

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS
541 OXFORD AVENUE
HANOVER, PA 17331
www.conewagotwpadamsco.us

BOARD OF SUPERVISORS WORKSHOP MINUTES, DECEMBER 19, 2011

The budget workshop was canceled due to no inquiries about the budget and the Supervisors being satisfied with the proposed 2012 budget.

Respectfully Submitted:

Keith E. Whittaker
Secretary/ Treasurer

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BOARD OF SUPERVISORS REGULAR MEETING, DECEMBER 19, 2011

Chairwoman Keefe called the meeting to order at 7:00 PM with the Pledge of the Flag and followed by a moment of silence.

The following Supervisors were in attendance:

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

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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 Bortner made motion to approve the draft minutes from the November 21, 2011 Workshop & Regular meeting. Supervisor Boyer seconded the motion.

VOTE 5-0

FYI: Draft Municipal Authority minutes from December 12, 2011

2. COMMUNICATIONS AND INTERACTIONS

- A letter was received from Hanover Hospital, dated November 23, 2011, announcing Capital BlueCross and the hospital have agreed to extend the current contract until 2014.
- A letter was received announcing WHVR's annual Feed-A-Friend Marathon.
- Recycling Reports from businesses located within Conewago Township are due before January 15, 2012 for the recycling report year of 2011.
- The Christmas Tree Collection for Conewago Township residents with active WM service will be scheduled for January 17 and 19, 2012.
- The PSATS Annual Education Conference & Trade Show will be held May 6-9, 2012 in Hershey.
- There are two vacancies on the Municipal Authority Board. Appointees are needed to fulfill terms December 31, 2015 and December 31, 2016.
- Dave Roth, Conewago Townships Emergency Management Coordinator, presented his verbal resignation at the 12.12.2011 Municipal Authority meeting. The Board of Supervisor will need to appoint a new Emergency Management Coordinator. Anyone interested in being considered should send a letter of interest to the Township.
- There is a vacancy on the Board of Elected Auditors for then term ending December 31, 2011.

3. REPORTS FROM SUPERVISORS

Supervisor Carbaugh– Supervisor Carbaugh stated he has enjoyed serving Conewago Township for the last 31 years. The Audience and all of the Supervisors of the Board gave Supervisor Carbaugh a round of applause.

Chairwoman Keefe- Chairwoman Keefe thanked Supervisor Carbaugh for his many years of service. Chairwoman Keefe presented Resolution 2011-AA, Charles Carbaugh Commendation. **Supervisor Bortner made motion, of which was seconded by Supervisor LeGore, to approve Resolution 2011-AA Charles Carbaugh Commendation.** Discussion: Supervisor LeGore thanked Supervisor Carbaugh for his many years of service.

VOTE 5-0

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4. REPORT FROM SECRETARY-TREASURER

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

VOTE 5-0

The 2012 Proposed Budget was advertised and available for public inspection November 22, 2011.

Supervisor Carbaugh made motion, of which was seconded by Supervisor LeGore, to approve the 2012 proposed budget as presented. Chairwoman Keefe asked for any public comment on 2012 proposed budget. Discussion: Mr. Richard Smith asked if there were any funds in the budget for Peanut Dr. and if there was a tax increase. Chairwoman Keefe advised Mr. Smith there is a tax increase of .3 mills and no funds in the budget for Peanut Dr. Mr. Smith was not happy with the fact there was no money in the budget for Peanut Dr. at the current time.

VOTE 5-0

The Secretary- Treasurer requested the BOS to authorize the advertisement of the 2012 meeting schedule.

Supervisor LeGore made motion, of which was seconded by Supervisor Boyer, to authorize the Secretary-Treasurer to advertise the 2012 meeting schedule, as amended for the BOS reorganizational meeting to commence at 6pm.

VOTE 5-0

5. PUBLIC COMMENT

Mr. Richard Smith, 28 Maple Dr., made five general comments about Oak Hill and asked the BOS three questions. Mr. Smith was concerned about getting emergency vehicles back into Maple Drive because of the one entrance and exit on Maple Drive. Mr. Smith asked about a rumor that the Township recently fired one of the maintenance workers. Mr. Smith was concerned about snow plowing because of the rumor. Mr. Smith also questioned the BOS about the new truck the Township purchased. Chairwoman Keefe thanked Mr. Smith for his comments.

6. REPORTS FROM DEPARTMENTS

Police Chief – Chief Williams thanked Supervisor Carbaugh for his many years of service to the Township.

- Chief's report was in the Supervisor packet for review.
- A request was received from the Police Association requesting the Township acknowledge to the Police Association, in a letter, the hiring of the new officer to fulfill the police contract obligation starting in January.

Supervisor Bortner made motion, of which was seconded by Supervisor LeGore, to send a letter acknowledging the Township satisfied the agreement to hire an officer in January to fulfill the police contract obligation. Discussion: Supervisor Boyer asked Solicitor Wagner if she was able to vote on this issue. Solicitor Wagner advised she could.

VOTE 5-0

- Supervisor Boyer asked the Chief if he had any follow up information on the computer equipment Sgt. Baumgardner provided to the BOS. Chairwoman Keefe spoke to Sgt.

Baumgardner this morning and he advised there was. Chief Williams advised there are several new things coming out in the market that could offer substantial savings.

▪**Township Solicitor Wagner**

- Solicitor Wagner gave the BOS a brief synopsis of the history of the Heart and Lung Act (H&L). H&L is designed to give an injured officer 100% of his pay, tax-free for his temporary disability. Solicitor Wagner advised he spoke with the Township Manager about creating a procedure policy to handle H&L Claims which will give the BOS enough information to determine eligibility. Solicitor Wagner advised if the BOS just agrees to the claimant regarding eligibility, then it become the Townships burden to prove why the officer should be removed from H&L. This policy will allow for the upfront determination of eligibility and therefore protect both parties.

▪**Township Manager Hagarman-**

- Work Report from Maintenance Department.

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▪**Township Engineer**

- Mr. Mains presented his monthly Municipal Engineer's Report.

- Chapel Ridge Ph II & III – Mr. Mains recommended the security bond be reduced by the amount of \$212,462.39. The remaining public improvements security bond amount is \$261,664.92.

Supervisor Bortner made motion, of which was seconded by Supervisor LeGore, to approve the reduction in public improvements security bond for Chapel Ridge Phase II & III by \$212,462.39. Discussion: Chairwoman Keefe advised the remaining bond would have a balance of \$261,664.92

VOTE 5-0

- Peanut Drive- Mr. Mains provided the Township a synopsis of a field meeting with Valley Quarries on Peanut Drive. The discussions centered on bidding, engineering and design, drainage facilities, line painting, signs, shoulder restoration, and wearing course. Also there was a dialogue to include Mr. Leese's shoulder widening and curbing of Peanut Drive and % percent of build out before wearing course is applied. Chairwoman Keefe asked Mr. Mains about the information regarding the removal of curbing from the project. Mr. Mains advised due to limited funds available for the project, it may more feasible to invest in street repair then to provide curbing. Mr. Mains advised there is a trend in storm water management leading away from curbing. Supervisor Carbaugh advised that the removal of curbing goes against all logic for the last twenty years and he was concerned the road edges will deteriorate. Mr. Mains advised the goal would be to reinforce the roadway on the shoulders and beyond to prevent the edges from deteriorating. Chairwoman Keefe asked Mr. Mains if he would be able to show us examples of roads done that way and the longevity when it comes time to make a decision. Mr. Smith asked about the repair of the drainage pipe at Glass's on Peanut Drive. Mr. Mains advised Mr. Smith he had not gone that far. The initial plan was to review the road. Mr. Smith was advised the Township itself is working on a plan to repair the drainage issue in front of Glass's. Supervisor Bortner asked Mr. Mains if there are different standards for building a residential street verses one for all traffic. Mr. Mains advised there was and the dependant factor is the amount and type of traffic for a specific road. Supervisor Bortner asked Mr. Mains specifically about Peanut Drive if it would be built different than Oxford Avenue because it is in a residential area. Mr. Mains advised it would be necessary to understand the amount of traffic usage and type prior to repairing the street. Mr. Mains advised the process being looked at for Peanut Drive is a reclamation process by which the road is reground and the material is combined with other material to form the base. This process has been used successfully in Cumberland Township.

- Adams County Stormwater Management Ordinance- FYI-Mr. Mains advised the BOS the Adams County Stormwater ordinance was approved and the Township will have a six month window to comply.

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7. CODE ENFORCEMENT

- Work reports from Zoning/Code Office dated December 12, 2011.

8. SUBDIVISION/LAND DEVELOPMENT

- Draft Planning Commission meeting minutes of December 1, 2011
- SALDO Status report Updated: December 8, 2011.
- Precision Cuts, 60 Ram Drive Land Development Plan (building addition 1,900 SF) - A request for approval of the Final-Minor Land Development plan was received. Zoning Officer Arndt advised The Planning Commission recommended conditional approval. Mr. indicated the developer was given a week to correct some minor notes on the plan. Mr. Mains advised there was a notable concern over the storm water management system that was proposed and needed to be corrected before approval would be given. Testing showed the system was not going to work the way it was designed. Mr. Mains reported as of this afternoon, they have come to an agreement as how to solve the issue but he has not seen any of the numbers. Mr. Mains needs to be in receipt of the storm water report and the numbers to ensure compliance. Supervisor Bortner advised the Planning Commission's conditional approval was based on the engineer providing an adequate review of the stormwater system. Mr. Nate Book, representing Precision Cuts, advised the BOS the Engineer would have the requested numbers by tomorrow.

Supervisor LeGore made motion, of which was seconded by Supervisor Bortner, to approve the Final-Minor Land Development plan for Precision Cuts contingent on the acceptable criteria to the Township Manager as it relates to storm water management plan. No discussion

VOTE 5-0

Mr. Nate Book, agent of the property owner/developer, accepted the conditions of plan approval.

- Sheaffer Plan – Chairwoman Keefe advised the BOS a meeting was to take place between Mr. Sheaffer and the Preserves HOA with our Engineer in attendance. The intent of the discussion was to be on the perpetual maintenance of the storm drain basin. Chairwoman Keefe asked Mr. Mains if the meeting occurred and if that was the discussion. Mr. Mains advised the meeting did occur. Mr. Mains advised the center of the discussion was around the altering opinions on the discharge and who was ultimately responsible and to what limits for the runoff from the proposed development. Mr. Mains advised the topic dominated the conversation as opposed to the maintenance issue. Chairwoman Keefe asked Mr. Mains if any of the proposed development was in Conewago Township. Mr. Mains advised all of the public improvement for the proposed development are in McSherrystown Borough. Chairwoman Keefe confirmed with Mr. Mains the storm water basin is not in Conewago Township. Mr. Mains concurred. Supervisor Bortner offered a walk through on a map of the proposed development and an overview of the current status of the land. Supervisor Bortner advised as the land currently sits there are two large drain pipes that flow from the land into a small unnamed tributary and then into Plum Creek. During heavy rains, this causes the flooding of the tributary. Supervisor Bortner advised there is no easement on the Conewago Township side but there is on the McSherrystown side. Supervisor Bortner continued with discussion on the future site development indicating the plan for 12 homes and the storm water plan is in place and meets the Township ordinances. The plan re-routes the pipes because there is not enough land to

properly slope the pipes. This will make the pipes drain into the tributary at a ninety degree angle. The homes that are to be build will have their drainage pipes drain into the storm basin which will in turn allow for a reduced drainage back into the tributary. Supervisor Bortner advised this also meets our ordinance. Supervisor Bortner advised the Planning Commission has never approved the plan or recommended approval to the BOS. The Planning Commission has not approved the plan because there is no storm water management maintenance plan. This plan relies on the homeowner to maintain the basin with Conewago Township having no remedy should the basin not be maintained. Supervisor Bortner also advised the Township is currently holding outstanding invoices for over \$6,000 for engineering reviews. The Township has the right to review the plan before the developer builds it thus the Township is required to pay our engineer to review the plans. There is no profit for the Township; the developer is charged what it cost the Township. Supervisor Bortner advised the proposed development is higher than the ground in the Township so everything will run our way. Supervisor Bortner advised McSherrystown Borough will get an increase in tax revenues and liquid fuels and the Township will only get the water. Supervisor Bortner summed it by stating it is all positives for McSherrystown Borough and all negatives for Conewago Township.

The discussion continued with Mr. Sheaffer being present. Chairwoman Keefe asked Mr. Sheaffer why we would not consider a HOA for the plan. Mr. Sheaffer advised it would not work any different then what he has proposed. Mr. Sheaffer advised he will have a storm water maintenance bond with McSherrystown Borough and they will have the authority to correct any problems. Mr. Sheaffer feels he has met every requirement from the Township. Solicitor Wagner advised the HOA rules requires approval from them to discharge over the land. Solicitor Wagner concerned if the discharge is going into a public in nature facility. Mr. Mains could not determine ownership of the tributary. A discussion on easements was again brought up by Supervisor Bortner. Mrs. Patricia Finch was present and she advised the BOS a survey was done indicting her property line is in the center of the tributary. Mr. Robert Kerr, Preserves HOA, advised the BOS there is a landscaping easement for the HOA not a drainage easement. Solicitor Wagner again asked the question if the storm water easement public or private. Supervisor Bortner advised there is no easement the land is private. The discussion continued with no clear consensus. Mr. Sheaffer stated again he has met all of the criteria and he does not know what more he can do. Mr. Sheaffer questioned the Townships ability to require a storm water maintenance plan because it is not in the Townships ordinance. Supervisor Bortner pointed out to Mr. Sheaffer chapter 27, section 2703 in the Second Class Township Code book; which indicates “when exercising the powers under this article, the board of supervisors shall manage storm water originating in or passing through the Township in a manner which is consistent with the requirements of the act of October 4, 1978(P.L.864,No.167). Supervisor

Bortner laid out three solutions to Mr. Sheaffer to get this plan done and approved:

1. Pay all current invoices,
2. Provide a storm water management maintenance plan and find away to indemnify the Township against future problems and claims, and
3. Mitigate the erosion problems and create easements to discharge the water.

Supervisor Bortner made motion, of which was seconded by Supervisor LeGore, to table any further action on the Sheaffer Plan request for final approval until: all current invoices are paid, a storm water management maintenance plan is provided and find away to indemnify the Township against future problems and claims and a plan to mitigate the erosion problems and create easements to discharge the water . Discussion: Mr. Kerr asked what legal recourse he has against the Township if this is allowed to pass. Solicitor Wagner advised none against the Township because they have not approved the plan.

VOTE 5-0

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Mrs. Mary Jo Moran, Secretary of the preserves HOA, thanked the BOS for allowing Mr. Mains and Mr. Arndt to attend the meeting with the developer.

9. ZONING

- None

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10. OTHER BUSINESS

- Recycling reports from businesses located within Conewago Township are due before January 15, 2012 for the recycling report year of 2011.
- Right-to-Know requests: 4 requests between November 18 and December 12, 2011 pertaining to the proposed budget and building permits.
- The Christmas Tree Collection for Conewago Township residents with active WM service will be scheduled for January 17 and 19, 2012.
- 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 Chairwoman called for an executive session at 8:48 pm.

The BOS meeting was called back to order by the Chairwoman at 9:25 pm.

Supervisor Bortner made motion, of which was seconded by Supervisor Carbaugh, to approve Heart and Lung Benefits for the injured Officer as discussed in executive session and that the Township is establishing a checklist policy to follow for future Heart and Lung claims. No Discussion.

VOTE 4-0 -SUPERVISOR BOYER ABSTAINED DUE TO HER BEING MARRIED TO A POLICE OFFICER

Supervisor LeGore made motion, of which was seconded by Supervisor Carbaugh, to approve the non-union employees of the Township to contribute to their benefits beginning January 1, 2012 at the following rates: Single: \$12.50, Employee/ Spouse/ Family \$25.00. Discussion: Chairwoman Keefe advised the BOS the insurance company can only bill us at a two tier rate instead of a three tier rate.

VOTE 5-0

11. ANNOUNCEMENTS

- Board of Supervisors Re-Organizational Meeting – Tuesday, 1•3•12 at 6:00 pm
- Zoning Hearing - TBD
- Planning Commission Re-Organizational and regular meeting - 1•5•12 at 7:00 pm
- Board of Supervisors Regular Meeting - 1•16•12 at 7:00 pm

12. ADJOURNMENT

Supervisor Carbaugh made motion, of which was seconded by Supervisor Bortner, to adjourn at 9:28 PM.

VOTE 5-0

Respectfully Submitted:

Keith E. Whittaker
Secretary/ Treasurer