

LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS WORK
SESSION
April 18, 2006

The Londonderry Township Board of Supervisors held their Work Session on Tuesday, April 18, 2006, at the Municipal Building, 783 South Geyers Church Road, Middletown, Pennsylvania, and beginning at 7:00 p.m.

Present: Ronald Kopp, Chairman, Board of Supervisors
Anna Dale, Vice Chairman, Board of Supervisors
Andy Doherty, Member, Board of Supervisors
William Kametz, Member, Board of Supervisors
Daryl LeHew, Member, Board of Supervisors
Peter Henninger, Solicitor
Steve Letavic, Township Manager
Jim Jenkins, Assistant Secretary/Treasurer

Items Addresses:

- 1) **Salute to the Flag**
- 2) **Solicitor's Report-** Peter Henninger
Cluster Option Moratorium- No, you can not do this, could we make it at the pleasure of the Board, again no.
Mr. Henninger stated that if you wanted to make any changes to this option you would have to go through the process of amending the Zoning Ordinance.
Fee in lieu of land getting rid of this- Simple answer is no, but the existing code states that it is up to the Board if they want the land or the fee.
Waiver to a Land Development Plan- Mr. Henninger stated that he noticed in preparing for the Planning Commission and doing some research, quickly came to the opinion that the Township cannot waive the entire Land Development process. The reasoning is because there is nothing in the MPC that provides the authority to waive the entire process. There are provisions to allow the modification of a land development plan, but not waive the entire process.
- 3) **Parks & Rec. Report-** Bill Angeloff
LAA requested permission to plant a Dogwood Tree in honor of the Good Boy that was killed in an automobile accident. The Parks and Rec. Board gave their permission, but under certain criteria: after the service there will be no memorial or plaque, no flowers, no crosses, or anything like that. Also that the they will not be

responsible for the tree, should it be damaged by deer or by the person mowing the grass or whatever, they have to understand there are risks with having the tree down there. They were all ok with that. They would like to do this on their opening day, which is Saturday April 22. Chairman Kopp- you have already decided the location for the tree. Mr. Angeloff- Yes, John Kesler and a member of the Board, picked a spot. It is going to be right there where the line of pear trees, on field one, and make it the first one in line right past third base. Chairman Kopp – that will not get to big that it will become a problem. Mr. Angeloff- No, it should not get very big and Mr. Kesler said, right now it would not be an obstacle for people watching the game. Supervisor LeHew- Mr. Chairman, are we setting a precedent here by allowing this to happen. I do not have a problem giving recognition where it is warranted. I just think that as a group the Parks and Rec. or as the LAA, should set some type of parameters to follow. How many people have we missed doing this for, we have to be careful in doing this. Mr. Angeloff – that is why we told them no plaque no nothing there, once the service is done there will be nothing there but the tree. Chairman Kopp – and the people involved know that. The question I have is do we need a tree there, is that a good place for a tree? Mr. Angeloff – If I were recommending, do we need a tree there, I would say no, it is just a matter of accommodating the LAA. The Parks and Rec. Board saw no harm in it. Supervisor LeHew – Could they give the family a plaque, as we do for things like this? Mr. Angeloff – I have no idea, I guess we could. Supervisor Doherty – stated that he would like to see the pavilions named after residents in the Township. People, in the past, may not have received recognition, but we could start it now. We will have to be very careful who, how, when, and where. Vice Chair Dale – expressed due caution in doing this, because she can see this getting carried away. In this situation, I do not see a problem with the tree, based on all the requirements that have been put on them. And in the future that there is a real reason for it and have special honor placed with it. Supervisor Kametz – expressed that he feels as though planting trees anywhere is a good idea. He likes the idea of not making it a memorial, and that he agrees as long as the trees are placed in proper settings and thought is given to where they are placed. Vice-Chair Dale – Asked Mr. Kesler about the placement of the tree, if in the future the tree would block the view for people? Mr. Kesler – That depends on if people continue to park on the edge of the road and continue to watch from the driveway. If they do then eventually this will block that view. Chairman Kopp – So, the position of the Parks & Recreation Board is, that you are in favor, with those restrictions, of allowing this to happen? So, we are

looking for a motion. Supervisor LeHew made motion to grant the LAA to plant the tree in memory of the past coach, without any plaques or signage, at the designated spot that was already determined. Supervisor Doherty seconded motion, motion carried Replacement for Scott Schmittal on Parks & Recreation Board – Mr. Angeloff stated that they would like to recommend that Bruce Barry fill the vacancy on the Parks & Recreation Board. This would be a three and half year appointment. Supervisor LeHew made motion to appoint Bruce Barry to the vacant spot on the Parks & Recreation Board. Supervisor Doherty seconded motion, motion carried.

4) **Manager's Report- Steve Letavic:**

Keystone Flying Club- Mr. Letavic gave a background and an update as to where this issue was at, and asked the flying club to voluntarily suspend flying until the board and take action, in regards to this matter. **Chairman Kopp** – Back to Solicitor Henninger's report, the waiver that was given to Mr. Geyer for the land development plan, in your opinion, should not have been permitted. **Mr. Henninger** – stated that is correct, but it was granted and you are bound by your prior actions. **Chairman Kopp** – Right, but with that land development plan waiver, there were some conditions. **Mr. Letavic** – yes, there were conditions and some of those conditions were: they had to stay within the confines of Mr. Geyers property, and that a copy of the insurance certificate be on file with Township office and it be updated when it expired. The issue, as it relates to flying within the confines of Mr. Geyers property, is that twice they have flown off that property and crashed. Which has resulted in, the first, property damage to Dr. Benko Sr.'s barn roof and the second time crashed into the meadow of Dr. Benko Jr. The Benko's position has been that the stipulations to the waiver of the land development plan have been violated and as such they are asking this Board for relief or remedy from the violation of those conditions. **Chairman Kopp** – Where are we right now, do we have any resolutions to this or has anything been offered up to resolve this issue. **Mr. Letavic** – The only thing that we were able ascertain is that Chickies Rock county park does have a space available where they flying club could operate. But again I think there were some distance restrains to that site. That was the only real solution we were able to reach, all the other sites just did not workout. The Benko's point, I believe and I do not want to miss speak for them, is still, we have not resolved the issue that was brought before this Board in the fall. That is why we are here tonight, we had an outstanding issue, we tried to be proactive and try and find something we could do to give them some relief, and we were

unsuccessful. Now we have come to the point where we have to make a decision as to what we are going to do about this issue.

Chairman Kopp – stated there was a complaint, some 20 years ago, by a resident adjoining the Middletown Hunters and Anglers club about all the shooting at all hours of the day and night. At that time the board took a position to limit hours of shooting. Do you recall that Mr. Foreman?

Mr. Foreman – yes, and what I remember is that they voluntarily agreed to curtail their shooting to certain hours.

Chairman Kopp – They went to the extent of putting lights up to shoot at night and what I recall is there was a curfew of 9 pm, I am not sure if they put day limits on as well, but we have done something like this before, not shutting the thing totally down, but putting restrictions in place. One question I had, the Keystone club had a field in Horner's Town, is that still operating.

Mr. Laughner – No it is not. **Chairman Kopp** – Why is that no longer operating?

Mr. Laughner – It was on a site that was a former military dump and the EPA required that we shut down operations for safety reasons.

Chairman Kopp – I think the Board has had ample time to digest all the information and I think we are ready to come to some conclusion for both parties. Mr. Letavic – before you do that, I hope I am not stepping out of line, I am not sure if there are not citizens might like to. I know that I had at least one request from a resident that maybe in the beginning that did not get a chance to speak that to speak tonight.

Chairman Kopp – yes we can do that, I wanted to let the board get their thoughts out before we opened up the discussion.

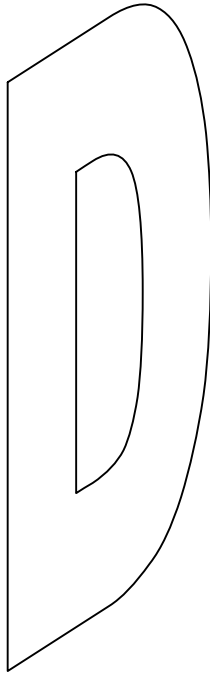
Supervisor Kametz – I recall when we had this last interaction between the club and the Benko's, one of the requests was, if the flying club, given the circumstances, would be looking to make any changes to the Bi-Laws as it related to noise, the size of the planes being flown, the type of planes. Has any of that been considered or implemented, or are these the same Bi-laws that they had from the beginning?

Mr. Laughner – We have changed the Bi-laws, the significant change was we eliminated an engine that boosted the compression, but in flight would exceed the decidable permitted. Also, this year the board has concluded that bench running low fuel engines, are too noise and probably abusive to neighbors, so they are not allowed.

Supervisor Kametz – and the size of the engines of the planes that can fly at your field, is what size.

Mr. Laughner – Generally it ends at 1.8 cubic inches, we are looking at that, but the larger engine does not necessarily bring more noise.

Supervisor Kametz – but it requires more space to fly the airplane. **Mr. Laughner** – right. **Supervisor Kametz** – The point I am trying to make to the Board is, one of the considerations we are giving to some of the violations are related to crashing airplanes. Obviously, there is a space that they can fly safely in



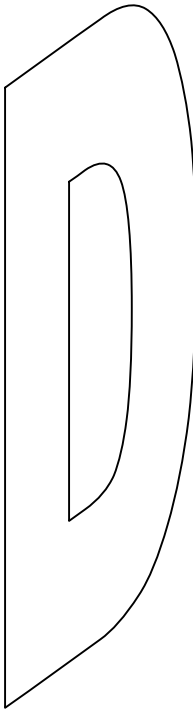
and typically if there is a problem they lose radio control, or the signal or they just lose control of the airplane, there needs to be a safety zone around your flying area so if they crash, it is not in the path of residents, homes, or other properties. In this case, it has not been the case, and the point I was trying to make was if you are still continuing to allow that size of airplane to fly in a limited space it is more difficult to control if a problem occurs. Those were one of those considerations as to how committed the flying club is to trying to find resolutions or just saying that you can control your airplanes and everything would be fine. **Mr. Laughner** – we believe in balance and we are not good looking or real smart, but we are friendly and there are lots of us and maybe that helps us out a lot. **Supervisor Kametz** – I guess where I am coming from is, with having some familiarity with clubs, I know where there is limited space clubs will restrict the size of their airplanes to, 25 engine. This is because of the fact they do not have all that much room to fly in. So, what I am saying is the restrictions can be pretty severe to try and keep it safe and within the flying zone, that is what I was trying to get back is what your feeling is in general as it related to the issue of this is just not a noise problem, but a foot print issue as well. **Mr. Laughner** – Noise was the last issue that was directed at us, and I recall specifically about 3 months ago and that is when our Board went to work on noise. Size may be an issue too. **Supervisor Kametz** – Ok, thank you. **Supervisor LeHew** – First, I just want to say when this original plan came to this Board, I never voted against the airport being placed there. What I voted against was, the waiver of the Land Development plan. When we waived that, we also made special conditions. The special conditions were, keeping the planes on the property and on two different occasions that did not happen. Maybe there were more that I am not aware of. I know that Steve has been very active in trying to find various locations for this group and find a place it would fit. He worked with Representative Dave Hickernel, researching the GAP and that did not workout. He also looked into a couple of different sites, that just did not seem to work for the club. The other thing is, we talk about the noise that the Benko's go through, and we all go through, with the trains, HIA, ball fields, and things like that. I know that when I built my house. When the Benko's moved to their location, there was no flying club, and by placing it there it is infringing on their right to have a peaceful day on their own property. If there were no sites available, that would be one thing, but there are other sites available. That is what I would like to say on that. I have been at the site, at least five or six times. I have been to the Benko's properties, Senior and Junior's, listening to the planes fly. I personally, with the trains running behind my house it

is different I am used to hearing noise. But I can appreciate not having it there when you built, why we would ever grant a waiver request, that is my position. Chairman Kopp – any other board member having anything to add before we take public comments. Ok, we will take comments now. **Steven Sebastianeli** – I fly with the club and I live about a half mile away. It is really nice because I can just drive down in my wheelchair and it gives me a little bit of independence. If I need anything they will take care of me. I go up there and fly and I have reached the expert level of piloting. I wanted to say two things, one was about the size, I might be mistaken but the size, I think it would help if it was bigger because then you do not get disoriented as much. The size really has nothing to do with electronics and how the signal is picking up, so if its bigger then it would not be out of sight as much. Also with the noise, we live at the intersection of Locust Groove and Brisner Roads, and we can hear the trains real well, it is much louder than the planes, the Crickets are louder, the gun shots, the birds tweeting really loud, and the trucks running up the road as well, that is basically what I wanted to say. **Dayton Holmes** – (resident from 1266 Locust Grove Rd. Mrs. Sebastianeli read the letter) To all concerned parties, I have no objection to the model airplane club situated on the Paul Geyer property, adjacent to the SE Brinser Rd. The several times that I visited the site, I thought the club was managed very well and the members worked very hard to adhere to the club rules, regulations, and procedures. I was impressed with the level of safety procedures they have in place. I find the activity to be no more distracting then the commercial jets, military, and civilian aircrafts flying over the Geyers farm, on final approach or departure to and from HIA. I certainly hope that a resolution can be made of this dispute that will benefit all parties involved. Perhaps establishing certain days and hours when flying can be accomplished. Maybe even the type of equipment used, ect..., yours truly Dayton Holmes airplane pilot and resident of Locust Grove Road. **Mrs. Sebastianeli** – I just wanted to say something as well, with the amount of crashes, the two that I know of, how many more planes have flown safely, you should take that into consideration as well. In Londonderry Township, there are not a lot of activities that my son can just get into his chair and go walk there and participate with the wonderful gentleman that are in this club. They are like surrogate Grandfathers for him. The other thing is, it has served a very big part in the community with the military aspect and also with incorporating people that have been in mental institutions. Coming out and learning how to be sociable again. So, it is not only just flying it is a community function that anyone can participate in. With the noise aspect of it not being fair, I feel as

though if whenever there is something new coming about and someone just doesn't like it, where are we going to progress to. We are not, we are going to stay in the same place. We are not going to experience new things, we are not going to do anything new because it is an inconvenience for someone. And if there are a lot of people that are for it, then it should be looked at as a benefit no a negative, because of two crashes that happened. They do control them, they try to stay within the boundaries, and that is a very big thing that they mention at the club, to anyone that flies. They make sure they know it is very important to do. To shut this down, it would really break my heart because you guys do not provide things for children in wheelchairs. There are no sports, nothing available within the community. You mentioned there was a place in Lancaster that the club could have gone to. That is another thing that we have to drive to that Steven can not be independent with. That is not fair, to do something like that, thank you. **Chairman Kopp** – Ok, next. **Jason Smith** – I just came to kind of present a different side, I am friends with the Benko's. I archery hunt on their property, where I park, for those of you are familiar, where Brinser Road extends, I park right along their fence. So, if I sit in my vehicle and I do have a sunroof in my vehicle, if I look anything that crosses over my vehicle would obviously be on the Benko's property. Twice, last archery season, the second Saturday and a couple Thursday's later, there were planes visibly over beyond my view, which means they were on other people's property. From a noise issue, I know it is not my property I did not pay for it but they are kind enough to let me use it. You take a day of vacation from work to go out and spend a nice day in the woods. And from the moment it gets light to the moment it get dark, you hear the sound of basically someone just basically swinging a lawn mower over their head, for the entire day. I have spent other days at their home, if it doesn't bother other people that is great, but I can tell you from experiencing it on many occasions it is intrusive, it is excessive, and from my understanding, as limited as it is, they have been asked: can we limit hours, can we look at other things and basically the response has been, hey we have a waiver and a right to be here and we will fly when we want and what we want. I do not see that as a spirit of cooperation, there are two sides to every issue. Although I am sensitive to the needs and the wants of the people involved in the club, when I first moved to Central Pa in 1987 I lived in South Hanover. One of the first things I did was I rode my bike over to the old field, it was neat and I really enjoyed it. But I know if I spend the resources and the effort to purchase that type of property, and for those of us in the Township we know what that property is worth, how hard you have to work to afford it. I do

not think that it is too much to ask to be able to go out on a Saturday, when you worked all week, and sit on your porch without being exposed to that. I have experienced it, it is excessive, not to mention the fact that I know of just two occasions that I have seen, I have physically seen planes fly across that road. From my understanding there were things set in place as far as where they could fly. You know, they were granted a waiver from my understanding from the Solicitor they should not have even been granted, but we said ok great but there are going to be some rules that we would like you to adhere to, and they have not. The two incidents that I saw happened after the concerns were brought to the Board last year. So, I do not see it as a concern for other people, you talk about providing services for other people in the Township, but there is no reciprocation. I does not seem as thought they are all that concerned about the people's property they are effecting. I just wanted to provide that as an aside from a resident, thank you. **Robert Kraling** – (Club member and have a cottage in Londonderry) the biggest concern should be the military aircraft and airlines, if you would have a fatality with one of those you would have a major catastrophe. Sure when you fly, every once and awhile, you may lose control not of the equipment but with eyesight. It might take you a minuet or two to get it back over the field, but it is not like we are purposely trying to go and harass any of the neighbors. The aircraft, a real aircraft flying over, the noise level is much greater than even if we had all of our club members flying at the same time, would not have the same volume of noise of one aircraft flying over that particular area. **Jim Geiger** – (Club Member) two points of correction, we have never flown before nine o'clock in the morning and two flights out of all the flights that we fly that have gone over the road, that is statistically insignificant. It happened once or twice, we fight everyday to prevent it, but it is going to happen. **Brenda Dudik** – (owns' property adjacent to flying field) I have lived there for almost nineteen years now, when I bought it, it was a beautiful, wonderful, peaceful place and now it is more like an amusement park. They do not start at the crack of dawn, but the do fly early in the morning and they fly until dark. There have been planes in my trees, I have big tall oak's, and there have been planes in my trees more than once. One morning I went out on my porch with my Dog and there was someone standing in my yard. It was kind of creepy, I did not know who it was... **Chairman Kopp** – they were looking for a plane? **Brenda Dudik** – yes, it was up in a tree. My land is posted, so I find this disrespectful to say the least. The upper end of my lane is also the access for the club to get back to the airfield, I maintain it and do all the upkeep for that lane, and they use it. The planes do

fly over my land, although they say to do not, they do. I guess my real issue is the noise. I find them to be disrespectful, in that they do not come to me when they do have a plane crash, they use my lane without doing anything to maintain it, but the noise is just constant, it is just there all the time. The airport has a lot of noise as well, the trains are a lot of noise, but they are not there all the time. You have peace and quite once they go by, that is not there any more. I feel like it is invasive and obnoxious, and that there have to be better places for them to fly. **Louden Campbell** – (the Benko's Lawyer) aggress with our Solicitor, that the land development waivers should not have been granted. My second point is, I think very clearly in the conditions of the waiver, as I understand it the waiver was made conditionally, we will waive your formal compliance with the sub-division ordinance, if you follow these rules. If you violate these rules, then your conditional waiver will be pulled and a sub-division plan must be submitted and go through the formal process. I would say to you, based upon the testimony you heard from this lady (referring to Mrs. Dudik) I know you have heard from both the Benko's, they say these planes fly regularly I will let them stand up and correct me if I am not stating it correctly, I understanding from them is, this is not a rear occurrence that a airplane flies over there properties. Yes there may have been only several crashes, each of them having one and Mrs. Dudik saying she has had several, I think she also said that two of them that you know of in your trees. She has also said that this is the case. If you believe these people, that there are regular and routine over flights, it very clear that this is a violation of the conditions that you set. If you want to honor the conditions that you set and you find that you believe these people that there are regular over flights, it is appropriate and we would ask you, to follow your own conditions that you set in granting this waiver. Those were the rules that you set, and I think that it has been demonstrated here that there are over flights. That brings us to the next question, that no one has even mentioned here tonight and I think that you did not go through the formal sub-division process, there is a zoning use issue. I heard a gentleman last fall speak and he described this activity as our hobby. This is what we do for recreation and I would suggest, very respectfully to you, that what is the proper characterization of this use on this property is a recreational use. Unless I am woefully mistaken, a recreational use, under your zoning ordinance, is not permitted in this agricultural district. So, there is another very clear violation. Now, after submitting an application for sub-division ordinance, there would have been a necessity to seek, from the zoning officer, a zoning approval proving that the use is permissible under the ordinance. I do not



believe, from my investigation, this did not happen when this waiver of the sub-division ordinance was granted, that there was never ever any determination made of use. I suggest to you, this is a recreational use clearly and it is not permissible. Finally, we have heard the noise issue, whether you describe it as a nuisance, whether you describe it as constant, I think everyone has said, this is the case. Believe me I understand this is a politically difficult decision. Although the young gentleman gets a lot joy and entertainment out of it and it is a good thing for Him, I suggest that probably a majority of the pilots flying at the club are not residents of this Township. They come in from afar and what we have here, in addition to the legal questions of permissible use and have they violated the imposed conditions on this waiver. You have this great imposition by these neighbors, and I suggest others, that have said, you know this is constant on the weekends and it is frequent during the week at night. And gosh darn it, it is loud and I know many of you have been there. The observation was last week, all though there was suppose to be full activity, this gave you a chance to go out and see what you think. It has not been said, but I think it is the believe at least of the Benko's, the flying activity that those of you saw was not typical of the volume or noise on a regular day. I think legally speaking, in conclusion the right thing, if nothing else, is to take the advise of your Solicitor and say, we made a mistake when we granted that waiver, we did not have the legal grounds to do it. Or to the alternative say, we approved this waiver under certain conditions, if you believe the testimony of these folks here tonight then clearly the conditions have been violated. Then pull the conditional waiver and say go through the formal process and then we can address the zoning issue and see if this is a permissible use. **Dan McNeal** – I live on Locust Grove road and I am a member of the Keystone radio controlled society, and I would like to address Brenda Dudik. The plane that was in the tree, I was there for that incident, I personally went up to Frank Eppler's house and brought him down and asked if this was one of his trees and he said yes. He asked if I wanted him to take the tree down and I said no I think I can get it down without cutting the tree down. Mr. Dudik – no, that is not what I am talking about, we are talking about a different tree. Mr. McNeal – let me finish please, I went up, because he said if I cut it down I will drag it down to my place and cut it up for firewood. It is my tree, and I said are you sure and he said yes, I said ok then what I am going to do is go and get climbing stuff and go up in the tree and try and get it down. So, I went and got my climbing stuff on got up the tree and got it down and everything worked. **Brenda Dudik** – we are talking about two different trees. **Dan McNeal** – this is the one right at the end of

your lane. **Brenda Dudik** – no I am talking about one that was in my yard. That was a different incident. **Roy Stone** – in regards to the use of the land, I feel that archery is a recreation, so is rifle hunting, so is mountain biking, or anything else. If you are restricting the use of the land then that has to be taken into consideration, I just wanted to make that point. **Solicitor Henninger** – I stand on what I said before, you have granted the waiver I think you are bound by it, could you revoke that now yes, but you would get into issues of vested property rights and things like that. I think that the conditions are the issue and you have to determine which way you want to go here. You have several options with what you can do here. **Chairman Kopp** – Steve do you have anything you would like to say. **Township Manager Letavic** - I would like to say, thank you to both Wayne Laughner and the Benko's. I was charged with trying to find a solution last fall and both parties were very cooperative and gentleman like and I just wanted to say thank you to both of them. **Supervisor LeHew** – Peter, what did you say about conditions? **Solicitor Henninger** – As I understood it, although I was not around, the waiver was conditioned upon not flying off the property and the insurance certificate. If you believe what some of the people were saying here, the Benko's, the neighbor, and even one of the members admitted it happens, there have only been two crashes, but the waiver was conditioned such as not leaving the property. I think that if you determine that to be true, one of the options you would have is to revoke the waiver at this point and ask them to come back and go through the formal submission. I do not think that you would be revoking the waiver on my opinion that the waiver should not have been granted in the first place, but rather because they have violated the conditions. If it is a determination of the board that they have violated those conditions. **Supervisor LeHew** - Say we were to revoke the waiver they then could go through the correct process. **Solicitor Henninger** – if they would then want to continue, they would have to follow the land development plan and I am not sure if the actual issue of zoning did come into play but there are provisions and I know what the issues are there are permitted use in the ag district of airports. Then the question is whether or not it is an airport and also there are provisions for park and recreation uses. Those are the issues and they are zoning officer determinations, with regards, to zoning permits. That is something that **Supervisor LeHew** – then my point would be, if we were to remove the waiver, they would still have the option of going through the correct process. **Solicitor Henninger** – Absolutely they would have to option to go through the land development process. **Supervisor LeHew** – had they done it that

way in the first place we would not be here now right? **Solicitor Henninger** – I do not know that to be true, because with the land development process you can come up with conditions on approvals of land developments. I would anticipate that there would be similar conditions if it were to go through that process and get approved. If they would have gone through that process they probably would have come up with these same conditions. That would be my guess, I was not here, but those seem to be reasonable conditions for this property. I do not consider it myself an airport, in the plain sense or the common sense definition of an airport, but we do not define it specifically in that section of the ordinance. If you believe the conditions were violated then, I believe you have the right to revoke the waiver that was granted. You have all kinds of other options that you can as well, that is up to you as the Board. The request of the Benko's is that you revoke the waiver you granted, due to the fact that they have violated the conditions of that waiver, and make them go through the formal process. **Chairman Kopp** – I guess my observations have been at the flying field on one occasion and at the Benko's on one occasion, while they were flying and saw what was going on. I think the resolution is here, in my opinion, short of shutting the whole thing down is come to some kind of compromise. To flights, hours of flights, days of flights, the type of airplanes that we think are suitable to fly in that area. One thing I noticed when I was at Dr. Benko Jr.'s house, it is unbelievable when you are up there on the hill where the planes are right there, it sounds different then it does down in that hollow. For whatever reason the sound just resonates differently sitting down in his driveway then up in the field. My suggestion is that, we have an issue here that has been before us for over a year now, and my opinion is, the resolution is somewhere a compromise where everyone can live in somewhat harmony and peace and we still have an activity that is available to our residents. While I agree that most of the members are not, I do not know if we have a roster of how many people are actually residents of this Township, but also our Township recreational areas we have now are not just for residents. Anyone can come to the golf course and our parks system and play basketball, tennis, whatever they would like to use, they do not have to be a resident to enjoy that. This case is a little bit different as it is not a public entity as our park and rec. areas are. That makes it legally a little bit different standing, then what we have had at the Sunset ball fields, tennis courts, and whatever all we have down there. We need to come to some compromise, in my opinion short of saying we do not want this in our Township anymore, we made a mistake we should not have granted the waiver, so to bad we are going to

revoke it. So, I think we need to go somewhere in between there and find a resolution that is suitable to the land owners that are in opposition to this and the members that are benefiting by it.

Solicitor Henninger – like I said you have lots of options to this and I would agree. **Supervisor Kametz** – I agree that a compromise could be or should have been the solution and the could have been accomplished by this time. This was back in 2003 when the club came to start flying in our Township and we granted the opportunity because it is a fine hobby and it is a lot of fun to fly these planes. But they are also projectiles, they are dangerous whether you are standing in front of the propeller starting it or rather you are getting hit by something out of control. My point was, noise was an issue, flying out of the box was an issue and these things could have been addressed over the last two or three years by the joint cooperation of the club and the property owner. The property owner bringing this to our attention and the club responding to that, but what I am hearing is the club has not responded to these issues. They have not restricted time frames enough, maybe they have, if you are starting to fly at nine in the morning, maybe people are still sleeping, from the neighborhood point of view. They are still flying at night, up to dusk which is probably the case, because when is the best time to fly either in the morning or evening. This is because of the winds are dying down. So, the questions comes down to, if they are still willing to fly a 1.8, that is a 1.8 cm engine, which is probably around a ten pound airplane or greater, and it is not the signal that you can see it. It is the fact that if it is a small airplane you have to keep it close because you can not see it that far away. So my point is, your restricting the size of your field by doing that, that was not looked at or considered to be a solution. Again, my point was if you are flying airplanes that have already demonstrated to go outside of the flying zone and you are still flying ten pound airplanes, then there is a safety issue. Where I would be coming down to is, I am not here to negotiate with the property owner or the flying club to say it should be electric only, it should be a 25 size engine, those are the things that they could have been experimenting with over the last three years. But they have allowed it to get to this point and I am to the point of saying revoke the waiver and come back with a suitable plan. We will re-evaluate this and if the plan is not suitable then flying will be discontinued. I believe they did violate the conditions and the spirit in which the waiver was given and I think we should start fresh and start anew based on proper information. **Supervisor LeHew** – Bill you have background in these planes. **Supervisor Kametz** – yes very much so, I was very active in the hobby and went through the similar scenarios where we lost fields because of development or

whatever. You had a nice field for a period of time but things changed and you had to move on. I am very familiar with the tune pipes, the size of the airplanes, the sport, and in fact I have participated in national competitions with mine. So, that is why I supported this in the beginning because it is a lot of fun, but I also know that it is difficult to keep fields. I am surprised that the club was not a little bit more understanding with have the opportunity of being there but not restrict yourself so that you can keep it. I am more concerned with safety then I am with noise and you have a footprint and some planes can fit in that footprint and others can not. Some of the planes being described tonight are extremely marginal to fly within that footprint.

Supervisor Kametz - I would like to motion to revoke the land development plan and allow them to present a plan that we would be able to evaluate in it totality.

Supervisor LeHew – seconded motion

Chairman Kopp – Had a question, then the process would go back to them, back to the planning commission.

Solicitor Henninger – the ball would go back to the flying club and Mr. Geyer’s court to go through the proper process. The proper process would be to file a land development plan.

Vice-Chair Dale – I have a question of the solicitor, not having been on the planning commission, if they were going through that process can conditions be put in with this kind of situation of hours of operation, size, things like that. Since this is kind of a little bit more unique, would those kinds of things come up as parameters on the condition for that plan.

Solicitor Henninger – I would expect that if they were to come and ask for direction, direction to them would be, those are the types of things they would need to address in the land development plan. What are you planning to do, what are your hours of operation, what kind of planes are you flying, how fast are they flying, how loud are they, those types of things would need to be addressed in their plan. I have a copy of the bi-laws, but that does not get into, there must be other rules and regulations on top of these. I mean, those things are all significant issues to make sure all is well. Lets just concentrate on the safety aspect, as Bill mentioned, those things are resolved. Understanding that there is a history now, what is going to be different now that would give us assurance that this is going to be safe, and not more intrusive then it can be or should be.

Chairman Kopp – question out here

Wayne Laughner – what if we limit activity to electric only?

Chairman Kopp – That was one of our options that we were discussing but you still have to deal with the original waiver that stated you were not allowed to go off that airspace and intrude someone else's property. It would still be part of that condition. Is that an option to you, most of your club members, I assume, have gas powered flyers, is it half and half.

Wayne Laughner – I would say we have more electric than gas.

Chairman Kopp – That was Supervisor Kametz point that we need to have some assurance that all this stuff is happening as your bi-laws allow it to happen and as our agreements that we have allow it to happen.

Wayne Laughner – we do not violate any agreements that we have to the best of my knowledge, and we never have since I have been with the club.

Chairman Kopp – the requiring electric planes only is one of the options that we had come up with. I assume they are almost noiseless. But the agreement still would be that you do not go out of your airspace. Ok, we have a motion on the table with a second to revoke the land development waiver, is that right. Any discussion, ready to vote.

Motion carried.

Chairman Kopp – so, that is were we are at, we need to have some kind of concrete understanding of what is happening out there. Beyond this back and forth, I do not think we are at the point where we are saying you can never operate this in our Township but we are saying we just need those assurances.

Township Manager Letavic – ok Mr. Chairman, so that the club understands they would come back to the planning commission and file the appropriate plan. They would suspend flying until such time that the land development plan was approved by this Board.

Chairman Kopp – yes that is my understanding legally that is the way it would have to be.

5) **Treasurer's Report- Jim Jenkins:**

See results attached

Mr. Jenkins – Asked that the Supervisor's approve all the highlighted items as the lowest bid for the 2006 highway material and chemical sealed bid results. **Supervisor LeHew** – Mr. Chairman if I may, this also reflects the Council of Governments, which we are members of, for the low bids that we have. The COG is thirty-three municipalities. **Chairman Kopp** – has that benefited us being a member of the COG. Have you seen a financial advantage to that. **Mr. Kesler** – yes we have, I do not have all that here, but I do get some aggregate from them.

Supervisor LeHew made a motion to accept the bids as presented
Supervisor Doherty seconded motion, Motion carried.

6) **Department Reports:**

Zoning & Codes: Jim Foreman

Mr. Foreman – stated that the Rod Rose subdivision was asking for a ninety day extension and that the planning commission was recommending this as well.

Supervisor LeHew made the motion to accept the ninety-day extension of the Rod Rose Subdivision.

Vice-Chair Dale seconded the motion, motion carried.

Mr. Foreman – everyone should have received a copy of the firehouse plan in your packets, The problem is that Arro, our engineers are going to be doing the plans, can we accept the Counties review of those plans is ok or if a third party will need to review Arro's plans.

Supervisor LeHew made a motion to accept the County's review of the plans. Supervisor Doherty seconded the motion, the motion carried.

Road Department: John Kesler

Mr. Kesler – We opened the bids for used Township and Golf Course equipment, (See attached) the results are in and I am asking for the approval of accepting those bids.

Supervisor Doherty did not vote on this issue.

Supervisor LeHew made a motion to accept the high bids on each item, Vice-Chair Dale seconded motion, motion carried.

Chairman Kopp – Asked Mr. Kesler about the Colebrook Road project. Mr. Kesler – stated that the survey has been out working other than that I am not sure where we are with that. Mr. Letavic – Mr. Chairman survey work is being done right now, I put a schedule from Arro Engineering in your boxes that will outline the timetable. Right now they are completing the survey work and the next thing they will do is do a plan that identifies properties where we will need easements based upon survey work and the design work. Once those properties are identified we are going to contact the property owner and talk about the possibility of obtaining an easement across their property to correct the water problem. These are all residents that have water issues, so we would think they would be agreeable. Chairman Kopp – we had a working cooperation with that community before and we will be working with them right. Mr. Letavic – Yes, we will not do anything without their cooperation. Chairman Kopp – John, the letter from Barry Hoffman about the repaving of Colebrook Road, did I read where that is going to start.

Mr. Kesler – I plan to call and be at the meeting because they will be tying into County Devine, also they will be tying into North Geyers Church Road right there next to Toll house Road.

Chairman Kopp – So do we know when they are going to be starting this project. Mr. Kesler – sometime this summer is my understanding.

7) **New Business:**

Supervisor Kametz – Stated that he was the Board member representing the Township with the Greater Middletown Economic Development Corporation and gave a update about their activities. They have started a main street program and the main street has been approved for a match grant for the property owners. The purchase of the Elks building has gone through and looking to get the building up to code and open as soon as possible. I have a problem with the meeting time, they meet at 7:30am on Friday's and with my new schedule that no longer works for me. I am going to have to step down from the GMEDC Board and look for a replacement. Supervisor Kametz is looking for the Board to make a recommendation to fill his position. Chairman Kopp – does that have to be filled with one of the Supervisor's or could it be a staff person? Supervisor Kametz – No, it could be anyone but they would be under our recommendation and support. Chairman Kopp – So, we could appoint a staff person to be that person on the Board. Is that a monthly meeting? Supervisor Kametz – it is going to a monthly meeting. So, I do have a recommendation as far as a replacement, Jim Jenkins.

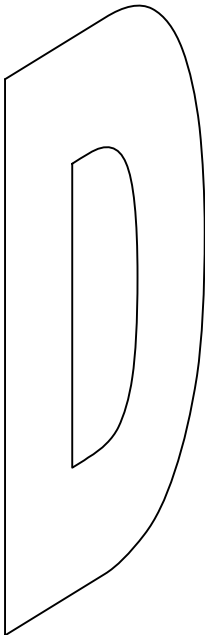
Supervisor Doherty made the motion that upon Supervisor Kametz written resignation that we appoint Jim Jenkins to the Greater Middletown Economic Development Corporation. Vice-Chair Dale Seconded motion, motion carried.

Mike Geyer – A question on the land development plan. On a land development plan when you do conditional uses how does that work? My understand of a land development plan is for division of land or to develop a piece of ground. How does a land development plan show conditional use, or how do you go about that. Also, does a Land Development plan mean Stormwater, the whole bells and whistles or are there different types of land development plans with conditional use. It is more in my opinion that it was a the occupation and use of a space, not so much the development of a piece of ground. Chairman Kopp – The purpose of a land development plan is so that we as the municipality know who is coming and doing something with a piece of property, that they meet all the Ordinances and guidelines set forth in that

Municipality. That is what that plan should address. Mr. Geyer – I mean, it is hard to talk in general without specifics. We rented the building that has two tenants, there is a question of whether the use has changed is a question, but the part I am coming from is maybe I did not interpret what the tenant was going to do properly and he should have been interpreting it himself, and now I am the one sitting here looking like an idiot. Chairman Kopp – Because you are the landlord and you did the plan. Mr. Geyer – I was presenting it as the interpreter and maybe I should not have been. With the waiver instance and maybe there should not have been one issued, but that points to if I want to get it out of this situation I have to draw up a plan. How does that show conditional use if the tenant moves out and another one moves in. Originally we had this conversation with the person we bought it from and I came before the Planning Commission, do we ask can I rent this out to two tenants and the return was we need to know what for business are going to be there. If we need to know what type of business and a new tenant moves in and they are doing a different type of business. Do I have to keep submitting a new plan with each time a new tenant comes in. I even went as far as to maybe add on a second attempt at a waiver last evening and I realized that this is stupid, from what I was hearing from your Solicitor. But, I am in the middle of a hornets nest here, trying to figure out how do I rent a property and show conditional uses when I do not necessarily know what that use is or the use changes. That is why I was saying about generalizing, saying we have a general auto care/sales/service center. It is all still automotive oriented and there is no misinterpretation of how do we enforce it. **Solicitor Henninger** – there is a nomenclature on conditional use, I am not sure that is what we are talking about. Are conditions on the actual use or conditional use, maybe I am confused of what Mike is saying. **Mr. Foreman** – I don't think he is referring to a conditional use. **Solicitor Henninger** – right I don't think so either, the point behind the land development plan is to make sure that what is being proposed, do you have to do the Stormwater stuff, that is what I was talking about earlier about the ordinance provides that there can be modifications of the requirements. Meaning that you can waive certain requirements of the plan, the strict reading of the ordinance says that you have to do and it lists a laundry list of things that you have to do. Stormwater management is one of those things, but it could be waived based on if it makes sense. The requirement is that you have to show contours, there are circumstances that that makes no sense and the Stormwater can be waived. Is a Stormwater needed on your property, we do not know yet, it depends on the circumstances. The question you had

was, if you have a land development plan for auto service and repair and the other part of the building was automobile electronics. Now the automobile electronics guy leaves and wants to come in there with a different kind of use, do you have to do another land development plan? The answer is probably, only because you get into intensity of use and other questions like that. That is the type of question that would come in here, unfortunately you as the landlord have to do those kind of things and make those determinations. You need to make sure that you know what your tenant is planning to do and that your representations to this Board and the zoning officer and the planning commission are true to what they are doing. So, it is not a black and white answer like yes or no, if someone leaves and someone else comes in and they are doing the same thing or something less intensive, then you may not need to do a new land development plan. Because you are not changing the characteristics, you are not bringing in something that is more intensive that is going to create more traffic, it might depend on the circumstances. But if you are coming in with a different type of use and it is going to be a different type of operation, the answer might be yes because you need to expand the parking lot or something like that. The definition of a Land development plan is, purpose of streets common areas lease holds, building groups and other features when you are using two or more uses, you know it is very specific to the circumstances that are presented. You may come in and say, this guy moved and this guy is moving the determination would be if you need a new land development plan. **Mike Geyer** – So it would be the Board or the Zoning Officer that I would contact. **Solicitor Henninger** – It would be the Zoning Officer and then come to the planning commission and ask them what is necessary. **Mr. Foreman** – as long as the new use was permitted use in the C2 zone and did not require any changes to the structure, the parking, or the Stormwater you would not need a new land development plan. **Solicitor Henninger** – Yes that would be true, but if there are changes that are purposed or the use is not specifically enumerated in there, you start with the Zoning Officer. If there is a difference of opinion between the Zoning Officer and yourself, then bring it before the planning commission and ask them for their opinion. If it is a permitted use and it is strictly in there, you are in the C2 zone... **Mike Geyer** – if it is a commercial use and it is within the zoning officers definition of not over excessive, is that what... **Solicitor Henninger** – your zoning officer makes the initial determination of whether it is a permitted use or not. If you have a land development plan that provides for two uses and one goes out and another comes in and it is a use that is permitted in there and you are not doing anything

to the property other than bringing in the new tenant, then you do not have to do another land development plan. **Mike Geyer** – But would not that be a codes issue if it is over populated or too much junk or whatever wouldn't that fall under codes instead of zoning. **Solicitor Henniner** – Yes that would, but the use itself, if you are changing uses someone comes in and does something else, the initial determination is whether it is within the zoning or not. If you disagree with that determination you have grounds to appeal the Zoning Officers determination or getting a second opinion that might convince the Zoning Officer that it is close enough. Because in C2 you have got twelve or thirteen things, but if it is substantially similar to those type of things then it might be ok. You cannot think of everything, if we did then this book would be as big as it is and only be the C2 guidelines. **Mike Geyer** – see that is where we have a play on words, so to speak. I got tossed in the middle of a precarious deal where I thought that I know what he was going to be doing which was automotive oriented and now we got into clarifying what is automotive oriented and what is not. **Solicitor Henninger** – you are right, but the problem is you are the landowner and you are the guy that needs to make the plan, the buck stops here unfortunate for you. **Mike Geyer** – that is what I am trying to figure out, I mean this is going to end up in court if I can we are not careful. **Chairman Kopp** – Steve I thought this was resolved. **Mr. Letavic** – we thought we did. **Mr. Foreman** – the problem is that the waiver was granted with strings attached, the and development plan does not have those strings. As long as the and development plan is within the ordinance you can make changes, where as with the waiver of the land development plan said you dare not do this or this. **Mike Geyer** – that was my question, if you attach strings to a plan how do we do it as footnotes to the bottom of the plan. Is that what we are doing here and is that how we are going to govern what is in there, how distinct does it have to be, and how is it going to effect future tenants. **Solicitor Henninger** – yes, with the land development plan you are going to define exactly what the two uses are. With more specificity then what was granted in the waiver, this time around, we learn from our prior actions. **Mike Geyer** – well and I do not want to be back here again. I want this to be done. **Solicitor Henninger** – you may have to come back here if the uses change. **Mike Geyer** – I understand the part about if I put a dentist in the other part of the building or something, I understand that. I am just here to get an understanding of how this should and maybe should have worked. **Solicitor Henninger** – it is easy for me to sit up here and second guess what happened last time around, well if you would have done a land development plan we probably would not be here today. But



we still might be here today, because the representation may have been exactly what was in the waiver. In that case we would be back here for violations. **Mike Geyer** – Hind-sight is 20/20, I am sitting here saying I should never have been apart of the decision because the guy that is going to be running the business knows the scope of his business and the type of his business. I am trying to interpret it to the Board as to what I thought we was telling me and now I am the one sitting here not being paid rent and being taken to court. **Paul Geyer** – Do we have to do a land development plan every time we change renters. **Solicitor Henninger** – that is what I was just saying, it is going to depend, Paul, on what the new use is, that is too general of a question. **Paul Geyer** – if we get a waiver granted is that different than a waiver to a land development plan, or is that actually the same thing. When you waive it you lose that when you change your renter, is the way I understand it. So, if you do a land development plan, does that make a difference. **Solicitor Henninger** – I think the answer is yes, because you are not going to have a waiver any more, you are going to have an approved land development plan for two uses. We will use Mike's circumstance as an example, Mike comes in with a land development plan for automobile sales and service and maybe it is an automobile sales and service and electronics and it gets approved. Now, when that tenant leaves he may not have to come in with a new land development plan because the use coming in meets the C2 zoning. You come in and have a bank, there are no if, ands, or buts about it, a bank is a permitted use in the C2 zone. You are not going to have to do a land development plan, but if you have a waiver, instead, then you would have to come in and redo another waiver. I would not recommend this board to go back and force people to do land development plans that have been waived in the past, but if they come in for something new then yes they should do a land development plan. **Chairman Kopp** – I am hearing pretty loud and clear from you tonight that we should not do that waiver from this point on. **Solicitor Henninger** – in the future I would recommend that you not do that. **Chairman Kopp** – So Mike were are you at then? **Mike Geyer** – this does make me kind of look in the direction of drawing the plan. I just wanted to make sure that I am spending money wisely and I do not have to change the plan every tenant. If we have a fair and accurate interpretation of what is on the plan. **Chairman Kopp** – you have the code, so you know what is permitted. **Mike Geyer** – yes I do and I have a lot of your ordinance books and the municipality plan. I have brushed up a little bit on this to try and understand it. I just get a little confused when I am coming in here with the writing aspect of it with conditional using of the building itself and how we are going to

police and what is in there. Which makes it difficult as a landlord to go to your business owner, which is none of my business, because I am a competitor to him. Where do I violate the privacy of his business when I am trying to figure out what we are putting in, what scope we are putting in, and how we are going to limit it. Also, how is it going to be policed accurately. My current tenant, feels like he is being threatened to be shut down. Now, he when to a lawyer and said that he was being harassed because I am not allowed to what I allegedly thought I could do in my business. There are some issues as to whether or not he has changed the actual scope of his business, but it still is a C2 application. This is where I am going to the point, is this plan going to eliminate that confusion and how do we put conditional uses in that plan so we do not end up back here again. **Solicitor Henninger** – you are using conditional uses in the wrong way, I know what you are saying that is not what he is doing. **Mike Geyer** – I am not trying to say conditional use I am trying to say, what is being allowable. **Chairman Kopp** – Permitted, a permitted use in that zone. **Mike Geyer** – there is confusion and tried to have a meeting to get around some of that confusion. **Chairman Kopp** – right, that was my question, I thought we had that meeting. **Mike Geyer** – we had a meeting and we were trying to figure out what, I thought was, permitted uses of how many vehicles, what are you actually doing, and some how we got into coming back with another waiver, application for another waiver. **Mr. Letavic** – I think that if you recall the meeting that we had with Mr. Foreman and Doug Leflame, we were trying to get you and Doug on the same page. Because, quite frankly, Mike blamed Doug and Doug blamed Mike. So, then we went around in circles and I said come on guys let us all sit down and iron this out, and we did that. Our recommendation was, because of the change of the use, parking lot in the back that you proposed, sales of autos, which were not on the initial plan that came before the planning commission, and there was another issue. Because of the intensity, when I looked at the minutes from the planning commission, the representation was made, whether it was your misunderstanding or not, that it was an electronic, audio, home audio, and things of that nature. So, our recommendation was, we had complaints about cars not having license plates, windows being out of cars, and when we talked to Doug just to try and let him know we have to follow up on a complaint. We did not harass him, we went down to his place of business to look and as a courtesy we stopped in to tell him why we were there. Doug's complain was if I am putting a window in a car and it is driven by a motor, that should be permissible that is electronic. I do not think that was the intent or the understanding of the planning committee,

the planning commission told me. The recommendation was that you come back to that planning commission with an update use of this is what we really believe is going to happen there, that was the whole idea. **Mike Geyer** – I guess my question, and we disputing what is the use and what is not the use of the building. This is what I am hoping to find out what the land development plan is going to solve, by conditional uses of, now we have got everything on the plan on paper and how do we determine what he is going to be able to do in his business. Is that something we can do in a C2 commercial application. **Mr. Letavic** – that land development plan sets the scene for the activity and documents the scene and your agreement with the planning commission as to the activity and the type of business that is to occur in that building. If there is a material change from that, then you maybe forced to update your plan. If there are issues to workout with that plan you will do that at the planning commission when you make a submission of the Land Development plan. That was the whole point that we were trying to make to avoid the confusion. **Mike Geyer** – My interpretation of the planning commission ordinance is, the space is what we are regulating and the use of the space, the intensity of the use. Where does that define the activity of business within that space.

Chairman Kopp – it has to fall under those criteria, those permitted uses and whatever that list is, there is a definition page in there as well, that tells you what all those uses are, Jim. **Mr. Foreman** – I think Mike, the difference between the waiver and an actual land development plan is, the waiver specified exactly what Doug was supposed to be doing. Where a land development plan is simply going to specify that you can do anything in the C2 zone, as long as you can do it in the facilities in the conditions that they are approved in the land development plan. **Mike Geyer** – which would be the space, parking... **Mr. Foreman** – Which would be the space, parking, Stormwater anything else that you change you would have to come back. If you can use those facilities, as they were approved, then you would be allowed to do anything that was permitted in a C2 zone. **Mike Geyer** – So, waiver is more restricting than what an actual plan would be, if I am understanding this correctly. **Mr. Letavic** – Yes, it is a waiver this stipulations. **Mike Geyer** – then if we add more stipulations to the plan, it would be like excessive parking, but what I am understanding is what the plan shows for parking is what you can do. **Mr. Foreman** – correct, for example if you did not want to do Stormwater on your plan, and for cost reasons I could understand that. So, the plan may say we will accept it that way, but if you are going to do anything that increases the size of the parking lot we need to have an update land development plan. **Mike Geyer** – one last question, who can

draw a plan, does that have to be an engineer. **Solicitor Henninger** – I think an RLA (registered Landscape Architect) can draw up the plan as well. **Paul Geyer** – does it have to have the seal on it? **Solicitor Henninger** – Yes it has to have the seal on it. **Chairman Kopp** – does that clear it up for you Mike? **Mike Geyer** – yes, this is what I have been trying to get for the last three months, kind of an understanding of what is my next move forward to try and get rid of what is behind me. **Chairman Kopp** – we sure do not want you to have to go to court on this. **Mike Geyer** – I don't want to either, but it still might have to, because he is saying he has been restricted over the last nine months and has been harassed by Mr. Foreman. Now, what I told him was there never was a register letter sent to him about the fact that you have to shut down your business and you do not have to feel threatened that there was an issue at hand here. I am working on it we are just trying to get an understanding of what we need to do. **Mr. Letavic** – that is correct, but if you recall when we first talked about this and talked to Doug, no one said that he could not do what he was doing until we resolved it. It is the same thing we did with Paul Bollinger, we didn't want to be punitive, we are going to let your business go until we resolve the issue. We were very clear and Mr. Foreman was very clear with him, that the reason he was there was because we had some complaints. If we have complaints we are going to go out and check them out, we stopped as courtesy to talk to him. I never harassed him, I stood right beside him. **Mike Geyer** – well and his interpretation is that it was, that is hearsay there is no documentation stating it. Now last night he shows up with a Lawyer at the meeting, which turned out to be a real disaster and I apologize as much as I can from my side. I do feel that if that is what was going on, then his rights were violated if he was being harassed and it was stated that he could be shut down anytime. **Paul Geyer** – I have one last question, I do not quite understand what is going on, because I do have a trailer park and as the trailer park owner and Mr. Foreman never once goes after the tenant of the trailers. So, why is Mr. Foreman going down and talking to the tenant of the garage when he is suppose to be notifying the owner. **Mr. Foreman** – I stopped to see Mike before I even went down to see Doug, we had to go down and see Doug because we had complaints that we had to go and verify those complaints were legitimate. **Supervisor LeHew** – We meaning? **Mr. Foreman** – Mr. Letavic and myself. **Chairman Kopp** – there were complaints filed here at the office, that is what you are saying. **Mr. Foreman** – we have to go and check out if the complaints were legitimate, and when you go there you don't go snooping around a guys place and then get in your car and leave. You go in and tell him what you are

there for. We never ever threatened to close him down, we explained the situation, and we would need to talk to Mike and Mike would be the one responsible. Because Mike owns the property.

Mr. Letavic – for example the site distance at the corner of 230 and Hertzler Road, we went done and talked with him and asked Doug if he could pull the cars back. He did that with no problem. **Mike**

Geyer – I do and we have talked on numerous occasions, I am not trying to put anyone under the bus here, I am just trying to get an understanding of where this is legally going to end up. Should this go to court, I hope that it does not, but Doug is very unhappy. He feels as though he has been threatened and all I am getting at is this is that same deal we had before this one and this one back and forth and I am sitting here with my head spinning. I am just trying to

is rent a building. **Mr. Letavic** – that was the purpose for the meeting that we had. **Mike Geyer** – we really did not solve anything, because here he is a week later with a Lawyer. **Mr.**

Letavic – what we solved was, and the direction we talked to him about, we sat in that meeting did we say he had to suspend his operations? **Mike Geyer** – no **Mr. Letavic**- we did not and did not

we say continue your operations we do not want to be punitive, we did the same thing for Mr. Bollinger. The other thing that we did in that meeting was you (mike) said you were confused and you were not sure what you had to do, so we said there are uses that were

not on the original waiver land development and you needed to address those with the planning commission. That is why you developed the second waiver request and came forward. So, to say that nothing happened because we are here a week later is erroneous. **Mike Geyer** – I say nothing happened, I meant nothing

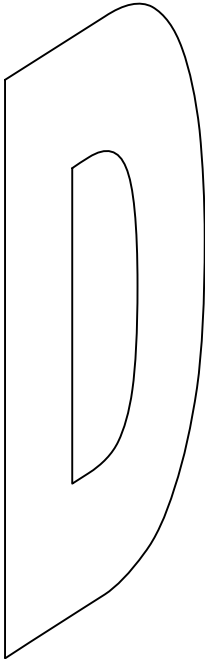
productive happened. **Mr. Letavic** – how could it not be productive? **Mike Geyer** – We can not be productive with something when we did not necessarily go about it in the beginning

in the correct way. That is where I am trying to get a determination of how I can move forward from here and how we are going to handle the situation at hand right now. **Mr. Letavic** – and do you

have an understanding right now at this point and time after your discussion with this Board, our Solicitor, and with our zoning officer, do you know what you need to do? **Mike Geyer** – I am going to draw a plan. **Mr. Letavic** – Then how was it not productive. **Mike**

Geyer – I am not saying that this meeting was not productive, I am saying the meeting that we had.... **Mr. Letavic** – that meeting precipitated the fact that you had to come back to the planning commission, which you did. You withdraw your request, we did not stop you... **Mike Geyer** – no you did not. **Mr. Letavic** – you

withdraw your request, so you were on the correct path. You are going to do the same thing, you are going to the planning



commission with a plan. You were on that path last evening and you withdraw your request. We did not prohibit your productivity.

Mike Geyer – No, you did not. **Chairman Kopp** – so you now feel better and have a better handle of what your next step is. **Mike**

Geyer – Yes, I just have to see now how this is going to work, because to sit here and draw a plan and have it change we would have draw another one kind of seems absurd. But we have a permitted use and an interpretation of that permitted use and now we are moving along just fine.

Chairman Kopp – Ok Supervisor LeHew.

Supervisor LeHew – Mr. Chairman one final thing, the COG, which we are a member of with 33 new municipalities east shore and west shore, in May they will be having a representative from Verizon at their meeting. That person will be discussing the laying of their cable and I would think that it would be appropriate for our manager to be there for that meeting. **Mr. Letavic** – If I may interject, I think it would be appropriate as long as it is not the week of the May 8-12. **Supervisor LeHew** – I can go there, that is not a problem, I just thought you might like to go. **Mr. Letavic** – I would like to suggest that if I can not make it that I could assign the accountant to represent us there. Jim Jenkins, I think would be an appropriate person to go there. **Mr. Jenkins** – I take my direction from this Board and My Township Manager, and if that is something that you would like for me to do, then I will be there. **Mr. Kopp** – the point is we need to have representation there because of the pending Verizon contract coming up. **Chairman Kopp** – PSATS is starting on Sunday, we all have received tickets and I cannot make that. If someone wants to use it that would be great. **Mr. Letavic** – if you drop the tickets off in the office tomorrow, we will see that they get used.

Mr. Kopp Motioned to adjourn meeting at 9:12 pm, Mr. LeHew seconded. Motion approved.