

March 18, 2015

The East Lampeter Township Board of Supervisors held a Special Meeting on Wednesday, March 18, 2015, at 7:00 p.m. at the East Lampeter Township Office: 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Mr. John Blowers, Chairman. In addition to Mr. Blowers, supervisors present were: Mr. Dave Buckwalter, Mr. Glenn Eberly, Mr. Corey Meyer and Mr. Ethan Demme. Also present was Mr. Ralph Hutchison, Township Manager and Ms. Tara Hitchens, Director of Planning/Zoning Officer

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

Louis & Claudette Korzniecki, representing Flory's Cottages & Camping
Scott Denlinger, representing Flory's Cottages & Camping
Dan Nafziger, representing Spruce Lane Lodge
Gerald F. Kling, representing Country Living Inn
Chris Dommel, representing Dommel's Hotel Management
Barry H. Kidd, representing Dommel's Hotel Management
Don Harnish, representing Flowers & Thyme Bed and Breakfast
Raul Patel, representing Laxmi Inc.
Ravi Thakkar, representing Lancaster Motel
Piyush Shah, representing Cherry Lane Motel
Raj Patel, representing Eastbrook Inn
Nick Patel, representing Weathervane Motor Court
Kepal Shah, representing Classic Inn
Dharam Goragandhi, representing My GHM Hotels
Carl & Sharon Shirk, representing Stumptown Manor Bed and Breakfast
Katie Patel, representing Soudersburg Motel
Yogi Patel, representing Sleep Inn
Austin Kling, representing Country Living Inn

Chairman Blowers introduced the Board and the staff. He stated that the Board has been considering adopting the International Property Maintenance Code (IPMC) for a standard of operation for lodging properties in the Township. He stated that the Board had previously looked at adopting the IPMC for the whole Township but that did not get adopted. The Board asked staff to prepare an ordinance to apply to lodging properties. Staff notified 43 hotels/motels, 13 bed and breakfasts, and 3 campgrounds with a letter and a copy of the ordinance. He stated that many municipalities in Lancaster County use the IPMC.

Mr. Hutchison stated that he has been the Manager of the Township for over 23 years and he has seen how the Township has changed. He is concerned about the long term sustainability of the lodging properties in the Township due to the physical changes and the numerous complaints about conditions of some of the lodging properties. He stated that as a result of those complaints it has caused him to be concerned about the health, safety and welfare of people who are visiting the Township. He stated that the Township has no way to address most of those complaints and it is frustrating for visitors and Township staff. He stated that poor property maintenance also puts our emergency responders at risk.

Mr. Hutchison wanted to provide some data to show validity for his concerns. He provided data from the County Assessment office to determine the average age of buildings in the Township. He stated that the average age of all existing hotels/motels in the Township is about 34 years old with the oldest at 80 years old and the youngest at 6 years old. The average age of the bed and breakfast is about 124 years old with the oldest at 222 years old and the youngest at 29 years old. The average age for a campground is about 54 years old. He then provided data about the assessed values of the buildings in the Township for the past 4 years (2010-2014) and showed that the assessed values are decreasing every year. He stated since November 2014 the Township staff has received 12 property maintenance type complaints at lodging properties. He shared data about the number of police calls to lodging facilities as follows: 402 calls in 2012, 505 calls in 2013, and 454 calls in 2014. He stated that there were 66 fire calls dispatched to lodging facilities in 2014. He feels that the Township needs a way to be able to respond to the amount of complaints. He stated that the draft ordinance is not before the Board tonight as an action item but the Board wants to hear reaction, comments, suggestions and questions from the property owners.

Mr. Hutchison stated the IPMC is about 26 pages of standards that would become the minimum standards for property maintenance. The enforcement for these standards would be on a complaint basis for buildings/grounds for lodging properties. He stated that complaints about quality of service are not addressed by the property maintenance code. He stated that inspections would be completed by certified inspectors contracted by the Township. He reviewed the process of the IPMC. He stated that the Township would log complaints and are reviewed by staff. If staff feels the complaint is valid they would contact a 3rd party inspection agency. The inspection agency would contact the property owner and an inspection would be performed by either an agreement of the owner or an administrative warrant. Inspection results would be shared with the Township and a Notice of Violation/Order to Remediate/Correction Order would be sent to the property owner. Property owners would be given a reasonable amount of time to make the corrections or request a time extension. If corrections are made there would be a final inspection and the case would be closed. If there is no response or correction the Township would have to prosecute for the violations. He stated that there is an appeals process. A Board of Appeals, made up of Township residents, would be established and a hearing would be held and a determination would be made regarding the violation. The Township would investigate anonymous complaints as warranted. If correction of violations would require a building permit, the property owner would be required to obtain one.

Mr. Hutchison stated that the goal of the program is compliance. The Township is looking for a minimum standard for property maintenance. He stated that there will be a fee structure based on an hourly rate of the 3rd party inspection agency and any potential legal fees if those become necessary. He stated that there is no charge to the property owner if no violations are found. He stated that if the ordinance is adopted and there are no complaints then nothing really changes for you as a lodging owner.

Mr. Demme asked if the Township had a total number for complaints on non-lodging properties. Mr. Hutchison stated we have received some but he did not have a number available at the moment. Mr. Demme asked if the Township had a total number for calls by police or fire calls on

non-lodging properties. Mr. Hutchison stated that the Chief was before the Board and stated that the police department had 18,246 calls of which 10,107 were reportable.

Chairman Blowers opened the meeting up to public comment.

Mr. Raul Patel, Knights Inn, stated that he was affected by a property maintenance issue last year. He asked what the assessed value has to do with property maintenance. He doesn't feel the assessed value has anything to do with condition of the property. He feels that 12 complaints is not a lot of complaints when the Township has 43 hotels. He also feels that 66 fire calls is a relatively low number in relation to the number of hotels and hotel nights. He reviewed what happened to his hotel by stating the Township got a warrant and they got shut down for 6 weeks and he felt a fine would have been a better alternative. He stated that he believes the UCC works and that Ms. Hitchens has authority to close the lodging facilities down with an administrative warrant. He felt that he didn't have the time to appeal and couldn't open until everything was completed. He complained that the Township staff was unavailable because they work a Monday thru Friday schedule where most hotels work seven days a week. He complained about the ABI inspection company because they nit-picked details. He agrees there should be a process but feels it shouldn't be for lodging properties only. Mr. Meyer asked what other properties should be included. Mr. Patel stated restaurants and outlets.

Mr. Buckwalter asked Mr. Hutchison if the Township could have addressed the concerns with ordinances already on the books. He stated that he thought the fire department identified a violation and the Township wasn't able to do anything on its own with the UCC.

Mr. Hutchison stated that the UCC deals with new construction which was different than what the Township dealt with Mr. Patel's property. Mr. Hutchison stated that restaurants are inspected by the Department of Agriculture. Mr. Patel stated they also are inspected by the state because they serve food but complaints are handled differently. He stated that the whole complaint number thing seems targeted. Mr. Hutchison stated that this meeting is about the property maintenance code as drafted as applicable to lodging properties so that is the information he was providing that he thought was relevant. Mr. Patel stated there should be a solution to this, he admitted that the Knight's Inn made mistakes but he feels there should be something in the middle.

Mr. Blowers stated it would be a challenge to respond to complaints about properties without an ordinance. He stated that the Township talked last summer about developing an ordinance but faced challenges. Mr. Hutchison stated that the IPMC is an industry standard, if the Township develops their own it would be difficult to substantiate in court.

Mr. Demme commented that if the Township had the IPMC then it may have opportunity to cure rather than shut down but believes it should be applied uniformly not targeting just one type of business.

Mr. Barry Kidd, Dommel's Hotels at 2133 Lincoln Highway East, stated that this is a life/safety issue more than anything. He stated we are trying to avoid a tragedy and it is our job to make sure people are safe while they are here.

Mr. Scott Denlinger, Flory's Cottages & Campground, stated that right now if they need to upgrade their buildings they need permit to bring them up to the current code and wondered if the ordinance would open it up for wholesale changes to bring all existing buildings up to code because a violation is found. He said it would be catastrophic to have to bring all the buildings up to code for almost every property owner. Mr. Hutchison stated that you would not be required to bring the whole building up to the Uniformed Construction Code. He stated that the standards in the property maintenance code are to maintain what is there. He stated that this is a completely different code from the UCC. He stated that if you need to do construction work to correct a problem that requires a building permit whatever is one that building permit would be required to be under current code.

Mr. Buckwalter stated that the IPMC is available online. Mr. Blowers asked if there is a link to the IPMC website on the Township website. Mr. Hutchison stated that he is not sure if it is fully available online.

Mr. Kepal Shah, Classic Inn, stated that his taxes keep rising so how can we maintain properties with rising taxes. Mr. Hutchison replied that the Township's real estate taxes have not gone up significantly. Mr. Shah stated that he charges \$59 a night compared to metro cities. Mr. Hutchison stated that the spring tax bill includes school and county taxes and that the Township's portion is the smaller of those amounts. The Board stated that they have not doubled taxes in the Township. Mr. Shah believes that lodging facilities take care of their properties.

Mr. Raul Patel commented that there is difficulty in saying things are grandfathered because drawings don't exactly cover to what is there and it is hard to say what the standards are because we can't prove what was there and whether it up to standards. He stated that making people bring things up to code isn't wrong but it is difficult. He feels the UCC covers it and feels there's another way.

Mr. Demme asked Mr. Patel if he had a property in West Hempfield Township. Mr. Patel stated he owned the Comfort Inn in West Hempfield Township. Mr. Demme stated that West Hempfield has the IPMC but it applies to all properties. Mr. Patel stated that he would like the code to apply to everyone. He doesn't understand why the Township did not approve it for the whole Township. Mr. Blowers stated that the Township can always reconsider, rescind, or reform issues through the ordinance process. He asked Mr. Patel if he wanted the application of the ordinance to be applied to all properties. Mr. Patel stated that there should be some thought in how it is executed and finding an approved IPMC inspector should be a community decision not just a Township decision. Mr. Blowers stated that the Board are representatives for the Township.

Ms. Ravi Thakkar, Lancaster Motel at 2628 Lincoln Highway East, read a letter dated March 18, 2015 prepared signed by 24 lodging property owners stating that they object to the adoption of the IPMC for only lodging properties. She stated that the IPMC would increase costs of running a lodging facility and that many of them already have compliance obligations to their franchisors. She stated that the most concerning aspect of the proposal is that it seems to impact one minority group and that by isolating adoption to only lodging properties would be

discriminatory. She stated that they strongly urge that you reject this adoption of the IPMC solely for the lodging community and work on tailoring a better avenue. She stated that they hope to receive fair and equal treatment from the Township to maintain a healthy relationship.

Mr. Buckwalter asked if they are accusing the Township of discrimination if they adopt this ordinance. Mr. Dave Goragandhi, MyGHM Hotels, responded that he agrees with Mr. Demme and that by adopting the ordinance it would be segregating and discriminating one full sect of the lodging facility. He stated that it needs to be done for everyone in the Township. He stated that of the 43 hotel/motel owners about 75% are of Indian decent. Mr. Buckwalter asked again if they feel the Board is being discriminatory. Mr. Raul Patel stated that yes that is what they are saying. Mr. Goragandhi stated that the Board should keep the IPMC broad among all business owners and residential owners in the Township.

Mr. Meyer commented that 220 people have made comments on hotels.com on the Knights Inn that it seems that those aren't keeping clean places have low ratings.

Mr. Buckwalter expressed concern that they are accusing the Board of being discriminatory against the Indian population in the community and he doesn't want it to be seen that way and doesn't feel that way about it at all but he is concerned about that the Township does have properties that are safe and well maintained for guests to come. Mr. Goragandhi stated that the only thing they are trying to say is make it uniform. Mr. Buckwalter stated that the last time the Board addressed this issue they had complaints about places of lodging and if the Board adopts the IPMC it would address that concern.

Mr. Blowers stated that the Township currently has a nuisance property ordinance that staff can respond to complaints mostly for residential properties and have construction codes that apply to new construction but we don't have anything in place to keep commercial properties up to date. The Board heard from staff that there was no way to handle complaints received from or about lodging properties. If the Board were to pass an ordinance it wouldn't preclude a change for other types of properties to be included under the IPMC.

Mr. Eberly commented that lodging properties are a different type of business because people place their safety in your hands overnight and for longer periods of time than a typical commercial business. Mr. Demme asked if there is a difference between a short term lodging versus a rental property. Mr. Meyer commented that most people look for hotels from websites where as a rental they may inspect in person. Mr. Buckwalter commented that on page 2 of the draft ordinance it states that short term stay places and lodging facilities are included and asked if that address Mr. Demme's concern.

Mr. Goragandhi stated that they are ok with the IPMC but would want all properties including residential. Mr. Patel commented that it should be applied in a way that is fair.

Ms. Claudette Korzniecki, Flory's Cottages & Campground, stated that whatever the Board adopts document it so that those that follow you understand what the IPMC is supposed to apply to. She stated that as long as it is clear and predecessors know how to apply it. She stated that she is not for or against the IPMC. She stated that if the tourists aren't happy they will not come

back and that will affect everyone. She stated that is a complex Township and the Board is not going to please everyone.

Mr. Carl Shirk, Stumptown Manor Bed and Breakfast, stated that the Board didn't choose who bought into the hospitality business. He stated that if we are the only Township without the IPMC then we need to get one. He said he is the last person to support more government but we need something in place.

Mr. Blowers stated that 34 out of 60 municipalities, mostly the larger municipalities, have the IPMC. He clarified that the Board is not targeting any ethnic or racial segment of the population.

Ms. Korzniecki asked how many of the 34 municipalities that have the IPMC target just lodging. Mr. Demme replied that East Lampeter Township would be the only one that would be only for lodging facilities.

Mr. Denlinger asked if the Board already tried to address within Township uniformly and it was defeated. Mr. Blowers stated that yes in the fall 2014, the Board had 3 public meeting and the Board voted the IPMC down for everyone in the Township. Mr. Denlinger stated that from the work that is being put into the IPMC that the issue is obviously safety. Mr. Blowers stated that the Board could adopt the IPMC and apply to a specific class of properties, they could expand it over time to apply to other properties, they could defeat the ordinance, or a Board member could ask that it be readdressed.

Mr. Buckwalter commented that he appreciated everyone that came out to express their thoughts and opinions on this issue.

Mr. Blowers also thanked everyone for coming to express their opinions and asked that they continue to come to meetings and express their thoughts and opinions. He stated that the Board is looking at a Route 30 Streetscape project and improve it for visitors.

Mr. Goragandhi stated that he saw the Route 30 Streetscape and believes it would be a great change and good move towards the future. He asked if there was a timeline for the project.

Mr. Meyer responded by saying the plan should be completed by April and then it goes into a pricing phase and funding sources by the summer. Mr. Hutchison responded that the draft should be to the Board in April and the steering committee will probably make a presentation in May and then the Board can decided when they want to take action.

Mr. Blowers mentioned that sewer work will begin along Route 30 beginning mid-April through September during the overnight hours. He also mentioned a timing project for the lights along Route 30 as well.

Mr. Meyer issued an apology to Mr. Patel and Mr. Patel apologized to Mr. Meyer.

Adjournment:

A motion was made by Mr. Demme and seconded by Mr. Meyer to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, April 6, 2015 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison