

October 3, 2011

The East Lampeter Township Board of Supervisors met on Monday, October 3, 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, Mr. Roger Rutt, Mr. Mike Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Lynn Commero, representing Lancaster Newspapers
Greg Warner, 1838 Colonial Village Lane, Lancaster, PA 17601, representing Johnson & Johnson Merck
Arlen Stoltzfus, 730 Fallon Drive, Lancaster, PA 17601
Ray Wright, 1838 Colonial Village Lane, Lancaster, PA 17601, representing Johnson & Johnson Merck
Marlin Groff, 2176 Lincoln Highway East, Lancaster, PA 17602, representing Lancaster Mennonite School
Chris Brown, Derck & Edson Associates, LLP, 33 S. Broad Street, Lititz, PA 17543, representing Lancaster Mennonite School
Tim Hoerner, 2642 Old Philadelphia Pike, Bird-in-Hand, PA 17505, representing Hand in Hand Fire Co.
David S. Beiler, 452 Mt. Sidney Road, Lancaster, PA 17602, representing Millcreek Fence
Daniel S. Beiler, 452 Mt. Sidney Road, Lancaster, PA 17602, representing Millcreek Fence
John Mongiovi Esq., 235 N. Lime Street, Lancaster, PA 17602, representing Miles Towing
Jacob Stoltzfus, 2249 Leaman Road, Lancaster, PA 17602
John Blowers, 102 Strasburg Pike, Lancaster, PA 17602
Gary Hoover, Ronks, PA 17572, representing Miles Towing

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

Minutes of September 12, 2011 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the September 12, 2011 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Eberly and seconded by Mr. Rutt to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by a vote of four in favor and one abstaining. (Mr. Shertzer abstained due to being absent from the September 12, 2011 meeting.)

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$643,904.43 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount were a payment of \$235,747.36 from State relief funds to be dispersed between the four (4) Township fire companies, \$199,910.76 to Morgan Stanley for the police and non-uniform pension plans, and \$6,114.25 to Oceanport Industries for road salt.

A motion was made by Mr. Landis and seconded by Mr. Shertzer to approve payment of the bills as listed in the amount of \$643,904.43. The motion was passed by unanimous voice vote.

Old Business:

- a. Time Extension for Review and Action on Land Development Plan #10-29: Millcreek Fence – Mt. Sidney Road

Mr. David Beiler was present and reviewed the current status of the plan. He stated that they had a PA DOT issue that was resolved at the end of August. He explained that there is a sewer easement issue involving the pipe size only being 1¾" and that it is required to be 3".

Chairman Buckwalter asked about buildings that were scheduled for demolition and a trailer on the site.

Mr. Beiler responded that his engineer has been communicating with the Township zoning officer and has not heard anything about this issue.

Mr. Hutchison stated that the only two temporary buildings that were authorized by the Board were the two (2) trailers to be put on the site to operate out of. The remaining building and tractor trailer that is on the site were not part of that plan.

Mr. Hutchison asked about the electric issue and how this is affecting this project.

Mr. Beiler replied that as long as there is this an issue with PP&L, the bank will not finalize the financing for this project.

Mr. Shertzer made a motion to grant Millcreek Fence on Mt. Sidney Road a time extension for review and action on Land Development Plan #10-29 until March 20, 2012. The motion was seconded by Mr. Landis and passed by a vote of four in favor and one abstaining. (Mr. Eberly abstained.)

- b. Request for ECHO Agreement – Jacob Stoltzfus: 2249 Leaman Road

Mr. Jacob Stoltzfus of 2249 Leaman Road was present to request to place a modular unit next to the present dwelling under an ECHO Agreement.

A motion was made by Mr. Eberly to approve the ECHO Agreement for Mr. Jacob Stoltzfus at 2249 Leaman Road. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

- c. Consideration of Contract with Humane League for 2012 Services

Chairman Buckwalter explained that the Humane League has been providing the Township with a place to take stray dogs. They were initially charging a fee per dog, but now charge per resident in the Township. The fee per resident for 2011 was \$.50. They are increasing the amount to \$.85 per resident for 2012, which would cost the Township a little under \$14,000.00.

Mr. Hutchison added that Chief Bowman has done quite a bit of work on this issue. The alternative that is being considered is being used by other municipalities in the county. The Township would temporarily house stray dogs on site. They would build three (3) holding pens with dog houses in each of them and hold them for a couple of days. If unable to put the dog back with the owner, the State dog law officer would be contacted to pick-up the dog and take it to Berks County where they have an operation similar to the Humane League. They are proposing a fee be charged to the owner when they pick their dog up for the costs of housing and feeding the dog. The cost to set up the housing for the dogs is a once and done cost of approximately \$2,000.00.

After a brief discussion between the Board members and Mr. Hutchison, Mr. Landis made a motion to reject the Humane League contract for 2012 services. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- d. Time Extension for Review and Action on Land Development Plan #11-18: J & J – Colonial Village Lane

Mr. Greg Warner of Johnson & Johnson introduced himself. They are offering the Board a time extension for review and action on Land Development Plan #11-18 for 1838 Colonial Village Lane. He explained the reason for the time extension is because this project has increased in scope and they are working to address all of the review comments presented by the Township engineer. They are offering a time extension until January 15, 2012.

Mr. Hutchison explained to Mr. Warner that an action by the Board would happen by January 15, 2012, but the resubmission of the information will need to be done in a month.

Mr. Landis made a motion to except the time extension until January 15, 2012 for review and action on Land Development Plan #11-18 for Johnson & Johnson. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

New Business:

- a. 2160 Lincoln Highway East Condo Association/LM Schools Land Development Plan #11-16:
2160 & 2176 Lincoln Highway East

Mr. Chris Brown of Derck & Edson Associates introduced himself as representing 2160 Lincoln Highway East Condo Association and Lancaster Mennonite School. He reviewed the plan and the waivers requested in the letter dated September 15, 2011 from David Miller Associates. He added that they are still waiting for the approval letter from the Lancaster County Conservation District.

Mr. Shertzer asked about the property previously owned by the Lehmans, if some time in the past the Board had granted a deferment on sidewalks along the street.

Chairman Buckwalter stated that he believes there might be several agreements that the Board needs to be concerned about for previous owners that should probably be recorded on this plan.

Mr. Hutchison replied that there were agreements entered into when the Lehmans acquired the property and among the items included in those agreements were an easement across the property that sidewalks would be installed along the frontage until sometime in the future. Mr. Hutchison suggested that either these agreements and/or the requirements of those agreements be included on the plan so that it is recorded.

After further discussion about the driveway and new traffic signal at Greenland Drive and Rt. 30, Mr. Eberly made a motion to approve the 2160 Lincoln Highway East Condo Association/Lancaster Mennonite School Land Development Plan #11-16 at 2160 and 2176 Lincoln Highway East, including the waivers listed on the letter dated September 15, 2011 from David Miller Associates and also the comments to be recorded on this plan from previous plans for this property. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Other Business:

a. Proposed Changes to Non Preference Tow Policy

Chief Bowman reviewed the history of the tow policy. There was a discussion among the Board members and Chief Bowman.

Mr. John Mongiovi Esq. introduced himself as representing Mr. Gary Hoover of Miles Towing. Mr. Mongiovi stated that he looked at the policy and noted that the police chief is being granted too much power and feels that this is unlawful. He addressed section VII of the policy about the suspension of towing services and that a two (2) year suspension is too long and would suggest sixty (60) days. Mr. Mongiovi pointed out that under section VII, item C. 1. there is no time limited set for this item. He addressed how the tow operator is expected to cleanup any material resulting from an accident, but is not allowed to charge for the cleanup. He discussed the section about receiving complaints about a tow company and also discussed having the list of tow operators rotate on a daily basis. He again mentioned about how a suspension of towing service would be decided by the Chief only.

Mr. Gary Hoover addressed the Board about how RC Towing and Wayne's Towing are allowed to charge for cleanup and administrative fees. He gave a few examples of services he has provided and was unable to charge for these services. Mr. Hoover added that he is not making enough money to pay the bills and is going broke.

Mr. Rutt stated that the intent of this towing policy was not to provide a guarantee of income to any towing operator. This policy is an attempt to help the Township in non-preference tows and to keep traffic flowing. It is not a job description of guarantee income.

Mr. Eberly commented that Mr. Hoover is the only one that they are hearing from that feels the towing fees are too low. He told Mr. Hoover that if he doesn't agree with the fees, he should contact the other towers and make some recommendations as to what the fees should be.

Mr. Rutt stated that they have received a letter from one other tower who also commented about some of the fees that Mr. Hoover pointed out.

Chief Bowman reviewed the fees that were previously being charged and how he had difficulties with explaining some of the fees that were being charged such as an administration fee and gate fee. It was obvious that there were some fees that the citizens and visitors were being gouged with and it put him in an uncomfortable position to have to explain these fees.

After further discussion about the fees, Chairman Buckwalter suggested to increase the fee by \$5.00 and add the administration fee of \$40.00 only for tows back to their facility.

Mr. Hutchison suggested that he and Chief Bowman go back and rework the policy and then bring it back for the Board to consider at a future meeting.

Mr. Hoover questioned why there is a one (1) mile limit allowed outside the Township line which allows Lancaster Fleet to be on the towing list. He feels there are too many towers on the list.

No action by the Board was necessary for this item.

b. Longfellow Drive Extension Study – Notice of Intent: LCPC Smart Growth Transportation Program

Mr. Hutchison explained that the County initiated a new program and are allocating a million dollars to try to promote what they consider to be smart growth transportation projects. The deadline for submitting the Notice of Intent is October 14, 2011. They reviewed different things that they feel would be appropriate for this program and feel the Longfellow Drive extension is the best idea for East Lampeter Township. Longfellow Drive would be extended to connect to Lincoln Highway. This would allow traffic to go from Lampeter Road with a straight shot to Lincoln Highway. The benefit for this project would be to help eliminate some of the traffic congestion in the Bridgeport area.

Mr. Shertzer made a motion to authorize the submission of the Notice of Intent for the Longfellow Drive Extension Study. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

Public Comment:

Mr. Arlen Stoltzfus, 730 Fallon Drive, Lancaster, PA 17601, addressed the Board about unwanted and persistent solicitors in his development at Eastwood Village which is owned by High Realty Group. The signage at Eastwood Village states 'Private Property – No Trespassing'. At a nearby apartment complex, the signage they have states 'Private Property – No Soliciting – No Loitering – No Trespassing – Violators Will Be Prosecuted'. This is the type of sign he would like to have posted at the front and rear entrance of Eastwood Village. He stated that Eastwood Village does have a no soliciting policy and that if any of the residents have any problems they are to contact the property manager. The problem is that the solicitors know when the property manager has left for the day and this is when they enter the community and take advantage of the elderly residents. Mr. Stoltzfus asked if it was possible for the Township to adopt a No Soliciting ordinance. Mr. Hutchison stated that if the signage is worded correctly, an officer would be able to act upon the soliciting. Therefore, by state law, an ordinance would not be needed as long as the correct wording is used on the sign.

Mr. Tim Hoerner, 2642 Old Philadelphia Pike, Bird-in-Hand, PA 17505, was representing Hand in Hand Fire Company. He explained that on October 14, 2011, they are planning a student/parent safety day in the afternoon. There will be approximately 300-400 Mennonite and Amish school students. They are requesting to close Enterprise Drive from Rt. 340 to the end of the fire company property. Mr. Hutchison stated that the only item required would be a certificate of insurance. Mr. Hoerner replied that he would submit the certificate of insurance to the Township.

Mr. Rutt made a motion to approve the closing of Enterprise Drive from Rt. 340 to the edge of the fire company property for Hand in Hand Fire Company on October 14, 2011. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Adjournment:

A motion was made by Mr. Eberly 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 Tuesday, October 18, 2011 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager