

The Board of Supervisors met at the Township Office Building for their regular meeting on April 16, 2020, 7:30PM with Lowell Fry & Mark Erb present and Jere Swarr via telephone. The meeting was called to order by the Vice Chairman and followed with the Pledge of Allegiance. Mr. Fry explained the procedure for conducting this meeting by phone and via Facebook Live.

The minutes of the March 19th Meeting were distributed. **Mr. Erb made a motion to approve the Minutes as presented; second by Mr. Fry. All voted in favor.**

POLICE REPORT

The March Manheim Borough Police Department Report was distributed. The statistics for March included 29 traffic tickets, 4 non-traffic tickets, 6 criminal arrests, 17 warnings, 4,353 vehicle miles, 148 incident reports and 18 traffic accidents. Township Manager Sara Gibson reported that the officers are focusing on emergency responses. She said that Emergency Management Coordinator Lori Shenk and Police Chief Joe Stauffer have been working cooperatively to respond to the COVID-19 crisis. Appreciation was expressed for the preparedness that has been shown during this pandemic.

PUBLIC COMMENTS

Mervin Shenk of South Esbenshade Road asked the Board if there has been any progress with finding a solution for the flooding problem that occurred on August 31, 2018 at the pipe that runs under Esbenshade on his farm. Mrs. Gibson said there has been a project preliminary design. She said it has been determined that it will require a repair rather than replacing the pipe with a larger one. The project has not been scheduled yet.

CHAIRMAN'S COMMENTS - None

PLANNING

FINAL APPROVAL:

**Levi King/Back Run School Final Plan #20-387
1331 Shelly Road
Diehm and Sons, consultant**

The applicants have proposed the development of a 1,160 square foot one-room Amish schoolhouse on a .96-acre section of the existing 93.43-acre farm. The property is already improved with a single-family dwelling, barn, and agricultural sheds. The school would house 30 students. A modification to driveway requirements has been requested due to the applicants' intent to use the existing gravel farm lane. The proposed school would use a privy for sewage disposal. The property is located in the Agricultural Zoning District.

MODIFICATIONS:

A. *Section 305 – Preliminary Plan Processing*

The applicant has requested a modification of the requirement to process a preliminary plan and in the alternative, proceed directly to final plan.

The Planning Commission, at their March 3, 2020 meeting, recommended approval of this modification based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township.

B. *Section 403.3.B.3 – Location of Existing Wells and Septic*

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The applicant has requested a waiver of the requirement to show the location of existing wells and septic systems within 200 feet of the subject tract. The applicant states that the parent tract is 94 acres in size. In addition, there are no new wells or sewage absorption proposed and this project has no impact on the adjoining properties.

The Planning Commission, at their March 3, 2020 meeting, recommended approval of this waiver request based upon the justification provided.

C. *Sections 403.4.M and 403.4.O – On-Lot Sewage Facility and Replacement Location*

The applicant has requested a modification of the requirement to provide percolation test holes, deep probe holes, and easements for on-lot sewage absorption area replacement locations. In the alternative, the applicant proposes to not provide percolation test holes, deep probe holes, and easement for on-lot sewage absorption area replacement locations since a privy for sewage disposal is proposed.

The Planning Commission, at their March 3, 2020 meeting, recommended approval of this modification request based upon the alternative and justification provided.

D. *Section 603.1.A, 603.1.B – Access Drive Width and Construction (Modification Request Revised This Submission)*

The applicant has requested a modification of the width and construction requirements for an access drive and in the alternative, proposes to use the existing 11-foot wide gravel farm lane and construct a 12-foot wide gravel secondary access drive to the school from farm lane.

Due to the limited increase in the use of the existing farm lane, the Planning Commission, at their March 3, 2020 meeting, recommended approval of this modification request based upon the alternative and justification provided with the condition that the gravel farm lane be improved to ordinance requirements if/when a change in use or an increase in the intensity of the use is 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 needs to be included on the plan (§ 403.2.I, 403.4.J).*
2. *Evidence of review by emergency service providers needs to be provided (§ 403.6.A).*
3. *All certificates need to be completed prior to recording the plan (§ 405.3).*
4. *Evidence of an approved privy (holding tank) agreement needs to be provided (§ 405.4.A)*
5. *Financial security, in the amount of \$ 13,248.00, which includes the required ten percent contingency, and a financial security agreement need to be provided (§ 405.4.E, 405.4.F, 501).*

Mr. Erb made a motion to approve the Levi King/Back Run School Final Plan #20-387 located at 1331 Shelly Road with the modifications and conditions as stated and to approve the Back Run School Privy Agreement and the Stormwater Management Operations and Maintenance Agreement; second by Mr. Fry. All voted in favor.

REQUEST FOR WAIVER OF MAJOR LAND DISTURBANCE PLAN:

Samuel King #20-391

2031 Kilmer Road

TeamAg, consultant

The applicant has proposed to construct two new dwellings and a small barn on a 75.9-acre property. One existing 1,475 square foot dwelling would be removed and a new 2,500 dwelling built at the same location. The second existing 2,060 square foot dwelling would be removed and relocated to the north. A new 1,725 square foot barn is proposed, along with an additional 2,200 square feet of gravel, for a total new impervious coverage of 8,528 square feet. The removal of the two houses would result in 3,535 square feet of impervious coverage removed, for a net increase of 4,993 square feet of impervious. The areas of disturbance total .75 acre. Stormwater is proposed to be managed with two seepage beds. The applicant seeks a waiver of the requirements for a Major Land Disturbance plan and requests that the plan be processed as a Minor Land Disturbance plan. The property is located in the Agricultural Zoning District.

MODIFICATIONS:

A. Section 404 – Major Land Disturbance

The applicant has requested a modification of the stormwater management plan requirements for a Major Land Disturbance as the plan proposes a net increase in impervious surface by 4,993 square feet. In the alternative, the applicant proposes the plan be submitted as a Minor Land Disturbance.

We recommend approval of this waiver request based upon the alternative and justification provided.

CONDITIONS:

STORMWATER MANAGEMENT

1. *Infiltration testing and dewatering rate calculations need to be provided. The soils testing for the absorption area serving the second dwelling may be adequate to substitute for the infiltration testing depending on the location and depth of the testing (§ 402.11, 507.2.a.2).*
2. *The proposed grading needs to be provided on the plan (§ 403.1).*
3. *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 (§ 404.2.1).*
4. *Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit, if applicable, by the Lancaster County Conservation District needs to be provided (§ 405.1).*
5. *An Operations and Maintenance Agreement, in recordable form acceptable 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).*
6. *A cost estimate, financial security, and a financial security agreement need to be provided (§ 405.3, 602).*
7. *The volume required for each seepage pit needs to be provided to verify each BMP is sized appropriately. Seepage Bed 1 needs to be sized for the 2,200 square foot gravel area.*

There was some discussion on whether Condition #6 concerning a financial security agreement is necessary. Mr. Fry said he feels that a financial security agreement is not necessary as long as the applicant understands that an occupancy permit will not be issued until all the proposed stormwater management improvements are in place. If the applicant does not agree with that then he feels the financial security agreement should be required. **Mr. Erb made a motion to approve the waiver request from Samuel King of 2031 Kilmer Road to process his Major Land Disturbance Plan #20-391 as a Minor Land Disturbance Plan with the modifications and conditions as stated and to add to Condition #6 that the applicant can either provide a financial security agreement or instead the Zoning Officer can hold the Occupancy Permit until all proposed stormwater management improvements are in place; second by Mr. Fry. All voted in favor.**

Mr. Erb made a motion to accept the Zoning Officer’s March Report; second by Mr. Fry. All voted in favor.

OLD BUSINESS - None

NEW BUSINESS

Mr. Erb made a motion to approve Resolution #2020-5 designating Sara Gibson as the Applicant’s Agent for Disaster EM-3441 - COVID-19; second by Mr. Swarr. All voted in favor.

Mr. Swarr made a motion to approve Resolution #2020-6 extending the period in which real estate taxes may be paid at the base rate by adopting a penalty rate of 0% for tax payments as determined by Lancaster County no later than 12/31/20; second by Mr. Erb. All voted in favor. There was some discussion prior to this motion concerning the date to extend base payments to without receiving a penalty. The Board feels that to extend the base rate to December 31, 2020 will push revenue that should come to the township in 2020 into 2021, therefore affecting the budget. The Board decided to recommend to Lancaster County a cutoff date of November 30, 2020 for base payments with 0% penalty rate.

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Joint Petition to Stay 2020 Tax Upset Sales - Mrs. Gibson reviewed the joint petition that was received from the Lancaster County Treasurer to stay the 2020 Tax Upset Sales. She said the Treasurer is asking for the municipalities and school districts in Lancaster County to sign a petition moving the September 2020 Upset Tax Sale to no later than September 2021. Mr. Fry said the Tax Upset Sale that is scheduled for September 2020 is not a result of the COVID-19 crisis. These properties are delinquent in their 2018 taxes. After some discussion, the Board decided to table this decision.

Mr. Erb made a motion to approve a new date of September 13, 2020 for the Hempfield Rec Commission Tri-for-Life Triathlon; second by Mr. Swarr. All voted in favor.

Mrs. Gibson distributed the 1st quarter 2020 Financial Report. The end of the first quarter was on budget but she explained that the impact of the COVID-19 crisis on the budget will show up in the 2nd quarter or later. One of the biggest impacts will be the income generated from Earned Income Tax. She suggested that some of the road projects or capital contributions may need to be omitted in 2020. She asked the Board to think about what changes they think are necessary in the budget with the loss of income.

The Tax Collector's March Report was distributed and reviewed.

CORRESPONDENCE

LCPC – Rezoning approved for Mount Joy Twp.

Mastersonville Fire Company – Spring 2020 Newsletter

Mount Joy Borough newsletter

Milano-Schock Library Director's monthly report

Northwest EMS – thank you for donation

Lancaster County Board of Elections – April 28 2020 General Primary moved to June 2, 2020

Scott Bowser, Mazza Vineyards, Inc. – request for special use

The Board discussed the letter from Scott Bowser asking for a special use of a Drive-In Movie Theater at his Renaissance Faire property located at 2775 Lebanon Road. Mr. Bowser is asking for this use as a result of the COVID-19 Pandemic and the loss of income due to having to cancel scheduled events at this property. Mrs. Gibson explained that this is a use that would usually require Conditional Use approval. Mr. Fry said he would suggest giving temporary approval for this use for a period of time. Some of the Board's concerns are the direction the screen would face, sound, restroom facilities, concessions and traffic. The Board asked Mrs. Gibson to consult the township solicitor on how to proceed with this request.

APPROVAL OF THE DISBURSEMENT LIST - Mr. Erb made a motion to approve the disbursement lists dated April 2, 2020 and April 16, 2020 second by Mr. Swarr. All voted in favor.

There being no further public business or public comments the meeting adjourned at 8:15PM.

Respectfully Submitted,

Melva J. Kready
Recording Secretary