

CONOY TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
Thursday
November 09, 2023
6:00 p.m.

A meeting of the Conoy Township Board of Supervisors was held on Thursday, November 09, 2023, at 6:00 p.m. at the Conoy Township Municipal Building, 211 Falmouth Road, Bainbridge, PA 17502. In attendance were Supervisors Justin Risser, Gina Mariani, Douglas Hawthorne, Stephen Mohr, and S. Jay Williams. Also in attendance was Treasurer Jennifer Rabuck and Solicitor Victoria Storz, Nikolaus and Hohenadel.

ORDER OF BUSINESS

- I. The meeting was called to order by Supervisor Risser at 6:00 p.m. followed by the Pledge of Allegiance, Prayer, and a moment of silence.
- II. Supervisor Risser conducted roll call.
- III. Announcements - None
- IV. Minutes
 - A. Supervisor Risser asked for a motion for the October 12, 2023, Regular meeting minutes. Motion by Supervisor Mariani to approve the October 12, 2023, meeting minutes, seconded by Supervisor Hawthorne. Motion approved 5-0.
 - B. Supervisor Risser asked for a motion for the October 19, 2023, Budget Workshop meeting minutes. Motion by Supervisor Mariani to approve the October 19, 2023, meeting minutes, seconded by Supervisor Williams. Motion approved 5-0.
- V. Public Comment
 1. Brenda Clair, 216 Locust Grove Road - questioned how much has been spent on the GEARS Poplar Street School in the last 10 years, how much is expected to be spent in the next three years and how many Conoy Township residents have used the services in the past few years. The requested information will be mailed to her.
 2. Diane Burke, 88 Locust Grove Road - stated she didn't know Conoy Township was a member of GEARS. Supervisor Risser stated the township is part owner of the building with 3 other municipalities but is not a participating member of GEARS.
 3. Charlene Grove, 620 Stackstown Road - asked if the township receives a kick back from the payment fees for GEARS. She thanked the board for their service to the community. However, she does not think the Supervisors have been listening to the community members when making their decisions and implores them to do so.
 4. Krista Strickler, 23 Governor Stable Road stated she doesn't believe the board listens to the community members either and congratulated Steve and Gina on their election wins.
- VI. Consent Agenda
 - 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 – September 2023 Host Fee \$53,108.29; 26.822.37 Tons at \$1.98/ton processed.
- vi. Sewage Enforcement Officer
- vii. Sewer Plant Operator
- viii. Zoning Officer
- C. 2024 Meeting Dates – Authorize approval to advertise.
- D. Approve payment in the amount of \$4,600 from the Sewer Fund to International Cover Systems for the PVC Patchwork on the reed beds as part of the project.
- E. Empire Wrecking Company – Payment of \$42,018.47 from the Sewer Fund for the Reed Beds Repair and Cleaning project.
- F. 118 Monument Drive Stormwater Management Plan – Financial Security Reduction in the amount of \$60,074.12. Amount to be retained is \$5,004.63.

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

VII. Public Hearing

Conditional Use Application – Albert J. Blumberg requesting the construction of a single-family detached dwelling unit at 254 Black Swamp Road.

Solicitor Victoria Storz gave an overview of the proposed Conditional Use Application and instructions should anyone wish to speak as a party or to make a comment. After being sworn in by the stenographer Mr. Blumberg gave an overview of his request. He wishes to obtain conditional use to construct an approximately 1600 sq ft residential home with an attached garage on a 1.4 acre partially wooded lot. He stated there is residential on the other side of the road as well as to the south. He noted the perc and probe test for on lot sewer passed last year.

John Diedrich, 248 Black Swamp Road - questioned where he could find and review the water study, water run off plan, and sewer plan as it could potentially impact him. Supervisor Risser stated that if the board grants approval, the applicant will work with an engineer and that information will then be discussed. The applicant will go through the land development plan process. Solicitor Storz stated this approval is for the use; the board stating the land can be used as a residence.

Motion by Supervisor Mariani, seconded by Supervisor Moher to approve the Conditional Use Application of Albert J. Blumberg requesting the construction of a single-family detached dwelling unit at 254 Black Swamp Road. Motion approved 5-0.

VIII. Old Business – none.

IX. New Business

- A. Motion by Supervisor Mariani, seconded by Supervisor Mohr to approve the Preliminary/Final Land Development Plan and the requested waivers and modifications for Fertrell Company, dated August 1, 2023, last revised October 16, 2023. It was noted that the Planning Commission recommends approval. Motion approved 5-0.
- B. Discussion regarding the participation with the Municipal Emergency Services Authority was held. Supervisor Mariani asked if this was to sign up totally. Supervisor Risser stated this is reinstating Conoy's participation with MESA. Supervisor Mariani asked if Conoy joined the group how long is this for; is the township locked in or is there a certain amount of time. Supervisor Risser stated when you join an authority, you are joining for the long term. Supervisor Marini stated she spoke with Life Lion who stated they have a meeting at the beginning of December and will be discussing coverage with Marietta. If it is accepted by Life Lion, Life Lion will put a hub in Marietta as they have a spot for them. If they do and Conoy joined in, they will have enough people, they would have enough for Life Lion. Supervisor Mariani stated it would cost the township about \$17,000 instead of \$85 per resident plus

\$12,000 from the township. She said that would include 1st, 2nd, & 3rd class as they would have a hub in Marietta. She said this is something to think about as it is another choice, but we won't know that until December when Life Lion has their meeting. However, Life Lion would not be up and running for around four months. Supervisor Mariani then asked if Conoy joined MESA now can Conoy get out after a year. Supervisor Risser stated the township can get out at any time, however, there are penalties. Supervisor Risser stated he doesn't know the cost or penalties at the moment. Supervisor Mohr stated Conoy's Solicitor advised that in Pennsylvania an Authority cannot collect a tax. He stated this Authority will have to go through a legal battle and the courts to determine if they have the legal authority to collect the tax. Supervisor Mohr also asked if the township would pay a share of the legal fees. Supervisor Risser stated the authority if formed legally at this time. Supervisor Mariani had concerns about the price increase from several years ago to the amount that will be charged in 2024 as well as the charge for road miles and that is why she thinks the township should look at other options. Further discussion regarding the way insurance is billed and coverage was had.

Motion by Supervisor Mariani, seconded by Supervisor Mohr to table reaffirming the participation of Conoy Township as a member municipality of the Municipal Emergency Services Authority of Lancaster County until December. Motion approved 5-0.

- C. Motion by Supervisor Mariani, seconded by Supervisor Hawthorne to approve Resolution 8/2023 appointing White, Rudy LLC as the Certified Public Accountant to Audit the accounts of Conoy Township for 2023 and to establish the compensation to be paid. Motion approved 5-0.
- D. Discussion regarding the establishment of a tax levy was held. Supervisor Williams stated he doesn't want a real estate tax anymore than anyone else. Unfortunately, the LCSWMA fees are less this year than what we pay the Police Department.

Krista Strickler, 23 Governor Stable Road – stated she understands his statement, but paychecks aren't getting increases and they are at the limit. Her husband's retired and she hasn't had a raise in 5 years from Penn State. Their expenses increased and they can't afford a tax in this township. She is totally against a tax in this township and stated to cut something else. Supervisor Williams stated that what is being proposed is less than ¼ of other municipalities and the township can not continue to live off the incinerator. Ms. Strickler said to go back to the incinerator and ask for an increase. Supervisor Mohr stated every year the incinerator increases the amount and with recycling the tons have gone down. He stated had we had a wet summer the amount would have been more.

Colleen Lewis, 103 Black Swamp Road – wanted to know if the Supervisors have reached out to individuals in the community who can weld, carpentry, etc. and who could help. She agrees they are being squeezed to the limit. She has a budget and eliminates where she needs too.

Supervisor Hawthorne stated they have bridges in need of repair, and grants do not pay for it all. Supervisor Risser stated as Supervisors they are responsible for balancing the budget. You can use Capital Reserve Funds to balance it but if you draw from it year after year you are eventually left with nothing and if equipment needs to be purchased it would need to be bought on loan.

Krista Strickler, 23 Governor Stable Road – stated the township needs a professional grant writer as there is a lot of money out there if you have the right person who knows how to write the grant and get the money.

Don Purdum, 107 Skip Jack Way – stated he was a chairman of a board of supervisors in another township and understands what the supervisors are going through. He stated years ago his township had to make much more complex decisions than what this board is. He stated if they go through the budget line item by line item, they will find items that don't need to be there. He also stated there are grants out there and to speak with the county and state representatives. Supervisor Mohr stated Conoy has received millions upon millions in free money for stuff. Conoy didn't purchase everything they've received; but you must ask for it.

Bonnie Burkholder, 2330 River Rd – wanted to know why the township owns real estate and stated it should be sold. Supervisor Risser stated the township is in the process of looking at all of those options.

However, a few years ago the public was asked what should be done with the Blacksmith Shop and it was public opinion to use it as an educational tool which is currently happening, however, the roof does need repaired.

Sabine Shearer, 228 N 2nd Street – asked what the status of the Conoy Community House is as she was told that it was being sold. Supervisor Risser stated the property hasn't been listed but would like to prepare a way to have it sell better and increase the zoning uses. Ms. Shearer asked if there was a chance it could be sold. Supervisor Risser stated that's why it isn't being rented out the 1st quarter of 2024 as they are reviewing that. Supervisor Mariani stated it should at least be rented out until it is sold. Supervisor Risser said this will be discussed in executive session under Real Estate.

Krista Strickler, 23 Governor Stable Road – stated there is fundraising out there to help pay for the blacksmith shop rather than the township.

Steve Mohr Jr, 1225 Sagerville Road – commented that there are dollars flowing with grants programs. He also stated that real estate can only be used once, and the supervisors need to be careful selling off assets.

Motion by Supervisor Mohr, seconded by Supervisor Mariani to reject Resolution 9/2023 to establish a Tax Levy of Nine Tenth of a mill (0.9) tax for the Fiscal Year 2024 for road, bridge, and general Township purposes. A roll call vote was held: Supervisor Mohr, Aye; Supervisor Mariani, Aye; Supervisor Risser, Ney; Supervisor Hawthorne, Ney; Supervisor Williams, Ney. Motion failed 2-3.

Motion by Supervisor Williams, seconded by Supervisor Risser to approve Resolution 9/2023 to establish a Tax Levy of Five Tenth of a mill (0.5) tax for the Fiscal Year 2024 for road, bridge, and general Township purposes. A roll call vote was held: Supervisor Mohr, Ney; Supervisor Mariani, Ney; Supervisor Risser, Aye; Supervisor Hawthorne, Aye; Supervisor Williams, Aye. Motion approved 3-2.

- E. Motion by Supervisor Risser, seconded by Supervisor Hawthorne to approve the advertising of the proposed Conoy Township 2024 General Fund, Sewer Fund, and Small Fund Budgets with a Tax Levy of .5 mills for 2024. A roll call vote was held: Supervisor Mohr, Ney; Supervisor Mariani, Ney; Supervisor Risser, Aye; Supervisor Hawthorne, Aye; Supervisor Williams, Aye. Motion approved 3-2.
- F. Supervisor Risser stated he had staff develop written rules and regulations. Most of the information is for the board and dictated by law. Supervisor Mariani stated no one is going to read this and they should have a one-page item like East Donegal Township. It was noted that the policy is developed for the board and there will be a smaller version for the public.

Motion by Supervisor Mariani, seconded by Supervisor Hawthorne to table the adoption of the Rules and Regulations of Conduct of Public Meeting Policy. Motion approved 5-0.

- G. Supervisor Risser stated Dave Wendell spoke of the change of terms for the GEARS Lease Agreement from 5 years to 25 years when he was at the October meeting. The change is needed for GEARS to apply for recreational grants.

Motion by Supervisor Mohr, seconded by Supervisor Williams to approve the change of terms for the GEARS Lease Agreement from 5 years to 25 years. Supervisor Mariani voted Ney. Motion approved 4-1.

X. Acknowledgements – none.

XI. Discussion Items

A. Highways/Buildings. No updates.

B. Reed Beds. Mr. Risser advised the Reed Beds are complete except for the planting of the reeds, which will be done next year. Mr. Risser also thanked Chris Geesey for his dedication to this project and helping to get it completed.

- C. Summer Playground Options/New Location - Mr. Risser advised the Elizabethtown Area School District tentatively approved the request for the Summer Playground to use the Bainbridge Elementary facility. Further discussions and meetings will be held.
- D. Blacksmith Shop – Roof Repairs. The permits have been issued and the work has been scheduled.
- E. P.O. Boxes – Ms. Rabuck stated she spoke with the post office regarding issues in the Village Center District of Bainbridge. The township has the option of installing community mailboxes and doing away with the P.O. Boxes.

The township then has two choices: P.O. Boxes or community mailboxes. If the township changes to community mailboxes, the township will not be able to revert to the P.O. Boxes. Ms. Rabuck noted the township would need to install 16 community mailboxes (252 postage units). The rough cost would be \$31,000.00. If the township switched to community mailboxes, packages would be delivered to the door of the receiver. Supervisor Mariani asked if this would close the post office down. It was noted that it would not as Bainbridge also delivers to other portions of the township.

Supervisor Mariani stated when Brenda Rank worked in the post office there were no problems. Problems started after she left. They were instructed several ways of addressing their mail and it still did not work. She then called the Federal Post Office and talked with John Martin who stated if they put the address matching, they would make sure it went into the correct P.O. box. It worked for six months and then everyone's mail was sent back again. They were then instructed to put the P.O. Box number on the bottom and the physical address on the top, which worked for a month. Now a letter was sent out saying to have your mailed addressed with the street address, #(P.O. box number). Ms. Rabuck stated that is how she was instructed to have her mail addressed when she moved into the township eight years ago and has no issues. Ms. Rabuck stated that is the past and now we are looking for a solution to move forward.

Ms. Mariani stated she is not for community mailboxes all over town and asked why the mail can't be delivered in the Village Center District section. Ms. Rabuck stated she researched the past board minutes. In 2008, the board received a letter from USPS about mail delivery in the Village District. At that time the Board's letter indicated group mailboxes was the board's preference. Conoy Township is considered Rural and mail is delivered via mail truck.

Carrie Chapman, 308 Race Street – Ms. Chapman stated she has a mailbox on 441, not a PO Box, and has still had mail sent back. When she gets packages, they sit on the ground on 441.

Dori Hammer, 305 N Second St – Ms. Hammer stated over the years there were talks about not wanting to have mailboxes along the road on N. Second Street due to the parking.

Supervisor Mohr clarified that the Village Center District never had door to door. But rather always had the P.O. Boxes. The USPS changed some regulations in 2008 which allowed some properties to have curbside. However, parking on some streets inhibits curbside delivery. [There are several streets within the Village Center District which hinder curbside mailboxes due to parking and therefore, the township previously enacted Ordinance 1-9-11-2014, an Ordinance to Prohibit the Installation of Mailboxes at the Curb in the Village Center District].

XII. Correspondence

- A. Amtrak's Conestoga Royalton Transmission Replacement Project – Supervisor Risser stated the electric lines will be moved from the west side to the east side of the tracks. These lines will be increased in height and capacity.

XIII. Public Comment

- A. George Popp, 249 Black Swamp Rd – Mr. Popp stated he was there on behalf of the Conoy Lions Club. At Conoy Park West there are two steel bridges that are steep. They are proposing to dig out the land and put a gradual slope above the bridge. Supervisor Mohr thought it may be better to lift the bridge. Supervisor Mohr stated they will look over the problem and come up with a resolution together.
 - B. Don Purdum, 107 Skip Jack Way – Mr. Purdum sought clarification on the millage rate. It was noted it is just a 0.5 mill.
 - C. Diane Burke, 88 Locust Grove Road – Ms. Burke sought clarification on the tonnage used by LCSWMA for the host fee. It was noted that recyclables are not included in the tonnage. She also spoke of the Conoy Community House which utilizes a fee for rental versus the Blacksmith shop that asks for donations.
 - D. A resident sought clarification on the railroad change. Supervisor Mohr stated when he met with the engineers the poles will be moved to the opposite side.
 - E. Brenda Clair, 216 Locust Grove Road – stated you can fight the railroad and asked if they will clean up the mess of the cut lines from last year. Supervisor Mohr stated there is a communication line that hangs low, but they can ask about the cut lines.
 - F. Charlene Grove, 620 Stackstown Road – asked if the Blacksmith shop gets used more than the Community House. It was noted that schools have been using the Blacksmith shop for school tours. She stated what makes the real estate tax hard is the institution of the different items at once (EMS, LST, RE Tax) and implores them to listen to the residents of the community.
 - G. Don Purdum, 107 Skip Jack Way – asked if paying MESA will guarantee a better response time.
 - H. Bonnie Burkholder, 2330 River Rd – asked how the township benefits from Perdue.
 - I. Joyce Hottenstein, 236 Locust Grove Rd – asked if you can make the truckers pay for the destruction to the bridges.
 - J. Rich Strickler, 23 Governor Stable Rd – asked if weight limit signs could be put in place.
- XIV. Executive Session. Supervisor Risser announced there would be an executive session following the meeting for real estate matters.
- XV. Adjournment. Motion by Supervisor Mariani to adjourn the meeting, seconded by Supervisor Hawthorne. Motion approved 5-0 and the meeting adjourned at 8:10 p.m.

The next Regular Supervisors meeting is scheduled for Thursday, December 14, 2023, at 6:00 p.m.

Prepared by Jennifer Rabuck for:

Shannon L. Sinopoli
Secretary