

**November 13, 2023**

The East Lampeter Township Board of Supervisors met on Monday, November 13, 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, Mr. Colin Siesholtz, Director of Planning and Zoning Officer and Ms. Leigh Obetz, 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:**

James Paulding – Dutch Wonderland  
Rex Clark – Clark Surveying  
Charles Barto – LNP  
Ryan Trees – RGS Associates  
Mike Rush – High Properties

**Also, In attendance via Zoom:**

None

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

None

**Consent Agenda:**

- a. Approval of the November 13, 2023 Board of Supervisors Meeting Agenda
- b. Approval of the Minutes of the Monday, October 16, 2023 Regular Meeting
- c. Approval of Financial Security Release – Esh: 2090 Creek Hill Road  
Upon review, the Township’s Engineer recommends the conditional full release of \$23,514.05 leaving a remaining balance of \$0.
- d. Approval of Financial Security Release – High Properties: 1740-1770 Hempstead Road  
Upon review, the Township’s Engineer recommends the full release of \$5,000.00 leaving a remaining balance of \$0.
- e. Approval of Financial Security Release – Walton Properties: 2109A Old Philadelphia Pike  
Upon review, the Township’s Engineer recommends the full release of \$50,688.00 leaving a remaining balance of \$0.
- f. Time Extension for Township Review & Action – Chick fil A: 2467 Lincoln Highway East  
This is the fourth time extension requested for this purpose by this applicant. The applicant had a total of 540 additional days to address the review comments. They are asking for an additional 180 days.

- g. Approval of Financial Security Reduction: Hess – 834 Willow Road  
Upon review, the Township’s Engineer recommends the partial release of \$32,485.60 leaving a remaining balance of \$11,844.80.
- h. Time Extension for Township Review & Action: Smoketown Airport – 311 Airport Drive  
The applicant is requesting 180 days of additional time to address the review comments. This is the applicants first request for a time extension.
- i. Time Extension for Township Review & Action: Millstream Motel – 170 Eastbrook Road  
The applicant is requesting 180 days of additional time to address the review comments. This is the applicants first request for a time extension.
- j. Approval to pay invoices from all funds: Total: \$708,446.41

*Items of note:*

- \$40,713.00 to Susquehanna Municipal Trust for Worker Comp Coverage
- \$33,565.00 to Vigilant Solutions for 2 police license plate readers and annual software service renewal
- \$10,244.56 to Axon Enterprise, Inc. for 15 Police Tasers and Accessories

Motion made by Corey Meyer to approve the Consent Agenda which was seconded by Ethan Demme.

Mr. Mike Thornton requested that the Board discuss Item f: Time Extension for Township Review & Action – Chick fil A: 2467 Lincoln Highway East. This is the fourth time extension requested for this purpose by this applicant. The applicant had a total of 540 additional days to address the review comments. They are asking for an additional 180 days. Mr. Hutchison stated that the applicant is delaying to address review comments and their ability to respond and prepare a plan that complies to the Ordinance. Mr. Blowers asked if there was a reason for the delay and lack of response. Ms. Hichens answered that the applicant is an out of state permit organization that is trying to move forward a land development plan and has no connection with how things work in East Lampeter Township or the Commonwealth of Pennsylvania. Mr. Thornton asked Mr. Hutchison to review what happens if the Board does not approve the time extension. Mr. Hutchison answered that if the Board does not approve the time extension then the applicant’s plan is essentially denied and they would have to start the process over and present a new application that complies with the Ordinance.

The motion to approve the Consent Agenda was unanimously denied by voice vote.

Motion made by Mike Thornton to approve the Consent Agenda items a, b, c, d, e, g, h, i, j, voting not to include item f which was seconded by Ethan Demme and unanimously approved by voice vote.

Motion made by Mike Thornton to deny the Time Extension for Township Review & Action and Land Development Plan– Chick fil A: 2467 Lincoln Highway East and therefore also deny the land development plan which was seconded by Roger Rutt and unanimously approved by voice vote.

**Old Business:**

- a. Policy re Disputed Utility Billing

Township staff has revised a proposed policy regarding disputed utility billing and presented it to the Board. The revisions addressed concerns and modified language in order to eliminate any time limitations on a property owner’s ability to dispute utility billing charges.

Motion made by Roger Rutt to approve the East Lampeter Township Utility Bill Dispute Policy which was seconded by Mike Thornton and unanimously approved by voice vote.

b. Resolution re Road Right of Way Dedication – 1891 Windy Hill Road

Mr. Hutchison stated the property owner is dedicating an additional Right of Way to the Township per the requirements of the subdivision and land development ordinance. The offer is a strip adjacent to the existing Right of Way and is approximately 8.5' wide along the frontage of the property on Windy Hill Road and ends at the Township line.

Motion made by Corey Meyer to approve the Resolution regarding the Right of Way dedication of 1891 Windy Hill Road which was seconded by Roger Rutt and unanimously approved by voice vote.

**New Business:**

a. Stormwater Management Plan #23-19 – High Properties: 1929 LaSalle Avenue

Ryan Trees of RGS Associates and Mike Rush of High Properties were present. Mr. Trees presented the Board with the existing condition plan, the layout plan and a copy of a letter sent to the Township regarding the final comments in a David Miller and Associates review letter. Along with a modified design to extend water service laterals, they are proposing to create 62 parking spaces. They currently have 42 parking spaces. The required parking spaces are 25 so the additional parking will be 248% above the minimum requirement. There are 50 employees. They need the additional spaces because of shift changes, tenants and company vehicles. Mr. Hutchison stated that there was a new letter from David Miller and Associates dated today, November 13, 2023, addressing zoning, financial security and operations that will need to be met for conditional approval.

Motion made by Mike Thornton to conditionally approve the Stormwater Management Plan #23-19 – High Properties: 1929 LaSalle Avenue, including the request for additional parking spaces and the financial security of the amount of \$126,747.76, to which the applicant needs to address the comments in the David Miller and Associates letter dated November 13, 2023 which was seconded by Corey Meyer and unanimously approved by voice vote.

b. Stormwater Management Plan #23-20 – Dutch Wonderland: 2249 Lincoln Highway

Rex Clark, Clark Surveying and Engineering, and James Paulding, General Manager of Dutch Wonderland, were present. In reference to the comments in the Davis Miller and Associates review letter dated November 2, 2023, they will resubmit plans for the expansion of their water park area this week to address these comments. In order to avoid zoning issues they will revise the stormwater management facilities, reroute a retaining wall east of the existing inlets which would remove the zoning conflicts. They are also considering removing the bathhouse building, which is not required by code, to avoid any zoning issue with the stormwater easement line running between the two buildings on the west side. If they decide to keep the bathhouse building, they will move the stormwater easement line 10 feet from the existing building and 10 feet from the proposed building to meet the zoning requirement. All other comments from the David Miller and Associates letter, dated November 2, 2023 have been addressed.

Motion made by Corey Meyer to conditionally approve the Stormwater Management Plan #23-20 – Dutch Wonderland: 2249 Lincoln Highway of which the applicant needs to address the comments in the David Miller and Associates letter dated November 2, 2023 which was seconded by Roger Rutt and unanimously approved by voice vote.

Mr. Pauling stated that Dutch Wonderland had their best Halloween season on record this year. They are starting their Christmas festivities on Saturday.

c. Comment Letter to Leacock Township re Rezoning of Land from Ag to Bird in Hand District  
Mr. Hutchison stated that the Township received information from Leacock Township about the map change after inquiring for such. Leacock Township recently added language to their Ordinance to change the zoning from C1 (Ag) to Bird in Hand which is similar to East Lampeter Township's BH (Bird in Hand) District. They are now proposing to change the map to show where this village district would be using the text language that is now part of their Ordinance. Mr. Colin Siesholtz, Director of Planning and Zoning Officer crafted a letter for the Board to review. Mr. Siesholtz stated the Township is not in support of rezoning Parcel A, the farm along Church and North Ronks Road as it does not have direct access to Route 340 so the village will significantly expand beyond Route 340 and impact the character of the area. Mr. Meyer stated that the Board had a similar discussion regarding Parcel 12 about six years ago regarding rezoning. Mr. Blowers asked if East Lampeter were to communicate their intentions, support, lack of support or interests to Leacock Township, what would their willingness be to discuss it. Mr. Hutchison answered that he is unsure and he would not be surprised if they went ahead with the rezoning despite the comments in the letter regarding East Lampeter's concerns about the change in character to the village. Mr. Siesholtz stated that the Township did have numerous comments in a similar letter regarding the text amendment and did not receive a response and to the best of his knowledge Leacock Township moved forward with adoption. Mr. Blowers asked what Upper Leacock is saying regarding the zone change. Mr. Hutchison answered that he does not think anything was discussed with Upper Leacock. Mr. Demme stated that he does not have a strong opinion for or against the letter. He stated that the area is going to incrementally be developed in the future along Beachdale and the Amtrak line. The question is whether to do this now or in 10 years. He recommends to soften the wording in the letter to 'recommend' instead of 'strongly support' but he is not 100% opposed to the letter as currently drafted. He believes Leacock Township is going to move forward regardless. Mr. Rutt agreed with Mr. Demme's comments. Mr. Blowers stated that East Lampeter should comment with a letter but the letter should not be so strongly worded. He stated that the Township has worked with property owners in the area in the past to strengthen the character of the area with discussions regarding bus stops, street lighting and a streetscape but little has been implemented. Mr. Blowers is in support of Mr. Demme's suggestion to send a letter expressing an interest in what is going on in the area and recommend zoning changes to be tighter to Route 340. Mr. Hutchison stated that the Township staff will make efforts to soften the language in the letter and send it. All agreed. Mr. Hutchison asked if there was any specific language that the Board would like to change in the letter. Mr. Demme replied to change 'strongly support' and recommended saying East Lampeter's suggestion is to keep the zoning map changes contiguous with Route 340.

d. Review and Discussion re Proposed Technical Amendments to Zoning Ordinance  
Mr. Siesholtz reviewed the proposed technical amendments with the Board that Township staff has put together noting that he was not going to fully review all of the very minor changes such as formatting errors and/or spelling errors. Number 4 under Article 3 in the Ag zone, staff suggests to remove the requirement for an accessory structure over 120 square feet to be 15 feet behind the principal building. This is because there are numerous barns in East Lampeter that are in front of houses on large properties where the setback is great. Staff suggests that accessory structures off of corner lots, which have two front yards, should be changed to allow structures within the 15ft of the front of the house because they have no where else to go with them. Owners can have accessory structures up to the house or if the house is set back, it may be in front. Article 21, staff suggests to remove the option to use pervious pavement in floodplains. Staff is proposing to change the required parking spaces for an office use from one for every 1000 square feet to 3 per 1000 square feet. Mr. Demme asked if there could be an acceptable range instead of an actual number. Mr. Siesholtz answered yes and the International

Transportation Engineers also use a range. Mr. Hutchison stated if a range is desired, then it should remain as one for every 1000 square feet because any relief that is needed, is for less than one. Article 23, staff suggests to clearly define open space so the space between homes are not counted as viable open space for a community. The open space needs to be continuous and dedicated solely as an open space for a passive or active recreational area. Mr. Demme asked about Article 13 where contractor storage parking requires one space per employee on site. He asked if the requirement is for employees that come and go throughout the day or employees that remain on the site throughout the day. Mr. Siesholtz answered that he believes it is more geared toward the employees that remain on the site throughout the day. Mr. Demme stated that if there is not a structure on the site that an employee goes into, then there is not a need for a parking space requirement. If there is a building, the parking requirement is measured per square feet. Article 23, principle use in combinations, currently states that the site needs to be serviced with public water and sewer, staff suggests to allow on-lot systems if shown to be capable of handling the flow needed. Mr. Demme asked about drive-thru service lane length requirements. Mr. Siesholtz stated that there is not currently a requirement. Ms. Hitchens clarified that there is a requirement for certain uses but not for other uses. Mr. Demme asked what a typical length is. Mr. Siesholtz answered that a restaurant drive-thru needs to be at least 100ft. Article 25 states if a variance gets approval from the Zoning Hearing Board, six months is given to obtain a permit, staff suggests allowing one year which is consistent with the special exception time frame which is also one year. Staff suggests replacing anything in the Zoning Ordinance that refers to the Uniform Construction Code or the International Building Code with a more general Currently Enforced Building Code Requirement so amendments do not need to be made based on changing requirements. Mr. Hutchison stated that the staff's plan is to put together amendments to the Zoning Ordinances and go through the normal process.

### **Action Items:**

#### **a. Appointment of Township Representatives to Land Bank Advisory Committee**

Mr. Hutchison reminded the Board that they entered into a three-party agreement with the County Redevelopment Authority and the School District to determine properties that can be redeveloped through the County Land Bank program. The Township and the School District need to appoint representatives to work with the Authority. Mr. Hutchison suggested that Ms. Tara Hitchens and Mr. Colin Siesholtz be the East Lampeter Township's representatives.

Motion made by Roger Rutt to appoint Ms. Tara Hitchens and Mr. Colin Siesholtz as the East Lampeter Township representatives to the Land Bank Advisory Committee which was seconded by Mike Thornton and unanimously approved by voice vote.

#### **b. Revision to Tow Policy re Tow Rates**

Mr. Hutchison stated that the non-preference towing policy, used by East Lampeter Police Officers in circumstances where there is a crash or a disabled vehicle and the vehicle owner has no preference who tows the vehicle, has not been updated since 2018. There is a rotating list of tow operators that is maintained by the police department whose rates are based on the Tow Policy. The operators have suggested a rate increase that fits with the rising costs.

Motion made by Mike Thornton to accept the revision to the East Lampeter Township's Tow Policy regarding Tow Rates as presented which was seconded by Ethan Demme and unanimously approved by voice vote.

Mr. Rutt asked if an administration fee is usually charged for each tow. Mr. Hutchison answered that is typically.

c. Ordinance re Change to Police Pension Plan (25 years of Service & 50 years of Age)

Mr. Hutchison stated that the change to the Police Pension Plan was negotiated with the Police Officers Association and took affect at the beginning of the year. It has not impacted any of the more senior officers but restructured benefits for the newer officers. Separate tiers have been created over the years regarding benefits. This change will make it uniform for all of the officers with 25 years of Service & 50 years of Age.

Motion made by Mike Thornton to approve the Ordinance regarding the change to the Police Pension Plan to a uniformed plan for 25 years of Service & 50 years of Age which was seconded by Roger Rutt and unanimously approved by voice vote.

d. Revised 2024 Police Pension Plan MMO Calculation

Mr. Hutchison stated that the Township Actuary was not aware of the change related to the costs of the updated 2024 Police Pension Plan MMO Calculations. The Board adopted the MMO calculations in September of this year. Mr. Blowers asked if the dollars for the pension plan comes from state tax dollars and state aid. Mr. Hutchison answered that it comes from Foreign Casualty Insurance. Mr. Hutchison stated that East Lampeter Township's municipal portion equals \$78,824.00 assuming that the Township receives state aid in the amount of \$404,075.00 and the contribution from the officer's payroll.

Motion made by Ethan Demme to approve the revised 2024 Police Pension Plan MMO Calculation for the minimum municipal obligation as presented which was seconded by Mike Thornton and unanimously approved by voice vote.

e. Authorize Public Notice of 2024 Budget Availability for Public Inspection

Mr. Blowers stated that the 2024 Budget needs to be authorized so it can be advertised in general circulation (LNP) to the public 20 days before it is adopted. Mr. Hutchison stated that if there is going to be a change to real estate taxes, now is the time. Mr. Demme stated that the budget is fine for 2024 but looking forward the Township will need additional revenue over the next 3-4 years. He is in favor of slowly moving that number up as opposed to making a big change three years from now. To be inline with how school districts adjust their funding, he suggests a 3% annual increase to the current real estate tax rate of 1.957 mills for the next several years. Mr. Rutt agreed. Mr. Thornton also agreed that deficit spending and fixed costs will need more revenue so by doing this gradually, tax payers will not be hit with a high rate later. Mr. Rutt stated that the Board is only in control of a fraction of the spending because there are fixed rates, contractual upgrades and set rising costs. The services the Township provides have rising costs. He is all for smaller increases over time. Mr. Thornton agreed and stated that the Township now has evidence through the most recent survey that Township citizens are happy with the services the Township provides. Mr. Meyer agreed with smaller increases over the next few years rather than being in a position of having little money in the bank and having to then increase taxes 10% in one year or have to cut services. Mr. Blowers stated the importance of providing a consist level of serve to the public each year with a gradual cost increase. He is encouraged to hear that the Board is unanimous on this issue.

Motion made by Ethan Demme to approve that the authorization of the 2024 Budget be availability for public inspection as presented with the increase of milligrade of 1.957 mils which was seconded by Corey Meyer.

Mr. Meyer asked Mr. Hutchison if he received any feedback on expenses that could potentially be cut in the pulmonary budget. Mr. Hutchison answered that the Township staff has not. Mr. Meyer clarified that he was asking about general operation and/or funds such as the Branding Project. Mr. Hutchison stated he did not. Mr. Demme stated that there are some small items that can be reduced that the Board will have the opportunity to adjust by approximately 10% but nothing of significance. Mr. Thornton stated that the Township is in the middle of quite a few projects that need completion where money has already been invested and agreements have been made. He suggested for 2024 that all departments need to closely watch their spending so the Township cut costs in some areas and not solely depend on tax revenues. Mr. Rutt suggested that the Board, looking forward, looks at capital needs, equipment cost etc. so they are inline with the size of the Township. Mr. Hutchison stated that in the way the Township staff maintains the equipment they already have, it lengthens the life of the equipment so the Township greatly benefits. Equipment is only replaced when it reaches the end of life. Mr. Rutt specified that Fire Equipment is a part of the fraction of the budget that the Board can control and costs have risen greatly. Mr. Blowers added that it is nice to see that the Emergency Services Committee is looking at funding issues. The community is engaged in this issue. Mr. Rutt stated that the Board of Supervisors is going to need good talking points to justify a 3% increase in taxes. Mr. Hutchison stated that one of the talking points should be that there has not been an increase since 2019. He added that there are other talking points the staff can provide the Board. Mr. Blowers agreed that 4 years of no increase and inflation are talking points. Mr. Thornton added that the Township is in the midst of projects that are going to improve the quality of life for the citizens of East Lampeter and once these projects are completed, citizens will see an increase of economic activity.

The motion was unanimously approved by voice vote.

### **Manager's Report:**

#### a. Review of County Planning UGB Update Policy

The Township staff has been participating in regional meetings with the County Planning staff. County Planning has been going through the process to update their UGB Policy. The Township has received information about the urban growth boundaries and areas in East Lampeter. The County is requesting additional input from the municipalities. East Lampeter is participating. Mr. Hutchison's expectations are that updated maps will be completed by the end of 2024 or the beginning of 2025 when an action to modify the existing Urban Growth Area / Urban Growth Boundaries will be taken. He believes this will match up with the anticipated Comprehensive Plan for the Township. The County is calling this the cross-acceptance process where the County Commissioners will adopt areas countywide and individual municipalities will be asked to adopt their own individual municipal urban growth area. Mr. Thornton asked if the urban growth area that the municipalities need to individually adopt based on the County's adoption. Mr. Hutchison answered yes but it will be more of a recommendation rather than a mandate. The County cannot mandate this so it will be up to the Board of Supervisors to decide for East Lampeter Township. Mr. Hitchens added that the buildable lands and the reclassification of those lands within East Lampeter's urban growth area was used by the Housing Consultant to determine buildable land. Although, some of the imagery used was from 2018 which does not show the demolition that is currently seen on Lincoln Highway. The County Planning viewable map link will not be functioning until the final meeting is held.

#### b. PADOT project re Strasburg Pike / Rockvale Road Roundabout

This project is in its preliminary, conceptual phase. East Lampeter Township met with PADOT and West Lampeter Township representatives regarding conceptual level planning. An elliptical roundabout west of the intersection, is the consensus so far. Part of the round-about will be in East Lampeter. PADOT stated that the existing culvert under Rockdale Road will have to be upgraded. Mr. Hutchison

will keep the Board informed as the project continues. The project is currently anticipated to be constructed in 2026.

c. Submission of PADOT Multimodal Grant Application re: Lancaster Heritage Pathway  
Township staff has applied to the PADOT Multimodal Program as discussed at the previous Board of Supervisors meeting. The application is for 2 million dollars to cover most of the projects cost, leaving the Township to cover the remaining \$840,000. The project will extend the Lancaster Heritage Pathway from the existing trailhead at Ben Franklin Boulevard through the Township and will end at a trailhead at Geist Road. The Township is also waiting to hear if their application to the Commonwealth Financing Authority was excepted for the same project.

**Adjournment:**

On a motion by Mr. Ethan Demme and a second by Mr. Corey Meyer with all voting in favor, the meeting was adjourned at 9:07 pm. The next Board of Supervisors meetings will be held on Monday, December 4, 2023 at 7:30 pm for a Regular Meeting 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