

Chairman Barry Rebert called the regularly scheduled meeting to order at 7:00 p.m. with the following in attendance:

Supervisor Dennis Luckenbaugh  
Supervisor Tanya Crawford.

Mark E. Derr, Manager  
William Poole, Solicitor  
Dennis Sarpen, Engineer  
Julie B. Maher, Recording Secretary

Mr. Rebert reported that an Executive Session was held on Thursday, July 9, 2009, at 4:45 p.m. to discuss a personnel issue, AND that an Executive Session was held with the Board of Supervisors and the Sewer Authority on July 9, 2009, at 5:00 p.m., to discuss pending litigation.

**Motion** by Crawford, second by Luckenbaugh, to ratify the action taken at the July 9 meeting at 4:45 p.m., which was to *deny* the request of the former manager. All members voted aye; motion carried.

I. **Minutes**

**Motion** by Crawford, second by Rebert, to approve the minutes of the regular meeting of June 16, 2009. All members voted aye; motion carried.

II. **Treasurer=s Report**

**Motion** by Luckenbaugh, second by Crawford, to approve the Treasurer=s Report for May and June 2009 as presented. All members voted aye; motion carried.

III. **General Public Comment**

Rodney Shearer, 5244 Shearer Lane, noted that he was unable to play the recorded minutes. Mr. Luckenbaugh noted that the recording is a computer file and the disc must be played on a computer, not a CD player. He was advised that he could make arrangements with the Township to listen to the CD in the office.

Mr. Shearer also had questions on the budget, specifically the Tax Collector=s salary on the 6/17/09 report of expenses as compared to the budget. Mr. Derr offered to provide the information when he comes to the office to listen to the CD. Mr. Shearer also questioned the public safety expense; he was informed that it is an expense for the County=s quick response team which is a budgeted expense. He also questioned the payment to Windy Hill; Mrs. Crawford explained. It was noted that the Treasurer can explain any further questions to Mr. Shearer.

Mr. Shearer asked if everyone is happy with the Ambau Road culvert. Mr. Luckenbaugh recounted the history of the project, giving the reasons why the edge of the culvert is not even with the road. Mr. Shearer feels that it=s unsafe. He also noted that he heard that the Township=s Road Master is not permitted to inspect this job. He was informed that the Township Engineer is inspecting the job, not the Road Master.

Mr. Shearer also asked why SWRPD is present at McGrew Sales during the auctions. Officer Lindenmuth answered that the outside party requested the police presence and is paying for it. It=s a

similar situation to the police services provided at the Jefferson carnival.

Lisa Dennis, 2909 Cedar Hill Road, asked about the publishing of the minutes. Mr. Rebert said that the same procedures will be followed. Mrs. Dennis asked how Mr. Derr feels about this procedure; Mr. Poole responded that this procedure is a decision of the Board of Supervisors, not the Manager.

Robert Hilker, 5078 Lehman Road, noted that the newsletter advises residents to come to a meeting to ask questions. He indicated that he asked to speak with a member of the Board four months ago and has had no response. Mr. Rebert indicated that he will call him tomorrow.

#### IV. Police Report and Police Board Report

Officer Lindenmuth gave the Police Report for June 2009.

From the audience, Mr. Hoy asked if a property line must be posted before an officer could make an arrest for trespassing. Officer Lindenmuth indicated that it did not but advised that he should consider posting the property or sending a certified letter to the offending party to inform him/her of the offense. This would stand a better chance of holding up in court.

Barry Rebert, Jr. asked about repairs to Krafts Mill Road that was damaged in the last storm. He=s gotten no satisfaction from PennDOT and requested that SWRPD contact PennDOT to say that it=s a safety hazard. He hopes that SWRPD gets better results from PennDOT.

An unidentified man asked if it would be legal to set up a hidden camera on his land to try to catch someone stealing his chickens. He was advised that it was legal to do so, but was advised not to tape record the person. Officer Lindenmuth didn't specifically advise this man to do any videotaping, but said that it could provide evidence in the event of a dispute.

Mr. Rebert gave the Police Board Report for July 2009. He noted that the Chevy Suburban and Crown Victoria were sold and that the Suburban was purchased for the Public Works Department. He also indicated that there is legislation pending to charge municipalities served exclusively by the State Police at a rate of \$156 per resident and by comparison, the amount paid to the regional police - approximately \$88 per resident, was a bargain. Budget discussions have begun as have discussions with the officers regarding their contract.

Mr. Shearer asked if the Township was a partial owner of the Suburban that the Township purchased from the Police Department. The response was "No"; the police department owned it. Mr. Shearer asked if the Township puts in, 50% of the police budget, doesn't the Township own 50% of that vehicle? The response by Mr. Poole was "No".

#### V. Fire Company Report

Larry Wildasin gave the Fire Company report for June 2009. Chief Wildasin requested that various budget repairs including the replacement of tires for Engine 12-2, hydrostatic testing of the station's cascade system, service for Tanker 12, repairs to the fire detection system and an emitter device for one of the vehicles be approved by the Board.

**Motion** by Rebert, second by Luckenbaugh, to make the budgeted repairs. All members voted aye; motion carried.

**VI. Permits, Plans, and Modules**

A. Matthew T and Candy R. Lint/Kessler, Final Subdivision Plan #080907, Stoverstown Road

**Motion** by Rebert, second by Crawford, to approve Resolution #12-07-2009 to amend the Act 537 Plan to include the Kessler Sewage Module AND to forward it to DEP. All members voted aye; motion carried.

B. Kevin and Gabrielle Scheivert; request to amend the Zoning Ordinance to permit a particular use

No one was present to represent the request for this application. Mr. Rebert noted that the applicant would like to increase the number of children that she cares for at her house. She presently watches 6 children and would like to watch 12, which is not permitted in this zone. The applicant applied for a Variance and was denied, having failed to show a hardship. The applicant would like to have the Zoning Ordinance amended to permit this particular use in this zone. There has been no written request to this effect. Mr. Poole advised that the Board could forward the request to the Township and County Planning Commissions or elect to take no action on the request. No action was taken.

C. H & H, George Hoke Farm, Final Subdivision Plan

It was noted that the majority of the property related to this plan lies in Jackson Township. George Hoke, Jr., was present to explain the proposal. The applicant would like to swap five acres, located in Jackson Township, with the adjoining property owner, also located in Jackson Township. The basis for presenting the plan to North Codorus Township is that an unaffected portion of parcel is located in North Codorus Township.

**Motion** by Rebert, second by Luckenbaugh, to approve the plan of George Hoke, Sr., and H & H Excavation Company, Drawing #042441. All members voted aye; motion carried.

Lisa Dennis asked if there=s a recreation fee associated with this plan. No, as they=re not creating any new lots, merely swapping land for land. A small part of the parcel is in NCT; but the land swap is entirely in Jackson Township. NCT still has to Assign off@ on the project.

**VII. Administrative Reports****A. Manager=s Report**

1. Mr. Derr noted that, with hiring a new Township Manager, updated signature cards were required for Susquehanna Bank. All Board members signed the new cards.

2. PH Glatfelter has filed for a Water Quality Management Permit to construct effluent cooling basins adjacent to their wastewater treatment plant; there=s a 30-day period for any interested parties to submit comments.

3. DEP has denied CMV Sewage Company, Inc.'s application for reissuance of their NPDES permit for the Colonial Crossings Development treatment facility. Mr. Poole noted that he received a notice of an appeal for the Board=s denial of the Colonial Gardens II, L.P. plan for Phase IV of the Colonial Crossings Development.

4. Mr. Derr noted that in the previous pension plan documents, there was a provision that allowed plan participants to keep working past their normal retirement date collecting both a paycheck from the Township and their monthly retirement benefit under the plan. In the conversion of the pension plan from Principal Financial Group to Standard Pension Services, this language was overlooked or deliberately not included. Does the Board want to amend the plan to include the language previously included or not? **Motion** by Crawford, second by Rebert, that the current pension document shall remain unchanged, thereby not allowing for a retired employee=s continued employment. All members voted aye; motion carried.

5. The John Shearer Partnership filed for a General NPDES permit.

6. **Motion** by Rebert, second by Crawford, to authorize Manager Mark Derr to request unclaimed property from the Treasury Department. All members voted aye; motion carried.

### **B. Engineer=s Report**

1. The Engineer presented two options for the replacement of the culvert in Heindel Road. The first option was for a box culvert at an estimated cost of \$192,100. The second option was for a Con/Span Pre-cast Bridge System at an estimated cost of \$180,400. The Engineer provided photos of the Con/Span culvert similar to the one proposed for Heindel Road. The Board needs to decide which culvert they want to have installed. This culvert is similar to the one on Sunnyside Road.

**Motion** by Crawford, second by Rebert, to approve the use of the Con/Span concrete arch culvert on Heindel Road as proposed by the Engineer. All members voted aye; motion carried.

2. The Engineer presented the estimate for the Bentz Road culvert at an estimated cost of \$56,500. The stream crossing will comprised of two box culverts, one 16 feet wide by 4 feet high and a second relief culvert that will be 8 feet wide by 3 feet high. **Motion** by Rebert, second by Crawford, to approve the use of the two box culverts on Bentz Road, at an *estimated cost* of \$56,500. All members voted aye; motion carried.

3. There=s been no response from DEP on the Brush Valley Road culvert repair.

4. The Engineer showed an aerial picture of the Noss Road/Joseph Road intersection with a sketch of a 150 foot radius curve overlaid on the aerial picture to soften the curve. No detailed plans or cost estimates were prepared. No decision was made.

### **C. Solicitor=s Report**

1. Mr. Poole discussed the Country Side Mobile Home Park issue. The owners have replaced a number of single-wide trailers with double-wide units, without obtaining permits to do so. There are quite a few issues with this entire park, including size of the lots, density, the amount of impervious cover and approval of the plan, among other things. The Zoning Officer is faced with a dilemma regarding a permit that is currently on file with the Township. The applicant has put quite a bit of money into a replacement home based on past practice; however, the replacement home will add more impervious cover to the lot in violation of the Township=s ordinances. A compromise position would be to allow the Zoning Officer to grant the permit, provided that a seepage pit is added to the property to address the additional stormwater generated. In addition, a letter should be sent to the mobile home park owner informing him that further expansion and/or alteration of the

mobile home park is not permitted and he must check with the Township before proceeding with any additional changes to the mobile home park.

There was a side discussion of whether a demolition permit is required for an on-site trailer demolition, rather than a removal of the trailer. The Tax Collector has been informing residents that they are required to obtain this permit; is it in the ordinance? She=d like to have the correct information to provide to the residents.

Kris Dennis asked about his neighbor=s shed that was built 3' from the Dennis property. Mrs. Crawford recounted the history of this permit. Originally, the permit was for a non-permanent structure, which can be 3' from the property line. Upon examination, however, it was found that the structure was indeed permanent, a change from the original permit. A permanent-type structure is not permitted to be that close to the property line, and the structure has since been altered to be in accordance with the ordinance requirements. Mr. Dennis thought that the structure was still not in compliance. The neighbor in question invited Mr. Dennis to look at the shed to confirm that the changes have been made.

In response to the Tax Collector=s question about demolition permits, Bob Rebert noted that he had to obtain a demolition permit for removing a building a number of years ago. **Motion** by Rebert, second by Crawford, to allow the current mobile home replacement permit to be issued, conditioned upon a seepage pit being added for runoff from the house; AND a letter to the mobile home park owner putting them on notice that from now on the mobile home park must meet the Township ordinances for replacing mobile homes. All members voted aye; motion carried.

2. **Motion** by Crawford, second by Rebert to authorize the Engineer and Manager to come up with a list of hazard mitigation areas for the grant application. All members voted aye; motion carried.

3. There was a brief discussion on permit fees associated with floodplains. Mr. Poole suggested that the Township adopt the same fees as those assessed for zoning permits plus any additional fees incurred by the Township as a result of reviews required by other agencies and professionals. The Board authorized Mr. Poole to prepare the floodplain permit fees.

4. The Board had previously approved the advertising of the floodplain, SALDO and zoning ordinances for public hearing at next month=s meeting.

#### VIII. Old Business

None at this time.

#### IX. New Business

A. **Motion** by Rebert, second by Crawford, to waive the requirement that the Manager live within the Township. All members voted aye; motion carried. It was noted that this waiver has always been standard; no manager has lived within the Township.

There was a discussion on a number of outstanding permits that Ray Dietrich identified. Mrs. Crawford suggested that the Zoning Officer increase his hours to clean up the over 100 outstanding permits that have not been resolved. Use and Occupancy permits have not been issued, which means that real estate tax revenues have not been obtained. This situation was brought to light by the

Department of Labor and Industry. Discussion was held between some audience members and the Board members regarding past permits issued, the role of the Planning Commission members, the role of the Zoning Hearing Board members, and the supposed breakdown in procedures and responsibilities of the various Township boards and residents.

**Motion** by Luckenbaugh, second by Crawford, to have the Manager and the Zoning Officer work together to clear up the outstanding permits. All members voted aye; motion carried.

**Motion** by Luckenbaugh, second by Crawford, to appoint the Manager as the Assistant Zoning officer (as done in the past). All members voted aye; motion carried.

X. **Announcements**

- A. The Recreation Board will meet on July 27 at 7 p.m.
- B. The Planning Commission will meet on July 28 at 7 p.m.
- C. The Board of Supervisors will meet on August 18 at 7 p.m.
- D. The SWRPD Board will meet on August 12 at 7 p.m. at
- E. The Sewer Authority will meet on August 17 at 7 p.m.
- F. The Zoning Hearing Board will meet on August 20 at 7 p.m.

**Motion** by Crawford, second by Luckenbaugh, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:50 p.m.

Respectfully submitted,  
Mark Derr, Township Secretary/Manager

Julie B. Maher,  
Recording Secretary