

June 22, 2010

The East Lampeter Township Board of Supervisors met on Tuesday, June 22, 2010, 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. Roger Rutt, Mr. Michael Landis, Mr. John Shertzer, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Jonathan E. Lapp, 51 Eastbrook Road, Ronks, PA 17572

Mark Johnson, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing High Associates
Mark Magrecki, Steckbeck Engineering & Surveying, Inc., 279 N. Zinns Mill Road, Suite A, Lebanon,
PA 17042, representing High Steel Structures

John Lee King, Leola, PA 17540

Wilmer Fisher, 2044 Thoroughbred Lane, Lancaster PA 17601, representing H. K. Fisher

Eric Reath, 10 Homestead Drive, Lancaster, PA 17602

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

Minutes of June 7, 2010 Special Meeting:

Chairman Buckwalter explained that these minutes were for a special meeting that was held on June 7, 2010 prior to the regular meeting. This special meeting was for conducting a public hearing to consider revisions to the Zoning Ordinance of East Lampeter Township involving both the zoning map and zoning text for the creation of a Campus Mixed Use zoning district. He asked if there were any corrections or additions to the minutes. Mr. Shertzer stated that a correction was needed on the second page, fifth paragraph. The word "doing" should be changed to "during".

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

Minutes of June 7, 2010 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the June 7, 2010 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Landis and seconded by Mr. Eberly 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 represented by various funds in the amount of \$152,725.58 were presented for payment. Chairman Buckwalter stated that included in this amount is a payment of \$44,800.00 for quarterly contributions to the Township fire companies, a quarterly contribution of \$6,000.00 to the

Lancaster Library, and a payment of \$6647.00 to Stratix Systems for document management system. A motion was made by Mr. Shertzer and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$152,725.58. The motion was passed by unanimous voice vote.

Old Business:

Chairman Buckwalter commented that he is employed by the High organization but sees the two (2) items under Old Business as being fairly routine in terms of the nature of them and therefore he would lead the discussion of them.

- a. Request for Financial Security Reduction: High Associates Building #354 – Independence Court

Chairman Buckwalter explained that High Associates is requesting a financial security reduction for Building #354 on Independence Court. The Township engineer visited the site and is recommending a reduction of \$43,996.20, which will leave a new outstanding financial security balance of \$10,000.00. The Township engineer has identified items that need to be addressed in a letter dated June 8, 2010. Chairman Buckwalter asked if there was anyone in the audience who would like to address this item.

Mr. Ken Hornbeck spoke in behalf of High Associates and stated that they have no objection to this reduction amount.

Mr. Rutt made a motion to approve the request for financial security reduction for High Associates Building #354 on Independence Court in the amount of \$43,996.20, leaving a remaining balance of \$10,000.00, as recommended by the Township engineer. Mr. Landis seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

- b. Request for Financial Security Release: High Associates Building #365 – Wm. Penn Way

Chairman Buckwalter explained that High Associates is requesting a financial security release for Building #365 on William Penn Way. In a letter dated June 8, 2010 from the Township engineer, David Miller Associates, after visiting the project site they are recommending the full release of \$72,454.14, which will leave a balance of \$0.00.

Mr. Shertzer made a motion to approve the full release of financial security for High Associates Building #365 on William Penn Way in the amount of \$72,454.14, leaving a remaining balance of \$0.00, as recommended by the Township engineer. Mr. Rutt seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

- c. Fisher Revised Land Development Plan #09-31 – 669 Hartman Station Road

Mr. Hutchison explained that the Board had approved this land development plan some time ago, which was to construct an additional building on the Fisher property along Hartman Station Road. The only difference between the revised plan and the original plan that was approved is that they would like to remove the requirement to connect the property to the public sewer system and continue to utilize the on lot system.

Mr. Wilmer Fisher added that there would be no need for any sewage hook-up to the new building because the building will be used for warehouse storage.

Mr. Hutchison stated that the original plan showed the connection to the public sewer system for the new building and also the existing building.

Mr. Fisher stated they were initially told there was a moratorium on that line and they could not hook up to public sewer, so they moved on in this direction. They were later told when Wikers put in their system they actually made allowance so they could hook up.

Mr. Hutchison responded that he doesn't know where this misunderstanding came from, but there's never been a moratorium on the connection to that system there.

Mr. Fisher stated he also does not know where this information came from but they are proposing to move ahead without hooking up and without a bathroom facility in this new building. His understanding is that they do not have to hook up to sewage in that building.

Mr. Hutchison responded that in order to do it that way they are going to need a DEP approval for what's called a non-building waiver. He had talked to Mr. Henry Fisher earlier that day and Mr. Fisher had indicated that they would do without a bathroom now, but in the future there would be a bathroom added and also plumbing for water.

After a brief discussion, the Board members stated that they would like to stay with the approved original plan as it is. No action was necessary for this item.

d. Request for ECHO Agreement: Lapp – 51 Eastbrook Road

The Board members viewed a photograph and map of the property. After a brief discussion among the Board members and Mr. Jonathan Lapp, Mr. Shertzer made a motion to approve the request for ECHO housing agreement for 51 Eastbrook Road. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

New Business:

Chairman Buckwalter announced that he would recuse himself from participation for the next three (3) items due to his employment in the High organization and asked Vice-Chairman Rutt to chair the meeting.

a. High Steel Land Development Plan #10-16: Old Philadelphia Pike

Mr. Tom Smithgall of High Real Estate Group introduced himself as representing High Steel Structures, Inc. He also introduced Mr. Mark Magrecki of Steckbeck Engineering & Surveying, Inc. Mr. Smithgall explained that they are proposing to construct two (2) building additions onto the existing Steel Plant #2 building. Both building additions are to be constructed over existing impervious coverage of the lot. They are also proposing to construct a BMP stone infiltration bed just down slope of the existing parking lot south of the existing Steel Plant #2 building and immediately north of the existing parking lot along Old Philadelphia Pike.

Mr. Magrecki described the plan.

Mr. Smithgall then reviewed the waiver requests listed on the letter dated May 18, 2010 from David Miller Associates. The first request is a modification to waive the preliminary plan submission. The second request is a modification to waive the requirement that all existing streets at the perimeter of the project property must be improved to Township specifications from the required right-of-way line to the centerline of the street. This request is based on the justification that the proposed project will not add new employees at the site or generate additional traffic to or from the site. The third request is a deferral of the requirement to install curbing along the property frontage. The fourth request is a deferral to install a sidewalk along the required property frontage. He added that they have already begun the planning process of installing sidewalks the entire length of Old Philadelphia Pike from the self storage units to the intersection of Greenfield Road.

Mr. Hutchison asked whether or not the sidewalks would be shown on the recorded plan as being existing.

Mr. Smithgall replied that they could do that.

After a brief discussion, Mr. Eberly made a motion to approve the High Steel Land Development Plan #10-16 on Old Philadelphia Pike granting the waiver of preliminary plan, the waiver for existing streets, and granting the deferral for curbing. Mr. Landis seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

b. Mill Creek Square Revised Land Development Plan #10-21: Rt. 30 East

Mr. Ken Hornbeck of High Real Estate Group reminded the Board that in April 2010 the Board approved a modification to the plan to reduce the number of parking spaces from 5 per thousand square feet of building space to 4.5. The plan before the Board this evening shows this change. Mr. Hornbeck then reviewed the plan.

Mr. Mark Johnson of RGS Associates then further explained the minor changes to the plan. He also reviewed the letter dated June 18, 2010 from David Miller Associates.

Vice Chairman Rutt asked if anyone had any further questions or comments. There were none.

Mr. Shertzer made a motion to approve the Mill Creek Square Revised Land Development Plan #10-21 on Rt. 30 East, meeting the conditions listed in the letter dated June 18, 2010 from David Miller Associates and the letter from the Lancaster County Planning Commission dated June 15, 2010. Mr. Eberly seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

c. Lancaster Host Storm Water Management Plan for Pond Replacement #10-20: Rt. 30 East

Mr. Mark Johnson of RGS Associates reviewed the Stormwater Management Plan for the relocated pond on the Host Resort property.

Ms. Caroline Hoffer, Esq. reviewed the letter dated June 16, 2010 from David Miller Associates. Ms. Hoffer explained that the Host granted a construction easement to Mill Creek Square to construct the pond. They were asked to do it as part of the land development agreement and this was all done as part of the resolution between the parties. They believe the position of the Host is that they have not written to tell them what to do to accommodate this project. In particular, the Host will disagree that this is part of their storm water facility. She added that the difficulty with the property owner is that each step that has been taken has

required some great deal of effort. They would like to just complete the work and keep the peace between the property owners. They are requesting a waiver of the obligation to create a construction easement.

Ms. Hoffer stated that the engineers have reviewed the technical details of the pond, but it's really just a reconfiguration of the existing pond.

Mr. Hutchison added with the major difference that this is an impervious area.

Mr. Johnson disagreed that this is an impervious area.

There was a discussion on whether this would be a storm water pond and the amount of water that would be detained as storm water.

Mr. Eberly questioned the easement.

Mr. Hutchison responded that the easement would prevent the property owner from eliminating that aspect of the performance of the pond to detain water to protect the downstream property owners. The agreement goes along with that saying that they declare the easement and promise to maintain it for that purpose.

Mr. Eberly asked if the land owner does not give the easement, what other options are there.

Mr. Hutchison replied that he did not know because he has never been involved in a situation like this before.

Mr. Shertzer made a motion to approve the Lancaster Host Pond Replacement Plan #10-20 on Rt. 30 East subject to the Township engineer comments listed on the letter dated June 16, 2010, except for items #1 and #4. Mr. Eberly seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

Other Business:

a. Consideration of Bid for the Purchase of Police Department Weapons

Chairman Buckwalter stated that a quotation was received from Witmer Public Safety Group in Coatesville, PA for the replacement of weapons for the Police Department in the amount of \$17,252.44. This was the only bid received. The budgeted amount was set at \$17,900.00.

Mr. Eberly made a motion to approve the bid from Witmer Public Safety Group in the amount of \$17,252.44 for the purchase of new weapons and trading in the old weapons. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Consideration of Bids for Road Maintenance In Place Materials

Chairman Buckwalter stated that two (2) bids were received for the oil and chip treatment of Township roads. Martin Paving came in with the lower bid in the amount of \$0.956 per square yard for a total amount of \$62,140.00. The budget amount for the job was \$1.25 per square yard.

Mr. Shertzer made a motion to accept the low bid from Martin Paving in the amount of \$0.956 per square yard for a total amount of \$62,140.00 for the oil and chip treatment to Township roads. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

- c. Appointment to Fill Unexpired Term – Emergency Services Committee: Witmer Fire Company Citizen Representative – Dale Jerchau, Term Ending 12/31/10

Chairman Buckwalter explained that Witmer Fire Company has recommended that Mr. Dale Jerchau be appointed to fill the unexpired term held by Manny Lapp as the Citizen Representative for the Emergency Services Committee with his term ending on 12/31/10.

A motion was made by Mr. Shertzer and seconded by Mr. Landis to appoint Mr. Dale Jerchau to the Emergency Services Committee as the Citizen Representative for Witmer Fire Company. The motion was passed by unanimous voice vote.

- d. Resolution re: Strasburg Restoration & Preservation – Assignment of Contract

Chairman Buckwalter explained that this resolution authorizes the assignment of a contract with Handwerk Site Contractors, Inc., in connection with the Bird-in-Hand Streetscape Enhancement Project at the intersection of Maple Avenue and Rt. 340 in Bird-in-Hand.

Mr. Hutchison added that this project has always been the project of Strasburg Restoration & Preservation. PennDOT had granted funds to help assist them with the completion of the project. The project is not right and needs to be fixed. There is a dispute among those parties and the East Lampeter Township solicitor feels it is in the best interest to make sure that everybody understands that the Township is not a part of the contract.

Mr. Landis made a motion to approve the resolution for the Strasburg Restoration & Preservation organization. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Mr. Eric Reath, 10 Homestead Drive, Lancaster, PA 17602, commented that he doesn't understand how the Board can prioritize buying new weapons for the Police Department but can't take higher priority to find \$15,000 to \$25,000 to pick-up a part time custodian. It upsets him to hear that the Chief of Police, the Captain and Lieutenants, officers and records staff are now having to pick up custodial duties because the Board could not find the funds to hire a part time custodian. When these persons were hired, it was not in their job description to perform this duty. He asked Mr. Hutchison and the Board to please take a look and try to find the funding.

Chairman Buckwalter commented that Mr. Reath needs to be aware that the decision to purchase weapons was made at the time the budget was prepared.

Mr. John Lee King, Leola, PA 17540, stated that after a letter he received from Lee Young, he would like to clear up some issues. He apologized for going out of bounds and would like to work out a friendly relationship if possible. Mr. Jonathan King Jr. added that when they left the last meeting, it was their understanding that Lee Young would contact them about having a discussion. They stated that they never received any calls and then they received the letter.

Mr. Hutchison responded that Mr. Young made several attempts in calling them and was unsuccessful. He then mailed out the letter.

Chairman Buckwalter stated that the Board and staff also would like to have a friendly relationship and asked Mr. King to call Mr. Young to set up an appointment to meet with them. Mr. Hutchison added that he would also like to be a part of the meeting and that they could call him to set up the meeting.

Adjournment:

A motion was made by Mr. Eberly 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, July 12, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager