

LITTLE BRITAIN TOWNSHIP
November 12, 2019

The Little Britain Township Board of Supervisors held its regular monthly meeting on Tuesday, November 12th at the Municipal Building, 323 Green Lane, Quarryville, Pennsylvania. Prior notice of the meeting was given.

Chairman, Jerry Emling called the meeting to order at 7:00 p.m. A moment of silence was followed by the salute to the Flag.

PRESENT: Jerry Emling
Clark Coates
Richard Brenneman
Shawn Reimold
Pat Wood
Christine Jackson
Margaret DeCarolis

George Osborn
Marcella Peyre-Ferry
Dan Risk
Craig Williams

MINUTES: Motion made by Ms. Wood, seconded by Mr. Brenneman and carried to adopt the minutes of the October 9th meeting and budget workshop as printed.

SANITATION: It was reported that Mr. Stoner collected \$1,050.00 in sanitation fees and \$100.00 for well permits during the month of October.

ZONING: Zoning Officer, Christine Jackson reported issuing 8 zoning, 7 occupancy, 4 driveway and 3 demolition permits during the month of October along with the acceptance of 3 Zoning Hearing Application. Ms. Jackson also advised of the following:

- Zoning Hearing Application of Benuel Stoltzfus requesting a special exception of section 200.4 of the zoning ordinance for greenhouses exceeding 5,000 sq. ft. Mr. Stoltzfus is proposing to construct a 32' x 80' greenhouse now and would like approval to relocate his father's greenhouses to his property upon his retirement. He is also requesting a variance of section 606.4 of the ordinance to allow additional time for the structures to be completed. Following a review of the application, it was noted without comment by the Board.
- Zoning Hearing Application of Little Britain Mennonite School, Aaron Stoltzfus and John Glick requesting an appeal of the zoning officer's decision pertaining to the keeping of livestock on the property located at 376 Nottingham Road. If the appeal is denied, they are requesting a special exception for the expansion/alteration or substitution of a nonconforming use. If the special exception is denied, they are requesting a variance. Following a review of the application, the Board questioned how this application varied from the one previously submitted. Ms. Jackson noted that Mr. Stoltzfus has now signed a legal sales agreement with the School and that Mr. Glick has signed a lease agreement for the use of the home and property until a child of Mr. Stoltzfus' begins their own family. The applicants have also now provided specific numbers pertaining to the number of animals they wish to house on the property. It was noted that the applicants have filed an appeal to the previous hearing decision at the County level and are submitting this new application to the Zoning Hearing Board. Ms. Jackson noted the Township Planning Commission was passionately opposed to this application and desires the zoning ordinance to be upheld.

They firmly believe if this application were to be approved that a precedent would be established in which the boundaries between Agricultural, Residential and Commercial would cease to exist. A discussion pursued in which it was noted that religious rights do not equal convenience. Mr. Emling also indicated that if the Township is forced to continue defending itself against legal challenges based on individual desires versus the good of all residents within the Township that the Board would be forced to increase municipal taxes to cover the additional expenses being incurred. He stated that in his 26 plus years of serving as a Supervisor that taxes have never been increased and in fact the per capita tax was eliminated. Ms. Jackson noted that members of the Planning Commission also discussed the financial implications being caused by legal challenges in the last few years and indicated they would be willing to pay additional taxes to ensure the Agricultural integrity of the Township. They also mentioned the possibility of the Township setting up an account to accept donations towards the legal fees being encountered in defending itself due to zoning related matters. Following all discussions on this matter, a motion was made by Mr. Reimold, seconded by Mr. Coates and carried recommending the denial of this application and all its requests.

- The Amish church has obtained guardianship of the Christ King property located on Noble Road. Since obtaining guardianship they have contacted DEP and the Conversation District and established a remediation plan to address the erosion and sediment control and post construction stormwater management violations on the property. Since obtaining approval of their plans, much work has been completed and the property is looking much improved. She noted the church plans to sell the property upon completion of the improvements on the lot but that the house will be sold as is. She indicated she was quite pleased with the work completed and commended those who are restoring the property.
- The term of Bill Shaffer who serves as a representative on the Lancaster County Planning Commission for Region 6, which includes most of the southern end of the County will expire at the end of the year. As Mr. Shaffer is not seeking reappointment, the County is seeking nominations for this position. She provided contact information for anyone who may wish to seek this position.
- Attendance at the first meeting of the Places 2040 committee. Ms. Jackson noted this second phase of the plan is anticipated to take 2 years to complete. Information from that meeting was provided for their review. She noted the committee would like to establish a subcommittee to focus on farm business related regulations. It was noted that the County used to strongly encourage farm related businesses but has concluded that this practice could now present a conflict between Agricultural and Commercial zoning. Mr. Emling indicated he was skeptical of the County's desire to assist in this project as they are prone to invite collaboration only to force their views on municipalities. Ms. Wood indicated the County had provided a presentation of this program to the Inter-Municipal Council several months ago and should have a clear view of the desires of residents within the southern end of the County. She indicated her belief that the southern municipalities must continue to reinforce their desires for remaining primarily agricultural communities. Following this discussion, it was decided Mr. Coates would serve as a member of the committee pertaining to farm related businesses. Ms. Jackson also advised the Board she had offered the use of our facility to host some of the meetings but has not heard back from the County on this.
- Information pertaining to the ACRE appeal of Dr. Shoemaker enclosed for the Board's review.

TAXES: It was reported that Tax Collector, Agnes Reeder collected \$349.40 in Real Estate tax and \$72.09 in Interim tax during the month of October.

ROADS: Roadmaster, Dan Risk reported on the following October road crew activities

- Picked up parts for loader.
- Checked and cleaned Park.
- Picked up cold patch and repaired potholes.
- Worked on Camp Road.
- Mowed and municipal building.
- Obtained prices for steam cleaners.
- Trenched ditch and laid conduit for electric to salt shed.
- Hauled anti-skid material to salt shed.
- Set wingwalls on Green Lane.
- Performed routine equipment maintenance.
- Checked driveway permit sites.
- Checked roads following storm for wind damage.
- Placed topsoil, seed on straw on the bank of Roberts Road.
- Helped Fulton Township place matting and set pipe.
- Worked on motor grader.
- Cleaned off bridge on Green Lane.
- Graded area in front of salt shed in preparation of paving.
- Winterized restrooms at the Park.
- Repaired dirt roads following storm.

Mr. Emling stated he has seen the new Merry-go-Round at the Park and believes it to be a nice piece of equipment and complimented Mr. Risk on his installation of this equipment. Mr. Risk indicated he was also obtaining prices on power washers for use on the equipment as the current one is barely operational. It was noted this item had been budgeted for in the 2020 budget. Mr. Risk indicated he anticipates the new power washer to cost between \$5,200.00 and \$5,500.00. Following a discussion on this matter, a motion was made by Reimold, seconded by Mr. Coates and carried authorizing the purchase of a new power washer.

PAYMENT OF BILLS: Motion was made by Mr. Brenneman, seconded by Mr. Reimold and carried authorizing the payment of General Fund checks 11551 through 11587 in the amount of \$22,592.11.

PUBLIC PARTICIPATION: Resident, John Kreider questioned the need for the Sewage Maintenance Ordinance and indicated concern over the financial hardship this mandate will create for some residents. Zoning Officer, Ms. Jackson advised that the Department of Environmental Protection (DEP) was insisting the township update its ACT 537 plan. Without an approved ACT 537 plan, DEP could refuse to authorize any new septic systems within the township which would force residents to install composting toilets or the township to install a public sewer system. The maintenance program being implemented will provide the township a respite in rewriting its entire Act 537 plan at an expense of approximately \$100,000.00 or installing a public sewer system at a much greater expense. Resident, George Osborn questioned how proof of pumping was to be

provided and was advised a hauler can submit directly to the Township or the resident may mail, e-mail or fax proof to the township office.

PLANNING COMMISSION: Motion made by Mr. Reimold, seconded by Mr. Coates and carried adopting the minutes of the October 22nd Township Planning Commission as printed.

Joel Welch: Craig Williams of Strausser Surveying presented the stormwater management plan for the King Pen Road project. He requested waivers of loading ratios, swale freeboards and existing features. Following a discussion of the plan, Mr. Coates motioned conditional approval of the plan and authority for the Zoning Officer to sign the plan outside of a meeting upon all comments from Township Engineer, Ed Fisher being addressed. Ms. Wood seconded the motion, which carried.

ORDINANCE #1-19: Sewage Maintenance Ordinance – Motion made by Mr. Coates, seconded by Mr. Brenneman and carried adopting Ordinance #1-19 the Sewage Maintenance Ordinance.

ZONING HEARING BOARD SOLICITOR: Ms. Jackson advised that Neil Albert, the solicitor for the Zoning Hearing Board will be leaving the firm Zimmerman, Pfannebecker, Nuffort & Albert as of December 31st to open his own practice. The Zoning Hearing Board has requested to retain the services of Mr. Albert as their solicitor. Motion made by Mr. Brenneman, seconded by Ms. Wood and carried authorizing this request.

ZONING ORDINANCE AMENDMENTS: Zoning Officer, Ms. Jackson advised that the proposed zoning amendments are set to be adopted at the December 19th meeting. She reviewed a letter dated October 23rd from the solicitor regarding the items that have been revised since their prior review of the proposed changes. Following a review of this list, Mr. Emling questioned why an event barn and event venue were listed as separate entities. Ms. Jackson advised that an event barn is only allowed within the Agricultural zoning district, the board would have to approve the structure to be used and/or constructed, the structures were meant for smaller gatherings and that an event barn would be limited to 24 events per year. An event venue is allowable in both the Commercial 1 and Commercial 2 zoning districts and are authorized to hold larger scale events. Questions then arose pertaining to the Helm’s winery and their hours of operation. It was noted that while no additional wineries are likely to be authorized within the township due to the updating of the law pertaining to them that regulations were still written for their use to ensure any further winery request that may be in the works prior to the law being updated or any that may become authorized years down the road would be regulated as desired by the Township. It was also noted that attendance at an event venue was limited to those with an invitation or ticket to the event. Mr. Emling questioned if these structures would need to recertify their uses annually and was advised they would need to confirm their status with the township yearly. Ms. Wood indicated that most of the complaints she had received were pertaining to zoning district changes and was advised that no map changes were occurring.

TENTATIVE ADOPTION OF 2020 BUDGET AND TAX MILAGE: Motion made by Mr. Coates to tentatively adopt the 2020 tax milage of .3019 and the 2020 budget as prepared. Mr. Brenneman seconded the motion, which carried.

RELEASE OF ESCROW: The Board reviewed the comments provided by Township Engineer, Ed Fisher on the plans below prior to taking the following actions:

Jerry Sensenig: Motion was made Mr. Coates, seconded by Mr. Reimold and carried authorizing the release of escrow on the Widdowson Road project.

David & Jennifer Warwick: Mr. Brenneman motioned the release of escrow funding being held on the Clendenin Road project. Mr. Reimold seconded the motion, which carried.

Michael Jones: Mr. Coates motioned that \$1,500.00 of the escrow being held on the Spruce Grove project be released, while maintaining a \$1,000.00 until the driveway is completed. The motion was seconded by Mr. Reimold and carried.

Mike Peterson: A motion was made to release the line of credit being held on the Spruce Grove Road project by Ms. Wood. Mr. Brenneman seconded the motion, which carried.

Israel Kinsinger: Motion made by Mr. Coates, seconded by Ms. Wood and carried authorizing the release of escrow being held on the Reath Road project.

EMPLOYEE CONCERN: Zoning Officer, Ms. Jackson advised the Board that following the issuance of a zoning violation approximately 6 months ago, a resident is contacting her weekly via office visits and phone calls to report others who they believe to be in violation of zoning also. Twice the reports have been inaccurate, and several have been for properties that are not within the Township. Recently, the person has requested information back from the 1990's pertaining to a zoning ordinance update that took place prior to their purchasing of their current property. Ms. Jackson questioned whether all requests for information should be processed as right to know requests, which charge for copies provided and how aggressively the Board desired her to respond to the numerous reports this individual is reporting on. Following a discussion on the matter, the Board advised Ms. Jackson to confirm with the Solicitor if the repeated calls and reports constitute harassment, to discontinue the answering of calls from blocked or private numbers and prioritize complaints received as she deems appropriate.

PHONE CONFERENCE WITH ATTORNEY CRÈME: Zoning Officer, Ms. Jackson advised the Board that attorney, Matt Crème had an emergency come up and was therefore unable to conduct a conference call this evening. See provided a list of dates for the conference call to be rescheduled. Upon verification of everyone's schedule, it was confirmed the call would now take place on Thursday, November 21st at 7 p.m.

TRAINING/SEMINARS: Upcoming training and seminars were reviewed.

ADJOURNMENT: At 8:34 p.m. being no further business, motion was made by Ms. Wood, seconded by Mr. Brenneman and carried to adjourn the meeting.

Respectfully Submitted,

Margaret D. DeCarolis
Secretary/Treasurer