

The Peach Bottom Township **Board of Supervisors** met on **September 2, 2010** at 7:00 p.m. in the Recreation Center. Members present D. Stewart, J. Johnson, and J Ailes.

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

Bids were opened for the sale of a **1993 International Dump Truck**.

John Appel - \$3,050.00

James Cooper - \$6,324.33

Motion to award the sale of the 1993 dump truck to James Cooper for \$6,324.33 was made by D. Stewart and 2nd by J. Ailes vote 3/0.

Motion for the transfer to be completed within 30 days D. Stewart and 2nd by J Ailes

D. Gemmill expressed his concerns/opinions:

- Marlyn Flaharty, a Zoning Hearing Board member, is being kept off any hearing involving CAFOs. This is not fair to Mr. Flaharty, he has brought a lot of true facts to the hearing, but it was okay for the Chairman of the Planning Commission to over step himself and remain chairman. He hopes the Supervisors reconsider this.
- He also read a copy of the rebuttal to the Attorney General, filed September 14, 2009 and stated that the Township solicitor is leading the Township down the wrong road. He will point out issues there that are lies. When the attorney wrote a letter in the star against the Metzler CAFO, he should have been asked to resign.
- The public should know what is going on; he has heard the new Township building will cost \$3.5 million. Why we cannot use the existing Township building land or use some of the land that the fire company bought, put the building out where people can see it. Along with the quality of ground the building is being put on.

M. Payan replied to one of the concerns:

- The issues with Marlyn, there were things that were said that if it went to litigation could be appealed.
- The editorial a long time ago also mentioned the Supervisors.

D. Raymond

- Act 38 had good intentions, just like the Unions, it was a good idea and see what happened, there have been tons of bad laws, do we have to follow a bad law? This is an absurd notion that all farmers are good stewards of the land, we have an obligation to preserve the land. The information is out there, is Pennsylvania going to be the last state to see what is going on with the sludge?

Supervisor Johnson replied to Mr. Gemmill:

- He does not remember voting on condemning Marlyn Flaharty, we only appointed him to the Zoning Hearing Board. The minutes from the January Reorganizational meeting were read for clarification. "Supervisor Johnson said he can disqualify himself anytime there is a conflict."
- \$3.5 million is not an accurate figure for the new Township building. We do have plans, which are just preliminary. Using the Fire Company of land would be adding a whole lot of cost to this and the current location is cut in half by a power line right-a-way. The Fire Company paid, \$650,000 for the land, they will want money for some of that land. The Peach Bottom Lawn Care property is not big enough. The land we are using belongs to us and it keeps the cost down.

D. Gemmill, asked the supervisors if they read the rebuttal, and the Supervisors replied, yes. Do you think that the attorney should have lied in the rebuttal? He will make the attorney aware of them.

Don Falcone, Emergency Management Coordinator, presented the Emergency Operations Plan for review and signatures. It has been over 2 years or longer since it has been reviewed and updated. .

Motion to sign the Emergency Operations Plan Promulgation was made by D. Stewart and 2nd by J. Ailes, vote 3/0

Motion to appoint Charles Tarbert as a Deputy EMC was made by J. Johnson and 2nd by J. Ailes, vote 3/0

Motion to appoint April Cooper to the Planning Commission to finish out Eric Cromwell's term since he has moved out of the area and submitted his resignation was made by D. Stewart and 2nd by J. Ailes, vote 3/0

Peregino, Philip – Map CQ Parcel 12Z, 475 Grove Road, 75 acres

This subdivision is taking the existing dwelling with 2.7 acres off of the remaining acreage. The plan was reviewed.

Motion to sign the sewage planning module was made by D. Stewart and 2nd by J. Ailes, vote 3/0

Section 307 Keeping of Animals

The YCPC comments were reviewed. This shall be permitted as an accessory use in all districts subject to the following.

Motion to approve the amendment to Section 307 Keeping of Animals as presented and have the attorney advertise for enactment was made by J. Johnson and 2nd by J. Ailes, vote 3/0

Construction Code Ordinance amendment, Appendix F, Radon Mitigation System, requiring the installation of a passive radon mitigation system in new dwellings only, adopted last month with an incorrect number, 14 Pa Code, should have been 34 Pa Code.

Motion to adopt the corrected amendment to the Construction Code Ordinance requiring a radon mitigation system for new dwellings was made by J. Johnson and 2nd by J. Ailes, vote 3/0

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

Motion to have the attorney send a letter to Mr. Bailey, 592 Cold Cabin Rd for damage his logger did to the guide rail if a check is not received by the end of next week was made by J. Johnson and 2nd by J. Ailes, vote 3/0

Motion to combine the properties of Robert K & Janet E Evans, Map BP Parcels 21 & 21C and James C & Carol L Decker, Map 1 Parcels 466 & 479 was made by D. Stewart and 2nd by J. Ailes, vote 3/0

The **Large Item Drop Off** is being scheduled for one of the first 2 Saturdays in November.

Executive Session – from 7:50 to 8:48 for the purpose of reviewing financial institution proposals for construction of the new Township Building and to review the responses to the Assistant Attorney Generals requested interrogatories concerning the litigation.

Motion to sign an agreement to with Peco/Exelon for their illegal subdivision as long as they pay all the subdivision and legal was J. Johnson and 2nd by J. Ailes, vote 3/0

Supervisor Johnson explained the financial proposal from Fulton Bank. We are applying for a line of credit up to \$2,000,000. The anticipated cost of the new building is in the area of \$2,000,000, but we are not anticipating using all of that, we have about half the money saved. We only pay interest on what we use and that will become the mortgage. Guaranteed for 10 years at 3.85% without a prepay penalty. We only have to pay interest on funds advanced.

Motion to accept the proposal from Fulton Bank was made by J. Johnson and 2nd by J. Ailes, vote 3/0

Motion to have the attorney advertise the proposal in the form of an ordinance to comply with DCED requirements for the Township to borrow money was made by D. Stewart and 2nd by J. Ailes, vote 3/0

Motion to advertise for bids to build the new Township Building and Public Works with the bids good until December for approval at the December Supervisors meeting was made by J. Johnson and 2nd by J. Ailes, vote 3/0

The attorney asked if the Supervisors would send the proposed amendment to Section 336- Agricultural Operations Including CAO and CAFO Operations to York County Planning Commission for review and maybe we could settle this law suit. We are not approving the amendments only getting a review from the county.

Motion to send the proposed ordinance amendments to Section 336 – Agricultural Operations Including CAO and CAFO Operations to YCPC for review was made by J. Johnson and 2nd by J. Ailes, vote 3/0

D. Raymond expressed his objections to sending the proposed amendment to Section 336- to the county for review.

The attorney stated that the Planning Commissions version is more defensible that the current one that was passed prior to Act 38.

Motion to adjourn at 9:06 p.m. was made by D. Stewart and 2nd by J. Ailes, vote 3/0