

June 16, 2009

The East Lampeter Township Board of Supervisors met on Tuesday, June 16, 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, representing CVC
Jerry Book, 2000 Lincoln Highway East, Lancaster, PA 17602, representing Turkey Hill
Joyce Gerhart, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing
Commerce Bank
Jim Tupitza, Esq.
Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601
John Pogue, David Miller Associates, 1076 Centerville Road, Lancaster, PA 17603, representing
D & E Property
John Blowers, 102 Strasburg Pike, Lancaster, PA 17602

Announcement of Executive Session:

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

Minutes of June 1, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the June 1, 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. 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 then indicated that bills represented by various funds in the amount of \$169,315.99 were presented for payment. Chairman Buckwalter mentioned that of the total amount, \$56,750.00 is for quarterly contributions to the four (4) Township fire companies, \$7,500.00 quarterly contribution to the County library, and also \$32,573.00 quarterly payment for the workman's compensation insurance trust premium.

After review of the bills listed, a motion was made by Mr. Rutt and seconded by Mr. Eberly to approve payment of bills as listed in the amount of \$169,315.99. The motion was passed by unanimous voice vote.

Old Business:

a. Commonwealth Court Decision re: ASA

Chairman Buckwalter introduced the Township solicitor Mr. Stephen Kraybill who then spoke on the ASA decision.

Mr. Kraybill said that he had advised the Board in the beginning that they did have a discretionary right to determine whether or not to adopt the Ag Security Area. The Lancaster County Court of Common Pleas reversed the Board's decision and now the Commonwealth Court has upheld the Common Pleas decision. He also said that it was his opinion that the chance for success of an additional appeal was small.

Chairman Buckwalter then asked if any of the Board members had any comments to make.

Mr. Eberly stated that until someone figures out how to make farming more profitable, the Ag Security would not have made any difference. Farmers are going out of business and at this point he feels that it is best not to appeal the court's decision.

Mr. Shertzer commented that he is not in the same opinion as the court, but also believes it is best not to appeal their decision.

Mr. Rutt added that he agrees with what both Mr. Eberly and Mr. Shertzer stated. He also is concerned about the impact this will have on the Township in the next 50 to 75 years.

Mr. Landis stated that he had no comments since he had supported the decision to adopt the Ag Security.

Chairman Buckwalter commented that he felt the decision made by the Board was the appropriate and the right decision even though the Courts disagree. The chances of success to appeal it any further seem very limited. He therefore cannot support an appeal to carry this any further.

Mr. Kraybill then explained the actions to take.

Mr. Shertzer made a motion to accept the decision of the Commonwealth Court and accept the ASA application as originally submitted. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Request for Time Extension to Record Approved Plan – East Lancaster Hospitality:
Meadowland Drive

Chairman Buckwalter explained that the applicant is requesting that the Board of Supervisors approve an extension of time until August 18, 2009 for recording the Preliminary/Final Land Development Plan. Mr. Eberly made a motion to accept the extension of time with a new deadline of August 18, 2009. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

- c. Request for Time Extension to Record Approved Plan – D & E Properties: Lincoln Hwy. East

Chairman Buckwalter explained that the applicant is requesting that the Board of Supervisors approve an extension of ninety (90) days to record the plan. Mr. Rutt made a motion to accept the extension of ninety (90) days. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

- d. Extension of Time for Township Action – Broderick: Lincoln Hwy. East

Chairman Buckwalter explained that the applicant is offering a ninety (90) day time extension to the East Lampeter Township Board of Supervisors for the approval of the project located at 2771 Lincoln Hwy. East, Ronks, PA.

Mr. Shertzer questioned why the hold up for this project.

Mr. Hutchison replied that this plan was previously before the Board. After discussion by the Board on a variety of issues, the Board asked the applicant to go back and rework the plan. As of now, the applicant has not resubmitted a new plan.

After a brief discussion among the Board members, it was decided to grant a thirty (30) day time extension for the applicant to resubmit a new plan at which time the Board will act on it at the July 13, 2009 Supervisor meeting.

Mr. Eberly made a motion to accept the thirty (30) day time extension. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

New Business:

- a. Request for Waiver of Land Development Plan Process – Turkey Hill: Strasburg Pike at Lincoln Highway

Chairman Buckwalter asked if anyone was present for this agenda item. Mr. Jerry Book, Facilities Manager for Turkey Hill Minit Markets, came forward. He explained the proposal to install an 8' x 12' pre-constructed shed on the south-west corner of the existing store to be used for the storage of cups and lids.

Chairman Buckwalter reviewed the two (2) waiver requests on the David Miller Associates letter dated May 18, 2009. The first waiver request is the requirement to submit a land development plan and the second waiver request is for storm water management. David Miller Associates is recommending that both of these waivers be granted.

Mr. Shertzer asked whether the Planning Commission had looked at this.

Mr. Hutchison replied that they had and recommended approval with the condition that the shed have an appearance similar to the existing building and be acceptable to the Board.

Mr. Landis questioned whether there would be electric running to the shed.

Mr. Book responded that a stone path would be going to the shed and electric for lighting.

Mr. Landis questioned that this shed would be strictly for storage and that there would be no running water.

Mr. Book replied it would be used only for storage and that there would be no running water.

Mr. Shertzer made a motion to grant the waivers of land development plan and storm water management and to install an 8' x 12' shed for Turkey Hill Store #241 at 2000 Lincoln Highway as listed on the David Miller Associates letter dated May 18, 2009. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Revised Final Land Development Plan #09-17: Commerce Bank: Lincoln Hwy. East

Ms. Joyce Gerhart of RGS Associates addressed the Board as representing the applicant. She explained that the plan for Commerce Bank was approved in 2006 and recorded in January of 2007. Due to mergers, this branch has not been constructed as of yet.

Ms. Gerhart then explained the changes to the land development plan that the applicant is proposing. As stated in the David Miller Associates letter dated June 10, 2009, the applicant is requesting a waiver to allow for the installation of 6-inch Belgian Block curbing as a substitution for the standard 8-inch curbing.

Mr. Eberly made a motion to approve the final land development plan #09-17 for Commerce Bank on Lincoln Hwy. East according to David Miller Associates comments and granting the waiver request. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Other Business:

a. Resolution re: County Urban Enhancement Fund Application – Rt. 30 Corridor

Chairman Buckwalter asked Mr. Hutchison to lead this agenda item.

Mr. Hutchison explained that the County has had this Urban Enhancement Fund grant program for several years. Most recently, the Township has applied and was granted funds through this program for Flory Park. The Township has been working with the County Planning Commission and the business community along Route 30 between Oak View Road and Route 896 on a tourism corridor plan.

The businesses along Route 30 wanted to submit an application under this plan to begin to work towards some of the recommendations that are expected to come out of this plan once it is finished.

Mr. Hutchison explained in order for this application to go forward, it would need to be submitted by the Township. Though the Township would need to make some investment in this project, it is not currently in the budget for this year. If the County does approve this grant, the agreement would not be in place until the end of 2009. Applicants then have two (2) years to complete their projects. This would then give the Township and the business community time to work through matching the amount of the grant if the grant is successful.

Mr. Landis made a motion to file this application with the understanding that the business community must be involved to some extent in helping to match all or the partial amount of the grant. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

b. Resolution re: County Cooperative Purchase of Electricity

Mr. Hutchison explained that the Township, along with everyone, is facing sizeable increases to their electric bills. The best option that the Township can find at this time is to participate in the County Cooperative Board with their bidding arrangement. This resolution would allow us to participate in this purchase.

Mr. Landis questioned how long the contract would be for.

Mr. Hutchison replied one (1) year with the option to extend.

Mr. Landis made a motion to approve the resolution to become part of the County Cooperative Purchase of Electricity for one (1) year. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Mr. Shertzer stated that he had a lot of questions concerning the number of businesses in the Township that are in violation of the Township processes. He asked if this should be put in the record somewhere or if the Board would keep trying to deal with this off the record.

Mr. Hutchison replied that staff has a variety of prosecutions going on at the moment. He said that staff should prepare a list of the properties that are in violation and notices that have been sent out to them and what part of the process they are in as far as being prosecuted.

Mr. Shertzer responded that this would be helpful.

Adjournment:

A motion was made by Mr. Shertzer and seconded by Mr. Eberly to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, July 13, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager