

**WEST LAMPETER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING OF JULY 10, 2017**

Chairman Barry Hershey called the Regular Meeting of the West Lampeter Township Board of Supervisors to order at 7:00 p.m. with the Pledge to the Flag. Those in attendance were Supervisors Terry Kauffman, Randy Moyer, Robert Patterson, and Geoffrey Beers. Township Manager, Dee Dee McGuire was also present.

**PRESENTATION – Township Pollution Reduction Plan – Charity Kadwill, Township Stormwater Coordinator**

Ms. Kadwill stated there are three watersheds in the township – The Conestoga, Mill Creek, and Pequea. Her report lists impairments to each watershed. The township is required to meet a reduction in sediments and nutrients as part of the MS4 plan. The township files for the MS4 permit every five yrs. (upcoming 2018-2023 cycle). Presentation showed how calculations are made to reduce the pollutant loads for each of the watersheds. Impervious surfaces carry a higher load value using a “land use” process of calculation (state roads are excluded).

Required reductions are as follows: Sediment 10% reduction, phosphorus 5%, nitrogen 3%. Best Management Practices (BMPs) are used to help reduce the loads. The Conestoga, Millcreek has overages of 6,300+ lbs. sediment, 100+ lbs. phosphorus. The Pequea has overages – 2,300+ lbs. sediment, 35lbs phosphorus. Target reductions: Conestoga/Millcreek – 10% sediment 150,488.45 lbs., 5% phosphorus 96.34 lbs., and 3% nitrogen 2,312.02lbs; Pequea – 10% sediment 133,625 lbs., 5% phosphorus 68.63 lbs., 3% nitrogen 217.94 lbs.

Plan lists several locations (farms) and options (rain gardens, riparian buffers, basin retrofits) as ways to reduce the loads at each watershed. Proposed funding was discussed. Total estimated costs with DEP grants \$992,600, without DEP \$414,600. Annual estimated costs (over five-year period) with DEP grants are \$198,520; without the grants, \$82,920.

**PUBLIC COMMENT**

1. Thomas Johnson, 2532 WS Pike spoke about his concerns about voting on Crossroads fill project without public comment, and the blasting company’s notification for work to be done at Crossroads. Joellyn Warren noted the Board did not take up a vote at the last meeting, but tabled their decision.
2. Charles King, 2534 WS Pike spoke about concerns regarding the Crossroads development moving earth prior to receiving PennDOT approval, as he thought was expected. He also had questions about the proposed traffic signals. Ms. Warren explained a permit has already been issued for the work in the area of the old farm house. She also explained the traffic light process.
3. Rose Ann Schultz, 2532 WS Pike spoke about her concern with the procedure the blasting company took to notify the residents about work to be done at the Crossroads. She feels the homeowners are not given consideration and feels as though they are being pushed out by development.
4. Francine Hirt, 2530 WS Pike said she called the blasting company after she got the letter, and the company couldn’t find the project on their list of work. The letter also was not dated and yet said work was to be done the following week. She said she is concerned not all residents were notified.

**MINUTES**

**Regular Meeting, June 12, 2017**

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to approve the Minutes of the Regular Meeting of June 12, 2017 as presented. The motion was approved unanimously approved 5 to 0.

## PLANNING MATTERS

### 1. PUBLIC HEARING – REQUEST TO TRANSFER LIQUOR LICENSE (Mick's All American Pub)

A request to hold a public hearing from Mick Owen was held to transfer the liquor license of Mick's All American Pub from 1411 Columbia Avenue, Lancaster Township to 200 Willow Valley Crossroads, Willow Valley Complex in West Lampeter Township.

#### OPEN PUBLIC HEARING

Supervisor Beers made a **MOTION**, seconded by Supervisor Patterson, to open the public hearing on the request to transfer the liquor license into West Lampeter Township.

Mick Owen, Owner/Applicant making the request, explained if approved the license commitment is for a minimum five year period. His company has three locations (Lancaster, Lititz, Mount Joy), 135 employees, and 6,000-7,000 meals are served each week. The business consists of 70% food, 30% alcohol consumption. This facility would open at 11 a.m. for lunch, close at midnight during the week, and close on the weekends at 1:00 p.m. This restaurant will have seating for 150 dining, 30 bar, 60 outdoor. Carryout will be available. No live entertainment (trivia excluded) will be handled in or outside the establishment.

#### Public Comment:

- a) Thomas Johnson, 2530 Willow Street Pike, spoke in opposition of the request stating alcohol and a gun range nearby do not mix. Tim Harrison representing the Willow Valley project used the projector to illustrate the distance of the proposed restaurant and gun range.
- b) Rose Ann Schultz, 2530 Willow Street Pike, spoke in opposition to the request as Mr. Johnson had. Supervisor Moyer stated the DoubleTree serves liquor and has been for several years. Chairman Hershey also stated the gun range was already approved.

#### CLOSE PUBLIC HEARING

Supervisor Beers made a **MOTION**, seconded by Supervisor Patterson, to close the public hearing on the request to transfer the liquor license into West Lampeter Township. The motion carried unanimously, 5 to 0.

#### BOARD DISCUSSION

Supervisor Kauffman has no questions, and does not feel it is inconsistent with the current plan. He asked Mr. Owen how he plans to run security and monitor patrons who could indulge too much. Mr. Owens replied he has trained qualified staff to handle such incidents. It was also noted the nearby Weis Markets at Kendig Square also sells and serves alcoholic beverages.

#### APPROVAL

##### Resolution 12-2017 – Approving Request to Transfer Liquor License R-19631, Mick's All American Pub

Supervisor Kauffman read aloud the Resolution and made a **MOTION**, seconded by Supervisor Beers, to adopt Resolution 12-2017, to approve the request to transfer the liquor license for Mike Owens, R-19631 from 1411 Columbia Avenue, Lancaster Township to 200 Willow Valley Crossroads, West Lampeter Township as presented. The motion was approved unanimously, 5 to 0.

### 2. Stormwater Management Plan – Willow Valley Crossroads

Applicant/Property Owners: Willow Valley Assoc.

Location: Crossroads, lot adjacent to Long Lane and Willow Street Pike

Project: Commercial Fill

This plan was first brought before the Supervisors at last month's meeting, but tabled. Craig Smith, RGS Associates, Joel Young and John Schick, Rettew Associates, Rick Poillon and Tim Harrison representing Willow Valley were present to discuss the plan.

The request is to move fill at the western section of the creek on the property. Blasting (subcontracted) company will be removing a rock that sits under the hill at the Willow Street Pike and Long Lane intersection at the future location of Turkey Hill. Notification to property owners is required if a structure is within 200 feet of the blasting and there are no structures within that distance. Mr. Harrison said they decided to notify the homeowners on the Pike even though it was not legally required. They normally offer, at no cost, to do a pre-blast survey and photograph the inside, then return following the blasting to see if there is any damage that needs to be repaired. The blasting company's insurance would pay any claims. Mr. Harrison hasn't seen the letter, but he will request the blasting company to reconstruct the letter and resend the notifications via U.S. mail.

The traffic signal at Long Lane and the interior access drive is now "qualified" and granted by PennDOT. By the time Turkey Hill opens the signal will be active.

ELA Comments discussed:

- 1) Improvement guarantee cost estimate was reviewed and ready to be paid
- 2) E&S plans have been approved by LCCD
- 3) NPDES permit was received
- 4) Ownership and maintenance agreements ready
- 5) Geotechnical report – there will be two sedimentation control basins during earth moving activity, and it was recommended to become permanent, combined in the plan. The geotechnical report would be provided at the time of basin permanence. Infiltration tests will be done in those locations throughout, and closer to tenancy. Supervisor Kauffman asked about a timeline. Mr. Harrison said earth moving would begin within a week or so, and would be complete by November 2017. Most of the grading will be done in West Lampeter Township. It does not need to infiltrate now, but will be converted permanent when complete. 125,000 CY of fill is needed for the already-approved parts of the Crossroads (Turkey Hill, CVS, Fulton Bank, Morr Outdoors). Another 125,000 CY will be needed and transported from outside for future tenants' locations.
- 6) PPL ROW – they have verbal approval at this point. They need to dig down about 4 ft. around the perimeter of the base of the tower. Mr. Harrison said they are requesting not to be required to have a written approval to begin work so not to miss construction time this fall. He would be amenable to a condition of approval to be not to go under the lines until written approval is provided.
- 7) Wetlands Study – this has been done, and there are no wetlands on the site as part of this application in this location.

There was discussion about some language to agree grading and seeding will be completed by a specific date, preferring not to have a dirt pile sit on the site for a year or two, or more.

Supervisor Kauffman made a **MOTION**, seconded by Supervisor Beers, to **APPROVE** the Stormwater Management Plan for Willow Valley Crossroads as per comments of ELA Group in a letter dated June 29, 2017, conditioned upon the alteration to item no. 5), the original basin have a permanent outfall and berm, then a geotech be brought in before the basin is finalized in a permanent condition; item no. 6), no grading can occur within the PPL ROW until the applicant submits a written approval from PPL, and provided final seeding and grading shall be completed by October 1, 2018. The motion was approved 4 in favor, 0 against, with 1 abstention (Moyer, professional conflict).

### **3. Alternative Transportation Plan – Willow Valley Crossroads**

Tim Harrison and John Schick, Rettew Assoc. discussed the plan which concerns signals at Willow Valley Pike N & S and Long Lane intersection, the rear access drive and Long Lane intersection (new), Willow Valley Drive and Willow Street Pike intersection, and Eshelman Mill Road and Beaver Valley Pike intersection. A study resulted in the finding of a failing condition that would require obtaining right-of-way from a private land owner for a right turn lane from Eshelman Mill Road onto Beaver Valley Pike west. In lieu of turning lane, the Applicant

proposes radar detection devices at 3 adjacent intersections. PennDOT has agreed to consider alternatives if approved by the Township.

Supervisor Kauffman made a **MOTION**, seconded by Supervisor Patterson, to approve the Alternative Transportation Plan for Willow Valley Crossroads as presented, per recommendation of ELA Group in a letter dated June 29, 2017. The motion was approved 4 in favor, 0 against, with 1 abstention (Moyer, professional conflict). Mr. Schick noted there would be a flashing "signal ahead" sign when approaching the new Long Lane signal.

#### **4. Preliminary/Final Land Development Plan – Peony Road Tract**

Applicant: WPD Partners, LLC

Property Owners: N/F, James & Esther Linville

Property Location: East side of Lampeter Road between Peony Road and Magnolia Road

Project Description: Applicant seeks approval of Final Plan for proposed 17-lot single-family subdivision and land development Plan.

Craig Smith, RGS Assoc., and Mark Will, developer, were present to discuss the plan. Two detention basins will provide stormwater management on the site. A fee-in-lieu of replacing a stormwater pipe was offered and discussed with the township engineer.

Outstanding items are shrub plantings along the basin; existing driveway on Clover Avenue changed to a new driveway on a new street (HOA documents will address snow removal for the sidewalk on either side of this driveway). Supervisor Kauffman would have preferred this type of plan go through the Preliminary plan process before coming for Final Plan Approval.

#### **WAIVERS**

Section 240-10.A Preliminary Plan

Section 240-15.E(g) Traffic Impact Study

Section 240-24.C(1) Improvements to Existing Streets

Section 240-24.J Minimum Cartway Width

Section 240-24.L(6)(a) Clear Sight Triangles

Section 230-32 Volume Controls

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to grant the waivers as presented based upon staff comments of June 28, 2017, ELA's letter of June 29, 2017. The motion was approved unanimously, 5 to 0.

#### **FINAL APPROVAL**

Supervisor Kauffman made a **MOTION**, seconded by Supervisor Moyer, to approve the Preliminary/Final Plan of WPD Partners, LLC, based upon staff comments of June 28, 2017, ELA's letter of June 29, 2017, LCPC comments of February 14, 2017, except for the recommendation for a Preliminary Plan waiver. The motion was approved unanimously, 5 to 0.

### **MONTHLY REPORTS**

#### **1. Treasurer's Report**

No comments were made about the report.

#### **Payment of Bills**

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to accept the Treasurer's Report, and authorize the staff to satisfy the ordinary and routine obligations incurred by the township in order to take advantage of discount and allowances, and to avoid delinquent penalties and carrying charges. The motion was approved unanimously, 5 to 0.

#### **2. Public Works Report**

The grader sold on Govdeals.com for \$13,600. Mr. Kreider was expecting a higher sale amount.

**3. Police Report**

Chief Wiczkowski was absent and there were no comments made about the report.

**4. Community Development Department Report**

Joellyn Warren asked if the extension of the refuse and recycling contract could be considered at this point in the meeting. This is the second extension of three permitted by this contract. Current price is \$90.35/unit, and the increase will be \$92.07/unit. The township has a good working relationship with Penn Waste, including with having to replace/repair some of the new recycling carts at no charge to the township. Her recommendation is to extend the contract for an additional year. She also mentioned recycling rates have increased from 1.48 tons to 1.89 tons in 2015 which resulted in larger Recycling Grant payment than what was anticipated in the budget.

**Recycling Contract Extension**

Supervisor Kauffman made a **MOTION**, seconded by Supervisor Patterson, to authorize extending the municipal waste hauling contract with Penn Waste Disposal for one year, to end December 31, 2018. The motion was approved unanimously, 5 to 0.

**Resolution 13-2017 – Amending Fee Schedule**

Supervisor Patterson made a **MOTION**, seconded by Supervisor Moyer, to adopt Resolution 13-2017 amending the 2017 Fee Schedule to include a \$25.00 charge for ACH/Return items from Online Trash Payments. The motion was approved unanimously, 5 to 0.

**5. Township Manager’s Report**

Budget Meeting Dates were chosen as follows:

|           |                   |                          |                                 |
|-----------|-------------------|--------------------------|---------------------------------|
| Wednesday | October 11, 2017  | 7:00 p.m.                | Budget Workshop                 |
| Wednesday | November 15, 2017 | 7:00 p.m.                | Budget Workshop                 |
| Monday    | December 11, 2017 | 6:00 p.m. &<br>7:00 p.m. | Budget Open House<br>& Adoption |

LCATS Dinner is scheduled for August 29. Also, there will be another bicycle ride, “Farm to Fork” event using roads and fire police in the township on July 29.

**TOWNSHIP ADMINISTRATION MATTERS**

**1. Ordinance 245 – Amend Chapter 262, Traffic & Vehicles, Prohibit Parking (Mackin Avenue, South side)**

The ordinance was published and posted as required.

**OPEN PUBLIC HEARING**

Supervisor Kauffman made a **MOTION**, seconded by Supervisor Moyer, to open the Public Hearing on Ordinance 245. The motion was approved unanimously, 5 to 0.

**Public Comment**

None.

**CLOSE PUBLIC HEARING**

Supervisor Kauffman made a **MOTION**, seconded by Supervisor Beers, to close the Public Hearing on Ordinance 245. The motion was approved unanimously, 5 to 0.

**BOARD DISCUSSION**

**ADOPTION**

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to adopt Ordinance 245, amending Chapter 262 of the West Lampeter Township Code of Ordinance, Traffic &

Vehicles, prohibiting parking on the south side of Mackin Avenue. The motion was approved unanimously, 5 to 0.

**2. Resolution 13-2017**

(See Community Development Report)

**3. Authorize Post-Retirement Benefits Trust Agreement**

Supervisor Moyer reviewed the agreement and sent comments to Mark Smith, Esq. There are still a few minor changes that need to be made, and he reviewed those changes with the Board.

3.2 – Trustees can be removed by the “Employer” (i.e., Board of Supervisors), but Township Manager could be appointed to act on behalf the “Employer.”

3.4 – Plan Administrator has all the power and authority of the trust and could remove trustees (this will be changed)

6.2 & 6.3 – No comment was made, but sections were noted by Supervisor Moyer

7.3 – Termination of the trust needs clarity on what happens to the funds at that point. Termination only takes place if the law changes. Rewording will provide funds to be returned for the similar use of OPEB (employee benefits).

8.4 – A modification will be made regarding selection of legal counsel. This section may be removed all together.

Supervisor Moyer made a **MOTION**, seconded by Supervisor Patterson, to authorize the execution of the Post-Retirement Benefits Trust Agreement, subject to minor changes being approved by Mark Smith, Esq. made as outlined this evening. The motion was approved unanimously, 5 to 0.

**4. Authorize Extending Municipal Waste Contract for additional year.**

(See Community Development Report)

**OTHER BUSINESS**

None.

**ADJOURNMENT**

With no other business to be conducted, the meeting was adjourned at 10:45 p.m.

Respectfully Submitted,  
Robert E. Patterson, Township Secretary-Treasurer