

Joel Buckley
Chairman
533-3858

Jay M. Brandt
Vice Chairman
Road Master
367-3667

John D. Rochat
Supervisor
533-3831

**CONEWAGO TOWNSHIP
BOARD OF SUPERVISORS**

3279 Old Hershey Road
Elizabethtown, PA 17022
Tel. No. (717) 534-8556
Fax (717) 533-6643

Shirley Meyers
Secretary/
Assistant Treasurer

Dolores Kuntz
Treasurer/
Assistant Secretary

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES

February 17, 2010

The Conewago Township Board of Supervisors held their regular meeting on Wednesday, February 17, 2010. Those present were:

John Rochat	Joel Buckley	Jay Brandt
Shirley Meyers	Dolores Kuntz	Jon Yost
Max Shradley	Rosalie Sarfert	Jeff Reitz
John Graybill	Jeff Reitz	John Hertzler
Peggy Becker	Terry Whitmeyer	Steve Todd, The Sun
David Shank, Hor-Shaa	Barbara Miller, Patriot	Kathy Snee
Linda Shelly	Doug Farver	

The meeting was called to order by Chairman Buckley at 7:30 PM. The original meeting on 2-10-10 was cancelled because of a snowstorm. The meeting was rescheduled for 2-17-10 and was properly advertised.

THE BOARD OF SUPERVISORS ATTENDED AN EXECUTIVE SESSION AT LOWER DAUPHIN SCHOOL DISTRICT TO DISCUSS LAND ACQUISITION. NO ACTION WAS TAKEN

MINUTES OF JANUARY 4, 2010 – A motion by Brandt second by Rochat to approve the minutes of January 4, 2010 with minor correction of the word **for** on page 6, 3rd paragraph, and bottom of page 9, the amount should be **\$2,866.00**. Motion carried.

TREASURER’S REPORT, NOVEMBER 30, 2009, DECEMBER 31, 2009, JANUARY 31, 2010 – Treasurer’s Report needs reapproved for November 30, 2009 and December 31, 2009, because a new account for Fulton Bank was missed. A motion by Rochat second by Brandt to approve the Treasurer’s Report dated November 30, 2009, December 31, 2009 and January 31, 2010 subject to audit. Motion carried.

EXPENDITURE REPORT, FEBRUARY 10-2010 – A motion by Rochat second by Brandt to approve the Expenditure Report dated January 4, 2010 to February 10, 2010 in the amount of \$44,083.14. Motion carried.

SUBDIVISION/ENGINEERING FEE REPORTS – Hor-Shaa was sent a reminder 2-1-10 in the amount of \$276.00. McGrath has one overdue bill in the amount of \$616.32 and also has two outstanding bills in the amount of \$137.50 and \$549.43, reminders were sent to him 2-1-10.

PLANNING COMMISSION MEETING, JANUARY 25, 2010 - Review Only

PUBLIC COMMENTS – Rosalie Sarfert – Sarfert wanted to congratulate the Road Crew and thank them for the fine job they did in cleaning the roads during the snowstorm. She heard a lot of good comments about the Road Crew employees. Brandt stated the first storm everything was cleaned up, but the second storm had a lot of drifting. Buckley said there was a Declaration of Emergency from Thursday, 4:00 PM to Friday, 9:30 PM, because the roads were officially shut down.

Peggy Becker, Hills of Waterford - The first snowstorm residents were able to clean sidewalks, but the second snowstorm they were not able to clean it up because the snow was pushed back to the sidewalks to clear the streets. She called LD Transportation, and they said that was a Township problem. She is not complaining, she feels the road crew did their job, but her concern is the safety of the kids in their neighborhood because they had to stand in the streets to catch the bus. Becker asked if there is a possibility the Township could consider a Sidewalk Ordinance.

The Solicitor stated this Board can certainly check into a Sidewalk Ordinance, but sometimes you have to be patient, and the ordinance can create problems for elderly residents stating they can be fined if they are not cleaned. He suggested the homeowners association take over the sidewalk maintenance which could be assessed by the bylaws and one company could clean the development because they have the proper equipment to handle large snowstorms. The Solicitor said he is certain there is no Sidewalk Ordinance and this Board can direct him to look at this issue. Sarina Buck, PMI Management for the Homeowner Association called the township regarding clearing intersections for safety issues for the kids. She also felt if the Township would consider a Sidewalk Ordinance it would be more effective than the Homeowners Association.

Terry Whitmeyer - Whitmeyer complimented the Township Road Crew regarding how hard they worked to clear the roads, and did a fine job. He also stated since Hills of Waterford is the first developments to have sidewalks, he suggested that the neighbors help clear sidewalks for the development and those that may not be able to. He asked who is going to continue to update the Township website since Mr. Miller was responsible for it.

PUBLIC COMMENTS, Continued – **Terry Whitmeyer, Continued** - Buckley stated the website was updated by Miller and an outside contractor. Buckley did post the emergency closing and said it would be updated in the near future.

Doug Farver, Part-Time Road Crew - Mr. Farver stated he was the one who closed the sidewalks in Hills of Waterford. He was told to move the snow back to clear the streets.

VACANCY BOARD, JOHN GRAYBILL – Auditor Vacancy, 2 Yr. (Term Until Jan, 2011) – Chairman Buckley stated last year there was a vacancy for a Twp Auditor, since no one was appointed at the January meeting. If no one is appointed within 30 days it goes to the Vacancy Board. Vacancy Board Chairman John Graybill asked if there were any nominations. Buckley nominated John Hitz. A motion by Buckley second by Rochat to appoint John Hitz as the Township Auditor until 2011 election. Motion carried

REVISION OF STANDARD AGENDA - (Order of Business) – Buckley stated his proposed changes to the standard of business for the agenda. The main change is to push all the plan reviews later in the meeting and the administrative reviews earlier in the meeting. The Solicitor suggested that the announcement of a previous executive session should be moved up to before the call to order and public hearings should also be moved up. Mr. Whitmeyer suggested the agenda should follow the procedure of Robert's Rules of Order, and that old business should be before new business. Buckley said all advertised business items would be moved up, and that this Board has the discretion to change the order of business.

A motion by Buckley second by Rochat to try the Revision of the Standard Agenda. Motion carried.

SUPERVISOR ADMINISTRATIVE DUTIES – Buckley explained there was a discussion on how the administrative duties would be handled. This is tabled until March Meeting.

BURNED OUT BUILDING - Dogwood Drive – Options – Buckley stated on August 31, 2009 an early morning fire tragically claimed the lives of Frank & Rita Piazza, and left their house on Dogwood Drive a burned-out hulk. After the fire the windows were boarded up, it has been 5 months, and it appears nothing has been done with the ruined structure. He has received numerous complaints from neighbors. The Township has no Property Maintenance Ordinance, one was proposed but rejected. It was seen as too intrusive in a mostly rural community. We could adopt a limited Property Maintenance Ordinance, a Burned-Out Building Ordinance. The Solicitor suggested if he knows who the executor of the will is he can notify them. The Township wants to address this because it is a public nuisance. Solicitor also suggested giving the Supervisors a copy of the last draft of the Property Maintenance Ordinance to review. He said this is not like a zoning ordinance, if this Board is satisfied with the contents we can advertise it and adopt it.

PARK & RECREATION ORDINANCE REVISION – Buckley wants approval by the Supervisors to authorize the Solicitor to revise the Park & Recreation Ordinance and the Park & Recreation Plan.

A motion by Brandt second by Rochat to authorize the Solicitor to proceed with the revision of the Park & Recreation Ordinance, Fee-In-Lieu and the Park & Recreation Plan. Motion carried.

PARK LAND ACQUISITION & LAND SWAP – Buckley asked if we can discuss the **Land Acquisition** at a public meeting. The Solicitor stated we can discuss it, because we are talking about what this Board would like to do and to make sure they are comfortable with the direction this is going.

The Township has been negotiating to purchase a 24 acres parcel of land from the Hershey Trust for a township Park. The parcel is located on Schoolhouse and Old Hershey Road adjacent to the Elementary School extending nearly to the Township Building.

The Lower Dauphin School District recently announced plans to expand the Conewago Elementary School. The expansion will cause the loss of two baseball fields and a soccer field. LDSD approached the township to try to acquire some of the Trust Parcel for replacement athletic fields. Last year the BOS approved in principle an agreement to swap 4 acres of the 24 acre parcel in exchange for 5 acres of LDSD land near the Township building.

Recently, LDSD proposed changing the 4 for 5 acres swap to a 5 for 8 acres swap. LDSD will receive 5 acres from the 24 acre parcel the township is buying from the Hershey Trust. In exchange, the township will receive 8 acres of LDSD land (3 acres of open space adjacent to the Township building on Old Hershey Road and 5 acres of woodland adjacent to the Danny Fisher Park).

The township has a state grant which can only be used to purchase land for a park. Before the purchase of the 24 acre parcel from the Trust, it will be subdivided into 17 acres for a park, 2 acres for future township building expansion, and 5 acres to be swapped to LDSD. Buckley asked the Board to approve the latest offer from the school of 5 for 8 acres. A motion by Rochat second by Brandt to authorize the revised 5 for 8 acres swap. Motion carried.

The Solicitor presented the proposed agreement with the Hershey Trust to purchase approximately 24 acres for \$535,000. The parcel will need to be subdivided as described earlier. The parcel is under Clean and Green and the township will assume liability for any rollback taxes. A motion by Rochat second by Brandt to approve the agreement with the Trust to purchase approximately 24 acres per agreement for \$535,000. Motion carried.

DIANA M. REED & ASSOCIATES, PC. – Agreement for QuickBooks Assistance As Needed for 2010 – A motion by Rochat second by Brandt to approve the agreement with Diana M. Reed & Associates, PC for QuickBooks Assistance at a rate of \$100.00 per hour. Motion carried.

DONATION TO CAMPBELLTOWN VOLUNTEER FIRE CO. IN MEMOR OF CHARLIE KUNTZ – A motion by Rochat second by Buckley to authorize the secretary to send a donation in memory of Charlie Kuntz, to the Campbelltown Volunteer Fire Company in the amount of \$100.00 Motion carried.

MCGRATH LAND DEVELOPMENT WAIVER REQUEST – REPORT FROM BOS WILL ATTEND PLANNING COMMISSION 2-22-10, With Their Own Ordinance –

At the Board of Supervisors Reorganization Meeting on January 4, 2010, the Twp. Solicitor suggested they draft a letter stating what conditions they could live with. describing how, and what they plan to do with the land. Since the Planning Commission has strong opinions regarding the process of the Land Development for a Riding Academy, the BOS feel the McGrath's need to go through the proper process and go back to the Planning Commission for their recommendation.

They cancelled attending the Planning Commission meeting 1-25-10, and Buckley said he received a memo stating they weren't ready for the Planning Commission Meeting, 2-22-10. The Solicitor stated this Board needs to decide, how long they are going to go with their proposal, if we do not want to amend the Ordinance, we need to deal with the underlying issues. The BOS wants this request to go through the proper procedure with the Planning Commission before meeting with any staff members pertaining to their proposal. Engineer Shradley will send them a memo stating they need to go to Planning Commission for a recommendation for their Land Development Plan before the BOS goes with any proposals.

A motion by Brandt second by Rochat to direct McGrath to go to the Planning Commission with their presentation for their Land Development Plan. Motion carried.

CREEKSIDE MEADOWS – Final Subdivision Plan, Phase 1, Residential Country Zoning, 1779 Deodate Road, Elizabethtown (Formerly Michael Costik Farm) Tax Parcel 22-015-001, (Waiting for Final Plan) Sewer Planning Module, submitted 12-18-09, Received Phase I Subdivision 12-14-09, Planning Commission Tabled – They will be attending the Planning Commission Meeting 2-22-10.

JOHN & FRANCES HERTZLER FINAL SUBDIVISION, Lot Add-On, and Land Development, 676 Hertzler Rd., Elizabethtown, PA, Parcel 22-018-007, Zoned. Ag. (Ext. Until 6-10-10. Waiting for Sewer Planning Module, and Waiver of Fee-in-Lieu for Park and Recreation. – At the Park & Recreation Meeting 1-19-10 they discussed the request from Mr. Hertzler to waive “the fee-in-lieu” and/or designated parkland requirement for this proposed development. Jeff Reitz, Engineer presented the Board with a draft agreement from the Mt. Calvary Christian School regarding the public use of the 25 acre parcel of land that was previously donated to the school by Mr. Hertzler. The Park & Recreation Board

JOHN & FRANCES HERTZLER FINAL SUBDIVISION, Lot Add-On, and Land Development, 676 Hertzler Rd., Elizabethtown, PA, Parcel 22-018-007, Zoned. Ag. (Ext. Until 6-10-10. Waiting for Sewer Planning Module, and Waiver of Fee-in-Lieu for Park and Recreation, Continued - unanimously voted to recommend that the BOS deny Mr. Hertzler's request to waive the "fee-in-lieu of". Engineer Reitz said the Park & Recreation Board was concerned about setting a precedent for what they were asking for. Engineer Reitz said this is a different situation in the fact of the total tract (100 Acres) Mr. Hertzler gave up 25 acres toward the use of recreational purposes. The timing is not in order, but that was what came first, Mr. Hertzler gave Mt. Calvary Christian School the land before he did the Subdivision Plan. Engineer Reitz said we are still looking for a waiver of fee-in-lieu of. He has a letter from Ken Howard, Mt. Calvary stating it will be used for a recreational area and has a Park & Recreation Agreement. Rochat said although we have different boards we have a recommendation from the Park & Recreation Advisory Board, and he feels it imperative we go with their recommendation.

A motion by Rochat second by Brandt to deny the Waiver of Fee-In-Lieu for Hertzler Subdivision Plan for Park & Recreation fee. Buckley stated he favored granting the waiver to Hertzler Subdivision Plan. This donation is not directly to this community, but he gave 25 acres a generous act to serve the church, and he should be recognized and commended. Buckley-No. Motion carried.

Engineer Reitz would like conditional approval of this plan. On the 12-9-09 minutes the Subdivision and Land Development showed items needed: need the surveyor's signature and seal, the ownership and dedicatory statements need signed and notarized, proof of Planning Module, Twp. engineer recommends the Board approve financial security in the amount of \$67,708.30, with the conditions that the engineer who prepared the estimate sign and seal the document, and appropriate financial guarantee should be submitted to the Township for the financial security with easement on the culvert issue.

A motion by Rochat second by Buckley to conditionally approve the Hertzler Final Subdivision Plan subject to the conditions of the Township Engineers comments dated 12-9-09, Review 3. Motion carried.

Roy E. & Francesca Sauder Subdivision, Londonderry Twp. - Jeff Reitz would also like approval of this plan. There is a small portion of land in Conewago Twp. He would like to do one letter of credit of \$248,000. for the whole project in Londonderry Twp., which includes 2 lots, and for Conewago Twp. is \$87,500? The Township Solicitor said his concern is from Conewago Twp. perspective how do we enforce any stormwater issues in the future. The BOS wants a separate letter of credit for Conewago.

LISA & BILL CAPP, 727 BELLAIRE ROAD, PARCEL NO. 22-014-025, RE: Horse Barn & Riding Arena – Code Inspector Services Inc. – Information Only – Working on Land Development Plan

OAK RIDGE MANOR PRELIMINARY SUBDIVISION PLAN, Zoned Residential Country, Ridge Rd. – 5.90 Acres – Tax Parcel’s 22-006-095, 96, 97, 98, 99,100, 101, 102, 103 – Owner’s Glenn K. & Evelyn J. Farver – (Hor-Shaa, Inc., Equitable Owners) Owners: Jay C. & Carol L. Weaver, Tax Parcel 22-006-002 – Waiting for Engineering and Solicitors Confirmation that requirements have been met. (Extension Until

4-27-10 – Chad Smith, Engineer stated they would like plan approval. Solicitor Yost stated he made changes on the Homeowners Agreement to protect the township. He made changes to enforce maintenance responsibility on property owners, if they don’t maintain the property so that we have the right to go onto the property and charge them. The Solicitor is satisfied with the agreement as drafted. As per the Township Engineer items needed to approve this plan are: Seals and Signatures, Park & Recreation Fee-in-Lieu of (\$21,000.), Stormwater Maintenance Agreement is executed, Construction Cost for Financial Security to be posted, agreement to supply security with reference of bank accounts.

A motion by Rochat second by Brandt to approve the Oak Ridge Final Subdivision Plan with the conditions of Township Engineer, Seals and Signatures, Park & Recreation Fee-in-Lieu of \$21,000., Stormwater Maintenance Agreement, Construction Cost Bond for Financial Security. Motion carried

BRIEF ITEMS OF CHAIRMAN BUCKLEY

COMCAST – TV ADAPTERS – Comcast is updating their analog system, and subscribers can get free adapters allowing up to three adapters per residence.

COMCAST WIRELESS INTERNET - Buckley is asking for approval of their wireless internet device for a shipping fee of \$10.00. His plan is to run a wireless internet to the conference room for use of tax collector, etc. A motion by Rochat second by Brandt to authorize to sign up for the wireless internet device with Comcast for a shipping fee of \$10.00. Motion carried.

COMPUTER FILE REORG. STAFF TRAINING – AUTHORIZE BUDKLEY TO DO –

Buckley would like permission to reorganize computer files. A motion by Brandt second by Rochat to authorize Supervisor Buckley to reorganize the computer files at the discretion of the secretary and treasurer, so they feel comfortable with the process. Motion carried.

EIT SHORTEFALL – Buckley stated the secretary brought to his attention the last quarter of 2009, we only received around \$42,000. The township receives approximately \$450,000. a year, and approximately \$100,000. a quarter. The secretary followed up with LATCB to see if that amount was correct. They said it was correct. Buckley said previous years they usually gave us an estimate of payments for the year and they have not done that for 2010. Buckley stated in a year it will change when the one agency takes over collection of earned income taxes country-wide for Dauphin County.

BRIEF ITEMS OF CHAIRMAN BUCKLEY, Continued

EMERGENCY MGMT. DIRECTOR, COMPUTER GRANT – AUTHORIZE BUCKLEY TO SPEND - George Giang, Emergency Mgmt. Director, got a grant for the township in the amount of \$1,599.00 for a laptop and a scanner. Buckley said this was approved for Mr. Miller to spend the money, but he would like approval for him to spend the grant money. A motion by Rochat second by Brandt to authorize Supervisor Buckley to spend the grant money for a laptop and a scanner before 4-1-10. Motion carried.

LIABILITY INSURANCE FORM – ROCHAT AS HUMAN RESOURCES SUPERVISOR – Buckley said the Liability Insurance Form Renewal Application needs to be filled out and returned to the insurance company. He stated based on Rochat's training and experience in human resources he would like assistance on filling out the public official liability and professional liability renewal application. No action taken.

PSATS NEWLY ELECTED OFFICIAL TRAINING – AUTHORIZE TO PAY \$175.00 FOR JOEL BUCKLEY TO ATTEND ON 3-6-10 AND 3-13-10– A motion by Rochat second by Brandt to authorize payment of PSATS Newly Elected Official Training Seminar 3-6-10, and 3-13-10. Motion carried.

TAX COLLECTOR ANNOUNCE BILLING ADDRESS ERROR – Buckley mentioned newly elected Tax Collector bills went out with the wrong address of PO Box, Elizabethtown and should have been PO Box, Hummelstown,. **APPROVE HOURS FOR SATURDAY, 3-27-10 FROM 10 AM TO 1 PM** – Phil Tumminia, Conewago Twp. Tax Collector would like hours for Saturday 3-27-10 approved from 10:00 AM to 1:00 PM. A motion by Brandt second by Rochat to approve the Tax Collectors hours on Saturday 3-27-10 from 10:00 AM to 1:00 PM. Motion carried.

FLOODPLAIN MAP – Engineer Shradley they made changes for their clients to the maps by scanning them, put them on the computer and overlay them. Buckley stated they have not updated the flood portion of the maps which is for flood insurance. Bob Cristoff, Dauphin County Conservation District said if the setup regulation is in our Floodplain Ordinance, and if SALDO is in the, Subdivision Ordinance the County Planning would do the update. Shradley said the township has reference in both stand alone ordinance, and reference in the subdivision ordinance, but the county will not review both. He suggested going with the stand alone and use whatever agency the conservation uses.

A motion by Brandt second by Rochat to authorize the Township Engineer to update the Stand Alone Ordinance go with whatever agency the county uses, and they will update the Floodplain Map. Motion carried.

John Rochat – He stated that a subdivision issue recently did not meet the regulation for 2 entrances regarding the distance. It is unclear whether our ordinance addresses that. He requested the Township Engineer to come back with option to show if an emergency or boulevard entrance are allowed in our ordinance .

A motion by Rochat second by Buckley to authorize the Township Engineer to report back the provisions of our ordinance for an emergency or boulevard entrance, if our present ordinance prohibits it and come with suggested options. Motion carried

The Board of Supervisors adjourned the regular meeting at 9:50 PM and went into an EXECUTIVE SESSION to discuss legal personnel issues. The Board of Supervisors returned from Executive Session 11:04 PM, and the following action was taken.

A motion by Rochat second by Brandt to recommend and authorize Joel Buckley to replace the township building locks not to exceed \$500.00 and to order the appropriate number of keys for different levels of safety. Motion carried.

A motion by Buckley second by Rochat to pay the final compensation to Norman Miller as summarized in the memo in the amount of \$5,665.00. Motion carried. Brandt-No

A motion by Rochat second by Brandt to adjourn the meeting at 11:12 PM. The next meeting is March 10, 2010.

Respectfully submitted,

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: 06/10/2010 11:00 pm.