

January 2, 2007

The East Lampeter Township Board of Supervisors met on Tuesday, January 2, 2007 at 7:30p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Chairman Eberly, followed by the Pledge of Allegiance. Supervisors present were: Mr. Glenn Eberly, Mr. Wilbur Sollenberger, Mr. Michael Landis, Mr. G. Roger Rutt and Mr. David Buckwalter. Also present was Mr. Ralph Hutchison, Township Manager.

The following persons were present:

Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601

Mr. and Mrs. Duling, 824 Stumpf Road, Lancaster, PA 17602

Ms. Susan Synder, 435 Mt. Sidney Road, Lancaster, PA 17601

Mr. Ben Webber, 125 West Main Street, New Holland, PA 17557

Board of Supervisors Reorganization:

It was agreed by the Board that Mr. Sollenberger would serve as temporary Chairman until a Chairman was elected.

Mr. Landis nominated Mr. Eberly for the position of Chairman. The nomination was seconded by Mr. Buckwalter. Mr. Buckwalter then made a motion to close nominations which was seconded by Mr. Rutt and passed by unanimous voice vote.

Mr. Eberly then began to Chair the meeting. He asked for nominations for the position of Vice-Chairman. Mr. Sollenberger nominated Mr. Buckwalter for the position of Vice-Chairman. The nomination was seconded by Mr. Rutt. Mr. Sollenberger then made a motion to close nominations which was seconded by Mr. Rutt and passed by unanimous voice vote.

Annual Appointments

Mr. Landis made a motion to appoint Stephen Kraybill, Esq. of Blakinger, Byler and Thomas as the Township Solicitor. The motion was seconded by Mr. Buckwalter and was passed by unanimous voice vote.

Mr. Rutt made a motion to appoint the following firms as Township Engineer and Alternates: David Miller & Associates, Rettew Associates, HRG, Inc., and RAV Associates. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Mr. Buckwalter made a motion to appoint Mr. Dwight Brubaker as Vacancy Board Chairman. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Mr. Rutt made a motion to appoint the following banks as depositories for 2007: PLGIT, M&T Bank and Wachovia Bank. The motion was seconded by Mr. Buckwalter and passed by unanimous voice vote.

Mr. Rutt made a motion to adopt Resolution 2007-01, as recorded in minute book number 8, appointing the firm Weinhold Nickel Associates to perform the audit of Township fiscal year 2006. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

There was a brief discussion regarding the appointment of Township delegates to the State Association of Township Supervisors Convention to be held in Hershey. At the conclusion of the discussion, Mr. Sollenberger made a motion to appoint each Supervisor and the Township Manager as delegates and to name Mr. Hutchison and Mr. Sollenberger as voting delegate and alternate voting delegate respectively. The motion was seconded by Mr. Buckwalter and was passed by unanimous voice vote.

Establishment of Treasurer's Bond Amount- \$1,200,000

Mr. Hutchison explained that the amount of the Treasurer's bond has been set at \$1,200,000.00 for several years. Mr. Hutchison asked the Board if they wished to set the bond amount higher. The Board discussed this issue briefly. At the conclusion of the discussion Mr. Landis made a motion to set the Treasurer's bond amount at \$1,200,000.00. The motion was seconded by Mr. Rutt and was passed by unanimous voice vote.

Minutes:

Chairman Eberly indicated that the copies of the minutes of the December 19, 2006 regular meeting were available for review. A motion was made by Mr. Landis, seconded by Mr. Buckwalter to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

Bills:

Chairman Eberly also indicated that bills represented by Check #43444-43484 in the amount of \$51,615.87 were presented for payment, copies of which are available. After review, a motion was made by Mr. Sollenberger, seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$51,615.87. The motion was passed by unanimous voice vote.

Old Business:

- a. Ben Stoltzfus Subdivision Proposed Developer's Agreement

Mr. Ben Webber from Lake Roeder and Hilliard was present to represent the proposed developer's agreement. Mr. Webber stated that Mr. Stoltzfus is would like permission from the Board to start construction on the dwelling. He also stated that there are some sewer issues that they are working on with HRG, so they will not be connecting to the

sewer system. He stated that the developer's agreement states that the building will not be occupied prior to the Township issuing an occupancy permit to Mr. Stoltzfus. A motion was made by Mr. Buckwalter, seconded by Mr. Sollenberger to approve the Ben Stoltzfus Subdivision Proposed Developer's Agreement as presented. The motion was passed by unanimous voice vote.

New Business:

- a. Request for Land Development Planning Waiver- Ruhl/Kaye: Old Philadelphia Pike

Mr. Jerome Kaye and Mr. Jim Sanchez were present to represent the land development planning waiver request. Mr. Sanchez described the proposal of a Smoketown Country Fair. He stated that there would be no permanent structures. The fair consists of rides, games, a bingo station, a petting zoo and food stands. There would be parking available on the grass. They are requesting a waiver to land development planning. He stated that the applicant is willing to come back each year to make his request for a land development waiver. Mr. Kaye stated that there are some issues. He stated that there will be two parking lot attendants, there will be people directing traffic also. The children's area will be fenced off with an anchor fence. There will be around 20 rides and there will be small games of chance that will benefit the firehouses to help raise money. He stated that he has no interest in purchasing the property. Mr. Rutt asked what exactly would a vehicle traveling down 340 see first when they came upon this property. Mr. Kaye replied that they would see an open fence and that they would see the rides. The fence would be around four foot high. The first ride would be around 35 foot as an eye catcher for the public. There will be internal lighting throughout the fair. The traffic light will make for easy access to the fair. The fair will not be run on bad weather days. There will be a forty by sixty tent located on the property. Mr. Rutt asked about the utilities such as the electric, sewer and water. Mr. Kaye responded that there will be no sewage, because there will be port-a-johns located on the property. He stated that there will be water located on the site by tapping into the waster system. The electricity will be provided by a PP&L trailer. This will be to code. Chairman Eberly stated that there will be a flea market opened Monday thru Sunday and where is that located. Mr. Kaye responded that it is located toward the far end of the fair near the tent. Chairman Eberly asked for a description of the type of rides. Mr. Kaye responded that there would be a merry-go-round, the inflatable rides, swings and a moon walk. Chairman Eberly asked about the amount of noise that would be produced by this fair. Mr. Kaye responded that there should be no music playing over the whole area, but some rides will have there own music. Mr. Rutt asked for the number of tables that would be set up. Mr. Kaye responded that there would be thirty tables. Mr. Rutt asked how many parking spaces there were. Mr. Kaye responded that there were one hundred. Mr. Rutt responded that there would be only seventy left. Mr. Rutt asked about the traffic flow for this event. Mr. Kaye responded that the vendors will drive over the grass to set up their tables around 5 or 6 in the morning. He stated that by 2:00pm the flea market vendors would be gone. Mr. Buckwalter asked how much traffic would be expected in one given day. Mr. Kaye

responded that he would hope that around 50 to 100 people would be there on any given weekday and around 300 to 400 people on a weekend day. Mr. Rutt asked how the traffic would be directed. Mr. Kaye responded that the traffic flaggers will have to hold the traffic. He also stated that this is a small project and there should not be a traffic issue. Mr. Sanchez stated that the traffic controllers will have to pay attention. Chairman Eberly asked what is the scenario for when the parking area is full, would there be people turned away. Mr. Kaye responded that people could park at the elementary school. Chairman Eberly asked how many employees would be working at one given time. Mr. Kaye stated that there would be around 40 employees. Mr. Rutt stated that the traffic flow would need to be coordinated with the Township police. Mr. Sanchez stated that the Mr. Young's (Township Zoning Officer) comment letter stated the following: airport overlay zone must be noted on the drawing, there should be fence barriers provided to keep customers from venturing onto Old Philadelphia Pike, there must be special provisions made to keep mud from getting on the roadway and also the out of the storm water management., the Zoning Hearing Board approves the parking of cars on the grass for one year, the request for a temporary waiver of land development, the proposed beer garden will require a liquor control board licenses (this item has been removed) and the proposed bingo use will require a license from the Lancaster County Treasurer. Mr. Kaye stated that a church group, which is permitted by the State to run a bingo game, would be in charge of that. Mr. Landis stated that the hours of operation were weekdays until 8pm and weekends until 10pm. Mr. Kaye responded that was correct. Mr. Landis stated that the power source would be run a diesel engine. Mr. Kaye responded that was correct. Mr. Landis stated that there would be kids screaming, a diesel engine running and music from the rides until 11pm on weekends. Mr. Sollenberger asked where there would be signage located. Mr. Kaye replied that there would be signage located along 340. Mr. Sollenberger asked where there would be additional parking located. Mr. Kaye replied that he was not sure how large the crowd would be, and he was not sure of the answer at this time. Mr. Hutchison asked for pictures of the rides that would be there. Mr. Kaye stated that the pictures are available online. Mr. Hutchison stated that small games of chance are prohibited in the Township. Mr. Kaye replied that the fire companies could not generate money from the fair. Mr. Hutchison asked about what was meant by tapping into the water system. Mr. Kaye replied that the food vendors would be the only ones to use water, and must of the food vendors have there own water. He stated that he could tap into an outside water source. Mr. Hutchison stated that there is a concern about having a secondary exit for emergency vehicles. Mr. Kaye said that could be provided, but there is not a plan at this time. Mr. Buckwalter asked if Mr. Kaye could use his own people to direct traffic. Mr. Hutchison replied that the only people allowed to direct traffic along a highway are police officers. Mr. Rutt asked if there were an admission fee. Mr. Kaye stated that there would be a ticket booth for the rides.

Mrs. Duling, 824 Stumpf Hill Drive, Lancaster, PA asked what exactly a 35 foot eye catcher would be. Mr. Kaye replied that it would an inflatable ride that is inflated only during the operation hours. She also asked who makes the decision about bad weather if Mr. Kaye is not there. Mr. Kaye stated that a ride superintendent could make the decision. She asked that maybe the Board could make some weather parameters and safety decisions. She also asked if the school has had any input to this fair and is there

any liability to the Township. Chairman Eberly replied that to his knowledge the school has not been contacted, and there is no liability to the Township.

Mr. Rutt asked where the trash receptacles and dumpsters would be located. Mr. Kaye replied that they would be near the driveway for easy pickup.

Ms. Susan Synder, 435 Mt. Sidney Road, Lancaster, PA 17602 stated she is concerned about the noise that the residents will have to deal with. Mr. Kaye stated that this fair will only operate a few months out of the year. She replied that she would not like this in her backyard. She expressed her concern about the traffic issue that this will be added to the area that is already an issue. She feels that this does not fit this area. She asked about not having water available for the customers who have just used the petting zoo. Mr. Kaye replied that there could be water provided to customers of the petting zoo, but he is not banking on this option as of now. She asked when would the lights be turned off. He replied that he has to be off the property by no later than eleven clocks.

Mr. Irl Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601 stated that he feels the input of the School Board is very critical to this decision, and this does not fit in with this Township. Mr. Kaye replied that this fair would not open until 3:00pm.

Chairman Eberly stated his concern about the length of time and the amount of activity that this would appear to be very permanent for a year. He stated that there are enough open ended issues that a land development should be required for this project.

Mr. Buckwalter stated that he does understand that this is a permitted use for this area, but has a concern about the effect of the storm water issues downstream and a concern about the traffic impact on the area. He also feels that a land development plan should be done for this project

A motion was made by Mr. Sollenberger, seconded by Mr. Rutt to deny the request for a waiver of land development plan for Ruhl/Kaye and a land development plan will be required. The motion was passed by unanimous voice vote.

Other Business:

- a. Consideration of Resolution re: Police Officers Contributions to Police Pension

Mr. Hutchison stated that the State Auditor General requires the Board to adopt a resolution each year for police officers contribution of 2.5% to the pension plan. A motion was made by Mr. Rutt, seconded by Mr. Buckwalter to adopt the resolution for a 2.5% police contribution to the police pension. The motion was passed by unanimous voice vote.

- b. Appointment s to the Emergency Services Committee – One and two year terms

This item was tabled until the January 16, 2007 Board meeting

- c. Appointment for Emergency Services Management Coordinator position for the Township

Chairman Eberly stated that Mr. Dave Gribble has applied for the position. Chairman Eberly also stated that the Board can recommend Mr. Gribble, but the Governor would have to appoint him to the position. A motion was made by Mr. Sollenberger, seconded by Mr. Rutt to recommend Mr. Dave Gribble to the Governor for appointment as the Township Emergency Services Management Coordinator. The motion was passed by unanimous voice vote.

Public Comment:

Ms. Susan Synder, 435 Mt. Sidney Road, Lancaster, PA 17602 asked if there was a noise ordinance in the Township. Mr. Hutchison stated that there are nuisance regulations that deal with noise from animals. She stated that this should be something that the Board should consider. Chairman Eberly stated that this why we like projects to go through the land development process, and the applicant will have to prove that there will not be a noise issue.

Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601 stated that there he has pictures of the Mazahari property of vehicle and boat in front of his home. He also stated that Mr. Ivan Miller passed away.

Adjournment:

A motion was made by Mr. Buckwalter, seconded by Mr. Landis to adjourn. The motion was passed by unanimous voice vote. The next scheduled meeting is Tuesday, January 16, 2007 at 7:30pm.

Respect fully,

Ralph Hutchison
Secretary