

**John D. Rochat**  
Chairman  
533-3831

**Jay M.Brandt**  
Vice Chairman  
367-3667

**Galen Shelly**  
367-3722

**CONEWAGO TOWNSHIP  
BOARD OF SUPERVISORS**

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**Norman Miller, Dir.**  
Administration/Road  
Master

**Shirley Meyers**  
Twp.Secretary/  
Asst.Treasurer

**Dolores Kuntz**  
Treasurer/  
Assist. Secretary

**December 10, 2008**

**CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES**

The Conewago Township Board of Supervisors held their regular meeting on Wednesday, December 10, 2008. Those present were:

John Rochat	Galen Shelly	Jay Brandt
Shirley Meyers	Norman Miller	Dolores Kuntz
Jon Yost	Max Shradley	Joel Buckley
Rosalie Sarfert	Josh Etterman,The Sun	Dan Tredinnick
Jonathan Crist	Jessie Horst	David Shaak
Doug Farver	Phoebe Attia	

The meeting was called to order by Chairman Rochat at 7:35 PM.

**MINUTES OF DECEMBER 10, 2008** – A motion by Shelly second by Rochat to approve the minutes of December 10, 2008. Motion carried.

**TREASURER’S REPORT, NOVEMBER 30, 2008** - A motion by Shelly second by Rochat to approve the Treasurer’s Report dated November 30, 2008, subject to audit. Motion carried.

**EXPENDITURE REPORT, DECEMBER 10, 2008** – A motion by Rochat second by Shelly to approve the Expenditure Report dated November 13, to December 10, 2008 in the amount of \$65,557.58. Motion carried. Brandt-No.

Brandt questioned the bill for computer repair because it was over \$500.00. Rochat asked if the computers shut down. Miller stated there were problems with the server saving data. The person that setup the program when we got the new computers, within a short time we had a number of issues. They were here several times, but it still wasn’t corrected. Their fee is \$100. /hour and Miller felt more comfortable with the present person repairing the computer, because his rate is \$50. /hour. In the future, Miller will tell them they can only do \$500. /work at a time, without permission from two supervisors.

**SUBDIVISION/ENGINEERING FEES REPORT** – All up-to-date, except Joe Trojcak in the amount of \$230.27. A second reminder was sent 12-8-08. Mr. Trojcak completed the road widening and curb extension for the property he sold on Chestnut Road. He also had the excavators place additional pipe, much further than required, which will minimize a long ditch where a car could enter and flip over. The longer pipe will also improve the overall image of the neighborhood. The additional pipe cost him an additional \$1,200. He is requesting to be excused from paying the engineers fee from the township in the amount of \$230.27.

Miller stated the original height was a 5 ft. high cartway extension, this Board agreed to go down to 3 ft. for a fee of \$1,000. The township received the \$1,000. fee, they completed the work, but no advance notice was given that they were installing additional pipe. The pipe is an improvement for the township safety and their yard. The pipe center is in the ROW, so half is the township, and half is their responsibility. The Solicitor suggested that the Engineer check if this could cause erosion, in the future, before the Board makes a decision. This is tabled until the January 5, 2009 meeting.

**PLANNING COMMISSION MEETING, DECEMBER 8, 2008** – For Review Only

**PUBLIC COMMENTS** – **Joel Buckley** – He doesn't see the 2009 Budget on the Agenda. Miller stated it will be discussed at the end of the meeting. He commented in preparing the budget the engineers budge doubled from \$40,000 to \$85,000. On the income side the Subdivision & Land Development went from \$5,000. to \$10,000; the Engineer from \$12,000 to \$45,000; the Zoning Fee from \$945 up 5 times the amount; Conditional Use went from \$300. to \$3,000. Buckley said the expense side doubled as well. Rochat stated we have a new fee schedule, which is the increase in income. Miller stated the budget is more accurate and this reflects where the budget was. We were were under in a number of areas.

**Jonathan Crist, 2865 Church Rd.** – He is here regarding Toll Brothers/Kreider Plan that was postponed for December. As per his conversation today, with Mr. Miller they asked for an extension until 1-15-09. Mr. Crist stated that the Supervisors next meeting is Monday, January 5, 2009, and suggested that reorganization meetings don't usually go into a regular meeting of plans. His concern is they could fall through the cracks, if you don't hear from them on 1-5-09, and you would have to deem it as a plan by accident. He wants to make sure that doesn't happen.

Rochat stated we only have one meeting in January; it is a reorganization meeting, as well as our regular monthly meeting. Miller stated he e-mailed the Vice President of Toll Brothers, as well as Jeff Madden their Attorney to inform them of our meeting date for January, as well as the next regular meeting will be 2-11-09.

**Dan Tredinnick, Chairman Park & Recreation Advisory Board** – Tredinnick is here to thank the Supervisors for applying to PA DCNR for an Acquisition Grant earlier this year. On behalf of the Park & Recreation Board they want to encourage the Supervisors to acquire this property. This could be the only advantage and last chance to purchase this

**PUBLIC COMMENTS - Dan Tredinnick, Chairman Park & Recreation Advisory Board, Continued** - property, and his concern is as a community this property could be developed. He also stated that if any development comes to the township, this is a great central location for a Park & Recreation area. Roachat thanked him for his service and concerns for the Park & Receptions future.

**Phoebe Attia, Concern Citizen for America** - Ms. Attia is here because of the economic crises, in our nation pertaining to foreclosures of homes, farms, and business'. The financial crisis threatens the integrity of both Federal and State charter banks. In the 1930's, Pres. Roosevelt successfully intervened to protect banks and homeowners by addressing Congress with a "declaration of national policy on 4-13-33. It stated that the nation require special safeguards to guarantee ownership of social and economic stability, and to protect homeowners from liquidation in time of general distress.

The Commonwealth of PA called upon Congress to take emergency action to protect homeowners and banks by enacting a Homeowners and Banks Protection Act – **HOUSE RESOLUTION No. 418.** to specifically (1) establish a Federal Agency to place Federal and State charter banks under protection, to freeze all existing mortgages, to adjust mortgage values to fair prices; (2) declare a moratorium of all home foreclosures, allowing families to retain their homes, with monthly payments equivalents to "rental payments". (3) to authorize governors of several states to assume the administrative responsibilities for implementing the program, including the "rental" assessments to designated banks, with the Federal Government providing the necessary credits and guarantees to assure successful transition, and resolved that a copy of this resolution be transmitted to the President of the United States and each member of PA Congressional delegation for immediate action.

In July, 2007 the House Resolution No. 418 was stalemated. She is here to encourage everyone at this meeting to contact their local representation by providing copies of the legislation and who to contact, whether they are a Democrat or Republican.

**COMPREHENSIVE PLAN UPDATE** – No Update from Supervisors – The Planning Commission at their 12-8-08 meeting discussed the proposed Comprehensive Plan. Things discussed were to give Hershey Trust the Eleemosynary area only next to Derry Township, James Foreman property located along Meadow Lane and Schoolhouse Road all to be Residential Country, Gilbert Petrina property along Deodate Road back to multi-family, the mixed use South of the Elementary School along Route 743, and decreasing the Industrial & Commercial areas.

**LYDIA B. KING – CARRIAGE HOUSE AGREEMENT** – The Solicitor has the agreement prepared for signatures, which was approved at the Supervisors Meeting, 11-12-08, subject to signing the agreement prepared by the Solicitor that the carriage shed house cannot be used as the principal residence, when they build the second house. They would have to change the carriage house back to a carriage shed.

**GEORGE E. JR. & MINNIE E. HEILNER FINAL SUBDIVISION PLAN, Joe Eisenhour, Engineer, Light Heigel-Zoned Residential Country, Chestnut Rd., Elizabethtown, PA – Planning Module 11-25-08, BOS Approved Plan 9-1-08, Reapproved 11-12-08 – Extension in effect to 2-12-09** – Received Park & Recreation Fee 12-10-08, This plan is tabled until the January 5, 2009 meeting, because the Solicitor needs to review the easement of the pipe on the West side that needs to be noted on the plan.

**RETTEW ASSOCIATES – Consulting Engineering Services Agreement for 2009** –

Max Shradley will remain the primary point of contact for the coming year. He is requesting a change in the 2009 retainer fee, \$105.00 per meeting, assuming he attends the regular scheduled meeting for the Supervisors and the Planning Commission (23 per year). The annual cost will be \$2,415.00 an increase of \$315.00. This is tabled until January 5, 2009 meeting

**EVELYN FARVER SUBDIVISION PLAN – OAK RIDGE MANOR SUBDIVISION IN 1973 – Glenn K. Farver, Zoned Residential Country (Off Ridge Road Next To Oak Road) - Review of Subdivision of Dated Pre-Ordinance, Requirements vs. Ordinances of Township** – The Planning Commission at their 12-8-08 meeting stated this subdivision plan was approved in 1973, but part of it has never been developed, built or dedicated. There are 9 individual lots which have been developed, however the owner is paying taxes on each of the 9 lots. The Solicitor noted that the Municipality Planning Code state that if you don't complete a development within 5 years from the date of preliminary or final plan approval than all new ordinances apply to the development. The Township Engineer and the Solicitor will double check where the plan complies and doesn't comply and what changes will have to be made from 1973 until today. DEP may require larger lots for on-lot water. No action taken.

Doug Farver, POA for Evelyn Farver stated the reason they are interested in selling these lots are because his mother is in a nursing home and running out of money. In 1973, the plan was approved by the township, and they were never told it has to be updated every 5 or 10 years if it wasn't developed. His father passed away in 1975, so they decided to not to do anything with the property, unless his mother needed it. The gentlemen here tonight are interested in these lots, and would agree to buy, if they can come to an agreement. They are willing to make changes in the road structure, and stormwater management.

Jessie Horst, Developer stated Farver's parents did the subdivision in 1973, and in 1983 the state wrote an ordinance that if a property sits too long, you must update it every 5 years. The Solicitor stated in 1995 the family wanted to sell 5 lots to the Pierce family signed by the Farver families. The Solicitor stated in the 1973 Agreement the Plan stated it is not current with township regulations which the township could impose pursuant to the FEC if actual completion occurs within 5 years of the plan approval. This was signed by the Farver's in 2-8-95, so this is not a new issue. The Solicitors said lets see what merits this Board can do and deal with the facts as they are and if the Supervisors can agree to waive

**EVELYN FARVER SUBDIVISION PLAN – OAK RIDGE MANOR SUBDIVISION IN 1973 –Glenn K. Farver, Zoned Residential Country (Off Ridge Road Next To Oak Road, Continued**

- some of these things. He also said this is not a major development, there is public sewer adjacent to it, and feels this Board should discuss RETTEW's memo dated 12-10-08. Engineer Shradley stated the following comments are not inclusive of all issues since there was insufficient data to complete the review

**Comments:**

The lots are located in Residential County, current minimum lot size 1.5 acres.

Seven of the nine lots are approximately ½ acres in size. Lots 6 and 7 at the end of the cul-de-sac are a little less than ¾ of an acre; however a 50' right of ways reserved for future street.

The front building setback is shown as 30' current front yard setback in the RC district is 50', although adjoining lots are under old standards.

Lot #1 will be accessed from Ridge Road with appropriate sight distance is needed before a driveway permit can be issued to access this lot.

**Subdivision and Land Development Review:**

Private streets are prohibited; therefore, Evelyn Drive must be dedicated to the township, in order for the township to take ownership of the street it must be constructed to current day standards which includes: meeting pavement standards, cartway width is 24' without curbs and 32' with curbs. Curbs are proposed; therefore the cartway width is 2 ft. short and should be enlarged.

Cul-de-sac streets are prohibited unless justified by the Board of Supervisors. The cul-de-sac street will provide access to eight of the nine lots. The cul-de-sac street, permanently designed as such, shall not exceed 500 feet in length. Evelyn Drive appears to be 600' in length. The cul-de-sac bulb shall have a minimum radius to the pavement edge or curb line of 40'

The plan does not contain street profiles, leveling areas, slope, etc.; therefore, compliance with specific street design requirement cannot be determined at this time.

Erosion and Sediment Control Plan will be required prior to any earth moving activities. Dauphin County Conservation District will be responsible for approving the plan.

Stormwater Management Plan will need to be prepared to ensure stormwater runoff from the lots and Evelyn Drive. BMP's that promote groundwater recharge on the lots and for the roadway should be encouraged.

Whenever possible natural features on the property should be preserved.

Discussion on payment of Park and Recreation Fees to the township.

Improvement Guarantee shall be posted for all public improvements proposed.

Public sewer is located on Ridge Road. A discussion should occur on the use of on-lot septic systems vs. connecting to the public sewer system. The developer should contact the Conewago Township and Derry Township Municipal Authorities regarding connecting to the public system. If on-lot septic systems are proposed two approved sites (primary and secondary) must be identified on each lot. These must be approved by the Township's SEO.

**EVELYN FARVER SUBDIVISION PLAN – OAK RIDGE MANOR SUBDIVISION IN 1973 – Glenn K. Farver, Zoned Residential Country (Off Ridge Road Next To Oak Road, Continued –**

**Subdivision and Land Development Review, Continued - 2 Percs and Probes per lot.**

On-lot wells will be used to provide potable water. How will nine wells affect existing ground water resources?

Sewage Planning Module approval for connection to the public sewer system or on-lot system., will be required by DEP before any permits can be issued.

The installation of curbs is required on all subdivision and land developments. A type A, C and D curb is proposed.

Sidewalks are required in all subdivision and land developments.

All electric, telephone, and other utility service lines shall be placed underground.

The Solicitor said that the discussion of all issues made everybody aware if this Board is going to allow this plan to proceed under the old ordinance or subject to an agreement to comply with the extent of agreement of new ordinances. Brandt stated the Solicitors questions weren't critical, but the issues he has are the grade of the road, the base under the road, the slope of the outlet. Rochat also said it should be grandfathered because it is a pre-existing plan with items brought up here to be compromised.

A motion by Rochat second by Brandt to authorize the Solicitor to prepare an agreement for the Evelyn Farver Subdivision Plan (Oak Ridge Manor) for the January 5, 2009 meeting. Motion carried. Rochat-Yes, Brandt-Yes, Shelly, Abstained.

**JACQUES LUSSIER SUBDIVISION PLAN - Sold Property to Clifford Zimmerman – Received Letter from Clifford Zimmerman requesting to take Possession of All Planning Documents and Grant Extension through 2-15-09 –**

Mr. Lussier was given a years extension on his plan until 12-27-08. He sold his property to Clifford Zimmerman. Miller talked to Mr. Lussier and he was to send a letter to withdraw the plan, he sent an extension to cover transferring the plan to Mr. Zimmerman until 2-15-09. Since Mr. Zimmerman acquired the property at Mill Road, Elizabethtown, formerly owned by Jacques Lussie on October 30, 2008. He is requesting permission to take possession of all Planning Documents that Lussier developed in his plan. Miller reminded the Supervisors that they gave Clifford Zimmerman a Waiver of Land Development Plan for developing chicken houses. Our Solicitor stated Mr. Zimmerman should have approval from Lussier's engineer to take over the plan to be changed into Clifford Zimmerman's name.

A motion by Brandt second by Shelly to approve substitution of Jacque Lussier's Subdivision Plan to Clifford Zimmerman Subdivision Plan. Motion carried.

**ROAD MASTER – Norman Miller**

**Request to advertise for single and double bituminous seal coat and chip for 2009 – 127,063 Sq. Yd. of single and 33, 385 Sq. Yd for double.** – Miller is asking to advertise for sealed bid for single and double bituminous seal coating on January 16, 2009 and

**ROAD MASTER – Norman Miller, Continued**

**Request to advertise for single and double bituminous seal coat and chip for 2009 – 127,063 Sq. Yd. of single and 33, 385 Sq. Yd for double, Continued** - January 23, 2009, and will be sent to the Board for their consideration at February 11, 2009 meeting. Rochat asked if we accept the bids, do we have the same option as last year, to decide if we don't want to do a certain road. Miller stated bids are based on PENNDOT forms and also has an escalator clause.

Proposals must be submitted on bid forms of PENNDOT. They must be submitted in a sealed envelope marked "BITUMINOUS SEAL COAT BIDS" and received by 1:00 PM Wednesday February 11, 2009. They will be opened the same day in the Township Building for review. A list of bids received will be presented to the Supervisors at their meeting on February 11, 2009 for consideration. The Board of Supervisors by majority may vote to reject any and all proposals as is deemed in the best interest of the Township.

A motion by Rochat second by Brandt to approve the advertising of sealed bids for Bituminous Seal Coat with the condition of allowing Brandt to review the contract bid documents. Motion Carried. If there are any major changes, Brandt needs to review contract by January 5, 2009 meeting.

**Snow Plow, Fork and Chains** – Miller finished the purchase of items approved 11-12-08, below \$619.00 of price that was authorized.

**Douglass Farver, Truck Driver** – Miller recommends putting Doug Farver on the township list as a truck driver. He has been a truck driver for 48 years. He plowed snow for Conewago Township from 1965 thru 1970, with his dad's truck. A motion by Brandt second by Rochat to approve Douglass Farver as a truck driver for the township. Motion carried

**DIRECTOR OF ADMINISTRATION – Norman Miller**

**2009 BUDGET APPROVAL** – Miller stated on the second page of the budget there is an error under Account 487.100 Employee FICA/Medicare, which says \$1,400.00 and should be \$14,000.00, the second change would be in the Capital Reserve \$291,605.00.

A motion by Shelly second by Rochat to accept the 2009 Budget with the change of Account 487.100 from \$1,400. to \$14,000. and to transfer to Capital Reserve \$291,605.00 with a total amount of \$1,173,075.00. Motion carried.

**PARK & RECREATION** – Rebecca Denlinger, Funding Coordinator RETTEW Associates, in response regarding the grant award through PA Department of Conservation and Natural Resource's Community Conservation Partnership Program. Rochat stated we should be receiving an official packet for DCNR grant. In RETTEW letter dated 12-10-08, Denlinger recommends the following information to discuss: She stated we should hold off on a 3<sup>rd</sup> appraisal because they may accept the first one. Based on DCNR's 11-20-08 award letter, they are asking to be contacted by 12-10-08 if the Township is not prepared to proceed with the proposed land acquisition project. She recommends that at the 12-10-08 meeting, you discuss this request and place our decision to proceed or not in your official minutes. Rochat stated we are not buying the land at this time but need to proceed to go with the grant.

**DIRECTOR OF ADMINISTRATION, Norman Miller, Continued**

**PARK & RECREATION, Continued** – We should reopen discussion with the Hershey Trust , we have capital reserve in the Park and Recreation account, and if we don't take this opportunity now; they will give it to another applicant.

A motion by Rochat second by Shelly to continue to proceed in the DCNR grant acquisition of this property which includes authorization of Rochat to discuss the actual price with the Trust they are willing to sell it for. Motion carried.

Engineer Shradley suggested Miller needs to contact DCNR in writing of letter that we are proceeding with this grant. Rochat also stated he would like to make a second motion pertaining to a strip of land between township land and the trust that belongs to the school district.

A motion by Rochat second by Shelly to authorize Rochat to discuss with the grant the school district to see if they are interested in and willing to participate in the park land. Motion carried.

**OPEN RECORD LAW** - Miller asked Solicitor Yost is the Open Record Law is ready to be discussed. Yost stated he will provide the Supervisors with a copy to review and voted on at 1-15-09 meeting. He asked the Board to read and review because the Open Record Law goes into effect on 1-1-09, and you will need to appoint a records custodian.

**ORDINANCE FOR CONEWAGO TWP. MUNICIPAL EMPLOYEES** – This ordinance was discussed at 11-12-08 meeting because if an employee leaves and he wasn't vested, we don't have an ordinance, that allowed us to have the money returned or divided into the existing employees account. The Solicitor prepared an Ordinance and a Resolution for PMRS Retirement Plan for the Supervisors to adopt.

A motion by Rochat second by Brandt to adopt Ordinance 2008-4 and pass Resolution 2008-12, pertaining to amendments to the PMRS Retirement Plan. Motion carried.

**PSAT'S CONVENTION – APPROVAL OF 87<sup>TH</sup> ANNUAL PSAT'S CONVENTION, 4-19-09 TO 4-22-09** – This years annual convention will be April 19-22, 2009 at the Hershey Lodge in Hershey, PA. Miller would like to request the Road Crew to be included in the regular convention, because it would be beneficial to them, and when they attend special workshops, they can't attend the convention workshops. The Board discussed who will attend the convention, and included the Road Crew in the regular convention, as long as they attend workshops that are approved and their schedules are outlined, except for the voting on resolutions. The Road Crew will also attend the workshop on Sunday for Tractor/Mower Operator Safety Training additional cost of \$85.00. Chairman Rochat authorized the secretary to prepare checks for the 1-5-09 meeting to include (8) eight employees to attend the convention based on the numbers that are interested in attending.

**PLGIT CD'S COMING DUE** - Miller stated CMA will pay the remaining amount of what they borrowed from the township for sewer project, check will be in bank 1-2-09, and that process will be complete. He showed the Board a flow sheet of money needs to consider matching dollars in CD's. In the money market there a balance \$285,000. which he is asking to move \$150,000. in a CD for a year. The treasurer and administrator will check for the best bank rents. On 12-18-08, there will be five CD's maturing, \$493,981. and 3 CD's maturing on 12-24-08, move back in another CD (Current Rate is 2.51% Plgit Class).

**PLGIT CD'S COMING DUE, Continued** - A motion by Rochat second by Shelly to move the first three columns for no more than a year, and the treasurer and administrator will check on the best rates for the township. Motion carried.

**ABERDEEN MILLS, Fred Kay, Lot 5, Building Permit, Expired 9-5-08 – Need to Reapply for a New Permit** – Miller called Mr. Kay originally because a concerned neighbor saw burning brush behind the new home that was being built. Miller also asked him what is going on with the new home on lot 5, because his permit expired on 9-5-08. Nothing has been finished on the house or closed up for the winter. Mr. Kay said his bank in Florida went bankrupt and out of business, and his mortgage will be turned over to someone else. There is no money there to continue the work on the home. The solicitor suggested giving an extension from 9 months from the date the permit expired, since he has given this township lots of money for his plan, permits, and recreation fee etc. Miller also stated the road needs to be completed.

A motion by Brandt second by Shelly to grant an extension for 9 months from the date the permit expired in a letter from the administrator. Motion carried.

**CHRISTMAS SCHEDULING** – Miller stated the Road Crew works a half day on 12-24-08, and Shirley and Norman would like, Wednesday, 12-24-08 off. He is asking if we can close the office on 12-24-08 until 12-29-08.

A motion by Rochat second by Brandt to close the office for Christmas Vacation from 12-24-08 until 12-29-08. Motion carried.

Rochat stated we usually give the employees a year end gift. A motion by Rochat second by Brandt to give the five employees a Christmas Gift Certificate in the amount of \$100.00 at the administrator's choice. Motion carried.

**CMA BOARD REQUEST** – CMA Board is requesting that all plans that have requested sewage, subdivisions and building lots go to CMA so they can make sure the Act 537 Plan is being followed and are consistent with the act. This would mean "planning modules" which would have the sewage facilities planning module components in the plan. Also the developers would need to know that this is a step in the subdivision ordinances to complete, just as they go to Planning Committee first, second to CMA., and third to Park and Rec. to give their input to the BOS for their decision making process.

A motion by Brandt second by Rochat to see that the CMA Board receives a copy of Subdivision Plans to review regarding sewage. Motion carried.

**Norman Miller** – Miller feels that the township needs to secure the office area and the garage area, so that no one use sany office equipment or road crew equipment.

Miller also stated some things were approved over \$500. in the course of him working here, but he needs guidance from this Board to continue and finish what was talked about at and partly approved at the 2-13-08 meeting. At the 2-13-08 meeting, such as insulation in the shop, lighting, etc. Brandt said he is not in

**Norman Miller, Continued** – in the shop, lighting, etc. Brandt said he is not in favor of giving permission to continue work, no approval tonight. Rochat suggested putting the shop on a work stoppage, and pe o work up an estimate for the 1-5-09 meeting. Miller said it will be less than \$3,000., to complete this job.

Miller said there was a suggestion to move this meeting to 7:00 PM instead of 7:30 PM. A motion by Brandt second by Rochat to keep the time of 7:30 PM and advertise schedule as presented. Motion carried.

A motion by Rochat second by Shelly to adjourn at 10:08 PM. Motion carried. The next meeting is January 5, 2008.

Submitted by,

Shirley A. Meyers  
Township Secretary

**Notes:** *Conewago Online* and *Conewago.us* are not affiliated with the township government. This computer version of a public record ©2009 by Joel Buckley. Accuracy is not guaranteed. Revised: 01/19/2009 05:00 pm.