

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

In Attendance:

Chairman:	John Ford	Road Department:	Sylvan Fisher
Vice Chairman:	Harold Keppley, Jr.	Interim Township Manager:	Penny Pollick
Member:	Keith Kauffman	Code Enforcement Officer:	Brian Brandt
Acting Police Chief:	Scott Ruth	Township Engineer:	Ben Craddock

Members Richard Stover and Dave Thornton were absent.

Call to Order

Chairman Ford called the October 14, 2019 regular meeting to order at 7:00 p.m.

Approval of Minutes

Moved by Vice Chairman Keppley, second by Member Kauffman to approve the September 23, 2019 regular meeting minutes as presented. Motion approved unanimously.

Public Comment/Guests

Anglesea Development Street Dedication

Anglesea residents in attendance:

Bill Rimmler, 211 Fallowfield Drive	Mary Proctor, 102 Countryside Lane
Marty Musser, 298 Robin Dale Drive	Philip Hurst, 289 Robin Dale Drive
Julie Harner, 66 Countryside Lane	Richard & Barbara Moffet, 301 Orchard View Drive
Janice Lang, 291 Robin Dale Drive	Lanee Kmiecjak, 297 Orchard View Drive
Robert & Karen Hochstaetter, 290 Robin Dale Drive	Indra Bradley, 89 Countryside Lane
Kevin Spurri, 86 Countryside Lane	Calvin Grucelski, 288 Willow Dell Lane
Dave Mohn, 296 Orchard View Drive	Randy Smith, 408 Farmview Drive
Thomas & Joelle Hacker, 119 Greenfield Drive	Martin Slaugh, 292 Willow Dell Lane
John Marsh, 98 Countryside Lane	Paul Korolenko, 304 Orchard View Drive
Brad Wenger, 61 Countryside Lane	Ruth Nazimek, 90 Countryside Lane

Julie Harner, Anglesea HOA began by saying she was at the meeting to discuss street dedication in the Anglesea Development. She said the residents were provided with a list of 10 properties where there are items such as sheds and fences in the stormwater easements and that this is what's holding up the street dedication. She said she feels like the dedication of the streets should not be held up because of 10 properties. She also said the residents are getting conflicting stories from Keystone and the Township. Vice Chairman Keppley assured Ms. Harner that the Township would not hold up dedication if the only issue were items in the stormwater easements. He said there is a punch list of items that the developer needs to take care of before the streets are dedicated.

Indra Bradley, Anglesea HOA – Ms. Bradley said she did receive the punch list of outstanding items but there has been no communication from Keystone or the Township as to the progress of the items. Vice Chairman Keppley said there is an updated list that can be provided to residents. The list contains 11 outstanding items that must be resolved. Chairman Ford said that until all the conditions are met the Township is not in a good position to take dedication of the streets.

Calvin Grucelski asked if the residents could also get a list of the 10 or 11 properties that need to remove items from the stormwater easements. Chairman Ford assured Mr. Grucelski that a list would be provided and the Township would aim to have letters out to all the property owners with items in the stormwater easements by the end of October.

Randy Smith said he is the Chief of the Bareville Fire Company and the streets in Anglesea are a public safety issue for EMS vehicles.

The Financial Security that the Township holds for the Anglesea development was discussed. **Brad Wenger** asked at what point the Township could use that financial security. Chairman Ford said it would take more time in order to pull from the

financial security.

A general sense of frustration was expressed by the Anglesea residents that were present, particularly with the lack of communication and the amount of time it is taking to get the streets dedicated. Chairman Ford reiterated that the Township doesn't have the right to go onto the roads until they are dedicated. He also suggested that some or all residents meet with Keystone to discuss these matters. Chairman Ford said that in addition to the meeting the Township could send a letter to Keystone explaining what has been discussed this evening and outline the residents' concerns.

Julie Harner reiterated that the communication with Keystone, the Township and HOA needs to be clearer.

The Board thanked the Anglesea residents for attending the meeting.

Old Business

Marlee Properties Final Plan

- Moved by Chairman Ford, second by Vice Chairman Keppley to grant approval to the Final Subdivision & Land Development Plan for Marlee Properties, LLC, prepared by ELA Group, Inc., Project No. 1071-001, dated March 12, 2018, last revised September 30, 2019, 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 July 23, 2018.
 2. Applicant shall address all technical issues set forth in the review letter of the Township Engineer dated August 29, 2019.
 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, Denmark Properties, LP, and the Township.
 - B. Road Improvements Agreement between Applicant and the Township concerning deferral of sidewalks.
 - C. Developer's Letter-Agreement.
 4. Prior to the release of the Plan for recording, Applicant shall present evidence that Applicant has met all requirements of West Earl Sewer Authority, has executed all documents required by West Earl Sewer Authority, and has posted any required financial security with 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 requirements of West Earl Water Authority, has executed all documents required by West Earl Water Authority, and has posted any required financial security with West Earl Water Authority relating to water facilities proposed by the plan.
 6. Upon the release and recording of the Plan, Applicant shall provide evidence that the Cross Easement and Maintenance Agreement between Applicant and Denmark Properties, LP, relating to the private street has been recorded.
 7. 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.
 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 improvements.

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. 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 improvements, and other costs as set forth in this conditions 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 a written invoice for such costs, Applicant shall be in violation of this condition.

Motion approved unanimously.

- Moved by Member Kauffman, second by Vice Chairman Keppley that the Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary or Assistant Township Secretary be authorized to execute the Storm Water Management Agreement and Declaration of Easement among Marlee Properties, LLC, Denmar Properties, LP, and the Township; the Road Improvements Agreement Private Street between Marlee Properties, LLC and the Township; and the Final Subdivision & Land Development Plan for Marlee Properties, LLC and I further authorize the Township staff to release such Plan for recording when all conditions of approval including, but not limited to, posting of financial security have been satisfied.

Motion approved unanimously.

- **Earth moving activities** – Approval for earth moving activities at the Marlee site was discussed. It was determined that approval is not necessary. Vice Chairman Keppley said they are free to start earth moving at their own risk.

New Business

1. **Fairmount Homes stormwater plan** – The proposed project includes adding 15 parking spaces for the new apartment building. The applicant is seeking a waiver of pipe size – to install a 12” pipe rather than the required 15” pipe. The Township’s Engineer has recommended approval of the waiver.
 - Moved by Vice Chairman Keppley, second by Member Kauffman to approve the waiver of stormwater pipe size to allow the installation of a 12” pipe rather than a 15” pipe. Motion approved unanimously.
 - Moved by Vice Chairman Keppley, second by Member Kauffman to approve the stormwater management plan for Fairmount Homes. Motion approved unanimously.
2. **Collection and Disposal of refuse and recycling** – Missy Wallace, Recycling Coordinator for the Township, addressed the Board regarding the new refuse/recycling contract. She said that Eagle Disposal was the low bidder for the contract. Ms. Wallace noted that the price of the contract has gone up and recommended raising the customers’ cost \$1 or \$2 per month. She suggested raising the cost gradually rather than raising the cost all at once as was done the last time the contract was renewed.
 - Moved by Member Kauffman, second by Vice Chairman Keppley to award the refuse/recycling collection contract to Eagle Disposal. Motion approved unanimously.
 - Moved by Member Kauffman, second by Vice Chairman Keppley to set the 2020 fees for trash and recycling collection to \$22 per month. Motion approved unanimously.
3. **Compost Facility Contract with New Holland Borough** – Moved by Member Kauffman, second by Vice Chairman Keppley to approve the compost facility agreement with New Holland Borough. Motion approved unanimously.

4. **Cedar Avenue storm water plan** – The small stormwater plan is being reviewed and once approved the stormwater management agreement will be brought to the Board for approval and signatures.
5. **PennDot Transportation Improvement Program (TIP)** – Ms. Pollick updated the Board on the PennDot TIP projects. She said PennDot has 4 bridge projects planned in the next several years. Vice Chairman Keppley said it looks like there will be very little activity on 272 this year.
6. **Eagleview Park swing set installation** – Vice Chairman Keppley said the Township should hire a subcontractor to do the work. Brian Titus, President of the Eagleview HOA, said he had spoken with Candie Johnson and Ashley Martin previously about the installation. Vice Chairman Keppley said since the park belongs to the Township that the Township should get some quotes for the work. Chairman Ford asked Ms. Pollick to get a few quotes for the Board to review at the next meeting.
7. **Akron Halloween Parade** – Moved by Member Kauffman, second by Vice Chairman Keppley to authorize the West Earl Fire Department and Fire Police to help with traffic control during the Akron Halloween Parade on Wednesday, October 23, 2019. Motion approved unanimously.
8. **West Earl Lions' Club Halloween** – Moved by Member Kauffman, second by Vice Chairman Keppley to authorize the West Earl Fire Police to help with traffic control during the West Earl Lions' Club Halloween Parade on Thursday, October 24, 2019. Motion approved unanimously.
9. **Lancaster County Commissioners** – The Lancaster County Commissioners have asked if the West Earl Board of Supervisors would host an evening meeting with the Lancaster County Commissioners on Tuesday, September 8, 2020 at 7 p.m. Chairman Ford said the Board would be happy to have them.

Code Enforcement Officer's Report

- **Request to institute enforcement action** – Moved by Chairman Ford, second by Vice Chairman Keppley to authorize the Code Enforcement Officer, Brian Brandt, to institute enforcement proceedings as outlined in the memorandum from Mr. Brandt dated October 10, 2019. Motion approved unanimously.
- **Incident/Activity Report** – Mr. Brandt provided the incident/activity report for the Board's review. Mr. Brandt said he's been working with the Township's Attorney on developing a quick ticket system for code violations.

Manager's Report

Ms. Pollick requested an executive session to discuss hiring decisions.

Police Chief's Report

- **Status of new officers** – Acting Chief Scott Ruth reported that the 2 new officers that were hired are being trained.
- **Computer for police department** – A computer is needed for the Police Department. Ms. Pollick said she believes they are under budget and could purchase a new computer, the cost which is under \$1,000.

Payment of Bills

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

Treasurer's Report

Chairman Ford recommended tabling the accepting of the treasurer's report and asked Ms. Pollick to provide a budget comparison for the next meeting to be considered along with the treasurer's report.

Supervisors' Comments

Keith Kauffman – Member Kauffman reported that the recent meeting with Comcast was attended by approximately 40 residents. He said the meeting started out with quite a few angry residents but towards the end things settled down. All in all the meeting was pretty good.

Public Comment

Benita Gauthier, 110 Dane Drive – Mrs. Gauthier praised the Code Enforcement Officer, Brian Brandt, for immediately addressing a code violation concern.

The Board took a brief recess at 8:50 p.m. and entered executive session at 9:04 p.m. to discuss hiring decisions. The Board reconvened the regular meeting at 9:26 p.m.

Moved by Member Kauffman, second by Chairman Ford to hire Beau Mellinger to a full-time position in the Public Works department at a starting rate of \$20.00 per hour contingent upon all paperwork being completed and satisfactory results are obtained in all pre-employment requirements including but not limited to background checks. Motion approved unanimously.

Moved by Chairman Ford, second by Member Kauffman authorizing Supervisor Thornton to negotiate an offer of employment for the open Road Master's position with Neil Stoltzfus in the salary range discussed and contingent upon all paperwork being completed and satisfactory results are obtained in all pre-employment requirements including but not limited to background checks. Motion approved unanimously.

Moved by Chairman Ford, second by Vice Chairman Keppley to authorize Acting Chief of Police, Scott Ruth to negotiate and extend offers of employment to additional candidates of his discretion subject to all paperwork being completed and satisfactory results are obtained in all pre-employment requirements including but not limited to background checks. Motion approved unanimously.

Moved by Chairman Ford, second by Member Kauffman to hire Eric Higgins as part-time West Earl Police Chief at a per diem annual salary of \$87,000. Motion approved unanimously.

Other Business

East Main Street Sidewalk Project – Discussions ensued among the Supervisors and it was noted that this is a \$1,000,000 Federal Grant that had been issued a time extension. It was further noted that Rettew engineering had reduced the original scope of work and it was questioned if the grant is still valid as a result of this action. Directives were given to the Township Manager to contact Jim Caldwell at Rettew to inquire on the validity of the grant with said plan reduction and what the expiration date of the grant is.

In conjunction with the East Main Street Sidewalk Project is the Bridge over the Conestoga River. Board members noted plans had been reviewed and it was determined that the turning radius is much more stringent than before.

Budget – Capital Expenditures – The Board noted that there is a Township expense of \$250,000 to paint the water tank. The Board inquired as to how this line item would be budgeted and whose budget would the expense fall under.

Adjournment

Moved by Member Kauffman, second by Vice Chairman Keppley to adjourn the October 14, 2019 regular meeting at 9:45 p.m. Motion approved unanimously.