

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

In Attendance:

Chairman:	David Thornton	Manager/Secretary:	Jenna Seesholtz
Vice Chairman:	John Ford	Roadmaster:	Neil Stoltzfus
Member:	Dale Wissler	Police Chief:	Eric Higgins
Member:	Harold Keppley, Jr.	Zoning Officer:	Sara Service
Member:	Keith Kauffman	Township Engineer:	Josh Brengel, Lancaster Civil

Guests present: Cameron Renehan – Team AG, David Burkholder – 540 S. Fairmount Road, Adam Felty – Calumet Enterprises, John Stauffer – 151 Pleasant Valley Road.

Call to Order

Chairman Thornton called the June 28, 2021 regular meeting to order at 7:00 p.m.

Approval of Minutes

Member Keppley noted that under the Supervisors' Comments heading he was referring to sewer EDUs not water EDUs. Chairman Thornton noted that under New Business #4 Vice Chairman Thornton should be changed to Vice Chairman Ford. Moved by Vice Chairman Ford, second by Member Kauffman to approve the June 14, 2021 regular meeting minutes as corrected. Motion approved unanimously.

Public Comment

None

Special Business

1. **Ordinance 259** – Amending Chapter 170 to include engine brake retarder regulations. Moved by Member Keppley, second by Member Wissler to adopt Ordinance 259 and include engine brake retarder regulations in Chapter 170 of the Township Code. Motion approved unanimously.
2. **Resolution 2021-15** – Moved by Member Wissler, second by Member Kauffman to adopt Resolution 2021-15 and authorize the execution of documents to purchase a new truck for the Water Department. Motion approved unanimously.

Subdivision/Land Development

1. **2021-7 Regal Foods** – 5-acre property zoned AG and located at 171 Butter Road. Applicant proposes to construction an 18,400 sq. ft. expansion of the existing building, 3,604 sq. ft. of additional paving and 2 new loading docks. The total new impervious will be 23,329 sq. ft. Four waivers and one deferral from the SALDO have been requested. One waiver and one modification have been requested from the Stormwater Management Ordinance.

**Subdivision and Land Development Ordinance Waiver Requests:**

- **§155-9 Preliminary Plan** – Moved by Vice Chairman Ford, second by Member Kauffman to grant a waiver of the preliminary plan requirements for the Regal Foods project. Motion approved unanimously.
- **§155-21.B Plan Scale** – Moved by Vice Chairman Ford, second by Member Kauffman to grant a waiver of the plan scale requirements for the Regal Foods project. Motion approved unanimously.
- **§155-21.C.(14) Show all existing Rights-of-way, Easements and Streets within 150'** – Moved by Member Kauffman, second by Chairman Thornton to grant a waiver of the requirement to show all existing rights-of-way, easements and streets within 150' and instead show them within 100'. Motion approved unanimously.
- **§155-32.D Sidewalk deferral** – Moved by Vice Chairman Ford, second by Member Keppley to grant the sidewalk deferral provided that a deferral agreement in a form acceptable to the Township Solicitor is executed and recorded. Motion approved unanimously.
- **§155-32.C(5) Vertical Curb Dimensions** – Moved by Member Wissler, second by Vice Chairman Ford to grant a waiver of the vertical curb dimension requirements and allow the applicant to provide 6-inch curbs rather than 8-inch curbs. Motion approved unanimously.

**Stormwater Management Ordinance Waiver Requests:**

- **§149-43.M(7) Show existing features within 200 feet** – Moved by Vice Chairman Ford, second by Member Keppley to grant a waiver of the requirement to show existing features within 200' and instead show them within 100'. Motion approved unanimously.
- **§149-31.L(2)(a) Infiltration testing location** – Moved by Member Kauffman, second by Member Wissler to grant a waiver of the infiltration testing location requirements provided that the applicant submit a soil report to the Township and add a note to the plan. Motion approved unanimously.

**Conditional Plan Approval** – Moved by Vice Chairman Ford, second by Member Kauffman to approve the Regal Foods plan contingent upon Township Engineer's review letter dated June 10, 2021

2. **2021-8 David Burkholder Stormwater Plan** – 540 S. Fairmount Road. Applicant proposes a 60' x 500' poultry barn for more than 500 birds.

**Subdivision and Land Development Ordinance Waiver Requests:**

**Waiver of §155 Article III – SALDO:** Moved by Chairman Thornton, second by Member Wissler to grant a waiver of §155 Article III – SALDO with the following conditions noted in the Township Engineer's letter dated June 15, 2021 (3(a-d)):

1. The Right-of-Way be officially accepted and dedicated to the Township.
2. The applicant and the Township enter shall enter into an agreement that will be recorded at the Lancaster County Recorder of Deeds office to defer §155-23.A(5) and C(1) - Improvements of the Road Frontage along S. Fairmount Road.
3. The applicant and the Township enter shall enter into an agreement that will be recorded at the Lancaster County Recorder of Deeds office to defer §155-32.D(1) – Sidewalks
4. Placement of the "Replacement Absorption Area Easement" locations shall be shown on the plan.

Motion approved unanimously.

**Stormwater Management Ordinance Waiver Requests:**

- **§149-32.A(2)(c) – Loading ratio for volume control facilities:** Moved by Chairman Thornton, second by Vice Chairman Ford to grant a waiver of Stormwater Ordinance requirement §149-32.A(2)(c) – Loading ratio for volume control facilities. Motion approved unanimously.
- **§149-37.C(1)(a)[4] – Minimum Diameter of Pipe in Vehicular Loading Zone:** Moved by Chairman Thornton, second by Member Kauffman to grant a waiver of Stormwater requirement §149-37.C(1)(a)[4] – Minimum Diameter of Pipe in Vehicular Loading Zone. Motion approved unanimously.
- **Conditional Plan Approval:** Moved by Vice Chairman Ford, second by Member Kauffman to approve the David Burkholder Stormwater Plan contingent upon the Township Engineer's review letter dated June 15, 2021. Motion approved unanimously.

Old Business

1. **ARPA Funds update** – Manager Seesholtz reported that she is still waiting for a determination as to what the funds can be spent on. She said a Resolution will need to be drafted once the funds are received.
2. **Pension Plan Cost Study** – It was recommended by RJ Hall that the Township make no changes. Vice Chairman Ford said he thinks the Township needs to investigate using a different firm for the Township's Pension Plans.
3. **East Main Street Project Update** – Roadmaster Stoltzfus reported that he is still waiting to get the HOP from PennDOT for the project. He said he is hoping to break ground mid-July.

New Business

1. **Employee Resignation** – Moved by Member Kauffman, second by Member Keppley to accept the resignation of Beau Mellinger. Motion approved unanimously.
2. **General Code Proposal** – Manager Seesholtz said this would allow the Township's Code to be continually updated and available online. Moved by Vice Chairman Ford, second by Chairman Thornton to move forward with General Code's proposal. Motion approved unanimously.
3. **Akron Borough Request** – Akron Borough has requested that West Earl allow them to provide an updated actuarial report for their pension fund. Moved by Vice Chairman Ford, second by Member Keppley to allow Akron Borough to provide a new actuarial report for the Police pension fund. Motion approved unanimously.

Financials

1. **Payment of bills** – Moved by Member Kauffman, second by Chairman Thornton to pay the bills as presented. Motion approved unanimously.
2. **Treasurer's Report** – Moved by Member Wissler, second by Member Kauffman to accept the Treasurer's Report. Motion approved unanimously.

3. **Budget vs. Actual** – For the Board’s review. There was a question about the balance in miscellaneous revenue. Manager Seesholtz will investigate.

#### Reports

1. **Zoning Officer’s Report** – Written report provided to the Board.
2. **Manager’s Report** – Nothing further to report.
3. **Code Enforcement Officer’s Report** – Written report provided for the Board’s review at previous meeting.
4. **Police Chief’s Report** – Chief Higgins reported that he had 2 meet and greets with Akron Borough residents last week and they went very well.
5. **Roadmaster’s Report** – Part-timers Marty and Gary are both doing better.

#### Public Comment

None

#### Supervisors’ Comments

**Harold Keppley** – Member Keppley said that Don Eckel passed away on Saturday. Mr. Eckel served on the Zoning Hearing Board and the Sewer Authority and was a long-time resident of the Township. Member Keppley discussed the recent radar legislation that was passed by the PA Senate. He said it will be reviewed by the PA House in the fall.

**John Ford** – Vice Chairman Ford said he met with Manager Seesholtz, Finance Assistant Amy Carter and representatives from Market-Linked CDs. He said the CDs can be open between 2 and 6 years and their returns are linked to the Stock Market. He said the possibility of loss is zero and the possibility of gain is based on stock market performance. He would like to see the Township pursue this low-risk CD option.

**David Thornton** – Chairman Thornton requested an executive session to discuss personnel compensation.

#### Action Items

Investigate what is in the Miscellaneous fund account.

The Board entered executive session at 8:35 p.m. and returned to regular session at 9:02 p.m.

Moved by Member Keppley, second by Member Wissler to accept Melissa Wallace’s resignation as of July 9, 2021, with regret. Motion approved unanimously.

#### Adjournment

Moved by Vice Chairman Ford, second by Member Kauffman to adjourn the June 28, 2021 regular meeting at 9:03 p.m. Motion approved unanimously.

Respectfully Submitted by:

Sara Service  
Zoning Officer