

May 24, 2011

The East Lampeter Township Board of Supervisors met on Tuesday, May 24, 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 and Mr. Michael Landis. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Rutt and Mr. Eberly were absent.

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

Howard Hershey, 1934 Lincoln Hwy. East, Lancaster, PA 17602, representing Lafayette Fire Company  
Brenda Fitzgerald, 161 Crest Avenue, Lancaster, PA 17602, representing H&F Tire  
Barry Fitzgerald, Jr., 310 Laurel Oak Lane, Lancaster, PA 17602, representing H&F Tire  
Lynn Commero, representing Lancaster Newspapers  
Doug Young, 64 Linda Avenue, Lancaster, PA 17602  
Jordan Good, 162 Witmer Road, Lancaster, PA 17602  
Ben Horning, Pinecraft Park, LLC, 3335 Morgantown Road, Mohnton, PA 19540, representing  
Jordan Good

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

#### Minutes of May 2, 2011 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the May 2, 2011 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Shertzer 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:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$133,166.77 were presented for payment. Chairman Buckwalter stated that included in that amount is an installment payment of \$13,520.00 to M & T Bank for the lease purchase of the Gap Vax truck and a payment of almost \$15,000.00 for the 2010 year-end audit.

A motion was made by Mr. Landis and seconded by Mr. Shertzer to approve payment of bills as listed in the amount of \$133,166.77. The motion was passed by unanimous voice vote.

#### Old Business:

- a. Request for Release of Financial Security – McDonald's Restaurant: Rt. 30 East

Chairman Buckwalter explained that the McDonald's Restaurant on Rt. 30 East is requesting the full release of financial security. The Township zoning officer has reviewed the site and is recommending that the remaining balance of \$121,284.02 be released.

Mr. Landis made a motion to release the remaining financial security balance of \$121,284.02 to McDonald's Restaurant on Rt. 30 as recommended by the Township zoning officer. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

b. Consideration of Ordinance to Authorize Issuance of General Obligation Note re: Lafayette Fire Company Borrowing

Ms. Rhonda Lord, Esq., Board Counsel, reviewed the general obligation note for the borrowing of funds for the Lafayette Fire Company's new building. Ms. Lord stated that the proposal is to close on June 24, 2011.

Mr. Shertzer made a motion to adopt the ordinance authorizing the issuance of the general obligation note for the Lafayette Fire Company borrowing. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Signal Maintenance Easement re: Willowdale Drive at Rt. 30 (Chick-fil-A)

Mr. Mark Stanley, Esq. of Hartman Underhill & Brubaker was representing the applicant Chick-fil-A, Inc. Mr. Stanley discussed this item and the following four (4) items for Chick-fil-A.

Chairman Buckwalter asked the Board if they had any questions about the easements or the stormwater management agreements. Mr. Landis and Mr. Shertzer did not have any questions.

A motion was made by Mr. Landis and seconded by Mr. Shertzer to approve the Signal Maintenance Easement Agreement for the intersection of Willowdale Drive and Rt. 30 for Chick-fil-A. The motion was passed by unanimous voice vote.

d. Sidewalk/Pedestrian Easement re: Willowdale Drive at Rt. 30 (Chick-fil-A)

Mr. Landis made a motion to approve the Sidewalk/Pedestrian Easement Agreement at Willowdale Drive and Rt. 30 for Chick-fil-A. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

e. Stormwater Management Agreement re: Chick-fil-A

Mr. Landis made a motion to approve the on-site Stormwater Management Agreement for Chick-fil-A. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

f. Stormwater Maintenance Agreement re: Rt. 30 Stormwater Improvement (Chick-fil-A)

Mr. Landis made a motion to approve the Rt. 30 Stormwater Improvement Agreement for Chick-fil-A. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

g. Request for Authorization to Sign PADOT HOP Condition Statement re: Chick-fil-A

Mr. Landis made a motion to adopt the resolution authorizing Ralph Hutchison, Township Manager, to sign the PADOT Condition Statement for the Highway Occupancy Permit for the Willowdale Drive and Rt. 30 intersection for Chick-fil-A. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

### New Business:

#### a. Request for ECHO Agreement – Good: 162 Witmer Road

Mr. Jordan Good introduced himself as the owner of 162 Witmer Road and Mr. Ben Horning, the builder. Mr. Good explained that they are proposing to put a second floor addition onto the existing ranch style home. This addition would be used for his mother-in-law, who is not currently in need of care. They are requesting to put a full kitchen on the second floor, which would require an ECHO Agreement.

After a brief discussion, Mr. Landis made a motion to approve the request for the ECHO Agreement for Mr. Jordan Good at 162 Witmer Road subject to removal of the ECHO unit kitchen facilities once Mr. Good's mother-in-law is no longer residing in the ECHO dwelling. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

### Other Business:

#### a. Lancaster County Conservation District Memorandum of Understanding

Mr. Hutchison explained that the Township has annually had a Memorandum of Understanding (MOU) with the Lancaster County Conservation District. The MOU serves as a joint commitment by the signatory parties to control accelerated erosion and to minimize sediment pollution to the waters of the Commonwealth which may result from the conduct of earthmoving activities by property owners of the Township. This year the MOU has been changed slightly by the Lancaster County Conservation District to address MS4 requirements and their relationship to those requirements, as well as other services they provide. They are asking that the governing body take action to approve the MOU for the first time this year.

Mr. Shertzer made a motion to approve the Memorandum of Understanding between Lancaster County Conservation District and East Lampeter Township as presented. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

#### b. Reappointments to Park Board: Mr. Conrad Kasperson, Mr. Jay Witmer & Mrs. Diane Tyson – Terms Expiring 5/5/16, 5/5/15, and 5/5/14

Chairman Buckwalter explained that the terms for three (3) members of the Park Board had expired on May 5, 2011. Mr. Landis made a motion to reappoint the following persons to the East Lampeter Township Park Board: Mr. Conrad Kasperson for a five (5) year term ending on May 5, 2016; Mr. Jay Witmer for a four (4) year term ending on May 5, 2015; and Mrs. Diane Tyson for a three (3) year term ending on May 5, 2014. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

#### c. Acceptance of Engineering Proposal re: Millcross Road Bridge Rehabilitation

Chairman Buckwalter stated that they have a proposal from Rettew Associates Inc. for the engineering on the Millcross Road bridge.

Mr. Hutchison added that during the budgeting process for 2011, they had talked about this bridge and thought that the engineering could wait until 2012. Though the bridge is not getting any worse, staff would like to start the engineering this year. There are funds available through the highway aid fund.

After a brief discussion, Mr. Shertzer made a motion to accept the engineering proposal from Rettew Associates Inc. for the Millcross Road Bridge Rehabilitation project. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

Mr. Mark Stanley, Esq. of Hartman Underhill & Brubaker introduced Barry and Brenda Fitzgerald from H & F Tire. Mr. Stanley discussed the parking lots at the Lafayette Fire Company and H & F Tire. They are looking at the possibility of purchasing lots 2 and 3 from the fire company. In order to do this, they would need to ask the Township to rezone lot 2 from residential to commercial. Mr. Stanley added they are not asking for a rezoning decision tonight, but just wanted the opportunity to explain the situation and background.

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, June 6, 2011 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager