

August 21, 2023

The East Lampeter Township Board of Supervisors met on Monday, August 21, 2023, 7:30 pm at the East Lampeter Township Office: 2250 Old Philadelphia Pike, Lancaster, PA 17602. The statement of recorded meetings was played for all in attendance. Vice Chairman Corey Meyer called the meeting to order at 7:30 pm followed by the Pledge of Allegiance. In addition to Mr. Corey Meyer, Supervisors present were Mr. Ethan Demme, Mr. Roger Rutt and Mr. Mike Thornton. Supervisors absent were Chairman John Blowers. Also present in the meeting room was Mr. Ralph M. Hutchison, Township Manager, Ms. Tara Hitchens, Assistant Township Manager and Ms. Stephanie Leakway, Administrative Assistant.

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

Public Present in Public Meeting Room:

Steve Zerbe – ELTPD

Harvey Meyer – 87 Midway Farms Lane

Nick Gard – 121 East Main Street NH

Michael Itwaru – 113 Meadow Valley Road, Ephrata – Lancaster On Line

Jacob Frame – 2727 Old Philadelphia Pike, BIH – Lancaster Balloon Fest

Brian Masterson – Register Associate - Garden Path Soap

Daniel S. Fisher – 2630 Old Philadelphia Pike - Garden Path Soap

Sylvia Fisher – 2533 Old Philadelphia Pike - Garden Path Soap

David Keens – 63 Lafayette Way – Lafayette Fire Company

Lillian Ranauro – East Lampeter Township

Judy & Ken Gingrich – 214 Maple Drive, New Holland

Tim & Dusty Burkhardt – 16 Bowman Road – East Lampeter Township

Robert Patterson III – 7 Pleasant Drive - East Lampeter Township

Rob Visniski – RAV – Legacy Manor

David S. Beiler – 452 Mount Sidney Rd – Millcreek Fence

Daniel Beiler – 507 Mount Sidney Rd – Millcreek Fence

David Beiler Jr. – 5 Fawn Drive, Paradise – Millcreek Fence

Keith Good – 134 West Main Street – Aspen

John E. Smucker – 2715 Old Philadelphia Pike – Bird In Hand

Jeff Siegrist – 2528 Siegnist Road – Siegnist Exc.

Also, In attendance via Zoom:

Dave Gandhi

Public Comment for Non-Agenda items:

Mrs. Judy Gingrich was speaking on behalf of her husband. Mr. Gingrich lives in New Holland and was traveling north on Eastbrook Road and turned onto Cherry Lane on July 27th approximately 2pm. There were two line-painting vehicles that were parked on either side of the road. No one was directing traffic. When he arrived home, he discovered paint on the left side of his brand-new pick-up truck up to the side mirrors. The Gingrich brought in two estimates, one for \$260.00 and another for \$2,298.00. The truck has not been fixed up to this point. They would like to be compensated by the Township for

the damage done to their vehicle. Mr. Hutchison explained that the line-painters are contracted and do not work for the Township. The Gingrich's will have to go through their insurance company to be compensated.

Harvey Meyer stated that there is no clear signage where Old Philadelphia Pike and Route 30 meet headed west bound on Old Philadelphia Pike instructing drivers that they have to turn left if they are in the left lane to continue on Route 30 East. He stated there is a sign stating that the left lane is a left turn only lane and the right lane is to go straight but it is behind a tree/bush on the side of the roadway and is not clearly visible. Mr. Hutchison stated that this is the first time he has heard of this concern. He also noted that all the roadways in that area are state highways. Mr. Hutchison will reach out to the state and let them know about this concern.

Robert Patterson of 7 Pleasant Drive has safety concerns regarding a motel in his area. He has been in communication with Mr. Hutchison for approximately three years. Mr. Patterson also stated that there is a resident from 16 Bowman Road present at the meeting who is also concerned with the motel. Mr. Patterson feels there has been a lack of follow-through by the Township with the After Action Report from LEMA to the Township following an incident that happened at the motel last year. He acknowledged that Mr. Demme brought this up in the Board of Supervisors meeting on July 17, 2023. He stated the Township residents deserve better. He believes the incident cost not only the Township residents but also the County residents extra money. He feels the Township should have been prepared for the incident long before it happened. His biggest concern is that he was assured a nuisance ordinance was going to be enacted but there is yet to be any action since September of 2021. He informed the Board that since that incident there was a person who committed a crime in another state that stayed at the motel. This individual was chased through his neighborhood where there are innocent residents that were put at risk. He would like to know why there still has been no resolution to this problem. After viewing the YouTube video of the Board of Supervisor's meeting on July 17, 2023, he is also concerned that it is not clear when the Township's EMA is supposed to be involved in an emergency and respond to a call. He understands that the decision has been left to the fire chiefs. NIMS is a national standard that is followed for public safety. He does not understand why the Township is not following this standard. The Township was not prepared a year ago and they were not prepared recently. Mr. Patterson feels the residents deserve better. He stated that the Township relies heavily on the Fire Departments and EMS but both are lacking staff. He feels this is because the Township does not take care of its volunteers. He had suggested in the past that taxes should be forgiven for those who volunteer in these important positions. He wants the Township to be proactive and not reactive when emergencies occur. Mr. Patterson would also like to know why residents get a bill after calling 911.

Consent Agenda:

- a. Approval of the August 21, 2023 Board of Supervisors meeting agenda
- b. Approval of the Minutes of the Monday, August 7, 2023 Regular Meeting
- c. Approval to pay invoices from all funds: Total: \$100,698.06

*Item of note:

\$8,763.33 to Aqua Pump & Supply for pump station grinder

Motion made by Mike Thornton to approve the Consent Agenda which was seconded by Roger Rutt and unanimously approved by voice vote.

Old Business:

None

New Business:

a. Garden Path Soap Land Development Plan #23-09: 2533 Old Philadelphia Pike

Brian Masterson with Register Associate was present representing the land development plan for Garden Path Soap located at northwest corner of the intersection of Millcreek Road and Old Philadelphia Pike. The plan has been reviewed by the Township Engineer and the majority of the comments have been addressed. Everything in the letter can be address with the exception of requiring a grading plan for potential sidewalks. If they did an eight-inch curb along Old Philadelphia Pike, a five-foot-wide beauty strip and a five-foot-wide sidewalk, they would lose an entrance and if it is done along Millcreek, all of the parking will be lost. After discussions with the Township Engineer other options were provided. One of the options is to enter into a developer's agreement stating that when the Township calls for sidewalks, Garden Path Soap would be responsible for a new stormwater plan. The applicant is agreeable to this, if the Board of Supervisors is agreeable as well. All of the other notes from the Township Engineer can and will be addressed. Ms. Hitchens stated that a deferral for the sidewalks within the site and the developer's agreement need to be combined. Mr. Meyer asked Mr. Masterson if he had any comments on the Lancaster County Planning Commission's comments. Mr. Masterson answered that the lighting, ADA compliant parking and signage is not a problem. They will have signage that will make the entrance on Route340 enter only and angle the parking spaces accordingly. Pedestrian easement will have to be a part of the deferral.

Motion made by Ethan Demme to approve the Garden Path Soap Land Development Plan #23-09: 2533 Old Philadelphia Pike conditioned on the David Miller and Associates letter dated July 7, 2023 and the Lancaster County Planning Commission's letter dated May 31, 2023 granting waiver request noted as number #1 on the David Miller Associates review letter and requiring a deferral and developer's agreement for modification items noted as #2, #3, #4 and #5 and that the applicant enters into a deferral and developer's agreement to be responsible for a developing a stormwater plan at some time in the future when determined by the Board of Supervisors that sidewalks and curbing will be required which was seconded by Roger Rutt and unanimously approved by voice vote.

*Mr. Harvey Meyer from the public asked for clarification on the project because he had trouble hearing. Mr. Masterson summarized the project for him. *

b. Aspen Home Improvements Lot Add-On and Land Development Plan #23-10: 222 Pitney Road

Keith Good from CGS Architects was present representing the plan for Aspen Home Improvements at the southwest corner of the intersection of Pitney Road and Oak Grove Drive. There are currently three parcels that will be combined into one. Two buildings will be demolished and the third will be torn down to the foundation and slab level and then rebuilt into a new 2-story building with a 2300 square foot warehouse addition. The Zoning Hearing Board granted approvals about a year ago for the continuation of commercial use in a residential zone. There will be curbing along Pitney Road and around the radius to Oak Grove Road where there will be a single access onto Oak Grove Road which will be limited to cars and not commercial vehicles. The traffic signal will be moved when the installation of a 12-foot macadam pathway for the Lancaster Heritage Pathway. The applicant is not seeking a deferral for the pathway and included it in the plan. Box truck deliveries will be at a loading area. The building will be occupied by employees that are estimators and sales people. It will not be a retail showroom. They have a very clean letter from David Miller and Associates and all the planning comments have been addressed. The waivers they have asked for are the preliminary plan process, plan scale, stormwater and pipe size. The applicant no longer requests the noted waiver #5 on the

David Miller Associates review letter as it is no longer needed. They have offered to comply with the Township for the five foot Right of Way on Pitney Road and are asking for a deferral agreement to widen Oak Grove Road. There is also a 25-foot turning radius that requires a waiver. #7 and #8 are related to the Lancaster Heritage Pathway being installed instead of a concrete sidewalk. A low landscape stone wall will be installed to protect the corner. Stormwater management is completed. Lancaster County Planning Commission comments have all been addressed. Mr. Meyer thanked the applicant for installing this section of the Lancaster Heritage Pathway.

Motion made by Mike Thornton to grant conditional approval for the Aspen Home Improvements Lot Add-On and Land Development Plan #23-10: 222 Pitney Road based on the David Miller Associates letter dated August 2, 2023 and the Lancaster County Planning Commission review letter dated May 31, 2023 excluding waiver #5 which the applicant no longer needs which was seconded by Ethan Demme and unanimously approved by voice vote.

c. Legacy Manor LLC Stormwater Management Plan #23-11: 441 Mount Sydney Road

Rob Visniski of RAV Associates was present representing the applicant. The owner is reconfiguring the parking area. The buildings are not being updated. The site is used for six short-term rental units which was permitted through a Zoning Hearing Board variance. A stormwater easement is required adjacent to the building because it is under a patio that is being installed. Ten parking spaces are required but the plan is providing 17 which exceeds the 125% of maximum set by the ordinance. Mr. Demme asked if the property is only a tourist home or is it also used for events. Mr. Visniski answered it is only a tourist home. The requirement is 10 spaces or 1.5 per unit. Mr. Demme stated that 17 parking spaces is a lot for only six units. He suggested that four of the planned spaces be used for a large turn around area. Mr. Visniski explained the building's property lines and stated that the parking lot is in bad shape and needs to be redone. Mr. Thornton asked if there are any plans for future frontage improvements to the property. Mr. Demme added that he would like to see sidewalk connections along Mt. Sidney Road and asked for an easement to allow the Township to use in the future. Mr. Visniski stated that the applicant is not present and would like to just concentrate on the stormwater plan adding that they are not adding any impervious surfaces. He does not want any requirements added to the plan.

Motion made by Ethan Demme to approve the Legacy Manor LLC Stormwater Management Plan #23-11: 441 Mount Sydney Road granting the first waiver for modifications and approving the increased parking spaces as presented in the David Miller and Associates letter dated August 8, 2023 and accepting the probable costs in the amount of \$16,786.00 which was seconded by Roger Rutt and unanimously approved by voice vote.

d. Informal Discussion re Development of Property at 2498 Old Philadelphia Pike

Attorney Nicholas Gard was present representing the owner of Millcreek Fence and Supply LLC who owns property at 2498 Old Philadelphia Pike. The owner, David Beiler, made an application to the Zoning Hearing Board earlier in the year proposing to develop a manufacturing/contractor's storage yard on this 10-acre site at the southwestern corner of the intersection of Route 340 (Old Philadelphia Pike) and Route 896 (Eastbrook Road). The property is in the Village General zoning district. The application met all of the zoning requirements except being on a Township roadway so it was denied. The proposed use can only be developed when it is along a local Township road which existed at the time of ordinance adoption. Mr. Beiler is now proposing a road entrance that is off of Old Philadelphia Pike at a point west of the Route 896 intersection and from there going south over a waterway and terminating into a cul de sac. The waterway goes through the site from west to east. PennDOT advised the applicant that the best access will be from Old Philadelphia Pike. The applicant is now

proposing that the cul de sac serve as the Township roadway which would be dedicated to the Township. He is also proposing two apartment buildings with approximately 26 units total in addition to the original light manufacturing building. The applicant needs the Township to accept the roadway. He does not want to spend anymore time or money if the Board is unwilling. Mr. Meyer asked Mr. Beiler if he would consider having the entrance on 896 instead of Old Philadelphia Pike. Mr. Beiler stated that PennDOT told his engineer that they cannot have their roadway or driveway on Route 896 because the distance to Meadow Lane, which is off of Route 896, being within 200' of their proposed driveway. Mr. Hutchison stated that he had never heard of that restriction before. Mr. Beiler's engineer, Randy Dautrich, stated that this was a PennDOT rule. Mr. Meyer asked again if Mr. Beiler would consider the entrance being off of Route 896 if allowed by PennDOT. Mr. Beiler said yes and added that it would be easier because they would not have to cross the waterway. Mr. Meyer asked the Township staff about the history behind the clause that stated the proposed use on a Village General zoning district can only be developed when it would be along a local Township road. Ms. Hitchens answered that prior to the 2016 zoning ordinance adoption, there were four public workshops held by the Board of Supervisor's where public comment was received of which was that if manufacturing was going to be allowed in village areas, the use would have to be incubator businesses on Township roadways and not impact the village character. It was originally just for Bird in Hand and then the Board expanded it to all of the other villages. Mr. Demme's opinion is that the clause is not necessary and the ordinance should be amended to remove the clause for manufacturing. He feels creating a cul de sac for a public road in order to meet the ordinance is excessive. Mr. Meyer would like the applicant to work with Township staff so the entrance would be on Route 896 and avoid crossing the waterway. Mr. Beiler stated that PennDOT also said that they want only right turns in and out of the driveway. Mr. Hutchison stated that the Township staff is willing to work with the applicant. He added if the cul de sac over the waterway is off the table, it will help in discussing other possibilities. Mr. Thornton would rather see the entrance off of Route 896 and avoid the waterway but he thinks it will be challenging on either road. Mr. Rutt agreed that the applicant should work with Township staff.

e. Request re Sewer Bill Adjustment (BIH Hotel Property)

John Smucker of Bird in Hand Family Inn is requesting an adjustment to his sanitary sewer bill. In July 2020, Mr. Smucker was reviewing all of his business costs. He found that his EDU allotment for his sewer bill, on the addition he added to his Inn in 2000, was incorrect. The addition is in East Lampeter Township. He was being charged 28 EDU instead of 24 EDU. In 2021, he requested that the Township review the number of EDUs he was being allotted for his account. After reviewing the information provided by Mr. Smucker, the Township reduced the number of EDUs being charged from 28 to 24. His account was credited from July 2020 to present. In 2022, Mr. Smucker requested that the retroactive application of the EDU change extend back 20 years to the date when the addition was first constructed. According to Mr. Smucker, the overcharge calculation is approximately \$21,700 from 2000 to 2020. Mr. Smucker stopped paying his bills completely in 2020. His current balance is approximately \$30,900 plus \$5,800 in penalties. The Township denied his request to extend the retroactivity any farther than to the date when he requested the review. Mr. Smucker believes that no one knows how the error was made but everyone knows an error had been made. He wants to know the policy where the Township does not refund money to its constituency, business or individual, where the money was clearly collected by the Township in error. He strongly believes failure to reach back and settle the economics over the whole time period will create a scenario where the Township would be unjustly enriched by retaining what would not have been paid but for what he believes is a Township mistake. Mr. Smucker than stated first, if this is going to be the government of the people, by the people and for the people then the Township should not take money from its people that does not belong to it. Secondly, he suggests that the Sewer Authority has the lack of authority to collect the funds that it did based upon a prior Township resolution. If the Township via

resolution, establishes the EDU allotment that the Sewer Authority assigned to each hotel room then when the 28 EDU allotment was assigned by mistake in 2000, the Sewer Authority exceeded its authority because it allotted incorrectly more EDUs to the project than needed. Mr. Smucker asked that the Board relieve the penalties on his account because he always intended on paying his bill after the credit was applied. He does not expect a decision tonight but is asking the Board to consider and review the existing policy that the Township will only credit the account from the point the mistake was discovered. He gave Mr. Meyer a copy of his calculations. Mr. Meyer asked Mr. Hutchison when a land development happens at what point are the EDUs calculated for the property. Mr. Hutchison answered that it happens early on because it has to go through the sewer planning module process and identify the amount of flow that is going to be generated. The use is compared to the usage table in the sewer rates to come up with the number of EDUs. In 2021, Mr. Hutchison interpreted from the floor plans and based upon the public restrooms that were included in the original count that the total EDU's should be charged at 24. He was persuaded that the restrooms are being used by the same hotel customers. There was a swimming pool involved in the edition to the Inn in 2000 and those public restrooms were installed to essentially accommodate the swimmers who are likely hotel guests. He therefore had a different interpretation, possibly than what was interpreted in 2000 and agreed to change the number of EDUs. Mr. Thornton asked if the Sewer Authority interprets the number of EDUs. Mr. Hutchison answered that the Township staff and Township Engineer does the interpreting. Mr. Hutchison stated that Mr. Smucker wants to call this a mistake but he believes it is a different interpretation. Mr. Demme added that EDUs are calculated based on the number of toilets discharging into the sewer. If you count the pool restrooms as individual bathrooms, the EDUs are 28 but if you count them as the same people using more bathrooms then the EDUs are 24. Mr. Meyer asked Mr. Smucker at what point did the balance on his account surpass his expected credit. Mr. Smucker answered 2020. Mr. Thornton clarified that the corrected EDUs, after the new interpretation, have been applied to the account since 2020. Mr. Smucker noted that the EDU count was changed by the Township. Mr. Meyer asked if the Township has a written policy that addresses a disputed charge. Mr. Hutchison answered that it has been the Township's practice since 1991 to apply credit from the time a new interpretation is made. Mr. Demme stated that the builder is also responsible for looking at the building plans when they are made and although there was a misjudgment, it has been corrected. He believes that the Township should have a written policy on retroactive accounts that are being disputed. He believes if there was a misjudgment made and it was noticed years later, the constituent should be credited retroactively for the overcharge. Mr. Demme is comfortable giving credit for the overcharge. Mr. Meyer asked if there should be a statute of limitations. Mr. Demme answered yes. Mr. Meyer asked why Mr. Smucker has not been paying on his account since 2020. Mr. Smucker answered it was a process to get all of his calculations and he felt this issue should be settled first before he made his account current. Mr. Meyer agrees with Mr. Demme on the written policy and feels a reasonable statute of limitations is needed. Mr. Thornton believes if the Township did overcharge a citizen, they should be reimbursed. Mr. Rutt agrees with Mr. Thornton and added that the Board should work on a policy immediately. He suggested looking at other Township policies. Mr. Meyer asked Mr. Hutchison if it should remain a staff decision. Mr. Hutchison answered that he has already made his decision and that is why Mr. Smucker has come to the Board. Mr. Thornton stated that a policy needs to be put in place first to protect the Township. Mr. Hutchison stated that staff will prepare a policy for the Board to review at their next meeting. The Board asked that Township staff calculate the charges paid on the Smucker account in question and report back to them at their next meeting. The question that remains is whether or not a policy should be put into place before or after Mr. Smucker's situation is settled. Mr. Hutchison stated that if the policy is put into place first than there would be an opportunity for the Township solicitor to give input and also discuss whether all late penalties should be refunded after the EDUs were adjusted on Mr. Smucker's bill. Mr. Demme brought up the interest that was accumulated over 20 years. The Board decided to discuss this further at the next meeting.

There was public comment from Robert Patterson. He questioned the due diligence of the Township stating Mr. Smucker brought his concern to the Township three years ago and it has not been addressed until now. It is unfair to hold him to a new policy that is being put into place because of his grievance. It was noted that Mr. Smucker recently requested that this issue be brought before the Board of Supervisors.

Action Items:

a. Intergovernmental Agreement re: County Land Bank

The Board of Supervisors heard a presentation from the Redevelopment Authority on the County Land Bank earlier in the year. A similar presentation was made to the School Board on August 14, 2023. If approved, an agreement between the County, the School Board and the Township will allow the Land Bank Authority to work with the School Board and the Township to identify and acquire properties that can be redeveloped and used productively and increase the taxable assessed values of these properties. The School Board is expected to vote in favor of this agreement tonight at their meeting Justin Eby, Executive Director of the County Housing and Redevelopment Authority who also administers the Land Bank Authority, was present on zoom. He reported the School Board approved the agreement earlier tonight and the Land Bank approved it a month ago. If the Township also approves, he is looking forward to working with everyone. He has worked with many municipalities that have joined Land Bank and has many successful projects going on throughout the County.

Motion made by Mike Thornton to approve the Intergovernmental Agreement re: County Land Bank proposal understanding that it is a three-way agreement with Lancaster County, Conestoga Valley School District, and East Lampeter Township which was seconded by Ethan Demme and unanimously approved by voice vote.

b. Lancaster Balloon Festival request for Traffic Control

Jacob Frame, the organizer, of the Lancaster Balloon Festival was present. The festival is being held in the Bird in Hand area from September 14–17, 2023. He is requesting permission to allow Flagger Force, a private service, to control traffic on Old Philadelphia Pike (Route 340) at the Beechdale Road and Maple Avenue intersections. Mr. Frame stated that he will have insurance covering East Lampeter Township as a named insured from Flagger Force as stated by Mr. Hutchison via e-mail. He will also have signage going East on 340 going into Bird in Hand before the railroad bridge to alert traffic of what is coming up. He also has permission from a resident to have a sign on their property. Mr. Meyer asked if this is an annual event. Mr. Frame answered yes. Mr. Meyer asked that Mr. Frame give the Township more notice in the future. Mr. Frame agreed.

Motion made by Ethan Demme to grant permission to Lancaster Balloon Festival's request for traffic control with the condition of providing the Township with proof of insurance naming East Lampeter Township as a named insured which was seconded by Mike Thornton and unanimously approved by voice vote.

c. Reappointment to East Lampeter Sewer Authority – Mr. Fred Clark, Term Ending 9/7/28
Mr. Fred Clark has indicated his interest and willingness to be reappointed to this position. He has been on the Sewer Authority since 2004. The Board thanked Mr. Clark for his service thus far and willingness to continue to serve on the East Lampeter Sewer Authority.

Motion made by Roger Rutt to reappointment Mr. Fred Clark to the East Lampeter Sewer Authority with a term ending 9/7/28 which was seconded by Mike Thornton and unanimously approved by voice vote.

d. Schedule Public Hearing re Liquor License Transfer Application

An application for transfer of a Restaurant Liquor License was received from AR United Store Inc. for 2501 Lincoln Highway East (former Wawa on the northeast corner of Lincoln Highway and Route 896) on Monday, August 14, 2023. The Board of Supervisors is involved when someone wants to transfer a liquor license from somewhere outside of the Township into the Township. A public hearing is required. The Township Solicitor will assist the Board during the public hearing and a stenographer that will take a record of the hearing. It is suggested that the hearing take place at 6:30pm on Monday, September 18, 2023 before the Board of Supervisor's regular scheduled meeting at 7:30pm. Should a second hearing be needed, it will be scheduled then.

Motion made by Mike Thornton to schedule a public hearing re Liquor License Transfer Application for 2501 Lincoln Highway East on Monday, September 18, 2023 at 6:30pm which was seconded by Roger Rutt and unanimously approved by voice vote.

Manager's Report:

a. Introduction of Human Resources / Communications Professional – Lillian Ranauro

Lillian Ranauro was introduced to the Board of Supervisors. She has been serving as the Human Resources/Communications Professional in a temporary to hire manner for the past few months. In that time, she has greatly increased communications both internally and externally including the Township's Facebook page and website changes. Lillian officially joined East Lampeter Township as a full time Township employee on August 14, 2023.

b. Report on Barnstormers Baseball Game on 8/12/2023

The Township had a table at the game with information along with officers from the ELTPD with the trauma canine Seija. Lafayette Fire Company and Ronks Fire Company also had their own tables with displays of information. Hand in Hand Fire Company was present and along with Lafayette and Ronks participated in the first pitches and a between inning race. Hand in Hand and Lafayette had their Apparatuses on site. Pregame remarks were provided about the Township and the volunteer fire companies by Supervisor Thornton. The Township is still waiting on information from the Barnstormers regarding the fundraising aspect of the event. The Township hopes to do this type of event again next year.

c. Engage Property Manager for 2549 Old Philadelphia Pike

The Township acquired 2549 Old Philadelphia Pike known as Nolt Mill in 2020. The Township had a lease arrangement with the previous owner, Mr. Stevens, where he used the Mill building for his Art Gallery and subleased the house on the property. The lease was though the end of 2023 but Mr. Stevens decided to vacate the property at the end of August 2023 so the Township will now have a direct relationship with the tenant of the house starting on 9/1/2023. Mr. Hutchison would like to engage the property management company, Our Town Leasing, to assist the Township with managing the tenant relationship and taking care of the property.

Motion made by Roger Rutt to engage Our Town Leasing for the management of the house on 2549 Old Philadelphia Pike which was seconded by Mike Thornton and unanimously approved by voice vote.

d. Housing Plan Progress Update

4WARD Planning is the consultant for the Township's housing study. They will provide the Steering Committee and Township Staff their initial summary of findings by the end of August 2023. The first public meeting is scheduled for October 4, 2023 at the Township building regarding this project. The Board decided the meeting will be held at 6pm.

e. HACC Pollution Reduction Project Update

The project consists of 2100 linear feet of streambank restoration including gouging of the stream in some areas and laying back the steep banks. The project is complete to the point where only planting remains which will happen in mid-October. The project laid back the streambank bed and slightly expanded the floodplain zone which will provide room for the installation of water-loving plants. This will amount to over 200,000 pounds of reduced sediment pollution in the waterways annually. This was a great partnership between the Township and HAAC. Signage will be installed in the future explaining what was done, why it was done and the partnership involved.

f. Discussion re Draft Nuisance Hotel Ordinance

Chief Zerbe explained that what is being proposed is to identify a nuisance hotel operating in the Township by the number and type of police calls at the hotels that cause concern. In the past, calls ranged from assault, domestic violence, prostitution, weapons, drug manufacturing and distribution, loitering disorderly conduct and failure to disperse, etc. Mike Hawari of LNP asked if these calls came from county residents staying in the hotels or tourists. Chief Zerbe answered that they came from both. Dip Patel asked how many calls have been made from these hotels. Chief Zerbe gave the statics that in 2017 there were 483 calls, in 2018 there were 597 calls, in 2019 there were 598 calls, in 2020 there were 1151 calls, in 2021 there were 1289 calls and in 2022 there were 1066 calls. There have been 545 calls so far this year and the expected total will be approximately 900 for 2023. There are more than 50 hotels in the Township and more than 3,000 rooms and 24% of the hotels make 63% of the hotel call response. Sidar from the public stated that the trend is going down so the hotel owners are responding to these incidents. Mr. Meyer stated that 900 calls is still a lot for the Township police department. Mr. Robert Patterson from the public stated that violation of the ordinance should be addressed by a code enforcement officer and not burden the police department with approximately 1,000 calls annually from these hotels. Mr. Meyer stated that the activities listed by Chief Zerbe are dangerous and criminal activities and need to be addressed by the police, not code enforcement. He believes what Mr. Patterson is describing is the job of the IPMC in regard to code enforcement. The Township's IPMC responds to complaints and does not make random visits. It is a separate ordinance that is limited. Mr. Meyer feels it is reasonable to look at the proposed nuisance ordinance by itself and if code violations are detected then the IPMC will get involved. Mr. Patterson believes that a code enforcement officer is still needed to follow up on a code violations that are discovered during a call just like a business can only have so many accidental fire alarms before they are fined. Mr. Demme stated the nuisance ordinance is the first tool in the toolbox. If a hotel has been on the nuisance list for six months then that would trigger regular code inspections from the IPMC. Mr. Dave Gandhi joining the meeting via zoom gave a detailed rebuttal against the ordinance on behalf of all the hotel owners. He feels the ordinance will significantly impact businesses and hinder the owner's ability to serve their guests and the community effectively. He feels it is impractical to have an ordinance requiring the owners to know who books their rooms. Their primary responsibility is to provide safe and comfortable accommodations for their guests regardless of their background or identity. Implementing such restrictions would infringe upon the principles of fairness, inclusivity and privacy that are fundamental to the hospitality industry. Hotels already have protocols in place to ensure the safety and well-being of their guests so to require hotels to have emergency evacuations and alternative accommodations plans is infeasible and not practical. He recommends that the Township meet with hotel owners and communicate instead of adapting an ordinance. Mr. Patterson asked Mr. Gandhi if he was aware of the mass care incident that happened at

the Motel 6 last year. Mr. Gandhi was not aware. Mr. Patterson explained. Mr. Demme stated that what Mr. Patterson is addressing is emergency preparedness from the hotels and what is currently being discussed is the nuisance hotel ordinance, the emergency preparedness ordinance is the next discussion item. Mr. Thornton clarified that working together with the hotels, the Township and the police department is embedded in the ordinance. All businesses have to work with police regarding criminal activity. He believes that the majority of hotels are run correctly and responsibly but there has to be consequences for those that do not. Mr. Tim Burkhart from the public lives next to a hotel. The hotel property is butted up to his property. Hotel guests have walked on his property, walked their dogs, put up tents, etc. Addicts run through his yard when being chased by the police. He feels the simple solution is to require the hotel to put up a fence adjacent to his property to keep hotel guests out of his property and the residential community that abuts this hotel property. Kalpesh Vakil of the Wyndham Host joining the meeting via zoom agrees that the Township, the police department and the hotel owners should get together and have a big discussion and come up with a better solution than the ordinance. He believes the ordinance unfairly will punish hotels that are doing the right thing but have no control over who books their rooms. The majority of booking is done online through a third party. It is unlawful to discriminate. He also brought up that his hotel is larger and has more rooms than most of the hotels in the Township so more calls may come from his hotel because of the number of rooms. He is disappointed that the same ordinance is being presented that was drafted a year ago with no changes even after a zoom meeting the Township had with hoteliers. He firmly believes everyone should gather and discuss solutions and not make this a one meeting issue. He offered to host the meeting at his hotel. Mr. Gandhi added that the evolution of the hotel business is now implementing keyless entries where a guest can check in on their phones and use their phones to enter their rooms without interacting with a hotel employee. Mr. Patterson added that the concerns of the residents are not global issues. They are local concerns that are putting residents and communities in jeopardy. These hoteliers are not residents. If the 25% of the hotels that are a nuisance, did the right thing, this meeting would not be necessary. Mr. Dip Patel asked how the hotels are suppose to identify nuisance guests. He would like clear guidelines. Mr. Demme stated that each individual hotel will have different solutions. For example, if there have been numerous prostitution and human trafficking calls at one hotel, they will be required to post a hotline in their lobby and for another hotel, if a fence is the solution, but requiring an 8-foot high fence for every hotel would be ridiculous. Mr. Thornton stated that there have been great ideas on collaboration but the Township needs to have means to work in a deliberate way with the hotels that are not putting in an effort. He believes there should be a public hearing. Mr. Demme would like specific feedback from hoteliers as to what changes would they like to see to the ordinance in order to support the ordinance and move it towards adoption. Mr. Thornton stated that the Board needs to equally hear from the residents and listen to what they have to say. Mr. Rutt stated that tonight's input is a good start and he agrees that input from resident's that live near these hotels and are directly impacted need to be heard. Mr. Demme would like a modification of the ordinance to be advertised. Kalpesh Vakil suggested that there be a tiered system based on number of rooms and that all the hoteliers submit comments and suggestions to the Board and then have a community meeting that is an open discussion after the Board already has the knowledge of the hotelier's concerns. He states that the ordinance is very vague and hard to understand. Mr. Thornton stated that a public hearing is the best way for the Board to get feedback. He would like the Board to act now because the statistics Chief Zerbe reported are alarming. Mr. Demme feels a public meeting would be a better next step than a public hearing. Mr. Meyer clarified that amendments can be made and pushing something forward does not necessarily mean adoption. In public hearing, action can take place and not just discussion. Mr. Rutt added that it will also be calling the public to task and give them the opportunity to be heard.

Motion made by Mike Thornton to direct Township Staff to go forward with advertising the ordinance for public hearing which was seconded by Roger Rutt and unanimously approved by voice vote.

g. Discussion re Draft Hotel Alternate Accommodation Plan Ordinance

The Township's Solicitor's office has prepared a new draft ordinance for the Board to review. Township staff has reviewed this first draft and have some questions and suggestions. The Board of Supervisors are being asked for suggestions as well so they can be incorporated into a second draft. The idea is to have hoteliers prepare plans for those emergency situations where the property has to be evacuated. Mr. Hutchison suggested that a sample plan be constructed by the Township staff and the Board to assist the hotel owners. Mr. Gandhi asked if the Township has done research to see what other towns are doing in a similar situation. He would like to know what to do if all the hotels are booked in the area, like during a holiday or an event. If a hotel overbooks, it usually finds the guests another room in the area or refund their money. Chief Zerbe stated that there are hotels that do not have an emergency plan at all. The hotel saying that they have a plan and proving that they have a plan are different. If a hotel has an emergency plan, then proving it will not be a problem. Mr. Thornton stated that having an emergency plan is the first step to success and not having a plan at all can be disastrous so it is a reasonable request. Mr. Demme stated that he believes the Township also needs an emergency plan on top of the hotel's individual emergency plan. Mr. Patterson would like to know if a hotel's contingency plan falls apart, where does the responsibility fall. Is it the Township, County, State or Federal government responsibility? Mr. Meyer stated that the question will be addressed in the next section discussing LEMA's After-Action Report. Kalpesh stated that under 4b2 in the ordinance it states that the hotel will guarantee to find an alternative room for a displaced guest within 60 miles of their hotel but if no rooms are available because of an event, how can it be guaranteed. Mr. Hutchison stated the concern will be accounted for in the second draft of the ordinance. Mr. Patterson asked if the After-Action Plan can be shared with the public because there is a disconnect about the resources that were required. Mr. Meyer stated that this will be addressed in the next section. Mr. Hutchison clarified to the Board that the ordinance is not finalized and needs more work. He asked the Board to share any concerns or provisions so the appropriate changes can be made. Mr. Demme suggested that the hoteliers have access to the Township's EMA to assist them in producing a plan or providing them with a draft they can use as a resource.

h. Report on Meeting to Discuss LEMA After Action Report

Mr. Hutchison, Mr. Meyer and Mr. Blowers met with the heads of the Lancaster Emergency Management Agency (LEMA) on August 15, 2023 to discuss the report they prepared regarding the event from July of 2022. It was determined that LEMA will be retracting the report because it was released prematurely and did not follow the appropriate process. The After-Action Report process will be restarted within a week after the meeting per the leaders of LEMA. Mr. Hutchison reported that it was a very positive and helpful discussion.

Mr. Patterson asked that the report contains the costs involved in this kind of event and what level of government is responsible for what costs. Mr. Hutchison replied that he is uncertain if costs are a part of a LEMA report. Mr. Patterson asked that it be a part of a final action plan to show the hotels the costs involved in activating LEMA. Mr. Demme asked if the Township's EMC produce an After-Action report after the incident in 2022. Mr. Hutchison answered that the Township's EMC provided a memo that was shared with the Board of Supervisors at that time. Mr. Demme stated he never saw a memo. He believes an After-Action Report from the Township's EMC should be a part of LEMA's report. Mr. Patterson suggested that food should be provided by the hotels to their dispersed guest in an emergency as part of their contingency plan.

i. Initial 2024 Budget Meeting – Monday, August 28, 2023, 5:00pm

A special public meeting for the purpose of having initial discussions regarding programs, projects and other budget related issues for 2024 has been scheduled and advertised for Monday, August 28, 2023 at

5pm. The Township's Management Team will be present and participate in these discussions with the Board.

Adjournment:

On a motion by Mr. Ethan Demme and a second by Mr. Mike Thornton with all voting in favor, the meeting was adjourned at 11:01pm. The next Board of Supervisors meeting will be held on Monday, September 18, 2023 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