

May 22, 2007

The East Lampeter Township Board of Supervisors met on Tuesday, May 22, 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 Vice Chairman Buckwalter and was followed by the Pledge of Allegiance. Supervisors present were: Mr. Michael Landis, Mr. Roger Rutt, Mr. Wilbur Sollenberger and Mr. David Buckwalter. Mr. Eberly arrived later in the meeting. Also present was Mr. Ralph Hutchison, Township Manager.

The following persons signed in as being present:

Mr. Irl & Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601
Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601
Ms. Susan Synder, 435 Mt. Sidney Road, Lancaster, PA 17602
Mr. Bennett Moul, 238 Main Street, Landisville, PA representing Wenn Tech & Engel Architects
Mr. Dave Hanps, Rettew Associates representing High Real Estate
Mr. Matt Getchell, Lansing, MI representing Wieland Davco / Dart Container
Mr. Ben Webber, Ranck Lake Roeder Hillard representing Mr. Ben Stoltzfus
Mr. John Smucker, Bird in Hand, PA representing Smucker Properties

Vice Chairman Buckwalter indicated that Chairman Eberly was expected to arrive for the meeting shortly but that in his absence he would be Chairing the meeting.

Minutes:

Vice Chairman Buckwalter indicated that the copies of the minutes of the May 7, 2007 regular meeting were available for review. Vice Chairman Buckwalter asked if there were any comments regarding the minutes as prepared. No comments were made.

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

Bills:

Vice Chairman Buckwalter also indicated that bills represented by various funds in the amount of \$228,876.54 were presented for payment, copies of which were available for review. After review, a motion was made by Mr. Rutt and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$228,876.54. The motion was passed by unanimous voice vote.

Old Business:

- a. Stoltzfus Revised Final Subdivision Plan #05-43: 2603 Lincoln Hwy. / Lynnwood Road

Mr. Ben Webber was in attendance to represent this plan. Mr. Webber reviewed the location of the property and the previously approved plan with the Board. Mr. Webber indicated that Mr. Stoltzfus has completed the installation of the sanitary sewer lateral for the new dwelling and partially completed the new driveway to serve the new dwelling. He further indicated that the result of the plan revision will increase the size of the subdivided property to slightly more than 5 acres. He also stated that the previously approved plan had not yet been recorded. The review letters provided for the revised plan by the County Planning Commission and the Township Engineer were reviewed and the Township Planning Commission's recommendation to conditionally approve the revised plan was noted. Mr. Webber then requested the Board's approval of the revised plan subject to all of the conditions of approval attached to the plan previously.

Mr. Sollenberger asked Mr. Webber to explain the purpose of the applicant's desire to increase the size of the proposed lot being subdivided. Mr. Webber stated that the plan revision was requested by the property owner. Mr. Sollenberger expressed concern that property may be intended for sale to the adjacent restaurant for its possible expansion and that since this area is in the Rural Zoning district, this would be inappropriate in his view. Mr. Webber indicated that he has advised Mr. Stoltzfus that zoning approval would be required in order to add property to the restaurant site. There was also discussion regarding the previous condition approval which required that removal of billboard signs. Mr. Webber acknowledged that condition as still outstanding. Mr. Sollenberger asked Mr. Hutchison if the staff had any comment on the plan. Mr. Hutchison indicated that so long as all of the previously applicable conditions of approval are applied to this revised plan, he has no concerns about the plan.

Mr. Buckwalter asked if there were any questions or comment from the public.

After a brief discussion among Board members, Mr. Landis made a motion to approve the revised Stoltzfus Subdivision plan #05-43 subject to all of the previous conditions of approval established by the Board. There was no second to the motion.

Mr. Sollenberger then stated that he would like to hear directly from the owner as to what his plans are for this subdivided property. Mr. Sollenberger then made a motion to table action on this proposal until the Board's meeting scheduled for Monday, June 4, 2007. Mr. Buckwalter asked Mr. Webber if the property owner would be willing to attend the Board's next meeting. Mr. Webber indicated that he would convey the Board's request for additional information to Mr. Stoltzfus but that he was unsure of the reason for the Board's concern given the fact that the Township's zoning ordinance is in place.

After a brief discussion, the motion to table was seconded by Mr. Rutt. Mr. Webber asked if he would be required to attend the meeting. He indicated that this would result in additional cost to Mr. Stoltzfus which he was concerned about. Mr. Buckwalter indicated that he did not feel that additional input from Mr. Webber would be necessary. The

motion then passed by a vote of three in favor and one opposed. (Mr. Landis voted in the negative)

b. Sewer Planning Module, Lapp – 373 Mt. Sidney Road

Mr. Bennett Moul of Wentech Services was in attendance to represent this request for Sewer Planning Module approval. He indicated that the additional dwelling unit proposed for this property will be served by the Township's public sewer system. He further indicated that the approval of this planning module by DEP is required by the Board's conditions of approval attached to the land development plan for the addition of this dwelling unit.

There were no questions or comments from the audience regarding this matter. After a brief discussion, Mr. Landis made a motion to approve Resolution number 07-08 regarding the sewer planning module for the Lapp land development located at 373 Mt. Sidney Road. The motion was seconded by Mr. Sollenberger and approved by unanimous voice vote.

c. Dart Container, 110 Pitney Rd. Land Development Plan #07-02: Sewer Planning Module

Mr. Joe Gurney, D.C. Gohn Associates was in attendance to represent this request. He indicated that the land development plan for the proposed expansion of the Dart Container facility was approved by the Board of Supervisors some time ago and that the completion and approval of the required Sewer Planning Module was a condition of approval.

There were no questions or comments from the audience regarding this matter. After a brief discussion, Mr. Sollenberger made a motion to approve Resolution number 07-09 regarding the sewer planning module for the Dart Container expansion project located at 110 Pitney Road. The motion was seconded by Mr. Rutt and approved by unanimous voice vote.

New Business:

a. Request for Waiver of Land Development Plan Processing – Smucker Properties: 232 Maple Avenue

No one was present to represent this request. Mr. Sollenberger made a motion to table the request until such time as a representative arrived or until the Board's next meeting. The motion was seconded by Mr. Landis. Mr. Buckwalter asked if there were any time limits that the Board should be concerned with regarding this request. Mr. Hutchison indicated that there were no time constraints. Mr. Buckwalter indicated that he would continue to the next agenda items and revisit this item at the end of the meeting.

b. High Properties Land Development Plan #07-09: 1901 Olde Homestead Lane

Mr. Buckwalter indicated that he was recusing himself from this item due to a conflict of interest in that he is employed by the High organization. He asked Mr. Landis to Chair this part of the meeting. Mr. Landis then opened discussion of this item.

Mr. Tom Smithgall, High Associates was in attendance to represent this application. He indicated that this project involved the expansion of the United Disability Services building located at 1901 Olde Homestead Lane. Mr. Dave Hanes, Rettew Associates was also in attendance to represent this application. Mr. Hanes reviewed the plan details regarding the building expansion and related parking expansion and storm water management. He indicated that the Township Planning Commission had recommended conditional approval of the requested waivers, including waiver of the installation of sidewalks along Olde Homestead Lane, and the plan subject to the applicant addressing the review comments of the Township Engineer and County Planning Commission. Mr. Landis inquired about the number of additional employees anticipated for the property after the expansion is completed. Mr. Hanes indicated that the total employee count is anticipated to be forty-seven. There were no questions or comments from the audience.

Mr. Sollenberger then made a motion to conditionally approve the land development plan and requested waivers, including waiver of sidewalks along the frontage of Olde Homestead Lane, for the expansion of 1901 Old Homestead Lane subject to the applicant addressing the review comments of the Township engineer. There was some discussion regarding the requested waiver of sidewalks along Old Homestead Lane. Mr. Smithgall explained that the existing walkway system through the Greenfield Corporate center serves the pedestrian needs in this area. He indicated that the existing walkway parallels Olde Homestead Lane on the opposite side from this location and also crosses Olde Homestead near the western edge of this property and near the intersection with William Penn Way. The motion was then seconded by Mr. Rutt and passed by a vote of three in favor and one abstention.

Mr. Buckwalter then resumed his position and chaired the remainder of the meeting.

c. Review and Comment on Proposal to Amend CV Comp Plan and West Earl Zoning Ordinance re: General Consistency

Mr. Buckwalter asked Mr. Hutchison to open the discussion of this item. Mr. Hutchison indicated that he was expecting representatives of this proposal to be in attendance and to present the request to the Board. He suggested that the Board continue with the remainder of the agenda and revisit this item at the end of the meeting.

Mr. Eberly arrived and began to participate as a member of the Board at this point in the meeting.

Mr. Buckwalter noted that Mr. Smucker had arrived at the meeting and so decided to return to item a. under new business.

- a. Request for Waiver of Land Development Plan Processing – Smucker
Properties: 232 Maple Avenue

Mr. John Smucker was now in attendance and presented this request to the Board. Mr. Smucker described the property location and the uses currently on the property which includes Penn State Seed and a greenhouse operation. Mr. Smucker presented some photographs showing certain buildings on the property. He also indicated that he intends to submit a land development plan for the redevelopment of this property at some time in the future. Mr. Smucker stated that in the interim period until he prepares the new plan he would like to have new tenants occupy some of the buildings. He indicated that some of the building space would be used for warehousing goods for his own business and warehousing for a nearby business, Miller Metalcraft. He also indicated that some of the remaining space would be occupied by a tenant for composting and the raising of breeder goats. Mr. Smucker acknowledged that a land development planning process is triggered when multiple occupants are proposed. He stated that he is requesting a waiver of the land development planning process at this time. Mr. Smucker then reviewed the comment letter provided by Mr. Lee Young the Township Zoning Officer. He stated that the property involved is approximately 5 acres in size, is zoned C-2 commercial and is made up of three separate tracts of land. He also indicated that the property is served by the public sewer system. There was discussion regarding cross easement for the shared access and parking arrangements among the three tracts of land. Mr. Smucker indicated that the Township Planning Commission recommended that he create a letter of understanding among all of the tenants in order to address the issues of shared access and shared parking.

Mr. Sollenberger asked Mr. Smucker for an estimate of the time table for redevelopment plans for this site. Mr. Smucker indicated that he felt that the plan for redevelopment of the site would be submitted to the Township before the end of 2007. Mr. Landis requested clarification as to which building spaces would be occupied by the proposed tenants. Mr. Smucker provided an indication of the use of each space and which spaces would remain vacant. Mr. Hutchison asked Mr. Smucker if he felt that the changes in use would result in any changes to the traffic including truck traffic patterns on the site. Mr. Smucker indicated that he expected there to be less traffic. Mr. Hutchison also asked Mr. Smucker to describe the proposed composting operation for the Board. Mr. Smucker stated that the operator mixes soil, manure and straw in grinders to produce a marketable compost for sale. Mr. Smucker said that he did not know whether the compost is sold by the bag to the public or in bulk to large users. Mr. Landis asked Mr. Smucker to confirm that the breeder goat operation would be contained within the building location proposed on site. Mr. Smucker indicated that the goats would be inside the building but could be taken across the property to a neighboring farm to pasture if the operator wished to do so. Mr. Landis also expressed concern for the potential to have odor problems from these kinds of operations. Mr. Smucker indicated that the property is nearly surrounded by

existing farm operations, but that if odor became a problem for his nearby hotel and restaurant businesses he would address it right away.

Mrs. Duling indicated that she was unable to hear the presentation and discussion. Mr. Buckwalter summarized the proposal for her and the request for land development plan processing.

Mr. Sollenberger then made a motion to approve the requested waiver of land development planning process subject to Mr. Smucker addressing the comments on the Zoning officer's review letter, except for the issue of sidewalks along Maple Avenue and requiring that a letter of understanding regarding share access and parking between the tenants be provided. The motion was seconded by Mr. Landis and approved by unanimous voice vote.

Other Business:

a. Appointment of Vacancy Board Chairman for remainder of 2007 – Jake Bare

Mr. Hutchison explained that the office of Vacancy Board Chairman is required under the Township Code and is utilized only in the event where a vacancy on the Board of Supervisors occurs and the remaining members are unable to fill that vacancy by appointment with the required time allotted. He also explained that Mr. Brubaker has been appointed to this position each year for a number of years. He further indicated that Mr. Brubaker has moved out of the Township and is therefore no longer eligible to fill this position. Therefore a replacement for the remainder of 2007 is needed. He also stated that Mr. Jake Bare has indicated his willingness to serve in this role.

Mr. Landis then made a motion to appoint Mr. Jake Bard as Vacancy Board Chairman for the remainder of 2007. The motion was seconded by Mr. Sollenberger and passed by unanimous voice vote.

b. Resolution re submission of Grant Application – County Urban Enhancement Fund

Mr. Hutchison stated that this project was discussed during a community meeting that was held at one of the Board's meetings earlier in the year. At that time staff proposed that submission of a grant application for funding assistance through this program for the next development phase of Flory Park. He indicated that the proposed project would create a new driveway access into the property from Strasburg Pike as well as parking facilities and pedestrian walkways. He also reviewed the actual design plan and the estimated cost of the improvements. He stated that the County's grant program would cover up to 33% of the cost of the proposed improvements. There was a brief discussion about the proposed project. There were no comments or questions from the audience.

Mr. Sollenberger then made a motion to approve Resolution number 07-10 to authorize the submission of an application to the County under the Urban Enhancement Fund

program for the next phase of Flory Park development. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Consideration of Values Statement Adoption

Mr. Hutchison explained that he has been attending a series of Leadership workshops this year and that he felt that he was hearing a great deal of interesting and worthwhile information at them. He also noted that he was motivated to suggest the preparation of a values statement based upon this workshop. He said the proposed Values Statement was prepared with the assistance of the management staff of the Township with the intention of supporting all of the decision making of the Supervisors and the various other decision makers and employees of the Township. Mr. Hutchison then reviewed the content of the Values Statement (see attached). He then recommended that the Board adopt the Values Statement for the Township to guide decision making and to be a reminder to everyone within the Township of the importance of these values to the community.

Mr. Landis thanked Mr. Hutchison for the initiative and effort to develop the proposed Values Statement. He said that he felt that it was a very positive and encouraging statement that would benefit the Township.

Mr. Buckwalter indicated that although it could be assumed that everyone was subscribe to these values, the fact that they would be put into writing and displayed will emphasize the commitment of the Township to them. He also thanked Mr. Hutchison and the staff for developing this positive statement.

Mr. Buckwalter invited questions and comments from the audience.

Mrs. Duling asked about how or when the public might have input on the Values Statement. She also indicated that she felt that it was well done and made some excellent statements for the Township. Mrs. Duling said that in particular she felt that Mr. Eberly has been partnering with residents and has been acting the part of a “Helper” in so doing.

Mr. Duling asked if the Board expected to adopt the Values Statement during the meeting or at a future meeting. He said that although he also felt that it is well done, he thought that there might be someone who is not in attendance that might have a worthwhile suggestion related to it. Mr. Buckwalter indicated that the timing of the action will be up to the Board. He also indicated that he felt that the Board was eager to here comment from the audience and could modify the Statement in the future if the Board felt that to be appropriate.

Mrs. Snyder asked if the Board would be surveying the community about what is important for the future in response to one of the Values Statements regarding Environments. Mr. Buckwalter indicated that he thought that the Township would do so and that he felt that the Township has done this through the development of the Comprehensive Plan and other public initiatives. Mrs. Snyder suggested that the Township should have a yearly assessment of what is important and what future direction

there will be. She also suggested that an on line survey through the Township's web site could ask residents for input on key issues that are important to them.

Mrs. Duling indicated that the agenda item related to the proposed rezoning and Comprehensive Plan change in West Earl Township will affect East Lampeter and so the residents should be given the opportunity for input on that question. She also stated that she had been frustrated at the time when the Board adopted the LIMC plan because she thought that she could offer suggestions during the public hearing but felt that the matter had already been closed. Mr. Buckwalter said that the timing of the comments may have been the issue.

Mr. Duling indicated that he could view this proposed Value Statement as either being directed to the professional conduct of the Township staff as strictly an organizational matter in which the public would have no involvement or in the alternative if it is intended more broadly then he feels that there should be an avenue for public involvement. Mr. Buckwalter stated that he felt that as elected officials, he wants to subscribe to these principles as well. Mr. Eberly said that he felt that the statement was more for the staff than for anyone else. Mr. Landis indicated that he viewed the proposal as pertaining to East Lampeter as something for the whole organization to rally around, focus on, use as a reminder and learn from in order to run a better organization. He also stated that this statement should not be viewed as being an ordinance but rather simply as a positive statement to encourage everyone in and around the Township. Mr. Rutt indicated that he felt that the statement also will help everyone to interact with our residents as customers. Mr. Buckwalter said that he felt that this is a document to guide the conduct of staff and appointed or elected officials of the Township. Mr. Eberly added that since it is not an ordinance it can be changed and improved at any time.

Mr. Eberly then made a motion to adopt the Values Statement as presented. The motion was seconded by Mr. Sollenberger and approved by unanimous voice vote.

New Business

- c. Review and Comment on Proposal to Amend CV Comp Plan and West Earl Zoning Ordinance re: General Consistency

Mr. Buckwalter returned the Board's attention to this agenda item.

Mr. Hutchison recommended that the Board receive input on this item from the applicant. He indicated that the Board has forty-five days to review and comment on the proposal from when it was received and that the Board's next meeting is still within that time frame. Mr. Hutchison also indicated that the Township Planning Commission did have this item on their May 21, 2007 agenda at which time they heard a presentation from the applicant and discussed the proposal at length. He also stated that the Planning Commission was reluctant to recommend the rezoning of land which is currently zoned Agriculture but that they ultimately would defer to West Earl's preference on the proposal. Mr. Hutchison said that the Planning Commission members struggled with the

application. He also went on to say that East Lampeter's role in the process with respect to this kind of proposal is to review and comment on whether or not the proposal is generally consistent with the comprehensive plan. Mr. Hutchison finally said that he is not able to represent or describe the proposal and so would recommend that it be tabled.

Mr. Eberly then made a motion to table this matter to the Board's next meeting. The motion was seconded by Mr. Sollenberger and passed by unanimous voice vote.

Public Comment:

Mr. Duling said that he felt that Mr. Hutchison's summary of the Planning Commission's review of the West Earl proposal was very good and that he was pleased that the Board tabled action until the next meeting.

Mr. Daum asked for clarification on Mr. Jake Bare who was appointed as Vacancy Board Chairman earlier in the meeting. Mr. Buckwalter identified Mr. Bare as being a former Supervisor and residing on Mill Creek Road.

Mr. Daum then asked if the Board could identify the location of the proposed rezoning in West Earl Township. Mr. Hutchison described the location and showed the map which was included with the application. Mr. Daum indicated that an individual from Manheim Township called him and is concerned about this application due to its proximity to Greystone Farms, a preserved farm. Mr. Daum suggested that the Board members might want to go look at the area prior to the next meeting.

Mrs. Duling distributed a copy of a letter written by Mr. Daum and a copy of the resume for Mr. Wayne Grafton, a planning consultant.

Mrs. Snyder asked about the process used in selecting Mr. Bare to serve as Vacancy Board Chairman. Mr. Eberly stated that he approached Mr. Bare to ask him if he would be willing to serve in that role.

Mrs. Snyder also indicated that she noticed on Election Day that there were some Township positions for Auditor for which there was no one on the ballot. Mr. Hutchison indicated that those positions were properly on the ballot but that no one was running for them. He further stated that if after the General Election, no one has been elected to fill those positions, then the Board of Supervisors will be required to make appointments to fill those positions until the next election.

Mr. Matt Getchell of The Weiland – Davco Corporation who is working with Dart Container on the approved expansion of their facility on Pitney Road, indicated that they would like to begin construction on the expansion before the DEP approval process on the sewer planning module is completed. He said that this process can take up to sixty days. He also said that he understands that a developer's agreement would be required in order to authorize the construction prior to this approval. He stated that he wanted to know who he should work with to prepare a proposed agreement. Mr. Hutchison

indicated that typically the applicant will prepare a draft agreement, submit it for review and then the Board will act upon it. He also said that the Township has entered into similar agreements in the past which have covered a variety of different situations and needs.

There was no further public comment.

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Eberly to adjourn the meeting. The motion was passed by unanimous voice vote. The next scheduled meeting is to be held on Monday, June 4, 2007 beginning at 7:30pm.

Respectfully submitted,

Ralph Hutchison
Township Manager