

The Peach Bottom Township **Board of Supervisors** met on **June 5, 2019** at 7:00 p.m. in the Municipal Office Building. Members present David E. Gemmill (Chair), Michael Kahl (Vice Chair) and Andrew Jarvis.

- **Motion** to accept the minutes as presented was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.

Old Business

Exelon Road Agreement

It has been discovered that different roads or sections of, are being utilized in violation of the Land Development Plan Agreement for the spent fuel pad. The project involves relocating both dirt and stone, the Township roads were not built for this type of usage. Communication has commenced with Exelon impressing upon them that the plan was approved with the understanding that only certain roads were to be traversed by the heavy loads.

Keeping of Animals

The proposed amendment was returned to the Board of Supervisors from the Planning Commission with adjustments to the prior recommendation.

Amendment- 307.2(a)(3) - All outdoor areas shall be enclosed with fencing to prevent the escape of livestock; such fencing must be set back at least ten (10) feet from any road right of way line. Livestock may not be kept within 100 feet of a neighboring dwelling or within 10 feet of a road right of way.

Supervisor Jarvis has reservations with what the amendment was supposed to accomplish, a balance between the residential and agricultural uses, but this is a start.

Sharon Kahl added that this should not be imposed on agriculturally zoned land, and under 3 acres.

Adam Daneker noted that it doesn't matter how much or little land someone has, you will have people that will not take care of their animals.

Vanessa Nebenwhur asked what initiated the proposed change and she was informed that the township had received complaints.

Supervisor Gemmill suggested the existing acreage be changed to reflect the current Zoning Ordinance "*will not be larger than three (3) acres*".

- **Motion** to amend and re-advertise Keeping of Animals as follows,
 - a. *The keeping of livestock over six (6) months of age on lots of ~~five (5)~~ three (3) acres or less shall be limited in accordance with the provisions of subsections 1 through 5 of this section.*
 - (3) *All outdoor areas shall be enclosed with fencing to prevent the escape of livestock; such fencing must be set back at least ten (10) feet from any road right of way line. Livestock may not be kept within 100 feet of a neighboring dwelling or within 10 feet of a road right of way.*
- was made by Supervisor Gemmill and 2nd by Supervisor Kahl, vote 3/0.

Subdivision and Land Development Plans

Amish School House – 1055 Flintville Rd, Map BQ Parcel 8

- **Motion** to approve the DEP Sewage Planning Module was made by Supervisor Kahl and 2nd by Supervisor Jarvis vote 3/0.

Ordinances

Two Farms, Inc. d/b/a Royal Farms, Application for Intermunicipal Transfer of a Restaurant Liquor License.

- **Motion** to close the Board of Supervisors meeting and open a Public Hearing was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.

Johnathon Jordan, representing Two Farms Inc., presented a proposal to transfer a liquor license from York Township to Peach Bottom Township. To keep up with the competition they want to offer the sale of beer and wine. Peach Bottom Township is already over their quota, which requires a hearing to transfer a liquor license. They primarily want to sell take out, but the liquor code requires 30 seats, they will need to add 20 seats to comply. A Conditional Licensing Agreement was presented outlining provisions that Royal Farms will comply with in order to obtain approval from the Board of Supervisors. Such conditions are not required by the liquor control board and ultimately that board will issue final approval.

Supervisor Gemmill asked how they will comply with the 30 seats required and was informed that adjustments will be made in the shelving to comply.

Frank Diamond questioned if they can halt alcohol sales after midnight? Mr. Jordan would have to look into this.

William Tenney asked what the benefits are for the Township; this brings in one more place to purchase alcohol and aggravation for the community. He was told that people will spend money in Pennsylvania and enjoy the convenience and competition.

Sammy McConnell asked what is the benefit overall, why would we want to consider it?

Beth Most commented that it is a safe place and the Township receives employment taxes.

Thomas Connaghan questioned policing of the 1 beer consumption rule; common sense does not rule here.

The Township attorney went over a few questions from the legal end of the application.

Mr. Jordan informed that Royal Farms does not want customers hanging out and will work to avoid that from happening.

The attorney informed that the Board is limited to approval or no-approval of the Intermunicipal Transfer of a Restaurant Liquor License.

Supervisor Gemmill asked if they would be willing to stop the sale of alcohol at midnight instead of 2:00 a.m.

Mr. Jordan suggested adding to the condition licensing “No Consumption on location after midnight”.

Applicants Exhibit A-1, which includes a summary of the application and a list of current and pending liquor licenses under Royal Farms and other convenience stores, was submitted as evidence. .

Applicants Exhibit A-2, Conditional Licensing Agreement as amended “No Consumption on location after midnight” was submitted as evidence. .

William Tenney stated he opposes the transfer application.

Sharon Kahl does not think we need one more location that sells alcohol.

Sammy McConnell stated that he is for it from a business stand point, but if a problem arises the Township should be able to do something.

Thomas Conneghan noted that the Township has options; Royal Farms does not want bad publicity.

The attorney explained the law, which has not been in affect very long, dictates this transfer application. It is a health safety and welfare issue.

- **Motion** to close the Public Hearing and reopen the Supervisors Meeting was made by Supervisor Kahl and 2nd by Supervisor Jarvis vote 3/0.
- **Motion** to approve resolution 2019-01, subject to exhibit A-2 as amended, which transfers Restaurant Liquor License #R-8615 from York Township to Peach Bottom Township, was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.

Subdivision and Land Development Ordinance – proposed amendments

Section 407 – Completion of Improvements

Section 804 – Cartway Paving

- **Motion** to close the Supervisor meeting and open a Public Hearing was made by Supervisor Kahl and 2nd by Supervisor Gemmill, vote 3/0.

The attorney explained the proposed amendments which refer to developments that include public roads, percentage of completion and standards for cartway paving.

- **Motion** to close Public Hearing and open the Board of Supervisors meeting was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.
- **Motion** to adopt Ordinance #2019-03 which amends Subdivision & Land Development Ordinance sections 407 & 804 was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.

Solar

- **Motion** to submit the proposed solar ordinance to the York County Planning Commission for review was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.

Reports

Attorney

An appraisal has been ordered by South Eastern School District for the Exelon Plant on Lay Road. Cindy Siebel informed that the school district has no confidence this issue will be resolved very soon.

Hans & Dawn Herr – 73 Dorsey Park – Map CQ Parcel Y27 R0008
Violation of the Realty Transfer Ordinance, suit filed. Township won a \$1,000.00 judgement; we are in the appeal period.

Jason Snelbaker - 136 Forest Ridge Road, Map 4 Parcel 44 - Violation of the Realty Transfer Ordinance, suit filed, and hearing scheduled.

Charles & Deborah Burk Sr. – 7979 Woodbine Road, Map CO Parcel 29D – outdoor storage violation. The owners are now compliance and will pay Township costs.

John Thomas – 84 Mulberry Lane, Map 4 Parcel 410, judgement in 1997, property has sold and the attorney recovered \$2,000.00 for the Township.

Skoras Partners proposes to subdivide the waste water treatment plant from the Peach Bottom Inn property. The Pennsylvania Department of Environmental Protection has indicated that if a continual maintenance agreement is involved they approve.

Treasurer Report

- General Fund - \$1,360,270.25
- Liquid Fuels Fund - \$3,815.80
- Sewage Fund - \$22,090.22
- Recreation Fund - \$5,304.33

- **Motion** approving the payment of bills was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.

Supervisors

The road crew has spent the past month paving and back filling, cleaning up minor storm damage and mowed intersections, regular mowing to commence.

Janet Fulcher thanked the road crew for their mowing operations.

Supervisor Gemmill informed that the Southern York Emergency Medical Services' new contract will increase 68%. At the end of the 5 year contract Peach Bottom Township would be paying a projected \$205,000.00 a year. The Municipalities need to get together and talk about possible ideas to help with costs.

Supervisor Jarvis is concerned with the projected population increase in the Township when no large developments have been proposed.

Sharon Kahl stated that the municipalities are the employers, decisions should be up to the municipalities, and this is tax payer money not to be wasted.

Sammy McConnell questioned audits for both the Emergency Medical Services and the Volunteer Fire Company since both receive tax payer's money.

A Municipal Officials meeting has been scheduled for June 19th.

- **Motion** to adjourn at 8:46 p.m. was made by Supervisor Kahl and 2nd by Supervisor Jarvis, vote 3/0.