

## MINUTES

Those in Attendance: Vice-Chairman Allen Fisher, Supervisors: Ray Rice and Samuel Beiler, Township Manager David Thompson, Secretary/Treasurer Karen Farra, Zoning Officer Walter Hockensmith, Roadmaster Blaine Stoltzfus, Sewer Authority Chairman Bryan Stoltzfus, Adryan Yothers, Park Foundation Chairman Michael Hartmann, Austin Steffy, Daniel Lapp, Jr., Wayne Bowen, Bob Devonshire, Wanda Ranck, Wendell Ranck, Dennis R. Groff, Jason Myer, Joshua Knosp, James Knosp, Marcella Peyre-Ferry (LNP), Samuel Stoltzfus, Jerry Garver, Ivan King, Mark King, Sam King, Nick Lopez, Elmer Lantz, Daniel Beiler, Ben Beiler, Jonas Fisher, Sam Petersheim, Joey Narweski, Clint Yonce, Noah Fisher, Alvin Fisher and other members of the community who did not sign in.

### CALL TO ORDER/FLAG CERMONY AT 7:00PM

### MINUTES

- Samuel Beiler **motioned** to approve the Board of Supervisors Meeting Minutes for June 20, 2023. Second by Ray Rice. All Ayes. **Motion Approved.**

### TREASURERS REPORT/BILLS

- Samuel Beiler **motioned** to approve the June 2023 Treasurer's Report. Second by Ray Rice. All Ayes. **Motion Approved.**
- Treasurer Karen Farra presented the July 2023 Disbursement List of Bills to be paid.

#### Public Comment:

- Wanda Ranck. Mrs. Ranck asked what other monthly bills the Township pays for Paradise/Leaman Place Fire Company. Ms. Farra responded that the truck payment is the only monthly bill paid and explained that, historically, the Township would pay the monthly truck payments, Workers' Compensation and General Liability insurance premiums annually, and pumper repair and inspection invoices as those expenses occurred.

Ray Rice **motioned** to approve the July 2023 Disbursement List of Bills to be paid. Second by Samuel Beiler. All Ayes. **Motion Approved.**

### PERSONS TO BE HEARD:

SUBDIVISION/LAND DEVELOPMENT - BRIEFING ITEMS: None.

## **SUBDIVISION/LAND DEVELOPMENT - ACTION ITEMS:**

- Wayne Bowen, P.E., Mack Engineering, present the plans and following modification and waiver requests for the R.S.J.S. Real Estate, LP project at 3402 Lincoln Hwy E – a Minor Land Development Plan, for approval:
  - Request for Modification of Section 305 – Preliminary Plan. Samuel Beiler **motioned** for approval of this modification request. Second by Ray Rice. All Ayes. **Motion Approved.**
  - Request for Waiver of Section 405.2K – Landscape Architect. Ray Rice **motioned** for approval of this waiver request. Second by Samuel Beiler. All Ayes. **Motion Approved.**
  - Request for Waiver of Section 602.11 – Curbing. Samuel Beiler **motioned** to approve *deferral* of curbing requirements at this time. Second by Ray Rice. All Ayes. **Motion Approved.**
  - Request for Waiver of Section 602.12 – Sidewalks. Samuel Beiler **motioned** to approve *deferral* of sidewalk requirements at this time. Second by Ray Rice. All Ayes. **Motion Approved.**
  - Request for Waiver of Section 609.1 – Landscape Buffer. Ray Rice **motioned** for approval of this waiver request. Second by Samuel Beiler. All Ayes. **Motion Approved.**
  - Request for Wavier of Section 609.5 – Street Trees. Ray Rice **motioned** for approval of this waiver request. Second by Samuel Beiler. All Ayes. **Motion Approved.**
  - Request for Waiver of Section 602.5.A – Reconstruction of Existing Streets. Ray Rice **motioned** for approval of this waiver request. Second by Samuel Beiler. All Ayes. **Motion Approved.**
  - Request for Waiver of Section 602.7.A – Right-of-Way & Cartway Widths and Construction Standards. Ray Rice **motioned** for approval of this waiver request. Second by Samuel Beiler. All Ayes. **Motion Approved.**
  - Request for Modification of Section 501.15.B – Stormwater Discharge Points. Samuel Beiler **motioned** for approval of this modification request. Second by Ray Rice. All Ayes. **Motion Approved.**
  - Request for Modification of Section 504.4.a.4 – Stormwater Pipe Diameter. Samuel Beiler **motioned** for approval of this modification request. Second by Ray Rice. All Ayes. **Motion Approved.**
  - Request for conditional approval of plans. Ray Rice **motioned** for conditional approval of plans. Second by Samuel Beiler. All Ayes. **Motion Approved.**

### **Public Comment (received prior to above noted approvals/deferrals):**

- Wanda Ranck: Mrs. Ranck asked what was being built. Mr. Thompson advised a 24 unit storage building is being constructed. With regard to the curbing and sidewalk waiver requests noted above, Mrs. Ranck asked what the difference is between a deferral and waiver of the requirements. Mr. Thompson explained that a deferral provides for the requirements of code for curbing and sidewalk to be implemented at a later date should the circumstances allowing for non-installation at this time change.

- Dennis Groff & Nick Lopez: Mr. Groff requested for he and Mr. Lopez to look at the plans. The plans were provided for their review.
- Austin Steffy, Scotch Hill Solutions presented the Stormwater Management Plan and the following modification request for the Daniel Lapp project at 154 Iva Road. After discussion was had as noted below the following actions were taken.
  - Request for Modification of Section 504.4.d.3 – Swale Slope. Samuel Beiler **motioned** to approve this modification request. Second by Ray Rice. All Ayes. **Motion Approved.**
  - Request for conditional approval of plans. The Board of Supervisors declined this request for conditional plan approval pending resolution of the sight distance issue.

While presenting the plans, Mr. Steffy explained that since Iva Road does not have a posted speed limit, the law states the speed limit is 55mph. At that rate of speed, the sight distance requirements cannot be met. In response to inquiries of the Supervisors, Mr. Steffy stated a driveway permit has been applied for and received, tractor trailers will not have to back in or out – the driveway plan provides for them to pull in and turnaround on the property, due to the lay of the road and distances provided, trucks will have enough time to pull into and out of the driveway, and the driveway is 24' wide with a large enough radius so trucks will not need to cross over into the other lane when entering and leaving the property.

Public Comment:

- Wanda Ranck: Mrs. Ranck asked who is responsible for posting the speed limit. Roadmaster Blaine Stoltzfus responded some roads are posted some are not. She asked if this is an existing driveway, how often will trucks come and go and what the size of the driveway is. Mr. Steffy responded it is a new private driveway, provided driveway size as noted above and said the chickens are layers, so when trucks come and go will vary.
- Dennis Groff: Mr. Groff said it is the Township's responsibility to look into the matter and require a speed study if necessary. In response to Sam Petersheim asking him what it cost to have the study done on Wolf Rock Road, Mr. Groff said he believes it was approximately \$5,000.

Roadmaster Blaine Stoltzfus explained that though the lawful speed limit for this road is 55mph, the lay of the road would not allow for anyone to travel at that speed.

- Bob Devonshire: Mr. Devonshire suggested the developer pay the cost for a speed study if it is determined one should be conducted.

It was explained that in order to have a posted speed limit on the road, a speed study needs to be completed and a resolution adopted by the Township setting the speed limit.

**PUBLIC COMMENT:**

- Jason Myers. Mr. Myers expressed concerns regarding traffic issues on La Park, Singer and Leacock roads due to construction of sewer plant upgrades. Sewer Authority Chairman Bryan Stoltzfus explained he had already received comments from other residents regarding these issues and that he is working to remedy the situation by placing additional signage in the area.
- Michael Hartmann. Mr. Hartmann provided and presented statement regard refuse and recycling service issues with Eagle Disposal, and setting forth steps he feels the Township should take to resolve issues, including removing Eagle Disposal as an approved licensed hauler for the Township.
- Wanda Ranck. Mrs. Ranck commented she has friends with the same complaints.
- Dennis Groff. Mr. Groff said Manheim Township removed Eagle Disposal as an approved hauler, but could not prevent them from providing services. Mr. Hartmann said that is something for the Township Solicitor to look into, but he feels the Township Ordinances would give the Township the authority to not allow them to provide services. Supervisor Rice said he has spoken with Rick Kane of Manheim Township and they are working with their Solicitor to prohibit Eagle Disposal from providing services in their township.

**CORRESPONDENCE:** None.

**TOWNSHIP REPORTS**

**TOWNSHIP MANAGER**

- Updates/Report by Township Manager, David Thompson.

Vice-Chairman Fisher called for public comment. No comments were proffered.

**ROADMASTER:**

- Updates/Report by Roadmaster, Blaine Stoltzfus.

Vice-Chairman Fisher called for public comment. No comments were proffered.

**EMERGENCY SERVICES**

- Mr. Thompson presented the June 2023 Emergency Services Call Report. A copy was provided to Wanda Ranck upon her request.
- Mr. Thompson presented Memorandum Summary of July 10, 2023 meeting between Paradise Township and members of Paradise Leaman Place Fire Company, advising a copy has been provided to Paradise Leaman Place Fire Company.
- Bob Devonshire presented update on status of the fire company merger as follows:
  - Paradise Leaman Place politely declined offer to add two more voting members to the merger steering committee.

- There is an open invitation to Paradise Leaman Place to join the merger at any time.
- A presentation will be made at the August Board of Supervisors meeting laying out the status and details of the fire company merger. Mr. Devonshire said he was asked to make this presentation, but declined to do so stating he feels the Pequea Valley Fire Department leadership should make the presentation.

Vice-Chairman Fisher called for public comment and the following comments were proffered:

- Wanda Ranck: Mrs. Ranck expressed her ongoing concerns with the fire company merger and the way it has been handled. She stated concerns with Paradise Leaman Place's (PLPFD) first due status and funding, saying she feels tax monies have been misappropriated. Mrs. Ranck later asked about the Township paying for insurance and stated it was John Fisher's dream to see all surrounding fire companies joined together.
  - With regard to misappropriation of funds and reimbursement of expenses paid, Mr. Thompson responded that the LST tax funds utilized to pay truck payments were not misappropriated. Funds not spent still remain in the LST fund – they were not utilized elsewhere. He explained PLPFD has provided documentation to the Township of all truck payments they made directly from their own funds without Township reimbursement, and that discussions are being had regarding reimbursement of those expenses. Mr. Thompson further advised that the current Workers' Compensation Insurance policies are due to renew in October and discussions are being held to determine how to handle this when the time comes to renew.
  - With regard to first due status, Mr. Thompson advised meetings have been held to discuss this and an offer to go back on all calls has been extended to PLPFD. Mr. Thompson asked Joshua Knosp, a member of PLPFD and a voting member on the merger Steering Committee, what their leadership had decided with regard to this offer. Mr. Knosp advised PLPFD's leadership has declined to go back on calls until they have spoken to leadership for the Pequea Valley Fire Department (PVFD) to determine how things will work. Bob Devonshire confirmed PVFD offered to put PLPFD back on all calls, but it was determined they would wait until the Chiefs of each fire company speak first.
  - With regard to Mrs. Ranck's comment that it was John Fisher's dream to see all surrounding fire companies merged together, Supervisor Samuel Beiler responded that he has never heard this – Don Ranck is the only person he knows to have said this.
- Dennis Groff: Mr. Groff asked what is to happen with PLPFC once the merger is complete. Where will they all be housed – are they to stay at current locations? He feels the Township can only gain by shutting PLPFC down once the merger is complete. He stated that during his tenure with the Township he made it clear to the fire companies that the Township will not fund another truck as it does not have the funds to do so.

- Mr. Thompson commented that lack of funding is an issue that is being discussed and needs to be addressed. He said that at this time, all fire companies would continue to operate out of their existing stations following completion of the merger. He also shared that PLPFC said the design for their proposed new station would have plenty of room for additional apparatus and offered for other PVFD to use that space.
- Daniel Beiler: Mr. Beiler commented that he understands that three of the sitting Supervisors did not start this merger process, but it is still a problem that needs to be fixed. He said PLPFC needs its own first due and emphasized the importance of keeping “the guys” energized. Mr. Beiler said Mr. Thompson needs to stop blaming PLPFC.
  - Mr. Thompson responded that he did not say anything that blamed PLPFC for anything.
- Jonas Fisher: Mr. Fisher inquired about status of the building permit issued in 2019 for PLPFC’s new station. He said it is his understanding the permit expires after 5 years, which would require a new review to check for compliance with current building codes, and asked what the process would be for re-issuance of the permit. He expressed concerns with increased costs for permitting and construction. It was confirmed for him that resubmission of the application and plans would need to be made for review, basically, starting the process all over again.
- Township Manager, David Thompson: With regard to first due territories, Mr. Thompson explained that a summary of recommendations for working together to resolve first due territory assignments was provided to Barry Yunkin, President, PLPFC. He explained that if PLPFC joins the merger, then there would be one first due territory assigned to PVFD. If they do not join the merger, then first due territories will need to be re-evaluated. Regardless, it is going to progressively become more difficult to provide funding.
- Vice-Chairman Allen Fisher: Mr. Fisher said he heard a rumor that discussions have been taking place about Gordonville Fire & EMS relocating to PLPFC if they construct a new central station at their current location there along Route 30. He said hearing this gave him hope that all will be able to come together.
- Ben Beiler: Mr. Beiler said these discussions have been great, but it has all happened too late for PLPFC to join the merger now, and he doesn’t think they should have to wait and other 1 ½ years from when they agree to merge with PVFD to get and first due territory back.
  - Supervisor Beiler said he agrees with this, but would want to an agreement to merge from PLPFC before committing to provide them any first due territory. He said it is his understanding that it would not take that long for them to merge with PVFD as the merger is being completed so as to allow other fire companies to join with ease in the future.

- Dennis Groff: Mr. Groff asked if PLPFC can guarantee they have insurance coverage in place and emphasized the need for this to be established prior to their being given any first due territory.

**PLANNING COMMISSION:**

- Updates by Vice-Chairman Allen Fisher.

**ZONING HEARING BOARD:**

- Report by Zoning Officer, Walter Hockensmith.
- 3313 Lincoln Hwy E.: Mr. Hockensmith presented request to ratify Notice of Violation issued July 12, 2023 to Benjamin & Tanya Martin and Annemarie Cowden for violation of the Township Nuisance Ordinance #4-1982, Section 2. (E), as it relates to growth of grass, weeds or other vegetation over the height of 6 inches.

Public Comment: Wanda Ranck asked if it has been determined if there is any reason why the property owners may not be able to maintain the property. Mr. Hockensmith said they have not provided any notice of a hardship or other reason for not being able to cut the grass. Mr. Groff said this has been an ongoing issue at this property for 8 years now.

Ray Rice **motioned** to ratify the Notice of Violation. Second by Samuel Beiler. All Ayes. **Motion Approved.**

- Discussed Township Policy – Building Permit Fee Reduction for Non-Profit Organizations.
  - Mr. Hockensmith presented proposed policy regard permitting fees for non-profit organizations. He provided an example of a project for a non-profit organization that cost \$400,000, yet the Township received nothing for permit fees.

Public Comment:

- Dennis Groff: Mr. Groff commented in opposition to charging non-profits permit fees. When Samuel Beiler asked him why he opposed the fees, Mr. Groff responded it is what makes Paradise special. In response to Mr. Hockensmith’s comments there is not written policy or other record approving a policy to waive permit fees for non-profits, Mr. Groff and Nick Lopez said they are sure the Board of Supervisors discussed and voted on it.
- Nick Lopez: Mr. Lopez commented that the Paradise Elementary School was not charged any fees when they built the new school and that Keystone Church was not charged any permit or Zoning Hearing Board fees for their sign.
- Michael Hartmann, Zoning Hearing Board Chairman: Mr. Hartmann said he feels many non-profits take advantage of the Township’s practice to not charge fees. Supervisor Beiler asked him if he saw anything wrong with at least reimbursing the Township’s actual costs. Mr. Hartmann said he thinks this would be a rational approach. Mr. Beiler asked about recouping Zoning Hearing Board fees. Mr. Hartmann said at this point those fees are waived as well. He said the problem with

this is that some non-profits don't even bother to try and conform to code requirements and regulations since they know they do not have to pay any fees to obtain waivers from the Zoning Hearing Board.

- Wanda Ranck: Mrs. Ranck said maybe the Township should not charge fees, but require that they (non-profits) stay within the rules and regulations.
- Vice-Chairman Allen Fisher: Mr. Fisher expressed his discomfort with charging non-profits fees and recommended no fees be charged.

Allen Fisher called for a motion to not adopt policy to charge permit fees to non-profits and continue current practice of no permit fees for non-profits. Samuel Beiler **motioned** to not charge non-profits permit fees. Second by Ray Rice. All Ayes. **Motion Approved.**

### **PARK & RECREATION COMMISSION:**

- Updates by Park Foundation Chairman, Michael Hartmann. Mr. Hartmann announced that the Park Foundation had voted to fund the full cost of the August 4, 2023 Community Day Event. He also announced the softball tournaments to be held on August 5, 2023 as a fundraiser to support the Boy Scouts.

#### Public Comment:

- Wanda Ranck: Mrs. Ranck asked Mr. Hartmann if the Park Foundation has ever considered using donation bins. Mr. Hartmann explained fundraising efforts currently utilized and said they would have literature at the Community Day Event about how people can support the park through donations. Mrs. Ranck said she thinks they are doing a great job.
- Discuss and consider purchase of combination tractor/mower. Roadmaster Blaine Stoltzfus presented various quotes for tractor/mower combinations and provided descriptions for each piece of equipment and what tasks the equipment would be used to complete. Adryan Yothers, Park Maintenance Crew, provided estimate of time savings that will be realized by using the proposed tractor/mower.

#### Public Comment:

- Wanda Ranck: Mrs. Ranck asked if equipment had a front loader and backhoe. Mr. Stoltzfus said it has a front loader only. Mrs. Ranck said they have one they use on the farm and it makes things much easier. Mrs. Ranck asked if the time savings will equate to a payment. Mr. Thompson said he did the calculations over 20 years and it will be a wash; however, it is a huge expense. The budget provided for \$30,000 to purchase a new mower, and the proposed tractor/mower combination costs \$90,000. Mrs. Ranck asked if a trailer would be required to transport the equipment. Mr. Stoltzfus said no, it is road ready.
- Bob Devonshire: Mr. Devonshire asked if the cab on the mower is enclosed or open. Mr. Stoltzfus said it is enclosed.



- Wendell Ranck: Mr. Ranck asked if the equipment is made in China. Mr. Stoltzfus said it is made in the USA.
- Vice-Chairman Allen Fisher: Mr. Fisher asked if the equipment could be used to perform Township related tasks in addition to park tasks. Mr. Stoltzfus said it can be.
- Township Manager, David Thompson: Mr. Thompson advised there is a 6 month lead time from the factory for the purchase and manufacturing of the equipment, so this will really be a 2024 purchase. He further expressed there will be a need to commit to the new equipment shed at the park in conjunction with the approval of this purchase. Clint Yonce asked if the building/shed will have a floor that will support this equipment. Supervisor Ray Rice said it will have a concrete floor. Supervisor Samuel Beiler asked what the cost for the new building will be. Mr. Thompson said the building is \$100,000 and this cost is included in the \$500,000 grant request submitted to the State. Mr. Thompson suggested any decision be tabled until the full Board of Supervisors is present, but a decision should be made in the next month.

After discussion, this matter was tabled for further discussion and decision making as suggested by Mr. Thompson.

#### **SEWER AUTHORITY & SEO:**

- Updates by Sewer Authority Chairman, Bryan Stoltzfus.
  - Vice-Chairman Allen Fisher: Mr. Fisher asked if they are still trying to keep area open along Singer Avenue for horse & buggy traffic. Mr. Stoltzfus said they need to see how the project progresses, but at this time, at least one lane is open.

#### **Public Comment:**

- Unidentified person asked if contractors will be working on Saturdays. Mr. Thompson said they are working 10 hour days Monday through Thursday, and only working Fridays as/if needed.
  - Clint Yonce: Mr. Yonce asked how long it will take to complete project. Mr. Stoltzfus advised they were originally told 20 months, but it could 24 or more months. He said they are already confronting supply chain issues.
- June 5, 2023 Minutes of Paradise Township Sewer Authority.

#### **OLD/NEW BUSINESS:**

- Red Caboose Motel – 312 Paradise Ln: Request for reduction of Financial Security from \$25,346.22 to \$6,673.65 (as recommended by Rettew).

#### **Public Comment:**

- Dennis Groff: Mr. Groff said he attended the grand opening for this new facility and the building was fabulous – everything was hidden.

- Zoning Officer Walter Hockensmith: Mr. Hockensmith said there are still two open permits that he would like to see get finalized before a full release of the financial security is granted.
- Wendell Ranck: Mr. Ranck said they are storing trash outside and then burning it. Mr. Hockensmith advised he had already spoken with them once about doing this, and asked Mr. Ranck to give him a call the next time they are burning and he will go check it out and talk to them again.

After public comment was received. Ray Rice **motioned** to approve reduction of Financial Security from \$25,346.22 to \$6,673.65. Second by Samuel Beiler. All Ayes. **Motion Approved.**

**ANNOUNCEMENTS:**

- Vice-Chairman Allen Fisher announced the Board of Supervisors would be meeting in executive session following this meeting.

**ADJOURN:**

- At 8:25p.m., Ray Rice **motioned** to adjourn meeting. Second by Samuel Beiler. All Ayes. **Motion Approved.**

Respectfully Submitted By:

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Karen E. Farra, Secretary/Treasurer