

Chairman Barry Rebert called the regularly scheduled meeting to order at 7:00 p.m. Supervisors present: Dennis Luckenbaugh and Tanya Crawford. Present on behalf of the Township: Manager Joy Strausbaugh and Solicitor William Poole. Also present: Recording Secretary and about twenty (20) citizens.

Mr. Rebert reported that the Board met in an Executive Session on February 11, 2009, at 3 p.m. regarding litigation and in an Executive Session at 6 p.m. before tonight's meeting, regarding personnel matters.

Motion by Crawford, second by Rebert to ratify the action taken at the Executive Session on February 11, 2009, and to authorize the Engineer and Solicitor to take the action discussed at the aforementioned Executive Session. All members voted aye; motion carried.

I. Minutes

Motion by Crawford, second by Luckenbaugh, to approve the minutes of the special meeting held on December 19, 2008, and the regular meetings held on January 5, and January 20, 2009. All members voted aye; motion carried.

II. Treasurer's Report

A. **Motion** by Luckenbaugh, second by Crawford, to approve the Treasurer's Report for January 2009 as presented. All members voted aye; motion carried.

B. **Motion** by Luckenbaugh, second by Crawford, to approve the Non-Uniform Pension Report for 1/1/08 through 12/31/08. All members voted aye; motion carried.

III. General Public Comment

Rodney Shearer of 5244 Shearer Lane asked about a letter that he received from Attorney Poole indicating that Mr. Shearer made seventy-nine (79) telephone calls to the Township Office. He asked if he was accused of making seventy-nine (79) complaints about employees. Mr. Poole responded that was not what the letter said. Discussion was held. Mr. Shearer noted that not all of those calls were complaints; many of them were regarding Township business. Mrs. Strausbaugh affirmed that the purpose of each call is logged and recorded at the Township Office. Mr. Shearer feels that if he has a complaint, he wants to be able to call the Township Office as in the past and not have to deal with only one specific Board member.

Wayne Stough asked if Holley and Associates is a member of the New Freedom Board. While the question was a bit ambiguous, Mr. Luckenbaugh explained that one of the engineers at Holley and Associates does sit on that Board. When did the Zoning Officer start for North Codorus Township? The current one began at the end of December 2008.

Lisa Dennis asked who is the current Zoning Officer for NCT? The Township contracts with another agency, in this case, New Freedom Borough, which is a common practice. It was noted that other closer municipalities were contacted to provide zoning services and no one was interested or available. Right now, the contracted services are saving this Township money.

Nelson Brenneman asked if the Zoning Officer charges for travel time from New Freedom Borough. (No.) That person charges only for the time spent at the NCT office.

Rodney Shearer suggested that the Manager's job be approached in the same contractual manner. He noted that the current Zoning Officer is not readily available at this office, which has been frustrating to Mr. Shearer. Mrs. Crawford said that there is no sense in paying a Zoning Officer to sit here if there's no work.

Kris Dennis appreciated the release of the minutes of the meetings of November and December. He feels that there were items omitted from those minutes that made him and Mrs. Dennis "look like the bad guys." He inquired about listening to the tapes of the meetings, and Mr. Poole told him that the rules are such that the tapes of the meetings must be destroyed or erased after the minutes are approved and made official. Mr. Dennis is welcome to bring his own recording device to tape the meetings.

IV. Police Report and Police Board Report

Sergeant Greene gave the Police Report for January 2009. Mr. Luckenbaugh referred to the backup of traffic at the Old Forge intersection (Route 516/116/Lehman Road), particularly when P.H. Glatfelter is backing trucks in and out. Sgt. Greene said that the Department hasn't received any complaints about this stacking of traffic.

Rodney Shearer asked about the information for the farmers that has been requested. Mr. Rebert has requested that Chief Bean write an article for the newsletter about the regulations on the farmers; this information will also be placed on the Township website. Mr. Shearer related a story about a complaint by a resident farmer who was asked by the police to cease working in his field at 2:30 a.m. Sgt. Greene requested that the person who was involved call the Department.

Robert Hilker requested the procedure for making a complaint about a police officer. Sgt. Greene gave the steps he should follow.

For the Police Board Report for February 2009, Mr. Rebert noted that Paul Rohrbaugh has joined the Police Board as the resident representative for Spring Grove Borough. The Board is preparing to handle negotiations with the Police Association, since the officers' contract expires at the end of 2009.

V. Fire Company Report

Fire Chief Larry Wildasin gave the Fire Report for January 2009.

VI. Permits, Plans, and Modules

A. Kris and Lisa Dennis were present on the John Shearer, Jr. Final S/D Plan #081720 located on Cedar Hill and Martin Roads. **Motion** by Luckenbaugh, second by Crawford, to approve the Form B waiver and forward same to DEP. All members voted aye; motion carried.

The applicants have requested a waiver of the rec fees of \$1,500 and a waiver of the waiver filing fee of \$100. Mr. Rebert noted that the policy has been to not waive these fees. Mr. Luckenbaugh feels that in this case, since the use is not going to change, nor will any construction be added, the fee could be waived. Mrs. Crawford feels that the ordinance says that the Board "shall" charge a recreation fee, not that it "may" so there should be no choice. Mr. Poole noted that each applicant must be treated consistently, but that the Board may make changes to the requirements. These applicants are planning to merge their new property with their current property, making one deed. If they want to subdivide in the future and build a home on this piece, they'd have to file a subdivision plan. The issue is that if the rec fees are not charged now, and the land is subdivided in the future, how does the Township track the fact that the fees were not paid at this time? The Waltersdorff plan was discussed as it relates to this plan. From the audience, Rodney Shearer cited specific differences between this plan and the Waltersdorff plan, noting that he feels that this is a comparison between "apples and oranges." **Motion** by Rebert, second by Crawford, to deny the John Shearer, Jr./Kris and Lisa Dennis waiver request of the rec fees and the filing fee for that waiver. Two members voted aye; Luckenbaugh

opposed.

Motion by Luckenbaugh, second by Crawford, to approve the John Shearer, Jr. Final S/D Plan, #081720 located on Cedar Hill and Martin Roads, provided the property is put on one deed of merger to be recorded at the same time the plan is recorded, and contingent upon no appeals being filed on the ZHB decision, with the plans being signed and recorded after the appeal period and upon payment of all fees owing. All members voted aye; motion carried. This plan will be signed after March 2nd, when the appeal period has expired.

B. No one was present on the Faye and Raymond Harris Building Permit Extension request at 4355 Green Valley Road. There has already been a one (1) year extension, bringing the total time of the project to two years. This current extension expires in May of 2009. Evidently, the applicants feel that they cannot meet this deadline, citing the winter months as part of the reason and having to remove the old house as another. **Motion** by Crawford, second by Rebert, to extend the deadline for the Faye and Raymond Harris building permit until August 31, 2009, including tear-down of the old house. All members voted aye; motion carried.

C. Mrs. Strausbaugh reported that the Wayne and Lisa Yeager property on Waltersdorff and Bungalow Roads has been preserved.

VII. Administrative Reports

A. Manager's Report

No report at this time.

B. Engineer's Report

No report at this time.

C. Solicitor's Report

1. Regarding the Kris and Lisa Dennis plan, Mr. Poole reported that the ZHB rendered its written decision on January 30, 2009, upholding the interpretation of the then-Zoning Officer. The Township or anyone concerned has thirty (30) days within which to appeal (until March 2nd). The Board members must decide tonight if they wish to appeal the ZHB's decision. **Motion** by Rebert, second by Luckenbaugh, to NOT file an appeal on the Kris and Lisa Dennis (John Shearer) plan. All members voted aye; motion carried.

2. There are outstanding fees on Colonial Crossings Phase IV. Clearly there are some fees outstanding from other phases that have not been paid, nor has any response been received from the developer concerning this matter. The next step, if the Board desires, is to file charges with the District Magistrate. **Motion** by Luckenbaugh, second by Crawford, to proceed to the District Justice for the collection of the outstanding fees of \$1141.56 for Colonial Crossings. All members voted aye; motion carried. Mr. Poole noted that he will send a letter to the opposing attorney noting what the Board has authorized and giving him/her one final chance to clear up the matter. He's hopeful that a resolution will be forthcoming and a trip to the District Justice's office will not be necessary.

VIII. Old Business

A. Comp Plan Update - Planning Commission Chairman Al Wright presented information on the progress of the Planning Commission and the Comp Plan Committee to identify updates to the Comp Plan, as requested by the Board of Supervisors. He noted that the current Comp Plan has been followed properly and as anticipated. The Comp Plan Board recommends only limited changes to update the current plan. Mr. Wright noted that in light of the current economic situation, most of this work does not need to be accomplished

in the immediate future. Changes to the floodplain area have been made and will need to be considered for the updated Comp Plan.

IX. New Business

A. A hearing was convened on Ordinance #208-02-2009, Updating Municipal Lien Fees and Amending Penalties for Late Refuse Payments.

Rodney Shearer asked for explanation. The intent is to raise the refuse fees between now and July 2009. He thought that was to cover the cost of late payers. This ordinance allows for these fees to be collected (letters, postage, staff time, etc.).

Lisa Dennis asked what if a resident doesn't have trash collection. Open burning is permitted on certain days during certain hours, only allowing certain materials to be burnt. Hearing closed.

Motion by Crawford, second by Rebert, to approve Ordinance 208-02-2009, as presented. All members voted aye; motion carried.

B. A hearing was opened on the proposed Ordinance #209-02-2009 Authorizing Intermunicipal Cooperation with New Freedom Borough for Services of a Zoning Officer and Building Code Official. Discussion was held. This Ordinance makes the agreement official. Commonwealth Codes Inspection Service will still do the Township UCC inspections. This is a temporary arrangement.

Teena Hoy asked about hiring a Zoning Officer. A Zoning Officer will be hired, when it is determined how much time the person will spend actually working for the Township and when the work load picks up.

Nelson Brenneman asked who New Salem Borough uses. Perhaps Cheryl Bahn?

Dave Stambaugh asked if a Zoning Officer's salary is budgeted for 2009. Yes. Mr. Rebert noted that this temporary arrangement is saving the Township considerable money and he is very satisfied with the level of service from this cooperative zoning officer arrangement. Perhaps right now, with the economy as it is, this is a suitable arrangement for the Township, to not have a full time Zoning Officer. When the economy improves, the situation may change drastically, thereby creating a need for a part-time or even a full-time person. The position has not been advertised yet.

Dave Stambaugh asked if the Board or Township is looking for a Zoning Officer at this time. This is an involved process and it's not been started just yet. There are other positions open in the Township as well, which the Board members also need to address. Should Mr. Luckenbaugh put the job opening information on the website?

Teena Hoy wants to make sure that this Ordinance does not take the place of advertising and searching for an applicant. She feels that the search should be started right away.

It was noted that the Manager's position has not been advertised yet. The ideal situation is to have a full-time Manager in place by at least June 1, 2009 to overlap until the current Manager retires. Hearing closed. **Motion** by Rebert, second by Crawford, to approve Ordinance #209-02-2009 Authorizing Intermunicipal Cooperation With New Freedom Borough Contracting Services of a Zoning Officer and Building Code Official as presented. All members voted aye; motion carried.

C. Hearing convened to discuss Ordinance #210-02-2009 Regulating Speed on Sunnyside and Martin Roads and Hickory View Drive.

Nelson Brenneman asked for clarification on the location of the various speed limits on Martin/Sunnyside Roads. Sgt. Greene noted that these speed limits are indeed enforceable.

Hearing closed. **Motion** by Crawford, second by Rebert, to adopt Ordinance #210-02-2009 Setting Speed Limits on Sunnyside and Martin Roads and Hickory View Drive as presented. All members voted aye;

motion carried.

D. Discussion was held on the appointment of Supervisor Tanya Crawford as the Personnel Liaison and or Complaint Liaison. Procedures were discussed. If someone calls with a complaint about a personnel member, the information will go to Mrs. Crawford and she will relay the information to the other Board members. Mr. Luckenbaugh feels that when he was elected as a Supervisor, he pledged to hear the voices and complaints of the Township residents and has done so for this long. He will continue to do so, and wants the residents to know that he's available for them to call him.

Motion by Rebert, second by Crawford, to appoint Tanya Crawford as Complaint Liaison for the Township. Crawford voted aye; Rebert and Luckenbaugh opposed. Motion failed

C. **Motion** by Rebert, second by Crawford, to authorize the engineer to begin working on the update of the floodplain ordinance and proceed with the drafting of the Brown Road CDBG project. All members voted aye; motion carried.

E. Mr. Luckenbaugh reported that he is in the process of updating the Ag Security map and properties. He's amazed at how many changes have occurred in the last few years. It's a lengthy process with many steps, but he'll keep at it and will keep the Board updated on his progress.

Rodney Shearer asked about Bob Rebert's property. Mr. Poole reported that the court ruled that the portion not in NCT is not in NCT's Ag Security program. Mr. Shearer interpreted the decision that NCT didn't put the parcel in the Ag Security correctly. Solicitor Poole added that the decision said that NCT did not have the authority to put the parcel into Codorus Township Ag Security.

Mr. Rebert feels that the Township does indeed need to advertise for the Manager's position. He would like the Board members and Mrs. Strausbaugh to meet to outline what the job's requirements should be. Mr. Luckenbaugh feels that the Township should not fill the position before Mrs. Strausbaugh retires. He doesn't want any overlap, and he certainly doesn't want to be put into the situation of having Mrs. Strausbaugh change her mind and stay on as Manager even after the Township has hired someone else. Mr. Rebert would feel more comfortable with some overlap time, and he feels that Mrs. Strausbaugh has made it more than clear that she will indeed be retiring in July.

Motion by Crawford, second by Rebert, to set job criteria and advertise for the Manager position in March. Two ayes; Luckenbaugh opposed.

We have received quite a few applications for the part-time clerical position. Mr. Rebert feels that they have narrowed the field down to five (5) applicants. Mr. Luckenbaugh has not yet had the opportunity to look at the resumes and applications. **Motion** by Crawford, second by Rebert, to authorize Mrs. Strausbaugh and Chairman Rebert to interview the chosen applicants and bring a recommendation to the Board's next meeting. Two ayes; Luckenbaugh opposed. Motion carried.

X.

Announcements

- A. The Rec Board will meet on February 23rd at 7 p.m.
- B. The Planning Commission will meet on February 24th at 7 p.m.
- C. The ZHB will meet on February 19th at 7 p.m.
- D. The Board of Supervisors will meet on March 17th at 7 p.m.
- E. The SWRPD Board will meet on March 11th at 7 p.m.
- F. The Sewer Authority will meet on March 16th at 7 p.m.
- G. No ZHB meeting scheduled for March.

Nelson Brenneman asked about the materials contracts. Mr. Shearer expressed his dissatisfaction over the fact that the Township turned away a qualified contractor because of his lack of insurance. He said that this same contractor had done work for the Township in previous years and must have been all right. Why wasn't his lack of insurance brought to someone's attention then? Mrs. Strausbaugh indicated that she did indeed bring that fact to the Board members' attention, in fact, it was when Mr. Shearer was a Supervisor.

Motion by Crawford, second by Luckenbaugh , to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Joy Ann Strausbaugh,
Secretary