

April 6, 2009

The East Lampeter Township Board of Supervisors met on Monday, April 6, 2009, 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. Supervisors present were: Mr. David Buckwalter, Mr. John Shertzler, Mr. Roger Rutt, Mr. Michael Landis, and Mr. Glenn Eberly. 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, representing CVC
Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601
Mark Deimler, Strausser Surveying & Engineering, Inc., 2586 Lititz Pike, Lancaster, PA 17601, representing John Broderick
Robert H. Long Jr., 212 Locust Street, Suite 500, Harrisburg, PA 17101, representing Thomas, Long, Niesen, and Kinnard
Jennifer M. Sultzaberger, 212 Locust Street, Suite 500, Harrisburg, PA 17101, representing Thomas, Long, Niesen, and Kinnard
Linford Good, High Associates, 1853 William Penn Way, Lancaster, PA 17608, representing Shippen Realty
Tom Clark, 31 Acorn Boulevard, Lancaster, PA 17602
Doug and Linda Weidman, Lancaster, representing Shippen Realty
Dean A. Landis, 202 Greenfield Road, Lancaster, PA 17601, representing DMJ Partners

Minutes of March 17, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the March 17, 2009 regular meeting were available for review and asked if there were any comments or corrections regarding the minutes as prepared.

A motion was then made by Mr. Shertzler and seconded by Mr. Rutt 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 \$115,392.16 were presented for payment. Chairman Buckwalter mentioned that of the total amount, \$5,800.00 is going for work done at Flory Park and the remainder is for routine expenses.

After review of the bills listed, a motion was made by Mr. Eberly and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$115,392.16. The motion was passed by unanimous voice vote.

Old Business:

- a. Financial Security Release Request – Hamlet of Bird in Hand Subdivision

Chairman Buckwalter explained that the Hamlet of Bird in Hand Subdivision is requesting a financial security release. The Township Engineer has reviewed this request and is recommending releasing all of the remaining funds held in escrow.

Mr. Eberly made a motion to release the financial security funds for Hamlet of Bird in Hand Subdivision, as recommended by the Township Engineer. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Request to Change Condition of Approval – High Associates: 107 Independence Court

Chairman Buckwalter recused himself from participation in this agenda item due to his employment in the High organization and asked Mr. Rutt to chair the meeting for this agenda item.

Mr. Ken Hornbeck of High Associates introduced himself and explained that he had been before the Board on March 17, 2009, for final approval of 107 Independence Court. It was brought up at that meeting that there is a section of Independence Court that sits outside of the right-of-way. Neither the Township nor High Associates can find any documentation of the land being dedicated to the township or any type of agreement between Norfolk Southern and the Township.

Mr. Hornbeck then reviewed condition #6 and #7 of the conditional approval letter dated March 26, 2009, from Mr. Lee Young, Zoning Officer for East Lampeter Township. The letter listed seven (7) conditions that must be met in order to receive approval.

Condition #6 stated that a portion of the Independence Court cartway is outside the right-of-way and historical data verifying that an access easement or other agreement is in place needs to be provided. It also stated that this issue needs to be discussed with the Board of Supervisors.

Mr. Hornbeck stated that he feels that this condition is unfair since this transaction happened almost 30 years ago and though they cannot find any documentation, the Township also cannot produce any documentation.

Condition #7 stated that the applicant is required to continue to work with the Township to resolve the right-of-way issues related to Independence Court and the railroad. Prior to the issuance of an occupancy permit for the proposed building, the applicant must report back to the Board of Supervisors regarding the investigation of this issue and any completed or proposed resolutions.

Mr. Hornbeck stated that they have been working with the Township to resolve this issue and have a couple proposed resolutions. One of which is to maintain the status quo.

Mr. Hornbeck added that he is before the Board tonight to ask them to consider striking condition #6 as it is written, since neither the applicant nor the Township can provide documentation that an agreement between Norfolk Southern and the Township exists. Condition #7 should be struck in its entirety or by coming back and discussing this tonight, they have met this condition.

Mr. Rutt asked if anyone from the audience had any comments on this issue. There were no comments.

After further discussion between Mr. Hornbeck, Mr. Hutchison, and the Board members, Mr. Eberly made a motion to grant a thirty (30) day extension for High Associates to accept the conditions of approval for this project, which will give the staff and Township Engineer time to come up with the information that the Board needs to know. Mr. Landis seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

New Business:

a. Broderick Land Development Plan #09-01: Lincoln Highway East

Mr. Mark Deimler of Strausser Surveying & Engineering introduced himself as representing Mr. John Broderick (John's Homes) Land Development Plan at 2771 Lincoln Highway East, Ronks, PA. Mr. Deimler explained that approximately 18-months ago, Mr. Broderick purchased some land to the rear of his property from Mr. Beiler for use for future storage. A notice of violation was issued to Mr. Broderick for stoning the entire area that he had just purchased from Mr. Beiler without obtaining any permits to do so.

Mr. Deimler explained that what Mr. Broderick needs to do to meet the stormwater ordinance is construct a retention basin in the rear triangular portion which is now almost all stone.

Mr. Deimler then reviewed the letter from David Miller Associates dated April 6, 2009. The proposed concrete curb level spreader will be redesigned. Mr. Deimler also mentioned the issue regarding the Ronks Fire Company concern of their ability to serve the site. He stated that he will have a discussion with them to explain how the middle of the property will be open to allow the fire equipment access to the property.

Mr. Eberly questioned which buildings were permanent and which were movable.

Mr. Deimler responded that the only permanent buildings are the workshop and the sales and corporate office at the front of the property along Lincoln Highway.

Mr. Hutchison then asked Mr. Deimler if he could prepare a plan that would show the storage location of all of these buildings and what area would forever remain open. This plan could then be shown to the fire company and would become part of the recorded plan.

Mr. Deimler said he would be able to do this.

Mr. Eberly commented that he would like to have a condition that the billboard located on the west side of the property be removed.

Mr. Hutchison stated that staff would need to do some research on whether or not the billboard at that location would meet the current ordinance requirements.

Chairman Buckwalter then asked if there were any comments from the audience concerning this project. There were no comments.

Mr. Eberly made a motion to grant a time extension of sixty (60) day to prepare a plan showing the location of all the buildings on the site and to also research the billboard permitting. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Mr. Deimler then questioned whether Lee Young would be getting in touch with him concerning the billboard issue.

Mr. Hutchison responded that Mr. Young would be contacting him.

b. Land Development Plan Waiver Request – D. A. Landis Trucking: 167 Greenfield Road

Mr. Michael Saladik of Herr & Low P.C., representing D. A. Landis Trucking of 167 Greenfield Road, Lancaster, reviewed the color coded site plan. He pointed out a proposed tenant, Vanguard, and where the office and trailer space would be. He also mentioned UGI as a proposed tenant.

Chairman Buckwalter asked what has changed on the plan from when it was denied at the last Supervisor's meeting.

Mr. Saladik responded that the new plan shows who the proposed tenants are and the location of their office and storage space, which is what the Board was requesting to see.

Mr. Hutchison added that the Board does not approve tenants, it approves plans. He feels that this plan does not show enough of the information required.

After further discussion on this matter, Mr. Eberly made a motion to deny the land development plan waiver request for D. A. Landis Trucking. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Other Business:

a. Consideration of Ordinance re: ELSA Debt Refinancing and New Borrowing

Mr. Hutchison explained that back in February 2009, an ordinance was adopted to approve the proposed borrowing for the sewer authority which involved refinancing some of their existing debt as well as some new borrowing. The sale of the debt did not happen because market conditions were not favorable. Therefore, a new ordinance has been prepared by bond counsel that would provide for additional flexibility, so that when market conditions are favorable the issue could be sold.

Mr. Hutchison then introduced Chris Bamber from PFM.

Mr. Bamber then briefly explained the new ordinance.

Mr. Robert Long, Bond Counsel, then introduced himself and further explained this ordinance.

Mr. Shertzer asked Mr. William Chillas if he was okay with this.

Mr. Chillas responded yes.

Mr. Shertzer made a motion to approve the ordinance for ELSA Debt Refinancing and New Borrowing as submitted. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

b. Consideration of Bids for Oil & Chip Treatment to Township Roads

Mr. Shertzer made a motion to accept the low bid from Martin Paving in the amount of \$122,550.00 for the oil and chip treatment to Township roads. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

c. Meeting Schedule re: Conflict with Primary Election

Mr. Hutchison explained that when the meetings were scheduled for the year, we overlooked that the Primary Election is on the same day as the supervisors meeting and therefore the public meeting room is not available for the meeting.

After a brief discussion, Mr. Eberly made a motion to cancel the May 19, 2009 Supervisors Meeting due to conflict with the primary election. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Public Comment:

There were no public comments.

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, April 21, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager