

May 22, 2012

The East Lampeter Township Board of Supervisors met on Tuesday, May 22, 2012, 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. John Shertzer, Mr. Mike Landis, Mr. John Blowers, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Joyce Gerhart, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Amish Farm & House

William Fredericks, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Amish Farm & House

Steve Gribble, 127 N. Ronks Road, Ronks, PA 17572, representing Ronks Fire Company

Sandy Kime, David Miller Associates, Inc., 1076 Centerville Road, Lancaster, PA 17601, representing Country Acres Campground

Mark Andrews, David Miller Associates, Inc., 1076 Centerville Road, Lancaster, PA 17601, representing Country Acres Campground

Jerald Smucker, 431 Beechdale Road, Bird-in-Hand, PA 17505, representing Country Acres Campground

Justin Smucker, 449 Beechdale Road, Bird-in-Hand, PA 17505, representing Country Acres Campground

Lynn Commero, representing Lancaster Newspapers

Larry Snyder, 456 Garland Circle, Lancaster, PA 17601, representing Eastwood Meadows Residents Association (EMRA)

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 also announced that there was an executive session held prior to this evening meeting to discuss some personnel issues.

#### Minutes of May 7, 2012 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the May 7, 2012 regular meeting as prepared. Mr. Shertzer stated that he would like the minutes corrected to indicate that Mr. Stephen Sproles of Derck & Edson Associates was present in the audience.

A motion was then made by Mr. Shertzer to dispense with the reading of the minutes and approve the minutes as submitted with this one correction. Mr. Landis seconded the motion and it was passed by a vote of four in favor and one abstaining. (Mr. Eberly abstained due to being absent from the May 7, 2012 meeting.)

#### Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$144,120.73 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount is an installment payment of \$13,519.94 to M & T Bank for the lease purchase of the Gap Vax truck, a payment of \$11,030.97 for computer/video equipment for the police department using forfeiture funds from DEA, and a payment of \$25,953.82 to New Holland Auto Group for the purchase of a new Ford F350 pick-up truck for the public works department.

A motion was made by Mr. Landis and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$144,120.73. The motion was passed by unanimous voice vote.

Old Business:

- a. Mr. Bob Neuhauser re: Access Easement for 89 Strasburg Pike

Chairman Buckwalter asked if anyone was present in the audience for this agenda item. No one was present. It was decided to table this agenda item until the end of the meeting to see if Mr. Neuhauser would arrive to address this item.

- b. Request for Financial Security Release – Fisher: 669 Hartman Station Road

Chairman Buckwalter stated that this request for financial security release is for Henry K. Fisher, 669 Hartman Station Road. He asked if anyone was present for this item. No one was in attendance. Chairman Buckwalter stated that the township engineer, David Miller Associates, visited the site on May 7, 2012 and is recommending a full release of financial security in the amount of \$9,906.00, which will leave a financial security balance of \$0.00.

Mr. Eberly made a motion to release the remaining financial security for Henry K. Fisher of 669 Hartman Station Road in the amount of \$9,906.00 as recommended by David Miller Associates. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

- c. Request for Financial Security Reduction – King: 2253 Rockvale Road

Chairman Buckwalter stated that this request for financial security reduction is for David and Mary King of 2253 Rockvale Road. He asked if anyone was present for this item. No one was present. Chairman Buckwalter explained that the township engineer, David Miller Associates, visited the site on May 3, 2012 and noted items of concern in a letter dated May 22, 2012. It is their recommendation to approve a financial security reduction in the amount of \$5,623.59, which will leave a new outstanding financial security balance of \$6,000.00.

Mr. Eberly made a motion to reduce the financial security for David and Mary King of 2253 Rockvale Road by \$5,623.59, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$6,000.00. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

- d. Request for Financial Security Reduction – Devon’s Creek: New Holland Pike

Chairman Buckwalter stated that this request for financial security reduction is for Devon’s Creek on New Holland Pike. He asked if anyone was present for this item. No one was present. Chairman Buckwalter explained that the township engineer, David Miller Associates, visited the site on April 27, 2012 and noted several items that have not been complete in a letter dated May 22, 2012. It is their recommendation to approve a financial security reduction in the amount of \$94,127.63, which will leave a new outstanding financial security balance of \$928,006.12.

Mr. Shertzer made a motion to reduce the financial security for Devon’s Creek on New Holland Pike by \$94,127.63, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$928,006.12. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

- e. Request for Financial Security Reduction – Fisher: 133 Buckwalter Road

Chairman Buckwalter stated that this request for financial security reduction is for Omar Fisher of 133 Buckwalter Road. He asked if anyone was present for this item. No one was present. Chairman Buckwalter explained that the township engineer, David Miller Associates, visited the site on May 14, 2012 and noted items of concern in a letter dated May 22, 2012. It is their recommendation to approve a financial security reduction in the amount of \$7,515.00, which will leave a new outstanding financial security balance of \$16,000.00.

Mr. Landis made a motion to reduce the financial security for Omar Fisher of 133 Buckwalter Road by \$7,515.00, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$16,000.00. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

New Business:

- a. Request for Approval to Place Signs Within Township Right of Way – Country Acres Campground: Rt. 30 and Leven Road

Mr. Sandy Kime of David Miller Associates was representing Country Acres Campground. He gave a brief history of the campground. He explained that Township staff requested that they create a plan to combine the anticipated improvements to Leven Road as previously shown in the recorded Preliminary/Final Plan for Joel S. Stoltzfus and the Sign and Street Improvements Exhibit for Country Acres Campground. The plan shows how these improvements relate to the proposed relocation of the Country Acres Campground sign. Mr. Kime discussed the location and the size and material of the sign.

Mr. Hutchison asked Mr. Kime to discuss the other sign that they are proposing to put in the right of way.

Mr. Kime further explained the signs that are currently posted and where they need to be moved, due to being within the Township right of way. There was further discussion among the Board members and Mr. Kime about the improvements to Leven Road and the placement of signs.

Mr. Hutchison questioned if the Board gave Country Acres Campground the approval to move the sign, when would this done.

Mr. Kime stated the most cost effective way would be when construction was being done to Leven Road or the campground, if the Township would allow them a deferral until that time. If the Township would like to see it done now, they would be willing to do so.

Mr. Hutchison responded that if the Board is inclined to taking a positive action on this matter, he would suggest that some sort of time frame should be set. He asked Mr. Kime if the Zoning Hearing Board approved this with a time limit.

Mr. Kime responded that they were given 36 months from December 2011 to go through the land development process.

Mr. Eberly made a motion to approve the relocation of a sign within the Township right of way for Country Acres Campground at Rt. 30 and Leven Road and to limit the time as approved by the Zoning Hearing Board until December 8, 2014 and also approve the placement of a second sign. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Request for Waiver of Land Development Planning – Amish Farm & House: 2395 Covered Bridge Drive

Joyce Gerhart of RGS Associates introduced herself as representing the applicant. She explained that the Amish Farm & House at 2395 Covered Bridge Drive is proposing to construct a picnic pavilion next to a detention basin and an unnamed tributary of Mill Creek. This permanent pavilion would replace the current picnic area tent.

The Board members looked over a letter dated May 18, 2012 from David Miller Associates, that commented about compliance with the various regulations of the East Lampeter Township Subdivision and Land Development Ordinance and the Zoning Ordinance. They also mentioned the two (2) waiver requests.

Mr. Eberly made a motion to approve the waiver of Land Development Planning for Amish Farm & House at 2395 Covered Bridge Drive and subject to the waivers listed in the letter dated May 18, 2012 from David Miller Associates. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

Old Business (continued):

a. Mr. Bob Neuhauser re: Access Easement for 89 Strasburg Pike

Chairman Buckwalter explained that this item was on the agenda at the beginning of the meeting, but was tabled until Mr. Neuhauser arrived. He then asked Mr. Neuhauser to come forward to address the Board.

Mr. Neuhauser explained that when he purchased his property in 1961, he had his own right of way into his property. He stated the Township moved his right of way approximately seven (7) years ago. He would like his right of way put back to where it was before so that he can place items to be sold along the roadway, display political signs, and allow his grandchildren to have go cart races. He added that when the driveway was moved he objected to it, but it was done by the state. They wanted the bridge taken out because they thought it would cause flooding. This turned out to be a mistake and the highway department did not require the bridge to be moved. Mr. Neuhauser stated that he has lost his rights.

Chairman Buckwalter reviewed the deed and stated that it addresses access to the highway and to Mr. Neuhauser's premises, but that the property is owned by the Township.

Mr. Hutchison commented that Township staff's feelings and position is that the right of way is just as good if not better than it was before it was moved. It provides what is required to be provided to Mr. Neuhauser, which is access to his property. The prior owners of the property may have allowed Mr. Neuhauser to use the property for other things. His neighbor is currently allowing him to have his boat on their property for sale and this is perfectly fine. However, the Township as a public entity, would suggest that it be contrary to public interest to allow Mr. Neuhauser to conduct the items that he had suggested.

Mr. Blowers stated that he was shocked to see the boat for sale at the entrance to the park and after reading the deed he doesn't see where Mr. Neuhauser has the right to park vehicles at the entrance to a public park. He added that he believes the Township is doing everything possible that they can and maybe going beyond that to continue to give Mr. Neuhauser free access to his property.

Chairman Buckwalter summarized that the Township's position is that they are providing Mr. Neuhauser the access that they are legally required to do and the request to not post signs, display items for sale or to race go carts on the Township property are reasonable. He added that he is hearing the other Board

members say that even if the Township would go to the expense to move Mr. Neuhauser's driveway to the south where it was before, the same rules would apply because it is still on the Township's property.

Other Business:

a. Adoption of Township Policy re: Act 44 – Professional Services

Mr. Hutchison explained that Act 44 was a law that was enacted a few years ago by the state that requires municipalities that operate pension plans to have a policy regarding how professional services would be acquired in the future. This policy, which was prepared by the Township finance director, sets forth a policy and procedure for how the Township would engage professionals to assist the Township in managing and operating the pension plans. A policy must be in place for when the auditor general comes and audits the pension plans and asks if the Township has a policy on Act 44.

Mr. Eberly made a motion to adopt the Act 44 Policy as presented. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

b. Resolution re: Pennsylvania and Federal Surplus Property Programs

Mr. Hutchison explained that these programs require the Board to adopt a resolution which authorizes the fire companies to participate in them. These programs are property that the federal and state government have used and no longer have any use for them. They dispose of the property for usually nominal amounts of cost to local governments and other public agencies. Hand-in-Hand Fire Company has approached the Township about a piece of property that they would like to acquire through this program. The program administrator stated that there needs to be a resolution for East Lampeter Township. Mr. Hutchison added that he included the other three Township fire companies in this resolution so that in the future they will not have to adopt a resolution for each fire company.

Mr. Eberly made a motion to adopt the resolution allowing the four (4) East Lampeter Township fire companies to participate in the Pennsylvania and Federal Surplus Property Programs. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Resolution re: Bridge Inspection Program

Mr. Hutchison stated that the Township had participated in this program for many years. There are federal requirements that bridges be inspected bi-annually. The Township has done this through PennDOT's program which they include the Township bridges with their local bridge inspections. This resolution will allow the Township to continue with this program.

Mr. Shertzer made a motion to adopt the resolution for the Bridge Inspection Program. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Blowers to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, June 4, 2012 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager