

CONOY TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
Thursday
February 9, 2023
6:00 p.m.

A meeting of the Conoy Township Board of Supervisors was held on Thursday, February 9, 2023 at 6:00 p.m. at the Conoy Township Municipal Building, 211 Falmouth Road, Bainbridge, PA 17502. In attendance were Supervisors Mr. Justin Risser, Mr. Douglas Hawthorne, Mr. Stephen Mohr and Mr. S. Jay Williams. Supervisor Ms. Gina Mariani joined the meeting by phone call. Also in attendance was Secretary Ms. Shannon Sinopoli and Solicitor Matthew Crème, Nikolaus and Hohenadel.

ORDER OF BUSINESS:

- I. The meeting was called to order by Mr. Risser at 6:00 p.m. followed by the Pledge of Allegiance, Prayer and a moment of silence.
- II. Mr. Risser conducted roll call.
- III. Announcements – none.
- IV. Mr. Risser asked for a motion on the January 3, 2023 meeting minutes. Motion by Ms. Mariani to approve the January 3, 2023 meeting minutes, seconded by Mr. Williams. Motion approved 5-0.
- V. Public Comment – none.
- VI. Consent Agenda Items:
 - A. Bills
 - B. Reports (reports are available):
 - i. Financial
 - ii. Bainbridge Fire Company
 - iii. NW Emergency Medical Services
 - iv. Police
 - v. LCSWMA - Waste to Energy Plant (Incinerator) – December 2022 Host Fee \$64,982.53; 33,154 Tons at \$1.96/Ton processed. 2021 – 2022 comparison is available.
 - vi. Sewage Enforcement Officer
 - vii. Zoning Officer
 - C. Release of Financial Security for Kervin and Ruth Ann Hoffer – Preliminary/Final Subdivision and Land Development Plan in the amount of \$575.00.
 - D. Acknowledge receipt of Final Minor Plan withdraw for Leroy & Dorcas Zimmerman. Plan Drawing No. 19164-002, dated July 16, 2021.
 - E. KH Electric, LLC - Payment 2 (Final) in the amount of \$2,130.00.
 - F. Reduction of Financial Security for Hackman/Retherford – 1313 Keener Road - Minor Subdivision Plan in the amount of \$10,889.86, retaining \$8,951.25 for remaining work to be completed.
 - G. Heisey Mechanical change order, in the amount of \$2,088.86 for the Ultraviolet Disinfection Project.

Motion by Ms. Mariani to approve the Consent Agenda items, seconded by Mr. Hawthorne. Motion approved 5-0.

VII. Public Hearing – Lancaster County Solid Waste Management Authority requesting to amend the zoning ordinance/map.

Mr. Crème advised the request is to amend the zoning ordinance, specifically the zoning map. The Board of Supervisors can take action at this meeting or at a future meeting within 60-days of this meeting.

Representing this request was Mr. Mike Davis, Barley-Snyder; Ms. Michelle Marsh and Mr. Nick Kohr, Lancaster County Solid Waste Management Authority (LCSWMA) and Mr. Todd Vaughn, David Miller/Associates.

Mr. Davis indicated that this petition to rezone does not include any changes or revisions to the text of the zoning ordinance. The request is to rezone Agricultural zoned land to Industrial zoned land.

Ms. Marsh provided a brief background of the history, the presence of and the partnership which LCSWMA has had in and with Conoy Township, which started over 30 years ago. The partnership between LCSWMA and the municipality over the years has been unprecedented.

Ms. Marsh provided a brief overview of the actual waste management operations.

Ms. Marsh advised the request for rezoning is because the utility (Met Ed) not renewing the agreement to purchase electric from LCSWMA. This took LCSWMA's revenue from 12 million down to 6 million. With the addition of the Perdue plant, they were able to partner with them by selling steam which stabilized the revenue and brought it up to 9 million. LCSWMA would like to pursue an additional partner to utilize and purchase the steam and electric that is produced by the incinerator plant, but cannot accomplish such if this property is not rezoned. LCSWMA has worked with the Township Planning Commission over the past 12+ months.

Mr. Vaughn provided drawings of the proposed subject area relative to the rezoning request and indicated that 4 properties are involved, totaling 38 acres, all of which are currently owned by LCSWMA. This rezoning would make it a continuation of the existing Industrial District.

Mr. Davis advised the request is consistent with the Lancaster County Northwest Regional Strategic Plan and the Lancaster County Places 2040 Comprehensive Plan. The Township Planning Commission recommended approval with the 4-3 vote. The Lancaster County Planning Commission recommended approval in September 2021. LCSWMA promises to work with the Township on any future re-use of the quarry. This request is a logical extension of the Industrial District.

Mr. Crème asked for public comment.

1. Patrick Giberson, 289 Locust Grove Road expressed his concerns regarding the proposal and the potential for traffic, light and noise pollution which will affect and change a lot of lives in the area.

2. Joe Goody, 2134 River Road questioned if there was a prospective client that LCSWMA was working with.

Ms. Marsh advised that they were not yet working with any potential partner.

3. Diane Burke, 88 Locust Grove Road expressed her opposition of the rezoning request and questioned whether or not it would be detrimental to LCSWMA if it was not rezoned.

Ms. Marsh indicated the wholesale market is becoming a threat and having one more tool in the toolbox to help the existing plant survive would be ideal.

4. Cody Walker, 2036 River Road asked LCSWMA to be honest about what user is coming to the site.

Ms. March stated she can promise 100% there is no one in the pipeline and also promises LCSWMA will not allow just anyone on this site. Discussions with prospective users cannot occur because we cannot get them to the table if the land is not already zoned for the use.

5. Steve Mutchler, 336 Locust Grove Road indicated he owned the subject property for 36 years and advised it is a hard piece of property to develop because of numerous site constraints.

6. Peter Cairo, 2024 River Road stated LCSWMA has been wonderful township partners and have been friendly and forth right. The proposal has a lot of benefits to the Township, but it will also affect the neighboring properties.

7. Jay Deiter, 2040 River Road stated LCSWMA has always been great to work with but felt that this request will be life changing for the neighbors and is concerned about the increase in traffic.

8. Brenda Clair, 216 Locust Grove Road expressed her opposition of the request and is scared at the thought of what could be constructed on the site.

9. Joe Hottenstein, 236 Locust Grove Road expressed his opposition of the request due to the proposal encroaching on historical land.

10. Dorie Hammer, 305 N. Second Street questioned whether the Township receives any incentives from the Perdue plant.

Mr. Mohr stated that the Township receives an indirect benefit. With the addition of Perdue as a partner to LCSWMA, additional profits for LCSWMA occur. The Township gets paid a host fee from LCSWMA per ton of trash received at the incinerator plant.

Mr. Risser also noted that the Township has received some direct payments.

Ms. Hammer expressed her opposition of the request.

11. Ted Esbenshade, 73 Engle Road stated LCSWMA has been a great neighbor, but Perdue has been a big issue. He would like the subject lands to remain Agricultural.

12. Lisa Kunkle, 259 Locust Grove Road expressed her opposition of the request.

13. Tina Mark, 200 S. Front Street expressed her opposition of the request and has concerns regarding air pollution.

14. Chris Geesey, 233 Market Street stated he is a member of the Township Planning Commission and was part of numerous meetings over the course of 12 months with

discussions heavily involving what could potentially happen at the site. It could just be a Data Center, where no traffic increase would be generated.

Mr. Geesey noted the host fee which is received from LCSWMA funds 70% of the Township expenses, there is no municipal real estate tax. If the incinerator went away, the tax on the residents would be extremely high. LCSWMA is the best neighbor the Township is going to get.

There was no further public comment.

Mr. Mohr stated there is limited space for LCSWMA to expand as they are surrounded primarily by preserved farmland which is permanently preserved.

Ms. Mariani stated LCSWMA is a great neighbor but she is not in favor of the request at this time without a known user.

There was no further discussion.

Motion by Ms. Maria to reject Ordinance No. 01-2023 to amend the Township Zoning Map, motion failed due to lack of a second.

Motion by Mr. Mohr to approve Ordinance No. 01-2023 to amend the Township Zoning Map with the promise by Lancaster County Solid Waste Management Authority to ensure that the Township is involved with all proposals and processes, seconded by Mr. Hawthorne. Motion carried 3-1-1 with Ms. Mariani voting against and Mr. Williams abstaining.

Mr. Risser stated that his heart goes out to all of the neighboring property owners. The Township has the opportunity to continue working with a great partner of the community and he is hopeful that everyone can respect that.

VIII. Old Business – none.

IX. New Business:

- A. Motion by Ms. Mariani to approve the depositing of \$9,107.15 and any additional funds received from the Fulton Bank Trust for the Haldeman Graveyard Cemetery into the Capital Reserve Fund and earmark for future restoration projects of the Haldeman Graveyard Cemetery, seconded by Mr. Mohr. Motion approved 5-0.
- B. Motion by Ms. Mariani to approve the closing of the Orrstown Bank – Cetera Advisor Network Capital Reserve CD and Orrstown Bank – Cetera Advisor Network Capital Reserve Money Market accounts when the CD matures on February 25, 2023, and move the funds into the PLGIT Capital Reserve account; approximately \$217,000.00, seconded by Mr. Williams. Motion approved 5-0.
- C. Motion by Ms. Mariani to approve scrapping the 1996 Bluebird bus with Red Lion Auto Salvage for \$1,500.00 with such funds being placed back into the bus account fund, seconded by Mr. Hawthorne. Motion approved 5-0.
- D. Motion by Ms. Mariani to approve the purchasing of tires on behalf of the Bainbridge Fire Department from McCarthy Tire to be able to utilize a discount the township receives. The Bainbridge Fire Department will reimburse the township 100% of the costs. Approximate total

cost is \$3,500.00, seconded by Mr. Williams. Motion approved 5-0.

X. Acknowledgements – none.

XI. Discussion Items:

- A. Blacksmith Shop update – none.
- B. Highways/Buildings update – none.
- C. Engineer Report: Report submitted with regards to the UV Disinfection Project; Reed Beds and Governor Stable Bridge Repair updates.
- D. 191 Falmouth Road update. Mr. Crème advised that Brandon Lee from his office will be taking the next steps with the Court to enforce the violations at 191 Falmouth Road. Mr. Lee will be working with Mark Deimler from Solanco Engineering and asking the Court to schedule a hearing on the injunction.

XII. Correspondence

- A. 2022 Toys for Tots Update and thank you certificate
- B. Draft Fund Balance Policy. Mr. Risser advised this has been provided for review.
- C. Draft Sewer Billing and Collection Policy. Mr. Risser advised this has been provided for review.
- D. LCSWMA – Annual Host Fee Rate increase. Mr. Risser advised that the host fee, effective January 1, 2023 has increased to \$1.98 /Ton.
- E. Clyde Pickel Resignation. Motion by Mr. Mohr to accept Mr. Pickel's resignation and to authorize Township Staff to purchase a small token of appreciation, seconded by Mr. Hawthorne. Motion approved 5-0.

XIII. Public Comment.

1. Diane Burke suggested that a donation bin be placed inside the Blacksmith Shop.

XIV. Adjournment. Motion by Mr. Mohr to adjourn the meeting, seconded by Mr. Williams. Motion approved 5-0 and the meeting adjourned at 8:05 p.m.

The next Supervisors meeting is scheduled for Thursday, March 9, 2023 at 6:00 p.m.

Respectfully submitted,

Shannon L. Sinopoli
Secretary