

Chairman Nelson Brenneman called the regularly scheduled meeting to order at 7:01 p.m. Supervisors present: Dennis Luckenbaugh and Rodney Shearer. Present on behalf of the Township: Manager Sharon Kerchner, Solicitor Andrew Miller. Also present: Recording Secretary and approximately 45 citizens.

Attorney Miller reported that the Board met in Executive Session at 6 p.m., prior to tonight's meeting, to discuss litigation, personnel, and specifically to get an update from the police board representative from the police board last meeting. The Board also met in Executive Session on May 29, 2019, for legal advice on police matters.

I. **Minutes**

Motion by Luckenbaugh, second by Brenneman, to approve the minutes of the meeting of May 21, 2019. Two members voted aye; *Shearer abstained*. Motion carried.

II. **Treasurer's Report**

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

III. **Permits, Plans, and Modules**

A. Scott Wildasin, 2520 Myers Road – waiver request for Section 165-4. B (LDP). Scott Wildasin was present on this waiver request. He wants to put a 30' x50' pole building on a separate vacant lot he owns next to his existing property. **Motion** by Luckenbaugh, second by Shearer, to approve the request by Scott Wildasin for waiver for Section 165-4. B. All members voted aye; motion carried.

B. Levi Beiler, 2224 Strickhouser Road – waiver request for Section 165-4. B (LDP). Levi Beiler, Chris Petersheim, Stephen Esh, and Christ Esh were present on this waiver request for land development plan requirement for a one-room school. Attorney Miller clarified that this is a waiver from the land development process only. This does ***not*** waive from any stormwater requirements or zoning requirements, all of those still needing to be complied with and building permits and building code inspections associated with this proposal. Applicants understood. **Motion** by Brenneman, second by Luckenbaugh, to approve the request by Levi Beiler for waiver for Section 165-4.B as presented. All members voted aye; motion carried.

C. Christine and Albert Buckingham, 4637 View Drive – waiver request for Section 165-4. B (LDP).

Albert Buckingham was present on this request. He wants to put a pole barn on the vacant, unimproved property that he purchased next to his existing property. **Motion** by Luckenbaugh, second by Shearer, to approve the request by Albert and Christine Buckingham for waiver of Section 165-4.B, as presented. All members voted aye; motion carried.

D. Marvin Segreaves and Laura Conner, 4588 Bentz Road – waiver request for Section 165.4.B (LDP).

Laura Conner was present on this application. The applicants would like to build a 3-bay garage on a separate lot. **Motion** by Luckenbaugh, second by Shearer, to approve the request by

Marvin Segreaves and Laura Conner for waiver of Section 165-4.B, as presented. All members voted aye; motion carried.

IV. **Police Report**

Sergeant Jamie Stalcup gave the police report for May 2019. Question by John Rebert: how many officers are currently available? There are nine working; one is on leave awaiting trial. Will the department replace the four who have left? There is a Memorandum of Understanding in progress; officers could possibly serve part-time. How's the school program work? There are no Resource Officers actually in the schools. There are daily visitations, yes, to build rapport, etc. No classroom instruction. Mr. Shearer offered kudos to Officer Stalcup on the information put together after the last Board meeting. Most appreciated; well done. Sergeant Stalcup reiterated his offer to help or listen through this process. He also offered kind words of introduction for Mark Bentzel, Chief of Police for Northern York County Regional Police.

V. **Special Guest Presentation AND General Public Comment**

Special Guest Mark Bentzel, Chief of Police for Northern York County Regional Police, presented a proposal for contracted police services.

Attorney Miller gave a summary of the proposal, noting that it is a contract for services. NCT would have one appointed, non-voting representative for the NYCRRPD Board; services would start 1/1/2020; contract is for a term of five years that would run through 12/31/2024; termination provision requires 2 years notice, with no penalty. NCT would be purchasing 17 police protection units, 10 per week for 170 hours of service. The cost works out to \$43,766.33 per unit. The contract would also have provisions included, to allow NCT, if they chose, to join as a voting member of NYCRRPD, at the township's option, there are no requirements to do so. The contract also includes reporting requirements from NYCRRPD to NCT, which would consist of submitting financial reports as well as monthly written reports.

Chief Bentzel spoke, first thanking Sgt. Stalcup for comments; also present was Greg Anderson, Operations Lieutenant. By a show of hands, it was revealed that not many in the audience were familiar with NYCRRPD, so Chief Bentzel gave some details. The Department serves eight municipalities, 150 square miles; 70,000 people served. There are 54 police officers; four civilian office workers. The Department answered 30,000 calls for services last year (2018). The officers work 12-hr shifts and are assigned to a small geographical area. Only those serving Dover are actually in Dover. The others are out and about in their assigned areas and don't return to the station. Efficiency is enhanced by being able to maintain what we call discipline by the officers staying within their geographical areas in which each one is assigned. Smaller districts have the benefit of more officers as needed. NCT's requirement of 170 hours was determined by using the International Association of Chief of Police (IACP) formula and used SWRPD's numbers and Jackson Township for similarity comparisons. Jackson Township overall has more Part 1 crimes (*most serious*). Jackson Township has more Part 2 crimes; motor vehicle accidents, traffic enforcement is at a far greater rate, and criminal arrests than is occurring in North Codorus Township. Jackson contracts for 175 hours per week. The total call load for NCT for 2018 was 1,889, Jackson Township was 2,653 and that doesn't include calls that occurred at the Spring Grove Area School District. We are busier and are able to maintain a very good efficient level of service for Jackson Township at 175 hours, thereby we feel very confident that 170 hrs. should be sufficient for NCT. A combined coverage area for Jackson,

Paradise, and North Codorus Townships with a total of 445 hrs., we believe would be a very viable way to efficiently Police the Township. There are two resource officers in the high school and middle school, working 8 hrs. day, 188 days a year. In addition, all 19 school buildings are physically “walked” every day, at least one time per day by all officers, thereby offering police presence in each facility. Our school resource officers that are assigned to Spring Grove, currently work with your children of NCT. Although we may not be driving your roads, we have some connections of your community through your children. Also, these officers provide coverage at football games, community events, etc. The unit cost includes everything; nothing is extra or hidden.

Greg Anderson spoke, addressing how the officers are already interacting with residents. There are child safety checks; preschool and elementary age information; information dealing with middle school issues; then high school issues are also addressed. The Police Explorers Program is available for students to shadow police personnel. For teachers and adults, there are various programs, safety assessments; active shooter/aggressor programs; older adult issues, such as information on scams, doorbell cameras, and crime prevention.

Questions/comments:

Bill Kaiser clarified that the figure is \$84.17 hourly.

What is the rate of increase in the budget? It’s been under 3 percent last couple of years, one year it was 5 percent. Depends on retirements where you are replacing those that make the most money with new employees that make the least, etc.

Chief Bentzel noted that regional police service helps to control costs to keep protection affordable for all. If NCT comes on, all will benefit from lowered costs.

A question was asked on average response time. Chief Bentzel’s response was that, taking random months, random calls, random places, the average response time was 5 minutes 49 seconds over 10,000 calls. Much is luck of the draw. Response times are never fast enough in a crisis, and all police departments face the same dilemmas.

John Rebert clarified that the school resource officers are paid by the school district; classes are conducted in school buildings. He asked if the officers respond to fire or ambulance calls? Yes, the officers do respond to them; how does the officer assist the ambulance crew? Help lift patients, open doors, etc., the usual duties.

The Township can choose to become a voting member of the NYCRP Board. It would require to pay per diem for every unit, which is approximately \$23,000 one time fee.

How do the officers feel about the second amendment and personal gun ownership? In support of. Does the Department offer any firearm training? No, not at this time. Working with Seth Grove to remedy.

Any officers living in NCT? Three.

Chief Bentzel relayed that NYCRPD has hired five or six Spring Grove High School graduates as police officers. He feels this is because the School Resource Officers have an impact on the school students.

Denny Ilyes asked why would NCT pay to have a vote when they have a vote now? Chief Bentzel explained, noting that NYCRP Board has one vote per municipality. He also noted that NYCRPD is the oldest and first regional police force in PA, formed in 1972.

Clarification on length of contract; minimum of 5 years. If NCT wishes to become a voting member of the Board, the cost would be a one-time fee of approximately \$23K.

Discussion was held on the numbers of 1.2 officers per 1000 people and what the proposal offers. Chief Bentzel noted that one can't look at just population, must look at call loads.

Paul Miller reminded the Board that now NCT pays 48% of budget and gets 1 vote. Why go to a no-vote situation? If the Board of Supervisors says that the SWRPD Board or department isn't listening now... how's that going to work? Attorney Miller explained that a contract situation from the start isn't easily reversed. The Township is proceeding slowly at first, with the option to join as a member at any time. Paul Miller – that would mean paying more than we are now? SWRPD is \$992K per year; NYCPRP proposal is \$744K per year; even with the \$23K or so fee to join as member, that's still less. Right now, NCT is paying \$525.15 per call not including traffic stops or warnings; with those two items, \$346.97 per call. NYCPRP's numbers using Jackson to compare, pay \$246.98 per call, not including traffic stops or warnings, \$161.41 per call with traffic stops or warnings. Do we know what the 2020 police budget would be? No, hasn't been developed yet. Shouldn't we know before jumping ship? Mr. Shearer noted that the last number from SWRPD was \$1.2 million; the Board of Supervisors has to operate on the numbers given.

Tanya Crawford asked Chief Bentzel his opinion of consolidation of departments. Response: there used to be 72 departments in Pennsylvania; there are now 23. Southwestern Regional and Northern York County should merge to control costs and educate people and serve all. Larger departments are able to deal with absences, etc., better.

Officer Lindemuth, from the audience, asked if the two departments were to merge, what would happen? Is it a merger or a takeover? Does it matter what it's called?

If proposed numbers don't pan out, what does that do for the budget? Board of Supervisors have the option to increase service if necessary. Can only go on past numbers, can't predict the future. Increased demand means less chance for preventive control. Mr. Shearer said that it's been discovered that SWRPD's numbers were inaccurate; audit requested by the Board of Supervisors.

Tanya Crawford – shouldn't the police chiefs be able to work this out? Chief Bentzel feels that this can't be done; what with egos and posturing and politics. Good point.

Willa Lefever feels that the current police presence at .8/1000 people reduces the need for police. NYCPRP is proposing only .4/1000.

If there's a home robbery – is someone going to be working on the case? Absolutely. Each officer's time is tracked in 15-minute intervals. There are six detectives, and cases are reviewed each week.

A major case might require a cap of the number of hours spent on it. That's correct; more time spent in one municipality might mean fewer in another municipality. Yes, that does happen, and they try to even it out.

Scott Lackey referred to traffic accidents – do the officers help with clean up? They can, certainly. He said that NYCPRP are called the "Boy Scouts of Dover" whatever that means. Chief Bentzel interprets the meaning to be a compliment. Mr. Lackey relayed a rumor that NYCPRP officers don't help at a scene of an accident. Chief Bentzel doesn't believe that.

If there is a transition, how is continuity maintained from old to new? There is sharing of data between departments to keep cases going. The departments are using the same systems now, so data transfer is relatively simple.

Do the officers participate in community activities? Fingerprinting, children's programs, etc.? Yes, indeed.

[End of NYCPRP presentation; Public Comment follows.]

Dennis Ilyes, don't forget the buyout of the current contract—that must be added to the cost. Mr. Shearer said that the Board has a very good idea of the cost of the buyout, but details can't be revealed just yet. Can't reveal until an agreement is made with SWRPD.

Paul Miller, will the Township ultimately save money over the four-year contract? Mr. Shearer, answered that, yes, based on the facts, the Township will save money.

Willa Lefever, again requested a survey to find out what the residents want. Reiterated the results of the survey by York College students, noting that 87 percent of the respondents were very pleased with the current police situation.

Paul Miller, doesn't make sense to join a contract with no say in what goes on. Doesn't like the uncertainty.

Michele Emenheiser, Bentz Road – any way to do a cost-benefit analysis? Staying with SWRPD as compared to going with another department?

Bill Kaiser – state recommends one officer for 1000 population. Coverage is already less than that; NYCRP is offering .4 officers per 1000. Doesn't make sense, especially because NYCRP is already providing .8 officers per 1000 residents.

Jim Crawford wanted to know what's being done with the money that will be saved? Will everyone else's salary be scrutinized as hard as the police funding? Mr. Shearer noted that the Township has already taken measures to change new hiring, benefits, etc.

Tanya Crawford, I guess my concern, and I have all the respect in the world for NYCRD, I've known Chief Bentzel for quite a while, but I guess I have a concern whether Mr. Shearer or the Police board has ever entertained consolidation? It saves everybody money, gives everybody specialties and efficiencies. Mr. Shearer answered yes, Chief Bentzel and Bean did meet a couple of years ago. Attitudes got in the way. Crawford continued, if you started putting them together, it would make it better for everybody. Everybody is afraid to take the step, and I do believe most Chiefs have somewhat of an ego, that when you start putting them together, everybody wants to be top dog. But isn't the responsibility for the management of that to be with the boards, not the Chief's? Mr. Shearer replied "Yes it should be". Ms. Crawford asked, "So why aren't the Boards reaching out"? Mr. Shearer stated that Southern Regional has approached them (SWRPD) recently, and that now all of a sudden, they are willing to explore the possibility. Will Mr. Shearer ask the Police Board if they would consider consolidating? Yes, indeed; will make calls tomorrow.

John Rebert, bigger isn't necessarily better. Not against merging, but unsure it could be completed at this time with the controversy that's going on. Feels that a change will cost too much. He doesn't think you can look at this and say that this would be the best thing to do.

Larry Baugher, Whispering Springs Drive, quoted from Fox 43 News that a decision is already made and that the Township is paying \$1M to leave the SWRPD. **Attorney Miller** – no basis for the \$1M figure; irresponsible to publish that figure. Explained more general numbers, but can't make any specific figures available right now, as they haven't been calculated yet. That is the reason the Board has refrained from putting any numbers out there, because no one has sat down and look at the contract to come up with those numbers. There's been discussion tonight about the cost of PPU for services with SWRPD and that it may actually go down next year. *The major expense of withdrawal is for this Township to pay the incremental cost per unit for the remaining municipalities. If that cost is going down next year, there's no penalty to the Township. If the PPU cost goes up, the Township would be responsible for that incremental cost for the same number of units that those municipalities purchased this year. Those numbers*

haven't been calculated yet and it is reckless to throw numbers like \$1M out there, it does no one any good. Mr. Baugher feels SWRPD is doing a good job.

Kim Reimold, reported that Channel 21 quoted incorrect numbers all morning long. Does Mr. Shearer give the other two members information from the police board meetings? Of course, minutes and information are provided.

Dan Schmidt, who is on the SWRPD police board, reported that the SWRPD Board formed a committee to explore the possibility of a merger with Southern Regional Police Department (Southern approached SWRPD). Question directed to Attorney Miller- his understanding was that the Police Board solicitor gave Attorney Miller a list of figures and compilations. Miller – Attorney Tilley sent an agreement saying that the Township would continue to pay their portion of the budget next year, but there is no basis for that in the contract in the first place. It's a very simplistic way to look at it but there's no basis in the contract that the municipalities had executed. So, what is the next step? The Board has the draft of the letter to discuss and review then move forward.

Kim Reimold asked that the Board members please follow up with residents on whatever they say they will do.

Emily LeVault, Lehr Lane, feels that communication issues abound. How about extending the Intent to Withdraw, make a good and informed decision to leave or merge, etc., but put it off until after the contract time expires.

Luann Markle agreed.

Denny Ilyes, it doesn't make sense to jump to a Board with no decision-making power. Also, clarified from Attorney Andy, are we to receive 48% of the initial cost of the building, or 48% of what the fair market value is currently? Attorney Miller stated that if the building was purchased at fair market value of \$1.2M, presumptuously real estate normally doesn't decrease in value. If it was overpaid for, then possibly it may have decreased in value. We've done projections with a variety of scenarios. NCT board of supervisors authorized moving forward with an appraisal on the building, 2 months ago. We've been waiting for the police board to approve someone to be the contact person for that appraisal to happen. We just received this contact information, and the appraisal process is moving forward now. That is why it is premature for anyone to put numbers out there, without knowing for sure what they'll be. On the flip side of that, the cost of withdrawal has been misstated, because it's been an assumption that it's just the budget number and it's just plugging the budget. What the articles of agreement states is that it's the incremental cost per police unit, to provide the same quality (level of service) that the remaining municipalities had in the year prior to the departure. So, we can't calculate what the incremental cost is until a budget is done and we know what the PPU cost is. The Articles of Agreement makes this process very uncertain and very challenging whereas the contract they are looking at with NYCRPD would be absolute certainty, there would be no cost. That is part of the reason the board has considered contracted services instead of full membership. Mr. Ilyes - but with no voting power. Attorney Miller- However, one of the key points of the contract is that they have the option to get that vote if they decide that they need it, instead of starting as a voting member, where they could not have reversed that option. So, what they have done was set themselves down on a path where they can see how NYCRPD performs and whether its necessary to have that vote and tie themselves in more fully and make that decision in the future.

Todd Zeigler, Cemetery Road, clarified cost-cutting measures by Township. Are the withdrawal numbers even close between NCT and SWR? No. Any chance of litigation?

Possibly. Also, Mr. Zeigler feels that NCT shouldn't be compared to Jackson Township. RE: the separation agreement, why no response from NCT? Remember why Supervisors were elected in the first place. Public has made it clear that they are happy with the police protection as is. Consider rescinding the Intent to Withdraw and try to work around the disagreement.

Mike Goodling, Cedar Hill Road, feels that the decision is already made.

Brandy Goodling, Stoverstown Road, president of Police Officers' Association – the collective bargaining agreement would not have to be reopened. Officers want to be part of the solution. Offer is still good to talk.

Bryn Lindemuth, confirmed that the Letter of Intent was sent in October to get someone's attention. Well, the Board has the attention of the appropriate agency now. What can be done to have NCT rescind that letter? Mr. Shearer explained the time period from when the letter of intent was sent, that they didn't take us seriously, and that's why we are where we are now. That's in the past, what can be done now? What can the Police Officers' Association do? Nothing at this point.

Fred Mula, Walters Hatchery Road, feels that the Township should suspend the withdrawal, and let Mr. Ilyes help decide when he is a Supervisor. Work with what we have now. Feels that there's not enough communication and relay of information between the Police Board and the Board of Supervisors.

Larry Lehman, Cemetery Road, asked how much the Township has spent thus far to do all this? Missy Altland provided information -- \$7,132.50. Attorney Miller clarified that Attorney Tilley took six months to get information to the Board of Supervisors, so it's rather unfair to accuse NCT's Board of delaying response to the proposal, when it was only received a couple of months ago.

Scott Lackey suggested that the Board meet with Sergeant Stalcup to work this out.

Sergeant Jamie Stalcup spoke again, noting that the past with the Police Board is in the past. Look to the future and find a solution to this problem. He's open to working with the Board members. Mr. Shearer asked if Sergeant Stalcup is prepared to talk about a merger. Sergeant Stalcup is in favor of anything that helps resolve the situation and move everyone forward.

Willa Lefever feels that it's unanimous that residents want to delay the proceedings.

Tanya Crawford noted that the agreement states that a withdrawal can take a minimum of at least a year; can consider for more than one year. Feels that NCT is in the ideal location to consolidate. Get all the Boards together to discuss consolidation.

Dan Schmidt feels that a hold on the procedure will get good results. Mr. Shearer relayed that the police department didn't work with NCT to provide information; yet another municipality was provided that information right away. That's when it came out about the discrepancy in hours of service. Schmidt feels that the Police Board is listening now.

Willa Lefever feels that delaying will reduce the stress for everyone.

VI. Administrative Reports

A. Supervisors' Reports

1. Mr. Shearer reported that oil and chipping and fog sealing have been completed; milling and notching will be done this week, and blacktopping on Monday.

Motion by Shearer, second by Luckenbaugh, to request an audit on the SWRPD's compilation of time and hours for NCT AND to add this request to the Separation Agreement

information. *Discussion:* Attorney Miller explained that it's been discovered that the police department has been charging for hours and officers that don't actually exist. The Township wants to have an audit done of those hours in order to be reimbursed for officer services that weren't actually performed. All members voted aye; motion carried.

2. Mr. Luckenbaugh reported that there was a wiring problem at the gas pumps. Problem fixed. New emergency shut off sign to be put up.

B. Manager's Report

1. Line painting is scheduled to be done anytime now, weather permitting.

2. **Motion** by Luckenbaugh, second by Brenneman, to approve the purchase of an upgraded telephone system for the office and shop from Telecom Business Solutions at a cost of \$5,664.42 (half down to order, half at installation). All members voted aye; motion carried. It was noted that this is a budgeted item.

3. **Motion** by Brenneman, second by Luckenbaugh, to authorize the WWTP operator to purchase a Hach DR900 Colorimeter at a cost of \$1,436. All members voted aye; motion carried.

4. **Motion** by Shearer, second by Luckenbaugh, to approve the expense of 30 cubic yards of Wood Carpet (ordered from Zeigler Brothers) for the park, for \$800 (every two years). All members voted aye; motion carried.

5. Signs were ordered for the park and tennis courts stating that dogs must be leashed and owners must clean up after their animals. Also, no bicycles on tennis courts.

C. Engineer's Report

No comments or questions on the submitted report.

D. Solicitor's Report

1. **Motion** by Luckenbaugh, second by Shearer, to adopt Ordinance #275-05-2019, amending Chapter 98—Fire Prevention (*Fireworks*). All members voted aye; motion carried.

2. **Motion** by Shearer, second by Luckenbaugh, to authorize the Solicitor to prepare and advertise the Ordinance which would be required to adopt the Agreement for Police Services with Northern York County Regional Police Department. Two members voted aye; *Brenneman opposed*. Motion carried.

3. **Motion** by Shearer, second by Luckenbaugh, to direct Attorney Miller to mail the Separation Agreement letter to the Police Board. All members voted aye; motion carried.

VII. **Fire Company Report**

Marvin Stine gave the fire company report for May 2019.

VIII. **Old Business**

Nothing at this time.

IX. **New Business**

Nothing at this time.

X. **Announcements**

- A. The Rec Board will meet on June 24, 7 p.m.
- B. The Planning Commission will meet on June 25, 7 p.m.
- C. The Southwestern Regional Police Board will meet on July 10, 7 p.m., at police headquarters.
- D. The Board of Supervisors will meet on July 16, 7 p.m.

Motion by Shearer, second by Luckenbaugh, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:57 p.m.

Respectfully submitted,

Sharon Kerchner,
Township Secretary/Manager

Julie B. Maher,
Recording Secretary