

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  
Julie B. Maher, Recording Secretary  
15 citizens

I. **Minutes**

**Motion** by Crawford, second by Luckenbaugh, to approve the minutes of the regular meeting of July 21, 2009. All members voted aye; motion carried.

II. **Treasurer's Report**

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

III. **General Public Comment**

A. Larry Hash, 1802 Noss Road, asked if the Engineer checked the area near their home. The Engineer reviewed the curve at Noss Road and Kern Drive rather than the area in front of Mr. Hash's home. He will return to the correct location and report back to the Board at their September meeting. The Township will install chevron markings for safety in the meantime. Lori Hash spoke, noting that there have been several people walking on the dangerous curve in front of their house and that she fears for their safety. The curve issue will be addressed.

B. Wayne Stough expressed his concern about the township's hiring of two staff members without the advertisement stating that the positions were for North Codorus Township. Mrs. Crawford confirmed that the advertisement was placed in the Community Courier/Messenger due to the cost of advertisement in the York newspapers.

C. Kris Dennis asked how the successful applicants heard about the openings. Presumably through the Messenger.

IV. **Police Report and Police Board Report**

A. Chief Bean presented the Police Report for July 2009. Of note were three incidents in the Township that were a bit out of the ordinary. The first was for a search warrant conducted in York City regarding a North Codorus Township home burglary; items from the home were recovered and an arrest was made. The second incident was a fatal accident on Route 616 which claimed the life of a 22 year old resident. The third incident was a burglary in which the residents interrupted the suspects, contacted York County 9-1-1 and the burglars were arrested after fleeing the scene. Chief Bean played part of the 9-1-1 recording from the "surprised" burglary on Walters Hatchery Road.

From the audience, Wayne Stough asked about “no passing” signs in the area where the young woman was killed. The Chief indicated that this could be considered.

Dennis Luckenbaugh inquired about the procedures for bad checks. The Chief indicated that the Police Department has forms that can be completed in the event a bad check is received. The forms will be forwarded to the District Attorney’s Office who has instituted a new collection process. If the collection process is unsuccessful, charges will be filed against the individual for collection of the amount due.

B. Supervisor Rebert reported on the Police Board meeting held on August 12, 2009. A new server was installed at the police station for \$10,000.00. The COPS grant request was unsuccessful, as a result the request for two officers has been put on hold. Any additional staffing will need to be worked out through the budget process. The Police Department served at the Jefferson Carnival (paid time). Spring cleaning was held at the Department to tidy up some areas.

V. **Fire Company Report**

Mr. Rebert reported that Chief Wildasin was unable to be present at tonight’s meeting. The July 2009 report will be presented at the September Board of Supervisors meeting. Mr. Luckenbaugh noted that the fire company requested an exhaust fan be installed in the kitchen. The Township will obtain pricing to have the fan installed. The air conditioning unit at the fire company was serviced and it was suggested that a drain pan be installed to collect the condensation and prevent it from ruining the ceiling tile. The Township has placed a service order with the contractor to have the work completed. The doors have been repaired; Russell Fuhman will take care of having the doors re-caulked.

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

A. Brian Buchanan, Land Development Plan #09006, Seven Valleys Road  
Brian Buchanan and Jon Myers presented the Land Development plan on Seven Valleys Road. Two waivers were discussed. The waiver for screening cannot be granted by the Board of Supervisors, as this is a zoning issue. The applicant feels that any screening would be too close to the property line. The other waiver request is for a Highway Occupancy Permit on a PennDOT highway. The Board informed the parties that the Township has no right to grant a waiver for this requirement either. Only PennDOT can decide whether a Highway Occupancy Permit is required. Mr. Myers inquired if a Permit was already issued for the property. He is still awaiting a response from PennDOT to address this issue. Mr. Myers asked if the Township has any record of a Highway Occupancy Permit being issued? The Board responded that it is unknown at this time, but directed the staff to check.

The screening issue was discussed again. There’s a single-family home on a neighboring property. This area is zoned as a commercial district, but a neighboring lot has a residential use. Screening would be required anywhere that there’s a residential use on a neighboring property. The applicant’s concern is that the evergreen trees used for screening would need to be planted near the property line and the neighbor’s house is only one foot from the property line. The other neighbor’s house is on a higher elevation than this property, so that neighbor will be able to see the commercial property even if

screening is planted. The Board informed Mr. Buchanan that the only way to have this requirement waived would be to request a Variance from the Zoning Hearing Board.

**Motion** by Crawford, second by Rebert, to approve the Request for Planning Waiver and Non-Building Declaration to be forwarded to DEP for Brian Buchanan, Plan #09006. All members voted aye; motion carried.

There is also a waiver request for Section 165-10.b, requiring a preliminary plan. It was unclear as to whether this waiver is necessary, it appears that the zoning officer has waived this requirement as permitted by the ordinance.

**Motion** by Rebert, second by Crawford, to *table* plan #09006, Brian Buchanan, until the Zoning Hearing Board waiver request and HOP issues are resolved. All members voted aye; motion carried.

B. Earl F. and Janet L. Gray, Final Subdivision Plan #09021, Shaffers Church Road and Codorus Township

Earl Gray and Bob Adams were present to review the plan. The lot is partially in Codorus Township and partially in North Codorus Township. The area being subdivided is entirely within Codorus Township, so North Codorus Township has very little input on the plan. **Motion** by Rebert, second by Luckenbaugh, to approve the Earl and Janet Gray plan, #09021. All members voted aye; motion carried. Once Mr. Gray presents all plans required by the Township, the plans will be signed by the Supervisors.

C. Alan Bankert, 1729 Jefferson Road; request for well isolation distance waiver AND Randy Forry, 3177 Markle Road; request for well isolation distance waiver

The above residents have requested waivers for their well isolation distance. Mr. Poole noted that he'd previously developed a form specifically for this purpose/waiver; however, the form is not really in a recordable form. A concern with this type of waiver request is that a subsequent property owner could turn to the Township for action if there is trouble with the well in the future as a result of the Township's granting of the waiver. It's unlikely that a current property owner would pass this waiver information on to any subsequent owners (not intentionally but merely as a result of falling through the cracks at settlement). It was also noted that the waiver form should indicate the distance from any neighbors' well. Mrs. Crawford is not comfortable voting on something that no Supervisor has seen and that the SEO has not ruled upon. She feels that the document should be recorded to be trackable, enforceable and subsequently included in the title search of the property, to prevent future trouble. **Motion** by Mrs. Crawford, seconded by Mr. Rebert to modify the waiver form to make it recordable. All members voted aye; motion carried. It was noted that Mr. Forry did include the distance from the neighbor's well on his drawing. **Motion** by Rebert, second by Crawford, to approve the Randy Forry request, 3177 Markle Road, granting the waiver to place the drainfield close to his well, subject to the signing revised waiver agreement. All members voted aye; motion carried.

Mr. Bankert's form did not include any distance to the neighbor's well, which is information that the Township definitely needs. **Motion** by Rebert, second by Luckenbaugh, to approve the application of Alan Bankert, 1729 Jefferson Road, subject to verifying that the drainfield is not too close to any neighboring wells, and subject to

Mr. Bankert's signing the revised waiver agreement. All members voted aye; motion carried.

## VII. Administrative Reports

### A. Manager's Report

1. Due to a recent change in law, the Township is now subject to Mini-COBRA requirements which requires the Township to offer continuation of health care benefits to employees and their beneficiaries based on certain "qualifying events". The former employee pays for the coverage. Benecon will administer the Mini-COBRA plan on behalf of the Township based on a Mini-COBRA Administration Agreement. **Motion** by Crawford, second by Rebert, to approve the Mini-Cobra Administration Agreement as written. All members voted aye; motion carried.

2. **Motion** by Crawford, second by Rebert, to approve the 2010 Minimum Municipal Obligation for the Non-Uniformed Pension Plan, at a budgeted cost of \$74,464.10. All members voted aye; motion carried.

3. **Motion** by Luckenbaugh, second by Crawford, to accept, with regret, the resignation of Al Wright as Chairman of the Planning Commission, effective December 31, 2009. This position will be advertised and posted on the Township's website. All members voted aye; motion carried. The Township will send a letter to Mr. Wright thanking him for his dedication and years of service on the Planning Commission.

4. **Motion** by Crawford, second by Luckenbaugh, to authorize the removal of Joy Strausbaugh's name from the Business Visa Check Card with Susquehanna Bank and replace it with Mark Derr's name. All members voted aye; motion carried.

5. The Township received notice from the York County Planning of the award of the Justice Assistance Grant.

6. Based on discussions with the staff at DCNR, no monies will be received for the Recreation Grant that was applied for due to reduced funding.

7. The Township met with FEMA, PEMA, and the York County EMA to review the road damage from the June 10, 2009, storms. Based on the federal government's guideline that a minimum of \$1 million in losses needs to be incurred before any federal aid is made available, it is unlikely that York County will be eligible for any type of funding from the federal government for damages from the storm.

8. Mr. Derr indicated that Russell Fuhrman, the Public Works Director, questioned the stormwater work and road resurfacing on Brown Road and compared the cost of blacktop with oil and chip surfacing. Mr. Fuhrman recommends blacktopping the road versus resurfacing the road with oil and chip as originally planned for. Due to savings in actual versus budgeted costs, the Township should still be able to complete the project for approximately \$12,000 less than the amount budgeted. YCPC gave approval to reallocate funds within the project line items to use for resurfacing the road with blacktop provided the total cost does not exceed the budgeted amount. **Motion** by Crawford, second by Rebert, to approve the blacktopping of Brown Road as opposed to oil/chip as originally proposed. All members voted aye; motion carried.

### B. Engineer's Report

Nothing at this time.

### C. Solicitor's Report

1. Mr. Rebert opened a Public Hearing on the Floodplain Management Ordinance. There were no questions or comments from the audience or Board members. Hearing closed. **Motion** by Crawford, second by Luckenbaugh, to approve the 2009 Floodplain Management Ordinance as proposed.

2. Mr. Rebert opened a Public Hearing on the amendments to the Subdivision Ordinance relating to the Floodplain Regulations. There were no questions or comments from the audience or Board members. Hearing closed. **Motion** by Crawford, second by Luckenbaugh, to approve the amendments to the Subdivision Ordinance for Floodplain Regulations. All members voted aye; motion carried.

3. Mr. Rebert opened a Public Hearing on the amendments to the Zoning Ordinance relating to the Floodplain Regulations. There were no questions or comments from the audience or Board members. Hearing closed. **Motion** by Crawford, second by Luckenbaugh, to approve the amendments to the NCT Zoning Ordinance. All members voted aye; motion carried.

4. Mr. Poole presented a Resolution establishing fees for land use permits in designated floodplains in North Codorus Township. **Motion** by Crawford, second by Luckenbaugh, to adopt the Fee Resolution as presented. All members voted aye; motion carried.

### VIII. Announcements

- A. The Recreation Board will meet on August 24, 7:00 p.m.
- B. The Planning Commission will meet on August 25, 7:00 p.m.
- C. The Board of Supervisors will meet on September 15, 7:00 p.m.
- D. The SWRPD Board will meet on September 9, 7:00 p.m.
- E. The Sewer Authority will meet on August 19 (change in date), at 7:00 p.m.
- F. The Zoning Hearing Board will meet on September 17, 7:00 p.m.

Mrs. Crawford asked if there's been any progress on the open permits. Mr. Derr reported that many of the permits have been addressed and Mr. Dietrich is making good progress on the remaining permits.

Mrs. Crawford asked about a letter received from the PA Department of Labor and Industry regarding a reassessment audit conducted by the department to determine if adequate administration and enforcement of the accessibility requirements of the Uniform Construction Code is occurring in North Codorus Township. The reassessment was conducted to determine if recommended changes were implemented to correct deficiencies noted in a previous audit when Jay Little was the Building Code Official. Additional findings and administrative issues were identified during the reassessment audit in projects that Mr. Little was responsible for. Mrs. Crawford asked if the Township should forward this information to Heidelberg Township since Mr. Little is now employed by them and they should be made aware of the potential problems that they may encounter in an audit situation. Mr. Poole said that there's no reason to prevent North Codorus Township from forwarding this letter to other municipalities. Mr. Derr should forward a copy of the letter to Heidelberg Township.

Mr. Rebert asked if the Township should get someone to do an energy study on the three Township buildings for energy use/improvements. Mr. Derr noted that there is funding available for both the study and for the improvements, with some caveats to qualify. Funds may also be limited based on the State's budget situation.

Mrs. Crawford had a few questions for Road Master Nelson Brenneman on various road issues. Letters were sent to residents regarding snow removal, etc.

Mr. Luckenbaugh asked for a progress report on the septic pumping project. Mr. Derr and Esther Clark discussed this earlier in the day. They will be working to update the information later in the week. Notices regarding pumping, etc. will be sent to residents within the month. Mr. Luckenbaugh asked Mr. Derr for help with information to add to the website related to the minutes for the previous month and the upcoming opening on the Planning Commission.

Nelson Brenneman had a question about a resident who put a pipe into the Township's inlet box without authorization. The Zoning Officer has gone to the site to check the situation. It's possible that the building permit has expired. There is another similar situation where a person cut into the township's inlet box to add a pipe. The Zoning Officer was directed to follow up on these situations with the Public Works Director and Road Master.

**Motion** by Luckenbaugh, second by Crawford, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Mark Derr, Township Secretary/Manager  
Julie B. Maher, Recording Secretary