

December 1, 2008

The East Lampeter Township Board of Supervisors met on Monday, December 1, 2008, 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. Michael Landis, Mr. John Shertzer, Mr. Roger Rutt, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Bill Swiernik, David Miller Associates, representing D&E and Keystone Wood Specialties
Harvey Burkholder, 824 Fivepointville Road, Stevens, PA 17578, representing D&E
Melanie McHenry, 130 N. Ronks Road, Ronks, PA, representing East Lampeter Emergency
Services Committee
Daniel Petersheim, 414 Mount Vernon Road, Gap, PA 17527, representing D&E
Matt Bono, 1837 Timothy Lane, Lancaster, PA 17602, representing Witmer Fire Co./East
Lampeter Emergency Services Committee
Greg Troyer, 2307 Sue Ann Drive, Lancaster, PA 17602, representing Witmer Fire Protective
Association
John Latschar, 655 Hartman Station Road, Lancaster, PA 17601, representing Witmer Fire Co.
Chris Kauffman, 2540 Horseshoe Road, Lancaster, PA 17601, representing Witmer Fire Co.
Charles Suhr, Stevens & Lee, 17 N. Second Street, Harrisburg, PA 17101, representing Milestone
Old Homestead
Jim Snyder, Snyder, Secary & Associates, 2000 Linglestown Road, Harrisburg, PA 17110,
representing Milestone Old Homestead
Andrew Beiler, 380 Beechdale Road, Bird-In-Hand, PA 17505, representing A&J Power Equipment
Jeff Burrell, Dunlap & Burrell, 100 Village Square, Honey Brook, PA 19344, representing A&J
Power Equipment
John E. Kreider Jr., 2030 Forry Road, Lancaster, PA 17601, representing Witmer Fire Co.
Stephen S. King, 384 Millcreek Road, Bird-In-Hand, PA 17505, representing Witmer Fire Co.
Kurt Baumgardt, 308 Summers Drive, Lancaster, PA 17601, representing Witmer Fire Co.
Dereck Duffy, 2548 Lincoln Highway East, Ronks, PA 17572, representing Witmer Fire Co.
Greg Sherman, 125 Crestmont Avenue, Lancaster, PA 17602, representing Witmer Fire Co.
Melvin King, 2194 Horseshoe Road, Lancaster, PA 17601, representing Witmer Fire Co.
Reuben Lapp, 2584A Old Philadelphia Pike, Bird-In-Hand, PA 17505, representing Witmer Fire Co.
Ben Esh, 2457 Horseshoe Road, Lancaster, PA 17601, representing Witmer Fire Co.
Benuel E. Zook, 729 Hartman Station Road, Lancaster, PA 17601, representing Witmer Fire
Protective Association
John D. Stoltzfus, 2601 Stumptown Road, Bird-In-Hand, PA 17505, representing Witmer Fire Co.
Gideon B. Stoltzfus, 2613 Stumptown Road, Bird-In-Hand, PA 17505, representing Witmer Fire Co.
Steve Gribble, 127 N. Ronks Road, Ronks, PA 17572, representing Ronks Fire Co.
Dave Gribble, 1992 Drexel Avenue, Lancaster, PA 17602, representing Ronks Fire Co.
Brian Clark, 93 N. Ronks Road, Apt. 2, Ronks, PA 17572, representing Ronks Fire Co.
Lloyd N. Miller, 2361 Stumptown Road, Lancaster, PA 17602, representing Witmer Fire Co.
David Keens, 342 Woodcrest Drive, Lancaster, PA 17602, representing Lafayette Fire Co.
Ben and Alma Landis, 90 Greenfield Road, Lancaster, PA 17602

Steve Sproles, Derck & Edson Associates, representing Conestoga Valley Church of Christ
Jim R. Burkholder, 447 Mt. Sidney Road, Witmer, PA 17585, representing Witmer Fire Co.

Minutes of November 10, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the November 10, 2008 regular meeting were available for review and asked if there were any comments or corrections regarding the minutes as prepared.

A motion was then made by Mr. Eberly 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 \$120,145.07 were presented for payment. After review of the bills listed, a motion was made by Mr. Shertzer and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$120,145.07. The motion was passed by unanimous voice vote.

Recognition of Police Officers for Outstanding Work:

Chairman Buckwalter asked Police Chief John Bowman to come forward to recognize two East Lampeter Township police officers who were involved in a case which took place on May 23, 2007.

Chief Bowman explained the case and the outstanding work performed by both Officer Lisa Gehr and Detective Michael Neff. He thanked and presented them each of them with a certificate.

Witmer Fire Company Apparatus Replacement Presentation

Melanie McHenry, the Emergency Services Committee chairperson, introduced herself and Matt Bono who is the co-chairperson for the Witmer Fire Company Protective Association Apparatus Replacement Committee.

She then explained that the Witmer Fire Company Committee made its presentation to the Emergency Services Committee. She also indicated that the Emergency Services Committee recommended approval of the apparatus replacement.

Mr. Bono then gave a presentation on replacing the 1988 Witmer Fire Company Engine/Tanker with a new Pierce Arrow XT. The new engine/tanker will cost \$715,863.00, of which they are asking East Lampeter Township to pay fifty percent of which would be \$357,932.00.

After a discussion between the Board members and Mr. Bono, Chairman Buckwalter asked the audience if they had any questions or comments. There was no response from the audience.

Mr. Shertzer questioned whether the Township's portion is in the budget for the upcoming year.

Mr. Hutchison replied that it is included in the budget.

Mr. Landis made a motion to approve the purchase of the new Pierce Arrow XT Engine/Tanker for the Witmer Fire Company as presented. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Old Business:

- a. Request for Time Extension to Record Approved Plan – Rockvale / Starbucks

Mr. Shertzer made a motion to approve the request for a time extension to record the approved plan for Starbucks at Rockvale Square until May 2009. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

- b. Request for Time Extension to Record Approved Plan – High Associates: Old Homestead Lane Extension

Chairman Buckwalter recused himself from participation in agenda items b. through f. due to his employment in the High organization and asked Mr. Rutt to chair the meeting for these agenda items.

Mr. Rutt asked if there was anyone available to represent this agenda item.

Mr. Ken Hornbeck of High Associates introduced himself and explained that they are still pursuing the DEP stream crossing permit for this project. They are asking for more time to make sure they receive the permit.

Mr. Shertzer made a motion to approve the request for a time extension for High Associates – Old Homestead Lane Extension. The motion was seconded by Mr. Eberly and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

- c. Request for Financial Security Reduction – High Associates: 1901 Old Homestead Lane

Mr. Hornbeck explained that this project was completed some time ago. In a letter from David Miller Associates to the Township, they are recommending that the Township reduce the financial security by \$37,590.79, which would leave a remaining balance of \$19,089.11.

Mr. Hornbeck stated that the only item to be completed is a \$3,500.00 record plan survey and therefore is requesting that the financial security balance be reduced to \$4,000.00.

After a brief discussion among the Board members and Mr. Hornbeck, Mr. Eberly made a motion to reduce the financial security by \$37,590.79, leaving a remaining balance of \$19,089.11 as recommended by the township engineer. The motion was seconded by Mr. Landis and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

- d. Request for Financial Security Reduction – High Associates: Building #365

Mr. Rutt stated that the township engineer reviewed and recommends that of the \$758,495.54 currently being held, that a reduction of \$686,041.40 be released, leaving a remaining balance of \$72,454.14.

Mr. Eberly made a motion to reduce the financial security by \$686,041.40, leaving a remaining balance of \$72,454.14. The motion was seconded by Mr. Landis and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

- e. Request for Financial Security Reduction – High Associates: Eastwood Village Phase IV

Mr. Rutt explained that the township engineer has reviewed this project and recommends that of the \$899,036.00 currently being held, that \$81,080.00 be released. This would leave the financial security with a remaining balance of \$47,673.00.

Mr. Hornbeck explained that the line painting and site lighting has not been completed due to a few of the lots in the development not being sold.

Mr. Eberly made a motion to reduce the financial security by \$81,080.00, leaving a remaining balance of \$47,673.00. The motion was seconded by Mr. Landis and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

- f. Request for Financial Security Release – High Associates: Courtyard Hotel

Mr. Rutt stated that the township engineer visited this project site and recommends that \$176,757.70 be released from the financial security. This would leave a remaining balance of \$0.00.

Mr. Eberly made a motion to release the remaining balance of the financial security in the amount of \$176,757.70. The motion was seconded by Mr. Landis and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

- g. Request for Financial Security Reduction – Regents Park: Old Philadelphia Pike

Chairman Buckwalter noted that Regents Park was requesting the remaining balance of the financial security be released and asked if anyone was there for this item. No one was in attendance to represent this item.

The township engineer performed a site inspection and does not recommend releasing any further funds from the financial guarantee. The remaining balance of \$52,470.62 will be held until all the work is complete and satisfied.

Mr. Eberly made a motion to deny the request for reduction of the financial security. The motion was seconded by Mr. Landis and it was passed by unanimous voice vote.

- h. A & J Power Land Development Plan #08-12: Beechdale Road

Mr. Jeffrey Burrell of Dunlap & Burrell introduced himself and stated that he was representing A & J Power Equipment. He then reviewed the waivers listed in a letter from the township engineer, David Miller Associates.

When Mr. Burrell was finished going over the waivers and the plans, Chairman Buckwalter asked if there were any questions.

Mr. Hutchison asked if the owner was comfortable with the design of the driveways in regards to being able to access them along with all the truck traffic going in and out of them.

Mr. Beiler replied that he did not foresee any problems and is satisfied with the design of the driveways.

There was a brief discussion concerning curbing and planting islands.

Mr. Eberly made a motion to grant final land development plan for A & J Power Equipment and granting the waiver for preliminary plan, granting the waiver that bumper blocks be installed rather than curbing for the parking compound, denying the request to waive the park and open space requirements allowing the applicant to negotiate with staff to come up with the fee in lieu of, and also granting the waiver for curb and sidewalk improvements since the owner has agreed to put in stone edging along raised islands.

The motion was seconded by Mr. Shertzer and it was passed by unanimous voice vote.

New Business:

- a. D & E Enterprises Preliminary Land Development Plan #08-07: Lincoln Hwy. East

Mr. Bill Swiernik of David Miller Associates introduced himself as representing D & E Enterprises. He also introduced Harvey Burkholder and Dan Petersheim who are also representing the applicant.

Mr. Swiernik then reviewed the letter dated November 12, 2008, from Rettew.

Chairman Buckwalter asked if there were any questions or comments from the Board or staff.

Mr. Hutchison questioned who would be responsible for the maintenance of the stormwater facilities and that there should be an agreement outlining this and which would be included in the final plan.

Mr. Hutchison also questioned the curb depression onto Route 30.

Mr. Hutchison suggested contacting the neighboring property to see if there is some easement arrangement that can be obtained to get in from the motel property to the billboard.

Mr. Shertzer made a motion to grant preliminary approval to D & E Enterprises referring to Rettew's letter and meeting all of the conditions with the exceptions of items A, D, and G, and between now and the final land development plan to research to see what can be done to gain access to the billboard. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

- b. Request for Waiver of Land Development Plan Processing – Keystone Wood Specialties: Old Philadelphia Pike

Mr. Bill Swiernik of David Miller Associates introduced himself as representing Keystone Wood Specialties. He explained that Mr. Stoltzfus would like to add to the building for a training area and also additional manufacturing space.

Mr. Landis questioned how much additional space would be added.

Mr. Swiernik replied approximately 2,000 square feet and that no additional employees will be added.

Mr. Landis made a motion to grant the waiver request of land development plan processing for Keystone Wood Specialties. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

- c. Storm Water Management Plan and Request for Waiver of Land Development Plan Processing – Conestoga Valley Church of Christ: Horseshoe Road

Mr. Stephen Sproles of Derck & Edson Associates introduced himself as representing Conestoga Valley Church of Christ.

Mr. Sproles explained that the applicant has requested a waiver of the requirements to submit preliminary and final land development plans. He also noted the 1,900 square foot temporary modular on the property that is being used for Sunday School classrooms.

Mr. Sproles then reviewed the items listed in the letter dated November 13, 2008, from David Miller Associates in which it states a time limit should be established for the removal of the temporary modular classroom. He is still working with the church to establish a date, but it would be no longer than a thirty-six (36) month lease.

Chairman Buckwalter asked if there were any questions or comments from the Board.

Mr. Eberly expressed his concern that three (3) years does not seem like a long enough time to accomplish what the church has hopes for and asked if there are any plans started on raising the funds to build.

Mr. Sproles explained that a number of plans have been looked at as to what is needed for the expansion. The church would probably not be able to raise all the funds and would need to finance some of the costs.

Mr. Eberly made a motion to grant the request for waiver of the land development plan for Conestoga Valley Church of Christ and the stormwater management plan, with a three (3) year limitation on the modular unit. The motion was seconded by Mr. Landis and it was passed by unanimous voice vote.

Other Business:

a. Nuisance Ordinance Violation Hearing – Mr. Ben Landis: 90 Greenfield Road

Mr. Ben Landis apologized for the conditions on his property and stated that most of the material has been removed. He asked the Board for a time extension to complete the work.

Chairman Buckwalter asked how much time would be needed to clean up the property.

Mr. Landis replied three (3) to four (4) weeks.

Mr. Landis stated that an unlicensed bucket truck that he uses to trim trees is on the property. He would like to know if he could keep it there.

Mr. Hutchison explained that this is a zoning issue. The zoning ordinance states that there are to be no vehicles on a property without a license. He further explained that Mr. Landis would need to approach the Zoning Hearing Board to request to keep it on the property.

Mr. Shertzer made a motion to grant Mr. Ben Landis until December 31, 2008, to complete the work identified in the letter dated November 14, 2008, and to also contact Mr. Lee Young in regards to the bucket truck. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

b. Reappointments of Township Officials:

i. Planning Commission Four Year Term Ending 11/19/12 – John Keylor

Chairman Buckwalter stated that Mr. John Keylor has indicated his desire to continue to serve on the Planning Commission for another four (4) years. His term would continue until November 19, 2012.

Mr. Shertzer made a motion to reappoint Mr. Keylor to the Planning Commission for another four (4) year term ending November 19, 2012. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

ii. Planning Commission Four Year Term Ending 11/19/12 – Darrel Siesholtz

Chairman Buckwalter stated that Mr. Darrel Siesholtz has indicated his desire to continue to serve on the Planning Commission for another four (4) years. His term would continue until November 19, 2012.

Mr. Rutt made a motion to reappoint Mr. Siesholtz to the Planning Commission for another four (4) year term ending November 19, 2012. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

iii. Zoning Hearing Board Three Year Term Ending 11/12/11 – David Petrisek

Chairman Buckwalter stated that Mr. David Petrisek has indicated his desire to continue to serve on the Zoning Hearing Board for another three (3) years. His term would continue until November 12, 2011.

Mr. Rutt made a motion to reappoint Mr. Petrisek to the Zoning Hearing Board for another three (3) year term ending November 12, 2011. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Chairman Buckwalter asked if there were any public comments. There were no comments.

Adjournment:

A motion was made by Mr. Shertzer and seconded by Mr. Eberly to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Tuesday, December 16, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager