

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

In Attendance:

Chairman:	John Ford	Member:	Dave Thornton
Member:	Richard Stover	Manager/Secretary:	Candie Johnson
Member:	Keith Kauffman		

Vice Chairman Harold Keppley was absent.

Call to Order

Chairman Ford called the September 24, 2018 regular meeting to order at 7:00 p.m.

Approval of Minutes

Member Thornton noted that the second to the Motion for the Isaac Nolt letter of credit release was missing and Member Kauffman's name should be added as the second.

Moved by Member Thornton, second by Member Kauffman to approve the September 10, 2018 regular meeting minutes as corrected. Motion approved unanimously.

Public Comment/Guests

**Matt Carper, Hooley Dance Studio** – Mr. Carper is requesting that the remainder of the financial security be released for the sidewalks at the Hooley Dance Studio. Mr. Carper says he has to pay \$250 each year to maintain that financial security and said that since the Township has adopted a sidewalk ordinance he feels the security is not needed. The amount of financial security being held is \$3,938. Becker Engineering has recommended that the Township retain the financial security. Chairman Ford proposed an alternative to the financial security. He suggested that Mr. Carper open up a CD in the amount of \$3,938 and name the Township a beneficiary. Mr. Carper could then collect the interest on the CD each year, rather than paying a \$250 fee, and the Township would have the financial security available for the sidewalks if needed. Mr. Carper is willing to consider this option. The Board directed the Manager to do some research on this and report back to the Board.

New Business

1. **Ordinance No 245** – Amendment to the zoning ordinance for pools. The Ordinance has been properly advertised. Moved by Member Thornton, second by Member Kauffman to adopt Ordinance No. 245. Motion approved unanimously.
2. **Stonebarn Place plan** – Sandy Kime from the ELA Group addressed the Board and said they are seeking conditional final plan approval for the Stonebarn Place subdivision/land development plan. Mr. Kime said the plans have been submitted to PennDot and they expect to have their highway occupancy permit by November.
  - Moved by Chairman Ford, second by Member Thornton to approve the Preliminary/Final Subdivision Plan for Stonebarn Place prepared by ELA Group, Inc., Project No. 867-002, conditioned on compliance with all technical issues in the review letters of the Township Engineer dated June 20, 2018, August 28, 2018, and September 20, 2018, and further conditioned upon compliance with all of the following conditions subject to the following conditions:
    1. Developers Earl M. Hurst and Kathryn B. Hurst shall present evidence that Developers have met all requirements of West Earl Sewer Authority (“WESA”) concerning the provision of sewer service and have posted any required financial security with WESA.
    2. Developers shall present evidence that Developers have met all requirement of West Earl Water Authority (“WEWA”) concerning the provision of water service and have posted

- any required financial security with WEWA.
3. Developers shall provide plans and legal descriptions to WESA and WEWA for sewer and water easements shown on the Plan and/or required by WESA and/or WEWA and shall grant good and marketable title to any easements which WESA and/or WEWA desires to accept in a form acceptable to the WESA or WEWA, as applicable, Solicitor.
  4. Developers shall present evidence that Developers have complied with the review letters of Traffic Planning and Design, Inc., dated August 28, 2018, and September 19, 2018.
  5. Developers shall enter into a Storm Water Management Agreement and Declaration of Easement in a form acceptable to the Township Solicitor, which Storm Water Management Agreement shall address the facilities to be installed within the right-of-way of South State Street.
  6. Developers shall enter into an agreement with the Township relating to the construction of curb and pavement widening improvements along the frontage of the Secher property, such agreement to provide that Developers' contractor will install such improvements with reimbursement by the Township at a cost not to exceed \$20,000 in a form acceptable to the Township Solicitor.
  7. Developers shall execute the Agreement Providing for Grant of Road Maintenance Easement when it is in a form acceptable to the Township Solicitor.
  8. Developers or Developers and a builder shall execute one or two developer's letter-agreement(s) identifying the improvements to be completed by each and the estimated completion dates prior to the release of the Plan for recording.
  9. Prior to the release of the Final Plan for recording, Developers shall provide evidence of approval from the Lancaster County Conservation District for the erosion and sedimentation control plan.
  10. Prior to the release of the Final Plan for recording, Developers shall prove compliance with all applicable federal and state permitting requirements including, but not limited to, an NPDES permit for the earth disturbance associated with the proposed improvements and highway occupancy permits for all work involving the Pennsylvania Department of Transportation right-of-way of South State Street.
  11. Developers shall furnish financial security of the type, and in the amount, required by the MPC prior to the release of the final plan for recording. The form of the financial security shall be acceptable to the Township Solicitor.
  12. Developers shall provide the Township with a written acceptance of all Conditions on the granting of approval of the final plan within five (5) days of the date of the written decision of the Board of Supervisors.
  13. Developers shall reimburse the Township, WESA and WEWA for all reasonable engineering and legal fees incurred in the review of plans under the Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other governing ordinances; review or preparation of documentation required in connection with the development; review and approval of financial security and other documentation; inspection of improvements; and for other costs as set forth in these Conditions within 30 days after receipt of an invoice for such fees. If Developers fail to pay such costs within 30 days after the date of a written invoice for such costs, Developers shall be in violation of this Condition.

Motion approved unanimously.

- Moved by Member Thornton, second by Member Kauffman to authorize the Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary to execute the Storm Water

Management Agreement and Declaration of Easement among Earl M. Hurst and Kathryn B. Hurst and the Township upon receipt of the original Storm Water Management Agreement and Declaration of Easement in a form acceptable to the Solicitor signed by Mr. & Mrs. Hurst. Motion approved unanimously.

- Moved by Member Kauffman, second by Member Thornton to authorize the Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary to execute an agreement with the Township relating to the construction of improvements along the frontage of the Secher property, such agreement to provide that Developers' contractor will install certain improvements with reimbursement by the Township at a cost not to exceed \$20,000 when such agreement is in a form acceptable to the Township Solicitor. Motion approved unanimously.
- Moved by Chairman Ford, second by Member Thornton to authorize the Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary to execute the Preliminary/Final Subdivision Plan for Stonebarn Place prepared by ELA Group, Inc., and release it for recording upon completion of all of the following:
  1. Satisfaction of all conditions imposed upon approval of the Preliminary/Final Subdivision Plan for Stonebarn Place prepared by ELA Group, Inc.
  2. Posting of financial security in a form acceptable to the Township Solicitor in an amount acceptable to the Township Manager and Township Engineer.
  3. Execution and recording of the Storm Water Management Agreement and Declaration of Easement among Earl M. Hurst & Kathryn B. Hurst and the Township.
  4. Execution and recording of the Agreement relating to installation of improvements along the frontage of the Secher property.
  5. Submission of the executed Developer's Agreement or Agreements in a form acceptable to the Township Solicitor.
  6. Reimbursement to the Township for any outstanding engineering and attorneys' fees relating to the Plan.
  7. Reimbursement to WESA and WEWA for any outstanding engineering and attorneys' fees relating to the Plan.

Motion approved unanimously.

3. **Application for trash exemption for Joseph Reiff** – The application was incomplete. Moved by Member Thornton, second by Member Kauffman to deny the application for exemption from using a trash hauler from Joseph Reiff due to the application being incomplete. Motion approved unanimously.
4. **Application for trash exemption for Bonnie Johnson** – Board members discussed the amount of time Mrs. Johnson's home is vacant. Moved by Member Stover, second by Member Kauffman to approve the application for exemption from using a trash hauler from Bonnie Johnson. Kauffman-yes, Stover-yes, Thornton-yes, Ford-no. Motion passed with a 3 to 1 vote.
5. **Trash-a-thon** – The Lititz Area Mennonite School has requested that the bathrooms at the Lions' Park be opened during their annual Trash-a-thon on Thursday, October 11, 2018. Moved by Member Kauffman, second by Member Stover to allow the use of the Lions' Park during the annual Trash-a-Thon. Motion approved unanimously.
6. **Understanding of Service for Brown, Shultz, Sheridan & Fritz** – Moved by Member Thornton, second by Member Stover to sign the Understanding of Service letter from Brown, Shultz, Sheridan &

Fritz. Motion approved unanimously.

7. **Illegal Dump Free PA surveillance camera loan program** – West Earl has been selected for the Illegal Dump Free PA surveillance camera loan program from the Keep PA Beautiful organization. The cameras will be installed at the Township's compost site to help in prosecuting illegal dumping. Moved by Member Kauffman, second by Member Stover to sign the agreement for the Illegal Dump Free PA surveillance camera loan program.
8. **Fire Police assistance** – Assistance from the Fire Police has been requested for the Akron Halloween Parade. Moved by Member Thornton, second by Chairman Ford to authorize the Fire Police to assist with traffic control during the Akron Halloween Parade. Motion approved unanimously.
9. **Commercial Energy Sales Agreement** – The agreement is for 24 months. Ms. Johnson said the Township will see a savings of \$10,507 in 24 months. Moved by Member Stover, second by Member Thornton to sign the sales agreement with Commercial Energy Sales for 24 months. Motion approved unanimously.
10. **Application for trash exemption for Shelly Strauser** – Moved by Member Thornton, second by Member Kauffman to approve the application for exemption from using a trash hauler for Shelly Strauser. Motion approved unanimously.

#### Manager's Report

- Ms. Johnson provided a list of upcoming training classes that she will be attending.
- The Zoning Officer's August report was provided to the Board for their review.
- Ms. Johnson will not be at the next meeting on October 8, 2018.
- Ms. Johnson said she will be attending the next LST meeting with the Fire companies and asked which Board members would also like to attend. Member Thornton and Chairman Ford will attend.

#### Payment of Bills

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

#### Supervisors' Comments

**John Ford** – Chairman Ford will not be at the next Supervisors' meeting.

#### Adjournment

Moved by Member Thornton, second by Member Kauffman to adjourn the September 24, 2018 regular meeting at 8:03 p.m. Motion approved unanimously.