

Chairman John B. Rebert called the regularly scheduled meeting to order at 7:07 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  
Approximately 20 citizens

I. **Minutes**

**Motion** by Crawford, second by Luckenbaugh, to approve the minutes of the regular meeting of November 17, 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 November 2009 as presented. All members voted aye; motion carried.

III. **General Public Comment**

A. Steven and Deb Martin were present. They've worked with three different zoning Officers, each of whom told them something different. They'd like to request an extension of time to demolish the house that's on their property. No one ever gave them a firm deadline or time frame within which to accomplish this work. Today they finally received the Use and Occupancy Permit for the new house that they built several years ago. They started the demolition or disablement of the project approximately four years ago when Mr. Gervais was zoning officer, after that they dealt with Mr. Little, and now are dealing with Mr. Dietrich. They are now requesting an extension of time within which to complete the project. Mrs. Crawford noted that there are two houses on this property now, which is a violation of the Zoning Ordinance. The original agreement was dated December 2004; extensions of time were granted in May and August of 2006. There was no further contact from the Township until September 2009 by Mr. Dietrich. There was discussion as to whether there was confusion or procrastination involved. The applicants feel perhaps there's been a bit of both.

**Motion** by Luckenbaugh, second by Rebert, to grant an extension of time until April 15, 2010, to demolish the house and complete this project. No additional extensions will be provided. All members voted aye; motion carried.

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

Officer Duffey gave the Police Department report for November 2009. She requested that the residents clear the snow from the house and mailbox numbers to make it easier for the police to find properties. She also reminded the residents to be mindful of the snow emergency regulations for parking to avoid being ticketed.

Mr. Rebert gave the Police Board report for December 2009. The contract is not quite completed yet, but progress is being made. A Special Meeting will be held to finalize the budget and contract.

V. **Fire Company Report**

No one was present at this time.

**VI. Permits, Plans, and Modules****A. Lynwood Subdivision – decision on the plan**

Jerry Stahlman was present to address any questions on Phase IIC of the plan. The Planning Module was finally approved. The groundwater easement agreement is ready for recording and approval. Note 5A was added to the drawing to eliminate any confusion as to which lots are being approved with this plan. It appears that most of the outstanding items have been or will be addressed. Mr. Stahlman noted that sewer capacity is available. He has asked the Sewer Authority about a R-O-W to connect to the public sewer system. He is requesting approval from the Board of Supervisors pending payment of costs and posting of the required bonds.

Mr. Poole noted that he is satisfied with the groundwater easement documents. The required note is indeed on the plan.

Mr. Sarpin of James R. Holly and Associates reported that he sees no security for the inlets and the conversion of the sediment basin into a drainage basin. Mr. Stahlman will draft a proposed bond amount to incorporate all of these necessary public improvements. There are a number of issues with some of the existing infrastructure that needs to be addressed, including stormwater inlets, basins, etc. Mr. Poole asked if the owner of the lot containing the basin knows that he owns the sediment basin and is responsible for its maintenance. Mr. Stahlman assured the Board members that the lot owner is aware of these responsibilities.

**Motion** by Crawford, second by Rebert, to grant an extension of time for a maximum of six months to June 2010 to meet with staff and address all outstanding issues including bonding. All members voted aye; motion carried. This is the last extension of time to be granted to this applicant. It's time to move this project along.

**B. Kessler/Linker – decision on the plan**

Patty Fisher of James R. Holley and Associates was present on this plan, which was before the Board in October 2008. The Zoning Officer at the time decided that the plan should be done as a merger of lots and provided specific instructions on how the plan was to be prepared. The Board of Supervisors disagreed, requested that the applicants prepare the plan in accordance with the ordinance, and Ms. Fisher complied with the requirements. All approvals and permits have been obtained; the outstanding items have been addressed.

**Motion** by Rebert, second by Crawford, to approve Plan #080907, Matthew Kessler and Candy Lint Kessler. All members voted aye; motion carried.

Mr. Derr provided a letter from James R. Holley and Associates that indicated the township would reimburse the Linkers for extra costs associated with their plan as a result of actions taken by the previous zoning officer. James R. Holley and Associates has requested reimbursement of \$3,347.60 for the "excess" costs associated with the Linker's plans since the Board of Supervisors determined the Zoning Officer didn't recommend an appropriate course of action. The Board members feel that the Township is indeed responsible for these costs.

**Motion** by Crawford, second by Luckenbaugh, to reimburse James Holley and Associates for costs in the amount of \$3,347.60. All members voted aye; motion carried.

C. Gray – re-approval due to expiration of recording time

**Motion** by Rebert, second by Luckenbaugh, to approve Earl and Janet Gray's Plan #09021. All members voted aye; motion carried.

D. Countryside Mobile Home Park – Interpretation of Section 158-6 of the Township Code of Ordinances

Mr. Derr noted that the applicant is looking for an interpretation of Section 158-6 of the Code of Ordinances. The Mobile Home Park is replacing single-wide units with double-wide units. The Code requires that additions or modifications to existing single-family detached residential structures of more than 1,000 square feet requires stormwater management measures. The interpretation requested is if a single-wide mobile home is removed from the lot and replaced by a double-wide mobile home, is the entire area of the double-wide considered in determining the 1,000 square feet or is it the net difference between the single-wide and the double-wide that is considered in determining the 1,000 square feet requirement?

Terry Kline, Kline Engineering, was present on this plan. His company as surveyed the entire mobile home park to plot the improvements made to each of the lots/homes. They are currently well within the permitted impervious area. Upgrading the homes to double-wide homes from the existing single-wide homes gives more impervious area, but still keeps the impervious area in compliance with the ordinance. Each improvement proposed will not increase the impervious area by more than 1,000 feet, thereby not requiring stormwater management. If a proposal gives more than 1,000 square feet, the applicant will provide stormwater management. Mr. Kline's point is that replacing some of the added-on improvements such as decks, patios, and porches with a double wide residence does not add more than 1,000 square feet of impervious surface. Mrs. Crawford noted that the runoff must go somewhere, and she feels that stormwater must be addressed. She feels that the interpretation should be determined by the total impervious runoff area, not just the increase in the impervious area. Mr. Kline feels that one must take the existing/replacing area into consideration.

Mr. Poole suggested that there could be a recorded agreement between the Township and mobile home park owner, stating that stormwater management is not required at the outset, but, if there's a problem in the future, the owner would have to put in stormwater pits.

David Altland owns a property adjacent to the mobile home park. He noted that there's already a problem with a large quantity of water runoff coming onto his property from this park.

Mark Shea suggested that in theory the owner could add impervious area of 999 square feet per year without ever being required to do stormwater management.

Mrs. Crawford feels that the applicant must address the stormwater issue. Mr. Rebert agrees, but he's retiring from the Board, so he won't take an official position. Incoming Board member Nelson Brenneman also feels that it should be addressed, and Mr. Luckenbaugh agrees.

**Motion** by Crawford, second by Rebert, to *deny* the request for a waiver of stormwater requirements by Countryside Mobile Home Park, the Motion being based on the totality of the resulting impervious area, not just the proposed addition. All members voted aye; motion carried.

Rodney Shearer questioned if this applied to all residential property. The Board responded that the motion applied to the mobile home park not all residential development because one trailer is being removed and a new trailer is replacing it.

## VII. Administrative Reports

### A. Manager's Report

1. Consideration for adoption of the Proposed 2010 Budget.

**Motion** by Crawford, second by Rebert, to adopt the 2010 Budget as advertised. Two members voted aye; Luckenbaugh opposed. Motion carried.

2. There are four proposals for the Audit.

**Motion** by Crawford, second by Rebert, to authorize Mr. Poole to prepare and advertise the Resolution to hire Kochenhouer, Earnest, Smyser, and Burg, at a cost NTE \$4,500. All members voted aye; motion carried.

3. **Motion** by Luckenbaugh, second by Crawford, to authorize the early-bird registration for the staff and elected officials for the PSATS. All members voted aye; motion carried.

4. **Motion** by Crawford, second by Rebert, to authorize the budgeted purchase of the road department trailer for \$21,250.00, with the payment due in 2010 from the liquid fuels fund. All members voted aye; motion carried.

From the audience, Rodney Shearer questioned this purchase, wondering how many times per year this will actually get used. It was noted that this trailer will be used to transport the paving machine owned by Manheim Township for road work. Road Crew Foreman Russell Fuhrman noted that Manheim will also use the trailer for transporting the equipment as well, in accordance with the municipal agreement between North Codorus and Manheim Townships.

5. The Public Works Director has requested the purchase of CB radios or similar equipment to make it easier for the road crew personnel to communicate with each other. Russell noted that the problem is that, in a snow plowing situation, a cell phone is too difficult to use and is also difficult to hear. It was also discussed that additional laws are being passed regarding the use of cell phones while driving. Russell indicated that to be safe, the road crew should really pull over to talk on the cell phones because there are too many other things going on to safely make phone calls and talk on the phone while plowing snow, etc. It was noted that the road crew cannot communicate on the same frequency as the police and fire personnel. Mr. Luckenbaugh stated that the department should use hands-free or blue tooth phones to communicate rather than radios.

**Motion** by Crawford, second by Rebert, to approve the request by the Public Works Director to purchase a CB/two-way radio system at a cost not to exceed \$2,000. Two members voted aye; Luckenbaugh opposed. Motion carried.

6. Mandatory Fire Police training was discussed. Mrs. Crawford has not found a fire company that has required this training. Everyone that she has checked with stated that it's been optional thus far. Mr. Brenneman will provide some additional information at the next meeting of the Board. The concern is the time and effort involved. This item was *tabled* until a future meeting.

7. Mr. Derr questioned if the Board would like to reconsider the proposed use of the JAG grant. The grant was to install 11 cameras around the Township building and park. The grant was to provide \$12,250 in federal funding but requires \$9,814 in matching funds from the Township. Is the Board interested in submitting a request to revise the grant application to reduce the number of cameras, upgrade the alarm system, and reduce the total amount of money to be spent to more closely coincide with the grant amount? The Board indicated yes, 11 seems like too many. Perhaps the grant could be used to upgrade the alarm system in the building and use only two cameras? Perhaps the local electrician could also do the work to save money. Either way, a revised application is in order to get the cost down to the original amount with minimal matching funds by the Township.

8. **Motion** by Crawford, second by Luckenbaugh, to *deny* the request by the Democratic Club for the rental of the community building at a reduced rate. All members voted aye; motion carried.

**B. Engineer's Report**

All items were addressed previously in the meeting. Mr. Sarpen left at 8:55 p.m.

**C. Solicitor's Report**

1. A Public Hearing was opened to discuss the Local Services Tax. Rodney Shearer noted that this tax will affect all farmers who live in the Township and are self-employed, working in the Township. Mr. Poole stated that to the best of his knowledge it would but suggested that perhaps there's an exemption for farmers or agricultural operations. It was noted that most other municipalities already enacted this tax years ago. Hearing closed.

**Motion** by Crawford, second by Rebert, to adopt Ordinance 214-12-2009, adopting a Local Services Tax. All members voted aye; motion carried.

2. **Motion** by Rebert, second by Crawford, to adopt Resolution 17-12-2009, setting the Tax rates for 2010 and Reappointing the PA Department of Revenue as the Agent for Certain Taxes. Two members voted aye; Luckenbaugh opposed. Motion carried.

**VIII. Old Business**

None at this time.

**IX. New Business**

A. **Motion** by Luckenbaugh, second by Crawford, to promote Esther Clark to Office Administrator, with an additional \$.50 per hour for additional responsibilities. All members voted aye; motion carried. Congratulations to Esther!

**X. Announcements**

A. The Board of Supervisors Reorganization meeting will be January 4, 2010, 6:00 p.m. This will also serve as the regular meeting for the Board in January.

B. The Elected Auditors will meet on January 5, 2010 at 4 p.m.

C. SWRPD Board will meet on January 13, 2010; there will also be a special meeting on December 22, 2009.

D. The Sewer Authority will meet on December 21, 2009.

E. The Community Building Committee meeting is cancelled.

F. The Recreation Board will meet on January 25, 2010.

G. The Planning Commission will meet on January 26, 2010.

H. There will be no Zoning Hearing Board meeting in January.

Sam Keiser voiced his opinion on several issues. One issue was that in 2007 the Township supposedly had an excess of \$1 million. Why is the Township so low on funds now? Mr. Derr displayed the summary from the 2010 Budget which reflected the decrease in the fund balance over the past several years. Mr. Keiser will get a copy of the comparison from Mr. Derr.

Is the Sewer authority still in charge of the sewer system? Why is the Township footing some costs for the system? Mr. Derr explained the details of the Township's guarantee of the Sewer Authority Debt, and the shortfall in revenues as a result of Colonial Crossings never connecting to the system.

Question from Mark Shea – is the hang-up on the police budget going to cost the Township any more money? No. And were the improvements for the Lynwood development included in the budget? No,

the improvements in the Lynwood subdivision were originally and still are the developer's responsibility.

**Motion** by Crawford, second by Luckenbaugh, to adjourn. All members voted aye; motion carried.  
The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Mark Derr,  
Township Secretary/Manager

Julie B. Maher,  
Recording Secretary