

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

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

Others present were Susan Smith, Randy Test, Twight Yoder, Melissa Jones, Bruce Jones, Scott Rabenstine, Karl Stewart, Bill Gromen, Berald Funke, Rand Feter, Steve Warren, Lucas Parks, Terry Frock, Ron Frock, Paul King and Sgt. Jack Greene.

Minutes of the May meetings were approved as distributed.

Bruce Jones reported the entrance way has been completed for the park and are now awaiting final inspection.

Sgt. Greene read the April 2006 Police Report. The department responded to 72 calls in the Township.

Bids were opened for 2006 Road Improvements.

H & H General Excavating Co., Inc.	- Danner Drive Project	Item # 1	\$ 58.06/T
		Item # 2	\$ 58.06/T
		TOTAL	\$

Stewart & Tate	- Danner Drive Project	Item #1	\$ 48.49/T
		Item #2	\$ 64.41/T
		TOTAL	\$

There were no bids received for the Pine Drive project. After reviewing the documents Tim Hansen made a motion to accept the low bid of Stewart & Tate, Harry Rodgers seconded.

Atty. Susan Smith, Special Council for the Township Board of Supervisors explained that the Supervisors can not grant relief of an Ordinance, because the Zoning Hearing Board made the decision. The Special Exception for a Group Home at 1825 Smith Station road was applied for and heard by the Zoning Hearing Board and the request was denied. Community Group Services is requested the Board of Supervisors grant a reasonable accommodation. Susan read **RESOLUTION 06-10 (see attached)** to resolve the Township of Heidelberg York County, PA, declaring portions of its Zoning Ordinance invalid in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code.

Atty. Dwight Yoder, Council for Community Group Services stated that the request for a reasonable accommodation is valid under federal laws and guideline under the Fire Housing Act and Americans with Disabilities Act, and that Federal laws preempt State laws. He feels the Board should (or must) grant this request. If not granted, legal action will be taken. The Board is now given the opportunity to do the right thing and grant the Special Exception denied by the Zoning Hearing Board.

Atty. Rand Feter, Council for the citizens group, feels the Board needs to go through with the accurate amendment and agrees with Atty. Smith.

Atty Yoder feels the Township is stalling and just trying to buy time.

Tim Hansen made a motion to adopt **RESOLUTION 06-10** declaring portions of the Zoning Ordinance invalid and allowing 30 days to prepare and consider necessary amendments to the Zoning Ordinance to cure such invalidity. Harry Rodgers seconded.

**HEIDELBERG TOWNSHIP**  
**YORK COUNTY, PENNSYLVANIA**

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RESOLUTION NO. 06-10

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**A RESOLUTION OF THE TOWNSHIP OF HEIDELBERG,  
YORK COUNTY, PENNSYLVANIA, DECLARING  
PORTIONS OF ITS ZONING ORDINANCE INVALID IN  
ACCORDANCE WITH SECTION 609.2 OF THE  
PENNSYLVANIA MUNICIPALITIES PLANNING CODE.**

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WHEREAS, in July 6, 2005 the Township adopted a Comprehensive Plan to guide future development in the Township; and

WHEREAS, in 1978, as amended, the Township enacted a Zoning Ordinance to regulate the use and development of land within the Township; and

WHEREAS, since the enactment of the Zoning Ordinance there have been several changes in the law addressing discrimination in housing; and

WHEREAS, as a result of these changes, the Board of Supervisors believes that an examination of the Zoning Ordinance is warranted to insure that the Zoning Ordinance is in compliance with all applicable laws; and

WHEREAS, Section 609.2 of the Pennsylvania Municipalities Planning Code sets forth a procedure by which a municipality may declare its zoning ordinance, either in its entirety or portions thereof, invalid and may proceed to cure such invalidity; and

WHEREAS, upon the initiation by a municipality of the procedures set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, a municipality is not required to entertain any landowner's challenge to the validity of its zoning ordinance; and

WHEREAS, Section 609.2(1) requires that the Township, by formal action, declare that its Zoning Ordinance, or portions thereof, is substantively invalid and propose to prepare a curative amendment to overcome such invalidity; and

WHEREAS, the Township proposes to make such a declaration.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Heidelberg Township as follows:

**SECTION 1.** The Board of Supervisors incorporates by reference, as if fully set forth herein, the foregoing recitals.

**SECTION 2.** The Township declares that the Heidelberg Township Zoning Ordinance, in relevant part, may be invalid.

**SECTION 3.** Upon this declaration, the Township proposes to investigate and prepare a curative amendment to overcome any such invalidity.

**SECTION 4.** As required by Section 609.2 of the Pennsylvania Municipalities Planning Code, the Board of Supervisors, within 30 days of the date of this Resolution, intends to adopt a Resolution making specific findings setting forth the declared invalidity and to begin to prepare and consider any necessary amendments to the Zoning Ordinance to cure such invalidity.

**SECTION 5.** As required by Section 609.2 of the Pennsylvania Municipalities Planning Code, within 180 days following this declaration, and if any invalidity is found, to enact one or more curative amendments to the Zoning Ordinance to correct any invalidity. If, upon investigation, the Zoning Ordinance is determined to be valid, the Township shall enact a curative amendment to reaffirm the validity of its Zoning Ordinance together with any revisions that may be deemed appropriate.

**SECTION 6.** As provided by Section 609.2 of the Pennsylvania Municipalities Planning Code, neither the Board of Supervisors nor the Zoning Hearing Board of Heidelberg Township shall be required to entertain or consider any landowner's curative amendment or validity challenge filed with either body under Sections 609.1, 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code.

**SECTION 7.** The provisions of this Resolution are severable, and if any portion is held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining portions of the Resolution. It is hereby declared to be the intent of the Board of Supervisors that this Resolution would have been adopted if such illegal, invalid, or unconstitutional portion had not been included herein.

**SECTION 8.** This Resolution shall become effectively immediately.

**DULY ADOPTED,** this the 7<sup>th</sup> day of JUNE, 2006, by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, in lawful session duly assembled.

Heidelberg Township  
York County, Pennsylvania

By: 

Norma Markle read the Planning Commission report.

Gerry Funke and Randy Test showed a plan for a 7 lot subdivision on Old Hanover and Moulstown Roads. They were told that this property lies within a Conservation District and this area is now included in the sliding scale as per subdividing. The sketch plan that was presented earlier this year is not a valid submission for a plan.

A 90 day extension for the Samuel Alwiné plan was requested, Tim Hansen made a motion to grant this extension, Harry Rodgers seconded.

A 90 day extension for the Haar plan was requested, Tim Hansen made a motion to grant this extension, Harry Rodgers seconded.

Scott Rabenstine read the Fire Report for May. The department responded to 21 calls for the month. Scott presented the 2005 Audit Report for the Fire Company. The Fire Department is looking at replacing 2 peices of equipment within the next 2 years and feel they will have the resources to do so withing assistance from the Township.

Norma Markle read the Zoning Officer report. There was \$ 1,903.00 revenue for the month.

John Leen inspected Amy Way and had to feew items to be taken care of. John also reviewed his monthly report with the Board.

Tim Hansen made a motion for the Southwestern Regional Police Board and the Budget Committee to develop the 2007 Budget incorporating the Southwestern Regional Police Association's Collective Bargaining Agreement and no reduction in staffing levels. Harry Rodgers seconded.

Tim Hansen made a motion to adopt **RESOLUTION 06-11** to allow the Township to apply for a credit card. Harry Rodgers seconded.

Norma Markle read the Treasures Report.

GENERAL FUND - Beginning Balance	174,631.93
Revenue	166,333.92
Expenditures	27,335.07
Ending Balance	313,630.78
STATE FUND - Savings	113,642.49
INDEX FUND	102,622.93
RECREATION FUND	2,323.87

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GENERAL FUND - REVENUE

Bank of Hanover	Interest	384.78
Cash	Tag \$	140.00
Y Eline	Lawn Tractor	2,227.00
E Myers	Insurance	364.80
Kim Leppo	Crimnal Fines	459.38
Kim Leppo	Vehicle Fines	450.89
Clerk of Courts	Crimnal Fines	76.40
Recorder of Deeds	Transfer Tax	6,688.50
Tax Claim Bureau	Deliquent Tax	2,626.34
Kilmar Insurance Group	Insurance Dividends	1,276.15
York Adams Tax Bureau	Earned Income Tax	137,200.00
Gordon L. Brown & Asso.	Septic Permits	635.00
Zoning Officer	5 - Bldg. Permits	63.00
Zoning Officer	2 - SWMP	70.00
Zoning Officer	2 - Driveway Permits	60.00
Zoning Officer	2 - Processing Fees	50.00
Zoning Officer	2 - CCSI Permits	740.00
Zoning Officer	Zoning Hearing Fee	250.00
Zoning Officer	Filing Fee	670.00
Sherry Thompson	'06 - Real Estate Tax	10,957.34
Sherry Thompson	Prior Real Estate Tax	74.20
Sherry Thompson	'06 - Per Capita Tax	375.00
Sherry Thompson	Prior Per Capita Tax	390.50
Sherry Thompson	Street Light Tax	104.64
	<b>TOTAL</b>	<b>\$ 166,333.92</b>

GENERAL FUND - EXPENDITURES

Bank of Hanover	Tax Deposit	1,094.11	20367
Norma Markle	Wages	657.38	20368
Capital Blue Cross	Insurance	3,386.13	20369
Kurtis Sterner	Dell Computer	1,120.43	20370
Norma Markle	Wages	603.89	20371
Bank of Hanover	Tax Deposit	2,828.25	20372
Verizon	Phone	142.23	20373
Met-Ed	Elec - Bldg	271.62	20374
Met-Ed	Elec - Park	54.31	20375
Met-Ed	Street Lights	408.64	20376
Adams Elec. Coop., Inc.	Street Lights	130.00	20377
Cingular	Cell Phones	94.74	20378
Crystal Springs	Water	8.48	20379

Penn Waste, Inc.	Garbage	52.20	20380
Arentz Oil Service, Inc.	Fuel	101.38	20381
H & H Gen. Exc. Co.	Mulch	110.00	20382
Wal*Mart	Supplies	8.10	20383
Bituminous Paving Materials	Cold Patch	49.00	20384
Commonwealth Code Inspection	Permit	370.00	20385
C. S. Davidson, Inc.	Engineering Fee	3,764.15	20386
Gordon L. Brown & Asso.	Septic Permits	635.00	20387
Reager & Adler PC	Legal - Zoning	747.50	20388
Griest, Himes, Herrold....	Legal - Human Relations	234.00	20389
G. Steven McKonly, PC	Legal - May	3,100.50	20390
Wells Fargo	Tax Reimbursement	180.25	20391
County of York - Treasurer	Tax Bills	404.37	20392
Post Master	Stamps	39.00	20393
Hanover Publishing Co.	Legal Ad	203.20	20394
Labor & Industry	Air Comp. Cert.	66.00	20395
Sherry Thompson	Supplies	50.40	20396
Larry Sterner	Phone Card	105.83	20397
Heidelberg Twp. Rec. Comm.	Transfer	3,000.00	
Paul Hilbert	Supplies	31.45	20398
Paul Hilbert	Mowing Cemetery	30.00	20399
Norma Markle	Wages	640.06	20400
Phyllis Hilbert	Wages	528.31	20402
Paul Hilbert	Wages	118.41	20403
Larry Sterner	Supervisors Pay	137.95	20404
Sherry Thompson	Tax Reimb.	465.83	20401
Robert Thoman	Wages	280.56	20405
Harry Rodgers	Supervisors Pay	413.80	20406
Tim Hansen	Supervisors Pay	413.80	20407
Paul VanNoord	Planning Commission	66.20	20408
Cleo Wildasin	Planning Commission	44.13	20409
Larry Rohrbaugh	Planning Commission	22.06	20410
Judy Tessem	Planning Commission	44.13	20411
Tom Fort	Planning Commission	66.20	20412
	<b>TOTAL</b>	<b>\$ 27,335.07</b>	

Harry Rodgers made a motion to pay the bills, Tim Hansen seconded.

Meeting adjourned at 8:26 PM.

*Norma Markle, Sec.*

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