

**UPPER DAUPHIN COUNCIL OF GOVERNMENTS  
BUILDING CODE  
BOARD OF APPEALS**

**Operating Procedures**

- I. Ryan Rhoades will serve as Chairman of the Board of Appeals.
  
- II. Marty Sowers will act as the “point person” at the start of the process. He will:
  - A. Notify the member municipality that an appeal is being filed.
  - B. Notify the Board of Appeals members
  - C. Coordinate with the municipality and Chairman of the Appeals Board to set up the initial meeting
    1. *Third Thursday of the month is the target for meetings.*
  - D. If an appeal comes to the municipality first, the secretary should contact Marty to coordinate the startup.
  
- III. All member municipalities should have the following paperwork on file
  - A. Intermunicipal Agreement for reference.
  - B. Application for Review
  - C. Instructions For Completing Application for Review
  - D. Board of Appeals Contact List
    1. Marty will maintain updated Contact List
  
- IV. The services of an Attorney will be utilized for meetings and hearings.
  - A. The Chairman will contact the attorney
  - B. COG advisor / attorney:
    1. Stanley Laskowski, of Kearns & Caldwell
    2. 3631 North Front St, Harrisburg, PA 17110-1533
    3. phone: (717) 232-7661
  
- V. Appeals Meetings (see VIII, A for Code definition)
  - A. Meetings will be conducted by the Chairman.
  - B. Meetings will be taped recorded.
  - C. An opening statement will be made by the Chairman, and will include:
    1. The purpose of the meeting
      - a. i.e. the nature of appeal
    2. A statement describing the Public Comment Policy
      - a. Public Comment will be received at the beginning of the meeting
      - b. A total of fifteen (15) minutes will be devoted to public comment
        1. After fifteen minutes public comment will be closed
      - c. Individuals may speak for a maximum of two (2) minutes.
    3. A statement clarifying public comment vs testimony.
      - a. i.e. Statements made during the public comment period will be reflected in the minutes only. Public comment is not to be interpreted as testimony and is not legally binding.
  - D. Secretarial services will be provided by the member municipality for the purpose of taking minutes (appeals meeting only).
    1. The cost of the secretary’s services will be paid from the application fee.

**UPPER DAUPHIN COUNCIL OF GOVERNMENTS  
BUILDING CODE  
BOARD OF APPEALS**

VI. Appeals Hearings (see VIII, B for Code definition )

- A. Hearings will be conducted by the attorney.
- B. Hearings will be recorded by a stenographer

VII. A Board member will be appointed by the Chairman to submit a statement to the member municipality accounting for the fee-services accrued during the course of the appeal.

- A. Costs will be paid by the member municipality from the Application Fee.
- B. See Article VI of Agreement for additional details of fees.

VIII. Meeting / Hearing distinction, Code definition

A. Appeals Meeting:

- 1. Meeting format where the Appeals Board reviews the Appeal application.
- 2. It is recommended that the applicant and property owner attend the meeting as questions may be asked of the applicants for clarification purposes.
- 3. The decision rendered by the appeals board is based only on written briefs/arguments and documentation.
- 4. This format does NOT provide for testimony of witnesses regarding the appeal.

B. Appeals Hearing:

- 1. Hearing format where the petitioner and owner presents the appeals request to the Appeals Board.
- 2. Hearings may only be held through a request by the applicant (within 60 days of the request)
- 3. This format provides for testimony from witnesses and/or counsel as deemed required by the applicant.
- 4. All people who present information will be testifying under oath during the proceedings.
- 5. The Appeals Board may have legal counsel present and a stenographer at the hearing.