

Conewago Township Board of Supervisors

May 1, 2018

-Call to Order & Pledge of Allegiance:

The regular meeting of the Board of Supervisors was held at the Township Municipal Building. The meeting was called to order by the Chairperson, at 7:00pm. Those in attendance were, Lorreta Wilhide (Chairperson), Brian Klinger (Vice Chairman), Daryl Hull (Supervisor), Sean Fields (Solicitor), Terry Myers (Engineer), Todd Smith (Public Works Director), and Lou Anne Bostic, Manager.

-Recognition of Public Requests:

-Jane Deamer from Northeastern Senior Center thanked the Township for their donation and gave a brief presentation of their programs and the number of Conewago Township residents they serve.

-Approval of Agenda: Motion by Mr. Hull, second by Mr. Klinger, unanimously carried to approve the agenda as prepared. Vote: 3-0

-Approval of Previous Minutes: Motion by Mr. Klinger, second by Mr. Hull, unanimously carried to approve the previous minutes of April 3, 2018. Vote: 3-0

-Planning & Zoning:

-I83 Logistics, represented by Josh Hoffman and James Mascaro, presented waiver requests for the Preliminary/Final Subdivision Plan:

1-SALDO Section 303, waive the requirement to submit a Preliminary Plan. Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried, to grant the waiver request. Vote: 3-0.

2-SALDO Section 505.d, waive the requirement of road frontage improvement and pay a fee in lieu of widening a portion of the frontage along East Andes Road, associated with former parcel 33G, in the amount of \$9,082.00. This fee shall be paid prior to plan recording.

Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried, to grant the waiver request. Vote: 3-0.

I-83 Logistics Preliminary/Final Subdivision Plan was presented.

Public comments were presented and discussion followed, concerning truck traffic, road improvements and the LERTA program:

-Mike McClain, 1280 Bremer Road

-Rick Hilbert, 2175 Copenhaffer Road

-Mike Redding, 360 Hykes Mill Road

The following Board comments were discussed:

-Ms Wilhide asked about the abandonment and adoption of a portion of East Andes Road.

-Mr. Hull stated that a gate should be installed at the proposed cul-de-sac to allow access for fire and emergency operations and allow the occupant to maintain their stormwater basins.

Terry Myers and Mr. Hull explained that part of East Andes Road will be paved and the rear section will be abandoned. The truck traffic will be a small part of a project that involves other "Big Box Warehouses" that are proposed in surrounding municipalities. The magnitude of the traffic improvements involves the coordinated effort of 3 municipalities, 4 developers and PennDOT. I83 Logistics will not be issued a Certificate of Occupancy until all traffic improvements are complete. Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried, to grant approval of the Preliminary/Final Subdivision Plan subject to the following conditions:

1. SALDO Sections 402.a (24) and 406.a (27) The certificates of legal ownership and plan acknowledgement shall be signed by all the property owners.
 2. A signature block shall be added and signed by Locust Point Farms, LLC for the dedication of their portion of the East Andes Road right of way.
 3. A formal written request shall be made to vacate the appropriate portion of East Andes Road. An exhibit and description of the portion to be vacated shall be provided with the request. A public hearing and adoption of a resolution will be required to finalize the abandonment. Adoption of the resolution will be required prior to recording the final plan.
 4. Zoning Ordinance Section 307.B Only one principal use per lot is permitted within the Industrial Zone. Combining these parcels prior to removal of the existing principle structures will create five principal uses on one lot. The appropriate sequence of events to eliminate the potential of creating a non-conformity is to:
 - Record the subdivision plan
 - Purchase the lots
 - Remove the structures
 - Record the consolidated deed
- Vote: 3-0. Motion carried.

-I83 Logistics, represented by Josh Hoffman and James Mascaro, presented waiver requests for the Preliminary/Final Land Development Plan:

1-SALDO Section 303 – requirement to submit a Preliminary Plan.

2-SALDO Section 505.d, waive the requirement of road frontage improvement and pay a fee in lieu of widening a portion of the frontage along East Andes Road, associated with former parcel 33G, in the amount of \$9,082.00. This fee shall be paid prior to plan recording.

3. Stormwater Management Ordinance Section 309.C.1.c - The maximum permitted side slopes for a detention or retention basin are 4:1 the applicant proposes 3:1 side slopes for several basins due to site constraints. The condition associated with this waiver is that all basins where side slopes exceed the 4:1 maximum slope shall be protected with a 4' high chain link fence.

Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried, to grant the 3 waiver requests.

Vote: 3-0.

-I83 Preliminary/Final Subdivision Plan was presented.

Public comments were presented regarding improvements to Locust Point Road, I83 interchange danger, including the addition of a new interchange, and tractor trailer truck traffic on the Susquehanna Trail:

-Linda Swartz, 790 Locust Point Road

-Jane Deamer, 770 Conewago Creek Road

-Glenn Sunday, 51 Copenhaffer Road

-Mr. Hull explained that he has been attending various traffic meetings and studies are being done for the Strinestown I83 Improvements by the State of Pennsylvania and a new interchange should be in place by 2022.

-Terry Myers recommended that the major components in the Developers Agreement between I83 Logistics/Dermody and the Township should be in place before any further action is taken on this plan. Terry stated that a Water Feasibility Study is required for this plan. Mike Redding, 360 Hykes Mill Road, questioned the availability of public water. The Feasibility Study will address the water source.

-Motion by Mr. Hull, seconded by Mr. Klinger, unanimously carried, to grant approval of the Preliminary/Final Subdivision Plan subject to the following conditions:

1. SALDO Section 305 The applicant shall provide to the Township copies of all submissions to the County Conservation District, DEP, PennDOT, and USACE for this project, as well as review responses and permits issued by these agencies
2. SALDO Sections 402.a (24) and 406.a (27) the certificates of legal ownership and plan acknowledgement shall be signed by the property owners
3. SALDO Sections 402.b (4), 404 and 406.d (10) Submit a Water Feasibility Report for the project, as water will come from an on-lot well. This report should include the following:
 - a. A hydrologic /geologic study to determine if there is a sufficient quantity and quality of ground water to serve the project.
 - b. A draw down test to determine the effect on surrounding wells.
 - c. A cost estimate to extend public water to the site.
4. SALDO Sections 402.b (15), 406.d (17), and 809.B and C. The applicant shall provide to the Township copies of permit approvals from the PA DEP or USACE for the impacts to the existing wetlands on the property, prior to final plan approval.
5. SALDO Section 402.b(15) The applicant shall provide to the Township a copy of an approved Penn DOT HOP for the new access drive onto Locust Point Road (SR 1021), prior to building permit application.
6. SALDO Sections 406.d (8) and 602 the applicant shall provide financial security to guarantee the proper installation of required improvements. An opinion of probable cost has been provided by the applicant. A recommendation from CSD will be provided to the Supervisors under a separate letter.
7. SALDO Section 515 Stormwater Management Plan approval shall be obtained from the Township Engineer prior to final plan approval. An Operation and Maintenance Agreement shall execute and recorded with the final plan.
8. SALDO Section 524 The Fire Chief shall review the plans, along with details for the hydrants, fire water storage tank, and fire connection.
9. A draft Developer's Agreement shall be provided to the Township by the Developer within 15 days of the conditional approval action. The agreement must be executed by both parties prior to final approval and recording of the land development plan.
10. The applicant shall provide the Township with a copy of the HOP Permit Application for review when submitted to PennDOT. In the event the proposed driveway location or design is modified from how it is currently presented on the plans, the Township may require additional PC and/or Supervisor review and approval.
11. The Final Subdivision Plan of LogistiCenter at I-83 shall be recorded and the Developer shall provide a copy of the consolidated deed to the Township prior to final approval of the land development plan. All lots must be acquired by the equitable owner, existing structures removed and the deeds consolidated prior to final land development plan approval by the Township.

Vote: 3-0. Motion carried.

-60 day time extension was verbally requested by James Mascaro and on a motion by Mr. Klinger, seconded by Mr. Hull, unanimously carried, the time extension was approved. Vote: 3-0. Mr. Mascaro stated that a written request will be submitted for our files.

-Zoning Violation at 1560 Copenhaffer Road has not been corrected. Motion by Ms Wilhide, seconded by Mr. Hull, unanimously carried, to extend the correction deadline an additional 30 days and if not in compliance approval to start legal proceedings. Vote: 3-0.

-Reports:

- Police Report, Building Permit Report and Ambulance Report- Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to approve the reports. Vote: 3-0

-Treasurers Report:

Motion by Mr. Klinger, seconded by Mr. Hull, unanimously carried, to approve the March and April 2018 Financial Reports. Vote: 3-0.

-Road Report:

-Todd Smith, Public Works Director announced that the results of the 2018 bid openings are as follows:

Contract #1 (deep mill patching and overlay) - Kinsley low bidder \$215,590.00

Contract #2 (sealcoat/fogseal) – Stewart and Tate low bidder \$11,600.00

Contract #3 (line painting) – D.E. Gemmill low bidder \$28,577.80

Contract #4 (bituminous material) – York Material Group low bidder
(FOB Plant) \$379,860.00 (FOB Jobsite) \$418,620.00

Contract #5 (aggregate material) – York Building Products low bidder
(FOB Plant) \$35,685.00 (FOB Jobsite) \$57,205.00

Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to award the bids to the above.
Vote: 3-0.

-The easement agreement for 495 Butter Road that is required for stormwater improvements is pending.

-Curtis Knaub, 1595 Jug Road, stated that the overlay on Jug Road is flaking off. Todd will take a look at the area.

-Solicitors Report: Attorney Fields reporting on the following:

-CGA will prepare and advertise an ordinance for action at the next meeting to adopt Hake Road and vacate the unwanted portion consistent with the plan provided by the Township Engineer.
(See Engineers Report)

-Cohen Cable Franchise Fee Audit was reviewed and found to be acceptable. Attorney Fields suggested that during future negotiations provide a detailed definition of “gross revenue”.

-CGA is offering training to address emergency services and public safety primer on May 31, 2018 at 3:30 pm.

-Engineers Report: Terry Myers reported on the following:

-Mr. Myers asked the Board for guidance for “Intersection Ahead” sign size and installation on the north side of Butter Road east of Taylor Drive. The Board agreed that an 18x18 size sign installed approximately 200’ from the intersection is okay.

-Mr. Myers asked the Board for guidance for “Look Right, Look Left, Look Right” sign installation. The Board agreed that the sign should be installed across the street from the Taylor Drive and Butter Road intersection. Terry will convey the above information to Kinsley Construction this week.

-Mr. Myers reported that the Butter Road Culvert rehabilitation project is on schedule after a satisfactory pre award meeting with Iron Eagle Excavating. Motion by Ms Wilhide, seconded by Mr. Hull, unanimously carried, to conditionally approve the easement agreement for 495 Butter Road in the amount of \$.29 a square foot totaling \$1,000.78. Vote: 3-0.

-Terry presented the completed Hake Road survey and will provide a description to CGA Law. Motion by Ms Wilhide, seconded by Mr. Klinger, unanimously carried, to authorize CGA to prepare and advertise an ordinance. (See Solicitors Report). Vote: 3-0.

Motion by Ms Wilhide, seconded by Mr. Klinger, unanimously carried to authorize Terry to create a right of way agreement to address the cul-de-sac installation, between Mark Golicher (property owner) and the Township for \$1.00. Vote: 3-0.

-Unfinished Business:

-Sewer Authority vacancy. The Township received a letter of interest for this position from Justin Ward. Motion by Ms Wilhide, seconded by Mr. Hull, unanimously carried, to appoint Justin Ward to the vacancy position term thru 12/31/2022. Vote: 3-0.

-Phil Do, 1675 Millcreek Road, stormwater basin conversion and swale installation. Mr. Myers stated that the developer will be working on this as weather permits.

-UCC inspection companies. Mr. Hull reported that the current requirements for a third party inspection company provides for “only one” company. This matter will be removed from the agenda.

-Telephone System upgrade contract proposal was presented by Mark Golicher. The contract has a not to exceed cost of \$2650.00. Motion by Mr. Klinger, seconded by Mr. Hull, unanimously carried, to accept the contract. Vote: 3-0.

-Mill Creek Park pole building pavilion quote: Motion by Ms Wilhide, seconded by Mr. Hull, unanimously carried, to approve the Kohler and Kohler quote of \$12,650.00 for the construction of a pavilion at Mill Creek Park. Vote: 3-0.

-Stormwater Ordinance amendment – Pending.

-New Business: None

-Other Business:

-Curtis Knaub, 1595 Jug Road stated that the stormwater basin above his property is not being properly maintained, he is not happy with the discharge of water onto his property and he has requested a definition of “open space” from the Township staff and has not received it. Mr. Hull would like facts regarding the retention pond. Information will be provided to Mr. Hull by the township manager.

-Brian Klinger presented information regarding the creation of target shooting guidelines and the “gun rumors” Mr. Klinger explained that the Board is considering the adoption of an ordinance that would require a “safety zone” for target shooting. Mr. Klinger referenced the Newberry Township Ordinance that addresses a safety zone of 150 yards from any dwelling or other building.

-Kevin Baker, 5465 Lewisberry Road asked Mr. Klinger to read the Ordinance. Upon completion of the reading, comments from the public were presented mostly in opposition, to creating any conditions to address target shooting. Several residents were not identified and comments were spoken over others. Comments heard, that could be recorded, consisted of the following:

-Larry Love, 1680 Copenhaffer Road, stated that he has had a gun range in his yard for years and the proposed 150 yard safety zone is ridiculous.

-Mark Golicher, 100 Mill Run Road, focus should be on a safe direction instead of distance and smaller lots need to be addressed.

-Duane Gingerich, 2725 Mill Creek Rd, he has the neighbors permission and he shoots into a wood pile for a backstop.

-Ms Wilhide does not feel that a wood pile is a proper safe backstop.

-Curt Knaub, 1595 Jug Road, spoke as the Northern York County Fish and Game President and stated that the NRA designed and approved their backstop. He feels the Township has to be careful not to violate federal statutes or the NRA will bankrupt this township.

- Mr. Klinger asked Mr. Knaub is he agrees with the 150 yard safety zone. Mr. Knaub does not agree or disagree with a safety zone and said it depends.
- Kenneth Sweigart, 615 Andersontown Road feels that consideration for safe manner and safe direction should be used and the 150 yards figure is arbitrary. Backstop regulation and inspection would be a burden. He is within 150 yards from his neighbors and a distance regulation would limit his ability to target shoot.
- Dave Hoover, 4775 Bull Road agrees that 150 yards is too great of a distance.
- Mike Roth, 620 Andersontown Road asked what is going to stop the Township from extending the distance at another time.
- Attorney Fields explained the process of an Ordinance adoption including the public hearings and newspaper notifications that are required. Attorney Fields also explained that state and federal laws would not be preempted.
- Kenneth Baker, 1045 Bremer Road asked if the target shooting restriction would include bows.
- Mr. Klinger explained that it would include bows.
- Glenn Sunday, 51 Copenhaffer Road feels that common sense should be used by everyone and asked when do the ordinances stop?
- David Merges, 5750 Lewisberry Road, stated that the township is changing and zones do not apply the same way anymore.
- Daryl Hull stated that he is an NRA member and is not in favor of any action that will infringe the rights of the citizens but he understands the safety concerns.
- Curtis Knaub, 1595 Jug Road announced that he has military personal experiences on a range and suggested that the Township give \$100,000.00 to Northern York County Fish and Game.
- Glenn Sunday, 51 Copenhaffer Road feels that 150 yards is too great of a distance and 50 yards is enough.
- Mark Golicher, 100 Mill Run Road feels that 150 yard safety zone will devalue our agricultural and open spaces.
- Todd Kister, 1330 Bremer Road stated that if target regulations were in place the Township would need an ordinance to have the police enforce it.
- Rod Bair, 2130 Bremer Road feels that the existing Nuisance Ordinance should cover any problems. Stoppage is more important than distance.
- Attorney Fields stated that a proper definition of a backstop would be nice.
- Ray Neiman, 1820 Mill Creek Road stated that creating a 150 yard safety zone would take out about 90% of the township that target shoot on their properties. Mr. Neiman suggests that no more than 50 yards should be required.
- Curtis Knaub Jr., 46 Buck Road stated that the direction of fire not the distance is important and he thinks the police should be enforcing safe target shooting.
- Scott Feudale, 100 Copenhaffer Road stated that it is senseless to put into law what should be a sensible common sense practice.
- Attorney Fields recommended that the township post something on their web page to ask for written comments on a possible ordinance.
- Ms Wilhide said that the Board would review for the next meeting.
- Mike Roth, 620 Andersontown Road stated that the people are not represented.
- Ms Wilhide reminded the public about the following dates:
- Election Day, May 15, 2018
- Township Map and History Publication will be arriving at each residence.
- Bicentennial Celebration Workshop, May 29, 2018 - 7:00 pm.

The meeting was adjourned.

Respectfully submitted, Lou Anne Bostic - Manager