

The Board of Supervisors met at the Township Office Building for their regular meeting on March 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 February 21st Meeting were distributed. Mr. Martin made a motion to approve the Minutes as presented; second by Mr. Swarr. All voted in favor.

CONDITIONAL USE HEARING

Guardian Barrier Services Conditional Use Plan #2019-33

Lot 4 of KRM Ventures subdivision, Strickler Road

D.C. Gohn, consultant

The property comprises 7.176 acres and is located at Lot 4 of the KRM Ventures subdivision approved 12/6/18 (formerly Mount Joy Industrial Park Lot F7). The applicants rent and distribute barrier systems for festivals and tours, which are manufactured in North Carolina. Structures to be stored and distributed at this site include stage decking, bike rack style barricades, ramps including ADA ramps, and turn protection products. The applicants seek to relocate their operational headquarters to this lot, with a 30,000 square foot warehouse (including 5,000 square feet of office space) in Phase 1. The applicants also intend to construct two additional phases of 30,000 square feet each. There would be 16 full-time employees in Phase 1. There will be some outdoor storage and deliveries. Stormwater would be managed by a regional basin. The property is located in the Industrial Zoning District and is served by public water and sewer.

Mr. Fry reviewed the procedures for conducting a conditional use hearing. Mr. Fry called the hearing to order. Township Manager Sara Gibson reported that the hearing had been properly advertised and the property was posted. A court stenographer recorded the hearing. **Brian Cooley** of D.C. Gohn Associates and **J. B. Dolphin**, President of Guardian Barrier Services, reviewed the application for the conditional use with the Board. Mr. Cooley said since the application was received by the township, the Subdivision/Land Development Plan for this project has been recorded. He reported that they will not need a Zoning Hearing since the project meets all the setbacks and coverage area requirements. Mr. Cooley and Mr. Dolphin have reviewed the proposed conditions and do not have any concerns about them. Mr. Fry wanted some clarification on the outside storage area and the process of washing off their products. Mr. Cooley said the truck dock area would be used for washing off their products. He also explained there will not be any chemicals used and the water will not go into the storm system but will run into the sanitary sewer system.

Sandra Boose of 486 Lefever Road said she has concerns about where the run-off stormwater will go. She said their area had flooded this past year and doesn't think their system could handle any more stormwater. Township Engineer **Jim Caldwell** of Rettew Associates explained that the stormwater at her property goes into the Green Park Basin and that the Guardian Barrier Services stormwater will be piped to the stormwater facilities across the street from Hospice.

Mr. Swarr made a motion to close the hearing; second by Mr. Martin. All voted in favor. Mr. Swarr made a motion to approve the Guardian Barrier Services Conditional Use Hearing #2019-33 for Lot 4 of KRM Ventures Subdivision on Strickler Road with the conditions listed below; second by Mr. Martin. All voted in favor.

1. Parking of passenger vehicles for all three phases will be provided in the parking lot to the east of Phase 1.

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2. Applicant shall obtain all permits and approvals required by the Rapho Township Zoning Ordinance and any other applicable Township ordinances, regulations and specifications, except to the extent specifically modified by the Decision of the Board of Supervisors on the conditional use application, and as required by all county, state and federal laws and regulations applicable to the development of Guardian Barrier Services. Applicant shall perform all work at Guardian Barrier Services in accordance with all applicable state and municipal statutes, ordinances, and regulations.
3. Applicant shall reimburse the Township for all engineering and legal fees incurred in the processing and review of the Conditional Use Application and the conduct of the hearing on the Conditional Use Application, review or preparation of documentation required in connection with the conditional use hearing, and for other costs as set forth in these conditions within forty-five days after receiving an invoice for the same from the Township. If any party other than Applicant files an appeal from the decision of the Board of Supervisors, these fees are to be paid 45 days after the final disposition of all appeals. If Applicant fails to pay such costs within such period, Applicant shall be in violation of this condition.
4. Any violation of the Conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the MPC and in the Zoning Ordinance. In addition, the Township may refuse to issue any permit or grant any approval necessary to further improve or develop the Property in the event of the violation of or failure to comply with any condition contained in this Decision.
5. The conditions set forth in this Decision shall be binding upon the Applicant, its legal representatives, successors and assigns, and any other entity having an interest in the Property now or at any time in the future.
6. Applicant, its successors and assigns, shall at all times comply with and adhere to the evidence presented to the Board of Supervisors at the public hearing, except to the extent modified by these conditions or as may be modified as part of the land development process.
7. The conditions contained in this Decision shall not be deemed to limit, restrict, diminish, impair or otherwise affect any statutory, administrative or common law rights or remedies either at law or in equity which any person or entity, including the Township, may have as a result of the development or use of the Property.

PUBLIC COMMENTS

Jonathan Peterheim of Hossler Road said he bought his property July 30, 2018 and nobody lived in the house until February 2, 2019. He said he did not check the mailbox at the property regularly and discovered a trash bill from the township in December for the quarter of January through March 2019. He recently received another invoice for the next quarter and does not feel he should have to pay the bills. Mr. Fry explained that the township has to have proof that every property in the township has curbside trash/recycling. He explained that this is a utility bill and even though the property was vacant it is still due. Mr. Martin asked Mr. Petersheim if he was not aware that trash service would be billed for that address. Mr. Petersheim said he did receive a letter from the township that would have allowed him to opt out of the municipal contract but he never read it and therefore did not return his response. The letter states that if the township does not receive a response within 30 days it is automatically enrolled in the municipal contract. Mr. Petersheim would like the Board to consider changing their policy so that the issue of automatically enrolling properties into the municipal contract cannot happen in the future. Mr. Fry said this is a state mandated program and the township has to report each property's trash/recycling hauler.

CHAIRMAN'S COMMENTS - NonePLANNING**Request to amend conditional use approval****B.C. Desai Holiday Inn Preliminary/Final Land Development Plan #18-368****Sandy Kime, ELA**

Sandy Kime of ELA Group said the applicant, B.C. Desai/Holiday Inn, is proposing the elimination of the second commercial building and the associated uses on the site. There was discussion on the access drives to this property. Because the use is becoming less intense, the Board agreed that, provided the recorded plan reflects that no building will ever be built there under this approval, no additional road improvements will be needed, and the conditional use hearing will not need to be reopened. **Mr. Martin made a motion that no additional Conditional Use Hearing would be required subject to the applicant, B.C. Desai/Holiday Inn, removing the commercial building from the Preliminary/Final Land Development Plan #18-368 with the stipulation that if it is ever decided to build the second commercial building in the future, another Conditional Use Hearing would be needed; second by Mr. Swarr. All voted in favor.**

Review Task Activity Report (TAR) for update to Act 537 Plan - The DEP order relating to the lack of adequate sewage disposal at the Hampton Inn directs the township to prepare an amendment to their Act 537 Plan that addresses that need. The first step is to provide DEP with a Task/Activity Report (TAR) that lists the rest of the steps the township will be taking and what the estimated cost of those steps is. The TAR must also identify the area that will be evaluated for the amendment. Mrs. Gibson distributed the proposed TAR which currently includes 15 properties that are located along Route 72 (Lebanon Road) from the Turnpike crossing south to Cider Press Road. Mr. Martin questioned whether the study area should include properties to the north of the turnpike crossing and going to the township line. Mr. Fry said if the study area has failing systems, the township may have to expand the testing area. The meeting that Mrs. Gibson and Mr. Caldwell had with DEP staff led them to believe that this is the minimum study area that they will approve. There will need to be water and sewer testing done on these properties making sure there are not malfunctioning on-lot systems. DEP has to approve the TAR before the Act 537 amendment process can begin. Mrs. Gibson said the cost for Rettew Associates to provide services in order to make the amendment to the Act 537 Plan would be approximately \$60,000. **Mr. Swarr made a motion to accept the Task Activity Report (TAR) and to authorize the staff to submit it to DEP; second by Mr. Martin. All voted in favor.**

OLD BUSINESS - NoneNEW BUSINESS

Mr. Swarr made a motion to add properties owned by G. David and Nancy Ginder at Breneman Road, 90.07 acres; Thomas E. and Lindsey A. Nauman at 1684 Baker Road, 89.7 acres and Troy S. and Nicole M. Wenger at 2113 Kilmer Road, 59.9 acres to the Agricultural Security Area; second by Mr. Martin. All voted in favor.

The Tax Collector's February 2019 Report was distributed and reviewed.

Mrs. Gibson distributed her Annual Manager's Report. She reviewed the report with the Board showing pictures of various events that occurred in the township in 2018. She said 2018 was the year of water because of all the rain events and the August 31st flood which resulted in 7 sinkholes within 2 weeks. Mrs. Gibson commended Emergency Management Coordinator Lori Shenk and Zoning Officer Dave Eggert with

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doing a fantastic job during the flooding and the days following. She reviewed various road projects and the addition of the wash bay to the public works building. She reviewed the improvements made at the Rapho Township Park and the recycling changes. Mrs. Gibson also looked back at the Chiques Creek Watershed Expo and Creek Stomp. She ended her report saying she is proud of the staff and the tremendous job they do to provide services to the residents of the township.

CORRESPONDENCE

LCPC – Receipt of Sewer Module – Ivan & Rebecca Fisher – 239 Hossler Rd

LCPC – Receipt of Plan Review – Ivan & Rebecca Fisher – 239 Hossler Rd

LCPC – Receipt of Amendment to Zoning Map in East Hempfield

LCPC – Receipt of Amendment to Zoning Ordinance re: motor vehicle fueling stations in East Hempfield

PA DEP – PRP review comments - RT MS4- NPDES Permit

LCPC – Review of zoning ordinance amendments re: gaming terminals – West Hempfield

Lancaster County Conservation District – 2018 summary of activities

LC Drug Enforcement Task Force – Invoice to request annual contribution

Manheim Historical Society newsletter

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 suggested hosting a Homeowner's Association (HOA) meeting during the Board of Supervisors' workshop on April 4 at 6:00PM. She would encourage the officers of the HOA's to attend.

Mrs. Gibson reported that she has submitted pre-applications for three Hazard Mitigation Grants. They are for 1050 Drager Road property acquisition, Erisman Road/Route 772 intersection and Esbenshade Road at 360 South Esbenshade Road. She will work with Harbor Engineers to prepare the grant applications.

Scott Bowser questioned the Board's approval of the TAR. He asked if the study area's residents will be given formal notice of the amendment to the Act 537 Plan. He asked why the Board is not imposing fines on the Hampton Inn for violating the ordinance. He feels fine money could go toward the \$60,000 needed for the amendment. Mr. Bowser said he thinks the Hampton Inn's holding tank is leaking because of the freezing temperatures breaking the seal and wants to know what the township is planning to do about it. Mr. Fry said the township is enforcing the laws as needed. He said unfortunately the only alternative for amending the Act 537 Plan could cost approximately 8 million dollars. Mr. Fry feels the sewer problems and the amendment started between Mr. Bowser and the Hampton Inn owners and has spread to involve more properties in order to find a solution. Mrs. Gibson said the testing will show if there is a property polluting the area.

There being no further public business or public comments the meeting adjourned at 9:25PM.

Respectfully Submitted,

Melva J. Kready
Recording Secretary