

Conestoga Township Board of Supervisors Minutes

Tuesday, June 4, 2024

BOS Meeting was called to order and pledge recited at 7:00pm by Matthew Connelly.

***Present – Supervisors:** Chairman Matthew Connelly, Vice Chairman Joe Devoy, and Tom Grassel Jr.*

ANNOUNCEMENTS

***Executive Sessions:** May 13th & 24th for Personnel*

***Approval of Meeting Minutes:** Joe Devoy motioned to approve the May 7, 2024 BOS Minutes with a second by Tom Grassel Jr. All in favor – None opposed.*

***Approval of Bills & Treasurer’s Report:** Joe Devoy made a motion to approve the May 7, 2024 bills and Treasurer Report with a second by Tom Grassel Jr.*

All in favor – None opposed.

PUBLIC COMMENT

***Matthew Connelly** stated that all residents and tax payers are welcome to participate. Please state your name and address for the Record. All comments must pertain to items on the Agenda and be limited to 3 minutes.*

***Phil Delp:** Asked permission to speak, being neither a tax payer or resident. His jurisdiction is Fulton Township.*

***Matthew Connelly** granted Phil permission to speak.*

***Phil Delp:** He would like to start a Regional Police Department for the Southern End of Lancaster County. A resident approached saying there may be interest in a police department. Townships can afford a police department by all going in together from Fulton to Martic Township. He would build police substations in each jurisdiction.*

He asked if the Supervisors would like to see a proposal.

***Tom Grassel Jr.** Stated, “No.” It was too big of a territory to cover.*

Matthew Connelly: Thanked Phil Delp for sharing his vision and asked if there was anything else.

Bob May from Lancaster EMS: Stated he was not a resident and asked permission to be heard.

Matthew Connelly: Granted permission to Bob May.

Bob May: Stated he emailed all 3 Supervisors on May 7, 2024 with no reply. He claimed Lancaster EMS was not being funded by Conestoga Township because he missed a meeting where he was not informed. The previous secretary stated the Township had higher priorities than funding Lancaster EMS. Conestoga is the only Township out of twenty that does not support them. He wanted to know the next step so he can be included in the next meeting. It is imperative that they receive support, in order, for EMS to continue to provide services for the Township.

Matthew Connelly: Stated that Bob May will be notified when there is a date established.

Bob May thanked the Supervisors for the spotlight.

PERSONNEL

Matthew Connelly: Introduced Jessie Ebersole as the new Secretary/Treasurer for Conestoga Township. She brings years of experience with government and municipality administration, payroll and managing experience. (Residents applauded with approval)

Jessie Ebersole: Stood and thanked the residents for the warm reception.

She shared that she has lived in Conestoga for 30 years. She and her husband raised her three sons and looks forward to working for the community. She was a Finance Officer for Millersville Borough for thirteen years and is pleased to bring her experience to help and to guide the residents of Conestoga Township.

Tom Grassel Jr made a motion to the hiring of Jessie Ebersole as Conestoga Township's Secretary/Treasurer with a second to the motion by Joe Devoy.

All in favor – None opposed.

Joe Devoy made a motion to appoint Jessie Ebersole as Conestoga Township's Secretary/Treasurer with a second motion made by Matthew Connelly.

All in favor – None opposed.

OLD BUSINESS

Matthew Connelly: *Planning Commission Vacancy Appointment: He thanked everyone who was interested and took the time to interview. There is one candidate whom Matthew has yet to interview and suggested that the Vacancy is tabled until next month.*

Joe Devoy: *Introduced Mark Deimler from Solanco Engineering and Tom Devenney from ELA Group. We have hired them to help develop the Act 537 Plan and they are here to present what the next 8-12 years will look like for Conestoga.*

Tom Devenney: *Introduced himself as a Professional Engineer at ELA Group in Lititz. He is the Director of Water/Wastewater of Engineering. He serves as the Authority Engineer for Strasburg Borough. He has worked with smaller water and sewer utilities. He has teamed up with Mark Deimler on a number of different projects.*

Act 537 Plan looks at existing facilities within an area. It tries to identify any shortcomings and where that needs to go in the future to address any environmental issues that may arise from it.

The process was started by the Township in 2016 and resubmitted in 2018. That process was halted. After some DEP correspondence more recently, the Township reached out to a few consulting engineering firms to see whether they could provide proposals to an Act 537 Plan. You are looking at all the environmental elements that go into it and where you go in the future for the residents that is most cost effective. Anything that relates to sewer is to examine the financials as the main consideration before making a recommendation to proceed in any one direction.

Joe Devoy: *Asked if Tom could explain the process and timeframe.*

Tom Devenney: *The process is kicked off with a Task Activity Report. It is an executive summary overview of what the Act 537 Plan entails. It also, includes the projection of how much you are going to spend on that Act 537 Plan. We will work closely with the Township on this to prepare. The Task Activity Report can be*

completed within a few months. After the report is submitted, you can gather samples or data to pull the report together. Once all of this information is gathered, you can, then, submit your report to DEP. The preparation of the full report can take 12-14 months to get into DEP and receive a review from them. Overall, it will take about two years to get everything submitted and reviewed by DEP.

After the review and approval, there is a clear option the Township would like to proceed in. Ten years into the future, you may want to connect with a neighboring sewer system.

Mark Deimler from Solanco Engineering Associates: *Added you are in a much better position with DEP if you stay ahead of the game. You don't want DEP to mandate certain deadlines or and if you don't meet those deadlines, you will face civil penalties. Conestoga Township stopped working on this in 2018 and DEP just said, "Hey, where are you at on this?" It is wise to start the process now because we are on DEP's good side. You don't want to be on their bad side. It is better to start the process now. The construction costs never get cheaper. The sooner DEP gets what it needs the better off Conestoga will be.*

Conestoga Township got on DEP's radar the increasing number of On-lot sewage permits for repairs. Small, older villages will have repairs. There is an Ordinance, the mandatory On-lot pumping, which requires mandatory pumping every three years. It identifies malfunctioning sewer systems. It, also, makes your system stay healthy.

The mandatory On-lot management pumping prevents sewage from going to the Chesapeake Bay.

Question and Answer period was engaged among the Supervisors, Engineers and residents.

Tom Devenney: *The Task Activity Report includes Act 13 Grant for professional services to prepare the report; that is free money. Act 537 update for Municipal Adoption, County Planning Commission Submission, Proof of Public Notice, Public Comments and Municipal Responses, Implementation Schedule, Consistency of Documentation for Consistency of Rules and Regulations State of PA, Discussions of Previous Planning, Physical & Demographic Analysis, Analysis of Existing Sewage Facilities, Future Growth & Land Development, Alternatives to Newer and Improved Wastewater. Then there is the evaluation: The institutional evaluation of what needs to be put in place to maintain and operate said system, Justification for a*

selection of an alternative, Mapping & Environmental Report in detailed cost opinion. The total cost for the proposal is \$72,330.00. This is for ELA services. It is a two-year period to prepare this report, submit it, and get it approved by the DEP.

Joe Devoy made a Motion to enter into Professional Services Agreement with ELA Group, Inc. for the Conestoga Township Act Plan Update with a second by Tom Grassel Jr.

Joe Devoy: Stated the Long Lane subdivision was next and he called on Kirby Weist as the neighborhood spokesperson.

Kirby Weist: Inquired what was going on and when is it going on with the Nadu property. He also, had a concern about the road beside him.

Joe Devoy: Stated that we are waiting for Joe Nadu to resubmit according to the Planning Commission review. The Planning Commission review presented multiple conditions that the Nadu Development had to answer and they have not resubmitted an answer.

Kirby Weist: Asked if he and Shelby Royer would be contacted before their property is used for landscaping for the Nadu Development entrance.

Joe Devoy: Stated that Joe Nadu could not use any of their property without Kirby Weist and Shelby Royer's approval.

Kirby Weist: Stated that he was not aware of the Planning Commission meeting with Joe Nadu. He would like to be notified when the next meeting is scheduled.

Matthew Connelly: Replied that he would post it on the website. They are an advisory board that does not have the authority to make concrete decisions. Therefore, the community is not notified of the property that is to be discussed because every detail is according to the zoning laws. The Planning Commission meets the last Monday of the month at 7:00pm with the next meeting on July 29th.

Joe Devoy: Explained that the Zoning Hearing Board (ZHB) notifies the neighbors because it deals with variances and special exceptions.

Brenda Trump: Expressed concern with the vehicles, flags, and perc tests on the Nadu property. She wanted to know if Joe Nadu had the right to do these actions.

Joe Devoy: Stated that testing is pertinent to establish development plans. Joe Nadu is entitled to survey the land and perc/probe testing but he has no building permits.

Resident: Inquired as to where the ZHB notice would be posted since the property is currently landlocked with the exception of the Kirby Weist property.

Martha Schwarz: Asked if they get notified if the perc test fails? She expressed concern for her driveway being considered as an emergency driveway for the proposed development. The narrow driveway would not be sufficient.

Joe Devoy: Stated that there was no driveway approved at the Planning Commission meeting. It was a requirement that Joe Nadu had to develop an emergency driveway for emergency vehicles. There was no driveway approved at that meeting.

Martha Schwarz: Wanted clarification that her private driveway is still private, exclusive to her.

Joe Devoy: Stated that her driveway continues to be private. Joe Nadu had to designate an emergency access and nothing materialized on the original plan; that has yet to be resolved.

Alicia Sarver: Stated she lives at the bottom of the property. She claimed there is an abundance of erosion in a nearby stream from Hershey Lane during the past ten years and she cannot imagine how much more it will be with the Nadu Development.

Matthew Connelly: Stated that we are not at the final planning stages. He reiterated that he will post future meetings regarding the Nadu property on the website for all parties to be informed.

Dave Esbshade: Is from Pequea Township with his fields bordering Conestoga Township. He put 55 tons of riprap and a new waterway in relation to all the water running off Hershey's; all the stormwater just unzipped his fields with a five-foot trench going the length of the field. Engineering and mitigating runoff is not working. He would be suspicious of what Nadu is dumping on their fields. Dave's out-of-pocket expense is \$12,000 for the last four to five years.

Shelby Royer: She is Kirby Weist neighbor and understood the development road is going to go between their properties. There is very little land from Nadu's property to hers. If the road materializes, it will go along her fence and directly beside her garage. It is not wide enough for a two-lane road. Is this legal for a road to be sitting on her house? She almost takes her life into her hands. She is 86 years old and has to deal with the Long Lane traffic and now she will have to deal with the Nadu Development traffic.

Dave Esbshade: (Pequea Twp) Inquired as to when the zoning for the Hershey/Nadu property changed from agriculture to residential.

Matthew Connelly: Suggested this might be answered by Mel Newcomer.

Resident: Stated there is no reason why a road should go between a rustic, old farmhouse and the neighbor. The Township bears responsibility for this action. This needs resolved. Before any houses were built, there should have been a design for the main entrance to access the development.

Resident: Asked why Mr. Nadu's personal lane into the developing property had not been utilized? He said that Bob Hershey (good man but business related) informed him that the resident's lane, located on Stehman Road by the Magistrate's Office, is the emergency secondary access in a catastrophic situation. If this is so, then the property should have never been sold to him 14 years ago. It should have been designed for the main entrance for the development.

Joe Devoy: Stated that he has heard their concerns and he has compassion. At this stage there is no plans they can approve. We are considering what you are saying and it will have to come before us before it goes through, as well. We trust Kraft Municipal Group. They do a good job and it must go before the Planning Commission before it ever gets to the Supervisors. There is nothing we can do to satisfy you, at the moment

Resident: Asked about the purpose of the Zoning Hearing Board (ZHB).

Joe Devoy: Stated that the ZHB is its own entity. The BOS can make recommendations to the ZHB. The ZHB issues a "Special Exception". The BOS issues a "Conditional Use."

Matthew Connelly: *Stated the Resolution to the Conestoga Volunteer Fire Company and Workers Compensation.*

TOWNSHIP OF CONESTOGA
Lancaster County, Pennsylvania
Resolution NO. 2024-8

A RESOLUTION OF THE TOWNSHIP OF CONESTOGA, LANCASTER COUNTY, PENNSYLVANIA,
APPROVING AND AUTHORIZING PARTICIPATING MEMBERS OF THE CONESTOGA VOLUNTEER FIRE
COMPANY TO PARTICIPATE IN CERTAIN OPERATIONAL SUPPORT ACTIVITIES AS DESIGNATED IN THE
PENNSYLVANIA WORKERS' COMPENSATION ACT AS MODIFIED BY ACT 108 OF 2020

Tom Grassel Jr made a Motion to approve the Conestoga Township Volunteer Fire Company Resolution with a second by **Joe Devoy**.

All in favor – None opposed.

Matthew Connelly: *Announced the consideration for the final lot Add-On Plan for E. Follin Smith and Gary R. & Michelle L. Erb. Our engineers reviewed these plans and gave recommendations. The Planning Commission gave a recommendation to approve based off the recommendations that the Engineer made.*

Joe Devoy made a Motion to approve the final lot Add-On Plan for E. Follin Smith and Gar R. & Michelle L. Erb conditioned upon the compliance with the Engineers comments contained in both, April 17, 2024 and May 1, 2024 review letters with a second by Matthew Connelly.

All in favor – None opposed.

Jeff Bowlby: *(Trimble Surveyors) He wanted everybody to understand that if Joe Nadu wants to build houses and he follows the procedures given by the Township; he does not need a zoning hearing. You will not get notification anywhere. He submits to the Kraft engineers and they give a review letter back. Then the next step is the Planning Commission. He encouraged the residents to attend that meeting because they do most of the homework.*

Matthew Connelly: *Stated the consideration to weigh the Verizon Cell Tower Land Development Plan. We reviewed with the Township Solicitor for guidance and we were advised that the Cell Tower is not subject to a Land Development Plan.*

Tom Grassel Jr. made a Motion to waive the Land Development Plan of the proposed Verizon Cell Tower with a second by **Joe Devoy**.

All in Favor – None opposed.

Gary Miller: *How many feet high is the Cell Tower going to be? He built something on his barn that is not that high.*

Tom Grassel Jr.: *Stated that the Cell Tower is permitted and approved.*

Gary Miller: *Stated that he went through the process. He was informed that he could complete his project by two Kraft code inspectors Now, eleven months later, he is being cited for a zoning violation and must appear before the ZHB.*

Matthew Connelly: *Apologized that Gary had to go through this.*

Larry Frankford: *Asked if Michele Lovett was done? He wanted to thank her for her time. Is she still going to be employed?*

Tom Grassel Jr.: *Replied that Michele Lovett will still be employed and that they are pleased with her work.*

Michele Lovett: *She was very humbled by the concern for her employment. How the applause touched her heart strings. It is a pleasure to serve the dear folks of Conestoga Township.*

Joe Devoy: *Stated that our goal for Jessie Ebersole is for the Township to become better, do more inhouse, spend less money, invest our money well, and have somebody to examine things and make us more efficient.*

Kirby Weist: *Wanted to clarify the process in regards that the Nadu Development is going back to the Planning Commission*

Joe Devoy: *Stated that we have not approved the Nadu Development and it is going back to the Planning Commission.*

Joe Devoy *made a Motion to adjourn the meeting at 8:21pm with a second by Matthew Connelly. All in Favor – None opposed.*

Respectfully submitted by,



Michele Lovett
Conestoga Township Secretary

We hope you can join us for the next exciting meeting: Tuesday, August 6th at 7:00pm

Conestoga Township Board of Supervisors Meeting

Tuesday, June 4, 2024

Sign In Sheet (Please Print Your Name & Address)

Eckman	693 Green Hill
TIM DUVALL	819 LONG LANE
Shelby & Royce	829 Long Lane
KIRBY WIEST SUDY WIEST	847 LONG LANE
Brian Jody Herr	769 Jehman Rd
CHRIS & BARB BAIR	Run Valley Rd
Alicia Sauer	735 Long Lane
MARtha SCHWARTZ	733 Long Lane
Harris Malkin	1684 Long Lane
Dan Auer	Sickmans Mill

Philip Delp 129 Warfel LN Peach Bottom

Bob Wiggins 21 Peach Lane

Dore Warfel 39 Sand Hill Rd

Kathy Sangrey 130 W Elm St

Bob May LANCASTER EMS

Miss & Larry Frankford 3619 Main St.

Joe & Sue Geesey 793 Stehman Rd

Robin Maquere Sand Hill Rd.

Ed and Maddie Ritz Main St Conestoga

Eric Peifer Pequea Blvd.

Jeff bowby Trimble Surveyors

Parke Ringer 3470 Main St.

Gam R Erb 356 Sand Hill Road

Dale Conroy 90 Back Run Rd

Brenda Trump	769 Long Lane
Terry Shepps	Valley Rd
Glen Mc Low	Sand Hill Rd
Follin Smith	Sickman Mill
Carle May	Main St
Lynch Like	Main St
Judy Stoner	Green Hill Rd
Eoin Devoy	Sand Hill Rd
PAT BROWN	SAND HILL Rd.
Pianna Babcock	Pegwee Blvd