

April 2, 1998

The Codorus Township Board of Supervisors met in regular session on April 2, 1998 at 7:30 P.M. in the Township office. Board members present were Lamar Glatfelter, Brian Baer and Goldie Day. Others present were: April Rehbein, Charles Wheat, Roy Lovell, James Bailey, Rick Sechrist, Dennis Becker, Mr. & Mrs. Dennis Coster, Paige Reed, April Frederici, Attorney Gerard Stevens, Charles W. Van Scoyoc, Debra Swaim, Steve Webster, Charlie Romich of York Building, Terry Shutz of Global Stone, John Kovach, Robert Finke, David Rehbein and Kay Schriver.

Chairman Glatfelter opened the meeting with the Pledge. The minutes were approved as written.

Resident Roy Lovell stated that he wanted to know if the Township Board of Supervisors didn't observe the parliamentary rules for the meeting. He stated that he didn't remember the Chairman making the statement as recorded in Paragraph 5, page 3 of the minutes. Chairman Glatfelter and the Board members told Mr. Lovell that this statement was true. Mr. Lovell asked if this action should not have been voted on by all three members of the Board. He wanted the record to show that he objects to the minutes of the March 11th meeting being accepted.

Sealed bids for road materials were opened and read as advertised.

Three bids for crushed stone were received as follows:

York Building Products bid as follows:

400 tons 1/4" Anti-skid	@ 8.60 per ton
300 tons #10 Screening	@ 8.40 per ton
500 tons #8	@ 8.60 per ton
200 tons #67	@ 7.30 per ton
2,000 tons #2A Subbase	@ 4.85 per ton
1,000 tons #57	@ 7.30 per ton
2,000 tons #1 Ballast	@ 7.30 per ton
200 tons #3A	@ 7.30 per ton

York Building did not list the total bid price for the above.

Global Stone/Penroc Inc. bid as follows:

400 tons 1/4" Anti-skid	@ 8.40 per ton
300 tons #10 Screening	@ 8.00 per ton
500 tons #8	@ 8.55 per ton
200 tons #67	@ 7.10 per ton
2,000 tons #2A Subbase	@ 5.70 per ton
1,000 tons #57	@ 7.10 per ton
2,000 tons #1 Ballast	@ 7.10 per ton
200 tons #3A	@ 7.10 per to

Total bid price \$45,575.00

Tar-Mac Minerals, Inc. bid as follows:

400 tons 1/4" Anti-Skid	@ 8.60 per ton
300 tons #10 Screening	@ 8.80 per ton
500 tons #8	@ 9.25 per ton
200 tons #67	@ 8.60 per ton
2,000 tons #2A Subbase	@ 7.60 per ton
1,000 tons #57	@ 8.60 per ton
2,000 tons #1 Ballast	@ 8.85 per ton
200 tons 3A	@ 8.60 per ton
Total Bid \$55,645.00	

Goldie Day made a motion to award the stone bid to Global Stone seconded by Brian Baer. This motion carried.

2 bids for E-3 Emulsion were received:

Roadite, Inc. bid 30,000 gals E-3 Emulsion at \$.716 per gallon - total bid \$21,480.00.

Hammaker East Ltd. Bid 30,000 gals E-3 Emulsion at \$.719 per gallon - total bid \$21,570.00.

Lamar Glatfelter made a motion to award the E-3 Emulsion bid to Roadite, Inc., seconded by Brian Baer. This motion carried.

Two bids were received for the furnishing of ID-2 Binder & ID-2 Wearing:

Bituminous Paving Materials of York bid:

Furnishing 2500 tons ID-2 Binder Course at \$25.15 per ton and 2200 tons ID-2 Wearing Course at \$27.45 per ton - total \$123,265.

York Building Products Co., Inc. bid:

Furnishing 2500 tons ID-2 Binder Course at \$25.90 per ton and 2200 tons ID-2 Wearing Course at \$27.80 per ton - total \$125,910.

Lamar Glatfelter made a motion to award the furnishing of ID-2 Binder & ID-2 Wearing to Bituminous Paving, the low bidder. Brian Baer seconded this motion. This motion carried.

Two bids were received for the placing of ID-2 Binder & ID-2 Wearing:

Roadite, Inc. bid:

Placing 2500 tons ID-2 Binder Course @ \$4.19 per ton - Total \$10,475.
Placing 2200 tons ID -2 Wearing Course @ \$4.19 per ton - Total 9,218.

Robert Kinsley, Inc. bid:

Placing 2500 tons ID-2 Binder Course @4.73 per ton - Total \$11,825.
Placing 2200 tons ID-2 Wearing Course @ 7.28 per ton - Total 16,016.

Goldie made a motion to award the bid for placing ID-2 Binder and ID-2 Wearing to the low bidder, Roadite, Inc., seconded by Brian Baer. This motion carried.

James Bailey presented a subdivision plan of his property. He is combining all his adjoining land to his present farm which will be 105 acres total.

Goldie Day made a motion to approve the James & Sandra Bailey subdivision plan, seconded by Brian Baer. This motion carried.

Dennis Becker of James Holley & Associates, Inc. presented the Land Development Plan for the James Bailey proposed poultry house. Lamar Glatfelter made a motion to approve the Land Development Plan of James Bailey seconded by Brian Baer. This motion carried.

Steve Webster wanted to know if the Township had looked into getting Federal monies for farm run-off. He is getting ready to install a septic system at his property in Brodbeck's and wanted to know if the Township has thought anything about sewage along the creek. The Board told Mr. Webster that the Township has not looked into any of the above.

Paige Reed and Dennis Coster were present with the sketch plan for the re-arrangement of the storage containers on the Fireworks Productions Inc. property. They have sketched the present layout of the property and two proposed plans (Plan A & Plan B). They would prefer going to Plan A. (A copy of Mr. Reed's letter dated March 23, 1998 with the 3 sketches is attachment A of these minutes). Mr. Reed introduced Attorney Gerard K. Stevens, counsel for the Fireworks business.

Attorney Stevens stated that he represents Mr. Reed, but since he is not licensed to practice law in Pennsylvania, his firm will be using York Attorney Jeff Bitzer. Attorney Stevens also stated that ATF is very conscientious and wants the distances between storage containers according to the rules. He also said that Fireworks Productions is trying to find an alternate route for the Ryder trucks. They are working with the Pennsylvania Department of Transportation.

Lamar Glatfelter stated that he is concerned about the two containers on the hill above the house that were moved two years ago and have been moved temporarily back. It would be best if these containers were out of sight.

According to the sketch plan, the Plan A would be most satisfactory if the Board agrees. If a block building is built some of the shipping containers could be emptied.

When asked about staggering shipments of the black powder, Dennis Coster replied that they had to gear according to the manufacturers' shipping season. Dennis said that he is willing to try to have staggered shipments.

Paige Reed stated that he had received orders from William Peters that the stone pads are to remain on the Peters property. He doesn't want anyone trespassing on the property. Mr. Reed presented a copy of a letter dated March 27th that he sent to Mr. Peters. This becomes Attachment B of these minutes.

All matters related to the Fireworks Productions, Inc. plans will be taken up with Solicitor Herrold at the April 8th meeting.

Debra Swaim asked Dennis Coster if he had discussed the proposed plans with Charles S. Van Scoyoc. He replied that he had not.

Debra Swaim presented a hand written list of five questions she wants answered at the April 8th meeting. This list is Attachment C of these minutes.

Timothy Steger gave the report of work on the roads during the past month. He reported that:

Dean Winemiller of Narrow Gauge Rd. complained about dirt dumped on the shoulder.

The gutter at Bartenfelders on Cherry Run Rd. has been cleaned out. Mr. Bartenfelder is not happy with the water coming down the driveway from the William Fix property.

A fire hydrant has been installed at the Gene Burton farm and one will be put in at the James Bailey farm soon. The one planned for the J. Donald Young property will have to wait until dry weather.

The Board talked about work on the Buffalo Valley Rd. bridge. Tim was asked to call C. S. Davidson, Inc. to find out if steel beams could be used to repair this bridge.

Kay Schriver of Water Tank Rd. was present with concerns about her neighbor Glenn Hamm. He has 25-40 roosters that are so noisy they cannot have any peace & quiet. Also, she doesn't feel that the chickens are housed properly. She was told to call the S.P.C.A. to report this. Also, when asked about erecting a fence, she was told to call the Zoning Officer.

The secretary was asked to have the Zoning Officer check the parked vehicles at the former Inners property in Neimans.

April 2, 1998

Page 5

Brian Baer made a motion to issue 2 road occupancy permits to GTE and one to GPU, seconded by Lamar Glatfelter. This motion carried.

The secretary presented the December 31, 1997 Non-uniformed pension report to the Board. Lamar Glatfelter made a motion to accept this report, seconded by Brian Baer. Motion carried.

The secretary reported that the drum on the copy machine went up. H & N Business Machines gave an estimate of \$900.00 to fix the copier which they say is pretty well worn-out. H & N brought in a Panasonic copier for demonstration. The price on this copier, after discounts and trade-in is \$2,295.

Brian Baer made a motion to purchase the Panasonic Copier at a cost of \$2,295., seconded by Lamar Glatfelter. This motion carried.

The bills were presented to the Board. Brian Baer made a motion to pay the bills, seconded by Lamar Glatfelter. Motion carried.

There were no other public comments.

The tax collector's report for March was presented by the Township secretary.

The meeting adjourned at 9:45 P.M. on motion by Lamar Glatfelter and seconded by Goldie Day.

Respectfully submitted,

Goldie Day
Goldie Day, Secretary

ATTACHMENT "A"



Fireworks Productions Incorporated

Sales & Operations Division

Finance & Contract Division

800-765-BANG (2264)
Fax: 410-357-0187

Voice: 410-287-0704
Fax: 410-287-9588

March 23, 1998

Codorus Township Board of Supervisors

Dear Sirs, Madam:

According to your direction to us, at the last Board Meeting, we will remove the two pads on Mr. Peters property (the road will remain for his convenience) within 60 days.

We have moved, with your permission and permits, two of the four containers from the location that had four containers (location #2 on sketch) to the top of the hill (location #3), where they were located the year before last. You also requested a more detailed plan for our future intent regarding our farm property and the approved fireworks storage being performed there. Here is our "five year and beyond" plan:

Appended are three identical sketches of the property, showing the present configuration and our proposed plan "A" and alternate plan "B" for your approval. There are presently six 40' overseas shipping containers being used on the property to store fireworks and our future plan only addresses these containers and the replacement and/or movement of them. Existing buildings or equipment containers will remain as shown on sketch.

BACKGROUND: Current ATF distance requirements (with one, current, approved ATF distance variance for the cinder block building, allowing 30,000 pounds under the new table of distance) equals a total weight on the property of 60,000 pounds at present. This is 30,000 pounds in the cinder block packing building and 10,000 pounds each in the three other container locations shown as locations #2, #3, and #4. Our normal importation of fireworks is between four and five overseas shipping containers per season, which totals about 70,000 pounds and has been the same since 1995 (60,000 at any one time is all we can store at this time). This year we will store any fireworks over 60,000 pounds weight at another ATF-approved storage facility for this season only.

Under the new Federal BATF distance tables (to go into effect late Summer of 1998), we will be allowed to store 30,000 pounds in the cinder block building, 30,000 in four or five containers located 225 feet away from the cinder block building (at location #2) and 10,000 pounds each in two containers each at locations #3, and #4, for a total combined weight of 80,000 pounds - all well within Federal and State required distances for Display Fireworks. Both of the following plans account for no expansion of Fireworks Productions Inc. seasonal business, which has not grown since 1995 and we have no intent to get any bigger than we are, except for the few "off-season" (non-July 4th week) displays that we may possibly pick up in the years to come. We are, and have been since 1995, at our limits for the 4th of July week in our ability to supply equipment and pyrotechnicians. Both plans call for a reduction in the numbers of containers used for fireworks storage.

PLAN "A" - This is our choice and the one we believe best satisfies all concerned

If the Board of Supervisors will approve the construction (within the next 18 to 20 months) of a new 32' X 64' cinder block building (the same size as the existing building) to be constructed at location #2, we would remove, totally, from the property, the two containers now in that location. Additionally, if we can be allowed to keep the two containers at the top of the hill (location #3), "dressed up" with a privacy fence and trees, we would agree to use the two containers at location #4 only for storage of equipment and they would not be used for fireworks storage. We believe this would be the most satisfactory solution for all concerned and this would restrict our fireworks storage areas to locations #1, #2, and #3, and would limit the poundage to 70,000 pounds - this is 10,000 pounds less than will be legally allowed to be stored on the property under the new distance tables. This would remove any fireworks from any location close to our nearest neighbor, the Van Scoyok's. This is our desired plan and would suffice our needs for the foreseeable future (five years at least), and would be the last change we would make to the property, other than the possibility of replacing the two containers at location #4 with a permanent structure for equipment storage in the future, but we can not afford to consider such a move for the next couple of years, as we still have to recover from the \$7,500 loss we suffered by building a road and pads that you are keeping us from utilizing in order to meet ATF and State requirements. And we still will have to finance the construction of a 2nd cinder block building.

PLAN "B"

In the unfortunate event that you will not allow the two containers to remain at location #3, as we desire, then we would remove them from the property (or put them next to the two at location #2, until the new building is constructed, and then remove them).

but this would necessitate our using the two containers at location #4 to continue to store fireworks, so we can keep our total poundage to 70,000, which we consider our average needs for our peak storage season (February through July 5th) and has been for three seasons.


Both plans will include our discussing with Mr. Charles Van Scoyok for the planting of a visual "screen" of trees between his property and ours so that the containers at location #4 would eventually not even be visible from his home. Mr. Van Scoyok indicated he would do the planting if we would purchase the trees - we are willing to do this as long as a budget and number of trees is agreed to at the outset, but only if Mr. Van Scoyok and his wife both sign an agreement with us that they will cease harassing our company, agree in writing that they understand that we are legally entitled to store the Federal, and State limits of fireworks on our property, that the recently passed Township Ordinance has no legal effect on our company or property, that they immediately cease and desist from aiding and abetting the individuals who are presently illegally harassing and defaming us and our company and who are interfering with the peaceful, legal, transaction of commerce, and making wrongful telephone calls to the State Police. We are presently proceeding with legal action against these individuals by name.

We will be present at the April 2, 1998 meeting to discuss this plan in as much detail as you, we, and our attorneys, feel is needed to meet what the Township Board of Supervisors desires (but not the personal wishes and desires of the local residents), as well as the legal distance requirements of the State and Federal Government.

Please call either toll free number (800-765-2264, or 888-299-3535) if you have any questions.

Very truly yours,

Dennis H. Coster, President

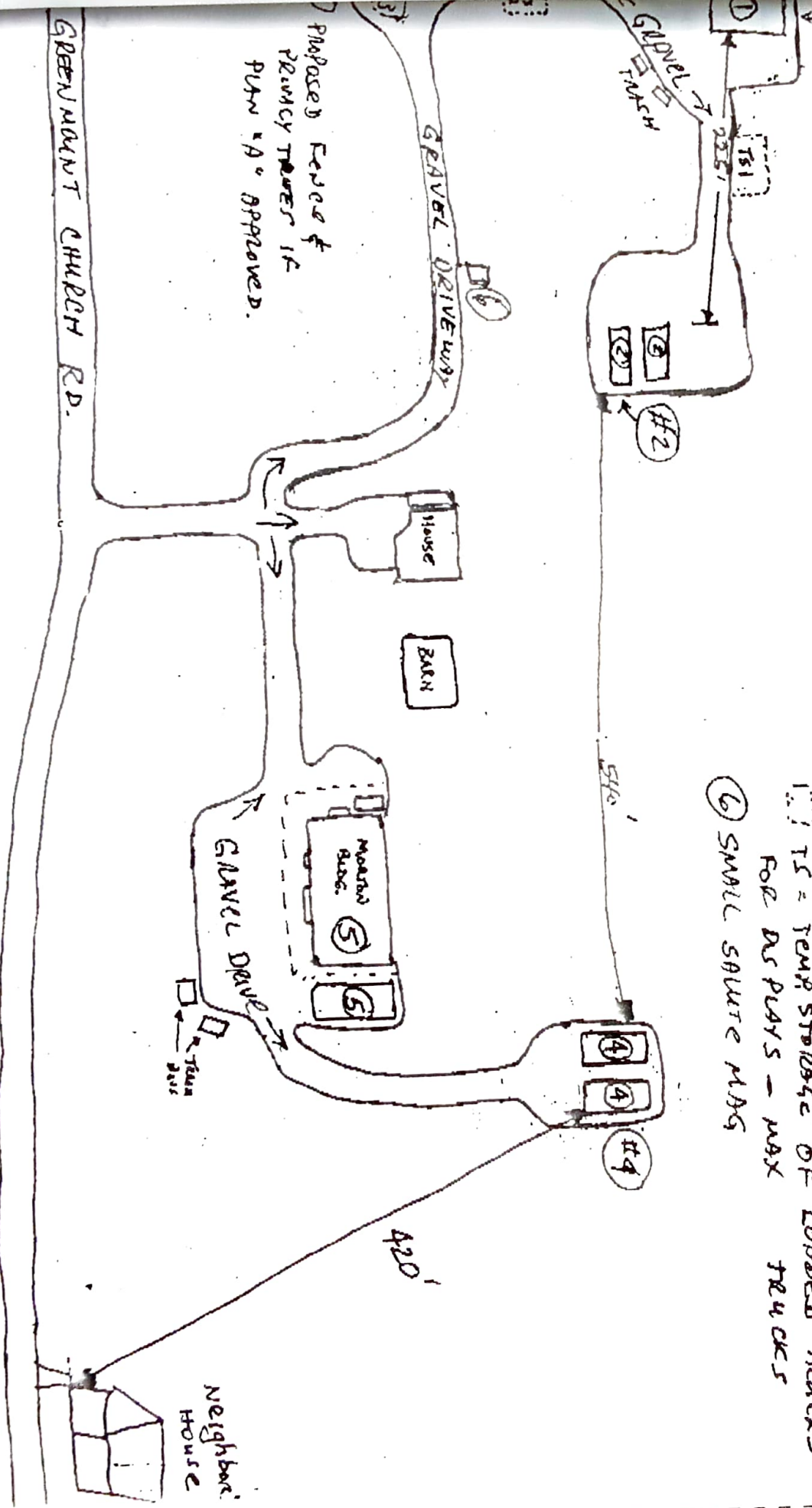

Paige F. Reed, Chairman of the Board, and property owner


April Frederici, Vice President, Finance, and property owner

PRESENT LAYOUT MARCH 1998

LEGEND:

- ① STORAGE AREA - 30,000 POUNDS NOW
- ② STORAGE AREA - 10,000 POUNDS NOW 30,000 POUNDS APRIL 1998
- ③ STORAGE AREA - 10,000 POUNDS NOW
- ④ STORAGE AREA - 10,000 POUNDS (BECOMES ⑤ PLAN)
- ⑤ EQUIPMENT STORAGE - NO FIREWORKS
- ⑥ IS = TEMP STORAGE OF LOADED TRUCKS FOR DR PLAYS - MAX
- ⑦ SMALL SAWTIE MAG



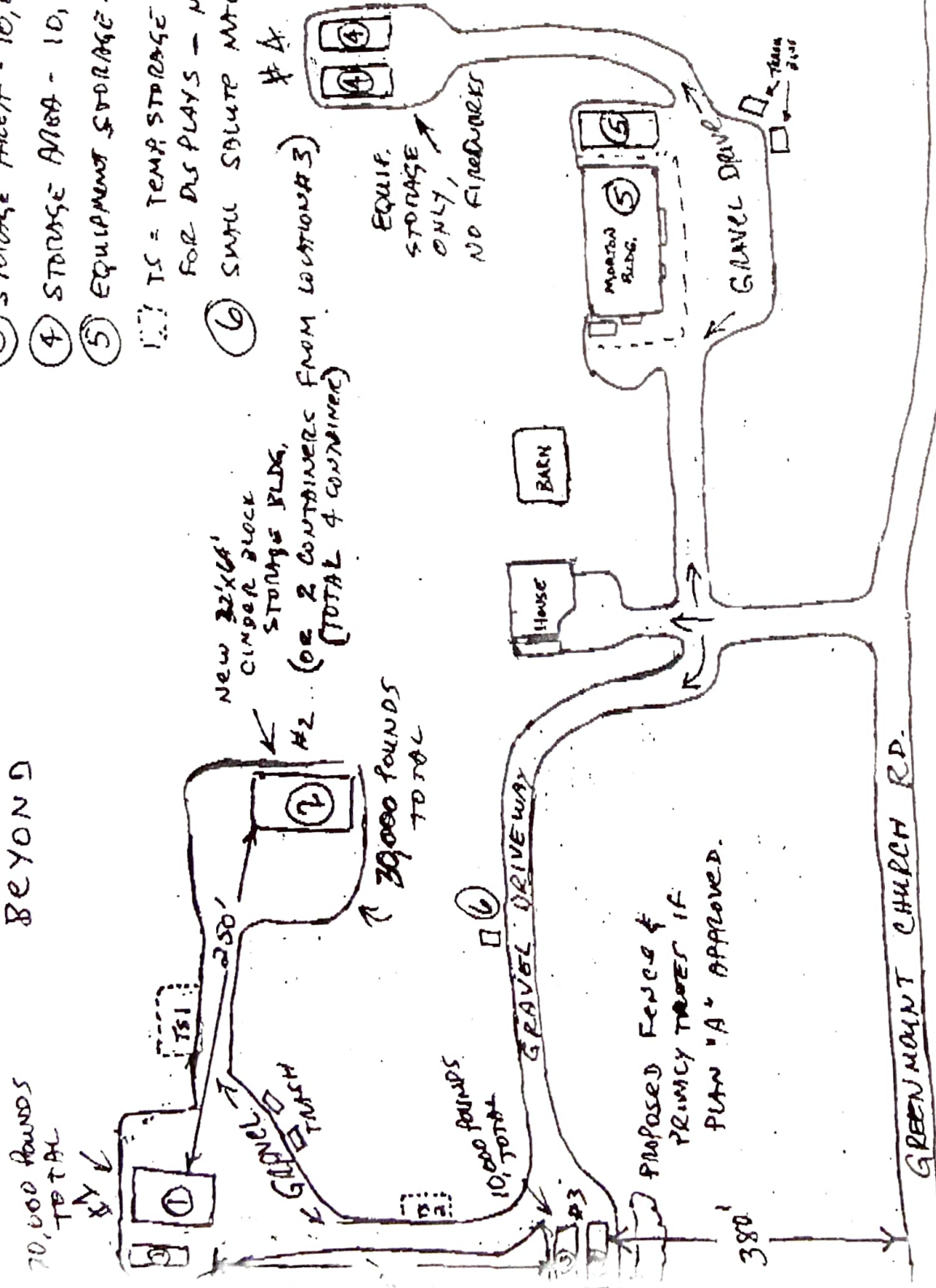
Proposed Fenced Privacy Screen if Plan A is Approved.

HOUSE ON FPI FARM HAS SECURITY EMPLOYEES OF FPI AS TENANTS - DOES NOT COME IN ANY DISTANCE REQUIREMENT.

- ① STORAGE AREA - 30,000 POUNDS NOW
- ② STORAGE AREA - 10,000 POUNDS NOW
30,000 POUNDS APR 19
- ③ STORAGE AREA - 10,000 POUNDS NOW
- ④ STORAGE AREA - 10,000 POUNDS (BECOMING 30,000 POUNDS)
- ⑤ EQUIPMENT STORAGE - NO FIREWORKS

IS = TEMP STORAGE OF LOADED TRUCKS
FOR DISPLAYS - MAX 3 TRUCKS
⑥ SURE SALTATE MFG.

②



HOUSE ON FPI FARM HAS SECURITY EMPLOYEES OF FPI
AS TENANTS - DOES NOT COUNT IN ANY DISTANCE REQUIREMENT.

LEGEND:

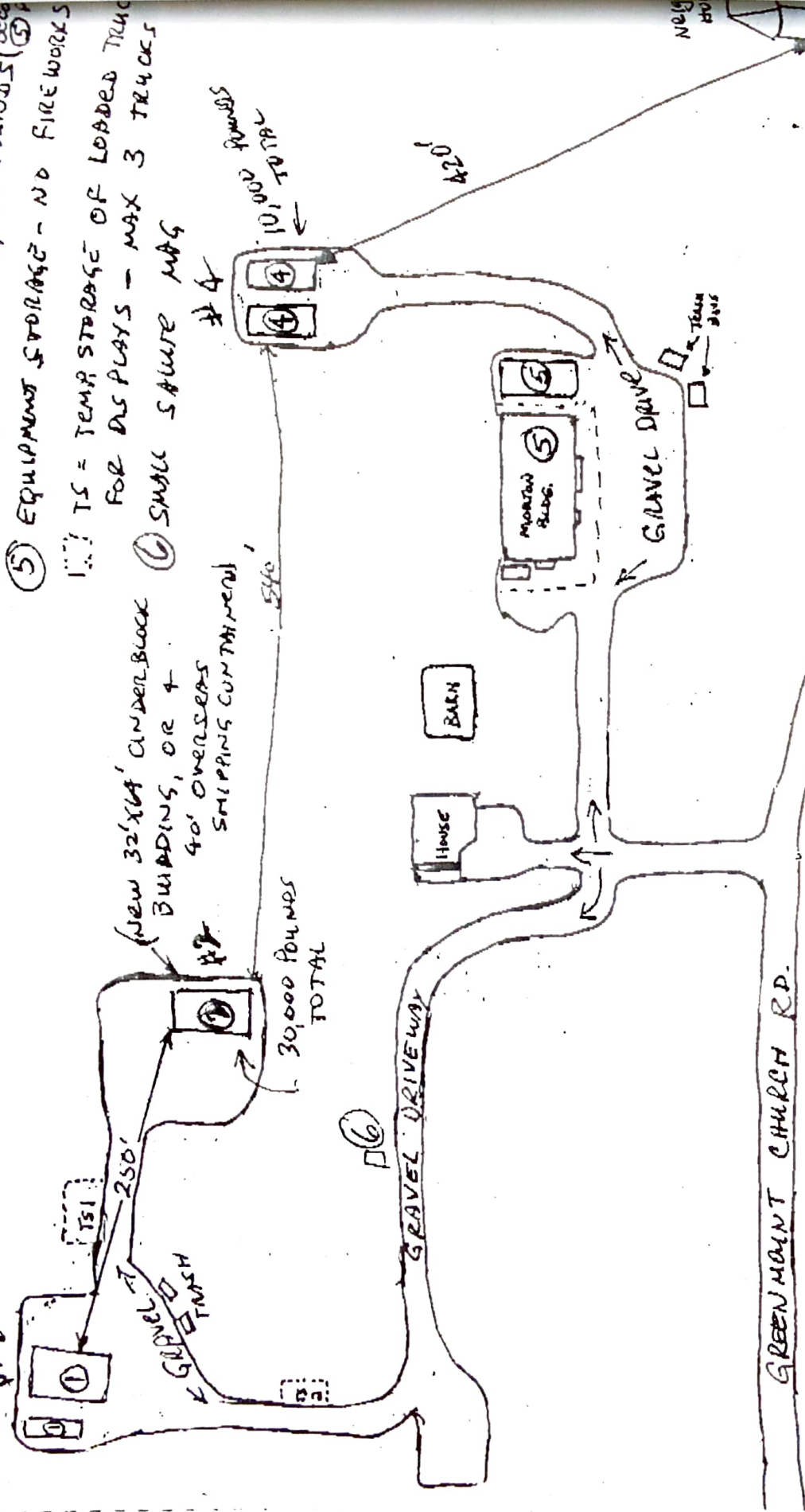
- ① STORAGE AREA - 30,000 POUNDS NOW
- ② STORAGE AREA - 10,000 POUNDS NOW
- ③ STORAGE AREA - 30,000 POUNDS NOW
- ④ STORAGE AREA - 10,000 POUNDS NOW
- ⑤ STORAGE AREA - 10,000 POUNDS NOW
- ⑥ EQUIPMENT STORAGE - NO FIREWORKS

TS = TEMP STORAGE OF LOADED TRUCKS FOR DISPLAYS - MAX 3 TRUCKS

⑥ SMALL SAUCE MAG

PLAN "B" 1999 AND BEYOND

30,000 POUNDS TOTAL



NORTH

HOUSE ON FPI FARM HAS SECURITY EMPLOYEES OF FPI AS TENANTS - DOES NOT COUNT IN ANY DISTANCE REQUIREMENT.

"We Light Up Your Night"



Fireworks Productions Incorporated

COPY

Sales & Operations Division

Finance & Contract Division

800-765-BANG (2264)
Fax: 410-357-0187

Voice: 410-287-0704
Fax: 410-287-9588

March 27, 1998

Mr. William Peters
Box 32
Upperco, MD 21155

Dear Bill:

I am very sorry that the township has thrown a monkey wrench into our legally-agreed-to plans and lease. They have also directed us (by what legal authority, I am not quite sure), to remove the gravel pads we put on your property to place the fireworks storage containers we were going to place there. You have made it clear to Mrs. Coster (Donna) that you do not want the pads removed and do not want us, or anyone else, trespassing on your property in the future. I fully understand your position and we have just posted our property as well.

Could you please either call the Board of Supervisors and tell them your intentions regarding the pads, or write me a brief note, so I have something to present to them? We are presently caught "in the middle".

Again, I thought we were conducting totally legal, neighbor to neighbor business and still do not know how the Board can prevent us from placing wheeled trailers on your property and using them to store equipment in, if not fireworks. I do not want to fight with the Board of Supervisors, but I also am aware of my legally binding obligation to you, so I will bring this up at the next meeting I attend (April 2nd) and perhaps we can still try to keep our end of the lease intact - you certainly kept your part of the deal. Enclosed please find our check for the past three months rent as agreed in our lease - we will keep you posted on future progress, and will continue to make lease payments per our binding agreement.

Cordially yours,

We think **there** are enough questions about whether Fireworks Productions, Inc is presently operating in compliance with zoning regulations that we feel any decision about new buildings or moving containers should wait until next Wednesday's public meeting when the questions can be answered by the Township Solicitor, John Herrold.

Questions:

1. Until March 12, 1998, when a building permit was issued by the Codorus Township Zoning Officer for 2 of the trailers (storage containers), not one of the 8 trailers located at Fireworks Productions, Inc. ever had a building permit - Therefore none of them were/are legally permitted structures according to the Codorus Township Zoning Ordinance.
2. On March 11, 1998 at its public meeting the Codorus Twp. Board of Supervisors passed a new zoning ordinance which makes requirements much more stringent for storage of fireworks & other explosives - notably - this ordinance requires 1,000 feet distance from any storage container/building to any residence not owned by the Fireworks business.
3. On March 12, 1998 Fireworks Productions, Inc. obtained a building permit from the Codorus Twp. Zoning officer for 2 of the trailers. These trailers were moved by Fireworks Prods Inc on March 12, 1998 to a position less than 1,000 feet from a residence located on Greenmount Church Road. This residence is not owned by Fireworks Prods, Inc. therefore these trailers are not in compliance with the new ordinance since any activities occurring after the new zoning ordinance was passed on March 11th are to be in compliance with that distance.
4. Why did the Township Zoning Officer issue a permit in violation of this ordinance ?
5. According to Township minutes, Mr. Reed has said he would remove the trailers from the property but he never has.

(NOTE)

The above was typed from Debra Swaim's penciled handwritten copy.