

February 19, 2013

The East Lampeter Township Board of Supervisors met on Tuesday, February 19, 2013, 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. Mike Landis and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. John Shertzer and Mr. John Blowers were absent.

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

Bolivar Medina, Jr., 1724 Old Philadelphia Pike, Lancaster, PA 17602  
J. Dwight Yoder, Esq., Gibbel Kraybill & Hess LLP, 41 E. Orange Street, Lancaster, PA 17602,  
representing Lancaster Mennonite School  
Corey Meyer, 1826 Windrow Drive, Lancaster, PA 17602  
Lynn Commero, representing Lancaster Newspapers  
Elvin Kennel, 3569 Leike Road, Parkesburg, PA 19365, representing Lancaster Mennonite School

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 noted that item b. under Other Business of the agenda will not be part of the meeting. Chairman Buckwalter also announced that an executive session was held on February 4, 2013 to discuss some legal issues.

Minutes of February 4, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the February 4, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Landis to dispense with the reading of the February 4, 2013 minutes and approve the minutes as presented. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$508,907.59 were presented for payment. Chairman Buckwalter noted that some of the larger items included in that amount was \$8,714.00 to Dell Marketing for computers and monitors, a payment of \$36,000.00 to Morgan Stanley for the pension funds for both uniform and non-uniform employees, a payment of \$8,279.05 to Atlantic Tactical for bullet proof vests, and a payment of \$10,774.42 to American Rock Salt Company for road salt.

A motion was made by Mr. Eberly and seconded by Mr. Landis to approve payment of the bills as listed in the amount of \$508,907.59. The motion was passed by unanimous voice vote.

Old Business:

None

## New Business:

- a. Appeal of Zoning Hearing Board Decision re: Lancaster Mennonite High School / 2160 Lincoln Highway East

Chairman Buckwalter explained that the Township Zoning Hearing Board made a decision to approve a number of variances related to a project that's planned for 2160 Lincoln Highway East. Staff had some concern about that decision and brought it to the Board of Supervisor's attention.

Mr. Hutchison added that the various approvals that the Zoning Hearing Board granted had to do with the use itself, setback requirements at the property, and the proposal to build part of the structure over a property line. He brought the decision to the attention of the Board of Supervisors and is asking that they consider an appeal of the Zoning Hearing Board decision.

Chairman Buckwalter stated that two (2) members of the Board of Supervisors, along with Mr. Hutchison, met with representatives of Lancaster Mennonite High (LMH) to discuss the Township concerns.

Mr. Dwight Yoder, Esq. introduced himself as representing the applicant. He also introduced Richard Thomas, Superintendent for Lancaster Mennonite Schools and Mr. Elvin Kennel, Lancaster Campus Principal. Mr. Yoder stated that the school wants to work with the Township and believe they have a good project that will work for both the school and the community. Their proposal is to take a portion of the second floor of 2160 Lincoln Highway East and construct a resident hall with an entrance that will lead right onto the campus. The current resident hall, built in 1949, is outdated and does not even have air conditioning. They agree that if the second floor is not used for school related uses, then that structure would be removed. Mr. Yoder stated that the school is prepared whether it's through a zoning appeal or as a condition of land development to resolve this. He added that even though this could be considered an accessory use, they believe it is school and related use. He suggested resolving this issue with a developer's agreement.

Chairman Buckwalter asked Mr. Hutchison about the process of this challenge and how it impacts the school and the Township in terms with time. If the Township would work out some sort of settlement as part of the appeal, what would this entail?

Mr. Hutchison responded that if you would authorize an appeal, Solicitor Kraybill would submit his appearance in the appeal and it would need to be completed by the end of this week. At that point, discussions could begin directly with the applicant. For settlement of the appeal, that could be done rather quickly and at some future public meeting they could take some further action to approve of a settlement agreement.

Mr. Eberly summed it up that an appeal should be started as quickly as possible, but if an agreement can be reached between the parties involved, then the appeal could be dropped.

After further discussion, Mr. Eberly made a motion to authorize the appeal of the Zoning Hearing Boards decision in regards to Lancaster Mennonite High School / 2160 Lincoln Highway East – Plan 2012-13. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

### Other Business:

#### a. MS4 Presentation – 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 ten (10) years. Mr. Meyers gave a permit presentation using powerpoint.

Mr. Hutchison added that another thing that is happening to stormwater in the near future, which isn't directly related to MS4s, is that the county has completed their Act 167 Watershed Plan. It was submitted to DEP and then DEP will have completed or soon will approve of that. The Township will then have six (6) months to update the ordinance.

No action was necessary for this item.

#### b. Approval of Retirement – Sgt. Randolph Sensenig

This item was removed from agenda.

#### c. Peddling Ordinance Adoption

Mr. Hutchison explained that Chief Bowman worked on the basic structure of the ordinance and then Solicitor Kraybill put it into form using another one of our Township ordinances. This ordinance requires that anyone who wishes to go from door to door for commercial purposes would need to obtain a permit from the police department. They would need to provide information about who they are, both in terms of the business enterprise and the individual that would be going from door to door. The permit would be good for thirty (30) days. This does not apply to some of the community based organizations, such as Girl Scouts selling cookies and church and school activities selling items.

Mr. Corey Meyer, 1826 Windrow Drive, Lancaster, PA 17602, asked about yard sales. He asked this in regards to item B. on page 1 of the ordinance.

Mr. Hutchison replied that this item aims more towards the sale of Easter flowers, Christmas trees, and firework stands that set up in parking lots.

A motion was made by Mr. Landis to approve the Peddling Ordinance as drafted. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

### Public Comment:

Mr. Bolivar Medina, Jr., 1724 Old Philadelphia Pike, Lancaster, PA 17602, addressed the Board about the installation of sidewalks along his property. He is requesting a continued deferral for the installation of curbing and sidewalks. Mr. Medina referred to the letter that he sent to Mr. Hutchison and the Board of Supervisors on February 10, 2013, which outlined the cost of having the sidewalks installed. Mr. Hutchison suggested having the work done in phases if acceptable with the Board. The curbing would be installed now and defer the installation of the sidewalks for an additional number of months. Mr. Landis and the other Board members were acceptable of this suggestion. No action was taken on this item. They asked that Mr. Medina Jr. install curbing at this time and return with a proposal for the completion of sidewalks.

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 Monday, March 4, 2013 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager