

Joel Buckley
Chairman
533-3858

Jay M. Brandt
Vice Chairman
Road Master
367-3667

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Supervisor
533-3831

**CONEWAGO TOWNSHIP
BOARD OF SUPERVISORS**

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Treasurer/
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CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES

March 10, 2010

The Conewago Township Board of Supervisors held their regular meeting on Wednesday, March 10, 2010. Those present were:

John Rochat	Joel Buckley	Jay Brandt
Shirley Meyers	Dolores Kuntz	Jon Yost
Max Shradley	Rosalie Sarfert	Lee Leibler
Pete Czuday	Barb Miller, Patriot-News	Steve Todd, The Sun
Todd Kreiser	Terry Whitmeyer	Ed Kaylor
Ron Wise, LDS	Rick Martz, LDS	Paul Rabon

The meeting was called to order by Chairman Buckley at 7:30 PM.

EXECUTIVE SESSION DISCLOSURE – Buckley stated at the last meeting there was an executive session for personnel issues to authorize payment of compensation to a former employee.

MINUTES OF FEBRUARY 10, 2010 – A motion by Rochat second by Buckley to approve the minutes of February 10, 2010, after correction on page 7, under EIT should be **one agency** takes over. Motion carried. Brandt-Abstained .

TREASURER’S REPORT, FEBRUARY 28, 2010 - A motion by Rochat second by Brandt to approve the Treasurer’s Report dated February 28, 2010 subject to audit. Motion carried.

EXPENDITURE REPORT, MARCH 10-2010 – A motion by Rochat second by Brandt to approve the Expenditure Report dated February 11, 2010 to March 10, 2010 in the amount of \$40,946.83. Motion carried.

PLANNING COMMISSION MEETING, FEBRUARY 22, 2010 - Review Only

PUBLIC COMMENTS – Terry Whitmeyer – Mr. Whitmeyer stated we praised the road crew, now that all the snow is melted, we can see things that need repaired. He already told the Roadmaster that the layered block wall on his property needs repaired. He also said on the corner of Dogwood and Woodbine the electric utility box is damaged. Brandt assured Mr. Whitmeyer his wall will be straightened out, weather permitting, and he has talked to the Road Crew about putting in higher reflectors. Rochat stated the electric company should be notified about the electric boxes as well as replacing reflectors.

SECRETARY’S REPORT –

GENERAL CODE ESTIMATE – Buckley stated we received an estimate pertaining to updating our Codes. They estimate the cost to codify Ord. Nos. 2008-1 through 2008-4, and Res. Nos. 2008-1 through 2008-12 and 2009-1 through 2009-2010, including revisions to the Title Page, Officials Page, Fee Schedule, Appndices, Key and Index, will be between \$1,600. and \$2,140, plus 2% shipping and handling. The last update was 2007, and Buckley doesn’t feel it’s necessary to do an update right now. We only had 4 ordinances, street cut, lower speed limit, verizon franchise, and zoning plan update. The Solicitor suggested we have a section on our website that shows recent ordinances not included in the codification.

DAUPHIN COUNTY REDEVELOPMENT AUTHORITY – Buckley stated we received a letter saying the Dauphin County Board of Commissioners, through the Dauphin County Redevelopment Authority, is to create affordable housing opportunities and secure sustainable communities that enrich the quality of life for all of Dauphin County’s residents. The Authority’s desire is to compile a database of current affordable housing stock needs, blighted properties, and brown fields commercial properties within our communities. Buckley said we should notify them this does not apply to us at this time.

CODE COMPLAINT ACKNOWLEDGEMENT – Martha A Weaver, Steinruck Road resident pertaining to accidents on corner of Ridge and Rt. 743. She said many accidents occur needing hospital care, ambulance, paramedics are needed. She feels this can be solved by putting a turning lane on Rt. 743. Buckley stated with the traffic study for the school expansion the issue of possible turning lanes and a traffic light could be straightened out.

SUBDIVISION/ENGINEERING FEE REPORTS – Hor-Shaa was sent a reminder 3-1-10 in the amount of \$276.00. McGrath has three overdue bills in the amount of \$1,313.26; reminders were sent to him 3-1-10. The Solicitor suggested the secretary inform the Planning Commission that until their 3 overdue bills in the amount \$1.313.26 are paid, there will be no discussion on the McGrath’s Equestrian Facility.

SCHEDULED EVENTS – Just a reminder of township meetings: 3-16-10-Parks & Recreation, 3-29-10-Planning Commission Meeting, 4-6-10-Sewer Authority Meeting 3-2-10 was cancelled, and 4-14-10-BOS, 3-13-10, Buckley will be attending PSAT’s Training, and 3-15-10 is Liquid Fuel Audit. (3-24-10, Conewago Place Meeting).

REPORTS OF OFFICIAL AND COMMITTEES – Buckley attended the **Parks and Recreation Board Meeting**, and they will need a new Director for Camp Conewago. They asked if they would be able to take over handling of Camp Conewago hiring camp counselors, etc. The Supervisors agreed they are an advisory board, and the BOS will continue to monitor the camp

Draft Report of DCED Financial Report – Please review the Draft Financial Report from the auditors for the township and the authority.

ROAD MASTER'S REPORT

Salt Agreement – CoStars due by 3-15-10 – Buckley stated we need to make a decision if we are going stay with CoStar. Brandt will make a phone call to them..

Authorize Part Time Employees – Buckley stated there was an issue regarding how much paperwork should be done for part-time road employees. With the advice of our Solicitor he suggested even if it is only several hours they should be considered an employee and required to supply a W-4 form, CDL license, etc. Brandt stated drivers are tested by employers for a CDL License. Rochat stated it is a good practice, if you use part-time employees and their driving our vehicles, insurance requires CDL license.

A motion by Rochat second by Buckley to approve list of part-time road crew drivers, and required supply a W-4 form, CDL license, etc. Motion carried.

Road Symposium – Buckley stated originally the road crew did not want to attend the road symposium because it does not cover the workshops available or the exhibits at the convention. Brandt said he supplied them with a list of the workshops available at the road symposium, and that they could ask at the convention to attend the exhibit areas. This was already approved and we need to check with the Road Crew to see if they want to register.

Accident Charges – Buckley stated there was an accident on the corner of Roundtop Road and Dogwood Drive, 911 called for the township to provide our road crew to help remove a tree that was knocked down. They took out a utility pole and signs were knocked down.

Annual Road Inspections - Although we're not required to annual road inspections, the supervisors usually do a 3 hours tour of the roads usual early spring.

SUPERVISOR'S REPORTS/COMMENTS

Complaints - Buckley stated there were several complaints regarding damages during the snowstorms. Whitmeyer said there is damage at Earl Olson and Lee Leibler's house pertaining to curbs. Rochat stated all in all our road crew employees need to be commended for the wonderful job they did, any major damage needs to be repaired, but with 50 inches of snow in 2 snow storms, with drifting snow etc. Mr. Leibler agreed that the road crew did a wonderful job, with little noise all hours of the night. Brandt said a V-Plow was damaged, and he received (1) estimate to repair it, and is waiting for a second estimate. Buckley also stated since we had a

SUPERVISORS REPORTS/COMMENTS, Continued Complaints, - Note, Continued - declaration of emergency disaster we can submit our cost with a chance of reimbursement for the snow cost. The County said we did qualify for the highest 2-day cost in 48 hours which is subject to reimbursement. **Note:** Frank & Virginia Graybill thanked the road crew for the hard work they did to keep the roads open. They especially appreciate Brandt and Shope assisting at their property and clearing the road to make visibility a reality. They appreciate living in a township where our supervisors take their commitment and leadership seriously.

EIT SHORTFALL – Buckley gave an update on LATCB Earned Income Tax. He needs to talk with the director regarding why we didn't receive an estimate of payments for the year 2010, because this is a significant drop in revenue. The secretary alerted him the townships last payment for 2009 was \$42,000. and the previous year was over \$100,000. In February we received \$78,000. still significantly below the previous year. There was an indication in 2009 we were overpaid as much as \$70,000., but no correspondence was received explaining the situation.

TAX COLLECTOR – Buckley stated there was an error in the Tax Collectors address on the tax bills. The county listed the PO Box 372 as Elizabethtown, PA 17022, and the address should have been PO Box 372, Hummelstown, PA 17036. The Tax Collector has a second box at Elizabethtown Post Office. The county was to reimburse Phil Tumminia, \$70.00 for the error, and credited the township bill. A motion by Rochat second Brandt to reimburse Phil Tumminia in the amount of \$70.00 to defray the cost for the second box. Motion carried.

LOCKS CHANGED – Buckley reported the locks have been changed on the Township Building, keys have been signed out by employees. At an Executive Session the BOS will determine who should have keys.

SPECIAL BUSINESS- Nothing to Report

OLD BUSINESS

Supervisor Administrative Duties – Buckley explained there was a discussion on how the administrative duties should be handled. At the January meeting we eliminated the Director of Administrative position. This issue was tabled until March Meeting for further discussion. He stated since he has been handling the duties of the Chairman you have a couple months experience from me. The Solicitor said the real reasons of the original motion was that you would do the duties of the Director of Administrator, but the duties were too broad. The Solicitor also stated very few small municipalities have a PT Administrator in that position, usually the Chairman does the administrative duties, but this township adopted a position which gave specific duties to a person who was not a supervisor.

Rochat stated call it what you want, but there are specific duties in this township that the administrative assistant functions as the township manager, the two are compatible. You need to inform the other two supervisors, if there is an emergency, it can be handled at the next meeting. and approved. Solicitor Yost suggested that he can do a draft, but Buckley should meet with the other two supervisors, add their thoughts to his memo for discussion at another meeting.

OLD BUSINESS, Continued

Burned Out Building - Dogwood Drive –. Buckley stated at the last meeting, there were 2 items discussed. The Solicitor was going to speak to the executor of the estate, and Buckley recommended reviewing the Property Maintenance Ordinance draft which was rejected in 2005. He gave copies to BOS to review. The Solicitor talked with Atty. Seibert, the executor of the estate and she will provide on her letterhead that they expect to have the property cleaned up in the spring. Jay is not ready to act on the Property Maintenance Ordinance right now. Rochat said he bought this same ordinance up five years ago, its time to move forward with this ordinance with solutions to issues we are faced with. Buckley said he has mixed feelings, but he thinks this is proper for government, not burdensome to have an ordinance for structures burned out buildings, etc.

A motion by Buckley second by Rochat to authorize the Solicitor to advertise the proposed Property Maintenance Ordinance for possible adoption at the April meeting.
Brandt – No. Motion carried.

The Solicitor said it will be advertised in a form ad, 60 days from time of advertising. He also said we should have copies ready for residents to review if they are interested. Kuntz asked if the Planning Commission should review this ordinance at their meeting.

Revision of Park & Recreation Ordinance and Park & Recreation Plan – Solicitor Yost –The Solicitors stated he needs a copy of the Park & Recreation Ordinance and the Plan so he can be consistent with the draft.ning Commission.

PARK LAND ACQUISITION & SUBDIVISION – Authorize \$4,000. Expenditure for Subdivision Plan - Buckley stated there are several things to be discussed which is authorization of expenditures for the subdivision plan, Mr. Kaylor will discuss the subdivision and any question, a resolution for condemnation to Hershey Trust Land and condemnation of Lower Dauphin School District land, and Hershey Trust Land Agreement.

Engineer Kaylor was asked by LDSO to prepare a preliminary plan and a sketch plan to subdivide. The plan shows the lands of the Hershey Trust and LDSO which is 24 acres. The trust is not subdivided yet. The BOS Chairman e-mailed him a sketch of a proposed lot design for a 5 lot subdivision of two properties. This indicated this would create 3 lots on the proposed purchase of the trust property, 5 acres of which would be a lot that ends up titled to LDSO and a 2 acre lot for the township, and an 18 acre park. Additionally LDSO would create an 8 acre lot with 40 ft. road frontage from middle of road, and would be conveyed to Conewago Twp. This proposes no road dedication along Schoolhouse Road or Old Hershey Road at this time.

On Lot 3. the problem is the configuration of the alignment to proposed ball fields. Mr. Martz is looking at 5 acres with 300 ft. frontage, and what happened in this area there will be a corner that sticks out. He would like that pushed back to the wooded area which make it square a cleaner application for the fields.

PARK LAND ACQUISITION & SUBDIVISION – Authorize \$4,000. Expenditure for Subdivision Plan -

The school district could probably have a preliminary plan land-out by 3-22-10, but needs to give Engineer Kaylor direction. Rochat stated this Board has been committed to this project, and once the township has the land the Park & Recreation Board would want to see how the parkland is to be developed.

A motion by Buckley second by Rochat to change the 300 ft. frontage back to a rectangle field, split the difference and square it off. Motion carried.

Engineer Kaylor stated the township will be involved in the Planning Module, all lots are stand-alone lots after you approve this plan. This will be a non-building waiver with a recreational theme as the reason why they are not during any soil testing. This is a 5 lot subdivision with no road frontage. Solicitor Yost stated he is hesitant because the school solicitor said there may be some restrictions if land is not used for Park & Recreation purposes under the school code. Rochat stated the acreage of lots, 2, 5, and 17 acres must be kept separate. Engineer Kaylor will let the township or the solicitor know the road frontage for Lot 4, to see if they would have to do a variance. If it doesn't meet the requirements Rochat stated Lot 2 is part of the trust and we may be able to attach Lot 4 to avoid a applying for a variance.

Buckley said the trust agreement states that the township will take care of the subdivision, so the township will pay for their share of the process. A motion by Buckley second by Rochat to authorize payment of \$4,000. to pay the townships share for the process of the subdivision plan. Motion carried.

RESOLUTION 2010-2 – Trust Sales Agreement – This is part of sales agreement with the trust, we are required to show our willingness to condemn the trust property, which is a legal technicality.

A motion by Rochat second by Brandt to authorize the friendly condemnation of Hershey Trust Co.property for Park & Recreation, if necessary. Motion carried.

RESOLUTION 2010-3 – Lower Dauphin School District Agreement – A motion by Rochat second by Brandt to authorize friendly condemnation of property of Lower Dauphin School District for Park & Recreation, if necessary. Motion carried.

TRUST LAND PURCHASE ACQUISITION - Buckley thought we took care of this at last month's meeting. On 2-17-10 BOS Meeting 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. The Solicitor suggested a motion be made for the Solicitor's final review.

PARK LAND ACQUISITION & SUBDIVISION – Authorize \$4,000. Expenditure for Subdivision Plan, Continued -

TRUST LAND PURCHASE ACQUISITION, Continued,

A motion by Buckley second by Rochat to approve the execution of the Trust Land Purchase Agreement subject to the Solicitor's final review. Motion carried.

A motion by Buckley second by Brandt to approve the use of Park & Recreation money due from Aberdeen Mills to pay the subdivision expense and properly note in accounting procedures. Motion carried.

Flood Plain Map/Ordinance Update – Engineer Shradley – Engineer Shradley reviewed the map. In the S.E, Corner, the county line was wrong. He advised them to fix the error and received a copy of the ordinance to review, and he will be working on the actual language to be used in that ordinance. Keep this item on the April agenda.

NEW BUSINESS

Report on SALDO provisions on emergency or boulevard entrance – Engineer Shradley – At the BOS Meeting 2-17-10 they requested the engineer to review the ordinance to determine the provisions regarding boulevard and emergency access to developments. During the review he noted the following items:

301 – The definition of street includes boulevard. No definition of boulevard is included in the section

502.3.B – This section provides that the BOS may require additional street width and right-of-way beyond the minimums if determined it is necessary for public safety and convenience.

No other references pertaining to boulevard and emergency access appear to be contained in the SALDO or the Zoning Ordinance.

If the Board wishes to consider strengthening these items we should consider an amendment to the SALDO ordinance. The following is a typical section from other ordinances that could be modified to address this issues in the manner desired.

SAMPLE LANGUAGE – Additional access for Certain Developments – Any development of NUMBER (#) or more dwelling units or units of occupancy, or in the case of non-residential development generating more than NUMBER (#) ADT, shall be provided with at least two (2) means of vehicle access into the development. The second means may be limited to emergency vehicles provided the applicant proves access will be properly designed for its intended purpose, and shall be a minimum of NUMBER (#) feet in width.

A motion by Rochat second by Buckley to have the Engineer discuss with the Planning Commission the language to be used to revise the SALDO Ordinance with a recommendation to the Supervisors. Motion carried.

Employee Handbook Revision – Nothing to Report

PLANNING/ZONING REVIEW SESSION

CREEKSIDE MEADOWS – FINAL SUBDIVISION PLAN, PHASE 1, Zoned Residential Country, 1779 Deodate Road, Elizabethtown (Formerly Michel Costik Farm) Parcel 22-015-001. Waiting for Final Plan – Sewer Planning Module, submitted 12-16-09, Received Phase 1 Subdivision 12-14-09 – Their Sewer Planning Module has been rejected by DEP, and they gave us an extension until 5-14-10. They will not be attending this meeting.

A motion by Brandt second by Rochat to grant extension for Creekside Final Subdivision Plan, Phase 1, until 5-14-10. Motion carried.

CONEWAGO ELEMENTARY SCHOOL EXPANSION LAND DEVELOPMENT PLAN Parcel 22-009-003. 22-009-023, Request waiver/conditional approval of traffic study, -The entire plan was forwarded to BOS by PC, Return to PC to address outstanding comments –

Buckley stated the Conewago Expansion we will only address the traffic study standpoint procedural questions whether we can proceed with the rest of the land development land while deferring PENNDOT approval of the traffic study, and maybe deferring other final approval. At Planning Commission they discussed the intersection and improvements as a separate project and work the two simultaneously. If the intersection work would be made as part of the requirement of the land development and improvement it would delay the bidding of the main project at a minimum of 9 months. They were hoping to get conditional approval for the school to proceed with the school project and intersection. The Solicitor said the school needs to pursue the land development independent of the traffic study, and action would be taken after the language of the agreement.

A motion by Buckley second by Rochat to send the Conewago Elementary School Expansion back to the Planning Commission to review the outstanding Engineers comment. Motion carried.

Rochat asked if the school looked at the scope of the traffic study at Colebrook and Roundtop Rd. because this will be the largest elementary school because of development in Londonderry He would like to know what percentage is from outside of Conewago majority 450 to 500 would return special needs and kindergarten.

PLAN STATUS UPDATE

RICHARD & CINDY MCGRATH EQUESTRIAN FACILITY, Corner of Mapledale & Valley Road, Zoned Ag., 22-014-055 – Supervisors directed them to PC with their Land Development Plan. Proposed Zoning Ordinance Revision. Didn't attend PC Meeting 1-25-10 or 2-22-10 -

Paul Radon, brother-in-law attended the BOS meeting, but no action will be taken because the McGrath's have 3 overdue bills amounting to \$1,313.26. Buckley stated the Supervisors have heard a lot on this facility, but at the last BOS meeting it was clearly stated all further action must go through the Planning Commission for recommendation to the Supervisors.

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. – Conditional approval was given 2-17-10. Hertzler’s Sewer Planning Module was rejected by DEP.

LISA & BILL CAPP, 727 BELLAIRE ROAD, PARCEL NO. 22-014-025, RE: Horse Barn & Riding Arena – Code Inspector Services Inc. – Information Only – Supposed to be 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 – Conditional approval was given 2-17-10.

The Board of Supervisors adjourned the regular meeting at 9:35 PM and went into an EXECUTIVE SESSION to discuss legal, personnel issues, and security reasons. The Board of Supervisors returned from Executive Session 11:30 PM, and the following action was taken. Chairman Buckley advised the secretary to prepare PMRB-20 to roll over the pension plan money.

A motion by Buckley second by Rochat to authorize the Treasurer to reinvest the (4) four CD’s coming due in April, 2010 at the best interest rate available. Motion carried.

A motion by Rochat second by Brandt to adjourn the meeting at 11:39 PM. The next meeting is April 14, 2010.

Respectfully submitted,

Shirley A. Meyers
Township Secretary

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