

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

January 4, 2010

The Conewago Township Board of Supervisors held their reorganization meeting on Monday, January 4, 2010. Those present were:

John Rochat	Joel Buckley	Jay Brandt
Shirley Meyers	Norman Miller	Jon Yost, 8:25 PM
Max Shradley	Rosalie Sarfert	D. Buffington, The Sun
Aaron Marines	Barbara Miller, Patriot	Jonathan M. Crist
John Graybill	Randy Wright	RAM & Glat
Marvin Klinger	Caroline Buckley	Barbara Ostrov
Vicki Miller	Paul Rabon	Shirley Weaver

The meeting was called to order by Chairman Rochat at 7:35 PM., and recognized the new Supervisor, Joel Buckley.

NOMINATION FOR CHAIRMAN – A motion by Brandt second by Buckley to nominate Joel Buckley for Chairman. Rochat-No. Motion carried

NOMINATION FOR VICE-CHAIRMAN – A motion by Buckley second by Rochat to nominate Jay Brandt for Vice-Chairman. Motion Carried

AFFIRMATIONS

SECRETARY/ASSISTANT TREASURER – A motion by Brandt second by Rochat to appoint Shirley Meyers as Secretary/Assistant Treasurer at a wage increase to \$17.56 Per Hour for 70 Hrs. Per Pay. Motion carried.

AFFIRMATIONS, Continued

TREASURER/ASSISTANT SECRETARY – A motion by Buckley second by Brandt to appoint Dolores Kuntz as Treasurer/Assistant Secretary at an hourly wage increase to \$14.89 Per Hour for 24 Hrs. Per Pay. It was announced that because Kuntz was his sister, Brandt had a conflict-of-interest in the matter and was required to abstain. Initial vote: Buckley, Yes; Rochat, No. Brandt did not vote. Chairman Buckley said that under tie-breaking rules for three member boards, Brandt was now allowed to vote. Brandt then voted, Yes. Motion carried.

ROADMASTER - A motion by Buckley second by Rochat to appoint Jay Brandt as Roadmaster. Motion carried

DIRECTOR OF ADMINISTRATION - A motion by Buckley second by Brandt to eliminate the position of Director of Administration with all the duties and responsibilities of the Director of Administrator to be handled by Chairman Buckley assuming those duties. Motion carried. Rochat – No

Buckley stated the current duties and responsibility of the administrator will be assumed by the chairman of BOS or delegated by him to other township officials or employees at the discretion of the chairman. Buckley said he is not going to be compensated for those responsibilities, and he discussed this with the Solicitor, it is not a Township Manager, since it is not he can assume the duties. He also stated Twp. Administrator is not a manager position as codified in the Township Codes.

Rochat stated this would be a conflict of the Township Code Class 2, Section 1301. Buckley said the code specifically says this is not a position of Township Manager or Township Administrator which is not covered in 2nd Class Township Code. Rochat said the whole section of the powers and duties of a Township Manager shall be established by an ordinance and call it what you want this position is performing duties of the Twp. Manager. He stated we need clarification in writing from the Township Solicitor stating that this is permissible. You can call it what you want the position functions as the Township Manager, this Board gave to one person Twp. Administrator the duties and responsibility to make decisions whether it is compensated or not clearly it is incompatible.

A motion by Brandt second by Rochat that the Township Solicitor suggested that the Chairman can temporarily handle the Director of Administrator position and delegate duties, but that this Board should define the duties coordinated in the employee handbook. By the next meeting. Motion carried.

OPEN RECORDS OFFICER - A motion by Buckley second by Brandt to appoint Township Secretary as Open Records Officer. Motion carried.

AFFIRMATIONS, continued

ROAD CREW EMPLOYEE, CREW LEADER – A motion by Brandt second by Rochat to appoint Kevin Shope as Road Crew Leader at a wage increase to \$19.49 per hour for 80 hours per pay. Motion carried.

ROAD CREW EMPLOYEE– A motion by Brandt second by Rochat to appoint Robert Keeney as Road Crew at a wage increase to \$16.23 per hour for 80 hours per pay. Motion carried.

