

October 16, 2023

The East Lampeter Township Board of Supervisors met on Monday, October 16, 2023, at 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. Corey Meyer, Mr. Ethan Demme and Mr. Mike Thornton. 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 – Chief of ELTPD

Ted Gallagher – 142 Witmer Road

Steve Gribble – 127 North Ronks Road – Ronks Fire Company

Michael Itwaru – LNP

John E. Smucker – Bird in Hand

Numerous East Lampeter Township Police Officers and family members

Also, In attendance via Zoom:

None

Public Comment for Non-Agenda items:

None

Consent Agenda:

- a. Approval of the October 16, 2023 Board of Supervisors Meeting Agenda
- b. Approval of the Minutes of the Monday, October 2, 2023 Regular Meeting
- c. Approval of Financial Security Release – High Steel Stormwater Plan #19-01
Upon review, the Township’s Engineer recommends the release of \$4,287.50 leaving a remaining balance of \$0.
- d. Approval of Financial Security Substitution – 2246 Lincoln Highway Plan #21-05
The owner wishes to replace the financial security instrument with a cash holding.
- e. Approval of Financial Security Release – 2603 Lincoln Highway Plan #21-27
Upon review, the Township’s Engineer recommends the release of \$5,735.76 leaving a remaining balance of \$0.
- f. Approval of Financial Security Release – 1770 Hempstead Road Plan #20-15
Upon review, the Township’s Engineer recommends the release of \$4,400.00 leaving a remaining balance of \$0.
- g. Approval to pay invoices from all funds: Total: \$567,503.46
 - a. \$11,570.00 to 4ward Planning Inc. for Housing Plan consultant services
 - b. \$142,400.85 to Township Fire Relief Associations for distribution of PA Foreign Fire Tax (\$35,600.21 to each association at four local fire companies)
 - c. \$110,156.14 to Bill Jones Equipment Company Inc. for used bucket truck

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

Police Department Recognitions of Service:

Chief Zerbe recognized Sgt. Brian Cloonan, Sgt. Jeff Nikolaus and SRO Jon Werner for their 25 years of outstanding service to the East Lampeter Township Police Department. All three officers were hired on the same day, September 14, 1998 and all have a Bachelor of Science Degree in Criminal Justice. Sgt. Cloonan has received the Officer of the Year Award three times in his career. SRO Werner has a degree in Secondary Education as well as Criminal Justice and has served in both the US Naval Reserves and the Army National Guard. He has received the Officer of the Year Award two times in his career. Between the three officers, they have dozens of letters written by the public expressing their thanks and gratitude and 20 letters of commendation for their heroic acts and crime solving.

Old Business:

a. Policy regarding Disputed Sewer Billing

Township staff has prepared a draft policy regarding the dispute of a sewer bill. This began when Mr. John Smucker of Bird in Hand Family Inn disputed a bill since 2001. Mr. Smucker is disputing the over payment of sewer bills over many years. Mr. Smucker agrees with the draft policy as written other than the time limit to dispute. The draft policy states that once a bill is paid, it cannot be disputed. Mr. Smucker was paying his bills for many years, not knowing the amount was incorrect. He told the Board they should be cautious about putting this in the policy. He stated that it is not a fair practice to deny credit for overpaying regardless of how much time has passed. Mr. Thornton asked Mr. Hutchison what a reasonable time period is to recognize a concern with a bill and what issues would arise if there was not a time limit. Mr. Hutchison answered that there would be limitations on how much information the Township has retained in their computer system that show all the billing and payments received on a particular account that would support an applicant's complaint. Mr. Thornton asked which bills could be disputed with the policy presented. Mr. Hutchison replied Sanitary Sewer (which is what Mr. Smucker is disputing) and streetlight. He added that when the stormwater management fee was adopted, the East Lampeter Township Sewer Authority also adopted a policy that covers stormwater fee disputes. He also stated streetlight assessment happens once a year so there would only be one bill to dispute annually unlike a sanitary sewer bill that is charged quarterly. Mr. Meyer asked if the stormwater fee policy has a look back period. Mr. Hutchison answered that it does not. Mr. Demme stated that a policy should have the option to do a look back either at the Township Manager level or the Board. He believes there should be a reasonable time period based on Township records and feels an adopted policy should not eliminate the Board's discretion to override a time period. Mr. Meyer agreed and stated the Board should have the ability to wave a time frame when there are circumstances where the Board would want the flexibility to reach a reasonable decision. Mr. Rutt and Mr. Thornton agreed. Mr. Blowers clarified that the Board agrees with the policy but would like to have the discretion to adjust the time frame. He stated records are being transferred onto a digital space so account histories will be easier to locate. Mr. Hutchison stated that if the policy, as written, does not clearly give the Board the discretion to adjust a time frame limit then he will adjust the wording to make it clear. The draft policy does not currently state a time limit. He can write a time period that the Board can alter or not write a time period at all. Mr. Thornton asked if there have been many disputes of this kind in the past. Mr. Hutchison answered that there has not and those that he can recall were disputed as soon as the bill was received. Mr. Rutt stated that the time frame of 30 days to appeal to the Board of Supervisors after the Township Manager's decision should be 60 days so the applicant has the opportunity to come before the Board at a regular scheduled meeting. Mr. Meyer questioned the sentence in the draft policy that states "an appeal bill for services must be filed with the Township Manager in writing within 30 days of the bill being mailed to the property owner or the property owner's designee", if a look back period is being allowed. Mr. Hutchison stated that it would be rewritten. Mr. Demme stated that the sentence that says "once a bill is paid, it is deemed

to be accepted and cannot be disputed” needs to be eliminated and a retroactive dispute for a reasonable time period based on Township records needs to be added so there are no limitations. Mr. Blowers asked Mr. Hutchison to make the adjustments to the draft policy and bring it back to the Board to review.

b. Resolution of Bird in Hand Family Inn Sewer Billing Dispute

Mr. John Smucker reviewed the Finance Director’s calculations with Mr. Hutchison regarding the overpayments on his bill. Mr. Smucker agrees with all of the figures. The calculations show that Mr. Smucker is due a credit of \$14,390.00 and owes \$1,276.79 in penalties and late fees that were applied after the edus were adjusted. He asked the Board to eliminate these penalties and late fees. He assumed his account would be credited so he delayed making regular payments until it was settled.

Motion made by Ethan Demme to credit Mr. John Smucker’s account \$14,390.00 and eliminate the \$1,276.79 in penalties and late fees which was seconded by Roger Rutt and unanimously approved by voice vote.

New Business:

a. Time Extension for Township Review & Action: 1929 LaSalle Ave Stormwater Management Plan #23-19

Issues related to encroachment into existing easements held by East Lampeter Sewer Authority and PPL are delaying the process of review and action. The applicant is offering a 90-day time extension to February 3, 2024 in order for the issues to be resolved.

Motion made by Corey Meyer to accept a Time Extension for Township Review & Action: 1929 LaSalle Ave Stormwater Management Plan #23-19 until February 3, 2024 which was seconded by Ethan Demme and unanimously approved by voice vote.

b. Time Extension for Township Review & Action: 338 Willow Rd Land Development Plan #23-22

The applicant is continuing to work on review comments provided by the Township Engineer and needs an additional 90-days for the plan to be ready for Board review and action which would take it to January 15, 2024.

Motion made by Corey Meyer to accept a Time Extension for Township Review & Action: 338 Willow Rd Land Development Plan #23-22 until January 15, 2024 which was seconded by Mike Thornton and unanimously approved by voice vote.

c. Restore Paradise Fire Company to be able to Assist Township Fire Companies

Steve Gribble of Ronks Fire Company was in attendance. He is in support of Paradise Fire Company being able to assist the East Lampeter Township’s Fire Companies. Recently, there was an accident on Route 30 over a holiday weekend. Ronks Fire Company needed assistance and dispatched Strasburg Fire Company. By the time Strasburg arrived, all the victims that were trapped in their vehicles were safely removed. Paradise is closer in proximity which is essential when it comes to saving lives. They would also be essential in assisting when Route 30 needs to be shut down because of an emergency. Paradise Fire Company has secured their own Workers Compensation coverage for their volunteers and has provided a certificate of insurance to document this coverage.

Motion made by Corey Meyer to restore Paradise Fire Company to be able to assist East Lampeter Township’s Fire Companies which was seconded by Ethan Demme and unanimously approved by voice vote.

d. LIMC Cooperative Project re Right of Way Ordinance Development

The LIMC has received a proposal from the Cohen Law Group to cooperatively develop a Right of Way Ordinance that would be designed to control the use of Township's Right of Way and to protect the Right of Way as an asset. East Lampeter's current Road Opening Ordinance is outdated. The Right of Way Ordinance will protect the public's Right of Way and save the Township money. There are 11 municipalities in the LIMC and four or five will be in support.

Motion made by Mike Thornton to approve East Lampeter Township's participation in the LIMC Cooperative Project re Right of Way Ordinance Development which was seconded by Roger Rutt and unanimously approved by voice vote.

Action Items:

a. Reappointment to Zoning Hearing Board – Mr. Jordan Good, Term Ending 11/12/26

Mr. Good has been a member of the Zoning Hearing Board since 2016, first as an alternate then as a full member. He has indicated to Township staff that he is interested in continuing his service to the Township in this role for another 3-year term.

Motion made by Corey Meyer to reappointment Mr. Jordan Good to the Zoning Hearing Board with a term ending 11/12/26 which was seconded by Ethan Demme and unanimously approved by voice vote.

b. Ordinance Establishing Stop Conditions at Certain Intersections

Traffic regulation signs need to be supported by an Ordinance in order to be enforceable. The signs are needed at intersections that are a part of recent and past road dedications.

Motion made by Corey Meyer to approve an Ordinance Establishing Stop Conditions at Certain Intersections which was seconded by Ethan Demme and unanimously approved by voice vote.

c. Resolution re PADOT Multi Modal Funding Application for Lancaster Heritage Pathway Goat Path Extension

Mr. Hutchison stated that the Township recently learned that its application to DCNR for funding the next portion of the Lancaster Heritage Pathway within East Lampeter was not granted. PADOT's Multi Modal Program has opened up and is accepting applications until 4pm on November 13, 2023. He feels it would be prudent to apply for funding for the construction of the planned trail and for trailhead improvements. The remaining Lancaster Heritage Pathway Trail would go eastbound to the East Lampeter Township line ending at Geist Road. The CFA application that was also submitted for this project will not have a decision until after November 13th so it is best to apply to both.

Motion made by Corey Meyer to approve a Resolution for PADOT Multi Modal Funding Application for Lancaster Heritage Pathway Goat Path Extension which was seconded by Mike Thornton and unanimously approved by voice vote.

d. Approval of Proposal to Prepare PADOT Multi Modal Funding Application

McMahon Engineering helped prepare the CFA application and is recommended to be utilized for this application as well. The proposal is expected to cost approximately \$2,000.00.

Motion made by Corey Meyer to approve McMahon Engineering to prepare PADOT Multi Modal Funding Application for approximately \$2,000.00 which was seconded by Roger Rutt and unanimously approved by voice vote.

Manager's Report:

a. 2024 Budget Calendar

A Budget Workshop Meeting is scheduled for Monday, October 23, 2023 at 5:00 pm which has been advertised and will be open to the public. At the November 13, 2023 regular Board of Supervisors meeting, the Board is scheduled to act on authorizing advertisement of the 2024 budget for public inspection. Adoption of the 2024 budget and related actions is scheduled for the December 18, 2023 regular Board of Supervisors meeting.

Adjournment:

On a motion by Mr. Corey Meyer and a second by Mr. Ethan Demme with all voting in favor, the meeting was adjourned at 8:14 pm. The next Board of Supervisors meetings will be held on Monday, October 23, 2023 at 5:00 pm for a Budget Workshop Meeting and a regular meeting on Monday, November 13, 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