

February 7, 2011

The East Lampeter Township Board of Supervisors met on Monday, February 7, 2011, at 7:30 p.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. In addition to Mr. Buckwalter, supervisors present were: Mr. John Shertzer, Mr. Roger Rutt, Mr. Michael Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Matt & Judy Shaffer, 7 Fisher Terrace, Willow Street, PA 17584
Mark Stanley, Hartman Underhill & Brubaker, 221 E. Chestnut Street, Lancaster, PA 17602, representing Chick-fil-A
John Martinez, KZA Engineering, 2317 Highway 34, Manasquan, NJ 08736, representing Chick-fil-A
Julie Hoover, 10 Willowdale Drive, Lancaster, PA 17602
Donald Mallory, 13 Willowdale Drive, Lancaster, PA 17602
Lynn Commere, representing Lancaster Newspaper
Joe Webber, 2487 Willow Hill Drive, Lancaster, PA 17602
Howard Hershey, 1934 Lincoln Hwy. East, Lancaster, PA 17602, representing Lafayette Fire Company
Ron Nolt, 122 Waterfront Estate Drive, Lancaster, PA 17602, representing Lafayette Fire Company
Mike Saxinger, M. L. Saxinger & Associates, 1271 Lititz Pike, Lancaster, PA 17601, representing Lafayette Fire Company
Roger Fry, Fry Surveying, Inc., 21 S. Hershey Avenue, Leola, PA 17540, representing Henry Beiler

Chairman Buckwalter indicated that copies of the agenda and minutes from the previous meeting were available for review.

Minutes of January 18, 2011 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the January 18, 2011 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Landis and seconded by Mr. Rutt to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by a vote of four in favor and one abstaining. (Mr. Eberly abstained due to being absent from the January 18, 2011 meeting.)

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$209,174.80 were presented for payment. Chairman Buckwalter stated that included in that amount is a contribution payment of \$108,000.00 to the Lafayette Fire Company for the purchase of a new fire truck and a payment of \$10,532.64 for road salt.

A motion was made by Mr. Eberly and seconded by Mr. Shertzer to approve payment of bills as listed in the amount of \$209,174.80. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Financial Security Reduction – High Associates: 107 Independence Court

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance to represent this item. Chairman Buckwalter stated that High Associates is requesting a financial security reduction for building #107 on Independence Court. The township engineer, David Miller Associates, reviewed the project and noted in a letter dated January 20, 2011 that depressed curbing along Independence Court is damaged and must be repaired. It is their recommendation to approve a financial security reduction in the amount of \$29,779.38, which will leave a new outstanding financial security balance of \$5,000.00.

Mr. Eberly made a motion to approve the request for financial security reduction for High Associates Building #107 on Independence Court in the amount of \$29,779.38, leaving a remaining balance of \$5,000.00, as recommended by the Township engineer. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

b. Time Extension for Township Review and Action – Warrington Final Plan, First Phase: New Holland Pike

Chairman Buckwalter explained that Warrington is offering the Board a time extension until April 20, 2011 to complete the review and act on Phase I of the plan. He asked if anyone was present for this item. No one was in attendance to represent it.

Mr. Hutchison stated that the Township staff continues to work with Warrington on the issues that were discussed when they were before the Board previously. They are making progress, but are not ready to bring it back to the Board at this time.

Mr. Rutt made a motion to accept the grant of a time extension for review and action for Phase I of the Warrington Final Plan until April 20, 2011. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

New Business:

a. Chick-fil-A Restaurant Final Land Development Plan #10-40: Rt. 30 East

Mr. Mark Stanley, Esq. of Hartman Underhill & Brubaker introduced himself as representing the applicant Chick-fil-A, Inc. Mr. Stanley introduced Mr. Scott Thigpen of Chick-fil-A and Mr. John Martinez of KZA Engineering.

Mr. Stanley stated that they are before the Board to request that three (3) waivers be granted and to get approval of the final land development plan. Mr. Stanley then reviewed the comments on the David Miller Associates letter dated January 17, 2011. The first request is a modification to waive the preliminary plan review fees and plan submission. The second request is a modification to allow plans at a scale of twenty (20) feet to the inch so that the plans are more legible. The final request is that the northern side of the clear sight triangle at the proposed driveway accessing Willowdale Drive be reduced from 100 foot to 54 foot. Mr. Stanley added that both David Miller Associates and the East Lampeter Planning Commission are recommending these three (3) waivers be granted.

Mr. Stanley then reviewed the subdivision and land development comments listed in the letter. He provided an aerial exhibit sheet indicating (3) three possible speed table locations to calm traffic on Willowdale and Ellendale Drives. Mr. Stanley then discussed the access driveway being at a 90° angle to help discourage people from making a right hand turn onto Willowdale Drive. He added that a landscaping package is being offered to Ms. Julie Hoover. Ms. Hoover's driveway is located directly across from the access driveway. Mr. Stanley stated that Chick-fil-A has agreed to make a contribution of \$5,000.00 to the Route 30 Streetscape Project in lieu of the park and open space requirements.

Mr. Rutt questioned the time of day for delivery trucks to the restaurant.

Mr. Thigpen responded that typically a large truck delivery would be made in the early morning once a week with additional local deliveries with smaller box trucks throughout the week.

Ms. Hoover stated that she was opposed to vertical curbing along her property and asked if the rolled curbing could be installed. Mr. Hutchison stated that the standard is vertical curbing in the ordinance.

A resident from Willowdale Drive stated that he would also prefer the rolled curbing and voiced his concern about the drainage at Rt. 30 and Willowdale Drive. Mr. Hutchison replied that this drainage problem has been addressed and that a stormwater catch basin will be installed near this corner to gather the water in the curb line.

Mr. Joe Webber of 2487 Willow Hill Drive expressed his concern about the driveway from the shopping center onto Rt. 30. As it is right now without any increased traffic, the driveway already has a failing level of surface. With more traffic it will only become worse.

There was a brief discussion about the possibility of stopping the curbing at the Hoover's driveway.

Mr. Landis made a motion to approve Land Development Plan #10-40 for Chick-fil-A on Rt. 30 East including the three (3) waivers and all comments on the January 17, 2011 letter from David Miller Associates and the Lancaster County Planning Commission letter dated December 14, 2010, agreeing to the \$5,000.00 contribution for the Route 30 Streetscape Project in lieu of the park and open space requirements, working with staff to resolve the curbing issues on Willowdale Drive, and escrow set up for five (5) years for speed tables or whatever else is needed for traffic calming. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

b. Lafayette Fire Company Revised Final Land Development Plan #10-42: Lincoln Hwy. East

Mr. Mike Saxinger of M. L. Saxinger & Associates introduced himself as representing Lafayette Fire Company. He explained that this is just a clean-up matter of the original subdivision plan that was recorded and approved in 2010.

Chairman Buckwalter asked if the staff has seen the revised plans.

Mr. Hutchison replied that they had, but did not forward it to the Township engineer since there really were no issues. Mr. Hutchison added that everything is in order.

Mr. Eberly made a motion to approve the Revised Final Land Development Plan #10-42 for Lafayette Fire Company subject to the same conditions of approval of the original plan. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

- c. Resolution re: Upper Leacock Township Proposal to Amend CV Region Comprehensive Plan re: Beiler Rezoning

Mr. Roger Fry of Fry Surveying, Inc. was representing the applicant Mr. Henry Beiler. He explained that Mr. Beiler is proposing to rezone a parcel of land in Upper Leacock Township from industrial to agricultural. He would like to build a second residence on the property for his grandson to live in. Because of the Comprehensive Plan's Future Land Use Map, each Township is required to adopt a resolution pertaining to this proposal.

Mr. Hutchison added that Upper Leacock Township felt that due to the size and the nature of this, it did not trigger our significant land use requirements under the comp plan. Therefore, they did not ask West Earl Township and East Lampeter Township to make a consistency determination. They are asking West Earl and East Lampeter to agree to amend the regional comp plan to indicate that this property on the future land use map would be designated as agricultural and also to remove the urban growth boundary from this small piece of property on the map that shows the urban growth boundary on the comp plan.

After a brief discussion between the Board members and Mr. Hutchison, Mr. Shertzer made a motion to adopt the resolution for Upper Leacock Township Proposal to Amend the Conestoga Valley Region Comprehensive Plan. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Other Business:

- a. Lafayette Fire Company 2010 Annual Report – Chief Ron Nolt

Chief Ron Nolt of the Lafayette Fire Company reviewed the report of the fire company's activities for 2010. He noted that the fire company received three (3) grants in 2010. The first grant in the amount of \$2,285,436 is to help with construction of the new fire station, the second grant was in the amount of \$39,000 to replace all the computers on the apparatus, and the third grant was in the amount of \$11,850. Chief Nolt stated that their training hours had increased by over 55%, which brings them to 5,390 hours of training.

Chief Nolt stated that the fire company responded to 558 calls for the year, which is the second highest that they have ever had. He then spoke about their involvement with the community and how their public relations are beginning to pay off. Chief Nolt stated that the East Lampeter fire calls were down by 4.8% from the previous year.

The Board members thanked Chief Nolt and the Lafayette Fire Company for their hours of service to the community.

- b. Lafayette Fire Company Request for Financing Assistance

Mr. Hutchison explained that Chief Nolt had sent a letter to the Board of Supervisors requesting that East Lampeter Township provide financial assistance to help cover the shortfall at the completion of the fire

station construction project. He added that an analysis was prepared by The PFM Group showing what the borrowing would look like and what principal and interest costs would be associated with this borrowing.

Mr. Eberly questioned if this is different from what has been done for other fire companies in the past.

Mr. Hutchison replied that it is pretty much the same and the last time that the Township did something similar to this was to help Witmer Fire Company to purchase apparatus.

Mr. Eberly asked if it would be possible to set the loan up as an open line of credit to be used as needed.

Mr. Hutchison replied that this would be his suggestion.

There was further discussion about this loan which included the debt ceiling, responding to the future needs of the other fire companies in the Township, and the amount of time to pay back this loan.

Mr. Eberly made a motion to authorize staff to proceed with preparing an agreement and to solicit proposals for the Lafayette Fire Company borrowing. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

c. Revision to Investment Policy re: Township Pension Plans

Mr. Hutchison explained that the staff has been working with Morgan Stanley on investments to the pension plan funds since the beginning of 2009 and added that it has been quite successful. Morgan Stanley has recently approached staff with a recommendation that in order to benefit from the higher rates of return from the equity markets, 60% of the funds' balance will be invested in equities and 40% in fixed income. Staff is asking the Board for their approval to make this change in the policy.

After a brief discussion, Mr. Eberly made a motion to approve the revision to the Investment Policy for the Township Pension Plans. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

d. Appointment of Township Representative and Alternate to Land Use Advisory Board
re: Growing Together

Chairman Buckwalter explained that Mr. David Sinopoli has been selected to represent the Township on the Land Use Advisory Board with Mr. Lee Young as the alternate.

Mr. Hutchison stated that they both attended the most recent Land Use Advisory Board meeting in February to get an idea on how it is operated and that they are interested and willing to serve. Mr. Hutchison added that two members of the Planning Commission who were previously appointed, have not been able to attend the meetings because they are held at 4:00 p.m.

Mr. Eberly made a motion to appoint David Sinopoli as the Township Representative and Lee Young as Alternate for the Land Use Advisory Board. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Eberly 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 Tuesday, February 22, 2011 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager