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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,
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Twp.Secretary/
Asst.Treasurer

Dolores Kuntz
Treasurer/
Assistant Secretary

NOVEMBER 11, 2009

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES

The Conewago Township Board of Supervisors held their regular meeting on Wednesday November 11, 2009. Those present were:

John Rochat	Galen Shelly	Jay Brandt
Shirley Meyers	Norman Miller	Jon Yost
Dolores Kuntz	Max Shradley	Joel Buckley
Rosalie Sarfert	Jeffrey Roth, The Sun	Martha Siwert
David Siwert	Barbara Miller, Patriot-	Bill Capp
Lisa Capp	Frank Graybill	Virginia Graybill
Janice Mills	Tom Mills	Ryan Brown
Cindy McGrath	Rick McGrath	Randy Wright
Florence Motz	Frederick Motz	George Heberlig
Eric Heberlig		

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

MINUTES OF OCTOBER 14, 2009 - A motion by Shelly second by Rochat to approve the minutes of October 14, 2009 as submitted. Motion Carried – Brandt-NO

MINUTES OF OCTOBER 21, 2009 – BUDGET MEETING – A motion by Shelly second by Rochat to approve the minutes of October 21, 2009 as submitted. Motion Carried.
Brandt - NO

TREASURER’S REPORT OCTOBER 31, 2009 - A motion by Shelly second by Brandt to approve the Treasurer’s Report dated October 31, 2009 subject to audit. Motion carried.

EXPENDITURE REPORT, NOVEMBER 11, 2009 – A motion by Brandt second by Rochat to approve the Expenditure Report dated October 15, 2009 to November 11, 2009 in the amount of \$28,226.55. Motion Carried.

SUBDIVISION/ENGINEERING FEE REPORT - All Up-To-Date

PLANNING COMMISSION MINUTES, OCTOBER 26, 2009 – Meeting cancelled

PUBLIC COMMENTS

Frank Graybill, RE: Comprehensive Plan, Located on 3081 Elizabethtown, Rd., Hershey, PA - Mr. Graybill appreciates the Supervisors time for a few questions regarding his request to have his property changed from residential to commercial. Mr. & Mrs. Graybill felt this was a good fit because the property next to them is commercial, as well as properties along Rt. 743, and was under the impression that his property was zoned differently. He heard discussion on Hershey Free Church changing the Y in the road. Rochat stated at this time they are only developing 4 athletic fields, and would need to come back with another plan. Rochat and Brandt both stated that a professional comprehensive plan should be reviewed every 5 to 10 years. Mr. Miller stated there were 3 areas that asked for a change and both Boards felt the same, not to increase the commercial district, but keep them in the present zoning. Solicitor Yost stated this is just a Comprehensive Plan proposed for land use, there will be new zoning ordinances adopted which will happen sooner than 5 years. The township will start a review of zoning ordinances, and that would be the time to come back. The Solicitor said to check with the Planning Commission monthly, it would be advertised in the newspaper, on the township website, and newsletters.

Tom Mills, RE: Speed Limit on Cedar Road – Mr. Mills stated he sent in a brief letter with signatures from the residents and neighbors living close to Cedar Road who are concerned about the safety on Cedar Road, especially between Schoolhouse Road and Gates Road. There has been an increase of residents and traffic along this section of road in the past 4 years. There is little or no berm along this section of road and vehicles are constantly traveling at excessive speeds (55 MPH) endangering oncoming traffic, walkers, bikers, and children.

They are requesting action on the following for safety improvements needed; multiple 35 miles per hour speed limit signs, multiple signage to slow traffic for children, walkers or bikers. Mr. Miller said there was a traffic study done, and the traffic study will be discussed later in this meeting. Solicitor Yost stated you can't put signs up without meeting state regulations that warrant the study.

Randy Wright, Engineer, RE: Rick & Cindy McGrath, Waiver of Land Development Request, Zoned Ag (Formerly Paul Zimmerman Subdivision). Proposing to build a 264' x 84' – 22,176 Sq. Ft. Horse Barn for Housing and Training Horses - Mr. Wright said the McGrath's are here regarding a recent Waiver of Land Development. In the BOS Minutes of 9-9-09, after much discussion a waiver of land development was denied. The motion was amended to grant construction of a 6,000 sq ft. horse barn with the explicit

PUBLIC COMMENTS - Continued

Randy Wright, Engineer, RE: Rick & Cindy McGrath, Waiver of Land Development Request, Zoned Ag (Formerly Paul Zimmerman Subdivision). Proposing to build a 264' x 84' – 22,176 Sq. Ft. Horse Barn for Housing and Training Horses - understanding that any additional buildings or enlargement of building would need a land development plan, and with the understanding that all buildings are for Personal Use only and not as a business. Mr. Wright researched the notes on the subdivision plan definition of farm versus agriculture uses permitted. The basic issue is this 13.65 acre lot when created a restriction was placed on this lot as farm use, your ordinances explains and excludes riding academy, but your Ag. District does allow riding academy which is the conflict.

Rochat stated we never said they couldn't do it, we granted them construction of a 6,000 Sq. Ft. Horse Barn with the understanding that any additional building or enlargements of building would need a land development plan with the understanding that all building are for personal use only and not as a business.

Solicitor Yost stated there are 2 issues, whether they needed a land development plan and what their intended uses are. The key is whether or not they can do it. The history of this subdivision is there is ex-number of lots allowed on this plan. When the Assistant Zoning Officer reviewed this lot it qualified as a farm, therefore, it pulled it out of residential and made it a farm use definition, and not the agriculture definition to restrict the plan.

Solicitor Yost suggested the Assistant Zoning Officer review this plan for the 12-9-09 meeting. Rochat stated this would be tabled until the December meeting to decide if this is some form of commercial business or farm use, and do a land development plan using the UCC Codes.

CREEKSIDE MEADOWS - Preliminary Subdivision Plan – Residential Country Zoning, 1779 Deodate Road, Elizabethtown (Formerly Michael Costik Farm) Tax Parcel 22-015-001 – Waiting for Final Plan) – SEWER PLANNING MODULE – Engineer Shradley stated they submitted a Sewer Planning Module, but part of module is not completed, their working on putting together the full planning module to be considered at the 12-9-09 meeting and action by this Board on the Sewer Planning Module. They indicated starting Phase I in the New Year.

LANDIS H. & ARLENE M. KREIDER – Preliminary Major Subdivision Plan – (Toll Brothers, Inc., 3825 Roundtop Rd., Elizabethtown, Tax Parcel 22-001-051, Zoned Residential Country – Withdrew Plan 10-29-09 - Rochat acknowledged receipt of Toll Brothers letter dated 10-29-09 that they formerly withdrew their plan.

JOHN N. & FRANCES H. HERTZLER – FINAL SUBDIVISION, Lot Add-On & Land Development Plan, 676 Hertzler Rd., Elizabethtown, Parcel 22-018-007, Zoned Ag. (Extension 9-3-09, 180 Days) Until 3-2-10, Need to Act on Plan by 2-10-10 BOS Meeting, SEWER PLANNING MODULE - Miller stated we received sewer planning module today 11-11-09, and the Engineer is putting information together, and no action needed until 12-9-09 meeting.

LISA & BILL CAPP, 727 Bellaire Road, Parcel No. 22-014-025, RE: Horse Barn & Riding Area – Code Inspector Services, Inc. – Miller stated he issued permission to the Capp's to proceed to do the handicap issues. Since they changed their operation, the UCC Codes came into effect and they had no permit at that time to operate (See Letter Dated 11-2-09), and the primary concern of our township was a liability issue. The Capp's took care of the UCC Codes for handicapped, but this doesn't eliminate the land development plan. We also received the Certificate of Occupancy which showed the Capp's took care of the handicap part of UCC Codes.

Mrs. Capp stated at the 10-14-09 meeting Bill Schilling (Commonwealth Code Inspector) did an inspection and said we didn't need an inspection, and told them they needed a few electrical changes which they did. Mr. Schilling said he didn't need to come back because you don't need an inspection. Mrs. Capp said the sentence Jeremy Blank (Commonwealth Code Inspector) had in his letter is not true. Quote "Since the building has been in use for more than one year and no inspections were completed during the building process we are accepting no responsibility for the construction on the building". The Supervisors said it was a different use at the time Mr. Schilling was there, and Solicitor Yost suggested under the circumstance to leave that sentence in.

Miller said the definition has changed from personal use to commercial. The Solicitor stated the issue is a Land Development Plan and you need to submit a plan to the Planning Commission and your engineer could ask for waivers of stormwater issues, sidewalks, curb, etc., at that time. The Supervisors will act on the Planning Commission recommendations. Rochat stated our ordinance requires anything over 800 Sq. Ft to do a land development, we have granted waivers on smaller buildings but your size is 72' x 200 (14,000 Sq. Ft.).

Solicitor Yost said under the circumstance if the Township gave you a total waiver and anybody else comes in they should have the same rights, and historically we haven't done that for larger buildings. Rochat said we need to correct your plan, but we need to be consistent with what the Board has done in the past, and you need a land development plan. Brandt said you need to shop around for lower engineer costs as well. Solicitor Yost said this should be a minimal land development and have your engineer call our engineer, but be timely on it.

After much discussion the Supervisors said your working toward compliance and may continue with business as usual until this is corrected, but be timely on it.

OAK RIDGE MANOR – Preliminary Subdivision Plan, Zoned Residential Country, Ridge Road – 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 Weaver, Tax Parcel, 22-006-092, (Waiting for Engineering and Solicitor confirmation that requirements have been met. RECOGNIZE EXTENSION UNTIL 1-27-10 - Mr. Miller stated they are working to get things finished, also waiting for the Engineer and the Solicitor to confirm that requirement have been met. The solicitor still has concerns regarding maintenance of retention pond.

RESOLUTIONS 2009-11 – SNOW & ICE CONTROL Policy – Miller stated we delayed this policy for one month, because Rochat had a question regarding CDL license issues. The CDL license requires certain things to be done within the 2.2 section of this policy; this now has been clarified in the policy. This is a guideline for the road crew to follow as well as order of roads that can change anytime, the BOS or Road Master deem necessary. This resolution is tabled until the 12-9-09 meeting.

DAUPHIN COUNTY PLANNING COMMISSION – Municipal Advisory Services for Conewago Twp. Planning Commission Monthly Meetings – A motion by Brandt second by Shelly to participate in the 2010 services provided by Dauphin County Planning Commission for providing professional planning advisory service for Conewago Twp. Planning Commission. Motion carried.

DIRECTOR OF ADMINISTRATION – Norman Miller

Phillip J. Tumminia, Conewago Twp. Tax Collector, Regarding Using Township Building 2 days per week plus extra hours for discount periods, etc.)Supplemental Bills, School Supplemental Bills and County Bills – Mailed 1-1-10. Auditor Selection –. The first of the year (2010) he will become Tax Collector for Conewago Twp. He would like to use the township building as his office when collecting taxes from the residents. He is requesting office hours for Monday’s from 4:30 to 7:00 PM with additional hours at the end of each discount period. He will schedule his hours around various township committees that have set schedules. The Supervisors said he can’t use township phones for tax purposes, needs to use his own home phone. A motion by Brandt second by Shelly to give Phillip Tumminia Tax Collector permission to collect taxes at the Township Building, the Township will not provide a phone, and no conflicts with the township scheduled meetings and business in this part of the building. Motion carried.

George Heberlig, Boy Scout, Troop 108 – Rochat recognized George Eberly is attending the Township Meeting to earn his 1st Class Merit Badge. .

Budget 2010 – Miller needs to advertise the 2010 Proposed Budget, 20 days from date of meeting, which you gave him permission at the October meeting.

ROAD MASTER REPORT – NORMAN MILLER, Continued

Township Bridges – Aberdeen Mills, Continued – A motion by Brandt second by Rochat to advertise the 2010 Proposed Budget Draft for public review. Motion carried. Miller stated he will have a report for Koser Bridge after Casey, Mt. Joy Twp. Manager attends the PennDOT Meeting. As far as Aberdeen Mills we will see what happens, what conditions are needed when the Bridge Inspectors come this winter.

Road Salt Ordering, Need to Order Calcium – Miller suggested we order the required 140 Tons from Co-Star, and use the COG bid after the minimum is reached from Co-Star. This year the price is \$2.00 cheaper than Co-Star per ton. He also suggested ordering calcium, because salt doesn't work when temperatures drop below 20 degrees. He would like to order enough calcium to handle a couple of snows.

A motion by Brandt second by Rochat to order from Co-Star 70 to 80 tons. Motion carried.

Auditor Announcement – Newspaper – Miller is asking to place an advertisement in The Sun, 12-1-09, so we can appoint outside auditors at the 1-4-10. reorganization meeting. The Board of Supervisors of the Township of Conewago intends to appoint a firm of certified public accountants to examine all of the accounts of the Township for 2009 Year in place of elected auditors. (This includes the Township and Conewago Municipal Authority)

A motion by Shelly second by Rochat to advertise for Certified Public Accountants to examine all of the accounts of the Township for 2009 year. Motion carried.

Shed Concrete Bids - Miller would like approval of the lowest bid for completing the storage shed concrete work. The lowest bid was Greg Taylor at a cost of \$2,350., which includes two bays, 29' x 37'. The finished concrete in the building will be 5" thick at 4,000 psi concrete mix maximum of 17 yds. is allowed in this bid. A motion by Shelly second by Brandt to approve Greg Taylor's bid for the Storage Shed Concrete Work for 2 bays. Motion carried.

Part-Time Helper on Road Crew – Miller stated he has two applications for part-time road crew position. A motion by Brandt second by Rochat to authorize the Director of Administration to hire part-time help as needed with the stipulation; that the Board re-affirms the hiring and salary of the employee at our next meeting to make it official. Motion carried.

Jon Yost, Solicitor - He stated he is supposed to comment on the minutes of September 9, 2009. – The motion was made to delete the sentence that indicated somebody made a comment at the public meeting. There is no evidence that the comment was made based on the tape. Rochat asked if he saw the Budget Meeting minutes. The solicitor thinks that is the appropriate way to go and added we have far more detail in our minutes.

Traffic Study – Cedar & Gates Road – Engineer Shradley performed a speed study on Cedar & Gates Road (See Letter 11-4-09). PennDOT's regulation allows the posted speed limit to be posted with +5 mph of the 85th percentile and/or safe running speeds. The safe running speed along Cedar Road is determined to be 41 mph, therefore, PennDOT's

ROAD MASTER REPORT – NORMAN MILLER, Continued,

Traffic Study – Cedar & Gates Road, Continued – criteria the posted speed limit could be posted at 40 to 45 mph. The safe running speed along Gates Road is determined to be 36 mph and 35 mph therefore, PennDOT's criteria; the posted speed limit could be posted at 35 to 40 mph.

Based on the Engineers information collected, and review of the roadway conditions, it is their opinion the adequate speed for each of the roads is as follows:

- Cedar Road between Ridge Road and Gates Road should be posted at 45 mph.
- Gates Road from the Township Line to Cedar Road should be posted at 35 mph.

This could be moved by the BOS +/-5 mph as well. Miller suggested posting warning signs for driveways, hidden driveways, watch children, children at play, school bus stop. etc. A resident that lives in agriculture area suggested including heavy farm equipments signs, another resident asked about signs posted for safety at the school intersection. Rochat stated if 40 mph is the legal speed limit, we need to keep it legal. Miller will contact the state regarding a 4-way stop at Gates Road, Cedar, Schoolhouse and Ridge and see if the state will enforce it. Rochat stated the township is requiring a traffic study of the school district for improvements in that area because they are expanding, which could possible warrant a traffic light.

A motion by Brandt second by Rochat to the post the speed limit on Cedar Road to 40 mph with warning signs. Motion carried.

A motion by Shelly second by Rochat to authorize the Engineer to do a traffic study at the intersection of Cedar, Schoolhouse, and Ridge Road for justification for a 3-way stop sign warrant. Motion carried.

A motion by Rochat second by Brandt to post the speed limit on Gates Road based on the Engineer's study and recommendations at 35 mph. Motion carried.

A motion by Rochat second by Shelly to adjourn at 10:25 PM. Motion carried. The next meeting is December 9, 2009.

Respectfully submitted,

Shirley A. Meyers,
Township Secretary