

**HOPEWELL TOWNSHIP  
YORK COUNTY PA  
BOARD OF SUPERVISORS  
MINUTES FOR NOVEMBER 5, 2015  
MUNICIPAL BUILDING  
7:00 PM**

Chairman Aaron Manifold called the meeting to order at 7:02 p.m. The Pledge of Allegiance was said. Also in attendance were Supervisor/Secretary David Wisnom, Supervisor Shannon Wolf, Solicitor Andrew Miller and Zoning Officer Keith Hunnings.

Chairman Manifold welcomed everyone to the November 5, 2015 Board of Supervisors meeting. He stated there was an Executive Session 11/5/2015 at 6 p.m. to discuss personnel and litigation. He asked everyone in the crowd to please state their name and address prior to speaking.

**Approval of Minutes:**

Chairman Manifold began discussing the October 1, 2015 minutes. He added the following corrections:

- a) Josh Meldon as Project Manager under Subdivision and Land Development
- b) Jordan Baughman as representative for Johnson Controls.

Chairman Manifold motioned to approve with corrections. Supervisor Wisnom seconded. Motion carried unanimously.

Pat Schaub wanted to discuss the September 3, 2015 minutes. She stated the Township needs to make the following corrections:

- a) Date of Meeting in the minutes in the Approval of Minutes
- b) Under Road Report: Live Road does not exist
- c) The time the hearing was opened and the time hearing was closed
- d) Under Ordinance 2-2013, Pat did not state the ordinance should apply to one acre lots. She stated that is something Supervisor Wolf said.
- e) Cedar Lane was misspelled.
- f) Aero Energy needs to be corrected as it is misspelled as "Arrow" Energy.

No motion followed.

**Treasurer's Report/Invoices:**

Supervisor Wisnom motioned to approve the October 31, 2015 Treasurer's Report and previously reviewed invoices. Supervisor Wolf seconded the motion. Motion carried unanimously.

**Roads:**

**Mt. Airy Road:**

Chairman Manifold provided an update on the status of the tree and shrub removal with the site distance. The property owner trimmed the trees and overgrowth back to the guardrail so the issue has been taken care of.

Donnie has provided a list of the projects the Road Crew is working on as follows:

- a) Finishing up fall mowing
- b) Crack sealing roads as needed
- c) Working on a drain pipe on Cedar Lane
- d) Trimming trees
- e) Preparing equipment for winter use

**Subdivision/Land Development Plans:**

**Johnson Controls:**

Chairman Manifold requested that Solicitor Miller provide an update regarding Wolfe Road. Solicitor Miller stated that Johnson Controls made an offer to the neighboring property owners regarding the Right of Way. They are in the process of finalizing that. They have deeds of dedication and at some point will get the property owners' signatures. The HOP application was submitted and is in process with PennDot. Zoning Officer Hunnings did not have any additional information to add.

**Summercrest:**

Josh Myers was present to provide updates. He stated that the name of the plan should now be listed RASC-Taylor. They have comments back from YCCD and made revisions per those comments that have been submitted. Regarding the E&S, Martin and Martin came back with a few things. Chairman Manifold asked what YCCD's outstanding comments were. Josh stated that his dad, John Myers, took care of most of it. One of the comments was regarding the electrical lines on the road. Chairman Manifold asked Josh if they have plan approval from YCCD Wilt, which Josh responded not yet. Josh is still waiting to speak with Carrie from the DEP regarding the hydrogeologic studies and if they have to do another as they moved the location. Everything is ready to be submitted but has not yet been. He is waiting on signatures and the UPI. Chairman Manifold asked if they should table the plan to wait for approval and Zoning Officer Hunnings agreed that would be best. Chairman Manifold motioned to table the plan for RASC Taylor until next month. Supervisor Wolf seconded the motion. Motion carried unanimously.

Christine Scheufele asked if the plan number should change. Zoning Officer Hunnings responded by saying their plan number is how it is filed in their office. It will be filed under UPI number eventually. Solicitor Miller agreed. Christine Scheufele added that the plan name has been changed since the

7/2/15 Board of Supervisors meeting and should be changed on the agenda. Chairman Manifold said that it would be changed from here out.

Kurtz School Villas:

Chairman Manifold discussed if Kurtz School Villas needs to go back to Preliminary or move forward. The state has changed the requirements in regards to set back from streams and disturbances. They are able to move the road 25 feet closer towards the wetlands. They have not changed the lots, quantities, or dimensions; just where they are positioned on the same property. Supervisor Wisnom opined they should be able to continue the same way they were before. He stated they should go to the Planning Commission but not start over from the beginning. Zoning Officer Hunnings agreed. He stated there is not a significant change to the plan for them to start over from scratch; however, that is a Board decision. Supervisor Wisnom motioned to allow Kurtz School Villas to continue where they are now and go back to the planners. They do not need to go back to square one. Supervisor Wolf seconded the motion. Motion carried unanimously.

Royal Farms Parking Expansion:

Zoning Officer Hunnings discussed the status of the Royal Farms Parking Expansion. They are asking for a waiver. They removed some impervious area on the site. The net increase is 750 square feet. They will still do water volume controls there, however they do not want to do rate controls. Martin and Martin reviewed the plan and felt that there is no major issue. Solicitor Miller asked if Casey Deller should be present for the waiver decision to answer questions about the volume controls. Martin & Martin recommended the plans be exempt from the rate control but still have to comply with water quality (volume control) requirements. Zoning Officer Hunnings was forwarded a bond estimate for soil, roads, and sanitation control, storm water management, and bio-retention BMPs. This totals \$12,012.21. Solicitor Miller stated if they have bio-retention BMPs in the surety and they must be installing those BMPs to manage the water volume for what they are doing. Solicitor Miller recommended tabling until Casey can be there. Supervisor Wolf is fine with what Martin and Martin says in the bottom paragraph of a piece of correspondence. Solicitor Miller confirmed they are asking for a waiver from Section 303, Storm Water Management, and Martin and Martin recommended waiving rate control requirements but not quality control and volume requirements. Pat Schaub asked if this would affect Barry Shenk's property in any way. Chairman Manifold stated they are not increasing the impervious area. The waiver is for the rate control not the water quality, so they still have to do the required part for that. Supervisor Wolf stated there is no reduction in impervious area. Storm water will not be increased going across the street. They do still have conditions they have to meet for volume control. Chairman Manifold motioned to table the plan and request their engineer be present at next month's meeting. Supervisor Wolf seconded. Motion carried unanimously. Zoning Officer Hunnings will let Casey Deller know they would like him to attend next month's meeting on behalf of Royal Farms. Zoning Officer

Hunnings will forward the proposed surety estimate to Martin and Martin for review.

High Street:

Josh Myers representing the property owner on high street with a sketch plan for the subdivision on the Byron Grossman property. It will consist of 5 lots on High Street. The issue is the sewer and water from Stewartstown. Zoning Officer Hunnings asked Josh how close the public sewer and water is. Chairman Manifold responded by telling him it is on High Street. Zoning Officer Hunnings stated there is capacity on the plans and that it is not an issue. Josh wanted to show the Board what they were planning and asked if he should be going to the Planning Commission next. Chairman Manifold stated that is correct. Zoning Officer Hunnings informed Josh that, with it being a multi-lot subdivision, the same issues he is having with Taylor's property, the E&S, NPDES permit, stormwater, and other issues need to be engineered. Josh asked if it was 3 lots per private lane. Zoning Officer Hunnings stated that they have granted 4. Chairman Manifold told Josh to go ahead and take it to the planners. Supervisor Wisnom asked what the total acreage was and Josh responded with 4.73 acres gross. Josh Myers stated he would be present at the November 17 Planning Commission Meeting.

**Solicitor's Report:**

Ordinance No. 2-2013:

Solicitor Miller discussed the recommendations from the Planning Commission and YCPC. The YCPC recommended that the Township not adopt the ordinance. YCPC stated it is unreasonable and illogical to have an unlimited amount of chickens on one-acre lots. They recommended a sliding scale or max number and also add requirements for all livestock options. The Ordinance had not been advertised at that time for a public hearing, so the Board can decide if they want to make changes and resubmit or withdraw the amendment altogether.

Nabil Eddahmoni of 19303 Barrens Road wanted to say some words, as he is the owner of the property which started the proposed amendments to the ordinance. He was present at a meeting in either March or April and thought the chicken situation was taken care of. He said what he read in the previous minutes (when he was not present) were lies. He stated the Township is always welcome to check on his chickens. Mr. Eddahmoni received a letter from the YCCD because of the alleged manure runoff onto his neighbor's property. YCCD stated they observed 15 chickens in a fenced enclosure with well-established grass and no obvious runoff. He does not know where the 50 chickens that he was accused of having came from. He did not believe it was right to change the ordinance for everyone because of one person. He and his wife chose this area to live because of the ordinance and they did their homework in regards to Hopewell Township. The chickens they own are for their own use. They use

them for food and the compost for their garden. He stated that sometimes it smells from the nearby pig farm, however, if you choose to live in the country that will happen. He stated that his 15 chickens do not produce much manure. He stated he has a small compost pile for over a year. He is working with YCCD to make a plan in 180 days for the manure. Mr. Eddahmoni came to the meeting to show the Board the other side of the story. He stated there is not runoff and he does not have 50 chickens. He stated his other neighbors like his chickens. Back in March, he moved the chickens further away from the complaining neighbor's property and put a roof over the manure pile. He came to the meeting to make sure the ordinance is reasonable.

David Chinery of 77 Smokebox Circle, father in law of Nabil Eddahmoni, wanted to ask what standard was used to determine the formula of 5 chickens per acre. Chairman Manifold stated it was taken from other municipalities. Mr. Chinery stated that for medium size chickens in the coop it is recommended 2-4 square feet per chicken. The dynamic changes for a run as chickens don't need a lot of room. He stated that it takes 4-5 chickens to produce the amount of excrement that one dog produces in one bowel movement. He asked if there was a swell of complaints as this wasn't an issue back in April/May. Chairman Manifold said it was primarily one complaint and a few people who agreed with the complainant. Mr. Chinery stated that every major city in the country with the exception of Philadelphia and Detroit, allows chickens. New York City has roughly 8-10 million people and no restriction on chickens. Chicken issues fall under nuisance ordinances. He backed up Nabil by saying the coups were moved 75 feet from the fence. They plowed under the old coup and planted a garden. They fenced in and covered the coup to minimize runoff. The compost pile is in between pine trees, between the garden, the grass, and the fence, so runoff is highly unlikely. He believed that the Eddahmonis have been very accommodating and reasonable. Regarding the limit of 5 chickens, you need at least 5 chickens to produce enough eggs on a continuous basis. He stated it would be great for the neighbors to communicate to resolve the issues. However, at one point a sign was placed in the Eddahmoni's property that said "get rid of chickens, smell like sh\*t," which their children saw. He does not want to see Hopewell Township restrict chickens based on one person.

Heather Eddahmoni also wanted to speak up regarding the ordinance. She stated this ordinance would have an economic impact on Hopewell Township. It would make it hard for many families to feed themselves as they raise their chickens for their own use as well as trade with other families for beef, lamb, or milk. She also foresees additional Township hours that would be used to manage this ordinance, which would raise taxes. She stated that most of the residents do not know this ordinance is up for discussion as no one reads newspapers much anymore. Local businesses would lose money as state law requires you to purchase a minimum of 6 chicks. Most families do not live on an acre or more, which would prevent them from having any chickens as well as teach their children about 4H and FFA. She did not come to attack anyone; however, she does not believe this ordinance should be changed because of one

complainant. She believes if this ordinance is passed, the country aspect of Hopewell Township will shift and become the suburbs.

Theresa Roh of 618 Plank Road, asked about grandfathering. Although this ordinance does not affect her, as she lives on over an acre, she asked if this became 1.5 acres or more, what would happen. Supervisor Wolf stated she would register as an existing nonconforming property if the ordinance would change.

Supervisor Wisnom added that chickens are pets and no different than cats or dogs. They have cat and dog ordinances. He asked that the chickens just be kept under control like any other pet. It's a neighborly thing. Ordinances are passed because of one person. He stated to keep the animals under control, no matter what kind they are.

Maria Heile of 13446 Richard's Court wanted to add that sometimes chickens are pets, however, most of the time, they are food. She has three people in her house and they eat close to a dozen eggs a day. Supervisor Wisnom just wanted to classify they are all animals.

Supervisor Wolf motioned to not pursue the ordinance amendment. Supervisor Wisnom seconded the motion. Motion carried unanimously.

#### Keystate Publishers/Floodplain Regulations:

Solicitor Miller discussed the Floodplain regulation update. The Floodplain update has been submitted to Keystate Publishers. He received confirmation that they are on schedule for the final draft of the code produced and the ordinance ready for adoption at the December meeting. He requested a motion to go ahead with the advertisement. As long as it gets adopted at the December meeting, the Township would be okay with the Floodplain Ordinance updates. The State has now put someone back in to review the floodplain ordinances and he was waiting to hear back from him. Solicitor Miller recommended to advertise the code either way, adopt it, and if FEMA comes back with changes, then take care of those at that time. Solicitor Wisnom motioned to advertise the Code with the Floodplain Ordinance incorporated. Supervisor Wolf seconded the motion. Motion carried unanimously.

#### 2016 Tax Resolution:

Solicitor Miller discussed Resolution 4-2015, which sets the tax rates for the year 2016. The ordinance does not have changes in any of the tax rates. The resolution is done in November because must be reported to DCED by the beginning of December. Chairman Manifold motioned to adopt Resolution 4-2015 establishing the tax rate for 2016 with no increase. Supervisor Wisnom seconded the motion. Motion carried unanimously.

#### Other Business:

##### Act 537 Update:

Chairman Manifold gave an update on Act 537. Currently they were at 86% compliant and 14% noncompliant for District 2. The final notification to noncompliant properties was a personal notification from the Township. The next

step on a noncompliant property will be enforcement action. The letters for District 3 will be sent out in January so they have notice that they will have to have their systems maintained in 2016.

**SPCA:**

Ms. Parker discussed the animal care and housing agreement from the SPCA. She stated it is the same fee as last year, which is \$2,718. Supervisor Wolf motioned to authorize the signing of the agreement for the SPCA. Supervisor Wisnom seconded the motion. Motion carried unanimously.

**Computer System:**

Supervisor Wolf provided an update on the computer systems. He met with two companies to come and look at their network system. They are looking to make the Township more electronic for their residents, such as online building permits and other things that can be done without coming in the office. He received two assessments that the Township is now reviewing. It would include getting new workstations, a new network, new phone systems and make things a little more feasible for the road crew to use. Christine Scheufele asked which companies were contacted. Supervisor Wolf responded with Quality and Coulson Technologies. He would like to meet with Coulson. Christine Scheufele asked if this is something that will cost enough where they will have to do notification. Supervisor Wolf stated both estimates are under budget. Christine Scheufele asked if it will be advertised when it is approved. Supervisor Wolf stated they had budgeted \$10,000 in 2015 for the computers and none of that was used. The estimates are roughly \$12,000 to \$15,000. They will use the \$10,000 that was budgeted for 2015 that was not used, and budget for a little more in 2016. He stated he'd like to have it being installed in the beginning of the 2016.

**Public Comment:**

Pat Schaub asked when the Board expects to have the proposed budget on the agenda. Chairman Manifold stated for the December meeting. Pat Schaub stated the budget has to be approved by December 31, 2015.

**Adjournment**

Chairman Manifold adjourned the meeting at 7:59 p.m.