

## Conewago Township Board of Supervisors

February 2, 2016

### **-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 Chairman, at 7:00pm. Those in attendance were, Lorreta Wilhide (Chairman), Brian Klinger (Vice Chairman), Daryl Hull, Tim Bupp (Solicitor), Terry Myers (Engineer) and Lou Anne Bostic (Manager).

### **-Recognition of Public Requests**

-Brandon Stoner 30 Hemlock Rd. asked the Board if they have made any progress reviewing the Burn Ordinance. Mr. Hull explained that he has been reviewing the ordinance and the current ordinance will remain in effect until reviews are finished. Mr. Stoner wants to know if he can have a campfire after dark, Mr. Hull told him to keep the campfire small. Mr. Stoner complained about his treatment of this ordinance enforcement.

-Chad Stoner 910 Copenhaffer Rd. asked the Board if the driveway located at 910 Copenhaffer Road is a township road or a private lane. Ms Wilhide explained that the matter is still in litigation and the Board will not comment until the legal matter is resolved. Mr. Stoner asked the solicitor for input. Attorney Bupp stated that he answers to the Board and not the public unless the Board directs him.

-Steven Stoner 910 Copenhaffer Rd. stated that the township sidewalks are not cleared. Mr. Klinger informed him that all sidewalk clearing is waived for now due to the large amount of snowfall.

-Scott and Donna Gauker, 190 Copenhaffer Road informed the Board that their property survey has been postponed due to the recent snowfall. The Gauker's are asking for guidance from the Board for the installation of solar panels that will encroach on township property. They have requested an easement or property purchase from the township. Attorney Bupp explained that the sale of township property must follow the guidelines set by the Second Class Township Code, including public sale notification, sealed bids and the condition that the small section of property being discussed can only be considered an add on lot. Mr. Klinger asked the Gauker's if they are aware of their costs if the Township would be willing to sell part of the property. Mr. and Mrs. Gauker commented that they know average costs and are willing to incur them. The Township is not willing to pay any costs for the process. The solar panel installation will require a zoning variance for the size of the panels. Ms Wilhide asked why the panels cannot be built on their own property. Ms Gauker explained that a swimming pool and/or chicken house would need to be moved. Ms Wilhide is not in favor of selling or granting an easement for the use of township property. Mr. Hull stated that as long as the required legal process is completed he is not against selling the property to the Gauker's. Mr. Klinger agrees with Mr. Hull and recognizes that the Gauker's have been maintaining the bank area for years and would rather sell than grant an easement. Attorney Bupp suggested that the Gauker's obtain zoning approval first. Motion by Mr. Klinger, second by Mr. Hull, motion carried, to proceed with selling the section along the Gauker property with a width to the bottom of the bank, contingent upon all legal and code requirements being met at no cost to the township and zoning approval being received. Vote: Klinger, yes Hull, yes Wilhide, no Vote: 2 -1

**-Approval of Agenda:** Motion by Mr. Hull, 2<sup>nd</sup> by Mr. Klinger, unanimously carried to approve the agenda as prepared. Vote: 3-0

**-Approval of Previous Minutes:** Motion by Mr. Klinger, 2<sup>nd</sup> by Mr. Hull motion carried to approve the previous minutes of January 4, 2016. Vote: 3-0

**-Planning & Zoning:**

-Conewago Township Sewer Authority Final Land Development waiver requests:

Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to grant waiver of SALDO section 303 to allow a Final Land Development Plan without a separate Preliminary Plan.

Vote: 3-0

Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to grant waiver of SALDO section 406.a (16) to waive the requirement of permanent markers being placed in the middle of the Little Conewago Creek. Vote: 3-0

Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to grant waiver of SALDO section 404 & 406.d(10) and 406.d(11), to waive the requirement of a water facility feasibility report. An existing well is located on the property and no additional water usage is proposed.

Vote: 3-0

Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to grant waiver of SALDO section 406.d (8) and 602, to waive the posting of an improvement bond for the project.

Vote: 3-0

-Conewago Township Sewer Authority Final Land Development Plan was presented by Buchart Horn representative Karla Ferrell. Mr. Hull reported that the plant expansion is necessary due to DEP requirements and to meet projected EDU's. Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to approve the plan with the following conditions:

-Notarized statement added to the plan as required by SALDO section 406.a.27.

-NPDES Permit approval from the York County Conservation District and an approved E&S Plan denoting the total proposed limit of disturbance, SALDO section 406.d.14.

-Applicant is required to execute a Storm water Operations and Maintenance Agreement that addresses the owner's specific maintenance responsibilities for the proposed storm water BMPs (602 of the Storm Water Ordinance). Vote: 3-0

**-Reports:**

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

**-Treasurers Report:** Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to approve the Treasurers Report. Vote: 3-0

**-Road Report:** Brian Klinger reported on snow removal operations.

**-Solicitors Report:** Attorney Bupp reminded the Board to be aware of the ongoing private Westwood Drive problems. The road is private and is not maintained by the township. The property owners are complaining about snow removal. Mr. Bupp spoke to the Board regarding the Auditor's minutes and told them the minutes show that they apparently misunderstand their role. The township hires a professional accounting firm to conduct the audit and their duties do not include any auditing actions. The minutes reflect that they want financial reports and to meet more than once a year. The duties that the Auditors are responsible for are to approve the pay rate for working Supervisors, as the Supervisors have set by Resolution. The Auditors reduced the working Supervisors hourly pay rate by \$2.00.

They did not provide any support or justification for the pay reduction. Mr. Klinger presented a 2011 Resolution that Mr. Hahn, Chairman, approved setting the Independent Contract pay rate at \$20.00 and stated that Mr. Hahn approved the working Supervisors hour pay rate, at the same rate as proposed for this year. Mr. Klinger is the only working supervisor at this time and announced he will abstain from voting. Ms Wilhide informed the solicitor that the auditor's minutes were presented as approved.

Auditor Fogle informed Ms Wilhide that he did not approve the minutes. Attorney Bupp informed the Board that this is a violation of the Sunshine Law. Ms Wilhide and Mr. Hull instructed Attorney Bupp to send a letter to the Auditors to define their true role and to provide support and justification for their reason in the pay reduction.

-Brandon Stoner, 30 Hemlock Road requested the yearly Supervisors compensation, which is \$2500.00 per year.

-Chad Stoner, 910 Copenhaffer Road stated that he is paid \$15.00 per hour for snow removal and would like to know how the township thinks the rate should be \$20.00 per hour. Mr. Stoner said the township should reach out to independent contractors for snow removal. Ms Wilhide explained that contact with other municipalities and reviewing the PSATS Wage Survey Report justifies the compensation.

Motion by Mr. Hull, second by Ms Wilhide, motion carried, to authorize the Solicitor to prepare a letter to the Auditors explaining their true role and to respond within ten days justifying or resetting the working supervisor's wages. The 2011 Resolution will be sent as an attachment.

Vote: 2 to 0 Wilhide-yes Hull-Yes Klinger-abstained

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

-Stonegate Commons developer has requested security reductions for the bonds in place for Phase 1 and Phase 2. Mr. Hull asked Mr. Myers if he feels the reduction amount for Phase 2 will be enough for the job to be completed. Mr. Myers is confident the amount will cover everything.

-Motion by Ms Wilhide, second by Mr. Klinger, unanimously carried, to release remaining security in place, for Phase 1, in the amount of \$4,829.00, leaving a zero balance. Vote: 3-0

-Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to release the amount of the security in place for Phase 2 to have a remainder of \$40,000.00 in place. Vote: 3-0

-Stonegate Commons submitted three separate subdivision plans to the township and are requesting a time extension until August 1, 2016 for township approval. Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to grant the time extension for all three plans until August 1, 2016. Vote: 3-0

-Mr. Myers explained the three plans to the Board:

The first plan modifies the property line between Phase 3 and Phase 4. The properties are owned by different people.

The second plan is the Phase 3 Final Subdivision Plan. This plan received preliminary approval by the Township in 2005. The PA Permit Extension Act extended the MPC's 5 year protection time limit from township ordinance changes. The submitted Phase 3 Final Plan has a different layout than the approved Preliminary Plan. The decision will have to be made by the Board to determine if the slight layout differences warrant a completely resubmitted Phase 3 preliminary plan.

The third plan is the Phase 4 Preliminary Subdivision Plan. The developer will attend the next meeting to discuss the adverse effect the new (2009) Zoning Ordinance requirements have on lots and how it may possibly be improved. Mr. Hull asked how to correct the problem that involves setbacks and building envelopes. The Zoning Ordinance would need to be amended to change the requirements. Mr. Hull would like to review the Phase 3 Plan approved preliminary plan next to the submitted Phase 3 final plan. Terry Myers will provide copies to the Board.

**-Unfinished Business:** Mr. Hull asked the solicitor about the Verizon damage claim. Attorney Bupp has not heard anything further to date.

**-New Business:**

- The township received a letter of resignation from Rob Fogle from the auditor position. Two interested parties have voiced interest in the position, Curt Knaub and Pat McCoy. Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to appoint Curt Knaub as Auditor. Vote: 3-0
- Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to appoint Rob Fogle to the vacant Planning Commission position. Vote: 3-0

**-Other Business:**

- Donna Fuchsluger, 210 Jug Rd Extended asked if the sidewalk snow removal requirement will be enforced by the township. The Board explained that the township will be giving reasonable time for the snow to be removed.
- Curt Knaub, 1595 Jug Rd complained about zoning and civil matters regarding the Northern York County Fish and Game properties. Mr. Knaub was informed that the township will not get involved in civil matters.
- The township received correspondence from CGA Law Firm regarding Dermody Properties representation. The firm is representing the developer and the township. Attorney Bupp explained the representation of both and advises that if diverse interests develop the firm may request that both parties obtain different counsel in order to avoid any conflict that may arise. The Board acknowledged the terms and conditions and authorized the manager to sign the acknowledgement letter.
- Municipal Publication provided a copy of their township newsletter/map publication of Windsor Township to the Board for consideration. The Board would like to review options at the upcoming PSATS convention.

**-Adjournment:** Meeting adjourned at 8:31 pm

Respectfully submitted,

Lou Anne Bostic  
Manager