

West Earl Township Board of Supervisors, 157 West Metzler Road, Brownstown, PA 17508

In Attendance:

Chairman:	John Ford	Manager/Secretary:	Candie Johnson
Member:	Richard Stover	Township Attorney:	Josele Cleary
Member:	Keith Kauffman		

Vice Chairman Harold Keppley and Member David Thornton were absent.

Call to Order

Chairman Ford called the July 23, 2018 regular meeting to order at 7:00 p.m.

Approval of Minutes

Member Kauffman noted that “Keppley” was missing from the Ordinance 243 motion on page 2. Moved by Member Kauffman, second by Member Stover to approve the July 9, 2018 regular meeting minutes as corrected. Motion approved unanimously.

Public Comment/Guests

Dave O’Neil, 7 Richardson Court – Mr. O’Neil was at the meeting to discuss the Township’s zoning regulations for pools. He said he came to the Township 5 years ago and was told that he didn’t need a permit or a fence because the pool is only up for 3 months out of the year. Mr. O’Neil feels that the Township’s zoning regulations for pools should be amended. He also stated that the state code only requires a 4 ft. fence and not a 6 ft fence that the Township requires. Mr. O’Neil said no one can get into his pool and he’s always sure to remove the ladder every night. He feels he should be able to keep his pool and not have to install a 6 ft fence. Ms. Johnson said the best thing to do would be to change the Township’s ordinance to match the state code which is what most municipalities in the area have done. Moved by Member Stover, second by Member Kauffman to postpone any zoning ordinance enforcement during the period the zoning ordinance is being amended. Motion approved unanimously.

New Business

1. **Marlee Properties waiver requests** – Sandy Kime, ELA Group, gave an overview of the plan, after which Attorney Cleary presented an overview of the waivers that have been requested.

Moved by Chairman Ford, second by Member Kauffman to grant the following waivers and deferrals in connection with the Final Subdivision and Land Development Plan for Marlee Properties, LLC, prepared by ELA Group, Inc.:

- 1.Subdivision and Land Development Ordinance Section 155-9 requiring submission and approval of a preliminary plan prior to submission of a final plan.
- 2.Subdivision and Land Development Ordinance Section 155-21.B to allow a plan scale of 1 inch equals 40 feet and one inch equals 80 feet instead of 1 inch equals 50 feet and one inch equals 100 feet.
- 3.Subdivision and Land Development Ordinance Section 155-23.C(1) to reduce a collector street right-of-way width from 60 feet to 50 feet and to reduce the collector street cartway width from 40 feet to 34 feet.
- 4.Subdivision and Land Development Ordinance Section 155-23.F(2)(a) to reduce the minimum centerline radius for a minor street from 250 feet to 200 feet near the end of the cul-de-sac of the proposed private street.
- 5.Subdivision and Land Development Ordinance Section 155-23.J(3) to permit a temporary cul-de-sac street with a length of approximately 1,700 feet from Oregon Pike to the end of

- proposed Burkholder Drive and approximately 850 feet for the proposed private cul-de-sac street.
6. Subdivision and Land Development Ordinance Section 155-23.J(5) concerning pavement of the private street cul-de-sac turnaround to instead provide a T intersection allowing a three point turn with a temporary barricade.
 7. Subdivision and Land Development Ordinance Section 155-23.J(6) relating to drainage at the end of a cul-de-sac street to provide for drainage into a roadside swale and not an underground storm sewer.
 8. Subdivision and Land Development Ordinance Section 155-32.B(3) to allow a constant 2 percent cross-slope from the northwest side of the proposed private street to the southeast side of the proposed private street.
 9. Subdivision and Land Development Ordinance Section 155-32.C(1) to eliminate curbs on the proposed private street.
 10. Subdivision and Land Development Ordinance Section 155-32.C(2) to eliminate curbing in certain locations along the private access drives as shown on the Plan.
 11. Subdivision and Land Development Ordinance Section 155-32.C(5) to reduce the curb reveal from 8 inches to six inches outside of the street right-of-way.
 12. Subdivision and Land Development Ordinance Section 155-32.D(2) to eliminate installation of sidewalks along the west side of the proposed private street and to defer installation of sidewalks along the Burkholder Drive frontage of Lot 3 until development is proposed for Lot 3 and to defer installation of sidewalks along the east side of the proposed private street until either of the adjoining properties to the north, being the land of Denmark Properties, LP and the land of Melvin M. Burkholder and Elva O. Burkholder, is developed.

With all waivers subject to the following conditions:

- A. The design of primary infrastructure for Phase 2 and the private street shall be included on the Plan.
- B. Parking shall be prohibited on both sides of Burkholder Drive, and the developer shall be responsible for the costs of developing and enacting a no parking ordinance and obtaining and installing the necessary signage.
- C. Burkholder Drive shall be constructed with increased pavement depths as recommended by Traffic Planning & Design, Inc. in the letters dated May 3, 2018, and June 19, 2018.
- D. Safe stopping distance shall be provided at all intersections with proposed driveways and access drives.
- E. The private cul-de-sac street shall be constructed to minor street standards.
- F. Applicant and the Township shall enter into a recorded agreement in a form acceptable to the Township Solicitor which requires that sidewalk be installed along the private street at such time as either the land of Denmark Properties, LP, or the land of Melvin M. Burkholder and Elva O. Burkholder is developed or within six months after notice by the Township that the sidewalk must be installed, whichever occurs first.
- G. There shall be a written agreement by which Marlee Properties, LLC, Denmark Properties, LP, and successor owners shall permit public access to existing or future lots adjoining the private street and cul-de-sac which specifies ownership and maintenance responsibilities, including maintenance of the roadside swale, and which shall be in a form acceptable to the Township Solicitor.
- H. Safety barricades extending across the entire private street shall be installed and maintained by the property owner in a safe and working condition.
- I. The curb height within Burkholder Drive shall have a curb reveal of 8 inches.

- J. Curbing shall be provided on both sides of all parking compounds and across the access drive entrance from Burkholder Drive to a point beyond all parking compounds as currently shown on the plans.
- K. Applicant shall enter into a recorded agreement in a form acceptable to the Township Solicitor concerning the future installation of the sidewalks along the Burkholder Drive street frontage of Lot 3.
- L. Deeds with perimeter legal descriptions for Lot 3 and Lot 4 shall be executed and recorded within 30 days after the release of the Plan for recording.

Motion approved unanimously.

- 2. **Darl & Denise Yoder plan** – Jim Boyer from David Miller Associates gave an overview of the Darl & Denise Yoder subdivision plan. Mr. Boyer explained that the plan is for a 1 lot subdivision at 110 Stone Quarry Road that was conditionally approved in 2010. He said Mr. Yoder had some financial difficulty and was not able to follow through with the plan. Mr. Boyer said there was also approval to defer financial security. Chairman Ford asked Attorney Cleary if plan approval expires. Ms. Cleary stated that the approval doesn't expire but can become useless. She said two significant updates have been made to the zoning ordinance and the stormwater management ordinance since the prior approval in 2010. She also stated that she doesn't believe the agreement to defer financial security was ever recorded. Proposed stormwater management for the plan was briefly discussed. Chairman Ford said he feels it would be smart to start over just to be sure the plan is compliant with the 2014 stormwater management ordinance and all bases are covered. Mr. Boyer asked if he could treat it as a revised plan to the property owners don't have to pay additional fees. There was a consensus among the Board members to allow it to be treated as a revised plan.
- 3. **Resolution 2018-14** – Planning module for Fairmount Homes. Moved by Member Kauffman, second by Member Stover to adopt Resolution 2018-14 and sign the planning module for Fairmount Homes. Motion approved unanimously.
- 4. **Transfer of AXA Annuity for Brenda Baumbach** – Moved by Chairman Ford, second by Member Kauffman to sign the AXA Annuity rollover form for Brenda Baumbach. Motion approved unanimously.
- 5. **Eagleview HOA** – The Eagleview Estates HOA has asked the Township for help installing swings and planting trees at the park. Chairman Ford would like to know how many hours Township staff will be working and what the cost will be. Ms. Johnson will research and come back to the Board.
- 6. **Letter of credit release for the Isaac Nolt project** – Moved by Member Kauffman, second by Member Stover to reduce Isaac Nolt's letter of credit by \$23,009 and leave a balance of \$2,598. Motion approved unanimously.
- 7. **Investment policy statement for the pension plans** – Moved by Chairman Ford, second by Member Kauffman to sign the investment policy statements for the uniform and non-uniform pension plans. Motion approved unanimously.
- 8. **Hands-on-house half marathon** – Moved by Member Kauffman, second by Member Stover to approve the use of Township roads and if needed allow the Fire Police to help with traffic control for the Hands-on-House half marathon on September 29, 2018. Motion approved unanimously.
- 9. **Rose Hill Road signs** – Ms. Johnson said she received a request from a resident to replace the old

“Children at play” sign on Rose Hill Road. After a brief discussion there was a consensus among the Board to replace the sign and to survey the rest of the Township to see if other signs should be replaced or if there are other areas where signs should be installed.

10. **Letter of credit release for Nathan Martin project** – Moved by Member Stover, second by Member Kauffman to reduce the Nathan Martin letter of credit by \$32,944 and leave a balance of \$3,784. Motion approved unanimously.
11. **Advertise Ordinance for shared public resources with Penn Township** – Moved by Chairman Ford, second by Member Kauffman to advertise the Ordinance for shared resources with Penn Township. Motion approved unanimously.
12. **David Lapp planning waiver & non-building declaration** – Moved by Member Kauffman, second by Member Stover to sign the David Lapp planning waiver & non-building declaration. Motion approved unanimously.
13. **Resolution 2018-15 request Multimodal grant funds** – Moved by Member Kauffman, second by Member Stover to adopt Resolution 2018-15 to request the multimodal grant funds. Motion approved unanimously.
14. **Alvin King stormwater management agreement** – Moved by Member Kauffman, second by Member Stover to sign the stormwater management agreement for Alvin King. Motion approved unanimously.

Manager’s Report

- **Updated lien list** – Ms. Johnson said the Township received the settlement payment from Adams and has provided an updated lien list for the Board’s review.
- **Fireworks** – The Board reviewed correspondence from a resident about fireworks.
- **August outlook from the Roadmaster** – Ashley Martin provided an August outlook report for the Board to review.

Police Chief’s Report

Chief Brandt was absent but provided a written monthly report for the Board’s review.

Payment of Bills

Moved by Member Kauffman, second by Member Stover to pay the bills as presented. Motion approved unanimously.

Supervisors’ Comments

None

Adjournment

Moved by Member Kauffman, second by Member Stover to adjourn the July 23, 2018 at 8:04 p.m. Motion approved unanimously.