

**HOPEWELL TOWNSHIP
YORK COUNTY PA
BOARD OF SUPERVISORS
MINUTES FOR SEPTEMBER 3, 2015
MUNICIPAL BUILDING
7:00 PM**

Approval of Minutes:

Chairman Manifold called the meeting to order and welcomed everyone to the September 3, 2015 regular meeting. Also present were Supervisor Wisnom, Supervisor Wolf, and Solicitor Miller. The Pledge of Allegiance was said at 7:00 p.m. Chairman Manifold motioned to approve the August 2015 minutes.

Supervisor Wolf seconded the motion. Motion carried.

Pat Schaub stated that the minutes in August were incorrect, as they list Joe Eberly as Tom Austin. Supervisor Wolf stated those were July's minutes, not August's. Supervisor Wolf motioned to change Tom Austin to Joe Eberly in the July 2015 minutes. Supervisor Wisnom seconded the motion. Motion carried.

Treasurer's Report/Invoices:

The treasurer's report was considered for approval. Supervisor Wolf motioned to approve the report. Supervisor Wisnom seconded the motion. Motion carried.

Road Report:

The road crew has been busy with summer projects. A portion of Jim's Road collapsed. The DEP made the decision to install concrete pipe due to lack of 2 feet of cover on top of pipe. Base asphalt put down. They are waiting to make sure they don't have settling issues.

The road crew also started working on repairing storm drains in Stewartstown Station. The shims are deteriorating. They are working on them before winter. They are also going to start the road project on Orchard Road. They had to wait to start working on it until after school started.

At this time the roadmaster requests approval for line painting on Anderson Road between Little and Draco Roads, and Anderson Road from Barrens Road South to Live Road, Fairfield Road from Barrens Road South to Long Corner Road, and Peidmont Road from Hollow Road to Webb Road. DE Gemmill out of Red Lion will be completing the project for the cost of \$2,176.44.

Christine Scheufele asked where repairs in Stewartstown Station will be.

Chairman Manifold is unsure however, they will not be shutting the roads down. It will be a shoulder project, about ten feet, maybe at most a one way restriction, though he does not see that happening. The boxes are only 2 feet by four feet so they only project out into the road 2 feet. Christine Scheufele stated that at the last meeting their road seemed to come back level, but she doesn't know if they are coming out again. Chairman Manifold stated that Donnie and the crew went through and checked because of previous failures, rather than have to do them in the winter time. They went through one day and had a list of all that were showing signs of deterioration. He stated this is because the material that was

used in between is not a pored concrete and they use cinder or cement blocks and the salt and water was eroding it.

Christine Scheufele mentioned that Plank Road, right past Zeigler School Road, the pipe collapsed. Chairman Manifold stated that the best thing she can do is call 1-800-FIXROADS. He had been telling them about it for about 5 years. He recommended calling the number and it'll take her to York County PennDOT, and giving them the description as far as location, west side of Zeigler School Road.

Larry Knott wanted to make the board aware that on Scarborough Fair, around 170-175, there is a piece of road at the curve starting to sink down. He stated it's a pretty good hole. Chairman Manifold will ask the road crew to look at it.

Supervisor Wisnom motioned to approve the line painting road project by D.E. Gemmill. Chairman Manifold seconded the motion. Motion carried unanimously.

Subdivision/Land Development Plans:

Ragland Plan Application #07-2014

Dr. Ragland was present for approval of a subdivision plan for an add on lot along Mark Lane. The outstanding items are signatures and payment of fees, which are due at the conclusion, and DEP approval of the sewage planning module. Solicitor Miller stated the approval of the planning module has been signed. Ms. Parker stated the signatures were received, and she will send the form. Solicitor Miller reviewed and confirmed the notes regarding dwelling rights and they are accurate. Supervisor Wisnom motioned for approval of subdivision plan 07-2014 condition on (1) owner and engineer signatures, (2) approval of sewage planning module exemption and (3) payment of all fees. Supervisor Wolf seconded. Motion carried unanimously.

Johnson Controls, Inc. Wolfe Road Right of Way Request.

Joe Eberly from TRG, Inc. was present on behalf of Johnson Controls and discussed the right of way along Wolfe Road at the entrance to Stonebridge Business Park. Mr. Eberly said there is not really an issue at this point with the right of way. Title searches and appraisals were done for both properties, one being Bob Bob Consultants Associates on the left side of Wolfe Road and Twoton, Inc. on the east side of Wolfe Road. The main issues are the fence and stone walls and pillars to be installed in the Right of Way. Bob Bob would like to just put fence back. The fence would be maintained by Bob Bob Associates, as the wall is now. The right of way can include or not include the fence. Bob Bob would like the fence to be inside the right of way. Mr. Eberly wants to know if that is OK. Solicitor Miller asked if the fence is running along Wolfe Road and if a new Right of Way is being dedicated. Mr. Eberly said yes it will be a new Right of Way. Solicitor Miller stated he is ok with the proposal as long as when the Right of Way is dedicated, the deed of dedication to Township specifically calls out the maintenance responsibilities for the fence. Normally the Township maintains the cartway and developer maintains everything outside the cartway. If there is an owner's association for Stonebridge, the owner's association could

be responsible for maintenance. Solicitor Miller does not think a vote is needed at this point because the deed of dedication and other documents are not prepared yet. Larry Knott asked if the Stonebridge Wall will be removed. He stated it looks nice. Supervisor Wisnom stated they are widening the intersection and adding a lane or two. Mr. Eberly stated that down at the intersection, the wall will remain in place. Farther in along Wolfe Road, the wall will be removed and replaced by the fence.

Mr. Eberly also requested the Township sign the GP-4 and GP-11 permit applications for work along Route 851. The Township must be the permittee because it is the HOP applicant. The permits are for the work on the road on top of the culvert. Supervisor Wisnom motioned to sign the GP-4 and GP-11 for work on Wolfe Road in the area of the culvert. Supervisor Wolf seconded. Motion carried unanimously.

Solicitor Miller also commented that Johnson Controls plans to locate a water meter pit at the end of Wellspring Road. York Water plan showed Wellspring Road going through the existing cul-de-sac in the future. The Bob Bob plans originally created the cul-de-sac and there was nothing on the plans showing the extension of Wellspring Road. Solicitor Miller does not think it exists. Solicitor Miller recommended the Board make a motion on the record to approve York Water location for the water meter pit, because it is not within a township right of way. Supervisor Wisnom motioned to allow water meter pit as proposed outside the Township right of way. Chairman Manifold seconded. Motion carried unanimously.

Solicitor's Report:

Chairman Manifold stated that the Board held executive sessions on August 13, August 26, and September 1 to discuss personnel matters.

Proposed Ordinance #5-2015 Keeping of Fowl

The ordinance to regulate fowl has been provided to York County Planning Commission and Township Planning Commission for comments. It has been advertised for a hearing this evening. It has also been advertised for adoption this evening. It will amend the zoning ordinance adding section 366.2, providing for density of chickens and avian fowl: Five (5) chickens or similar fowl shall be allowed per one (1) acre. An additional five (5) chickens or similar fowl shall be allowed for each additional acre. No roosters shall be allowed. The open grazing pasture requirements of Section 366.3 shall not apply to chickens and other fowl. This only applies in residential zones.

Chairman Manifold opened the Hearing and asked if there are any comments. Matthew Kelly asked for clarification on those who already have fowl. Is it that no further chickens are allowed and they are grandfathered in? Chairman Manifold said that is correct. Mr. Kelly asked about where the acreage wasn't met at all. Supervisor Wolf stated that they can't go back to what someone was doing prior

to the ordinance being passed. Chairman Manifold added that it is the same with existing structures. Mr. Kelly stated that he raised the issue 16-18 months ago regarding chickens on a lot and at the time there were 8-12 chickens. It is now up to roughly 50 chickens on a lot less than half an acre. There are about 5-6 outbuildings on that small property and there seems to be no stopping it. Solicitor Miller suggested the neighbors somehow record how many chickens are there, and if the numbers increase, to bring their concerns back to the Township. Pat Schaub recalled when the Board added no roosters, amending the previous regulations, a gentleman at Mt. Airy Road and Plank Road was told he had to get his roosters fixed or get rid of them. She asked why he wasn't grandfathered in. Chairman Manifold said he was not present during the situation she is speaking of and cannot answer why the gentleman was not grandfathered into the new ordinance. Ms. Scheufele shared that she is looking at it in a different way. She stated that if the Board passes the ordinance, if they get a complaint, they'd have to address the violation. She stated that the Kellys are complaining and she suggested that if the ordinance is passed, to tell the violator he has to reduce his flock by 50% at that time, and give him a deadline, such as a year, to get down to 5. Chairman Manifold stated that is not provided for in the ordinance. Ms. Scheufele asked if he would rather grandfather in 50 chickens? She sees this as a win-win, because it makes the Kellys happy, and the guy has time to reduce his flock, however he deems necessary.

Supervisor Wisnom asked for the Planning Commission comments. Solicitor Miller said YCPC recommended approved as written. Supervisor Wisnom is not in favor of ordinance because you can live in the boroughs and live in a townhouse with 5 chickens. However, if you move to country and you have less than an acre, you can't even have 1 chicken. York City can have a chicken, but out in the country, they can't have a chicken. He is not in favor the way it is written. Larry Knott disagreed. He is not in favor of chickens in a residential zone at all. As a member of the planning commission, he sees this as a compromise. Supervisor Wolf stated that in a residential zone most households don't have one acre. Stewartstown Station houses are half an acre. Larry Knott stated he does not believe chickens should be in a residential zone. He stated if one wants chickens they should go to an agricultural zone. Christine Scheufele stated that if they have the room for chickens, that's fine, but this situation is so excessive. She stated the property spoken of by Mr. Kelly has 50 chickens and what is to stop him from having 100. Supervisor Wisnom agreed that it is excessive, however, you can't limit everyone else because one guy has 50. Ms. Schaub stated that she believes the ordinance should only apply to one acre lots or less because there weren't many one acre lots or larger in the residential zone. Rachel Kelly stated the original proposal was for half an acre. She understands the right to have chickens and raise them, however, when protecting rights for certain people to have chickens, you are hurting people without chickens. She stated they tried to speak with the neighbors regarding the chickens, however the neighbors disregarded their concerns. She understands that she lives in residential zone that allows chickens, however, 50 chickens on a 0.47 acre lot is too much. Ms. Kelly shared pictures with the Board. Mr. and Mrs.

Kelly explained the large amount of chicken excrement piled up in their neighbor's yard. Dr. Ragland suggested approaching the chicken issue as a general nuisance instead of adopting an ordinance. Mrs. Kelly stated that her son's basketball net is on the driveway and chicken excrement washes onto their driveway. Chairman Manifold closed the Public Hearing. Discussion among the Supervisors followed. Supervisor Wolf suggested under one acre, 5 chickens or less would be the limitation for lots less than an acre. No limitations for lots over an acre because the chances of having more than one acre in a residential area are slim. Mr. Knott asked if 1.1 acre lots could have unlimited chickens in a residential zone according to Supervisor Wolf's amendment. Supervisor Wolf said yes. Christine Scheufele asked if this has to go back to York County Planning Commission. Solicitor Miller said yes and there will be another public hearing. Supervisor Wolf motioned to modify the ordinance so that lots 1 acre and smaller allow 5 chickens, no roosters, and lots over an acre are allowed unlimited chickens. Supervisor Wisnom seconded. Motion carried unanimously. Solicitor Miller will resubmit the ordinance as revised to the Planning Commissions.

Ms. Parker will contact Eric Jordan at the York County Conservation District regarding possible runoff and stormwater issues with the existing chickens next to the Kelly property. Mr. Kelly mentioned they are selling the eggs and chickens at the house and asked if that is allowed. Solicitor Miller stated that they can't sell at that location. The domestic livestock ordinance stated for hobby or personal use only. It does not authorize commercial sales. Ms. Schaub asked if that is a home occupation. Solicitor Miller said no.

Amendments to the Floodplain Ordinance

York County has approved a new floodmap and flood insurance rate manual to be effective 12/16/15. As part of that FEMA is requiring the townships and municipalities to update floodplain ordinance provisions to the model floodplain ordinance. They were reviewing and giving comments, however they stopped doing it because of the budget, and recommend Townships just adopt the model ordinance. Essentially they were figuring out the differences and correcting them. The Township has to adopt it by 12/16/15 or residents won't be eligible for flood insurance with FEMA. Solicitor Miller proposed adoption of those regulations with codification. He will provide a comparison of the model ordinance and the existing ordinance.

Codification

Solicitor Miller gave a status update of the codification project. He has a reply letter to Keystate Publishers. There is one ordinance in addition to the floodplain ordinance to incorporate, which is PennDOT model motor vehicle ordinance. Solicitor Miller prepared copies that have sections highlighted that require input and review for accuracy.

AgSecurity Application for 20082 Grove Mill Road

An AgSecurity Area Application was submitted by Charlotte Onion for 20082 Grove Mill Road, parcel 32-BL-14, consisting of 65.51 acres. The Board is required to acknowledge receipt. If there is not action taken within 180 days, it's deemed approved. Chairman Manifold acknowledges receipt and not action was be taken.

Herzberger Transfer of Dwelling Rights

The transfer of dwelling rights agreement for Robert Herzberger and Ann Herzberger has been prepared. The Herzbergers own two lots and are transferring a dwelling right from a lot to be annexed by the Borough to a lot that will remain in the Township. The Herzbergers have signed the agreement. Chairman Manifold motioned to approve the transfer of dwelling rights agreement. Supervisor Wolf seconded. Motion carried unanimously. Solicitor Miller's office will record and send recording receipt to Ms. Parker.

Other Business:

Act 537 Update

The compliance rate for District 2 is 56% compliant 44% noncompliant. Supervisor Wisnom motion to send a letter to the noncompliant properties. Supervisor Wolf seconded the motion. Motion carried unanimously. Mr. Kelly asked if someone had the inspection within the previous year, and they were exempt, how would they know if the paperwork was submitted. Chairman Manifold stated that burden falls on the property owner to contact the pumper for their records and most pumpers mail the records with their bills. He stated the pumpers know to send the papers to the Township. Mr. Kelly asked what if they had it done within the previous 4 years? Chairman Manifold said it needs to be within the previous 12 months.

Cedar Lane

Chairman Manifold discussed a request from resident on Cedar Lane, James Sheeler, who would like a watch for children sign. Ms. Parker stated there are a lot of kids in the area, and it's a narrow road with a fair amount of people going over the speed limit. Chairman Manifold stated there is a sign at Harmony Court, opposite the upper end of Cedar Lane. Supervisor Wisnom does not have a problem but he stated the street has been there for 25 years and he doubts the kids just moved in. Chairman Manifold said cars park on both sides of the street and they have issues plowing snow because the street is narrow. Supervisor Wisnom motioned to install of the sign on Cedar Lane. Chairman Manifold seconded. Motion carried unanimously.

Propane Bids

Supervisor Wisnom read the two bids they received for propane. The first is Arrow Energy, with a representative present at the meeting. Their bid was for approximately 3,500 gallons and bid price is \$0.8843 per gallon, totaling \$3,095.05, average about 88.5 cents a gallon. The next bid was Suburban

Propane. Their bid was for 3,500 gallons at \$1.40 totaling \$4,900. Supervisor Wolf motioned to accept the Arrow Energy bid. Chairman Manifold seconded the motion. Motion carried unanimously.

Recycling Bins

Chairman Manifold stated they received the new recycling bins in 1/3 delivery time promised. Chairman Manifold motioned to offer bins to any Township resident for \$15.50 each that will be payable at time of pickup. Supervisor Wolf seconded the motion. Motion carried unanimously.

Personnel Update

The Township received an answer from the offer they made to Kristy Spevak to be an administrative assistant. Her start date will be 9/21/2015 and her pay rate will be \$15.50 per hour. She will work forty hours per week. Chairman Manifold motioned to approve hiring Ms. Spevak as stated. Supervisor Wolf seconded the motion. Motion carried unanimously.

Public Comment:

Ms. Scheufele asked if Chairman Manifold favors the diverging diamond or tight diamond in regards to Exit 4 plan. Chairman Manifold favors the diverging diamond due to it having the lowest accident rating. Ms. Scheufele asks if they will be starting in 2019 and how many years out until they are done? Chairman Manifold stated they should have a final proposal with solid numbers before the end of 2015. He hasn't been notified of another meeting yet. He stated the project won't happen at once. The first thing to do is to replace the I-83 travel lanes and the bridge to be widened to allow room. Ms. Scheufele asked if Case and Keg will have to move. Chairman Manifold said nothing definite yet and they are not notifying businesses yet. There is not a final approval from PennDOT yet. They first need approvals and funding. Ms. Scheufele asked how many years once started to be completed? Chairman Manifold replied less than 2 years. Ms. Scheufele asked if the project will be scrapped because they didn't meet a deadline. Chairman Manifold stated to the best of his knowledge, there was no deadline that the funding would be sent elsewhere.

Ms. Scheufele asked if they finished the chicken manure problem. Supervisor Wolf stated yes and that York County Conservation District should come down when it rains. He is not waiting for the ordinance first.

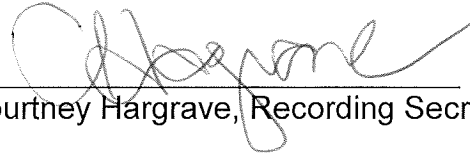
Ms. Schaub asked what will happen to the person who currently works two days a week when the new Administrative Assistant starts. Chairman Manifold stated that the part-time administrative assistant was not hired as a long term employee. Supervisor Wolf added that they are a temp and their hours will go down as the Administrative Assistant ramps up.

Chairman Manifold motioned to adjourn the meeting at 8:35 p.m.

Respectfully Submitted,

A handwritten signature in black ink, consisting of two large, rounded loops followed by a horizontal line extending to the right.

David Wisnom, Secretary

A handwritten signature in black ink, appearing to read 'Courtney Hargrave' in a cursive style, with a horizontal line extending to the right.

Courtney Hargrave, Recording Secretary