

May 4, 2009

The East Lampeter Township Board of Supervisors met on Monday, May 4, 2009, 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. Supervisors present were: Mr. David Buckwalter, Mr. Roger Rutt, and Mr. Michael Landis. Also present was Mr. Ralph Hutchison, Township Manager. Mr. John Shertzer and Mr. Glenn Eberly were absent.

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

Mike Kossick, 203 Joyce Drive, Lititz, PA 17543, representing Wingate Hotel

Vinny Patel, 2110 Lincoln Hwy. East, Lancaster, PA 17602, representing Satguru, Inc.

Richard Young, 1248 W. Main Street, Ephrata, PA 17522, representing Vasily Bilik

Tom Clark, 31 Acorn Boulevard, Lancaster, PA 17602

G. P. Devery, GPD Engineering Inc., 979 Woodridge Blvd., Lancaster, PA 17601, representing Satguru, Inc.

Mike P. Patel, 2110 Lincoln Hwy. East, Lancaster, PA 17602, representing Wingate Hotel

Roger Fry, Fry Surveying, Inc., 21 S. Hershey Avenue, Leola, PA 17540, representing Wingate Hotel

Minutes of April 21, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the April 21, 2009 regular meeting were available for review and asked if there were any comments or corrections regarding the minutes as prepared.

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 unanimous voice vote.

Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$255,257.60 were presented for payment. Chairman Buckwalter mentioned that of the total amount, there is a payment of \$95,000.00 to H. L. Wiker & Sons for the Flory Park project, \$18,000.00 to LASA for the first quarter sewage transmission charges, \$14,600.00 payment to Weinhold, Nickel & Co. for their auditing services, and also there are payments to various vendors for the materials used for the Flory Park restrooms and concession stand construction that total nearly \$13,000.00.

After review of the bills listed, a motion was made by Mr. Rutt and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$255,257.60. The motion was passed by unanimous voice vote.

Old Business:

- a. Request for Financial Security Reduction – 44 Lancaster Associates: Rt. 30 East

Chairman Buckwalter explained that 44 Lancaster Associates is requesting a financial security reduction. The Township Engineer reviewed it and is recommending a reduction of \$370,202.00, which will leave a new outstanding financial security balance of \$47,095.80. The Township Engineer has identified items that need to be completed, which is why the full amount is not being recommended for release. Chairman Buckwalter asked if anyone in the audience was available for this project. There was no one present.

Mr. Rutt made a motion to approve the financial security reduction for 44 Lancaster Associates in the amount of \$370,202.00, leaving a balance of \$47,095.80, as recommended by the Township Engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Acceptance of Time Extension for Review and Action re: Warrington Preliminary Subdivision & Land Development Plan

Chairman Buckwalter explained that Keystone Custom Homes has granted a time extension to act on the Preliminary Plan for the Warrington project until August 19, 2009. He asked Mr. Hutchison if he had any further comments on this item.

Mr. Hutchison replied that they had originally submitted the application and review work was done. He added that although the extension of time is for the Township review and action, he believes the developer is also interested in slowing the process at this time.

Chairman Buckwalter asked if anyone was available for this project. There was no one present.

Mr. Landis made a motion to approve the time extension request for Warrington by Keystone Custom Homes until August 19, 2009. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Request for Modification of Storm Water Management Design Requirements – Bilick Subdivision: South View Drive and Stumptown Road

Chairman Buckwalter stated that it was requested to move this item to the end of this section because they are waiting for another person to arrive.

d. Request to Modify of Conditions of Approval – High Associates: 107 Independence Court

Chairman Buckwalter acknowledged that although he is employed by the High organization, he is not employed by High Associates and therefore is not compromised by a conflict of interest. The fact that if he does not stay involved in this item they will not have a quorum forces him to choose to participate in this discussion.

Mr. Ken Hornbeck of High Associates explained that he was before the Board last month with regards to a small garage project to be built on Independence Court. At that time, there was a letter attached with seven (7) conditions to be met to receive approval. Items one through five have been met at this time. There have been several discussions concerning items 6 and 7 which are related to Independence Court and the railroad. The way that they read, High Associates cannot get a certificate of occupancy for the proposed building until the Supervisors and staff are satisfied with the research of the history of Independence Court.

Mr. Hutchison then displayed a print to the Board that was prepared by the Township Engineer after doing research and field survey work that shows what Independence Court looks like today. He explained the area that was dedicated to the Township through two (2) deeds that were recorded in 1980. He also pointed out the existing concrete curb on the south side of Independence Court.

Mr. Hornbeck then introduced Mr. Tom Clark of High Associates and Mr. Calvin High who will actually be the user of the building that they are proposing to build.

Mr. Hutchison explained that the driveway that leads to this property is on the next property, so the improvement of the property frontage is always a part of any land development project. He added that it is currently not approved to Township standards and that it is up to the Board to decide whether it should be improved to meet the Township standards as part of this plan.

Mr. Calvin High addressed the Board and explained that putting a building on this lot will not add to a lot of additional traffic through this entrance. He added that he has lived with this entrance there for a long time and was surprised when he learned that this project was tabled a couple times due to problems with the entrance.

Mr. Hornbeck asked the Board if they think that all the conditions have been met by them being here this evening.

Mr. Landis commented that he believes that High Associates and the East Lampeter Township staff has done all that they can do to resolve the right of way issue and that he is fine with the proposed building. He added that this issue will continue to be investigated and if improvements are needed at a later time, he needs to know that High Associates will step up to the plate and support whatever improvements need to be done.

Mr. Rutt made a motion that the applicant will continue to work with the Township and that items 6 and 7 of the March 26, 2009 conditional approval letter for High Properties Building #382 (formerly #230) have been met. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

e. Satguru Revised Land Development Plan #09-12: Lincoln Highway East (Wingate Hotel)

Mr. Roger Fry of Fry Surveying, Inc. spoke on behalf of the applicant. He reviewed a letter from David Miller Associates dated May 4, 2009. He also thanked the Township and David Miller Associates for their quick response on this matter.

After a brief discussion, Mr. Landis made a motion to grant approval for the revised land development plan for Wingate Hotel with the conditions stated in the May 4, 2009 letter from David Miller Associates. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

f. Satguru Request for Temporary Certificate of Use and Occupancy – Wingate Hotel

Chairman Buckwalter questioned what the issues were and stated that the land development plan needs to be recorded before the hotel can be occupied.

Mr. Hutchison responded that Chairman Buckwalter was correct and that they cannot occupy it until DEP issues them approval and a few other items are satisfied.

Mr. Fry commented that the 63-room plan was approved and that the only hold up is from DEP.

Mr. Hutchison replied that from staff's perspective, the previous plan no longer exists and until this new plan is recorded only 63 rooms could be occupied instead of the 70 rooms.

Mr. Rutt questioned which seven rooms would not be occupied if the Board would decide to grant them a temporary use and occupancy permit.

Mr. Mike Patel responded that they could specify which room numbers would not be occupied.

Chairman Buckwalter replied that if the rooms not to be occupied were identified, that if a staff member would stop by at any time that they would find the room unoccupied.

Mr. Landis made a motion to approve the temporary use and occupancy permit to occupy 63 rooms for the Wingate Hotel with a ceiling for this permit of thirty (30) days. Also rooms 119, 121, 123, 125, 127, 128, and 130 will not be occupied until DEP gives their approval and the land development plan is recorded. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Request for Modification of Storm Water Management Design Requirements – Bilick
Subdivision: South View Drive and Stumptown Road

Mr. Richard Young introduced himself and Mr. John Fuehrer from Fuehrer Associates. Mr. Young explained that the plan was approved, but the site contractor did not complete the detention basin properly. The PVC pipe installed had no end cap and is clogged. The pipe is completely exposed and creates a high spot in the center of the basin. What is being proposed to solve this problem is to install a new underdrain flat pipe and re-grade the bottom of the pond to allow it to drain properly.

After a brief discussion, Mr. Rutt made a motion to accept the modification of storm water management design requirements for Bilick Subdivision on South View Drive and Stumptown Road with the two (2) conditions on the letter dated May 4, 2009 from David Miller Associates being met and that the Township solicitor look at a document as to how the owners should be notified. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

None

Other Business:

a. Consideration of Bids re: Lafayette Tower Park – Parking Lot Addition

Chairman Buckwalter stated that three (3) bids were received for the parking lot addition to Lafayette Tower Park. Of those bids, Horst Excavating is the low bid and staff recommends approving this bid and awarding them the contract.

Mr. Hutchison added that the budget for this item was set at \$150,000.00 and that Horst Excavating gave a bid of \$132,644.00.

Mr. Landis made a motion to award the contract for the parking lot addition at Lafayette Tower Park to Horst Excavating for the amount of \$132,644.00. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Resolution Regarding Lancaster County Tax Collection Bureau

This is a resolution of East Lampeter Township, Lancaster County, Pennsylvania, pursuant to Section 505(m) of the local tax enabling act, as amended by Act 32 of 2008, to designate the Lancaster County Tax Collection Bureau as the Lancaster County Tax Collection Committee for the purposes of the local tax enabling act. Chairman Buckwalter explained that there were two proposals. One would provide equal say for both school districts and municipalities in decisions related to Lancaster County Tax Collection Bureau. The other proposal gave controlling authority to the school districts.

Mr. Rutt made a motion to accept resolution number 2009-11 concerning Lancaster County Tax Collection Bureau that would give the municipal governments equal say at the table. Mr. Rutt added that along with this motion, he would like to thank Mr. Hutchison for his interest and passion in pursuing this on part of East Lampeter Township. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Chairman Buckwalter and Mr. Landis also thanked Mr. Hutchison for his efforts in this matter.

Public Comment:

There were no public comments.

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Rutt to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, June 1, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager