

## Conewago Township Board of Supervisors

June 5, 2018

### **-Call to Order & Pledge of Allegiance:**

The regular meeting of the Board of Supervisors was held at the Township Municipal Building. The meeting was called to order by the Chairperson, at 7:00pm. Those in attendance were, Lorreta Wilhide (Chairperson), Brian Klinger (Vice Chairman), Daryl Hull (Supervisor), Timothy Bupp (Solicitor), Terry Myers (Engineer), Todd Smith (Public Works Director), and Lou Anne Bostic, Manager.

### **-Recognition of Public Requests: None**

-The manager presented a request, from Emily Sweitzer, requesting that a "No Truck Sign" be installed at the intersection of Cemetery Road and the Susquehanna Trail. Ms Sweitzer reported that her electric lines have been damaged twice by trucks turning onto Cemetery Road.

Todd Smith, Public Works Director, stated that the concrete sidewalks located in the area will make it difficult, if not impossible to install a sign. The Board told Mr. Smith to check the area for installation. If a sign can be installed the resident will have to purchase the sign, post and installation hardware and the township would install.

**-Approval of Agenda:** Motion by Mr. Klinger, second by Mr. Hull, unanimously carried to approve the agenda as prepared. Vote: 3-0

**-Approval of Previous Minutes:** Mr. Hull presented a correction to the minutes regarding a statement that he made during the gun discussion. The correction should state that Mr. Hull is not in favor of any action that will infringe on the rights of the citizens. Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried to approve the previous minutes of May 1, 2018, with the correction as stated. Vote: 3-0

### **-Planning & Zoning:**

-Zoning violations at 210, 255 and 1560 Copenhaffer Road are not being addressed. Attorney Bupp explained that the next step would be a letter from him to each property owner to inform them that corrections must be made within 10 days or legal action at the District Justice Office will be started to file a lien on the properties. Motion by Ms Wilhide, seconded by Mr. Hull, to authorize the solicitor to move ahead with legal action as stated above. Vote: 3-0.

-Stonegate Preliminary Subdivision Plan, Section IV along with 2 waiver requests were presented by Eric Johnston.

-SALDO, section 508.a- to allow slant curbs instead of vertical curbs. Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried, to approve the waiver. Vote: 3-0.

-SALDO, section 301.l- to allow subsurface infiltration BMPs in setbacks and within 10 feet of property line/right of way. Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried, to approve the waiver. Vote: 3-0

Motion by Ms Wilhide, seconded by Mr. Hull, unanimously carried, to approve the Stonegate Preliminary Subdivision Plan, Section IV, with the following conditions:

-DEP Planning Module to be provided to township

-York County Conservation District approval of the Soil Erosion and Sedimentation Control Plan and NPDES Permit must be provided prior to final plan approval.

-Required DEP Permits relating to the wetland modification and proposed culvert in Old Stone Way shall be provided to the township.

-Sanitary Sewer Reservation approval from the Conewago Township Sewer Authority must be provided to the township.

-Township Engineer approval of the Stormwater Maintenance plan must be provided prior to final plan approval.

- An Operation and Maintenance Agreement shall be recorded, prior to final plan approval, including specific BMP maintenance plans and an as-built drawing of the site. (Section 602)

-Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses (Section 605). The Township engineer will determine the amount owed per the formula included in the SWM Ordinance. Fee must be provided prior to final plan approval. Motion carried. Vote: 3-0.

-Mr. Hull instructed the solicitor and engineer to provide the fee amount resolution for action at the July meeting.

-ADEPT Revised Final Land Development Plan. Tabled – not present.

**-Reports:**

- Police Report, Building Permit Report and Ambulance Report- Motion by Mr. Klinger, seconded by Mr. Hull, unanimously carried, to approve the reports. Vote: 3-0

**-Treasurers Report:**

Motion by Mr. Klinger, seconded by Mr. Hull, unanimously carried, to approve the May 2018 Financial Report. Vote: 3-0.

**-Road Report:**

-Todd Smith, Public Works Director reported that the Mill Creek Park play equipment and pavilion installations are almost complete.

-Todd requested approval of a not to exceed cost of \$7000.00 to obtain quotes and schedule the concrete work for the sidewalks and pavilion floor. Motion by Ms Wilhide, seconded by Mr. Hull, unanimously carried, to authorize hiring of a contractor to complete the concrete work at a not to exceed price of \$7000.00. Vote: 3-0.

-Todd announced that Butter Road will be closed on June 14<sup>th</sup>. , contractor has already placed signs. (Between Jug Rd. and Jug Rd. for culvert replacement, closure is estimated to last 2 weeks)

-Mr. Klinger requested that the funds for the evergreen trees for the Mill Creek Park project be Diverted to other park improvements. He does not feel the evergreens are necessary.

-Terry Myers reported that the notice for the pond conversion has been received and he has notified LOBAR. When work is started a time extension will be needed.

-Ms Wilhide would like to order the picnic tables, benches and garbage cans for the park. No further action is necessary because the costs were included in the COSTARS quote from Lyons Recreation. Todd Smith was asked to measure the pavilion to determine how many table will fit and then the order will be placed.



The Board decided that they would like to see the benches and additional landscaping held for now. The public could be notified that donations and/or remembrances would be available. The Board will have to provide the bench style and tree type prior to soliciting the public.

-Ms Wilhide asked the manager to find out why the rock climber wall is not the same color as the playground equipment.

**-Solicitors Report:** Attorney Bupp had nothing to report.

**-Engineers Report:** Terry Myers reported on the following:

-Butter Road culvert rehab project "Notice to Proceed", scheduled to begin June 11<sup>th</sup>. And completed within 60 days. Motion by Mr. Klinger, seconded by Ms Wilhide, motion carried, to authorize the signature on the notice. Vote: 3-0.

-Terry and Attorney Fields have completed the proposed ordinance to adopt a portion of Hake Road and the Vacation of Road agreement that would provide a right-of-way to Mr. Golicher for the abandoned portion of Hake Road. The proposed Ordinance will be advertised for action at the July meeting.

-Mr. Hull asked if the I83 Logistics Developer's Agreement has been received. Terry reported that he has the agreement but has not had time to review. Attorney Bupp stated that Attorney Field is reviewing the documents.

-Mr. Hull asked Terry if he received a copy of the York County Transportation Draft TIP from Mike Pritchert. Document was emailed from York County Planning Commission. The cut off for public comments is June 12<sup>th</sup>. Mr. Myers reported that he had not received a copy. Several of the projects listed are located in Conewago Township, however, the web link and maps do not give a clear explanation. Mr. Hull asked the manager to provide a copy to Terry for his review. Terry will get back to the manager and the Supervisors.

-Autumnwood Development update – Developer states that he is ready to finish the pond conversion and address Mr. Do's stormwater concerns once things dry out. Terry reports that a hydraulic analysis of the 18" RCP under Mill Creek Road, adjacent to Mr. Do's property, based on a field survey, utilizing the post development 25 year storm from the original stormwater management report and the culvert is capable of passing the 25 year storm without overtopping the road. Terry stated that the developer asked the township if they are interested in working with him on the Mill Creek Road culvert, he would provide material and the township would provide the installation. The water running over the road could be addressed by adding an additional culvert on the other side of the road before the Do property. Mr. Klinger thinks the township should do this. Mr. Hull does not agree that the township should be responsible and that he wants something done. Terry was asked to create a cost estimate for the culvert, pipe, stone, blacktop and installation cost to provide to the Developer for his approval and agreement to correct the problem. Mr. Hull wants the agreement, approved by Mr. Heunke in writing or Mr. Hull is considering taking another step because the developer is taking too long to complete the development. The Board will address at the July meeting.

-Mark Golicher reported on other outstanding issues: pond conversion, sidewalk installation and landscaping.



**-Unfinished Business:**

-Mark Golicher reported that the development completion is not progressing and asked the Board to keep it alive. The stormwater basins are not being properly maintained and Mr. Golicher is concerned about the bond expiring before everything is finished.

-Mr. Do's stormwater concerns remain ongoing.

-Hake Road adoption, see engineers report. Mr. Hull reminded the engineer and solicitor that the Board wants to receive their reports 3 to 5 days prior to the Board meeting.

-Zoning Officer's request to amend the stormwater ordinance. Manager reports that a meeting with Terry Myers and Tim Bupp was held and the reviews for the amendments are ongoing.

-Suburban Memorial Gardens. Correspondence received complaining about the cemetery maintenance. Mr. Gingerich 2725 Millcreek Road stated that he does not feel that the tax payers should be responsible for maintenance. Ms Wilhide would like to see the group get together to form a nonprofit to obtain private funding for upkeep of the private property. She is not in favor of tax payer funding of a for profit, private property.

A couple in the audience stated that they have a loved one buried in Suburban Memorial Gardens. They questioned the ownership of the property and unpaid taxes. Mr. Hull stated that taxes remain unpaid and something will probably happen during the tax sale. Mr. Hull expected a group to be in attendance and announced that the public needs to attend the meetings and talk about their concerns. Individual people are mowing the property but the trash is not being addressed. Discussion continued and it was recommended that the individuals should get together to look at ways to address their concerns. Ms Wilhide stated that the York County Commissioners have been involved along with the Northern York Police Department.

-Curtis Knaub, Hillside Orchards Stormwater Discharge. Mr. Knaub presented his complaint to the Board regarding the ongoing problem he has with the water entering his property. The Supervisors were supplied with copies of the approved plans for the Development showing that Mr. and Mrs. Knaub accepted and approved the associated discharges of stormwater from the management facility shown for the development and they were to accept Lot#12 and be responsible for the continued operation and maintenance of the stormwater management facility. Mr. Knaub previously asked for a definition of "open space" from the township and was informed that a definition does not exist. Ms Wilhide provided a written definition from the dictionary to Mr. Knaub. Mr. Knaub is not the owner of record and is upset because he was told he cannot plant trees and crops on the property. Mr. Hull asked Terry Myers to review the approved plans and define where the storm water was supposed to go and provide further details on the properties compliance. Mr. Knaub stated that the facility is not being maintained. Terry will review and report his findings to the Board.

-"Safety Zone" for target shooting on individual properties discussion continued. The following residents were heard:

-Curtis Knaub stated that per the NRA the safe distance should be 25 yards for archery and 150 yards for rifle or shotgun.

-Mr. Gingerich, 2725 Mill Creek Rd, stated that he has been in touch with "FOAC" and stated that the township cannot preempt state law and if an ordinance were to be adopted FOAC is ready to file a lawsuit against the township.

-Curtis Knaub states that the NRA feels the same way and will file also.

-Mr. Hull asked what FOAC stands for. Mr. Gingerich replied Firearm Owners Against Crime.

-Mr. Gingerich needs a copy of these minutes to provide to FOAC to avoid having his 2<sup>nd</sup>.  
Amendment rights infringed upon.

-Mr. Hull would like to speak with someone from an organization for guidance. He does not want to infringe on rights just to control a crazy person.

-Floyd Brown, 1970 Copenhaffer Road asked why the police can't do something about this now.

-Mr. Gingerich stated that the police were at his house and told him that the target shooting on his property was safe.

-Brian Klinger stated that it's not only the distance away from the target but also how close the shooting is to a property line. Mr. Klinger proposes to address the age of children in a target area.

-Mr. Klinger asked Attorney Bupp if the Township would be infringing on anyone's 2<sup>nd</sup>.  
Amendment rights if a Safety Zone for target practice Ordinance were to be adopted. Attorney Bupp stated that this matter would be a zoning/property rights issue and he does not feel that 2<sup>nd</sup>.  
Amendment rights would be infringed upon.

-Glenn Sunday, 51 Copenhaffer Road, stated that by placing a distance on a property would infringe upon his own property use. Mr. Sunday does feel that Developments should be prohibited due to small lot sizes.

-Mr. Hull asked Mr. Gingerich to have FOAC contact him.

-James Meador, 1995 Jug Road informed the Board that he is NRA certified along with numerous other certifications and he feels that 150 yards is not the answer.

-Lisa Bortner, 450 Butter Road, asked why the Development Homeowner Associations' conditions could not be addressed by the township. Ms Wilhide explained that the township cannot enforce HOA conditions they would be civil matters.

-Jeffery Bievenour, 20 E. Canal Rd asked why the game commission cannot control target practice on your own property.

**-New Business:**

-Ms Wilhide announced that Chaz Nace has been hired as a road crew member and will start work on June 18<sup>th</sup>.

-Bicentennial Celebration Parade Route require the following roads to be closed on September 15<sup>th</sup>. from 10:00 am to 12:00 pm:

Copenhaffer Road from Zion View Community Center to Conewago Elementary School

Stone Gate Drive

Sienna Drive

Iroquois Drive

Fisher Drive

Thomas Drive

Test Road

Ms Wilhide reports that a lot of participation in the parade is expected. Northern Regional Police will be installing signs prior to the date announcing the parade.

-Mr. Hull attended a seminar at CGA Law Firm that addressed public safety events. Mr. Hull would like Penn Waste to be asked to include a Bicentennial Celebration Flyer with their billing. Ms Wilhide is waiting for a return call from Mr. Ward and will speak with him about the mailing. Governor Wolf received an invite but is unavailable to attend, Scott Wagner candidate for Governor was also invited.

-Eagle Scout Project. A request from a Boy Scout was received wanting to build picnic tables for Mill Creek Park for his Eagle Scout Project. Ms Wilhide and Todd Smith met with the young man and explained that he needs to prepare building specifications, which include materials that do not require maintenance, for the Supervisors to review before approval. Ms Wilhide is waiting for his response.

**-Other Business:**

-Mr. Hull reported that he attended a recent Transportation meeting regarding TIP projects and he feels that it is semi-official that there will be a new exit at Canal Road on I83. Mr. Hull said that improvements are moving along.

-Ms Wilhide asked Daryl if he heard anything about the curve at "Jedco" it appears that the curve will be reduced by laying back the bank.

-Mr. Hull reported that he attended the York County Planning Commission meeting and a county wide Stormwater Authority is being considered. Impaired stream maps were provided.

-Ms Wilhide stated that she appreciated Daryl attending the meetings.

-Ms Wilhide would like to know who owns the Shettle One Room School House on Lewisberry Road. The building is in bad shape and maybe the township could repair and save the building for historic reasons or even purchase the building and rent it out.

-Glenn Sunday, 51 Copenhaffer Road stated that other one room school houses are located in the township also. Ms Wilhide said that someone contacted her about this one because of the condition of the building.

The meeting was adjourned at 9:30 pm

Respectfully submitted,

Lou Anne Bostic - Manager