

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
AUGUST 08, 2016
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- ROLL CALL** SUPERVISORS – Andy Ritter, Bruce Trostle, Brian Schmick
Kelley Moyer-Schwille, and Pete Picciurro
- ATTENDEES – Faye Romberger, Mark Bruening, Chief
Thomas Wargo, Chief Mike Whitzel, Peggie Williams, Keith
Heckert, Vernon Anderson, and Bob Kauffman
- CALL TO ORDER** Chairman Ritter called the regularly scheduled meeting of the
Carroll Township Board of Supervisors to order at 6:31 p.m.
The location of the meeting is the Carroll Township Municipal
Building, 555 Chestnut Grove Road, Dillsburg, Pennsylvania.
- EXECUTIVE
SESSION** Chairman Ritter announced that the Board of Supervisors
held an Executive Session on Monday, August 01, 2016 to
discuss litigation issues.
- APPROVAL OF THE
TREASURER’S
REPORT** It was moved by Supervisor Trostle, seconded by Supervisor
Moyer-Schwille, and unanimously carried to approve the
Treasurer’s Report dated August08 , 2016 as submitted, which
includes the Open Bill List up to and including August 04, 2016
in the amount of \$46,600.57, Cash Flow Report for July 2016,
Compared to Budget Reports for July 2016, and Check Register
Report for July 2016 to ratify the July 2016 Bill List.
- APPROVAL OF THE
JULY 05, 2016
WORK SESSION
MINUTES** It was moved by Supervisor Trostle, seconded by Supervisor
Picciurro, and carried to approve the July 05, 2016 Board of
Supervisor Work Session Minutes as submitted.
- Chairman Ritter abstained from the vote because he was not
present at the meeting.
- APPROVAL OF THE
JULY 11, 2016
MEETING MINUTES** It was moved by Supervisor Schmick, seconded by Chairman
Ritter, and unanimously carried to approve the July 11, 2016
Board of Supervisor Meeting Minutes as submitted.
- POLICE REPORT** Chief Thomas Wargo presented the Police Report for the month
of July 2016.
- SET TRICK OR
TREAT NIGHT** It was moved by Supervisor Schmick, seconded by Supervisor
Moyer-Schwille, and unanimously carried to set Trick or Treat
night in Carroll Township for Thursday, October 27, 2016 from
6:00 p.m. to 8:00 p.m.

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**NORTHERN YORK
COUNTY SCHOOL
TRAFFIC CONTROL
AGREEMENT FOR
SPORTING EVENTS**

Chief Wargo informed the Board that he is working with Northern York County School District on a new Traffic Control Agreement for Sporting Events for 2016, 2017 & 2018. He is hoping to have the Agreement ready for the September 12, 2016 Board of Supervisors Meeting.

**CAPCOG AUCTION
RESULTS**

Chief Wargo stated that the items that were sold at the CAPCOG Auction in July totaled \$1,060.00 minus the 20% commission which is \$212.00. The Township will receive a check in the amount of \$848.00. This was for the 2009 Ford Crown Vic and the miscellaneous tools.

**CAMERA SYSTEM
LIVE DEMO**

Chief Wargo stated that he will have a live demo of a camera system for the police cars on August 19th at 1:30 p.m. WatchGuard will be doing the live demo. He is planning on budgeting the camera system for 2017.

**EMERGENCY
REPORTS**

Michael Whitzel, Chief, presented the Franklinton & Community Fire Company Fire Report for July 2016.

Bob Kauffman from Citizen's Hose Company No. 1 presented the Fire Report for July 2016. Mr. Kauffman stated that there will be a steering committee meeting on August 22nd. He also stated that Citizen's Hose Company No. 1 will be holding a Basket Bingo on September 10th. Ticket prices in advance are \$20.00 and \$25.00 at the door. He wanted to thank everyone that was involved in National Night Out, it was an outstanding event again. Mr. Kauffman stated that Franklinton & Community Fire Company and Citizen's Hose will be voting on the merger of the two fire companies on Tuesday, August 09, 2016.

Keith Heckert, EMS Operations Manager, presented the Citizen's Hose Company No. 1 EMS Report for July 2016.

PUBLIC COMMENT

Chairman Ritter called for public comments.

Vernon Anderson, representing Golfview Heights, asked the Board if he should address the Board now concerning the Deed of Dedication for Golfview Heights or wait until it comes up on the Agenda. The Board asked him to wait until it comes up on the Agenda.

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**MS4 PROGRAM
UPDATE**

Mark Bruening, Township Engineer, stated that the first thing we must get done is to update the MS4 Coverage Area Map. The Map was based on the 2000 US Census data. The Map needs to be updated to reflect the 2010 US Census data to show the revised “urbanized area” within the Township. This “urbanized area” is the MS4 Coverage Area. Then the map will need to include all outfalls, inlets storm sewer pipes, conveyance swales, headwalls, surface waters, land uses and points of connection to another entity’s MS4. NPDES permitted sites will need to be added to the map. The current map is lacking much of this information.

Supervisor Schmick asked what this will cost the Township.

The Board asked for an update at the September 6, 2016 Board of Supervisors Work Session Meeting. They asked Mark Bruening to prepare a cost to redo the MS4 Coverage Area Map to meet the 2010 US Census data and to plot the outfalls, inlets, storm sewer pipes, conveyance swales, headwalls, surface waters, land uses and points of connection to another entity’s MS4 that are located in the mapping area.

**SPEED STUDY FOR
OLD YORK ROAD
UPDATE**

The Township received two letters from residents that lives in Windy Heights. They are concerned about the speed limit on Old York Road. Coming into Carroll Township at the Dillsburg Borough line the speed limit goes from 25 miles per hour to 55 miles per hour. This is also the area where the new park is. They would like the speed limit lowered from the Dillsburg Borough/Carroll Township Line to the entrance of Windy Heights to 25 miles per hour. Old York Road is a state road. Because this is a state road the Township must write a letter to PennDOT to request a speed study be done in this area.

Mark Bruening stated that he hasn’t received the official letter from PennDOT, but he has been told that PennDOT has denied the request to reduce the speed on Old York Road from the Dillsburg Borough line to Ore Bank Road. We should be receiving the official notification very shortly.

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GOLFVIEW
HEIGHTS
STREET
DEDICATION

It was moved by Supervisor Schmick, seconded by Supervisor Moyer-Schwille, and unanimously carried to table the Golfview Heights Street Dedication (Resolution Number 2016-14) until the September 6, 2016 Board of Supervisors Work Session meeting.

FINAL PLANS FOR
THE BAXTER
FAMILY
IRREVOCABLE
TRUST
TIME EXTENSION

It was moved by Supervisor Schmick, seconded by Supervisor Trostle, and unanimously carried to accept the time extension granted by the developer for the review of the Final Minor Subdivision Plans for the Baxter Family Irrevocable Trust until October 31, 2016.

FINAL PLANS FOR
87 CHESTNUT
GROVE ROAD
TIME EXTENSION

It was moved by Supervisor Moyer-Schwille, seconded by Supervisor Trostle, and unanimously carried to accept the time extension granted by the developer for the review of the Final Subdivision Plans for 87 Chestnut Grove Road until November 14, 2016.

FINAL PLANS FOR
TAX PARCEL
20-PC-96B FOR
HARRY FOX, JR.
OFF LYNES ROAD
TIME EXTENSION

It was moved by Supervisor Schmick, seconded by Chairman Ritter, and unanimously carried to accept the time extension granted by the developer for the review of the Final Subdivision Plans of Tax Parcel 20-PC-96B for Harry H. Fox, Jr. off of Lynes Road until November 14, 2016.

LETTER OF
CREDITS AND
BONDING
POLICY AND
PROCEDURES

Mark Bruening, Township Engineer, and Duane Stone, Township Solicitor, asked the Board for direction and to set forth a policy regarding the use of sureties, irrevocable letter of credits or restricted escrow accounts by Developers for performance and maintenance surety. Currently the Township allows for Letters of Credit, cash in escrow and Bonds, but most Developers use Letters of Credit. This issue is that many banks language in their Letter of Credits are not irrevocable as required by law and as there is a notice provision if the bank desires to withdrawal the Letter of Credit. This presents a risk to the Township because if the Township does not call the Letter of Credit and the developer does not get a new Letter of Credit or Bond then the Township would be without surety if they had missed the time to call the Letter of Credit. Mr. Bruening thinks the Board needs to set a standard for

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PROCEDURES
CONTINUES

surety and strict irrevocable language in the Letter of Credit, where the banks cannot rescind or cancel the Letter of Credit. The Township must protect itself for the life of the project. Duane Stone stated that this is a twofold issue. The one problem is that to insist on a bond may increase costs to the builders, which may or may not interfere with developments, however it could insure reputable Developers. The other problem is the practicality of an irrevocable Letter of Credit where a bank wants to have an “out” with notice, if not no Letter of Credit will be issued. The banks think that a notice to terminate is Irrevocable as the Developer can either get another Letter of Credit or Bond, or the Township can call the Letter of Credit during the notice period. We do not think that is true. The Township could ensure they receive the funds if it places the appropriate safeguards to ensure the Letter of Credit funds are withdrawn from the bank as soon as the notice is provided. Developers desire the Letter of Credit as it is faster, cheaper and easier to obtain. The Township had an issue in a recent Letter of Credit regarding Irrevocability. Based on past practices, Mr. Stone did increase the time frame from sixty to ninety days prior written notice and with notice only to the Township Secretary with a signature by certified mail. Mr. Stone stated if notice is provided, the Township the next day should procure the funds and put the funds into escrow, until the developer gets a bond, or new Letter of Credit or the Township inspects and finds the project complete, if so, then and only then would the Township return the money to the Bank. The bad thing is if the Township does fail to pull the funds during the notice period, the Township would be out of luck for failure to act. There is an inherent risk if a notice to terminate provision exists. If the project was found incomplete, the Township could utilize the money to ensure the project is completed. Duane Stone stated that Mark is correct regarding that the only way to ensure Irrevocable surety is with a Bond or Letter of Credit that is drafted that does not allow the bank to terminate the Letter of Credit until the Township releases the project and states that it is satisfied with the work. Mr. Stone recommended that the Township adopt a policy saying that if a notice comes in from any Bank that they are not going to honor

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CONTINUES

the Surety, that the Township will pull the funds and place in escrow. These funds will remain until the project is completed by developer or the developer supplies a bond or new Letter of Credit. Also, the Township can also utilize the funds if developer does not finish the project. Further he recommends that the Board decide if it desires to continue with a Letter of Credit that is not technically Irrevocable or demand an Irrevocable Letter of Credit, and if the banks will not comply, then the developer must provide a Bond, or cash in a restricted escrow account.

It was moved by Chairman Ritter, seconded by Supervisor Trostle, and unanimously carried to table the creation of the policy concerning the issuing of Letter of Credit and Bonds for improvements, developments and maintenance until the September 06, 2016 Board of Supervisors Work Session.

HIRE SPECIAL
COUNCIL
MIKE PYKOSH

It was moved by Supervisor Trostle, seconded by Supervisor Schmick, and unanimously carried to hire Mike Pykosh at \$250.00 per hour as Special Council to represent Mark Bruening and Faye Romberger at the David and Janet Ketterer Stormwater Appeal Hearing on Monday, August 15, 2016.

Supervisor Schmick asked if this is who the Township Solicitor recommended and is this required.

SET PUBLIC
HEARING FOR
KETTERER
STORMWATER
APPEAL

It was moved by Supervisor Schmick, seconded by Supervisor Trostle, and unanimously carried to set the Public Hearing to hear the David and Janet Ketterer Stormwater Appeal of the Enforcement Notice for Monday, August 15, 2016 at 6:00 p.m.

PERMISSION TO
RENT A CRACK
FILLER EQUIPMENT
AND PURCHASE
CRACK FILLER
BOXES

It was moved by Supervisor Schmick, seconded by Supervisor Moyer-Schwille, and unanimously carried to authorize the Highway Department to rent the Crafcro SS125 self-contained crack filler for two weeks for \$2,000.00, purchase the Right Point 1190 crack filler total of 72 boxes at \$2,577.60 for a grand total of \$4,577.60 to pay out of line item 01430210 Road Maintenance of the General Fund to crack seal the Township Roads.

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PERMISSION TO
ADVERTISE FOR
RFP FOR THIRD
PARTY
ADMINISTRATION
SERVICES FOR THE
NON-UNIFORMED
PENSION PLAN

It was moved by Chairman Ritter, seconded by Supervisor Trostle, and unanimously carried to authorize the Office Staff to advertise for Request for Proposals for a Third Party Administration Services for the Non-Uniformed Pension Plan.

PLANNING
COMMISSION
APPOINTMENT
TABLED

It was moved by Chairman Ritter, seconded by Supervisor Schmick, and unanimously carried to table the appointment to the Carroll Township Planning Commission until the September 12, 2016 Board of Supervisors meeting.

Chairman Ritter stated he would like to hold interviews on Tuesday, September 06, 2016 starting at 5:00 p.m. with half hour slots up and including 6:00 p.m. to interview the three applicants.

RESOLUTION
2016-15
IMPOSING A
BURN BAN

It was moved by Chairman Ritter, seconded by Supervisor Schmick, and unanimously carried to adopt Resolution Number 2016-15 – Imposing a ban to prohibit outdoor burning within the boundaries of Carroll Township due to the drought and the arid conditions existing within the Township.

NEW ADDITIONAL
BUSINESS

Supervisor Schmick stated that we would like to thank Sgt. Smith, the Police Department, and all the volunteers that helped with National Night Out. The event was a great event again.

Supervisor Schmick asked if there is anyway the agenda and supporting document can be electronically created for the future meetings.

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ADJOURNMENT

It was moved by Chairman Ritter, seconded by Supervisor Moyer-Schwille, and unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Faye L. Romberger, Secretary