

The advertised meeting of the East Cocalico Township Board of Supervisors was called to order on Thursday, July 16, 2020 at 7:00 p.m., held at the East Cocalico Township Municipal Building, 100 Hill Road, Denver, PA 17517. Due to the COVID-19 pandemic and to ensure public safety, attendance to this meeting was limited to approximately 12 visitors. Comments/questions can be e-mailed before and during the meeting to the Township's e-mail.

### **ATTENDANCE:**

**Supervisors:** Chairman Alan R. Fry, Vice Chairman Romao "RC" Carrasco, and Secretary Jeffrey W. Mitchell

**Employees:** Township Manager Penny Pollick, Police Chief Keppley, Assistant Manager/Zoning Officer Tony Luongo, MS4 Technician Ken McCrea, and Recording Secretary Lisa A. Kashner

**Engineer:** Brent Lied, P.E., and Casey Kerschner

**Newspaper:** Larry Alexander of the Ephrata Review

**Visitors:\*** Dwight Yoder, Todd Vaughn, Ronald B. Good, Jeff Goss, Jordan Martin, Lois Brumbach, Gary Brumbach, Doug Mackley, David Schreder, Veronica Dube, June Kinback

\*Only visitors who signed in are listed.

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE:** Chairman Fry asked everyone in attendance to rise and pledge allegiance to the Flag. • Due to the pandemic of COVID-19 only a limited number of visitors could attend this meeting. • Chairman Fry noted this meeting was duly advertised in accordance with the 2<sup>nd</sup> Class Township Code in the Lancaster Newspaper on December 11, 2019.

**EXECUTIVE SESSIONS HELD:** Chairman Fry stated on Tuesday, July 7, 2020 at 4:45 p.m. an Executive Session was to discuss a personnel matter. No decisions were made however directives were given to the Township Manager.

### **PAST MEETING MINUTES APPROVAL:**

**MOTION:** Vice Chairman Carrasco made a motion, seconded by Secretary Mitchell, to approve the Thursday, June 18, 2020 Board of Supervisors meeting minutes. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

### **ACTION ITEMS: LAND PLANNING ENGINEER:**

**CARRIAGE HILL PHASE 3 & 4 - PRELIMINARY/FINAL SUBDIVISION PLAN:** Mr. Vaughn of Dave/Miller Associates and Mr. Schreder of Landmark Homes were present for this plan. Mr. Lied highlighted the status of the project and the related outside agency approvals. Mr. Lied indicated that the applicant has obtained their DEP NPDES permit. Mr. Lied noted that the project was discussed at a prior Board of Supervisor's meeting and that two pending stormwater waiver/modification requests remain to be acted on. Mr. Lied explained that the stormwater waivers were recommended for approval by the Planning Commission. Following the waiver discussion, the following motions were made:

**MOTION:** Chairman Fry made a motion, seconded by Vice Chairman Carrasco, to approve a waiver/modification of §185-23 of the East Cocalico Township Stormwater Management Ordinance related to volume control requirements and authorize the applicant to utilize the DEP approved managed release concept, as approved by DEP through the issuance of an NPDES permit. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

**MOTION:** Vice Chairman Carrasco made a motion, seconded by Secretary Mitchell, to approve a waiver/modification of §185-24.D. of the East Cocalico Township Stormwater Management Ordinance related to stormwater basin dewatering times and authorize the use of extended dewatering times as approved by DEP through the issuance of the NPDES permit, and as deemed acceptable to the Township Engineer. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

Mr. Lied highlighted that as a follow-up to discussions at a prior Board of Supervisors Meeting and as outlined in the most recent Becker plan review letter there are several key remaining project related items that shall be further evaluated by the

### **ACTION ITEMS: LAND PLANNING ENGINEER: CARRIAGE HILL PHASE 3 & 4** (CONTINUED)

Supervisors, so that necessary decisions can be made and direction can be provided to the applicant and their consultant. Mr. Lied began highlighting the outstanding items, beginning with the proposed assignment of the long-term maintenance responsibility for the private stormwater conveyance and stormwater management facilities. Discussions ensued relative to the complications to assigning the responsibility of the main stormwater basin to a single property owner and the potential benefits of requiring a Homeowners Association (HOA). In response to a question from the Board, Landmark indicated that no long-term maintenance or replacement cost projections are typically prepared and provided to the future lot homeowner responsible to maintain the stormwater basin and associated features, including fencing. The Board of Supervisors expressed concern that the future property owner does not truly understand the maintenance obligations, and that maintenance language could potentially get lost or dropped from the deed when future transfers and deeds are developed. Mr. Luongo discussed a current development (Rose Hill) that has created some issues over the years regarding a property owner being fully aware of their obligations relative to basin maintenance. Discussions continued. Following the discussion, the Supervisors were in general agreement with the benefits of requiring the establishment of an HOA for the maintenance of the private stormwater facilities as part of this project and passed the following motion:

**MOTION:** Secretary Mitchell made a motion, seconded by Vice Chairman Carrasco, to require the applicant to establish a Homeowners Association (HOA) for the Carriage Hill (Phases 3 & 4) – Preliminary/Final Subdivision Plan to be responsible for the long-term maintenance responsibility of stormwater management and conveyance facilities (and related facility improvements) located on private property (outside the future dedicated right-of-way) and to the satisfaction of the Township. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

Mr. Lied highlighted the other project related items that remain outstanding. The items include (1) the specifics regarding the required use of the temporary construction access (location, duration, plan notation, required agreement wording, etc.), (2) the required measures to insure adequate protection of existing Township roadways (plan notation, agreement wording, etc.), (3) the provisions for the temporary maintenance of the existing Lee Drive dedicated roadway stub following the removal of the existing temporary cul-de-sac (plan notation, agreement wording, etc.), (4) clarification of the Township's current preference relative to proposed street light spacing, and (5) evaluating and confirming the required fee in-lieu-of park and open space after receiving the necessary appraisal information and calculation from Landmark, .

**MOTION:** Vice Chairman Carrasco made a motion, seconded by Chairman Fry, to table the Carriage Hill (Phases 3 & 4) – Preliminary/Final Subdivision Plan. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

**WABASH LANDING PHASE 2 – FINAL PLAN SUBDIVISION AND LAND DEVELOPMENT PLAN:** Mr. Yoder was in attendance for other matters, but indicated he could attempt to address any questions. Mr. Lied briefly highlighted the status of the plan, noting a time extension request was received for the plan.

**MOTION:** Vice Chairman Carrasco made a motion, seconded by Chairman Fry, to accept the time extension offer as submitted by the applicant's consultant, dated July 2, 2020, which will extend the deadline for action on the Wabash Landing Phase 2 – Final Plan Subdivision and Land Development Plan until October 23, 2020. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

**RUPERT – STORMWATER MANAGEMENT PLAN – CONCEPT REVIEW:** Ms. Dube of Fuehrer Associates and Johnathan Rupert were present for the discussion related to the stormwater concept for the property located at 956 Smokestown Road. Mr. Lied highlighted that the applicant is proposing to remove an existing dwelling and several small outbuildings and proposing the construct of a new single-family dwelling, barn, green house, pool/patio area, pole barn, and associated driveways and maneuvering areas, resulting in approximately 21,000 SF of additional impervious area. Mr. Lied noted that various pre-application discussions and email correspondence have occurred between the property owner, Ms. Dube, Becker, Tony Luongo, the LCCD and DEP. Mr. Lied noted that the reason the stormwater concept was brought before the Board of Supervisors at this time, is because the current design concept attempts to utilize the establishment of a riparian buffer, in accordance with DEP NPDES permit requirements, as the only stormwater measure. Mr. Lied indicated that based on the unique nature of this proposed approach and the current supporting calculation methodology provided, Mr. Lied and Mr. Luongo indicated that it would require support from the Board of Supervisors through approval of a waiver/modification of the stormwater management ordinance requirements as part of the approval process. As a result, Mr. Lied suggested that

### **ACTION ITEMS: LAND PLANNING ENGINEER: RUPERT – SWM PLAN** (CONTINUED)

they have that discussion with the Board of Supervisors early on to determine if the Township supports the approach. Mr. Lied explained that the design assumption essentially assumes the establishment of the wooded or forested condition is immediate. Ms. Dube highlighted the waiver/modification necessary to authorize the use of the riparian buffer as the sole stormwater mitigation measure. Ms. Dube highlighted aspects of the plan noting that non-impervious acreage is to be added through the establishment of a 100' wide riparian buffer in-lieu of a typical basin or constructed stormwater facility. Ms. Dube noted that DEP has indicated that they will issue a NPDES permit if they meet certain conditions, since the riparian buffer is deemed a non-discharge alternative to meet required standards. Lengthy discussions continued regarding riparian buffers, site specific conditions, impact of the flood depths, typical complications with establishing trees within a floodplain, potential off-site flood level impacts immediately upstream, flow path from the site onto the downstream adjacent property and potential need for easements, potential limited infiltration potential within the floodplain, etc. The Supervisors indicated that they appreciate the consideration given to a newer approach, as supported by DEP, but have certain reservations or concerns that no structural measures are being proposed to provide immediate measures to offset address stormwater volume and rate impacts, especially since the establishment of a true forested buffer will not occur for years. The Board recommended that Ms. Dube have further discussions with Mr. Lied to evaluate options for addressing the concerns raised and potential options for supplemental structural measures.

**GARDEN SPOT – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – FINANCIAL SECURITY RELEASE:** Mr. Lied noted that the Garden Spot Frame and Alignment project has been completed and that applicant's consultant has provided as-built plans and closeout information. Based on the review of the site and information submitted there are minor items that have been identified and that need to be addressed so that the remaining security can be released.

**MOTION:** Chairman Fry made a motion, seconded by Vice Chairman Carrasco, to authorize the full release of the current financial security being held by the Township for the Garden Spot – Preliminary/Final Land Development Plan, in the amount of \$13,318.65, upon the applicant's consultant completing the minor remaining items as highlighted in Becker's e-mail correspondence dated July 2, 2020. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

**ECTA STEVENS PUMP STATION UPGRADES** – Mr. Lied briefly highlighted the ECTA's Stevens Pump Station Upgrade Project and the related request for the Township to approve a waiver of Land Development requirements, as outlined in documentation submitted by CDM-Smith. Mr. Lied noted that the Planning Commission previously acknowledge their support of the project by recommending approval of the waiver. Based on various correspondence between Becker, the Township, ECTA and CDM-Smith, several recommended conditions were developed for consideration by the Board, as outlined in an email issued earlier in the day.

**MOTION:** Chairman Fry made a motion, seconded by Vice Chairman Carrasco, to conditionally approve a waiver of the East Cocalico Township Chapter 194 Land Development Plan Processing requirements for the East Cocalico Township Authority (ECTA) Stevens Pump Station Upgrade Project as outlined in the waiver documentation forwarded to the

Township by CDM-Smith on July 8, 2020, conditioned upon the following conditions: (1) ECTA and/or their contractor installing, monitoring, and maintaining temporary erosion and sedimentation control measures necessary to comply with applicable Chapter 102 and LCCD requirements, (2) ECTA obtaining a PennDOT permit for the proposed modification to the existing access and associated modifications within or adjacent to the existing PennDOT Steven Road (SR 1045) right-of-way, (3) all existing gravel areas to be removed and re-established as grass shall be scarified, top soiled, and stabilized with vegetated cover to result in drainage characteristics of grass cover, (4) any proposed modification to the site grading shall not adversely concentrate or divert stormwater flows in the area, and (5) any modifications to the exterior site lighting shall utilize full-cutoff fixtures and be in compliance with applicable Township standards. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

**NIVEN (38 HAYLOFT ROAD) – RIGHT OF WAY AGREEMENT:** Ms. Pollick highlighted the right-of-way agreement received for the property to granting access to their property through Old Homestead Village Park. The matter was tabled until a later meeting, since a recent evaluation of the project by Becker Engineering identified a prior designated wetland area, which needs to be further evaluated or avoided.

### ACTION ITEMS:

(CONTINUED)

**MARTIN TEXT AMENDMENT (51 COCALICO CREEK ROAD):** Mr. Yoder of Graybill, Gibbel Hess was present to discuss the proposed Ordinance; a text amendment revision of farm occupations (Chapter 220, §220-87). This was a previously tabled item. Lengthy discussions continued in reference to taking the agricultural wording from the C1 district. Mr. Yoder wants to know that they can submit a petition for an Ordinance change, have it accepted by the Supervisors, and then send to the Lancaster County Planning Commission for review and approval. After lengthy discussions, the Supervisors agreed that at their next meeting they will make a decision. Questions and comments were asked which was answered.

**RESOLUTION 2020-07, PERSONAL PROPERTY VALUE LESS THAN \$2,000,00:** Ms. Pollick highlighted noting this was facilitated by items to be sold on Municibid. Mr. Mackley questioned the use of the word “personal” property. After further discussions, the Board agreed to revise the Resolution changing the word “personal” to “Municipal” property.

**MOTION:** Chairman Fry made a motion, seconded by Secretary Mitchell, to adopt Resolution 2020-07 conditioned that the word “personal” be revised to “Municipal” property. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

**RECREATION BOARD – FUNDRAISING CONSIDERATION:** Ms. Pollick noted the last Recreation Board Meeting was cancelled due to a lack of quorum. It was noted that the Township Solicitor states if the Recreation Board is going to conduct fundraising activities, those activities should be individually authorized by the Board of Supervisors. To be discussed further when it’s known what fundraising activities they are planning.

### DEPARTMENT REPORTS:

**POLICE DEPARTMENT REPORT:** Chief Keppley highlighted the Police Department Report. Officer Tyler Lehman, Level #1 Officer, started on July 13, 2020. Chief Keppley discussed the school opening, noting that Officer Fischer the School Resource Officer will be at the School, and to bring the force to 16 officers, he recommended hiring another Officer.

**MOTION:** Vice Chairman Carrasco made a motion, seconded by Chairman Fry, to start the proceedings of hiring a Level #1 Police Officer to the East Cocalico Township Police Force. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

Chief Keppley continued his report and discussed that the Lancaster County Commissions are proposing the removal of the encryption to police radios. Discussions continued. Chief Keppley proposed to send a letter to the County Commissioners supporting to stay under encryption for the police radios.

**MOTION:** Chairman Fry made a motion, seconded by Vice Chairman Carrasco, to send a letter to the County Commissioners requesting to stay under encryption in reference to the police radios. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

**ZONING OFFICERS REPORT:** Mr. Luongo highlighted the Zoning Officer Report dated June 2020 and the Road Crew Activity Report. Now that the Resolution 2020-07 was adopted, the John Deere mowing attachments are ready to be placed on Municibid. Ms. Kinback questioned if “no solicitation” wording could be added to the Welcome to East Cocalico Township signs. Discussions continued. Vice Chairman Carrasco stated that he will look into this. Ms. Kinback discussed a property that does not seem to be taken care of with high grass and weeds. Mr. Luongo to look into.

**ROAD CREW REPORT:** Mr. Luongo highlighted the Road Crew Report in his report.

### TREASURER’S REPORT:

**MOTION:** Chairman Fry made a motion, seconded by Vice Chairman Carrasco, to approve the list of bills starting date June 19, 2020 thru July, 10, 2020 for a total of \$136,710.07: General Fund \$124,498.38; Light Fund \$12,211.69. Mr. Mackley Diana Reed & Assoc. is shown on the first page, and Ms. Pollick stated this is the firm coming to help in the Financial Administrator office. Chairman Fry asked if there were any other comments or questions; there were none, motion carried (3/0).

Secretary Mitchell highlighted the Ephrata National Bank shown on the list of bills is the final payment on the bond issue for 1975 N. Reading Rd.

### OLD BUSINESS CONTINUED DISCUSSIONS:

**MS4 DISCUSSION:** Mr. McCrea highlighted the grant for the stream restoration, waiting to hear on the construction grant. Mr. McCrea discussed some of the stormwater inspections done the past week, and assisted a property owner with an appeal with a positive outcome with the owner. Reminder letters sent for self-inspections.

**PENNDOT - BRAKE RETARDERS ON STATE ROADS (CHURCH ST. & N. READING RD.):** Ms. Pollick stated a list of roads are needed; not a high priority but keep on the agenda. *Tabled.*

**ELECTRIC CHARGING STATION:** Ms. Pollick discussed noting that the Township parking lot is not very large to accommodate a dedicated space for a charging station. Not a high priority but keep on the agenda. *Tabled.*

**BUS SERVICES TO LOW INCOME HOUSING (HEATHERWOODS):** Ms. Pollick highlighted the South-Central Transit Authority will include the Township's request as part of their annual route schedule change evaluation which normally takes place in August of every year. *Tabled.*

### NEW BUSINESS FOR DISCUSSION:

**TOWNSHIP PARKS – OPENING OF THE PARKS AND THE PLAYGROUND EQUIPMENT:** Vice Chairman Carrasco noted that per the Governor's orders we are officially in the green stage for restaurants, etc. Recommended opening the parks with proper signage for social distancing, parks are not cleaned, and enter at your own risk. Notification to be sent to the other parks stating the Township is opening its' parks.

**MOTION:** Vice Chairman Carrasco made a motion, seconded by Chairman Fry, to open the Township parks when proper signage is obtained and installed. Chairman Fry asked if there were any other comments or questions; there were none, motion carried (3/0).

**WOODY WASTE ACCESS CARDS – DISCUSSION/DIRECTIVES:** Ms. Pollick proposed that all cards to be refreshed to January 1<sup>st</sup> of every year, expiring December 31<sup>st</sup> of every year; and with the cards currently being sold of expiring that they will be pro-rated. Discussions continued. Directives to look into further with wiring (or WIFI) out to the woody waste gate for updating cards. Ms. Kinback noted that residents are not going to pay for an access card to recycle cardboard, Mr. Luongo stated that an access card is not needed for dumping cardboard, that people can park at the gate and walk the cardboard up to the dumpster; and if they have a lot of cardboard they can come to the Township front office for an access card to open the gate to get closer to the dumpster. An access card is only needed for dumping of woody waste.

### MANAGERS REPORT:

**YARNELL SECURITIES – ACCESS UPGRADED:** Ms. Pollick discussed. It was noted to look into the same reader for the Township front doors to be the same as the reader located at the Police Department stairs.

**ROAD MASTER/ PUBLIC WORKS FOREMAN:** Ms. Pollick discussed stating that the Public Works Foreman was duly advertised in the Lancaster Newspaper on May 14<sup>th</sup> and June 7<sup>th</sup>. Applications were received and interviews have now concluded. At a recent Executive Session Ms. Pollick was given the directive to extend an offer of employment; the following motion was made.

**MOTION:** Chairman Fry made a motion, seconded by Secretary Mitchell, to hire Bret L. Hoffert to the full-time position as East Cocalico Township's Public Works Director, with an effective starting date of August 10, 2020 provided that all pre-employment testing and background check requirements are satisfactorily met. Chairman Fry asked if there were any other comments or questions; there were none, motion carried (3/0).

**ANNOUNCEMENT:** The next Board of Supervisors Meeting will be held at the East Cocalico Township Municipal Building, 100 Hill Road, Denver at 9:00 a.m. on Thursday, August 6<sup>th</sup>.

**PUBLIC COMMENT (NON-AGENDA ITEMS):** Ms. Kinback asked what percentage of property owners paid their Spring Taxes. Ms. Pollick stated she will get those numbers when known. Ms. Kinback asked about Rosehill Development resurfacing and Chairman Fry noted that they furloughed this project until next year when there is a better understanding of the wage taxes received due to COVID-19. Discussions continued. Ms. Kinback stated she would like the Legal Fees shown in the 2020 Budget. Ms. Pollick stated this will be given to her at a later date.

# DRAFT

## BOARD OF SUPERVISORS MEETING THURSDAY, JULY 16, 2020

**ADJOURN:** The Supervisors adjourned at the meeting at 9:50 p.m. and went into Executive Session.

**MOTION:** There being no further business to come before the Board, Secretary Mitchell made a motion seconded by Vice Chairman Carrasco to adjourn the meeting at 9:50 p.m., to go into Executive Session at 10:00 p.m. Chairman Fry asked if there were any questions. There were none. Motion carried. (3/0)

**EXECUTIVE SESSION:** Executive Session ended at 10:10 p.m.

Respectfully submitted,

Lisa A. Kashner  
Township Recording Secretary

**VIEW THIS MEETING IN ITS ENTIRETY BY VISITING YOUTUBE. PLEASE CLICK BELOW:**

East Cocalico Township Board of Supervisors Meeting 07-17-2020, [Part 1 of 3](#)  
East Cocalico Township Board of Supervisors Meeting 07-16-2020, [Part 2 of 3](#)  
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