

**CONEWAGO TOWNSHIP BOARD OF SUPERVISORS**  
**541 OXFORD AVENUE**  
**HANOVER, PA 17331**  
[www.conewagotwpadamsco.us](http://www.conewagotwpadamsco.us)

**BOARD OF SUPERVISORS REGULAR MEETING, NOVEMBER 21, 2011**

Chairwoman Keefe called the meeting to order at 7:07 PM with the Pledge of the Flag and followed by a moment of silence.

The following Supervisors were in attendance:

Monique Keefe, Chairwoman   Ted Bortner   Charles Carbaugh   Louann Boyer  
Vice Chair LeGore was absent.

The following appointed Township professionals were also in attendance:

P. Richard Wagner, Solicitor   Eric Mains, Engineer  
Marcy L. K. Hagarman, Township Manager   Keith E. Whittaker, Sec. /Treasurer  
David W. Arndt, Jr., Zoning Officer

There were 17 people in the audience.

**1. MINUTES**

**Supervisor Carbaugh made motion to approve the draft minutes from the October 10, 2011 Budget Workshop & October 17, 2011 regular meeting. Supervisor Bortner seconded the motion.**

**VOTE 4-0**

**2. COMMUNICATIONS AND INTERACTIONS**

- Thank you letter from VNA was received regarding donation.
- A letter of interest in continuing to serve as Zoning Hearing Board solicitor from Harold Eastman was received and acknowledged.
- A letter from SAVES requesting the Township to have the road crew plow and place anti-skid at the emergency vehicle entrance was received and acknowledged. This has been an ongoing request.

**Supervisor Bortner made motion, of which was seconded by Supervisor Carbaugh, to have the road crew plow and place anti-skid at the emergency vehicle entrance. No discussion.**

**VOTE 4-0**

- A letter of concern from Ms. Happel indicating she would like the Board of Supervisors (BOS) to support the Adams Co. SPCA was received and acknowledged.
- The Township received and acknowledged an information packet from Dale & Kathy Seymore regarding SPCA.

**3. REPORTS FROM SUPERVISORS**

**Supervisor Bortner** – None

**Supervisor Boyer** – Supervisor Boyer acknowledged last month she did make the comment about the SPCA. Supervisor Boyer was not against giving to the SPCA but she was concerned about giving a lump sum of \$2,500 all at once. Supervisor Boyer stated “it looked bad that we are giving more money to the SPCA than to the senior citizens within the Township.” Supervisor Boyer stated “that comment got all twisted around and she wanted to set it straight. Supervisor Boyer advised the BOS

she had received 2 phone calls and a letter at home; 1 phone call at the office and a hate e-mail. Supervisor Boyer advised the BOS and the audience she supports the SPCA through deductions at work and was upset that things became twisted and not reported correctly by the press.

**Supervisor Carbaugh**– Supervisor Carbaugh wanted to set the record straight concerning published remarks in the Hanover Evening Sun regarding he was against the Adams County SPCA. Supervisor Carbaugh advised the only SPCA he had trouble with and would not give anything was to the York County SPCA. Supervisor Carbaugh never had an issue with Adams County SPCA. Supervisor Carbaugh advised he has only been to the Adams County SPCA once and they did not have what he was looking for. Supervisor Carbaugh called the Hanover Evening Sun to get this corrected and a retraction of the statement ran on Election Day which was “a day too late for him in the election.” Supervisor Carbaugh stated, “I have never had an issue with Adams County SPCA, it was with York County SPCA and I want the record to be set straight.”

**Chairwoman Keefe**- Chairwoman Keefe expressed her concern with the damage to Peanut Drive. Chairwoman Keefe asked the Supervisors present along with the Township officials for a solution to prevent this from occurring again. Peanut Drive has become damaged due to the high volume of truck use by the Oak Hill and Chapel Ridge developments. These developments have been going on for several years and are not yet complete due to economic and other related issues. There currently is in place a plan to rebuild Peanut Drive by the developer when the developments are finished. However, at this time, Peanut Drive is in need of repair and the developer will not repair the damage until the projects are complete. Chairwoman Keefe asked the question what can be done to prevent this from occurring in the future with the “next” development. Solicitor Wagner advised the BOS there are provisions within the MPC for holding developers accountable for damages done to roads. This could be done at the posting and bonding phase of a project. A key factor is to monitor and establish weight limits with the assistance of the engineer for proper posting of the roadway. The roadway users would have to be known and the road monitored for any damage. Chairwoman Keefe asked Solicitor Wagner if the Township can temporary post a weight limit restriction on a road. Solicitor Wagner advised the Township can temporary post a road closed sign due to a dangerous situation but not temporary post a weight limit sign. Mr. Mains offered his advice. Mr. Mains indicated, if the Township knew of a new development that was going to be built and a road constructed to the development; the Township as a part of its approval process, stipulations as to how the road was going to be maintained during the construction. This could be done by “playing” with the posting and bond procedures or using a hybrid method. If it is a road that the Township already owns and it is adjacent to a planned subdivision, then taking the route the solicitor advised with posting and bonding prior to approval would be the route to travel. This would be the time to ensure the protection of the non-affiliated streets of the Township. This should be in place, up and running, even before approval would be given. Solicitor Wagner also advised it would be a good idea to look at the roads within the Township in areas where potential developments could occur to see if the current infrastructure would support it. Mr. Mains suggested there is not a “catch all” provision that could be added to an ordinance that would protect the Township but rather it would be important to address these issues before an area is developed. Supervisor Bortner stated the issue at hand is Peanut Drive. The developer has agreed to rebuild Peanut Drive when the development is done and the Township has no idea when that will be. The Township is exploring the idea if this would happen again, how can the Township keep this from occurring again. All present agreed. Supervisor Bortner advised one thing to consider is the current use of the road. Located on Peanut Drive is a coal business that has been there for many years that requires truck traffic to supply it. Factors like that will need to be considered as to not burden entirely the developer and so will careful photographic documentation be maintained as to any damage. Mr. Mains advised the Township has previously done this during the development of the phases of Allwood Manor. Chairwoman Keefe just wants to make sure the Township does not go down the same path as what

occurred with Peanut Drive. Solicitor Wagner advised anytime there is a phased development, this situation should raise a red flag. Also, the Township needs to look at the current condition of the roads to see if they are adequately constructed to see if they can handle the large volume of heavy loads.

#### **4. REPORT FROM SECRETARY-TREASURER**

**Supervisor Bortner made motion, of which was seconded by Supervisor Boyer, to approve the Treasurer Report as presented.** No discussion.

**VOTE 4-0**

The Secretary- Treasurer requested the BOS for the Adoption of Ordinance 2011-I, Act 32 which is an amendment to Chapter 140, Earned Income Tax.

**Supervisor Bortner made motion, of which was seconded by Supervisor Boyer, to approve Ordinance 2011-I, Act 32 which is an amendment to Chapter 140, Earned Income Tax.** No discussion.

**VOTE 4-0**

The Secretary- Treasurer requested the BOS to authorize the advertisement of the 2012 proposed budget.

**Supervisor Bortner made motion, of which was seconded by Supervisor Carbaugh, to authorize the Secretary-Treasurer to advertise the 2012 proposed budget.** No discussion.

**VOTE 4-0**

#### **5. PUBLIC COMMENT**

Mr. Richard Smith, 28 Maple Dr., had three short comments for the Supervisors. Mr. Smith advised at the October BOS meeting it was stated that PennDOT sends out for bids to repair sinkhole. Mr. Smith contacted Gettysburg PennDOT and they do not send out for bids, they just fill them. The second comment pertains to Peanut Drive. Last month the BOS received a lot of comments about Peanut Drive and he hopes the Township will do something about it. The Third comment was directed at Supervisor Bortner making reference to looking at Peanut Drive to see what could be done. Mr. Smith asked the BOS if they have looked at Peanut Drive and if they will fix it by the Spring. Chairwoman Keefe responded by indicating the Township is in the process of creating a road repair/ replacement program and that Peanut Drive is on the list. Supervisor Bortner reported that there are plans "brewing" to do some repair work to Peanut Drive in the area of the drainage ditch. Mr. Smith question the Supervisors, especially Supervisor Carbaugh, because of his length of service on the Board, if there was an agreement to redo Peanut Drive when 80% of the development was completed. Supervisor Carbaugh believes there was but he could not say when it was done. The BOS will make inquiries as to when this may have occurred. Mr. Lease was present and does not have any recollection of that being agreed to.

Mr. Ray Presley, 168 Puma Dr., speaking on behalf of Mr. Grimes, the HOA Engineer and the HOA addressed the BOS on the issue of the Sheaffer Plan. Mr. Presley advised that Mr. Grimes spoke to Mr. Sheaffer and he agreed to a meeting. Mr. Presley is requesting that a qualified member of the BOS also attend that meeting just to stay within the loop. Solicitor Wagner advised the Township could only play a passive role because this does not appear to be our Township issue but rather an issue for the HOA. Solicitor Wagner stated there remains no further issue with the Township ordinances. Mr. Presley reminded the BOS the Engineer would only be there in a passive role. Chairwoman Keefe reminded Mr. Presley the Township would have to pay Mr. Mains to attend. Chairwoman Keefe advised Mr. Presley to inform the Township office when that meeting would take place. Supervisor Bortner stated there is no one qualified on the Board to go and have an educated conversation and suggested our Engineer attend.

**Supervisor Bortner made motion, of which was seconded by Supervisor Carbaugh, to authorize the Township Engineer and the Zoning Officer to attend the meeting in a passive role and that under no circumstance is the Township Engineer to do any engineering work except if he is contracted and paid for by the respective party.** Discussion: Chairwoman Keefe asked Mr. Mains how much the cost would be. Mr. Mains replied it would be the normal schedule. The Township Manager made a request if the motion is entertained, then the Zoning Officer should also attend. Supervisor Boyer believes it is a good idea but is reluctant to spend Township money for the Engineer to attend. Supervisor Bortner advised the BOS has for many years took a passive role when it comes things like this. Supervisor Bortner advised plans were not scrutinized and inspecting As-Builts that did not match the plans, yet the Township took a passive role. This has caused many problems for our residents and left little remedies for them. This gives us the opportunity to be in the loop even though our role will be passive. Supervisor Bortner reminded the BOS the following: the plan was one that was never liked by the Township because it never had a maintenance plan for the drain basin, the developer has never shown any care to what this Township or the residents of The Preserves feel and the Township has spent a lot of time and effort on this project and ground has not been broken. Mr. Presley reminded the BOS the only role that he is requesting is one to listen and be in the loop. Further discussion ensued and Supervisor Bortner called for the vote. Mr. Frank Blodgett a resident of The Preserves, advised the BOS that a stormwater issue already exists and needs to be resolved even before the Sheaffer Plan gets built. The meeting with Sheaffer is addressing the concern of the residents within The Preserves over the stormwater coming from the Sheaffer plan and how the developer is going to handle it. Mr. Blodgett advised we currently have a flooding problem now that the Township is not fixing and we are concerned due to the cost of the land we own. Mr. Presley indicted the focus of the HOA will be the maintenance of the stormwater basin.

**VOTE 3-1** Chairwoman Keefe opposed

Chairwoman Keefe advised Mr. Presley to call the Township Manager with the date and time of the meeting. Mr. Mains advised this potential meeting could fall under the retainer fee, which covers consultations, because he will not be doing any professional services and will not bill the Township.

Mr. Donald Sneeringer, 38 Oak Dr., addressed the BOS pertaining to his comments at the September BOS meeting. Mr. Sneeringer apologized for his vulgar language and wanted to know what the plan for Oak Drive. Mr. Sneeringer was advised that four feet of the existing sinkhole would be patched and posts and barriers would be put in place to allow for two way traffic. Mr. Sneeringer advised when Oak Drive was open the Medic unit from Hanover Hospital used the road twice in four days.

Mr. Alvin Jenkins, Pastor of The Potter House., advised the BOS it was very important for Oak Drive to be re-opened. Mr. Jenkins also advised the rain gutter issue was reviewed and found to not be a problem.

Mrs. Joan Gouin, 51 Sterling Dr., asked where the beer place is to be built. Chairwoman Keefe advised in the grassy area in the front of the Food Lion parking lot.

## **6. REPORTS FROM DEPARTMENTS**

- **Police Chief** – Sgt. Baumgardner was standing in for the Chief due to the absence of the Chief.
  - Chief's report was in the Supervisor packet for review.
  - Request for approval on vehicle purchase for 2012.

- Supervisor Bortner advised the BOS the Police Chief should not be asking the BOS directly for approval to purchase a new police car but rather it should be directed to the Township Manager, then to the BOS.
- Sgt. Baumgardner gave a brief overview of the proposed purchase of the Dodge Charger. Sgt. Baumgardner reported that many Police agencies are going to the Dodge and many have reported positive opinions. Ford is doing away with the Crown Vic and replacing it with the Taurus which is smaller.
- Chairwoman Keefe asked if any information was brought up to him about leasing. Supervisor Boyer had briefly discussed this option with the Chief. Supervisor Boyer advised she spoke with Chief Boehs from Cumberland Township who does lease their vehicles.
- Supervisor Bortner asked Sgt. Baumgardner about the safety related issue with the computer mounting system in the current cars if the Township get a new Dodge. Sgt. Baumgardner offered the opinion, if he was sitting in the Supervisors chair; if the Township is going to get a new Dodge, then wait until each of the cars are replaced.
- Supervisor Bortner also question Sgt. Baumgardner about the current fleet size of six cars. Sgt Baumgardner replied the current fleet of six cars is the minimum number of cars needed. Supervisor Bortner stated, "the Township normally has no more than three officers on duty at a time, why do we need six cars?" Sgt. Baumgardner advised the Police Dept has two cars in the garage at this time; cars are needed for the officers to go to court. Sgt. Baumgardner advised the BOS the trail blazer is often used for special details and serves a vital role in that duty.
- Request for approval to upgrade in 2012 the computers in the vehicles (within budget constraints)
  - Chairwoman Keefe asked Sgt. Baumgardner if the Township upgrades the computers in all of the cars can they be transferred to another vehicle. Sgt. Baumgardner agreed they could but would also like the Township to look at other options. Sgt. Baumgardner suggested there are other mounting options for the computers that should be looked at for less money. Supervisor Boyer asked Sgt. Baumgardner if we purchase a new system for the new car would it be compatible with the other car systems. Sgt. Baumgardner advised that would not be an issue. Chairwoman Keefe asked Sgt. Baumgardner to look into the other option and get back to the BOS. Sgt. Baumgardner agreed.
- Request for possible letter of commitment to hire a new officer at the beginning of 2012.
  - Chairwoman Keefe advised Sgt. Baumgardner the Township Manager will be addressing that issue with the Chief.

▪ **Township Solicitor Wagner**

- Solicitor Wagner advised the BOS he has been receiving phone calls from residents asking for opinions on Township matters. Solicitor Wagner wanted to advise the public and the BOS that he is not permitted to do that. He is hired and employed by the Township, to do work for the Township. He can only do what he is authorized by the BOS. Solicitor Wagner wants the BOS to know if someone calls and claims they have received an opinion from him; it is not true.

▪ **Township Manager Hagarman-**

- Work Report from Maintenance Department.
- The Township Manager advised the BOS the Steiner Mower has broke down. Bidding thresholds were amended with Act 84. Effective January 1, 2012, the Township will need to seek telephone quotes for purchases and contracts between \$10,000 and \$18,500. Any purchase the township makes that cost above \$18,500 will be subject to the state's bidding and advertising

requirements. Since the proposed purchase is less than \$18,500, we will wait until after January 1, 2012 to purchase the mower following receipt of three phone quotes.

- Oak Drive: The Township Manager advised the BOS to review the Maintenance Managers sketch for the two traffic pattern on Oak Drive at the sinkhole.

