

DRAFT

BOARD OF SUPERVISORS MEETING THURSDAY, AUGUST 6, 2020

The advertised meeting of the East Cocalico Township Board of Supervisors was called to order on Thursday, August 6, 2020 at 9:00 a.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, Financial Administrator Judith Lumis, and Recording Secretary Lisa A. Kashner

Engineer: Brent Lied, P.E.

Newspaper: Larry Alexander of the Ephrata Review

Visitors:* Ronald B. Good, Victor Martin, Randy Fosnocht, Bill Swiernik, Joe Eisenhauer, Jordan Martin, Bryan Zimmerman, Dwight Zimmerman, 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 2nd Class Township Code in the Lancaster Newspaper on December 11, 2019.

EXECUTIVE SESSIONS HELD: Chairman Fry stated that on an Executive Session was held on: (1) Wednesday, July 22, 2020 at 9:00 a.m. to discuss a personnel matter. No decisions were made however directives were given to the Township Manager. (2) Tuesday, August 4, 2020 at 9:00 a.m. to discuss a legal matter.

PAST MEETING MINUTES APPROVAL:

MOTION: Chairman Fry made a motion, seconded by Secretary Mitchell, to approve the Thursday, July 16, 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. Eisenhauer of Landmark was present for this plan. Mr. Lied gave background information on the plan and project status. Mr. Lied indicated that the applicant's consultant resubmitted an updated Construction Cost Opinion in response to prior comments from Becker. Mr. Lied explained that Becker issued an update plan review letter dated July 31, 2020, which included a recommendation for the required amount of financial security. Mr. Eisenhauer indicated that unfortunately he was unable to attend the last Board of Supervisor meeting when a motion was made to require the establishment of a Homeowners Association (HOA) for the maintenance of the private stormwater facilities. Mr. Eisenhauer requested an opportunity to discuss the prior HOA requirement and request reconsideration by the Board of Supervisors. Mr. Eisenhauer expressed that he understands the concerns regarding making sure future property owners are well informed regarding their maintenance obligations. He discussed how he has done research with a lot in Rose Hill Development where some past complications have occurred and noted that in that case there was no reference to stormwater facilities on the original deed. Mr. Eisenhauer suggested that embedding stormwater basin wording within the deed itself so that there is no question to the new owners that they own and are responsible for the basin. Mr. Eisenhauer indicated that a separate agreement or covenants and restrictions could be recorded and referenced in the deed. The discussions continued regarding the condition of the existing basin, the proposed modifications, the additional impervious areas that will be directed to the new basin, associated maintenance, etc.

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

Mr. Eisenhower noted that the costs associated with establishing an HOA. Mr. Eisenhower asked that the Board consider a motion to rescind their previous motion on requiring an HOA, and allow Mr. Eisenhower and their attorney to have discussions with their Township Solicitor to work together to come up with a solution that assures that the Township's concerns are addressed; that the instrument be recorded with the deed and not with the plan; that within the deed itself the stormwater basin wording is specified; that the current owner and all future parties are aware of the maintenance of the stormwater basin. Mr. Eisenhower stated that they will go to great lengths to be certain items are clear (including maintenance of the fence) within the deed. Discussions continued. The Supervisors stated that it still ultimately comes down to the overriding concern that the long-term costs and maintenance burden for the main stormwater basin and associated facilities and conveyance pipe are more appropriately distributed over all the lots instead of a single property owner. The Board did not consider rescinding the prior motion, but indicated they would allow Landmark to have their legal people discuss the situation with the Township Solicitor. Mr. Eisenhower stated that they understand this HOA discussion is delaying their progress on finalizing the plan approval, but they have determined it is important enough for them that they are will to do that. Mr. Eisenhower is willing to provide a time extension, if necessary, to allow these discussions to proceed. Mr. Lied stated that there is currently adequate time for action, at least until the next Board of Supervisors meeting, and noted that there are other outstanding items Landmark needs to provide or resolve (appraisal for the park and open space fee in-lieu-of, satisfactory agreement regarding temporary construction access, satisfactory agreement regarding repair and maintenance of existing Township roadway, etc.). Discussions continued. As a result of the project discussion, the following motion was made:

MOTION: Chairman Fry made a motion, seconded by Vice Chairman Carrasco, to acknowledge the required amount of financial security to be established with the Township for Carriage Hill Phase 3 and 4 – Preliminary/Final Subdivision Plan in the amount of \$1,888,151.96, per the approved Construction Cost Opinion, prepared by David Miller/Associates, Inc. dated February 6, 2020, revised July 30, 2020. 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 Chairman Fry, to table the Carriage Hill (Phase 3 & 4) – Preliminary/Final Subdivision Plan. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

W.E.H. ENTERPRISE, PRELIMINARY/FINAL LAND DEVELOPMENT PLAN - FINANCIAL SECURITY RELEASE: No representatives were present for this plan. Mr. Lied highlighted.

MOTION: Chairman Fry made a motion, seconded by Secretary Mitchell, to authorize the full release of the current financial security being held by the Township for W.E.H. Enterprises, L.P. – Preliminary/Final Land Development Plan, in the amount of \$12,148.59. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

FOXBROOKE – VILLAGE OVERLAY PRELIMINARY SUBDIVISION & LAND DEVELOPMENT PLAN: Mr. Lied noted that the subject property was recently sold and therefore the Township made contact with the prior owners' attorney regarding the status of the plan. Mr. Lied explained that the Township received an email correspondence from the applicant's attorney dated August 5, 2020 formally request the withdraw of the plan. Mr. Lied also indicated that he spoke with the Township Solicitor who recommended the Township proceed to pass a motion acknowledging the withdraw of the plan. As a result of the discussions the following motion was made:

MOTION: Vice Chairman Carrasco made a motion, seconded by Chairman Fry, to acknowledge and accept the request to withdraw the Fox Brooke (Village Overlay) Preliminary Subdivision and Land Development Plan, based on correspondence received from the applicants' attorney dated August 5, 2020. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

ACTION ITEMS:

(CONTINUED)

ZIMMERMAN TOWNHOUSE TRACT: Mr. Swiernik of DM/A, and Mr. Bryan Zimmerman and Dwight Zimmerman, applicant representatives, were present for this project and presented a concept plan which outlined their initial objectives for the property on North Line Road. townhouse apartments Land Development Plan to have an idea of where the Supervisors stand relative to their proposal. Mr. Swiernik noted that the 75-acre property is located South of North Line Road/Lancaster Avenue and West of Weaver Road (adjacent to Faith Mennonite Fellowship Church) within the R-3 Zoning District. Mr. Swiernik explained that the owner has interest in developing the portion of the property north of the railroad tracks, south of North Line Road to accommodate 110 townhouse units. The concept plan attempts to reflect how the project complies with certain aspects of the Village Overlay standards in the Zoning Ordinance and significantly deviates from others. Mr. Lied noted that a pre-planning meeting was previously held, which outlined various key Zoning Ordinance concerns in addition to the typical items that would ultimately need to be addressed as part of a project of this nature (two access points, traffic impacts, PennDOT permitting, frontage improvements, stormwater, NPDES, ECTA water/sanitary sewer, karst geology, park and open space, coordination with adjacent municipalities, etc.). Mr. Lied further explained that the proposed concept does not reflect various key aspects associated of the Village Overlay regulations (varied housing types mixed throughout, streets with on-street parallel parking, off street parking relying on alley access to rear garages, enhanced pedestrian-oriented streetscape, build to lines, etc.). Mr. Lied provided Wabash Landing as a current example of a project in the Township which has developed in general accordance with these standards. Mr. Lied explained that these deviations if authorized would likely result in future requests for major deviations from the Village Overlay standards throughout various zoning districts which permit its application. Lengthy discussions continued regarding the concept and possible alternate approaches to be considered if there is support, such as a text amendment to permit townhouse development, redesign to better reflect the Village Overlay, etc. It was agreed that the Board of Supervisors would give the concept further consideration and discuss at a future meeting.

ALLAN MYERS CHANGE ORDER PROPOSAL: Ms. Pollick highlighted that a proposal was received from Allan Myers dated July 27, 2020 to perform additional milling work for the 2020 Road Projects within the Homestead Development for a cost of \$29,714.05.

MOTION: Chairman Fry made a motion, seconded by Secretary Mitchell, to approve the change order submitted in the amount of \$29,714.05 for additional milling work needed in Homestead Development; with a tentative start date of August 17, 2020. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

MARTIN TEXT AMENDMENT DECISION – 51 COCALICO CREEK ROAD: Ms. Pollick highlighted. Secretary Mitchell discussed, highlighting the one other property within the Township with similar general commercial zoning; and stated that after some research it was found a portion of their land is already zoned agricultural.

MOTION: Secretary Mitchell made a motion, seconded by Chairman Fry, to entertain a text amendment to the Conservation and General Commercial Zones allowing farm occupation to be permitted as a Special Exception and as defined by, and in accordance with East Cocalico Township's Ordinance, Chapter 220 – Zoning, Article IV – Specific Use Criteria, §220-87 Farm Occupations. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

MEETING CALENDAR – ROTATE FIRE COMPANIES ONCE A MONTH FOR REMAINING 2020 YEAR: Proposed that once a month the Board of Supervisors Meetings will be held at a local Fire Company that has more room which allows for more visitors. Ms. Pollick stated that Reamstown Fire Company will charge the Township for the extra cleaning costs.

MOTION: Vice Chairman Carrasco made a motion, seconded by Secretary Mitchell, to approve for advertisement, the revised Board of Supervisors meeting dates and locations for the remaining 2020 calendar year as submitted. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

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2020-2021 MUNICIPAL WINTER AGREEMENT – APPROVAL AND SIGNATURE: Ms. Pollick highlighted.

MOTION: Vice Chairman Carrasco made a motion, seconded by Secretary Mitchell, to authorize and execute the 2020-2021 Municipal Winter Agreement, in the amount of \$13,489.98 with PennDOT for snow removal on State Roads. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

EPHRATA IMG COMMITTEE ALTERNATE – APPOINTMENT OF SCOTT CARL, SR. FOR REMAINING 2020 YEAR: Ms. Pollick highlighted.

MOTION: Vice Chairman Carrasco made a motion, seconded by Secretary Mitchell, to appoint Scot Carl, Sr. as the first alternate to the Ephrata IMG Committee. Chairman Fry asked if there were any comments or questions; there were none, motion carried (3/0).

DEPARTMENT REPORTS:

POLICE DEPARTMENT REPORT: Chief Keppley discussed the possibility of more officers that may be needed with approvals of new developments. Chief Keppley highlighted that a donation was received at the Township recently and discussed the need for Police cameras (16 cameras, complete for body and car) at a cost of \$69,207.00. Discussions held. Questions and comments were asked which were answered. Chief Keppley noted he would have more details on this subject and asked that this item be placed on the September 3rd Board of Supervisors agenda.

ZONING OFFICERS REPORT: Mr. Luongo highlighted the Zoning Officer Report dated July 2020. Comments and questions were received, which were answered.

ROAD CREW REPORT: Nothing to report at this time.

FINANCIAL ADMINISTRATOR REPORT: Ms. Lumis reviewed the year-to-date 2020 Budget vs. Actual analysis reports in detail. Comments and questions were received. Secretary Mitchell suggested looking into pre-paying bills on a quarterly basis as to eliminate the monthly bookkeeping. Ms. Lumis stated future reports will be distributed to the Supervisors a couple days before a meeting for their review. Questions and comments were received which were answered. The Supervisors thanked Ms. Lumis.

TREASURER'S REPORT:

MOTION: Secretary Mitchell made a motion, seconded by Chairman Fry, to approve the list of bills starting date of 07/17/2020, and ending date 08/05/2020 for a total of \$136,232.61: General Fund \$120,797.61; Hydrant Fund \$15,435.00. Chairman Fry asked if there were any other comments or questions; there were none, motion carried (3/0).

OLD BUSINESS CONTINUED DISCUSSIONS:

MS4 DISCUSSION: Mr. McCrea noted that the aluminum storm drain markers (424 made) that the Reamstown Elementary student, William Saporetti designed will be picked up this afternoon from Boose Aluminum. The color markings are to be added, and a plaque will be made for displaying one marker. Mr. McCrea has been working on the Timber Harvest Ordinance in respect to a law that was put in place around 2005; a draft will then be sent to the Township Solicitor for review.

RECREATION BOARD – FUNDRAISING: *Tabled.*

PENNDOT - BRAKE RETARDERS ON STATE ROADS (CHURCH ST. & N. READING RD.): *Tabled.*

ELECTRIC CHARGING STATION: *Tabled.*

BUS SERVICES TO LOW INCOME HOUSING (HEATHERWOODS): *Tabled.*

NEW BUSINESS FOR DISCUSSION:

REAMSTOWN AND LAUSCH ROAD – ADDITIONAL TRUCK SIGNAGE AND POSTS – TOLL ROAD AHEAD: Ms. Pollick discussed stating residents are complaining that the installed wooden posts keep getting knocked down by trucks trying to maneuver the turn. Discussions continued about additional signage be installed. Acme was contacted, pending a return call. Vice Chairman Carrasco stated to formalize a letter to them asking them to respond with a formal plan on correction. Mr. Luongo to draft a letter for review.

MANAGERS REPORT: Ms. Pollick discussed a recent meeting held with the local Municipalities and the Cocalico School. At the meeting, it was noted that Dr. Musser discussed the upcoming school year and the wearing of masks, sanitizing, homeroom classes, and that no temperature checks of the children will be done. The Department of Health will do the contacting of parents as needed, and the school will continue with social distancing, paperless lessons, wearing of masks, etc. It was noted that the number of buses will remain the same with assigned seating, and times are restricted for parents dropping off and picking up children. Complete detail of all aspects of the new school year has gone out to all parents.

PUBLIC COMMENT (NON-AGENDA ITEMS): Mr. Martin of Beachwood Drive and Mr. Luongo discussed the water runoff issues area. Mr. Martin spent money to keep water out of his residence, but, to date, nothing has worked. Mr. Martin suggests a storm drain. After lengthy discussions, Vice Chairman Carrasco noted to have the Township Engineer, Mr. Lied, look at the site. Mr. Martin had some additional items to be addressed as well. Discussions continued. Mr. Luongo is to look into this and get back to Mr. Martin. •
Ms. Kinback asked what certificates does the Road Master have and what his salary is. Ms. Pollick answered and noted she will get the salary information to Ms. Kinback.

ANNOUNCEMENT: The next Board of Supervisors Meeting will be held at August 20th at the Smokestown Fire Company at 7:00 p.m., 860 Smokestown Road, Denver.

ADJOURN: The Supervisors adjourned this regular meeting at 11:55 a.m. and went into Executive Session immediately following to discuss a legal and personnel matter. It was noted directives to the Township Manager may be given.

MOTION: There being no further business to come before the Board, Secretary Mitchell made a motion seconded by Vice Chairman Carrasco to adjourn the regular meeting at 11:55 a.m. Chairman Fry asked if there were any questions. There were none. Motion carried. (3/0)

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 08-06-2020, [Part 1 of 3](#)
East Cocalico Township Board of Supervisors Meeting 08-06-2020, [Part 2 of 3](#)
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