

DRAFT
August 17, 2010

The East Lampeter Township Board of Supervisors met on Tuesday, August 17, 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, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. John Shertzer was absent.

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

Mark Stanley, Hartman Underhill & Brubaker, 221 E. Chestnut Street, Lancaster, PA 17602,
representing High Properties
Tom Comitta, 18 W. Chestnut Street, West Chester, PA 19380, representing High Properties
Rick High, 852 Stumpf Hill Drive, Lancaster, PA 17601
Calvin High, 1909 Old Philadelphia Pike, Lancaster, PA 17602, representing High Properties
Greg High, 1853 William Penn Way, Lancaster, PA 17608, representing High Properties
Dave High, 852 Stumpf Hill Drive, Lancaster, PA 17601

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 August 2, 2010 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the August 2, 2010 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 unanimous voice vote.

Bills:

Chairman Buckwalter indicated that bills represented by various funds in the amount of \$196,739.26 were presented for payment. Chairman Buckwalter stated that included in this amount is a payment of \$88,668.50 to the City of Lancaster for reconciling the sewer treatment flow charges and a payment of \$8,366.79 to Interstate Road Management for line painting of the Township roads. A motion was made by Mr. Rutt and seconded by Mr. Eberly to approve payment of bills as listed in the amount of \$196,739.26. The motion was passed by unanimous voice vote.

Old Business:

- a. Proposed Zoning Ordinance Amendment re: Campus Mixed Use

Chairman Buckwalter announced that this item involves the High organization which he is employed by and that he would recuse himself from discussions and asked Vice-Chairman Rutt to chair the meeting.

Mr. Tom Smithgall of High Associates introduced himself. He also introduced Mr. Tom Comitta, Mr. Mark Stanley, Mr. Calvin High, Mr. Rick High, Mr. Greg High, and Mr. David High representing the High family and properties. He restated the objectives of the proposal. The High organization has been built on two basic tenants. The first is being innovative leaders and the second is building trustworthy relationships. Mr. Smithgall emphasized the design guidelines and talked about the relationship between the High organization and the Township to recommit to each other.

Mr. Mark Stanley Esq. of Hartman Underhill & Brubaker stated that they have been working on the Campus Mixed Use Ordinance for well over 18 months. They have been before both Upper Leacock Township and West Earl Township with the initial draft and the revised draft. The draft has also been reviewed on multiple occasions by the Lancaster County Planning Commission. Mr. Stanley then reviewed comments from the Lancaster County Planning Commission.

Mr. Tom Comitta, Land Use Consultant, then gave a presentation on the projector screen. He stated that if he was a Supervisor on the Board, one of the questions he would ask himself is what is the value being added and also what risks are there to actually passing this ordinance. He added that since no other proceeding document or the July 1, 2010 draft has these types of guiding principles and quality of built environment, we find that ours does in fact add value. Mr. Comitta stated that there are problems with the July 1 draft ordinance and reviewed the six (6) primary topics of concern. He added that the July 1 draft is not consistent with the Growing Together or County plans.

Mr. Smithgall spoke about the residential component and stated that the intent is not to sell land. The 300 units would be for additional multi-family rental properties which could be for over 55, retirement or market rate. Mr. Smithgall reviewed the areas of concern with the July 1 draft as presented.

Mr. Eberly questioned the status of the Township ordinance.

Mr. Hutchison responded that they are continuing working on the entire ordinance and should have a completed draft document by September 30, 2010.

Mr. Eberly suggested that the High organization continue to work with staff to incorporate revisions into the overall Township ordinance.

Mr. Landis asked that the High organization work together with the Township and offer the opportunity to look at the entire new ordinance as a complete ordinance. He added that he would not suggest this if the completed draft was six (6) months out, but it is only six (6) weeks until a completed draft document would be ready to be reviewed.

Vice Chairman Rutt asked if there were any comments from the audience. There were no comments.

Vice Chairman Rutt stated that he has the same feelings as Mr. Eberly and Mr. Landis and added that the tension between public versus private relationship, as a supervisor, he must wait for the completed draft document.

Mr. Smithgall responded that as he sees it, the Board has four (4) options which are to deny, table, wait six (6) weeks to get to the same point, or provide guidance to consultant to adopt now or roll over to new ordinance.

Mr. Comitta spoke in regards to the map changes.

Mr. Rutt questioned Mr. Smithgall's comment about the market demand and asked what product is in demand that is not available in Greenfield.

Mr. Smithgall responded that not having north/south roadways is negative for the industrial park and submarkets are being created in Lancaster County.

Mr. Comitta spoke about Eagle View and the option demand.

Mr. Landis stated that High success is also Township success. He thinks waiting the six (6) weeks is the way to go.

No action was taken on this agenda item.

Chairman Buckwalter rejoined the Board at this time and announced that they would take a brief recess.

b. Motel 6 Land Development Plan #10-16: Lincoln Highway East

Mr. Sunil Patel introduced himself as representing Victor Patel and Ali Patel who own Motel 6 at 2959 Lincoln Highway East. Mr. Patel explained that the applicant is proposing to construct a 990 square foot addition onto the front of the existing hotel intended to be used for expansion of living quarters for the owners and will not add any additional parking requirements.

The Board members reviewed the comments on the letter dated August 17, 2010 from David Miller Associates. The applicant is requesting that the preliminary plan be waived and the scale of the plan be modified.

Mr. Patel added that they are proposing a \$10,000.00 letter of credit for the project.

Mr. Hutchison comment that one concern that staff has was the sheds that are shown in the rear of the property. At least two (2) of them are in violation of the set-back and staff is recommending that the Board require these sheds to be relocated. They also don't believe that there were any permits obtained to place the sheds on the property.

Mr. Eberly made a motion to approve the Motel 6 Land Development Plan #10-16 located at 2959 Lincoln Highway East and granting the two (2) waivers listed on the letter dated August 17, 2010 from David Miller Associates and adding the comment to work with staff with relocating the two (2) sheds on the property. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Request for Reduce Financial Security – Lancaster Mennonite High School

Chairman Buckwalter explained that Lancaster Mennonite School is requesting financial security reductions for the tennis court, track, and academic building projects. He asked if there was anyone in the audience for this item. There was no one present. The Township Engineer visited the site to review the projects and in a letter dated August 3, 2010, listed concerns and their recommendations for reductions.

They are recommending a reduction of \$8,000.00 for the tennis court project which will leave a new outstanding financial security balance of \$10,249.00, a reduction of \$100,000.00 for the track project which will leave a new outstanding financial security balance of \$47,306.00, and a reduction of \$101,880.90 for the academic building project which will leave a new outstanding financial security balance of \$11,320.10.

Mr. Rutt made a motion to approve the request for financial security reductions for Lancaster Mennonite High School as recommended by the Township Engineer in the letter dated August 3, 2010. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

New Business:

None

Other Business:

a. Request to Use Township Roads – Spina Bifida Association: Saturday, October 9, 2010

Chairman Buckwalter explained that the Spina Bifida Association is requesting to use the Township roads for their annual run/walk event and has provided the Township with proof of insurance, but does not name the Township as the covered party.

Mr. Hutchison added that typically the insurance policy received for these types of event usually indicate that the Township is a named insured on the policy for that event so that the Township gets the full protection of the coverage.

Mr. Eberly made a motion to approve the request to use Township roads for the Spina Bifida Association Run/Walk event to be held at Greenfield Corporate Center on Saturday, October 9, 2010, subject to the condition that the Township be named on the insurance policy. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Consideration of New Non-Preference Towing Policy for Police Department

Chairman Buckwalter explained that this item was discussed at the previous Board of Supervisors meeting on August 2, 2010 and that there were a few items that the Board members had questions about.

Mr. Hutchison explained that at the last meeting the one question had to do with whether or not a least area for impound would be satisfactory rather than it being required to be an owned area. Chief Bowman added that either one would suffice for the purposes of the requirements. The second issue had to do with the wording on how many phone lines had to be available for contacting the tow operator. Chief Bowman revised the language to make it clear that it could be one or two phone lines and no more than that. The final issue was with respect to the fee that would be charged for an operator who wanted to be added to the list. The fee for the application is set at \$50.00 for the processing of the application and can be changed by the Board at their discretion any time in the future.

Mr. Gary Hoover, on behalf of Dean Landis, stated that he and Mr. Landis would rather have the nearest available tower instead of the rotation and also expressed their concern about outside towers.

Mr. Hutchison addressed the Board that the draft policy was sent out to all the towing operators that the Township has been working with. He added that Mr. Hoover actually provided input on that draft copy and revisions were made in response to Mr. Hoover's input.

Mr. Landis made a motion to approve the new Non-Preference Towing Policy for the East Lampeter Township Police Department as presented. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

c. Resolution re: Preparation of Official Map

Mr. Hutchison explained that this was identified in the comprehensive plan and has been talked about as part of the regional meetings with the other two (2) townships. A committee has actually been started to work on this preparation. Mr. Dan McCuen of the East Lampeter Township Planning Commission Board and Mr. Lee Young are working with representatives of Upper Leacock Township. West Earl Township decided that they are not going to participate and are not going to prepare an official map. An adoption of the resolution will satisfy the relationship issues.

Mr. Eberly made a motion to adopt the resolution for the preparation of the official map. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Reappointment to ELSA – Mr. Rick Robinson and Mr. Todd Stumpf, 5 Year Terms Ending September 7, 2015

Chairman Buckwalter stated that this item was to reappoint Mr. Rick Robinson and Mr. Todd Stumpf to serve on the East Lampeter Sewer Authority (ELSA) Board for another five (5) year term ending on September 7, 2015.

Mr. Rutt made a motion to appoint Mr. Rick Robinson and Mr. Todd Stumpf to serve on the ELSA Board for another five (5) year term ending on September 7, 2015. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

e. Appointment to Emergency Services Committee to Fill Unexpired Term – Mr. Jim Smith, Term Ending December 31, 2011

Chairman Buckwalter explained that this item was to appoint Mr. Jim Smith to fill the unexpired term held by Mr. Charlie Smith as the Township Citizen Representative for the Emergency Services Committee with his term ending on December 31, 2011.

A motion was made by Mr. Rutt and seconded by Mr. Landis to appoint Mr. Jim Smith to the Emergency Services Committee as the Township Citizen Representative with his term ending on December 31, 2011. The motion was passed by unanimous voice vote.

Public Comment:

There were no 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, September 13, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager