

John D. Rochat
Chairman
533-3831

Jay M.Brandt
Vice Chairman
367-3667

Galen Shelly
367-3722

**CONEWAGO TOWNSHIP
BOARD OF SUPERVISORS**

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Norman Miller,Dir.of
Administration,Road
Master, Open Records

Shirley Meyers
Twp.Secretary/
Asst.Treasurer

Dolores Kuntz
Treasurer/
Assistant Secretary

JANUARY 5, 2009

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES

The Conewago Township Board of Supervisors held their reorganization meeting on Monday, January 5, 2009. Those present were:

John Rochat	Galen Shelly	Jay Brandt
Shirley Meyers	Norman Miller	Jon Yost, 8:15 PM
Frank Chlebnikow	Rosalie Sarfert	Doug Farver
Jim Horst, Hor-Shaa	David Shaak,Hor-Shaa	Joel Buckley
Joel McNaughton	Traci, The Sun	

The meeting was called to order by Chairman Rochat at 7:35 PM. Rochat stated on Wednesday December 24, 2008 at 8:00 AM they held an Executive Session Meeting regarding Personnel Issues. No action was taken, and all Board members were present.

NOMINATION FOR CHAIRMAN – A motion by Shelly second by Rochat to nominate John Rochat for Chairman. Motion carried

NOMINATION FOR VICE-CHAIRMAN – A motion by Rochat second by Shelly to nominate Jay Brandt for Vice-Chairman. Motion Carried

APPOINTMENTS:

SECRETARY/ASSISTANT TREASURER – A motion by Shelly second by Brandt to appoint Shirley Meyers as Secretary/Assistant Treasurer at a wage increase to \$17.21 Per Hour. Motion carried.

TREASURER/ASSISTANT SECRETARY – A motion by Rochat second by Shelly to appoint Dolores Kuntz as Treasurer/Assistant Secretary at an hourly wage increase to \$14.59 with a minimum of 10 hours per week. Motion carried. Brandt-Abstained

APPOINTMENTS, Continued

ROADMASTER - A motion by Shelly second by Rochat to appoint Norman Miller as Roadmaster. Motion carried.

DIRECTOR OF ADMINISTRATION - A motion by Shelly second by Rochat to appoint Norman Miller as Director of Administration at a wage increase to \$22.66/Hr. for 30 hours per week. Motion carried.

ROAD CREW EMPLOYEE, SUPERVISOR – A motion by Rochat second by Shelly to appoint Kevin Shope as Supervisor at a wage increase to \$19.10 per hour. Motion carried.

ROAD CREW EMPLOYEE– A motion by Rochat second by Shelly to appoint Robert Keeney as Road Crew at a wage increase to \$15.91 per hour. Motion carried.

ROAD CREW PART-TIME EMPLOYEES – A motion by Rochat second by Shelly to pay Part-Time, Laborer at a rate of \$12.00 per hour; Part-Time, Skilled Labor at a rate of \$18.00; Part-Time Snow Removal with Owner Equipment at a rate of \$100.00 per hour; and Part-Time Snow Removal with Township Equipment at a rate of \$20. per hour. Motion carried.

TOWNSHIP SUPERVISORS FOR TOWNSHIP WORK – The Supervisors did not make a recommendation to the Township Auditors to set the fee for Supervisors working for the township.

ZONING OFFICER – A motion by Brandt second by Shelly to appoint Donald Parmer as Zoning Officer with an increase of rate to \$40.00 per hour, to be performed on a time and expense basis for 2009. Motion carried.

CHAIRMAN OF VACANCY BOARD – A motion by Rochat second by Shelly to appoint Donald Parmer as Chairman of the Vacancy Board. Motion carried

SOLICITOR, Yost & Davidson – A motion by Brandt second by Shelly to appoint the firm of Yost & Davidson as our Solicitor with rates outlined as per letter dated 12-30-08 in the amount of \$190.00 per hour. Motion carried.

UNIFORM CONSTRUCTION CODE INSPECTOR - A motion by Brandt second by Shelly to appoint the firm of Commonwealth Inspectors, Inc, Bill Schilling as Inspector. Motion carried.

APPOINTMENTS, Continued

ENGINEER – A motion by Shelly second by Rochat to appoint the firm of RETTEW Associates, Max Shradley as the primary person of contact, as our township engineer with the Retainer Rate of \$315.00, and \$105.00 per meeting assuming he attends the regularly scheduled Supervisors and Planning Commission Meetings (23 per year), and the 2009 Rate Schedule as provided in letter dated 11-24-08. Motion carried.

ASSISTANT ZONING OFFICER – A motion by Rochat second by Shelly to appoint Frank Chlebnikow as Primary Assistant Zoning Officer as well as Max Shradley. Motion carried.

SEWAGE ENFORCEMENT OFFICER – A motion by Shelly second by Brandt to appoint Marvin Stoner, as the Township Sewage Enforcement Officer with the same rates as 2008. Motion carried.

TOWNSHIP PROFESSIONAL AUDITORS: Faren, Garcia & Garman, PC – Hold for 2-11-09 Meeting – Delayed to February meeting for advertising.

TOWNSHIP PROFESSIONAL ACCOUNTANTS – Diana Reed Associates, \$100. Per Hour. – Delayed to February meeting for advertising.

TOWNSHIP TAX COLLECTOR – RATE 3% of Per Capita Collected – The Solicitor said you are not appointing him as the official Tax Collector, you are appointing him to collect the \$5.00 Per Capita Tax. A motion by Rochat second by Brandt to appoint Loren Bowen to collect the \$5.00 Township Per Capita Tax, and reimburse Loren Bowen 3% of total tax collected.. Motion carried.

NO EXPIRED TERMS AT THIS TIME

Certify – PSATS Convention Voting Delegate – A motion by Rochat second by Shelly to appoint Jay Brandt as Voting Delegate and Dolores Kuntz as Alternate Voting Delegate. Motion carried.

DEPOSITORIES – (Fulton for all Twp. Operations Accounts, Wachovia/Wells Fargo, for Phase I) Plgit, PNC, Susquehanna, Commerce, and M & T, Alternate for CD Purchases - A motion by Rochat second by Shelly to appoint Fulton Bank for all township accounts, and Wachovia for Phase I account plus Plgit, PNC, Susquehanna, Commerce, and M & T. Motion carried.

APPOINTMENTS, Continued

Equipment Rentals Rates - Rate for 2008, Loader, \$94.00; Truck, \$68.00; Grader, \$78.00; Truck Plow, \$100.00 – Per Hours with Driver – A motion by Shelly second by Rochat to change the rental rates to Loader, \$96.00; Truck, \$70.00; Grader, \$80.00; Truck Plow, \$100.00, per hour with driver. Motion carried.

Discuss 2008 Fee Schedule for Services Rendered – Open Records will be added at the \$.25 cent rate per page and follows other Open Record Fee Schedules at State rates.

MINUTES OF DECEMBER 10, 2008 - A motion by Rochat second by Shelly to approve the minutes of December 10, 2008 as submitted with Brandt's correction on page 2, 2nd paragraph, under Subdivision/Engineering Report to read, "The **pipe center** is in the **edge of the ROW**". Also on page 4, 3rd paragraph under Farver Subdivision, to read, "The Solicitor stated in the **1995** Agreement Plan," and FED should be **MPC**. Motion carried.

TREASURER'S REPORT, DECEMBER 31, 2008 - A motion by Shelly second by Brandt to approve the Treasurer's Report dated December 31, 2008 subject to audit. Motion carried.

Mr. Miller suggested looking at the financial report regarding transferring of CD's. Treasurer's Report will include CD's detail sheet to better track activities. The CD on 2-24-09, should have matured on that date, but because the bank was sold, PLGIT on 12-23-08 paid off a CD early, the CD rate was locked in at 3.06% , and the rate went to 1.66% back into PLGIT Class.

EXPENDITURE REPORT, JANUARY 5, 2009 – A motion by Shelly second by Rochat to approve the Expenditure Report dated January 5, 2009 in the amount of \$38,040.82. Motion carried.

SUBDIVISION/ENGINEERING FEES REPORT – All up-to-date. **Trojczak** – At the 12-8-08 Supervisors meeting Mr. Trojczak requested to be excused from paying the engineers fee from the township in the amount of \$230.27, because an additional pipe cost him \$1,200. There was no advance notice they were installing additional pipe. The pipe is an improvement for the township safety and their yard. Engineer Shradley and Brandt checked to make sure there would be no erosion problem in the future. Jay informed the Roadmaster to keep a check on the pipe for possible errors, so the Township may want to add some rip-rap to hold the stormwater and erosion.

A motion by Brandt second by Rochat to approve the request to excuse Mr. Trojczak from paying the engineers fee from the township in the amount of \$230.27. Motion carried.

PLANNING COMMISSION MINUTES – No Action Until Next Meeting 1-26-09.

PUBLIC COMMENTS – Nothing to Report

EVELYN FARVER SUBDIVISION PLAN – OAK RIDGE MANOR SUBDIVISION, Glenn K. Farver, Zoned Residential Country (Off Ridge Road Next to Oak Road

– At the Supervisors Meeting 12-10-08, they authorized the Solicitor to prepare an agreement for Farver Subdivision, Oak Ridge Manor with the Township. The Solicitor prepared the agreement and he sent it to the Developer, Hor-Shaa, Inc. to review. Solicitor Yost said the Supervisors could approve the agreement conceptually with minor changes. He also stated the Board agreed they don't have to meet the minimum lot size of 1.5 acres, the 50ft. utility setback line, and Evelyn Drive will not meet the current 600 ft ordinance requirement for a cul-de-sac street. Solicitor Yost said he bills the township for the agreement and the township bills the developer, which makes the township responsible for the engineer to complete the work.

A motion by Brandt second by Rochat to approve the agreement with Conewago Township and Oak Ridge Manor (Glen E. Farver, formerly Evelyn J. Farver) subject to minor changes and authorize Chairman Rochat to sign the agreement when completed. Motion carried. Shelly, Abstained

EBERSOLE EXCAVATING PRELIMINARY/FINAL LAND DEVELOPMENT PLAN, Residential Country 5556 Ridge Road, Elizabethtown, PA Parcel 22-006-027, and 22-006-028

– Ebersole Excavating is proposing to expand the current building by 10,468 sq. ft. to be used for storage and repair of equipment. No additional employees will be hired. They will combine their two separate lots into one deed. They are intending to connect to DTMA sewage. The Conewago Township Zoning Hearing Board granted a variance to expand the existing non-conforming building beyond 50% of the area which is in non-conformity. The Planning Commission at their 12-8-08 meeting recommended waiving the dedication of land but not waiving the recreation fee. They also recommended passing the Land Development Plan to the Supervisors subject to the Township Engineers comments.

Chlebnikow, RETTEW Associates stated they need a revised plan and will probably attend the Supervisors February meeting. They also asked for an extension until 4-27-09

CREEKSIDE MEADOWS PRELIMINARY SUBDIVISION PLAN – Residential Country Zoning, 1779 Deodate Road, Elizabethtown, PA, Formerly Michael Costik Farm, Tax Parcel 22-015-001, (Joel McNaughton is Requesting Reducing Traffic Study Scope)

– This is approximately a 107 acre farm which they are proposing to subdivide into 33 single family detached building lots, and one existing dwelling. The lots will have on-lot septic and individual wells. They did a nitrate study (for well water) which shaped the individual lot sizes from 2.29 acres to 11.08 acres to meet the DEP requirements. They are proposing a public street with two connections off Deodate Road which is a State Road.

CREEKSIDE MEADOWS PRELIMINARY SUBDIVISION PLAN – Residential Country Zoning, 1779 Deodate Road, Elizabethtown, PA, Formerly Michael Costik Farm, Tax Parcel 22-015-001, (Joel McNaughton is Requesting Reducing Traffic Study Scope), Continued - Percs & Probes have already been completed. This community will

have a homeowners association which will be responsible for storm water maintenance and, any community facilities such as community signage and landscaping that may be associated with the community. The Planning Commission discussed Traffic Impact Study, distance between the two entrances from Deodate Road, connecting the street to London Street in Londonderry Township. At their meeting 12-8-08 they tabled the plan until their 1-26-09 meeting. The cost of the homes will be in the price range from \$300,000. to \$400,000., and they plan to build 3 to 4 homes a year. Prior to submission, Traffic Planning & Design Inc, contacted Township Engineer, Max Shradley to confirm the scope of the Traffic Impact Analysis. It did not clarify the number of dwelling units proposed. He is asking the Township and/or Township Engineer to reevaluate the requested traffic impact scope to include 32 new dwelling units.

As discussed at the 12-8-08 Planning Commission Meeting, the developers traffic study calculated an estimate of 24-32 total trips during the AM peak hour and 32-38 total trips during the PM peak hour. That approximates one (1) trip entering or exiting the site every two (2) to three (3) minutes. Given this limited impact they believe the scope should reflect and consider only the site access connection to Deodate Road. Since Planning Commission tabled this plan, Mr. McNaughton is only at the Supervisors meeting to discuss the Traffic Impact Study, and needs to attend the Planning Meeting 1-26-09.

ROAD MASTER REPORTS – Norman Miller

Request to Advertise for Single and Double Bituminous Seal Coal & Chip for 2009. 127,633 Sq. Yards of Single, and 33.385 Sq. Yards. for Double – Mr. Miller asked for a start date and permission to advertise early for Bids for Seal Coat for Township Roads. He also stated that this project would probably interfere with the school bus schedule, but they can get through the 11 miles of roads being repaired.

Sealed proposals will be received by the Board of Supervisors of Conewago Township at the Township Building at 3279 Old Hershey Road, Elizabethtown, PA until 1:00 PM, Monday, February 9, 2009, and will be opened on the same date at the Township Building at 1:30 PM. A list of bids received will be presented to the Board of Supervisors at their 2-11-09 meeting at 8:00 PM for consideration. The Supervisors by majority vote can reject any and all proposals.

A motion by Brandt second by Rochat to advertise for bids for Seal Coat for Township Road, the Supervisors would have the option to increase or decrease roads for this project work to be performed from 6-1-09 to 9-1-09. Motion carried.

ROAD MASTER REPORTS –Norman Miller, Continued - **Permission to Extend Driveway Permits for Marburger’s Parents, 5685 Ridge Road, and Sons, 5645 Ridge Road, Expired 11-7-07** – Curtis Marburger came in for a Driveway for his parents property 5685 Ridge Road to macadam the driveway and paid for that permit. Marburger’s have two (2) other driveway permits that expired 7-11-07, and he verbally asked for an extension for 5645 Ridge Road and 5685 Ridge Road.

A motion by Brandt second by Roachat to approve an extension for the two (2) Driveway Permits on Ridge Road until July, 2009, but not the one that is his parents because of the out-of-date permit. Motion carried

DIRECTOR OF ADMINISTRATION – Norman Miller

OPEN RECORD LAW, Resolution 2009-1 – Mr. Miller stated the township received information from PA Office of Open Records as well as PSATS, in this handout it stated the following: Governor Rendell signed the new Right-to-Know Law on 2-14-08 changing the way people access public records of their government, and changing the way government processes these requests. The new law created the Office of Open Records to help implement and enforce Act 3 of 2008. The role of the Office of Open Records is to provide guidance to Local Agencies to prepare for the new law, which took effect 1-1-09. They recommend that Local Agencies at minimum adopt a resolution and appoint a Right-To-Know Officer at their reorganization meeting. The Office of Open Records recommends at a minimum, you should perform the following eight key tasks prior to 1-1-09:

1. Appoint a Right-To-Know Officer
2. Conduct Records Management Analysis
3. Create A Message from the Secretary
4. Draft Rules and Regulations
5. Right-To-Know Request Forms and Response Letters
6. Update Agency Website, if you maintain an Internet website
7. Conduct Agency Training
8. Record Keeping

Open Records Policy should contain contact information officer and office hours, as well as forms, information about fees and how to submit requests. The township must follow the fee structure established by the Office of Open Records. When the officer receives a request, it should be stamped with the date of receipt, note the date by which the request must be fulfilled. Under law the request must be fulfilled or denied in writing within 5 business days. Requests can be submitted by E-mail, U.S. Mail, Fax or in person.

The Solicitor suggested that the Open Records Law was effective 1-1-09, and recommends this is not an Ordinance it is a Resolution, and if any changes are needed it can be changed anytime. The Director of Administration stated Township Fee Schedule was left

DIRECTOR OF ADMINISTRATION – Norman Miller , Continued

OPEN RECORD LAW, Resolution 2009-1, Continued - open so that officially we can adopt the Open Record Fee Schedule into the townships fee schedule. The Solicitor also stated in the proposed resolution it does not specify a certain name but the title of the Director of Administration as the Open Records Officer.

A motion by Rochat second by Brandt to adopt Open Records Law Resolution 2009-1 as presented. Motion carried.

A motion by Rochat second by Shelly to adopt the Open Records Fee Schedule into the Township Fee Schedule at 25 cents a page, and to review the schedule as needed. Motion carried.

PARK & RECREATION – Miller stated he had a grant that was still active for Danny Fisher Field from 2006-2009. The Park & Rec. purchased benches, grills etc., however, the freight for delivery was \$560.00, which put them over \$250.00 for the \$5,000.00 Grant. He wanted to make the Supervisors aware that the amount was over the original grant, and that he is doing the closeout for this grant.

Grant from Emergency Management – Mr. Miller stated that when we get a grant from Dauphin County Emergency Management we usually have to pay ahead of time, and than they reimburse us. A check was already received from Emergency Management for \$910.27, for an LCD projector screen and miscellaneous equipment. However, we were overpaid \$155.00, and Rochat suggested purchasing a wireless changer.

A motion by Rochat second by Shelly to approve the purchase of LCD projector screen and miscellaneous equipment. Motion carried

Emergency Management Training Workshop – George Giangli, Emergency Management Coordinator called Mr. Miller to inform him that there were not many dates available for training, and he had to lock in the date for Tuesday, January 27, 2009 at 6:00 PM. It is mandatory that the staff and road crew attend this workshop. Mr. Miller will check to see if any other dates are available.

PLGIT CD'S DUE – Mr. Miller stated in the State Liquid Fuel Fund there is a CD for \$100,000., due 1-27-09, and he is asking for permission to transfer funds and get the best rates available.

A motion by Brandt second by Rochat to authorize the Director of Administration to check for the best interest rates available for the State Liquid Fuel Fund CD. Motion carried.

Four (4) Additional Conference Room Chairs for Planning Commission Members – Miller said one member of the Planning Commission requested (4) four chairs and is willing to pay for the cost. He would like to purchase four (4) additional chairs, they would not be identical, but would be a high-back chair in black. Mr. Miller said that the Planning Commission members are committed volunteers , and work hard to do a fine job for the Supervisors. So he does feel they should offer to pay for the chairs and request the Board of Supervisors to fund this. The Board of Supervisors will pay for these chairs.

DIRECTOR OF ADMINISTRATION – Norman Miller, Continued

Four (4) Additional Conference Room Chairs for Planning Commission Members, Continued – A motion by Rochat second by Brandt to authorize the Director of Administration to purchase (4) four additional chairs for the conference room not to exceed \$800.00. Motion carried.

John Rochat – In the **Township News Magazine** there was an article regarding **Earned Income Tax** on a county wide basis. The township should appoint someone for the county committee by 9-1-09 for the tax year 2012, to pick a firm to collect Earned Income Tax. No action taken at this time.

John Rochat – Federal Economic Stimulus Plan, RETTEW. Regarding to Statement from Municipal Clients to Governor Rendell. – RETTEW has been following the news regarding the pending Federal Economic Stimulus legislation being proposed by President Elect Obama. This bill could include a significant public works funding from Washington early in 2009. The following projects that RETTEW feels can meet the requirement for quick movement to contract award, execution and deliver are: Aberdeen Road Bridge, Gates Road Reconstruction, Hertzler Road Bridge, Koser Road Bridge and Prospect Road Bridge.

They are requesting the Township for permission to send a letter to the Office of the Governor for consideration and prioritization with respect to any federal stimulus plan that would include investment in such infrastructure funding to address local needs. They would like to include in this request that we plan to work on three (3) of these bridges with the help from our neighboring Township of Mount Joy, Lancaster County. We have worked on many projects together to stretch inter-municipal Townships budgets.

A motion by Rochat second by Brandt to authorize RETTEW Associates to submit a letter for the Bridge Projects to the Office of Governor Rendell. Motion carried.

Jay Brandt – Regarding Park & Recreation – Brandt doesn't like the condition and regulations regarding the \$300,000 Grant. He feels we should purchase the land, but shouldn't go with the Park and Recreation Grant, and that we should do this project on our own. No action taken at this time.

A motion by Rochat second by Shelly to adjourn at 10:10 PM. The next meeting is February 11, 2009.

Respectfully submitted,

Shirley A. Meyers
Township Secretary