

October 7, 2013

The East Lampeter Township Board of Supervisors met on Monday, October 7, 2013, 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. Michael Landis, Mr. John Shertzer, Mr. John Blowers, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Todd Suessmuth, 2599 Old Philadelphia Pike, Bird in Hand, PA 17505, representing Vallorbs
Karen Haley Field, 1200 Marietta Ave, Lancaster, PA 17603, representing Lancaster Public Library
Abner S. King, 2020 Horseshoe Rd, Lancaster, PA 17602, representing Oak Grove School
David E. Blank, 340 Buck Hill Rd, Paradise, PA 17562, representing Oak Grove School
Lois Schaffer, 1641 Old Philadelphia Pike, Lancaster, PA 17602, representing HACC
John Yoder, 445 Willow Rd, Lancaster, PA 17601, representing Oak Grove School
Ken Rinier, 2599 Old Philadelphia Pike, Bird in Hand, PA 17505, representing Vallorbs
Lynn Commero, representing Lancaster Newspapers
Edwin Dominguez, 1641 Old Philadelphia Pike, Lancaster, PA 17602, representing HACC
Mark Magrecki, Penn Terra Engineering, 4909 Louise Drive, Suite 105, Mechanicsburg, PA 17055,
representing Golden Corral
David S. Stoltzfus, 2401 Stumptown Rd, Bird in Hand, PA 17505, representing Oak Grove School
Cindy Bailey, 46 Hillcrest Ave, Leola, PA 17540, representing Lancaster Public Library-East Leola Branch
Cindy Farley, 125 N. Duke St, Lancaster, PA 17602, representing Lancaster Public Library
Herb Landau, 125 N. Duke St, Lancaster, PA 17602, representing Lancaster Public Library
Steven Esh, 2008F Horseshoe Rd, Lancaster, PA 17602, representing Oak Grove School
Elmer Petersheim, 702 Hartman Station Rd, Lancaster, PA 17601, representing Oak Grove School
Eli Ebersol, 682 Hartman Station Rd, Lancaster, PA 17601, representing Oak Grove School

Minutes of July 8, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the July 8, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Landis to dispense with the reading of the July 8, 2013 minutes and approve the minutes as presented. Mr. Eberly seconded the motion and it was passed by a vote of three in favor and two abstaining. Mr. Shertzer and Mr. Blowers abstained due to being absent from that meeting.

Minutes of August 8, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the August 5, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Shertzer to dispense with the reading of the August 5, 2013 minutes and approve the minutes as presented. Mr. Eberly seconded the motion and it was passed by a vote of three in favor and two abstaining. Mr. Landis and Mr. Blowers abstained due to being absent from that meeting.

Minutes of September 9, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the September 9, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Eberly to dispense with the reading of the September 9, 2013 minutes and approve the minutes as presented. Mr. Blowers seconded the motion and it was passed by a vote of four in favor and one abstaining. Mr. Buckwalter abstained due to being absent from that meeting.

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$1,715,445.47 were presented for payment. Chairman Buckwalter discussed some of the larger items included in that amount including payments to the East Lampeter Sewer Authority Debt Service, 3rd and 4th quarter payments to the Volunteer Fire Companies, payments to the Volunteer Fire Companies Relief Associations, 3rd and 4th quarter payments to the Lancaster Public Library, monthly pension fund payments, and payments to Susquehanna Municipal Trust for Workman Comp premium.

A motion was made by Mr. Shertzer and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$1,715,445.47. The motion was passed by unanimous voice vote.

Recognition of Retirement – Sgt. Marlene Leighty – Presented by John Bowman

Chief Bowman announced the retirement of Sergeant Marlene Leighty who served the Township for twenty-nine years. He stated that Sergeant Leighty started in the Patrol Division in 1984, was named Officer of the Year in 1987, and was assigned to the Records Division in 2009. He presented her with a plaque recognizing her service to the Township.

Executive Session on September 9, 2013

Chairman Buckwalter announced there was an Executive Session held on September 9, 2013 dealing with a personnel matter.

Harrisburg Area Community College Presentation

Chief Bowman introduced Lois Schaffer from HACC Lancaster Campus. Lois Schaffer acknowledged the partnership with East Lampeter Police Department and presented an Award of Appreciation to recognize the Police Department and Chief Bowman for recent Active Shooter Training at the Lancaster HACC campus. She thanked Sergeant Shank, Officer Fletcher and Officer Waltman for working with the class.

Presentation and Request for 2014 Funding – Lancaster Public Library: Mr. Herb Landau, Exec. Director

Mr. Herb Landau thanked the board for their current support and continuing support of the public library. Mr. Landau introduced Cindy Bailey – Leola Branch Manager, Cindy Farley – Facilities and Finance Manager, and Karen Haley Field – Treasurer and Trustee Member of the Board. Mr. Landau provided the Board members with a brief report on East Lampeter Township resident's use of the library facilities and services and stated that there are about 5,000 active cardholders in East Lampeter Township which is about 30 percent of the township's population. He added that it costs the library about \$3.00 per item to loan out services. He discussed the various fund raisers that the library performs to increase funding. He requested that the Board continue to support the library and asked for an increase in the amount of support if it is in the Township's budget.

Mr. Buckwalter asked if there were any questions. Mr. Eberly asked about the Passport Service. Mr. Landau explained that you can come into the library and have your picture taken and they will process the application. Mr. Buckwalter thanked Mr. Landau for his presentation.

Old Business:

- a. Offer of Time Extension for Township review and action: Beiler/A&J Power Land Development Plan #13-23: 380 Beechdale Road

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. No one was present.

Mr. Buckwalter asked Mr. Hutchison if this project was previously denied. Mr. Hutchison said that they had a Land Development Plan that was denied but then got approved and now they want to do other things on the property that required a new Land Development plan. Mr. Hutchison stated the new Land Development Plan was submitted and reviewed by the Township Engineer. They are trying to address comments on the letter and want to give the Township more time for review and action so they may have more time to correct deficiencies on their plan. Mr. Buckwalter asked if there were any questions or comments.

Mr. Landis made a motion to accept the ninety (90) day time extension to review and act on the A&J Power Land Development Plan #13-23 for 380 Beechdale Road. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

- b. Request for Time Extension to Record Conditionally Approved Plan – High Associates: 1857 Colonial Village Drive

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. No one was present.

Chairman Buckwalter explained that High Associates is requesting a ninety (90) day time extension to record the conditionally approved plan for 1857 Colonial Village Drive to address DEP issues. Mr. Hutchison confirmed that there are delays in getting permits for this project due to DEP issues.

Mr. Blowers made a motion to grant the request for the ninety (90) day time extension to record the Conditionally Approved Plan for 1857 Colonial Village Drive. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

- c. Request for Release of Financial Security – Noodles Restaurant: 2350 Lincoln Highway East

Chairman Buckwalter explained that this request for financial security release is for Noodles Restaurant at 2350 Lincoln Highway East. A letter dated August 13, 2013 from the township engineer, David Miller Associates, is recommending a full release of financial security in the amount of \$10,000.00, which will leave a financial security balance of \$0.00.

Mr. Eberly made a motion to release the remaining financial security for Noodles Restaurant at 2350 Lincoln Highway East as recommended by David Miller Associates. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

- d. Request Time Extension to Record Conditionally Approved Plan – Golden Coral Restaurant: 2291 Lincoln Highway East

Chairman Buckwalter asked if anyone was present in the audience for this agenda item.

Mr. Mark Magrecki of PennTerra Engineering introduced himself as representing Golden Coral Restaurant. He stated that they are working on the process of getting approvals from PennDot for the project and are requesting a sixty (60) day time extension to record the conditionally approved plan for Golden Coral Restaurant: 2291 Lincoln Highway East. Mr. Buckwalter asked if there were any questions. Mr. Blowers asked about the traffic signal. Mr. Magrecki confirmed that the traffic signal is included in the project.

Mr. Blowers made a motion to grant the sixty (60) day time extension to record the conditionally approved plan for Golden Coral Restaurant at 2291 Lincoln Highway East. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

New Business:

RESOLUTION #2013-13

- a. Resolution re: Old Mill Lane Sewer Planning Module – 360 Mt. Sidney Road

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. No one was present.

Mr. Hutchison stated that this is a resolution that indicates that the property will be served by public sewer.

A motion was made by Mr. Shertzer to approve the Resolution Number 2013-13 for Old Mill Lane Sewer Planning Module for 360 Mt. Sidney Road. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

- b. Oak Grove School Request for Waiver of Land Development Planning: 445 Willow Road

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. David Blank was present for school board.

Chairman Buckwalter deferred to Mr. Hutchison about this project. Mr. Hutchison stated that the Planning Commission reviewed the plan and recommended granting the Waiver of Land Development Planning. He explained that the current school is located on the south side of Willow Road and the proposal is to relocate the school to the Yoder farm on the north side of Willow Road. The Board did previously authorize the use of a privy for the school and this is to deal with land development issues related to developing the school. Mr. Hutchison stated that Mrs. Tara Hitchens provided a comment letter to explain conditions of the project. Mr. Hutchison asked if the school board members had any other comments.

Mr. Blank expressed appreciation of working with East Lampeter Township and asked that the Board consider their application for Waiver of Land Development.

Mr. Buckwalter asked if there were any questions or comments. Mr. Buckwalter stated that they were pleased to see the school located on that side of the road. Mr. Blank commented that he felt that they are making a bad situation better. Mr. Buckwalter agreed and stated he imagined that most of the students would be coming from that side of the road and that they don't have to cross Willow Road will be an asset.

A motion was made by Mr. Eberly to approve the Oak Grove School Request for Waiver of Land Development for 445 Willow Road. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

- c. Vallorbs Inc. Request for Waiver of Land Development Planning: 2599 Old Philadelphia Pike

Mr. Suessmuth of Vallorbs Jewel Company said that they are proposing to lease several areas of its current building. The site currently has two 30,000 square foot buildings and one 18,500 square foot building. Vallorbs production operations will be in one of the 30,000 square foot buildings. There will be no exterior renovations. The site currently has 128 parking spaces with 85 employees.

Mr. Buckwalter asked if there were any conditions attached to this Waiver of Land Development Plan.

Mr. Suessmuth stated they are working on a Waiver with PennDot.

Mr. Hutchison informed the Board that the staff recommendation was to require installation of curbs and sidewalks no later than 2019.

Mr. Suessmuth stated it was not financially feasible for them to install curbs and sidewalks. He asked about a deferral.

Mr. Buckwalter asked about the curbing in front of the property that would require any paving that would need to be installed.

Mr. Hutchison stated there is some curbing and wheel stops in front of the parking spaces.

Mr. Fred Steudler stated they were previously required to put in curb stops and circles. He asked if they are going to have to tear up the circles and trees. He would appreciate not having to do that.

Mr. Hutchison stated that the existing configuration resulted from compromises on earlier Land Development Plan applications.

Mr. Landis asked if the potential tenants would create additional traffic.

Mr. Suessmuth stated no. The businesses include Mill Creek Fence, which has 12 employees; Quarryview Construction, which has 5 employees; and Dan Fisher, which has 2 employees. Larry Fry has asked to lease storage space.

A motion was made by Mr. Shertzer to grant the Waiver of Land Development Plan for 2599 Old Philadelphia Pike subject to the applicant executing and recording an agreement with the Board to defer the installation of curbs and sidewalks. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Other Business:

a. Settlement Agreement re: Mattress Warehouse Zoning Violations

Mr. Buckwalter stated that Mattress Warehouse has agreed to the Settlement Agreement with the Township for \$4000.00.

Mr. Hutchison stated that this was prosecuted through the Magistrates Office and they set a fine at the maximum amount of \$12,000.00. Discussions were held and settlement documents were prepared for \$4,000.00 based on Board feedback.

Mr. Shertzer voiced concerns about the agreement due to ongoing violations and future settlement negotiations.

A motion was made by Mr. Shertzer to approve the Settlement Agreement with Mattress Warehouse. Mr. Landis seconded and it was passed by unanimous voice vote.

- b. Reappointments to Zoning Hearing Board Alternate positions: Joshua Bare; Bryan High and J. Scott Enterline – Terms Expiring 10/2/16

Mr. Buckwalter stated that Mr. Joshua Bare, Mr. Bryan High and Mr. J. Scott Enterline have agreed to be reappointed to the Zoning Hearing Board Alternate positions. A motion was made by Mr. Landis to approve the reappointments to the Zoning Hearing Board Alternate positions. Mr. Shertzer seconded and it was passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Shertzer 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 22, 2013 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager