

**WEST LAMPETER TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING OF MARCH 13, 2023**

Supervisor 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 Randy Moyer, Geoffrey Beers, J. Richard Breneman and Randall Andrews. Township Manager Dee Dee McGuire, Chief of Police Brian Wiczkowski, Public Works Supervisor Sean Alexander, Planning/Zoning Officers Michele Neckermann and Kim Yepremian, and Recording Secretary Nancy Mellinger were also present.

**PUBLIC COMMENT**

Joe Kalata, 98 River Bend Park, presenting Willow Street Club proposed the idea of holding a "toll road" to benefit the Willow Street Lions Club. He suggested Eshelman Mill Road and Beaver Valley Pike as a possible location. West Willow Fire Company and Penn State Thon have held similar fund-raising drives in nearby areas.

Dwaine and Levi Livengood, 1648 Morningside Drive, thanked the Supervisors for the no truck designation and filling in along the sides of the roadway on Morningside Drive. He appreciates the work performed to make the corner signs more reflective. He stated that many drivers are not familiar with the three corners on Morningside Drive, drivers are going too fast for conditions and many GPS systems recognize his driveway as Morningside Drive which endangers his children. They have become the first responders to many accidents. The situation on Morningside Drive has become life threatening. Vehicles have struck houses. Children are restricted in where they can play. He has been cut off by an Uber driver who went off the road and stopped mere feet away from his son. His father has spent time in court for being physically assaulted during an accident. A stolen vehicle crashed and was abandoned on his property. He requested large (40") arrow signs to be placed at each of the three corners, painted warnings, such as SLOW with an arrow, on the roadway and installation of rumble strips at the approach of the curves. He and the neighbors can advise the best locations for these features.

Supervisor Hershey said the Township would confer with the Police Department and the Public Works Department to see what steps can be taken.

Earl Livengood, 1707 Morningside Drive, has lived in three homes along Morningside Drive. Vehicles have run off the roadway into his yards and have hit two of the houses. He feels the Township should take immediate action to help remedy the problem of speeding in the two sharp curves where most of the problems occur. Bigger signs, strategically placed are his recommendation. He is willing to advise on best locations for signs. Trucks are ignoring the no truck signs, neighbor's fence has been wiped out numerous times. He wants to see more enforcement and citations given. If the vehicle was drivable, 98% of the vehicles leave the scene without giving identification.

Police Chief Wiczkowski reported the last nine accidents on Morningside Drive involved people from out of the area. He said the signs may be helpful to reduce the number of accidents.

Stu Metzler, 1715 Morningside Drive, remarked the police respond promptly when needed. He stated the traffic has made his front yard unsafe for his children to play in. He thinks the suggestions presented would be helpful to make the road safer.

Madeline Bonholtzer, 1701 Morningside Drive, commented that most incidents are not reported because people drive away. Almost every day, something happens along that road.

Diana Peters Moedinger, 1654 Morningside Drive, restricts where her son is allowed to play. In the year and a half, she has lived there, ten to fifteen accidents have occurred. She supports her neighbor's suggestions.

Patrick Klein, 1713 Morningside Drive, while doing yard work in the morning, a truck smashed his mail box, before he could get down the driveway, the truck sped off. He supports the suggestions made tonight.

## **MINUTES**

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to approve the Minutes of the Regular Meeting of February 13, 2023 as presented. The motion was approved, 4 in favor to 0 against, with one abstention (Hershey-absent).

Supervisor Beers made a **MOTION**, seconded by Supervisor Andrews, to approve the Minutes of the Special Meeting of February 20, 2023 as presented. The motion was approved, 4 in favor to 0 against, with one abstention (Moyer-absent, professional conflict of interest).

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to approve the Minutes of the Work Session of March 1, 2023 as presented. The motion was approved, 4 in favor to 0 against, with one abstention (Hershey-absent).

## **SUBDIVISION AND LAND DEVELOPMENT MATTERS**

### **1. Conditional Use Decision-EG Stoltzfus Land LLC-Grouse Pointe**

Supervisor Beers made a **MOTION**, seconded by Supervisor Breneman, in Case No. CU-2023-1 to grant the application of E.G. Stoltzfus Land, LLC, for conditional use approval to develop the property known as 1865 and 1867 as a forty-three (43) unit single family detached dwelling community and to adopt as the Decision of the Board of Supervisors thirty-four (34) Findings of Fact, the Eleven (11) Conclusions of Law, the Adjudication, and the twenty-four (24) Conditions contained in the written decision presented at this meeting. The conditions are as follows:

1. The Community shall be developed in compliance with and without any material deviation or modification from the Conditional Use Plan for Grouse Pointe prepared by ROS Associates, Inc, Project No. 2022657--042, dated November 18, 2022, the Application, and the other materials presented to the Board, including but not limited to the character and layout of the Community and the architectural elevations and floorplans as shown on Applicant's Exhibits. Compliance with the Application, the Plans and other materials, including Applicant's Exhibits, is an integral part of this approval, and any revisions are subject to the requirements of Chapter 285 of the West Lampeter Township Code of Ordinances and these Conditions.
2. Applicant shall provide complete information concerning the design of the storm water management facilities and other improvements, including, but not limited to, sewer design and grading, at the time of submission of the final plan for the Community.
3. Applicant shall provide for the long--term maintenance of all storm water management facilities to be installed within the Community outside the public right--of--way. Applicant shall enter into a storm water management agreement and declaration of easement with the Township in a form and content acceptable to the Township to ensure long--term maintenance of the storm water management facilities.
4. Applicant shall extend a sanitary sewer main (gravity or force main to be determined) to the intersection of Rockvale Road and Street A intersection for future extension onto Rockvale Road.
5. Applicant shall extend a water main to the intersection of Street A and Rockvale Road so that it may be extended in the future.

6. Applicant shall enter into a land development agreement with the Township prior to the recording of the final plan for the development setting forth the responsibilities for the development of the Property and listing required improvements, lands to be dedicated, and contributions to be made to the Township as identified in these Conditions.
7. The Township and the Township Park Board must approve all proposed open space, public parkland area, or fees in lieu of open space during the subdivision/land development process.
8. Applicant shall provide visible barricades at the cartway termination of the stub streets.
9. The existing tree lines as shown on the sketch plan shall be maintained and Applicant will install buffering along the rear of lots 9 through 14 and 20 through 25.
10. Applicant modify the cul de sac in accordance with the overlay/ supplement to the Plan (captioned as "Grouse Pointe cul--de--sac street concept" dated February 8, 2023).
11. Applicant shall install slant curbs, grass strips and sidewalks to the satisfaction of the Township.
12. Applicant shall extend all of the stub street rights-of-way to the property lines so that, should the adjoining properties be developed, the street system may be extended into the adjoining properties.
13. Applicant shall maintain the streets during development and until the streets are formally accepted by the Township or other long-term provisions satisfactory to the Township are made for maintenance. Such maintenance shall include, but not be limited to, the removal of snow and ice.
14. Applicant shall either prepare all required documentation at Applicant's expense and pay all costs or reimburse the Township for all reasonable fees and costs associated with the acceptance of dedication of the streets and shall post maintenance security to secure the structural integrity and proper functioning of the streets in accordance with the requirements of the MPC.
15. Applicant shall require all contractors to keep existing Township and state roads free of construction debris, silt, trash, litter, and other impacts of the construction of the Property. If the Township provides Applicant with written notice that Applicant's contractors are not in compliance with this Condition and Applicant fails to immediately require its contractors to comply with this Condition, the Township may, at the Township's option, withhold permits for additional construction until Applicant presents the Township with adequate assurances that Applicant's contractors will comply with this Condition.
16. Applicant, and its successors and assigns, shall maintain the existing tree lines as shown on the sketch plan and shall install buffer plantings/ landscape buffers (such buffer being at least ten feet in depth) along the rear of lots 9 through 14 and 20 through 25, all to the satisfaction of the Township.
17. Applicant shall address the recommendations and comments set forth in Township Engineer's review letter, dated December 2, 2022, to the satisfaction of the Township.
18. To the extent not otherwise provided in these Conditions, Applicant shall furnish financial security of the type, in the amount, and at the times required by the MPC.
19. Applicant, its successors, and assigns shall at all times comply with and adhere to the evidence presented to the Board of Supervisors at the hearing held on February 20, 2023, except to the extent modified by the Conditions imposed herein.
20. Applicant shall obtain all permits and approvals required by the Zoning Ordinance, the Subdivision and Land Development Ordinance, and all other applicable Township ordinances, regulations and specifications and by all county, state and federal laws and regulations relating to the development of the Property, as and when required.
21. Nothing contained in this Decision shall be deemed to relieve Applicant from complying with all other applicable local, county, state and federal laws and regulations.
22. Applicant shall reference these Conditions or include recording information if these conditions are recorded as a separate document as General Notes on all final subdivision and/or land development plans for the Property.
23. Any violation of the Conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the MPC and in the Zoning Ordinance. In addition, the Township may refuse to issue any

permit or grant any approval necessary to further improve or develop the Property in the event of the violation of or failure to comply with any Condition contained in this Decision. 24. The Conditions set forth in this Decision shall be binding upon the Applicant, its successors and assigns, and any other entity having an interest in the Property now or at any time in the future.

The motion was approved, 4 to 0, with 1 abstention (Moyer, professional conflict).

**2. Final Plan Lot Add-On 1891 Windy Hill Rd**

Rob Visniski, RAV Associates, stated that this property was before the Board a few years ago when a piece was subdivided off to make a property for Brandon Leaman. The purpose of this project is to redivide the property line so that Brandon Leaman would get roughly 7.295 acres. It is really a revision to a lot line. The plan is being called a Final Subdivision Plan. There is one modification request. The property also lies in East Lampeter Township. East Lampeter has given conditional approval. The Planning Commission has recommended conditional approval. They have no issues with outstanding comments or conditions. The perk tests have been done.

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to grant a waiver of the Subdivision & Land Development Ordinance, Section 240-24.C Improvements to Existing Streets conditioned on Township Engineer's letter dated February 6, 2023. The motion was approved unanimously, 5 to 0.

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to approve the Lot Add-On Plans for 1891 Windy Hill Road prepared by RAV, plan sheets 1-3 dated October 10, 2022 and Future Subdivision Sketch 1 of 1 dated January 16, 2023 conditioned on Township Engineer's letter dated February 6, 2023. The motion was approved unanimously, 5 to 0.

**3. Planning Module-Parkside at Lampeter Resolution 7-2023**

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to adopt Resolution 7-2023. The motion was approved unanimously, 5 to 0.

**4. Planning Module Revision-879 Eshelman Mill Road**

Supervisor Moyer made a **MOTION**, seconded by Supervisor Andrews, to acknowledge the plan correction. The motion was approved unanimously, 5 to 0.

**5. Request for Extension-Signature Stone**

Rettew, on behalf of Signature Stone, submitted a request for a 60-day extension to resolve all outstanding conditions and record the plans.

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to approve the 60-day extension until May 22, 2023 for Signature Stone. The motion was approved unanimously, 5 to 0.

**6. Letter of Credit Release-Andrew and Dawn Patrick 12-14 Plank Ave**

Supervisor Moyer made a **MOTION**, seconded by Supervisor Breneman, to release the Letter of Credit for improvements of 12 & 14 Plank Avenue in the amount of \$5,669.00. The Township Engineer has confirmed the project is complete. The motion was approved unanimously, 5 to 0.

**MONTHLY REPORTS**

**1. Community Development Department Report**

Ms. Yepremian reviewed the reports with the updated layout submitted to the Supervisors. Community Development Submissions is a new report which shows the plans coming into the office. The first Zoning Ordinance Amendment public comment period will be held April 5<sup>th</sup>. Several preplanning meetings have been held and are listed. Planning Commission agenda is listed. A Lot Add-On has been added to the agenda. Two matters are before the Zoning Hearing Board Tuesday.

## 2. Treasurer's Report Revenues

Revenue for the period ending February 28, 2023 totaled \$873,294, decreasing \$39,605 from 2022.

- Earned Income Tax totaled \$570,210, decreasing \$7,940 from 2022.
- Real Estate Transfer Tax totaled \$53,811, decreasing \$7,001 from 2022.
- Zoning Fees totaled \$4,730, a decrease of \$6,099 from 2022. A further decrease from 2022 of \$54,515 is shown in Building Permits, however, this fee is now collected by Code Administrators.

### Expenditures

Expenditures for the period ending February 28, 2023, totaled \$962,078, a decrease of \$2,464 from 2022.

- Snow Removal Expenditures totaled \$15,400, a decrease of \$28,339 from 2022.

### Deficit

The deficit at the end of February 28, 2023, totaled \$88,784, an increase of \$37,141 from 2022. As we go through the year, this should balance out a little more.

We received the Groff Stormwater Project grant reimbursement of \$200,000 from NFWF and the Liquid Fuels Turnback payment of \$9,080 on March 1, 2023.

Maher Duessel will be sending the draft financial statements later this month for review. They will present the audit to the board at the April meeting.

### Paying the Bills

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, 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.

## 3. Public Works Report

Mr. Alexander said the concerns regarding Morningside Drive have not fallen on deaf ears, He is investigating what measures can be taken and will stay in touch. The department is preparing to closed Long Rifle Road between Gypsy Hill Road and Eshelman Mill Road to on March 27, 2023, install the culvert on our section of the road. He hopes to set the culvert on April 6<sup>th</sup>. On April 1, 2023, New Enterprise and PennDOT will be starting on their segment of the project.

## 4. Police Report

Chief Wiczowski announced on February 16, 2023, the Criminal Justice Advisory Board voted to reimburse the Township for the annual maintenance fee of the Livescan machine. Grant funds were received for the purchase of a laptop to assist Det. Strosser in his role as a member of the Computer Crimes Task Force. The department continues to look to hire an additional officer. In the future, he said we may need to discuss the option of putting individuals through the Police academy.

## 5. Township Manager's Report

Ms. McGuire reported there is an opening on the YMCA Board for a representative of West Lampeter Township. She requested the Board of Supervisors recommend Stephanie Herr to fill the position. The Board approved Stephanie Herr. The auditors will be at the April meeting to present the financial statements and findings of the recent audit. Suburban Lancaster Sewer Authority (SLSA) is not proceeding with the replacement of the pre-SLSA sewer lines along Willow Street Pike. They have been unable to obtain the necessary easements from all property owners. The individual owners will be liable and responsible for improvements on their own properties. Several illegal stormwater connections were discovered by SLSA and

will be corrected. LCATS meeting will be held on March 30<sup>th</sup>, if you are interested in going, please let her know.

**TOWNSHIP ADMINISTRATION MATTERS**

**1. Resolution 8-2023 Dedication of Summer Breeze Park Land**

Supervisor Moyer, made a **MOTION**, seconded by Supervisor Beers, to adopt Resolution 8-2023, accepting dedication of Summer Breeze Park Land. The motion was approved unanimously, 5 to 0.

**2. Resolution 9-2023 Appointment of Sewage Enforcement Office and Alternate Sewage Enforcement Officer**

Supervisor Moyer, made a **MOTION**, seconded by Supervisor Andrews, to adopt Resolution 9-2023, appointing Dale High as Sewage Enforcement Officer and Mark Deimler as Alternate Sewage Enforcement Officer. The motion was approved unanimously, 5 to 0.

**OTHER BUSINESS**

None.

**EXECUTIVE SESSION**

Chairman Hershey announced the Supervisors would enter into Executive Session to discuss personnel matters. He said no vote will be taken when the meeting reconvenes. Executive Session began at 8:05 p.m.

**ADJOURNMENT**

The meeting reconvened and with no other business to be conducted, the meeting was adjourned at 8:40 p.m.

Respectfully Submitted,  
Denielle L. McGuire, Assistant Township Secretary-Treasurer