

August 5, 2004

The Codorus Township Board of Supervisors met in regular session on August 5, 2004 at 7:30 P.M. in the Township office. Members present were: Lamar Glatfelter, Irvin Rappoldt, and Goldie Day. Others present were: April Rehbein, Marlette Thomas, William Fogle, Tom Bathon, Attorney Sean Delaney from the law firm of McNees, Wallace & Nurick, LLC, Georgia Bathon, Jerry Stahlman, Rene DeBrabander, Brian Kaltreider, Cecile Feters, Bob Namovicz, and Randy Sterner.

Chairman Glatfelter opened the meeting with the pledge.

The minutes were approved as written.

Brian Kaltreider received a call from Rhett Lambert of 8397 Blooming Grove Rd. Mr. Lambert was concerned that the white line painted on S.R. 516 was painted closer to his fence then last year. The setback for the fence was measured from this line last year. Mr. Lambert's concern is that if the line keeps getting closer to the fence he will be in the setback.. Lamar agreed that the fence can stay were it is and this will be put in writing for Mr. Lambert.

Randy Sterner was present with a report of the Emergency Management meeting he attended on July 14, 2004. Valerie Stone of Windsor Township spoke at the meeting about the 3 emergencies that have occurred in Windsor since she has become Emergency Management Coordinator and how she handled these emergencies. Also Mike Shanabrook spoke about the preparation that was needed for the arrival of President Bush.

Attorney Sean Delaney was present. He would like to request that the Board of Supervisors reverse the decision that was made at the June 9th Supervisors meeting to have Attorney Herrold and Jason Snyder oppose the granting of the special exception extension by the Zoning Hearing Board. Attorney Delaney said that the Board of Supervisors, Planning Commission, the owners and Developers have invested time and money over a number of years. He feels that the information given to the Board at the June 9th meeting was not accurate. The information did not fully reflect the stage of development and how rapidly the project was going. He also pointed out that in the July 14th minutes Jason Snyder reported that daily inspections were being done, no deficiencies have been found and that the contractor was doing a good job. Attorney Delaney said the construction is going well and he doesn't think it is appropriate for the Board to oppose at this point. He made a formal request that the Board withdraw the authorization for Attorney Herrold and Jason Snyder to oppose and also withdraw any authorization for the Planning Commission to oppose. He thinks the Board should be supportive of this project.

Lamar Glatfelter told Attorney Delaney that at this point Attorney Herrold is not going to represent the Township. Attorney Gilbert Malone has been authorized to represent the Planning Commission.

Irvin Rappoldt spoke about visiting the WWTP site today. He feels that the Township should keep on with this plant and use it to its capacity. He said if we need to put in another plant in the other end of town, that should go as planned. He feels it would be fine to have 2 plants.

Irvin made a motion as follows: I Irvin Rappoldt would like to make a motion that the Board of Supervisors does not authorize John Herrold or Jason Snyder to appear on behalf of the Board or on behalf of the Planning Commission to oppose the granting of an extension of the special exception for the Lynwood Gray Waste Water Treatment Plant. Nor does the Board authorize the Planning Commission or its Solicitor to oppose the extension of the special exception. As I a Board member of the Codorus Township Board of Supervisors support the granting of this extension.

Goldie stated that on January 8, 2003 she read a statement about having a potential conflict of interest in the WWTP due to her sister. The statement is a part of the minutes of the January 8, 2003 Board of Supervisors meeting. Goldie is allowed to vote to break a tie.

Cecile Feters wanted to make a comment before the Board voted. Cecile stated that she was at the June 9th meeting. She drives past the WWTP site every day on her way to work. She stated that on June 9th when the vote was made the work had started on the roadway into the plant but the work had not begun on the plant itself. Cecile said that the tanks were brought in on July 6, 2004. She said that when the applicant acquired the building permit on July 11, 2003 they knew they had 1 year to complete construction. The Township has a zoning ordinance that clearly states that special exception expires if the applicant fails to complete construction within one year of the issuance of the building permit. The applicant did not begin construction till after 10 months of receiving a building permit. When the vote was taken on June 9th they voted to oppose the extension in order to support the Zoning ordinance of this Township. Cecile feels the vote on June 9th was to support the Zoning Ordinance of the Township. She does not think the Supervisors should reverse that vote. The applicant has the right if the extension is rejected to re-apply for another special exception. As a citizen of Codorus Township she would like to see the Board uphold the Zoning Ordinance of the Township. Cecile said the applicant was told on May 12th that they needed to apply for special exception. They hadn't started any work at that time and should have waited for the Zoning hearing before starting work. She also commented that the contractor has worked 8 days in defiance of the Cease & Desist order. She said a lot of the work that Mr. Rappoldt saw today was done after the permit expired.

Attorney Delaney said that the ordinance does allow for an extension. He said if the Board of Supervisors supports the granting of the extension, they are supporting their own ordinance. Also, as far as the construction is concerned, a lot of the work was being done off site. The structure is prefabricated.

Cecile feels that the Supervisors should let the Zoning Hearing Board decide based on the testimony they hear on Monday. She feels it's not right to not pay the Attorneys for the work that has been done already and not allow them to attend the hearing.

Irvin still feels that it won't hurt to have two plants.

Irvin would still like to make the motion as stated above. Goldie Day seconded the motion. Lamar Glatfelter opposed. The motion carried vote 2-1.

Attorney Delaney said that he is satisfied with this motion.

Jerry Stahlman wanted to make a comment to the Board. He said the applicant was made to get the permit in a timely fashion. They would have liked to get the permit later. He said the plant was built inside during the winter months. Equipment was purchased. The weather was too bad to do the stream crossing. Work was being done prior to the June 9th meeting.

Lamar Glatfelter said the decision is up to the Zoning Hearing Board on Monday night.

Bill Fogle issued 3 permits. Bill stated that 8 unlicensed vehicles are being stored at the former Gardner's Garage located on S.R. 851. 4 of these cars are burnt out. The garage has been changed into a Sprinkler Co. by the new owner Lawrence Davis. Bill was told to check this out. The cars should not be stored there. The permit for Cleveland Thompson's pole building will expire this week. They are not working on the building and have not applied for an extension. Bill will contact Mr. Owings. Thomas Gray of 6555 Steltz road applied for a permit for a garage. Since then he has changed this building into an office, which he wants to live in while building his house. Lamar said this should be taken up at the next meeting when Attorney Herrold is present.

Marlette Thomas gave the Roadmaster report. Marlette was told to get quotes for salt and line painting. Tar & chipping will begin the last week of August. The culvert boxes, pipes and drain tile have been installed on Pentland Road. The men have started to widen the road. A letter was sent to Fireworks Production about their driveway. The work was supposed to be done in June but, has not been done yet. Marlette will call Dennis Coster and tell him exactly what needs to be done to divert the water into the culvert. Marlette measured the site distance at the corner of Stone Church Rd. and S.R. 516. He

said it is 31 ft from the center of the Road to the closet tree. Lamar spoke to a Penn Dot worker and was told he would report the problem to Bailey Barnhart.

Bob Namovicz said he would like to see drift fences used in the Township. Lamar said that snow fills in from the other direction. Also it is very time consuming to put the fence up. Lamar felt he should speak to Attorney Herrold about right-of-ways before doing anything.

Robin Matthews will be building a house off Fissels Church Rd. There will be two houses on this private lane. He would like to name the lane Sherry's Way. The Township would like to name it Sherry's Ln. since all the private roads in the Township are lanes.

Lamar Glatfelter would like to make the following as part of the minutes. On July 20, 2004 an executive session was called. The subject was to hire a professional attorney (Ron Lucas) to support the Board of Supervisors and the Planning Commission in opposing the WWTP special exception extension. Goldie Day & Irvin Rappoldt were not in favor of this. Lamar Glatfelter was in favor of it.

On 7-30-04 an executive session was called. Irvin Rappoldt changed his mind about hiring an attorney. He agreed to hire Attorney Gilbert Malone to support the Planning Commission but not the Supervisors. Goldie Day did not vote.

Sean Delaney wanted to know if the motion made by Irvin reversed the decision of the Supervisors to hire Attorney Malone to represent the Planning Commission.

Lamar said that he would talk it over with Attorney Herrold tomorrow.

The bills were presented to the Board for payment. Irvin Rappoldt made a motion to pay the bills seconded by Goldie Day. The meeting adjourned at 8:45 P.M.

Respectfully submitted,



April K. Rehbein
Secretary