

January 17, 2012

The East Lampeter Township Board of Supervisors met on Tuesday, January 17, 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:

Mark Deimler, Strausser Surveying & Engineering, Inc., 2586 Lititz Pike, Lancaster, PA 17601,
representing Rebecca Beiler

Brian Simmons, 343 Cardinal Lane, Leola, PA 17540, representing CVCC

Lynn Commero, representing Lancaster Newspapers

Mary Clinton, 295 W. Main Street, Leola, PA 17540, representing CVCC

Diane Giles, 1046 Hartman Station Road, Lancaster, PA 17601, representing CVCC

Charlotte Stoudt, 20 Hobson Court, Brownstown, PA 17508, representing CVCC

Katie Kramer, 2147 Meadow Ridge Drive, Lancaster, PA 17601, representing CVCC

Patty Watson, 58 Magnolia Drive, Leola, PA 17540, representing CVCC

Terry Stumpf, 2082 Jarvis Road, Lancaster, PA 17601, representing CVCC

Kathy Raffensperger, 100 Joy Avenue, Leola, PA 17540, representing CVCC

Tina Edgell, 98 James Street, Leola, PA 17540, representing CVCC

Marzee Straub, 104 W. Main Street, Leola, PA 17540, representing CVCC

Courtney Osborne, 104 W. Main Street, Leola, PA 17540, representing CVCC

Minutes of January 3, 2012 Regular Meeting:

Chairman Buckwalter indicated that copies of the meeting agenda and minutes of the January 3, 2012 regular meeting were available in the back of the room for review and asked if there were any additions or corrections regarding the minutes as prepared. Mr. Shertzer stated that one correction needed to be made to the comment by Mrs. Mary Clinton in regards to the Conestoga Valley Community Center. Mrs. Clinton stated that Upper Leacock Township, West Earl Township, and Conestoga Valley School District have all agreed to make two (2) appointments to the CVCC Board for one (1) year. Mr. Shertzer said an addition should be added to the comment to say "as long as East Lampeter Township agrees to also make two (2) appointments".

A motion was made by Mr. Shertzer and seconded by Mr. Landis to dispense with the reading of the minutes and approve the minutes as presented with the above correction. The motion was passed by a vote of four in favor and one abstaining. (Mr. Eberly abstained due to being absent from the January 3, 2012 meeting.)

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$451,500.54 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount are a payment of \$178,861.96 to the City of Lancaster for sewage treatment for the fourth quarter, a payment of \$51,000.00 for the purchase of a mini excavator, a \$35,031.00 installment payment to Murray Insurance for insurance coverage, a payment \$15,870.00 for the Township's share of the ADA

improvements related to Rt. 462, and a payment of \$23,693.00 to New Holland Dodge for the purchase of a new vehicle for the Public Works Director.

A motion was made by Mr. Landis and seconded by Mr. Shertzer to approve payment of the bills as listed in the amount of \$451,500.54. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Financial Security Reduction: Finazzo Restaurant – New Holland Pike

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance. He explained that Finazzo Restaurant located at 2121 New Holland Pike is requesting a financial security reduction. The township engineer, David Miller Associates, visited the site on January 11, 2012 and observed numerous concerns which were listed in a letter dated January 16, 2012. They are recommending a financial security reduction of \$58,546.21, which will leave a new outstanding financial security balance of \$50,111.87.

Mr. Eberly made a motion to reduce the financial security for Finazzo Restaurant by \$58,546.21, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$50,111.87. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

b. MS4 Program Public Presentation: Permit Year #9 – Mr. Brandon Meyers, HRG

Mr. Brandon Meyers of Herbert, Rowland & Grubic, Inc. (HRG) introduced himself. He explained that this is a DEP permit process that they have been doing for East Lampeter Township for the past nine (9) years. Polluted stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s), from which it is often discharged untreated into local waterbodies. To prevent harmful pollutants from being washed or dumped into an MS4, operators must obtain a NPDES permit and develop a stormwater management program. He then explained how they wait for a dry spell and then inspect the storm sewage to see if anything is running through. If there is, there is obviously some sort of discharge and it is then tested. Mr. Meyers then gave a presentation of the Municipal Separate Storm Sewer Systems MS4 Program.

Mr. Hutchison added that there are a lot of things evolving through the Chesapeake Bay initiatives that are going to touch on this program eventually. The Township is in good shape now, but as things continue to evolve, the Township will have to do more work in this area.

No action was necessary for this item.

c. CVCC Request to Appoint Members to their Board of Directors

Chairman Buckwalter explained that at the last meeting, the Board made a commitment to respond to the request to appoint members to the Conestoga Valley Community Center (CVCC) Board. The Board is ready to respond to this request. Chairman Buckwalter asked Mrs. Mary Clinton if she had any additional information that she wanted to provide.

Mrs. Clinton suggested having a strategic planning committee formed with a commitment for one (1) year, as an alternative to appointing members to their Board. West Earl Township and Upper Leacock Township have agreed to sign up as long as East Lampeter Township agrees to this. Mrs. Clinton pointed out that Mrs. Katie Kramer, as resident of East Lampeter Township, is willing to serve on the Board.

Chairman Buckwalter discussed the CVCC By-Laws that were provided to the Board for their review. He stated that the Board members would be willing to provide names to CVCC. CVCC would then contact the individuals to see if they would be interested and if so, would then be appointed by CVCC to this entity.

Chairman Buckwalter stated that the Board members will prepare a list of names to communicate to CVCC/Mary Clinton.

No action was necessary for this agenda item.

New Business:

a. Beiler Land Development Plan #11-23: Lincoln Highway East/Hartman Bridge Road

Mr. Mark Deimler of Strausser Surveying & Engineering, Inc. introduced himself as representing Mr. Steve Beiler. Mr. Beiler was also in attendance. He explained that Mr. Beiler is proposing to construct a residential dwelling and barn on an existing 41.07 acre lot that is directly behind the Fulton Steamboat Inn property. Mr. Deimler reviewed the plan and the comment letter from David Miller Associates dated January 17, 2012.

Mr. Shertzer questioned if there was a low spot in the area along Hartman Bridge Road. He added that this area has a tendency for flooding on the west side of Hartman Bridge Road. He asked if any of that water comes from across the roadway where Mr. Beiler is planning to build.

Mr. Deimler replied that there is a low spot at one location, but the detention basin is designed to meet the ordinance.

Mr. Landis asked if there would be some improvements to the existing driveway and there was a brief discussion about it.

Mr. Landis made a motion to approve the Beiler Land Development Plan #11-23 at Lincoln Highway East and Hartman Bridge Road conditional to the waivers and deferrals listed on the letter dated January 17, 2012 from David Miller Associates. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Other Business:

a. Emergency Services Committee – Supervisor Representative: Term Ending 12/31/13

A motion was made by Mr. Shertzer to appoint Mr. John Blowers to serve as the Supervisor Representative on the Emergency Services Committee for the term ending December 31, 2013. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Authorization to Defend Zoning Hearing Board Decision re: Waterfront Restaurant

Mr. Hutchison explained that the owners of the Waterfront Restaurant appealed to the Zoning Hearing Board for a variety of approvals, requesting that they be permitted to expand their parking area to serve the restaurant onto the neighboring property owned by Mr. & Mrs. Hartlaub. The Zoning Hearing Board denied that application, although they did approve the concept that the restaurant could work within the total number of approved seats in the restaurant. Seasonally, they could adjust the numbers of seats they

have inside and outside, but the total number of seats would always be limited to 260 seats. Based upon the ordinance, they have adequate number of parking spaces for their employees and guests on their existing site. The applicant is appealing the decision of the Zoning Hearing Board to the Court of Common Pleas of Lancaster County. The question before the Supervisors is whether they want to defend the Zoning Hearing Boards decision as it goes to County Court. There were other participants at the hearing, which became parties to the case. Those parties may decide to intervene and defend the decision of the Zoning Hearing Board, but that is not known at this time. The other alternative is that the Zoning Hearing Board could defend the decision themselves. However, if that happens, then whatever decision is made at the County level would be final and binding on the Township. The Township could not then appeal an unfavorable decision beyond County Court unless the Supervisors were involved at the County level.

Mr. Eberly made a motion to authorize staff to defend the Zoning Hearing Board decision for the Waterfront Restaurant. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

Mr. Eberly suggested putting 'No Parking' signs along the road to prevent customers who are waiting from parking there.

Mr. Shertzer added that he did not think they have the parking lot lined very well and that if they lined it they would be able to determine exactly how many parking spaces they have.

Public Comment:

There were no comments.

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, February 6, 2012 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager