

**May 6, 2024**

The East Lampeter Township Board of Supervisors met on Monday, May 6, 2024 at 7:00pm 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 Corey Meyer called the meeting to order at 7:00pm followed by the Pledge of Allegiance. In addition to Mr. Corey Meyer, Supervisors present were Mr. Roger Rutt, Mr. Ethan Demme and Mr. Mike Thornton. Mr. Ted Gallagher joined the meeting via zoom. 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.

**Public Present in Public Meeting Room:**

Michael Itwaru – Lancaster Online  
Darrel Siesholtz – 16 Fernbrook Circle, Lancaster 17601  
Victoria Edgerly – 365 Enterprise Drive, Bird-In-Hand  
Dwight Yoder – GKH – 2933 Lititz Pike – Millcreek Fencing  
Randy Dautrick – Millcreek Fencing  
Kristen Hershey – 2439 Ellendale Drive, 17602 – CV Seeds  
Stephen Zerbe – ELTPD  
Heather Mellinger – Wanda Circle  
Doug and Sherry Sensenig – 2209 Creek Hill Road  
Steve Mellinger – 457 Wanda Circle  
Barry and Debbie Hershey – 313 Homecrest Drive, Willow Street  
Herb Hoover – 49 Ridge View Drive, Leola  
Sue Orth – 3 Spring Dell Road, Lancaster 17601- CV Seeds  
Randy Patterson – 311 Garden Park Circle, Lancaster 17601  
Glenn Eberly – 119 N. Ronks Rd., Ronks

**Also, In attendance via Zoom:**

None

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

Victoria Edgerly of 365 Enterprise Drive, Bird-In-Hand addressed the Board. She was at the last meeting and made the request that East Lampeter Township pass a resolution declaring the Township a non-sanctuary municipality. She claimed that East Hempfield and East Earl Townships have passed similar resolutions and asked if the Board has considered doing the same.

Doug Sensenig of 2209 Creek Hill Road was also in attendance at the last meeting and requested withholding funding from the Lancaster Public Library, similar to what East Hempfield is pursuing, because he disagreed with one of their programs. He wanted to follow up to see if the Board discussed and/or considered withholding funding and if there was an update.

Heather Mellinger of Wanda Circle addressed the Board. She wanted to be on record that she supported what Ms. Edgerly and Mr. Sensenig were saying.

Mr. Thornton stated the East Lampeter Township Police Department does call ICE when a person is determined to have the status of being illegally in the country. There is no need to pass a resolution declaring East Lampeter non-sanctuary when it is already doing what Ms. Edgerly is requesting. Mr. Thornton noted that there is no need to go through with this resolution at this time as the Police Department has a good working relationship with ICE and wishes to continue that relationship. Mr.

Thornton understands the outward desire to make a statement that is popular at the moment but the Township already has those rules in place and he would not vote to change them.

Mr. Thornton asked Mr. Demme to explain how East Lampeter funds the libraries. Mr. Demme stated that since East Lampeter does not have a physical library branch, a resolution was passed years ago that allocated library funding based on a formula in which the libraries receive an amount based on how often a resident of East Lampeter uses that particular library. The four top utilized libraries, by East Lampeter Township residents, are funded. The more one of these libraries are used by East Lampeter residents, the more funding it receives from the Township. Manheim Township Public Library, Strasburg-Heisler Public Library, Pequea Library, and Lancaster Public Library are currently funded by East Lampeter. Mr. Demme stated the libraries should continue to be funded this way which is \$1.50 per capita. Mr. Demme is supportive of the work the public libraries do in the community and suggests that residents vote with their feet.

Ms. Mellinger addressed the Board again and asked what happens if a person that is apprehended in East Lampeter and is illegally in the country claims to live in Lancaster City. Chief Zerbe was in the audience and answered that if the police department receives a complaint about a person in the Township that has the status of being in the country illegally, the officer's first action would be to call ICE. As soon as immigration is made aware of the situation, the person is held at the Township until ICE picks them up. The situation has happened in the past and Chief Zerbe assured Ms. Mellinger that it would be handled the same way in the future. To do anything differently, would be contrary to what the nation's laws and the state's laws already provide.

Ms. Edgerly asked what the cost or risk would be to make East Lampeter non-sanctuary. She would like the Township to make a statement that it is not Lancaster City. Mr. Demme stated that making such a statement by passing a resolution is not worth the time, energy or expense. Ms. Edgerly interrupted asking why not prepare for the concern. Mr. Demme stated that he is not aware of a concern.

Ms. Mellinger asked Mr. Demme to clarify what he meant by voting with your feet. Mr. Demme stated that as long as residents of East Lampeter continue to go to Lancaster Public Library, it will continue to be funded relative to the number of residents that visit it. He stated that if Ms. Mellinger decided never to go to Lancaster Public Library again, which is her right, she will not be counted toward the number of Township residents that visit Lancaster Public Library but if her neighbor does want to visit the library because it has wonderful resources for autism and business then that is their right and they will be counted as attending. Mr. Demme stated that he brings his children to Lancaster Public Library and will continue to do so. Mr. Thornton stated that Lancaster Public Library addresses the Board every year requesting funding and are never satisfied by how much they are granted. The funding per use is going to be instructed this year and he assumes there will be additional questions about their programming next year when they address the Board.

### **Consent Agenda:**

- a. Approval of the May 6, 2024 Board of Supervisors Meeting Agenda
- b. Approval of the Minutes of the Monday, April 15, 2024 Regular Meeting
- c. Financial security reduction request for Sundance Car Wash Land Development Plan #21-28 located at 1728 Lincoln Highway East

The applicant is requesting a reduction in financial security for the sewer portion of the project. Upon review, the Sewer Authority Engineer, in a letter dated April 26, 2024, recommends the full release of financial security in the amount of \$34,325.77 leaving a

remaining balance of \$0. Security remains for the site and frontage required improvements.

- d. Financial security reduction request for Legacy Manor Stormwater Management Plan #23-11 located at 441 Mount Sidney Road  
The applicant is requesting a reduction of financial security posted for this project. Upon review, the Township Engineer, in a letter dated April 18, 2024, recommends \$0 of the financial security be released leaving a remaining balance of \$16,786.00. There are a number of issues identified in the letter that needs to be addressed.
- e. Time extension for Township review and action for High Gardens Stormwater Management Plan #24-08 located at the intersection of Greenfield Road and William Penn Way  
The applicant is offering a time extension to August 20, 2024 to address review comments provided by the Township Engineer. This is the applicant's first request for a time extension.
- f. Approval to pay invoices from all funds: Total: \$601,261.71.

*Items of note:*

- \$179,462.50 to Herr Signal and Lighting for the Green Light Go Project
- \$16,310.00 to McMahon Associates (Bowman) for the Strasburg Pike Trail Project
- \$8,925.00 to CS Davidson for Permit Manager Configuration and Training
- \$8,669.72 to HRG for Willow Road Culvert Engineering

Motion made by Ted Gallagher to approve the consent agenda which was seconded by Mike Thornton and unanimously approved by voice vote.

**Appeal Hearing re Suspension from Non-Preference Tow List – Absolute Towing**

Chairman Meyer opened the appeal hearing for suspension from the non-preference tow list for Absolute Towing. There was no one present representing Absolute Towing. Chief Zerbe was in attendance representing the East Lampeter Police Department. Mr. Hutchison stated that in early April of 2024, Chief Zerbe issued a letter suspending Absolute Towing from the non-preference tow list. The non-preference tow list is used by the police department to determine which tow company will be called in the event of a crash and the owner of the vehicle that needs to be towed has no preference about which towing company is used. The companies that are on the non-preference tow list are used on a rotating basis. Due to violations of the non-preference tow list policies, Absolute Towing was issued a suspension letter for 90-days. In accordance with the policy, the suspended company has the right to appeal the suspension. The company did receive notice of the hearing but the Township has learned that the owner of Absolute Towing passed away between making the appeal and the hearing today. Mr. Meyer expressed his condolences. Mr. Demme asked if the hearing can be postponed to the next meeting so that a representative of the applicant has more time to respond.

Motion made by Ethan Demme to continue the Appeal Hearing for suspension from the non-preference tow list for Absolute Towing until the next Board of Supervisor's meeting on May 20, 2024 which was seconded by Roger Rutt and unanimously approved by voice vote.

**Old Business:**

- a. Request for informal discussion regarding a proposed zoning amendment for manufacturing in Village General Zoning District presented by Millcreek Fence for property located at 2498 Old Philadelphia Pike

Dwight Yoder, attorney at Gible Kraybul & Hess, was present representing Millcreek Fence. Millcreek Fence is a successful business located in East Lampeter Township. They are running out of space at their current location and would like to expand so they purchased a parcel on the corner of Rt. 340 and Rt. 896 in a Village General Zoning District located on the property of 2498 Old Philadelphia Pike. Millcreek Fence would like to move their business to the parcel and construct a new building. They do not do manufacturing but the way the ordinance is written, they fall under the generic manufacturing terminology. They mainly do fabrication. Manufacturing is allowed in the Village General Zoning District with parameters limited to 30,000 feet and it has to be on a road owned and maintained by East Lampeter Township. Rt. 340 and Rt. 896 are both state roads which is why the Zoning Hearing Board denied Millcreek Fence's request for a variance previously. Mr. Yoder is looking for a way to change the ordinance so they can proceed and has worked with the Township staff to develop a draft proposal. The applicant is considering building townhouses on the property to make it a mixed-use development, as suggested by Township staff. Mr. Yoder stated that they are looking for feed-back from the Board tonight. One option is to create a cul-de-sac and dedicate it to the Township which would not change the ordinance at all. The third option is to fulfill the Township road requirements but on a state road. The last option Mr. Yoder presented was to have residential and manufacturing components on the property (mixed-use) that would have to be approved simultaneously. A criterion that the applicant and Township staff differs on is the 60% of the maximum residential density. They would have to create too many units to meet that requirement which would not fit in the Village General ascetic and the neighbors of the parcel are against it. Mr. Yoder stated that he has heard some disapproving feedback from neighbors about too many residential buildings being built on the parcel. He also understands the need of architectural features on the residential buildings to blend in with the Village General façade but feels it is not necessary for the manufacturing building because the building would be tucked away on the property and not in the front on the street to be visible from the road. Parking is required to be in back of the structures which would not be a problem for the building but may need to be flexible for the residential portion. Mr. David Bieler, the owner of the company was in the audience and stated that he would like to know what needs to be done from the Board tonight in order to move forward or if the Board does not want the building to be built on the parcel at all. He has other properties he can purchase outside of the Township and move his business. Mr. Rutt confirmed with the owner that he is willing to build residential units. The owner answered yes and said that townhouses would be the most acceptable by the neighbors. A neighbor was in the audience and stated that the townhouses would be the most acceptable. The plan does not meet the 60% density requirement but it will be best for the neighborhood. He stated that housing creates traffic and that is a big concern. Mr. Gallagher stated that he does not want to see any businesses leave the Township because they are the backbone of the Township. He would like to see the Board and the staff find a way to make this project work. Mr. Thornton asked if the PennDOT study of the location for the driveway is going to be a major issue. Mr. Hutchison answered that it is going to be like any other project on a state highway. The engineer for the project stated that he has already looked into the issue and believes it can be done. Mr. Thornton asked the owner about the expected noise coming from the manufacturing portion. The owner claims there will be very little noise coming from the outside of the building. All construction and cutting will be done inside the building. Mr. Demme likes the direction staff is going with the mixed-use development and feels it makes the most sense. He stated that the density requirement can be adjusted but he would like to see more than 20 units. Mr. Yoder stated that the density requirement should be permanently reduced so other property owners in the future could meet it within reason. Mr. Demme suggested that some of the Townhouses face the road similarly to The Villas which is another development in the Township. He feels it would ascetically complement the existing neighborhood. He suggested everyone on the project take a look at The Villas. Ms. Hitchens noted that there are minimums and maximums for the frontage in the ordinance in the Village districts. Mr. Demme asked what the large portion of the parcel, that is not being developed in the plan, is going to be used for. Mr. Yoder answered that there are no plans for it at the moment. He stated that if the townhouses are rotated to face the street then the potential

for that portion changes and it can be better developed. Mr. Hutchison stated that staff is looking forward to seeing an amended proposal and will work with the applicant to move forward with the project as this proposal was not provided to them to date.

**New Business:**

a. Supervisor Discussion Items:

1. Housing Plan Recommendations Implementations

Mr. Hutchison reported that Township Staff have focused on the recommendation that East Lampeter needs to provide for an additional 720 dwelling units in five years not counting the units that are already planned. He stated the first action should be to add multi-family housing in the R2 zoning district by right. He feels it is the largest opportunity to add units quickly. Other areas that can be acted on are zoning changes that reduce townhouse and multi-family lot area requirements. He also suggested reaching out to property owners, establishing relationships with them and attempting to motivate them to begin the development or redevelopment process for their property. ADU's will also have to be promoted so home-owners and builders are aware that they are an option. Ms. Hitchens added that staff believes Supervisor Demme's suggestion of putting ADUs in the Ag zoning district is a good idea for properties that are under 10 acres and not serving as a current farm. There are also some zoning changes suggested by developers that would significantly increase density in mixed-use areas that are worthwhile opportunities. Mr. Demme agrees with all of the staff recommendations. The Housing Plan recommended workforce housing so working commuters would choose to live in the Township, closer to where they work. A healthy commuter target is 75% to 80%. The Township is currently at 94 %. Building 3,750 units would get the Township to 75%. 720 units in 5 years is an aggressive goal so Mr. Demme would like to look ahead to 10-20 years and start planning now for a slow, steady, incremental growth in the existing infrastructure that already has public transit. The amended zoning that has already been made has allowed for more units and he suggests to continue to find ways to amend zoning to allow for even more units. Mr. Demme stated the Ag zone suggestion is a good step because it allows a non-farm to build an ADU. Currently the Township allows ECHO units for family members in the Ag zone. His proposal would allow farm owners to rent to people unrelated to them. He suggested that one house on any farm be allowed to build one ADU or one ECHO unit regardless of the acres. Mr. Thornton asked why 10-acres and not larger. Ms. Hitchens replied that a number of farms already have ECHO units so they could not build an additional ADU. The biggest concern is septic or the ability to hook-up to public sewer. ECHO units do not pay to hook-up to public sewer which would not be the case for ADUs. Mr. Demme also suggests allowing adding an ADU to a building with a primary use such as a small business in the Village Residential zoning district. This will not be a large number but if amendments are going to be made, this can be added. The next suggestion is adding housing to the C-2 zoning district. Mr. Demme stated the mixed-use building at HACC would be duplicated where there are commercial uses on the first floor and residential units on top floors. The C-2 zoning district is bordered by residential zones and would match the density already existing. A developer may not want to put in apartments but he feels they should have the option. Mr. Gallagher stated that if residential apartments are allowed to be built in the C-2 zoning district, a developer may want to buy some of the nuisance hotels and convert them into more attractive apartment buildings. Mr. Rutt stated that making all commercial zoning mixed-use is thinking long term and allows the future market to drive responsible building projects into those zoning districts. Mr. Hutchison added that the Township is starting a comprehensive planning process as well which will consider a much longer time frame than the Housing Plan. That process will help inform this issue as well as many other issues. Mr. Demme stated that the comprehensive plan should use the Housing Study and these additional suggestions as guidance. Mr. Demme stated that he knows of at least a couple of developers that are interested in building residential units within the Township's C-2 zoning district. Mr. Thornton added that it will maximize already developed properties and not

take from farmlands. Mr. Meyer stated he would be open to allow residential use in the C-2 zoning district. Mr. Thornton stated it will be an additional incentive for developers to not have the obstacle and cost of going in front of Boards. Ms. Hitchens asked if this is something the Board wants the staff to work on sooner rather than later. She suggested amending the simpler changes first in the upcoming amendment and then work on amending the C-2 zoning district as it would take a bit more language development. The Board agreed it should be in a subsequent amendment after the initial one. Another suggestion from Mr. Demme is to reduce setback and lot size requirements in the R-1 zoning district for single family dwellings. The housing study recommended a rental inspection program. Mr. Demme agrees with staff that a full inspection program is not needed but duplicating or expanding the Nuisance Hotel Ordinance would be useful to include apartments. Mr. Demme also suggested reaching out to churches and other non-profit organizations through a request for proposals process in order to effectively utilize the \$10,000.00 allocated to fight homelessness as grants for a program or plan to help combat this issue. There were members of the Planning Commission and the Zoning Hearing Board in the audience. Randy Patterson of the Planning Commission stated in order to have affordable housing, the Township needs to do whatever it can to reduce construction costs. Affordable cost will lead to affordable housing. Darrel Seisholtz of the Planning Commission stated that developers avoid going through the lengthy process of changing ordinances in order to build. They need the process to be streamlined to avoid delays. Mr. Hutchison stated that any of the zoning amendments will go through the Planning Commission. Mr. Meyer stated that the Board would like their feedback. Mr. Seisholtz suggested having a check-list for landlords of what is required for a rental unit and a self-inspection report as a first step. Mr. Patterson has some knowledge of rental inspections and stated they do not pay for themselves and are complicated. Alex Reedy stated he had rental properties in the Lancaster City prior to what they are implementing now and says an inspection program does take care of properties with continuous problems. He recommends having some type of program to avoid problems in the first place. Mr. Seisholtz asked what are the plans for affordable housing and increased density. Mr. Demme answered that the two big recommendations from staff is lowering the lot size for multi-family houses (3500 square feet to 2500 square feet) and townhouses (3750 square feet to 3000 square feet) and allowing multi-family units in the R2 zoning district.

Motion made by Ethan Demme to accept the recommendations presented and discussed and to have Township staff present a list of priorities and provide a timeline to be addressed at the next Board of Supervisors meeting on May 20, 2024 which was seconded by Ted Gallagher and unanimously approved by voice vote.

## 2. Games of Skill

The City of Philadelphia recently passed legislation to prohibit “Games of Skill” which was immediately challenged in the courts. Staff has taken the position that whenever “Games of Skill” are found in the Township, they be subjected to the Township’s Amusement Tax. “Games of Skill” are currently not regulated by the state so until they are, the Amusement Tax can be enabled but it has been difficult to collect. After looking at a current Ordinance, the definition of arcades include “Games of Skill” and are permitted in C-2 and C-3 zoning districts and as an accessory to a non-residential use with no more than 8 permitted per location in other zones. The Township Solicitor stated if the Township does prohibit them, it will be challenged in court. Mr. Hutchison suggested updating the definition of an amusement arcade. Mr. Thornton asked if there is pending state legislation. Mr. Hutchison answered that there is but some cases have ruled in favor of “Games of Skill” being permitted. The Township is open to local regulation because the state is not currently doing so. Mr. Demme recommends adding additional definitions to the amusement arcade and then limiting the “Games of Skill” to only the C2 and C3 zones. Mr. Meyer asked if the places that already have these “Games of Skill” prior to an Ordinance being passed will be grandfathered in.

Mr. Hutchison answered yes. Mr. Demme stated that they should be required to be register any “Games of Skill” to the Township so the Township can collect the Amusement Tax. Mr. Hutchison added there should be a penalty for not registering.

**Action Items:**

a. Ordinance to Adopt Codification of Ordinances

The Township Solicitor has prepared an Ordinance which will adopt the Codification of Township Ordinances. After all the changes have occurred and have been updated, it will be posted to the Township website.

Motion made by Ethan Demme to adopt the ordinance for the codification of ordinances for East Lampeter Township as presented which was seconded by Mike Thornton and unanimously approved by voice vote.

b. Agreement re Reimbursement of Costs for USWO Golf Tournament

A draft reimbursement agreement from the USGA has not yet been received. It is hoped that one will be received for action at the next Board of Supervisor meeting to be held on May 20, 2024.

c. Resolution re Agreement re Manheim Township Compost Facility Use

Manheim Township is applying for grant funds to acquire new equipment for their Compost Facility. They believe having a formal agreement with municipalities that share the facility would improve their chances of receiving the grant.

Motion made by Mike Thornton to adopt the Resolution regarding the Agreement re Manheim Township Compost Facility use by East Lampeter Township residents which was seconded by Roger Rutt and unanimously approved by voice vote.

**Manager’s Report:**

a. Recreation Director Hired

Lisa Cleveland has been hired as the Township’s first Recreation Director. She will begin this position on May 28, 2024. She is coming from HACC where she has been working for a number of years as their Executive Director of Wellness, Athletics and Recreation. Mr. Hutchison is excited to bring new recreation programs to the community.

b. Emergency Alert System – Internal Operations Initially

Ms. Hitchens provided the Board members with a flyer for the system. Staff have been trained on the system last week and are internally testing it to understand all the parameters. The system has already collected known sources of information for phone numbers in the area but anyone can sign up for what they specifically want to be alerted for. Mr. Meyer asked if the system uses the same software as the Emergency Alert System in Lancaster City. Ms. Hitchens stated it is a similar software but not the same.

**Adjournment:**

On a motion by Mr. Ethan Demme and a second by Mr. Roger Rutt with all voting in favor, the meeting was adjourned at 8:47pm. The next Board of Supervisors meetings will be held on Monday, May 20, 2024 at 7:00pm 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