

November 13, 2012

The East Lampeter Township Board of Supervisors met on Tuesday, November 13, 2012, 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. Mike Landis, Mr. John Blowers, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Rick Kurtz, 1549 N. Jefferson Court, Lancaster, PA 17602, representing Lafayette Fire Company  
Dave Phillips, 1646 Glenn Road, Lancaster, PA 17602, representing Lafayette Fire Company  
Lynn Commero, representing Lancaster Newspapers  
Dennis Riehl, 2494 Old Philadelphia Pike, Lancaster, PA 17602  
Brian Soyka, 351 Sheetz Way, Claysburg, PA 16625, representing Sheetz, Inc.

Chairman Buckwalter indicated that copies of the agenda and minutes from the previous meeting were available in the back of the room for review. He also announced that there will be an additional item added to the agenda under Other Business. This item is the authorization of advertising the draft copy of the 2013 Budget for public inspection.

Minutes of October 16, 2012 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the October 16, 2012 regular meeting as prepared.

A motion was made by Mr. Landis to dispense with the reading of the October 1, 2012 minutes and approve the minutes as presented. Mr. Eberly seconded the motion and it was passed by a vote of four in favor and one abstaining. (Mr. Shertzer abstained due to being absent from the October 16, 2012 meeting.)

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$630,368.81 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount is a payment of \$13,519.94 to M&T Bank for the lease purchase of the Gap Vax truck, \$12,524.40 to LASA for third quarter sewer transmission charges, \$65,712.00 to Morgan Stanley for the pension funds for both uniform and non-uniform employees, \$32,020.00 to Susquehanna Municipal Trust for the fourth quarter workmen's comp insurance premium, \$15,600.00 to Wilco Electric for the lighting project at Flory Park, and \$17,356.86 to American Rock Salt Company for road salt.

A motion was made by Mr. Shertzer and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$630,368.81. The motion was passed by unanimous voice vote.

Old Business:

a. Conditional Use Written Decision – Historic Overlay Application for Nolt’s Mill/Art Gallery

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. No one was present. Mr. Hutchison stated that he was expecting the applicant to be present for this item and asked that the Board defer this item until later in the meeting. The Board decided to table this agenda item until the end of the meeting to see if the applicant would arrive.

b. Amendment to Loan Agreement with Lafayette Fire Company

Mr. Hutchison explained that the Board had entered into an agreement with Lafayette Fire Company to complete the original loan. When the fire company came back and requested some additional funding, the Board agreed to proceed. Solicitor Kraybill prepared this short amendment which essentially just revises the total amount of the loan indicated in the agreement to \$1,710,000.00.

A motion was made by Mr. Eberly and seconded by Mr. Landis to approve the amendment to the Lafayette Fire Company loan agreement to increase the amount to \$1,710,000.00. The motion was passed by unanimous voice vote.

c. Ordinance to Authorize Borrowing: Emmaus Bond Pool – Lafayette Fire Company

Mr. Hutchison introduced Ms. Rhonda Lord, Esq., bond counsel for the Township. Ms. Lord reviewed the ordinance with the Board. She explained that this is the refunding of the 2011 Note that the Township has had with Fulton Bank and to also get the additional funding that is needed to complete this project. The creation of and deposits into a Sinking Fund is a provision of the Act to pay the terms of the Note. She noted that section 19 was recently added to the Ordinance and has to do with the post issuance requirements.

Mr. Scott Shearer from the PFM Group reviewed the 2000A Emmaus Bond Pool Document and discussed the terms of the loan.

Mr. Eberly made a motion to approve the ordinance to authorize the borrowing through Emmaus Bond Pool for Lafayette Fire Company. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

d. Time Extension for Township Review and Action – Quality Centers Land Development Plan #12-18: Rt. 30 East

Chairman Buckwalter explained that the applicant is offering a ninety (90) day time extension for the Board to review and act on Land Development Plan #12-18 for Quality Centers on Rt. 30 East.

Mr. Shertzer made a motion to accept the 90-day time extension grant for review and action on the Quality Centers Land Development Plan #12-18. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

e. Request for Release of Financial Security – A&J Power: Beechdale Road

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance. He explained that A&J Power on Beechdale Road is requesting a release of financial security. The township engineer, David Miller Associates, visited the site on October 25, 2012 and is recommending a full release of financial security in the amount of \$30,523.00, which will leave a balance of \$0.00.

Mr. Eberly made a motion to release the full financial security for A&J Power in the amount of \$30,523.00, as recommended by David Miller Associates, leaving a balance of \$0.00. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

New Business:

a. Sheetz Inc. Land Development Plan #12-14: 2425 Old Philadelphia Pike

Mr. Chris Venarchick of RGS Associates, Inc. introduced himself as representing the applicant. He explained that Sheetz Inc. is proposing to subdivide a 4+/- acre lot into two 2+/- acre lots with a 6,400 sq. ft. Sheetz gas fueling station/restaurant/convenience store/car wash with six (6) gas pumps on the lot fronting Old Philadelphia Pike and Mount Sydney Road. Mr. Venarchick reviewed the plans and the comments on the review letters from David Miller Associates dated November 13, 2012, Grove Miller Engineering dated November 13, 2012, and Lancaster County Planning Commission dated June 26, 2012. He also reviewed the requested waivers.

Mr. Shertzer asked if they have a time table as to when this would be built once they received all the permits necessary. He asked this because of the roadwork that PennDOT will be doing to Rt. 340 next year.

Mr. Venarchick responded that they would like to move the project ahead and beat the Rt. 340 project. This way they would not have to bore under the roadway for utility connections.

Mr. Brian Soyka of Sheetz Inc. also responded that this is why they are trying to get this project moving along so that the pipe crossings and draining systems can be installed prior to the final topcoat.

Mr. Chris Schwab of TRG explained their plans for the roadway. They have agreed to contribute a new controller cabinet to the existing intersection, installing video detection for all intersection approaches, provide generator plug-ins to be consistent with recent Township signal projects, and inlet adjustment to the depressed inlet top on the southwest corner of the intersection.

There was a discussion about the existing farm house and barn on the property and it was suggested that photos be taken for the Lancaster County Preservation Trust for documentation.

Mr. Glenn Eberly made a motion to approve the Sheetz Land Development Plan #12-14 for 2425 Old Philadelphia Pike conditional to the comments listed in the letter dated November 13, 2012 from Grove Miller Engineering and the letter from David Miller Associates dated November 13, 2012 and also granting the six (6) waivers requested. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

Other Business:

- a. Reappointment to Planning Commission, Terms Ending 11/19/16 (4 years) – Mr. John Keylor and Mr. Darrel Seisholtz

Mr. Landis made a motion to reappoint Mr. John Keylor and Mr. Darrel Seisholtz to the Planning Commission with their term ending on November 19, 2016. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

- b. Authorization for Advertisement of 2013 Budget for Public Inspection

Mr. Eberly made a motion to authorize the advertising of the 2012 Draft Budget. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

Old Business (continued):

- a. Conditional Use Written Decision – Historic Overlay Application for Nolt’s Mill/Art Gallery

Mr. Hutchison stated that he was surprised that no one was present for this item because they were aware that the Board would be looking at the written decision from the conditional use hearings that were held on October 1 and 16, 2012. He indicated to the Board that staff has had conversations with the applicant, legal counsel and the current owner of the property. There had been some concerns that came up after the Board had closed the hearing and made their decision. Their concern was about the one condition of approval that would eventually require the applicant to make application for listing the property on the National Register for Historic Places. Their concern is what if they make that application and the agency that reviews the application finds that the property is not eligible to be placed on the National Register for Historic Places. Their concern is what happens then. Mr. Hutchison had a conversation with them and their legal counsel about this concern and he received an email suggesting that in addition to condition number 10 that would satisfy their concern with respect to this condition. The Board is free to accept the written decision as prepared or to modify it as they see fit.

Chairman Buckwalter read the email that the applicant’s attorney had sent suggesting the addition of a sentence at the end of condition number 10.

A motion was made by Mr. Eberly to approve the conditional use written decision for Nolt’s Mill/Art Gallery with condition number 10 being modified as proposed by the applicant’s legal counsel. Mr. Blowers seconded the motion and it was passed by a vote of three in favor and two abstaining. (Mr. Shertzer and Mr. Landis abstained due to not being at the hearings.)

Public Comment:

Mr. Dennis Riehl, 2494 Old Philadelphia Pike, Lancaster, PA 17602, addressed the Board about the letter he received about the requirement of curbs and sidewalks needing to be installed along his property frontage. There was discussion about the property and problems with storm water getting into the house in the past. Curbing was put in front of the house to prevent this. The Board members suggested that Mr.

Riehl get in touch with an engineering consultant to have them determine if it would be possible to install only curbing but closer to the travel lane.

Mr. Rick Kurtz, 1549 N. Jefferson Court, Lancaster, PA 17602, was present representing Lafayette Fire Company. He thanked the Board for working with them to get the additional funding.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Blowers to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, December 3, 2012 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager