

December 6, 2010

The East Lampeter Township Board of Supervisors met on Monday, December 6, 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. John Shertzer, Mr. Roger Rutt, 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:

Mark Johnson, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Keystone Custom Homes

Jeri McClune, Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, representing J&J Merck

Barry Nickel, 2972 Lincoln Hwy. East, Gordonville, PA 17529, representing Paradise Custom

Latta Null, 5244 Denlinger Road, Gap, PA 17527, representing Paradise Custom

Diane Frame, Keystone Custom Homes, 227 Granite Run Drive, Lancaster, PA 17601

Gregory Grasa, 1843 Windrow Drive, Lancaster, PA 17602, representing Southridge Farms Neighborhood Coalition

Mike Snyder, 1851 Windrow Drive, Lancaster, PA 17602, representing Southridge Farms Neighborhood Coalition

Doug McComes, 2385 Covered Bridge Drive, Lancaster, PA 17602, representing Target

Kurt R. Engel, 200 Southridge Drive, Lancaster, PA 17602, representing Southridge Farms Neighborhood Coalition

Daniel Mazaheri, 2201 New Holland Pike, Lancaster, PA 17601, representing Miles Towing

Dean Landis, 202 Greenfield Road, Lancaster, PA 17601, representing Dalton's Towing

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

Minutes of November 8, 2010 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the November 8, 2010 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Eberly and seconded by Mr. Shertzer 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 indicated that bills to be paid from various funds in the amount of \$403,689.97 were presented for payment. Chairman Buckwalter stated that the larger payments included in that amount are a payment of \$142,714.00 to Morgan Stanley for the final 2010 MMO contributions to the pension plans, fourth quarter contributions to the fire companies that total \$44,800.00, and a workman's comp premium of \$29,022.00.

A motion was made by Mr. Landis and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$403,689.97. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Release of Financial Security – Ambleside Apartments: Old Philadelphia Pike

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance to represent this item. Chairman Buckwalter stated that a letter from the Township zoning officer indicated that all improvements for Ambleside Apartments have been completed and is recommending a full release of the remaining financial security.

Mr. Shertzer made a motion to release the remaining financial security amount of \$26,150.93 to Ambleside Apartments as recommended by the Township zoning officer. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Request for Release of Financial Security – Harvest Meadows: Hobson Road

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance to represent this item. Chairman Buckwalter explained that the Township engineer visited the site and is recommending a full release of \$9,232.50 to Harvest Meadows.

Mr. Shertzer made a motion to release the remaining financial security amount of \$9,232.50 to Harvest Meadows as recommended by the Township engineer. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

c. Settlement Agreement, Memorandum of Agreement & Construction Easement re: Tanger Eminent Domain Action

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance to represent this item. Mr. Hutchison explained that since the time when the Board acted to acquire the necessary right of way for the improvement at the intersection of Route 30 and Tanger Drive, the parties involved which include the developer of Mill Creek Square, Tanger, and the Township have been negotiating a settlement agreement. This agreement actually turned into three (3) separate agreements that were prepared with the assistance of the Township solicitor's office. All parties involved are in agreement with the provisions of these agreements which will accomplish what the Board had wanted to accomplish which was to have the necessary right of way available so that the developer of Mill Creek Square could complete the improvement at this intersection which is the addition of an eastbound right hand turn lane on Route 30 for traffic turning into Tanger Outlets.

Chairman Buckwalter explained to the other Board members that their action would be to approve the agreement with the condition that the Township be reimbursed by the developer for all fees associated with this agreement.

Mr. Eberly made a motion to approve the Settlement Agreement, Memorandum of Agreement and the Construction Easement Agreement with Mill Creek Square and Tanger with the condition that all fees associated with this agreement are paid by the developer to the Township. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

New Business:

a. Resolution re: Dedication of Silver Birch Drive, Bridington Subdivision

Ms. Diane Frame of Keystone Custom Homes introduced herself as representing Bridington Subdivision. Ms. Frame stated that they had their final walk through with Mr. Charles Thomas and Mr. John Brooks of the East Lampeter Public Works Department and they gave their approval to present the resolution to the Board of Supervisors.

Mr. Shertzer made a motion to adopt the resolution to accept the dedication of Silver Birch Drive in the Bridington subdivision as part of the public road system of East Lampeter Township. The motion was seconded by Mr. Landis and passed by unanimous voice vote. (Resolution #2010-15)

b. Warrington Final Subdivision & Land Development Plan #10-19 First Phase: New Holland Pike & Hornig Road

Mr. Mark Johnson of RGS Associates and Ms. Diane Frame of Keystone Custom Homes were present to discuss this project. Mr. Johnson reviewed the final land development plan for the first phase of the Warrington subdivision. He then reviewed a letter dated December 6, 2010 from David Miller Associates. The first item mentioned in the conditional use section of the letter is that sufficient wrap around porches are required throughout the development in order to meet the general architect features of other Lancaster County management communities. Ms. Frame stated that she surveyed three (3) communities in Lancaster County that resemble Warrington and discussed the number of homes in these communities that have the wrap around porches and the cost to build them.

Mr. Johnson discussed the open space requirement and reviewed the site plan.

Mr. Hutchison stated that staff has a different view point on this issue. There were items that were not fully prepared at the preliminary plan stage. It was agreed that these issues would be dealt with at the final plan stage. The details concerning open space was one of these items. Staff had asked for some kind of presentation that would show what is being proposed here. Mr. Hutchison added that there are definitions of the ordinance that state the open space has to be either greenway, plaza, park or some style of open space. The presentation is lacking these details and at this stage of final plan, these details should be there showing what it will look like.

Chairman Buckwalter agreed with Mr. Hutchison and stated that he also would need to see more details.

Mr. Landis asked Mr. Johnson if he would be able to show some type of sketch as to the types of homes to be built by Keystone Custom Homes.

Mr. Johnson replied that he would be able to do that.

No action was taken on this agenda item.

c. J & J Merck Storm Water Management Plan #10-34: 1838 Colonial Village Lane

Chairman Buckwalter asked if anyone was present for this item. Mr. Jeri McClune of Rettew Associates, Inc. introduced himself as representing the applicant. Mr. McClune explained that there is a roof drainage pipe

that discharges in the front of their property and is causing erosion. They are proposing to install a 12" diameter perforated stormwater pipe to connect directly to the roof downspout and then discharge to a rain garden.

Mr. Eberly made a motion to approve the J & J Merck Storm Water Management Plan #10-34 for 1838 Colonial Village Lane subject to the review comments in the letter dated October 15, 2010 from the Township engineer David Miller Associates. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Request for Waiver of Land Development Planning – Target: 2385 Covered Bridge Drive

Mr. Doug McComas, General Manager of Target Store #2072 was present for this item. Mr. McComas explained that they had originally requested a waiver of land development plan for the placement of 10 outside storage containers on the site at 2385 Covered Bridge Drive. After receiving a letter from the Township zoning officer asking them to reduce the number of containers due to the portion of the parking lot access driveway being blocked by the trailers and the interference of truck movement to the loading dock area, they have reduced the number to six (6) containers.

Mr. Hutchison explained that any of this commercial development space has to go through land development planning process. They have not done this for these storage containers and are asking for waiver of this requirement.

After a brief discussion, Mr. Shertzer made a motion to waive the land development planning process for the six (6) storage containers for Target Store #2072 at 2385 Covered Bridge Drive, provided that they are maintained in good condition. Mr. Landis seconded the motion and it was passed by a vote of three in favor and two opposing. Mr. Rutt and Mr. Eberly opposed.

Other Business:

a. Reappointment to Planning Commission – Mr. Randall Ranck, 4 Year Term Ending 11/19/14

Chairman Buckwalter stated that Mr. Randall Ranck has indicated his desire to continue to serve on the Planning Commission for another four (4) years. His term would continue until November 19, 2014.

Mr. Landis made a motion to reappoint Mr. Randall Ranck to the Planning Commission for another four (4) year term ending November 19, 2014. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

b. Ordinance re: Industrial Wastes to Address Changes Required from EPA

Mr. Hutchison explained that the EPA contacted the City of Lancaster as the operator/owner of the treatment facility where the sewage is treated from the area including East Lampeter Township and informed them that the industrial waste ordinance needed to be updated. As a partner in the treatment plant, the Township is obligated to follow suit and make sure that our industrial waste ordinance requirements are equal to the standards required in the City. The Township arrangement with the City as well as the other partners is that the City administers the industrial waste permitting process so that any of the businesses that are required to have industrial waste permits are permitted through the City.

Mr. Rutt made a motion to approve the Industrial Waste Ordinance as required by EPA. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

c. Amendment of 1983 Sewage Capital Contribution and Treatment Agreement

Mr. Hutchison explained that along with the partners, primarily the City of Lancaster being the owner/operator of the sewer treatment plant, there have been changes to the capacities in the system basically due to changes at higher levels of government (EPA and DEP). These changes need to be reflected in the Township agreement with all the parties. The East Lampeter Sewer Authority (ELSA) has a more direct and ongoing relationship and communication with the City. The original agreement dating back has always included the Supervisors as a signature to the agreement. ELSA is also acting on this agreement at their meeting on December 8, 2010. It has been reviewed by their engineer and solicitor. Staff believes that everything is in order.

Mr. Shertzer asked if this negatively impacted the Township capacity.

Mr. Hutchison responded that it negatively impacted everyone's capacity when the EPA changed the rules of the game where the Township had to base capacity not only on the amount of flow that could be put through the treatment plant, but the standards were increased for the flow that could be put through which essentially was reduced.

A motion was made by Mr. Eberly and seconded by Mr. Landis to approve the amendment of the 1983 Sewage Capital Contribution and Treatment Agreement. The motion was passed by unanimous voice vote. Mr. Rutt did not cast a vote for this agenda item.

d. Consolidation of Deeds re: Lafayette – Tower Park

Chairman Buckwalter explained that Lafayette – Tower Park consists of three parcels of land. This deed consolidates the three parcels of land into one parcel.

Mr. Eberly made a motion to approve the recording of the deed for Lafayette – Tower Park which will consolidate it to one parcel of land instead of three parcels of land. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Mr. Daniel Mazaheri Esq., 2201 New Holland Pike, Lancaster, PA 17601, was representing Miles Towing. He asked the Board if they had a chance to discuss the issues raised at the previous Supervisors meeting concerning the new towing policy for the Township. He added that his client had witnessed at least three (3) tows adjacent to his property in the past month that were towers from outside the area.

Chairman Buckwalter stated that this policy has only been in effect for a month and that the towers had adequate time to review the policy before it was adopted by the Township. He added that the Board would like to give it more of a chance before addressing it.

Mr. Hutchison stated that after the comments that were made by Mr. Mazaheri at the previous Supervisors meeting, he did have a chance to speak with the Chief of Police and review a couple of the specific situations that were mentioned. Mr. Hutchison's understanding is that Chief Bowman and Mr. Hoover have talked since the last meeting.

Mr. Mazaheri stated that their principle concern is that some towers on the list may not qualify to be on the list. One of the requirements to be on the list is that an office and storage lot be within one (1) mile of the Township. He questioned the location of Lancaster Fleet.

Mr. Hutchison stated that as far as an appeal process, if they would like to have the Township set something up formally, they would do that. He added that he knows the one (1) mile standard is part of the policy that was adopted. The police department reviewed all the applications and performed inspections of all the identified facilities to determine if they met the requirements of the policy. Mr. Hutchison stated that he did not know how the police department measured the distance but suggested that they used the GIS or some other method. He added that he could find out how they did do the measuring and get in touch with Mr. Mazaheri or Mr. Hoover to inform them.

Mr. Mazaheri asked if the tower would lose the office or storage location, how much time would they have to find a new location.

Chairman Buckwalter asked that the policy be given more time to see how it plays out. He suggested another three (3) months to give it a chance.

Mr. Gregory Grasa, 1843 Windrow Drive, Lancaster, PA 17602, introduced himself and Mr. Mike Snyder, 1851 Windrow Drive, Lancaster, PA 17602, and Mr. Kurt R. Engel, 200 Southridge Drive, Lancaster, PA 17602, as representing Southridge Farms Neighborhood Coalition. He stated that one (1) year ago, the Board approved the installation of speed limit signs in the development. He presented the Board with a petition signed by 68 residents of the development representing 48 households that would like to see the speed limit signs removed throughout the development and have them placed only at the entrances to the development. They feel that these signs are an eyesore and that 27 speed limit signs are too many. He added that PennDOT's recommendation of having the signs every 200 feet are not being applied correctly. There is no requirement to post speed limit signs within 200 feet of every intersection in a residential development if the speed limit remains the same throughout the development. He also commented that there is no enforcement of the speed limit in the development and that he had contacted the police department on one or more occasions.

Mr. Hutchison stated that the public works department and the police department could review the situation.

Mr. Kurt Engle also spoke about the number of signs in the development and asked how many speeding tickets have been issued since the signs were put in place.

Mr. Barry Nickel, 2972 Lincoln Hwy. East, Gordonville, PA 17529, representing Paradise Custom spoke about the towing policy. He commented that there are some things in the policy that he does not agree with, but believes that it should be given a chance to see how it works out.

Mr. Dean Landis, 202 Greenfield Road, Lancaster, PA 17601, representing Dalton's Towing also believes that the towing policy should be given a chance to see how it works. He added that his towing business will be relocated to 2060 Lincoln Highway East.

Adjournment:

A motion was made by Mr. Rutt 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, December 21, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager