

## **October 2, 2023**

The East Lampeter Township Board of Supervisors met on Monday, October 2, 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. Chairman John Blowers called the meeting to order at 7:30 pm followed by the Pledge of Allegiance. In addition to Mr. John Blowers, Supervisors present were Mr. Roger Rutt, Mr. Ethan Demme and Mr. Mike Thornton. Supervisors present via zoom was Mr. Corey Meyer. 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:**

Caleb Ringelberg – 2018 Old Philadelphia Pike

Amelia Obiama - 279 Strasburg Pike

Ethel Stoner - 280 Strasburg Pike

Edward “Ted” Gallagher – 142 Witmer Rd

Debbie Aichele Keys – 1506 Quarry Lane, Lancaster – Lancaster Public Library

Lissa Holland – 2348 Fruitville Pike - Lancaster Public Library

Lucas Stacey – 423 North Pine St - Lancaster Public Library

Michael Itwaru – Lancaster Online

Mike Murray – O’Donnell Weiss Law Firm – Eastown Mall

Numerous owners of Eastown Mall that did not sign in

### **Also, In attendance via Zoom:**

Julie Route

Dave Goodling

Nathan Route

### **Public Comment for Non-Agenda items:**

None

### **Consent Agenda:**

- a. Approval of the October 2, 2023 Board of Supervisors Meeting Agenda
- b. Approval of the Minutes of the Monday, August 28, 2023 Special Meeting
- c. Approval of the Minutes of the Monday, September 18, 2023 Regular Meeting
- d. Approval to pay invoices from all funds: Total: \$1,254,034.85

\*Items of note: \$31,357.07 to PPL for costs to relocate poles for Lincoln Highway Phase 3 Project  
\$19,396.15 to ALLSTEEL for flex space office workstations

Motion made by Corey Meyer to approve the Consent Agenda which was seconded by Ethan Demme and unanimously approved by roll call vote.

## **Lancaster Library Presentation**

Lissa Holland, Executive Director of the Lancaster Public Library, noted that on June 1, 2023, the library opened their new location in a brand-new building in Ewell Plaza in Downtown Lancaster. June 27, 2023 was the official opening. Lancaster Public Library's Mission and Vision Statement is: The Lancaster Public Library inspires, empowers and strengthens our community by connecting people with information, ideas and enriching experiences. By providing equitable access to vital educational resources, exceptional programming and community-building opportunities, the Lancaster Public Library is recognized as a dynamic center of knowledge and a cornerstone of a thriving Lancaster community. The new location is fully ADA accessible. There is ample parking in a garage directly above the library with a direct access elevator. There is also a young adult library, work and study rooms, 21<sup>st</sup> century technology, lockers for contact free 24 hour pick up, an outdoor terrace, meeting spaces for groups up to 250 people, a business and reference center, a sensory and autism resource center, the Lancaster Historical Collection, hotspot devices, eResources, youth and adult programming and more. The new location has attracted a record number of visitors and new cardholders since it opened. The library has the most materials in the County and provides superior service with the most librarians holding a Masters in Library Science Degree than any other library in the County. 22% of East Lampeter Township residents are library cardholders and 74,992 materials were borrowed by East Lampeter residents in 2022 which is \$1,499,840 worth of materials. In 2023, the national average increased while the municipal funding has decreased. 63% of the library's operating budget comes from fines, fundraising and fees. Out of 450, the Lancaster Public Library ranks 8<sup>th</sup> in having the largest service area, 18<sup>th</sup> in having the largest catalog of materials and 29<sup>th</sup> in operating expenditures but it ranked 109<sup>th</sup> in total local funding, 429<sup>th</sup> in the number of staff per capita and 439<sup>th</sup> in local funding per capita. The library is underfunded by its government entities. Ms. Holland thanked the Board for the funding they have given the library and asked them to continue funding them and consider increasing the amount of funding. Debbie Aichele Keys from the Lancaster Public Library's Board of Trustees made a formal request to the Board of Supervisors. In 2021 Lancaster Public Library received \$17,020 from East Lampeter Township. In 2022, East Lampeter decided to split the money they were allocating between all the area libraries used by East Lampeter residents. Ms. Keys stated the Lancaster Public Library is East Lampeter's assigned service area library. After the splitting of funds, they received \$9,200. State funding is directly related to the amount received from municipalities. Not only was there a large decrease from East Lampeter Township but that resulted in a decrease from the State of Pennsylvania. In 2023, the library asked all municipalities for a 9% increase from 2021 which would have been \$19,982 from East Lampeter but the amount received from the Township was \$8,428 which again influenced state funding. In 2024, the Lancaster Public Library is asking East Lampeter Township for the total amount of the money allocated to libraries so they will not be negatively impacted again. If that cannot be done, they ask the Board to please give the same amount as they did in 2022 which was \$9,200. They thanked the Board for their time and consideration.

Mr. Blowers stated that Ms. Holland has been a strong advocate for the way the Board has chosen to support and allocate its resources to the library. Over the years, East Lampeter has followed its residents to see the resources they are using. He assumes that if East Lampeter's dollars are going to other entities then state dollars are going there as well. Ms. Keys stated that was correct. Mr. Demme added that the Board of Supervisors has increased funding to the libraries significantly over the years and as of 2023, the Board funds \$2.50 per capita for libraries and divides that among usage of East Lampeter residents. The majority of the residents use libraries that are not a part of the Lancaster City Library system. The Township takes the top three libraries used and adjusts funding accordingly. He does expect usage of Lancaster Public Library going up with the new location. He would like to see an update of the funding formula by the Lancaster Library Board so the Township can adjust. Ms. Holland stated that the funding formula is more bias towards the smaller libraries than the bigger ones.

Ms. Holland invited the Board to a fun fundraiser the Lancaster Public Library is holding on October 25<sup>th</sup> from 5pm – 8pm. Mr. Thornton asked if the library knows which school districts are coming to the library and what age groups are getting new cards. Ms. Holland stated that she does not know the numbers from the top of her head but does know that the millennials and Generation X are the age groups that are getting the greatest number of library cards. Mr. Thornton asked about security at the entrance of the library. Ms. Holland stated that security is improving. There are designated police and social workers for the area. No one is being harassed going into the library so the fear factor of being in an urban environment should not be an issue. The library itself also has security while it is open.

**Old Business:**

- a. Financial Security Release Request – Beiler Stormwater Management Plan #22-12: 624 Willow Road

David Miller Associates, the Township Engineer, recommends the full release of \$29,921.98 leaving a remaining balance of \$0 of which the applicant needs to abate the comments in the David Miller and Associates letter dated September 28, 2023.

Motion made by Ethan Demme to approve the full release of financial security for Beiler Stormwater Management Plan #22-12 located at 624 Willow Road for \$29,921.98 leaving a remaining balance of \$0 of which the applicant needs to abate the comments in the David Miller and Associates letter dated September 28, 2023 which was seconded by Mike Thornton and unanimously approved by roll call vote.

**New Business:**

- a. Chairman Blowers opened the Public Hearing regarding the Proposed Zoning Ordinance Amendment for C-3 Zone which would allow Self Storage Use under specific conditions  
Mike Murray, attorney representing East Town Center was present to represent the applicant. The applicant wishes to convert the rear of the shopping center as indoor and climate controlled self-storage facility. The building is in a C-3 zoning district. The space has been vacant for over a decade. The applicant has worked with Township staff to draft a zoning ordinance amendment as a use by-right. It was then forwarded to the County and Township Planning Commissions for review. They are presenting the use by-right zoning ordinance amendment to the Board and asking the Board to adopt it. Mr. Meyer saw that the Township Planning Commission discussed the potential for this use to be a conditional use or special exception. He would like to hear the other Board member's thoughts about requiring a conditional use hearing for projects such as this one. Mr. Demme stated that the Planning Commission did a good job discussing the issue. He agrees with their recommendation to not approve the amendment as drafted as it may result in a spot zoning and should really be applied to all C-3 zoned properties. Although the Planning Commission did not object to the use by-right in a C-3 zone, they did not feel that the method for providing for the use would be appropriate. They also commented that the amount of self-storage use area that would be permitted by this amendment is too large. Mr. Demme likes the project itself but believes the narrow application of this specific zoning change is not the best course to take. Mr. Thornton stated that the concern from the Planning Commission is that the ordinance amendment would be isolated to certain entities but there are other businesses where this would apply. Mr. Rutt agreed with Mr. Thornton. Mr. Blowers clarified that this proposed text amendment allows for the same use in another area in the C-3 zone. Mr. Meyer asked what the benefit is to a by-right ordinance amendment than to have a conditional use. He does not know the other property this would apply to and does not know if the ordinance would fit that property so why not have a conditional use so the Board could have more say and make sure that it meets the needs of both properties. Mr. Murray stated that all of the concerns related to conditional use were addressed by the recommendations such as circulation, lighting, security, parking and

landscaping buffers. He believes a conditional use would add these exact requirements. There would also be an additional delay going through the conditional use process and the applicants would like to start the project as soon as possible. Mr. Blowers stated that the applicant worked closely with Township staff to create the language so even though it is a by-right ordinance amendment, it has all of the requirements a conditional use would have. It also permits another location to adapt this ordinance amendment with by-right use but with the significant requirements. Mr. Meyer stated that he was fine with the by-right ordinance amendment. Mr. Hutchison added that following the meeting that the applicant addressed the Board earlier in the year, the Board asked Township Staff to work with the property owner to develop an Ordinance. Mr. Hutchison stated that there is at least one other property that fits the parameters where this amendment could be used if the Board adopts it.

Motion made by Mike Thornton to close the public hearing which was seconded by Roger Rutt and unanimously approved by roll call vote.

b. Zoning Ordinance Amendment re C-3 Zone Self Storage Use

Motion made by Mike Thornton to accept the proposed Zoning Ordinance Amendment regarding C-3 Zone Self Storage Use which was seconded by Roger Rutt.

Mr. Demme stated that his main objection is that although the conditions are written in such a way that technically the Ordinance is not spot zoning, it looks like spot zoning. He believes it is very narrowly tailored to meet this specific property. He believes a by-right use should be more broadly applicable or a conditional use should take place. Mr. Thornton asked if an applicant does not meet all the parameters of this amendment and needs relief, what process would they have to follow. Mr. Blowers answered that they can petition the Board for an amendment. Mr. Hutchison added that another alternative for relief is through the Zoning Hearing Board.

Motion approved by roll call vote with John Blowers, Roger Rutt, Corey Meyer and Mike Thornton voting for the motion and Ethan Demme voting against the motion.

c. Request for Traffic Calming / Speeding Complaint – Strasburg Pike

Aimee Obiama of 279 Strasburg Pike addressed the Board, stating that the speeding, noise and danger on Strasburg Pike is excessive. She is worried about neighbors that walk with their children on the road and those that cross the road to obtain their mail. Drivers have proven that they have no regard for the residents living there. She has been working with the East Lampeter Police Department but their efforts have had little impact. The neighborhood put up yard signs asking drivers to please slow down and requesting that truck avoid using their jakebrakes. That was met with retaliation where drivers engaged their jakebrakes more and trucks started gunning their engines as they passed the houses with the signs. The police put up a radar flasher that showed drivers their speed for a week and that also had no impact. The neighborhood is asking the Board of Supervisors for help. Ethel Stoner of 280 Strasburg Pike addressed the Board, stating that she has been living in her neighborhood for 60 years. The traffic has significantly increased in 60 years which is to be expected. She stated that we are dealing with a culture of impatient people who seem to have to get somewhere fast. The honking of horns because someone is pulling into their driveway or having a yard sale is extreme. She asked the Board how to slow folks down. She claims there is not as much police presence as there was in the past. She asked the Board to please not ignore this problem until someone is killed in an accident. Mr. Blowers stated that he too lives on Strasburg Pike. Township Staff takes these concerns seriously and they collect data to address the issue. From July 5<sup>th</sup> to August 3<sup>rd</sup>, the Township put up a radar flasher showing drivers their speed. It showed that 85% of vehicles were going 43.29 mph North and 43.46 mph South on that stretch of Strasburg Pike. The speed limit on Strasburg Pike

is 35 mph. Strasburg Pike is a state road. In 2007, the speed limit was changed from 40mph to 35mph by PennDOT. Mr. Blowers is concerned that if the Township shares this data with PennDOT, they will change it back to 40mph to insure the safe movement of vehicles. The only action the Township can take is request that PennDOT paint white lines to narrow the road to 10' wide. There is a psychology that shows drivers slow down in narrow lanes. Ms. Obiama asked if it was a state law that the speed limit can be dropped to 25mph in a residential neighborhood. Mr. Hutchison explained that this particular area of Strasburg Pike would not fit into the criteria of a residential neighborhood under PennDOT regulations. He also added that when the speed limit is 35mph or less, the Township is required to maintain the signs on the road. If the speed limit is 40mph or greater, PennDOT is responsible for the maintenance of the signs so they will probably not increase the speed limit. He does not believe they would make the speed limit any lower either. Mr. Blowers stated that the jakebrakes on vehicles make the windows rattle in his home but they are a safety feature so there is nothing they can do about the noise they make. Mr. Blowers stated that the Township will continue to put up the radar flashers regularly to remind drivers of how fast they are going. Ms. Obiama asked when the Township would consider putting up a traffic light on the corner of Rockvale and Strasburg Pike given the development of Rockvale. Mr. Hutchison stated that there will be traffic analysis requirements as the planning process for Rockvale proceeds so there will be information developed from that. West Lampeter Township, in response to crashes that have happened at that location, did a thorough analysis and decided a round-about at that intersection will be the most affective solution. It is scheduled to be under construction in 2026.

Motion made by Ethan Demme to authorize the Township to send a letter to PennDOT asking them to narrow the lanes to 10' wide with paint which was seconded by Mike Thornton and unanimously approved by roll call vote.

Mr. Meyers stated that Pennsylvania is the only state in the nation that does not allow their police to use radar for speed enforcement. He encouraged everyone to contact their local State Representative and State Senator and ask them to push through Senator Rothman's Bill.

### **Action Items:**

- a. Appointment to Zoning Hearing Board as Alternate – Mr. Caleb Ringelberg, Term Ending October 2, 2025

Mr. Caleb Ringelberg moved to East Lampeter Township about 3 years ago and believes it is his civic duty to participate in local government. He was a Boy Scout and an Eagle Scout in his youth. He has expressed his interest and willingness to serve in this role. Township Staff has had contact with Mr. Ringelberg with his effort to rehabilitate the Witmer Tavern property, which Mr. Blowers stated was very impressive. Mr. Blowers stated that serving in this role will introduce Mr. Ringleberg to the Township and is a good starting point for him.

Motion made by Roger Rutt to appointment Mr. Caleb Ringelberg to the Zoning Hearing Board as an Alternate with a term ending October 2, 2025 which was seconded by Mike Thornton and unanimously approved by roll call vote.

- b. Request to Authorize Hand in Hand Fire Company to provide Traffic Control for New Holland Fair

Mr. Hutchison reported that the staff received a request from New Holland Borough for assistance with traffic control for their annual fair. Chief Boyer provided a letter stating Hand in Hand is willing to assist. Potential Workman's Compensation claims are associated with this kind of activity so the Board's authorization is required.

Motion made by Mike Thornton to authorize Hand in Hand Fire Company to provide traffic control for the New Holland Fair which was seconded by Ethan Demme and unanimously approved by roll call vote.

c. Comments on Lancaster City Comprehensive Plan

Lancaster City is going through their comprehensive planning process and nearing adoption. They have provided the draft plan to their partners and neighbors for comments. Township Staff has reviewed the plan and prepared a letter for the Board's consideration and for Chairman Blowers' signature. The letter is a response to their request for comment. Ms. Hitchens reported that the City Comprehensive Plan came in two forms. The draft form that the Township was given earlier this year was in depth and analytical. The form that was currently provided was an implementation tool. The Township did notice, in the City's Plan, the emphasis on the Conestoga River being a strong resource. They took the time and energy to look at all the municipalities along the river and exposed the opportunities and resources the river can provide. East Lampeter also did this as part of the Bridgeport Plan and studied the river as an economic and recreation resource. In the City's Plan, the Township was a little concerned about the density at 9 units per acre in some areas of the City. This number is slightly lower than what East Lampeter has been allowing in the urban growth area, thus providing higher density in areas of the City would be more favorable however providing housing options is at the heart of this proposed density. Another concern is in the properties that East Lampeter neighbors with the City because of its odd configuration near the Bridgeport area, the Greenfield area, LSC and along Old Philadelphia Pike. The Township would like to see more consistency especially with the LSC property. The Township has had direct communication with the City Planners about this property because it would like to see a different, higher, and better use. Allowing just an industrial facility is a lost opportunity, providing housing and more mixed-use opportunities are not in the City's current plan. Mr. Blowers asked what the City's response was. Ms. Hitchens answered that they were open to discussing it further but it is still missing from the final plan.

Motion made by Ethan Demme to approve the letter with comments on Lancaster City Comprehensive Plan which was seconded by Mike Thornton and unanimously approved by roll call vote.

d. Consideration for Award re purchase of used Bucket Truck

The purchase of a bucket truck is in the 2023 budget for a maximum of \$126,000. Township Staff prepared specifications and bid documents for a used bucket truck. Five bids were received from three vendors. The lowest bid was from Bill Jones Equipment Company for \$110,156.14 for a 2013 model with 119,685 miles on it. All of the supporting information is favorable and meets all of the specification requirements. Township Staff believes it would serve the Township well and recommends the low bidder. There is room in the budget to make the truck a complete piece with side storage add ons.

Motion made by Mike Thornton to accept the award re purchase of used bucket truck from Bill Jones Equipment Company for \$110,156.14 which was seconded by Roger Rutt and unanimously approved by roll call vote.

**Manager's Report:**

a. MS4 Permit Status Update

Township Staff recently completed and submitted an annual report to the Pennsylvania Department of Environmental Protection (PA DEP) which is due annually by September 30<sup>th</sup>. A number of issues are making it difficult for the Township to effectively plan for and implement MS4 permit requirements. Among these are PA DEP changes to requirements throughout the five-year permit timeline of 2018-

2023 and delays in permit approvals through PA DEP. Ms. Hitchens reported that the Township did receive an e-mail stating that PA DEP received the Township's annual report and PRP that was submitted in June, however PA DEP noted that they have not turned the cover yet to the PRP to review the document. PA DEP administratively extended all of the MS4 permits until 2025. In this year's annual report, the Township noted that it met 90% of its required reductions. At this point in time, the Township has met all of the reduction requirements for phosphorus and nitrogen under its current permit. These were met because the Township had agricultural programs and projects in the PRP. The Township's current permit states that approximately 580,800 pounds of sediment needs to be reduced. This number is getting harder and harder to reach because PA DEP is consistently changing the requirements to the 2018-2023 permit. As part of the PRP, the Township along with the assistance of I2 Capital to a program where the Township would buy credits from I2 Capital for agricultural projects that would assist in meeting the required reduction of sediment. The Township did have a public/private partnership with a landowner that would help meet this requirement but the project fell through because PA DEP was not approving projects swiftly. An updated PRP has to be approved by PA DEP and months have gone by with no approval. The Pequea Creek project took 18 months to be approved through PA DEP which allowed for just three months to construct the project because PA DEP funded the project and the Township had to have the project closed out in a certain time frame. This is indicative of one hand of PA DEP not talking with the other. The Township did and PA DEP inspected the project but when the Township went to report the project in its annual report, PA DEP told the Township to redo all of its calculations with their new formulation. The Township was also previously allowed to count 50% of all of its street sweepings and inlet cleaning over the entire permit period which would amount for 185,000 pounds of sediment reduction but in 2020 the Township was then told only one year could be counted given that the Township dries out the sweepings and cleanings and actually has them tested for organics and inorganics to claim an accurate amount. Ms. Hitchens added in 2016/2017, the Township did two studies along the Pequea Creek and for Mill Creek and Conestoga River. The calculations gave the Township the load reduction it would need to manage in the upcoming permit cycle of 2018-2023 but PA DEP changed the calculations after the PRP was approved. It is feared by Township staff that recalculations will have to be done given the upcoming permit cycle which PA DEP hasn't determined what will need to be reduced. In addition, all of the projects completed through the 319 fund that reduced sediment load into the waterways cannot be counted because they are federal funds, however need to be taken into account for overall load reductions. Ms. Hitchens stated that it is increasingly hard to meet the goals of the permit when PA DEP is constantly changing the goal line and an updated PRP has to be approved by them which takes many months to do. Mr. Hutchison stated that even though this permit cycle has been extended by two years, the changes in the next permit cycle are still unknown. Ms. Hitchens stated that that Township needs to know the changes within the first quarter of next year because the Township is going to be responsible for submitting a Notice of Intent in the Fall of 2024. The Township needs time to do all of the planning to actually know what it is submitting in a short amount of time. If the Township is not thoroughly informed by PA DEP by early first quarter of 2024, it will have no idea what it is putting in the NOI as a municipality for in the Fall of 2024. The Township has received absolutely no direction from the committee in Harrisburg that is leading this charge. Mr. Hutchison wanted the Board to be aware of all of this information. The Township will continue to work to meet all of its permit obligations. Mr. Blowers suggested that the Township reach out to its State Representatives and Senators because PA DEP is one of the largest departments the state operates and it is causing much confusion and anxiety. It has an impossible expectation for a local government to fulfill. He also stated that the Township is using a fair amount of resources to meet these requirements. Mr. Thornton asked who the key people are in the oversight committees for PA DEP. He stated letters should go to them asking for guidance to their flawed permit system. Mr. Hutchison stated that he will have direct communication with Township Representatives and make them aware of what the Township is facing and ask for their guidance on how to proceed. He added PSATs is very much engaged in this situation. Ms. Hitchens stated that the Township is continuing to have conversations with private land

owners and working towards meeting the final goal for the last 58,000 pounds of sediment so when PA DEP opens and reviews the Township's PRP and hopefully approves it, the Township can purchase credits through I2 Capital.

b. Report on Opening of Walnut Street Extension & Lancaster Heritage Pathway Section

Mr. Hutchison reported that there was a great celebration on Friday September 29<sup>th</sup> for the opening of the Walnut Street Extension & Lancaster Heritage Pathway. The facility is being used. Mr. Hutchison stated that leadership was key to the project. Mr. Thornton stated that the Township's partners had great things to say about Township Staff and Mr. Blowers added that he heard the same.

c. Announce Housing Study Public Meeting – Wednesday, October 4, 2023 beginning at 6:00pm

The first public Housing Study meeting will be on Wednesday, October 4, 2023 at 6:00pm. Ms. Hitchens stated that the Township did receive the revised economic and real estate analysis. As soon as she reviews it and makes sure all of the staff's comments were addressed, she will share it with the Board. Mr. Demme asked that the analysis be put on the website prior to the meeting so the public can come with questions.

**Adjournment:**

On a motion by Ethan Demme and a second by Roger Rutt with all voting in favor, the meeting was adjourned at 9:06 pm. The next Board of Supervisors meeting will be held on Monday, October 16, 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](http://www.eastlampetertownship.org) for more information.

Respectfully submitted,  
Ralph M. Hutchison  
Township Manager