

The 2354th meeting of the Upper Leacock Township Board of Supervisors was held on Thursday, June 15th, 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; 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 **May 18th, 2023**, minutes. Vice Chairman Leaman seconded the motion. The motion passed.

Conditional Use Hearing

None

Recognition of Guests:

None

Public Comments:

None

Solicitors Report:

Vice Chairman Leaman made a ***motion to adopt Ordinance 2023-01 Prohibiting the parking of motor vehicles during certain snow events the entire length of Apricot Avenue, Chickadee Circle, Joy Avenue and James Street.*** Supervisor Bard seconded the motion. The motion passed.

Attorney Cassidy said that there was a meeting with himself, Manager Morris, the Township Manager, Lisa Boyd, the Zoning Officer, and Police Chief Stephen Zerbe to discuss the **Open Burning Ordinance**. Chief Zerbe said he is comfortable with the language of the Ordinance. Chairman Simmons had a concern about the differences between Upper Leacock Township Ordinance and East Lampeter Townships Ordinance since East Lampeter Police have to enforce both Ordinances. Attorney Cassidy assured him that Chief Zerbe said the police will be educated on the Ordinance and it should not be an issue.

Supervisor Bard made a ***motion to advertise the Open Burn Ordinance.*** Vice Chairman Leaman seconded the motion. The motion passed.

Kenneth and Connie Ray of 215 Raspberry Rd. Leola were in attendance again to discuss the **Noise Ordinance**. Kenneth stated that he has contacted the management of The Inn at Leola Village every Friday, Saturday and Sunday with complaints of noise. The Board asked if he had contacted the police as well. He stated he had not because he was subpoenaed for the hearing on June 21, 2023 and that he is going to lose a day of work. He feels if he continues to call the police he will be subpoenaed again, and he is concerned about losing his job. He is looking for help from the Township on this matter. He handed out fliers to his neighbors but none of them want to come to a meeting and speak up. Mr. Cassidy explained that without more concerned residents coming forward an injunction by the Township isn't possible. Kenneth asked if he should seek legal counsel. Mr. Cassidy stated he is not their attorney and could not comment on that. He also stated that the police were doing their job when told about the disturbance. If the police aren't called while the disturbance is happening citations will not be given.

As a conclusion to the discussion, Kenneth and Connie said they would continue to send email complaints to the Township and CC the Police Chief on the matter.

Old Business:

None

New Business:

Cameron Renehan from TeamAg presented to the Board of Supervisors on behalf of Eldon D. and Joy L. Witmer who were present as well for their project at 1070 West Main Street / 530 E Main St for Preliminary / Final Subdivision, Land Development Plan.

Modification Requests

- **Section 308.A.2.c – Maximum Loading Ratio for Volume Control Facilities (SWMO)**

Supervisor Bard made a *motion to approve Section 308.A.2.c to allow the loading ratios for the volume control facilities in karst areas to exceed the maximum loading rates.* Vice Chairman Leaman seconded the motion. The motion passed.

- **Section 308.B – Carbonate Geology Evaluation (SWMO)** – Cameron stated that TeamAg did the initial dig and saw no evidence of geology in the small area.

Vice Chairman Leaman made a *motion to approve the modification of Section 308.B (SWMO) that requires a detailed geologic evaluation be performed by a Professional Geologist for sites underlain by carbonate geology.*

- **Section 604-Sidewalks and Curbs (SALDO)** – Cameron stated that the homeowners are asking for a deferral agreement that if curbs and sidewalks are installed on the East side of the Township along the South side of Rt. 23, the homeowners would install them at that time.

Supervisor Bard made a *motion to approve the modification of Section 604 (SALDO) that requires sidewalk and curb to be installed along S.R. 0023.* Vice Chairman Leaman seconded the motion. The motion passed.

- **Section 608.01 – Permanent Stone or Concrete Monuments (SWMO)** – Cameron said in place of a monument, pins would be placed at the property corners.

Vice Chairman Leaman made a *motion to approve the modification of Section 608.01 (SWMO) that requires installation of permanent stone or concrete monuments.* Supervisor Bard seconded the motion. The motion passed.

Preliminary/Final Subdivision and Land Development

Supervisor Bard made a *motion to approve the Preliminary/Final Subdivision and Land Development Plan for Eldon and Joy Witmer (1070 West Main Street / 530 E Main Street), contingent upon addressing all comments in RETTEW's May 16, 2023, review letter.* Vice Chairman Leaman seconded the motion. The motion passed.

Yoder Industries, 97 S Groffdale Road – Financial Security Reduction Request No. 1

Vice Chairman Leaman made a *motion to approve the reduction of financial security for the Yoder Industries project to \$6,202.00.* Supervisor Bard seconded the motion. The motion passed.

Zoning Officer Report:

No Comments.

Planning Commission:

No Comments.

Supervisors Concerns:

No Comments.

Payment of Bills:

May 13, 2023 to Jun 8, 2023

GENERAL	\$181,006.62
WATER	\$92,533.20
SEWER	\$65,353.52
STORMWATER	\$7,953.02
TOTAL	\$346,846.36

STATE/LIQUID FUELS PAYMENTS \$188.00

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TOTAL GENERAL FUND RECEIPTS \$572,832.54

Supervisor Bard *made a motion to pay bills totaling \$346,846.36.* Vice Chairman Leaman seconded the motion. The motion passed.

Correspondence:

Thank you to Leola Elementary Kindergarten classes for planting flowers at the park.

Thank you email from Joey Hartranft from CV Youth Football and Cheer

2022 East Lampeter Police Revenues and Expenditures. Mr. Morris wanted to point out to the Board that the monthly payment has decreased to \$103,000.00 and there is no longer payments going to the Post Retirement Fund.

Manager's Report:

Mr. Morris said, the Creek Hill Road, James St. and Joy Ave will be repaved end of July.

Mr. Morris asked the Board to wait to see what West Earl Township decides on the Fireman's Tax Credit before making a final decision.

Letter of resignation from Wilmer Musser, Emergency Services Committee

Vice Chairman Leman made a *motion to accept letter of resignation with regrets and thanks from Wilmer Musser, Emergency Services Committee.* Supervisor Bard seconded the motion. The motion passed.

Executive Session began at 7:18 p.m. and reconvened at 8:05 p.m.

Supervisor Bard made a motion to accept the Memorandum of Understanding signed by Diane Myers on June 14, 2023. Vice Chairman Leaman seconded the motion. The motion passed.

With a motion by Supervisor Bard and seconded by Vice Chairman Leaman, the meeting was **adjourned** at 8:10 p.m. The next meeting for the Board of Supervisors is scheduled for Thursday July 20th, 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", with a long horizontal flourish extending to the right.

Michael H Morris
Township Manager