

June 1, 2009

The East Lampeter Township Board of Supervisors met on Monday, June 1, 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. Roger Rutt, Mr. John Shertzer, 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

Roger Fry, Fry Surveying, Inc., 21 S. Hershey Avenue, Leola, PA 17540, representing Monger and Blank/Speicher

Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601

Announcement of Executive Session:

Chairman Buckwalter announced that an Executive Session was held prior to the meeting to discuss personnel and legal issues.

Minutes of May 4, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the May 4, 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. Eberly 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 \$369,990.43 were presented for payment. Chairman Buckwalter pointed out that due to the primary election in the middle of May, there was no meeting and so the amount for payment is higher than usual. Chairman Buckwalter mentioned that of the total amount, three new police cruisers were purchased for \$66,000.00, general obligation bond series for 02 and 06 debt service payments in the amount of \$104,000.00, and various other bills.

After review of the bills listed, a motion was made by Mr. Rutt and seconded by Mr. Shertzer to approve payment of bills as listed in the amount of \$369,990.43. The motion was passed by unanimous voice vote.

Old Business:

None

New Business:

- a. Acceptance of Time Extension for Township Action – Beiler Subdivision Plan #09-08: 281 Lynwood Road

Chairman Buckwalter explained that the applicant is offering a 90 day time extension of the MPC deadline, resulting in a new deadline of August 15, 2009. Mr. Eberly made a motion to accept the 90 day time extension with a new deadline of August 15, 2009. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

- b. Acceptance of Time Extension for Township Action – Beiler Stormwater Management Plan #09-09: 221 Lynwood Road/N. Ronks Road

Chairman Buckwalter explained that the applicant is offering a 90 day time extension of the MPC deadline, resulting in a new deadline of August 15, 2009. Mr. Eberly made a motion to accept the 90 day time extension with a new deadline of August 15, 2009. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

- c. Acceptance of Time Extension for Township Action – King/Ames Roofing Land Development Plan #09-10: 2479 Old Philadelphia Pike

Chairman Buckwalter explained that the applicant is offering a 90 day time extension of the MPC deadline, resulting in a new deadline of August 15, 2009. Mr. Landis made a motion to accept the 90 day time extension with a new deadline of August 15, 2009. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

- d. Monger Subdivision Plan #09-11: Creek Hill Road

Mr. Roger Fry of Fry Surveying, Inc. introduced himself and his client Mr. Scott Monger. He explained that Mr. Monger purchased the former Landis property and is looking to create a lot around the existing house at the front of the property and create a new lot behind it, adjacent to the pond.

Mr. Fry further explained that the existing house currently houses a 2 unit apartment and that both apartments are currently being rented. The subdivision plan is to keep this 2 unit apartment in the existing house and build another house on the property for the Monger family. The Mongers are not sure what will be done with the remaining property, whether it will be added to a neighboring farm or be sold as a farmstead in the future.

Mr. Fry then reviewed the letter from David Miller Associates dated May 18, 2009.

Mr. Shertzer questioned how many lots are allowed to be subdivided off of 53.96 acres in a Rural Zoning District according to the Township ordinance.

Mr. Hutchison replied that this application in an earlier form was before the Board and that question was raised and reviewed by Mr. Lee Young and the solicitor's office. It concluded that there is at least one more.

Mr. Fry added that with the work that was done with Mr. Young, the solicitor, and David Miller Associates, it was determined that there are two lots allowed here and this would be the final subdivision of this property.

After further discussion concerning the three waiver requests, Chairman Buckwalter asked if anyone in the audience had any concerns regarding this property.

Mrs. Lois Duling voiced her concern about adding more exits to the property. She also questioned how the Board can make a decision on this subdivision plan when there are so many items to still be decided on.

Mr. Monger responded that the only item he has not made a decision on is how he will position his house.

Mr. Landis made a motion to approve the Monger Subdivision Plan #09-11 on Creek Hill Road, subject to the comments and waivers on the letter dated May 18, 2009 from David Miller Associates and allow the existing driveway in front of the barn to remain in place. Mr. Landis also added to his motion allowing a driveway to reach the rental units and also a common driveway to the remaining 43 acres of the property. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

e.      ECHO Agreement and Sewer Planning Module Request – Blank/Speicher: 928 Hartman Station Road

Chairman Buckwalter asked if anyone was present for this item. Mr. Roger Fry was representing Amos S. and Emma Z. Blank of 928 Hartman Station Road. The smaller residential lot just north of the farm buildings is owned by Ms. Katie Speicher, who was also present. Ms. Speicher is a close friend and distant relative of the Blank family.

Mr. Fry explained that the property owned by Ms. Speicher is beginning to be too much for her to take care of by herself. They are requesting the Board to allow her an ECHO Housing Agreement to build a small cottage on the Blank property. The agreement states that the temporary housing would be torn down when Ms. Speicher no longer needs it. Mr. Fry suggested that instead of tearing it down, the next generation would submit a new application to move into this unit.

Chairman Buckwalter questioned if this request follows the ECHO Housing Agreement guidelines.

Mr. Hutchison commented that typically the ECHO Housing Agreements are designed for family members who need care. They are to be temporary housing and not permanent dwellings on the property.

Mr. Shertzer commented that this sounds more like a request to build a rental unit on the property.

Mr. Shertzer then asked what happens to the current house that she lives in.

Mr. Fry responded that it has already been sold.

Mr. Eberly asked if our ordinance allows ECHO Housing for non-family members.

Mr. Fry responded that it specifies caregivers and does not limit it to family members.

There was a brief discussion concerning the driveway shown on the property and concerns about storm water issues related to this driveway. Mr. Fry said that they would remove this driveway.

Chairman Buckwalter, Mr. Eberly, and Mr. Shertzer expressed their concerns that this request does not follow the ECHO Housing Agreement guidelines.

Chairman Buckwalter asked if there were any comments from the audience. There were none.

Mr. Eberly made a motion to deny the ECHO unit request since it does not meet the requirements of the ordinance. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

Mr. Hutchison then asked with respect to the planning module, if they are bringing back a land development plan, would they like to move the planning module along.

Mr. Fry responded that the planning module will be the same way, so if the Board could take action on the sewer module that would be a help.

Mr. Shertzer then made a motion to approve the sewer planning module for the proposed dwelling. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Other Business:

- a. Commonwealth Court Decision re: ASA

Chairman Buckwalter explained that this item is to just publicly announce the Commonwealth Court of Appeals Decision to uphold the decision of the local judges relative to the ASA law suit. No other action was needed for this item.

- b. Killed in Service Insurance for Police Pension Plan

Chairman Buckwalter asked Mr. Hutchison to lead the meeting through the next three items. Mr. Hutchison explained the Killed-in-Service (KIS) for the police pension plan. Mr. Hutchison explained that in response to the 911 events several years ago, the state legislature changed the law and provided a pension benefit for police officers spouses should the officer be killed in the line of duty. The benefit would pay the spouse 100% of the officer's salary at the time of his or her death for the spouse's life.

Mr. Shertzer made a motion to approve the purchase of the Killed in Service Insurance for Police Pension Plan. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

- c. Credit Card Payments for Quarterly Sewer Service Charges

Mr. Hutchison explained that the staff has been asked on a regular basis by residents whether we except credit card payments for sewer charges. We have always been reluctant to doing this since it would be related to fees that would be charged to the Township. The township finance director, Jeanne Glick, has found a vendor who provides this service. A fee of approximately \$4.00 per transaction would be charged to the customer choosing to pay their bill through this service.

Mr. Shertzer made a motion to approve credit card payments of quarterly sewer service bills. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

- d. Township Police Officer as a Task Force Officer with DEA

There was no discussion or action taken related to this agenda item.

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, June 16, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager