

The **meeting of the Earl Township Board of Supervisors**, held on **Tuesday September 3, 2019**, was called to order by Chairman Rick Kochel, at 7 p.m. The following were present: Rick Kochel and Ray Martin. Also present were Lee Zimmerman, Road Master and Solicitor William Cassidy.

Ray made a **motion to approve the August 5th and 15, 2019 minutes**, Rick seconded and all voted yes.

Public Comment:

Ed Maser, 32 Runway Avenue inquired on the status of the property maintenance violations being processed on against the South Custer Avenue properties. Rick replied that it is at the citation fine stage.

Police Report:

Sergeant Mark Willwerth presented the August 2019 police report. The School Resource Office is now Officer Stoltzfus.

Martindale Fire Co. Report:

The August 2019 fire report was reviewed and will be filed in the Township Office.

ELANCO Library:

The July 2019 activity report was reviewed.

The Public hearing concerning a Petition to Rezone Real Estate commenced at 7:05 p.m. and was presented by Tom Nehilla, Barley Snyder Law Firm, Sam Stoltzfus, property owner and Tom Matteson, Diehm & Sons, to rezone the property located at 568 Hollander Road, owned by Tri-S Management. The petition is proposed to rezone twenty-six (26) acres of the thirty six (36) acre tract of land from the Agricultural to the Industrial zoning district, the remaining ten (10) acres will remain Agricultural. The property borders Industrial land in both Earl Township and New Holland Borough. Public sewer and water will be extended to this property and other properties, particularly the King Court properties that need public sewer. Since new information is available regarding the lack of usable Industrial land throughout Lancaster County, the Lancaster County Planning Commission (L.C.P.C.) are recommending approval of the rezoning petition as now presented. Sam Stoltzfus currently operates Country Lane Woodworking, building gazebos at 181/191 Jalyn Drive in the Orlan Industrial Park and he soon will be outgrowing that location. Mr. Stoltzfus is a current Township resident, employing fifty (50) employees and his desire is to remain within the Township boundary. Mr. Stoltzfus currently employs very skilled workers with many being of the plain-sect, and many of them living in the Township as well, who travel by bicycles and scooters; the new parcel would allow those employees to be retained and provide easy and safe traveling to and from work. A minimum of 26 acres will be needed to allow buildings and stormwater facilities and to make it economically feasible to complete this project. Mr. Nehilla reported that with the rezoning of these twenty-six (26) acres it will decrease the agricultural district by less than point two percent (.2%) and this change will maintain the balance of zoning. Laura Proctor, L.C.P.C. confirmed that Industrial zoned land for numerous reasons is not available or developable and it is recommended that the Case New Holland farm located to the west of this property shall remain Agricultural and is proposed to be taken out of the Urban Growth Boundary during the ELANCO Regional Comprehensive Plan update. The Township should consider reviewing and updating the Agricultural Security Area within the Township and Laura indeed confirmed the L.C.P.C. did recommend approval of the current rezoning Petition. Rick inquired how many lots will become available within the Orlan Business Park when he vacates. Mr. Stoltzfus stated that two (2) lots will become available for other industries to occupy and operate businesses. John Reichard, 563

Hollander Road stated he is concerned about living within an Industrial corridor with a lot of exterior lighting and storm water facilities allowing the breeding of mosquitoes. Ed Maser, 32 Runway Avenue reminded the Supervisors that land on Peters Road and Ranck Road were recently rezoned from Agricultural. Mike Lapp, 220 Jalyn Drive, supports the rezoning and his business is also in need of additional industrial land to grow his business. Jason Rineer, Robin Hill Circle, York works at Country Lane Gazebos and travels from York for thirteen (13) years, because of the character of the business and the owners care for his property and employees and the employees are exemplary. Ivan King, 136 South Shirk Road, inquired where the entrances to the proposed lots will be located and he hopes the traffic on Shirk Road does not increase. Mr. King is in favor of the rezoning but would like assurance that the remaining ten (10) acres is not rezoned later. Solicitor Cassidy stated no agreement or contract regarding the remaining land and its future zoning or use is permitted to be executed by the Developer or the Township. Joe Oberholtzer, 1615 Maple Grove Road, stated he currently farms the land and believes it shall remain as farmland. Mr. Joe Oberholtzer doesn't want to be mandated to connect his property to the public sewer system and is concerned about the stormwater facilities. Solicitor Cassidy explained that State Law allows that any principal building within one hundred fifty feet (150') from the sewer extension may be required to connect. If the on-site system is deemed viable then an exemption to connect may be granted by the Township. Ryan Oberholtzer, 166 South Shirk Road stated he is opposed to the rezoning because Lancaster County is known for nice farmland and small businesses and tourist are attracted to the farmland. Solicitor Cassidy reported the Supervisors received a letter from R Russell Pugh, Respect Farmland Lancaster County, USA, stating they are not opposed to the rezoning and that it is a significant improvement over the prior proposal. Mr. Pugh recommends that the historic farmstead be retained or reused. Rick inquired if more than one (1) access would be proposed. Tom Matteson believes one (1) access per lot and an emergency access will be designed. Ray stated change sometimes must occur and this seems appropriate and he is pleased that some of land will be retained as Agricultural. Rick made a **motion to approve rezoning twenty-six (26) acres of the thirty six (36) acres to Industrial zoning from Agricultural and to adopt ORDINANCE NO. 2019-02.** Ray seconded the motion and all voted yes.

Subdivision and Land Development Plans:

Roger Fry, Fry Surveying Inc., presented the **Gideon B Fisher, 506 Overlys Grove Rd, Lot Add-On Plan** and requested the following:

- a. Approve signing the PA DEP Planning Waiver & Non-Building Declaration. Ray made a **motion to approve signing the PA DEP Planning Waiver & Non-Building Declaration**, Rick seconded and all voted yes.
- b. Conditional approval of the Final Land Development Plan. Rick made a **motion to grant conditional approval of the Lot Add-On Plan, contingent upon the review comments of the Township's Engineer and the L.C.P.C.** Ray seconded the motion and all voted yes.

Ray made a **motion to approve the full release of the Improvement Guarantee funds for Garden Spot Village, Co-operative Living, 303 Ranck Road, Storm Water Management Plan, in the amount of Eighteen Thousand Two Hundred Eighty-Four Dollars (\$18,284.00)**, Rick seconded and all voted yes.

Ray made a **motion to sign the Curb and Sidewalk Deferral Agreement for the Leroy Smucker, 125 Leacock Road, Final Land Development Plan**, Rick seconded and all voted yes.

Rick made a **motion to conditionally sign the Storm Water Management Ownership and Maintenance Agreement for the Leroy Smucker, 125 Leacock Road, Final Land**

Development Plan, contingent upon Mrs. Annie Smucker be added as a signator to the Agreement, due to her also being an owner of the property. Ray seconded the motion and all voted yes.

Ray made a **motion to approve the time extension for Lanco Sheds, Lot 9, 271 Commerce Drive, Preliminary/Final Land Development Plan, to meet the conditions to record their Plan.** Rick seconded the motion and all voted yes. The Plan will now expire January 6, 2020.

Road Master's Report:

Lee inquired if the Board of Supervisors discussed the crosswalk with Garden Spot Village (GSV) at the Linden Drive and Kinzer Avenue intersection, because Lee denied the crosswalk design and location as it has now been constructed. Lee is concerned the design could be a hazard rather than a safety initiative for the general public. Lee would like approval to send a letter to GSV opposing the location of the crosswalk. Lee also believes the entire west side of South Kinzer Avenue should have curb and sidewalk installed, before and after the crosswalk to have continuous safe travel for pedestrians. Again, Lee would like the record to show he doesn't approve the crosswalk currently in place and any liability falls directly onto GSV. Lee stated the crosswalk shall be removed or mirrored on the south side of Linden Drive for the safety of general public and because motorists would have already passed through the intersection prior to reaching the crosswalk. Lee also reported that the left turn land markings have yet to be installed per the Plan design requirement. Ed Maser, 32 Runway Avenue inquired why a sign or flasher can't be installed to advise motorists. After further discussion Rick directed that confirmation shall be determined if the installed crosswalk meets or does not meet State regulations for crosswalks.

Lee reported that the current quotes for the salt shed additions is over the procurement limits for not bidding the project. The Musselman Lumber quote for lumber is in the amount of Thirteen Thousand One Hundred Twenty-Eight Dollars and Ninety Nine Cents (\$13,128.99) and the AB Martin quote for metal is in the amount of Nine Thousand Two Hundred Dollars (\$9,200.00). The total project is estimated to be Twenty-Two Thousand Three Hundred Twenty Eight Dollars and Ninety Nine Cents (\$22,328.99) and is over the non-bidding limits of Twenty Thousand Six Hundred Dollars (\$20,600.00). Solicitor Cassidy confirmed that the Second-Class Township Code would require the project to be bid with construction specifications being developed. Rick directed that prices should be obtained from Rigidply and then we will determine if bidding is still required.

Lee reported that the 1991 Mack truck sold to Rome Township for Twelve Thousand Two Hundred Dollars (\$12,200.00).

The Supervisors reviewed the letter from PENNDOT, which notified the Township that they will be conducting traffic data collection on the Township roads between August 2019 and January 2020.

Sewage Enforcement Officer's Report:

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

Ray made a **motion to approve the 2020 Pension's Minimum Municipal Obligation (MMO) in the amount of Forty-Seven Thousand One Hundred Fifty Two Dollars (\$47,152.00),** Rick seconded and all voted yes.

The Supervisors reviewed the letter from PPL Electric Utilities Corporation (PPL), which notified the Township that they are applying for an Individual NPDES Permit for Stormwater

Discharges associated with the proposed South Akron – Kinzer Tap Transmission Line rebuild project.

The Supervisors acknowledged the letter of introduction of the new President of the United Veteran’s Council of New Holland.

The Supervisors acknowledged the earthmoving inspection reports as follows:

SOCO Enterprises, LLC, southside of Airport Road, New Holland.

Samuel Lapp, 255 Redwell Road, New Holland.

Joel Martin, 178 Lowry Road, New Holland

An Executive Session was called at 9:00 p.m. to discuss personnel matters.

The Regular meeting reconvened at 9:20 p.m.

The August receipts received were in the amount of \$91,451.47 in the General Fund and \$2,770.34 in the Waste and Recycling Fund.

Ray made a **motion** to pay the expenses in the General and the Payroll Funds (Checks #3242 – 3284 and #8686- 8705) in the amount of \$156,875.29, and the payroll taxes electronically transferred in the amount of \$10,246.64. The Street Light (Check #442) in the amount of \$1,033.94, the Waste and Recycling (Checks #304 - 305) in the amount of \$16,660.48 and the Liquid Fuels (Check # 441 - 444) in the amount of \$129,981.98. Rick seconded the motion and all voted yes.

Meeting adjourned at 9:35 p.m.

Respectfully submitted by,
Brenda S Becker, Secretary