

The Board of Supervisors met at the Township Office Building for their regular meeting on February 7, 2019, 7:30PM with Lowell Fry, Jere Swarr & Duane Martin present. The meeting was called to order by the Chairman and followed with the Pledge of Allegiance.

The minutes of the January 17th Meeting were distributed. Mr. Martin made a motion to approve the Minutes as presented; second by Mr. Swarr. All voted in favor.

PUBLIC COMMENTS - None

Mr. Fry announced the Board met in an executive session prior to the meeting to discuss a legal matter.

CHAIRMAN'S COMMENTS

Mr. Fry said a notice has been received from DEP stating the township is in violation of their Act 537 plan. The township engineer and staff has been working together to develop a response to DEP. **Mr. Martin made a motion to authorize Rettew Associates to prepare a Task/Activity Report and present it to DEP with two options: providing an area wide municipal sewer system or installing a privately owned package treatment plant; second by Mr. Swarr. All voted in favor.**

PLANNING

FINAL APPROVAL:

Daniel & Lauren Murphy Preliminary/Final Subdivision/Land Development Plan #18-366

North Strickler Road

D.C. Gohn, consultant

The applicants propose to subdivide an 18.755-acre lot into two residential lots. Lot 1 would comprise 1.831 acres and Lot 2 would comprise 16.924 acres. Lot 1 is intended to be developed as a single-family home in the future. The applicants plan to develop the remaining lands of Lot 2 with a single-family home with a pool and patio, driveways, a barn, and other outbuildings and drives. Stormwater is proposed to be managed on both lots by rain gardens and infiltration trenches. Both lots would be served by on-lot water and septic systems. The property is located in the Agricultural Zoning District.

Requested Modifications:

SUBDIVISION AND LAND DEVELOPMENT

A. *Section 405.4.E, 405.4.F, 501 – Financial Security*

The applicant has requested a waiver of the requirement to provide financial security for all proposed improvements on Lot 1. In the alternative, the applicant proposes to provide financial security for the Lot 1 improvements at the time permits are requested for construction.

The Planning Commission, at their meeting on December 3, 2018, recommended approval of this modification request, subject to the following conditions:

1. *All facilities required to protect and/or improve public streets or adjoining properties shall be promptly installed, and financial security shall be posted to secure the proper installation of such improvements.*
2. *Applicant shall apply for & receive any permits necessary to install the facilities which are required to protect and/or improve public streets or adjoining properties. The fee for such permits shall be based upon the fee schedules in effect at the time of permit application.*
3. *An improvement guarantee shall be posted to secure the completion of specific improvements and/or stormwater management or other facilities to serve Lot 1 prior to issuance of any zoning permit to authorize erection of a structure on the lot.*
4. *A note shall be added to the subdivision plan prior to recordation which shall state:
The owner of Lot 1 shall be required to post necessary financial security to insure the installation of the specific improvements and/or stormwater management or other facilities serving Lot 1 prior to the issuance of a Zoning Permit to authorize the erection of any structure upon Lot 1.*

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- 5. *A violation of these conditions shall be considered a violation of the Rapho Township Subdivision and Land Development Ordinance and the Rapho Township Stormwater Management Ordinance.*
- B. *Section 602.5.E – Additional Right-of-Way*
The applicant has requested a modification of the requirement to provide additional right-of-way along Strickler Road. No alternative is provided.
The Planning Commission, at their meeting on December 3, 2018, recommended denial of this modification request.

STORMWATER MANAGEMENT

- A. *Section 506.1.B.3.B – Loading Ratios*
The applicant has requested a modification of the requirement that the maximum loading ratios in non-Karst areas shall be 5:1 impervious area to infiltration area and 8:1 total drainage area to infiltration area. In the alternative, the applicant proposes to exceed the impervious loading ratio for Rain Garden 3 and to exceed the total drainage area loading ratio for all proposed BMPs due to the size of the open lawn areas that will be tributary to the BMPs.
The Planning Commission, at their meeting on December 3, 2018, recommended approval of this modification request, based upon the justification and alternative provided.
- B. *Section 504.4.d.3 – Swale Slopes*
The applicant has requested a modification of the requirement that the maximum swale slopes shall be two (2) percent. In the alternative, the applicant proposes Swale B at 1.3% and Swale D at 1.5%, both of which provide six (6) inches of freeboard, to convey the house and lawn area.
The Planning Commission, at their meeting on December 3, 2018, recommended approval of this modification request, based upon the justification and alternative provided.
- C. *Section 505.3.e – Spillway Width*
The applicant has requested a modification of the requirement that the maximum spillway width shall be 20 feet. In the alternative, the applicant proposes Rain Garden 1 with a 50-foot spillway width in order to address concerns of creating a new shallow concentrated flow path for a storm event that exceeds the 100-year event.
The Planning Commission, at their meeting on December 3, 2018, recommended approval of this modification request, based upon the justification and alternative provided.
- D. *Section 505.3.a.2 – Above Ground Storage Facility Design Criteria*
The applicant has requested a modification of the requirement that the design of Rain Garden 3 needs to comply with the requirements (embankment geometry, embankment construction, spillway) for a facility with a depth between two (2) feet and six (6) feet. Although the 100-year depth is less than two feet, the facility depth measures 2.5-feet (from the bottom elevation to the invert of the spillway). In the alternative, the applicant proposes Rain Garden 3 to meet the design standards for an above ground facility with a depth less than two (2) feet.
The Planning Commission, at their meeting on December 3, 2018, recommended approval of this modification request, based upon the justification and alternative provided.

Proposed Conditions:

SUBDIVISION AND LAND DEVELOPMENT

- 1. *The date, final action and conditions of approval by the Board of Supervisors on any approved modification requests need to be included on the plan (§ 403.4.J).*
- 2. *All certificates need to be completed prior to recording the plan (§ 403.5, 405.3).*
- 3. *Evidence of review by emergency service providers needs to be provided (§ 403.6.A).*
- 4. *Evidence of an approved planning module, exemption request, or notice that a planning module is not required needs to be provided (§ 405.4.A).*
- 5. *Financial security in the amount of \$56,023.28, and a financial security agreement need to be provided (§ 405.4.E, 405.4.F, 501).*
- 6. *The applicant needs to satisfy the park and recreational land dedication requirements prior to plan recording (§ 612).*

STORMWATER MANAGEMENT

- 1. *An ownership and maintenance agreement, in a recordable form suitable to the Township, that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion control facilities needs to be provided (§ 501.1.C, 601).*

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2. *An easement shall be provided from the spillway outfall to a natural or artificial watercourse (§ 505.7). As required by Section 501.15.C, the applicant has provided signed statements from two of the three downstream landowners that refuse to grant an easement. A written statement signed by the Zooks will also need to be provided for the Rain Garden 3 spillway. The applicant has provided calculations to show the discharges from all spillways will be in a non-erosive, sheet flow condition, and for all design storms, runoff from the applicant's site will flow onto the adjacent property in a manner similar to the runoff characteristics (spread, velocity, and peak rate) of the pre-development flow.*
3. *The Rain Garden 3 spillway width needs to be updated in the detail on sheet 10.*

Todd Smeigh of D.C. Gohn Associates and the applicant, **Dan Murphy** addressed the Board with concerns about Item B under Subdivision and Land Development Modifications. They feel that the lay of the land is so steep along the road and they would like a waiver from having to provide additional right-of-way along North Strickler Road. The township engineer and the Planning Commission have recommended denying this request. Township Manager Sara Gibson said she consulted with the Public Works Director John Haldeman and he also recommends denying the request. Mr. Haldeman said if they widen North Strickler Road he would need the extra right-of-way.

Mr. Smeigh and Mr. Murphy also asked for a waiver of Condition #2 under Stormwater Management. They have not received a letter from the property owners adjacent to Lot 1 which is not going to be developed at this time. Mr. Murphy does have letters from the 2 adjacent property owners for Lot 2 which will be developed as soon as possible. He feels that if there is excess run-off on Lot 1 it will go into the creek bordering his property and will not run onto the neighboring property owned by the Zooks. Mr. Murphy also asked the Board to defer the financial security condition until the plan is recorded. He said this is necessary for him because the bank will not approve his loan, of which he will use a portion for the financial security, until the plan is recorded. Mr. Martin expressed concern about setting a precedent if the Board allows recording of the plan without financial security. There was some discussion on these requests. **Mr. Martin made a motion to approve the Daniel and Lauren Murphy Preliminary/Final Subdivision/Land Development Plan #18-366 located on North Strickler Road with the modifications and conditions as listed, denying the Subdivision and Land Development Modification B, adding the wording for Subdivision and Land Development Condition 5 that a Letter of Commitment to provide Financial Security within 90 days in a form acceptable to the township is needed, and to waive Stormwater Management Condition #2 for Lot 1; second by Mr. Swarr. All voted in favor.**

BRIEFING ITEM:

B.C. Desai Holiday Inn Preliminary/Final Land Development Plan #18-368
Southwest corner of East Main Street and Esbenshade Road, Mount Joy
ELA Group, Inc., consultant

The property comprises 4.619 acres near the intersection of Route 230 (Main Street) and Esbenshade Road. The applicants propose to construct a 4 story, 85-room hotel. A provision is made for a future Phase 2 with an additional retail/restaurant building, which would require a separate land development plan. The project has several driveways, one of which would access Authority Drive on south side of the lot. The project was approved by conditional use by the Board of Supervisors on January 17, 2019. The driveway configurations have precipitated a number of waiver requests. The property is located in the Mixed Use Commercial Zoning District.

Jim Caldwell of Rettew Associates presented this plan to the Board. There was some discussion on the various entrances and exits to the property. He feels it is a good site for this project even though working through the access points will be challenging.

Steckbeck Engineering for Sporting Valley School stormwater drainage
803 South Colebrook Road

Michael Lusaitis of Steckbeck Engineering reviewed proposed designs to address the stormwater drainage issues at 803 South Colebrook Road. There was some discussion on whether guiderail will be needed for the

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new swale proposed in Stckbeck’s design. Mrs. Gibson reminded Mr. Lusaitis that the property owner will be responsible to maintain the stormwater management system. Mr. Lusaitis wanted to let the Board know that the property owner is continuing to work on the design and they plan to begin the project in early spring.

Mr. Martin made a motion to approve the request to reduce the Letter of Credit for Flyway Excavating Land Development Plan #17-349 on South Esbenshade Road and Old Harrisburg Pike from \$489,614.00 to \$165,444.00; second by Mr. Swarr. All voted in favor.

Mr. Martin made a motion to approve the request for an extension to April 22, 2019 for the Ivan S., Rebecca S., and Eli S. Fisher Final Land Development Plan #18-367 at 239 Hossler Road; second by Mr. Swarr. All voted in favor.

Mr. Swarr made a motion acknowledging the receipt of Conditional Use Application #2019-33 from Guardian Barrier Services and to forward the application to the Rapho Township Planning Commission with a hearing date of March 7, 2019; second by Mr. Martin. All voted in favor.

OLD BUSINESS

Mr. Martin made a motion to adopt Ordinance 2019-2 to allow an Intergovernmental Cooperation Agreement for the purchase of Public Works equipment with Penn Township and Manheim Borough; second by Mr. Swarr. All voted in favor.

Mr. Martin made a motion to approve an agreement to purchase a Cimline MAGMA M1 Melter Applicator (crack sealer) with Penn Township and Manheim Borough; second by Mr. Swarr. All voted in favor.

Mr. Swarr made a motion to appoint John Haldeman as the township representative to the Manheim Area Water and Sewer Authority Board to fill an unexpired term to expire 12/31/19; second by Mr. Martin. Mrs. Gibson clarified that this is a volunteer position Mr. Haldeman will be fulfilling as a resident of the township.

NEW BUSINESS

Awarding of Bids -

BITUMINOUS PAVING MATERIALS FOB

	HIGHWAY MATERIALS		PENNSY SUPPLY	
	DELIVERED	FOB	DELIVERED	FOB
400 T 25MM	61.05	55.85	51.99	46.80
TOTAL	24,420.00	22,340.00	20,796.00	18,720.00
400 T 19MM	54.80	49.60	53.20	48.01
TOTAL	21,920.00	19,840.00	21,280.00	19,204.00
600 T 9.5MM	52.10	46.90	62.88	57.69
TOTAL	31,260.00	28,140.00	37,728.00	34,614.00

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GRAND TOTAL	77,600.00	70,320.00	79,804.00	72,538.00
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BITUMINOUS PAVING IN PLACE AND RECLAMATION

	HIGHWAY MATERIALS	PENNSY SUPPLY
2,955 T 9.5MM	78.87	100.37
	233,060.85	296,593.35
5,445 T 19MM	63.00	79.00
	343,035.00	430,155.00
900 T 25MM	60.79	78.00
	54,711.00	70,200.00
6,030 PA-DOT APPROVED PAVING FABRIC NC-140	2.41	2.50
	14,532.30	15,075.00
25,600 SY RECLAMATION	1.79	1.90
	45,824.00	48,640.00
700 T 9.5MM RAPHO PARK	86.67	99.00
	60,669.00	69,300.00
570 T 9.5MM RAPHO COMPLEX	85.83	97.00
	48,923.10	55,290.00
GRAND TOTAL	800,755.25	985,253.35

BITUMINOUS MATERIAL E-3M

	MARTIN'S PAVING	
	DELIVERED	FOB

30 T BITUMINOUS MATERIAL E3M	731.00	745.00
GRAND TOTAL	21,930.00	22,350.00

CRUSHED AGGREGATES, ANTI-SKID AND CONCRETE

	ROHRER'S QUARRY		PENNSY SUPPLY	
	DELIVERED	FOB	DELIVERED	FOB
200 T AASHTO #1	11.80	8.00	11.72	7.85
TOTAL	2,360.00	1,600.00	2,344.00	1,570.00
200 T AASHTO #57	11.60	7.80	11.52	7.65
TOTAL	2,320.00	1,560.00	2,304.00	1,530.00
100 T AASHTO #10	9.80	6.00	11.87	8.00
TOTAL	980.00	600.00	1,187.00	800.00
1,000 T AASHTO #2RC	10.15	6.35	9.62	5.75
TOTAL	10,150.00	6,350.00	9,620.00	5,750.00
500 T AASHTO #8	13.75	9.95	13.67	9.80
TOTAL	6,875.00	4,975.00	6,835.00	4,900.00
500T AASHTO #67	11.80	8.00	10.87	7.00
TOTAL	5,900.00	4,000.00	5,435.00	3,500.00
300T ANTI-SKID	13.65	9.85	13.62	9.75
TOTAL	4,095.00	2,955.00	4,086.00	2,925.00
4,000 T 3A MODIFIED BASE MATERIAL- NON PENN DOT	10.05	6.25	9.81	5.94
TOTAL	40,200.00	25,000.00	39,240.00	23,760.00
2,000 T CRUSHED CONCRETE	9.75	5.95	NO BID	NO BID
TOTAL	19,500.00	11,900.00		
TOTALS WITHOUT CRUSHED CONCRETE	72,880.00	47,040.00	71,051.00	44,735.00

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Mr. Martin made a motion to award the Bituminous Paving Materials FOB to Highway Materials, the Bituminous Paving in Place and Reclamation to Highway Materials, Bituminous Material E-3M to Martin Paving, the Crushed Aggregates and Anti-Skid to Pennsy Supply and the Crushed Concrete to Rohrer's Quarry; second by Mr. Swarr. All voted in favor.

Mr. Swarr made a motion to approve Resolution 2019-3 to adopt the Lancaster County Hazard Mitigation Plan; second by Mr. Martin. All voted in favor.

Mrs. Gibson reviewed with the Board the timeline for rebidding the Municipal Trash/Recycling Contract. In order to meet the deadlines and have a new contract in place for July 1, 2019, the start of the trash/recycling year, the Board must take action to put out bids at the February 21st meeting. The municipal contract would be for 3 years with the option of extending the contract each of the following 2 years. In the new contract the township will be responsible to pay the trash and recycling disposal fees causing a probable increase for services. Currently there are 2022 properties enrolled with the municipal contract. She explained that Rapho's rates will be higher than most other municipalities because the contract does not include all township properties.

CORRESPONDENCE

- LCPC – Receipt of Proposed West Hempfield Zoning Ordinance Amendment re:off-street parking*
- LCPC – Review of the Zoning Ordinance Map Amendment for 936 Strickler Rd to include Village Overlay (VO)*
- Auditor General audit of Mastersonville Volunteer Firemen’s Relief Association*
- Lancaster County Clean Water Consortium – invitation to Municipal Stormwater Forum 6/3/19*
- LCPC – Plan Review Comments for B C Desai Project*
- LC District Attorney – 4th Quarter Drug Task Force Report – 2018*
- Fire Department Mount Joy – invitation to annual banquet 3/9/19*
- LCCD – Invitation to mtgs concerning Spotted Lantern Fly*
- LCCD – Invitation to Supervisors to Annual Banquet – 3/21/2019 @ Yoder’s*
- Manheim Fire Dept – Invitation for a Twp representative and guest to Annual banquet 0 3/2/2019 @ Enck’s*
- Northwest EMS monthly report*

APPROVAL OF THE DISBURSEMENT LIST - Mr. Martin made a motion to approve the disbursement list and pay the bills; second by Mr. Swarr. All voted in favor.

Mrs. Gibson reported that Public Works Director John Haldeman will be recognized at the Lancaster County Conservation District Banquet for his success with the Low Volume Road Grants that he has been awarded.

Mr. Martin commented how nice the Wash Bay has been for the Public Works Department, especially with the extreme cold temperatures. He said it has also been nice for the police department to wash their vehicles.

There being no further public business or public comments the meeting adjourned at 8:48PM.

Respectfully Submitted,

Melva J. Kready
Recording Secretary