

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

In Attendance:

Chairman:	John Ford	Member:	Dave Thornton
Vice Chairman:	Harold Keppley	Township Manager:	Candie Johnson
Member:	Richard Stover	Police Chief:	Brian Brandt
Member:	Keith Kauffman	Township Solicitor:	Josele Cleary

Call to Order

Chairman Ford called the December 3, 2018 regular meeting to order at 7:02 p.m.

Approval of Minutes

November 12, 2018 budget – Chairman Ford noted that under the call to order heading “regular meeting” should be changed to “budget meeting”. Moved by Chairman Ford, second by Member Thornton to approve the November 12, 2018 budget meeting minutes as presented. Motion approved unanimously.

November 12, 2018 – Moved by Chairman Ford, second by Member Kauffman to approve the November 12, 2018 regular meeting minutes as presented. Motion approved unanimously.

Public Comment/Guests

None

New Business

1. **Bobby Rahal Land Development Plan** – Brent Good from ELA Group presented a brief overview of the Bobby Rahal plan. The applicant is seeking conditional plan approval.
 - Moved by Chairman Ford, second by Member Kauffman that the Board of Supervisors grant approval to the Final Land Development Plan for Bobby Rahal Automotive Group, prepared by ELA Group, Inc., Project No. 1032-001, dated October 27, 2017, last revised August 31, 2018, subject to the following conditions:
 1. Applicant shall comply with all conditions the Board of Supervisors imposed on waivers granted at the meeting of the Board of Supervisors on May 29, 2018.
 2. Applicant shall address all technical issues set forth in the review letters of the Township Engineer dated July 19, 2018, and October 31, 2018.
 3. Prior to the release of the Plan for recording, Applicant shall execute, and shall have all parties other than the township execute, all of the following documents relating to the Plan and improvements associated with the Plan:
 - A. Storm Water Management Agreement and Declaration of Easement among Applicant, 222 Dutch Lanes, Inc., and the Township.
 - B. Road Relocation Agreement between Applicant and the Township concerning segment of Burkholder Drive conveyed to the township by Agreement providing for Grant of Public Right-of-Way recorded at Document No. 5666696.
 - C. Road Improvements Agreement between Applicant and the Township concerning deferral of sidewalks for Lot 2 and Lot 3.
 - D. Traffic Signal Maintenance and Operation Agreement between Applicant and the Township.

- E. Agreement Providing for Grant of Pedestrian Easement (for sidewalk along Oregon Pike frontage of Lot 1 outside of right-of-way) by Applicant.
 - F. Agreement among Applicant, Herbert Rowland & Grubic, Inc. and the Township relating to relocation of utility poles.
 - G. Any agreements granting traffic signal easements if required by the traffic signal plan approved by the Pennsylvania Department of Transportation.
 - H. Developer's Letter-Agreement.
 - I. Any agreements with impacted property owners if the Pennsylvania Department of Transportation requires the granting of additional right-of-way for improvements to Oregon Pike (SR 0272) as a condition of approval of a highway occupancy permit or if additional right-of-way is necessary for the completion of improvements which the Pennsylvania Department of Transportation may require.
4. Prior to the release of the Plan for recording, Applicant shall present evidence that Applicant has met all requirements of the West Earl Sewer Authority, has executed all documents required by the West Earl Sewer Authority, and has posted any required financial security with the West Earl Sewer Authority relating to sanitary sewer facilities proposed by the Plan.
 5. Prior to the release of the Plan for recording, Applicant shall present evidence that Applicant has met all requirement of the West Earl Water Authority, has executed all documents required by the West Earl Water Authority, and has posted any required financial security with the West Earl Water Authority relating to water facilities proposed by the Plan.
 6. Prior to the release of the Plan for recording, Applicant shall provide evidence of approval from the Lancaster County Conservation District for the Erosion and Sedimentation Control Plan.
 7. Prior to the release of the Plan for recording, Applicant shall address all of the comments in the letter from the Pennsylvania Department of Transportation dated October 24, 2018, relating to Highway Occupancy Permit Application No. 171033 which has been submitted in the Township's name. Applicant shall be responsible for compliance with all conditions which PennDOT may impose on the granting of such Highway Occupancy Permit including, but not limited to, construction methods and payment of the costs of inspections during construction. If such comments require revisions to the storm water management basin serving the lands of Far & Sure, LLC, Applicant shall provide calculations to demonstrate that the basin after the changes will adequately provide storm water management for such property or shall provide necessary calculations and design for revisions to the storm water management facilities serving the Far & Sure, LLC property and implement such revisions.
 8. Prior to the release of the Plan for recording, Applicant shall provide evidence of 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 improvement and highway occupancy permits for all work involving the Pennsylvania Department of Transportation right-of-way of Oregon Pike (SR 0272).
 9. Prior to the release of the Plan for recording, Applicant shall furnish financial security of the type, and in the amount, required by the MPC prior to the release of the Plan for recording. The form of the financial security shall be acceptable to the Township Solicitor.

10. Applicant shall provide the Township with a written acceptance of all conditions on the granting of approval of the Plan within five days of the date of the written decision of the Board of Supervisors.
11. Applicant shall reimburse the Township, West Earl Sewer Authority, and West Earl Water Authority 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 or resolutions, review or preparation of documentation required in connection with the development, review and approval of financial security and other documents, inspection of improvement, and other costs as set forth in this condition within 30 days after receipt of an invoice for such fees. If Applicant fails to pay such costs within 30 days after the date of written invoice for such costs, Applicant shall be in violation of this condition.

Motion approved unanimously.

- Moved by Member Kauffman, second by Member Thornton to authorize the appropriate officers of the Township to execute all agreements identified in condition #3 of the prior motion once the agreements have been executed by the applicant and other parties listed in condition #3 and such agreements have been presented to the Township. Motion approved unanimously.
2. **John and Anna Hoover lot add-on plan** – Andrew Adams from Diehm & Sons presented an overview of the John and Anna Hoover lot add-on plan. The plan includes adding 1 acre from the neighboring, Edna Hoover property at 1591 Diamond Station Road to the John Hoover property at 1635 Diamond Station Road. No new construction is proposed. The replacement on-lot sewage area will be located on John Hoover's property and an agreement has been drafted for this.
 - Moved by Member Thornton, second by Member Stover to grant a waiver of the preliminary plan requirements in Section 155-9 of the Subdivision and Land Development Ordinance and to grant a waiver of the right-of-way requirements in Section 155-21.C.(15) of the Subdivision and Land Development Ordinance. Motion approved unanimously.
 - Moved by Vice Chairman Keppley, second by Member Stover to approve the lot add-on plan for John & Anna Hoover. Motion approved unanimously.
 3. **Resolution 2018-22** – Bobby Rahal application for traffic signal approval. Moved by Member by Member Thornton, second by Vice Chairman Keppley to adopt Resolution 2018-22. Motion approved unanimously.
 4. **Transition to Community 90-day extension** – Moved by Member Thornton, second by Member Stover to accept the 90-day extension for the Transition to Community plan. Motion approved unanimously.
 5. **Eagle Disposal waiver request** – Eagle Disposal has requested a waiver relating to the payment of tipping fees for trash and recyclables. Moved by Chairman Ford, second by Member Stover to deny the waiver request from Eagle Disposal. Motion approved unanimously.
 6. **Request for exemption from using a trash/recycling hauler** - The request was received from Janet G. Martin, 429 E. Main Street, Leola. Moved by Member Thornton, second by Member Keppley to approve the trash and recycling collection exemption request from Janet G. Martin. Thornton-yes, Keppley-yes,

Stover-yes, Ford-no, Kauffman-no. Motion passed with a 3 – 2 vote.

7. **LGH and Water Authority Agreement** – Solicitor Cleary explained that this agreement will replace the 2010 agreement. The agreement allows The Ephrata Area Joint Authority (EAJA) to service the LHG property for public water and sewer and also waives any claims as a result of working with EAJA. If the West Earl Water Authority (WEWA) ever extends its lines to the area then LGH would be required to disconnect from the EAJA water lines and connect to WEWA's lines. Moved by Member Kauffman, second by Member Thornton to sign the LGH and WEWA agreement. Kauffman-yes, Thornton-yes, Ford-yes, Keppley-no, Stover-no. Motion passed with a 3 – 2 vote.
8. **90-day extension for the Curvin Weaver Plan** – Moved by Vice Chairman Keppley, second by Member Stover to accept the 90-day extension for the Curvin Weaver plan. Motion approved unanimously.

Manager's Report

- **Holiday hours** – The office will be closed on December 24th and 25th for Christmas.
- **Zoning Officer's monthly report** – October report provided to the Board for their review.
- **Letter from the District Attorney** – Correspondence relating to contributions to the Drug Task Force.
- **Request from Township resident** – Ms. Johnson received a request to add a dog park to the Sylvan B. Fisher Park on Stone Quarry Road. Due to liability and budget issues installing a dog park is not feasible.
- **Sylvan B. Fisher Park dedication** – December 17th will be the dedication ceremony for the Sylvan B. Fisher Park. Representative Greiner will be presenting a proclamation for the event.

Police Chief's Report

Chief Brandt had nothing to report.

Payment of Bills

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

Public Comment

None

Supervisors' Comments

Keith Kauffman – Member Kauffman said there's been a car sitting along East Main Street for 3 months and hasn't moved. Manager Johnson will talk to Chief Brandt about the vehicle.

Harold Keppley – Vice Chairman Keppley asked Manager Johnson to have the Roadmaster check the clear site triangle at the intersection of Church and East Main streets.

John Ford – Chairman Ford asked Manager Johnson if she'd looked into the outdoor lighting heights that were discussed at the last meeting.

Adjournment