

The advertised meeting of the East Cocalico Township Board of Supervisors Meeting was called to order on Thursday, December 16, 2021, at 7:00 p.m., held in-person at the East Cocalico Township Municipal Building, 100 Hill Road, Denver, PA 17517 by following the current CDC guidelines, (social distancing), and held via "live" Zoom (a cloud-based video communications app that allows individuals to view live through virtual video and audio). This meeting was held ensuring the public safety during the COVID pandemic.

Supervisors: Chairman Romao Carrasco, Vice Chairman Craig A. Ebersole, Secretary Jeffrey W. Mitchell

Twp. Staff: Township Manager Michael Hession, Police Chief Darrick Keppley, Director of Community

Development Sharyn Young, Financial Administrator Judi Lumis, Road Master Bret Hoffert,

and MS4 Technician Ken McCrea

Consultants: Land Planning Engineer Casey Kerschner

Visitors in Alan R. Fry, Larry Alexander, Brian Wise, Kerry Haas, Allen Maxwell, Lorraine Kulp, Attendance: Lorenzo Bonura, Steve Brubaker, Steve Gergely, Doug Mackley, Monica Craig-Fry,

Visitors via

Lisa Kashner, Chad Weaver, JC, Donny, Suzie, 1-408-218-8257, Don, 1-202-596-4695

Zoom:*

<u>CALL TO ORDER, PLEDGE OF ALLEGIANCE</u>: Chairman Carrasco asked everyone in attendance to pledge allegiance to the Flag.

Chairman Carrasco stated this meeting was duly advertised in accordance with the second-class Township code in the Lancaster Newspaper on December 23, 2020.

<u>ANNOUNCEMENT OF EXECUTIVE SESSIONS HELD</u>: Chairman Carrasco noted that no Executive Sessions were held since their last meeting.

Chairman Carrasco read a letter received from Tom Goodman, the Township Solicitor, the letter states that he will be retiring at the end of this year. Mr. Goodman has been with the Township since the 1970's.

<u>PAST MEETING MINUTES APPROVAL</u>: The December 2, 2021 Meeting Minutes are before the Supervisors for approval. Chairman Carrasco noted an e-mail was received from Ms. Cordan to place her transcript within the minutes. The Supervisors discussed, noting that transcripts are not needed to be placed in minutes.

MOTION: Secretary Mitchell made a motion, seconded by Vice Chairman Ebersole, to approve the Thursday, December 2, 2021 Board of Supervisor Meeting Minutes. Chairman Carrasco stated that adding a transcript to minutes has not been asked before and felt that the minutes should reflect the transcript. No further comments or questions were asked, motion carried (2/1) with Chairman Carrasco opposed.

ACTION ITEMS: LAND PLANNING ENGINEER:

36 MUDDY CREEK CHURCH RD. – FINAL LAND DEVELOPMENT PLAN: Mr. Gergely was present for this plan tonight. Mr. Kerschner highlighted the plan and presented the recommended motions. As a result of the discussions, the following motions were made.

^{*}Visitors via Zoom are as shown as they are displayed on the Zoom call list.



ACTION ITEMS: LAND PLANNING ENGINEER: 36 MUDDY CREEK CHURCH RD. (CONTINUED)

MOTION: Chairman Carrasco made a motion, seconded by Vice Chairman Ebersole, to approve (1) a waiver/modification of §194-9 of the East Cocalico Township Subdivision and Land Development Ordinance related to Preliminary Plan processing, to authorize the plan to be submitted and reviewed as a combined plan meeting the requirements of both Preliminary and Final Plan, (2) to approve a waiver/modification of §194-14.C.(4) of the East Cocalico Township Subdivision and Land Development Ordinance and §185-14.B.(4) of the East Cocalico Township Stormwater Management and Earth Disturbance Ordinance related to depicting existing physical features within 200' of the subject properties, to authorize the applicant to provide LIDAR topography and GIS information surrounding the general project area, as currently depicted on the current plans, conditioned upon any additional detailed survey information being provided if deemed necessary to address any remaining plan review comments to the satisfaction of the Township Engineer, (3) to approve a waiver/modification of §194-25.L.(5) of the East Cocalico Township Subdivision and Land Development Ordinance related to clear sight triangle at the access drive, to authorize a reduction in the size of the clear sight triangle to 50', and (4) to approve a waiver/modification of §194-28.H. of the East Cocalico Township Subdivision and Land Development Ordinance related to the required width of an access drive to authorize the use of a 20' wide access drive as approved by PennDOT through the issuance of a Minimum Use Driveway Permit. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).

MOTION: Secretary Mitchell made a motion, seconded by Chairman Carrasco, to approve (1) to approve a waiver/modification of Section 194-33.E.(1) of the East Cocalico Township Subdivision and Land Development Ordinance related to the required depth of vertical curb, to authorize the use of 18" concrete vertical curb consistent with PennDOT requirements, (2) to approve a waiver/medication of §194-46 of the East Cocalico Township Subdivision and Land Development Ordinance related to park and open space requirements for the project, and relief the applicant from paying a fee in-lieu-of park and open space land dedication based on the applicant's participation in the LERTA program, as confirmed through the Township's receipt of a LERTA application, and (3) to approve a waiver/modification of §185-27.A.(1)(a)[4] of the East Cocalico Township Stormwater Management Ordinance related to the required minimum diameter pipe size to authorize the use of 6" and 8" diameter pipes within underground Infiltration Bed 1. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to approve (1) a deferral of requirements of §194-25.C.(1) and §194-25.J.(1) of the East Cocalico Township Subdivision and Land Development Ordinance related to dedication of additional right-of-way and street widening improvements along the frontage of the subject property, conditioned on associated notation acceptable to the Township being placed on the Final Plan documenting the deferral and the property owner's sole responsibility to design, permit and install the improvements and grant right-of-way at such time as required by the Township Board of Supervisors, (2) to approve a deferral of requirements of §194-32.A. of the East Cocalico Township Subdivision and Land Development Ordinance related to the requirement for sidewalk along the frontage of the subject property, conditioned on associated notation acceptable to the Township being placed on the Final Plan documenting the deferral and the property owner's sole responsibility to design, permit and install the improvements and establish associated pedestrian easements at such time as required by the Township Board of Supervisors, and (3) to approve a deferral of requirements of §194-33.A.(1) of the East Cocalico Township Subdivision and Land Development Ordinance related to the requirement for curbing along the frontage of the subject property, conditioned on associated notation acceptable to the Township being placed on the Final Plan documenting the deferral and the property owner's sole responsibility to design, permit and install the improvements and grant right-of-way at such time as required by the Township Board of Supervisors. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).



ACTION ITEMS: LAND PLANNING ENGINEER: 36 MUDDY CREEK CHURCH RD. (CONTINUED)

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to authorize a representative of the Board of Supervisors to sign §8.d. of the DEP Sewage Facilities Post Card Exemption for "public sewage service" related to the 36 Muddy Creek Church Road Preliminary/Final Land Development Plan, when submitted to the Township with corresponding capacity authorizations from ECTA and Ephrata Borough. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).

MOTION: Vice Chairman Ebersole made a motion, seconded by Secretary Mitchell, to conditionally approve the 36 Muddy Creek Church Road Preliminary/Final Land Development Plan, based on the applicant/applicant's consultant addressing the comments in the Becker Engineering, LLC review letter dated November 22, 2021 to the satisfaction of the Township. Chairman Carrasco asked if there were any comments or questions; there were none. Motion carried (3/0).

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to authorize the Board of Supervisors to sign the Improvement Guarantee Agreement (IGA) when executed by the applicant and submitted to the Township in the form acceptable to the Township Solicitor and accompanied by financial security in the amount of \$79,545.00 and a form acceptable to the Township Solicitor. Chairman Carrasco asked if there were any comments or questions; there were none. Motion carried (3/0).

MOTION: Chairman Carrasco made a motion, seconded by Vice Chairman Ebersole, to authorize the Board of Supervisors to sign the Stormwater Management and Easement Agreement (SWMEA) when executed by the applicant and submitted to the Township in a form acceptable to the Township Solicitor. Chairman Carrasco asked if there were any comments or questions; there were none. Motion carried (3/0).

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to authorize the Board of Supervisors to sign the plans when executed and certified by all necessary parties and submitted to the Township in a form acceptable to the Township and Township Solicitor, and release the plans for recording when the Township has received all other required legal documents, the required financial security, ECTA approval, PennDOT Utility Highway Occupancy Permits, as necessary to satisfy conditions of approval. Chairman Carrasco asked if there were any comments or questions; there were none. Motion carried (3/0).

35 KEELER AVENUE – STORMWATER MANAGEMENT PLAN: No one was present for this plan tonight. Mr. Kerschner highlighted the plan and presented the recommended motion. The following motions were made.

MOTION: Chairman Carrasco made a motion, seconded by Vice Chairman Ebersole, to accept the written time extension offer as submitted by the applicant's consultant, dated December 9, 2021, which will extend the deadline for action on the 35 Keeler Avenue Stormwater Management Plan until April 20, 2022. Chairman Carrasco asked if there were any comments or questions; there were none. Motion carried (3/0).

31 GARDEN SPOT RD – STORMWATER MANAGEMENT PLAN: No one was present for this plan tonight. Mr. Kerschner highlighted the plan and presented the recommended motion. The following motions were made.

MOTION: Secretary Mitchell made a motion, seconded by Vice Chairman Ebersole, to accept the written time extension offer as submitted by the applicant's consultant, dated December 9, 2021, which will extend the deadline for action on the 31 Garden Spot Road Stormwater Management Plan until March 20, 2022. Chairman Carrasco asked if there were any comments or questions; there were none. Motion carried (3/0).



ACTION ITEMS:

(CONTINUED)

FARLOW COMMUNICATIONS - PHONE SYSTEM MAINTENANCE AGREEMENT: Mr. Hession highlighted. Discussions held.

MOTION: Secretary Mitchell made a motion, seconded by Vice Chairman Ebersole, to execute and sign the Farlow Communications Phone System Maintenance Agreement (12/1/21 through 11/30/22) at a base cost of \$2,341.00. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).

POLICE - PENSION COST OF LIVING ADJUSTMENT (COLA): Mr. Hession highlighted. Discussions held.

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to approve the Police Pension automatic cost of living adjustment at the maximum allowed increase of 3%, in accordance with the Side Letter Agreement between East Cocalico Township and the East Cocalico Township Police Officer's Association, dated December 16, 2020. The aforementioned agreement modifies the Police Pension Plan Ordinance, at Section One, Article IV(A), and agrees to grant an automatic cost of living adjustment when the Police Pension Fund is funded at 90%. Vice Chairman Ebersole abstained from voting Chairman Carrasco asked if there were any comments or questions; there were none. Motion carried (2/0).

FS4 PROGRAM – GRANT AWARD AGREEMENTS: Mr. Hession highlighted. Lengthy discussions continued and comments and questions were asked which were answered. Then the following motions were made.

MOTION: Vice Chairman Ebersole made a motion, seconded by Chairman Carrasco, to approve the Farmers Saving Soil – Stopping Sediment (FS4) Grant Award Agreement between East Cocalico Township and Warren and Christine Hoover, 171 Stevens Road, Stevens, PA 17578, totaling 120.91 acres for Conservation Tillage with a 30-59% Residue on Parcels 080-15372-0-0000, 080-04306-0-0000, and 080-90383-0-0000, for a total grant award of \$18,136.50. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).

MOTION: Vice Chairman Ebersole made a motion, seconded by Secretary Mitchell, to approve the Farmers Saving Soil – Stopping Sediment (FS4) Grant Award Agreement between East Cocalico Township and Nevin G. Burkholder, 134 Valley View Drive, Ephrata, PA 17522, totaling 35.1 acres for Conservation Tillage with a 30-59% Residue on Parcel 080-31344-0-0000, for a total grant award of \$5,265.00. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).

MOTION: Vice Chairman Ebersole made a motion, seconded by Chairman Carrasco, to approve the Farmers Saving Soil – Stopping Sediment (FS4) Grant Award Agreement between East Cocalico Township and Stephen Martin, 756 Gehman School Road, Denver, PA 17517, totaling 20.3 acres for Conservation Tillage with a 30-59% Residue on Parcel 080-45052-0-0000, for a total grant award of \$3,045.00. Chairman Carrasco asked if there were any comments or questions; there were some. No further comments or questions were asked, motion carried (3/0).

RESOLUTION 2021-16, TRANSFER OF UNENCUMBERED MONIES: Mr. Hession highlighted.

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to adopt Resolution 2021-16, authorizing the carrying forward of certain General Fund (GF) Unencumbered Monies in the amount of \$107,300.00 from the 2021 General Fund Budget to the 2022 General Fund Budget in order to balance the 2022 General Fund Budget. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).



DEPARTMENT REPORTS – MANAGER:

WABASH ROAD - TRUCK ISSUES: Mr. Hession highlighted and discussed, noting that the Township approved Rettew's proposal to conduct a study prohibiting trucks on Wabash Road between Line Road and SR 272. Mr. Hession discussed in detail and displayed the roadway on the screen. Discussions continued. Comments and questions were asked which were answered.

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to authorize the Township Manager to proceed with submitting the engineering study to PennDOT prohibiting all trucks from turning right from Line Road onto Wabash Road. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

TOWNSHIP MUNICIPAL BUILDING – HOT WATER HEATER: Mr. Hession discussed noting that a leak has developed in the hot water heater located in the Township Municipal Building. Discussions continued and the following motion was made.

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to approve the Cocalico Plumbing & Heating Proposal (#20627) dated December 10, 2021, with a not to exceed price of \$3,990.00. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

Mr. Hession updated the Supervisors on the historical building and barn located at 261 Weaver Road that was demolished, noting that the property owner had sent multiple correspondence to the Zoning Officer apologizing for the oversight, noting that they have contacted a salvage company to salvage the materials, and as a token of their good faith and sincere regret, the property owner made a donated in the amount of \$4,500.00 to the Historical Preservation Trust of Lancaster County for the purpose of educating and protecting other historical properties within Lancaster County.

POLICE DEPARTMENT REPORT: Chief Keppley highlighted the Police Department report and noted that two Officers that have submitted a letter of retirement. Discussions continued. The following motions were made.

MOTION: Vice Chairman Ebersole made a motion, seconded by Chairman Carrasco, to (1) accept with regret the retirement letter submitted by Officer Michael Firestone, whose last day of dedicated service to East Cocalico Township will be on January 15, 2022, and (2) to accept with regret, the retirement letter submitted by Officer Keith Neff, whose last day of dedicated service to East Cocalico Township will be on January 21, 2022. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

Chief Keppley discussed two candidates, and asked for a motion to make a conditional offer of employment. Discussions continued and the following motion was made:

MOTION: Vice Chairman Ebersole made a motion, seconded by Chairman Carrasco, to offer conditional offers of employment to (1) Brandon Eberly as a Level #1 Patrol Officer at \$26.76/hour and with a start date of January 3, 2022, (2) Shane Johnson as a Level #1 Patrol Officer at \$26.76/hour and with a start date of January 3, 2022. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

DIRECTOR OF COMMUNITY DEVELOPMENT: Nothing to report.

FINANCIAL ADMINISTRATOR – **TRANSFERRING OF FUNDS:** Ms. Lumis highlighted the budget status reports. Lengthy discussions were held, comments and questions were asked which were answered. The following motions were proposed.

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to transfer \$241,080.00 from the General Fund, utilizing the funds received for the transfer of 5 parcels on Weaver Road in August 2021 for Realty Transfer Taxes, to be placed in the Capital Reserve Fund and used for future Capital Purchases. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).



DEPARTMENT REPORTS:

(CONTINUED)

FINANCIAL ADMINISTRATOR - TRANSFERRING OF FUNDS

MOTION: Chairman Carrasco made a motion, seconded by Secretary Mitchell, to transfer \$25,767.66 from Univest Recreation Fund Bank Account to ENB General Fund. This is reimbursement for the construction of the skate park, and modifications needed at the new playground. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

MOTION: Chairman Carrasco made a motion, seconded by Vice Chairman Ebersole, to transfer \$120.85 from ENB Light Fund Bank Account to ENB General Fund. This is reimbursement for Tax Collector payroll. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

MOTION: Secretary Mitchell made a motion, seconded by Chairman Carrasco, to transfer \$109.40 from ENB Hydrant Fund Bank Account to ENB General Fund. This is reimbursement for Tax Collector payroll. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

MOTION: Vice Chairman Ebersole made a motion, seconded by Chairman Carrasco, to transfer \$4,074.50 from ENB Traffic Impact Fund Bank Account to ENB General Fund. This is reimbursement for 2021 invoices paid from the General Fund for engineer and legal services performed on behalf of the Traffic Impact Fund. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

MOTION: Chairman Carrasco made a motion, seconded by Vice Chairman Ebersole, to transfer \$8,999.70 from Univest ARPA Fund Bank Account to ENB General Fund. This is reimbursement for 2021 invoices to Custom Computer for the purchase of laptop computers for staff to be able to work from home more securely. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

Ms. Lumis highlighted a recent meeting with Kilmer Insurance noting that the insurance premiums came in flat at the same rate with no increase. Discussions continued.

ROAD MASTER – HIGHWAY SHED BATHROOM & ELECTRIC PANEL UPDATE: Mr. Hoffert highlighted his report. Discussions continued on a new Highway Department truck. After some discussions, the Supervisors agreed to discuss this item further at the next Board of Supervisors Meeting on January 3, 2022. Mr. Hoffert discussed the Fichthorn Electric estimate received to install a new 200-amp service at the maintenance building for \$3,500.00. Discussions continued.

MOTION: Vice Chairman Ebersole made a motion, seconded by Chairman Carrasco, to approve the Fichthorn Electric estimate dated December 8, 2021 to install a new 200-amp service at the maintenance building in the amount of \$3,500.00. Chairman Carrasco asked if there were any comments or questions; there were some questions asked which were answered. No other questions or comments were received. Motion carried (3/0).

TREASURER'S REPORT:

LIST OF BILLS - AUTHORIZE LIST OF BILLS FOR PAYMENT: Secretary Mitchell highlighted. Comments and questions were asked which were answered. The following motions were made.

MOTION: Secretary Mitchell made a motion, seconded by Vice Chairman Ebersole, to approve the check payments for the "General Fund Bank Account" list of bills in the amount of \$89,580.99 (starting date 12/03/2021 – ending date 12/16/2021). Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).



TREASURER'S REPORT:

(CONTINUED)

LIST OF BILLS - AUTHORIZE LIST OF BILLS FOR PAYMENT

MOTION: Secretary Mitchell made a motion, seconded by Vice Chairman Ebersole, to approve the check payments for the "Light Fund Bank Account" list of bills in the amount of \$13,745.96 (starting date 12/03/2021 – ending date 12/16/2021). Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

MOTION: Secretary Mitchell made a motion, seconded by Vice Chairman Ebersole, to approve the "Electronic" payment list of bills in the amount of \$84,056.17 (payroll dated 12/08/2021 for pay period 11/21/2021 to 12/04/2021). Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

PAYMENT OF 2021 FINAL BILL – DECEMBER 30, 2021: Mr. Hession highlighted.

MOTION: Vice Chairman Ebersole made a motion, seconded by Secretary Mitchell, to authorize the payment of the final bills and invoices received by the Township through December 30, 3021, following the review and approval of the Township Treasurer and Assistant Treasurer. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

OLD BUSINESS CONTINUED DISCUSSIONS:

OTHER POST-EMPLOYMENT BENEFITS PROGRAM (OPEB) REPORT: Mr. Hession highlighted noting that an estimated liability was received for this program in the amount of \$1.8 million, and highlighted the Township's budget. Lengthy discussions continued. Comments and questions were asked which were answered.

<u>NEW BUSINESS / INFORMATIONAL</u> – SUPERVISOR LIAISON PROGRAM: Discussions held about the possibility of eliminating the current Supervisor Liaison Program, noting that the current Director of Community Development, Sharyn Young, could be the liaison the current and future developments. Lengthy discussions continued on the initial intent of the program. Comments and questions were asked which were answered. The following motion was made.

MOTION: Secretary Mitchell made a motion, seconded by Vice Chairman Ebersole, to approve the suspension of the Supervisor Liaison Program for the calendar year 2022, with an evaluation of the program. Chairman Carrasco asked if there were any comments or questions; there were none, motion carried (3/0).

PUBLIC COMMENT (NON-AGENDA ITEMS): It was noted that Vice Chairman Craig Ebersole's term expires on December 31, 2022, he was thanked for volunteering his time. • Discussions were held in reference to the School Resource Officer (SRO) contract and the other entities contributions to it. Lengthy discussions were held. Comments and questions were asked which were answered. • Chairman Carrasco stated to close out the year and for full transparency, he read a letter received from the District Attorney's Office of Lancaster County regarding a violation in regards to a meeting held without proper notification to Secretary Mitchell. The context of the letter was that the District Attorney's Office will not initiate an investigation of the allegations.

ANNOUNCEMENT: The next Board of Supervisors Meeting will be held on Monday, January 3, 2022, at 7:00 p.m. (Re-Organization Meeting), held in-person held at the East Cocalico Township Municipal Building, 100 Hill Road, Denver, and held via "live" Zoom.



EXECUTIVE SESSION: None.

ADJOURN:

MOTION: There being no further business to come before the Board, Vice Chairman Ebersole made a motion seconded by Chairman Carrasco to adjourn the meeting at 10:00 p.m. Chairman Carrasco 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: DECEMBER 16, 2021 BOARD OF SUPERVISORS MEETING VIDEO