at Public Comment section.] The Board has reviewed the other contracts. Few items still being reviewed and investigated. West Manchester Township's contract is for 10 years, \$825K first year, \$200K entry fee. Question: does the Board want to continue to consider WMT's proposal? The NYCRP proposal is \$745K for 17 police protection units. Mr. Brenneman feels that WMT's price is too high, even though he had thought that would best because they're closer. He's disappointed that SWRPD turned NCT down for contracted services. The NYCRPD term is 3 years with a 2-year termination notice. No withdrawal penalty. Mr. Brenneman thinks a 5-year term is better; 3 is too short.

John Rebert asked why they're discussing this tonight without Mr. Shearer's presence.

Attorney Miller suggested meeting with the chief of the NYCRPD in Executive Session to discuss some terms and items. Postpone a public discussion on the terms until Mr. Shearer is present. Mr. Luckenbaugh also would like to have a five-year term, with the option to add ten additional hours per week.

Scott Lackey suggested having the NYCRPD chief attend the June Board of Supervisors meeting.

Motion by Luckenbaugh, to *table* the discussion. *No second; motion died.*

Motion by Luckenbaugh, second by Brenneman, to continue to look at NYCRPD, countering a 5-year contract, with a 2-year withdrawal notice, and the option for an additional 10 hours per week, should the Township feel it's warranted. All members voted aye; motion carried.

Attorney Miller reported that he has reviewed the terms of the separation agreement. Still a work in progress.

IX. General Public Comment

Bryn Lindenmuth, officer of the SWRPD, urged the Board to take Officer Stalcup up on his offer to help with this decision.

Larry Wildasin asked what does each resident pay for police protection with the reduction in costs proposed by SWRPD? He urged the Board to be as focused on the police issue as on the trash collection issue. Asked a question that was referred to the York County Conservation department. Why aren't farmers made to comply with stormwater regulations?

Willa Lefever thanked those who voted today. She suggested approaching each issue from all angles and learn from the past and acknowledge the present, in order to possibly anticipate the future. The community seems less safe now than it did 20 years ago, so now's not the time to reduce the police force. Noted that the police department originally counter-offered, and NCT turned it down. Referred to a survey that York College did.

Cathy Martin, asked for clarification on the number of hours per week currently covered by police as compared to what the other department is proposing. Mr. Brenneman feels that the Township wasn't getting as many hours of protection as supposedly stated.

Jean Hedrick, Jefferson Road, proposed a prayer and fasting day to remember our freedoms and keep the police protection as it is.

Jim Yohe, says the public wants to keep the police; the elected representatives want to discontinue the contract; do they represent the public?

Pat Craig voiced his frustration with contract services; there would be no Township representative on either police board. He mentioned that Officer Stalcup donated his personal time to speak to school students. He also feels that NYCRPD is too slow to respond.

Paul Cusumano spoke, referring to having to pay 48% of the police services and wanting to have more of a say in the workings; now the Township wants to get out of the police agreement yet as a member of the NYCRPD, will have no say? Also, why postpone again? Mr. Miller noted that the township is, in a large degree, locked into the amount of service and the cost with SWRPD. And although there have been some proposals floated to reduce those cost, it's all contingent on renegotiating a collective bargaining agreement, which is going to be very difficult to do and very uncertain that is going to happen. He also noted that cost reduction discussions with the police have been ongoing for many years. Now it's trying to happen earnestly because the Board has made a decision or given a notice of intent to withdrawal. The problem is there isn't enough time left to do that and unfortunately that's where we are. They do have the ability to control some of those cost if they enter a new contract, and that's what they have been looking at doing. Mr. Miller also noted that we do not see a feasible way to get down to 194 hours from SWRPD's because of the collective bargaining agreement.

Several audience members feel that this is a personal matter for the Board members.

Dave Shissler, Noss Road, thanked the Board members for their service.

Dorothy Stermer, Walters Hatchery Road, had quick police response at her house. Feels that the decision's already been made by the Board. Larry Stermer, also Walters Hatchery Road, feels it's personal for one Supervisor and the other two are "complicit" in it. Mr. Brenneman urged Mr. Stermer to attend the police board meeting to see for himself what goes on there.

Albert Buckingham, View Dr., supports the police.

Scott Lackey, North Rohrbaugh Road, asked where the small games of chance funds from Goofy's are allocated to. Mrs. Kerchner said it goes to the fire department. Mr. Lackey alleged that the Township receives \$10-12K per month from Goofy's, and accused Mrs. Kerchner of misallocating the funds. From the audience, Missy Altland corroborated Mrs. Kerchner's denial that the amount is nowhere near the allegation. The township receives 5% of the net revenue from tavern games as a local tax annually.

Tim Carr, asked if the seal coat was placed on Messersmith yet? Noted that a motorcyclist or two have slipped on the loose stones. Mrs. Kerchner didn't think that the sweeping was finished, apparently Messersmith still needed done. She will check the status on both the sweeping of the stones and placing of the Fog Seal.

John Rebert, Sunnyside Road, asked what the cost is to retain the firm (voted on at the beginning of the meeting) for police matters? Cory Iannacone is being engaged at \$250 per hour to help review the contracts that were provided as well as the Separation Agreement with SWRPD. How much for the appraisal on the police building? \$3,500. Will we ever get a total cost thus far as to the withdraw from SWRPD? He sees the Township spending more and more money. He's frustrated with lack of answers from this Board and the Police Board to residents' questions. Per Mr. Rebert, NYCRPD is not for NCT.

Kim Reimold, works for Spring Grove High School spoke, noting that it was a rough year at the school. This is not a good time to decrease police services. Wants to keep SWRPD.

Keith Reimold, Lynwood Drive, reviewed some numbers and figures. Feels that the cost savings isn't worth it. Mr. Miller – collective bargaining agreement affects everything. Board was asking for the numbers for several years. Board feels that the 194 hours per week isn't attainable with all the obstacles to hurdle.

Judy Goodling, Cedar Hill Road, voiced concern over a health issue that SWRPD has been there several times to assist. Isn't hopeful that NYCRPD will respond in time, as they are coming from Dover.

Mike Goodling, Cedar Hill Road, feels it's personal on the Board's part.

Luann Markle supports the police department.

Kelly Fuhrman, View Drive, supports police department. Doesn't understand the process of opting out and deciding before the costs were established. Also, what's being compromised to reduce costs? Put the personal issues aside. Doesn't care for NYCRPD. Thanks to the Board members for listening; please, really listen.

Ed Schwartz voiced his dissatisfaction with the Board members and the attorney and their actions.

Todd Zeigler, Cemetery Road, clarified what was said at the last police board meeting. The Police Board said the reason that they could not give NCT contracted services was because they must follow what the Articles of Agreement states regarding the separation process. If the withdrawal goes through, they would then *later* consider. It was not like they would never consider, just want to make that understood and clear to everyone here, they won't consider right now while the township is going through the withdraw process. He also commented that the most recent newsletter was disappointing; inaccurate information and too few details, especially on the police issue. Disputed the numbers that were bandied about. Had positive comments about NYCRPD's board representation. Please represent the people of the Township. Feels that the Board has already made up its collective mind.

Officer Stalcup again offered his services to address feelings, issues, and concerns. Chief Bean has resigned; Stalcup is the Officer in Charge. He would like to hear the concerns and

feelings of the Board members in this matter. Officer Lindenmuth spoke again to urge the Board members to meet with Officer Stalcup and get to know him as the possible chief. There was a discussion about a number of topics. How about starting NCT's own police force? (Mr. Luckenbaugh said that the Township's too small to do this.) The things that were important to the Supervisors when SWRPD was started are still important to them, and to the residents.

Todd Zeigler commented again, noting that it's the responsibility of the representative of the police board to bring good information to the Supervisors.

Willa Lefever asked again to have an independent survey done to see how many residents are in favor of keeping the police protection as it is. She gave more details about the York College students' survey, noting that 87% of the respondents were satisfied with the police protection.

X. **Announcements**

A. The Planning Commission will meet on May 28, 7 p.m.

B. The Southwestern Regional Police Board will meet on June 12, 7 p.m., at police headquarters.

C. The Board of Supervisors will meet on June 18, 7 p.m.

Motion by Brenneman, second by Luckenbaugh, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:21 p.m.

Respectfully submitted,

Sharon Kerchner,
Township Secretary/Manager

Julie B. Maher,
Recording Secretary