

February 4, 2008

The East Lampeter Township Board of Supervisors met on Monday, February 4, 2008 at 7:30p.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. G. Roger Rutt, Mr. Glenn Eberly, Mr. Michael Landis and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager.

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

Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601
Susan Snyder, 435 Mt. Sidney Road, Witmer, PA
Matt Kofroth, Lancaster County Conservation District
Steve Gergely, Harbor Engineering representing Bob's Automotive
Elijah Yearick, representing the Lancaster County Planning Commission
Diane Tyson, 34 Highland Drive, member of the Township Park Board
Mary Gattis-Schell, representing the Lancaster County Planning Commission
Dan McCuen, 2065 Pine Drive, member of the Township Planning Commission

Minutes of January 22, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the January 22, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments regarding the minutes as prepared. There were no comments.

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 \$84,154.71 were presented for payment, copies of which were available for review. After review of the bills list, a motion was made by Mr. Landis and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$84,154.71. The motion was passed by unanimous voice vote.

Presentation re: Mill Creek Watershed Implementation Plan / Assessment:

Chairman Buckwalter asked Mr. Hutchison to introduce this item. Mr. Hutchison indicated that the Township became aware that this plan and assessment had been completed late last year by the Lancaster County Conservation District. He also indicated that the Conservation District was willing to make a presentation regarding the plan and that Mr. Matt Kofroth was in attendance for that reason.

Matt Kofroth from the Lancaster County Conservation District then introduced himself and indicated that he is a watershed specialist and that his position involves the protection of water resources in Lancaster County. He then described the watershed assessment which was completed for Mill Creek and made note of specific opportunity projects located in East Lampeter which include some that would involve Township owned property. He also indicated that there is a dedicated grant funding source available for projects identified by the plan. Mr. Kofroth indicated that the plan makes note of the water quality threats in the Mill Creek watershed and proposes projects to address these threats and to make improvements to the watershed. He also noted that the Mill Creek Preservation Association, a private non profit group, has been doing projects to assist with the clean up of Mill Creek. Mr. Kofroth noted that the main issues in the watershed related to nutrients and sediment, stream bank stability, lack of quality fish habitat and development pressure and storm water. He further indicated that the study should be viewed as a planning document to assist everyone interested in Mill Creek for the future.

At the conclusion of his presentation, Mr. Kofroth answered questions from the audience and the Board members. Chairman Buckwalter then thanked Mr. Kofroth for making his presentation.

Old Business:

- a. Request for reduction of Financial Security – High Steel: Old Phila. Pk.

Chairman Buckwalter indicated that the Township Engineer has recommended that this financial security be reduced by \$64,933. He then noted that he would not be voting on this item due to a conflict of interest. Mr. Eberly then made a motion to approve of the financial security reduction for High Steel as recommended by the Township Engineer. The motion was seconded by Mr. Landis and passed by vote of four in favor and one abstention. (Chairman Buckwalter abstained)

- b. Request for release of Financial Security – Lanco Mini Storage: Old Phila Pk.

Chairman Buckwalter indicated that the Township Engineer has recommended that this financial security be released. Mr. Eberly then made a motion to approve of the financial security release for Lanco Mini Storage as recommended by the Township Engineer. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- c. Millcreek Square Shopping Center Conditional Use Decision – Condition #33

Chairman Buckwalter indicated that he has recused himself from this matter due to a conflict of interest and turned the meeting over to Vice Chairman Rutt for this item.

Mr. Rutt asked Mr. Hutchison to comment upon this agenda item. Mr. Hutchison indicated that he believed that Mr. Hornbeck representing the applicant, had asked for an

opportunity to update the Board on where they were with respect to this issue. Mr. Hornbeck, High Real Estate Group, then indicated to the Board that they were continuing to work with the Township staff in an effort to reach a resolution on Condition #33 of the Board's decision on their project. He further indicated that he hoped that they would be able to return to the Board's next meeting for a discussion on this item. Mr. Hornbeck also stated that he was very eager to get this item resolved. Mr. Rutt thanked him for the update.

Mrs. Lois Duling, 824 Stumpf Hill Drive, asked if the discussion regarding Mill Creek Square had anything to do with the proposed architecture of the proposed buildings. Mr. Rutt indicated that the discussion related only to condition number 33 of the decision which has to do with traffic issues.

Chairman Buckwalter then resumed chairing of the meeting.

New Business:

- a. Bob's Automotive Land Development Plan #07-32: Lincoln Hwy. East

Mr. Steve Gergely of Harbor Engineering was in attendance to represent this plan. He reviewed the plan showing the location and the proposed improvements with the Board. He also indicated that the application included requests for waivers of plan scale and processing requirements. Mr. Gergely also indicated that the plan had been reviewed by the Township Planning Commission which recommended conditional approval subject to the Township Engineer's review comments. Mr. Hutchison requested that Mr. Gergely describe the use of the proposed driveways and the general traffic circulation pattern for the site. Mr. Gergely indicated that the site is relatively narrow and that the existing right in / right out driveway would remain in its present location and that a new right in / right out driveway would be created on the proposed site just west of the existing driveway, subject to PA DOT approval. He also noted that vehicles will be able to cross between the two adjoining sites to the rear of the recently constructed building. Mr. Hutchison asked if the owner had any intention to join the two properties together. Mr. Gergely said that he did not intend to join them. Mr. Eberly asked if the second driveway was necessary or if the operation could function with just the existing driveway. Mr. Gergely said that the owner preferred having the two driveways in order to make maneuvering on the site easier. Mr. Shertzer asked if there needed to be any easement agreements in place because of the fact that the two lots were not being joined together. Mr. Hutchison indicated that he believed that since the ownership was currently the same it was not a problem but that it could be a concern for a new owner if either of the lots was to be sold off separately. Mr. Shertzer then asked Mr. Gergely what the owner would do if he is unable to get a permit for the second driveway. Mr. Gergely indicated that the owner would then proceed without it. Chairman Buckwalter asked if there were any questions or comments from the audience. Mr. Shertzer expressed his concern for what happens to the plan should they be denied a driveway permit. Mr. Hutchison indicated that should the permit be denied, the applicant will have to revise the plan before the plan can be recorded. Mr. Shertzer then made a motion to conditional approve of the plan for Bob's

Automotive #07-32 and the requested waivers subject to the Township Engineer's review comments. The motion was then seconded by Mr. Eberly and passed by unanimous voice vote.

Chairman Buckwalter then indicated that it was his understanding that some of the proposed improvements shown on the plan had already been initiated by the applicant and that he wanted Mr. Gergely to indicate to his client that the Board did not appreciate his proceeding prior to obtaining the proper approvals from the Township. Mr. Gergely indicated that he would communicate that concern to the owner.

Other Business:

- a. Community Revitalization Assistance Program Grant Contract – Flory Park

Chairman Buckwalter asked Mr. Hutchison to review this item for the Board. Mr. Hutchison indicated that the Township had previously been invited to apply for grant funding through this program and did in fact submit a request for \$20,000 at that time. He also indicated that the application had been approved and that in order to receive the funds, an agreement had to be executed. He further stated that the funds are to be used for the purchase of materials for the construction of the proposed rest rooms and concessions building in Flory Park. Mr. Eberly then made a motion to approve of the grant agreement for the Community Revitalization Assistance Program. The motion was seconded by Mr. Landis. There was a brief discussion regarding this program. At the conclusion of the discussion the motion was passed by unanimous voice vote.

Chairman Buckwalter announced that the Township staff was working on changes to the Township's program for administering the Statewide Uniform Construction Code. He indicated that the Township currently uses one third party company for the plan reviews and site inspections on non residential building projects and that the Township intends to change the program so that non residential building owners will be able to select from a list of plan review and inspection companies for these services. He further indicated that this change will require action by the Board of Supervisors and that he wanted people to be aware that this change would be discussed by the Board at future meetings.

Public Comment:

Mr. Dan McCuen, 2065 Pine Drive, asked the Board after hearing the presentation on the Mill Creek Watershed what the Board would be doing in response to it? Mr. Hutchison indicated that the Board has not yet had the chance to review the report closely having just received it. He did indicate that the Township has been planning improvements to the Strasburg Pike side of the property being developed as Flory Park and that a bridge over a tributary to Mill Creek is involved in those improvements. He said that as a part of that effort, Township staff and consultants have been working with the Conservation District to design improvements to this tributary in accordance with the watershed plan and hopefully apply for grant funding to assist in that effort. Mr. Hutchison also said that the

plan will be used as reference material for future projects on Township owned lands as well as for private projects which are proposed on properties which are identified in the plan. Mr. McCuen indicated that he felt that there might be other groups such as the Boy Scouts who would be willing to help with this effort but would need some guidance and funding to do so. Mr. Hutchison said that the Township staff would stay in touch with Mr. Kofroth in order to be aware of the next opportunity to apply for grant funding. Chairman Buckwalter indicated that part of the reason for having the presentation was so that Township residents would become aware of the plan and look for opportunities to assist with its implementation. He also suggested that this would be a good item to share on line through the Township web site and for an article in a future Township newsletter.

Lois Duling, 824 Stumpf Hill Drive, asked if the Board would make her aware of future vacancies before Township positions were filled. She indicated that she did not know many of the people who are currently serving in Township positions and that she did not know of many who live in her part of East Lampeter Township. Chairman Buckwalter indicated that Mrs. Duling lives in his part of East Lampeter Township and that he did not believe that the Township was so large that we needed to be concerned about representation of different areas in a fashion similar to how it is done in state government. Mrs. Duling said that at times she feels that those in the upper northeast section of the Township are not being represented because votes have been taken by the Board which she does not agree with. Chairman Buckwalter indicated that Township residents have expressed their willingness and interest to serve the Township and that this would be a better way to approach this issue so that when vacancies do arise that the Board already has this information.

Mrs. Duling then indicated that on a couple of occasions she has asked for reports and that when she thought that she was going to get a report from Mr. Hutchison instead she received a form to fill out in order to request the report. She also indicated that when she asked for these reports that she needed them right away. She then indicated that she did receive the document that she was looking for from another Township. She said that she should be able to get these things from East Lampeter Township. She then expressed her frustration with the response that she received from Mr. Hutchison when she requested a report. Chairman Buckwalter indicated to Mrs. Duling that Mr. Hutchison is not available to provide reports whenever she requests them and that is why the Township has a procedure for requesting public documents. He further stated that he believed that it was appropriate for a municipality to have a procedure for making these kinds of requests as opposed to calling the Township Manager. Mrs. Duling said that she found it distressing that she had to go to another Township to obtain what she wanted from this Township. Chairman Buckwalter asked Mrs. Duling if she followed the procedure for requesting the report from East Lampeter Township. Mrs. Duling said that when she asks someone to help her with an issue, she does not want to have to fill out fifty forms to get the results because she doesn't have the time and energy for that. She said that she needs it now and so she goes to another person or to the internet and she gets it. She then stated that she is a Township resident and then expressed her dissatisfaction that she had to go to another Township in order to get what East Lampeter has. Chairman Buckwalter then asked Mrs. Duling if she was given instructions on how to follow the Township's procedure for

requesting the report that she wanted. Mrs. Duling said that she did not fill out the form and she will not fill out the form. Mrs. Duling then said that on one occasion it was four days of e mail exchanges with Mr. Hutchison because he continued to indicate that he did not understand what she was asking for. She then said that she felt that there should not be a procedure that is so complicated that she has to go to another Township for a report. She then questioned why she has to spend the time to wait for the Township to respond to her requests because time is money.

Mr. Eberly said that he recalls many occasions when the Board announced vacancies in Township positions at public meetings where Mrs. Duling was in attendance. He also noted that there is currently a vacancy on the LIMC Greenway and Park Advisory Board and that Mrs. Duling could seek out Township residents for that position

Chairman Buckwalter then indicated that he felt that the discussion on the issues raised by Mrs. Duling had been exhausted and asked Mrs. Duling if she had another issue that she wished to present to the Board. Mrs. Duling said that her other item was that she was supposed to be somewhere else and that maybe she should have gone there.

Chairman Buckwalter then asked if there were any other comments from the audience.

Susan Snyder, 435 Mt. Sidney Road, asked how the effort was going to hire a secretary to type the minutes. Chairman Buckwalter indicated that he was aware that Mr. Hutchison was working on it and that was all that there was to report at that time. Mr. Hutchison indicated that he has been refining the position description. Ms. Snyder indicated that she thought that a secretary would be aiding Mr. Hutchison in dealing with requests for reports as well. Chairman Buckwalter indicated that there is staff available to handle requests for documents and that the hiring of an Administrative Assistant will not change the way that the Township handles those requests. He also said that the Board wants this position filled so that Mr. Hutchison does not need to work on minutes too. Ms. Snyder said that she felt that a person at Mr. Hutchison's level should not be typing minutes and that it was a misuse of tax dollars. Chairman Buckwalter thanked her for her comment.

Chairman Buckwalter asked if there were any other comments from the audience. There were none.

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, February 19, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager