

April 20, 2010

The East Lampeter Township Board of Supervisors met on Tuesday, April 20, 2010, beginning at 8:15 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. Roger Rutt, Mr. Michael Landis, Mr. John Shertzer, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Donald Mallory, 13 Willowdale Drive, Lancaster, PA 17602  
Sue Mallory, 13 Willowdale Drive, Lancaster, PA 17602  
John Stoltzfus, 2456 Douglas Drive, Lancaster, PA 17602  
Marian Stoltzfus, 2456 Douglas Drive, Lancaster, PA 17602  
Robert Kelly, 20 Willowdale Drive, Lancaster, PA 17602  
Matt Shaffer  
Frank Hollingsworth, 2440 Creekview Drive, Lancaster, PA 17602  
Joe Webber, 2487 Willow Hill Drive, Lancaster, PA 17602  
Carey Hostetter, 2484 Willow Hill Drive, Lancaster, PA 17602  
Gene Parsons, 466 Twin Elm Road, Strasburg, PA 17579  
Susan Parsons, 466 Twin Elm Road, Strasburg, PA 17579  
Joel Sweitler, 2460 Creekview Drive, Lancaster, PA 17602  
Bessie McCauley, 2447 Douglas Drive, Lancaster, PA 17602  
Cindy Rossos, 2444 Douglas Drive, Lancaster, PA 17602  
Nick Rossos, 2444 Douglas Drive, Lancaster, PA 17602  
Jim Moore Jr., 2436 Douglas Drive, Lancaster, PA 17602  
Jay Hershey, 2431 Ellendale Drive, Lancaster, PA 17602  
Dennis Hinerdeer, 2420 Willow Glen Drive, Lancaster, PA 17602  
Michael J. Piascinski, 10 Willowdale Drive, Lancaster, PA 17602  
Julie Hoover, 10 Willowdale Drive, Lancaster, PA 17602  
W. Eugene Bledsoe, 2432 Willow Glenn Drive, Lancaster, PA 17602  
Jeanette Zimmerman, 2486 Ellendale Drive, Lancaster, PA 17602  
Edward S. Conway, Jr., 169 Park Place, Landisville, PA 17538  
Michael M. Martin, 2432 Cypress Drive, Lancaster, PA 17602  
Barb Huber, 2423 Creekview Drive, Lancaster, PA 17602  
Arlen Huber, 2423 Creekview Drive, Lancaster, PA 17602  
Joyce Weaver, 2448 Willow Glen Drive, Lancaster, PA 17602  
Jay Weaver, 2448 Willow Glen Drive, Lancaster, PA 17602  
Susan Tice, 2464 Douglas Drive, Lancaster, PA 17602  
Robert Tice, 2464 Douglas Drive, Lancaster, PA 17602  
Todd & Karin Nathan, 2436 Ellendale Drive, Lancaster, PA 17602  
Ray & Joy Fisher, 2443 Willow Glen Drive, Lancaster, PA 17602  
Joseph & Elaine Rovnan, 2447 Willow Glen Drive, Lancaster, PA 17602  
Benjamin Krothe V, 2480 Ellendale Drive, Lancaster, PA 17602  
Maria Krothe, 2480 Ellendale Drive, Lancaster, PA 17602  
Andy Graybill, 2428 Willow Glen Drive, Lancaster, PA 17602  
Mayo & Joyce Hutt, 2428 Creekview Drive, Lancaster, PA 17602  
Mark Johnson, RGS Associates, 15 S. State Street, Brownstown, PA 17508  
Jay Spritzler, 2422 Creekview Drive, Lancaster, PA 17602

### Minutes of April 5, 2010 Regular Meeting:

Chairman Buckwalter indicated that copies of the meeting agenda and the minutes of the April 5, 2010 regular meeting were available in the back of the room for review and asked if there were any comments or corrections regarding the minutes as prepared. There were no comments.

A motion was then made by Mr. Shertzer 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 indicated that bills represented by various funds in the amount of \$236,541.66 were presented for payment. Chairman Buckwalter stated that included in that amount is a payment of \$86,595.00 to Upper Leacock Township to assist in repairs to the Leola Community Pool. Chairman Buckwalter added that the Board had agreed last year to assist them with repairs and that the pool serves the residents of East Lampeter Township. The agreement includes that rates will be the same for East Lampeter Township as they are for Upper Leacock Township residents. A motion was made by Mr. Landis and seconded by Mr. Eberly to approve payment of bills as listed in the amount of \$236,541.66. The motion was passed by unanimous voice vote.

### Old Business:

- a. Action on Petition to Amend Zoning Ordinance re: Chick-fil-A Petition to Rezone from R-2 to C-2

Chairman Buckwalter explained that there is a sixty (60) day window from the date of advertising for the Board to make a decision. This item was advertised in February. The Board must make a decision this evening or readvertise in order to make a decision at a later date. Chairman Buckwalter then asked for discussion from the Board members.

Mr. Shertzer stated that he had mixed emotions and talked about the planning process. He feels the concerns that he heard tonight can be dealt with during the land development planning process. He added that he is also sensitive to the concerns of the residents and therefore is somewhere in between as to whether to make a decision tonight or to readvertise.

Mr. Eberly commented that what makes this property so unique is the fact that it is commercial abutting against residential. He agreed with Mr. Shertzer that some of the concerns heard this evening can be solved during the land development planning stage. The one tricky item is the traffic issue and people going through the development. He believes the best option to deal with this traffic problem is to put up some sort of signage.

Mr. Landis stated that these three (3) homes have been an existing problem for years and is happy if a reliable business has interest in cleaning it up and making it more of an asset to this particular area. He supports the rezoning but agrees with the residents that they have some very legitimate concerns and they would be dealt with during the land development process.

Chairman Buckwalter talked about the Conestoga Valley Comprehensive Plan and that part of this process was looking at this parcel of land. He expressed his concern about the maintenance of these existing properties and feels that it is appropriate and consistent with the plan to make it commercial. He agrees with the concerns of the residents and that these concerns will be addressed during the land development process. Chairman Buckwalter stated that the East Lampeter Township Planning Commission has heard the presentation and is recommending approval along with the Lancaster

County Planning Commission, the Land Use Advisory Board, and the neighboring townships of Upper Leacock and West Earl have replied that they feel it is in general compliance to the Conestoga Valley Comprehensive Plan.

Mr. Landis suggested time to review the petition and render a decision at a future meeting.

Chairman Buckwalter agreed that he would also like time to review the petition.

Mr. Shertzer asked what the process was for doing this.

Mr. Hutchison responded that the ordinance will need to be readvertised and the date that it will be reconsidered will need to be included in the advertisement. The property will also need to be posted again.

Mr. Eberly stated he would be ready to act this evening instead of delaying a decision and having to go through with the readvertisement.

Mr. Mark Stanley, Esq. commented that if the issues that were heard tonight are land development issues and the comp plan is the driving decision, then what additional information will be taken from the petition.

Mr. Eberly made a motion to approve the revised Zoning Ordinance for the parcel of land situated on the north side of Lincoln Highway (US Route 30) and east of Willowdale Drive from R-2 to C-2. Mr. Shertzer seconded the motion and it was passed by a vote of four in favor and one abstaining. Mr. Rutt abstained due to his absence during the public hearing.

Chairman Buckwalter addressed the residents that although the Board feels this decision is one that was made several years ago during the Comprehensive Plan process, they too are concerned about the same issues that the residents have. The Board is committed to addressing these issues when the plan goes through the land development process.

#### New Business:

- a. Request for Waiver of Land Planning & Storm Water Management Plan #10-06 – Stoltzfus:  
58A Witmer Road

Mr. Robert Flinchbaugh of Regester Associates, Inc. introduced himself as representing the applicant. They are proposing to construct a 60 x 32 horse barn with a small living quarters located above the barn. The living quarters would be used temporarily by the Stoltzfus' son and daughter-in-law until the one-half of the existing duplex farm house is no longer occupied. They would then move into the main farm house and the temporary dwelling would no longer be used as a dwelling unit.

Mr. Hutchison stated that with having a land development plan it would then be recorded and a note would be put on the plan saying how many if any additional uses are permitted on the property after this one. He added that he has concerns regarding the location of the stormwater improvements being essentially where the additional right-of-way for the road would be if you got 25' from center which you normally would get through land development planning process.

After a brief discussion, Mr. Eberly made a motion to deny the request to waive the land development process for plan #10-06 for 58A Witmer Road. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Request for Waiver of Land Planning – Mellinger Mennonite Church: 1916 Lincoln Hwy. East

Mr. Matt Buckwalter introduced himself as representing Mellinger Mennonite Church. Mr. Buckwalter reviewed the plans for the church and requested a waiver of the land development plan processing for the proposed addition.

Chairman Buckwalter stated that the Planning Commission recommended approval and that in a letter dated April 20, 2010 from Mr. Lee Young he notes that there are no zoning issues with this project.

Mr. Shertzer made a motion to approve the request for waiver of land development planning for Mellinger Mennonite Church at 1916 Lincoln Hwy. East. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

c. Four Points Sheraton Land Development Plan #10-08: Rt. 30 East

Mr. Mark Johnson of RGS Associates introduced himself as representing Four Points Sheraton on Rt. 30 East. Mr. Johnson reviewed the plan to construct a 129 room hotel with a 188 seat restaurant located on the former Congress Inn site. The applicant is requesting a modification to waive the preliminary plan submission. They are also requesting a waiver of scale. Mr. Johnson reviewed the letter dated April 15, 2010 from David Miller Associates.

There was a brief discussion about the landscaping and installation of sidewalks.

Mr. Eberly made a motion to approve the land development plan #10-08 for Four Points Sheraton on Rt. 30 East allowing for future discussions about park fee, landscaping, and the requested waivers. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Other Business:

a. Consideration of Bids for Sale of Dump Truck

Chairman Buckwalter stated that the bids for the sale of the Township dump truck were lower than expected. Staff is recommending advertising in other municipality publications and selling directly to another municipality. If there is still no interest, the next option would be to take it to the County auction in the Fall.

Mr. Eberly made a motion to reject all bids for the sale of the Township dump truck. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Cable Television Franchise Renewal – Appointment of Special Counsel

Mr. Hutchison explained that the current cable television franchise agreement that is in place was for fifteen (15) years. A new franchise agreement must be in place by early 2012. With talking to other local municipalities, there is a group of them that have relatively the same renewal date and so they all would be negotiating with Comcast at the same time. They have talked about working together to cooperate and negotiate. They have talked to two firms who specialize in negotiating with franchises including cable companies and have had a lot of experience with Comcast in particular. As a group they decided to go with the Cohen Law Group and are asking each of the municipality boards to appoint them as special counsel for this purpose.

Mr. Eberly made a motion to appoint the Cohen Law Group as special counsel to negotiate the cable television franchise renewal. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

c. Resolution re: Rt. 896 Corridor Management Plan

Mr. Hutchison explained that this resolution is for improvements to the Route 896 corridor and includes improvements to the intersection of Route 896 and Route 30 and also signalization at the Route 896 and Rockvale Road intersection. Once these improvements recommended by the plan are completed, Route 896 will be a safer and less congested roadway.

Mr. Landis made a motion to approve the Rt. 896 Corridor Management Plan. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

d. Resolution re: Designation of Agent for 2010 Snow Assistance

Mr. Hutchison explained that staff has gathered information required by PEMA to obtain financial assistance for the 2010 snow cleanup.

Mr. Shertzer made a motion to approve the Designation of Agent for 2010 Snow Assistance resolution. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Rutt to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, May 3, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager