

The **meeting of the Earl Township Board of Supervisors**, held on **Monday May 6, 2019**, was called to order by Chairman Rick Kochel, at 7 p.m. The following were present: Rick Kochel and Tom Plitt. Also present were Lee Zimmerman, Road Master, and Solicitor William Cassidy.

Tom made a **motion to approve the April 1st and April 18, 2019 minutes**, Rick seconded and all voted yes.

Public Comment:

Steve Demko, 531 White Oak Road, stated he has concerns with a storm water swale overflowing and flooding the area. Lee reported this is a system installed by PennDot and the Township has no design details and we don't know who is responsible for the maintenance. Lee has asked Representative Dave Zimmerman to help get information and clarify the situation with the storm water system. Rick directed the Township should also draft a letter to PennDot.

Police Report:

Chief Leighty presented the April 2019 police report.

Martindale Fire Co. Report:

Chief Groff presented the April 2019 fire report.

Garden Spot Fire Rescue:

The April 3, 2019 meeting minutes were reviewed and will be filed in the Township office.

ELANCO Library:

The March 2019 activity report was reviewed.

Lisa and Randy Richardson, 603 Sunflower Street, applied for a permit to replace an existing fence, which was denied due to the fence would be within the storm water Easement area. Lisa Richardson reported they have an issue with the neighbor's dogs jumping the fence and running loose. The neighbor at 601 Sunflower Street also has many animals being kept in the house, which appears to exceed the limits under the Zoning regulations. Solicitor Cassidy reported that access to the Easement area must remain accessible to the water, sewer and stormwater Operators for inspection and in case of a failure. Solicitor Cassidy was directed to research the Easement and Ordinances and report back to the Board of Supervisors.

Subdivision and Land Development Plans:

Kevin Witmier, Impact Engineering, presented the **Samuel L Lapp, 255 Redwell Road, Major Land Disturbance Plan** and Requested the following:

- a. Conditional approval of the Major Land Disturbance Plan. Tom made a **motion to conditionally grant approval of the Major Land Disturbance Plan, contingent upon the review comments of the Township's Engineer and Road Master; and the L.C.P.C.** Rick seconded the motion and all voted yes.
- b. Rick made a **motion to sign the Storm Water Management Agreement and Declaration of Easement**, Tom seconded and all voted yes.
- c. Rick made a **motion to conditionally approve the Improvement Guarantee in the amount of Sixty Seven Thousand Three Hundred Sixty Three Dollars (\$67,363.00), to be held by East Earl Township.** The approval is contingent upon adding a Plan Note, which is satisfactory to the Solicitor, regarding holding the funds and the method of fund releases, Tom seconded and all voted yes

Randy Hoover, Team Ag Inc., presented the **Hollander Property, 525 Hollander Road, Industrial Building (formerly known as the Hollander Auto Repair Shop), Revised Final Land Development Plan** and requested the following:

- a. Conditional approval of the Revised Land Development Plan. Rick made a **motion to grant conditional approval of the Revised Final Land Development Plan, contingent upon execution of a Sidewalk Deferral Agreement, the Storm Water Management Agreement and Declaration of Easement and the review comments of the Township's Engineer, Road Master, Zoning Officer and L.C.P.C.** Tom seconded the motion and all voted yes.
- b. Rick made a **motion to grant a sixty (60) day, time extension to meet the conditions to record their Plan,** Tom seconded and all voted yes. The Plan will now expire July 5, 2019.

Tom made a **motion to sign the Tim Weaver, 265 Martin Road, Major Land Disturbance Plan Storm Water Management Agreement and Declaration of Easement,** Rick seconded and all voted yes.

Tom made a **motion to grant the Tim Weaver, 265 Martin Road, Major Land Disturbance Plan, a sixty (60) day time extension to meet the conditions to record their Plan,** Rick seconded and all voted yes. The Plan will now expire July 5, 2019.

Tom made a **motion to approve the Garden Spot Village (GSV), Meadow View Memory Care Facility, 448 South Kinzer Avenue, West Campus Preliminary/Final Land Development Plan, Improvement Guarantee in the amount of Five Hundred Ninety Three Thousand Six Hundred Thirty Three Dollars (\$593,633.00),** Rick seconded and all voted yes.

Tom made a **motion to approve RESOLUTION NO. 2019-04 A RESOLUTION OF THE BOARD OF SUPERVISORS OF EARL TOWNSHIP, LANCASTER COUNTY, APPROVING THE FINANCING THROUGH THE LANCASTER INDUSTRIAL DEVELOPMENT AUTHORITY OF A CERTAIN PROJECT FOR THE BENEFIT OF GARDEN SPOT VILLAGE, A PENNSYLVANIA NOT-FOR-PROFIT CORPORATION; DESIGNATING THE CHAIRMAN OF THE BOARD OF SUPERVISOR OR IN HIS ABSENCE, ANY OTHER MEMBER OF THE BOARD OF SUPERVISORS AS THE "APPLICABLE ELECTED REPRESENTATIVE" WITHIN THE MEANING OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING SUCH CHAIRMAN OR ANY SUCH MEMBER OF THE BOARD OF SUPERVISORS TO TAKE CERTAIN ACTIONS ON BEHALF OF THE BOARD OF SUPERVISORS AS SUCH "APPLICABLE ELECTED REPRESENTATIVE", AND AUTHORIZING OTHER NECESSARY AND APPROPRIATE ACTION.** Rick seconded the motion and all voted yes.

The Eby's Garage, LLC, 425 White Oak Road, Preliminary/Final Land Development and Lot Add-On Plan, as follows were requested:

- a. Tom made a **motion to approve Improvement Guarantee in the amount of Sixty Thousand Five Hundred Eighty Four Dollars (\$60,584.00),** Rick seconded and all voted yes.
- b. Rick made a **motion to sign the Declaration of Easement, dedicating additional road right-of-way to the Township,** Tom seconded and all voted yes.

Tom made a **motion to sign the Storm Water Management Agreement and Declaration of Easement,** Rick seconded and all voted yes.

Rick made a **motion to approve the Allen and Anna Newswanger, 351 North Hoover Avenue Final Subdivision Plan, Improvement Guarantee in the amount of Nineteen Thousand Eight Hundred Ninety Five Dollars (\$19,895.00),** Tom seconded and all voted yes.

Road Master's Report:

Rick made a **motion to award the Chip Seal Coating to Martin Paving Inc., at the rate of \$1.185 per sq. yd. and in the amount of Thirty Nine Thousand Two Hundred Seventy Eight Dollars and One Cents (\$39,278.01) for Earl Township's portion of the Joint Municipal Bid that was received by West Earl Township.** Tom seconded the motion and all voted yes.

Lee reported he is working with Representative Dave Zimmerman regarding the truck length limit that PennDot has posted on North Railroad Avenue. PennDot has stated the truck length limit of forty five foot (45') was established, because it is unsafe for trucks to make the turn from SR 322 onto North Railroad Avenue. PennDot may re-visit the signage and truck limit for the area.

Lee reported he has started the White Oak Road, road re-building work by installing storm water piping and road widening.

Sewage Enforcement Officer's Report:

The Supervisors reviewed the Sewage Enforcement Officer's April 2019 report.

Solicitor's Report:

Tom made a **motion to approve executing the Amendment to the Land Development Agreement with SOCO Enterprises, LLC and Earl Township Partners, LLC, located on the southside of Airport Road.** Rick seconded the motion and all voted yes.

Tom made a **motion to execute and adopt ORDINANCE NO. 2019-01 AN AMENDMENT TO CHAPTER 26 OF THE EARL TOWNSHIP CODE OF ORDINANCES, REGULATING THE TOWNSHIP'S PUBLIC WATER SYSTEM,** Rick seconded and all voted yes.

Solicitor Cassidy reported that Comcast Cable still has not provided the Cable Franchise Agreement. Brenda was directed to send a letter to Comcast requesting execution of the Agreement.

Rick made a **motion to sign the Memorandum of Understanding with the Lancaster County Conservation District, which outlines the scope and scale of responsibilities and expectations between our organizations as required by the Municipal Separate Storm Sewer System (MS4) program.** Tom seconded the motion and all voted yes.

The Supervisors acknowledged the 1st quarter recycling rebate in the amount of Two Thousand Two Hundred Eleven Dollars and Sixty Seven Cents (\$2,211.67) from the Lancaster County Solid Waste Management Authority.

The Supervisors acknowledged the Lancaster County Drug Task Force's, 1st quarter report.

Receipts received in April were \$175,568.76 in the General Fund, and \$50,757.07 in the Waste and Recycling Fund.

Tom made a **motion** to pay the expenses in the General and the Payroll Funds (Checks #3051 – 3106 and #8579 - 8607) in the amount of \$310,220.72, and the payroll taxes electronically transferred in the amount of \$10,700.73. The Street Light (Check #438) in the amount of \$1,017.02, the Waste and Recycling (Checks #295 - 296) in the amount of \$17,787.78 and the Liquid Fuels (Check # 424 - 427) in the amount of \$7,077.16. Rick seconded the motion and all voted yes.

Meeting adjourned at 8:55 p.m.

Respectfully submitted, Brenda S Becker, Secretary