DRAFT RAPHO TOWNSHIP BOARD OF SUPERVISORS' MINUTES JUNE 16, 2016

The Board of Supervisors met at the Township Office Building for their regular meeting on June 16, 2016, 7:30PM with Lowell Fry, Jere Swarr & Duane Martin present.

The meeting was called to order by the Chairman and followed with the Pledge of Allegiance. The Minutes of the June 2nd Meeting were distributed. Mr. Martin made a motion to approve the Minutes as presented; second by Mr. Swarr. All voted in favor.

Police Report – Chief Joe Stauffer

- New Officer Rick Rynier
- Station project
- Click it or Ticket program
- Press releases
- Mr. Fry commended Chief Stauffer regarding the department's response to the threat to the Manheim Central High School graduation that caused the postponement of the graduation ceremony.
- Resident concern about new police station – doesn't want officers speeding to calls from new location
- Resident of South Colebrook Road said he appreciates that police are cautious with their speed going through his area
- Mr. Swarr noted the Manheim police are a lot better for our fire departments because they can respond to the fires faster than the State Police did

Mr. Fry announced that the Board met in an executive session to discuss a legal matter prior to the meeting.

PUBLIC COMMENT

Patty Neiles and her two grandsons introduced the opening in mid-July of the Little Free Library at Rapho Park under the pavilion. Not open in winter. Mrs. Neiles is working with Mount Joy Library and has about 100 books with no cost to the Township. The book collection will be checked once a week, and will be registered on the Little Free Library web site.

Anthony Kilkuskie, counsel for Purple Heart Disposal, noted that he questioned residents on why there were attending this meeting. Some were there for the Purple Heart Disposal meeting on the agenda and some wished to complain about the trash collection process. He wanted those with public comment to have a chance to speak.

Bob Mowrer, 1424 Emerson Drive, Mount Joy, noted how he enjoys Rapho Park and walks his dog 1 to 2 times a day along the trail. He has a concern that there is no leash law in Rapho Township, and has noted that some walkers do not keep their dogs on a leash. He questioned the need for a dog park with a fee if park patrons can let their dogs run for free. He feels there should be signage at the Park stating that dogs must be kept on a leash, and other information like park open and close times, that no alcohol is permitted, as other parks have posted rules.

Jerry Stern, Hossler Road, spoke about the graveyard on Earhart Road and noted that the custodian is no longer taking care of it. Mr. Stern and the other neighbor are now taking care of

it. He wondered if it is private property, and who owns it. Fry stated that if the property is orphaned, abandoned or unkempt, it becomes the responsibility of the Township. Mr. Swarr will try to determine the owner.

Dwight Fahnestock, 1440 North Colebrook Road, stated he is lawfully burning and is being harassed by the Zoning Officer. He read an excerpt from the Township Recycling Ordinance that he said allows "Land clearing or grubbing prior to the act of construction". He stated that the grub is generated from other properties and brought onto his farm. Mr. Fry noted that grubbing is for use on their own property and must be from activities on the farm. Mr. Swarr noted he would look into other options, and has learned that a neighboring municipality possibly allows controlled burning for a fee. Mr. Fahnestock feels that fires do not need to be attended and Mr. Fry countered that he believed most firefighters would vehemently disagree. Mr. Fahnestock felt he would continue to receive fines, even if he wins his appeal of this citation. Mr. Fry explained that if he wins, he will not continue to get fines, but in most accounts, when the regulation is violated, the Ordinance regulations prevail.

Mr. Swarr discussed the Township Stormwater Ordinance and explained about testing of stormwater exiting pipes and enforcing bad water quality.

Edwin Zimmerman, 608 Fairview Road, Manheim, said that he agreed with Mr. Fahnestock. Mr. Fry explained there is an appeal process for any interpretations the Zoning Officer makes. Mr. Fry also explained about Ordinances and the narrow exception for the Burning Ordinance – agricultural practices have a right to clear your own land, if over 10 acres.

Robert Buckwalter, Buckwalter Road, said that he agreed with Mr. Fahnestock and Mr. Zimmerman.

PLANNING

REQUEST FOR MODIFICATION
John Stoltzfus – 3433 Meadow View Road
John Weese, Harbor Engineering
The applicant wished to install a temporary greenhouse for curing tobacco crop but is impervious, a plastic arched cover with a hoop frame. Mr. Weese said the applicant would install a flat swale on either side, to be maintained in grass and stabilized. There will be no downspouts. The building will not be 125 feet long as previously specified, and will be reduced in length, but not specified by how much the reduction will be. The applicant is asking for a waiver to review the plan as a minor rather than a major. The Township Engineer had recommended approval of the modification with detail of swale. The frames will stay in place when the plastic is not on during the non-growing season.
Mr. Swarr made a motion to approve the request, conditioned upon the Rettew letter dated 6/16/16. Mr. Martin seconded the motion, which passed unanimously, 3 – 0.

The Meadows Plan
A request was presented for a reduction of a Letter of Credit. There are still items to be completed, but the Township Engineer recommended the approval of the reduction. **Mr. Swarr**

made a motion to reduce the Letter of Credit from $178,876.80 to $130,322.80, seconded by Mr. Martin. The motion passed unanimously, 3 – 0.

Wilmer and Frieda Nolt – Hilltop Acres Final Land Development Plan #16-314
Applicants requested a 60-day extension of time to make modifications to their Final Land Development Plan. **Mr. Martin made a motion to approve the request to extend to August 15, 2016. The motion was seconded by Swarr and passed unanimously, 3 – 0.**

PUBLIC HEARING - Appeal of Purple Heart Disposal collection permit suspension

Prior to the hearing, Fry explained the trash hauling process. The private haulers are approved and permitted in the Township, provided that they meet the Township's requirements. The requirements have been in place for two years now. It is a State Law, which requires mandatory recycling, to be picked up at the end of the driveway at every property. Mr. Fry said that the Pennsylvania Department of Environmental Protection (DEP) is continually monitoring municipalities, and Rapho is responsible for reporting regularly to DEP. The Township officials gave the residents an option in 2014 to use the Township's hauler, or to prove that they have a hauler, in which case, they could continue on with their own hauler.

The hearing is specific to separation or non-separation of materials. At this time, the Supervisors took public comment from the audience on issues relating to trash.

Mike Hamaker, 1552 Hossler Road, presented a question about the paperwork, asking what the burden is to the Township to allow multiple trash haulers. Mr. Swarr noted that the collection of data would be a lot of work whether there are one or multiple haulers. Mr. Fry stated the need of the Township to prove to DEP that everyone has a trash hauler, and how the collection of data is time consuming.

Jennifer Goss, 2589 Shumaker Road, received a bill for $450 and asked how the Township could not know she already had a hauler. She has a shared driveway and said her neighbor is upset because when she was trying to get her trash situation worked out, her trash was not picked up for several weeks.

Jerry Stern, Hossler Road, felt that the hearing was extended without the Township notifying anyone and feels the work of collecting and maintaining the Township's trash data is a single person process. He wanted to know what the benefit was of the Township choosing Penn Waste. Mr. Fry noted that they were the low bidder, and would reduce the traffic of trash trucks within the Township. Mr. Stern noted the Township listed $352,000 in the General Fund budget under the category of trash collection and wondered where that money was coming from. Mr. Fry explained that the residents that use Penn Waste pay a set amount to the Township per year. That money is used to pay tipping fees for tonnage collection, for which the Township had to initially estimate. He said that bill pre-payment is available, which can skew annual budget numbers.

Angelo Lombardo, 2003 Baker Road, asked how many authorized trash haulers are permitted to collect in the Township. Mr. Swarr said there are 8 haulers permitted to collect, of which 3 or 4

are primarily haulers of commercial waste. Mr. Lombardo said he goes to Florida for 4 months every year and wanted to suspend collection and receive a discount but was informed that the Township did not allow this procedure.
Daryl Freed, 1185 Mount Joy Road, asked if the 8 hauler rates are determined by the Township. Mr. Fry said no. The question was asked regarding the exact charges against Purple Heart Disposal.

Paul Hann, Cantebury Drive, noted the trash collection procedure mandated by the State was published in the paper and the Supervisors did a great job spending 6 months trying to allow those residents who wished to opt out to do so.

James Stuck, 1493 Hossler Road, stated he informed the Township he was opting for Purple Heart Disposal and overheard a statement that Purple Heart Disposal would be pushed out in a short while.

Don Cooper, 1076 Mount Joy Road, wanted to know why, if the Township is saying the collection and maintenance of data is a big expense, residents in the fourth septic pumping district did not have to pay a fee in 2012. Mr. Fry said it was an internal, executive decision due to the Township assessing a property tax at that time.

The hearing had been called to order on June 2, 2016 and extended to this date at the request of the appellant. A stenographer was in attendance to record the hearing.

The attorneys were introduced. A. Anthony Kilkuskie was the attorney for Purple Heart Disposal (Gary Hummer) and Susan Peipher of Blakinger Thomas was representing the Board as Township Solicitor. The hearing is being held under Local Agency Law.

The reason for the hearing is that on May 6, 2016, Mr. Hummer received a letter from Mrs. Sara Gibson, Township Manager, stating that several complaints were received regarding the hauler mixing recyclables with regulated refuse. Mrs. Gibson's letter was submitted as an Exhibit for the Board's reference. The proof of publication of the hearing that had been scheduled June 2 was submitted as an Exhibit.

Mr. Hummer was sworn in. He testified that folks in Manor Township thought Purple Heart Disposal was doing the same thing he was accused of by Rapho, until Township staff followed him and found them to be doing things appropriately.

He testified that his staff uses a 96 gallon toter on the back of the refuse truck. He said that to save time, the empty toter is filled with recyclables while the regulated refuse is picked up and dumped into the trash truck. He said that when the recycling toter gets full, it is switched out for an empty toter at a customer's property, and the full recycling toter is left in its place for a pick up later in the day. Mr. Hummer said he was accused of his recycling numbers being inconsistent, and he could not explain why, other than he is only permitted to put one municipality number on his hauling slips at the Lancaster County Solid Waste Management Authority (LCWSMA), and he may have written another municipality's number while dumping

Rapho's recycling. He said he has 4 employees plus himself. He said he has been in business on and off from 1976.

Mr. Fry asked if there were questions for Mr. Hummer.

Jerry Stern said that he owns Sunlight Energy Systems. LCSWMA sent an agent to him because his employees were getting lazy with recycling. Mr. Stern asked Mr. Hummer if LCSWMA had ever contacted him? He asked if his employees could be stealing? He feels Purple Heart Disposal's service is great!

Sara Gibson, Township Manager asked Mr. Hummer if Purple Heart Disposal provides every customer with a recycle bin? Mr. Hummer said no. Mrs. Gibson asked Mr. Hummer if any other haulers use the same method of collecting recyclables as Purple Heart Disposal does? Mr. Hummer said he did not know.

Mrs. Gibson asked Mr. Hummer if he educates his customers about what materials they can recycle? Mr. Hummer said no. Mrs. Gibson asked Mr. Hummer if he provides special collection dates several times a year for woody yard waste pick up? Mr. Hummer asked what woody waste was. Mr. Hummer then said that Purple Heart Disposal does pick up woody waste left at curbside by their customers. He said that they dispose of it as trash.

Mrs. Gibson asked Mr. Hummer if he provides a customer list to County Recycling Coordinator Barb Baker of LCSWMA? Mr. Hummer said he spoke to Barb the day DEP contacted him about the complaints they had received.

Jerry Stern stated that Mr. Hummer may not provide a recycle bin but neither does Rapho. Mrs. Gibson and Ms. Ena Marie Banks, Township Recycling Coordinator, clarified that Rapho provides a recycle bin to those customers of the Township trash collection, and residents who do not participate with the Township's program may purchase a recycle bin from the Township for $12.00.

Mrs. Gibson and Ms. Banks were sworn in to testify for the Township. Mrs. Gibson provided copies of trash and recycling collection ordinance language regarding the issuance of collection permits to private haulers for the Board's reference. Mrs. Gibson testified that the Township historically addresses complaints about trash and recycling collection by contacting the haulers and discussing the complaint with them. Ms. Banks testified that in October 2015 she observed Purple Heart Disposal employees throwing recyclables and regulated refuse together in the same truck with no toter.

Mrs. Gibson said that no collection permit had been issued to Purple Heart Disposal for the 2015-2016 year and that no contact was made with Mr. Hummer because multiple attempts were made to contact him by phone, but his voice mailbox was full and there was no way to leave a message.

Mr. Kilkuskie asked if it was possible that Mr. Hummer was not aware of the situation. He said the Township had never had any conversations with him prior to this incident. Mrs. Gibson

noted that anecdotally the Township has received more complaints about Purple Heart Disposal over the years than complaints about the other permitted haulers. She stated that complaints about trash haulers in general are not received very frequently.

Mrs. Gibson also testified that she did not attempt to contact Mr. Hummer by mail to notify him that his application was denied but noted that Mr. Hummer should have been aware he had no valid permit for the 2015-2016 per year. Mrs. Gibson said the only notification sent was the notice the hauling permit had been denied.

Jerry Stern stated most people put some woody waste in trash. Mrs. Gibson said that woody waste is a recyclable material. She noted for the record that Mr. Hummer had just testified that he has his customers bundle woody waste and then Purple Heart Disposal disposes of it with regulated refuse. Mr. Hummer testified that he did not know it was not allowed to be disposed of with trash.

Don Coutrie asked if Mrs. Gibson was saying she couldn't send a letter asking Mr. Hummer to contact the Township. Ms. Peipher noted that Mrs. Gibson had already testified she had not sent any other letter asking Mr. Hummer to contact her.

Trent Lilly, 2403 Lebanon Road, asked if there was a precedent for approving or denying trash collection permit. Mrs. Gibson responded that haulers must follow the Ordinance regulations and if they do not, they lose their permission to collect in the Township.

James Groff, 1887 Cider Press Road stated he's been to the Township several times complaining about Penn Waste.

Jerry Stern asked if it is the policy of Purple Heart Disposal to mix recyclables and trash. Mr. Hummer stated that some people put out trash in their recycle bins. Mr. Fry asked how they handle cardboard. Mr. Hummer responded they take it if they can, but they do not recycle it for residential customers.

Lamar Zimmerman, 80 Hossler Road asked if woody waste gets picked up at curb side by Penn Waste. Ms. Banks said that yes, Penn Waste does collect woody waste for recycling at curbside and every hauler must provide times for woody waste pick up.

Mr. Fry asked if Purple Heart Disposal's employees have a policy manual. Mr. Hummer said no, they only have verbal direction. Fry asked how they track their trash information from the County. Mr. Hummer and Mr. Kilkuskie said they requested it from the County. They provided the January through May 2016 data they had received from the County as an Exhibit.

Mr. Fry asked if Purple Heart Disposal sends out a notice to homeowners of pick up on large appliances, schedules, woody waste pick up dates? Mr. Hummer said no.

Members of the audience who wished to make statements were sworn in before they spoke.

Doris Rettew, 2385 Sunnyside Road doesn't know where the complaints are coming from as she loves Purple Heart Disposal.

Janice Bowlman, 3237 Creighton Drive stated she was notified by a note in her empty container that she was not to be throwing weeds and woody waste in her garbage. She felt the Township should give them a chance to keep their recycling numbers up and allow him to talk to his employees.

James Stuck has been a customer for a year before the Township made the change. He helped 4 neighbors get signed up the Purple Heart Disposal, that's how strongly he feels about their good service.

Terry Wise, 2587 Shumaker Road stated we need to support out local trash haulers and our military.

James Groff, 1887 Cider Press Road stated Penn Waste leaves stuff all over the road. He has Purple Heart Disposal and he is well pleased.

James Lefever, 810 Mount Joy Road stated that of all the haulers he has used, Purple Heart Disposal has been the most courteous about the handling of his cans.

Mrs. Gibson again testified that neither she nor other Township staff had heard anything from Mr. Hummer after not renewing his permit.

Mr. Swarr made a motion to close testimony, seconded by Mr. Martin. Motion carried unanimously, 3 – 0.

Mr. Martin suggested the Township request documents regularly from LCSWMA about what Purple Heart Disposal drops off from Rapho Township and Purple Heart Disposal is to supply the documents.

Mr. Swarr noted that Mr. Hummer should answer his phone. Mr. Hummer said he will give Ms. Banks his private cell number.

Mr. Fry noted that Mr. Hummer needs to know what is in the Recycling Ordinance and Mr. Swarr noted that communication is the key and they'd be willing to give him another shot.

Mr. Hummer is to report on a quarterly basis and asked how much a key fob to recycle woody waste at the Township facility cost. The cost is $5. Mr. Hummer thanked his customers and thanked the Township.

Conditions were stated that Mr. Hummer must supply the Township with a monthly tonnage report on a quarterly basis, that he must provide his personal cell phone number to the Township, and that he must send a letter to his customers and the Township outlining his recycling program, including his pick up days for woody yard waste and large appliances.

Mr. Martin made a motion to overturn the suspension of the trash collection permit with the conditions as stated and that they should grant the appeal. Mr. Swarr seconded the motion, which passed unanimously, 3 – 0.

Mr. Fry adjourned the hearing.

BRIEFING ITEM:

The Windsor by Canine Country Club Final Plan #16-316
346 South Erisman Road
Diehm and Sons, consultant

Mrs. Gibson briefed the Board on the plan. The applicants propose to construct a 21,175 square foot footprint kennel facility, along with parking and access drives, on a 10-acre tract. The dwelling and kennel currently located on the property would be razed, and an existing canine pool would remain. The kennel would provide pet rooming, daycare, and grooming for a capacity of 276 animals. The applicants received approval from the Zoning Hearing Board on 11/10/15 for a special exception for the operation of a boarding kennel. They were also granted several variances relating to setbacks, parking spaces, and landscaping. The facility would be served by on-lot sewer and water. Stormwater is proposed to be managed by a bio-retention basin under the proposed building/parking lot areas. The property is located in the Agricultural Zoning District.

CORRESPONDENCE

Milanof-Schock Library May report

DISBURSEMENT LIST

Mr. Martin made a motion to approve the disbursement list as presented, seconded by Mr. Swarr. The motion passed unanimously, 3 – 0

Mr. Martin made a motion to transfer $71,250 from the General Fund to the Fire Capital Fund, seconded by Mr. Swarr. The motion passed unanimously, 3 – 0.

There being no further business for the evening, the meeting was adjourned at 11:15pm.

Respectfully Submitted,

Lori McEntarfer
Assistant Recording Secretary