

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 2 of 11**

RESCIND AND
APPROVAL OF THE
MAY 09, 2016
MINUTES

It was moved by Supervisor Picciurro, seconded by Supervisor Schmick, and carried to rescind the June 13, 2016 Board of Supervisors Meeting Minutes motion to approve the May 09, 2016 Board of Supervisors Meeting Minutes as amended.

Supervisors Trostle and Moyer-Schwille abstained from the vote.

It was moved by Supervisor Schmick, seconded by Supervisor Picciurro, and carried to approve the May 09, 2016 Board of Supervisors Meeting Minutes as submitted.

Supervisor Moyer-Schwille abstained from vote because she was not a Board Member at that time.

RESCIND AND
APPROVAL OF THE
JUNE 06, 2016
SPECIAL MEETING
MINUTES

It was moved by Supervisor Schmick, seconded by Chairman Ritter, and carried to rescind the June 13, 2016 Board of Supervisor Meeting Minutes motion pertaining to the June 06, 2016 Board of Supervisors Special Meeting Minutes contingent upon changing the motion to read as the following: unanimously carried to appoint Kelley Moyer-Schwille to the Carroll Township Board of Supervisors to fill the unexpired term of Edward Coble until January 2018 pending successful background checks.

Supervisors Trostle and Moyer-Schwille abstained from the vote.

It was moved by Supervisor Schmick, seconded by Supervisor Picciurro, and carried to approve the June 06, 2016 Board of Supervisors Special Meeting Minutes as submitted.

Supervisor Moyer-Schwille abstained from the vote because she was not a Board Member at that time.

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 3 of 11**

RESCIND AND
APPROVAL OF THE
JUNE 06, 2016
WORK SESSION
MINUTES

It was moved by Supervisor Picciurro, seconded by Supervisor Schmick, and carried to rescind the June 13, 2016 Board of Supervisor meeting Minutes motion to approve the June 06, 2016 Board of Supervisors Work Session Minutes as submitted.

Supervisors Trostle and Moyer-Schwille abstained from the vote because they were not present.

It was moved by Supervisor Schmick, seconded by Chairman Ritter, and carried to approve the June 06, 2016 Board of Supervisors Work Session Minutes as submitted.

Supervisor Moyer-Schwille abstained from the vote because she was not a Board Member at that time.

APPROVAL OF THE
JUNE 13, 2016
MEETING
MINUTES

It was moved by Supervisor Schmick, seconded by Chairman Ritter, and carried to approve the June 13, 2016 Board of Supervisor Meeting Minutes as submitted.

Supervisor Trostle abstained from the vote because he was not present at the meeting.

POLICE REPORT

Chief Thomas Wargo presented the Police Report for the month of June 2016.

EMERGENCY
REPORTS

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

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

Supervisor Schmick asked Mr. Heckert how many EMS units does Citizen's have at this time.

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 4 of 11**

PUBLIC COMMENT Chairman Ritter called for public comments.

Brian Smith questioned if he should address the Board about his property in the Colony as far as if public sewer is coming to this area and if so when.

Mary Lou Bytof questioned if the Township has received any additional information from DEP concerning the Coover Heights drainage problem.

**MS4 PROGRAM
UPDATE**

Mark Bruening, Township Engineer, stated he will have an update at the August 01, 2016 Board of Supervisors Work Session Meeting.

**COLONY
ON-LOT
DISPOSAL SYSTEMS**

Gary Morrow, Township Sewage Enforcement Officer, addressed the on-lot disposal systems for the Mountain Side Colony. There is one system that we are aware of that is malfunctioning at this time. Mr. Morrow feels that this property has a stream that is running through the system. There is no public sewer system proposed for this area.

Mr. Smith questioned why the Township has not proposed a public sewer system for this area. Is the Township proposing to run the public sewer to the Colony and if so when. He would like to know if there is anything the Township can do to help him to fix his problem. Mr. Smith would like to know if there are any other options other than the \$15,000.00 mini sewer system to repair his system. He asked if he would be able to dig up his drain field and replace it. He asked where the laws are that say what you are allowed and not allow to do your system.

Supervisor Trostle questioned if five years is a good time frame as far as running the public sewer out to this area and connecting everyone along the way.

Chairman Ritter stated that before we get everyone worked up, the Township needs to know what the issue is. We need to have the SEO go out and figure out if there are other leakages. The SEO must address the complaint that was received today. He must look at the issue and trouble shoot it and figure it out.

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 5 of 11**

**COLONY
ON-LOT
DISPOSAL SYSTEMS
CONTINUES**

Supervisor Schmick stated that no one should be leaving here today with the speculation that the public sewer will be in this area in three to five years. He feels the malfunctioning systems need to be repaired as soon as possible and if there is any way that the Township could help to get information for this property owner to help him pay for this repair would be okay. Supervisor Schmick questioned how long is it going to take to get this property fixed.

**SPEED STUDY FOR
OLD YORK ROAD
UPDATE**

The Township received two letters from residents that live 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 did send a letter to PennDOT on June 24, 2016 requesting a speed study be done on Old York Road in this area. He has received a letter from PennDOT stating that they will be performing a speed study in the next thirty days to determine if there should be any changes to the existing conditions.

**SPEED STUDY ON
SPRING LANE ROAD**

Supervisor Schmick stated that he has received several calls from residents in Carroll Township asking that the Board increase the speed limit on Spring Lane Road. He is requesting that the Board do a speed study on Spring Lane Road to see if the speed limit can be increased. He feels the current speed limit in some areas is not correct.

It was moved by Supervisor Schmick, seconded by Supervisor Picciurro to authorize a speed study be done on Spring Lane Road. The motion did not carry.

Supervisors Ritter, Trostle, Picciurro, and Moyer-Schwille voted no.

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 6 of 11**

SPEED STUDY ON
SPRING LANE ROAD
CONTINUES

Supervisor Schmick voted yes.

Chairman Ritter stated that he did his own speed study on Spring Lane Road. To go the whole length of Spring Lane Road which is one mile at 25 mph it will take you 2 minutes and 22 seconds. If you travel at 35 mph it will take you 1 minutes and 43 seconds. It will only save you 39 seconds going 10 mph faster. He would not be voting for this speed study.

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 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 two fold 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

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 7 of 11**

LETTER OF
CREDITS AND
BONDING
POLICY AND
PROCEDURES
CONTINUES

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 in the past has allowed Letter of Credits, with a sixty day notice provision in the Letter of Credits. 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 fails 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 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.

Chairman Ritter stated that he lives in a development where the Developer posted cash for surety. The Developer has done the improvements but has not

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 8 of 11**

LETTER OF
CREDITS AND
BONDING
POLICY AND
PROCEDURES
CONTINUES

dedicated the roads to the Township. The roads are now starting to get potholes again. He asked Mr. Bruening what is the trend on these type of issues and what can be done. Mr. Bruening stated that the Township can call the Surety to address these issues or can increase the funds by 10% per year until the project is completed. This typically pressures the Developer to complete the project.

Supervisor Schmick questioned if the Township has a formal policy or guideline that states what the Township will accept. Mr. Stone stated we do not and that is what the Township Engineer and I need to ensure the Township is protected or that we know what the Board desires.

Supervisor Moyer-Schwille questioned what other Townships have done with the Bonds.

The Board is asked the Engineer and Solicitor to create a policy concerning the issuing of Letter of Credit and Bonds for improvements, developments and maintenance for the August 1, 2016 Board of Supervisors Work Session.

PRELIMINARY/
FINAL LAND
DEVELOPMENT
PLANS FOR
BOB RUTH FORD
DEALERSHIP
TIME EXTENSION

It was moved by Supervisor Schmick, seconded by Supervisor Trostle, and unanimously carried to accept the time extension of ninety days for the review of the Preliminary/Final Land Development Plans for the Bob Ruth Ford Dealership until October 04, 2016.

POLICY AND
PROCEDURES
FOR FUTURE
PURCHASES

It was moved by Supervisor Schmick, seconded by Supervisor Moyer-Schwille, and unanimously carried to set a policy and procedures for future purchases of equipment, materials and repairs to vehicles from \$500.00 to \$1,500.00 for the Police Department, Highway Department and the Administration side without Supervisors approval.

Supervisor Moyer-Schwille asked if this was for line item budget.

Supervisor Schmick stated this is for non-line item budget items.

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 9 of 11**

**ON-LOT
MANAGEMENT
DISTRICT
NON-COMPLIANCE
OF PUMPING
SEPTIC SYSTEM**

The Board has been notified that six property owners have not complied with the 2015 mandatory on-lot septic tank pumping notices for District 1, 2, 4, 7, and 8. There has been several notices sent to these property owners and they are still not in compliance.

It was moved by Supervisor Schmick, seconded by Supervisor Trostle, and unanimously carried to authorize the Township Solicitor to notify the six property owners that they are not in compliance with the On-Lot Management Ordinance as far as pumping their septic system every three years. The notices would give these property owners a time to pump their system by and if they do not comply notify them that necessary action will be taken to have the systems pumped.

Supervisor Moyer-Schwille questioned how much it will cost the Township to send out these letters.

Supervisor Schmick questioned is there a reason why we had to wait this long.

**PER CAPITA TAX
YORK COUNTY
BOARD OF
COMMISSIONERS**

Letter from York County Board of Commissioners dated March 22, 2016 concerning turning over the billing, maintenance and administration of the per capita tax rolls to the municipalities and school districts that still levy the tax. This change should be made after the tax rolls are provided to the school districts in June/July 2016. This letter is an attempt to provide us with adequate notice to determine how or if we will continue to levy the per capita tax going forward. The County intends to work with each municipality and school district and provide us with the electronic data files for each of our taxing districts.

Supervisor Schmick stated he has an update on what the School District is doing with the Per Capita Tax. The School District will be collecting the Per Capita Tax for 2016 because it was in the budget. The School District is going to take a hard look at this matter for 2017. He asked the Secretary to get with the Tax Collector to see what the cost would be for printing, envelopes, mailing and collecting of the tax.

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 10 of 11**

**CHESTNUT PARK
PAVILION**

Supervisor Schmick would like to work with Brandon Slatt to come up with a good cost to put a pavilion at Chestnut Park. He asked if this is something that the Board would like to move forward with.

Chairman Ritter asked if this is something we can budget for 2017.

The Board is interested in doing the research to put a pavilion at Chestnut Park.

**LOGAN PARK
ROOF REPAIRS**

Supervisor Schmick stated that he attended a Logan Park Authority meeting a couple of months ago and they were discussing funding to do roof repairs from the snow damage. He would like to give them some funding towards this project. It will cost around \$2,500.00.

Chairman Ritter stated he would like to wait and look at this matter during the 2017 Budget.

Supervisor Trostle asked if Dillsburg Borough has been approached.

**LOGAN PARK
AUTHORITY
APPOINTMENTS**

It was moved by Supervisor Schmick, seconded by Chairman Ritter, and unanimously carried to appoint Kay McKinney to the Logan Park Authority to fill the unexpired term of James Hess which expires January 2020.

It was moved by Supervisor Moyer-Schwille, seconded by Supervisor Schmick, and unanimously carried to appoint Steve Alves to the Logan Park Authority to fill the unexpired term of Scott Bair which expires January 2017.

Supervisor Schmick questioned is there a certain amount of people on the Authority from Dillsburg Borough and Carroll Township and this does not exceed our allotment.

Supervisor Ritter question can Mr. Alves position be extended beyond 2017.

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
JULY 11, 2016
Page 11 of 11**

**NEW ADDITIONAL
BUSINESS**

Supervisor Schmick stated that the sound system has been repaired and seems to be working okay. If the picture is not up to speed, please let us know.

Supervisor Schmick stated there was a problem with the Traffic Signal at U.S. Route 15 South and Ore Bank Road on Monday, July 04, 2016 and July 11, 2016 around 5:15 and 5:30 p.m. the traffic had been backed up to the bridge.

Chairman Ritter also stated at this same traffic signal on Sunday, July 10, 2016 around 2:00 p.m. the traffic was backed up to the bridge.

Supervisor Trostle questioned when Ore Bank Road was last paved.

**COMMITTEE
REPORTS**

Chairman Ritter called for Committee Reports.

Financial - Chairman Ritter asked the Departments to start working on the 2017 Budget.

Supervisor Moyer-Schwille stated that Golf Course Road has been repaved and looks very nice.

ADJOURNMENT

It was moved by Supervisor Schmick, seconded by Supervisor Moyer-Schwille, and unanimously carried to adjourn the meeting at 8:22 p.m.

Respectfully submitted,

Faye L. Romberger, Secretary