

**WEST LAMPETER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING OF JUNE 13, 2022**

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, Community Development Director and Assistant Township Manager Amanda Hickman, Township Solicitor Josele Cleary, and Recording Secretary Nancy Mellinger were also present. Absent was Public Works Supervisor James Kreider.

CEREMONIAL OATH OF OFFICE ADMINISTERED-Officer Jesse J. Blank

Oath of Office was administered to Officer Jesse J. Blank by Judge William Benner. Chief Wiczkowski remarked that Officer Blank comes to the Township with twelve years of experience, most recently at Pequea Township/Southern Regional Police Department. He was the "Top Gun" award winner in 2014 and 2015, with the most DUI arrests. He served on the Lancaster County Drug Task Force in 2018 and 2019. Officer Blank underwent an extensive hiring process before being selected.

PUBLIC INPUT PERIOD

Bob Doyle, 310 Broadmoor Drive, suggested the Township enact an ordinance pertaining to invasive plant life.

TEXT AMENDMENT HEARING CONTINUATION-Retail Center Overlay in MSL District-continued from May 9, 2022

Applicant/Owner: Anil Jivani, Jyotsna Jivani, and Willow Street Corner, LP

Property Location: 2504, 2506, and 2508 Willow Street Pike

Project Description: Applicants are seeking the creation of a Retail Center Overlay in the MSL District.

OPEN PUBLIC HEARING

Supervisor Beers made a **MOTION**, seconded by Supervisor Andrews, to open the Public Hearing on the Text Amendment. The motion was approved unanimously, 5 to 0.

PUBLIC COMMENT

Mr. Jivani, 405 Wendover Way, spoke in favor of Dunkin Donuts.

Alex Joseph, 501 Woodcrest Drive, said he supports Dunkin Donuts, and maybe the traffic would be spread out between Dunkin Donuts, Starbucks and McDonald's.

Josele Cleary, Esq., attorney for the Township, reminded the Board of Supervisors that this was a continuation of a legislative hearing from last month. The Board is under no obligation to take action on the ordinance request. Counsel made an extensive presentation at the last hearing, which does not need to be reiterated.

Melvin Hess, Esq., representing the applicant, distributed Exhibits P10-P16, showing proposed changes. Changes include reduced building size, reduced number of uses on the site, thereby reducing parking needs, increased setbacks from the right of way, added additional parking, and reduced overall impervious coverage. The parking issue raised last month was addressed in the letter dated May 20, 2022.

Attorney Hess introduced Tim Arntz, Light-Heigel & Associates, Inc., who introduced Exhibits P12, P13, P14, P15, and P16. Mr. Arntz discussed the changes made since last month. Attorney Hess asked if safety was a paramount issue throughout the process. Mr. Arntz replied in the affirmative. When asked if the plan, as revised, before the Board tonight poses any significant safety issues, Mr. August replied in the negative. When asked if adequate parking is provided, if a liquor license for a restaurant was factored in, and if John Shirk from Rettew was working with him, the applicant, PennDOT, and the Township on traffic issues, Mr. Arntz replied in the affirmative. Mr. Arntz reviewed the May 20th letter and concurred with Sheila's (Attorney O'Rourke) summary.

Supervisor Beers asked what the percentage was of impervious coverage. Mr. Arntz said it was under seventy-five percent. Supervisor Hershey asked for the height of the building. Anil Jivani replied thirty-nine and a half feet. Supervisor Moyer questioned the square footage. Mr. Jivani replied

2400 square feet. Supervisor Beers expressed he would rather see seventy percent coverage rather than seventy five percent. He questioned if fuel tanks would be able to be filled if parking spaces were occupied Mr. Arntz replied that turning simulations have been executed and trucks are able to maneuver. Supervisor Hershey remarked there is a lot going on in the space. Supervisor Moyer asked for confirmation of dumpster location. Supervisor Andrews remarked other Dunkin Donuts have more parking and was concerned about congestion. Attorney Hess remarked the buildings cited were built before Covid changed people's habits. Mr. Arntz replied other Duncan Donuts have indoor seating, this one will not. Supervisor Moyer stated the stacking of cars is greater than Starbucks. Supervisor Hershey questioned the number of employees vs parking spaces and if any spaces would be electric charging spots. Mr. Jivani replied there is one presently and if required, would be included in the new plan.

Attorney Cleary reminded the Board that they were not voting on this plan but voting on a Text Amendment. Attorney Cleary stated the new ordinance would need to be advertised according to Municipal Planning Code due to substantial changes in what was previously advertised.

Attorney Hess moved to admit Exhibits P10-P16.

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to accept the exhibits as given. The motion was approved unanimously, 5 to 0.

Anil Jivani thanked everyone for their review and work regarding the application. He requested equal and fair opportunity for all businesses. He asked the Board of Supervisors to approve the Text Amendment.

Attorney Hess reminded the Board that even if adopted, the plan would need to go through a Conditional Use Hearing and Land Development. The scope of the amendment is narrow and will not affect a lot of land.

CLOSE PUBLIC HEARING

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to close the Public Hearing on the Text Amendment. The motion was approved unanimously, 5 to 0.

BOARD DISCUSSION

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to readvertise the amended Ordinance.

Supervisor Breneman commented the revised Ordinance was still asking for more impervious coverage than is allowed in other zoning areas. He acknowledged improvements have been made in the Ordinance but he still has concerns over the seventy-five percent impervious coverage.

Supervisor Breneman made a **MOTION**, seconded by Supervisor Beers, to amend the pending **MOTION** to change the impervious coverage from seventy-five percent to seventy percent. The motion was approved, 4 in favor, 1 against (Hershey).

Vote on original **MOTION** as amended for readvertisement was approved, 4 in favor, 1 against (Hershey).

A court reporter was present for the text amendment hearing.

MINUTES

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to approve the Minutes of the Regular Meeting of May 9, 2022 as presented. The motion was approved unanimously, 5 to 0.

SUBDIVISION AND LAND DEVELOPMENT MATTERS

1. Building Fencing Bid Discussion-Chuck Haley

Chuck Haley presented the Municipal Campus Fencing Plan. Construction would begin after the sidewalk is installed along Village Road. The fence would run along the sides and across the rear of the building. Gates with easy pass monitors would allow access to authorized vehicles. The fence would create a secured area around

the police and public works sections. Three bids were received. Alternate 1 bid includes a gate at the east side of the building. Staff recommends accepting the alternate bid.

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to conditionally accept the Alternate 1 bid of Abel Fence LLC, contingent upon their obtaining Costars designation, with the request of eliminating the decorative fencing along the east side. The motion was approved, 4 in favor, 1 against (Breneman)

2. Letter of Credit

Reductions and Releases

Supervisor Breneman made a **MOTION**, seconded by Supervisor Andrews, to approve the Letter of Credit Reductions and Releases for Snyder Funeral Home (reduction \$624,228.00, balance \$173,233.50), Henry Balmer Estate (release \$17,417.40, balance \$00.00), Willow Valley-Addition to the Glenn (release \$428,204.80, balance \$00.00), and Peony Road (Spring Meadow) (reduction \$138,909.70, balance \$10,000.00) as outlined in ELA's and staff memo letters. The motion was approved unanimously, 5 to 0.

3. Ordinance 266-Speed Limits and Stop Signs in Spring Meadow Development

Supervisor Breneman made a **MOTION**, seconded by Supervisor Beers, to adopt Ordinance 266 setting speed limits and stop sign in Spring Meadow Development. The motion was approved unanimously, 5 to 0.

4. Lancaster County Conservation District Memorandum of Understanding

Memorandum of Understanding is required by the MS4 program. The Township would enforce the Memorandum. This is a yearly document.

Supervisor Breneman made a **MOTION**, seconded by Supervisor Moyer, to approve the Memorandum of Understanding with Lancaster Conservation District. The motion was approved unanimously, 5 to 0.

5. Sewer Capacity Request-Willow Valley South Pointe Expansion

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to grant 1 EDU capacity to Willow Valley South Pointe Expansion. The motion was approved unanimously, 5 to 0.

MONTHLY REPORTS

1. Treasurer's Report

Revenues

Revenue for the period ending May 31, 2022 totaled \$3,816,548, decreasing \$23,453 from 2021. Included in the 2021 income is the \$127,600 Cares Act funds received the first week of 2021. Excluding these funds, revenue increased by \$104,147 from 2021.

- Real Estate Tax collection totaled \$1,284,122, increasing \$38,446 from 2021.
- Earned Income Tax totaled \$1,212,898, increasing \$146,110 from 2021.

Expenditures

Total expenditures for the period ending May 31, 2022, excluding Capital Reserve Transfers, totaled \$2,252,251, an increase of \$90,038 from 2021.

- Contracted Hauling Fees totaled \$325,849, increasing \$59,398 from 2021.

Surplus

The surplus at the end of May 2022 totaled \$1,564,297, a decrease of \$113,491 from 2021. When making the comparison, after adjusting for the Cares Act funds and the IIC refund, the surplus increased from 2021 by \$196,475.

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.

1. Public Works Report

Supervisor Hershey commented on the nice paving job done on Shiprock Road.

2. Police Report

Chief Wiczkowski announced the Special Olympics fundraiser generated \$3,800.00. In July, Chief Wiczkowski will ask the Friends of the Force to purchase Rugged Miniature Reflex (RMR) sights and firearms totaling around \$15,500.00. The laser dot increases the efficacy of firearms. It would require the department to get Generation 5 Glocks, as the current Generation 4 Glocks will not hold the housing for the sights. The Officer Supply Store would buy back the current firearms.

3. Community Development Department Report

Ms. Hickman reported the Groff Farm Project is complete. ELA drone imagery presentation should be available next month. Submission for reimbursement is the next step. 702 Penn Grant Road is being handled through appropriate channels. Ms. Hickman stated she did not consider the changes to the proposed ordinance to be substantial. Supervisor Hershey discussed a resident's concerns regarding property on Morningside Drive.

4. Township Manager's Report

Ms. McGuire reported the movie night at Village Park was a success, approximately 200 people attended. The Township's request to the County for ARPA funds for the sidewalk was denied. A Traffic Calming Policy was submitted for the Supervisors review. Refton Fire Company has requested assistance of Willow Street Fire Police on June 24 and 25, 2022; Board approval was given. LCATS summer event is coming up. If anyone is interested in attending, please let her know. The Board is not interested in participating in the business magazine article. Representatives from SLSA will attend next month's Board of Supervisors meeting to request ARPA funds for the SLSA forcemain repair project.

TOWNSHIP ADMINISTRATION MATTERS

1. Resolution 15-2022 – Traffic Signal Maintenance Agreement

This is a standard agreement being updated due to Green Light Go grant. Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to adopt Resolution 15-2022. The motion was approved, 5 to 0.

2. Resolution 16-2022-Statewide Local Share Assessment Grant

This is to update and amend the application submitted in May of this year. Supervisor Moyer made a **MOTION**, seconded by Supervisor Andrews, to adopt Resolution 16-2022. The motion was approved, 5 to 0.

3. BOS Work Session Discussion

Recommendation has been made that the Board consider having monthly work sessions to research and prepare for items such as but not limited to: policy updates, zoning ordinance update, and land development plans. Supervisors agreed to meet the first Wednesday of each month at 6:00 p.m. for a work session. Some meetings may be canceled due to lack of agenda items.

OTHER MATTERS

None.

EXECUTIVE SESSION-Personnel Matter

Chairman Hershey announced the Supervisors would enter into Executive Session to discuss personnel matters. No vote will be taken when meeting reconvenes. Executive session began at 9:19 p.m.

The public meeting reconvened at 10:00 p.m.

ADJOURNMENT

With no other business to be conducted, the meeting was adjourned at 10:00 p.m.

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