

**HOPEWELL TOWNSHIP
YORK COUNTY PA
BOARD OF SUPERVISORS
MINUTES FOR FOR REGULAR MEETING
MUNICIPAL BUILDING
THURSDAY, AUGUST 2, 2018 @ 7 PM**

Aaron R. Manifold called the August 2, 2018 Board of Supervisors meeting to order at 7:04 p.m. In attendance were Chairman Aaron R. Manifold, Vice-Chairman David T. Wisnom, John L. O'Neill, III, Andrew Miller, Solicitor, and Manager Kristy Smallwood.

ANNOUNCEMENT: The Board of Supervisors did hold an executive session with the Solicitor to discuss pending litigation. This executive session was held on August 2, 2018, at 6:45 pm.

Approval of Minutes: David T. Wisnom motioned to approve the July 5, 2018, Board of Supervisors minutes. John L. O'Neill, III seconded the motion. Motion carried.

Treasurer's Report/Invoices: John L. O'Neill, III motioned to approve the July 31, 2018 Treasurer's Report and previous reviewed invoices listed in the report. David T. Wisnom seconded the motion. Motion carried.

Roads:

ANDERSON RD - Finished base work on Anderson Road. This will stay in place for a few weeks.

EUREKA – Pave parking lot week of Aug 6-10. Township is using our equipment and road crew to be reimbursed from the fire company to repave at the fire hall on North Main Street.

ANDERSON RD – Return to finish up final wearing course on top. They are doing it a little different than in the past to get full 20 to 30 year life instead of 10 to 15 year life.

STORM DAMAGE: Long term damage from recent storms located at Gemmill Road at intersection of Deer Creek Road. A pipe eroded. It is a shared crossing with Shrewsbury Township. At this time Shrewsbury Township's engineer is checking on the possibility of obtaining any kind of aid from federal or state government. They are also trying to get some cost estimates together. Approval is needed from Hopewell Township Board of Supervisors to decide to share in costs of engineer (C.S Davidson) to do the evaluation and a cost projection for the replacement or we need to use our own engineer. Shrewsbury Township has started the process. Aaron R. Manifold made the motion to allow Shrewsbury Township's engineer to begin the cost estimates for the project and Hopewell Township will reimburse them for 50% of costs. John L. O'Neill, III seconded the motion. Motion carried.

NEW DUMP TRUCK: New dump truck has been received to replace single axel dump truck and will be put in service within next month or so.

Subdivision/Land Development Plans:

MARSTELLER – John to present subdivision idea. Property on Hess Road; the Morrison farm. Mr. Marsteller wants to take 2 acres off or 12 acres. Mr. Marsteller gave paperwork to Attorney Miller to be reviewed to figure out building rights. Mr. Marsteller wants to sell off house and barn and create 1 new building lot. Solicitor to determine building rights. Aaron noted that he saw on the plan that the number of dwelling rights is zero. Date on plan was 1995. If need be Mr. Marsteller will transfer rights if it is determined that there are no more building rights. Solicitor took the copy of the plan Mr. Marsteller had with him. Board of Supervisors to let Mr. Marsteller know the steps after Solicitor reviews. Solicitor mentioned it should be done in a week or so. Solicitor will send determination to Kristy to send out to Mr. Marsteller.

MAYBERRY – Jason Brenneman from James R. Holland and Associates was present to discuss the waivers. He has been to staff and the Planning Commission to discuss the waivers. They have everything in good shape but he is presenting waivers and is seeking approval because it affects the overall design of project. Jason Brenneman reviewed each waiver with the Board of Supervisors. Upon review the Board of Supervisors had no questions nor did the Public.

Section 22.505.1 Right of way and cart way width of collector street: John L. O'Neill, III, made a motion to grant the waiver to allow a 50 foot overall right of way with a 5 foot utility easement on both sides of the street. As well as a 34 foot cart way to reduce impervious surface. David T. Wisnom seconded the motion. Motion carried.

Section 22.604.3 Sidewalk Location: David T. Wisnom made a motion to grant the waiver to allow the sidewalk to start at 2 foot 10 inches from the back edge of curb and extend to right of way line, due to modification of right of way width. Aaron R. Manifold seconded. Motion carried.

Section 22.606.B Street Tree Spacing: David T. Wisnom made a motion to grant the waiver to allow the placing of trees in an amount that is the total number of street feet/linear feet divided by 60. John L. O'Neill, III seconded. Motion carried.

Section 22.402.2 Plan Scale: Aaron R. Manifold made a motion to grant the waiver to allow of the reduction in plan scale to be 1 inch equals 140 feet so that the entire plan fit on one sheet. John L. O'Neill seconded. Motion carried.

Section 22.509.1.B Lot Depths: David T. Wisnom made a motion to grant the waiver to allow lots 115, 116, 117 to be greater than 2.5 times the average lot width. John L. O'Neill seconded, especially due to the easement. Motion carried.

Section 22.504.1.C Streets Aligned with Existing Streets shall bear the name of existing street: Aaron R. Manifold made a motion to grant the waiver to allow the Street aligned with Hickory Road be named Edie Circle to prevent confusion for emergency services and post office. David T. Wisnom seconded. Motion carried.

Section 22-601.3 Location of Monuments: John L. O'Neill made a motion to grant the waiver to allow four monuments to be set at each corner of the development (NE, NW, SE, SW corners). Also Markers will be set at all other locations. David T. Wisnom seconded. Motion carried.

Section 22-506.5 Minimum distance between center lines of intersection for collector streets: David T. Wisnom made a motion to grant the waiver to allow the minimum distance between

street intersection of 200 feet be provided due to the density of the housing. John L. O'Neill seconded. Motion carried.

Jason Brenneman made mention that the Street slope waiver originally requested has been withdrawn because of a conflict in Hopewell Townships ordinance therefore no waiver required.

START HERE. Solicitor's Report:

SSAI FIRE POND – Mary Glass and Kevin Elliasson (President of the HOA) were present with comments on the letter received to dedicate the pond to township for \$1.00 in a deed; formal request made. Township would be assuming all responsibility, liability and maintenance, etc. for pond. The Board of Supervisors discussed this. Aaron Manifold said the two main things that need investigated with respect to the pond 1. Liability 2. Being able to carry insurance on it. Mary explained a bit about the Pond and that it has cost HOA a lot of money. The HOA has put in excess of \$50,000 in it, over and above the regular maintenance in the last 24 years. 2 years ago kids took a boat on pond when frozen and fell through. Since then no activity allowed. The members of the community don't like since they are paying for it they should be able to use it. The HOA has insurance and never had a claim. Mary can't break down the cost just for this pond but all 7 ponds are \$4k a year, strict liability.

Access points were discussed, which is the fire lane or through people's property. This issue won't get better even if township owns. Aaron Manifold advised that no decision can be made tonight. John L. O'Neill, III is recusing himself because he is a member of HOA. The Board of Supervisors will be back in contact when they make a decision.

EUREKA FIRE INTERMUNICIPAL AGREEMENT – Consider approval. They have advertised ordinance 3-2018 which is the update to the Eureka Fire Intermunicipal Agreement between Hopewell Township East Hopewell, North Hopewell, Stewartstown Borough and Cross Road Borough. The update to this ordinance has been discussed several times over the past few months and is now advertised for adoption. Because it is an agreement between the municipalities it is require to be adopted by ordinance by statute so that ordinance is ready for action. Aaron verified with the Solicitor that he did not need to open up a hearing. Aaron entertained a motion to adopt ordinance 03-18 lending the intergovernmental agreement between 5 municipalities. John L. O'Neill, III made the motion. Aaron Manifold seconded. Motion carried.

BUS SHELTERS – Update;The Solicitor did some research on shelters; not a lot of information. Trying to find out through the school district and Kristy if any are in use and origins may be.

QUIZENBERRY SUBDIVISION – Per the Solicitor the storm water agreement is ready to be approved. When they looked at plans after the meeting last month there were no public improvements that needed to be done yet on plan most of the improvements were installed previously to this plan. Because of this they did not do a development agreement. The storm water agreement is an operation and maintenance agreement going forward for the existing storm water facilities were installed so they thought that should still be done. The other agreement that was discussed last month was the shared road agreement or shared private drive agreement and this was reviewed and approved. That is with their attorney so the township does not have to sign. Solicitor was asking for a motion to approve the storm water agreement for Quesenberry subdivision. David T. Wisnom made a motion to approve and John L. O'Neill, III seconded the motion. Motion carried.

TAX ASSESSMENT APPEAL: There Was a tax assessment appeal filed on 12192 Barrens Road and 12175 Barrens Road those were filed with a decision from the board of assessment of appeals and filed with the county court. The township does have the right to intervene in the appeals. The total assessed value being challenged is about \$400,000 so the township is not collecting much tax revenue on this. The township does get the benefit of anything that any school district or county do to fight the appeal. Whatever assessment is determined at the end of the day will apply to the school district, county and township. The Solicitor recommends is at this point to let the assessment appeal proceed. The county and the school district can decide if they have enough money to challenge it. He recommends that no action needed.

Other Business:

WOLF FAMILY ASSOC, LLC – David Wolf to request Dwelling Rights transfer. He submitted letter. Transfer from property on 16594 Maddox Road, tract 2, Parcel # 32-000-CK-0066.A0-00000 to the former Garrison property, now owned by Center Road LLC on Trout Lane, Parcel # 32-000-BK-0029.00-00000. The Solicitor confirmed that he completed the dwelling rights calculation done on both properties. Aaron entertained a motion to grant the dwelling rights transfer as discussed above. David T. Wisnom motioned to allow transfer. Aaron Manifold second. Motion carried.

Discussion/comments from the floor were as follows: PJ Piccone was present and submitted sketch. He is going to purchase the property. PJ Piccone's question was if he needed to get the proposed site approved by the the Board of Supervisors? It was noted that no subdivision needed. Aaron Manifold said he is not aware of anything else needed at this time. The Solicitor clarified that when PJ get the building permit he will need to submit a sketch on where that will be to show that it meets all the set backs. A transfer deed will need done to transfer the dwelling right. About a 13 acre parcel. He'll be able to have city water and sewer.

MASON-DIXON LIBRARY – Janet McElwain was present to provide update on the library. She extended her thanks because without the townships support doors would close. She requested that we keep the library in mind when preparing 2019 budget. She briefed the Board of Supervisors on the activities of the library along with the pervious years budgets and where they stand for 2018. John L. O'Neill, III was a past board member and he applauds actions of those working at the library. He reminded the audience that they are always looking for volunteers.

HARP – Norm Upton and Jerry Lukes were present to provide update and request release of funds. The Board asked if they had any plans to add more fields or a way to manage who was using the fields on line. HARP is looking into their options regarding these things. Biggest accomplishment this year was concession stand completely renovated. Aaron suggested that HARP get their budget to Hopewell Township a bit earlier. HARP did receive a \$10,000 grant to help with procedures. They have an expert from park and recreation field coming in to give suggestions. Aaron Manifold motioned to authorize the treasure to release the 4th quarter payment the beginning of December. John L. O'Neill, III seconded. Motion carried.

ROYAL FARMS – Request for release of construction security. Chris Tomes with CS Davidson was present on Royal Farms behalf. Release security for storm water improvements. Should there be any other septic issues your SEO has the authority to enforce that. Keith Hunnings has approved changes done with rectifying water. No longer any seepage coming out of the drain field area. Aaron Manifold made a motion to entertain releasing the construction security bond. Motion to approve was made by John L. O'Neill, III. David T. Wisnom seconded. Motion carried.

HANDY DANDY DUMPSTER – Joe Buell to discuss services offered. Trash removal service and dumpster business. He proposed a large 30 or 40 yard dumpster be put out for bulk items. Only thing that can't go in dumpster is TVs and paint. He charges \$10 a piece for TVs and \$1 a can for paint. The cost is 30 yards and \$620 with that you get 4 tons included and 14 day rental. The Board discussed their concerns if no one is watching the dumpster what would prevent people from putting prohibited items in the dumpster. The board advised that since they do have bulk pick up in township of 1 bulk item allowed every Friday that the board decided this is not something that is feasible right now and thanked Joe for his time.

PERSONNEL – Appoint Katie Miller as Treasurer and approve pay increase. Approve pay increase for Travis Mergler. Aaron Manifold introduced Katie Miller, who has been working at the township since January. She's been doing financial paperwork. She has passed probationary period. She had a successful review. They set goals for next year. A motion to appoint Katie as treasurer for Hopewell Township. was made by Aaron Manifold. John L. O'Neill, III seconded. Motion carried.

Aaron Manifold made a motion for Katie to receive a \$2 per hour pay increase. David T. Wisnom seconded. Motion carried.

Employee anniversary Aug. 13 – Travis Mergler. Kristy and Donnie evaluated him. David T. Wisnom made a motion for a \$1.51 increase of pay per hour for Travis. John seconded. Motion carried.

8th ANNUAL HELPING HANDS 5K – Daniel Wernig requesting to use HARC/Althouse School Rd Aug 5 for 5k to benefit York Helping Hands for the Homeless. Daniel was not present. The route and times are the same as in previous years. Althouse, Vineyard, Rinely and Plank. He did receive approval from Eureka. Per Aaron we need to make sure this is in writing and sent to Stewartown Borough for the workers to come for the Fire police to direct traffic. A Motion was entertained. David T. Wisnom made the motion to allow the request and Aaron Manifold seconded. Motion carried.

MADD FIT 5K RUN/WALK – Gold's Gym requesting authorization to hold 5K. Stonebridge facility area. They did paperwork. Short time period they are there. No roads to be shut down. Motion entertained to allow request. Aaron made the motion to allow the request and John L. O'Neill, III seconded. Motion carried. It is noted that this is also a fundraiser.

HREBIK RD – Mr. Milchling to be present to discuss concerns. Suzanne Milchling spoke. She presented pictures to the board to prove that all the rain has impacted an area on their road. It is washing out. She feels something should be done at the top of the road. She spoke to the road crew who said she needed to take to the Board of Supervisors. She is asking the Board of Supervisors to identify the challenge. She reported that this happens all the time and it was not just because of the excessive rain we have had.

Another challenge is that they water table is so high that the spring is leaking into road and is remaining on side of road. Poor drainage. Then a scum forms and in the winter, black ice issues. They can't get equipment over because of guard rail to address these issues. They need assistance. Neighbors are complaining.

If the township does not want to consider doing anything to divert the water – what would township allow them to do? Aaron pointed out that without having sufficient paperwork in front of him that no one sitting at the table could advise on what they could do. It was pointed out that the water itself is owned by Commonwealth and is controlled by the Commonwealth.

They should contact Conservation Office and NRCS Office to see if they can help. Not a township issue.

PENN DOT – Consider approval of 2018-19 Winter Municipal Service contract. Township will use their trucks, equipment and material to maintain state road. Set amount Penn DOT will reimburse is \$7,878.72. Majority is on Ridge Meadow Road and Saw Mill Road.

John O'Neil made a motion to approve the maintenance agreement. Dave T. Wisnom seconded. Motion carried.

Public Comment.

Larry Shindledecker. 19542 Valley Road. Fireworks issue. Since summer they have had issue with neighbor on Sterling Road. He tried to address this with neighbor but gets a response that they are legal. Fireworks are day and night. Very loud. Dogs going crazy and concern that horses will stampede. His wife has been knocked down by the horses. They have also had loss of use because people can't use their horses because they don't know when fireworks will go off and spook the horses. He has contacted various people like Kristin Phillips-Hill and the State Police. He was told to look into PSTATS (Pennsylvania State Township Association Townships Second Class). The Board Members are not oblivious to this issue, especially in light of the new state law that was passed. Mr. Shindledecker has received complaints and citations that his dogs being too loud, why can't something be done at the township level about fireworks. Other present to voice concerns were Kathy Kessler, a boarder of farm; Phyllis Bowser 18386 Bridge Meadow, brought video of incidents. Tracey Gissell was also present in opposition. Denny and Amy Lewis Rill at 3674 Stewartstown Road were present in opposition to the excessive fireworks.


Nancy Waltemyer of 19407 Valley Road – lady shooting off fireworks. Reports it was only done on Memorial Day, July 4 and will be done on Labor Day. She is not trying to be mean. She was born on the property. Lived there 60 years. They start at dusk and stop at 10 pm.

Per Larry Shindledecker he advised that someone at Kristin Phillips-Hill's office said Hellam Township issues permits for fireworks. Then if someone abuses or complains they are not issued a permit again.

Aaron Manifold says they were here to address Board not each other. Tonight the Board was accepting all input. Tonight nothing can be done. Board of Supervisors will take the matter under advisement.

Adjournment at 9:13 pm by Aaron Manifold

Kristy Smallwood, Secretary



Cori A. Spisak, Recording Secretary