

**March 12, 2014**  
**Tyrone Township**  
**Board of Supervisors Meeting Minutes**

**Call Meeting to Order**

**Pledge to Allegiance**

**Public Participation**

**Review Previous Meeting Minutes**

**Review Bills**

**Approval of February Bank Statement**

The Tyrone Township Board of Supervisors' regularly-scheduled 2014 meeting was called to order at 7:00 PM by Chairman Raub. Present were: Chairman Russell Raub; Vice-Chairman David K. Shupe; James D. Lady, Supervisor; Donna Dixon, Secretary-Treasurer; David Richwine and Robert Staub, Township Planning Commission; Rosalie Dashoff, Township Citizens Committee; Ron Carlson, Advanced Disposal Services; William Seibert, Township Resident, and Patrick Topper, Gettysburg Energy and Nutrient Recovery Facility.

**Public Participation**

- As promised, Carlson will be attending as many Township meetings as possible in this area and if there are any residents who have complaints regarding the services being provided from Advanced Disposal, please give him a call. Also, if there is anything his company can do for the Township, please let him know.

Lady made a motion to approve the February 26, 2014 Meeting Minutes. Shupe seconded the motion. The motion carried unanimously.

The Board reviewed and approved the February 2014 Bank Statements.

Shupe made a motion to approve the Bills List and Lady seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**2014-2015 Road Salt Contract** - Lady made a motion to place an order of 60 tons of salt for 2014-2015, with the stockpile capability at 60 tons. Shupe seconded the motion. The motion carried unanimously.

**Authorize Township Engineer to Proceed with Township-Wide Act 537 Plan** - The Township is required by the Consent Order and Agreement with the PA Department of Environmental Protection to submit a Township-Wide Act 537 Plan by the end of February 2014 and has not met this requirement. The associated costs of this Township-Wide Plan will cost from \$65,000 to \$70,000. Lady made a motion to authorize the Township Engineer to prepare a Township-Wide Act 537 Plan for submission to the PA Department of Environmental Protection and Shupe seconded the motion. The motion carried unanimously.

DEP is presently considering alternative water testing and a visual on-lot inspection approach to the water sample collection presently being conducted at another municipality which could reduce the cost.

**Disclosure Letter to SF & Company for 2013 Audit** - Shupe made a motion to recognize receipt of Lady's reimbursement as payment in full; Raub seconded the motion. The motion carried unanimously.

A second motion was made by Shupe to submit a letter similar to the draft before the Board disclosing the issues as prepared by the Township Solicitor for the 2013 Audit with all three Township Supervisors being signatories to the letter. The motion was seconded by Lady. The motion carried unanimously.

**June 13 Road Sign Assessment Program Deadline** - The previous Federal Highway Administration requirements to replace road signs with the signs are more reflective for motorists in the evening hours have been slightly changed, however, the municipalities must have a plan in place by June 13, 2014. A retroreflectometer machine costs several thousands of dollars to test the signs that are presently in place, but Federal Highway Administration provisions permit municipalities test their signs to make certain they meet the reflective requirements by having someone 60 years of age or older drive throughout the Township in a pickup truck or SUV and create a log of the signs they are capable of seeing or not seeing in the dark. Lady will ensure that an inventory of all of the stop, road, street marker signs, except the delineator sticks, is completed before June 13, 2014. There is no time limit but the municipalities must be actively replacing the signs to meet the new requirements.

**April 2014 Township Newsletter** - Raub encouraged Shupe to have a draft newsletter available for the next meeting and if the Board has any suggestions for topics, the Board could discuss them tonight. Shupe replied that his intentions are to provide topics on:

1. Act 537;
2. The May 7, 2014 Community Meeting; and
3. Information on the 2013 Audit.

Raub will not be present at the March 26, 2014 Board of Supervisors Meeting but he thinks it is premature to include something in the newsletter concerning the 2013 Audit. Lady will prepare an article regarding air clean up and procedures for burning. Raub thinks it would be beneficial to begin a Citizens Committee Awareness Campaign, reaching out to encourage people to attend and also a public/private partnership program to help offset the costs to this Community Day Meeting on May 7. Any of those individuals that would like to defray some of the costs would be greatly appreciated by the Board. Raub thinks the Township will be incurring a couple of thousands of dollars of charges. These individuals could be recognized in the newsletter and at the meeting for their help. Raub has not heard from the Citizens Committee Chair and if anyone hears from any of the members, and have any suggestions, to please reach out to him.

**Municipal Tax Collector Dates and Hours** - The Municipal Tax Collector will be publicly receiving taxes at the Municipal Building the following dates:

- April 17 from 5 PM to 8:30 PM
- April 21 from 5 PM to 8:30 PM
- April 22 from 5 PM to 8:30 PM
- April 26 from 9 AM to Noon
- April 28 from 5 PM to 8:30 PM
- April 30 from 6:30 PM to 8:30 PM

The Tax Collector's hours to receive taxes is printed on the tax notices sent to the property owners.

**OLD BUSINESS:**

**Planning Commission**

**Compensation, ACOPD Planner to Assist Commission, Number of Animals in Residential Zone** - Raub has solicited the municipalities in the County for information as to whether Planning Commissions are paid and how much they are paid for attending the Planning Commission meetings. To date, the Township has not received all of the answers and hopefully by the next Board meeting, those solicited will have answered.

The Board of Supervisors has arranged to provide a professional planner to the Planning Commission. Her name is Lori Lencheski, Economic Development Specialist with the Adams County Office of Planning & Development. Lencheski has B.S. and M.A. degrees and has experience in Berks County and now Adams County. The Adams County Office of Planning and Development has made her available to the Planning Commission. Therefore, not only will the Planning Commission have the guidance of the Township Engineer but also a professional planner.

Some of the Township residents feel there is a need for a definition included in our Zoning Ordinance of limiting the animals and pets that are allowed in our home. The Board of Supervisors would greatly appreciate the Planning Commission's input. The Penn State's Nutrient Management Act that was passed into law in 1993 is a good reference.

**Cellco Partnership Application Tower Advice** - There is an upcoming Conditional Use Hearing scheduled for a wireless network company where a cell tower will be placed at 260 Rupp Road. If the Planning Commission would have any advice or feedback, the Board of Supervisors would greatly appreciate hearing from them.

It is the Board's opinion that there are some areas in the Zoning Ordinance that could use some refinement or improvements. For example, wireless communication towers, such as replacing these huge towers with femtocells and picocells. They are much smaller than monopoles. They are substantially less costly and, if properly installed and maintained, not nearly as disruptive to the views and vistas.

Shupe made a motion that Jack Kump be appointed to the Planning Commission for the remainder of the two-year term vacated by Dean Lobaugh. Lady seconded the motion. The motion carried unanimously.

**Mototurbo Radio Project** - Lady explained that this is a new radio system proposed that Upper Adams School District and three (3) Townships: Menallen, Butler and Tyrone have agreed to work together in order that the radio system will be less expensive. On Monday, March 10, Raub and Lady met with the Motorola representatives regarding the two (2) different radio systems. The cost of a radio for one system is \$4,000 each, while the cost for a different radio for the other system is \$2,600. The Mototurbo solution will require a patch through to County Control. The Township will need five (5) radios and will be receiving two (2) portable radios from the County. If the Township decides to order the 800 megahertz radios, the County will be the Township's link to communicate with the School Districts. If the 400 megahertz radios are ordered, Upper Adams School District will be the Township's link to the County. In the near future, the Board of Supervisors will be meeting with Mary Bowers of Emergency Management Services and the Motorola representatives to discuss how the new radio system will work for the Township.

**Multi-System Operator (COMCAST) Agreement Update** - A telephone conference was held today, Wednesday, March 12, 2014, with Natausha Horton of The Cohen Law Group, representing the Consortium's interest in the franchise renewal agreement, and members of the Adams County Cable Consortium. The COMCAST representative for Adams County is willing to enter into negotiations with our County. COMCAST has agreed with approximately 90% of our requests regarding improvements for the customers. The Cohen Law Group thinks this is the best negotiations they can do for the Consortium and it represents an opportunity to lower the franchise fee. COMCAST has agreed to the following:

- As far as gross revenues, there are 24 revenue sources;
- Specifications and test results have been previously unavailable from COMCAST, but the new agreement would make disclosure of this information mandatory to municipalities;
- COMCAST Customer Service will be required to meet certain terms as to how many people they have on hold and how quickly they must resolve the complaints;
- The new agreement would provide a right to audit, including franchise fee payments and provide for damages for noncompliance;
- Include EG channel language in the agreement in case the municipality would like to activate a channel in the future;
- COMCAST will not budge on more than one Internet connection for a municipality; however, COMCAST has agreed to provide services to the fire companies;
- Standard installation charges for locations within 125' setback from COMAST's main distribution line;
- COMCAST will be required to build out its network in areas where at least 25 dwelling units exist per linear mile. It's now 40 dwelling units. For underground cabling, it is 45 dwelling units per linear mile. This will result in approximately 15% more residents being served;
- The current franchise fee for the Township is 3%. The renewal agreement will enable the Township to change the franchise fee with 60 days' notice;
- There will be a side agreement for broadband service. This is only for video and audio service;
- There are some municipalities in the County that chose not impose a franchise fee upon COMCAST subscribers because those municipalities feel they should not be paying for General Fund expenses by using franchise fees. The Board also thought it unfair to the subscribers; however, there are costs and services in protecting COMCAST subscribers' rights. Raub made a recommendation that COMCAST subscribers remit a one-half of 1% franchise fee. Shupe made a motion that the Board establish the Township's franchise fee as one-half of 1%. Lady seconded the motion. The motion carried unanimously.

**EnergyWorks' Status Report on Gettysburg Plant** - Topper announced that their plant is presently shut down. The certificates from the PA Department of Agriculture have been received in order to sell the ash as feed or lime. The host farm wants more information in writing before agreeing to use the product as a feed supplement. The FDA will not have the PDA until May or June. The host farm must check with their customers first to see if they will buy the ash. Their goal is to start up by the end of this month. They are installing screens before the manure goes to the dryer. EnergyWorks ran 120 tons today and in the future plan to run for two weeks on and two weeks off.

**Rock Valley Road** - Last week the Board meet with the Township Engineer to review the roadway improvement plans for Rock Valley Road. There will be a few areas that will be revisited by the Township Engineer. For instance: to take out some of the curve and straighten the road one-fourth of the way in from Schoolhouse Road. There are some springs and drainage issues that will need resolved, but the current Board has taken a stance to make sure the roadway improvements are done correctly. Because the road project may become more involved than expected, the Township Engineer suggested cutting the project in half. The Township hopes to have some type of progress made on the road this year. The Board wants to explore the motor paving and then seal the road using a fog seal. Some townships are using a hot mix because of the longevity and easy maintenance care.

## **MEETINGS REPORTS**

- Shupe attended the Adams County Tax Collection Committee (ACTCC) meeting last Wednesday, March 5, 2014. The Committee barely met its quorum. The discussion was strictly regarding unallocated funds. For the most part, complete data associated with federal government employees' local earned tax withholdings are not being reported to York Adams Tax Bureau. The YATB Board of Directors must decide by July on what to do with these funds.

## **UNRESOLVED ISSUES**

NONE

## **PUBLIC PARTICIPATION**

- Dashoff voiced her concern regarding PennDOT's decision that a traffic light is unnecessary where the Rutter's Store driveway will be situated. PennDOT is not opposed to traffic signals as long as they are warranted by data from a traffic impact study. PennDOT and its representatives met with some of the Board members on Tuesday, March 11, 2014 regarding the Heidlersburg Intersection. PennDOT plans to hold a community educational meeting sometime this summer. This project is No. 1 in Adams County and will be completed in 2016.

## **MEETINGS**

March 13, 14, 17 & 18, 2014, Township 2013 Audit Being Conducted by SF & Company, Township Municipal Building

March 19, 2014 at 7:30 PM, Township Planning Commission, Township Municipal Building

April 3, 2014 at 7 PM, Cellco Partnership d/b/a Verizon Wireless Conditional Use Hearing (260 Rupp Road), Heidlersburg Fire Company Dining Hall

## **SUBDIVISIONS**

NONE

At 9:30 PM, Shupe made a motion to adjourn and Lady seconded the motion. The motion carried unanimously.