

The Board of Supervisors met at the Township Office Building for their regular meeting on September 2, 2021, 7:30PM with Lowell Fry, Jere Swarr & Mark Erb present. The meeting was called to order by the Chairman and followed with the Pledge of Allegiance.

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

Conditional Use Hearing 2021-40

**James & Debra Keenan & Keenan Slabworks, LLC.
4917 Elizabethtown Road, Manheim**

The Board will consider the conditional use application of James and Debra Keenan and Keenan Slabworks, LLC which are seeking approval to operate a sawmill and electric wood drying kiln as an Agricultural Related Business on property located at 4917 Elizabethtown Road, Manheim, Rapho Township, in the Agricultural Zone. The application is submitted under Sections 301, 603.C, 608.F, and 906 of the Zoning Ordinance.

Mr. Fry reviewed the procedure for a Conditional Use Hearing. He asked if anyone present would like to be a party to the hearing. **Karen Hudick** of 1032 Rife Run Road and **Cindy Geib** of 1061 Rife Run Road requested party status. **Mr. Swarr made a motion to grant both Karen Hudick of 1032 Rife Run Road and Cindy Geib of 1061 Rife Run Road party status; second by Mr. Erb. All voted in favor.** Township Manager Randall Wenger reported that the property was posted on August 25, 2021 and the advertisement was in the Lancaster Newspaper on August 18 and August 25, 2021. Mr. Fry called the hearing to order.

James Keenan and his son and co-owner, **Austin Keenan**, reviewed the application with the Board. They explained the procedure of how they cut the logs and dry them to create live-edge slabs. The Keenans transport the logs to their property themselves. They described how the bandsaw mill and vacuum kiln work. They do finish work on the slabs in the basement of their house. Hours for customers are 8-5. Their property is approximately 20 acres. Mr. Keenan said he had never received any direct complaints from anyone but was contacted by the township about the backup alarm on his trac loader which he promptly disconnected.

Mr. Fry asked how the logs arrive at their property. Austin said he has 2 trailers that he uses to transport the logs to their property. When asked what happens with the off fall, the Keenans said they rent a chipper about 2 times a year. The chips are used in their gardens. Mr. Swarr asked if they hear noise from the gun club and if that is a concern. James said they do hear the noise but it isn't a problem for them.

Mr. Wenger asked the applicants to establish for the record the amount of their property that is used for this purpose. They said the area dedicated to this business is approximately 1.5 acres. Jim Caldwell of Rettew asked if they take the portable mill to other properties. The Keenans said the mill can be moved but they do not intend to use it that way. Mr. Caldwell said he suggests the applicants hire a professional to draw a plan to scale delineating the space used for this purpose.

Ms. Geib asked how many days a week they are open for business. They are open 7 days a week and in a good month have approximately 12 people come to their property. Ms. Geib said she appreciated how quickly they addressed the problem with the backup alarm.

Robert Mellott of 4963 Elizabethtown asked what happens with the saw dust. He is concerned about it getting into the streams. The saw dust is not taken off the property but is used by the Keenans.

Mr. Caldwell entered the review letter dated July 29, 2021 with proposed conditions. He recommended to the Board that they would add the condition of preparing a site plan showing the areas used for this purpose and also recommended a condition that states if there is an increase of the area used or the intensity of the use, the applicant would need to come back to the Board.

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Ms. Hudick said her property is contingent with the Keenan property. She said they have been excellent neighbors and that everything they described in their testimony is true. Her concern had been the noise from the backup alarm but that has been taken care of. She feels the noise from the sawmill is not excessive. Ms. Geib would like to see a condition that the backup alarm cannot be used in the future but Mr. Fry said that the Board cannot make that a condition because of OSHA regulations. Austin said he loves not having the alarm on and that they can continue with that since it is a family owned and operated business. **Duane Shirk** of 4907 Elizabethtown Road said he has no issues or concerns about this use. He lives directly in front of the Keenans.

Mr. Erb made a motion to close the hearing; second by Mr. Swarr. All voted in favor. Mr. Swarr said he is opposed to the 2 additional conditions recommended by Mr. Caldwell. Mr. Fry said he feels that even though the neighbors are okay with the business as it stands, this hobby business could grow into something much larger. The conditional use decision stays with the property so he feels if the additional conditions are not implemented there is a chance that this use could grow and eventually use a majority of the 20 acres.

Mr. Erb made a motion to approve the James and Debra Keenan and Keenan Slabworks, LLC located at 4917 Elizabethtown Road Conditional Use Hearing 2021-40 with Conditions A-H listed in the RETTEW letter dated July 29, 2021 and the 2 additional recommended conditions of providing a professionally prepared plan delineating the area being used for this use and also requiring any increase in intensity needing to come back before the Board for approval; second by Mr. Swarr. Mr. Fry and Mr. Erb voted in favor. Mr. Swarr voted opposed. Mr. Swarr said he was not opposed to the use, but opposed to the additional conditions.

PUBLIC COMMENTS - None

CHAIRMAN'S COMMENTS – Mr. Fry thanked Emergency Management Coordinator Lori Shenk for her efforts and time in being prepared for the predicted flood this week.

PLANNING

Mr. Swarr made a motion to approve the release of the Financial Security for RT#19-369 - Edwin & Linda Bentzel, with property at 3177 Elm Tree Rd, in the amount of \$2,410.29; second by Mr. Erb. All voted in favor.

Mr. Swarr made a motion to approve the reduction in Financial Security for RT-18-360 - Elm Tree Properties Phase 5B/5C, with property on Strickler Road, in the amount of \$139,624.54 leaving a balance of \$524,076.10; second by Mr. Erb. All voted in favor.

Mr. Erb made a motion to accept the Zoning Officer's August 2021 Report; second by Mr. Swarr. All voted in favor.

OLD BUSINESS - None

NEW BUSINESS

Mr. Erb made a motion to approve updates to the Rapho Township Personnel Handbook becoming effective September 6, 2021, with the exception of the Paid Time Off (PTO) Earning schedule in Section 407 which will take effect on January 1, 2022 allowing Township employees to continue with their existing Vacation and Personal time allocations through the end of 2021 and allowing up to 40 hours of unused vacation time to be carried into 2022 as PTO; second by Mr. Swarr. All voted in favor.

Mr. Swarr made a motion to approve the Manheim Area Water and Sewer Authority Capacity Reservation Request letter; second by Mr. Erb. All voted in favor.

Mr. Swarr made a motion to hire Don Kupres as a Part Time Public Works CDL Equipment Operator; second by Mr. Erb. All voted in favor.

The Tax Collector's August 2021 Report was distributed and reviewed.

The 2020 Distribution FY Comparison for Municipalities Actual vs. Estimated Earned Income Tax Totals Report was distributed and reviewed. Currently the township is \$31,000 over the budgeted total.

CORRESPONDENCE

Invitation to attend the Grand Opening of Old Trolley Line Park – Mount Joy Twp - September 18 – 11:00 am-2:00 pm
PA DOT – Response to letter sent on 7/26/2021 re: a traffic study at State Roads Elizabethtown & Meadow View.
Milanof-Schock Library – July, 2021 Report

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

Joel Rutt of 1178 White Oak Road along with Charlie Allen discussed with the Board their wish to install solar ground mount panels. There was some discussion as to the Zoning Ordinance regulations and what criteria they must meet in order to install the ground mount solar panels. Mr. Rutt will need to establish he cannot put them on his existing chicken house because the trusses are not designed for that type of load, before he can place them on the ground.

There being no further public business or public comments the meeting adjourned at 9:21PM.

Respectfully Submitted,

Melva J. Kready
Recording Secretary