

The Peach Bottom Township **Board of Supervisors** met on **December 7, 2009** at 7:00 p.m. in the Recreation Center. Members present J. Johnson, D. Stewart, and J. Ailes.

A **motion** to accept the minutes as presented was made by J. Ailes and 2nd by J. Johnson vote 3/0

Maria Payan discussed construction, best management practices and concrete in regards to CAFOs. She told about her conversations with DEP and EPA, along with problems with the concrete at Rohrer's Lexington Acres in Lititz and the Township Engineers inspections or lack of for the Gemmill Facility.

Supervisor Stewart informed that the Township Engineer has been contacted and that Supervisor Johnson was there one time it was poured. The Township is watching what they are supposed to be watching. There is a test on every load of concrete.

It was suggested by both M. Payan and L. Yanney that the Township conducts a base line water test on Neill Run upstream and downstream. The cost would be \$800.00. Everyone in Susquehanna Trails is serviced by the aquifer under this facility.

They were advised to contact the County. The Township took care of the storm water situation and that is all we are doing. If we feel there was a need, we would test.

A. Cooper is concerned that if the Township conducted this test they would be setting precedence. She gave information on the Rohrer's Lexington Acres in Lititz and special conditions placed on the facility.

Supervisor Johnson is concerned with having to test every stream within the Township before this is over. Supervisor Stewart agreed.

Huffer, Donald –Map 3 Parcel 333, 73 Hemlock Hill Rd.,

He was given one renewal beyond the expired permit and is requesting another 9 months to complete the dwelling. The Zoning Officer explained that he got stuck with the mess that was left when he purchased the property. The plumbing, electrical, framing, and basement concrete are done and ready for a rough in inspection.

Motion to give another 9 months if he pays a \$250 renewal fee was made by J. Ailes and 2nd by J. Johnson vote 3/0

Yohn – Map AR Parcel 1B constructed a structure and installed a holding tank without obtaining a permit. The holding tank has been closed until he decides what to do with it. Supervisor Stewart stated that the holding tank has to go.

Mr. Yohn asked what if we put in a drain field and used it as the pump tank.

Supervisor Stewart informed that he would have to do a land development plan and feels he needs to pay a fine, get a permit, remove the holding tank and have a port-a-pot.

Supervisor Johnson stated that they may need to put a limit on the amount of days the port-a-pot can be on the site.

The SEO informed that the Holding Tank Ordinance addresses port-a-pots. The ordinance was reviewed for clarification. It was determined that he can only have the port-a-pot on location for no more than 90 consecutive days. The Zoning Officer asked what this structure is being called and was informed that it is an accessory structure.

Mr. Yohn informed that it is shelter for the hunters, for them to rest between hunts, store grain to feed the deer.

Attorney Malone inserted that it is accessory to the farm; they stay there while they are harvesting deer grown on the farm. It is not to be lived in. Someone has to make sure the holding tank is removed.

The structure does not have a kitchen, electric, or water, but does have solar panels.

Supervisor Stewart gave his recommendation that he pay a fine for building an accessory structure without a permit, get a permit, have the holding tank removed and allowed a port-a-pot for no more than 90 days in one year. It was noted that an accessory structure does not take a building right.

The Attorney informed that he will need a use and occupancy for the building. If this port-a-pot has to be monitored the Township should be compensated. We could require the owner provide documentation for this accessory structure permit as to when the port-a-pot is brought in and when it is taken out.

The Sewage Enforcement Officer stated that if it is in the ordinance [port-a-pot permit requirement] it should be enforced or removed. We have never done this before because most people live where this can be seen from everywhere.

This continued into a discussion on temporary port-a-pots, required permits, septic pumping manifests, inspections when it is on the property and when it is supposed to be removed. Opinions were given by J. Wiley, P. Wiley, and B. Poole.

Motion to require Mr. Yohn provide documentation on the comings and goings of a port-a-pot, have the holding tank removed by May 1st 2010, pay a fine of \$100, obtain a building permit and use & occupancy was made by D. Stewart and 2nd by J. Ailes vote 3/0

S. McConnell noted that now we have an issue with the **Holding Tank Ordinance** and it should be modified for how we are doing business.

The Supervisors recommended this be sent to the Planning Commission for review.

Rick Ammons informed of problems he had trying to sell his house, the reason being private roads without a road maintenance agreement. He requested the Township pass an ordinance requiring maintenance or a road maintenance agreement. The Township requires new subdivisions with private roads have maintenance agreements.

The Attorney stated that he could see enormous practical problems with the Township having an ordinance requiring maintenance of these roads and trying to enforce it. What level some people think it should be maintained and others that think grass is okay. Some of these roads practically do not exist; this would almost require them to practically build roads.

Supervisor Stewart does not have an answer for this, but does not want to have the Township being responsible for this.

B. Tenney informed that Mr. Ammons had approached the Planning Commission, but they did not have a good history in order to work on this issue.

The Attorney inserted that if you require every road to have what we require for a new subdivision, some of these people would spend many times the value of their lot building a road. Some of the lots do not have much value; it is very hard to apply the same regulations to all of the roads.

R. Ammons asked for a rough standard, ruts less than knee deep do not have to be fixed. Use a classification of public/private road with 20 occupied residents.

Supervisor Johnson and Ailes have reservations about enforcing such an Ordinance.

The Attorney stated that you have to decide if we are going to have an ascertainable standard for the zoning officer to enforce and suggested the Planning Commission should come up with a plan and present it to the Supervisors.

Farrington - Map BQ Parcel 39D, 262 Flintville Road.

The initial permit was for a 30 x 34 addition issued October 31, 2006. He also gutted the entire house and will not be able to complete this in the next 9 months. It is framed and sheet rocked, he needs to finish 2 bathrooms, install the storm water pit and pour concrete. The floor has to be finished, you cannot just have plywood. If he did not have to pour the concrete floor he would be able to finish

Motion to give a 9 months extension from the last expiration date and require he pay a \$250 renewal fee was made by D. Stewart and 2nd by J. Johnson, vote 3/0

Greenwood Forest - resubdivision of Map AP Parcels 39, 40, 41 & 42 of 14 lots which became Map 10. The developer will put the improvements in himself, so he does not need a bond. The plans will not be signed until the improvements are installed. The final engineer review and approved plan was reviewed

by the Supervisors. The plan still needs York County Conservation Erosion and Sediment control approval. The Attorney presented the Developers Agreement for review.

Motion to grant a waiver to the cul-de-sac length was made by J. Johnson and 2nd by J. Ailes vote 3/0

Motion to sign the developer's agreement granting conditional approval upon receipt of E&S approval and notarized signatures was made by D. Stewart and 2nd by J. Johnson vote 3/0

Off-Road Vehicle Ordinance Amendment-

Section 3(a) adds, and such vehicle is permitted by state law to be operated on the public highways of the Commonwealth if registered and operated by a licensed operator.

This covers the situation when someone is running an ATV on a public or private road even if it is tagged, state law does not allow such use. It was a hole in the ordinance that was found during a situation with an ATV on a private road prosecution.

Motion to adopt the Off Road Vehicle Ordinance amendment as written was made by J. Johnson & 2nd by J. Ailes vote 3/0

Close the Regular Supervisors Meeting and open a Public Hearing

Under recommendation from the Township Engineer, Subdivision and Land Development Ordinance Section 805 Curbs and Sidewalks is amended requiring a vertical curb be 18" and a slant curb 16" in depth with 10" below the road surface.

Close the Public Hearing and open the Regular Supervisors Meeting

Motion to adopt the amendment to the Subdivision and Land Development Ordinance Section 805 Curbs and Sidewalks was made by J. Ailes and 2nd by J. Johnson vote 3/0

Motion to sign the 2010 tax resolution with no increase in taxes was made by J. Ailes and 2nd by J. Johnson, vote 3/0

Motion to set the Board of Supervisors Reorganization Meeting for January 4, 2010 starting at 7:00 p.m. was made by J. Johnson and 2nd by J. Ailes, vote 3/0

Zoning Officer Report

The Zoning Officer informed of a situation on Quarry Road with motor cycles, they have drilled out baffles which makes them excessively loud. She discussed with the Attorney about dealing with it as a noise issue at the property line and asked for the Supervisors thoughts. We do not have a way to test the noise level, we do have "Uses with a Nuisance Effect", but that is very subjective. Lower Chanceford does prohibit modification of original vehicle.

The Attorney feels that it would be difficult to succeed without a noise meter, we have an ATV Ordinance and they are not in violation of that, if it is contested it would probably not succeed.

We have noise level in our ordinance, but we need a tool to enforce it. It was suggested that the person being bothered record the noise, location of recording and distance to location of ATV. This could really show how bad the problem is in this residential neighborhood.

Letters Requested

Davis/Waltemyer – 9382 Woodbine Rd, Map CO Parcel 3, vehicles with no tags or inspections.

Green – 57 Watson Rd., Map AP Parcel 11J, vehicle with no tag or inspection.

Mullins- 191 High Ridge Rd., Map 4 Parcel 18, was a roll off dumpster, now a bumble bin with no lid for household garbage without weekly pick-up, in the front yard.

Motion for the Attorney send the requested letters was made by D. Stewart & 2nd by J. Johnson vote 3/0.

Prosecutions Requested

Podwell – 246 Quarry Road, Map AP Parcel 46J.

The Township went to court and the owner did not show. He did not appeal the court's decision in 30 days which was October 31st. The owner came into the Township Building today and said he was going to move 2 vehicles. The Zoning Officer informed him he was told at a meeting what he needed to do, he has not communicated nor has he done anything to clean-up the property. The illegal office trailer is still on the property. Visual inspections were conducted on the property from October 31st to November 19th as of Friday December 4th nothing has changed.

Joseph A. Doss of 895 Auble Road has been riding his 4 wheeler up and down Ivy Hill Lane. Pictures were provided by the neighbor who is willing to testify.

Motion to have the attorney start the requested prosecutions was made by J. Johnson and 2nd by J. Ailes, vote 3/0

Peach Bottom Township **Distressed Residential Lot Weed Control Ordinance** –

This requires mowing of distressed properties when the grass exceeds 12" in height.

Motion to have the Attorney advertise the Distressed Residential Lot Weed Control Ordinance for enactment in January was made by J. Johnson and 2nd by J. Ailes, vote 3/0

The Zoning Officer asked the Attorney if he had checked into storm water permits or controls in other municipalities. We have several situations where permits are not required and we have nothing to track them to make sure they are reviewed, inspected by the Township Engineer and the Township is paid for such reviews and inspections. In the Subdivision and Land Development Ordinance Section 806 Storm and Surface Drainage stated it is to be reviewed and inspected by the Township Engineer. York County Conservation deals with Erosion and Sediment Control not storm water. In reference to the Gemmill facility the problem is that everything is covered up; his engineer will certify that everything was installed per the plan.

Supervisor Stewart stated that we need to have a schedule to follow.

A. Cooper is concerned with requiring the applicants pay for the Township Engineer on top of what they are already required to do with the County and their own engineer.

Motion to pay bills was made by J. Johnson and 2nd by Ailes, vote 3/0

Motion to give employees a \$40 gift certificate from Saubles for Christmas was made by Johnson and 2nd by J. Ailes vote 3/0

Supervisors Johnson reported on his attendance to a Borough Council Meeting. The Council refuses to accept our nominee for the Sewage Authority. The Council requested the Board of Supervisors provide a list of names for the Council to appoint one to serve on the Sewage Authority. The list was provided and they will not appoint the person requested by the Board of Supervisors. Supervisor Johnson proposes we write a letter informing them that we refuse to accept any appointment we did not recommend. We only have 1 vote out of 5 on the Authority and they do not like the person we recommend, we have confidence in our appointee. They have no one in mind, but are going to find their own member for the Township.

Motion to write the proposed letter and present it to the Borough Council was made by D. Stewart and 2nd by J. Ailes, vote 3/0

Motion to adjourn at 9:46 p.m. was made by D. Stewart and 2nd by vote 3/0