

**October 7, 2024**

The East Lampeter Township Board of Supervisors met on Monday, October 7, 2024 at 7:00 pm at the East Lampeter Township Office: 2250 Old Philadelphia Pike, Lancaster, PA 17602. The statement of recorded meetings was played for all in attendance. Vice Chairman Ethan Demme called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance. In addition to Vice Chairman Ethan Demme, Supervisors present were Mr. Roger Rutt and Mr. Ted Gallagher, and Mr. Mike Thornton. Also present in the meeting room was Mr. Ralph M. Hutchison, Township Manager, Ms. Tara Hitchens, Assistant Township Manager, and Ms. Leigh Obetz, Administrative Assistant.

**Public Present for Meeting:**

Chris Venarchik – RGS

Claudia Shank – McNees, Wallace & Nurick

Matthew Mach – Mach Engineering

Tim Lapp – resident

Jeff Fernback – Fernmoor Homes

Donna Gribble – Ronks Fire Company

Paul Fisher – Hand-In-Hand Fire Company

Ben King – resident, Meadow Ln.

Jason Beiler via Zoom – Lafayette Fire Company

Sue Orth – CV SEEDS

\*\* The meeting was chaired by Vice Chairman Mr. Ethan Demme in the absence of Chairman Mr. Corey Meyer.

**Public Comment for Non-Agenda Items:**

Mr. Ben King, a Township resident, spoke about the posted positions of Zoning Officer and Assistant Zoning Officer. He stated people of the Township have been unhappy with the way zoning has been administered in the last few years and thinks Township residents should be provided the opportunity to assist with filling the positions. He suggested sending out newsletters and emailing residents who could respond to with candidates to fill the roles. He believes there is great talent within The Township and it would be a missed opportunity to not include residents. Mr. King also feels extending an opportunity for residents to help in the search would help to build trust between residents and The Township, fostering a transparent process. Mr. King feels the positions should be filled by residents with an emphasis on those with construction experience.

**Consent Agenda:**

- a. Approval of the 10/7/24 meeting agenda
- b. Approval of the 9/16/24 meeting minutes
- c. Offer of Time Extension for Township review & action - Petersheim Stormwater Management Plan, project 24-21 at 702 Hartman Station Rd.

Applicant is offering a time extension of 90 days to January 20, 2025. This is the second time extension for this applicant.

- d. Request for financial security reduction for CV Middle School, project 19-04 2110 Horseshoe Rd

The Township engineer has provided a recommendation date 9/30/24 indicating \$2,281,354.76 can be reduced from the posted funds leaving \$476, 033.91 for the project.

e. Approval to pay invoices from all funds totaling \$827,261.20 with bills of note:

\$144,268.28 to Fire Relief Associations with each of the four Township Fire Relief Associations receiving \$36,067.07.

\$24,985.50 to Alpha Space Control for intersection pavement markings.

Mr. Gallagher made a motion to approve the consent agenda, and Mr. Rutt seconded. The motion carried unanimously by voice vote.

**Presentation re Change to Fire Apparatus Replacement Program:**

Mr. Hutchison introduced the presentation by reporting the Emergency Services Committee created a sub-committee to look at the finances of Township Fire Companies. The first item the committee addressed was looking at the existing apparatus replacement program and working to come up with a change or modification to the program that would be viewed as positive with the intention of reviewing the plan every five years. This was presented at the September Emergency Services Committee meeting where a motion was made to recommend the modification to the Board of Supervisors. The highlights of the plan are: A change from three to two pieces of apparatus for each fire company being funded in part by the Township and each apparatus would be expected to be replaced after 25 years, rather than 20 years. The funding participation would be 75 percent Township, 25 percent Fire Company which is currently 60 percent Township and 40 percent Fire Company.

Several members of the financial sub-committee were present at the meeting and Mr. Hutchison presented them with the opportunity to speak. Mr. Paul Fisher, President of the Hand-In-Hand Fire Company stated the sub-committee was comprised of two members from each of the four fire companies serving the Township who met at least a dozen times to discuss and look at a few different options, mainly regarding the updating of the apparatus plan. Mr. Fisher noted the change from three to two apparatus pieces was due to the fact that two pieces are the most important. The third piece is usually a squad piece or an extra. The committee felt it was most important to fund the two pieces, from a revenue and cost perspective. Mr. Fisher also noted, for the extension of replacement from 20 to 25 years, some pieces have already been making it beyond 20 years and time extension would also incentivize maintenance of the equipment. Mr. Fisher stated the committee looked at a couple other plans but they were all fairly similar to what the committee had come up with. All four companies voted in favor for approval. Mr. Fisher requested the Board offer support and approve of the plan. Mr. Fisher then asked if there were any questions and specifically noted the increase in regular operating funds. Mr. Hutchison noted an increase of two percent each year which would continue under the proposed plan. The plan also includes an additional \$10,000 contribution to Lafayette Fire Company to maintain their ladder truck, which is an additional expense for that fire company. Mr. Fisher noted this is the first time the Emergency Services Committee has recommended one fire company receive additional funding, but there was a mutual agreement for the additional funding. It was noted that this is a fair and reasonable thing to do. Mr. Fisher further noted he feels he is a very fiscally conservative person and still thinks the plan is a good deal for Township residents and businesses who will be served well, while being fair to the fire companies. Mr. Fisher stated the committee reviewed balance sheets for the fire companies and feels they are all in very solid. He noted a challenge not discussed is when stations

make large capital purchases such as station renovations or remodeling, but the plan will do a good job of allowing the Fire Companies to continue to serve in terms of operating costs where they are at now. Mr. Thornton noted being on the Emergency Services Committee and refurbishing was the catalyst for starting the discussion, but fairness was a huge piece as well. Mr. Thornton emphasized the fact that new pieces are incredibly expensive now and fundraising is challenging for fire companies. Mr. Fisher added the fine print of the plan allows for the flexibility of buying used or refurbished equipment which was being done on a case by case basis but will now have clear parameters.

Mr. Demme asked if a motion needs to be made or if approval of the plan would be something addressed during the budgeting process. Mr. Hutchison said typically some action is taken on the plan itself and then in the budgeting process ensures the necessary funds are allocated to fund the plan. Mr. Demme stated he would like to see the current plan to compare to the new plan as well as the operating costs for each Fire Company per year. Mr. Hutchison noted every year a financial summary is completed for each fire company for the previous year. Mr. Demme stated he is specifically interested in the operating costs. Ms. Donna Gribble of Ronks Fire Company replied the committee pulled the apparatus costs to determine those costs for a full five years and these figures were included in the provided summary. Mr. Demme stated he would like to see the operating costs for fire companies to look at the percent increase on those figures and help to determine if two percent is an appropriate number. Mr. Thornton asked if that could be part of the motion. Mr. Demme stated this is a part of the budgeting process for how much the Township is contributing towards apparatus funding and to make sure there is enough in the fund when the apparatus pieces come due they are covered. Additionally, the Township has been making regular contributions that may need to change based off of the new plan to make sure contributions are increasing with the rate of operating costs. Mr. Demme said he is viewing this plan as a recommendation for what should be put in the budget, but the budget needs to be looked at as a whole.

Mr. Thornton moved to accept the apparatus program subject to the overall budget process. The motion was seconded by Mr. Gallagher and approved by unanimous voice vote.

### **Old Business:**

#### A. Request: Rockvale Parcel 2 #23-32 Condition of Approval – Park and Open Space

Ms. Claudia Shank of McNeese, Wallace, and Nurick, Mr. Jeff Fernbach of Fernmoor Homes, and Mr. Chris Venarchik of RGS were present as representatives of the project. Ms. Shank introduced the project as Parcel #2 of the Rockvale Square Redevelopment, a 6.8-acre property north of Rockvale Road and west of S. Willowdale Dr. The property is part of a larger redevelopment project. Ms. Shank detailed that the project proposed for this parcel consists of four multifamily apartment buildings of 32 units each for a total of 128 units. Ms. Shank noted there is a portion of a trail system that will be incorporated into the overall development on the site. The Board has conditionally approved the plan with one of the conditions being establishing a fee in lieu of dedication to park land. There is no park dedication proposed as part of the project. Ms. Shank introduced Exhibit 1 as an excerpt of the inspection of the current ordinance dealing with park open space and greenway provision. She noted the Subdivision and Land Development Ordinance requires dedication of .027 acres of Park and Recreation space for every dwelling unit of which 70 percent must be primary recreation space or flat areas such as ball fields and the remaining 30 percent can be greenway or natural resource space that would be lineal greenways, walking paths, trails, things of that nature. Ms. Shank explained the project being 128 units, multiplied

by .027 acres per unit, is just under 3.5 acres for dedication and there is an opportunity to request a credit. Ms. Shank noted tab two of the packet provided shows a map of the project that highlights the portion of the trail proposed for construction in connection with the project. The trail will be a 12 feet wide pedestrian and bicycle trail along the western and southern portions of the site to be extended into the next phase of the project. The total acreage would be .32 acres which is less than 30 percent required for dedication. The proposal is to apply the .32 acres as a credit against what would be required to dedicate, leaving 3.136 acres for required dedication. Ms. Shank continued with Exhibit 2, an opinion of probable cost prepared by RGS Associates for the cost of construction of the trail, which will factor into the analysis of the remaining acreage required for dedication. Ms. Shank noted the ordinance allows a developer to pursue a number of alternatives for dedication of park land. Options are to construct new facilities, preserve private land, pay a fee in lieu of dedication, or some combination of these options. Ms. Shank stated what has been proposed from the beginning of the project is to pay a fee in lieu of dedication. She referenced page two, subsection D of the ordinance and continued, stating if paying a fee in lieu of dedication, it must be at least equal to the assessed value multiplied by the common level ratio of the two types of space, primary recreation and greenway or natural resource otherwise required for dedication. Ms. Shank referenced a letter to the Board dated August 15<sup>th</sup>, 2024 containing the initial proposal based on the cost to acquire parkland in the Township. She explained those who created the proposal found two parcels that would be suitable parkland parcels, one being the Township's Community Park, and the other 46 Bowman Road. The proposal determined what the assessed value of each of those properties would be to calculate the estimated per-acre value of similarly situated land. Ms. Shank moved on to the third tab of the packet that shows a breakdown of those costs and the fourth tab showing a map showing the two parcels in relationship to the property being developed. Based on the assessment of those two parcels, when the assessed value is multiplied by the common level ratio and adjusted for regular value, the calculation is 20,000 an acre for the Community Park and 33,000 an acre for the Bowman Road parcel. Using those calculations, the proposal is a fair cost per acre of park land at \$26,800, multiplied by the three acres required for dedication, and subtracting that number from the cost of installation of the trail which is roughly \$42,000. Ms. Shank stated the RGS Associates cost opinion is a subtotal of \$42,282 which is how the proposal arrived at a fee in lieu of dedication of \$41,857.24. Ms. Shank stated Township staff responded to the proposal and took the position the fee should be based on the value of the parcel being developed, the Rockvale Square lot. Ms. Shank continued and referenced section two of the third tab of the packet which lists a calculation in terms of the per-acre value. Rockvale, being a regionally commercially zoned developed property, has a higher land value than park land in the Township and is assessed at \$512,000. Multiplying the common level ratio and netting out the acreage becomes \$113,00 which is thought to be more than the Township would need to acquire what would be suitable for residents to use. Ms. Shank stated she approached the Township Solicitor last week with an interim proposal to offer in resolution which would be to base the fee off of a cost to acquire park land of \$50,000 per acre. Ms. Shank stated the opinion that is quite a bit more than what it would actually cost to acquire park land, but considered the cost to acquire and the cost to develop thinking \$50,00 would be sufficient for both, as required. The math would be about \$156,800 in terms of the fee, less the credit to install the trail, arriving at \$115,000. The suggested proposal would be to rounded up to \$120,00 fee in lieu of dedication, or \$30,000 per building paid at the time the building permit is issued. Ms. Shank continued that an issue of concern is the fact that the land being developed is commercial and assessed at a higher value than vacant or agriculture land, meaning the fees are going to be higher based on how the ordinance is

written. She further stated this creates a situation where the fee per unit is going to change depending on where in the Township a project is being developed. Ms. Shank also stated the way the Township proposed the fee be calculated does not take into consideration the difference in value between primary recreation space and greenway space which something she feels the ordinance contemplates as being part of the consideration. Ms. Shank stated for all of these reasons, the Board is asked to consider the presented alternate proposal of \$120,000 for the fee.

Mr. Thornton clarified there is recognition the ordinance states the fee in lieu is to be based on the assessed value of the land and the contention is with the value of the land. Mr. Thornton asked Ms. Shank to state the point of contention. Ms. Shank stated the issue is with the ordinance saying assessed value of the land required for development, not the assessed value of the parcel that is being developed. So, the land that would be required for dedication, Ms. Shank suggested, would be comparable park land as opposed to a piece of commercial. Mr. Demme noted he spoke with the applicant, noting the recent change to the ordinance. Mr. Hutchison noted Gish's Furniture is the only project similar to the project being discussed that has been done since the change of the ordinance. Mr. Demme asked if Sheetz has proposed numbers yet for their project and noted they raised a similar concern at a Planning Commission meeting. Mr. Hutchison confirmed Sheetz has not yet provided numbers. Mr. Demme affirmed that Gish's Furniture is the only other project in the same zone on the same road that has provided fee numbers. Those numbers were \$142,889 per acre used to calculate their fee. Mr. Fernbach stated if you extrapolate to the future redevelopment of Rockvale, such as Parcel #5, the difference between the two approaches is significant at 1-2 million dollars. Mr. Hutchison added there is agreement that the walkway fee and area should be credits, subject to the Township Engineer's agreement on the estimated cost. Mr. Hutchison also noted there is the expectation there will be a number of on-site recreation improvements which will also be credits against the fee in lieu for the parcel, however, the only item in front of the Board tonight is Parcel #2. Mr. Fernbach asked if the club house and pool planned for the community would be credited. Mr. Hutchison noted these would be located on Parcel #5 which is not being discussed at this meeting. Mr. Demme added, in the past, if such recreation areas at apartment complexes are open to the public then they are credited, but if not, they are not credited. Ms. Shank followed up that this is the position of many municipalities and she does not fully understand it because if an amenity is being offered to the residents of a community it should not need to be open to the general public in order to qualify. Mr. Hutchison noted the purpose of the provisions is to provide for the additional recreation demand that new development will place on the Township and the new residents who will be part of the development are also going to be residents of the Township who will need to have recreation needs met, whether onsite or offsite. Mr. Fernbach said people who live in a green development that came from the commercial piece do not use more park facilities than people who have a development on park land but would be charged almost ten times the amount. He continued, if the same units are built on property that was not assessed this way, because it was not developed before, people will not use ten times more facilities than the other people in the green development, but are being charged eight or ten times the amount, which is not a fair playing field. Mr. Hutchison noted prior to the most recent amendment, the language used was pre-development value of the land being developed and the Board felt they did not want to be in a negotiation every time a development came in so they adopted an ordinance that was a formula and is was to be based on the assessed value and that is all that the staff is saying. Ms. Shank said the position would be to use the land that is owned as the metric which creates a situation where you have drastically unequal fees from one project to another which basically tells developers it would be better

to buy a farm and develop that than to redevelop commercial land. Mr. Thornton asked if the Gish property was a point of reference. Mr. Demme stated this project and Sheetz are the only projects in the commercial district to have some comparison to. Ms. Shank asked if it would be fair to say this is the only residential project. Mr. Rutt noted every time an ordinance is done an attempt is made to do it right but can admit mistakes can be made. He continued he feels this is a gateway project for the Township and he is ready to do the negotiations to move this forward. Mr. Demme added the goal is to level the playing field to avoid negotiating every time. He stated a fair point was raised by Ms. Shank that the incentive is to buy land with a cheaper assessed value to develop, rather than redevelop land and redevelopment should be incentivized. He continued, the formula in the ordinance could be changed or another option would be establishing each year what is the dollar amount for green space in the Township and it equally applies to already developed projects, which would make it fairer across the board and still allow for a formula to be applied, avoiding negotiations. Mr. Rutt stated this project has met all the criteria by providing an urban growth boundary and utilizing a big plot that was underutilized. It will also give tax revenue. He noted a need to make it fair to do these types of projects. Mr. Thornton asked when the last time the ordinance was updated. Ms. Shank stated it was last updated in 2022. Mr. Thornton asked to clarify if that was after the zoning changed for this property. Mr. Demme added that the challenge of developing this property is the sketch plan, as a whole, shows more open space where it is easy to see where credit can be given, but it is being developed one parcel at a time which makes it difficult to do one calculation for the fee. Ms. Shank noted this is the last piece of the puzzle before the plan can be recorded. She continued, stating she agrees there is a lot to consider in the next parcel, but unfortunately this parcel will have to be looked at as is with potential implications for how this process will be applied to the next. Mr. Demme asked, since the last change was made by ordinance, if the Board has the flexibility to deviate, or would they be required to amend the ordinance to do something different. Mr. Hutchison stated, while he does not have law degree, he thinks the Board has the authority. Mr. Demme followed up with the possible options that could be taken. The first would be to say the ordinance is the ordinance, the second would be to consider the offer of the applicant, the third would be to pick another number. Mr. Gallagher stated he is in favor of negotiating. He wants the Township to be easy to develop in and for this project to be successful. Mr. Venarchik of RGS stated, for context, when speaking of recreation needs for of new residents, whether new to the Township or from within the Township, they will have recreation needs which can either be placed on the Township to create a park, a tennis court, or so forth. In this application there will be a clubhouse available with the potential for gym space, as well as a pool and two pickle ball courts. He can see where in a complex those facilities might not be available, people are going to seek them out somewhere else, but in this case, they will be onsite. Additionally, the pickle ball courts will be able to be used for basketball and the site will include cornhole, a track, dog park, and tot lot. Mr. Venarchik stated this is above and beyond what is seen in a typical proposed multi-family community and believes residents who come to live in this type of community will do a majority of recreating onsite. Mr. Hutchison noted, for context, the parcel also has 358 additional dwelling units. Mr. Thornton asked if there was a formula used to calculate the proposal. Ms. Shank answered there was not, but it is roughly doubled based on the idea that it would cost roughly that to both acquire and program additional park land. Mr. Demme stated the applicant is offering \$120,000 as the total fee in lieu of park land for the parcel development and with the current ordinance it would be around \$375,000. Ms. Shank stated there is a disagreement about what the ordinance said and would suggest that the ordinance supports the proposed interpretation.

Mr. Rutt moved to accept the proposal of \$120,000 as the total fee for parcel #2. Mr. Gallagher seconded the motion.

Mr. Demme asked for any further discussion. Mr. Hutchison added for clarity, the area of the trail, as well as the cost of the trail, are part of how the applicant is addressing the requirements under the ordinance and the other part of the proposal is the applicant would pay \$30,000 per building as the permits are acquired. Ms. Shank stated the intention was the \$120,000 with no additional credit coming from that. Mr. Demme asked if the last two sentences of the letter which have the calculation: 3.136 acres at \$50,000 value per acre which is \$156,800 minus \$42,282.42 credit for pathway is \$114, 517.58 then rounded up to \$120,000 at \$30,000 per building paid at time of permit issuance is what was being referenced. Mr. Hutchison confirmed that was the reference.

Mr. Demme repeated the motion to accept the proposal and prompted for a vote. The motion carried with unanimous voice vote.

Mr. Hutchison asked if the Board wants staff to look at revisions to the current ordinance. Mr. Thornton said he would like discuss it as a future Board of Supervisors discussion item. Mr. Demme agreed.

#### **New Business:**

##### A. Ameristar LLC Stormwater Management Plan #24-10: 2165 New Holland Pike

Mr. Matthew Mack of Mack Engineering was present and introduced the project as a minor project of a 170 square foot building addition for a stair tower. The project is being built over existing impervious surface and a waiver of land development was secured from the Board a couple of months ago, now just finalizing the Stormwater Management Plan. Mr. Mack stated the David Miller Associates review was received September 13<sup>th</sup> and the revision has since been made and submitted. Mr. Mack continued they are not asking for any waivers or modifications and have removed an additional 20 percent of the 170 square feet so there is less impervious area on the site to address the stormwater. Mr. Mack then asked for any questions.

Mr. Thornton moved to conditionally approve the plan based on the September 13<sup>th</sup> David Miller Associates review letter which was seconded by Mr. Rutt. The motion was approved by unanimous voice vote.

##### B. ECHO Agreement – Wheary: 2321 Leaman Road

Mr. Hutchison noted there was previously a manufactured home unit on this property.

Mr. Thornton moved to accept the application with Mr. Rutt seconded. The motion was approved by unanimous voice vote.

#### **Supervisor discussion items:**

##### 1. Budget item: Homelessness -- SEEDS

Mr. Demme stated he drafted a resolution to promote discussion. He wanted to have a public conversation to allow for feedback from staff and members of the community on the best way to approach the balancing act with those who are living on private property, intersections between private property, and in Township parks because they do not have housing. Mr. Demme noted some have been

living that way for quite a few years and in some cases in homeless encampments such as the one behind East Towne Mall, Walmart, and Flory Park. The county has essentially cracked down on enforcement of removing people from County property and there have been reports of activity in Lancaster City where the police have also been moving people along from being able to sleep in any of the parks in the city. Mr. Demme stated subsequently, we are seeing, county-wide, but especially along the Lincoln Highway corridor where we have public transportation, more people are moving out here. As people are being cleared it is impacting police, fire, emergency medical services, as well as outreach workers who are trying to help secure housing, employment, and address healthcare needs of homeless persons. The impact then becomes, having cleared out an area or park, the cost shifts and increases the burden on the boots-on-the-ground workers who are trying to help. Mr. Demme added that since the activity in the city has started individuals are moving out here, there have been reports of two locations in the Township where private property owners have essentially cleared out places where people were camping. Walmart and East Towne Mall is one, as well as the Tony Wang's and Sonic property. Mr. Demme stated what he proposed was whether there is a way to get private property owners to follow a better process while recognizing they own their property and they should be able to clear it out. However, if there is a good way to do that and a bad way. He stated the newspaper where Walmart issued a statement saying elected officials told them to, the police were involved, hazmat was present. However, the elected officials did not tell them to do that, the police were not involved, and hazmat was not there. With the construction happening, what would have been expected is that they clean up the overgrown areas. Mr. Demme noted an effort was made to do outreach for those in that camp, but the County Homelessness Coalition and the outreach workers were not made aware of when the camp would be cleared and did not have much time to respond. Mr. Demme suggested a better practice would be advanced notice make sure all partners are knowledgeable and that this is happening, that our police are notified, and, as best a possible, help find places for those affected to live with their belongings. He stated one option would be to pursue an ordinance to try to instruct the property owners of the best practices and what they can do. The other option would be to have Township staff become more aware and not direct people to clean out encampments but notify the Board as well as the County Homelessness Coalition if they become aware of one. Mr. Demme noted the focus of the resolution is advanced notice, outreach, protection of personal property, as well as collaboration and coordination with other agencies. Mr. Gallagher said he believes we should be compassionate, but think about what happens when homeless end up in Township parks with unknown backgrounds and mental states, potentially creating liability. He continued, as a property owner, if someone is on property uninvited they are not allowed to stay there. Mr. Rutt asked to define what a reasonable amount of notice would be. He added that this will be a challenge with winter weather approaching. Mr. Rutt said the Township is likely getting 80 percent of the homeless people moved out of Binn's Park in the city due to the bus lines coming here from the city, as well as areas of shade and creeks. He also posed the question of who would be assigned to watch private properties where the landowner is not residing, but homeless could be collecting. Mr. Rutt stated he believes SEEDS will be more helpful than we believe, especially with boots-on-the-ground for the Township. He thinks the over-riding concern is to be compassionate. Mr. Thornton stated he echoes a lot of what has been said and this is an issue that he is tackling in other areas of his personal and professional life. Mr. Thornton expressed concern for the use of the word encampment with no clear definition of a number that makes an encampment. He would be more comfortable with a resolution focused on homelessness with one aspect being procedures to direct the police and other service providers that are at the township level. Mr. Thornton noted being in



a tough position right now because the emergency shelter downtown has closed with another potentially opening in December. He emphasized not legitimizing illegal activity while at the same time recognizing this is about a special population. Mr. Thornton said there is no ordinance indicating what to do, things are just handled, but what does that mean. He is not opposed to an ordinance, but to consider how it is written and how it sounds like an encampment is now something that has rights around it. He also voiced concern about addressing whether property owners were not following ordinances on the books. Mr. Thornton noted the need for balance, treating people humanely, while also protecting citizens and their rights. Mr. Demme stated the encampments are illegal, but so is living in a hotel more than 30 days and that is not being enforced that because it would force more people onto the street, creating a bigger crisis. He said the problem needs to be addressed slowly and feels this issue is similar to the fact that Township police have leeway in addressing those sleeping in Township parks because there is no legal place to sleep if you do not have a house. Mr. Demme continued, even at the county level there is no legal, safe place someone can spend the night and not be moved to another location. Mr. Demme said additional challenge is that he has heard from property owners, either first or second hand, that Township staff were directing them to clear out encampments and if staff were following some of the mentioned best practices then we would not be in the current situation. Mr. Demme asked to have the staff address whether it is actually at their direction the private property owners are clearing encampments. Mr. Hutchison stated that he did have conversations with property owners about nuisance conditions on their properties and violation of the Township's nuisance ordinance and those owners have in turn asked how they can address them with one option being to clear the brush. Mr. Demme noted another frequent occurrence is that initial contact is a police event where police are called to a location to address something and find dangerous, unfit conditions. Mr. Thornton stated that situation needs to be looked at. The homeless found a haven at Walmart, but how many children are within a square mile, or are even closer. He expressed it is not safe for the community and he has concerns, children especially, will stumble across an encampment and the potential issues if that happens. He feels it will be a tough couple of months until the new facility is opened. He continued, he appreciates what was said about how a strike force comes into an encampment without notice and thinks there is a way to go about it without further trauma for everyone involved. Mr. Thornton stated it is cumbersome for police to do their jobs but they do it well and thinks they would continue to work with a great deal of concern for the people they come into contact with. Mr. Hutchison suggested, as a first step, to establish policy for staff to follow rather than an ordinance. He added the Township solicitor's opinion was included with the materials for review. Ms. Sue Orth of CV SEEDS spoke and suggested looking outside the box, noting here will always be homeless people. She spoke of San Diego, where her son lives, detailing how the city bought property and gives people tents they can live in, along with access to trash and restroom facilities. She stated this allows for some of the issues discussed to be addressed and people can stay there for eight months. Setting up a property like the one in San Diego here would be a compassionate way to keep homeless people housed and safe while the property selected can be away from children. Ms. Orth added that shoving people from one property to another is not a solution, it just moves the problem. She stated there are many options that would be better and she is willing to serve. Mr. Demme stated he wants to work with Mr. Thornton on determining guidelines for staff to follow, rather than an ordinance, and continue this discussion. Mr. Demme added he has spoken with outreach workers and identified that, currently, not only is the problem just being shifted, but trust is being broken and homeless people become scared every time someone talks to them or finds their location they will be moved. Mr. Thornton stated he would like to continue the

conversation with input from the police and public works staff. Mr. Hutchison noted Township staff have met with SEEDS and kicked off that process. Mr. Thornton noted the needs to add Park and Open Space discussion to future Board discussion.

**Action items:**

A. Hand in Hand Fire Police request to assist Strasburg Halloween Parade

Mr. Hutchison stated he confirmed with Chief Boyer at the fire company they wanted to help with the event. For worker's compensation purposes, Board action is required to authorize having those helping covered appropriately.

Mr. Rutt made a motion to approve the Hand in Hand Fire Police assisting with the Strasburg Halloween parade which was seconded by Mr. Gallagher. The motion passed with unanimous voice vote.

B. Designate David Sinopoli as Township Building Code Official

Mr. Hutchison informed the Board that Mr. Sinopoli is currently the only staff member who has the qualification needed to be the Township Building Code Official until someone else can fill the role. Mr. Demme asked to clarify what qualification is needed to fill the role. Ms. Hitchens stated the qualification is a certification through the Department of Labor and Industry as a building code official.

Mr. Thornton made a motion to approve designating David Sinopoli the Township Building Code Official. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

C. Resolution re: Financing Police Radios

Mr. Hutchison stated, several months ago, the Board accepted a proposal from M&T Bank to finance the purchase of new police radios. The bank has come back and said they would like to have the resolution adopted in order to meet their internal needs. The radios are expected to be delivered in the next month or so and financing needs to be in place when they arrive.

Mr. Thornton made a motion to approve adopting the resolution, seconded by Mr. Gallagher. The motion passed by unanimous voice vote.

**Manager's Report:**

A. Funding decision re PADOT Multi-Modal funding for Lancaster Heritage Pathway

Mr. Hutchison stated the request for the Lancaster Heritage Pathway was not funded in the latest round. The letter received states the same application can be submitted for consideration in the next fund. The amount that was included in the budget previously would have to be continued for another application. Mr. Thornton asked if any feedback was received on why it was not funded. Mr. Hutchison responded there was no feedback, just a note that it is very competitive with many good applications. A response is needed by November 5<sup>th</sup>, 2024 to resubmit the application and staff need Board approval to do so.

Mr. Thornton moved to approve the request to reapply for funding. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

B. Nuisance Hotel Ordinance Statistics from Year One

Mr. Hutchison stated Chief Zerbe put together statistical information from the first year of enforcement under the Nuisance Hotel Ordinance. Mr. Thornton stated it appears to be working. Mr. Hutchison stated the Chief feels, though it is hard to quantify, that hotel owners are calling more frequently to report things happening on their own properties. There were two properties that triggered the next level of enforcement where Chief goes out and talks to the owners to come up with a plan. In both cases there was follow through. There were other locations with more events over the year, but the next level of involvement was not triggered because of the 60-day time period. Mr. Demme suggested getting Chief's feedback and looking at an amendment to the ordinance to lengthen that period of time. Mr. Thornton suggested making it a future Board discussion when Chief is present.

C. Announce Public Hearings re Conditional Use, Liquor License transfer and Business Improvement District (BID) Plan

A Conditional Use Hearing for 2498 Old Philadelphia Pike is scheduled at 4:30pm on Monday, October 21<sup>st</sup>.

A proposed Liquor License Transfer Hearing for 2453 Old Philadelphia Pike will be held at 6pm on Monday, October 21<sup>st</sup>.

The Business Improvement District plan was discussed with the Industrial and Commercial Development Authority prior to the Board meeting this evening. Bringing on that plan is tentatively considered for discussion prior to the November 18<sup>th</sup> Board meeting.

**Other comments:**

Mr. Gallagher wanted to clarify he does not think all homeless are criminals, but he does not think it is something children should be around. Mr. Demme added he appreciates the discussion and input from everyone.

**Adjournment:**

Mr. Thornton made a motion to adjourn, seconded by Mr. Gallagher. The meeting was adjourned at 8:34pm.

**Next meeting – Monday, October 21,2024, 7:00pm**