

The 2353rd meeting of the Upper Leacock Township Board of Supervisors was held on Thursday, May 18th, 2023, at 6:30 p.m. Chairman Ron Simmons, present; Vice Chairman Harold Leaman, present; Supervisor Nelson Bard, present; Township Manager Michael H Morris, present; Solicitor William Cassidy, present; Township Engineer, Kara Kalupson, present VIA Zoom; Gerald Martin, Senior Road Tech; and Secretary/Media Coordinator Joy Witmer, present.

Chairman Simmons called the meeting to order and then asked all present to rise and recite the Pledge of Allegiance.

Supervisor Bard made a motion to **approve** the **April 20th, 2023**, minutes. Vice Chairman Leaman seconded the motion. The motion passed.

Conditional Use Hearing

None

Recognition of Guests:

None

Public Comments:

None

Old Business:

None

New Business:

Supervisor Bard ***motion to adopt Resolution 2023-14 a Resolution for Plan Revision for New Land Development to revise the Township's Act 537 Official Sewage Facilities Plan for the King Garden Apartments project at 2618-2628 Creek Hill Road.*** Vice Chairman Leaman seconded the motion. The motion passed.

Vice Chairman Leaman made a ***motion to adopt Resolution 2023-15 a Resolution for Plan Revision for New Land Development to revise the Township's Act 537 Official Sewage Facilities Plan for the Witmer project at 1070 West Main Street.*** Supervisor Bard seconded the motion. The motion passed.

Supervisor Bard ***made a motion to adopt Resolution 2023-16 a Resolution for Plan Revision for New Land Development to revise the Township's Act 537 Official Sewage Facilities Plan for the Eurofins project at 2425 New Holland Pike.*** Vice Chairman Leaman seconded the motion. The motion passed.

Solicitors Report:

Vice Chairman Leaman ***made a motion to approve the Agreement from MIN Group – Withdraw 2011 Land Development Plan Agreement.*** Supervisor Bard seconded the motion. The motion passed.

No action was taken at this time for the ***Draft – An Ordinance of Upper Leacock Township, Lancaster County, Pennsylvania, Regulating Open Burning.*** Mr. Cassidy and Mr. Morris will be discussing the new draft with East Lampeter Police Chief and comparing East Lampeter's Ordinance with the new Draft Ordinance for Upper Leacock Township.

Discussion about Noise Ordinance:

Ken and Conni Ray from 215 Raspberry attended the meeting to discuss what could be done about the noise disturbance coming from The Inn at Leola Village. Mr. Ray shared that the noise is any day of the week and any time of day. He is now on medication because his

anxiety is so bad, he has trouble relaxing or sleeping in his own home. He has sent 17 emails to Mr. Morris and Chief Zerbe since November of 2022. The Inn has been cited 4 times with the latest being this past weekend. He would like to know what can be done by the Township. Mr. Cassidy explained that the Ordinance is being utilized and the police are involved and there is a hearing with the District Magistrate.

Matt Werner, Director of Operations / GM of The Inn at Leola Village, spoke on behalf of the Inn, and stated the following has been done and what is to come.

***Fencing:** We now have two separate fences acting as a barrier between the building and the residential property line. We have attached rubber insulation on the back side of the fencing to help absorb noise.

***Acoustic Panel Installation:** Premier Contracting has completed the acoustic panel installation on the interior wall that the DJ's face when playing music.

***Portable Sound Walls:** In addition to the installed acoustic panels, we also have acoustic sound absorbers that stand 7 feet tall and are placed directly behind the DJ's setup during events.

***Fountain:** We have installed a large, jetted water fountain on the south patio that also helps drown out any noise that escapes the building.

***Eliminating Subwoofers** from being used by disc jockeys on property.

***Sound System:** To honor the suggestion from Chief Zerbe to install a sound system, we have obtained two quotes from two companies for the project. As I mentioned previously, Delco Solutions is one of those companies. The other company I contacted was Stray Production Services. Stray works closely with Rock Lititz and Claire Brothers to design and build speakers and sound systems tailor-made for their client's needs. I spoke with Herb Suereth with Stray productions yesterday, and we are moving forward with the project. The contract with Stray Productions has been released, with an estimated installation this September, per Stray Productions. The contract has been signed with them, with the expectation that September will be installation of the new equipment.

The sound mitigation project we are actively working on has dramatically reduced the noise crossing our property line. I am confident in stating that because I have been measuring decibel readings during events for the past two years. I have documented the decibels throughout the course of the evening during weddings and social gatherings. Two years ago, I would document readings ranging from 60-70db throughout the evening, prior to 10:00 pm. Most recently, I have been reading decibels ranging from 40-50 db on the property line during events.

With that said, we are still receiving noise disturbance phone calls and engaging with law enforcement. Our interpretation of the noise ordinance is that "plainly audible" noise is acceptable between 6:00 am and 10:00 pm. A "noise disturbance" is different than "plainly audible" noise. Both of which terms are subjective, and we are still receiving citations from East Lampeter PD—most recently, two weeks ago.

Our biggest challenge is that we have no way to measure what level of noise is acceptable and what is not? We have been hosting weddings and social gatherings since the banquet facility has been built in 2006. As you are aware, Deb Shirk and I are trying very hard to cooperate with our community members.

Thank you for your time and understanding. Our goal is to continue to work with the township and the police to remedy this problem. I will continue to keep the township abreast of our facility improvements moving forward, and I will continue to remain the point of contact for our neighbors.

Mr. Ray asked if anything could be done before September. Mr. Cassidy stated again that the Township is enforcing the Ordinance by means of the Magisterial District Justice procedure.

Fireman's Tax Credit. Mr. Morris suggested waiting until the next meeting to see what West Earl Township decides at their Supervisors Meeting, Monday May 22nd. Since Bareville Fire Co. has members that live in West Earl Township it would be good to work together on this.

Zoning Officer Report:

No Comments.

Planning Commission:

No Comments.

Supervisors Concerns:

Nelson Bard wanted to mention an article he read in the Township News magazine. The article mentions Upper Leacock Township and Kara Kalupson and the work that was done to let the residents aware of the Stormwater bill that would be implemented in 2023. There were letters sent out to residents as well as 3 different public meetings to inform residents.

Payment of Bills:

April 15, 2023 to May 12, 2023

GENERAL	\$236,983.77
WATER	\$150,257.66
SEWER	\$181,483.52
STORMWATER	\$13,796.71
TOTAL	\$582,521.66

STATE/LIQUID FUELS PAYMENTS \$569.25

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TOTAL GENERAL FUND RECEIPTS \$991,260.60

Vice Chairman Leaman ***made a motion to pay bills totaling \$582,521.66.*** Supervisor Bard seconded the motion. The motion passed.

Correspondence:

There were no additional comments on the Roads Department April work report.

Manager's Report:

Vice Chairman Leaman made a ***motion to adopt Resolution 2023-17 for the DCED Greenways, Trails and Recreation Program (GTRP) designating Michael H Morris, Township Manager and Ronald Simmons, Chairman of the Board of Supervisors as the officials to execute all documents and agreements between Upper Leacock Township and the Commonwealth of Financing Authority to facilitate and assist in obtaining the requested grant.*** Supervisor Bard seconded the motion. The motion passed.

Supervisor Bard made a ***motion to advertise the Draft Snow Emergency Ordinance for Apricot Ave., Chickadee Cir., Joy Ave., and James St.*** Vice Chairman Leaman seconded the motion. The motion passed.

Supervisor Bard ***made a motion to authorize the donation of two generators to Bareville Fire Company in the amount of \$83,593.00. One 40 kw \$38,433.00 for the station and a 60 kw \$45,160.00 for the social hall.*** Vice Chairman Leaman seconded the motion. The motion passed.

Mr. Morris wanted to acknowledge Cub Scout Pack 54 for cleaning up the park.

Executive Session began at 8:00 p.m. and reconvened at 8:45 p.m.

Real Estate

Vice Chairman Leaman ***made a motion for the Township Solicitor to draft an Agreement of Sale with Deed Restrictions for Mascot Park to be given to Ressler Mill Foundation.*** Supervisor Bard seconded the motion. The motion passed.

Vice Chairman Leaman ***made a motion to instruct the Township Solicitor to attend on behalf of the Board of Supervisors the Zoning Hearing Board meeting on June 7, 2023 regarding the Gibbons Road property.*** Supervisor Bard seconded the motion. The motion passed.

With a motion by Supervisor Bard and seconded by Vice Chairman Leaman, the meeting was **adjourned** at 9:00 p.m. The next meeting for the Board of Supervisors is scheduled for Thursday June 15th, 2023, at 6:30 p.m. at the Upper Leacock Township Municipal Building.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael H Morris', followed by a long horizontal line extending to the right.

Michael H Morris
Township Manager