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Vice Chairman
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**CONEWAGO TOWNSHIP
BOARD OF SUPERVISORS**

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Treasurer/
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July 9, 2008

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES

The Conewago Township Board of Supervisors held their regular meeting on Wednesday, July 9, 2008. Those present were:

John Rochat	Galen Shelly	Jay Brandt
Shirley Meyers	Norman Miller	Dolores Kuntz
Scott Stein, Esq.	Erik Kaylor	Jeff Reitz
Josh Etterman, The Sun	Joel Buckley	Gil Petrina
Scott Lacock	Christine Lacock	Ralph Luttrell
Kenton Kreider	Lamar Koser	Rosalie Sarfert
Tom Luttrell	Curtis Bucks	Ashley Bucks
Richard Leininger	Robert Kain	David Kinsley
Nancy Kain	Kevin Bucks	Jeffrey Weaver
David Gibbs	Don Parmer	Paul Zimmerman

The meeting was called to order by Chairman Rochat at 7:30 PM.

MINUTES OF JUNE 11, 2008 - A motion by Rochat second by Shelly to approve the minutes of June 11, 2008. Motion carried.

TREASURER'S REPORT, June 30, 2008 - A motion by Rochat second by Shelly to approve the Treasurer's Report dated June 30, 2008 subject to audit. Motion carried.

EXPENDITURE REPORT, JULY 9, 2008 - A motion by Shelly second by Rochat to approve the Expenditure Report dated June 12, to July 9, 2008 in the amount of \$87,640.87. Motion carried.

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

PLANNING COMMISSION MEETING, JUNE 30, 2008 - For Review Only

PUBLIC COMMENTS – **Joel Buckley** – He commented on last months Treasurer’s Report that the regular return on township money is 1.50%. He checked PLGIT; their rate is 2.2%, which would represent around \$18,000. in interest in the course of a year. He recommended looking at different options. Rochat stated that the Director of Administration is already checking on interest rates.

Erik Kaylor, for Ralph Luttrell Sketch Plan – They are proposing a Sketch Plan for a subdivision on Azalea Drive. Rochat stated that this Board doesn’t usually make comments on a Sketch Plan. There is a planning process you need to do, and we urge you to follow that process. We do not want to supersede the Planning Commission or the planning process.

Tom Luttrell stated at the end of Azalea Drive there is a storm water problem caused by the Laurel Woods Subdivision, which they didn’t know anything about storm water or retention ponds when that was developed. They would like to come off of Azalea Drive either the whole way or part of way to take care of the storm water problems. They will go back to Planning Commission with a full submission of the Sketch Plan for a 1,000 ft. cul-de-sac.

Gilbert Petrina, Deodate Road - Mr. Petrina stated he missed the June 30, 2008 Comprehensive Review Meeting, because he thought they were off for the summer. He just wanted to make it known that he plans to take legal action, developing action, and other action to maintain his multi-family zoning.

Scott & Christine Lacock, 3208 Elizabethtown Rd. – Christine said they have their home for sale along side of the Road Runner Car Lot. They had a buyer and the septic system was inspected and it failed. She said we can not see or smell the problem, but it failed, so the buyer backed-off... Marvin Stoner, Sewage Enforcement Officer came out and a deep probe was done, he was planning on a small standard system, but that failed. They need to install a Sand Mound, but the lot is very small. Stoner said the sand mound can be grandfathered, but his concern is you need a 100 Ft. from the neighbors well, and there is only 65 Ft. Christine said Mr. Stoner stated they needed permission from the Supervisors, before anything can be done. She said they would install a UV light on the neighbors well to insure safety of his water. Rochat stated this certainly shows to those people who didn’t think we needed sewage that this is a good example of sewer problems in that area. His concern is for legal litigation against the township if they sign off for the existing malfunction, or if the neighbors well were to become contaminated. He asked the Solicitor if there is an agreement with either party that could be done. The Solicitor stated the township needs to make sure what the SEO stated is accurate, if legally you can get a DEP waiver, and an indemnity for either party if they sell the property. Mr. Miller will talk with the SEO’s to see if there are other homes in that area with the same problem and what his recommendation would be. He said he will also contact DTMA to see what the next step is, and to also report back to the Solicitor on his findings. Rochat stated this we can’t be resolved at this meeting, but to keep in touch with the township.

PHASE II – Sewage Facility Update, Rt. 743, Old Hershey Road, Act 537 – John Rochat

Rochat reported that DTMA mailed notices to connect to sewage within 60 days. The mandatory hookup date is 8-20-08, and 80 residents have already applied for their sewer permits.

JEAN K. ZELL, FINAL MINOR SUBDIVISION PLAN, Zoned Ag., Parcel 22-012-013, 3519 Mill Road – Need to Adopt Planning Module Resolution 2008-5 – This plan was tabled at the Supervisors 6-11-08 Meeting, because the Planning Commission only reviewed this on 6-2-08. The plan has been revised, but RETTEW didn't receive a copy of the plan to review. Mr. Hartman said PP&L will grant the driveway, and the sand mound, to go under their easement, and an agreement with Mrs. Zell is on its way. Items needed to complete this plan are approve Resolution for Planning Module, Park & Recreation Fee, Waivers for Preliminary Plan, Curbs, Sidewalks, and Road Improvements (Recommended by Planning Commission on 4-28-08).

A motion by Brandt second by Rochat to approve Resolution 2008-5 for Planning Module for Jean K. Zell, Final Minor Subdivision Plan. Motion carried.

CURTIS & ASHLEY BUCKS – CONDITIONAL USE APPLICATION, (Owned by Richard & Orpha Leininger) Parcel 22-011-018, 4343 Colebrook Road, Hershey, PA., Zoned Ag. 3519 Mill Road – Mr. & Mrs. Leininger are selling their granddaughter and husband a parcel of ground (19.733 acres) located in the Ag. Zoning district along Colebrook Road. This property was subdivided in 2002 with no buildings on it. Their intention is to erect a house on the property. The Planning Commission at their 6-30-08 meeting recommended approval of the Conditional Use.

The purpose of the public hearing will be to consider a conditional use application to permit the use of an existing lot to be used for single family residential dwelling purposes in the Agricultural Zoning District. The Solicitor stated this is a public hearing and do any of the neighbors have any comments: **Jeff Weaver, 247 Brandt Rd.** – Mr. & Mrs. Weaver own the property that borders the private lane from Rt. 341. They personally have no problem with the private lane. **Robert & Nancy Kain** - They own the house in the back of private lane. They have no problems with the conditional use, but concerns of future usage of private road. **Gilbert Petrina**, Deodate Road, He supports the conditional use. The Solicitor said this is not relevant we are deciding if a conditional use will be approved for the 19 acre lot. He also stated the three families may want to discuss how and who will maintain the private road in the future.

A motion by Shelly second by Rochat to approve the Conditional Use Application for Curtis & Ashley Bucks (Richard Leininger, Owner) subject to the normal process of percs & probes, sewage permit, building permits etc., and the Solicitor will draft the opinion. Motion carried

JOHN N. HERTZLER - CONDITIONAL USE APPLICATION – Zoned Ag., Parcel 22-018-007, 676 Hertzler Road, Elizabethtown, PA – Mr. Hertzler is selling his granddaughter and husband approximately 6.094 acres in the Ag. Zoning District which was approved by the Zoning Hearing Board on 4-30-08. The Conditional Use Application is for 3 additional houses in the Ag. District. The Planning Commission recommended to pass this onto the BOS with concerns of meeting our Land Development Ordinance with respect to the 25% of selling road frontage in the Ag. District. The legal ad was advertised, it was understood it was for 1 house in the Ag. Zoning District and not 3 homes.

The purpose of this public hearing will be to consider a conditional use application to permit the use of a proposed lot to be used for single family residential dwelling purposes in the Agricultural Zoning District. Since approval of the variance on original lot of 6.094 acres, this includes the house and barn. They are asking for additional use of the remaining land in this Conditional Use, which is 2, 3 acres lots, and 1 add-on to a neighbor's property, and the residual lot of 59.735 acres... Mr. Hertzler's attorney stated if he had asked for lots in the original subdivision the road frontage was sufficient, because there was 940 ft. which was under 25%. Mr. Hertzler owned the whole tract when he subdivided a parcel for Mt. Calvary Church for an athletic field, most recently the 6 acre lot to his granddaughter, so this leaves a total of 2 residential lots, 1 add-on lot, and the residual lot of 59.735 acres...

The Twp. Solicitor stated he took a look at the size of the property at the time the ordinances were adopted, and his opinion is at the time of adoption of ordinances he met the requirements for road frontage. It would not be fair to reverse it, because the plan for the church was part of the existing plan. The Solicitor also asked if the owner would stipulate that they don't plan any additional lots. Mr. Hertzler said he doesn't plan any additional lots, but he can't answer for future generations. The Twp. Solicitors suggested, if future generations should ask for residential lots there should be a restriction that they would have to put a street there also be approved by the Supervisors.

A motion by Shelly second by Rochat to approve the Hertzler Conditional Use Application based on the Solicitor's comments regarding 25% of road frontage, and to authorize the Solicitor to draw up the opinion about further subdivision.

KENTON KREIDER – Parcel No. 22-006-039 – Replace house with Double Wide Mobile Home – Zoned Residential Country, 4246 Roundtop Rd., Elizabethtown, PA

Mr. Kreider purchased this property and the house is in bad need of repair. He would like to tear the house down and replace it with a 28' double wide home. He checked his measurements and determined that the side yard measurement is 5' short on both sides. The Planning Commission took no action, but suggested he contact the Zoning Officer and he may have to apply for a Zoning Hearing Variance. Mr. Kreider is here for the Supervisors opinion of the proper procedure to follow. He plans to demolish the house and garage and put a 28' double wide home on the lot, moving it back 75' from the center of the road. The double wide would be placed on a permanent peer foundation; he plans to use the same

KENTON KREIDER – Parcel No. 22-006-039 – Replace house with Double Wide Mobile Home – Zoned Residential Country, 4246 Roundtop Rd., Elizabethtown, PA, Continued – driveway, but he only has 15’ on either side, and the ordinance requires 20’ for the side year. After much discussion it was decided he needs to contact the Zoning Officer, but will probably need a Zoning Variance Hearing, which is a 45 day process and needs to be advertised.

LAMAR B. & DENISE KOSER - Final Subdivision Plan, Zoned Residential Country, Parcel No. 22-018-003, 2535 Mill Rd., Elizabethtown, PA, - The purpose of this subdivision is to change lot lines. Lot #1 will be added to an existing adjacent lot, Lot #2 will be downsized, and Lot #3 will be increased in size. At the Planning Commission meeting 6-30-08, they granted waivers for Preliminary Plan, Curbs, Sidewalks, Existing Road Improvements, and Recreation & Open space (offered to pay fee in-lieu of).

A motion by Rochat second by Shelly to approve the following waivers for Lamar Koser Final Subdivision Plan:

- WAIVERS:** Section 404 – Preliminary Plan
- Section 606 – Curbs
- Section 607 – Sidewalks
- Section 613 – Existing Road Improvements

Motion carried.

SUBDIVISION PLAN: A motion by Rochat second by Shelly to approve the Lamar Koser Final Subdivision Plan subject to conditions of signature and seal, ownership and dedicatory statements to be signed and notarized, Planning Module Exemption, a letter from the power company for proposed construction within their easement, combined deeds to the Solicitor for review and approval, updated E & S Plan, Construction cost estimate for storm water, and financial security. Motion carried.

NOTE: The park & recreation fee isn’t applicable, because he is changing lot sizes.

PAUL E. & BRENDA J. ZIMMERMAN – Revised Final Subdivision Plat, Lots 3 & 7, Valley & Mapledale Roads, Elizabethtown, Zoned Ag. Parcel 22-014-053 & 22-014-055.

This farm was recently subdivided. They are requesting to combine Lot #3, 1.666 acres) with a portion of Lot #7 (11.984 acres). This is the field on the corner of Mapledale and Valley Roads. Total acres of the new lot will be 13.644 acres to create a farm. The Planning Commission at their 6-30-07 meeting recommended the waiver of Section 403.1 – Preliminary Plan requirement be granted and considered as a Minor Plan. They are forwarding this plan to the Supervisors stating that they reviewed the plan, but are uncomfortable with certain aspect of the plan, and passing onto the Supervisors without approval.

The only changes were revised on note 7, 10, 11, 14. **Note 7** – The following

PAUL E. & BRENDA J. ZIMMERMAN – Revised Final Subdivision Plat, Lots 3 & 7, Valley & Mapledale Roads, Elizabethtown, Zoned Ag., Parcel 22-014-053 & 22-014-055, Continued - restriction shall be placed on the deed of the combined lot 3/7A: “No building intended for residential use shall take place on said lot until such a time a satisfactory well is provided or as a condition of the sale of each lot or parcel within the same subdivision or land development, that the facilities can be installed by the purchases of such lot and have minimum yield of potable water of five hundred (500) GPD prior to sale”. **Note 10** – There shall be no further subdivision of the combined Lot 3/7A for additional residential lots. This restriction shall be noted and recorded on the deed for this lot. **Note 11** – At a future date, if Conewago Township requires the widening of Mapledale Road, the owner of the combined Lot 3/7A shall be responsible for the widening/improvements to the road along the entire frontage of their respective lot. **Note 14** – The use of the combined Lot 3/7A shall be restricted to farm use as defined in the Conewago Township Zoning Ordinance as amended. This restriction shall be noted and recorded on the deed for this lot.

A motion by Rochat second by Shelly to approve the waiver of the Preliminary Plan for Paul E. & Brenda J. Zimmerman be granted and considered as a Minor Plan. Motion carried.

A motion by Shelly second by Rochat to approve the Paul E. & Brenda J. Zimmerman Final Plan, and the Solicitor will execute the Developers Agreement with document to match the lot reference change on plan for Lot 7. This motion includes surveyor’s signatures and seals, ownership statement signed and notarized, and a revised deed shall be prepared for review and approval by the Township Solicitor and will be recorded at the same time as the plan. The deed shall include the restrictive covenant regarding the farm use on the property similar to Note 14 on the plan. Motion Carried.

DONALD E. & DEBORAH L. PARMER - Final Minor Subdivision Plan – Zoned Residential Country, Parcel No. 22-005-009, 2501 Chestnut Rd., Elizabethtown, PA

Mr. Parmer is subdividing his house with 2.552 acres; the remaining plot is 17.353 acres. At this time there are no plans to build a new dwelling. He is applying to DEP for a non-building declaration. The Planning Commission at their 6-30-08 meeting recommended to the BOS to approve the following waiver, Erosion & Sediment Control Plan, Final Storm Water Management Plan, Curb, Sidewalks, Road Improvements, Separate Drawing Minor Lot, and Contours. He also requested a waiver of - Concrete Monuments, but they already exist so no action taken on this request. He also requested a waiver of Fee-in-lieu of Dedication- (Park & Recreation), and is requesting NOT to dedicate land for recreation and NOT to pay a fee in lieu of. This request was NOT granted. They recommend approval of the plan subject to the Township Engineer’s comments dated 6-30-08, and subject to Dauphin County’s comments dated 5-23-08. There is a driveway leading from Lot 2 to Lot 1. If this remains he will need to provide an easement for Lot 1 to use the driveway indicating that access to Lot 1 will not be granted across the existing macadam driveway of Lot 2. A drainage easement from the pipe going from Lot 1 to 2 should be noted on the plan.

DONALD E. & DEBORAH L. PARMER - Final Minor Subdivision Plan – Zoned Residential Country, Parcel No. 22-005-009, 2501 Chestnut Rd., Elizabethtown, PA, Continued - The Solicitor stated we need a Restrictive Covenant recorded with the plan for creating (1) lot saying all requirements must be met for building. Shelly asked how the formula is figured for the Park & Recreation Fee. The Solicitor said it is per resident or (1) acre buildable lot based on the most recent appraisal x .06.

A motion by Rochat second by Shelly to grant the following waivers:

- Section 407.a.a.17 – Erosion & sediment Control Plan
- Section 407.1.A.20(i) – Final Storm Water Management Plan
- Section 6060- Curbs
- Section 607 – Sidewalks
- Section 613 - Road Improvements
- Section 403.1A.(2).(e) – Separate Drawing of Minor Lot
- Section 403.1.A.(2).(e) – Contours

Motion Carried.

A motion by Rochat second by Brandt to approve the Parmer Final Subdivision Plan with the conditions of signatures and seals, Planning Module Exemption Form B request for waiver and approval from DEP, Park & Recreation Fee Paid, and an agreement for non-buildable lot executed at time of recording. Motion carried.

GEORGE E. JR. & MINNIE F. HEILNER – Final Subdivision Plan, Zoned Residential Country, Chestnut Rd., Elizabethtown, PA, Parcel No. 22-008-002. – Mr. Heilner is subdividing 23 acres. There are 3 lot additions to adjacent neighbors, 1 new building lot, and the residual lot. Soils test were completed on the new lots and residual lot. The Planning Commission at their 6-30-08 meeting recommended granting waivers of, Preliminary Plan, Curbs, Sidewalks, and Existing Road Improvements. They also recommended granting additional waivers of Minor Subdivision & Land Development, Final Plan – Specifications, Natural Features Preservation, and Fee in-Lieu of Dedication (Park & Recreation). This included recommending approval of the plan subject to the Township Engineer’s comments 6-25-08 and Dauphin County’s comments 5-23-08.

A motion by Rochat second by Shelly to approve the following waivers:

- Section 404 – Preliminary Plan
- Section 606 – Curbs
- Section 607 – Sidewalks

Motion Carried.

Section 613 – Existing Road Improvements – Engineer Shradley, Norman Miller, Jeff Reitz & Jay Brandt will meet within the next 2 weeks to discuss road improvements, and recommend any road improvements needed if any or recommend waiver at next meeting

GEORGE E. JR. & MINNIE F. HEILNER – Final Subdivision Plan, Zoned Residential Country, Chestnut Rd., Elizabethtown, PA, Parcel No. 22-008-002, Continued

A motion by Rochat second by Brandt to approve the following additional waivers:

Section 403 – Minor Subdivision & Land Development

Section 407 – Final Plan, Specifications

Section 508 - Natural Features Preservation

Section 510.5 – Fee-in-lieu of must be paid before final plan approval.

Motion Carried.

A motion by Rochat second by Brandt to approve Resolution 2008-6 Planning Module for George Heilner Subdivision Plan. Motion carried.

CONEWAGO TOWNSHIP COMPREHENSIVE PLAN UPDATE -The last Comprehensive plan workshop meeting was held prior to the regular planning commission meeting on 6-30-08 at 6:30 PM. At that meeting the committee made an official recommendation that the Conewago Township Board of Supervisors authorize the start of the review process to adopt the comprehensive plan.

RETTEW originally scheduled to attend a total of ten meeting, seven with the committee, one public participation meeting, one public meeting with the Planning Commission, and one public hearing with the Board of Supervisors. To date they attended 15 meeting. The time preparing for and attending these extra meetings have directly impacted the project budget, as well as the public input on the Future Land Use plan.

A motion by Rochat second by Shelly to approve amending the original agreement for the Comprehensive Plan at the additional cost not to exceed \$4,800. Motion carried.

A motion by Rochat second by Shelly to authorize RETTEW to proceed with sending the final draft to the county, neighboring jurisdictions, and all other agencies required by law to receive and start the review process. Motion carried.

Engineer Shradley stated this is not approving the plan, the Supervisors will get a copy of the final draft in booklet form at the same time the other agencies receive it. A public meeting will be held with the Planning Commission and following the public hearing the input will have to be considered with the entire process.

ROAD MASTER – Norman Miller

Gates Road Culvert, Rebid as Self-Help Job – Bid Information – Mr. Miller stated he received 2 bids for replacing the culvert, the specs were acceptable, and what was required (5 section of 8 Ft. pipe). He recommends that we accept the bid of \$20,544.00 for culvert and drawings.

A motion by Rochat second by Shelly to approve the bid of \$20,544.00 for castle pre-cast culvert. Motion carried.

ROAD MASTER – Norman Miller, Continued

Gates Road Culvert, Rebid as Self-Help Job – Bid Information, Continued The next step is to put the culvert in, this was rebid because the old bid was for \$11,000.00 to have this part of the work done by a contractor. Now with our road crew doing some of the work and having a contractor help it will cost approximately \$3,440.00. He received several bids, Leon Koser, Gary Templin, Herman Cassel, Dale Parmer and Ebersole's. Ebersole's was the lowest bid of \$3,440.00 for about 16 hours of work. If it takes longer their hourly rate is \$140.00/Hr. Miller recommends accepting Ebersole's bid to tear out the bridge culvert to put in the stone and place new culvert in place. The temporary channel for the stream will be done 7-15-08. He notified Dauphin Conservation that we plan to put in the temporary bypass. Mt. Joy's backhoe. will be used for this week.

A motion by Shelly second by Rochat to replace the culvert on Gates Road and to accept Ebersole's bid for \$3,440.00 for approximately 16 hours, and an additional hourly rate of \$140.00 if it takes longer. Motion carried.

DIRECTOR OF ADMINISTRATION - Norman Miller

Ridgeway Road & Gun Club – The President of the gun club submitted some steps they are trying to do to conform to the Township's suggestions. Rochat stated that Don Parmer is a member of the gun club, and if he would relay a message to the members that the Supervisors appreciate him addressing some the issues and they are willing to work on a solution toward correcting the problems is a positive step in the right direction. The people that issues had at the meeting should know who the president is or any members they can call if there are any problems.

They are respectfully requesting an exemption from the pumping of their septic tank for this 3 year period. At the present time their water system is not working and they are not using their sanitary system. They hope to get things restored and will resume operation and get the tank pumped.

A motion by Rochat second by Shelly to grant a one year exemption from pumping the septic system, but must resume pumping 2009. Motion carried.

Chairman Rochat adjourned the regular meeting at 10:05 to discuss legal matters in an Executive Session meeting. They adjourned from Executive Session meeting at 10:20 PM. to the regular meeting and Rochat stated no action was taken.

Fuel Tank Replacement, Cost & Options – Miller said he received bids from Environmental Services, COG, and Leffler. Leffler was the lowest bid of \$2,897.00. Miller said he would like to reconsider to put the tanks outside, and if you want to protect them from the weather we could put a roof over them as well as install locks on the tanks. He is also

DIRECTOR OF ADMINISTRATION - Norman Miller, Continued

Fuel Tank Replacement, Cost & Option, Continued - recommending (2) 230 gallons reconnect tanks with single wall 12 gauge. Brandt suggested replacing one and keeping the old one.

A motion by Brandt second by Shelly to replace (1) 330 gallon tank from Leffler Fuel Oil not to exceed the current price of \$3,000. Motion carried.

Parking Lot Twp. Building – Patch & Overlay, Chip & Seal – The parking lot is need of repairs 3” of macadam along tar& chip. We need to do 4” stone base, but need to get bins moved to try to seal cracks. Mr. Miller stated we need to regrade, he would mill out set to the side; regrade so water flows down instead of puddling. He recommends trying to seal cracks and replace macadam later. The township needs to plan to move the dumpster down near the pump station in the next several years. Dauphin County Recycling needs to come through with financial help.

Budget Review – Mr. Miller gave them a 6 month budget to review and come back with the Supervisors comments or thoughts. Mr. Miller will recommend at next months meeting to transfer from one account to another account.

Ridgeway Rod & Gun Club – Garry Foreman, President. They are respectfully requesting an exemption from the pumping of the septic tank for this 3 year period. At the present time their water system is not working and they are not using their sanitary system. They hope to get things restored and will resume operations and get the tank pumped.

A motion by Rochat second by Shelly to grant a one year exemption from pumping the septic system but must resume pumping 2009. Motion carried.

Garden Court Condo Assoc. – Cindy Bassett, Secretary – She sent a memo on behalf of the Garden Court Condo Association to inform us that a vehicle is still parked in front of 6 Garden Court and the tags have not been updated. After the Supervisors discussion they stated the homeowners association needs to take action and have it towed at owner’s expense.

A motion by Shelly second by Rochat to adjourn at 10:55 PM. Motion carried. The next meeting is August 11, 2008.

Submitted by,

Shirley A. Meyers
Township Secretary