#### ▪ **Township Engineer**

- Mr. Mains presented his monthly Municipal Engineer's Report.
- Oxford Avenue Culvert Replacement- Mr. Mains advised the road work was completed by J.A. Myers Bldg & Dev and was re-opened on November 15, 2011. Mr. Mains requested approval for Change Order #1 in the amount of \$2,853.

**Supervisor Bortner made motion, of which was seconded by Supervisor Carbaugh, to approve Change Order #1 in the amount of \$2,853.** No discussion

#### **VOTE 4-0**

Mr. Mains asked the BOS for the request for payment to J.A. Myers Bldg & Dev in the amount of \$37,832. Mr. Mains reported the punch list was complete as of this afternoon.

**Supervisor Carbaugh made motion, of which was seconded by Supervisor Bortner, to approve the request for payment in the amount of \$37,832 to J.A. Myers Bldg & Dev.**

Discussion: Solicitor Wagner asked Mr. Mains if he had verified the punch list was complete. Mr. Mains advised our Maintenance Manager verified the items were satisfactorily completed.

#### **VOTE 4-0**

Mr. Mains is requesting a motion to complete the Notification of Completion form. This form is required on PennDOT projects that may use liquid fuels funds. Mr. Mains would like to complete this form and place it in the file in the event the Township would decide to use liquid fuels funds.

**Supervisor Bortner made motion, of which was seconded by Supervisor Boyer, to authorize the Township Engineer to complete the PennDOT Notification of Completion form.** No discussion

#### **VOTE 4-0**

- Sunday Drive- Line Restriping- Mr. Mains advised the line striping project on Sunday Drive is not complete. The diagonal striping to go down the expanded shoulder is not done. Mr. Mains advised the contractor that we were not doing partial payments. The contractor has submitted two requests for payment and Mr. Mains will not submit to the BOS for payment because the job is not done.
- Adams County Stormwater Management Ordinance- FYI-Mr. Mains advised the BOS the Adams County Stormwater ordinance was released in its final draft form on Friday, November 18<sup>th</sup>. The BOS will be taking this issue up next year and the Township will have a six month window to adopt it.

#### **7. CODE ENFORCEMENT**

- Work reports from Zoning/Code Office were given to the BOS for their review.

#### **8. SUBDIVISION/LAND DEVELOPMENT**

- Draft Planning Commission meeting minutes of November 3, 2011
- SALDO Status report Updated: November 14, 2011.

- Crestview Manor- J.A. Myers in a request dated 10.19.2011 is asking for a reduction of the security bond. The Township Manager is asking the BOS for ratification of Manager's action to authorize Engineer Scott DeBell of C.S. Davidson to commence the inspection of the public improvements. On November 4, 2011 the Township received a letter from Engineer DeBell determining the amount of public improvements security can be reduced by \$267,345.93. **Supervisor Bortner made motion, of which was seconded by Supervisor Carbaugh, to ratify the action of the Township Manager authorizing Engineer Scott DeBell of C.S. Davidson to commence the inspection of the public improvements and to approve the reduction in public improvements security for Crestview Manor by \$267,345.93 to provide a remaining balance of \$14,583.36.** Discussion: Supervisor Carbaugh confirmed there was \$14,583.36 remaining on the security

**VOTE 4-0**
- Chapel Ridge- Twin Ponds Development Corp. is requesting, on a letter dated 11.2.2011, for a reduction of the security bond by \$1,105,806. The Township Manager is asking the BOS for ratification of Manager's action to authorize Engineer Eric Mains of Buchart-Horn to commence the inspection of the public improvements. On November 15, 2011 the Township received a letter from Engineer Mains determining the amount of public improvements security can be reduced by \$1,105,806. **Supervisor Bortner made motion, of which was seconded by Supervisor Boyer, to ratify the action of the Township Manager authorize Engineer Eric Mains of Buchart-Horn to commence the inspection of the public improvements and to approve the reduction in public improvements security for Chapel Ridge Phase II by \$1,105,806 to provide a remaining balance of \$407,655.95.** Discussion: Mr. Lease questioned Mr. Mains about the dollar amount stated. Mr. Lease advised the bond had been previously reduced. Mr. Mains then suggested that the BOS hold off until a correct amount could be determined. Mr. Lease agreed that would be best.

**Supervisor Bortner withdrew his motion and Supervisor Boyer withdrew the second.**
- 116 Beer Xpress – FYI-A letter from G.Funke of GHI was received indicating the applicants are still awaiting the Pennsylvania Liquor Control Board approval for their business. Supervisor Bortner wanted to discuss the problem out at the Food Lion parking lot. Supervisor Bortner advised the traffic pattern within the Food Lion complex is limited and difficult to get to. Down at the exit where the Beer Xpress is going, the public is making left hand turns out of the parking lot. The exit is designed to allow traffic to turn right only. Supervisor Bortner questioned what could be done to keep this from happening. Mr. Mains advised the problem with making any improvement is that the area lies within a PennDOT right of way. Supervisor Bortner made the suggestion the Township contact the owners and see if something could be done to improve the traffic pattern. Sgt. Baumgardner advised some additional signage may be necessary. Mr. Mains advised when the project gets started and they are out doing site inspections, that may be the time to look at that and see what could be done. Supervisor Bortner agreed and wanted to make sure it was followed through with. Mr. Mains advised at the preconstruction meeting would be a good time to address that with the builder to see what they would be willing to do. Mr. Mains advised he would follow up with the request.
- Utility Easements in Chapel Ridge Development- Zoning Officer Arndt and First Energy have been having conversations regarding utility easements in the Chapel Ridge development. When the land development plan was approved there was a 120 foot right of way for Met-Ed to service their lines. Zoning Officer Arndt has had many of the residents who purchased lots come in for fence permits along the right of way. Zoning Officer Arndt advised he has been denying them because they want to put the fence within the right of way and our ordinance

prevents obstructions within easements. Zoning Officer Arndt advised that several of the residents have contacted Met-Ed and Met-Ed does not have any problem with them putting fences up as long as they can obtain a written agreement with Met-Ed. The BOS had no issue with this but would like to address this issue when the SALDO is being updated for the stormwater ordinance.

## 9. ZONING

- None

## 10. OTHER BUSINESS

- Right-to-Know requests- There were two requests between October 17 and November 17, 2011 pertaining to the bid on the Oxford Avenue culvert replacement.
- 2010 Recycling Grant Application being processed by Manager for submission by the December deadline.
- A Solid Waste Contract extension for the year 2013 with Waste Management with NO increase was received. The Township Manager is asking for authorization to sign the agreement. **Supervisor Boyer made motion, of which was seconded by Supervisor Bortner, to authorize the Township Manager to sign the Solid Waste contract.** No discussion  
**VOTE 4-0**
- Due to the passing of Auditor Hufnagle, there is a vacancy on the Board of the Elected Auditors. An appointment is needed to fulfill term ending 12.31.2011. The BOS advised they will address this issue at the re-organization meeting.
- The Emergency Management Coordinator “Duties and Responsibilities” course has been rescheduled for Jan. 21, 2012 from 9am to 11am in Classroom 1 of the Adams Co. Emergency Services Training Facility.
- The Christmas Tree Collection for Conewago Township residents with active WM service will be scheduled for January 17 and 19, 2012.
- The Township Manager is requesting the BOS to pass resolution 2011-Z which authorizes the Township Manager as the agent for the Township for the FEMA flood documents. **Supervisor Boyer made motion, of which was seconded by Supervisor Bortner, to authorize the Township Manager to be the agent.** No discussion  
**VOTE 4-0**

## 11. ANNOUNCEMENTS

- Zoning Hearing - TBD
- Planning Commission Meeting - 12•1•11 at 7:00 pm
- Board of Supervisor Workshop - 12•19•11 at 5:30 pm
- Board of Supervisors Regular Meeting - 12•19•11 at 7:00 pm
- Board of Supervisors Re-Organizational Meeting – Tuesday, 1•3•12 at 5:30 pm

## 12. ADJOURNMENT

Supervisor Boyer made motion, of which was seconded by Supervisor Bortner, to adjourn at 9:15 PM.

**VOTE 4-0**

Respectfully Submitted:

Keith E. Whittaker  
Secretary/ Treasurer

**Official Record**