

## **Conewago Township Board of Supervisors**

490 Copenhaffer Rd, York PA 17404

March 3, 2026

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

The regular meeting of the Board of Supervisors was held at 490 Copenhaffer Rd. York, PA 17404. The meeting was called to order by the Chairperson Wilhide at 6:00 pm. Those in attendance were Lorreta Wilhide (Chairperson), Brian Klinger (Supervisor), John MacDonald (Supervisor), Derek Rinaldo (Engineer), Steve McDonald (Solicitor), Lieutenant Neidigh (NYCRPD), and Bethany Inman (Zoning Officer).

### **-Public Requests:**

-Edward Baer – not a resident, but in the political district, Democratic representative seeking information on setting up presentation somewhere in the Township.

-Mary Ann Albright – 775 Green Springs Rd, inquired about Solicitor Brett Flowers and her position with the Township. Chairman Wilhide stated that Solicitor Flowers represents the Township. Ms. Albright raised concerns over developer having more control than the Township regarding development within the Township. Zoning Officer Inman clarified that Mr. Brown has the freedom to make a request for the Amendment to be progressed to the BOS, but that was not something the Township had any expectation of happening at that time, especially considering that a second text-amendment request had been received and was not yet reviewed by the PC. Ms. Albright expressed concern regarding provisions in the Second-Class Township Code regarding the casting of tie-breaker votes; this was addressed by Solicitor McDonald. \*Ms. Albright submitted the attached comment.

-John Walters – 40 Andes Rd. John spoke about past zoning changes to his home and land behind his property and stated that residents felt that they were not informed when this occurred.

-Cherie Rippetoe – 495 Hykes Mill Rd – Stated Savvy Citizen was not updated for the recent meeting causing residents to miss the meeting who would otherwise like to attend. Chairman Wilhide noted a meeting is scheduled with Savvy Citizen and Staff members for a tutorial. Ms. Rippetoe filed a Right-to-Know and claims there is missing information regarding the data center from December.

-Jennifer Kemper - Democratic Precinct Committee volunteer looking to assist Democrats within the community who cannot attend the public meetings to have access to all the information they need from those meetings.

**-Approval of Agenda:** Motion by Supervisor MacDonald, second by Supervisor Klinger, unanimously carried to approve the agenda. Vote: 3-0

**-Approval of Previous Minutes:** Motion by Supervisor Klinger, second by Supervisor MacDonald, unanimously carried to approve the February 3, 2026, minutes with suggested corrections from Supervisor Wilhide. Vote: 3-0

**-Planning & Zoning: -**

At 6:24 the Hearing for Rezoning of Properties on Locust Point Rd, Jug Rd and E Andes Rd began.

The following parcels are considered for re-zoning to Agricultural:

505 Locust Point Rd, York PA 17406 Tax Map: NH Parcel: 70  
565 Locust Point Rd, York PA 17406 Tax Map: NH Parcel: 71C  
575 Locust Point Rd, York PA 17406 Tax Map: NH Parcel: 71D  
585 Locust Point Rd, York PA 17406 Tax Map: NH Parcel: 71E  
595 Locust Point Rd, York PA 17406 Tax Map: NH Parcel: 71  
605 Locust Point Rd, York PA 17406 Tax Map: NH Parcel: 71F  
775 Locust Point Rd, York PA 17406 Tax Map: MH Parcel: 34  
5 E Andes Rd, York PA 17406 Tax Map: MH Parcel: 33B  
815 Locust Point Rd, York PA 17406 Tax Map: MH Parcel: 3D  
40 E Andes Rd, York PA 17406 Tax Map: MH Parcel: 33E  
265 Jug Rd, York PA 17404 Tax Map: LG Parcel 11A  
255 Jug Rd, York PA 17404 Tax Map: LG Parcel 8T  
245 Jug Rd, York PA 17404 Tax Map: LG Parcel 10A  
235 Jug Rd, York PA 17404 Tax Map: LG Parcel 10  
385 Jug Rd, York PA 17404 Tax Map: LG Parcel 17  
390 Jug Rd, York PA 17404 Tax Map: LG Parcel 17A

Comments began with Zoning Officer Inman stating that the ten properties along Locust Point Rd and E Andes Rd were identified by the Township as parcels that needed to be addressed due to Zoning hardship. It was scheduled to be addressed with the comprehensive update to the Township's Zoning Ordinance which will take place after the Comprehensive Plan is completed. These properties along with adjacent lots were Zoned Industrial with the 2009 Comprehensive Plan. The expected industrial development to this area has occurred and these lots are no longer reasonably viable for any expected industrial use. The non-conforming use status of residential in an industrial zone has led to difficulties for the homeowners and over the last two years multiple affected residents have reached out to the Township for relief. Due to the pressing urgency of resident hardship, the Township initiated the re-zoning process for these lots prior to completion of the Comprehensive Plan. York County Planning Commission noted this atypical order (as re-zoning before the Comprehensive Plan is finished is not generally recommended) as a reason for their recommendation to not adopt the ordinance. Conewago Township acknowledged this is not the preferred sequence but was choosing to act sooner rather than later to provide much needed relief to the affected residents and noted that a more comprehensive solution to the plight of other similar parcels will likely be addressed in the Comprehensive Plan. All lots are currently a non-conforming use and while a few will be slightly dimensionally non-conforming this is a less objectionable type of non-conformity. One lot is remarkably undersized but will be non-conforming in any Zone the Township currently has.

-Tyler Leighy- spoke of his desire to purchase and live at 595 Locust Point Rd. He has been negotiating since November but cannot purchase the home until it is re-zoned due to the non-conforming use status and how that affects lending options.

-Stan Attick- 565 Locust Point Rd spoke positively of his and his wife's experiences building his house when they bought the lot as Residential, then his shock when he learned it was later re-zoned without his knowledge. He was happy to learn it was being considered for re-zoning back to Agricultural.

-Autin Anderson- 245 Jug Rd, stated the lots on Jug Rd were Agriculture before and the owners all have agricultural accessory uses. The lot owners collectively want to see it back in Agricultural to continue living the lifestyle they choose.

-Supervisor Klinger questioned if any of the neighboring residents were present and had any concerns. There were no residents present who expressed concerns.

-Cory Nade -390 Jug Rd, commented that his parents purchased in their land in 1966 and it has been farmed this whole time. He resides across the road and farmed his lot the whole time he owned it. He requested that the land be returned to Agriculture so that they may continue farming.

Zoning Officer Inman commented that the Conewago Planning Commission recommended approval of the re-zoning.

- Motion by Supervisor Klinger, second by Supervisor MacDonald, unanimously carried to approve Ordinance #373 relating to the Rezoning of lands in Conewago Township.

The Hearing concluded at 6:38 pm.

-Motion by Supervisor MacDonald, second by Supervisor Klinger, unanimously carried to approve lowering the Land Development Application Escrow for Carvana's Land Development to \$15,000.00. Vote: 3-0

The current fee schedule is proving problematic with the fees recommended for Land Developments being unrealistically high for certain developments. Zoning Officer Inman is looking into revising the fee schedule to allow for more reasonable amounts due at submittal. The total paid by applicants will be unchanged, just the amount due at submittal will change.

-Zoning Hearing Board member Sharon Beck has resigned from the Board for personal reasons; there is now a vacancy on Zone Hearing Board.

There has been increased interest from residents about local historic designations. Additional information about Historical Architectural Review Boards is posted to the Township website.

**-Reports:**

-Motion by Supervisor Klinger, second by Supervisor MacDonald, unanimously carried to approve the February Building report and the February Police Report. Vote: 3-0

**-Treasurer's Report:**

-Motion by Supervisor MacDonald, second by Supervisor Klinger, unanimously carried to approve the January and February Treasurer's reports. Vote 3-0

**-Manager/Road Report:**

Motion by Supervisor Klinger, second by Supervisor MacDonald, unanimously carried to approve changes to the Employee Handbook, notably the Manager position is returned to hourly instead of salary, and the comp hours are increased from 60 to 80. Vote 3-0.

-Zoning Officer Inman reported that the bid opening for Road work will be held at 12 pm at the Township Office on March 16, 2026.

**-Solicitors Report:** -Resolution 2026-08 for Pulling the Bond for the Enclave. Motion by Supervisor MacDonald, and second by Supervisor Klinger, unanimously carried to authorize calling the Improvements Bond for The Enclave to finish the last repairs to the roads which the developer failed to complete. Vote 3-0.

**-Engineers Report:** -Fox Run Heights is beginning Phase III. Carvana submitted a Land Development Plan for their site in Strinestown to expand the car auction.

**-Unfinished/New/Other Business:** York County Recreational Professionals Forum on February 5, 2026, attended by Supervisor Wilhide and Zoning Officer Inman. Township is looking for land for sale for Park/Recreational usage for the Township.

**Adjournment:** Meeting adjourned at 7:11PM

Respectfully submitted,



Bethany Inman  
Zoning Officer

Please submit into public record

Many-Ann Albright  
775 Green Springs Rd  
York PA 17406

Supervisors's Meeting 3/3/26  
Why was Brett Flowers hired?  
Who does she represent?

3/3/26

Tuesday, July 22, 2025

Courtney M. Buechler - CGA law firm

To Bethany

Cc Stephen R. McDonald, CGA law firm; Craig S. Sharnetzka, CGA law firm

Subject: Data Center Text Amendment Application

From: Kevin Brown

Please see the attached completed application for the proposed data center text amendment, along with a photocopy of the check covering the required filing fee.

Could you advise how you would prefer to receive the original check? We are happy to mail it directly to your office, or alternatively, we could provide it to Attorney McDonald tomorrow. If delivered to Steve, he could confirm receipt and bring it with him to the August meeting. Or if you have another preferred delivery method, we would be glad to accommodate it.

Should there be anything further we need to provide, feel free to let me know.

Thank you for your assistance with this application!

Courtney M. Buechler  
Attorney

CGA Law Firm  
135 N. George Street, York PA 17401

From Kevin Brown

To Bethany Inman

Wednesday, October 1, 2025

Bethany,

Attached please find a revised overlay district for data centers. We had to address the underlying zoning with a paragraph. We have a redline and clean copy. In addition, I have answers to the questions raised at the last planning commission. Please get them to the planners so they have time to review them before the meeting.

I am requesting that you add to this information the tracts the township plans to add to the overlay district. The previous map you have shared in the August meeting makes sense to us. With the text complete and the tracts added, I can request the planners to act at the October meeting so we can get it in front of the supervisors.

Thursday, October 30, 2025

From Josh Kopp

To: Brett Flower

Discussions on hiring, meetings, etc

Wednesday, November 5, 2025

From Brett Flower

To: Derek Rinaldo; Bethany Inman; Josh Kopp; Marci J. Barna

Brett recommends that the Township work internally on the ordinance to address the protections that the Township would like to see incorporated. A meeting with the developer at this stage is likely just going to be a discussion of ordinance terms that will be changed. If you would like to meet with the developer, I suggest that the scope of the meeting be limited to information about the proposed development so we get an understanding of what metrics this developer can live with.

Last Supervisors' Meeting February 3, 2026, Attorney Stephen McDonald stated that if there was a tie on the approval for the proposed data center to be located on Spring Valley Mulch and Spring Valley Wedding Venue owned by Supervisor Brian Klinger, Brian Klinger would be able to cast the tie breaking vote concerning the approval of the data center.

When was this discovery made by Attorney McDonald and how did come upon this new information? Was the public going to be made aware of this change?

From Brett Flower

Monday, December 8, 2025

To: Josh Kopp

In light of the current law, the participation in the negotiations, deliberations, discussions or other interaction with the proposed ordinance amendment while seeking to have his parcel included in any amendment, which would result in a pecuniary benefit, constitutes an impermissible conflict of interest. The potential penalties are fines, conviction of a felony and restitution in an amount of up to three times the benefit received. 65 Pa. C.S. 1109.

As discussed, the next steps on the ordinance amendment should be the discussion of possible options for pieces of the ordinance. I can be ready to discuss some alternative on December 22, any time other than 12:30 - 1 or the 23rd before noon.

December 9, 2025

From Brett Flower

To Josh Kopp

Thank you for the call today, I apologize for the delay, I got pulled into multiple meetings immediately after getting off the phone with you. Following up on the question of whether elected officials can participate in discussions and deliberations on topics for which they have a voting conflict, the State Ethics Commission and the Courts have been very clear that when a conflict is present, voting is not the only way in which an elected official can violate the Ethics Act.

Section 1103(a) of the Ethics Act provides that "No public official or public employee shall engage in conduct that constitutes a conflict of interest." 65Pa.C.S. 1103(a) . Section 1102 of the Ethics Act defines a "conflict" or "conflict of interest" as, in pertinent part, use by a public official...of the authority of his office...for the private pecuniary benefit of himself..."65 Pa.CS. 1102. The State Ethics Commission has repeatedly explained that "use of authority of office is more than the mere mechanics of voting, and encompasses all the tasks needed to perform the functions of a given position. Use of authority includes discussing, conferring with others, and lobbying for a particular result." *Sivick v. State Ethics Comm'n*, 271 A.3d545 (Pa. Commw. Ct. 2021).

Rezoning presents special dangers. First, it threatens the goal of comprehensive land use planning. If many individual parcels are resonated for different uses, the zoning plan may become meaningless. Second, it creates heightened risk of governmental corruption. If the value of A's land is \$5000 per acre for farm use, but \$50,000 per acre for single-family use. A has an economic incentive to influence the outcome through bribery or other improper influence.

Most jurisdictions review the constitutionality of rezoning under the same general standard normally applied to a new zoning ordinance: a rezoning decision is valid unless it is "clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals or general welfare." *Village of Euclid v Ambler Realty Co.*, 272 U.S. 365, 395 (1926). L

Property, A Contemporary Approach; 4th Edition, John G. Sprankling, Raymond R. Coletta