

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS
OCTOBER 5, 2009

The meeting of the Board of Supervisors was held at the Township Municipal Building. The meeting was called to order by the Chairperson, at 7:00 P. M. Those in attendance were Lois Leonard (Chairperson), Robert Hahn (Vice-Chairman), Shaun Appel (Supervisor), John Baranski (Solicitor), Jeff Shue and Terry Myers (Engineer) and Lou Anne Bostic, (Secretary).

Pledge of Allegiance:

Approval of Agenda: Motion by Mr. Appel, second by Mr. Hahn, unanimously carried, to approve the agenda as prepared.

Approval of September 8, 2009 minutes: Motion by Mr. Hahn, second by Mr. Appel, unanimously carried, to approve the minutes.

RECOGNITION OF PUBLIC REQUESTS:

-Gary & Dixie Waltersdorff were represented by Byron Trout from Gordon Brown & Associates. Mr. Trout presented a Final Plan dated 1982 that stated if Lot #14 of that plan were to be developed in the future, the developer would provide a 1 acre recreation park to the township. Lot # 14 received preliminary approval in 2007, and did not provide the recreation area. The plan was approved with the condition that a recreation fee be provided in lieu of land for the development. Mr. Trout wanted direction from the board. Attorney Baranski stated that the 1982 plan for recreation was addressed in the 2007 plan approval. Motion by Mr. Hahn, second by Mr. Appel, unanimously carried, to accept the fee in lieu of land for recreation purposes.

-Kyle Morgan and his son, Brenden, representing the Zion View Cub Scouts, requested permission to landscape and clean up the area around the Zion View Community Center as part of a Scout Conservation Project. Ms Leonard asked if this is a "badge" project and Mr. Morgan explained that the scouts will receive a badge for this project. Mr. Morgan also asked if Brenden can plant a tree on the property. Brenden is growing the tree from seed at home and would like to transplant it to the park. The supervisors voiced appreciation for their effort and gave them the approval to work on their project.

-Curtis Knaub II, 1595 Jug Road. Mr. Knaub voiced disapproval of the way the interim supervisor position was filled. He stated that he was the only person required to submit his interest in writing. Lou Anne told Mr. Knaub that she asks anyone voicing an interest in any township position to submit their interest in writing. This is not a written standard operation policy, but a personal standard request for anyone that contacts her office. Mr. Knaub feels that he is treated unfairly in any matter he brings before the township. Ms Leonard apologized for the township if he was mislead about a letter being required. Mr. Hahn apologized to Mr. Knaub because the chair did not follow Roberts Rules and acknowledge the letter at the vacancy board special meeting. Curt feels that he is taxed without representation and also that his request for the installation of "Children Playing", "Hidden Driveway" signs and/or a speed limit reduction on Jug Road, from Lewisberry to Butter, has not been addressed.

-Ron Snell, President of Old Time Days, asked the board what the concern was regarding their yearly event held on the Davis property located on Canal Road. He states that they are a non-profit organization that has been holding this 3 day community event for the last 25 years, 5 of those in Conewago Township. Mr. Hahn informed them that he has received complaints regarding the use of the property. Mr. Snell told the board that Mr. Davis actively farms the property and plans to continue. This event is held on the property once a year. He states that this is not a "fair grounds". Ms Leonard feels that this is a great community event and she applauds everyone involved. Mr. Hahn stated that he feels this is a great community event, but the residents complaining to him do not feel that the current ordinances allow this

use in an agricultural zone and it appears that the township is showing favoritism. Mr. Hahn presented a resolution that would address the use and recommends that the board adopt the resolution. Mr. Appel does not feel that a special exception should be required for the use of the property. The attorney proposed a section be added to the zoning ordinance to address this use as a “conditional use”. The following public comments were heard:

-Sue Fink-Bowers Bridge Road, is not in favor of adopting anything that would require the organization to notify the township in advance of an event. She is concerned about the time that would be necessary to get the approval before the scheduled event.

-Jim McCoy, 4490 Susquehanna Trail, asked how long the event has been held. He stated that Mr. Hahn is against everything.

-Rod Dahlhammer, 2210 Millcreek Road, asked the board to show them where the zoning ordinance addresses this use.

-Gerald Stemple, 660 E. Butter Road, thinks that dictating use of a property is unconstitutional.

-James Duncan, 980 Jug Road, belongs to another organization like this one and Old Time Days should be allowed to continue.

-Jim McCoy, 4490 Susquehanna Trail, asked Mr. Hahn how many complaints he has received and who they were. Mr. Hahn would not give him that information.

-Curt Knaub, 1595 Jug Road, reminded the solicitor that this public comment issue has been allowed to exceed the five minute time period allotted.

-Leon Fink, Lewisberry Road, feels that this use is an extension to farming operations.

-Ms Leonard feels that the matter should be forwarded to the Zoning Hearing Board to see what happens. Attorney Baranski will draft a zoning ordinance amendment to address events like this in the agricultural zone.

-William Often, board member of Old Time Days organization, requested that they be allowed to provide some input to the solicitor. The information will be provided to Lou Anne and she will forward to Attorney Baranski.

-Curt Knaub, 1595 Jug Road, asked if the gun club events would be affected. The events held on that property are part of the club organization and would not be affected.

PLANNING & ZONING:

-Wellington/Greenspring-Preliminary/Final Subdivision Plan was presented by Joe from Johnston & Associates. The plan proposes one building lot and one residual lot. Motion by Mr. Appel, second by Mr. Hahn, unanimously carried, to approve the plan with the following conditions:

-Surveyor seal and signature be provided on the plan.

-Owner's signature be provided on the plan.

-Roadway fee in lieu of widening in the amount of \$6,300.00 be paid to the township.

-Zoning update on property located at 5245 Bull Road. Lou Anne Bostic, Township Manager, inspected and photographed the property today. According to a statement by Mr. Smith, there are no illegal vehicles on the property. Ms Leonard feels that something should be done about this property, but she will excuse herself from any vote because she is related to Mr. Smith. Mr. Hahn and Mr. Appel tabled any further action on this issue and instructed Ms Bostic to continue to keep an eye on the property.

REPORTS:

The following reports were distributed to the Supervisors:

Treasurer's Report, Fuel Usage Report, Road Report, Sewer Report, and the Building Permit Report.

-Motion by Mr. Hahn, second by Mr. Appel, unanimously carried, to approve the reports.

ACCOUNTS PAYABLE REPORT:

Motion by Mr. Appel, second by Mr. Hahn, unanimously carried, to approve the accounts payable report.

SOLICITOR'S REPORT: Written Report (Copy attached)

- Attorney Baranski presented a draft exclusive municipal collection and disposal of municipal waste and recycling program proposal for the board to review. The changes were made from the last meeting.
- Gerald Stemple, 660 E. Butter Road complained about all the garbage trucks using E. Butter Road. The solicitor explained that using an exclusive hauler will cut down on this truck traffic.
- Curt Knaub, 1595 Jug Road, complained about Penn Waste and their billing practices.
- Motion by Mr. Hahn, second by Mr. Appel, unanimously carried, to authorize the advertisement of the specs for award at the November meeting.
- Attorney Baranski presented a draft Zoning Ordinance amendment to add an Airport Hazard Overlay District. The purpose of the new zone is to prevent injury and/or loss of property and life and to avoid safety hazards. The board will review the ordinance for the November meeting.

ENGINEER'S REPORT: Jeff Shue and Terry Myers were present . Copy of written report is attached.

- Mr. Myers explained the map of the overlay area and what would be allowed in those areas. The board will review for the November meeting. The Lazy B Airport has been licensed as a Public Airport by PaDOT. The township was not contacted prior to the license change. Mr. Hahn would like to know if there is an appeal period. Mr. Myers will look into this matter. Mr. Hilbert, Millcreek Road, states that he lives across the road from the airport and complained about the impact to his property. He states that the surrounding property owners were never notified when the airport was created. Ms Bostic did not have the answer. Someone in the audience said that the airport was created around 1974.
 - Stormwater problem at 960 Copenhaffer Road. Mr. Myers explained that there is a sediment run off problem on this property. Ms Bostic will contact the property owner to try to obtain permission to install a rock filtration area out of the township's right of way.
 - Millcreek Road truck limited sign removal request. Brian Klinger, Spring Valley Mulch, LLC, 2770 Millcreek Road has requested that the truck restriction signs be removed from Millcreek Road. (BOS 9/8 & 8/3 minutes) The signs were authorized by a traffic study that was done in 2004. The board has instructed the manager to request another traffic study to determine if the signs are still warranted.
 - Jason Armstrong, 255 Fisher Drive, has requested that the no parking signs be removed from the 100 to 300 blocks of Fisher Drive. He states that the home owners are having parking problems. (BOS 9/8 & 8/3 minutes). He presented a petition tonight that included approx 19 residents in favor of removing the signs and 3 opposed to removing the signs. The area has been the topic of controversy in the past.
 - Corey Fuhrer, 310 Fisher Drive was present to support the request stating that the residents in this area have never had enough parking.
- The board has instructed Ms Bostic to contact the traffic engineer at the York County Planning Commission to discuss and possibly come with a way to address the parking problem.

UNFINISHED BUSINESS:

- The sewer authority is in need of an authority member to replace Mr. Jordan. The township had contacted individuals to see if they were interested and received a letter of interest from Jason Armstrong, 255 Fisher Drive. Ms Leonard asked if anyone in the audience was interested in serving on the authority. Motion by Mr. Hahn, second by Mr. Appel, unanimously carried, to appoint Jason Armstrong to the Sewer Authority for the completion term until December 31, 2010.
- Personnel Policy. Attorney Baranski stated that the board needs to make any changes to the policy at a public meeting. Ms Leonard would like to have a workshop meeting in the future to look at the employee handbook/personnel policy. She would like all three board members to read the policy. An advertised workshop/special meeting will be scheduled to make changes to the policy. The office lunch period was discussed. Ms. Leonard and Mr. Appel feel that the period should be ½ and paid until the end of 2009 and they would like to look at this again in 2010. Mr. Hahn feels that the lunch period should stay at 1 hour paid until the complete policy is updated. Curt Knaub, 1595 Jug Road explained why he feels the road crew and office staff have different lunch periods.

Ms Leonard told the board that the roadcrew eats while working. Motion by Mr. Appel, second by Ms Leonard, motion carried, to set ½ hour paid lunch period for the office staff. Mr. Hahn voted in opposition.

NEW BUSINESS:

-Road tour is scheduled for Monday, October 19th at 9:30 a.m., to include all three supervisors, Gary Beck and Terry Myers.

-Carl Fidler, 150 E. Butter Road, complained about a pipe crossing on Jug Road, between Butter and Canal Road, that needs fill. Mr. Appel will talk to Gary.

-Budget workshop is scheduled for Monday, October 26th. at 6:00 p.m.

-Greenbriar Estates recreation fee payment. The developer has requested the township work with him on his fee payment schedule. Due to the economy he cannot pay the required \$50,000.00 payment. He has provided a payment in the amount of \$20,000.00 and requests to make payments on a monthly basis until he is caught up. Mr. Hahn is not in favor of this proposal and stated that in the past we placed a lien on another property for not being able to pay the recreation fees. Attorney Baranski has been asked to contact the developer and have a mortgage placed on the property and an extended payment plan be scheduled. The \$20,000.00 payment is rejected and he is in default of his original agreement. The check will be held and no further certificate of occupancy's will be issued for Greenbriar Estates.

-The manager had been asked at the last meeting to obtain proposals from other accountants to audit the 2009 township funds. One response has been received from Stambaugh & Ness at the price of \$9,750.00. This amount is approximately \$5,000.00 less than the current accounting firm. Ms Leonard asked why there is that much difference in the two. Ms Bostic explained that the two firms propose the same auditing procedures with the exception of the GASB accounting standards. The GASB requirements include depreciating assets. The township is not required to depreciate assets and the code does not require these rules to be followed. Mr. Hahn explained that under the code the township can use their own auditors to audit the funds. Ms Leonard feels that the audit should be done more thorough. Mr. Hahn feels that the GASB requirements are unnecessary. Stambaugh & Ness will not be doing any less auditing of funds than the current firm. No action was taken.

-Fall newsletter was approved for printing.

-Correspondence was received from the York County Fire Police Association requesting that all county fire police be trained to do the job. This matter is tabled to allow the fire chief to review. A copy will be given to Rick Fink after this meeting.

-Appointment of the fire officer position for the Conewago Township EMA was made on a motion by Mr. Hahn, second by Mr. Appel, unanimously carried. Dan Riley, 491 Canal Road was appointed to this position.

-Ms Bostic informed the board that the heat pump for part of the office needs to be replaced due to a cracked heat exchanger. Two quotes were obtained.

-Keeney Heating Cooling & Refrigeration, Inc. \$6,000.00. This is the firm that we currently use for our heating and cooling.

-Williams Service Co., COSTARS participant. \$6,610.00.

Motion by Mr. Appel, second by Mr. Hahn, unanimously carried to award the job to Keeney Heating Cooling & Refrigeration, Inc.

OTHER BUSINESS: None

-Attorney Baranski explained that an executive session is necessary after the meeting to discuss a pending litigation matter.

-Nick Blitva, 220 Hunter Creek Rd, complained about the office being closed over lunch and on Friday's. Mr. Hahn informed him that the office is now open Monday thru Friday from 8:00 a.m. to 4:00 p.m.

ADJOURNMENT: Motion by Mr. Appel, second by Mr. Hahn, unanimously carried, to adjourn the meeting at 9:52 p.m.