

The regular meeting of the Heidelberg Township Board of Supervisors was held August 2, 2006 at the municipal building and called to order at 7:30 PM by Chairman Harry Rodgers.

Harry Rodgers, Larry Sterner, Tim Hansen, Steve McKonly, John Leen and Norma Markle were present.

Others present were Bruce Jones, Doug Kollamar, Heather Altland, Christina Kristofic, Wayne Winemiller, Kevin Gerlock, Scott Rabenstine, Dan Deitzel, Peg Moulton, Bruce Ruhlman, Donna Haar, Helen Gemmill and Lucas Parks.

Minutes of the July 3rd worksession were approved as distributed and minutes of the July 5th meeting were changed to reflect Resolution 06-13 (not 06-113) and approved as such.

Sergent Jack Greene read the Police Report. The department responded to 64 calls in the Township in May.

Bruce Jones reported the seeding has been complete at the park and are awaiting the Final Inspection. Bruce stated the mowing and weeding is going well this year.

Bruce Ruhlman requested that the bond for the subdivision off of Acorn Drive be released. The retention ponds seem to be draining properly now and the fence not being erected around the one pond is the issue. The property owner, Kevin Gerlock desires that this fence not be put up since this pond is on his property and he likes it the way it is. The Ordinance and Final Plan shows that a fence is to be placed at this area. Mr. Gerlock is willing to take all responsibility and get insurance for this if the fence is not erected. Bruce stated he has received final approval from YCCD and would like this bond released. Steve and Mr. Gerlock will get together to prepare liability papers. This will be tabled until the September meeting.

A request was received from B & D to turn Amy Way over to the Township. The Board is requesting an 18 month Maintenance Bond for \$ 15,000.00.

Norma Markle read the Planning Commission report.

Doug Kollamar, from Worley's, Donna Haar and her attorney Helen Gemmill presented the Preliminary Plan for Laurel Summit II. They were requesting acceptance of the 10 lots and land layout with a loop road. The Board felt the cartway should be wider for emergency vehicles. All parties agreed upon a 60' right-of-way and 30' cart-way. John Leen stated he still had some issues concerning the Final Plan.

The Sam Alwine subdivision plan is still waiting for bonding for road improvements and curbing.

Scott Rabenstine read the Fire Report. The Department responded to 15 calls for the month of July. The department received a \$ 10,200.00 grant from the state for equipment. Scott also reported that Fire Hall has been holding public sales and this may be the major fund raiser instead of bingo.

Norma Markle read the Zoning Officers report. There was \$ 774.00 revenue for the month.

John Leen stated a letter received from YCPC concerning grant money for sewer in the Porters area has been processed.

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

COMMUNITY SERVICES, INC. t/a
COMMUNITY SERVICES GROUP, on its own
behalf and on behalf of eight individuals with
disabilities currently housed at Harrisburg State
Hospital;

Plaintiff

v.

**HEIDELBERG TOWNSHIP, HEIDELBERG
TOWNSHIP BOARD OF SUPERVISORS and
HEIDELBERG TOWNSHIP ZONING
HEARING BOARD**

Defendants

:
:
:
: Civil Action No.
: 1:06-CV-1206

:
:
: JUDGE CONNER

:
:
: ELECTRONICALLY
: FILED

608550

CONSENT ORDER

AND NOW, this ____ day of August 2006, it hereby is ORDERED as follows:

Invoking the provisions of Rule 65(a)(2), the parties agree and stipulate to the Court to deem the July 25, 2006 Order and Memorandum as a final adjudication on the merits of the case and request that the Court enter an Order ("Final Order") accordingly, which the Court shall do in a separate Order.

Based upon the request of the parties the Court also clarifies its July 25, 2006 Order, as follows:

- (1) Defendants are only required by the Memorandum and Order and Final Order to issue a use certificate to Plaintiff. Defendants are not required to issue an occupancy certificate to Plaintiff at this time.
- (2) Plaintiff must seek a building permit from the Building Codes Enforcement Official for Heidelberg Township, Commonwealth Code Service, Inc. The Order neither precludes nor limits Plaintiff from requesting, or precludes or limits the proper authorities from considering, a "reasonable accommodation" under the Fair Housing Act Amendments from the applicable building code(s).

Plaintiff agrees that the use certificate will contain the conditions outlined in the Court's July 25, 2006 Opinion, p. 16, ¶ 79 (a) to (f).

The parties agree and the Court so orders that Defendants shall pay Plaintiff thirty-five thousand dollars (\$35,000), in this case, as full payment of all damages (including compensatory damages, punitive damages, attorney's fees and costs) within thirty (30) days of this Order.

The parties agree and the Court so orders that the Action is stayed until the Long Term Structured Residence at the property is operational and the residents

have occupied it at which time Plaintiff shall discontinue this action as to all parties.

The Court shall retain jurisdiction over this matter until the action is discontinued.

The parties agree and the Court so orders that during the period that this Court retains jurisdiction over this matter if Plaintiff seeks a subsequent "reasonable accommodation" separate from the relief granted by this Court in the Final Order, Plaintiff must first make its request to the Codes Enforcement Officer for Heidelberg Township (Commonwealth Code Service, Inc.).

Plaintiff agrees that if there is a change in use, a physical alteration to the exterior of the house or the Property, or a proposed subdivision to the Property which triggers applicability of Township ordinances, CSG will seek review by the Township through its normal procedures for compliance with applicable ordinances as long as such ordinances, or the application thereof, do not violate the FHAA. The parties agree that CSG is not waiving, reducing or otherwise altering the rights it has under the FHAA for any subsequent use or changes to the property, including the right to a reasonable accommodation, nor is the Township waiving or otherwise limiting its ability to entertain and approve, deny or condition such a request.

It is so Ordered.

BY THE COURT:

Christopher C. Connor
United States District Judge

Community Services, Inc.

J. Dwight Yoder, Esquire

Heidelberg Township and
Heidelberg Township Board of
Supervisors

Tiffany M. Cartwright, Esquire

Heidelberg Township Zoning
Hearing Board

Steven A. Stine, Esquire

Heidelberg Township Zoning
Hearing Board

James D. Young, Esquire

Steve McKonly stated 2 leins for street lights have been processed.

Steve also reviewed the Group Home case and stated that Judge Conner made the decision and the Township needs to give a Use Permit for the LTSR. Steve along with Reager & Adler feel that the Township has gone as far as they can with this case, it could go before the Third Circuit Court but then would go back before Judge Conner and they feel an appeal would not be likely. The Group Home will need to comply with all the BOCA codes through CCSI. The Township will be responsible for \$35,000.00 in legal fees for Community Services Group. Tim Hansen made a motion to adopt **RESOLUTION 06-14** to sign the CONSENT ORDER, (see attached) Larry Sterner seconded and Harry Rodgers concurred.

Some of the citizens voiced their opinions concerning the Group Home and Bruce Jones thanked the Supervisors for all they did to resolve this issue. Scott Rabenstine questioned access to the home for emergency purposes, they will need to comply with state laws.

Larry Sterner stated the road crew will be tarring and chipping next week.

THE 2006 - 2007 Winter Agreement for maintance of state roads was reviewed, Larry Sterner made a motion to adopt **RESOLUTION 06-15** for this agreement, Tim Hansen seconded and Harry Rodgers concurred.

Norma Markle read the Treasures Report.

GENERAL FUND	-	Beginning Balance	191,802.68
		Revenue	15,909.20
		Expenditures	108,593.21
		Ending Balance	99,118.67
STATE FUND	-	Savings	114,392.64
RECREATION FUND			1,292.82
INDEX FUND			153,210.32

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GENERAL FUND - REVENUE

Bank of Hanover	Interest	847.73
Cash	Tag \$	35.00
York Adams Tax Bureau	Earned Income Tax	229.81
Leppo	Vehicle Fines	564.76
Kim Leppo	Criminal Fines	169.41
Clerk of Courts	Court Fines	259.67
Tax Claim Bureau	Delinquent Tax	2,560.33
Recorder of Deeds	Transfer Tax	8,034.28
Gordon L. Brown & Asso.	Septic Permits	900.00
Sherry Thompson	'06 Real Estate Tax	1,357.64
Sherry Thompson	'05 Real Estate Tax	23.17
Sherry Thompson	'06 Per Capita Tax	77.00
Sherry Thompson	'05 Per Capita Tax	38.50
Sherry Thompson	Street Light Tax	38.50
Zoning Officer	2 - Bldg. Permits	29.00
Zoning Officer	Driveway Permit	30.00
Zoning Officer	Sale of Ordinance Bks.	40.00
Zoning Officer	2 - Processing Fees	50.00
Zoning Officer	2 CCI Fees	625.00
	TOTAL	\$ 15,909.80

GENERAL FUND - EXPENDITURES

G. Steven McKonly, PC	Legal Fee - June	5,247.00	20453
Capital Blue Cross	Insurance	3,386.13	20454
York Adams Tax Bureau	Quarterly Taxes	210.19	20455
PSATS UC Group Trust	Quarterly Taxes	132.82	20456
PA UC Fund	Quarterly Taxes	7.07	20457
PA Department of Revenue	Quarterly Taxes	645.41	Debit
Norma Markle	Wages	694.20	20458
Bank of Hanover	Tax Deposit	945.83	20459
Runkles Tag & Titles	Owners Card	17.50	20460
Verizon	Phone	141.15	20461
Cingular Wireless	Cell Phones	114.06	20462
Met-Ed	Pavillion	31.13	20463
Met-Ed	Street Lights	408.64	20464
Ames Electric Cooperative, Inc.	Street Lights	131.98	20465
Crystal Springs	Water	28.39	20466
Wal*Mart	Supplies	86.79	20467
Lowe's	Supplies	57.72	20468

Conewago Supply Co.	Supplies	42.18	20469
Hanover Publishing Co.	Legal Ad	35.90	20470
Markle-Smith Inc.	Lock Repair	89.00	20471
Arentz Oil Service Inc.	Diesel	775.24	20472
Commonwealth Code Inspect.	Permits	625.00	20473
Kocman Insurance Group	Insurance	442.00	20474
Southwestern Regional Police	3rd Qtr. Services	59,703.67	20475
C. S. Davidson, Inc.	Engineering Fees	240.14	20476
Reager & Adler, PC	Legal Fees - CSG	12,982.39	20477
Seidensticker, Keiter, Baughman	Legal Fees -- ZHBd	378.00	20478
Gordon L. Brown & Asso.	Septic Permits	900.00	20479
Mill Run Express	Truck Inspections	94.47	20480
Seanus & Susan Fogerty	Tax Reimb.	7.62	20481
Dean & JoAnn Staley	Tax Reimb.	5.90	20482
Robert & Ruby Thoman	Tax Reimb.	47.41	20483
Sherry Thompson	Supplies	9.82	20484
Paul Hilbert	Mowing Cemetery	60.00	20485
Larry Sterner	Katelyn - Pine Dr.	45.45	20486
Norma Markle	Wages	640.06	20487
Sherry Thompson	Tax Reimb.	60.06	20488
Phyllis Hilbert	Wages	510.11	20489
Paul Hilbert	Wages	138.90	20490
T. Samuel Myers	Wages	42.71	20491
Larry Sterner	Wages	73.62	20492
Larry Sterner	Supervisors Pay	137.95	20493
Robert Thoman	Wages	267.19	20494
Law Offices of Steve Stine	Legal - CSG	5,692.50	20496
G. Steven McKonly, PC	Legal - CSG	9,700.00	20495
G. Steven McKonly, PC	Legal - July	592.50	20495
C. S. Davidson, Inc.	Engineering Fees	1,717.17	20497
Associated Products	Park	250.24	20498
	TOTAL	\$ 108,593.21	

Harry Rodgers made a motion to pay the bills, Tim Hansen seconded and Larry Sterner concurred.

Meeting adjourned at 8:37 PM.

Norma Markle

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