ROAD CREW PART-TIME EMPLOYEES – At the BOS Meeting 12-9-09, a motion by Rochat second by Shelly to reaffirm hiring Russell Mull’s as a Part-Time Road Crew employee as needed, and to increase his hourly rate to \$14.00 after 90 hours worked.

A motion by Brandt second by Rochat to increase Russell Mull hourly rate to \$14.00 after 90 hour worked. Motion carried.

ROAD CREW PART-TIME EMPLOYEES 2010 - A motion by Brandt second by Rochat to keep the rates the same for Part-Time Road Crew Employees (Part-time Laborer at a rate of \$12.00; Part-Time Skilled Labor at a rate of \$18. 00; Part Time Snow Removal with Owner Equipment at same rate of \$100.00 per hour; and Part-Time Snow Removal with Township Equipment a rate of \$20.00 per hour). Motion carried.

TOWNSHIP SUPERVISORS FOR TOWNSHIP WORK – The Supervisors did not make a recommendation to the Township Auditors to set the fee for Supervisors working for the township.

APPOINTMENTS

SOLICITORS, Yost & Davidson – A motion by Brandt second by Rochat to appoint the firm of Yost & Davidson as our Solicitor with rates outlined as per letter dated 12-31-09 in the amount of \$195.00 per hour. Motion carried

ENGINEER – RETTEW Associates – A motion by Brandt second by Rochat to appoint the firm of RETTEW Associates, Max Shradley as the primary person of contact, as our Township Engineer with the Retainer Rate of \$105. per meeting assuming he attends the regularly scheduled Supervisors and Planning Commission Meetings (23 Per Year) and the 2010 Rates Schedule as provided in letter dated 12-31-09.

SEWAGE ENFORCEMENT OFFICER – A motion by Brandt second by Rochat to appoint Marvin Stoner, as the Township Sewage Enforcement Officer with the same rates as 2009. Motion carried

APPOINTMENT, Continued

ZONING OFFICER – A motion by Brandt second by Rochat to appoint Donald Parmer as Zoning Officer with the same rate of \$40.00 per hour, to be performed on a time and expense basis for 2010. Motion carried.

ASSISTANT ZONING OFFICER – A motion by Brandt second by Rochat to appoint Frank Chlebnikow and Max Shradley as the Primary Assistant Zoning Officer. Motion carried.

CHAIRMAN OF VACANCY BOARD – A motion by Brandt second by Rochat to appoint John Graybill as Chairman of the Vacancy Board. Motion carried

TOWNSHIP AUDITORS (Need 1, 2 Yr. Term) – Twp. Auditors are elected auditors which consist of 3 members; they are 6 yr terms every 2 years. Gary Painter was elected to a 6 yr. term, and Galen Hitz, was a write-in for a 4 yr. term. There is one vacancy for a 2 yr. term. The Township never received a letter from the Election Board indicating we need to appoint an auditor to a 2 yr. term. The BOS cannot appoint an auditor until we receive that letter. Tabled until next meeting.

TOWNSHIP TAX COLLECTOR – Rate 3% of Per Capita Collected – A motion by Brandt second by Rochat to appoint Phillip Tumminia to collect the \$5.00 Township Per Capita Tax, and reimburse Philip Tumminia at a rate of 3% of total taxes collected. Motion carried.

UNIFORM CONSTRUCTION CODE INSPECTOR - A motion by Brandt second by Rochat to appoint the firm of Commonwealth Inspectors, Inc, Bill Schilling as Code Inspector. Motion carried.

CONEWAGO MUNICIPAL AUTHORITY – (1, 5Yr. Term) - A motion by Brandt second by Buckley to appoint Joel Buckley on the Conewago Municipal Authority for a 5 Yr. Term to expire January 3, 2015. Motion carried. Rochat – No

ZONING HEARING BOARD – A motion by Brandt second by Rochat to appoint Eleanor Long to the Zoning Hearing Board for a 3 Yr. Term to expire 12-31-12. Motion carried.

A motion by Brandt second by Rochat to appoint Donna Spittle as Alternate to the Zoning Hearing Board for a 3 Yr. Term. To expire 12-31-12. Motion carried.

