

MINUTES OF THE COLERAIN TOWNSHIP SUPERVISORS – the Regular Monthly Meeting Wednesday November 17, 2021 of the Colerain Township Board of Supervisors was called to order by Chairman, Scott E. Shoemaker with a moment of silence followed by the Pledge to the Flag. Supervisors present were: Scott E. Shoemaker, Samuel R. Reinhart. Robin Church joined by phone. Carmen B. Wiker, Secretary was also present. A listing of others in attendance will be kept on file.

As per the revision to the Sunshine Law dated 12/98, the audience was advised that the agenda was available to them. Each agenda item will be introduced, motioned and seconded by the Supervisor(s), item will be opened for discussion for the board, and then the audience, and then a vote called for by the Chairman. The Chairman will again ask for any comments the audience may have at the end of the meeting.

At this time Scott Shoemaker announced that an Executive Session was held on November 3, 2021 from 6:21 P.M. to 6:35 P.M. to discuss litigation. There was a discussion between Scott Shoemaker and Scott Kulicke in regards to a Court Decision concerning Executive Sessions, Scott Kulickes’ opinion that the Board was in violation of the Sunshine Act Law, advice that Scott Shoemaker received from Eric Frey, and the fact that the Board is responsible for who they hire for legal counsel. Scott Shoemaker did announce that the litigation was for the Duck House.

Minutes of the Regular Monthly Meeting November 3, 2021 at 7:00 P.M. were approved as written.

Scott Kulicke disagreed with a line in the minutes claiming he did not say that the Planning Commission needs to have legal counsel at meetings. Scott Shoemaker told Scott Kulicke that he would get him an answer to his concern about this language.

A motion was made by Scott E. Shoemaker and seconded by Samuel R. Reinhart to approve the November 3, 2021 Minutes. Scott called for the vote – All voted “Aye” – motion carried.

Minutes of the Special Meeting held November 15, 2021 at 8:00 A.M. were approved as written.

A motion was made by Samuel R. Reinhart and seconded by Scott E. Shoemaker to approve the November 15, 2021. Scott called for the vote – All voted “Aye” – motion carried.

Unpaid Bills- General Fund and Park Fund- The list of unpaid bills was read.

A motion was made by Samuel R. Reinhart and seconded by Scott E. Shoemaker to approve paying bills totaling \$ 34,664.31. Scott called for the vote – All voted “Aye” – motion carried.

Planning, Zoning, and Sewage Enforcement:

- Escrow for Action- John Beiler for 419 Rosedale Road. John's design escrow can be returned now that his design is approved.

A motion was made by Samuel R. Reinhart and seconded by Scott E. Shoemaker to approve the design escrow release for John Beiler. Scott called for the vote – All voted “Aye” – motion carried.

Escrow for Action-Elam Stoltzfus for 5465 Street Road. Elam's design can be released now that his design is approved.

A motion was made by Samuel R. Reinhart and seconded by Scott E. Shoemaker to approve the design escrow release for John Beiler. Scott called for the vote – All voted “Aye” – motion carried.

Upcoming Zoning Hearing- December 8, 2021 at 7:00 P.M.

- Case No. 2021-07 The application of Emma S. Fisher (owner) and Benjamin S. Fisher (applicant) will be heard for a Variance from the terms of Section Article VI- Section 6.03.3.B; Where all structures used to house domesticated animals shall be a minimum of two hundred feet from a dwelling other than the owner. Where an approximate 140 feet is being proposed on the property located at 400 Sproul Rd., Kirkwood, PA 17536 in the Agricultural District.

Public Comment-Owen Ryan asked what property 400 Sproul was but no one was positive.

- Extension Request for Dwayne Peifer. Mr. Peifer is in the process of a Zoning Hearing Board appeal and would like to get through this process before having his plans addressed at any further boards or commissions.

Public Comment

- Jeff Spangler asked if the Board had a letter they could read; Scott read the request letter from Red Barn. The request was for six months from November 17,2021.
- Scott Kulicke asked about any updates concerning the appeal. Scott Shoemaker let him know we have not heard anything. Scott Kulicke also asked if the Board had entered a Notice to Intervene in regards to the proposed CWA sale. They had not.

A motion was made by Samuel R. Reinhart and seconded by Robin Church. to approve the extension, request for Dwayne Peifer until May 17, 2022. Scott called for the vote – All voted “Aye” – motion carried.

Storm Water

- Improvement Guarantee for Release-Samuel B. Stoltzfus for 192 Highland Road. Samuel's balance is \$ 7,262.68

A motion was made by Samuel R. Reinhart and seconded by Robin Church. to approve releasing the Improvement Guarantee for Samuel Stoltzfus in the amount of \$ 7,262.68 once all Township obligations have been met. Scott called for the vote – All voted “Aye” – motion carried.

Next Meeting for the Supervisors is Monday December 6, 2021 at 7:00 P.M.

Old Business

- Rescind May 19, 2021 motion concerning Court Reporter. Motion is below:

Public Comment- As the motion to rescind was made Scott Kulicke commented that needed to correct the word “rescind” and replace with “reverse”.

May 19, 2021

A motion was made by Samuel R. Reinhart and seconded by Robin Church to approve having a Court Reporter in attendance at any meetings where Legal Representation is present. Scott called for the vote – All voted “Aye” – motion carried.

A motion was made by Samuel R. Reinhart and seconded by Robin Church to reverse the May 19, 2021 above motion. Scott called for the vote – All voted “Aye” – motion carried.

- Rescind August 18, 2021 motion concerning a letter that was to be sent to Mr. Goodman. History-A resident complained that she thought the Peifer Zoning Hearing application was applied for under the incorrect Section of the Zoning Ordinance. On August 19, 2021 the Supervisors went to the Zoning Officer in an effort to write the letter. Both the Solicitor, Eric Frey and the Zoning Officer Joe Chrisman disagreed with the Resident's interpretation of the Zoning Ordinance and explained that the correct relief had been requested by the Applicant. As the residents' interpretation was incorrect, no professional would write the letter which would adopt the incorrect interpretation.

August 18, 2021

“The Board of Supervisors after hearing the comments opposed to the Duck Farm will send a letter to the Zoning Hearing Board Solicitor Thomas Goodman recommending denying approval of the Special Exception because we feel the application was applied for incorrectly and we will send a letter tomorrow.”

Public Comment- There were comments from Scott Kulicke, Susan Ryan, Walter Todd, Jr., Virginia Beards, Jeff Spangler, pertaining to why this letter did not go out and why it is being addressed at this time, the comment it came about through a Right-to-Know Request, was the Sunshine Act Law violated by the Supervisors in their meeting with the

Zoning Officer, what was the basis for determining that the resident's interpretation was incorrect, concern that a decision was made by the Supervisors to change their opinion without informing the public, when was the decision made to not send letter, Supervisors being responsible for the behavior of their Solicitor, comment that things are being done inappropriately, definition of under advisement, obeying the open forum rules, and concern that the Board take care of items instead of letting them hang in the balance.

The Board let the residents know that the determination that the resident's interpretation was incorrect was made by talking to the Zoning Officer, Joe Chrisman who then confirmed with the Solicitor, Eric Frey, The Secretary gave some history on what sections of the Zoning Ordinance she thought were related to this matter, Scott Shoemaker stated that he thought that the letter had went out, Sam mentioned that the Solicitor wrote the agenda description, Robin let them know that under advisement means talking to the Solicitor.

It was decided to table this item until the December 6, 2021 meeting.

A motion was made by Scott E. Shoemaker and seconded by Samuel R. Reinhart to table Agenda item 11b. until December 6, 2021. Scott called for the vote – All voted “Aye” – motion carried.

- Adopt the Proposed 2022 Budget

There were no public comments

A motion was made by Samuel R. Reinhart and seconded by Robin Church. to adopt the Proposed 2022 Budget. Scott called for the vote – All voted “Aye” – motion carried.

- Approve classes for Board Members

Public Comments There were comments from Scott Kulicke, Virginia Beards, Becky Kleinz relating to who is going off and coming on the Zoning Hearing Board, how did the Township find the new person coming on the Zoning Hearing Board, and who will be conducting the classes. Bob Stanley mentioned that he has agreed to stay on as a Zoning Hearing Board Member.

Scott Shoemaker let them know there was a new person taking Lloyd Kreider's place and that he approached her, the Secretary let them know that most likely either PSATS or the PSAB would be conducting the classes.

A motion was made by Samuel R. Reinhart and seconded by Robin Church. to approve classes for Zoning Hearing, Planning Commission and Board of Supervisors members. Scott called for the vote – All voted “Aye” – motion carried.

Correspondence There was a brief discussion as to the status of the Board of Auditors in relation to the Write-in Ballots that have not been counted.

Any Other Business

- Octoraro Pines

Public Comment There were comments from Cherie Ganderton, Jeff Spangler concerning updates on a solution, when will an update be known, what options were looked at by the Board to date, talking to the homeowner at the bottom of the Cul-de-sac (possibly 47 Frederick Way) about getting permission to access his property, allowing the water to flow through to the reservoir, belief that the landowner at 47 Frederick Way is open to allowing the Township access, and would the Chester Water Authority be good with all this water without some sort of a buffer zone, can the Board be more specific about when next year they will make a decision, suggestion that the Board meet in the first quarter of 2022 to give a formal update.

Scott Shoemaker let them know he would know something next year, he also explained the options they have looked at to date but none have been affordable or practical, and agreed to give a formal update at the first meeting in February.

- Duck House

Kylie Ganderton questioned whether or not her home was included in the Odor Management Plan. The Secretary let her know that the Township does not regulate Odor, the State Conservation Commission and/or the Lancaster Conservation District does this. There were also comments that the Gandertons' were not notified of the Zoning Hearing.

- Auditor's

Becky Kleinz noted an email from Deb Amsbacher that Deb agreed to fill an Auditor Position. The Secretary let her know that she spoke to Deb.

- Adrian Bonser offered to help on the Zoning Hearing Board, Scott let her know that a second Alternate position is needed if she is interested.

Adjournment:

There being no further business to be brought before the board, the board, on motion by Samuel R. Reinhart and seconded by Robin Church agreed to adjourn at 7:46 P.M. Scott called for a vote – all voted ‘aye’ – motion carried.

Respectfully Submitted,

Carmen B. Wiker, Secretary

