

West Earl Township Board of Supervisors, 157 West Metzler Road, Brownstown, PA 17508

In Attendance:

Vice Chairman:	Harold Keppley, Jr.	Member:	Dave Thornton
Member:	Richard Stover	Manager/Secretary:	Candie Johnson
Member:	Keith Kauffman	Police Chief:	Brian Brandt

Chairman Ford was absent.

Call to Order

Vice Chairman Keppley called the May 22, 2017 regular meeting to order at 7:00 p.m.

Public Hearing - continuation

**Request to rezone 3919 and ½ of the lot at 3939 Oregon Pike from R-1 to C-2**

Melvin Hess, Attorney for the applicant Gary Redcay, was present to further review the request with the Board. Mr. Hess began by citing the doctrine of natural expansion and how it relates to this matter. Mr. Hess also said that the safety issue at the site ought to trump the Township's ordinances. He said the property owner is willing to put a deed restriction on the properties that would prohibit using the remaining lots for anything other than residential and owner would also agree to not ask for further rezoning or expansion of the business. Mr. Hess said he feels this is a fair approach. He said an alternate approach would be to go to the zoning hearing board and request a use variance. Vice Chairman Keppley said that the Township can't enforce deed restrictions. Mr. Hess said that he would word the deed restriction in a way that would give the Township the authority to enforce it.

**Comments/questions**

Vice Chairman Keppley said that if the applicant is truly concerned about safety then something should be done about the entrance to the repair shop on the lower level of the building. It comes out onto Rose Hill Road and is an accident waiting to happen. Member Kauffman asked if an agreement could be drafted to address the safety concerns. Ms. Johnson said there would be no way to enforce the agreement. Mr. Hess disagreed and said if the agreement were well-drafted as a developer's agreement it could be enforced. Vice Chairman Keppley said that with what's been presented he doesn't see the rezoning happening.

Moved by Member Kauffman, second by Member Thornton to continue the hearing at the June 12, 2017 meeting. Motion not carried with a 2 – 2 vote with Vice Chairman Keppley and Member Stover voting no.

Moved by Vice Chairman Keppley, second by Member Stover to deny the applicants request to rezoning 3919 and ½ of the lot at 3939 Oregon Pike from R-1 to C-2. Thornton-yes, Kauffman-yes, Keppley-yes, Stover-yes. Motion passed with a 4 to 0 vote.

Mr. Hess asked the Board if they'd be willing to draft a letter to the Zoning Hearing board stating that the Township is not opposed to granting a use variance to the property owner.

Vice Chairman Keppley said he would not be opposed to drafting the letter.

The hearing was closed at 7:45 p.m.

Public Comment/Guests

- **Daryl Stoltzfus, sidewalk repairs** – Mr. Stoltzfus was at the meeting to discuss the letter he received notifying him that his sidewalks at 240 & 300 S. State Street need to be repaired. He said the sidewalk at 240 S. State is passable however the surface is rough and he is asking for an extension of time in order to resurface the sidewalk during his upcoming building project. Mr. Stoltzfus said the sidewalk at 300 S. State Street is also passable but has a dip because of a sinkhole that was improperly repaired by PennDot. Mr. Stoltzfus asked the Board to consider giving it a year to see if it sinks further. Vice Chairman Keppley reviewed the history of the sidewalks in the Township and how it has gotten to the point of requiring residents to repair their sidewalks. He said this is still a learning experience for the Township. Moved by Member Stover, second by Vice Chairman Keppley to grant the requested extension in order to repair the sidewalk at 240 S. State Street. Motion approved unanimously. Vice Chairman Keppley said they would take a look at the sidewalk at 300 S. State Street.
- **John Yoder, 11 Eagle Drive** – Mr. Yoder was at the meeting to discuss the sidewalk repair notice he received. He said he realizes his sidewalks are in bad shape and need repaired but he feels it was shoddy work done by the builder. He said the builder replaced the sidewalks twice already and wanted to know he could do. After a brief discussion the Board recommended that Mr. Yoder get together with the 9 other residents in the Eaglview Development who received sidewalk repair letters to see if they could work together to get the sidewalks repaired.

Approval of Minutes

Moved by Member Thornton, second by Vice Chairman Keppley to approve the May 8, 2017 meeting minutes as presented. Motion approved unanimously.

New Business

**DEP Planning Module for Edwin Sensenig** – Moved by Vice Chairman Keppley, second by Member Thornton to approve the DEP Planning Module for Edwin Sensenig. Motion approved unanimously.

Police Chief's Report

- **Part-time officers** – Chief Brandt would like to hire 2 part-time police officers. The Board told Chief Brandt to move forward in the process of hiring 2 part-time officers.
- **Schaum's Corner Traffic Light** – Chief Brandt said they've been monitoring the traffic light.
- **Incidents** – The Chief reported that there have been several indecent exposure incidents out along the back roads.

Member Thornton told the Chief that the street signs at Oregon Pike and Rose Hill Road are mangled. Ms. Johnson said she will report this to the Road Department.

Manager's Report

- **SALDO & Zoning Ordinance** – Ms. Johnson is recommending Hanover Engineering to assist in rewriting the Township's SALDO and Zoning Ordinance. Moved by Member Kauffman, second by Member Thornton to use Hanover Engineering to assist in rewriting the SALDO & Zoning Ordinance and to authorize the Township Manager to sign the agreement with Hanover Engineering. Motion approved unanimously.

- **Past Due List** – Updated list for the Board’s review. The Board authorized the Manager to move forward in Collection of the past due accounts.
- **Purchase new valve exerciser** – The water department would like to join Warwick Township and Lititz Borough in purchasing a new valve exerciser. The cost will be \$4,000. Moved by Member Stover, second by Member Thornton to move forwarding in purchasing the valve exerciser with Warwick Township and Lititz Borough. Motion approved unanimously.

Ms. Johnson requested an executive session to discuss a personnel matter at the end of the regular meeting.

#### Payment of Bills

Moved by Member Stover, second by Member Kauffman to pay the bills as presented. Motion approved unanimously.

#### Supervisors’ Comments

**Dave Thornton** – Member Thornton asked if there was any news about the traffic light repair at the Hooley Dance Studio. Ms. Johnson said she has not heard back from Mr. Carper.

The Board took a brief recess at 8:37 p.m. and entered executive session at 8:45. The Board returned to their regular session at 9:10 p.m.

#### Adjournment

Moved by Vice Chairman Keppley, second by Member Thornton to adjourn the May 22, 2017 regular meeting at 9:13 p.m. Motion approved unanimously.