

# Adams County Legal Journal

Vol. 57


October 9, 2015

No. 22, pp. 86-96

## IN THIS ISSUE

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V. CONEWAGO TOWNSHIP

*This opinion continues to next issue (October 16, 2015)*



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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

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## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about September 11, 2015 for the incorporation of Sweets Rx, Inc. under the Pennsylvania Corporation Law of 1988. The initial registered office of the corporation is 37 Steinwehr Avenue, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr., Esq.  
HARTMAN & YANNETTI  
Solicitors

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## FICTITIOUS NAME NOTICE

Notice is hereby given that an Application for Registration was filed under the Fictitious Name Act 54 PA C.S.A. Sec. 311 in the Department of State, Commonwealth of Pennsylvania, setting forth that Raymond Kane and Patricia Kane of P.O. Box 477, East Berlin, PA 17316, are the only parties owning or interested in a business, the character of which is property management, and that the name, style and designation under which said business is and will be conducted is Curtisan Property Management, with a principal office or place of business at P. O. Box 477, East Berlin, PA 17316.

Donald W. Dorr  
Buchen, Wise & Dorr  
Solicitor

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PATRICK J. SHEAFFER AND ELIZABETH J. SHEAFFER V.  
CONEWAGO TOWNSHIP

1. Substantial evidence supporting an agency's decision is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
2. This Court must accept credibility determinations made by the municipal body which heard the testimony, and we are not to substitute our judgment on the merits for that of the local agency.
3. It is clear that the Township is not constructing or acquiring a stormwater management facility. It is also clear that the Township has responsibility to "manage" water passing from outside the township. However, there is nothing in the unambiguous language of this Article (Art. XXVII of the Second Class Township Code) that allows the Township to impose conditions upon owners of property situate outside the township even if stormwater flows from that property into the township.
4. The Township's attempts to control other run-off by placing conditions upon the Sheaffers' street occupancy permit application is not consistent with the authority set forth in Section 67703 and is patently unreasonable.
5. The record is clear that the engineering fees being charged to the Sheaffers are related to the development in the borough and not for "inspection" of the street connection work.
6. The Township has identified no authority which permits it to pass its expenses for these reviews on to the Sheaffers and to impose payment of those fees as a condition of approving the Street Occupancy Permit is unreasonable and improper.
7. It appears that the Township is trying to dictate the stormwater management plan related to property outside its geographic jurisdiction and not stormwater management related to the street addition. The appropriateness of the plan was solely for the Borough to decide.
8. The Township is requiring that the Sheaffers secure an easement within the township for stormwater run-off from the development. The Township cites provisions from the Conewago Township Subdivision and Land Development Ordinance of 2009 as authority for this requirement. The problem with this requirement is that Chapter 135 has nothing to do with land development plans outside the township.
9. This condition can only be viewed as a backhanded way of attempting to stop the Sheaffers' land development project in the borough.
10. Again, the township is attempting to condition approval of a Street Occupancy Permit based upon subdivision requirements established for property development within the township. The Township has no authority to direct the developer of property in the borough to notify downstream owners of any issues related to run-off from a development situated in the borough.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CIVIL 2013-S-212, PATRICK J. SHEAFFER  
and ELIZABETH J. SHEAFFER V. CONEWAGO TOWNSHIP

Timothy J. Shultis, Esq., Attorney for Plaintiff  
P. Richard Wagner, Esq., Attorney for Defendant

Kuhn, J., September 16, 2015

## MEMORANDUM OPINION

Before the Court for disposition is an appeal filed by Patrick J. Sheaffer and Elizabeth J. Sheaffer (hereinafter “the Sheaffers”) from a decision made by the Conewago Township Board of Supervisors (hereinafter “the Township”). For reasons set forth herein, said appeal is granted.

### BACKGROUND

This matter involves an ongoing effort by the Sheaffers to develop land they own in the Borough of McSherrystown (hereinafter “the Borough”). The property borders Conewago Township. Both municipalities are located within Adams County. The property was approved for subdivision by the Borough. The plan proposed to extend Second Street in the borough and to connect it with Sterling Drive in Conewago Township. The Sheaffers made several applications for a Street Occupancy Permit with the Township for the purpose of connecting the streets which ultimately resulted in the permit being denied by Code Enforcement Officer David Arndt.

On February 27, 2013, the Sheaffers filed the instant appeal which they entitled a “Notice of Land Use Appeal.” The Township challenged the Court’s jurisdiction arguing that because the Sheaffers filed this as a land use appeal it should be decided in accordance with the provisions of the Municipalities Planning Code. Specifically, the Township contended that the Sheaffers should have appealed the permit denial to the zoning hearing board and not to this Court. The Sheaffers countered that under the Code of Conewago Township the zoning hearing board does not have jurisdiction over street occupancy permits. They argued that the Local Agency Law governed the appeal process and the appeal was properly filed. I agreed.<sup>1</sup>

However, the record did not contain articulated reasons for the permit denial. Under the Local Agency Law when the record is incomplete the court of common pleas may hear the appeal de novo or remand the proceeding to the municipality for the purpose of making a full and complete record. 2 Pa. C.S.A. §752. Believing that the municipality should always have the opportunity to make decisions interpreting its local regulations and circumstances I chose the latter approach with instruction to conduct the hearing within 60 days.

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<sup>1</sup> See Order and Opinion dated March 17, 2014.

The hearing was conducted over several days<sup>2</sup> and the Township's Board of Supervisors rendered its decision denying the permit request on August 25, 2014. By Order dated September 10, 2014, the parties were granted 30 days to file briefs. The issue before the Court on appeal is whether the Township committed an error of law by denying the permit. When reviewing the file it was discovered that another remand was necessary because the Township had failed to render factual findings, without which the Court could not determine whether the decision was based upon findings supported by substantial evidence as required by law. *Schuylkill Twp. v. Pennsylvania Builders Assoc.*, 935 A.2d 575 (Pa. Comwlth. Ct. 2007), aff'd 7 A.3d 249 (Pa. 2010).<sup>3</sup> All logistical issues have now been resolved so we can proceed to disposition.

### EVIDENCE PRESENTED TO THE TOWNSHIP BOARD OF SUPERVISORS

The record from the hearings reveals the following undisputed background: The Sheaffers took title to the subject property of approximately 4.4 acres on July 27, 2007.<sup>4</sup> There is a ranch house at the northern end of the property with a driveway that accesses South Street in the borough.<sup>5</sup> The property is rectangular in shape and roughly 400 feet on its north and south sides and roughly 490 feet on its east and west sides. The south side of the property borders Conewago Township.<sup>6</sup> Currently there are two underground stormwater drainage pipes running diagonally across the property which discharge water into a ditch at the southwest corner of the property. The water exiting from the pipes initially flows into Conewago Township and eventually into Plum Creek.<sup>7</sup>

The Sheaffers' plan was to develop the property for 12-13 building lots.<sup>8</sup> In that regard they engaged the services of KPI Technology to prepare the subdivision and stormwater plan.<sup>9</sup> The plan proposed that the property would be split in half with an extension of South

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<sup>2</sup> May 12, 2014, June 2, 2014 and July 27, 2014.

<sup>3</sup> See Order dated March 27, 2015.

<sup>4</sup> Pl. Ex. 1.

<sup>5</sup> Sheaffer Ex. 22 sheet 2.

<sup>6</sup> Pl. Ex. 22.

<sup>7</sup> Pl. Ex. 19 and 21. N.T. 5/12/14 p. 54; N.T. 6/2/14 p. 112-3.

<sup>8</sup> N.T. 6/2/14 p. 49.

<sup>9</sup> N.T. 6/2/14 p. 50.

Second Street being laid out in generally a north-south direction. At the southern end of the property South Second Street would be connected with existing Sterling Drive in Conewago Township.<sup>10</sup> To the east side of South Second Street would be one half of the lots and to the west side the other half. Lot No. 1, situated at the southwest corner of the property, would contain a drainage easement including a stormwater retention basin. Properties lying adjacent to Lot No. 1 and situated in the township include the property of Lloyd T. Bortner which is located on the west side of Sterling Drive and the property of Patricia R. Finch which is located west of the Bortner property.<sup>11</sup> These properties are part of a development known as The Preserves.

Before the Borough approved Sheaffers' subdivision plan the Township requested an opportunity to review the plan. In fact, on November, 10, 2009, the Township forwarded a letter to the Borough setting forth its preliminary concerns.<sup>12</sup> Those concerns included: 1) that there was no rate control via stormwater inlets at the borough and township line to control surface water discharge to the stream, 2) the plan had not been reviewed by the Adams County Conservation District, and 3) a delay of 90 days by the Borough would allow the Township an opportunity to complete its review of the plan to evaluate any potential detriment the design may impose to residents within the township.<sup>13</sup> The Township also requested that a signature block be included on the plan so the Township could be added "because of the encroaching improvements."<sup>14</sup>

The Sheaffers delivered a copy of the plan to the Township; however, they made no request regarding the plan and submitted no fees for review. At the request of the Township, C.S. Davidson, Inc., a civil engineering firm, "reviewed the stormwater calculations as they related to the proposed roadway connection to Sterling Drive" as submitted to the Township by KPI Technology on October 4, 2010. By letter dated October 15, Peter J. Martin, engineer, reported that the "plan and calculations meets the SALDO requirements for facilities within Conewago Township."<sup>15</sup>

Sterling Drive was designed to be a through street; therefore, at its

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<sup>10</sup> N.T. 6/2/14 p. 51.

<sup>11</sup> Pl. Ex. 21.

<sup>12</sup> Pl. Ex. 3.

<sup>13</sup> N.T. 6/2/14 p. 50.

<sup>14</sup> This last request was not granted by the Borough.

<sup>15</sup> Pl. Ex. 4. N.T. 6/2/14 p. 44.

northern end next to the Borough it stops 7-8 feet short of the border between the two municipalities. Accordingly, no cul-de-sac was required at the time it was dedicated to the Township in June 2008 and it ends abruptly at that location.<sup>16</sup>

The Township utilizes a Street Occupancy Permit application process for projects such as the street connection proposed by the Sheaffers. The application form includes written instructions. As part of the application the applicant is to submit a fee in the amount of \$100.00 payable to the Township to cover administrative and review fees and the “pre-pour and post-pour inspections.” The instructions also indicate that the applicant “shall be billed by the Township on a time and materials basis for all inspection services, which will include a final inspection of restoration.” After submission of the application the Township Engineer has five days to review and comment upon the application. If the engineer approves the project the work can then be scheduled. Additional inspection services may be provided by the Township Engineer at the rate of \$75.00 per inspection. The Township also reserves the right to require a performance bond.<sup>17</sup>

On October 10, 2011, Township Engineer P. Eric Mains notified the Sheaffers’ engineer that he would recommend to the Township that a bond in the amount of \$8,754.35 would be acceptable to cover the connection of South Second Street to Sterling Drive.<sup>18</sup>

On December 1, 2011, the Sheaffers submitted a Street Occupancy Permit application<sup>19</sup> along with a check in the amount of \$100.00 to the Township requesting to tie in “new” South Second Street in the borough with Sterling Drive in the township. The request involves 8 linear feet (254 square feet) of paving within the township at the northern end of Sterling Drive. The request also proposed 117 linear feet of new sanitary sewer line. CEO Arndt turned the application over to Engineer Mains.<sup>20</sup> On December 8, 2011, Mr. Mains sent a memo<sup>21</sup> to Mr. Arndt indicating that he reviewed the application. He then wrote that

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<sup>16</sup> Sheaffer Ex. 4. N.T. 6/2/14 p.44.

<sup>17</sup> Arndt Ex. 8. N. T. 5/12/14 p. 32.

<sup>18</sup> Sheaffer Ex. 7. N.T. 5/12/14 p. 46.

<sup>19</sup> Arndt Ex. 1; Sheaffer Ex. 8.

<sup>20</sup> N.T. 5/12/14 p. 19-21; N.T. 6/2/14 p. 51.

<sup>21</sup> Arndt Ex. 2; Sheaffer Ex. 9.

Given the ongoing, unresolved and inseparable issues associated with this project, as reflected in the concerns raised by the Board of Supervisors, as well as the potential legal issues posed by the Homeowner' Association for the Preserves development (where project waters will ultimately discharge to), it would be premature for our office to complete processing of this application at this time.<sup>22</sup>

According to Mr. Mains the unresolved issues were 1) the legal right to discharge stormwater; 2) outstanding unpaid invoices; and 3) the need for a maintenance plan for the stormwater basin on the Sheaffers' property.<sup>23</sup> The Sheaffers' check was returned to them.<sup>24</sup>

On December 19, 2011, the Township Board of Supervisors held a public meeting at which Mr. Sheaffer was present and his proposed development was discussed in much detail.<sup>25</sup> At that time, the Supervisors voted that to obtain their approval for the Street Occupancy Permit the Sheaffers would need to 1) pay all current invoices; 2) provide a stormwater management maintenance plan and find a way to indemnify the Township against future problems and claims and; 3) mitigate the erosion problems and create easements to discharge the water.<sup>26</sup>

By invoice dated October 25, 2011, the Township claimed that the Sheaffers owed \$3,094.49 in engineering review fees for the period January 11, 2010 – July 28, 2011. By Invoice dated January 25, 2012, covering the period up to January 16, 2012, that amount had increased to \$4,911.49.<sup>27</sup> Mr. Mains testified at the instant hearing that these fees were incurred for review of the stormwater issue and not for the Street Occupancy Permit and that the Sheaffers did not request that review.<sup>28</sup> Mr. Sheaffer acknowledged that he never paid those fees because he never requested the services generating the same.<sup>29</sup>

In or about early January 2012 the Sheaffers' post-construction stormwater management plan was revised to increase the size of the basin on Lot N. 1 and to include riprap and 24 linear feet of gabion

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<sup>22</sup> N.T. 5/12/14 p. 21.

<sup>23</sup> N. T. 5/12/14 p. 40-42.

<sup>24</sup> N.T. 6/2/14 p. 52.

<sup>25</sup> N.T. 5/12/14 p. 66; N.T. 6/2/14 p. 57; N.T. 7/23/14 p. 58.

<sup>26</sup> See Board of Supervisor minutes.

<sup>27</sup> Arndt Ex. 9. N. T. 5/12/14 p. 52, 58.

<sup>28</sup> N.T. 6/2/14 p. 89.

<sup>29</sup> N. t. 7/23/14 p. 52.



baskets at the end of the underground stream enclosures to reduce water velocity exiting the pipes.<sup>30</sup>

On March 19, 2012 the Pennsylvania Department of Environmental Protection (hereinafter “DEP”) approved the Sheaffers’ request to discharge stormwater associated with construction activities on their property into Plum Creek for a period of two years.<sup>31</sup> By document of the same date the Adams County Conservation District approved the Sheaffers’ erosion and sediment control plan for their project.<sup>32</sup>

On May 14, 2012, the Sheaffers submitted a second Street Occupancy Permit application<sup>33</sup> along with the required check in the amount of \$100.00 to the Township. The proposal was identical to the application dated December 1, 2011. Again, Mr. Arndt sent the application to Mr. Mains. By memo dated May 11, 2012, Mr. Mains responded to Mr. Arndt by noting

Given that there does not appear to have been any changes or updates to the proposal or relevant (associated) conditions, since our December 8, 2011 review of same, we therefore again recommend that it would be premature for the Township to complete processing of the application at this time.<sup>34</sup>

A copy of this memo and the check accompanying the application was returned to the Sheaffers.<sup>35</sup>

On December 18, 2012, the Sheaffers submitted a third Street Occupancy Permit<sup>36</sup> to the Township; however the scope of the work only included the 117 linear feet of new sanitary sewer line. This application was sent to Mr. Mains for review. On December 31, 2012, Mr. Arndt wrote to Mr. Sheaffer indicating that the application appeared in order and requested a check in the amount of \$100.00 for the engineer’s review of the updated plan and evidence of bonding in the amount of \$12,852.28 for the sewer connection.<sup>37</sup> The Sheaffers

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<sup>30</sup> Sheaffer Ex. 21. N.T. 6/2/14 p. 57-9 and 113-7.

<sup>31</sup> Sheaffer Ex. 11. N.T. 6/2/14 p. 135.

<sup>32</sup> Sheaffer Ex. 12. N.T. 6/2/14 p. 136.

<sup>33</sup> Arndt Ex. 3; Sheaffer Ex. 3.

<sup>34</sup> Arndt Ex. 4; Sheaffer Ex. 13.

<sup>35</sup> N.T. 5/12/14 p. 22-24.

<sup>36</sup> Arndt Ex. 5; Sheaffer Ex. 14.

<sup>37</sup> This is approximately the same amount of financial security approved by the Conewago Township Municipal Authority at its meeting on December 12, 2011 for the Sheaffers to make connection for sanitary sewer services. See Sheaffer Ex. 10.

have submitted neither the check nor the bond.<sup>38</sup>

On January 25, 2013, the Sheaffers submitted another Street Occupancy Permit along with a check in the amount of \$100.00 to the Township. Again, the scope of the work was to connect Sterling Drive with South Second Street and to connect a new sewer line. This application was also sent to Mr. Mains for review. By memo dated January 31, 2013, Mr. Mains reported to Mr. Arndt that the application proposed the same scope of work “denied” on December 8, 2011 and May 11, 2012 and therefore recommended that the application “be returned with no further action taken in this regard.”<sup>40</sup> By letter dated February 19, 2013, Mr. Arndt notified Mr. Sheaffer that the permit application was denied.<sup>41</sup>

On June 25, 2014, the Sheaffers entered into a Stormwater Management Agreement with the Borough regarding the subject property.<sup>42</sup> This agreement was not required by the Borough but was done to accommodate Township concerns.<sup>43</sup> Specifically, with regard to the basin and spillway area on Lot No. 1, under the agreement the owner of that lot would be obliged to inspect and maintain those areas to insure that the stormwater management facilities function as designed and as approved by the Borough. This obligation would include repairing and restoring all structures, vegetation, erosion and sedimentation control measures or other protective devices. The Borough was given 1) the right of access to inspect the facilities and impose penalties and remedies provided by Borough ordinance, 2) the right to effectuate repairs and assess the costs, and 3) the responsibility to inspect and maintain the stream enclosure and those areas related to stormwater management such as the rip rap channel, the gabion baskets and the discharge area to the stream as shown on the plan. The Agreement was to be binding upon the parties and their heirs and assigns. The Sheaffers were to record the Agreement with the intent that it be a covenant running with the land.<sup>44</sup>

Mr. Mains testified that before his current position he was employed by KPI Technology up to September 10, 2010. As part of

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<sup>38</sup> Arndt Ex. 5. N.T. 5/12/14 p. 24-27.

<sup>39</sup> Arndt Ex. 6; Sheaffer Ex. 16.

<sup>40</sup> Arndt Ex. 6. N. T. 5/12/14 p. 28-29.

<sup>41</sup> Arndt Ex. 7; Sheaffer Ex. 17. N.T. 5/12/14 p. 30; N.T. 6/2/14 p. 53.

<sup>42</sup> Sheaffer Ex. 23.

<sup>43</sup> N.T. 6/2/14 p. 137; N. T. 7/23/14 p. 54.

<sup>44</sup> N.T. 6/2/14 p. 17.

that employment he helped design the original stormwater plan for the Sheaffers' project.<sup>45</sup> He acknowledged that there is a stream entering the Sheaffers' property which traverses that property through two underground pipes. That water discharges into an existing channel at "the lower corner of" the Sheaffers' property. The channel is considered an unnamed tributary of Plum Creek. Within a "couple hundred feet" after entering the township the water being discharged from these pipes flows back into the borough.<sup>46</sup> The plan approved by the DEP permitted the Sheaffers to install new underground pipes to replace the existing pipes which enclose the stream and to discharge the water into the same tributary.<sup>47</sup> Essentially, water flow was not being altered by the project.<sup>48</sup>

Mr. Mains agreed that the Sheaffers' stormwater management plan complies with Township ordinances with regard to water volume, run-off rate and erosion mitigation and is adequate to address storm was run-off.<sup>50</sup> He also agreed that there would be no additional water run-off from the Sheaffers' development than currently occurs and that the rate of run-off would, in fact, be less than current circumstances.<sup>51</sup> Furthermore, he agreed there would be no unmanaged water run-off from the paved street connection and that the street connection is consistent with the Stormwater Management Act and both municipalities' stormwater ordinances.<sup>52</sup> He added that there is no engineering objection to the street connection being proposed.<sup>53</sup> Finally, Mr. Mains acknowledged that the plan would not make the downstream water problems worse and may improve it.<sup>54</sup>

Timothy R. Knoebel, civil engineer and partner at Knoebel, Picarelli, Inc., testified that he is familiar with both The Preserves development and the Sheaffers' project because his firm prepared the plans for both. He testified that the underground pipes carrying water from the north side of Sheaffers' property to the south side and their discharge point would remain essentially unchanged by this project<sup>55</sup>

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<sup>45</sup> N.T. 6/2/14 p. 14-5.

<sup>46</sup> N.T. 6/2/14 p. 17-9.

<sup>47</sup> N.T. 6/2/14 p. 20-1.

<sup>48</sup> N.T. 6/2/14 p. 53.

<sup>49</sup> N.T. 5/12/14 p. 56-62.

<sup>50</sup> N.T. 6/2/14 p. 44.

<sup>51</sup> N.T. 6/2/14 p. 31, 60-1.

<sup>52</sup> N.T. 6/2/14 p. 42-3.

<sup>53</sup> N.T. 6/2/14 p. 45.

<sup>54</sup> N.T. 6/2/14 p. 64.

<sup>55</sup> N. T. 6/2/14 p. 109.

even though the DEP and the U.S. Army Corps of Engineers granted permission to replace the existing pipes.<sup>56</sup> To be clear, no water produced by the development flows into this stream enclosure.<sup>57</sup> He noted that the original plan for the Sheaffers' project relied more on infiltration to manage stormwater than the later revised version. The stormwater management plan was subsequently revised to address Township and downstream property owner concerns. The revision involved using a larger basin to collect a greater volume of water which could then be released at a slower rate.<sup>58</sup> He estimated a reduced flow rate by 30-45%.<sup>59</sup> Mr. Knoebel noted that the Borough's stormwater management ordinance regarding the flow rate that had to be satisfied for this project is more conservative than the one adopted by the Township.<sup>60</sup> He testified that in an emergency situation if the surface water run-off entering the retention basin crested its spillway the water would not discharge onto Mrs. Finch's property and that the gabion baskets would aid in protecting her property.<sup>61</sup> The street connection design was unchanged by the plan revisions and water drainage from the street is designed for a 100-year storm event.<sup>62</sup> Finally, Mr. Knoebel identified an existing 20-foot drainage easement that runs parallel to the northern boundary line of Mrs. Finch's property.<sup>63</sup>

Patricia Finch, 209 Stafford Drive, testified that she is concerned about flooding from the Sheaffers' development onto her property and hired an engineering firm to examine these concerns.<sup>64</sup> Eric Vranich of William Hill & Associates was hired by Mrs. Finch in the Fall of 2009 to review the Sheaffers' plan.<sup>65</sup> As a result he prepared a report for Mrs. Finch dated January 2010<sup>66</sup> wherein he expressed concerns about relocation of the underground stream enclosures and some of the calculations related to the stormwater management sys-

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<sup>56</sup> N.T. 6/2/14 p. 129.

<sup>57</sup> N.T. 6/2/14 p. 128.

<sup>58</sup> N.T. 6/2/14 p. 110.

<sup>59</sup> N.T. 6/2/14 p. 117.

<sup>60</sup> N.T. 6/2/14 p. 117.

<sup>61</sup> N.T. 7/23/14 p. 111-2.

<sup>62</sup> N.T. 6/2/14 p. 117, 122.

<sup>63</sup> Sheaffer Ex. 22. N.T. 7/23/14 p. 113, 117. He reported that the easement also appears on The Preserves subdivision plan approved by the Township.

<sup>64</sup> N.T. 7/23/14 p. 74-6.

<sup>65</sup> N.T. 7/23/14 p. 89.

<sup>66</sup> Intervenor Ex. 2.

tem.<sup>67</sup> He was re-hired in early 2014 and reviewed the plans given to the Adams County Conservation District and the NPDS permit drawings and discovered that the majority of his stormwater related concerns had been addressed. He remained concerned about maintenance of the control facilities on Lot No. 1 being solely the responsibility of that property owner.<sup>68</sup>

After completion of the hearings Mr. Arndt and the Sheaffers were given the opportunity to submit proposed Findings of Fact and Conclusions of Law to the Board of Supervisors. As noted above, the Township denied the permit request on August 25, 2014 without entering findings or conclusions. The matter was remanded to address that deficiency.

*This opinion continues to next issue (October 16, 2015)*

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<sup>67</sup> N.T. 7/23/14 p. 90.

<sup>68</sup> N.T. 7/23/14 p. 91.

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN** that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

**FIRST PUBLICATION****ESTATE OF CHARLES L. CORNBOWER, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Co-Executrices: Jennifer Long, 60 Hill Rd., Hanover, PA 17331; Joann Klunk, 1025 Centennial Ave., Hanover, PA 17331

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331, (717) 632-5315

**ESTATE OF FLORA J. FRAGASSI, DEC'D**

Late of Reading Township, Pennsylvania  
Executor: Dean L. Fragassi

Attorney: Sharon E. Myers, CGA Law Firm, PO BOX 606, East Berlin, PA 17316

**ESTATE OF MATTHEW J. SHAFFER, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Administrator: Susan M. Switzer, c/o R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

**ESTATE OF GLADYS M. STRICKHOUSER a/k/a GLADYS M. CROUSE, DEC'D**

Late of Littlestown Borough, Adams County, Pennsylvania

Executors: Dale F. Strickhouser and Dennis G. Strickhouser

Attorney: Amy S. Eyster, Esq., 11 Carlisle Street, Suite 301 Hanover, PA 17331

**ESTATE OF JOHN M. TOMKO, DEC'D**

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Charlene M. Tomko, 1981 Tract Road, Fairfield, PA 17320

**ESTATE OF KAREN L. WILLIAMS, a/k/a KAREN L. KRAFT, DEC'D**

Late of Littlestown Borough, Adams County, Pennsylvania

Administrators: Shirley Lee Williams, and Edward Eugene Williams, 425 Westminster Avenue #55, Hanover, Pennsylvania 17331

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, Pennsylvania 17331

**SECOND PUBLICATION****ESTATE OF JAMES W. ALTICE, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Administratrix: Amanda M. Becker, 307 Lincoln Way East, Apt. B, New Oxford, PA 17350

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF JUANITA M. SPAHR, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executor: D'Ann Fahringer, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 106 Harrisburg Street, P.O. BOX 606, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 106 Harrisburg Street, P.O. BOX 606, East Berlin, PA 17316

**ESTATE OF FRANCIS W. WITCHER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Susan Witcher, 835 Hilltown Road, Biglerville, PA 17307

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

**THIRD PUBLICATION****ESTATE OF ROSE M. ARENTZ, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Joseph Arentz, Jr., 2848 Pumping Station Road, Fairfield, PA 17320

Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

**ESTATE OF FRANCIS G. HEINDEL, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Jean Heindel, 3196 Hanover Pike, Hanover, PA 17331

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

**ESTATE OF RANDALL L. ROSE a/k/a RANDALL LOU ROSE, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Co-Executors: Mr. Edward L. Kehr and Mr. Dale C. Brown, Jr., P.O. Box 167, Biglerville, PA 17307

Attorney: Todd A. King, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

**ESTATE OF BRANDY LEE SEIFERD a/k/a BRANDY L. SEIFERD, DEC'D**

Late of Liberty Township, Adams County, Pennsylvania

Administratrix: Susan C. Seiferd, 18 Fruitwood Trail, Fairfield, Pennsylvania 17320

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

**ESTATE OF ADAM M. WOLF, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Ernest L. Wolf, 1031 Lake Meade Rd., East Berlin, PA 17316

Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

## 2015 ADAMS COUNTY BENCH-BAR CONFERENCE

**Date:** Friday, October 30, 2015

**Place:** Gettysburg Hotel, Lincoln Square, Gettysburg, Pennsylvania

**Time:** Registration and breakfast begin at 8:00 a.m.

**CLE:** This program has been approved by the Pennsylvania Continuing Legal Education Board for up to 4.0 hours of substantive law, practice and procedure CLE credit and 1.0 hour of ethics, professional or substance abuse CLE credit.

**CLE Speakers:** Prof. Randy Lee – Plenary session: Lessons from Abe Lincoln  
Ellen Freedman – The Top Legal Technologies and The Paperless Office  
J. Paul Dibert – Pennsylvania Inheritance Tax Update  
Melissa P. Tanguay, Esq. & Sherri R. DePasqua, M.S.W. – An Attorney’s Guide to CYS  
Stuart B. Suss, Esq. – Criminal Law Update  
Arnold T. Shienvold, Ph.D. – Domestic Violence, Alienation, Abuse, and Custody Evaluations

Cost for Adams County Bar Association members is \$35.00 for the Conference. Cost for non-members is \$300.00 for the Conference or \$60.00 per credit hour. Full conference registration fee includes a light breakfast and lunch in addition to CLE credit. Registration form and payment must be received by Friday, October 16, 2015. Space is limited, so register early!

For registration inquiries and to make requests for reduced tuition due to economic hardship, please contact:

Cecelia Brown  
117 Baltimore Street, Room 305  
Gettysburg, PA 17325  
717-337-9812  
cbrown@adamscounty.us

