

MINUTES OF THE COLERAIN TOWNSHIP SUPERVISORS – the Regular Monthly Meeting Monday December 6, 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, and Robin Church. 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 December 6, 2021 from 6:46 P.M. to 6:56 P.M. to discuss litigation regarding the Duck Barn

Scott Kulicke commented that this announcement does not meet the requirements of the Commonwealth Court. He also opined on the Township and their supposed struggle with the Sunshine Law Act. He would like the Township to hold an Education Session inviting the community with the Sunshine Law Act being the topic. He would like a commitment to discuss having an education session be put on the agenda for the next meeting. Eric explained the Board would put this on a future Agenda.

Eric Frey explained further that the Executive Session was for the Duck Barn appeal filed in the County Court which satisfied the concerns of Scott Kulicke

At this time Jeff Spangler asked Scott Shoemaker if he had a chance to meet with the resident on Frederick way concerning gaining access to the ditch on his property. Scott explained he has not been able to catch him home but will try again.

Minutes of the Regular Monthly Meeting November 17, 2021 were approved as written.

A motion was made by Robin Church and seconded by Scott E. Shoemaker to approve the November 17, 2021 Minutes. Scott called for the vote – All voted “Aye” – motion carried.

Public Comment: Scott Kulicke mentioned that at the last meeting according to the Minutes someone was appointed to replace Lloyd Kreider on the Zoning Hearing Board. Eric Frey explained the appointment process and that any appointment could only happen at a public meeting. This opened up a discussion and comments were heard from Virginia Beards, Sara Hodgkiss, Danielle Kulicke, and Jeff Spangler. Discussion concerned the appointment and choosing process, qualifications of the person to be appointed, and why this particular person was chosen, feeling that choosing this person shows cronyism, and disqualifies most residents after Scott Shoemaker stating that she is a life-long resident and farmer. Robin Church reminded the audience that at one of the Supervisors meetings

there was mention of an opening in the Zoning Hearing Board but no one showed any interest. Scott Kulicke mentioned that Adrian Bonser volunteered. Robin again mentioned that anyone interested in serving could step forward; Sara Hodgkiss stated she would be interested. Lynn Swisher is interested in serving on the Planning Commission and wondered if anyone has ever done an internship. She believes in having the proper training first. Eric mentioned that any vacancies could be listed on the website and people could put in for a position.

Treasurer's Reports

- Carmen Wiker read the Treasurer's Reports

Unpaid Bills- General Fund

The Bills on Hand were reviewed. *A motion was made by Robin Church and seconded by Scott E. Shoemaker to approve paying bills totaling \$ 42,542.99. Scott called for the vote – All voted “Aye” – motion carried.*

Public Comment: Scott Kulicke asked about the health insurance bill.

Tax Collector

- Judy Beiler reported a total of \$ 1,055.77

Zoning Officer

- Joe Chrisman reported a total of \$ 2,586.30

Sewage Enforcement

- Marv Stoner reported a total of \$ 500.00

Storm Water

- The Secretary reported \$ 450.00

SALDO

- Nothing to report

Road Master

- Troy Groff reported the following in writing: Boom mowed, installed snow markers, repaired and replaced signs, trimmed bushes and trees in the park, prepare snow equipment, clean up leaves and pave spots in roads.

Emergency Management

- Nothing to report

Colerain Township Planning Commission

- Minutes: The revised October Minutes and November minutes were reviewed by the Supervisors.

Public Comment: Scott Kulicke and Jeff Spangler complained about the language in the agenda stating that the October Minutes were available when they were not on the website. They also questioned who writes and reviews the agenda for accuracy, rules and laws pertaining to Agendas. The Secretary let them know she forgot to put the October Minutes on the website.

At this time Scott Shoemaker asked Eric Wilden and Keith Allridge of Comcast to ask the audience if they had any questions regarding the build. The Secretary gave a brief summary of the correspondence between the Township and Comcast over the past couple of months. Eric Wilden also requested formal documentation stating that the build could move forward since no permits would be required due to building in the Right-of-Way.

Public Comment There were comments and questions from Jeff Spangler, Lynn Swisher, Danielle Kulicke in regards to any plans Comcast may have in the future to build south of Farmdale, what speeds they could expect, how many homes in the build, what type of build would go into Octoraro Pines if they would decide to build there, programs for low income residents, , the permitting process, the current 2012 Franchise Agreement, the new Infrastructure bill, regulation rules, and the need for internet all over the Township. Lynn Swisher offered to help with any grant work that may come from the infrastructure bill.

SALDO, Zoning and Sewage Enforcement:

- Planning Module for Jonas Esh at 2089 Noble Road. This Module has been signed by the Lancaster County Planning Commission and the Colerain Township Planning Commission. This Module is for a second dwelling. Brian Masterson was in the audience and presented and explained the plan associated with this Module to the Supervisors.

A motion was made by Robin Church and seconded by Scott E. Shoemaker to adopt Resolution 2021-04. Scott called for the vote – All voted “Aye” – motion carried.

- Consider Request for Waiver of Land Development Plan for Delmar Sensenig proposed Nursery Barn located at 270 Cooper Drive. Cameron Renehan of Team-Ag gave a brief update since the November 23, 2021 meeting.

Public Comment:

Susan Ryan asked if the waiver meant that Mr. Sensenig does not need to have a plan to Develop the land and Eric explained the process. Scott Kulicke, Sara Hodgkiss, Gerry Parker, Owen Ryan, Virginia Beards also commented on the following: Additions to the plan since the last Planning Commission Meeting, supposed lack of information pertaining to the lease agreement, why have the Land Development process in the Ordinance if it is not to be used, the manure management plan, the leased property where manure will be spread, location of leased property, frequency of spreading, why is it in the Township’s best interest to grant the waiver, lack of information on the land lease, proposed SALDO checklist process reviewed by Township and Solicitor, Sensenig

timeline, the fact that no one from the Township advised the applicant he needed Land Development upon application, rules that may apply manure spreading on an organic farm, opinion that there is not enough ground for manure proposed, is there a requirement for the manure to be plowed under, should the November 23, 2021 planning commission requirements be added to the motion to grant the waiver, does the landowner (Daniel Stoltzfus) for the leased ground have a Manure Management Plan. In response to this last question Eric mentioned that the Board could include in the motion another condition asking for Daniel Stoltzfus Manure Management Plan to be submitted and to make sure that no double spreading would occur which would be a violation. There was no proof that Daniel Stoltzfus has or must have a Manure Management Plan.

- Cameron Renehan stated that the lease agreement is in accompaniment with the Manure Management Plan which includes information such as addresses.
- Cameron also stated that the two items requested by the Planning Commission on November 23, 2021 are on the current plan which is in his possession this evening.

A motion was made by Robin Church and seconded by Scott E. Shoemaker to grant the waiver of Land Development Plan for the Delmar Sensenig pig nursery located at 270 Cooper Drive on the condition that the Engineer's letter is satisfied, that leases will be provided on an annual basis, and that any manure management plan for the Daniel Stoltzfus property be submitted to ensure that there is no conflict with the plan for the subject Property. Scott called for the vote – All voted “Aye” – motion carried.

- Consider Lot Add-on approval for Samuel Stoltzfus at 618 Creek Road. This plan is in Colerain and Sadsbury Townships.

A motion was made by Robin Church and seconded by Scott E. Shoemaker to approve the Lot Add-on Plan for Samuel Stoltzfus located at 618 Creek Road conditioned on no future changes being made to the plan. Scott called for the vote – All voted “Aye” – motion carried.

- Consider Lot add-on approval for Israel & Mattie Beiler at 1769 Noble Road. Brian Masterson of Regesters explained this Lot Add-on.

A motion was made by Robin Church and seconded by Scott E. Shoemaker to approve the Lot Add-on Plan for Israel & Mattie Beiler located at 1769 Noble Road. Scott called for the vote – All voted “Aye” – motion carried.

Storm Water:

- Consider deferring Storm Water Plan for Samuel Stoltzfus at 618 Creek Road. This project was deferred back in November of 2020 but the plans have since been revised.

A motion was made by Robin Church and seconded by Scott E. Shoemaker to defer plan processing for the Samuel Stoltzfus Storm Water project located at 618 Creek Road. Scott called for the vote – All voted “Aye” – motion carried.

Next Meeting for the Supervisors is Wednesday December 15, 2021 at 7:00 P.M.

Old Business:

- November 17, 2021 Agenda item 11b. Letter to Zoning Hearing Solicitor. After the November 17, 2021 public comments suggested the Supervisors held an Executive session without announcing it and violated the Sunshine Act Law this issue was tabled. Eric Frey gave a history of this issue.

Public Comment:

- Scott Kulicke commented that he believed that the Sunshine Law act was violated when the two Supervisors went to talk to Joe about Agenda item 11b from November 17, 2021, and that the Township does not have a habit of dotting its I’s and crossing its T’s and the Township needs to move into the 21st century.

Eric Frey explained that Scott Kulicke was wrong in his reading of the agenda and that there was no “meeting” of two supervisors outside of any public meeting. Joe Chrisman and Eric Frey made the decision that they would not write the letter requested by the Board and the residents as the residents’ reading of the Zoning Ordinance was incorrect.

New Business:

- Acknowledge Receipt of the Declaration of Petition from Samuel & Lydia Stoltzfus, requesting 57.462 acres of land be added to the Township’s Ag Security Area. This property is located 1663 Noble Road Kirkwood, PA 17536.

Public Comment: There were questions from Virginia Beards, Ryan Owen about what Ag Security is and how you qualify for it, and comments from Scott Kulicke, Gerry Parker and Eric Frey about perhaps Ag Security protecting a landowner against eminent domain, limiting subdivisions and other restrictions.

A motion was made by Scott E. Shoemake and seconded by Robin Church to Acknowledge Receipt of the Declaration of Petition from Samuel & Lydia Stoltzfus, requesting 57.462 acres of land located 1663 Noble Road Kirkwood, PA 17536 be added to the Township’s Ag Security Area. Scott called for the vote – All voted “Aye” – motion carried.

Any Other Business: Duck House

Lynn Swisher asked what coactive actions could be put in place to prevent another situation like Delmar Sensenig’s particular situation. Then Secretary mentioned adding a note in the Storm Water Ordinance referring a person to the SALDO, Scott Kulicke

mentioned there is already something like that in place, Eric commented that the Township needs to do better moving forward.

Public Comments: Peggy Borelli questioned the Solicitor about a particular executive session and could the public have more information on it. Eric explained the reason for holding executive sessions. There was also a brief discussion as to the Duck House appeal process in regards to a Notice of Intervention from the CWA.

Adjournment

- *There being no further business to be brought before the board, the board, on motion by Robin Church and seconded by Scott Shoemaker agreed to adjourn at 8:56 P.M. Scott called for a vote – all voted ‘aye’ – motion carried.*

Respectfully Submitted,

Carmen B. Wiker, Secretary