

**LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES**

October 2, 2017
7:00 P.M.

The Londonderry Township Board of Supervisors held their regular meeting on Monday, October 2, 2017 at the Municipal Building, 783 S. Geyers Church Road, Middletown, Pennsylvania beginning at 7:00 p.m.

PRESENT: Ronald Kopp, Chairman
Mel Hershey, Vice Chairman
Anna Dale, Member
Michael Geyer, Member
Bart Shellenhamer, Member
Jeff Burkhart, Code/Zoning Officer
Andrew Kenworthy, Engineer
Mark Stewart, Solicitor

ABSENT: Andy Brandt
Mike Johnson

ATTENDEES: Tyler Erb
Sam Risteff
Lake Frederic Island Residents

Call to Order

Chairman Kopp requested a moment of silence in remembrance of the massacre that occurred Sunday in Las Vegas.

Salute the Flag

Note: Chairman Kopp explained that the citizen input section would be done in two sessions. The first session will pertain to comments regarding agenda items only. The second session will be limited to comments regarding non-agenda items.

Citizen Input (Agenda Items Only) - None

Approval of Minutes – September 5, 2017

Moved by Dale, seconded by Shellenhamer the minutes of September 5, 2017 be approved.
Motion carried.

Manager’s Report – Steve Letavic

The manager reported that he has been working on Right-to-Know requests during the past month and also on the first round of the general fund budget. The budget has been forwarded to the Budget and Finance Committee for review and input. After the month of September is closed, the general fund budget model will be updated. Another draft will be presented in early to mid-October. The intent is to review the budget through the Budget and Finance Committee and the Board for all funds and have the Board approve it for hanging at the first legislative meeting in November. The budget must hang for twenty (20) days before it is approved. Once the draft is hung and is available for review, the budget will be passed at the first meeting in December, with Board approval.

Treasurer’s Report – Steve Letavic

The manager requested approval to pay the following expenditures for the month of September:

GENERAL FUND	\$ 108,467.05
GOLF COURSE FUND	\$ 87,852.09
LIQUID FUELS	\$ 2,499.88
ESCROW	-0-
LVFC	-0-
DEBT SERVICE	\$ 19,086.41
TOTAL	\$ 217,905.43

Moved by Shellenhamer, seconded by Dale the expenditures for September 2017 be approved.
Motion carried.

Moved by Dale, seconded by Shellenhamer the add-on plan for the properties located at 4666 (Schildt) and 4700 (Parmer) Ridge Road, Elizabethtown, PA be deferred to Conewago Township. Motion carried.

After a discussion involving the Preliminary/Final Subdivision and Land Development Plan for 3100 Schoolhouse Road, the following action was taken:

Moved by Geyer, seconded by Hershey the following waiver be approved:

Chap. 22, Part 3 Section 304.1 – Plat Requirements and Processing Procedures
Motion carried.

Moved by Geyer, seconded by Hershey the following waiver be approved with the stipulation that a note be placed on the plan stating that if future impact should change, a traffic study will be initiated.

Chap. 22, Part 3 Section 305.1.E.1.b – Traffic Impact Study requirement for over 10,000 sq. ft.

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Motion carried.

Moved by Dale, seconded by Geyer the following deferral be approved:

Chap. 22, Part 5 Section 507 – Sidewalk
Motion carried.

Moved by Shellenhamer, seconded by Hershey the Preliminary/Final Subdivision and Land Development Plan be approved. Motion carried.

Moved by Hershey, seconded by Shellenhamer the Well Isolation Distance Waiver for 1227 Colebrook Road be approved with the following two conditions: (1) The landowner shall execute and record an indemnification agreement holding the Township harmless of this waiver, and (2) The landowner consider installing a drinking water system to adequately treat the water source and/or monitor the water source accordingly. Motion carried.

Moved by Hershey, seconded by Geyer the Well Isolation Distance Waiver for 854 Braeburn Road be approved with the following two conditions: (1) The landowner shall execute and record an indemnification agreement holding the Township harmless of this waiver, and (2) The landowner consider installing a drinking water system to adequately treat the water source and/or monitor the water source accordingly. Motion carried.

MS-4 Environmental Department – Tyler Erb

Environmental Education Grant – Working on wrapping up all the documents to be submitted to DEP for reimbursement of the workshops.

Private BMPs – All private BMPs have been inspected and are in compliance.

Grant Application – Submitted a letter of support for a Tri-County Conewago Creek Association grant. The grant is for technical assistance and, if awarded, will help develop a priority list of projects on the Conewago Creek (including cost estimates and load reductions). Parties involved are HRG, Land Studies, Penn State, Mount Joy, and TCCCA.

Steinruck Road – Met with Andy and Andrew to look at the issues on Steinruck Road and options to improve the sedimentation issues. Andy is moving forward on this.

CBPRP - The Chesapeake Bay Pollution Reduction Plan was submitted to DEP and I have a hard copy and electronic copy for viewing.

Inlet Protection Devices - Have been working with S3 on inlet protection devices to be installed at the public works building. The devices will remove hydrocarbons, sediment, etc. They will minimize the impact from washing the trucks after plowing/salting the roads.

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Golf Course Bioswale - Planting plans have been updated and the lumber has been purchased for the bridges. Weather permitting, the bridges will be built in late October and the planting should occur in early November. Will likely seek help from volunteers through Penn State.

Public Works Report

A report is on file.

Golf Course and Bar & Grill Report – Sam Risteff

Sam requested that the purchase of a new beverage cart be tabled. The Board concurred.

Moved by Shellenhamer, seconded by Dale the lease of seventy-five (75) new gas-powered golf carts from Yamaha be approved. Motion carried.

Sam reported that, to this point, the Airport has contributed \$858,000 for improvements to the golf course, including the removal of the trees. It was noted that the improvements were performed with no cost to the Township.

Engineer's Report - Andrew Kenworthy

In accordance with the bridge replacement program, the next bridge scheduled is the Swatara Creek Road Bridge. The bridge was surveyed and is in design. Permits are being prepared and are on schedule. It is a contracted bridge with bids scheduled to be let over the winter, with construction scheduled for the spring.

Solicitor's Report - Mark Stewart

During the last month, the Township has undertaken a substantial project. Approximately 103 right-to-know requests have been received, basically consuming the time of 3 ½ full-time employees, plus an additional temporary employee retained to process the requests and respond to them. As a result, significant legal costs have been incurred by the Township. It is fairly evident that the requests are made for purposes other than what was intended under the Act, so we are presently exploring whether the Township has any legal remedies that may be pursued. It is definitely serving as a drain on the Township's human resources and on its financial resources. To date, a number of appeals have been filed in regard to the responses. At the close of business today, 43 have been processed. A number have been appealed. The ones that have come to a final determination have been in the Township's favor. We will continue to provide the information requested, but it is something that is a significant drain. When the code office has to spend all its time responding to the requests, it delays plans that residents and others want reviewed and approved. It is an issue, but everybody's working hard to be as responsive as possible. It is an issue that we are working through.

EMA Report

New Business

Old Business

Executive Session

Chairman Kopp stated that the business portion of the meeting was now concluded. He further stated that the next portion would be conducted the same as last month. You are requested to come forward, state your name and address and limit your comments to three minutes. Your comments will be taken under advisement. If it comes to a point where it is believed to be repetitive, the discussion will be ended and the meeting will be closed.

At this point, the Solicitor made the following statement:

“A number of rumors have been circulating since late last week and the weekend about potential new proposals involving the islands owned by York Haven Power Company. We would just like to make clear that, at this time, York Haven has not submitted any type of proposal to us in writing. If or when they do, it will be fully reviewed and promptly delivered to FEMA for their full consideration as well. I know there has been a lot of chatter but, to date, nothing formal has come to us. If it does, it will be processed promptly.”

Steve Wisniewski
1650 Locust Grove Road

Mr. Wisniewski stated he has two items he would like to bring before the Board. He travels Route 230 daily and the first item involves Mike's Miata, which he believes is a junkyard. He would like to know if something can be done to improve the appearance.

Jeff responded that it is on the Township's radar, but we just need some time to work on it.

The second item is the former 230 Diner. He noticed the door is open and wondered if people are using it for something.

Jeff responded that there has been some back and forth with the property owner and he has submitted plans for some type of development proposal, a redevelopment proposal, to do repairs. The plans were rejected. He is in a flood plain and he cannot do things without going through the proper flood plain exercise, which, to this point, he has not done. With regard to the open door, he has been cited in the past for not keeping his property secure.

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Terry Wealand
Laurel Drive

My name is Terry Wealand. I live on Laurel Drive and I also have a place on Hill Island, out here on Lake Frederic. I am also a U.S. Marine Corps veteran. When I went into the Marine Corps, I learned about fourteen little words: 1) judgment; 2) justice; 3) dependability; 4) integrity; 5) decisiveness; 6) tact; 7) initiative; 8) endurance; 9) bearing; 10) unselfishness; 11) courage; 12) knowledge; 13) loyalty; and 14) enthusiasm. I also learned about four leadership indicators: 1) moral; 2) proficiency; 3) esprit de corps; and 4) discipline. Those words were pounded into my brain since I was 18 years old. Each of you as a Township supervisor, solicitor, Township manager, Mr. Letavic, and Jeff Burkhart, our codes guy, should be considered a leader. The majority of you people were elected by us. You need to regularly ask yourselves if you are wholeheartedly adhering to basic leadership traits. That is the fourteen words that I just shared with you here this evening. You also need to ask yourselves if you honestly feel that Londonderry Township is a better place now compared to when you first took office by way of our leadership indicators we talked about here tonight. The ladies and gentlemen who are part of Lake Frederic, part of Lake Frederic Association, also risked their lives in World War II, Korea, Viet Nam, Middle East and several conflicts in between – my brothers and sisters in arms. I have listed 95 individuals here in front of me that served under that flag that is hanging on that wall right there. Some are no longer with us. We would be extremely proud of you as our leaders of this Township if you can work with all the stake holders on Lake Frederic to bring forth a successful outcome to our situation with this flood plain compliance ordinance. Semper Fidelis. Thank you for your time.

Melissa Zimmerman
Lower Paxton Township

My family's cabin is on Bashore Island Lot 85. I would like to share with you what we are losing and what our family is losing and the struggles we are facing with losing the cabin. My husband's family has had this cabin since 1970, just like many others here. It is very different from my childhood because we would travel two weeks to go to the beach for our vacation. His family would go to the cabin and live every summer, many times three generations at a time. The cabin is always a place where he has felt safe and at peace. He recently retired in September from the military after 21 years of service. He has been deployed five times: once to Somalia; twice to Iraq; and twice to Afghanistan. He has sacrificed many important family moments and that meant being away for birthdays, holidays and funerals. Can you imagine how hard it would be to be so far away and not be able to say goodbye to loved ones? He also suffered the loss of two marriages during his deployments. Returning home from war was hard enough to reintegrate to normal life with memories of war and a broken home and to question what is normal life. There was only emptiness. He struggled for a long time with what he lost serving in the military. I knew my husband for 18 years before we became a couple so I know a lot about what he had been through. We began dating 6 months before his fifth and last deployment. He seemed to put all the pain and hurt away and allowed himself to move forward and be happy again. When he returned home, he proposed and I knew without hesitation I was

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willing to take on the challenge of being his third wife and just love and support him to overcome the past. It wasn't long though after he returned that I felt what the last 21 years of serving had done to him. It is not an easy challenge and I refuse to give up. He struggles in large crowds and his memory has been affected. I would often say to people he is physically here but emotionally he is not. He is still gone. I learned to walk on eggshells around him. I joined women's support groups at the VA to understand what he was going through, but nothing seemed to really help. It wasn't until we began to go back to the river and the cabin that I noticed the change in him. The feelings and memories that flooded his soul, the cabin making him forget about what he lost. It takes him back to a simpler time in his life when there were no worries and puts him in a place of peace and happiness. It finally brought him home to me. The impending loss of the cabin has already started to take him away again. I am asking you to give us the opportunity to bring our cabins to code and work toward a solution that will benefit all parties. Please don't take him away.

Craig Gates
44 Berwyn Park

I am a Shelly Island resident. A few weeks ago, I wrote a letter to Nicole Lick who is the flood plain management person at FEMA in Philadelphia. You published her letter on the Township website. So a few weeks ago, I wrote a letter to her and, much to my surprise, today she called me back to address my concerns in my letter. My main concern was why would FEMA not allow us the opportunity to bring our existing cabins into compliance. She said they would. I said why would FEMA not allow any change to the Londonderry Township compliance agreement. She said they would. I then referred to the letter that was on your website dated August 31 and I read Nicole the third paragraph, the third sentence, "FEMA does not support any change to the compliance agreement that would include the continued use of existing structures". I said explain that to me. You're telling me you would allow existing structures to be compliant in this letter. She said non-compliant structures. They would entertain an amendment to the existing compliance agreement so the cabin owners can bring their properties into compliance. So if FEMA will allow us to do that, why won't you?

Michele Comp
Shelly Island

I am also on Shelly Island. I don't think we have a lot of other people here that are going to come up and share with you tonight. I think they have made their point, but we have come to you month after month to express our concerns. We have got conflicting information and we have been told you will not respond. You will not debate. This is not a question and answer. We have, rather, I personally sent 56 letters. I have heard back from almost every senator and representative that I sent to. I have not heard back from any of you. Has anyone else heard back from them? (The response was no.) When will we hear from you? You have heard it. When will we hear from you? Your job is to respond to the people who live in your township. We deserve a response. Thank you.

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Richard Sill
821 Roundtop Road

I live at 821 Roundtop Road in the Township, a long-time resident. I am not a public speaker. I don't have anything written down so you might have to bear with me a little bit. I have a place on Shelly Island next to the existing schoolhouse that was last used in 1900. That is the last it was used. Nobody really knows when it was built so it's at least 150 years old. That schoolhouse was built before cinder blocks. It was built on a stone foundation—not anchored at all. There is not one thing wrong with that schoolhouse. It went through the 500 year flood in Agnes—not a 100 year flood; a 500 year flood. My place is right next to it. My floor line is six inches (6") to a foot higher. That was built in the 70s. I have not had one inch of water. There is nothing wrong with my place. Now there's a place over at Hoss's along the Swatara Creek in the flood plain that had, after 2011, six feet (6') of water in the place. That's in the flood plain. That was rebuilt exactly where it was—no higher. I want to know why I have to tear down, at my own expense, a place that was never flooded. Yet, there's Hoss's there right along the Swatara Creek that is rebuilt exactly the same elevation. Something doesn't seem right.

Now in Puerto Rico, that's an island. We're an island. There's water around it. I wonder if FEMA is going to come in there and make them tear places down that have no damage; that people are living in right now. There's people living in squalor down there. Why would you do something like that? Now, this whole agreement that was made up was made up from the Township here and here again, I am not here to cause problems. What we want to do, we want to work with everybody. The Township, we use to come here and ask what permits do we need? Nothing. You build what you want. You people, it might not be you people, but people from the Township right here. You represent the Township. We came and asked. We don't need anything. The power company, when they wanted Three Mile Island back in the 60s, they tore down cabins and moved them over to Shelly Island, at their own expense and put us over there.

Years ago, FEMA would come up to us and say here take this flood insurance. No. We don't need it. That was before New Orleans, before New York, before they were bankrupt. It's cheap. We don't mind. We will pay you—take it. The people took it. What they paid out down here is it's not even pennies on the dollar. It's nothing—peanuts. What we wanted, this agreement and the three of you came up with this agreement. You were 95% responsible for what happened, not us. You came up with this agreement and put it all back on us. It's our fault. We didn't cause this. I mean this agreement is really unethical. It reminds me a little bit of the PennState fiasco a few years ago. When that first happened, everybody agreed that's unethical, but eventually, they found people legally responsible for that. Now I am not a judge. I am not a jury, but all these law suits, if they come back and find some people here are legally responsible, I guarantee you're going to have 100 people at your sentencing. Here you still have time to do the right thing. We want to work with you. We want to work with you. Do the right thing.

Kopp: Anyone else?

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Nathan Comp
Lot #198, Shelly Island

Mr. Chairman, if I may speak to you from here with permission, I would appreciate it. I listened to these people talk in here. I have been to one of your beautiful islands for 60 years. I built a porch on in my little trailer that I have. I came here just like this gentleman said. You people, I don't recognize anybody here, and said what do I need to put a porch on my place? Oh, go ahead. Put it on. That was one of your people that was telling me that. I think the Township has messed up by letting us do things over there and now you want to put us off. You don't want to let us bring our places into compliance and I have heard what FEMA has to say and I just heard my adopted daughter ask you when are we going to hear from you people? When? Will somebody answer me? I know you are not answering any questions, but after being on your property, this Township's property, for 60 years, paying taxes, paying the electric company rental, I think I deserve some comments and you tell us what is the compliance? Will you people please tell us? We are only asking you for a fair shake and I think after 60 years, I deserve it and so do these people sitting here.

Kopp: Any response to that?

Solicitor Stewart: There is nothing before the Board. This is public comment. It's not the time. Frankly, the Board has spoken on multiple occasions going back to the summer of '15. I believe we started this in '15. We spoke then again in '16. We have spoken since. You have acted. There is nothing before the Board. If something comes before the Board, the Board will consider it and act. As I stated prior to public comment tonight, York Haven Power, Cube Energy, whatever you would like to call them, they have not submitted anything to the Township that is any different than the current status quo. They have spoken to us about it. We have heard them. Obviously, those types of concepts need to be drilled down and they would have to submit something to the Township for it to consider. If and when that happens, it will be reviewed. It will be submitted to FEMA and we will go from there, but there is nothing before the Board for the Board to comment on.

Moved by Geyer, seconded by Dale the meeting adjourn at 8:05 p.m.

Secretary

