

October 5, 2009

The East Lampeter Township Board of Supervisors met on Monday, October 5, 2009, 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. Roger Rutt, Mr. Michael Landis, Mr. Glenn Eberly, and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager.

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

Roger Fry, Fry Surveying, Inc., 21 S. Hershey Avenue, Leola, PA 17540, representing Beiler and Ames Roofing

Joyce Gerhart, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Four Points Inn

Craig Mellott, Traffic Planning & Design, Inc., 4507 N. Front Street, Suite 202, Harrisburg, PA 17110, representing Four Points Inn

Stacey Youcis, Lititz, PA, representing Lancaster Public Library

Carol Gerhart, Lancaster, PA, representing Lancaster Public Library

Mark Deimler, Strausser Surveying & Engineering, Inc., 2586 Lititz Pike, Lancaster, PA 17601, representing John Broderick

Bradley Zuke, Appel & Yost, 33 N. Duke Street, Lancaster, PA 17602, representing John Broderick

John Broderick, 2528 S. Cherry Lane, Ronks, PA 17572

Steve Gribble, representing Ronks Fire Company

Ron Nolt, representing Lafayette Fire Company

Karen Giffin, HRG Inc., 1846 Charter Lane, Lancaster, PA 17601, representing High Real Estate Group (Mill Creek Square)

Ken Hornbeck, 1853 William Penn Way, Lancaster, PA 17601, representing High Real Estate Group (Mill Creek Square)

Dwight Wagner, U.S. Commercial Realty, 1650 Crooked Oak Drive, Suite 310, Lancaster, PA 17601-4279, representing Four Points Inn

#### Minutes of September 14, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the September 14, 2009 regular meeting were available in the back of the room for review. He also noted that they are posted on the Township website for review. He then asked if there were any comments or corrections regarding the minutes as prepared.

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 then indicated that bills represented by various funds in the amount of \$400,915.97 were presented for payment. Chairman Buckwalter explained that of the total amount included, a distribution of state funds to be distributed among the four (4) township fire companies totaled \$126,000.00, deposits to the pension funds totaled \$140,000.00, an installment payment of \$20,290.00 was paid for property and casualty insurance, and various other bills.

After reviewing the bills listed, a motion was made by Mr. Shertzer and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$400,915.97. The motion was passed by unanimous voice vote.

Chairman Buckwalter then requested changing the meeting agenda to allow Board members from the Lancaster County Library to make a brief presentation to the Board. The Township Board members had no objection to this change.

Ms. Carol Gerhart introduced herself and Ms. Stacey Youcis. She thanked the Township and the Board members for their continuous support to the library. She indicated that 36% of the Township residents have membership to the library. She reviewed the services that the library offers and explained the funding of the library. She stated that though they would like to see an increase in contributions to the library, they are being realistic and asking that the Township maintain their 2009 level of commitment into 2010.

#### Old Business:

##### a. Authorization to Seize Financial Security – Bilick Subdivision

Chairman Buckwalter asked if anyone was in the audience for this item. There was no one present. He then asked Mr. Hutchison to give a brief explanation of this agenda item.

Mr. Hutchison explained that the stormwater management improvements that were required on the subdivision plan have not been completed in accordance with the plan. The Board had previously approved an alternate design to be completed. The developer was required to go back to the property owners of the three (3) lots that were sold and get an acknowledgement from them that they understood that the stormwater design to now be completed was not quite in accordance with the ordinance and the elevation to be created in the stormwater basin would be a little bit higher than was planned before.

Mr. Hutchison added that to date, the developer has not produced those acknowledgements. A notice was received from the bank, which is providing financial security for the improvements, that they are about to pull the financing. The Township is now faced with losing this resource to complete the improvements or seizing the financial security in case the developer fails to complete the improvements and the Township is then left to complete it.

Motion was made by Mr. Landis and seconded by Mr. Rutt to approve the authorization for the Township to seize the financial security for Bilick subdivision. The motion was passed by unanimous voice vote.

##### b. Approval of Stormwater Management Agreement re: Mill Creek Square Shopping Center – Rt. 30

Chairman Buckwalter recused himself from participation in this agenda item and also items c. and d. due to his employment in the High organization. He asked Vice Chairman Rutt to chair the meeting for these agenda items.

Vice Chairman Rutt asked Mr. Hutchison to give some background on this item.

Mr. Hutchison explained that each land development project that is approved under the ordinance is required to enter into an agreement related to stormwater management. Mill Creek Square Shopping

Center has signed the appropriate agreement. Counsel has not yet reviewed the signed agreement, but it is suggested that the Board approve it subject to Mr. Stephen Kraybill, Esq. review and approval.

Mr. Eberly made a motion to approve the stormwater management agreement with Mill Creek Square Shopping Center subject to the Township counsel approval. Mr. Shertzer seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

c. Agreement re: Greenland Drive @ Rt. 30 Traffic Signal – Mill Creek Square Shopping Center Condition

Mr. Hutchison explained that originally, as part of the conditional use decision that the Board rendered for this project, condition #33 was that a third eastbound travel lane on Route 30 be studied and considered as an additional improvement for this project. The Board in discussion with the applicant decided to enter into an agreement to change that condition to require the installation of a traffic signal at the intersection of Greenland Drive and Route 30. The applicant's commitment to that improvement was to be \$40,000.00. This agreement is to simply implement this change to the condition that was approved in May of 2008.

Mr. Shertzer made a motion to approve the modified agreement to install a traffic signal at the intersection of Greenland Drive and Route 30. The motion was seconded by Mr. Landis and passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

d. Request to Modify Condition of Approval re: Traffic Improvement at Rt. 30 and Tanger Drive Intersection – Mill Creek Square Shopping Center

Mr. Ken Hornbeck of High Real Estate Group introduced himself as representing Mill Creek Square Shopping Center. He announced that effective today they have started the shopping center construction.

Mr. Hornbeck stated he is before the Board to ask them to consider modifying the second condition of the final land development plan approval. The second condition requires that prior to the recording of the final land development plan for the shopping center, PennDOT highway occupancy permit and traffic signal permits shall be obtained by the applicant and then provided to the Township for the Tanger Outlet intersection improvements.

Mr. Hornbeck asked the Board to consider pulling this condition so that they may file the final land development plan. This condition would then become a condition of the permit of occupancy.

Mr. Hutchison stated that he believes obtaining the highway occupancy permit for Tanger Outlet at the time of the permit of occupancy is a much longer time than he feels comfortable with. He suggested no less than 120 days.

After a brief discussion between the Board members and Mr. Hornbeck, Mr. Eberly made a motion to grant the request to modify the condition of approval for the traffic improvements at Tanger Outlet and Route 30 intersection allowing 120 days to acquire the permit from PennDOT. The motion was seconded by Mr. Landis and passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

e. Approval of Stormwater Management Agreement re: Lafayette Fire Company Land Development Plan

Mr. Hutchison explained that the letter dated August 11, 2009 from Mr. Lee Young, Township Zoning Officer, was supplied to refresh the Board members of what the conditions were when the plan was approved. This agreement indicates that the easements and stormwater facilities will be maintained in accordance with the plan.

Mr. Eberly made a motion to approve the stormwater management agreement for the Lafayette Fire Company Land Development Plan subject to Mr. Stephen Kraybill, Esq. review and approval. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

f. Request for Waiver of Financial Security Requirement – Lafayette Fire Company Land Development Plan

Chairman Buckwalter explained that the posting of financial security is normally required.

Mr. Hutchison explained that this is a different situation since it is dealing with a fire company compared to other applicants. The Township does provide substantial funding to the fire companies annually, so if for some reason the required improvements shown on the plan were not completed, the Township would have a method of financial security that we normally would not have with other applicants. He added that posting a bond or letter of credit would add expense to the fire company project unnecessarily. Therefore, the staff suggests waiving the financial security requirement.

Mr. Shertzer made a motion to waive the financial security requirement for the Lafayette Fire Company Land Development Plan. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

g. Request to Modify Condition of Approval re: Park & Open Space Requirements – Lafayette Fire Company

Mr. Hutchison explained that there was a condition of approval on the plan that the park and open space requirement of the ordinance be satisfied. It is contemplated as being satisfied by a partial donation and the transfer of land to the Township.

Mr. Hutchison added that the details to this have not been worked out, so they are asking that they be allowed to record the plan before these details and final decisions are made about the transaction.

Mr. Rutt made a motion to allow this to proceed forward without the final solution related to the donation of the land to the Township. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

New Business:

a. Beiler Subdivision Plan #09-08: 281 Lynwood Road

Mr. Roger Fry of Fry Surveying, Inc. represented the Beiler Subdivision Plan. He reviewed the plan for a one (1) lot subdivision. He stated that they are requesting the waiver of preliminary plan and going straight to final plan. They are also requesting defer of roadway improvements since it is a

rather rural area. The final request is the waiver to utilize underdrains in the basins with geological report.

Chairman Buckwalter questioned if the Township Planning Commission approved this plan.

Mr. Hutchison replied that they had approved it subject to satisfying the comments listed.

After a brief discussion, Mr. Eberly made a motion to approve the Beiler Subdivision Plan #09-08 on Lynwood Road and granting the three waivers listed on the David Miller letter dated September 16, 2009. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Beiler Subdivision Sewer Planning Module Resolution: 281 Lynwood Road

Mr. Shertzer made a motion to adopt the Sewer Planning Module Resolution for the Beiler subdivision on Lynwood Road. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

c. Ames Roofing Land Development Plan #09-10: 2479 Old Philadelphia Pike

Mr. Roger Fry of Fry Surveying, Inc. represented Amos King, owner of Ames Roofing. Mr. Fry explained how Mr. King put a shed on the property and laid some stone down in violation with the requirements of the Township ordinances. He apologized for this and is before the Board with a proposed land development plan.

Mr. Fry then reviewed the plan and the comments listed in the David Miller Associates letter dated September 14, 2009. There was a discussion on an existing well located on the property line which is used by both the applicant and also the John Jacob Bare property. Mr. Eberly questioned if there would be increased use of the well.

Mr. Fry responded that there would be limited use due to only one or two persons being in the office during the day.

Mr. Eberly asked what type of agreement the applicant and Mr. Bare have.

Mr. Fry responded that he had not talked to Mr. Bare but his understanding is that it has always been this way.

Mr. Fry then noted the driveway and that the exiting would actually be a shared driveway on the neighboring property owned by Good & Myer.

Chairman Buckwalter asked if there is a written agreement with the neighboring property and the use of their driveway.

Mr. Fry replied that at this time he did not have any completed agreement and only verbal agreements.

Mr. Eberly stated that he did not feel comfortable going ahead with this plan until written agreements were received from the applicant and the neighboring properties.

There was a discussion concerning the use of the driveway between Mr. Fry and the Board members.

Mr. Shertzer added that he also was not comfortable with the well situation.

Mr. Eberly made a motion to table the Ames Roofing Land Development Plan #09-10 on Old Philadelphia Pike until the October 20, 2009 Supervisor meeting. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

d. John's Home Sales Land Development Plan #09-27: 2771 Lincoln Hwy. East

Mr. Mark Deimler of Strausser Surveying & Engineering, Inc. introduced himself as representing Mr. John Broderick. He explained that Mr. Broderick had stoned the rear area of his property in violation with the Township zoning and that he is before the Board to correct this violation and permit the stoned area in compliance with the zoning ordinance. The stone that was previously placed there without a permit in access of what the zoning ordinance allows was removed from this area.

Mr. Deimler presented the land development plan and reviewed the comments on the David Miller letter dated September 15, 2009.

Mr. Hutchison commented that the original plan that was submitted in April 2009 was rejected by the Township. He asked if this is a new plan and if it has been shown to the fire company.

Mr. Deimler responded that Mr. Broderick had met with the fire chief from Ronks Fire Company who was also in the audience this evening.

Mr. Hutchison then questioned how this access area would be marked and that persons working on this site would know to keep this area open.

Mr. Deimler replied that there would be no markings or lines in this area, so as to keep it open and free.

Mr. Hutchison commented that pavement markings that were shown on the previous plan for the parking at the front of the property are not shown on this new plan.

Mr. Deimler responded that the parking spaces that were in a fan shape around the center island were removed.

Mr. Broderick replied that he had the driveway resealed and had all the painted lines removed.

After a discussion about the location of the manufactured homes and concern for side yard setbacks, Chairman Buckwalter asked if anyone in the audience had any interest in this project. There was no response.

Mr. Steve Gribble of Ronks Fire Company commented on the access to the location and how the applicant has allowed additional room for their equipment to maneuver should there be an emergency.

Mr. Shertzer made a motion to grant approval of the Preliminary/Final Land Development Plan #09-27 for John's Home Sales at 2771 Lincoln Hwy. East and granting the two (2) waivers listed on the David Miller letter dated September 15, 2009, show on plan the removal of non-conforming parking spaces at front of property, a letter from Ronks Fire Company, and concern for side yard setbacks. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

e. Four Points Sheraton Sketch Plan: 2310 Lincoln Hwy. East

Ms. Joyce Gerhart of RGS Associates was representing this applicant. She explained the site is currently the Congress Inn. They are proposing to replace this current motel with a six (6) story hotel with an adjacent restaurant. The restaurant would be separate from the hotel and not run by the hotel.

Ms. Gerhart explained their proposal to have a left turn out of the property with a peak time restriction. There would be no left turns between the hours of 4:00 p.m. to 6:00 p.m. on weekdays and 11:00 a.m. to 1:00 p.m. on Saturdays.

There was a brief discussion concerning the access from the hotel onto Route 30.

Mr. Hutchison commented that staff's view of the ideal solution is ultimately a frontage road that would connect from Mill Creek Square shopping center through the Host property and back out to another traffic signal at the Host driveway. The applicant and Township staff have had conversations with representatives of the Host and don't feel that this is something that can happen quickly. He added that this solution is probably the best we can get for now, leaving open the hope and possibility that we will get this frontage road facility and tie this in and get the left turn movements handled in a different fashion.

Mr. Shertzer asked if the hotel being six (6) stories was a problem.

Mr. Hutchison responded that it has been approved by the Zoning Hearing Board.

Mr. Landis commented that he was not putting down the idea of left turn exiting movement restrictions during peak hours of traffic, but by just putting a sign up, people are going to do whatever they want to. He added he was appreciative of their efforts, but he is just being realistic.

Ms. Gerhart replied that at peak hours most people will not try to make a left hand turn.

Chairman Buckwalter asked the audience if there was anyone with any interest in this project. There was no response.

Although there was no action taken on this item, there was general concurrence that the applicant should proceed with their project as they have proposed.

Other Business:

a. Consideration of Fire Apparatus Replacement Program: 2010–2014

Mr. Hutchison explained the original Fire Apparatus Replacement Program was initiated about five (5) years ago by the Emergency Services Committee. After five (5) years, it was to be reviewed again. They are recommending continuation of the same plan.

Mr. Eberly made a motion to approve the Fire Apparatus Replacement Program from 2010–2014. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

b. Consideration of Task Force Officer Agreement

Mr. Hutchison explained that Chief Bowman was approached by a representative of the federal drug enforcement agency about an opportunity to enter into an agreement whereas we would be able to assign one of our officers to serve as a Task Force Officer. This officer would work directly with DEA in drug enforcement.

Mr. Hutchison added that Chief Bowman feels that this is a good opportunity for the Department and the Township. There is also the possibility of receiving funds as prosecutions are successful. This is a two (2) year agreement.

After a brief discussion, Mr. Shertzer made a motion to approve the DEA Agreement for a Task Force Officer for two (2) years. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

c. Resolution re: Act 32 – Appointing the LCTCB as the Tax Collection Committee

Mr. Hutchison explained that through efforts of school district and municipality representatives, a new resolution has been developed that is being recommended. This resolution would appoint the Lancaster County Tax Collection Bureau as the Tax Collection Committee.

A motion was made by Mr. Landis to approve the resolution referencing Act 32. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

d. County Cooperative Electricity Purchase Supply Sales Agreement – American Power Net (2 years)

Mr. Hutchison explained that a few months ago, the Board authorized the Township to participate in the County Cooperative Electric Purchase. The bids were recently opened and American Power Net was the successful low bidder. They have asked the Township to enter into this agreement for two (2) years.

Mr. Shertzer made a motion to adopt the agreement with American Power Net for the County Cooperative Electricity Purchase for two (2) years. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Public Comment:

There were no public comments.

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 20, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager