

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.of
Administration,Road
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Shirley Meyers
Twp.Secretary/
Asst.Treasurer

Dolores Kuntz
Treasurer/
Assistant Secretary

MAY 13, 2009

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES

The Conewago Township Board of Supervisors held their regular meeting on Wednesday May 13, 2009. Those present were:

John Rochat	Galen Shelly	Jay Brandt
Shirley Meyers	Norman Miller	Jon Yost
Dolores Kuntz	Max Shradley	Rosalie Sarfert
Joel Buckley	Tracy Zeiset, The Sun	Pete Czuday
Earle Olsen	Heidi Thomas	David Tobias
Tom Luttrell	Anthony Potter	Irene Hilsher
Walt Eby	Jonathan Crist	Shirley Weaver
Jim Landis	Manley Lehman	Pam Packer, Court Rep.

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

MINUTES OF APRIL 8, 2009 - A motion by Shelly second by Rochat to approve the minutes of April 8, 2009 as submitted. Motion carried.

TREASURER'S REPORT, APRIL 30, 2009 - A motion by Shelly second by Brandt to approve the Treasurer's Report dated April 30, 2009 subject to audit. Motion carried.

EXPENDITURE REPORT, MAY 13, 2009 – A motion by Shelly second by Rochat to approve the Expenditure Report dated April 9 to May 13, 2009 in the amount of \$34,513.94. Motion Carried.

SUBDIVISION/ENGINEERING REPORT - All up-to-Date

PLANNING COMMISSION MINUTES, MARCH 31, 2009 – For Review Only

PUBLIC COMMENTS – **Rosalie Sarfert** – Sarfert questioned what is involved on Rt. 743 needing a right hand and left hand turn. Miller stated the Hershey Free Church had to do a traffic study for their subdivision plan, and when that was completed PENNDOT required a left and right turning lane. PENNDOT replied about 3 months ago which required ROW's or easements from two residents, Clifford Keener and Frank Graybill. The original plan was a turn on the church side, so the developer is waiting to see what PENNDOT approves.

Sarfert also stated we have had trouble at that intersection, and also the school intersection, and couldn't get a red-light. That isn't even a 4-way intersection, and, now because of ball fields, concession stand, etc. they are going to take resident's properties. Mr. Miller stated we can't dispute what PENNDOT requires, it's a state road, and it is between the developer and the state. Solicitor Yost stated it is an easement on the ROW and the homeowners were asking what's happening there. He also said the homeowner has to give permission to the slope easement, and they have to negotiate with the developer.

Jonathan Crist – Political Signs – He stated it is his understanding that the Commonwealth permits a "Vote For Your Candidate Sign" of your choice within the public ROW. Recently he had several signs taken down and thrown aside, he moved it back and it disappeared. What is the Township's position on this issue? Mr. Miller said the township has no position and the signs may go up where they choose to put them. If there would be a violation of safety issues, we would ask the Zoning Officer to check on it. The township has no knowledge of anyone removing signs.

Rosalie Sarfert – Sarfert also said she had two signs removed, and she asked the homeowners if she could put political signs on their property. They were not in the ROW they were on private property.

Rochat suggested that each individual land owners needs to report it to the State Police if political signs are removed.

WALTER EBY/IRENE HILSHER CONDITIONAL USE APPLICATION – Residential Country, 5273-R Ridge Road, Elizabethtown, Home Occupation – Real Estate Office - Solicitor Yost stated the purpose of the public hearing is to consider a Conditional use Application to permit the use of a portion of a structure located in the "RC" Residential Country Zoning District for a real estate home office, as a home occupation. The applicants are Walt Eby and Irene A. Hilsher. The property is owned by Irene A. Hilsher and is identified as Dauphin County Tax Map Parcel No. 22-008-022 and is located at 5273 (Rear) Ridge Road, Elizabethtown, PA 17022, on the south side thereof, approximately midway between Old Hershey Road and Chestnut Road. The property was properly advertised and the neighbors living within 300 Ft. were notified.

Mr. Eby is asking for permission to operate a Real Estate Office in his home in the lower level of the house. The state would inspect the office; there would be no change in traffic flow, because settlements usually take place in an attorney's office. He has no scheduled hours, hours by appointment only. He usually meets with clients at other

WALTER EBY/IRENE HILSHER CONDITIONAL USE APPLICATION – Residential Country, 5273-R Ridge Road, Elizabethtown, Home Occupation – Real Estate Office, Continued

locations. The property is about 1,800 sq. ft., and he estimates the use for the office is 448 Sq. ft less than 25%. The Solicitor said there are sign restrictions of size allowed in that area. Rosie Sarfert asked if Mr. Eby is aware of the guidelines of the Real Estate Laws, and that a home office would have to be approved and inspected by the state. Mr. Eby stated he is aware of the inspection and approval by the state, and when he has it setup if they don't approve it, there would be no home occupation.

The Solicitor asked if there were anymore comments from the public, and if the Board had any questions. The Conditional Use Hearing was closed at 8:10 PM.

A motion by Shelly second by Rochat to grant the Conditional Use to Walter Eby and Irene Hilsher for a home occupation for a Real Estate Office. and authorize the Solicitor to draft the opinion of usual conditions for a Conditional Use. Motion carried.

PARK & RECREATION - Dan Tredinnick – RE: Camp Conewago - Mr. Tredinnick couldn't attend tonight's meeting, so Mr. Miller will fill in for him. At the Conewago Township Park & Recreation Advisory Board Meeting on 4-15-09, the members took action to submit two recommendations for the Supervisors consideration:

Camp Conewago Director – The Parks & Recreation Advisory Board in consultation with Conewago Elementary School Principal Ed Gnall, recommend Michelle O'Donnell to fulfill the program administration duties for Camp Conewago for 2009.

A motion by Rochat second by Shelly to appoint Michele O'Donnell as Camp Conewago Director for 2009 summer camp. Motion carried.

Fund Request - The Parks & Recreation advisory Board reviewed the fund request received by the township from Conewago Baseball Association. The Park & Recreation Advisory Board recommends and requests a \$2,500. grant be awarded to the baseball association. They provided a brief budgetary overview and a list of field improvement projects it would like to undertake. Ken Atkins, President of Conewago Baseball Association stated they are an all volunteer youth sports organization that deeply appreciates the past support provided by the Conewago Park & Recreation Board. This year they are requesting \$2,500 grant for the 2009 Baseball Season. The grant will help them reach the goal to make field improvements such as purchasing Diamond Tex for the fields and replace a set of bleachers that were removed due to safety concerns. Among other things they are hoping to replace catcher's equipment and helmets, and pay for annual mower maintenance.

A motion by Rochat second by Shelly to grant the Conewago Baseball Association a grant of \$2,500. for their 2009 budget. Motion carried.

The Park & Recreation Board would like to thank the Township Road Crew for the improvements to Danny Fisher Field. The availability of state grant monies has allowed us to put a crushed stone parking area at the entrance to the field which has improved public access to the tee ball field. Also we have acquired picnic tables, grill, and benches from a

PARK & RECREATION - Dan Tredinnick – RE: Camp Conewago, Continued -

Fund Request, Continued - previous grant to be installed at the field. It is also their hope that a 20 x 40 concrete slab with an ADA accessible path leading to the picnic area and the tee ball backstop will be installed this spring. Mr. Miller would like to finish the **Cement Slab 20 x 40** for the Danny Fisher Field. The Park & Recreation requested a handicapped walk to the backstop, but they did not recommend a pavilion, and the request for a walkway is included. Part of the approved \$5,000. Grant was approved for wheel chair accessible. He received bids from Sauder Bros, Manheim, \$6100, Greg Taylor, \$5900., and Dale Parmer was the lowest bid received \$5,100.

A motion by Rochat to authorize the award of the contract to Dale Parmer for \$5,100. of which \$5,000., will be reimbursed by DCED. After much discussion Rochat withdrew the motion until the June Meeting, because we haven't actually received the grant money yet. He also suggested to notify Dale Parmer that he got the bid and, to see what he wants to do. Mr. Miller also stated that Camp Conewago could use this area, and we have purchased park benches, a grill, and tables waiting to be installed on the concrete slab from another grant which will be secured.

There are two Park & Recreation Fees paid in-lieu-of that will expire on 6-8-09. The fees collected in lieu of must be used within a 3 year period that money is received. The Twp. Engineer suggested using some of that money for paving the parking lot, handicapped sign and handicap sign painted on the parking lot. and the walkway. The field should be handicap accessible throughout the park. The slab should be concrete not paved.

A motion by Rochat second by Shelly to authorize spending \$6,000., for paving of a portion of parking lot, walkway, and handicap accessibility, and to use the Park & Recreation Fund from monies due from English and Braun fees to include appropriate handicapped signs and paint handicapped sign on parking lot. Motion carried.

CREEKSIDE MEADOWS PRELIMINARY SUBDIVISION PLAN – Zoned Residential Country, 1779 Deodate Road, Elizabethtown, PA (Formerly Michael Costik Farm) Parcel No. 22-015-001, (Recognize Extension 6-12-09) Note: The BOS recognized the extension for Creekside Meadows until 6-12-09, and Mr. Miller stated they will attend the Planning Commission Meeting on 6-1-09 with a revised updated plan.

LANDIS & ARLENE M. KREIDER PRELIMINARY MAJOR SUBDIVISION PLAN – (Toll Brothers, Inc.) 3825 Roundtop Road, Elizabethtown, Tax Parcel No. 22-001-051, Zoned Residential Country (Recognize Toll Bros. Extension Until 6-11-09)
The BOS recognized the extension for Toll Bros until 6-11-09.

OAK RIDGE MANOR SKETCH PLAN - Zoned Residential Country Ridge Rd., Formerly Evelyn Farver – 9 Lots, Now 7 Lots - Solicitor Yost sent a email 5-6-09, to the developer with a revised agreement to go with the final plan. He had no response from them,

OAK RIDGE MANOR SKETCH PLAN, Continued - Zoned Residential Country Ridge Rd., Formerly Evelyn Farver – 9 Lots, Now 7 Lots - and there is not a time table because this is a sketch plan. They will need to submit a subdivision plan.

A motion by Rochat second by Brandt to table Oak Ridge Manor Sketch Plan until June meeting. Motion carried. Shelly Abstained.

JOHN N. & FRANCES H. HERTZLER FINAL SUBDIVISION – Lot Add-On and Land Development Plan, 676 Hertzler Rd., Elizabethtown, PA Parcel 22-018-007, Zoned Ag., Jeff Reitz Granted Extension Until 8-10-09, He said the plan should be completed within a month) NOTE: The BOS accepted the extension until 8-10-09 and to keep go on the agenda for June.

HILLS OF WATERFORD LETTER OF CREDIT DUE IN JULY 2009 – Mr. Miller stated that the Township Engineer and him went out several months ago to see if they completed the work that needs to be done, but it is not completed. The Solicitor stated we need to notify them the work needs to be finished before the Letter of Credit can be lowered.

A motion by Brandt second by Shelly to notify Hills of Waterford that they need to complete the work before the letter of credit can be lowered. Motion carried.

RALPH W. & HELEN LUTTRELL – Preliminary Subdivision Plan – Residential Suburban, Church Road & Azalea Drive, 9.74 Acres 12 new Building Lots, Tax Parcel 22-001-008 – Rochat stated in the Planning Commission Meeting 4-27-09 their Board requested the supervisors to authorize the Township Engineer to measure the site distance where Woodlawn meets Azalea Drive. Rochat said we haven't seen this plan yet, and should we ask if we should have the Township Engineer follow-up on measuring the site distance. The Solicitor said that we should go ahead and have the site distance measured, which will be solved when the Supervisors receive the plan.

Earle Olson – Treasurer of Concerned Citizens of Laurel Woods said that residents must deal with the reality of driving the hills, etc. Mr. Miller said that is a zoning issue for the zoning officer. Mr. Olson said at the last Planning Commission there was a request for the Twp. Engineer to measure the site distance.

A motion by Brandt second by Rochat to authorize the expenditure for the Township Engineer to measure the site distance. Motion carried.

ACT 32 – EARNED INCOME TAX COLLECTION WORKSHOP 5-18-09 – 6:00 PM – 9:00 PM, - Holiday Inn, 604 Station Rd., Grantville, PA, Fee is \$20.00 Per Person – Rochat stated there are issues that the School District or Municipality must select a representative by 9-1-09 to attend County Wide Earned Income Commission Board Meetings. This is single county wide local taxes collected. The effective date will be July 2011.

ACT 32 – EARNED INCOME TAX COLLECTION WORKSHOP 5-18-09 – 6:00 PM – 9:00 PM, - Holiday Inn, 604 Station Rd., Grantville, PA, Fee is \$20.00 Per Person – A motion by Brandt second by Rochat to authorize any staff member or supervisor who is interested in attending the Earned Income Tax Workshop, and the supervisors reserve the right to appoint someone at a later date. Motion Carried.

ROAD MASTER REPORT – Norman Miller

Scratch Coat Cedar Road – Mr. Miller reported that scratch coat should be done the last week in May or the beginning of June by Ebersole’s Excavating. This was already approved a couple of months ago.

Bituminous Seal Coat – Start Mid-June

Roundtop Road Ridge Project – Mr. Miller gave the supervisors a mandatory pre-bid to review for the next meeting. This bid is for the milling and repaving construction project of Roundtop Road, Ridge, Down the Lane, by removing a hill 270 lineal feet to a full 20 foot wide new roadway section. The Township’s bid specifications request bids involving milling and/or removal of paved road to an approved site. Along with removing approximately 1500 tons of earth removal which would include rocks and soil and an 8 foot cut maximum to lower a hill that blocks the view of a private drive and the roadway around a curve.

Miller gave the supervisors a draft to review of the plan to cut the hill on Roundtop Road next to Down the Lane. Mr. Miller stated he needs the Board comments on how far to cut down to level it or down to whatever we need for site distance. The design will not change the water flow Down the Lane because the water flow is coming from the Kreider property. The holdup is the removal of an electric pole which needs to be moved back or to the side for site distance. Rochat suggested Miller should contact the residents living Down The Lane, as well as comments from Brandt and Shelly to determine the level to cut the road for site distance. Jim Landis and Manley Layman live on Down the Lane, and Mr. Landis stated Mr. Layman actually has a primary problem with his driveway. These issues are tabled until the June 10th Meeting.

Mr. Miller stated we are moving forward with the Road Inspections area we would like to do, he also said Gates Road prep work will be finished within a few days of relocating Verizon’s cables.

Nye Road Intersection at Church Road – Mr. Miller stated we discussed a traffic study last month of Nye Road Intersection at Church, and we have proposal from Rettew Associates. Engineer Shradley had a discussion with their traffic department, and we do need a study to justify Nye Road stop signs or signs. Rettew would conduct spot speed studies along both directions of Church Road to determine average and 85% percentile travel speeds and approaches. If the speed is higher than 25 MPH, it would change what speed is required. Engineer Shradley stated the speed would not necessarily be set at 45 MPH because of the

ROAD MASTER REPORT – Norman Miller, Continued

Nye Road Intersection at Church Road, Continued spot speed counters at specific locations is not the actual maximum running speed of the entire road. Nye & Church have been cut back as far as property owner would allow. The Township took all the measures they physically could.

A motion by Rochat second by Shelly to authorize the Township Engineer to do the Traffic Study for Nye Road at Church Road for a multi-way stop warrant study not to exceed \$2,550. Motion Carried.

Cedar & Gates Road Stop Sign Study, Maximum Speed Limit for Gates Road from Cedar Road, to the Township Line and Cedar Road from Gates Road to Ridge Road. - A motion by Rochat second by Shelly to authorize the Township Engineer to do the Traffic Study to set the maximum speed limit for Gates Road from Cedar to the Township Line and for Cedar Road from Gates Road to Ridge Road not to exceed \$750. for each road.

DIRECTOR OF ADMINISTRATION - Norman Miller

Fee Schedule - Mr. Miller stated he would like to clean up the Fee Schedule, because of confusion with which permit is Zoning, Building or Construction. The resolution was adopted on 8-13-08. The **Zoning Permit** fee charges and expense for the administration of zoning permit include Zoning Officer approval and the secretary's paperwork. Permitting also includes 1,000 sq. ft. or less unattached structure. The fee for a Zoning Permit is \$25.00, and \$25.00 for Certificate of Use to complete the permit.

The Construction Permit would not change the Base Fee of \$50.00, and State Fee is \$4.00., is what the state receives for UCC. This fee is for administration of building permit. Fee includes any structure attached to dwelling, or any structure larger than 1,000 sq. ft. This permit is under Uniform Construction Code inspections, so the building permit multiplier; cost of total construction is based on \$5/\$1,000 value of construction project. When project is completed a Certificate of Occupancy is obtained from the inspector, than the township fills out the paperwork and mailed to the owner. Inspection fees are charged by the inspector.

Open Record Policy – The Open Records Fee for \$.10 was eliminated when the Open Record Policy was effective and the maximum fees as published by the PA State Open Records Office at the time of request. The maximum rates are to cover public request for information research, documents, tax forms, etc. A question was asked by the Board about a Website for the township. Mr. Miller would like to have a web-site but this would not take care of the written request for Open Records request, we would still have to send the request out. Mr. Miller stated the web-site is not hard to start; it would be hard keeping the web-site current, which would take the time.

Rochat requested written comments from the Zoning Officer and Township Engineer on their comments and description of permits and fees for the June meeting.

DIRECTOR OF ADMINISTRATION - Norman Miller, Continued

LETTER OF CREDIT FOR ZIMMERMAN/S SUBDIVISION FROM CONTRACTOR FOR LOT 2 - The Contractor requested a letter of transfer from Lot 6 to Lot 2 formally Zimmerman's Subdivision Plan. The Township Engineers needs to approve this because Lot 6 is not completed no seeding or mulching has been done. This cannot be transferred to Lot 2 until the Twp. Engineer is satisfied with Lot 6. The Twp. Solicitor said will the bank go along with, theoretically they would have to pay for an additional letter of credit, but we need to be careful how this is handled. The Twp. Engineer will follow-up with this issue and will let us know when Lot 6 is completed.

CAPCOG – Senate Bill 419, which would permit municipalities to publish public notice on the internet, is now being opposed by Pennsylvania Newspapers through a campaign against the bill. The Newspapers have a vested interest in maintaining their current advertising revenues. Growth in the newspaper business these days is coming from online editions while readership of the print editions is clearly declining. The newspapers already recognize the value of the internet in providing access to public notices online.

THE WHITE HOUSE – CHESAPEAKE BAY PROTECTION AND RESTORATION – Mr. Miller stated from President Obama issued an executive order No. 13, to protect and restore the health heritage, natural resources and social and economic values. He will be setting up a federal tax force of many people to restore it. The pollutants that are largely responsible for pollution of the Chesapeake Bay are nutrients, in the form of nitrogen and phosphorus, and sediment. These pollutants come from many sources, including sewage treatment plants, city streets; development sites, agricultural operations, and deposition from the air onto the waters of the Chesapeake Bay and the lands of the watershed will be studied for solutions.

REQUEST FOR EXEMPTION FROM PUMPING SEPTIC SYSTEM

Dave Koppenhaver, Owner 416 Bachmanville Rd. - He is requesting exemption from the 3 year pumping report. There is no occupancy at this property since he bought it in 2004. He is still renovating the property, and the water is turned off. He will notify the township when the status changes on the property from unoccupied to occupied.

Zantha Weaver, Parcel 22-002-025, No One Living There Since 2001. 723 Bachmanville Road – Ms. Weaver asked for an exemption from pumping 723 Bachmanville Rd. Sromdid an Inspection/Pumping 5-9-02; she would have been due to pump 2005 and 2008. The Sewer Authority did not make any recommendations. This was tabled until the May meeting to hear from the Zoning Officers and SEO.

After much discussion the Supervisors authorized the Township Solicitor to do a legal agreement to be signed by resident requesting an exemption from pumping. Both addresses are currently unoccupied. Previously we have given exemptions stating that nobody could occupy or move into the property until a pumping or inspection/pumping was completed.

DIRECTOR OF ADMINISTRATION - Norman Miller, Continued
REQUEST FOR EXEMPTION FROM PUMPING SEPTIC SYSTEM, Continued

A motion by Rochat second by Brandt to authorize the Township Solicitor to execute a legal agreement on a standard form for any resident asking for an exemption from pumping to sign, and that it cannot be occupied until pumped or inspected/pump, if necessary. Motion carried.

Phase II Sewer Project - Rochat stated we received a letter dated 4-30-09, from DTMA regarding the status of properties who haven't hooked up. DTMA is requesting that the Township Supervisors pursue legal step to accomplish connection of the Deborah Miller property located on 5575 Ridge Rd., Elizabethtown, PA. The Township Solicitor stated that he would send a letter to connect, and the township would have to notify a registered plumber to do the work, and a lien would be filed against that property.

The only other property in question is 5111 Ridge Rd., Elizabethtown, PA. A permit was acquired; but not connected. Some questions have arisen on the ownership of this property. DTMA Solicitor is working on this. This property already received the Grinder Pump credit, and DTMA will put a lien on it. The current owner is Deutsche Bank National Trust Co. Trustee.

A motion by Rochat second by Shelly to authorize the Township Solicitor to take legal action against 5575 Ridge Road, Elizabethtown, PA, to hookup to Phase II Sewer Project, and proceed with legal action. Motion carried.

Bernadette Bream – Rochat stated we received a letter from Mrs. Bream in regards to her property at 6106 Schoolhouse Road, Elizabethtown, PA. Her husband of 23 years died suddenly, 3 years ago leaving her with a beautiful 22.2 acre farm. The farm has been on the market since September 2007. She would like to request a subdivision of one parcel to include a 1 to 3 acre lot and one parcel to include the existing farm and remaining land. She is proposing this out of hardship. Rochat said he has the understanding that this property has already been subdivided with the number of lots allowed. The Township Solicitor said the only options she has is to ask the Supervisors to amend the ordinance or go to the Zoning Board for a Variance. Rochat suggested a response should be sent by Mr. Miller explaining her options.

A motion by Rochat second by Shelly to adjourn at 9:45 PM. Motion carried. The next meeting is June 10, 2009.

Respectfully submitted,

Shirley A. Meyers
Township Secretary