

**LATIMORE TOWNSHIP  
BOARD OF SUPERVISORS**

559 Old US Route 15, York Springs, PA 17372

717-528-4614; Fax 717-528-8281

Reorganization Meeting 6:00; Regular Meeting 6:30 P.M.

January 4, 2010

Present: Chairman Daniel “Dan” Worley, Vice-Chairman Larry Dost, Supervisor Woody Myers, Solicitor Guy Beneventano, Township Engineer John Shambaugh, Secretary Valena Garlin and visitors listed on the attendance sheet.

Chairman Worley called the meeting to order at 6:00 P.M. and led everyone present in the Pledge of Allegiance to the Flag.

Dan moved to elect a Temporary Chairman and Secretary. Larry Dost made a motion, seconded by Woody Myers, to elect Dan Worley as Temporary Chairman. All agreed and the motion carried. Woody then made a motion, seconded by Larry, to elect Valena Garlin as Temporary Secretary. The motion carried unanimously.

The next order of business was the Election of Officers. Larry made a motion, seconded by Woody, to elect Dan Worley as Chairman. All agreed and the motion carried. Woody made a motion, seconded by Dan, to elect Larry Dost as Vice-Chairman. The motion carried unanimously.

**PUBLIC COMMENT REORGANIZATION MEETING**

None.

**APPOINTMENTS, FEE SCHEDULE, MEETING DATES and TIMES**

Chairman Worley noted there has been no increase in taxes or salaries for 2010. He then read the list of Appointments as follows:

**Appointments:**

- a. Secretary – Valena Garlin, \$14.36/hr.; Bond \$25,000
- b. Treasurer – Roxanne Pace, \$14.98/hr.; Bond \$550,000
- c. Part-time Secretary / Treasurer & Records Officer – Linda Hansen, \$14.98/hr.; Bond \$25,000
- d. Township and Planning Commission Solicitor – Guy Beneventano
- e. Zoning Hearing Board Solicitor – Richard P. Mislitsky
- f. Outside Audit Firm – Smith Elliott Kearns & Company, LLC
- g. Working Supervisors – Woody Myers and Daniel T. Worley, as needed
- h. Police Chief – Michael E. Weigand, \$45,619.00 Annual Salary
- i. Part-time Police Officers – Todd Dunlap, Burnell Bevenhour, James Finnegan, Todd Forney, Ralph Griffiths, John Schreiner - \$17.06/hr.
- j. Roadmaster – Brian Gayman, \$17.81/hr.
- k. Full-time Road Worker - \$14.24/hr., if needed

- l. Part-time Laborers, as needed - \$12.47/hr.; working Supervisors with CDL license - \$13.27/hr.
- m. Road Crew Contact Persons – Daniel T. Worley, Woody Myers
- n. Depositor – PLGIT
- o. Engineer – John Shambaugh
- p. Bridge Engineer – John Shambaugh
- q. Sewage enforcement Officer – John Shambaugh
- r. Alternate Sewage Enforcement Officer – Gary Morrow
- s. Zoning/Code Enforcement Officer – John Shambaugh
- t. Building Code Official and Inspector – Land & Sea Inspectors LLC, Wilbur Slothour, Proprietor
- u. Representative to York Adams Tax Bureau (YATB) – Lawrence Dost, Alternate Daniel T. Worley
- v. U.S. 15 Corridor Study Representative – Lawrence Dost
- w. Tax Collector Commission – 1.8%
- x. Vacancy Board Chairperson – Sam Giardullo
- y. Earned Income Tax Collector – York Adams Tax Bureau
- z. Delinquent Tax Collector – J.P. Harris
- aa. Benefits, Holiday Pay, etc. as listed in Personnel Manual as amended
- bb. Planning Commission (4-year term) – Richard Lee
- cc. Zoning Hearing Board (3-year term) – Steve Gotwols, Jim Gragg, John Hinkle II
- dd. Park Board (5-year term) – Robert Garlin, Mark Schappaul
- ee. Lake Meade Municipal Authority (5-year term) – Warren Beck
- ff. EMA Director and Assistant – Dave Reeve, Robert Garlin
- gg. Adopt all related fees and salaries

Woody made a motion to approve all appointments and adopt all related fees and salaries. Larry seconded and the motion carried unanimously.

Chairman Worley then read the proposed Fee Schedule.

**Fee Schedule:**

- a. Zoning Permit - \$30.00
- b. Driveway Permit - \$25.00 for single use
- c. Transient Business Permit - \$50.00 per month (Fee may be waived for non-profit organizations.)
- d. Zoning Board Hearing fee - \$500.00
- e. Subdivision fees:
  1. Application - \$300.00 per Plan
  2. \$25.00 per Lot
  3. \$50.00 Meeting Charge per Plan
  4. \$500.00 per Lot Recreation Fee
  5. Charges for Township Engineer Review of Plan and Comments (based on Engineer's rate per hour)
- f. Land Development fees - \$500.00 per Plan
- g. Comprehensive Plan - \$15.00
- h. Zoning Ordinance - \$25.00

- i. Subdivision and Land Development Ordinance - \$20.00
- j. Request for Copies - \$0.25 per Page
- k. Zoning Map - \$3.00/Small; \$6.00/Large
- l. Fax Copy - \$0.50 per page

Chairman Worley made a motion, seconded by Woody Myers, to approve the Fee Schedule. All agreed and the motion carried.

Dan then read the Meeting Dates and Times.

**Meeting Dates and Times**

- a. Board of Supervisors – 2<sup>nd</sup> Monday of each month, 6:00 P.M.
- b. Park Board – 1<sup>st</sup> Wednesday of each month, 7:00 P.M. January through March and October through December at the Township Building; April through September at the Township Park.
- c. Planning Commission – 4<sup>th</sup> Tuesday of each month, 8:00 P.M.
- d. Crime Watch Meeting – 4<sup>th</sup> Thursday of each month, 7:00 P.M. except November 18, 2010 and December 16, 2010.
- e. Mileage Allowance is set for \$0.50 per mile.

Dan made a motion, seconded by Larry, to approve the Meeting Dates and Times. The motion carried by unanimous vote.

**PUBLIC COMMENT REORGANIZATION MEETING**

None.

**END of REORGANIZATION MEETING; CONTINUE with REGULAR MEETING**

Chairman Worley concluded the Reorganization Meeting at 6:10 P.M. and announced the Regular Meeting would convene at 6:30 P.M.

Chairman Worley called the Regular Meeting to order at 6:30 P.M. and led everyone present in the Pledge of Allegiance to the Flag.

Chairman Worley made a motion 1) to approve the Minutes from the December 14, 2009 Regular Meeting, 2) to approve the Treasurer's Report of December 31, 2009 and 3) to ratify all checks written through December 31, 2009. The motion was seconded by Larry and carried unanimously.

**PUBLIC COMMENT** in reference to agenda items only.

None

**AWARD FOR NEWSLETTER**

Dan read an article, "Latimore Township wins statewide award for communication effort." He explained the PA Association of Township Supervisors, which represents 1,455 Townships of the Second Class, sponsors a contest for the best newsletter. Latimore Township received Second Place for Townships having a population between 2,501 and 5,000. A plaque was presented to the Board of Supervisors and pictures were taken for the newspaper.

## **POLICE REPORT**

**Chief Michael Weigand** submitted the following report:

For the period December 14 – December 31, 2009 there were 116 calls for service, 208 man-hours logged and 2,763 miles patrolled. There were 17 traffic citations issued, nine (9) warnings for various traffic violations and three (3) non-traffic citations. Also, the Department participated in one (1) Detail for the U.S. Marshall Service. There were no D.U.I. Details.

The next Crime Watch Meeting will be held Thursday, January 28, 2010 at 7:00 P.M. in the Township Building. The December 17, 2009 meeting had been cancelled as announced at the December 14, 2009 Regular Meeting.

Chief Weigand submitted his annual report for 2009 which included the following statistics:

1. Calls for service – 22,041
2. Man-hours logged – 3,835.5
3. Miles patrolled – 52,000
4. Traffic citations – 703
5. Warnings – 185
6. Non-traffic citations – 42
7. D.U.I. Details – 11
8. Grant-funded Traffic Details – 11
9. Crime Watch Meetings – 11
10. D.A.R.E. classes – nine (9) with one (1) more class scheduled
11. U.S. Marshall Details – Seven (7)

In addition, he noted the Center of Traffic Highway Safety provides funding for extra traffic control details. The Township is reimbursed by PennDOT for costs incurred in those instances.

Larry Dost inquired how the Police Department finds out about grants and wondered if more could be done. Chief Weigand responded that he does searches and is also kept informed by a number of sources including the PA Commission on Crime and Delinquency. Larry also asked about federal grants. Chief Weigand replied that most grant money to the Township comes from the state; federal grants are primarily focused toward homeland security needs in the larger metropolitan areas

Dan commended the Chief and the Department, noting that feedback from the community is nothing but positive.

## **COMMITTEE REPORTS**

**Engineer's Report:** Township Engineer John Shambaugh had no report.

**Road Report:** Woody reported that snow plowing had gone well. Street signs are being installed.

**Park Report:** Woody had nothing new to report. Work remains at a standstill due to weather constraints.

## **SOLICITOR'S REPORT – Guy Beneventano**

The Solicitor had no report.

**PLANNING COMMISSION:** subdivisions/modules/land developments.

**Dale King Subdivision:** During review of the King Subdivision Plan, Larry asked John Shambaugh, Township Engineer, for comment. John said that approving construction on the property had been discussed at the Planning Commission Meeting; however, questions remain concerning Note #12 which had been added. Note #6 acknowledged receipt of the Supervisors' letter of October 15, 2009 indicating there were still concerns about intended use, which apparently was addressed after the fact in Note #12.

Dan asked Solicitor Beneventano to clarify, who indicated he had some questions for Mrs. King. By way of background information, the Solicitor reported that Chairman Worley, Mr. Shambaugh and he were present at the Planning Board Meeting as was Mrs. King's attorney, Doug Gent. He then proceeded to review, clarify and confirm the situation with Mrs. King, starting with Note #6, which he read as follows: "No construction, intended or authorized, pursuant to this plan" and to which Mr. Gent clearly stated, "No new construction whatsoever on the proposed subdivision." Through a series of questions, Mrs. King confirmed that 1) she had no intention of adding any more chicken houses, 2) she had no intention of building anything else, 3) she does not have a buyer for the proposed lot, 4) her kids may have an interest in it, and 5) she has no knowledge that they (her children) have any intention to sell it as a single family dwelling so someone could build a house on it. Mr. Beneventano continued that the application submitted to the Board of Supervisors tonight is only for an add-on, simply increasing the size of the present lot so the encroachment of the three (3) chicken houses will be removed. The Board is not giving any permission for any construction of any sort. Mrs. King indicated she was in agreement.

Mr. Beneventano then explained he had a problem with Note #12. He had seen it for the first time at 4:00 PM today (January 4, 2010), and was going to recommend the Board approve this Plan without Note #12 which he then read. "The existing chicken houses are pre-existing non-conforming concentrated animal operations." He further explained that discussion at the Planning Board Hearing questioned whether Mrs. King consistently uses the property for concentrated animal operations. Approval could possibly result in someone else, perhaps a future purchaser, getting the impression that this Board, "has blessed for all time the concept of a nonconforming use," which is not the case. If Mrs. King stops using it under the Ordinance, she will lose that non-conforming use or the next owner will lose that non-conforming use. At the Planning Board Meeting, Mrs. King indicated that it was last used for chicken operations in April 2009. Through another series of questions by Mr. Beneventano, Mrs. King confirmed that 1) the houses have been under repair and empty since April 2009, 2) prior to April, the houses were full (30-35,000 each for a total of about 100,000 chickens) and 3) she does not know when the houses will be repopulated with chickens again. She understands that if she stops using the chicken houses for one (1) year, she will lose the non-conforming use; specifically, by April 2010.

A brief history of the property revealed that 1) the 5.02 acres were deeded off in a partnership with a feed company, 2) the feed company went bankrupt, 3) the Kings bought it back, deeded it in Mrs. King's name and built a high-rise, 4) a fire occurred, 5) the chicken houses were built,

and 6) they found out later about the encroachment. Apparently, someone overlooked the appropriate setbacks at the time.

Vice-Chairman Dost voiced his agreement with the Solicitor's assessment and recommendation. Chairman Worley concurred and requested that the Solicitor form the motion. Solicitor Beneventano proceeded as follows: The Planning Board recommended that this Plan be conditionally approved. He suggests that the Board of Supervisors accept the Planning Board's recommendation based upon the conditions that will appear in the Minutes of the Planning Board Meeting, which will be approved later this month at its January 2010 meeting. The Minutes are not available tonight; however, the three (3) attendees previously mentioned heard the Testimony, heard Planning Board Spokesman Mr. Lee's motion, and heard the Planning Board vote. He clarified and confirmed that Note #12 was inserted after the fact and not included in the notes at the Hearing. Solicitor Beneventano speculated this was done to give comfort to a possible future purchaser that somehow the concentrated animal farm operation was being okayed for all purposes by this Board (of Supervisors) which is not the case. If either Mrs. King or subsequent purchaser ceases to use it for the length of time specified in the Zoning Ordinance, the property will lose the nonconforming use. For that reason Note #12 is not appropriate for this plan. Larry made the motion as formed by Solicitor Beneventano and Woody seconded. All agreed and the motion carried.

The Solicitor instructed the Board not to sign the Plan until it has been revised and all fees are paid.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

**Recreational Fee for Commercial Property:** Larry noted that Reorganization included a \$500/lot Recreational Fee, but does not include commercial facilities or property. He made a motion requesting recommendations from John (Shambaugh) and Guy (Beneventano) on a Recreational Fee for Commercial Property. Dan seconded, all agreed and the motion carried.

### **BILLS LIST**

After careful review, Larry made a motion, seconded by Woody, to accept the Bills List as submitted. The motion carried unanimously.

### **NEW BUSINESS (revisited)**

**Update Personnel Manual:** The Solicitor reminded Chairman Worley to act on the Personnel Manual tonight. Chairman Worley asked Solicitor Beneventano if he had prepared Amendments to the Personnel Manual as requested. The Solicitor affirmed that he had, distributed a copy to each Supervisor and went over all the changes as follows:

- Page 4, Section 201.d
- Page 7
- Page 11, last paragraph under Section 401
- Page 13, Section 502

If adopted, this Manual will completely replace the previous one adopted in 2004 by Resolution No. 3.

Dan asked about the Appendix to which Guy responded he would address it in Executive Session.

Dan made a motion, seconded by Larry, to adopt the updated Personnel Manual which will replace the 2004 edition in its entirety. The motion carried by unanimous vote.

The Solicitor advised the Signature Page be signed by all the Supervisors on all three (3) copies. Mrs. Garlin is to attach the Seal.

Dan then made a motion to make the new Manual effective retroactive to January 1, 2010. Woody seconded, all agreed and the motion carried.

The Solicitor directed that copies should be prepared for all employees. Employees must acknowledge receipt by signing a Signature Page which will be placed in each one's Personnel File.

#### **PUBLIC COMMENT**

None.

#### **SUPERVISORS' COMMENTS**

Larry expressed appreciation to the employees, staff and the other two (2) Supervisors for their support, hard work and cooperation. Dan and Woody concurred.

#### **ADJOURNMENT**

Chairman Worley made a motion, seconded by Woody, to adjourn with an **Executive Session** following the meeting. The motion carried unanimously and the meeting adjourned at 7:12 P.M.

The next Regular Meeting is Monday, February 8, 2010 at 6:00 P.M.