

The 2173rd meeting of the Upper Leacock Township Board of Supervisors was held on Thursday, February 4, 2010, at 7:00 p.m. Chairman Ron Simmons and Supervisor Jim Bennett were present. Michael Morris, Township Manager and William Cassidy, Solicitor, were also present. Supervisor Richard Heilig was absent.

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

Chairman Simmons welcomed Jim Bennett to the Board of Supervisors.

7:00 Hearing (Ordinance 2010-01): Comcast Cable Franchise Agreement – Attorney Cassidy explained the Agreement and stated that it had been advertised for adoption. After a brief discussion, Supervisor Bennett made a motion to **adopt** Ordinance 2010-01 authorizing the execution of a cable franchise agreement between Upper Leacock Township and Comcast. Chairman Simmons seconded the motion. The motion passed. Supervisor Bennett made a motion to **execute** the franchise agreement between Upper Leacock Township and Comcast. Chairman Simmons seconded the motion. The motion passed.

Recognition of Guests:

- A. *Tyler Morton*, Eagle Scout candidate – Mr. Morton is proposing to stencil storm drains in accordance with the Chesapeake Bay Foundation due to problems with pollutants entering storm drains which, eventually, enter into the Chesapeake Bay. Mr. Morton would be painting about 40-45 storm drains in and around the Forest Hills Development. The painting will consist of a white or beige background with the words “Don’t dump - Chesapeake Bay drainage” stenciled around the storm drain. There will be signs/flyers distributed to residents explaining the project in advance. Chairman Simmons stated that, if needed, the Township would donate the funding for this project.
- B. *Ed Hinkle* – Upper Leacock Township Planning Commission Annual Report – Mr. Hinkle presented the report to the Board of Supervisors. The “Official Map” was explained and discussed. Mr. Morris suggested that bicycle paths be incorporated on the map.

Public Comments:

There were no public comments at this time.

Old Business:

- A. *Jeanne Wise*, representing John Calabrese and Casa DiFiore land development plan, consideration to allow the letter of credit to serve as the maintenance guarantee. Supervisor Bennett made a motion to **allow** the letter of credit to serve as the maintenance guarantee to expire May 25, 2010. Chairman Simmons seconded the motion. The motion passed.
- B. *Larry Frey*, representing Bradley Estates land development plan located at 2441 New Holland Pike and Forest Hill Road, letter of credit reduction. Supervisor Bennett made a motion to **approve** the recommendation of the Township Engineer to reduce the letter of credit for Bradley Estates to \$177,567.00, a reduction of \$87,919.00. Chairman Simmons seconded the motion. The motion passed.

New Business:

- A. Todd Shoaf, Pioneer Management, representing Stauffers of Kissel Hill (Leola) - Insurance Building sketch plan located at 358 West Main Street. Mr. Shoaf stated that Jim Henke attended last month's Planning Commission meeting where he gave a presentation regarding Stobro's proposal to subdivide the existing insurance building from the subject tract. The goal is to separate the two parcels prior to finding a buyer for the Stauffers of Kissel Hill property. Mr. Henke stated he would be requesting six variances from the Zoning Ordinance regulations including the lot area, off-street loading areas, landscape strip, access drive, additional landscape strip, and additional time for obtaining the appropriate permits. They will be presenting formal requests for the variances at the March 1, 2010 Zoning Hearing Board meeting. There was a brief discussion. No formal opposition from the Board was presented.
- B. Mark Stanley, Hartman, Underhill, and Brubaker, representing Chik-fil-A, Inc., petition to amend the East Lampeter Township Zoning Ordinance, determination as to the general consistency with the Conestoga Valley Regional Comprehensive Plan. Supervisor Bennett made a motion to **affirm** the petition presented by Chik-fil-A, Inc. which amends the East Lampeter Township Zoning Ordinance is generally consistent with the Conestoga Valley Comprehensive Plan. Chairman Simmons seconded the motion. The motion passed.
- C. Samuel F. King, lot add-on, located at 507 Beechdale Road, Bird In Hand, Memorandum of Understanding which obligates the applicant to pay Township Engineering and Solicitor fees. Supervisor Bennett made a motion to **approve and execute** the Memorandum of Understanding for the Samuel F. King lot add-on. Chairman Simmons seconded the motion. The motion passed.
- D. Levi Charles preliminary/final land development plan located at 292 West Main Street and Bradford Drive, mylars. Supervisor Bennett made a motion to **approve and execute** the mylars for Lee Charles preliminary/final land development plan. Chairman Simmons seconded the motion. The motion passed.
- E. Ag Security Petition for Amos B. and Rebecca K. Stoltzfus for property totaling 39.8 acres at 87 West Center Square Road, Bird In Hand, procedure for approval of the petition. No action was taken. A letter will be sent to the property owners explaining the 180 day procedure and deemed approved.
- F. Sunrise Rotary request to use Township roads for their bike ride. Supervisor Bennett made a motion to **approve** the request for Sunrise Rotary to use Township roads for the Rotary bike ride on May 8, 2010 conditioned upon securing adequate insurance. Chairman Simmons seconded the motion. The motion passed.
- G. Multiple Sclerosis request to use Township roads and Mascot Park for their bike ride. Supervisor Bennett made a motion to **approve** the request to use Township roads and Mascot Park as a rest stop for the Multiple Sclerosis bike ride on July 24, 2010 conditioned upon securing adequate insurance and providing proof of such insurance to the Township. Chairman Simmons seconded the motion. The motion passed.

- H. Garden Spot Village request to use Township roads for a marathon. Supervisor Bennett made a motion to **approve** the request to use Township roads for the Garden Spot Village marathon on April 10, 2010 conditioned upon securing adequate insurance and providing proof of such insurance to the Township. Chairman Simmons seconded the motion. The motion passed.
- I. Certification of 2009 uncollected taxes. Supervisor Bennett made a motion to **execute** the document certifying the return is correct. Chairman Simmons seconded the motion. The motion passed.

Supervisor Concerns:

Chairman Simmons stated there were some questions from the Emergency Services Committee regarding the Alarm Ordinance and the Drug & Alcohol Policy. Chairman Simmons will have Nelson Oberholtzer or Nelson Dagen contact Attorney Cassidy with the questions.

Solicitor's Report:

There was no report at this time.

Payment of Bills:

Supervisor Bennett made a motion to pay bills totaling \$26,134.40 from the State/Liquid Fuel Fund, \$166,053.08 from the General Fund, \$57,927.10 from the Water Fund, and \$238,309.63 from the Sewer Fund. Chairman Simmons seconded the motion. The motion passed.

The receipts to the General Fund were \$50,928.80.

Correspondence:

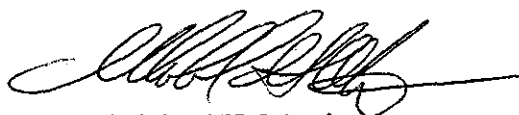
All correspondence was reviewed.

Managers Report:

- ☉ *Leaf Waste Options* – Mr. Morris presented a draft document with variables for the Board to evaluate and help fill in the blanks. Mr. Morris would like the Board to review this document, fill in the blanks, decide if we want to have a meeting with the haulers and to allow the public at that meeting, and have another meeting with the general public.

On a motion made by Supervisor Bennett and seconded by Chairman Simmons, the meeting was **adjourned** at 8:30 p.m. for an executive session. The next regular meeting of the Board of Supervisors will be February 18, 2010 at 7:00 p.m. in the Community Building meeting room.

Respectfully submitted,



Michael H. Morris
Secretary