

REGULAR MEETING

July 15, 2019

The regular meeting of the Reading Township Board of Supervisors was held at the Township Building and called to order at 6:01 pm by Kevin Holtzinger, Chairman. Marcia Weaver, Vice-Chairperson and Gary Sauble, Supervisor were present with Chairman Holtzinger presiding over the meeting.

Others in attendance included Victor Neubaum, Solicitor, Malone & Neubaum; Eric Mains, Engineer, Gannett Fleming; Gary Bullock, Emergency Management Coordinator; Jason Grim, Kim Dissinger, Robert Anderson, Public Works Department; Bill Ceravola, Officer in Charge; Gerald Shank, John Biese, and Alicia Wooters, Planning Commission; Mike Thomas, Greg Heefner, Dustin & Katie Avery, Troy Reeve, Northeast Adams Fire & EMS; Jason Phillips, Emert Hartzell, United Hook and Ladder; Jack Powell, PE, Pauline Brodbeck, Troy Lobaugh, Louanne and Jeff Megonnell, Sue Myers, George Wolf, Chuck and Julie Williams, Nancy Sheely, Becky and Mark Mitchell, Tim and Cindy Downey.

Pledge of Allegiance led Chairman Holtzinger.

Minutes of June 17th, 2019 Regular Meeting were approved on a motion by Ms. Weaver, seconded by Mr. Sauble; motion carried unanimously.

ANNOUNCEMENTS

June 20th Ms. Weaver and Mr. Sauble attended a Zoning Review Meeting with the Planning Commission.

June 25th the Board met with members of Northeast Adams Fire & EMS, York Springs Fire Company and Heidlersburg Fire Company.

July 1st Chairman Holtzinger and Ms. Weaver met with Police and Public Works for Collective Bargaining.

PUBLIC COMMENTS

Mr. Dissinger inquired what the Zoning Review Meeting was concerning on June 20th. Mr. Sauble stated the Planning Commission is going over Zoning District to evaluate the current district boundary lines and potentially rezone some properties. Mr. Dissinger asked Mr. Sauble if he could be more specific. Mr. Sauble replied Andy Merkel with Adams County Planning is reworking maps where there was some business' that were not there before and Chairman Holtzinger would like some rezoning on his property. Chesterfield development may also be changed to commercial/industrial.

Ms. Nancy Sheely questioned the Board if this is about rezoning for more developments in our area. Mr. Biese stated nothing has been finalized yet so he cannot make any comments. Ms. Sheely stated she lives in Hampton Plains and years ago they were told until one development was finished another one would not be allowed to start. Mr. Mains stated that

condition is not typical and may have been made so that the developer of that specific development was not allowed to start another development given their interest in the current one. There is no legal recourse that he is aware of for the township to say you as a landowner must push your right to develop on hold until someone would finish a current development. The township is not legally allowed to do that. They could however put conditions on a developer who was not following up on required items they were supposed to be doing. Mr. Mains stated this zoning effort that the township is going through now is one that was not initiated to see where they could build more developments. The township keeps an ongoing housekeeping list of issues, definitions and zoning discrepancies, items that the Planning Commission encounters on an almost annual basis. This effort being undertaken now is simply to get them cleaned up. One of the things they are looking to do is to look at the different land use that is already on the zoning map and making sure it is consistent with the land and zoning usage that it sits in currently.

ENGINEER'S REPORT

Vacate Bakers School Road

Letters have been sent to the residents who will be impacted by the vacating of Bakers School Road. Mr. Mains has made a request to the surveyor to clean up their proposal. Mr. Mains has not heard back from the surveyor.

Mr. Mains stated he is updating the data base for the On-Lot Sewage Pumping District Ordinance.

Kennan Property SALD #2019-02 3757 East Berlin Road Final Subdivision Plan

Mr. Jack Powell was present to represent the plan. The proposed plan would result in the subdivision of an existing 227.9-acre parcel into a 50.0-acre agricultural parcel and 177.9-acre remainder agricultural parcel with no change in vehicular access. Mr. Powell is requesting two waivers. The first request was for modifications on the plan to be reducing the scale of the plan from the requirement under section 22.306. The modification request was approved on a motion by Ms. Weaver, second by Mr. Sauble; motion carried unanimously. The second request was a DEP non-building waiver. Ms. Weaver made a motion to approve the request for Planning waiver and non-building declaration to be sent to DEP, seconded by Mr. Sauble; motion carried unanimously.

Ms. Weaver made a motion to give conditional approval to the Kennan Property Final subdivision Land Development plan #2019-02 based on the following conditions being met, seconded by Mr. Sauble; motion carried unanimously:

1. §22-306.A(27) & (28) The final plan must be signed prior to approval by the Township. All plans (2 paper and 2 Mylar) must have original signatures, seals and notarization and include a separate signature block for the Board of Supervisors on all pages to sign to facilitate recordation of the final plan with the Adams County Recorder of Deeds Office.
2. §22-306.B(10) The Department of Environmental Protection Sewage Facility Planning Module request must be received from the Sewage Enforcement Officer,

signed and submitted to the appropriate DEP office for review and consideration. If applicable, an approval letter must be received and filed at the Township Office before final recordation of the plan.

Shemon Property
SALD #2007-08

The Board acknowledges receiving the revised Phasing schedule by letter dated June 18th, 2019 on a motion by Mr. Sauble, seconded by Ms. Weaver; motion carried unanimously.

MISCELLANEOUS

Land & Sea Services
5435 Carlisle Pike Complaint

Mr. Slouthour was unable to attend the meeting but submitted paperwork in response to an official complaint filed at the township by Randy Hoover who was also absent from the meeting. Attorney Neubaum stated the court can't do anything until the owner is served a Notice of Violation. Chairman Holtzinger expressed concern that this complaint was received back in March and it's taken so long to track down the owner. Ms. Weaver expressed concern for the health and safety of the neighbors and stated it would have been faster to drain the water from the pool than track down someone who wants to be elusive. Attorney Neubaum will contact Mr. Slothour for a full report and investigate an option where the Township does not have to find the owner and abate the nuisance at minimal expense to take care of the immediate problem which is the stagnant water. The Board gave Attorney Neubaum the authority to follow up and act as necessary.

Fire Protection Services

Chairman Holtzinger stated the Board met on June 25th with members from Northeast Adams Fire & EMS along with members from both York Springs and Heidlersburg Fire Companies. Throughout the meeting there was a lot of good discussion and group energy. There were items that were not followed by Hampton or United Hook & Ladder with our signed Memorandum of Understanding. The Board is very disappointed with the integrity of the merger that took place between Hampton and United Hook & Ladder and the Board had to consider a serious decision to allow Northeast Adams Fire and EMS to take total control of the box cards in Reading Township. Ms. Sheely asked the Board if there is a fire in Reading Township who will come to their aid? Ms. Weaver replied Hampton will still assist.

Ms. Alicia Wooters questioned the Board as to what box cards are and Greg Heefner replied it is a group of apparatus that is set up by alarm types that are first on call, and a second group of apparatus on second call and so forth. Ms. Sheely asked if she will be getting a donation request from Hampton Fire Company and how many other companies will send donation requests. Chairman Holtzinger stated there is no Hampton Fire Company. Company 32 ambulance covers Reading Township and she should only get a donation request from them. Mr. Heefner also stated the requests were sent out and if anyone did not receive one it can be found on Company 32's, Northeast Adams website.

Ms. Cindy Downey stated the Board said they were disappointed with the merger and asked if they could summarize the disappointing aspects of the merger. Ms. Weaver stated several items from the signed Memorandum of Understanding that were not completed.

1. Company 10, Hampton Fire Company, will transfer all deeds to all real estate in its entirety to Reading Township prior to merger. Ms. Weaver stated they did not do that.
2. Reading Township will prepare and enter into a lease agreement with United Hook and Ladder for the use of the engine bays for \$1.00 for a two-year term upon separation of utility meters. Ms. Weaver stated they do not want to pay for any utilities.

Ms. Weaver also stated the merger took place without the property being turned over to the township before it became United Hook and Ladder.

Mr. Emmert Hartzell stated United Hook and Ladder would still like to turn the property over to the township. He also commented in 2017 Reading Township gave Hampton \$26,000.00, in 2018 Hampton received no donation but according to the Memorandum of Understanding, the next two years United Hook and Ladder would receive \$20,000.00 and the 2018 donation would also be given. Mr. Dustin Avery stated the donations were based on a percentage of area that was covered. Mr. Hartzell would like the Board to meet with United Hook and Ladder to discuss the property. Officer Ceravola questioned the Board as to whether the Boxcards can be changed. Chairman Holtzinger stated they can be changed anytime. Ms. Weaver stated she is always willing to discuss the property for the ballfield and the recreation plans that the Board wanted to put into place. Ms. Sheely asked what happens to the property if the Board and United Hook and Ladder can not come to an agreement. Ms. Weaver stated it would be up to United Hook and Ladder because they own everything. Chairman Holtzinger stated if something down the road changes with the property and position of Company 33, United Hook & Ladder, the boxcards can be revisited. Mr. Harzell will have Mr. Moul contact Chairman Holtzinger. Chairman Holtzinger is concerned with the few people that make the final decisions. He stated it should be a Board decision and he does not see that currently happening. Chairman Holtzinger would like to see some people from Hampton on the Fire Company Board to help make decisions. Mr. Hartzell stated they will have an opportunity at election. Mr. Phillips said there will be a trustee from each station on the Fire Company Board. Chairman Holtzinger stated, regardless of what station you volunteer for the Board thanks them for their service and the residents will have adequate fire service. Mr. Phillips questioned the Board as to whether anyone from United Hook and Ladder or resident from Hampton was involved in the decision with the boxcards? Mr. Hefner stated Chief Lee Byers basically kept the boxcards the way they were and placed an Officer from Company 32, Northeast Adams, on each of those boxes.

Ms. Weaver made a motion to place the Township Box Cards under the direct supervision of Northeast Adams Fire and EMS as presented, seconded Mr. Sauble; motion carried unanimously.

Budget Workshop Meeting

The Board scheduled a Budget Workshop meeting for August 8th, 2019 at 6:00 pm at the Township Building. It will be advertised and posted on the door. A memo will also be given to the departments for any budget requests.

Mileage approval for Ms. Weaver

Mileage to travel to cable franchise meeting on June 10th, 2019 for Ms. Weaver was approved on a motion by Mr. Sauble, seconded by Chairman Holzinger; motion carried unanimously.

TREASURER'S REPORT

The Treasurer's Report for the month of June was approved pending audit on a motion by Ms. Weaver, seconded by Mr. Sauble; motion carried unanimously.

ADMINISTRATIVE REPORT

The Board acknowledged receiving reports from the Police, Public Works, Zoning/Code Enforcement Officer and Building Inspector, Emergency Management, Northeast Adams Fire & EMS and Hampton for the month of June.

Police Report

Officer in Charge, Bill Ceravola supplied the Board with a detailed report of the Officer's time for the month of June. Officer Ceravola stated himself and Officer Morehead had driven 2139 miles, 32 ½ shifts worked, 12 1/2 hours personal used. The Officers were in Lake Meade 32 times. There were 166 calls, 32 traffic stops, 18 traffic violations, 10 warnings, 1 DUI charge and 1 Bench Warrant.

Jason Phillips had a few questions concerning boxcards. Mr. Greg Heefner provided the following answers.

1. Have any chiefs or deputy chiefs been notified about the change in boxcards? Mr. Heefner will check with Lee Byers.
2. When do they take effect? Mr. Heefner stated once they are signed, they will be taken to Adams county and then take effect immediately.
3. Have the other departments that it effects been notified? Mr. Heefner stated York Springs and Heidlersburg have been notified.
4. Has or is the public going to be notified that all of Reading Township area coverage is being switched over to Northeast Adams and Fire EMS coverage? And if they have not been when and what channels will they be notified? Mr. Heefner will notify Mr. Hale with Gettysburg Times.

Mr. Phillips stated if he learned anything over the past year and a half it was think before you speak and be cautious about what you say without being prepared to say anything. He stated he cannot sit and let the integrity of United Hook and Ladder be questioned and if anybody has any questions please let them know. Chairman Holtzinger stated the Board did not share anything with the public that was not true.

Ms. Weaver made a motion to accept the administrative reports as submitted, second by Mr. Sauble; motion carried unanimously.

SOLICITOR'S REPORT

Chairman Holtzinger inquired how many people were affected with fireworks being a nuisance since the state changed the law? Approximately 8 people raised their hands. Chairman Holtzinger presented the public with a Chinese Lantern that landed on his property. He stated that Ms. Weaver had an issue in her neighborhood to which Mr. Williams replied it was not in retaliation to a recent incident involving his immediate neighbor. Ms. Weaver questioned Mr. Williams why the fireworks landed on their neighbors' roof. Mrs. Williams stated they were celebrating their anniversary. Ms. Weaver stated it would have been nice had they informed all their neighbors in advance. Mr. Garry Wilt Administrative Assistant provided the Board with sections of the nuisance Ordinance that may be applicable regarding fireworks. Chairman Holtzinger read the following.

§10-206 Nuisance Declared Illegal. It shall be illegal to use public or private property in a manner that causes unreasonable, unwarrantable, or unlawful injury, damage, hurt, inconvenience, annoyance or discomfort to any other person or resident of the Township.

§10-205 Nuisance—any use of property, or conduct, or activity, or condition upon property within the Township which shall cause or result in annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word “nuisance” shall include but shall not be limited to the following:

- (1) Operating or permitting the operation of or playing of radios, television sets, amplifiers, musical instruments and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.**
- (2) Operation of mechanically powered lawnmowers, tractors, power tools, chainsaws, or similar devices in a residential area between the hours of 10 p.m. And 7 a.m. the following day which annoys or disturbs a reasonable person of normal sensitivities. During periods of harvest, farm equipment shall be allowed between 7 a.m. and midnight.**
- (3) Owning, possessing, controlling, or harboring any animal or fallow which barks, bays, cries, squawks or makes any other such noise continuously and/or intermittently for an extended period which annoys or disturbs a reasonable person of normal sensitivities**
- (4) Using any property or operating any business or other activity so as to permit or cause smoke, soot, odors, dust, mud, dirt, manure, acid, noxious or offensive fumes, gases or odors to be discharged from the air or to be carried off the premises, including onto a Township street or highway, or to cause glare from lights of such character to annoy or disturb reasonable person of normal sensitivities.**

Chairman Holtzinger asked Attorney Neubaum if these Ordinances are enforceable. Attorney Neubaum stated yes, they are but it becomes a matter of proof. Chairman

Holtzinger questioned Attorney Neubaum if it would be considered littering. Mr. Dustin Avery stated the Chinese Lanterns are suppose to be biodegradable. Cindy Downey stated her family loves fireworks, but she is concerned about the wooded lots in Lake Meade and the 150' radius. Ms. Downey thinks the houses are only approximately 50' apart. Officer in Charge Ceravola stated he does not think there is anywhere legal in Lake Meade you can set off fireworks. Ms. Downey questioned Officer Ceravola as to whether a video of someone setting off fireworks illegally would stand up in Court. Officer Ceravola said it should but they would first need to identify the person in the video. A lengthy discussion continued. Mr. Bob Anderson stated he lives on Germany Court. If he gets permission from his neighbors to set fireworks off if it would be legal. Officer Ceravola stated he must be 150' from any structure. Mr. Mark Mitchell then questioned Officer Ceravola if he would see someone setting fireworks off and he can clearly see it is illegal will he stop and confront them. Officer Ceravola stated he would indeed stop. Ms. Becky Mitchell asked the Board if Reading Township has the legal authority to establish what nights fireworks can be set off. Officer Ceravola stated if you are using the Nuisance Ordinance that would be 365 days. Ms. Beard provided the Board with sample Ordinance's pertaining fireworks from various Townships. Attorney Neubaum contacted PSATS Legal Department concerning the PA State statute on consumer fireworks and display fireworks. The township cannot by ordinance regulate consumer fireworks beyond what the PA statute already does.

PUBLIC COMMENTS

Gary Bullock stated some of the members from United Hook and Ladder station 4 will be helping East Berlin with a 4 K run.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 pm on a motion by Mr. Sauble, seconded by Ms. Weaver; motion carried unanimously.

Respectfully Submitted,

Kimberly Beard
Secretary/Treasurer