DEPOSITORIES – Currently Fulton, PLGIT, Wachovia/Wells Fargo, PNC, Susquehanna, Commerce, and M & T – A motion by Brandt second by Rochat to appoint Fulton Bank for all township accounts, Wachovia/Wells Fargo for Phase I account plus PLGIT, PNC, Susquehanna, Commerce and M & T. Motion carried.

EQUIPMENT RENTALS RATES – Rate for 2009, Loader, \$96.00; Truck, \$70.00; Grader \$80.00; Truck Plow \$100.00, Per Hour with Driver. A motion by Brandt second by Rochat to keep the same rental rates for 2010. Loader, \$96.00; Truck, \$70.00; Grader, \$80.00; and Truck Plow, \$100.00, Per Hour with Driver. Motion carried.

TOWNSHIP FEE SCHEDULE FOR SERVICES RENDERED - No Action Taken.

MINUTES OF DECEMBER 9, 2009 - A motion by Rochat second by Brandt to approve the minutes of December 9, 2009 as submitted. Motion carried

TREASURER’S REPORT, DECEMBER 31, 2009 - A motion by Rochat second by Brandt to approve the Treasurer’s Report dated December 31, 2009 subject to audit. Motion carried. It was noted Fulton Bank CD’s were missed on the Treasurer Report.

EXPENDITURE REPORT, JANUARY 4, 2010 – A motion by Brandt second by Rochat to approve the Expenditure Report dated January 4, 2010, in the amount of \$48,509.27. Motion carried.

SUBDIVISION/ENGINEERING FEES REPORT – All up-to-date.

PLANNING COMMISSION MINUTES – December 14, 2009 – For Review Only.

PUBLIC COMMENTS – **Norman Miller** – Since I have no standing as an employee I want to bring to your attention regarding employee settlement and release agreement and any questions. I trust this BOS will fulfill their obligation, and as it was pointed out several times, Joel we do have a personnel handbook. So I would consider that it will be followed as a pre-exiting employee policy which requires the payment of certain unused vacation, holidays and comp time. Mr. Miller will wait a few days in order for you to match your schedule with his for an exit interview. so we can discuss this situation.

This concludes I am no longer an employee, but I do want to take the opportunity to thank each and everyone for the opportunity I had of learning a township in every intricate stage as manager and working through all of you to improve the township. I trust the township will be moving forward and not backwards as indicated earlier in this meeting.

Jonathan Crist – Mr. Crist stated as a lawyer he watches certain real estate trends, and something disturbing was brought to his attention. Next week is the foreclosure sale in Dauphin County and three residential properties are in Conewago. All 3 are in the Hills of Waterford, and he wanted to make the township aware. The township does receive notice of sheriff sale properties in Dauphin County.

Rosalie Sarfert - Sarfert stated she has a question when there is a bankruptcy or foreclosure, and the resident didn't pay their taxes, do we know if taxes are paid. The Solicitor stated mortgage companies usually pay the taxes because they know they will be stuck with any unpaid taxes. Also municipality are supposed to submit any claims.

She also asked if the Park & Recreation considered or gave an answer from last months meeting if John Hertzler has to pay a Park & Recreation Fee-in-Lieu of. Buckley said we are waiting for an answer from the Solicitor's and documentation that public access is guaranteed under the donated land. Hertzler's land was a subdivision and he donated 25 acres to Mt. Calvary. In the 12-9-09 BOS Meeting Minutes, Engineer Reitz will submit a document showing the public can use the facility and show that Mr. Hertzler donated 25 acres for a recreational area to Mt. Calvary Church. Solicitor Yost stated we need to make sure this is equivalent to have a recreational area dedicated. Mt. Calvary has a pending agreement, with the 100 acre subdivision, but is not subject to Park and Recreation fee, because it is a private school. She also asked if Hershey Free Church would be the same, and they have a pending agreement that the public will be allowed to use it. Hershey Free Church was not a subdivision and not compelled by ordinance to provide land or fee-in-lieu of for Park and Recreation.

MCGRATH LAND DEVELOPMENT WAIVER REQUEST – REPORT FROM BOS -

Engineer Randy Wright stated the last time they met with this Board to discuss this property, he said we are not asking for a waiver of land development request we are asking for permission for the McGraths's to proceed with the private training facility as described before to operate and train horses on the property located at intersection of Mapledale and, Valley Road would like to add to the private facility with permission to proceed with necessary planning for a private equestrian facility. Mr. Wright stated he reviewed the options from Engineer Shradley's memo dated 12-30-09, with several options and most options talk about changing the ordinance definition, zoning, map, which seems fairly simple.

Engineer Shradley, stated if you remember you brought the initial land development to this Board and Zimmerman was to take the 10 acres on that side of Mapledale divide and attached 2 residential lots originally created and turned down 2 residential lots which would exclude the 3 acre limit, therefore it is not permitted by zoning. You than came back with Zimmerman and suggested attaching the 10 acres to the 3 acres on one residential property, thereby creating a farm by definition, which would be a permitted use as a farm. The BOS and Planning Commission agreed to that restriction, that it was to be used as a farm and not

MCGRATH LAND DEVELOPMENT WAIVER REQUEST – REPORT FROM BOS,

Continued - to be used for anything other than a farm. A farm can be a residential farm, but the definition does not permit a riding academy by that definition. Shradley stated we'll not saying you can't raise horses. The restriction is raising of livestock and in your description is not technically what you consider a riding academy goes beyond the raising of livestock.

Jim Thomas stated in Chlebnikow's memo he missed one word in that plan note, this limited it to a farm use under definition of a farm. If the uses permitted were AG there wouldn't be an argument and that would change the conditions allowed, and you don't have to touch the ordinance.

After much discussion, the Twp. Solicitor suggested they draft a letter stating what conditions they could live with, describing how and what you plan to do with the land. Since the Planning Commission had strong opinions regarding the process of the Land Development for a Riding Academy, it would probably be best to go back the Planning Commission for their recommendation. The next Planning Commission Meeting is 1-25-10, and the BOS next meeting is 2-10-10.

A motion by Brandt second by Roachat to table the plan until next meeting. Motion carried.

CREEKSIDE MEADOWS FINAL SUBDIVISION PLAN – Residential Country Zoning, 1779 Deodate Road, Elizabethtown, PA, Formerly Michael Costik Farm, Tax Parcel 22-015-001, Sewer Planning Module Submitted to DEP 12-16-09, Planning Commission received Phase I, Subdivision Plan and tabled the plan at their 12-14-09 meeting. – NO ACTION NEEDED

JOHN N. & FRANCES H. HERTZLER – Final Subdivision, Lot Add On, & Land Development Plan, 676 Hertzler Rd., Elizabethtown, PA, Parcel 22-018-007, Zoned Ag. Extension Until 3-2-10, Need to Act on Plan by 2-10-10, Sewer Planning Module Submitted to DEP 12-16-09.

LISA & BILL CAPP, 727 Belair Road, Parcel No. 22-014-025, Regarding Horse Barn & Riding Arena, Code Inspector Services, Inc, Information Only – Working on Land Development Plan. NO ACTION

OAK RIDGE MINOR FEE-IN-LIEU OF – Zoned Residential Country, Ridge Rd., 5.90 Acres, Tax Parcel's 22-006-095. 96, 97, 98, 99, 100, 101, 102, 103 –Waived Preliminary Plan - Nothing to Report, Extension Until 1-27-10- Received Extension Until 4-27-10 - At the 9-9-09 BOS meeting, we granted waivers of curbs, sidewalks existing road improvements with the condition of fee-in-lieu of for road improvements for Ridge Road for signage and reflectors of \$1,000. The Township will install any reflectors or signs. Also waived was sight distance, and street lights. Also authorize submittal of Sewage Planning Module.

OAK RIDGE MINOR FEE-IN-LIEU OF – Zoned Residential Country, Ridge Rd., 5.90 Acres, Tax Parcel's 22-006-095. 96, 97, 98, 99, 100, 101, 102, 103 –Waived Preliminary Plan - Nothing to Report, Extension Until 1-27-10- Received Extension Until 4-27-10, Continued

At the 12-9-09 BOS Meeting they waived the Preliminary Plan and support individual agreements at the responsibility of each homeowner with the Solicitor's approval.

ITEMS NEEDED: Subdivision and Land Development Plan

1. All professional signatures and seals.
2. Park & Recreation Fee-In-Lieu of Engineer Shradley recommended for 7 Lots in the amount of \$21,000.
3. Erosion and Sedimentation Control Plan and NPDES evidence of approval by DEP.
4. Stormwater Maintenance Agreement needs to be provided in an executable form approved by the Township Solicitor. This is contingent to individual property owner's agreement.
5. Construction Cost estimate for review and approval for financial security prior to final approval. Recommended \$141, 219.60.
6. Individual Homeowner Agreements with Solicitors approval.

A motion by Rochat second by Brandt to deny the Oak Ridge Manor Minor Plan with condition if items needed as listed above are not met and unless we receive an extension. Motion carried.

ORDINANCE 2010-1, AMENDING STOP SIGN ORDINANCE - This ordinance was properly advertised in The Sun. A motion by Brandt second by Rochat to adopt the "Amended Ordinance for Stop Sign". Motion carried.

TRI-COUNTY REGIONAL PLANNING COMMITTEE MEMBER – Nominate (1) Person to Serve as a Voting Member, Respond by 1-31-10 – Other townships recommend Mike Preis, who is the current member – A motion by Rochat second by Brandt to go with recommendation of other townships to appoint Mike Preis to the Tri-County Regional Planning Committee. Motion carried.

RESOLUTION 2010-1 TO APPOINT CERTIFIED PUBLIC ACCOUNTANTS, Faren Garcia & Garman, PC – A motion by Brandt second by Rochat to appoint Faren Garcia & Garman, PC, Certified Public Accountants to do the audit for Conewago Township and Conewago Municipal Authority. Motion carried

RESOLUTION 2010-2, FULTON BANK, BOS SIGNATURES FOR DOCUMENTS AND SIGNING CHECKS – A motion by Rochat second by Brandt to adopt Resolution 2010-2 for the BOS signatures on Fulton Bank accounts. Motion carried.

2010 PSATS CONVENTION – APPROVAL OF 88TH ANNUAL PSAT'S CONVENTION, 4-18-10 TO 4-21-10

– A motion by Brandt second by Roachat to authorize the secretary to prepare the check to include (3) three supervisors, the secretary, the treasurer to attend the 88th PSATS Convention, and the 2 road crew to attend a Road Safety Symposium. Motion carried

A motion by Roachat second by Brandt to appoint Jay Brandt as Voting Delegate, and Dolores Kuntz as Alternate Voting Delegate. Motion carried.

DIRECTOR OF ADMINISTRATION, Reports Given By Supervisors

Concrete Slab – Was poured and all the bays in the back are completed. The last bay was done at the same square footage price as the other two bays as directed by the Board of Supervisors.

Revisions to the Regional Strategic Plan for Elizabethtown Borough and the Township of Conoy, Mount Joy, and West Donegal came into the office. Noteworthy was a change to Milton Hershey School Trust Land near Beverly Road changing hands to the Lancaster County Conservancy and thus rezoning these lands from 1-2 to Conservation.

Permit Fee to Elementary School Buildings in Other Townships of Lower Dauphin School District – Londonderry changed the fee schedules, East Hanover Elementary was remodeled in Jan. 2003, and the building cost was 4.1 million and the township charged \$22,000, also in 2006 hooked up to sewage and was charged the full rate, South Hanover charged the school the current and full amount for building permit fees, Hummelstown Borough did not charge permit fees, but had all other fees reimbursed ie.

Legal, Engineer, Subdivision Cost.

Roachat's response to LD permit fees based on the contractors cost, and is the township in a position to waive the fee or it may be an advantage to charge them a fee and give it back later. The school hasn't officially submitted a plan, but the Engineer said they have a Preliminary Sketch Land Development Plan prepared for Planning Commission meeting on 1-25-10. Buckley stated if the township waives the permit fee Conewago Twp. loses 100%, which can be discussed later.

Heating Oil – 12-22-09 price of state contract is \$2.18.89. Anything under \$5,000 needs to be done by credit card, if you want the state contracted price. Stover Fuel Oil is \$2.59.9, Leffler Energy is 2.17.58. They use the same market information, but delivery and maintenance is lower than other state contracts.

Bonding – Shirley Meyers, Bond amount is \$1,283.00 and Dolores Kuntz, Bond amount is \$1,583.00 for a total of \$2,866.00. Allen Chubb is working on new bonding and state they can reduce the cost. We are waiting for the new numbers.

A motion by Roachat second by Brandt to authorize payment of bonding for the Treasurer and Secretary not to exceed \$2,866.00. Motion carried.

DTMA CONTRACT – “Amendment to Sewer Service Agreement” – This agreement puts time table and procedures in writing. It is essentially what CMA and BOS had requested. Only thing missing is there was no earmarking for EDU’s for Lower Dauphin having 15 units reserved, it is now first served first paid up to 210 EDU’s get the reduced price.

A motion by Rochat second by Brandt for Conewago Township to authorize and signing of the Amendment to Sewer Service Agreement, Phase 2 Service Area, Conewago/DTMA. Motion Carried.

\$250,000.00 CAME OUT ON DEC. 19 FROM A CD? – How does the BOS want to handle this amount 2 year 1.55%, 1 Year .86% 90 days .55%. In savings .17% now.

A motion by Rochat second by Brandt to authorize the Treasurer to seek the best rates available for the money market CD, PLGIT Class Account with consultation with the BOS. Motion carried. It was noted to keep \$400,000. in PLGIT Class, and transfer the balance to CDs

ANNUAL CAPITAL REGION COG DINNER TWO COMPLIMENTARY TICKETS are reserved for Conewago Township January 18, 2010 at the Raddisson Penn Harris Hotel and Convention Center. Deadline to RSVP by 1-9-10. Buckley and Brandt will attend the dinner, and Jay Brandt will be the new COG member.

If you have not finished with the evaluations on staff please finish so we can put them in their files and complete 2009 evaluations.

ROAD MASTER, Reports Given by Supervisors

Snow and Ice Events occurred since the last BOS meeting 1-19-09, and 20 crews worked from 5:00 am on the 19th until 1:00 pm on the 20th. Kevin Shope, Bob Keeney and Doug Farver did the developments with small truck starting at 1:00 pm on the 19th. Don Bilger, and Robert Graybill Sr. from 7:00 pm until 5:00 am on the 20th and continued until 1:00 pm. They had one problem on Belair Road when truck ran onto side of road and got stuck, we had to have Cocker’s pull it out, the tires were 4/5 cover as they submerged into the mud. No damage to truck or driver. The cost from Cocker’s Towing is \$275.00 to winch load the snow plow to pull the truck out. The crews worked well and we did not have to declare an emergency by the BOS for overtime because CDL limits were not reached.

Investigation of truck running off the roadway, I found a large amount of water and ice in the ditch and also across the roadway. It seems the residents have drains that allow sump pumps to pump water into swales along the roadway and filling the swale to the point of running over the road and causing icing problems on roadways. I called and talked with Mt. Joy Township Road Foremen and also with PENNDOT Lancaster County Road Foreman, Ken Swazi who told him the neighbors don’t get along and the Mill was (and still maybe from time to time) pumping water along a swale from the mill site and basement area. PENNDOT Drivers have done the same thing and we will put up deflectors in this area to help future site problems. This is why I feel that our driver was not at fault in his actions. I sent a letter to Dave Shay the side of the roadway our truck went off, to let him know we will fix the ruts at the

earliest possible time. Also told PENNDOT the same.

Road Salts – Was ordered and received 98.41 tons. Approximately 80 tons was used on the snow storm. The last of the cinders that was swiped from the roads after tar and chipping was done this summer was also used up. On 12-25-09, 30 tons was used. (1 hour of freezing rain).

Road Signs on Cedar Road – Talked with landowners on locations of present signage and new “SLOW DOWN” signs. They are okay with the locations or new locations.

2010 PSATS 4-18-10, Road Maintenance and Safety Symposium, \$50.00 each for Kevin Shope and Bob Keeney.

A motion by Buckley second by Rochat to adjourn at 11:25 PM. The next meeting is February 10, 2010.

The Board of Supervisors went into an EXECUTIVE SESSION to discuss legal personnel issues.

Respectfully submitted,

Shirley A. Meyers
Township Secretary

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