

January 22, 2008

The East Lampeter Township Board of Supervisors met on Tuesday, January 22, 2008 at 7:30p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Mr. David Buckwalter, Chairman and was followed by the Pledge of Allegiance. Supervisors present were: Mr. David Buckwalter, Mr. Michael Landis and Mr. John Shertzer. Mr. Roger Rutt and Mr. Glenn Eberly were absent. Also present was Mr. Ralph Hutchison, Township Manager.

The following persons signed in as being present in the audience:

Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601

Susan Snyder, 435 Mt. Sidney Road, Witmer, PA

Tim Harrison, 900 S. Avenue, #300, Staten Island, NY representing TCI Development

Howard Dieter, 900 S. Avenue, #300, Staten Island, NY representing TCI Development

Jerome Przystop, Lake Roeder Hillard Associates representing Alvin Miller

Minutes of January 7, 2007 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the January 7, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments regarding the minutes as prepared. There were no comments.

A motion was then made by Mr. Landis and seconded by Mr. Shertzer to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$295,407.24 were presented for payment, copies of which were available for review. He also noted that included in that list were bills for emergency sewer repairs, for nearly \$14,000, for quarterly sewer treatment charges, for approximately \$110,000, for quarterly sewer transmission charges of approximately \$18,000, for emergency traffic signal repairs and for vehicle code violations reimbursement to U. Leacock Township in the amount of \$6,000. After review of the bills list, a motion was made by Mr. Shertzer and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$295,407.24. The motion was passed by unanimous voice vote.

Presentation re: Municipal Separate Storm Sewer System (MS4):

Chairman Buckwalter asked Mr. Hutchison to introduce this item. Mr. Hutchison indicated that the MS4 program became a requirement for all municipalities with a

certain level of population density five years ago. He also said that the Township engaged HRG, Inc. to assist with compliance with this program on an annual basis. He said that there have been different requirements for each year of the program and that one of them includes having a presentation at a public meeting. He then introduced Brandon Meyers, HRG, Inc. to make this public presentation.

Mr. Meyers gave a power point presentation regarding the MS4 program and reviewed the six required minimum control measures and how the Township has complied with them. Mr. Meyers also indicated that DEP, the state agency that oversees this program, has decided to extend this program for an additional permit year which will begin in March of 2008. At the conclusion of his presentation there was a brief discussion regarding the program. In response to a question, Mr. Meyers indicated that the program has not found any illicit discharges from the storm sewer system in East Lampeter Township.

Old Business:

- a. Reduction of Financial Security Request – Grace Bible Church: Strasburg Pike

Chairman Buckwalter indicated that the Township Engineer has recommended that this financial security be reduced to \$2,508.95. Mr. Landis then made a motion to approve of the financial security reduction for Grace Bible Church as recommended by the Township Engineer. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

- b. Release of Financial Security Request – Greenfield Building #134: LaSalle Avenue

Chairman Buckwalter indicated that the Township Engineer has recommended that this financial security be released. Mr. Shertzer asked Mr. Hutchison to describe the location of this building. Mr. Hutchison indicated that the building is located at the end of LaSalle Avenue across from the new Penske Truck facility. Mr. Shertzer then made a motion to approve of the financial security release for Greenfield Building #134 on LaSalle Avenue as recommended by the Township Engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

- a. Miller Lot Add-on Plan #07-31: 1958 Horseshoe Road

Mr. Jerome Przystop from Lake Roeder Hillard Associates was in attendance to represent this plan. He briefly reviewed the proposal to subdivide a twenty foot wide strip of land from one property and add it to the neighboring property. He also indicated that Mr.

Miller owns both of the properties involved. After a brief discussion, Mr. Shertzer made a motion to conditionally approve of the Miller Lot Add-on Plan #07-31 and requested waivers subject to the review comments of the Township Engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Covered Bridge Marketplace Revised Final Land Development Plan #07-33: Lincoln Highway East

Mr. Mark Stanley, Esq. was in attendance to represent this plan. He indicated that Mr. Tim Harrison, owner and Mr. Howard Dieter of TCH Development were also in attendance. Mr. Stanley then described the request to revise the land development plan for Covered Bridge Marketplace in a very small way. He reviewed the site plan showing a modification to the existing right in / right out Rt. 30 access to the site in order to permit left turns into the site. He also indicated that in the operation of the center, they have found that traffic destined for Covered Bridge from the west will sometimes miss the turn at Witmer Road which is the only way to access the site for Rt. 30 eastbound traffic. He said that traffic which misses Witmer Road will either make an illegal left turn into the site at the existing driveway or will make an illegal U turn in order to approach the existing driveway in the westbound lanes of Rt. 30. Mr. Stanley then indicated that they met with Township staff to review this possible change before taking it to PA DOT. He said that as a result of that discussion, they designed the modification in such a way so as to prevent vehicles on Bowman Road from crossing Rt.30 to go straight into the center. He then indicated that they took the proposal to PA DOT and worked with them in order to obtain technical approval of the change. Finally, he said that the land development plan needs to be revised in order for them to proceed with the project. He indicated that the Township Planning Commission recommended approval of the plan and requested ordinance waivers. He also indicated that the review comments received from the Township Engineer will be addressed by the plan.

Mr. Howard Dieter, TCH Development, then reviewed the location of the access point and the analysis of this driveway modification. He indicated that the existing traffic signal on Rt. 30 at Witmer Road does not provide much time for left turning traffic to get through the signal and onto Witmer Road in order to access the site. He also indicated that PA DOT does not permit traffic on Rt.30 to turn left at traffic signals unless there is a green arrow indication. He also indicated that they reviewed the amount of stacking lane that will be available for left turns into the modified driveway and into Pleasant Drive and concluded that there is adequate space to accommodate the traffic safely. After a brief discussion with the Board, Mr. Landis made a motion to conditionally approve the revised final plan and requested waivers subject to the Township Engineer's review comments. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Other Business:

- a. Appointment to fill Vacancy – Auditor Term Ending 1/1/12

Chairman Buckwalter indicated that Mr. Clemens has resigned his position as Auditor and that this vacancy should be filled. He indicated that Mr. John Schilthuis has expressed his interest and willingness to serve as an Auditor and that he has previously served the Township in this position. In addition he indicated that Mr. Schilthuis was one of the people who received write in votes during the November elections.

Mr. Shertzer then made a motion to appoint Mr. John Schilthuis to the position of Auditor for the term ending 1/1/12. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Review of U. Leacock Township proposed Zoning Amendment re: TDR program

Chairman Buckwalter indicated that this amendment proposed by Upper Leacock Township for their zoning ordinance must be reviewed by the other Township's in the Conestoga Valley Region in order to determine whether or not the amendment is consistent with the Conestoga Valley Regional Comprehensive Plan. Mr. Hutchison said that Upper Leacock had previously created the TDR program within their zoning ordinance and that some issues related to it had come up which caused them to create this proposed amendment in order to improve and clarify their program. Mr. Hutchison also indicated that the Township Planning Commission discussed the proposal and recommended that the Board indicate that it is consistent with the Comprehensive Plan.

Lois Duling, 824 Stumpf Hill Drive, indicated that she has not had an opportunity to read the proposed amendment and asked if the proposal had been advertised. Mr. Hutchison said that Upper Leacock would have advertised the proposed amendment. Mrs. Duling expressed her concern that East Lampeter was being asked to adopt the same TDR program without have developed a clear definition of TDR's in East Lampeter. Chairman Buckwalter indicated that the proposal would only apply to Upper Leacock Township and that East Lampeter's only role is to determine whether or not the proposal is consistent with the Comprehensive Plan.

Mr. Landis then made a motion to indicate to Upper Leacock Township that the proposed zoning ordinance amendment regarding transfer of development rights is found by East Lampeter Township to be consistent with the approved Regional Comprehensive Plan. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

c. Authorization to oppose Variance application re: 192 Eastbrook Road

Chairman Buckwalter asked Mr. Hutchison to describe this issue. Mr. Hutchison indicated that he wanted to call this application to the Board's attention because the proposal is to allow the development of a wholesale bakery in an existing building on the farm at this location which would be operated by someone other than the owner / farmer on the farm. He indicated that the zoning ordinance provisions which permit Farm Support businesses have been interpreted as prohibiting this kind of arrangement. He also indicated that the application would be before the Township Zoning Hearing Board on

Thursday, January 24, 2008 and that if the Supervisors wished to oppose the application that they should authorize this opposition. Mr. Shertzer indicated that he felt that the Board should oppose this so that these kinds of proposals will not proliferate in the Township. Chairman Buckwalter indicated that he agreed with Mr. Shertzer and that the purpose of the Farm Support provisions of the ordinance were to assist the Township's farmers in financing their own farm operations and that this proposal would seem to begin to allow any business to be opened up on a farm.

Susan Snyder asked about the location of this property. Chairman Buckwalter indicated that it is located behind the Mill Stream Motor Lodge.

Mr. Shertzer then made a motion to oppose the application for variance to permit a business on the farm located at 192 Eastbrook Road and to authorize representation of the Board to attend the Zoning Hearing on this matter in order to express this opposition. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

Lois Duling, 824 Stumpf Hill Drive, provided the Board members with copies of excerpts from the Sarasota County Agriculture Policy in the Sarasota County, Florida Comprehensive Plan. She indicated that she felt that the policy was very creative. Chairman Buckwalter thanked her.

Susan Snyder, 435 Mt. Sidney Road, asked if state law determined whether or not Township management employees are considered to be hourly or salaried. Mr. Hutchison said that he did not know of any state law that sets a requirement of that sort. Ms. Snyder said that she works in a hospital setting and in that setting management is salaried because they are paid more than hourly personnel. She then asked how it works when Township management employees attend evening meetings and exceed the forty hour work week. Mr. Hutchison indicated that he is paid for forty hours each work week and does not receive any overtime pay when he attends evening meetings. Ms. Snyder then asked if Mr. Hutchison receives any compensatory time for this time attending meetings. Mr. Hutchison said that he has been given some compensatory but that it is not at a time and one half rate.

Ms. Snyder then asked how the Township was keeping the budget under control and what cost saving measures have been taken. She indicated that she had looked over the Township Budget that was given to her and that when she reviewed it she was "flabbergasted" by it. She also said that she thought that most Township residents would also be "flabbergasted". Mr. Landis indicated that the budget is kept under control by being frugal. He also indicated that taxes were not raised for 2008 and that in order to accomplish that result, the Board has to watch where money is spent. Chairman Buckwalter also indicated that the Township's management staff reviews their budgets regularly. Mr. Hutchison also indicated that a monthly budget report is provided to the Board which shows actual revenues and actual expenditures in comparison with budgeted

amounts. He also stated that staff attempts to make sound decisions so that the Township obtains the most for every dollar spent.

Ms. Snyder then asked if the vacancy in the Administrative Assistant position had been filled yet. Mr. Hutchison said that it has not yet been filled but that he is working to fill it.

Adjournment:

A motion was made by Mr. Shertzer and seconded by Mr. Landis to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, February 4, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager