

Conestoga Township BOS Minutes

December 6, 2022

BOS Meeting called to order at 7:00 pm by John Berry.

PRESENT – Supervisors: Chairman John Berry; Vice Chair Bob Hershey, Jr.; Ron Wagner, Member; Citizens (attendance list attached).

John Berry announced that we had an Executive Session prior to the meeting to discuss personnel issues and litigation. We'll now move forward with the meeting.

MINUTES – Supervisors approved the November 1, 2022, BOS Meeting Minutes on a motion by Ron Wagner and seconded by Bob Hershey, Jr. All in favor – none opposed.

BILLS – The Supervisors approved all the bills to be paid for the month of November 2022, on a motion by Bob Hershey Jr. and seconded by Ron Wagner. All in favor – none opposed.

GENERAL PUBLIC

Bill Rankin: An article in the paper stated I agreed with Craig Eshelman concerning the lack of transparency of the current BOS. I want to clarify that I wasn't referring to the current Board.

Robin Maguire: It appears that construction waste was dumped at the parking area at Shenk's Ferry that contain red rocks that might have come from a foundation.

John Berry: John informed Robin that the rocks came from the Rail Trail near Brenner Hollow. Anytime you see dumping, it's good to report it so we can investigate.

Donna Hoar: Donna expressed her concern about the increased traffic and speeding on Colemanville Church Road due to the Rail Trail parking area. Donna asked if the Township would consider posting speed limit signs.

David Hoar: David Hoar stated he thought the road needs ballast because the road is breaking down. The road needs attention.

John Berry: John said he will make sure Colemanville Church Road is properly signed. He will need approximately 3 weeks or more to get the signs in. John also agreed to look at the condition of the road.

OLD BUSINESS

ZONING MAP – John turned the meeting over to Dan Becker, Township Solicitor, and his assistant Brad.



Dan Becker: Using the above exhibits, Dan explained the far-left map was dated March 1, 2005. From 2007 – 2010, the then Board of Supervisors (none of which are currently members of the Board of Supervisors) attempted to rezone approximately 2,100 acres south of Main Street. On January 4, 2010, and again on November 1, 2013, the then Board of Supervisors revised the 2005 zoning map but failed to prepare an Ordinance adopting the revised zoning map. The second map appears to be the zoning map that was revised January 4, 2010. The third map from left is a hand-colored version of the March 1, 2005, which was distributed at the polls during the last election incorrectly alleging that the current Board of Supervisors improperly rezoned portions of the Township. The fourth map from the left is the current official Township Zoning Map dated October 6, 2020. The two center maps are null and void as no Ordinance was enacted to adopt the two center zoning maps.

During Dan's explanation, he stated that municipal government legislates by Ordinance. There was no Ordinance attached to the above center maps. At that time, the Board of Supervisors advertised a public hearing, they had people down, they voted to change the map, but there was no Ordinance enacted to adopt the zoning map. There was nothing ever recorded in the Township records. They never did it properly. They failed to record it in the Recorder of Deeds Office, and they failed to enact

an Ordinance adopting the zoning map. There are statutes and case law that explain the process, and this is not how you do it. It is improper, illegal, and therefore invalid.

John Berry: John went on to explain how he completed the research that brought the BOS to this conclusion. John examined the Minutes, the Ordinance Books, the archives at Lancaster Newspaper, asked Jim Caldwell questions, and the last step was Dan asking his paralegal to confirm John's findings. Dan's paralegal searched the records at the Office of Recorder of Deeds. There were advertisements but no Ordinance was found. The only Ordinance found by Dan's paralegal was the one from 2020 for the Bard farm. John stated there was no conspiracy.

Maureen Fisco and several other residents (names not provided) questioned the fact that the Lancaster County website was displaying a map contrary to what Dan Becker had explained.

John Berry and Dan Becker restated that the Township provides the county with the map to display on the county's website. In 2013 the map the Township provided to the county was simply incorrect. There was no Ordinance of record. Therefore, the map was invalid. At no time do we believe that the previous board or the current board acted surreptitiously.

Dan Becker: The Planning Commission (PC) for the county doesn't have any control over your Township. The County Planning Commission only makes recommendations to the Township. The official map of the Township is the 2020 map. What happens is the Township sends the County PC a copy of the map with the Ordinance that formally adopted the map. I don't think anything was done intentionally. I'm not suggesting that for a moment. I think it was done improperly by mistake. That appears to be what happened.

Resident: How did this revised map just suddenly surface?

Dan Becker: Because a new map had to be drawn for the Bard farm. Since there was no Ordinance to prove there was a 2010 or 2013 map, Rettew modified the original 2005 map and added the Bard changes.

Ron Wagner: The Bard's wanted their property changed, and they went through the process.

Bob Hershey, Jr.: Agreed.

Dan Becker: This is all in black and white. This is not speculation. This is following the trail.

NEW BUSINESS

Ron Wagner: Ron read off the meeting dates for 2023.

John Berry: Motion to advertise the meeting dates for 2023?

Bob Hershey, Jr.: I'll make a motion to advertise the meeting dates. Seconded by Ron Wagner. All in favor – none opposed.

Resident: I heard that the pool isn't going to be operated in 2023 by the same people as this year.

John Berry: They have not signed a lease but will notify us in writing of their intent by December 31. I'll let everyone know what's happening at the January meeting.

John Berry: Going forward, Ron is going to take over the office oversight. He'll be working with the secretary in the office. I enjoy working with the road crew, but I will continue to help with the budget, zoning, and the Solicitor.

John Berry: I also wanted to mention the accomplishments of the road crew this past year, in addition to routine summer maintenance. We paved 3.6 miles of road, 2.1 miles of base repair, with a total tonnage of 6,000 tons. We replaced 1780 ft. of pipe, and 19 boxes. We repaired two bridges and took care of a lot of water issues. I think it was a good year for the Township.

Maureen Fisco expressed her concern regarding the Lancaster County Planning Commission receiving the correct map. John Berry stated that he will ask the Solicitor to handle this so that it's done properly. Bob Hershey, Jr. agreed.

Resident: I think the Minutes are minimal based on the meeting I attended. I think the Minutes need to be more transparent.

Dan Becker: Your Township Minutes are adequate based upon the law. You can add more into it.

Robert Banzhof: If I wish to come up here into the Township building, may I read and observe the Minutes myself?

John Berry: If you want to see the Minutes, Minute Books, Resolutions, and Ordinances, they are kept in a fireproof filing cabinet. Anyone is welcome to come up and review them. They must remain in the building.

Madeline Ritz: Have there been any updates from the DEP concerning the sewer project?

John Berry: The DEP moves very slow. We have provided everything they requested. We are waiting for their response.

Madeline Ritz: Are we setting money aside for the sewer project?

John Berry: That would be in our capital reserve. I think Terry can explain.

Terry Shepps: There are reserves which continue to grow. In 2015 we had just under \$300,000. The last I looked it was \$1.1 or \$1.2 million.

Craig Eshleman: Does the sewer facility get paid by the user fees or by general taxpayer funds? Can everyone in the Township be forced to pay for a system?

Dan Becker: It depends on how they are paid back after they are connected – but yes.

Leroy Eshleman: I understood that the sewer is a separate entity from the Township.

Dan Becker: Dan stated if you have a sewer authority, it is a separate entity. Conestoga does not have a sewer authority.

MEETING ADJOURNED at 7:34 pm, motioned by John Berry and seconded by Ron Wagner. All in favor – none opposed.

Respectively submitted by,

Ron Wagner, Member