

January 3, 2012

The East Lampeter Township Board of Supervisors met on Tuesday, January 3, 2012, at 7:30 p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Mr. David Buckwalter, Chairman and was followed by the Pledge of Allegiance. In addition to Mr. Buckwalter, supervisors present were: Mr. John Shertzer, Mr. Mike Landis, and Mr. John Blowers. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Glenn Eberly was absent.

The following persons signed in as being present in the audience:

Eric Reath, 10 Homestead Drive, Lancaster, PA 17602

Lynn Commero, representing Lancaster Newspapers

Greg Warner, 1838 Colonial Village Lane, Lancaster, PA 17601, representing McNeil Consumer Pharmaceuticals – Johnson and Johnson

Ray Wright, Gannett Fleming, 207 Senate Avenue, Camp Hill, PA 17011, representing McNeil Consumer Pharmaceuticals – Johnson and Johnson

Mary Clinton, 295 W. Main Street, Leola, PA 17540, representing CVCC

Diane Giles, 1046 Hartman Station Road, Lancaster, PA 17601, representing CVCC

Chairman Buckwalter and the other Board members welcomed Mr. John Blowers as a new member of the Board.

Board of Supervisors Reorganization:

- a. Appointment of Temporary Chairman

Mr. Shertzer was appointed to serve as the Temporary Chairman for the election of Chairman.

- b. Election of Chairman

Mr. Shertzer asked for nominations for the position of Chairman of the Board of Supervisors for 2012. Mr. Landis made a motion to nominate Mr. Buckwalter for the position of Chairman of the Board of Supervisors. Mr. Blowers seconded the motion. Mr. Shertzer moved to close the nominations for the position of Chairman of the Board of Supervisors. Mr. Landis seconded the motion. Mr. Shertzer announced that Mr. David Buckwalter would be the Chairman of the Board of Supervisors for 2012.

Mr. Buckwalter thanked the Board members for their confidence in electing him to serve as Chairman for another year.

- c. Election of Vice Chairman

Chairman Buckwalter asked the Board for nominations for the position of Vice Chairman of the Board of Supervisors for 2012. Mr. Shertzer made a motion to nominate Mr. Landis to the position of Vice Chairman of the Board of Supervisors. Mr. Blowers seconded the motion. Mr. Shertzer moved to close the nominations for the position of Vice Chairman of the Board of Supervisors. Mr. Blowers seconded the motion. Chairman Buckwalter announced that Mr. Mike Landis would be the Vice Chairman of the Board of Supervisors for 2012.

### Annual Appointments:

- a. Appointment of Township Solicitor – Blakinger, Byler & Thomas, Stephen M. Kraybill, Esq.

Mr. Shertzer made a motion to appoint the law firm of Blakinger, Byler & Thomas with Mr. Stephen M. Kraybill, Esq. as Township Solicitor. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Appointment of Township Engineer & Alternates – David Miller & Assoc., Rettew Assoc., HRG, Inc. and Grove Miller Engineering

Mr. Landis made a motion to appoint David Miller & Assoc., Rettew Assoc., HRG, Inc. and Grove Miller Engineering as Township Engineer and alternates. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

- c. Appointment of Vacancy Board Chairman – Mr. J. Jacob Bare

Mr. Landis made a motion to appoint Mr. J. Jacob Bare to serve as Vacancy Board Chairman for 2012. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

- d. Appointment of Depositories – PLGIT, M & T Bank and PNC Bank

Mr. Shertzer made a motion to appoint PLGIT, M & T Bank and PNC Bank as Township Depositories for 2012. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- e. Resolution re: Appointment of CPA Firm to Perform 2011 Audit – Weinhold Nickel Co.

Mr. Shertzer made a motion to adopt Resolution 2012-01 appointing the CPA firm of Weinhold Nickel to perform the 2011 audit for the Township. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

- f. Appointment of State Convention Delegates and Voting Delegate

Chairman Buckwalter indicated that in past years all of the Supervisors have been appointed as delegates and that the Township Manager has been appointed as the voting delegate. Mr. Landis made a motion to appoint all of the Supervisors as delegates and to appoint Mr. Hutchison as the voting delegate for the Township to the State Association Convention. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

### Appointments to Vacant Positions and Reappointments:

- a. Emergency Services Committee – Two Year Terms Ending 12/31/13
  - i. Hand In Hand Fire Co. Alternate Representative – Mr. Lonnie Kauffman
  - ii. Hand In Hand Fire Co. Citizen Representative – Mr. Joel Sweitzer
  - iii. Lafayette Fire Co. Representative – Mr. Ron Nolt

- iv. Ronks Fire Co. Alternate Representative – Mr. David Gribble
- v. Ronks Fire Co. Citizen Representative – Mrs. Melanie McHenry
- vi. Witmer Fire Co. Representative – Mr. Matt Bono
- vii. Township Supervisor Representative –
- viii. Township Citizen Representative – Mr. James Smith

Chairman Buckwalter stated the names listed on the agenda are to fill two (2) year terms on the Emergency Services Committee to end on 12/31/13. The only name missing is for a Township Supervisor Representative, which the Board will vote on at their next meeting on January 17, 2012. Mr. Landis made a motion to appoint these individuals to the Emergency Services Committee for a two (2) year term ending on 12/31/13. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

Establishment of Treasurer's Bond Amount - \$511,000:

Mr. Landis made a motion to approve the Treasurer's Bond amount of \$511,000. Mr. Shertzer seconded the motion which was then passed by unanimous voice vote.

Minutes of December 22, 2011 Regular Meeting:

Chairman Buckwalter indicated that copies of the meeting agenda and minutes of the December 22, 2011 regular meeting were available in the back of the room for review and asked if there were any additions or corrections regarding the minutes as prepared. There were no comments.

A motion was made by Mr. Shertzer and seconded by Mr. Landis to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by a vote of three in favor and one abstaining. Mr. Blowers abstained.

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$47,689.98 were presented for payment. Chairman Buckwalter stated that there was one larger item, which is a payment of \$8,184.00 to PCPA for the 2012 live scan maintenance.

A motion was made by Mr. Landis and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$47,689.98. The motion was passed by unanimous voice vote.

Old Business:

- a. J & J Merck Offer of Additional Time for Township Action on Land Development Plan #11-14 – Colonial Village Drive

Mr. Greg Warner, Facilities Manager of Johnson & Johnson introduced himself. Mr. Ray Wright of Gannett Fleming introduced himself. Mr. Warner explained that they are under a Consent Decree with the FDA. They have been working on developing a comprehensive plan for the facility that will comply with the Consent Decree requirements, which will result in an expanded plant. As of January 2012, they have received the Consent Decree Work Plan by McNeal to the FDA, which had to occur before further

planning and development could proceed. They will now be able to drill down and finish the design, address the concerns, and get a plan to the Township for review.

Chairman Buckwalter stated that when he read the letter dated December 22, 2011 from Gannett Fleming, he realized that they had run into some problems that they had not anticipated. He added that he was surprised that they needed six (6) months to do this.

Mr. Warner explained that there was an extensive amount of work to do. They had to figure out how the space would be used and how it would be segregated. The entire inside of the plant needs to be reorganized.

Mr. Hutchison asked if there would be a problem if they finished the current land development plan only showing what has already been built, since the Board had granted them a variety of deferrals on approvals of construction that were needed immediately. Then whenever they are ready to come back with the overall plan, submit a new plan.

Mr. Warner replied that they would like to do it all at one time, instead of piecing it together. At this time, the only addition they have done is to add approximately 600 sq. ft. to the cafeteria. He added that it has a minimal yet measureable impact to the storm water runoff.

Mr. Hutchison made a recommendation to the Board that they should consider granting either a shorter time frame on the time extension or not grant any time extension and ask that they complete what they have already started.

After further discussion, Mr. Shertzer made a motion to grant J & J Merck a time extension to March 21, 2012 to complete the land development plan for what has been built to date. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

#### New Business:

- a. Authorize Township Staff to Oppose Validity Challenge to Zoning Ordinance

Chairman Buckwalter explained that there is a piece of ground that the validity of the zoning is being challenged. This challenge will be before the Zoning Hearing Board on January 26, 2012. Staff is asking the Board to authorize them to oppose this challenge.

Mr. Hutchison added that this applicant is suggesting that the ordinance is invalid and that this particular site should actually be zoned commercial 2 instead of rural. From staff's perspective, they completely disagree that this is the case. If the Board feels the current zoning should be defended, this is the way to go about it.

Mr. Shertzer made a motion to authorize Township staff to oppose validity challenge to the zoning ordinance. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

#### Other Business:

- a. Resolution re: Police Officer Contributions to Police Pension Plan (4%)

Chairman Buckwalter explained that the State Auditor's office requires that each year the Township adopt a resolution establishing the percentage of pay rate that employees will contribute to the pension plans. At this time, there is still no agreement with the police for 2012 and beyond. They are currently operating

under the old contract which requires them to contribute 4% to the pension plan. Once a new agreement is reached and if there are any changes, the Board will act again.

Mr. Landis made a motion to adopt the resolution for the police officers contribution to the pension plan set at 4%. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

b. Resolution re: Non Uniform Employees Contributions to Pension Plan (2.5%)

Mr. Shertzer made a motion to adopt the resolution for the non uniform employee contribution to the pension plan set at 2.5%. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

c. Presentation re: Conestoga Valley Community Center

Mrs. Mary Clinton from the Conestoga Valley Community Center (CVCC) introduced herself and Mrs. Diane Giles who is the Director at CVCC. Mrs. Clinton gave a presentation to the Board. She stated that the center has struggled financially for several years, but has reduced their debt service from \$1.6 million to \$900,000.00. They sold part of the property to a church and currently owe \$450,000.00 which is collateralized by land that they still own. They are requesting the appointment of two (2) Township representatives to the CVCC Board. It would not necessarily be a supervisor, but a community minded business person who can help them make the right decisions to keep the center running. She also mentioned that in December, CVCC received a check in the amount of \$1,000.00 from West Earl Township. Mrs. Clinton added that Upper Leacock Township, West Earl Township, and Conestoga Valley School District have all agreed to make two (2) appointments to the CVCC Board for one (1) year as long as East Lampeter Township agreed to also make two (2) appointments.

Mrs. Giles spoke about the center being more than just a fitness facility. She talked about how the center was able to help needy families in the community during Christmas. Mrs. Giles also stated that she had contacted the Pennsylvania Parks and Recreation Department about possible grants. She was told that these grants are there for them, but they need to have the support of the municipalities.

There was further discussion about CVCC.

Mr. Hutchison asked if CVCC has a charter and bylaws. Mrs. Clinton replied that they do. There was a brief discussion about the charter. Mrs. Clinton agreed to provide the Board with a copy of the charter.

Chairman Buckwalter questioned the 2011 Audit and when it would be complete.

Mrs. Clinton stated that June is their deadline for action because the lease will be up at Meadowbrook.

It was decided that a decision will be made at the January 17, 2012 Supervisor meeting, along with any appointments.

No action was necessary for this agenda item.

d. Request to Use Township Roads for CVSD 10K Race: 3/31/12

Chairman Buckwalter explained that the Conestoga Valley School District Buckskin Booster organization is requesting to use roads that are located in East Lampeter Township for their 10K race to be held on March 31, 2012. Mr. Hutchison added that they have done this in the past and have supplied the insurance certificate needed.

Mr. Landis made a motion to approve the request to use Township roads for the Buckskin Booster 10K Race to be held on March 31, 2012. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

e. Election to Extend Time for Decision re: Liquor License Transfer Application

Chairman Buckwalter explained that a restaurant that may possibly move into the Township is requesting to transfer a liquor license. The original date for the hearing is set for January 17, 2012, which exceeds the forty-five (45) day time limit. Therefore to avoid deem approval for this, the Board must elect for a time extension for this decision.

Mr. Shertzer made a motion to elect to extend the time for the decision for the liquor license transfer. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Blowers to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Tuesday, January 17, 2012 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager