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**CONEWAGO TOWNSHIP
BOARD OF SUPERVISORS**

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JULY 8, 2009

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS MINUTES

The Conewago Township Board of Supervisors held their regular meeting on Wednesday July 8, 2009. Those present were:

John Rochat
Shirley Meyers
Dolores Kuntz
Tracy Zeiset, The Sun
Heidi Tobias
Fred Kennel
Joel McNaughton
Charles Suhr

Galen Shelly
Norman Miller
Max Shradley
Earle Olsen
Rosalie Sarfert
Jonathan Crist
Tom Godfrey
Tom Luttrell

Jay Brandt
Jon Yost
Joel Buckley
David Tobias
Barbara Miller-Patriot-News
Francis McNaughton
Bill Davidson

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

MINUTES OF JUNE 10, 2009 - A motion by Rochat second by Brandt to approve the minutes of June 10, 2009, as submitted. Motion carried.

TREASURER'S REPORT, JUNE 30, 2009 - A motion by Brandt second by Shelly to approve the Treasurer's Report dated June 30, 2009 subject to audit. Motion carried.

EXPENDITURE REPORT, JULY 8, 2009 - A motion by Brandt second by Shelly to approve the Expenditure Report dated June 11, 2009 to July 8, 2009 in the amount of \$30, 510.26. Motion Carried.

SUBDIVISION/ENGINEERING FEE REPORT - All Up-To-Date

PLANNING COMMISSION MINUTES, JUNE 29, 2009 - For Review Only

PUBLIC COMMENTS – Nothing to Report

OAK RIDGE MANOR SKETCH PLAN – Zoned Residential Country, Ridge Road, Formerly Evelyn Farver – 9 Lots, Now 7 Lots – The Township Solicitor and Engineers have not heard from the developer. Solicitor Yost said there was a conceptual understanding that they should go ahead and submit a plan to finalize it. Engineer Shradley will follow-up to see why we haven't heard from the developer.

PARK & RECREATION – Dan Tredinnick – RE: Camp Conewago Township – Miller reported that he heard from Dan Tredinnick, Chairman of Park & Rec. and with Michele O'Donnell, Director of the 2009 Camp Conewago their efforts to reduce cost for the camp the student camp counselor's will not get paid, but will use this time as community service credit for High School Graduation. We will only be paying for 3 adults and a Director if this works. They will keep the Board advised.

CREEKSIDE MEADOWS - Preliminary Subdivision Plan – Residential Country Zoning, 1779 Deodate Road, Elizabethtown (Formerly Michael Costik Farm) Tax Parcel 22-015-001, The BOS Recognized Extension Until 8-12-09 – This is approximately a 107 acre farm. They are proposing 33 single family building lots, which range in size of 2.27 acres to 11 acres. Each lot will have on-lot septic, on-lot water and there will be a homeowners association. This development will be completed in 4 phases over a 5 year period. They are proposing to install sidewalks and vertical curbs within the development (not along Deodate Road).

The Planning Commission reviewed the Engineer's comments; it will be reviewed by the Conewago Park & Recreation Board on 7-21-09, as well as Londonderry Township Planning Commission on 7-20-09. The Planning Commission discussed the recreational fee to be paid in-lieu-of a park and recreation area, EMS should be contacted, and stormwater issues. At the Planning Commission Meeting June 1, 2009, they recommended approval of waivers of Section 607, Sidewalks along Deodate Road; Section 606, Curbs along Deodate Road; and Section 613, Widening Deodate Road where development fronts on Deodate Road. On 6-29-09 the Planning Commission recommended this plan to the BOS subject to approval of the Township Engineers comments, 6-29-09, and Dauphin County's comments 12-4-08.

Rochat asked if the connection to London Ave is considered as a second entrance and not an emergency entrance, and if we are entitled to get what Londonderry Twp. approves. Solicitor Yost stated we can't control Londonderry, and it is probably all right, because it is not a major road. They are proposing a financial security or a letter of credit to guarantee the homeowners will be able to choose trees and they will plant them. Joel McNaughton stated there will be a variety of trees, but will be limited to trees with shallow root systems. Solicitor Yost stated that this should be part of an agreement, as to who will be responsible for the type of trees and how they get planted.

Joel McNaughton said PENNDOT recently did an overlay and widening of Deodate

CREEKSIDE MEADOWS - Preliminary Subdivision Plan – Residential Country Zoning, 1779 Deodate Road, Elizabethtown (Formerly Michael Costik Farm) Tax Parcel 22-015-001, Extension Until 8-12-09, Continued - Road, so if there are questions regarding

the review for the scope of the traffic studies there should be some clarification if a turning lane is required. Mr. McNaughton said there is no traffic study required in Londonderry. At peak hours there will be approximately 32-38 trips, which means one car every 2 minutes from Colebrook Rd. to Rt 743. Mr. McNaughton will bring an extension to the next meeting as needed.

A motion by Brandt second by Rochat to do a traffic study of the two intersections at Deodate Road, and the Supervisors reserve the right to have them do an additional traffic study if the BOS feel it is necessary. Motion carried.

FRED KENNEL CONDITIONAL USE APPLICATION – Ag Zoning District, 300 Witmer Road, Hershey, PA, Parcel No. 22-007-029 – Mr. Kennel owns approximately

13.36 acres with hog buildings on it located along a private road known as Witmer Road. He is proposing to erect a Modular Cape Cod Home on it. The Planning Commission Meeting 6-1-09, they recommended approval of the Conditional Use Application subject to stormwater and zoning issues.

Solicitor Yost called the Conditional Use Hearing to order at 8:00 PM, and stated the purpose of the public hearing will be to consider a conditional use application to permit the use of a parcel of land located in the “A” Agricultural Zoning District for a residential use. The applicant is Fred R. Kennel. The property is owned by Fred R. Kennel and is identified as Dauphin County Tax Map Parcel No. 22-007-029 and is located at 300 Witmer Road, Hershey, PA. This application was properly advertised two times in The Sun.

Mr. Kennel stated this is a vacant lot with hog barns since the late 1970-1980, he has worked on the farm since 1990’s, and it never had a residence on this land. The SEO did 2 percs, and 2 probes, and he plans to put a Modular Cape Cod Home in the corner opposite the hog barns. The reason he is using the far corner is because there’s a 200 ft. gas line that run through his property. Supervisor Brandt stated there may be some deed restrictions on this 1975 subdivision plan, and should be checked before we give permission. Solicitor Yost said it probably preceded any subdivision or ordinances, but that Mr. Kennel would still have to meet setbacks, sewage, signs, etc., to put a home there.

Solicitor Yost asked if there are anymore public comments. The only comment was a citizens questioned whether this is a private road, and it is. If there are no other questions Solicitor Yost closed the hearing at 8:19 PM, and asked the Supervisors if they want to make a decision tonight.

A motion by Rochat second by Shelly to grant the Conditional Use to Fred Kennel, to erect a Cape Cod Modular Home on the condition that it meets any subdivision plan restrictions and ordinances that apply to the township, and to include authorizing Solicitor Yost to prepare the decision letter. Motion carried.

LANDIS H. & ARLENE M. KREIDER - Preliminary Major Subdivision Plan – (Toll Brothers, Inc.) 3825 Roundtop Road, Elizabethtown, Tax Parcel 22-001-051, Zoned Residential Country – The BOS Recognized Toll Bros., Extension Until 8-13-09 – Mr. Miller stated their extension is good until the 8-12-09 meeting. He spoke with the Vice President through an Email and it is his understanding they will be attending the August meeting. No Action Taken.

JOHN N. & FRANCES H. HERTZLER – Final Subdivision, Lot Add-On & Land Development Plan, 676 Hertzler Road, Elizabethtown, PA, Parcel 22-018-007, Zoned Ag. Jeff Reitz Granted Extension Until 8-10-09 – The BOS Recognized Extension Until 8-10-09 – Rochat stated we need to take action on this plan or deny it, because the extension is good until 8-10-09 which runs out before the August meeting 8-12-09. There isn't much needed to complete this plan, and the holdup was financial. Solicitor Yost recommended we deny the plan on the condition of the Township Engineer's last review, unless they give us an extension within 10 days.

A motion by Brandt second by Rochat to deny the plan on the condition of the Township Engineer's last review, and receive an extension within 10 days with a minimum date of 10-16-09 to be completed. Motion carried.

RALPH W. & HELEN A. LUTTRELL – Preliminary Subdivision Plan – Zoned Residential Suburban, Church Road & Azalea Drive, 9.74 Acres, 12 New Building , Tax Parcel 22-001-008, Luttrell's Granted Extension Until 9-10-09 at Planning Commission Meeting. Sight Distance Only, Engineer Shradley's Traffic Study Report - Rochat stated before we start with this discussion on this topic he wants an explanation of the past statements made to the BOS on this plan. Is there an original plan before us, and Engineer Shradley said yes, the extension is until 9-10-09. Rochat said now there is another plan a Sketch Plan, and his understanding is that two meetings ago the engineer was directed to do a sight distance on Primrose Drive and Woodland Court. Engineer Shradley came to the last supervisors meeting and said he didn't do the sight distance to save the township money, because he received an email from Luttrell's engineer stated they were withdrawing the plan and submitting another plan. Rochat stated it looked liked they were withdrawing the plan, and when we talked at the last supervisor's meeting Tom Luttrell stated the "Plan would be withdrawn and a new plan submitted." Rochat said his understanding was a new plan would be submitted and the old one be withdrawn, and that didn't happen. So the audience knows, and the record shows this to be the case, we now have an original plan on the table and a sketch plan with an extension until 9-10-09. Rochat asked why this is on the agenda, we don't review sketch plans usually until the Planning Commission reviews them first and makes their recommendation on them? Miller said this is on the agenda tonight for discussion only for sight distance.

RALPH W. & HELEN A. LUTTRELL – Preliminary Subdivision Plan – Zoned Residential Suburban, Church Road & Azalea Drive, 9.74 Acres, 12 New Building , Tax Parcel 22-001-008, Luttrell’s Granted Extension Until 9-10-09 at Planning Commission Meeting. Sight Distance Only, Engineer Shradley’s Traffic Study Report, Continued -

At the Planning Commission Meeting 6-29-09, there was no action taken on the sketch plan, and on the original plan they accepted the time extension until 9-10-09. Rochat asked the Engineer Shradley to go ahead with the explanation of the sight distance. Engineer Shradley stated there are several requirements when looking at the sight distance:

Engineer Shradley’s Traffic Study Report

(1) the Township Ordinance is a minimum of 290 ft. with speed limit of 25 mph, and (2) the state and national standards which is AASHTO (Americia Association of State, Highway, Transportation Officers, and their manual shows a formula which considers a minimum safe stopping for vehicles traveling on a road. RETTEW’S form shows PENNDOT’s minimum safe distance listed to what is required coming out of the proposed driveway looking to the left is 213 ft., and the distance required is 144 ft. They meet the PENNDOT & National minimum standards looking at all the conditions. In summary the proposed intersection actually exceeds the PENNDOT minimum safe stopping criteria, but doesn’t meet the township criteria. In the past the township has asked people to do as much as they can for sight distance for safety reasons, and in the past have accepted the minimum stopping sight distance based on PENNDOT and National standards.

The required sight distances shown on the form is based on the minimum safe stopping sight distance from PENNDOT and the AASHTO manuals. The Township Subdivision and Land Development Ordinance (SALDO), Exhibit VI, requires a minimum distance of 290 feet based on the posted speed limit of 25 mph.

Rochat asked if there are any questions from the residents. One resident asked Shradley if he described the intersection as a driveway, isn’t it a road. Shradley said it is not a driveway it is a road, but the driveway distance from the edge of the pavement was measured by the PENNDOT form. We are 15 ft back from the travel lane so we applied the general driveway to a street intersection by making the adjustment to the location of a vehicle.

Rochat referred back to the 6-10-09 meeting notes, and he stated integrity is something you need to stand on. “Tom Luttrell questioned the comments in reference to the the email Engineer Shradley received. They were going to withdraw the plan, but because of legal issues regarding protective covenants allowing the building of roads where development already was. Rochat feels we were deceived and wants the record to show that the plan was not withdrawn.

Tom Luttrell from the audience stated he thought he said they didn’t plan to use that entrance because that was put to them at the last Supervisors meeting. What they wanted to do and the reason they didn’t withdraw was they wanted to explore other alternatives before

RALPH W. & HELEN A. LUTTRELL – Preliminary Subdivision Plan – Zoned Residential Suburban, Church Road & Azalea Drive, 9.74 Acres, 12 New Building , Tax Parcel 22-001-008, Luttrell’s Granted Extension Until 9-10-09 at Planning Commission Meeting. Sight Distance Only, Engineer Shradley’s Traffic Study Report, Continued

they withdrew the plan. Rochat said “thank you”, and stated that to Tom Luttrell that I directly asked you, and you answered it just the way Rochat read it, and I am very disappointed how you choose to approach this.

RESOLUTION 2009-4 – Revised Fee Schedule – Miller stated this resolution was submitted last month for the Board to review. The Board asked for comments from the Zoning Officer and Assistant Zoning Officer regarding the fee schedule. They both responded and agreed it appears to reflect the estimate for permit fees. The only thing Miller changed was he took the multiplier out of the Zoning Permit and because it is already in the Construction Permit where it belongs. He also updated the Open Record fees to keep what the BOX approved months back when reflecting on the current law changes voted...

A motion by Rochat second by Shelly to adopt Resolution 2009-4, pertaining to the Township Fee Schedule. Motion carried.

CONEWAGO PUMPING INSPECTION WAIVER AGREEMENT – Jon Yost -

Solicitor Yost stated this is a format you asked for several months ago, where persons say the property is vacant, and they want a waiver to not have to inspect-pump or pump. Before anyone can occupy the property they are responsible to inspect-pump or pump, whatever they need to do to bring the property up-to-date. If they don’t comply they will be responsible for legal fees etc., and this is a recordable agreement. The Solicitor said the Board doesn’t need to decide tonight. The Board tabled the Pumping Inspection Waiver Agreement until the next meeting.

ROAD MASTER REPORT – Norman Miller

Roundtop Road – Harry & Diana Rozanski for Roundtop Road, Need Signed Agreement with Approved Changes – At the 6-10-09 BOS Meeting there was discussion that a document needs to be signed by Harry & Diana Rozanski since they are the property owners of the wooded area next to Down the Lane. Solicitor Yost suggested we need an easement agreement to include that no trees or shrubs could be planted in that area that would block the sight distance. Miller stated he worked on an easement so nothing gets planted in the visible area of pulling out of Down the Lane. The Rozanski’s graciously signed the agreement to make sure it’s a safe way of exiting Down the Lane. Miller said it was an easy way to correct this situation, he heard no negative comments, but we still need to do some work to smooth the area out which is included in the agreement.

ROAD MASTER REPORT – Norman Miller - Continued

Roundtop Road – Harry & Diana Rozanski for Roundtop Road, Need Signed Agreement with Approved Changes – Continued

Solicitor Yost stated we should have an acknowledgement to record this agreement if the property would be sold some day to protect the townships rights to domain from blocking the sight distance with trees or shrubs, etc. Brandt suggested we need to thank the Rozanski's for allowing the township to correct this issue, and they saved the township money.

A motion by Brandt second by Rochat to authorize the Solicitor to re-execute the agreement for signature by the Rozanski's to be recorded. Motion carried.

2009 Conewago Township Line Painting - Miller stated that line painting is scheduled to be done on 7-9-09 within the township. The Board granted Miller and Brandt to converse on what types of lines to use, so they looked at all the areas.

Transfer from PLGIT to Fulton to Cover Tar & Chip (\$70,000.) – Miller stated we need to transfer money from PLGIT State Class to Fulton State Checking in the amount of \$70,000. to cover the tar and chip. This also covers the scratch coat on Cedar Road. There is a PLGIT State CD coming due on July 27, but that will stay in savings.

A motion by Brandt second by Rochat to authorize \$70,000. to be transferred from PLGIT Class State to Fulton Bank (State Liquid Fuel Account). Motion carried.

Buggy Signs – Miller sent a letter to PENNDOT for a request to see if they would place “Buggy Signs” on State roads within the Township that have considerable buggy traffic due to our Amish citizens' that live in our Township. The roads that are traveled mainly which concern our citizen's safety of our Amish residents are: Bellaire entering Conewago Township from Mt. Joy Township; Bellaire entering off of Colebrook Rd. (341) on Bellaire; Colebrook Road (341) entering Conewago Township from Lebanon County just past Township Road Border Lane (T335); and Colebrook Road off Rt. 743, we would like this about 300 yards off of 743 so tourist will not see it from 743.

A letter dated 6-30-09 from PENNDOT in response to requesting a traffic study for Colebrook and Bellaire Road. A engineering and traffic study will be performed to determine what, if any, changes in the existing conditions should be made to the subject area. PENNDOT will forward the results as soon as the studies are complete, probably within thirty (30) days.

DIRECTOR OF ADMINISTRATION – Norman Miller

Health Insurance – Health Insurance Issues - Mr. Miller is gathering information regarding our medical insurance coverage. The coverage for the township is effective until 12-09. Mr. Miller gave the Supervisors paperwork for health insurance to review for the August meeting.

TOWNSHIP WEBSITE – Mr. Miller proceeded to get bids for installing a township official website. He visited other websites, and other residents/business' used this person to do a website for them. Mr. Miller was very pleased with his ability to do a website. The

DIRECTOR OF ADMINISTRATION – Norman Miller, Continued

TOWNSHIP WEBSITE, Continued - current person does computer services for Conewago Township and throughout the area and also was here and was suppose to have a bid for tonight's review, but did not come through. Miller made several calls to him and he assured he would have a bid, but one was never received. Mr. Miller recommends authorization to establish a web page at a price of \$1,000. 00, to start and includes rental of the host sight. The projected time of the website will be by the end of the month, and will start with a web page. Rochat stated most municipal websites have access to zoning codes, ordinances, date of Board Meetings, Agenda, Minutes of all the Boards in the municipalities, and forms are available to download. Mr. Miller said as the website develops he will do a policy to be approved by the Supervisor

A motion by Shelly second by Rochat to authorize Norman Miller to come up with a policy. and to start entering information on the website not to exceed \$1,000., that the Supervisors approve notes on the website. Motion carried.

Dauphin County Tax Claim Bureau – Schedule Upset Sale 9-21-09 – Mr. Miller stated we received a list of properties up for sale through the tax claim bureau. One of the properties that did not install sewer for Phase II is on the list. The Township needs to let them know if we have any tax claims by 9-21-09. We haven't done anything, are they going to do it, or does DTMA file a lien against the property. Solicitor Yost thought Kim, DTMA said the property owner was going to do the work and than the tax notice came about the same time. The Solicitor and the Director will check with DTMA to see if they filed a lien for the actual connection fee, and if not the township will move ahead with the lien.

Proposal for Township and CMA 2009-10 Year Audit Bid – The proposal for the current auditors is for the Board to review for the next meeting. No action is needed. This will be a total audit which will include the work that Diana Reed has done in the past. A financial statement will be done by Faren, Garcia and Garman. The only thing that will not be done is the "Communication With Those Charged With Governance". This was done in the past because CMA used over \$300,000., of federal monies last year.

RESOLUTION 2009-7 – PA Emergency Management Services Update – For Conewago Township to Prepare, Maintain and Keep Current an Emergency Operations Plan – This Resolution 2009-7, needs to be updated every 2 years. The resolution mandates Conewago Township to prepare, maintain, and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster with this Township. There are 2 pages that need to be signed the Resolution page, and the Declaration of Disaster Emergency procedure that our Emergency Management Director will coordinate all activities for emergency responses to be followed in the event of a major emergency or disaster.

A motion by Rochat second by Shelly to adopt Resolution 2009-7 the PA Emergency Service and also authorize the signing of the Declaration of Disaster Emergency. Motion carried.

DIRECTOR OF ADMINISTRATION – Norman Miller, Continued

Profit and Loss Performance - Mr. Miller said this is for Review Only by Supervisor. If you have any questions or would like to sit down and review please let him know, what works best for them?

Kevin Kanode, Written Request – Mr. Miller stated that Kanode's should have come to the township first, and he wasn't comfortable and wanted to research the history by looking at the minutes and through discussion.

The history of minutes shows an easement agreement was to be signed prior to work being done 5-9-01;

10-10-01 Jay meet with Mr. Avery Kanode on this problem; and prior to any work being done, the Solicitor will prepare an easement agreement to be signed by Mr. Avery Kanode;

11-14-01, the Solicitor is in the process of preparing an easement agreement between Mr. Avery Kanode and Conewago Township to install a drainage pipe onto his property;

2-12-02, the Solicitor heard nothing from Mr. Kanode. Mr. Kanode informed Jay Brandt he does not want a pipe. He came up with another solution. putting in drain boxes. He will do the work, if the Township furnishes the stone. Brandt will meet with Kanode again

4-10-02, Jay Brandt met with Mr. Avery Kanode concerning the water runoff problem. Mr. Avery Kanode asked the Township to bring a new pipe across Church Rd. and asked us to furnish materials to build a rock basin. Mr. Kanode agreed to do the work on his property. The Solicitor said we need to have Mr. Kanode sign a release when work is completed, so he can't come back on the Township years down the road.

We did the work for Mr. Avery Kanode, and he passed away and an easement agreement was never signed.

Rochat stated Kevin Kanode should have come to the Township before he applied to the Conservation District to see if we were interested in participating. Rochat looked at the property and there is still a drain coming out of Azalea Drive which stems back on the developer. Some of the water problems aren't coming from the road they are coming from what Kanode did on the back of his barn. When Mr. Kanode hauled dirt from Mazzuca the Conservation District tagged Mazzuca for illegal dumping, no silk fence, and drop-off in back. Mr. Kanode, Sr. never signed the agreement, the intent was if we did the work we were to be finished and here we are again after the fact.

Mr. Miller recommends that the Supervisors move ahead with help with erosion problem. Dauphin County Conservations is helping with 80% of funding, to correct the problem.

DIRECTOR OF ADMINISTRATION – Norman Miller, Continued

Kevin Kanode, Written Request, Continued – A motion by Brandt second by Shelly to authorize to pay the requested amount of \$2,380. and Kevin Kanode must sign an agreement with the township before we pay the bill, that will release the township from any maintenance or further improvements, and this would close this issue forever. Motion carried.

Note: Mr. Miller stated Buckeye Partners will be checking the pipelines and testing them through all of Conewago Township.

Max Shradley, Engineer – He stated they completed the study of the intersection of Nye Road and Church Road in Conewago Township. The purpose of this analysis was to conduct the necessary traffic engineering studies to determine if a multi-way (3-way) stop control could be implemented. They would recommend that an advance “STOP AHEAD” pavement marking be installed on the southbound approach of Church Road approximately 250’ in advance of the STOP sign. In addition to the data collection and analysis previously presented, we conducted the additional analysis requested by the Township to determine how far Church Road would need to be shifted to the east in order to achieve the minimum safe stopping sight distance based on the posted and actual (85% percentile) speed limit and conditions. The results of that analysis indicated that the minimum safe sight stopping distances could be achieved based on the posted speed limit if Church Road would be shifted 10’ to the east. In order to meet the minimum safe sight stopping distances for the 85% percentile speed limits, Church Road need to be shifted approximately 30’ to the east. This item will be on the agenda for review at the 8-12-09 meeting.

LETTER OF CREDIT FOR HILLS OF WATERFORD – Mr. Miller stated at the 6-10-09 meeting that Hills of Waterford communicated with him that if the job is not completed by 7-12-09, they will extend a letter of credit to the Supervisors as per Engineers Shradley’s letter dated 8-12-08. Mr. Miller received several emails confirming the letter of credit, but never received the actual confirmation from the Fulton bank to draw down the maintenance security.

A motion by Rochat second by Brandt to inform Fulton Bank that we need the Letter of Credit to draw down the maintenance security, or need the extension within five (5) days. Motion carried.

John Rochat –Regarding the Earned Income Tax Meeting in September. This needs to be on the August agenda to appoint someone to attend.

John Rochat, Continued - Rochat asked if the township should check into pre-paying the electric bills to Met-Ed. They pay 7.5% interest to pre-paid customers for 2 years. He said if we're not in consortium program we should pursue this issue. Miller will find out what we need to do to get on this program, and he will report back to the Board at the next meeting.

A motion by Rochat second by Brandt to adjourn at 9:55 PM. motion carried. The next meeting is August 12, 2009.

Respectfully submitted,

Shirley A. Meyers
Township Secretary

Notes: *Conewago Online* and *Conewago.us* are not affiliated with the township government. This computer version of a public record ©2009 by Joel Buckley. Accuracy is not guaranteed. Revised: 08/23/2009 11:00 pm.