

LANCASTER TOWNSHIP BOARD OF SUPERVISORS MEETING
MINUTES
August 13, 2018

I. PLEDGE OF ALLEGIANCE, CALL TO ORDER, AND ROLL CALL

The duly advertised Lancaster Township Board of Supervisors meeting was held on Monday, August 13, 2018 in the township building at 1240 Maple Avenue, Lancaster, PA. The meeting was called to order at 7:00PM by Chair Benjamin H. Bamford. Vice Chair Thomas H. Schaller, Treasurer Steven P. Elliott, and Township Manager William M. Laudien were also present. Others in attendance included Solicitor Matt Crème, township staff and interested parties. Mr. Bamford led those assembled in the Pledge of Allegiance.

II. PUBLIC COMMENT

Agenda Items:

- Richard Drennen, Springhouse Road: Regarding Springhouse Road that is on the agenda— informed the board that there are chunks of macadam rolling down the street. Water is just washing the macadam off the road, and we need a road.

Non-Agenda Items regarding the city water tower project:

- Brian Hernon, Atkins Avenue: Appreciates Mr. Elliott working with the city in regard to the water tower, and he has a bad feeling about it.
- Liza Stover, Spencer Avenue: Questioned downsides of other properties. Mr. Elliott indicated we do not know what their bullet points were for each site. Mr. Bamford said we have made suggestions for other sites that we think are better. Mr. Elliott said the school district has all the power. Their fear is if they don't enter into a lease agreement, they are forfeiting an opportunity to gain money from the city for putting the tower there, and they are worried about eminent domain.
- Elizabeth Paul, Atkins Avenue: Her understanding is this site was targeted because it was the cheapest. Does not understand what grounds the city would have to take that for eminent domain if there are so many other viable options available. Mr. Bamford asked a school board member who was in the audience to respond.
- Cheryl Desmond, Marietta Avenue: Was asked by Mr. Bamford if she had anything she could share. Ms. Desmond explained she is not here to represent the school board. I am here as a township resident. The school board has been told by our legal counsel that if we were to go to eminent domain, we would have to have fair market value and also replacement cost. If it were to go to eminent domain, the commonwealth court would decide, and as I understand it, someone from the judges of Lancaster County would rule on the eminent domain case. Mr. Bamford asked Ms. Desmond if she is able to tell where they are in this process. Ms. Desmond said they have agreed to review the negotiations from the city. The terms are being discussed, but no decision has been made by the board to agree to a negotiation settlement.

III. CONTINUATION OF CONDITIONAL USE HEARING

Township Solicitor Matthew Crème and court reporter Cheryl Hansberry were present for the conditional use hearing. The board closed the regular meeting at 7:17PM, and re-opened a conditional use hearing per Article XX, Chapter 280, Section 2001. Hearing was previously opened on June 9, 2018 to be continued on August 13, 2018. Applicant Allon Lefever is requesting a conditional use per section 404.3 of the Lancaster Township Zoning Ordinance in order to construct a four-unit apartment building on a vacant lot located at 122 City Mill Road, owned by Doris Lefever, and identified as tax parcel 3402574600000 in the R-1 Residential Zoning District.

Township Zoning Officer Thomas Daniels was sworn in and stated he did receive the application and processed it through the required procedures of the township zoning ordinance, including referring it to the township planning commission for review and posted the property and proofs of the posting, and also in cooperation with the township solicitor caused this to be advertised.

Mr. Elvin Engel of Engel Architects and Mr. Allon Lefever were sworn in. Mr. Engel proceeded with his presentation on behalf of applicant Allon Lefever. Mr. Engel indicated the Lefevers bought a .40 acre wooded property on the east side of their current property. He explained that the intent of the project is to build another building on the site to match the design of the other existing apartment buildings.

Township Manager William Laudien was sworn in, and stated that the township staff generally supports this. We think it is a good use, and the property owner has done a great job. We agreed in principal to address a number of these issues through the land development process—we want to see some screening, some fencing, I think you mentioned improvements along East King Street. The staff is not prepared to make a recommendation on that other than recommend those things not be addressed as part of this hearing. I believe in order to move this process forward, we need to seek relief from the condition of a 50 foot side yard setback to a 25 foot side yard setback, and we recommend granting that relief but with the conditions as outlined in township engineer Ben Webber’s letter.

Township Engineer Ben Webber was sworn in and stated he was the author of the letter of July 25, 2018, and it represents his review, and conveyed the review and recommendation to the township planning commission for this application.

There were no questions or comments from the board of supervisors or the public. Mr. Crème asked that exhibits T1-7 be made a part of the record, and recommended the proceeding to be closed. The board unanimously closed the conditional use hearing at 7:41PM, and resumed the regular meeting.

Mr. Schaller moved, and Mr. Elliott seconded, and the board unanimously approved the conditional use and modification of the side yard from a 50 foot setback to a 25 foot setback with the specific conditions that landscaping, fences, materials and methods for screening, lighting, sidewalks and common areas be approved as a part of the land development process.

IV. SECRETARY'S REPORT

The minutes of the July 9, 2018 board meeting were approved by general consent.

V. TREASURER'S REPORT

Mr. Elliott presented the treasurer’s report as of August 13, 2018:

General Fund.....	\$7,031,990.97
Highway Aid Fund.....	773,808.73
Parks Fund	39,382.60
Capital Reserve Fund.....	<u>732,587.08</u>
TOTAL	\$8,577,769.38

Mr. Bamford stated the treasurer’s report would be filed for audit.

VI. PAYMENT OF BILLS

On a motion by Mr. Elliott, seconded by Mr. Schaller, the board unanimously approved the payment of bills (July 10, 2018–August 13, 2018):

General Fund.....	\$445,383.21
Escrow Fund	16,998.31
State Highway Fund.....	9,817.94
Parks Fund	4,110.35

Capital Reserve Fund.....-0-
 TOTAL\$476,309.81

VII. REPORTS

- A. Lancaster Township Fire Department:** Chief Ron Comfort Jr. reported there were thirty calls in the township, with sixteen calls for mutual aid, during the month of July 2018, making a year-to-date total of 269 calls. Chief Comfort reminded residents that they should not drive through flooded roadways. He also requested that the fire police be permitted to provide service for the Lancaster Wegmans store opening on Sunday, September 23, 2018. The board unanimously gave approval.
- B. Lafayette Fire Company:** There were nine calls answered on the east side of Lancaster Township during the month of July 2018.
- C. Police:** Officer John Donnelly gave an overview of the July 2018 police report. Officer Donnelly reminded everyone that the new MTPD website is online, manheimtownshippolice.org.
- D. Recycling Report:** June 2018: 26.53%; July 2018: 23.37%
- E. Sewer/Other Reports:** Reports are available for public inspection at the meeting and during regular business hours.

VIII. ANNOUNCEMENTS

- A. Office/Woody Waste Facility Closed:** Monday, September 3, 2018.
- B. No Trash/Recycle Pickup:** Monday, September 3, 2018. One-day delay schedule for the week.
- C. Next Board Meeting:** Monday, September 10, 2018 7:00PM, workshop at 6:00PM. Meeting will take place at Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, in the Mellor Auditorium, 2nd Floor.

IX. OLD BUSINESS

No old business.

X. PLANNING AND ZONING BUSINESS

- A. Ordinance 2018-03–Zoning Ordinance Amendment**
 A legislative hearing was convened at 7:45PM for Ord2018-03. Township Solicitor Matthew Crème was present and stated that the ordinance was presented to the county and township planning commissions for their review and recommendation of adoption. Township Manager William Laudien stated it was recognized that there was an oversight in the ordinance for these particular uses, and clearly there is a need for these uses, and support this ordinance in its current form. The board had no questions. John Trescot of Valley Road asked if the new ordinance was similar to other townships. Mr. Laudien explained the frame-work of the ordinance was modeled after some exciting ordinances in the surrounding suburban service area, and we reached out to folks who run self-storage facilities and asked for their input as to what would be helpful for them to be successful. With no further questions or comments, the legislative hearing was closed, and the regular meeting reconvened.
 Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously approved Ordinance 2018-03, amending the code of the Township of Lancaster, Chapter 280-Zoning, to add definitions, and to add self-storage facilities as a use permitted by right or special exception subject to specific criteria, and to amend Section 903 to add mobile home park.

- B. LTPC 266–212 South Conestoga Drive, Financial Security Reduction**
Mr. Schaller moved, and Mr. Elliott seconded, and the board unanimously approved a request from Brian Cooley, DC Gohn Associates, Inc., for the full release of the financial security for LTPC #266, 212 South Conestoga Drive Stormwater Management Site Plan. The request was submitted via an e-mail dated June 27, 2018. In his letter dated July 24, 2018, township engineer Ben Webber recommends the release of financial security in the amount of \$6,744.29, leaving a balance of \$0.00.

XI. NEW BUSINESS

- A. Waste and Recyclable Materials Collection Contract Award**
Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously awarded the Waste and Recyclable Materials Collection Contract to Waste Management of Pennsylvania, Inc., for a term of three years beginning October 1, 2018 and ending September 30, 2021, with the option to renew the contract on a yearly basis, after September 30, 2021, for up to two one-year renewal periods.
- B. 2018 Storm Structure Procurement Project Contract Award**
Mr. Schaller moved, and Mr. Elliott seconded, and the board unanimously awarded the 2018 Storm Structure Procurement Project contract to Monarch Precast Concrete, in the amount of \$56,470.00.
- C. 2018 Spring House Road Swale Improvement Project Contract Award**
Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously awarded the 2018 Spring House Road Swale Improvement Project contract to Flyway Excavating, in the amount of 135 lineal feet (\$60,000.00). If the additional 20% grant funding is approved by the Low Volume Road Program Quality Review Board, then a change order to increase the amount to 180 lineal feet (\$72,000.00) is approved.
- D. Memorandum of Understanding—School Crossing Guards**
Mr. Schaller moved, and Mr. Elliott seconded, and the board unanimously approved a memorandum of understanding between Lancaster Township, the School District of Lancaster, and All City Management Services, Inc. for school crossing guard services provided under agreement with All City Management.
- E. Ordinance No. 2018-04**
Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously authorized the township manager to advertise Ordinance No. 2018-04 to amend Ordinance 2 of 1992, Section 96-3 which regulates the running of dogs at large.
- F. Ordinance No. 2018-05**
1. Mr. Schaller moved, and Mr. Elliott seconded, and the board unanimously authorized the township manager the township manager to forward Ordinance No. 2018-05 to the Lancaster County Planning Commission and the Lancaster Township Planning Commission for review. Proposed ordinance is to amend the Code of Lancaster Township, Chapter 280-Zoning, to revise the definition for municipal uses and to amend Section 1615.
 2. Mr. Schaller moved, and Mr. Elliott seconded, and the board unanimously authorized the township manager to advertise Ordinance No. 2018-05.

XII. GUEST RECOGNITION AND PARTICIPATION

- William Laudien, Township Manager: Regarding the city water tower project, Mr. Laudien explained that he is in the unique position of being in the middle of the conversation, not as a resident and not as an elected official. It is important that you provide input to the

supervisors, a public statement about how you feel about this project and how it's gone. There is not going to be an opportunity for a lot of question and answer for two reasons: one, we want supervisors to be able to keep their powder dry in case this comes to us so we can effectively protect your interest, and second, we don't have answers. We know what you know. We have asked from the very start that the city do two things, demonstrate the need for the water tower, and demonstrate the appropriateness of this site. They've done neither. If you are looking for a statement of support from the township, we can say this as staff—we share your concerns and frustrations, we're going to continue to press the city, and the supervisors approved supervisor Elliott to continue to engage with the city. I think this board has every intention to enforce all our ordinances to their full effect. We hope that the newspaper continues to press the city on proving their case. We hope the school board works with us and continues to share these questions, and holds the city to a high standard. I can say personally I enjoy the company of the mayor, she brings integrity. My experience with the current city council is fantastic, especially the city council president; I think he is a man of integrity. Ultimately, I hope those folks hear your voices and our voices, and the school district voices, and respond appropriately.

- Mr. Schaller responded that indirectly, the ball is in the court of Ms. Desmond and her cohorts. If they agree to a lease purchase, it's all over. If they don't, then the city can do what they want and proceed that way. But we cannot do a whole lot right now.
- Mr. Bamford pointed out that the supervisors together cannot go into a meeting with the city. The reason is that would represent a quorum and we can't do that. Mr. Elliott is carrying the water at the moment, and we support him. Mr. Bamford asked Ms. Desmond if she had anything further to share.
- Cheryl Desmond, Marietta Avenue responded that she really did not have anything else to add. As a resident, she thanked Mr. Elliott for his support.
- Richard Drennen, Springhouse Road: Disagrees with the assessment of the need of the water for Buchanan School.
- Paula Severino, Penrose Avenue: Claims she does not understand a lot of what is going on, and asked—Why do we need that water tower there, who actually is being serviced by that water tower at that location, and how do we find out who asked for the water tower? Mr. Bamford and Mr. Schaller both said the city water authority asked for it. Mr. Bamford explained that this process has been going on for about ten years, and it is the city that is driving it. Mr. Laudien pointed out that the township is completely separate from the city, and completely separate from the city water department. They are a completely different political entity from us. All those questions need to be directed to those folks. Ms. Severino asked whose been working on it for ten years, and do we have access to information? Mr. Bamford stated all your questions are valid, and it is the city you have to go to get the answers.
- Tony Levinson, Spencer Avenue: Asked if there is anything else we as a group could do. Mr. Bamford explained you would need to go to city council meetings.
- Rick Groff, Perry Avenue: Thanked Mr. Laudien for his explanation. However, he disagrees with the thoughts on the mayor's stance. Even after the financial error came out, she is still pursuing this property.
- Kathryn Hopkins, School Lane: Asked how the answers to questions are being revealed. Mr. Elliott stated that the newspaper has been doing a really good job of connecting with Mr. Laudien and himself. He suggested residents attend school board meetings, city council meetings, township meetings. Mr. Schaller stated your first step is to go to the school board. They have the power at the moment.

- Celia Fauth, Maple Avenue: Regarding the property attached to her which she has corresponded about in the past—almost a year ago, last Labor Day weekend, they started construction on that property. It's still incomplete. I feel like I'm living next door to a junkyard. There is now a sinkhole due to soil being torn out. What is going to happen? What are my rights? Is this acceptable? Mr. Laudien stated clearly it is not. We have been back and forth in court with the property owner. I'm sorry that it's taking so long. Part of the process was delayed, and we've been forcing the issue as much as we can, as hard as we can, and we have made some progress. The largest portion of the issue was us taking the property owner through the legal channels.
- Dennis Stephan, Springhouse Road: Has a house that backs up behind his on Millersville Pike. It's bound by preservation trust easement. There is a historic building that was damaged by a fallen tree three years ago. It's been in insurance litigation for those three years. The first settlement was denied, and he is holding out for another settlement. What is my next process of getting this moving? Mr. Laudien asked Mr. Stephan to leave his information with zoning officer Tom Daniels.

XIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:23PM.

Respectfully submitted,



William M. Laudien, Secretary