

October 22, 2013

The East Lampeter Township Board of Supervisors met on Tuesday, October 22, 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:

Eric Beiler, 763 Laurel View Dr, Manheim, PA 17545, representing Lafayette Fire Co.
Steve Gribble, 127 N. Ronks Rd, Ronks PA 17575, representing Ronks Fire Co.
Matt Crème, 212 N. Queen St, Lancaster PA 17603, representing Millcross Properties
John Weese, Harbor Engineering, Manheim PA 17545, representing Ephraim Esch
Steve Gergely, Harbor Engineering, Manheim PA 17545, representing Manheim Car King
George Desmond
Glenn Miller, 2679 Old Philadelphia Pk, Bird in Hand PA 17505, representing Log Cabin Quilt Shop
G. Roger Rutt, 2340 Hobson Rd, Lancaster PA 17602
Jason Guo, 902 Marietta Ave, Lancaster PA 17603, representing Manor Buffet
John E. Smucker, 2727 Old Philadelphia Pk, Lancaster PA 17602, representing Bird in Hand Corp.
Corey Meyer, 1826 Windrow Dr, Lancaster PA 17602
David Keens, 63 Lafayette Way, Lancaster PA 17602, representing Lafayette Fire Co.
Jeff Keens, 302 Bentley Ridge Blvd, Lancaster PA 17602, representing Lafayette Fire Co.
Pedro Urena, 903 Clark St, Lancaster PA 17602, representing Lafayette Fire Co.
Mark Deimler, Solanco Engineering, representing Henry Fisher
Lynn Commero, representing Lancaster Newspapers
Roger Fry, 21 S. Hershey Ave, Leola PA 17540, representing Lapp Realty

Minutes of October 7, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the October 7, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Landis to dispense with the reading of the October 7, 2013 minutes and approve the minutes as presented. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$431,819.82 were presented for payment. Chairman Buckwalter discussed some of the larger items included in that amount including payments to Lancaster City for 3rd quarter sewage in the amount of \$184,504.27, to LASA for 3rd quarter sewage in the amount of \$15,052.80, and to Oceanport for road salt in the amount of \$15,580.14

A motion was made by Mr. Eberly and seconded by Mr. Shertzer to approve payment of the bills as listed in the amount of \$431,819.82. The motion was passed by unanimous voice vote.

LEMSA Presentation – Mr. Bob May, Executive Director

Mr. May was not present at this time.

Old Business:

a. Lafayette Fire Company Request to Modify Borrowing Agreement

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. Lafayette Fire Company President, Mr. Eric Beiler and Lafayette Fire Chief, Dave Keens were present.

Mr. Beiler requested that the Board approve of a modification to the loan agreement entered into between the Township and the Fire Company in 2011. He indicated that the language of the current agreement requires that the proceeds from the sale of the old fire station, located at 1836 Lincoln Highway East, must be used to pay the outstanding principal on the new building loan. He further indicated that the Fire Company would like to first use some of the proceeds to pay off the debt on their ladder truck. Then the Fire Company proposes to use approximately \$140,000 of the proceeds to pay against the outstanding principal amount of the building loan. Finally, the Fire Company would like to retain approximately \$35,000 of the proceeds for operational expenses. Mr. Beiler also indicated that the Emergency Services Committee reviewed this request and recommended that the Board allow for the payment of the ladder truck debt and that the remainder of the sale proceeds should be used to pay principal on the building loan debt. They recommended against allowing any of the funds from the sale to be retained for operating costs.

The Board discussed Lafayette's financial issues with respect to future building equity, current operating costs, and fund balances available to the fire company. Mr. Blowers expressed his appreciation for the support from all of the Township's fire companies. The Board discussed suggestions of holding a cash reserve for Lafayette, possible borrowing from other fire companies and concerns about not supporting the recommendation of the Emergency Services Committee.

Chairman Buckwalter expressed his appreciation and thanked the fire company for their presentation. He also expressed his concerns regarding a "rainy day" fund without having received a complete financial statement from the Fire Company. Mr. Beiler suggested that perhaps the Township could hold the proceeds from the sale of the old station until such time as Lafayette provides a complete financial statement. Mr. Blowers asked Mr. Hutchison if the Township could advance the quarterly contribution to the Fire Company. Mr. Hutchison stated that it would be possible but that it should be done for all of the fire companies at the same time.

Mr. Eberly made a motion to conditionally approve the modification of the borrowing agreement with Lafayette Fire Company as recommended by the Emergency Services Committee. That is that the settlement check from the sale of the former fire station must be used for fire company debt reduction including the ladder truck loan and the building loan for the new fire station subject to the Fire Company's agreement that any future borrowing by the Fire Company will require approval from the Township Board of Supervisors, that the Fire Company will provide a complete financial statement by November 1, 2013 and that if any additional funds are needed by the Fire Company that they will have to ask the Township for an advance on the normal quarterly payments provided by the Township. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

b. Request for Time Extension to Record Conditionally Approved Plan – Volleyball Corner:
2007 Lincoln Highway East

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. Mr. Steve Gergely from Harbor Engineering was present.

Mr. Gergely stated that the Board had previously granted a onetime extension until November 18, 2013. Mr. Gergely stated that Sack, LLC has decided to start construction in the spring 2014. Sack, LLC would like to obtain financial securities for the Township and PennDOT closer to the start of the construction and is requesting a time extension until May 20, 2014 to record the plans.

Chairman Buckwalter asked Mr. Hutchison if there are any Staff issues with this project. Mr. Hutchison stated that PennDOT is planning to resurface Route 462 and that the Staff wishes for coordination between projects to benefit all parties.

Mr. Landis made a motion to grant the Time Extension to Record the Conditionally Approved Plan for Volleyball Corner at 2007 Lincoln Highway East until May 20, 2014. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

- c. Request for Time Extension to Record Conditionally Approved Plan – Millcross Properties: Waterfront Restaurant, Millcross Road

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. Mr. Matt Crème, Esquire from Nikolaus & Hohenadel, LLP was present.

Mr. Crème requested a ninety (90) day time extension to Record the Conditionally Approved Plan for Millcross Properties Waterfront Restaurant on Millcross Road with a specific date of January 31, 2014. He stated they are waiting on the lender for financial security.

Mr. Eberly made a motion to grant the request for the time extension to Record the Conditionally Approved Plan for Millcross Properties/Waterfront Restaurant on Millcross Road with a specific date of January 31, 2014. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

New Business:

- a. Esch Land Development Plan #13-27: 2985 Lincoln Highway East

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. John Weese from Harbor Engineering was present.

Mr. Weese stated he represents Ephraim and Rachel Esch of 2985 Lincoln Highway East. They are proposing to construct a 31,550 square foot gravel display area along the front of the easterly portion of the existing 6.075 acre parcel. Mr. Weese stated that the Planning Commission recommended approval of all 9 Modification/Waiver Requests per the David Miller Associates letter dated September 24, 2013 with conditions. Mr. Weese reviewed the David Miller Associate letter and the summary of the Planning Commission meeting from October 21, 2013. Mr. Weese discussed the road improvement plans for Leven Road and the Planning Commission's recommendation of an agreement between Mr. Esch and Country Acres Campground for construction cost of the required improvements and storm drainage work. He also discussed a discrepancy in the sidewalk location along Route 30 frontage of the Esch property compared to the Country Acres Campground Plans. For this reason he is asking for a deferral of road improvements due to not knowing how the lot will be developed.

Mr. Shertzer expressed concern about Engineers denial to some of the Waivers. Mr. Weese stated they were not aware of the Campground improvements. Chairman Buckwalter expressed concern about the 2008 Subdivision Plan. Mr. Weese stated that East Lampeter Township Board of Supervisors approved a Waiver of Section 303 Preliminary Plan Processing and approved a deferment of roadway improvements subject to the requirement that a Land Development Plan be submitted within 2 years. Mr. Shertzer stated that there were conditions to that plan that if a Land Development Plan was not submitted in 2 years; the requirement would be to install frontage improvements.

The Board discussed the curbing and sidewalk issues of Leven Road and Route 30 and a suggestion was made that curbs and sidewalks be installed on Route 30 and both sides of Leven Road to the entrance of the Campground. The Board discussed the placement of “no truck use” signage and “dusk to dawn” lights for security. Mr. Weese asked about the Park and Open Space Requirement. Mr. Hutchison stated that the area isn’t big enough to trigger that requirement. Mr. Shertzer expressed concerns about deferring roadway improvements.

Mr. Eberly made a motion to approve the Esch Land Development Plan #13-27 for 2985 Lincoln Highway East subject to David Miller Associates Letter and to defer road improvement to Leven Road east of the campground driveway and include Lancaster County Planning Commission’s recommendations. Mr. Landis seconded the motion and was approved by a vote of 4 in favor and 1 opposed. (Mr. Blowers voted against the motion.

b. Fisher & Fisher Subdivision Plan #13-28: 2337 South View Drive

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. Mark Deimler of Solanco Engineering was present.

Mr. Deimler stated that he was representing Mr. Henry Fisher. Mr. Deimler reviewed the letter from David Miller Associates. Fisher & Fisher, LLC is proposing to subdivide a lot into seven (7) new lots. Mr. Deimler explained that three (3) lots that were previously developed have road widening, curbing and sidewalk installed and curbing and sidewalk installed west of the property. He stated that this is a road improvement widening and curb and sidewalk install to connect those properties to current Ordinances requirements. He discussed the storm water basin at the rear of the property. The waivers they are requesting are related to the storm water basin. He discussed that the project will require extension of the lower pressure sewer to the east to provide for these lots.

Chairman Buckwalter asked if there were any County issues. Mr. Deimler stated that there was an issue with shared driveways. Mr. Hutchison asked about the transition difference between the curb lines on either side of the property. Mr. Deimler stated there is a 5 foot transition difference.

Mr. Eberly made a motion to approve the waivers conditioned upon the David Miller Associates letter for the Fisher & Fisher Subdivision Plan #13-28 for 2337 South View Drive. Mr. Blowers seconded the motion and it was passed my unanimous voice vote.

RESOLUTION #2013-14

c. Resolution re: Fisher & Fisher Subdivision Sewer Planning Module

Chairman Buckwalter announced the next item on the agenda, the Fisher & Fisher Subdivision Sewer Planning Module. There were no comments on this item.

Mr. Eberly made a motion to approve the Resolution Number 2013-14 for Fisher & Fisher Subdivision Sewer Planning Module. Mr. Shertzer seconded and it was passed by unanimous voice vote.

d. Manheim Car King Lot Add-on Plan #13-29: 2047/2051 Lincoln Hwy East

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. Steve Gergely from Harbor Engineering was present.

Mr. Gergely is representing Manheim Car King. Manheim Car King, which is owned by Ted Keleman, is proposing to combine 2047 and 2051 Lincoln Highway East into one property. Letters from David Miller Associates and the Lancaster County Planning Commission were reviewed. Manheim Car King is asking for three (3) waivers in the storm water ordinance and three (3) waivers in the subdivision ordinance.

Chairman Buckwalter asked Mr. Hutchison if there were any staff issues. Mr. Hutchison stated ideally the sidewalk should be extended to the signal. The Board discussed the options of extending the sidewalk. The Board deferred this discussion for another time.

Mr. Landis made a motion to approve the waivers and conditions subject to the Lancaster County Planning Commission and David Miller Letters for Manheim Car King Lot Add-on Plan #13-29 for 2047/2051 Lincoln Highway East. Mr. Blowers seconded and it was passed by unanimous voice vote.

e. Request for Waiver of Land Development Planning – Miller: 2679 Old Philadelphia Pike

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

Mr. Miller is requesting a Waiver of Land Development for the project at 2679 Old Philadelphia Pike. He stated they propose to demolish the dwelling structure, construct a porch on the existing retail facility and add an additional parking area resulting in a loss of impervious area of 26 square feet.

Chairman Buckwalter asked about the parking area and restrooms. Mr. Miller stated the parking area would have access to Beechdale Road. He also stated that they are installing restrooms inside the retail facility. Chairman Buckwalter asked if there were any staff concerns with this project. Mr. Miller stated that they are requesting wheel stops be placed in the parking area.

Mr. Blowers made a motion to approve the Waiver of Land Development Planning for Miller Quilt Shop at 2679 Old Philadelphia Pike with the requirement that wheels stops as a condition. Mr. Eberly seconded and it was passed by unanimous voice vote.

f. Request for Waiver of Land Development Planning – East Towne Center/Manor Buffet:
2090 Lincoln Highway East

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

Mr. Guo is requesting a Waiver of Land Development to expand the shopping center by approximately 45 square feet through the construction of a vestibule to the front of the restaurant.

Chairman Buckwalter asked if there were any staff issues with this project. Mr. Guo stated they have a third party involved with making sure they are meeting the building code requirements. There was a discussion about the front façade of the building.

Mr. Shertzer made a motion to approve the Waiver of Land Development for Manor Buffet at 2090 Lincoln Highway East for the vestibule addition to the restaurant space per Staff letter. Mr. Landis seconded and it was passed by unanimous voice vote.

g. Lapp's Toys Stormwater Management Plan #13-34: 2220 Horseshoe Road

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. Roger Fry of Fry Surveying was present.

Mr. Fry stated that he represents Lapp Real Estate, LLC (previously known as Lapp's Toys and Furniture, LLC). Lapp Real Estate is proposing to relocate an existing 20'x40' garage to a different location on the property at 2220 Horseshoe Road. Mr. Fry reviewed the David Miller Associates letter dated October 17, 2013.

Mr. Shertzer made a motion to grant the Lapp's Toys Stormwater Management Plan #13-34 for 2220 Horseshoe Road with the conditional approval subject to David Miller Associate letter of October 17, 2013. Mr. Blowers seconded and it was passed by unanimous voice vote.

h. Manheim Township Official Map Review and Comment

Mr. Hutchison stated that whenever a municipality prepares an official map, they are required to share it with their neighboring municipalities for review and comment by the Municipalities Planning Code. Chairman Buckwalter asked if staff had reviewed the map. Mr. Hutchison stated they did. The Planning Commission recommended in addition to the Conestoga River being designated as a Water Trail, it also be designated as a Greenway. Mr. Hutchison stated that this is a Municipalities Planning Code governed process.

Mr. Landis made a motion to approve the authorization of the Manheim Township Office Map Review and Comments. Mr. Blowers seconded and the motion was passed by unanimous voice vote.

Other Business:

a. SPCA Agreement re: Stray Dog services for 2014 & 2015

Mr. Hutchison stated that the current SPCA agreement has the Township paying \$300 per stray dog that the Police Department places at the SPCA. The SPCA proposed agreement has two options. The first option is for one year for the amount of \$250 per stray dog. The second option is for two years for the amount of \$200 per stray dog. The Staff's recommendation is for the two year agreement.

Mr. Shertzer made a motion to approve the SPCA Agreement for Stray Dog Services for 2014 & 2015. Mr. Landis seconded and it was passed by unanimous voice vote.

b. Reappointment to Zoning Hearing Board – Mr. Walt Siderio, 3 yr term ending 11/12/16

Chairman Buckwalter stated that Mr. Walt Siderio has agreed to be reappointed to the Zoning Hearing Board position for a 3 year term ending 11/12/16. A motion was made by Mr. Landis to approve the reappointment of Mr. Walt Siderio to the Zoning Hearing Board position. Mr. Blowers seconded and it was passed by unanimous voice vote.

c. Reappointment to Planning Commission – Mr. Dan McCuen, 4 yr term ending 11/19/17

Chairman Buckwalter stated that Mr. Dan McCuen has agreed to be reappointed to the Planning Commission position for a 4 year term ending 11/19/17. A motion was made by Mr. Shertzer to approve the reappointment of Mr. Dan McCuen to the Planning Commission position. Mr. Eberly seconded and it was passed by unanimous voice vote

Public Comment:

Mr. John Smucker and Mr. George Desmond asked the status of the Zoning Ordinance Draft. Chairman Buckwalter and Mr. Hutchison stated that Ms. Hitchens is working on the changes discussed at the special meetings in August 2013.

Mr. Steve Gribble of the Ronks Fire Company thanked the Board for attending the Emergency Services Committee meeting and for the decisions made at the meeting tonight.

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, November 12, 2013 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager