

August 19, 2008

The East Lampeter Township Board of Supervisors met on Tuesday, August 19, 2008 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. Michael Landis, Mr. John Shertzer, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Roger Rutt was absent.

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

John Snyder, 180 Blair Mountain Road, Dillsburg, PA 17019, representing Rettew Associates
Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVC
Fred Daum., 2142 New Holland Pike, Lancaster, PA 17601, representing self
Russ Latschar, 2410 Stumptown Road, Witmer, PA 17585, representing Witmer Fire Company
Matt Bono, 1837 Timothy Lane, Lancaster, PA 17602, representing Witmer Fire Co./ELTESC
Warren and Carolyn Eachus, 351 Morgan Drive, Lancaster, PA 17601, representing self
Zach Noll, 743 E. Main Street, Lititz, PA 17543, representing ELA Group Inc.
Susan Snyder, 435 Mt. Sidney Road, Lancaster, PA 17601, representing self
Frank Weaver Jr., Bird-In-Hand, PA 17505, representing self
Jeff Bender, 2439 Old Philadelphia Pike, Lancaster, PA 17602, representing self
James Strong, 100 Pine Street, Harrisburg, PA 17108, representing Verizon Wireless
Dave Shaffer, 702 Lisburn Road, Camp Hill, PA 17025, representing Verizon Wireless
Chris Kauffman, 2540 Horseshoe Road, Lancaster, PA 17601, representing Witmer Fire Co.
Amos Beiler, 338 Beechdale Road, Bird-In-Hand, PA 17505
Ken Hornbeck, 1853 William Penn Way, Lancaster, PA 17601, representing High Associates
Mary Ann Hershey, 879 Lamplight Circle, Lancaster, PA 17601, representing CVC
Jake Bare, 422 Millcreek Road, Bird-In-Hand, PA 17505, representing self
Al and Sara Frank, 907 Hornig Road, Lancaster, PA 17601, representing self
Randolph Harris, 314 W. Chestnut Street, Lancaster, PA 17603, representing self
Dan Sweigart, 129 E. Franklin Street, Ephrata PA 17522, representing Lancaster Farmland Trust
Lynne Kirsch, 3721 Louanna Avenue, Downingtown, PA 19335, representing self
John Blowers, 102 Strasburg Pike, Lancaster, PA 17602, representing self

Minutes of August 4, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the August 4, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments or corrections regarding the minutes as prepared.

Mrs. Lois Duling stated that under the Public Comments section, the sentence mentioning that the Dulings have had to pay a lot of money for legal services was incorrect. Chairman Buckwalter said that when he heard her say it, that was what he heard also. Mrs. Duling stated that there was a lot in the minutes that is not specific. She mentioned that under the list of names for the CVC Steering Committee that Carol Hill should be Caroline Hill and should be corrected. Chairman Buckwalter said that could be done. Mrs. Duling added that if she did say that the

Dulings were paying for the legal services, that it was a mistake in her part and that it is the coalition that is paying for these fees. Mr. Eberly asked how she would like it to read in the minutes. Mrs. Duling said she would like it to say the CVC.

There were no other comments. A motion was then made by Mr. Eberly and seconded by Mr. Landis to dispense with the reading of the minutes and approve the minutes as presented with the above corrections made to them. The motion was passed by unanimous voice vote.

Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$232,838.95 were presented for payment. Chairman Buckwalter mentioned that of the total amount, \$115,079.48 is for the City of Lancaster for quarterly sewer charges, mobile computer system for the new police vehicles was over \$6,000.00, and also \$9,000.00 for a pump overhaul at the fertility pump station along Strasburg Pike. After review of the bills list, a motion was made by Mr. Landis and seconded by Mr. Shertzer to approve payment of bills as listed in the amount of \$232,838.95. The motion was passed by unanimous voice vote.

Old Business:

- a. Financial Security Reduction Request – John Kreider: Forry Road

Chairman Buckwalter noted that the request letter was requesting for the balance of \$16,487.35 to be reduced. The Township Engineer reviewed it and is recommending a reduction of \$4,969.50, which will leave a new outstanding financial security balance of \$11,517.85. Mr. Eberly made a motion to approve the financial security reduction for John Kreider of Forry Road in the amount of \$4,969.50, leaving a balance of \$11,517.85, as recommended by the Township Engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

- a. Mill Creek Square Shopping Center Final Land Development Plan #08-25: Rt. 30

Chairman Buckwalter recused himself from participation in this agenda item due to his employment in the High organization and asked Mr. Eberly to chair the meeting for this agenda item.

Mr. Ken Hornbeck of High Associates introduced himself, Caroline Hoffer, Esq. of Barley and Snyder, and Keith Miller of RGS Associates, the civil engineer for the project. Mr. Hornbeck reviewed the basic plan and stated that the only thing that has been added to the plan is a pump house and reserve tank due to the lack of water pressure.

Ms. Hoffer then noted that they had requested that tonight's meeting be advertised in the Lancaster newspapers on August 5 and August 12, 2008. Though this is not required, they did this so that the residents of East Lampeter Township would be aware of the final land development plan request and would have an opportunity to make any appeals. She then gave

Mr. Hutchison copies to keep on file of the newspaper advertisements and also photographs of the township sign with the notice on it.

Mr. Hornbeck then handed out copies to the Board of the August 15, 2008 response letter to the earlier DMA letter dated August 4, 2008. He then proceeded to review the DMA letter dated for August 18, 2008.

The first item discussed under the Subdivision and Land Development Ordinance section was the applicant being required to comply with the park and open space requirements. The applicant has suggested paying a fee in lieu of, which will be reviewed by the staff for calculation.

Ms. Hoffer commented on item number three (3) which states that the applicant must enter into a developer's agreement to assist with the installation of a traffic signal at the intersection of Rt. 30 and Greenland Drive. She said the agreement has already been reviewed by the Board and the Township solicitor and had been approved during the preliminary plan.

Mr. Hornbeck questioned item number five (5) which states that financial security must be provided for all required site improvements prior to final plan approval. Mr. Hutchison replied that the plan will not be recorded until the Township has the financial security.

Ms. Hoffer then reviewed the items listed under Conditional Use Approval. She mentioned that most of the items have been agreed upon. Ms. Hoffer and Mr. Hutchison discussed the requirements of items number five (5) and six (6) which involve the installation of on-site and off-site traffic and signal improvements to be monitored by the Township Traffic Engineer. It was agreed that payment by the applicant will be made prior to commencement of traffic improvements.

Ms. Hoffer explained item number eighteen (18) which requires the applicant to use good-faith efforts to obtain PennDOT approval for a westbound protected permissive left turn phase into Pleasant Drive. She stated that they have applied for this approval but have not yet received anything from PennDOT on whether they have approved it or not. Ms. Hoffer wants to confirm that the applicant has met their obligation to use good-faith efforts to obtain PennDOT's approval and should not interfere with final plan approval.

Ms. Hoffer mentioned an email that Mr. Hutchison had received from Mr. Jay States of Grove Miller Engineering in regards to item number twenty (20) and twenty-one (21). The email addresses the fair share calculations for the intersections of US Route 30/PA Route 896 and US Route 30/Old Strasburg Pike. Based on the updated calculations, the fair share total for both intersections is \$37,635.00.

Mr. Hornbeck mentioned a letter dated August 5, 2008, which was sent to Mr. Lee Young, Zoning Officer for East Lampeter Township. In the letter, the applicant is requesting that the Board of Supervisors grant a time extension to record the Final Land Development Plan. In Section 306A of the East Lampeter Township Subdivision and Land Development Ordinance it states that the developer has ninety (90) day to record the final plan in the Recorder of Deeds office following the Board of Supervisors approval. There are conditions of final plan approval

that will take longer than ninety (90) days to address, in particular, obtaining the permits from PennDOT. Therefore, the applicant is requesting an extension of one (1) year to record the final plan.

Mr. Hutchison suggested that an actual date be set for the time extension. It was decided to be set for August 19, 2009.

Mr. Eberly then questioned about the water pump house and reserve tank and asked if it had anything to do with the letter from the City of Lancaster. Mr. Miller replied that it did not. Mr. Eberly then asked if the tank would be filled from city water or a well. Mr. Miller said it would be filled with city water.

Mr. Eberly then asked if there were any further questions from the Board members or audience. There were no comments.

Mr. Landis made a motion to approve the Final Land Development Plan for Mill Creek Square Shopping Center subject to the comments on the David Miller letter and the letters from Lancaster County Planning Commission and RGS follow-up. The motion is to also include the changes per discussion to items five (5), six (6), eighteen (18), nineteen (19), twenty (20) and twenty-one (21). The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Mr. Shertzer then made the motion to grant an extension on Mill Creek Square Shopping Center to August 19, 2009, in order for them to meet all the necessary commitments of the final plan. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Chairman Buckwalter rejoined the Board at this time.

b. A & J Power / Beiler Final Lot Add On Plan #08-26: Beechdale Road

Chairman Buckwalter reviewed the letter from the Township Engineer. The request to waive the preliminary plan and go to final was recommended. Chairman Buckwalter then had Mr. Amos Beiler come forward to explain the plan.

Chairman Buckwalter then continued reviewing the letter from the Township Engineer. He mentioned item number three (3) states that all existing streets, curbs and sidewalks at the perimeter of the project properties should be improved to Township specifications from the required right-of-way line to the centerline of the street. Also, access to the site must be better defined. Item number four (4) states that an easement must be provided for connection to the water supply (well) on the adjoining property. Item number five (5) identifies the sanitary sewer as "on-site". However, the plan shows an existing sewer line exiting the house and ending in the middle of Beachdale Road. Chairman Buckwalter asked Mr. Beiler if he had received a copy of this letter with the above comments.

Mr. Beiler then questioned what exactly he needs to do. Mr. Eberly suggested that Mr. Beiler consult with his engineer to review the requirements listed in the Township Engineer's review letter, because it could get very complicated and expensive.

Chairman Buckwalter asked Mr. Beiler if he would like to hold off on this until he can meet with his engineer. Mr. Shertzer also suggested that Mr. Beiler have his engineer attend the next meeting to represent him.

Mr. Eberly made the motion to table both the Beiler Final Lot Add On Plan and the Land Development Plan for A & J Power (agenda item c.) until the next Supervisors meeting to be held on September 8, 2008. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- c. A & J Power Land Development Plan #08-12: Beechdale Road
- d. Verizon Final Land Development Plan #08-27: Horseshoe Road

Mr. James Strong, Esq., the attorney for Verizon Wireless, outlined the plan located at 2008 Horseshoe Road. He stated that the project has received zoning approval and that the Township Planning Commission has reviewed the plan and recommends approval.

The applicant requested a modification to waive the preliminary plan submission. A letter from the township engineer recommends that the modification be granted and that all comments have been addressed.

Mr. Strong then mentions a letter from the Lancaster County Planning Commission dated August 12, 2008, that lists three (3) comments. He then reviewed these comments. There was a brief discussion with concerns about the location, size, and use of the tower.

Chairman Buckwalter asked if there were any comments from the audience. There were no comments. Mr. Shertzer then made a motion to approve the Final Land Development Plan for Verizon Wireless for the Christian and Katie Esh property at 2008 Horseshoe Road and granting the waiver of the preliminary plan submission. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Other Business:

- a. Presentation Re: Fire Service Radio System Enhancement

Mr. Matthew Bono, Deputy Fire Chief of Witmer Fire Company, was in attendance representing the East Lampeter Township Emergency Services Committee. He explained that the request is for an improvement to the radio system for the four (4) fire companies within East Lampeter Township. They include: Bird-In-Hand; Ronks; Witmer; and Lafayette. He explained how the current radio system is outdated and in poor condition. He also explained how the Pyramid Repeater System operates and the benefits of it. Several area fire companies are already using this system. The system would cost a total of \$59,820.00.

Chairman Buckwalter asked Mr. Hutchison for his comment and what funds are set aside for this type of purchase.

Mr. Hutchison explained how the county has been talking about a new radio system for many years and in anticipation of that coming about and the Boards desire to assist the fire companies with that transition, funds were set aside for several years in the Township's Capital Reserve. Currently there is a total of \$125,000 set aside for this purpose. The radios would be compatible to whatever decision the county makes on their new system.

Mr. Eberly made a motion to approve the purchase of the Pyramid Repeater Radio System and it was seconded by Mr. Landis. Chairman Buckwalter then asked if there were any questions or comments from the audience before the Board voted.

Mr. Irl Duling asked if the money was from East Lampeter Township. Chairman Buckwalter stated yes and explained that it covers the four (4) fire companies that serve the township.

Mrs. Susan Snyder voiced her support for the volunteer fire companies and feels that we should do everything we can to support them. Chairman Buckwalter agreed and commended the fire companies for the outstanding service they provide.

The Board then voted and the motion was passed by unanimous voice vote.

b. Reappointment to Park Board – James Gustafson, 4 Yrs. Term Ending 5/5/12

Chairman Buckwalter stated that Mr. James Gustafson has indicated his desire to continue to serve on the Park Board for another four (4) years. His term would continue until May 5, 2012.

Mr. Eberly made a motion to reappoint Mr. Gustafson to the Park Board for another four (4) year term ending May 5, 2012. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

c. Reappointment to ELSA – Fred Clark, 4 Yrs. Term Ending 9/7/12

Chairman Buckwalter stated that Mr. Fred Clark has indicated his willingness to continue his service on the Sewer Authority Board for another four (4) year term ending September 7, 2012.

Mr. Shertzer made a motion to reappoint Mr. Clark to the Sewer Authority Board for another four (4) year term ending September 7, 2012. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

d. Purchase of Used Vehicle to be Used by Police Department for Special Services

Chairman Buckwalter asked Mr. Hutchison to give some background on this item. Mr. Hutchison explained that Chief Bowman has provided the Board with a memo describing the use of this special services vehicle. Though there is a vehicle that was donated by the Leola

Ambulance Association and put into service back in 2003, it has been having some mechanical issues and not as reliable as Chief Bowman feels is necessary. Chief Bowman has located another used ambulance which is a 1991 and the current vehicle is a 1982. Chief Bowman would like to replace the current one with the 1991 which has a purchase price of \$6,000.00. It would also require some painting in order to get it to look appropriate. This would cost an additional \$2,500.00. The current vehicle would then be sold at the county action and the proceeds would be used to offset as much as those costs as we can get at the auction.

Mr. Landis made the motion to approve the purchase of the used ambulance for the police department. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

e. Consideration of 2009 Agreement for Services – Humane League of Lancaster County

Chairman Buckwalter asked Mr. Hutchison to lead the Board through this item. Mr. Hutchison explained that East Lampeter Township has contracted with the Humane League for many years to handle the stray dogs that the police department picks up.

In the past, the Humane League charged on a per dog basis. The cost has been approximately \$100.00 per dog that is taken to the Humane League. They now want to set a flat rate of \$4,066.00 for the year, based on the township population.

There was a brief discussion. Chairman Buckwalter asked if there were any questions from the audience. There were no comments.

Mr. Landis made the motion to approve the Humane League Agreement for accepting the township's stray dogs for 2009. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Chairman Buckwalter asked if there were any public comments. There were no comments.

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 regularly scheduled meeting is to be held on Monday, September 8, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager