

September 12, 2022

The East Lampeter Township Board of Supervisors met on Monday, September 12, 2022, 7:30pm at the East Lampeter Township Office: 2250 Old Philadelphia Pike, Lancaster, PA 17602. The statement of recorded meetings was played for all in attendance. Chairman John Blowers called the meeting to order at 7:30 pm followed by the Pledge of Allegiance. In addition to Mr. Blowers, Supervisors present were Mr. Corey Meyer, Mr. Ethan Demme. Also present in the meeting room were Mr. Ralph M. Hutchison, Township Manager, Ms. Tara Hitchens, Assistant Township Manager, and Stephanie Leakway, Administrative Assistant. Supervisors Mr. Mike Thornton and Mr. Roger Rutt attended the meeting via ZOOM.

The meeting was held using Zoom, an internet web conferencing tool. A recorded statement was played regarding the use of Zoom for this public meeting including instructions for the public to use in order to participate in the meeting.

Public Present in Public Meeting Room:

Steve Kepchar, Morgan Stanley
Howard Williard, Morgan Stanley
Susan Orth, 3 Spring Dell Road
Steve Gribble, Ronks Fire Company
Marlin Horst, Smoketown Airport
Kevin Zartman, Smoketown Airport
Jacob Dolbow, Paradise Fire Company
Steven Fisher, Paradise Fire Company
Angela Hess, 832 Willow Road
Todd Stumpf, G&S Associates
Gerald Graham, G&S Associates
David Keens, Lafayette Fire Company

Also, In attendance via Zoom:

None

Public Comment for Non-Agenda items:

None

Consent Agenda:

- a. Approval of the September 12, 2022 Board of Supervisors meeting agenda
- b. Approval of the Minutes of the Monday, August 15, 2022 Regular Meeting
- c. Approval to pay invoices from all funds: Total \$551,430.08

Mr. Blowers presented the bills to be paid from various funds for the total amount of \$551,430.08. Items of note include: \$45,000 to Witmer Fire Company for initial contribution to tanker refurbish project; \$65,025.00 for quarterly contribution to the four fire companies, \$16,256.25 to each fire company; \$8,678.90 to ARC Document Solution for document scanning services.

Mr. Meyer made a motion to approve the consent agenda as presented. Mr. Demme seconded the motion and it passed by unanimous voice vote.

Presentation regarding the Pension Plans Investment Performance-Morgan Stanley

Steve Kepchar & Howard Williard of Morgan Stanley presented an annual review for East Lampeter Township Pension Plan investment results.

Discussion followed the presentation between the Board of Supervisors and the Morgan Stanley representatives. Mr. Williard noted that Morgan Stanley may come back in the future to inquire about an increase in the alternatives area of investment.

Old Business:

a. Request for Financial Security Release: #20XX-XX Glick Fire Equipment, 350 Mill Creek Road: Per the David Miller/Associates review letter dated August 17, 2022 it is recommended that the Board fully release the remaining funds totaling \$44,013.21.

On a motion by Mr. Meyer to approve the full release of Financial Security. Mr. Thornton seconded the motion and it was approved by unanimous voice vote.

b. Request for Financial Security Reduction: #2018-26: High Associates/CGS, Building 24, 1902 Homestead Lane: Per the David Miller/Associates review letter dated August 22, 2022 it is recommended that the Board fully release the remaining funds totaling \$419,463.00.

Mr. Meyer made a motion to approve the full release of financial security. Seconded by Mr. Demme, the motion carried by unanimous voice vote.

c. Request for Time Extension to record conditionally approved plan: # 2021-25: Steudler-2599 Old Philadelphia Pike until December 19, 2022. Should the plan not be recorded by this date, the plan shall be deemed denied or the applicant shall request another time extension.

Mr. Demme made a motion to approve a 90-day time extension to December 19, 2022 with the condition that should the plan not be recorded it shall be deemed denied or the applicant shall request another time extension for the Steudler project. The motion was seconded by Mr. Rutt with all voting in favor by unanimous voice vote.

New Business:

a. Time Extension to preserve rights of recorded plan #2016-24: Hess-832 Willow Road: Mr. & Mrs. Joe Hess were planning to build on property that was previously subdivided. Mrs. Hess continued that with the cost of inflation and interest rates caused revisions to building plans. The Hess' are hoping to break ground before November 4, 2022, but know any issue could occur. There is a riparian and pedestrian easement along the Conestoga River. The Hess' are requesting a 6-month extension of the rights of the recorded plan.

Mr. Thornton made a motion to approve a 6-month extension for 832 Willow Road, Hess property project. Seconded by Mr. Meyer with all voting in favor, the motion was passed by unanimous voice vote.

b. Time Extension to preserve rights of recorded plan: #2016-21-Smocketown Airport: Mr. Kevin Zartman and Mr. Marlin Horst are requesting a time extension to preserve rights of recorded plan. Mr. Zartman explained the applicant is looking for a 5-year extension. Mr. Blowers stated that the Board must balance current interests with future regulations and believes 5 years is too long because that would result in 10 years from the original approval. Mr. Meyer agreed and suggested a 2-year extension. Mr. Thornton asked what kind of other businesses are anticipated on the property of the airport. Mr. Zartman stated, those associated with the airport such as renovating and fixing planes. Mr. Demme stated that it is likely that the airport will remain an airport. Mr. Blowers added nothing would prevent applicant from coming back in 2 years and requesting yet another time extension of the rights of the recorded plan. Mr. Hutchison added that the PA MPC provides 5 years protection for every plan once it is recorded. There are a couple of items in the next 2-5 years that might affect the project. Mr. Thornton suggested that a 2-year extension would provide a little more incentive to keep things moving. Mr. Rutt stated he agreed 2-3-year extension would be appropriate.

Mr. Meyer made a motion to approve a 2-year extension of the rights of the recorded plan for the Smocketown Airport. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

c. Hartman Station Phase 3 #2006-13 stormwater rock bins installations: Request from the applicant, G&S Associates, to discuss the release of needing to provide documentation for the rock bin installations. Mr. Hutchison stated Township engineer research shows outstanding stormwater facility issues. Mr. Stumpf and Mr. Graham noted that most lots were sold to Garman Builders and were present to talk to Board of Supervisors for outstanding issues in order to release financial security. Mr. Stumpf added that the project began in 2005 and stormwater looks much different today in 2022. Mr. Stumpf indicated that there was no inspection process required back then, and the applicant feels it is hard to prove when it was not required back then. Retro-actively requiring applicants to do so puts the applicants in a bind. Mr. Hutchison disagrees with the statement that there were no inspections. All required facilities on the Land Development Plan for which financial security is posted follows a process to approve; roads are inspected, sanitary sewer, water facilities, sidewalks, curbs, stormwater-all inspected and required public improvements. Mr. Hutchison, in parallel, when building house, footers, foundations, and framing are all inspected under the Building Code. Someone has to call Township or Engineer for inspection. Mr. Stumpf disagrees as water comes out underground, sewer inspected. Mr. Stumpf feels the absence of inspections should not fall to the developer. The developer's request for financial security release prompted the outstanding facility issues. Further discussion resulted in the Board of Supervisors requesting a letter from the applicant taking liability for the installation of the rock bins. No action was taken. Township staff suggested that a camera could be run down roof leaders for perforated pipe for some distance; other is ground penetrating radar to try and locate where the rock bins are. Staff will accept vent being there as sufficient proof the rock bins of the 18 lots where these were found were installed; there are 7 without vent; plan shows where the rock bin should be; for landowner to do self-inspection reports under the Township MS4 program a vent location will be

required. The fence issue was removed from the review letter the requested letter would verify that the developers take liability for the rock bin installation on those 7 properties.

Action Items:

a. Witmer Fire Association 1994 Tanker future disposition value to Township: Mr. Hutchison reminded the Board of Supervisors of the apparatus replacement program . In the case of Witmer's refurbished tanker, the township will be providing 60% of the value of the refurbishment. However, when the apparatus was purchased, Witmer paid 100% of the value. Taking the refurbishment into consideration, the Emergency Services Committee recommended that the Township receive 33% of the sale value of the 1994 Tanker upon the sale of such apparatus. The apparatus replacement plan would have replaced this tanker in 2024, luckily the apparatus with refurbishment will provide well beyond that 20 years. At this point, where should the replacement of this apparatus be placed on the plan? Mr. Thornton will bring up the matter on the Thursday, September 15, 2022 Emergency Services Committee (ESC) meeting. Mr. Rutt asked what pieces could be refurbished and what might come up as potential refurbishment of equipment? Mr. Thornton stated a ladder truck at Lafayette Fire will be coming in several years. Mr. Hutchison added that this is the first apparatus requested to be refurbished. In previous years, the only other change in the apparatus plan was the purchase of a used apparatus. Mr. Hutchison also noted there is nothing specific in the replacement plan as far as purchasing used, new, or refurbished equipment, it only details the replacement of equipment. Mr. Thornton intends to discuss this topic at the next ESC meeting if this is a possible option, possibly changing the system/program. Mr. Thornton also recalled the matter was discussed previously but as left unresolved.

Mr. Thornton made a motion to approve the recommendation of 33% valuation of Witmer Tanker value. Mr. Demme seconded the motion and it passed by unanimous voice vote.

b. Policy regarding Township Fire Companies calling on Paradise Fire Co. for special water rescue events only: Neighboring Paradise Township is not seeing eye to eye with their fire company. Paradise Township is not providing Worker's Comp Insurance to Paradise Fire Company which resulted in the Fire Company obtaining its own Worker's Comp Insurance. East Lampeter Township fire companies are being called more often as second due at scenes in Paradise Township since Paradise Fire Company was taken off Paradise Township first due. Mr. Blowers inquired as to why Paradise Township and Paradise Fire Company are having issues to which Mr. Hutchison replied he cannot weigh in on the matter. Mr. Meyer inquired whether East Lampeter Fire Companies use Paradise Fire for special water events. Mr. Demme asked if East Lampeter Township is named as additional insured to which Mr. Hutchison replied East Lampeter has not yet been listed as additional insured. Mr. Dolbow of Paradise Fire Company stated there was never a lapse in coverage for the fire company and now they have East Lampeter Township listed as additional insured and he will provide the necessary documents to Mr. Hutchison. Mr. Blowers asked if having an additional fire company listing us as insured is different than normal procedure. Mr. Hutchison explained it is as typically the neighboring municipality would provide the fire company worker's compensation insurance coverage. Mr. Hutchison noted that he and Ms. Tara Hitchens, Assistant Township Manager met with the four fire chiefs of East Lampeter Township and had good discussion as to the uses of Paradise Fire Company. Mr. Hutchison recommends the Supervisors follow their recommendation to call on Paradise Fire Company for special water

rescue needs . Mr. Demme suggested the topic goes beyond the purview of East Lampeter Township Supervisors jurisdiction. Mr. Gribble, Ronks Fire Company, explained meeting with the three other Chiefs and Township staff was to address water rescue and proper paperwork requirements. Mr. Demme asked what jurisdiction the Township has to make this decision, that either the Fire Company can operate or not within the Township. Mr. Blowers asked for clarification of the intention to ensure Paradise Fire Company has insurance and named East Lampeter Township on said insurance. Mr. Hutchison confirmed and added that the Chiefs be allowed to call Paradise Fire Company for water rescue events. Mr. Gribble added that Mr. Hutchison is correct that the Fire Chiefs asked for water rescue and did not want to address the matter with ESC because the Fire Chiefs have final say.

Mr. Thornton made a motion permitting the four East Lampeter Township Fire Chiefs to call upon Paradise Fire Company for water rescue services provided that Paradise Fire Company submits proof of proper Workers' Comp Insurance with East Lampeter Township named prior to the fire companies within East Lampeter calling them for assistance. Mr. Demme commented his support in concept but feels Supervisors do not have the jurisdiction to make the decision. Mr. Meyer seconded the motion and it passed by majority voice vote. Mr. Demme opposed the motion.

c. Reappointments-Zoning Hearing Board Alternates, 3-year terms: James Glick & Alex Reedy. Both candidates have agreed to a reappointment of 3-year terms. Mr. Blowers encouraged members of the board and community to please submit names to fill the remaining open seat.

Mr. Meyer made a motion to approve the reappointments of 3-year terms for Mr. James Glick and Mr. Alex Reedy. With a second by Mr. Demme, the motion passed by unanimous voice vote.

d. Approval of new Treatment Providers list for Worker's Compensation program: Mr. Blowers confirmed all received and reviewed list provided.

Mr. Demme made a motion to approve the Worker's Comp List. With a second by Mr. Rutt, and Mr. Meyer abstaining, the motion passed by majority voice vote.

e. 2023 Pension Plans Minimum Municipal Obligation Calculations: Mr. Hutchison explained the annual process, required to be approved in September each year.

On a motion by Mr. Demme to accept as presented and a second by Mr. Thornton, the motion passed by unanimous voice vote.

Manager's Report:

a. Discussion regarding the request to distribute ARPA Funds to community organizations: no action taken. ARPA request from Mennonite Life/Mennonite Historical Society. Mr. Hutchison explained that previously the Board had indicated that all ARPA funds would be considered lost revenue as part of the 2023 budget process. East Lampeter Township would need to establish a program for community organizations to utilize in order to distribute ARPA funds. Mr. Blowers added the Board has discussed ARPA funds would be used as loss revenue to move funds into areas where they were cut during COVID such as the fire apparatus fund. Mr. Demme

agreed that any requests for funding should go through the budget process. No action was taken by the Board of Supervisors.

b. Discussion regarding the Enforcement of limit on Hotel stays of longer than 30 days; There was significant discussion regarding the building code stay allowances/requirements and the zoning ordinance stay allowances/requirements and the issues surrounding enforcement of these time frames. Mr. Hutchison noted that the Board may want to first send letters to hoteliers and to organizations who place individuals in hotels for greater than 30 days to inform them of the stay limitations. Mr. Thornton asked with all safety issues, is there a group of hoteliers to start a conversation. Mr. Blowers responded that there is a need to reach out to hoteliers from a safety perspective Mr. Demme questioned the differences between extended stay hotels and hotels and the construction standards of each. Ms. Hitchens noted that extended stay is within the R-2 UCC use group and hotels are within the R-1 UCC use group but noted that she is not familiar with each code requirement specifically. Mr. Demme questioned changing from an R-1 to an R-2 UCC use code and noted that this is being done in other areas of the county. Mr. Demme continued that the Township can also have extended stay without the kitchens; building code issue is not a safety issue and that a landowner could change a hotel to an extended stay hotel or into housing.

Mr. Blowers reiterated the fact there are hotels that need to clean up their act. Mr. Blowers stated that this is not just an East Lampeter Township issue and that the Township cannot do it alone. Mr. Demme pointed out he did not want to see just enforcement, but also wants a plan to get to the root cause of the issue. Mr. Blowers encouraged Mr. Demme to provide a plan to the Board for consideration. Mr. Demme stated he does not entrust Township staff to come up with a plan. Mr. Blowers stated that there is a need to reach out to organizations to talk about use of hotels as transitional or affordable housing. Mr. Thornton had an informative discussion with Water Street Mission and added hotels are not made for transitional housing, and should be designed for tourists in the tourist area of the Township. There is a tremendous undertaking in the county for housing and there is a need to do something about misuse of hotels as long-term facilities. Mr. Rutt noted that the whole housing in hotels is a multi-faceted challenge and he is not sure why East Lampeter Township should carry the brunt of the challenge when we also have tourists to accommodate. Mr. Rutt added the situation is not working for the safety of residents, hotel owners, and tourists. Mr. Rutt shared he had talked with John Barret of Conestoga Valley Christian Community Services (CVCCS) and noted that follow up of homeless persons is difficult as both the Police Department and CVCCS run into walls day after day. Mr. Meyer expressed concern with enforcement of 30-day limit and unintended consequence of good people being put on the street and added he agrees with cleaning up hotels using nuisance ordinance and IPMC inspections. Mr. Thornton stated that hotel owners cannot be locked into one group as some do great work. Mr. Demme pointed out that if a hotel wanted to convert to housing, they could do so but not in East Lampeter Township because of the ordinances. Mr. Demme questioned the Motel 6 incident and the need for the Township to work with our neighbors and organizations. Mr. Blowers inquired if there was a mention of the Motel 6 incident at the Emergency Services Committee meeting and if there was an assessment at the previous meeting to which Mr. Thornton said he was not present at the meeting and Mr. Demme responded there was no discussion on the agenda of the matter. Mr. Blowers asked if there were reports available for review. Chief Keens replied he was out of town but had been in contact with the on-scene duty officer via phone Chief Keens continued he was told Lafayette Fire controlled the situation and later became a unified command with Red Cross,

County EMA, TWP Police Department, LRDH and all attempted to mitigate the situation as a group.

Mr. Blowers noted the time was 10:35pm, and the Supervisors will not get to all topics during the meeting.

Mr. Demme called for a question for clarification of Township staff position. Mr. Hutchison explained that Township staff believes that East Lampeter Township did enough and others on scene went beyond. Mr. Hutchison continued that the matter remains the responsibility of the property owner. Chief Keens commented the reason Lafayette Fire stayed on site was because the building was dark and people still entering building and Lafayette was attempting to assist the Township Police Department. Chief Zerbe stated the property owner is responsible for progressive steps with some ordinances. Ms. Susan Orth, treasurer of the Conestoga Valley Ministerium, a/k/a SEEDS is looking at affordable housing. Ms. Orth continued there are 10-15 families living in hotels at any one time and she would be glad to work on a plan with Mr. Demme. Ms. Orth stated Conestoga Valley has the second highest homeless rate in Lancaster County, with 159 kids. Ms. Orth included Water Street Mission has rules that a single mom can only take three (3) kids, and has to give up others. Single Dads cannot go anywhere with their kids in a shelter situation. Mr. Blowers expressed his thoughts that Emergency Services Committee has to play a role in this and further emphasized the need to end the meeting due to the time of day. Mr. Demme rebutted he wants a decision tonight to which Mr. Thornton asked for clarification as to what was in question. Mr. Demme asked the Board of Supervisors that once a hotel is shut down, should there be no further assistance from the Township. Mr. Thornton responded that he would want to understand the full situation before weighing in. Mr. Hutchison reiterated that he stands by what was said that East Lampeter Township had no legal obligation to stay on site.

Adjournment:

On a motion by Mr. Demme and a second by Mr. Thornton with all voting in favor, the meeting was adjourned at 10:55 pm. The next Board of Supervisors meeting will be held on Monday, October 3, 2022 at 7:30 pm in the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA, 17602 and via ZOOM, check the Township website at www.eastlampetertownship.org for more information.

Respectfully submitted,

Ralph M. Hutchison
Township Manager