

August 2, 2010

The East Lampeter Township Board of Supervisors met on Monday, August 2, 2010, 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. Roger Rutt, Mr. Michael Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. John Shertzer was absent.

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

Mark Johnson, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Four Points and Warrington
Christ G. Lapp, Lititz, PA 17543
Donald L. Eisenberger, 40 Hemlock Lane, Leola, PA 17540, representing Bird-in-Hand Farmers Market
Lin Good, High Associates, 1853 William Penn Way, Lancaster, PA 17608, representing Shippen Realty
Richard C. Bledsoe, Jr., 40 Greenfield Road, Lancaster, PA 17602
John G. Ruhl, 236 N. Weavertown Road, Bird-in-Hand, PA 17505, representing Bird-in-Hand Farmers Market

Chairman Buckwalter indicated that copies of the agenda and minutes from the previous meeting were in the back of the room for review. Chairman Buckwalter also mentioned that board member John Shertzer had surgery recently and is recuperating well at home. This explains why there was no action taken at the July 12, 2010 meeting. Mr. Shertzer was not able to be there and Chairman Buckwalter and Mr. Rutt were on vacation at that time, so there was no quorum.

Minutes of June 22, 2010 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the June 22, 2010 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Eberly and seconded by Mr. Landis to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

Ratification of Bills Paid in July:

Chairman Buckwalter explained that typically they like to approve the bills prior to writing the checks, but by the same token they don't want the vendors held up due to the situation that he mentioned about the July 12, 2010 meeting.

A motion was then made by Mr. Landis and seconded by Mr. Eberly to ratify paying these bills. The motion was passed by unanimous voice vote.

Bills:

Chairman Buckwalter indicated that bills represented by various funds in the amount of \$605,299.17 were presented for payment. Chairman Buckwalter stated that included in this amount is a payment to the City of

Lancaster in the amount of \$298,156.66 for the first and second quarter sewer treatment charges, a payment in the amount of \$85,000 to Morgan Stanley for pension fund contributions, a semi-annual payment of \$33,667.00 to Murray Insurance Agency for property and casualty insurance, and a payment of \$20,381.24 for monthly premium health insurance. A motion was made by Mr. Eberly and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$605,299.17. The motion was passed by unanimous voice vote.

Old Business:

- a. Request for Financial Security Release – Highview Church of God: Hartman Bridge Road

Chairman Buckwalter explained that in a letter from the Township engineer, they are recommending a full release of the financial security in the amount of \$11,571.00, which will leave a balance of \$0.00.

Mr. Eberly made a motion to release the financial security in the amount of \$11,571.00 as recommended by the Township engineer, leaving a balance of \$0.00. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- b. Request for Financial Security Release: Sensenig: 2201 Creek Hill Road

Chairman Buckwalter stated that the Township Zoning Officer inspected the site and is recommending a full release of the financial security in the amount of \$11,424.00, which will leave a balance of \$0.00.

Mr. Rutt made a motion to release the financial security in the amount of \$11,424.00 as recommended by the Township engineer, leaving a balance of \$0.00. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- c. Request for Waiver of Land Development Planning: 167 Greenfield Road

Chairman Buckwalter announced that he would recuse himself from participation for this item due to his employment in the High organization and asked Vice-Chairman Rutt to chair the meeting.

Mr. Lin Good of High Realty Group introduced himself as representing Shippen Realty Partners. Mr. Good explained that they currently have two (2) potential buyers for the property. He added that the concrete plant at this location has been dismantled and removed. They are requesting another ninety (90) day extension so that they can work through these two (2) potential buyers.

Mr. Rutt asked Mr. Hutchison if he had any comments about this request.

Mr. Hutchison asked if ninety (90) days would be sufficient time to actually complete a land development plan process or just until a plan would be submitted.

Mr. Good replied that the hope would be that they would have it sold and turned over to the buyer who would then be responsible for submitting a land development plan.

Mr. Eberly made a motion to grant a ninety (90) day time extension for Shippen Realty Partners for 167 Greenfield Road. Mr. Landis seconded the motion and it was passed by a vote of three in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter asked Mr. Rutt if he would skip ahead in the agenda to item e. since it also pertains to the High organization.

- e. Request for Waiver of Construction Standard re: Curb Reveal – High Associates – Olde Homestead Lane

Mr. Ken Hornbeck of High Associates introduced himself and stated that he had sent a letter dated June 28, 2010 to the Township Zoning Officer. Mr. Hornbeck explained that the depressed curbing at the entrance to the access drive from Olde Homestead Drive is shown on the original approved plans as including a one and one-half inch reveal as the Township requires. The depressed curbing constructed is flush. They are requesting that they be given relief of this requirement since this is a private street belonging to High Associates and not the Township and will be responsible for any maintenance or future paving responsibility for this street. In order for the remaining financial security amount of \$4,719.97 being released, they must get released from this requirement.

Mr. Landis made a motion to waive the curb reveal at the end of the cul-de-sac on Olde Homestead Lane due to it being a private street owned by High Associates and release the remaining financial security balance of \$4,719.97. Mr. Eberly seconded the motion and it was passed by a vote of three in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

- d. Acceptance of Time Extension for Township Review: Motel 6 – Lincoln Hwy. East

Chairman Buckwalter explained that the Boards action for this item would be to accept the time extension until August 17, 2010. He asked Mr. Hutchison if this would be enough time.

Mr. Hutchison replied that the representative for the owner was at the July 12, 2010 meeting and acknowledged that they are working on it and should be back before the next meeting and have everything complete.

Mr. Eberly made a motion to accept the time extension until August 17, 2010 for Motel 6 on Lincoln Hwy. East. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- f. Request re: Park & Open Space Requirement – Four Points Land Development Plan #10-08: Lincoln Hwy. East

Mr. Mark Johnson of RGS Associates introduced himself as representing Four Points Sheraton on Rt. 30 East. Mr. Johnson stated that he is before the Board to discuss the park and recreation fee for this project. In a letter dated May 6, 2010, they proposed a contribution of \$3,360.00. He received an email from Mr. Hutchison stating that the contribution amount needs to be in the \$25,000 to \$30,000 range in order to gain the Supervisors approval. Mr. Johnson's client would like to offer a \$5,000 contribution. Mr. Johnson then reviewed the reasons in support of this proposal, one of which is that this is a redevelopment project so it

does not represent the full impact of new development and so should not pay the full fee. He also indicated that they are voluntarily offering special landscaping along Route 30 at a cost of approximately \$20,000.00, in lieu of the money. He concluded that what they are proposing in lieu of the donation is the \$20,000.00 landscaping along Rt. 30 and the \$5,000.00 contribution which would equal \$25,000.00.

Chairman Buckwalter commented that this is definitely an improvement to this site and that the Board is pleased that there will be a new facility on this site. He added that other owners come before the Board and there is no discussion about this fee. He stated that this money will be used towards the Route 30 improvement project.

Mr. Landis questioned Mr. Johnson if he was implying that if the Board does not agree to the terms, that they will not spend \$20,000.00 in landscaping.

Mr. Johnson replied that they are not saying that there'll be no landscaping along the front of the property, but that they will think it through and not do as much landscaping if the fee would go up.

Mr. Dwight Wagner of US Commercial Realty stated the purchase price of the property was driven up due to the existing buildings that were then torn down. He added that he never understood what the criteria was for this evaluation of this amount of land.

Mr. Hutchison replied that what's required under the sub-division land development ordinance is the park and open space calculation which Mr. Johnson did correctly in terms to the amount of acreage that has to be addressed either by donating the acreage or by paying a fee in lieu of. If a fee in lieu of is elected under the ordinance, it is to be the pre-developed value of the land.

There was further discussion with regards to if they would accept this offer it would single out this particular project for preferential treatment. They are following the subdivision and land development ordinance with the calculation and are treating this project like all other projects that come before the Board. If they would put this restriction on this project, it would be unfair for the next project unless they would do the same for that project.

Mr. Landis made a motion to accept \$25,000.00 from the Four Points Sheraton project to be applied to the parks and open space program with the option at the discretion of the applicant to apply these funds to the Route 30 Corridor project. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- g. Request for Time Extension to Record Conditionally Approved Plan – Four Points Land Development Plan #10-08: Lincoln Hwy. East

Four Points Sheraton Land Development Plan #10-08 on Lincoln Hwy. East requested a time extension until October 19, 2010 to record the Preliminary/Final Land Development Plan.

Mr. Eberly made a motion to grant the time extension to record the Preliminary/Final Land Development Plan until October 19, 2010 for Four Points Sheraton Land Development Plan #10-08 on Lincoln Hwy. East. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

h. Time Extension for Township Review and Action on Subdivision & Land Development Application – Warrington #10-19: New Holland Pike

Mr. Mark Johnson of RGS Associates was representing Warrington. He explained that they are granting a time extension for the Township to review and act on the subdivision and land development application for Phase 1A Final Plan for Warrington. The time extension would be until November 17, 2010.

Mr. Rutt made a motion to accept the time extension for the Township to review and act on the subdivision and land development application for Phase 1A Final Plan for Warrington until November 17, 2010. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

New Business:

a. Request for Waiver of Land Development Planning – Bird-in-Hand Farmers Market: 2710 Old Philadelphia Pike

Mr. Donald Eisenberger of Bird-in-Hand Farmers Market introduced himself and explained that they would like to install a 20 foot x 22 foot shed on the property for the purpose of housing a refrigeration unit for one of the food stand holders.

Mr. Eberly stated that some time ago there were talks about making some pedestrian improvements along the front of the property and asked if they are still considering those plans.

Mr. Eisenberger stated that they have talked about installing sidewalks from the Bird-in-Hand Motor Inn down to the area across from the Bird-in-Hand Bake Shop.

Mr. Rutt made a motion to approve the request for the waiver of Land Development Planning for Bird-in-Hand Farmers Market at 2710 Old Philadelphia Pike. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

b. Request for Waiver of Land Development Planning – Patel: 2007 Lincoln Hwy. East

Chairman Buckwalter asked if anyone was present to represent this plan. There was no one in the audience for this item. He explained that this property is located at the former Calvary Auto Group location and that the applicant has requested other uses for this property. He added that the Board has several concerns that they would like to discuss with the applicant. Since there was no one in attendance to address these concerns, Mr. Eberly made a motion to deny the request for waiver of Land Development Planning for 2007 Lincoln Hwy. East. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Other Business:

a. Resolution re: PA DOT Winter Maintenance Agreement – 5 Years

Mr. Hutchison explained that the locations listed on Exhibit “A” are the same ones that the Township has maintained for several years for winter operations. He then reviewed the list of roads on the agreement.

Mr. Eberly made a motion to approve the resolution for the PA DOT Winter Maintenance Agreement for five (5) years, excluding Hempstead Road between Pitney Road and Greenfield Road. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Consideration of New Non-Preference Towing Policy for Police Department

Mr. Hutchison explained that this new policy came about due to a series of requests that were made from tow operators to look at the non-preference towing policy that the police department has been using for many years. The current policy is based upon zones and the zones were assigned to certain tow operators. If an accident happens in that zone, that tow operator and alternates are called to do the towing. This new policy would change that to a rotating list. Tow operators who wish to be on the list would make application and then the police department would go out and do an inspection of their business operation and their facilities to determine whether or not they meet the standards of the policy. Once they are on the list, they would get a turn on a weekly basis to serve as the main tow operator for the police department for that week. Mr. Hutchison added that the police department essentially prepared this policy and it was reviewed by the Emergency Services Committee. There is a fee schedule in the policy as to what they are permitted to charge in doing their tow operations. There is also an application fee of \$100.00 to assist with the cost of the paperwork involved and the inspection of the tow operator facility.

After further discussion among the Board members and Mr. Hutchison, numerous questions arose that would need to be addressed by Chief Bowman. It was decided to table this agenda item until the next Supervisor meeting on August 17, 2010.

c. Resolution re: MuniciPay Credit Card System Service

Mr. Hutchison explained that this resolution is to authorize the MuniciPay Credit Card System Service to give residents the ability to pay whatever fees that they have to pay to the Township using a credit card at the front counter of the Township office. The fee for this service would be paid for by the person making the payment and not the Township.

Mr. Eberly asked if the fee would be based on the percentage of the amount being paid or a flat fee.

Mr. Hutchison responded that it is based on a percentage with a maximum amount.

Mr. Rutt asked who pays for the equipment.

Mr. Hutchison replied that the service provides it and that there is no cost to the Township.

Mr. Rutt made a motion to accept the resolution for the MuniciPay Credit Card System Service. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Acknowledgement of ASA Application – Fisher: 37 N. Soudersburg Road

Mr. Hutchison explained that this application is to add the farm at 37 N. Soudersburg Road to the Agricultural Security Area in the Township. There are two (2) methods to go by. The first method is for the Board to acknowledge the application and allow 180 days from the date it was received to pass and at that time the farm would automatically become a part of the Agricultural Security Area with no action

needed by the Township. The second method to process it would be for it to go through the review of the County Planning Commission, the East Lampeter Township Planning Commission, the Board would need to set up an agricultural security committee to review the application, the Board would have to set up a public hearing within the 180 day time period and then take action.

Mr. Eberly made a motion to acknowledge the ASA Application for the Ivan S. Fisher and Lydia H. Fisher farm at 37 N. Soudersburg Road and take no action. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

e. Announcement of Public Hearing for August 24, 2010

Chairman Buckwalter announced that a public hearing would take place at the Township office on August 24, 2010 at 7:00 p.m. for the purpose of transferring a liquor license into the Township from another area.

f. Resolution re: Opposition to Forced Local Government Mergers and Consolidations

Mr. Hutchison explained that this information was received from PSATS (Pennsylvania State Association of Township Supervisors). There are two bills that will have hearings on later this month. House Bill 2431 would, if adopted, change the Pennsylvania Constitution and establish the county as the basic level of local government in Pennsylvania, with municipalities existing only under the jurisdiction of the county and having only those duties and responsibilities as determined by the county. Senate Bill 1357 would, if adopted, establish an unelected, statewide boundary commission to review and make conclusion to the General Assembly for the merger, consolidation, or annexation of municipalities.

Mr. Hutchison added that the PSATS feels strongly that this would be something bad for Pennsylvania and is recommending that townships take action so that they can present this information during those hearings.

Mr. Eberly made a motion to approve the resolution for Opposition to Forced Local Government Mergers and Consolidations. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Public Comment:

Mr. Richard Bledsoe, Jr., 40 Greenfield Road, Lancaster PA 17602, stated that he was instructed by Mr. Hutchison to attend this meeting due to his being denied a permit to access natural gas on their street because of the policy the Township has for no digging on a recently paved road. Mr. Bledsoe commented that they had no idea that they would need to replace their furnace. They would like to replace it with gas and are asking the Board for some leniency to get the permit. Mr. Eberly asked if UGI would go under the road. Mr. Bledsoe responded that they would go under the road, but that Mr. Hutchison looked at the prints and thought that they would need a 3 x 5 excavation hole to make sure that they do not hit the water main.

After further discussion, a motion was made by Mr. Eberly to approve the excavation for gas service at 40 Greenfield Road. Chairman Buckwalter seconded the motion and it was denied by a vote of two in favor and two opposed. Mr. Landis and Mr. Rutt opposed.

Mr. Landis asked Mr. Bledsoe if he would be able to come back before the Board in a month when Mr. Shertzer would also be available to vote on this decision.

Mr. Bledsoe asked if he could be given approval for the excavation if he guarantees that the cut would be repaired properly. If the patch would fail, he would have a contractor come in to repair it at his own expense.

Mr. Eberly made a motion to approve the excavation for gas service at 40 Greenfield Road with the guarantee from Mr. Bledsoe that he will be responsible for any repairs to the patch in the roadway for the next five (5) years at his own expense. The motion was seconded by Chairman Buckwalter and passed by unanimous voice vote.

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, August 17, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager