

August 5, 2013

The East Lampeter Township Board of Supervisors met on Monday, August 5, 2013, 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 and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Mike Landis and Mr. John Blowers were absent.

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

Steven K. Esh, 2008-F Horseshoe Road, Lancaster, PA 17601, representing Amish School Board

David Blank, 340 Buck Hill Road, Paradise, PA 17562, consultant for Amish School Board

Wayne Beaner, 10 Horseshoe Drive, Lancaster, PA 17601

Lynn Commero, representing Lancaster Newspapers

Justin Kulp 634 Millcross Road, Lancaster, PA 17601

Clair Sauder, 630 Millcross Road, Lancaster, PA 17601

Craig Williams, Strausser Surveying & Engineering, Inc., 2586 Lititz Pike, Lancaster, PA 17601,  
representing Millwood

Elmer K. Petersheim, 702 Hartman Station Road, Lancaster, PA 17601, representing Amish School Board

Matthew J Crème, Esq., Nikolaus & Hohenadel, LLP, 212 N. Queen Street, Lancaster, PA 17603,  
representing Millcross

Chairman Buckwalter indicated that copies of the agenda and minutes from the previous meeting were available in the back of the room for review.

#### Minutes of July 8, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the July 8, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Eberly to approve the minutes as presented. Mr. Shertzer was not able to second the motion because he was not present at that meeting. This item will have to be tabled until the next meeting for approval when the Board has a quorum.

#### Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$450,223.57 were presented for payment. Chairman Buckwalter noted some of the larger items included in that amount was a payment of \$37,833.88 to Allied Control Services, Inc. for upgrades and repairs to the sewer pumping stations and a payment of \$40,680.00 to Murray Insurance for property and casualty insurance.

A motion was made by Mr. Shertzer and seconded by Mr. Eberly to approve payment of the bills as listed in the amount of \$450,223.57. The motion was passed by unanimous voice vote.

#### Old Business:

- a. Reduction of Financial Security re: Bentley Ridge Apartments / High Associates

Chairman Buckwalter stated that this request for financial security reduction is for Bentley Ridge Apartments owned by High Associates. He asked if anyone was present for this item. No one was in attendance. Chairman Buckwalter explained that the township engineer, David Miller Associates, visited the

site on July 24, 2013 and noted items of concern in a letter dated August 2, 2013. It is their recommendation to approve a financial security reduction in the amount of \$93,643.40, which will leave a new outstanding financial security balance of \$53,006.12.

Mr. Eberly made a motion to reduce the financial security for Bentley Ridge Apartments / High Associates by \$93,643.40, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$53,006.12. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

b. Reduction of Financial Security re: Mill Creek Square / Noodles Restaurant

Chairman Buckwalter stated that this request for financial security reduction is for Noodles and Company. He asked if anyone was present for this item. No one was in attendance. Chairman Buckwalter explained that the township engineer, David Miller Associates, visited the site on July 24, 2013 and noted items of concern in a letter dated August 2, 2013. It is their recommendation to approve a financial security reduction in the amount of \$37,912.00, which will leave a new outstanding financial security balance of \$10,000.00.

Mr. Shertzer made a motion to reduce the financial security for Noodles Restaurant by \$37,912.00, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$10,000.00. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

c. Request for Time Extension to Record Conditionally Approved Plan – Sheetz: 2224 Old Philadelphia Pike

Mr. Chris Venarchick of RGS Associates, Inc. introduced himself as representing Sheetz Inc. They are requesting that East Lampeter Township grant an extension of time to record the Subdivision and Land Development Plan for this project. They need more time to work out some of the final comments with PennDOT. The current time to record the plan expires on August 20, 2013. They are requesting an extension of time to record the plan through November 12, 2013.

Mr. Shertzer made a motion to grant the request for time extension to record the conditionally approved plan for Sheetz, Inc. at 2224 Old Philadelphia Pike through November 12, 2013. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

d. Agreement re: Curb and Sidewalk Installation – Rich: 5 Zooks Lane

Chairman Buckwalter explained that this Curb and Sidewalk Installation Deferment Agreement is one of the conditions for approval of the land and development plan for Michael J. Rich and Beth A. Rich for 5 Zooks Lane.

Mr. Hutchison comment that staff has reviewed the agreement and is recommending approval by the Board.

A motion was made by Mr. Eberly to approve the Curb and Sidewalk Installation Deferment Agreement for the Rich property at 5 Zooks Lane. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

New Business:

a. Millcross Properties/Waterfront Restaurant Land Development Plan #13-22: 680 Millcross Road

Mr. Matthew Crème, Esq. introduced himself as representing Millcross Properties/Waterfront Restaurant. He also introduced Mr. Craig Williams of Strausser Surveying as being present. He explained that the applicant proposes to expand the existing parking lot for the restaurant from 60 to 94 spaces. This project involves the

use of the adjacent property of David and Laura Hartlaub for the parking lot expansion. Mr. Craig Williams of Strausser Surveying was also present. The plan was displayed on the projection screen for everyone to view. Modifications and waiver requests listed in a letter dated July 9, 2013 from David Miller Associates was reviewed.

Mr. Clair Sauder, 630 Millcross Road, Lancaster, PA 17601, (3 doors up from property) asked the Board why sidewalks need to be installed at this location.

Chairman Buckwalter responded that East Lampeter Township has always tried to have sidewalks in communities when projects are developed.

Mr. Justin Kulp, 634 Millcross Road, Lancaster, PA 17601, (2 doors down from property) asked about what kinds of allowances are being made to control the trash and the trash dumpsters and stated that this has been an ongoing issue.

Mr. Michael Geesey, owner of Waterfront Restaurant, responded that the dumpsters would be anchored on a chain so that if the river rises and the parking lot would flood only a foot or two, it would float. Usually they have enough warning about potential flooding that they would be able to have the dumpster emptied so no refuse would be dumped into the river.

Mr. Sauder stated that there are still piles of beer and wine bottles in his neighbor's backyard from previous flooding that still need to be cleaned up.

Mr. Geesey responded that he was not aware of this and would have the restaurant manager get in touch with Mr. Sauder's neighbor to get permission to come onto his property to check the situation out. He added that this probably occurred during the flooding of Lee when the restaurant had 7-8 feet of water inside it and they thought they had cleaned everything up.

Mr. Kulp asked if this will change property appraisals and increase the amount of taxes being paid.

Mr. Eberly made a motion to conditionally approve the Millcross Properties/Waterfront Restaurant Land Development Plan #13-22 for 680 Millcross Road and granting the four (4) waivers listed in the letter dated July 9, 2013 from David Miller Associates subject to the letters review comments and also work with staff in regards to the lighting and the park and open space requirements. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

b. Request to Install Privy to Provide Sanitary Sewer Facility at Amish School – 445 Willow Road

Mr. Hutchison explained that the applicant is requesting that the Board approve sending a letter to DEP in regards to installing a privy at the new school at 445 Willow Road.

A motion was made by Mr. Eberly to approve sending a letter to DEP for the installation of the privy at the new Amish school at 445 Willow Road. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Other Business:

- a. Approval of ROW Settlement Agreements re: Strasburg Pike / Windy Hill Road / Millstream Road Intersection Improvement Project

Chairman Buckwalter explained that the Board approved three (3) of the six (6) right-of-way settlement agreements for the Strasburg Pike/Windy Hill Road/Millstream Road intersection improvement project at the previous meeting. The remaining three (3) properties owners have now agreed to their settlements.

A motion was made by Mr. Shertzer to approve the remaining three (3) right-of-way settlement agreements for the Strasburg Pike/Windy Hill Road/Millstream Road intersection improvement project as presented. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

- b. Authorization to Submit Smart Growth Transportation Funding Application

Mr. Hutchison explained that in June 2013, the Board authorized submission of the Notice of Intent to apply for Smart Growth Transportation funding through the county planning commission program. It was submitted and then the county planning commission asked for the township to submit a full application for funding. The project that is proposed is to study and preliminary engineering to prepare plans for transportation improvements in the Bridgeport area. This does involve portions of Lancaster City, Lancaster Township, West Lampeter Township, and East Lampeter Township. The expected cost to complete this project is \$250,000.00. The required local share of the program is \$50,000.00. East Lampeter Township would be asking for \$200,000.00 in grant funding.

Mr. Shertzer made a motion to submit the Smart Growth Transportation Funding application. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Mr. David Blank thanked the Board for their help with the school privy and presented the Township with a book about the history of Amish schools.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Shertzer to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Tuesday, August 20, 2013 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager