

**West Donegal Township Supervisors
Regular Meeting
June 9, 2014**

The regular meeting of the Supervisors was held at 7:00 p.m. at the Township Municipal Building. Chairman Roger Snyder called the meeting to order with the following Supervisors in attendance: Ralph Horne, John Yoder, J. Clair Hilsher and Doug Hottenstein. Also in attendance were Township Manager Gene Oldham, Chief of NWRPD Mark Mayberry, Township Solicitor Josele Cleary, Township Roadmaster Jeff Templin and Zoning Officer Wayne Miller.

- I. **Call to Order**
- II. **Pledge of Allegiance, Silent Prayer, Tape Announcement**
- III. **Roll Call of Supervisors** – all Supervisors were present.
- IV. **Approval of the April 14, 2014 Meeting Minutes, April 28, 2014 Workshop Minutes, and May 12, 2014 Meeting Minutes** – Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.
- V. **Public Comments** – There were none.
- VI. **Reports** – Motion by Supervisor Horne/Supervisor Hilsher to approve. Motion carries.
- VII. **Presentations**
 - A. **PSATS Resolution – John Yoder III** – Supervisor Yoder went over this noting that these are the resolutions that were adopted at the PSATS Convention.

VIII. **Action Items** –

A. **Lot Add-on Plan for Timothy and Linda Bartholomew (WDT 14-03)** -- Todd Smeigh with D.C. Gohn Associates is present to review the project with the Board.

- 1. **Approve/Reject the plan subject to the Engineer’s letter of June 3, 2014.** -- Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.
- 2. **Authorize signature of deed for additional right-of-way at the intersection of Poplar Path and White Pine Drive.** -- Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.

B. **Stoney Brook Phase 1B** – Todd Smeigh with D. C. Gohn Associates presents the Supervisors with a drawing of this project. After much discussion from the Board, Township Solicitor and Mr. Smeigh the following motion was made:

- 1. **Approve/Reject Waivers of the SALDO** - Supervisor Yoder makes the following motion, “I move to grant waivers from the requirements of Sections 200-35.L, 200-25.M(4)(b), 200-35.N(2), 200-35.N(6), 200-35.O(1), 200-35.R(7), and 200-43.B of the Subdivision and Land Development Ordinance relating to West Ridge Road widening and overlay, storm water trench restoration, street centerlines, alley designs, and on-lot sewage disposal as more fully described in the letter from Hanover Engineering Associates, Inc., dated June 4, 2014, for the Final Subdivision Plan and Lot Add-On for Phase 1B Stoney Brook subject to all of the following conditions:
 - a. The widening of West Ridge Road shall be completed within six months after the start of construction of Phase 1C of Stoney Brook.
 - b. A representative of the Township or third party tester shall be on site during backfilling of trenches to approve what is a suitable material.
 - c. Developer RGR Developers, LP shall maintain compaction testing logs during construction and installation of storm water management pipe in trenches, and the logs shall be provided to the Township as

part of the request that the Township accept dedication of streets.

d. The Township shall not be required to release the Final Plan for Stoney Brook Phase 1B for recording until the 5.36 acres that was proposed in the Lot Add-On Plan for Robert L. Gruber recorded at Subdivision Plan Book J-233, Page 91, in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, is conveyed to Robert L. Gruber to be joined with the lands of Robert L. Gruber as set forth in such Lot Add-On Plan and on the Final Plan for Stoney Brook Phase 1B.

e. Applicants Robert Gruber and RGR Developers, LP shall comply with all conditions imposed on approval of the Preliminary Plan for Stoney Brook unless the Board of Supervisors formally authorizes a modification of a specific condition.

f. Applicants shall reimburse the Township for all engineering fees and attorneys' fees incurred in the review of this waiver request within 30 days after receipt of an invoice for such fees. Failure to reimburse the Township in accordance with this condition shall be considered a violation of the Subdivision and Land Development Ordinance.

g. Applicants shall comply with all conditions imposed on approval of the Final Subdivision Plan and Lot Add-On for Phase 1B Stoney Brook." Supervisor Horne seconds the motion. Motion carries.

2. Approve/Reject the Waivers of the Stormwater Management Ordinance - Supervisor Yoder states, "In this motion the conditions are identical to the conditions on the prior motion except as with regard to trenching which were omitted to make it easier." The exact motion is as follows. "I move to grant waivers from the requirements of Sections 190-23.H, 190-23.F, 190-20.M, and 190-25.G(5)(d) of the Storm Water Management Ordinance as more fully described in the letter from Hanover Engineering Associates, Inc., dated June 4, 2014, for the Final Subdivision Plan and Lot Add-On for Phase 1B Stoney Brook subject to all of the following conditions:

a. The Township shall not be required to release the Final Plan for Stoney Brook Phase 1B for recording until the 5.36 acres that was proposed in the Lot Add-On Plan for Robert L. Gruber recorded at Subdivision Plan Book J-233, Page 91, in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, is conveyed to Robert L. Gruber to be joined with the lands of Robert L. Gruber as set forth in such Lot Add-On Plan and the Final Plan for Stoney Brook Phase 1B.

b. Applicants Robert Gruber and RGR Developers, LP shall comply with all conditions imposed on approval of the Preliminary Plan for Stoney Brook unless the Board of Supervisors formally authorizes a modification of a specific condition.

c. Applicants shall reimburse the Township for all engineering fees and attorneys' fees incurred in the review of this waiver request within 30 days after receipt of an invoice for such fees. Failure to reimburse the Township in accordance with this condition shall be considered a violation of the Subdivision and Land Development Ordinance.

d. Applicants shall comply with all conditions imposed on approval of the Final Subdivision Plan and Lot Add-On for Phase 1B Stoney Brook. Supervisor Horne to approve. Motion carries.

3. Approve/Reject the Final Subdivision Plan and Lot Add-on Plan for Phase 1B of Stoney Brook - Township Solicitor Cleary reads the proposed motion, "I move to grant approval of the Final Subdivision Plan and Lot Add-On for Phase 1B Stoney Brook subject to all of the following conditions:

a. Applicants Robert Gruber and RGR Developers, LP shall comply with all conditions imposed on waivers granted from requirements of the Subdivision and Land Development Ordinance and the Storm Water Management Ordinance for the Final Plan.

b. Applicants shall comply with all conditions imposed on approval of the Preliminary Plan for Stoney Brook unless the Board of Supervisors formally authorizes a modification of a specific condition.

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- c. Applicants shall comply with all comments set forth in the letter from Hanover Engineering Associates, Inc., dated June 4, 2014.
- d. The Township shall not be required to release the Final Plan for recording until the 5.36 acres that was proposed in the Lot Add-On Plan for Robert L. Gruber recorded at Subdivision Plan Book J-233, Page 91, in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, is conveyed to Robert L. Gruber to be joined with the lands of Robert L. Gruber as set forth in such Lot Add-On Plan and on the Final Plan.
- e. Landowner Robert Gruber shall enter into a Storm Water Management Agreement and Declaration of Easement with the Township with appropriate joinders by mortgage holders in a form acceptable to the Township Solicitor which shall be recorded prior to the release of the Final Plan for recording.
- f. Landowner shall dedicate additional right-of-way along the entire frontage of West Ridge Road shown on the Final Plan, including the land along the frontage of the 5.36 acres tract, and shall provide releases from all mortgages for such additional right-of-way.
- g. Developer RGR Developers, LP shall enter into a land development agreement in a form acceptable to the Township Solicitor before the Final Plan is released for recording.
- h. The title company handling the settlement for conveyance from Landowner to Developer shall provide a commitment to record the documentation in a sequence acceptable to the Township Solicitor prior to the release of the Final Plan for recording.
- i. Applicants shall provide evidence that applicants have satisfied all requirements of Elizabethtown Area Water Authority relating to the provision of public water service as shown on the Final Plan.
- j. Applicants shall provide evidence that applicants have satisfied all requirements of Elizabethtown Regional Sewer Authority relating to the provision of public sewer service as shown on the Final Plan.
- k. Within 30 days after release of the Final Plan for recording Applicants shall provide the Township with evidence that deeds containing perimeter legal descriptions for Lots 118 and 318 have been executed and recorded in the Office of the Recorder of Deeds.
- l. Applicants shall provide documentation to form a homeowners' association for Stoney Brook, into which shall be merged the homeowners association for the nine lots in Phase 1A of Stoney Brook, in a form acceptable to the Township Solicitor. The homeowners' association documentation shall be recorded prior to the sale of any lot created by the Final Plan.
- m. Applicants shall post financial security in an amount acceptable to the Township Engineer and in a form acceptable to the Township Solicitor prior to the release of the Final Plan for recording.
- n. The declaration for the homeowners' association shall require that the association shall be responsible for the maintenance of the pedestrian and bicycle pathway within Lot 317A whether or not the Township accepts dedication of Lot 317A." Motion by Supervisor Horne/Supervisor Yoder to approve. Motion carries.
- 4. Approve/Reject the signing of the Stormwater Management Agreement and the Declaration of Easement when signed by Developer – Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.**
- 5. Approve/Reject the authorization to sign the Final Plan, prior to recording, when all conditions have been satisfied – Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.**
- 6. Approve/Reject the posting of financial security in the amount of \$1,539,404.96 – Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.**

C. Mount Joy Township Cooperative Project --

- 1. Approve/Reject a cooperative project with Mount Joy Township for upgrades at the Route 230 and Carey Lane (Giant) signal through the ARLE funding Program (year 5) and authorize signature on applications prepared by Mount Joy Township by the Township Manager. Deadline is June 30, 2014 for applications. -- Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.**

D. **Approve/Reject an enforcement action for Steven H. and Jeanne S. Ginter at 1389 Bossler Road regarding an existing pool** – Motion by Supervisor Yoder/Supervisor Horne to approve. Motion carries.

E. **Approve/Reject an enforcement action for Ironstone Ranch LLC. See enclosed letters** – Township Solicitor went over the various items that need to be fixed and approved. Mark Shoemaker from Ironstone Ranch, LLC was present and did admit they that have been behind on items and they are continuing to work on things. Supervisor Yoder makes the motion, “I move that we give a grace period of 45 days to Ironstone Ranch, LLC to get code compliant drawings approved by Commonwealth Code Inspection Service, Inc. At such point if said drawings are not code compliant we will proceed with enforcement action.” Supervisor Hottenstein seconds the motion. Motion carries.

F. **Approve/Reject the Bid for Micro-surfacing work from Stewart & Tate in the amount of \$ 218,722.21** – Motion by Supervisor Horne/Supervisor Hottenstein to approve. Motion carries.

G. **Approve/Reject an enforcement notice for Richard Myles Miller and Betty M. Boinet II of 4905 Bossler Road** – Zoning Officer Miller noted that Mr. Miller is working on moving the greenhouse and raised flowerbed. The Board agrees to table this item until next month to give them time to work on cleaning their area up.

IX. Discussion Items

A. **Newville Road Bridge project update** – Township Manager Oldham gives an update on this. Amtrak has placed the pole base and the catch netting was added by Kinsley Construction. Supervisor Horne, Roadmaster Templin and Township Manager Oldham are approved by Amtrak to be on site to observe the project.

B. **Loader – Review of Proposals** – After much discussion, Supervisor Horne makes the motion, “I move to purchase the 2014 John Deere 524K wheel loader with the grapple for \$133,250.00.” Supervisor Yoder seconds the motion. Supervisor Snyder votes to approve. Supervisor Hottenstein opposes. Supervisor Hilsher refrains from voting. Motion carries on a vote of 3 to 1 with 1 vote abstaining.

C. **Review draft policy for Township Building Meeting Room prepared by Solicitor** – The draft policy was tabled until the next meeting.

D. **Hawthorne property on Zeager Road** – Township Manager Oldham noted that the Hawthornes signed the agreement.

E. **On-lot septic management system pumping program – Proceed or Table** – Supervisor Yoder makes the motion, “I move to approve the on-lot septic management system pumping program with a fee of \$15.” Supervisor Hilsher seconds the motion. Supervisor Snyder and Supervisor Hottenstein approve. Supervisor Horne opposes. Motion carries on a vote of 4 to 1.

F. **Sign Management Plan as required by the FHWA** – Manager Oldham has a plan prepared for compliance. They will work on this in the fall where they can go around in the evening to check the signs for compliance.

G. **Spring Clean-up Information – 152 Residents w/3 having 2 loads. \$827 donations & \$524.76 scrap metal. Expenses not all recovered.**

H. **Driveway Permits – sealing of edges** – Manager Oldham discusses how to ensure sealing of driveway edges.

I. **Gutter cleaning in developments** – Manager Oldham the concern of grass containing water on roadways and says the Township needs to address this issue in certain areas.

J. **CSG Permit Manager Program** – Manager Oldham said he will review all the resumes that he’s received for this position. They will work on going through the resumes and narrowing down to a few to interview. They will purchase the program only after they have hired an individual who will run the program.

K. **Road Crew Projects 2014** – The proposed list was handed out to the Board.

L. **Discuss the 4/10 schedule of the road crew** – After some discussion, it was decided that the road crew will run on a 4 day/10 hour schedule, unless it is a holiday week when they will work 8 hour days.

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M. Levi and Katie Stoltzfus Zoning Hearing – Supervisor Yoder makes a motion, “I make the motion to send our Township Solicitor to attend the Zoning Hearing Meeting appeal with regard to Levi Stoltzfus to defend our Township Zoning Officer Wayne Miller.” Supervisor Hottenstein seconds the motion. Motion carries.

- X. **Executive Session** – There was no executive session.
- XI. **Bills Payable (Final Unpaid List)** – Motion by Supervisor Yoder/Supervisor Horne to approve paying the bills. Motion carries.
- XII. **Adjourn** – Motion made by Supervisor Yoder /Supervisor Horne to adjourn the meeting at 9:46 p.m. Motion carries.

Prepared by April Miller for

J. Clair Hilsher, Secretary