LITTLE BRITAIN TOWNSHIP

June 13, 2017

The Little Britain Township Board of Supervisors held its regular monthly meeting on Tuesday, June 13th, 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 Jim Bullitt Christine Hendrickson

Dan Proffitt Sue Bullitt Stuart Nelson

Richard Brenneman Susan Glass George Osborn

Clark Coates Debbie Helm Dan Risk

# Pat Wood Kenny Helm

# Margaret DeCarolis

Christine Jackson

**MINUTES:** Motion made by Mr. Proffitt, seconded by Mr. Brenneman and carried to approve the minutes of the May 9th Board meeting as printed.

**SANITATION:** It was reported that Mr. Stoner turned in $975.00 in sanitation fees and $100.00 in well permit fees during the month of May.

**ZONING:** Zoning Officer, Christine Jackson reported issuing 17 zoning, 4 occupancy, 1 extension and 4 demolition permits during May along the acceptance of 2 Zoning Hearing Applications. Ms. Jackson also reported on the following:

* Zoning Hearing Application of Daniel S. King.
* Zoning Hearing Application of Kevin Alexander.
* Current zoning ordinance adopted in 2013. Since that time a few errors and/or corrections needed have been discovered. A listing of such items was presented. She indicated the desire of the Township Planning Commission to file an amendment to our current ordinance to correct these items. The Board authorized Ms. Jackson to proceed in having the amendments adopted.
* A listing of all Township properties preserved with the Lancaster Farmland Trust was provided for the Boards review.

**TAXES:** It was reported that Tax Collector, Agnes Reeder collected $5,732.11 in Real Estate tax during the month of May.

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

* Helped cleaned side gutters with other Townships.
* Worked at Park.
* Mowed road banks.
* Mowed at Township building.
* Cleaned side gutters.
* Performed routine equipment maintenance.
* Reviewed roads for skin patching and seal coating.
* Prepared roads for seal coating.
* Replaced road signs.
* Regarded dirt road for seal coating.
* Removed tree after hours.
* Worked on Camp Road dirt and gravel project.

Mr. Emling questioned if the Camp Road project was complete. Mr. Risk advised that the completion report had just been submitted to the Conservation District but that he still needs to install rip-rap on the banks once the permits for that work are received.

**PAYMENT OF BILLS:** Motion made by Mr. Brenneman, seconded by Ms. Wood and carried authorizing the payment of General Fund checks 10505 through 10540 in the amount of $26,477.22. Motion made by Ms. Wood, seconded by Mr. Coates and carried authorizing the payment of General Fund check 10541 in the amount of $600.00. Mr. Proffitt abstained from voting. Motion made by Mr. Proffitt, seconded by Ms. Wood and carried authorizing the payment State Fund checks 1989 through 1991 in the amount of $173,785.86.

**PUBLIC PARTICIPATION:** Resident, Sue Bullitt of Brabson Road questioned if there were any updates on having truck restrictions being placed on Kirks Mill Road to prevent trucks from using this road as a shortcut. It was noted that per the Township Engineering, none of the bridges were deficient enough to warrant weight restrictions, which would allow for truck restrictions. Ms. Bullitt advised she did not want to hamper deliveries to local residents or impede farmers from utilizing the roadway as needed but hoped to reduce the number of trucks using the roadway to avoid weight stops set up by State Police. Mr. Bullitt indicated his belief that truck traffic should be restricted on numerous Township roads. Ms. Wood advised her understanding of the desire to reduce heavy traffic on the road but was concerned about the effect such an action would have on farmers. It was further noted that without someone to enforce such a restriction there were no guarantees the posting of no through trucks would have any major effect. Mr. Emling stated his belief that should an accident occur on the roadway if it is posted, that there would be an increased chance of a greater violation being issued. The Board directed the Secretary/Treasurer to check with the Township Engineer again on this matter. Ms. Bullitt then questioned if the Township had received the update on the proposed bridge replacement project for Kirks Mill Road that came out earlier in the day.

Resident, Christine Hendrickson of Schoolhouse Road advised that a stormwater issue on her property was discussed during the March 14th meeting. She stated that she is unaware of what corrections need to be made as her home sits where the original stormwater features were to be installed. Ms. Jackson read information from a meeting held in September 1995 in which Shawn Hendrickson advised that he was not attempting to bypass his responsibility for the installation of the stormwater features required but that he was unaware of what those responsibilities were. She further noted that the Hendrickson’s were advised in March of this that an amended stormwater plan would need to be filed. Ms. Hendrickson advised that they now had an engineer handling the matter.

Resident, Susan Glass of King Pen Rd stated concern over the King Pen and Nottingham (272) Roads intersection. She stated the intersection has always been dangerous but it appears to be worse since the paving of Nottingham Road. Roadmaster, Mr. Risk indicated he is aware of the danger of the intersection and has spoken with representatives from PennDOT who claim that a traffic study could be performed but that no changes to the roadway would be made based on that information. He was advised to contact the Local Technical Assistance Program (LTAP) to see if they would be willing to review the matter and provide suggestions. Ms. Glass indicated the house on the corner severely restricts site distance and questioned if mirrors could be placed near the intersection to help drivers with that issue. Mr. Emling advised the Township is not legally able to do that. Ms. Glass then questioned if Mr. Brubaker could be asked to refrain from planting his crops so close to the roadway as they too inhibit site distance. Mr. Emling indicated that Mr. Brubaker has always been a good resident to work with and indicated he would speak with him about the issue but stated that Mr. Brubaker is well within the guidelines for his crops in relationship to the roadway. Zoning Officer, Ms. Jackson advised that she has been receiving calls pertaining to that intersection also, specifically the parking of vehicles on the Criswell property near the roadway and garage. Ms. Jackson will contact him this week pertaining to the matter.

**PLANNING COMMISSION:** Motion made by Mr. Proffitt, seconded by Mr. Coates and carried adopting the minutes of May 23rd Township Planning Commission meeting as presented.

**Scott Wagner:** Zoning Officer, Ms. Jackson presented the lot add-on plan advising that

approvals needed for this plan were obtained from the Zoning Hearing Board and that all

recommendations of the Township Planning Commission had been complied with. Following a review of the plan, a motion was made Mr. Proffitt, seconded by Mr. Brenneman and carried authorizing the signing of the plan as presented.

**Henry Yoder:** Zoning Officer, Ms. Jackson advised of the land development plan in the process to allow for the legal doubling of a dwelling. It was noted that the remaining sub- division right on the property is being used. A full plan will be available in the months to come but as this time, authorization was being requested for the signing of the Sewage Facility Module, **Resolution #4-17**. Following a review of the information presented, Mr. Proffitt motioned that approval be granted for the signing of the Sewage Facility Module. Mr. Coates seconded the motion, which carried.

**STORMWATER MANAGEMENT PLANS:** Zoning Officer, Ms. Jackson presented the following stormwater plans:

**Kenneth Helm:** Ms. Jackson advised that all conditions of the Township Engineer had been met and that a letter of credit for the improvements to be made is on file. Following a review of the plan, a motion was made by Ms. Wood, seconded by Mr. Brenneman and carried approving the plan as presented.

**Minnie Krassenstein:** Ms. Jackson advised that this is a revised plan due to the house being constructed on the property being larger than the original stormwater plan was designed for. Following a review of the plan, a motion was made by Mr. Proffitt, seconded by Ms. Wood and carried approving the plan as presented.

**Ronald Fulton:** Ms. Jackson advised that due to the aggressive stormwater on the Brown Road lot that a large plan was required. All conditions established by the Township Engineer had been met. A letter of credit for the improvements will have to be provided to the Township prior to any permits being issued. Upon completion of the plan review, Mr. Coates motioned the plan be approved as presented. Mr. Brenneman seconded the motion, which carried.

**SKID LOADER PURCHASE:** Roadmaster, Mr. Risk advised the Board that upon further review of the skid loader specifications he presented to the Board at the May meeting, he discovered that cab package that should have been included in the estimate was not. Upon follow up with Bobcat of Lancaster, he confirmed that the correct price for the skid loader desired is $45,432.22, approximately $7,000.00 higher than the previous estimate. Following a discussion, in which the Board confirmed the estimate on the Bobcat Skid Loader remained the lowest estimate received, a motion was made by Mr. Coates, seconded by Mr. Proffitt and carried authorizing the purchase of the Bobcat Skid Loader for the $45,432.22 price.

**EQUIPMENT FINANCING:** The Board was advised that after obtaining financing quotes from various institutions that Fulton Leasing Company is offering the best rates. They are offering a rate of 3.20% on the mower tractor over a 3 year period and 3.06% on the Ford 250 for 2 years. Motion made by Mr. Coates, seconded by Mr. Proffitt and carried authorizing the financing needs for the equipment to be done with Fulton Leasing Company.

**TAX REFUND:**  The Board was advised that Mr. and Mrs. Fuller of Fairmount Road received a tax bill for real estate transfer tax on property they placed into the Agricultural Preserve due to a change in interpretation of the tax laws by the Department of Revenue. All properties that were placed in the Agricultural Preserve during 2015 and through September 11, 2016 were sent statements for real estate transfer taxes. In an effort to clarify that properties being preserved were to be exempted from this tax, the State Legislature enacted ACT 175 of 2016. The act also specified that anyone who paid their real estate transfer tax while it was being assessed was to be refunded their payment. It has been confirmed that the Township received $476.73 in taxes for this transaction and that the County Tax office retained a payment of $9.73 as their commission in handling the payment. Following a brief discussion on the matter, a motion was made by Mr. Proffitt, seconded by Mr. Brenneman and carried authorizing a refund of the $476.73 received.

**FIREMAN’S RELIEF FUNDING:** The Board was advised that the Township has received $2,568.41 for the 2015 allocation and $2,564.39 for the 2016 allocation of relief funding withheld by the State while the Wakefield Ambulance Association (WAA) was disputing its audit results. Due to an agreement being reached between the WAA and the Auditor General’s office, these funds are now available for distribution. Motion was made by Mr. Coates, seconded by Ms. Wood and carried authorizing the release of these funds to the WAA.

**ROAD CLOSURE REQUEST:** The Board was advised of a request from a company named Hudson Street Productions to close Ashville Road between Pine Grove and Little Britain Roads and King Pen Road between Ashville and Oak Roads on June 15th to file 30-second documentary style clips for an advertisement entitled Strasburg Best. The request included the number of people and vehicles to be involved. Mr. Emling stated his belief that requests of this nature should not be considered. Following a discussion in which the Board agreed with Mr. Emling’s position, the request was declined.

**RELEASE OF ESCROW:** Zoning Officer, Ms. Jackson advised the Board of the following release of escrow requests and presented recommendations of the Township Engineer on the following:

**Laura Martinez:** Release of escrow for stormwater management completed on Schoolhouse Rd. Motion made by Mr. Proffitt, seconded by Mr. Coates and carried authorizing the release of escrow on this project.

**Richard and Trish Tipton:** Escrow held on the Lloyds Road stormwater management improvements. Ms. Wood motioned the escrow being held on this project be released. Mr. Brenneman seconded the motion, which carried.

**Melvin Stoltzfus:** Release of escrow funding for the stormwater improvements on Jubilee Road. Motion was made by Mr. Coates to release the escrow being held. The motion, which carried was seconded by Mr. Brenneman.

**EXECUTIVE SESSION:** Mr. Emling called for an executive session at 8:35 p.m. to discuss a legal matter. The meeting was reconvened at 9:07 p.m. at which time Mr. Emling motioned that the Board direct its Solicitor to file a Notice of Intervention in Lancaster County Court for the Always Helpful, LLC/Shoemaker land use appeal. Mr. Coates seconded the motion, which carried.

**REBECCA KING ZONING VIOLATION:** Zoning Officer, Ms. Jackson advised the Board that she had been made aware that Ms. King and her children were living in their barn following the denial of the ECHO hearing. Sewage Enforcement Officer, Marvin Stoner visited the site and has pursued a fine for this breach of regulations. Mr. Fisher, a member of the Amish community addressed the Board advising that while he respects both the Board of Supervisors and the Zoning Officer that he would appreciate their allowing the granny flat previously requested and denied to be authorized. He stated that Ms. King’s daughter-in-law who is currently residing in the home on the property along with her husband is having a difficult pregnancy and there is concern for the baby over the stress this situation is causing. He went on to explain that in the Amish community there is no piece of furniture as important as the kitchen table and how many family discussions take place there and stated that is where children are taught respect and their values. Therefore, he stated that the sharing of the table with extended families was never recommended. Mr. Emling advised that ECHO units are not allowable by law and require special exceptions by not only the Township but through the State as well. He stated that strict restrictions must be applied to their approvals or that the State could prohibit the practice entirely, which would prevent those whom seriously require such a living a situation from being able to obtain them. He gave examples of medical situations that have been approved and stressed that the request of Ms. King clearly did not fall into that category. Church Trustee, Emanuel Esh stated that the decision was made by the church that Ms. King’s son should take over the property as Ms. King was no longer able to financially afford to maintain it. He then questioned if Ms. King could re-apply for an ECHO unit upon her reaching the age of 60 and was advised that nothing would prevent them re-applying, however there would be no guarantee of its approval at that time either. Mr. Esh questioned if a neighboring farmer would be able to place a mobile unit on his property for Ms. King to reside in until she reaches 60 years old. Ms. Jackson advised that should the neighboring farmer have a sub-division right on his land, that he could pursue a land development plan for the placing of 2nd residential structure. Israel Kinsinger questioned why Amish are no longer able to provide housing for their aging parents as they have in the past. Ms. Jackson advised that in order to preserve the agricultural nature of the township that sub-divisions rights must be utilized when doubling a home or installing a 2nd residential unit on the property to prevent negative effects on the ground water and soil. She further explained that parents are certainly able to move in with children and reside in the same home as long as a second kitchen was not installed.

**SHAWN HENDRICKSON:** Mr. Hendrickson expressed concern that the stormwater issue on his property was discussed during the March meeting, a meeting at which he was not present. He further stated that due to the weather that evening that the Board declared a State of Emergency, which he believes should prevent the Board from discussing any further business. He was advised that a State of Emergency can be declared to ensure that the resources required for the clearing of snow are available immediately without having to abide by regular bidding guidelines and to ensure the Township is eligible for any federal reimbursement that may become available. Mr. Emling further stated that the Board is unable to take any official action unless a quorum of the Board is present; therefore the Board had to assemble to take that action.

**TRAINING/SEMINARS:** Upcoming training and seminars were reviewed.

**ADJOURNMENT:** At 9:15 p.m. being no further business, motion was made by Ms. Wood, seconded by Mr. Proffitt and carried to adjourn the meeting.

Respectfully Submitted,

Margaret D. DeCarolis

Secretary/Treasurer