

January 4, 2010

The East Lampeter Township Board of Supervisors met on Monday, January 4, 2010, 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. Supervisors present were: Mr. Roger Rutt, Mr. Michael Landis, Mr. Glenn Eberly, and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager.

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

John Fuehrer, Fuehrer Associates, Ltd., 345 W. Main Street, Ephrata, PA 17522, representing Gordon Fritz and Dennis Riehl

Announcement of Executive Session:

Chairman Buckwalter announced that an Executive Session was held prior to this evening meeting to discuss personnel issues.

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 2010. Mr. Eberly then made a motion to nominate Mr. Buckwalter for the position of Chairman of the Board of Supervisors. Mr. Landis seconded the motion. Mr. Rutt then moved to close the nominations for the position of Chairman of the Board of Supervisors. Mr. Eberly seconded the motion to close the nominations for the position of Chairman of the Board of Supervisors. The motion passed by unanimous voice vote. Mr. Shertzer then announced that Mr. David Buckwalter would be the Chairman of the Board of Supervisors for 2010.

c. Election of Vice Chairman

Mr. Buckwalter thanked the Board for their confidence in electing him to serve as Chairman. He then asked the Board for nominations to the position of Vice Chairman of the Board of Supervisors for 2010. Mr. Shertzer then made a motion to nominate Mr. Rutt to the position of Vice Chairman of the Board of Supervisors. Mr. Eberly seconded the motion. Mr. Eberly then moved to close the nominations for the position of Vice Chairman of the Board of Supervisors. Mr. Shertzer seconded the motion to close the nominations for the position of Chairman of the Board of Supervisors. The motion passed by unanimous voice vote. Chairman Buckwalter then announced that Mr. Roger Rutt would be the Vice Chairman of the Board of Supervisors for 2010.

Mr. Shertzer then stated that he believes he speaks for most of the Board in that they really appreciate Chairman Buckwalter's service he has provided over the past few years for the Township. Other Board members responded their appreciation of his service. Chairman Buckwalter replied that it has been a pleasure for him and that he actually enjoys it. He thanked the members of the Board for their kind words.

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. Rutt 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. Rutt and passed by unanimous voice vote.

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

Mr. Eberly then made a motion to appoint Mr. J. Jacob Bare to serve as Vacancy Board Chairman for 2009. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

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

Mr. Rutt made a motion to appoint PLGIT, M & T Bank and PNC as Township Depositories for 2009. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

- e. Resolution re: Appointment of CPA firm to perform 2009 Audit

Mr. Shertzer then made a motion to adopt Resolution number 2010-01 appointing the CPA firm of Weinhold Nickel to perform the 2009 audit for the Township. The motion was then seconded by Mr. Rutt 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. Eberly then 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. Rutt and passed by unanimous voice vote.

Appointments to Vacant Positions and Reappointments:

- a. Emergency Services Committee – Two Year Terms Ending 12/31/11
 - i. Hand In Hand Fire Co. Alternate Representative – Mr. Lonnie Kaufman
 - ii. Hand In Hand Fire Co. Citizen Representative – Vacant Position
 - 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 – Mr. G. Roger Rutt
 - viii. Township Citizen Representative – Mr. Charlie 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 12/31/11. Mr. Hutchison added that the only name missing is for a citizen representative for Hand In Hand Fire Company and that the Board may vote on that name at their next meeting. Mr. Eberly then made a motion to appoint these individuals to the Emergency Services Committee for a two (2) year term ending on 12/31/11. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Zoning Hearing Board – Three Year Term Ending 11/12/12: Mr. James Glick

Chairman Buckwalter stated that Mr. James Glick has indicated his willingness to serve on the Zoning Hearing Board. Mr. Rutt made a motion to appoint Mr. James Glick to the Zoning Hearing Board for a three (3) year term ending on 11/12/12. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

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

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

Minutes of December 22, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the meeting agenda and minutes of the December 22, 2009 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 then made by Mr. Shertzer and seconded by Mr. Rutt to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by a vote of four in favor and one abstaining. Mr. Eberly abstained.

Bills:

Chairman Buckwalter indicated that bills represented by various funds in the amount of \$42,101.73 were presented for payment. A motion was made by Mr. Rutt and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$42,101.73. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Financial Security Reduction – Eastwood Village Phase IV: Greenfield

Chairman Buckwalter explained that in a letter dated December 4, 2009 from David Miller Associates to the Township, they are recommending that the Township release \$47,673.000 from the financial security, which would leave a remaining balance of \$0.00.

Mr. Eberly made a motion to grant a full release of the financial security in the amount of \$47,673.00 as recommended by the Township engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Patel/Motel 6 Land Development Plan #09-19: 2959 Lincoln Hwy. East

Chairman Buckwalter asked if anyone was present in the audience for this item. No one was present. Chairman Buckwalter stated that this is the second request for an extension.

Mr. Hutchison stated that an email was received from them today granting the Board an additional 120 days to review and act on the plan. Mr. Hutchison added that since they haven't been doing anything in terms of responding to the review comments, if the Board wants to give them additional time he feels that 120 days is more than enough and would recommend only 60 days.

Mr. Shertzer commented that if there be some movement that the Board would have evidence that they are working on this plan to come to some kind of agreement with the issues that were outstanding it from the beginning, but there has been no movement at all. He added that some good faith action on their part would be merit for additional time extension, but his opinion is to deny the plan.

Mr. Landis agreed with Mr. Shertzer's comment and would prefer not to grant them an extension at this point.

Chairman Buckwalter stated that they were previously granted a 120 day extension.

Mr. Shertzer stated that based on this information and the fact that no one was in attendance to represent this plan, he made a motion to deny the Patel/Motel 6 Land Development Plan #09-19 at 2959 Lincoln Hwy. East. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

- a. Time Extension for Review and Action re: Fisher Preliminary/Final Land Development Plan #09-31: 669 Hartman Station Road

Mr. Hutchison stated that the applicant has been working on this plan and communicating with the Township regularly. He added that this would be the first time extension for this project.

Mr. Rutt made a motion to accept the ninety (90) day time extension for review and action for the Fisher Preliminary/Final Land Development Plan #09-31 at 669 Hartman Station Road. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

- b. Esh Sketch Plan for Subdivision: 2571 Siegrist Road

Chairman Buckwalter stated that an email was received for this item requesting that it be put on the agenda for the January 19, 2010 Board of Supervisors meeting. He added that this is just an announcement since it does not require an action from the Board.

- c. Fritz/Riehl Lot Add-on Plan #09-35: 2494 Old Philadelphia Pike

Mr. John Fuehrer of Fuehrer Associates, Ltd. was representing Mr. Gordon Fritz and Mr. Dennis Riehl for the Lot Add-on Plan #09-35 located at 2494 Old Philadelphia Pike. Mr. Fuehrer reviewed the plan and the comments listed on the David Miller Associates letter dated December 1, 2009.

Mr. Fuehrer stated that they are requesting waivers of the preliminary plan process and modification to the scale of the plan. Mr. Fuehrer then discussed with the Board the deferral of sidewalks and displayed photos of the location showing his reasons for the deferral.

Mr. Eberly made a motion to grant the waivers of preliminary plan process and modification to the scale of the plan for the Fritz/Riehl Lot Add-on Plan #09-35 located at 2494 Old Philadelphia Pike and also the deferral of sidewalks and curbing. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Other Business:

- a. Resolution re: Police Officer Contributions to Police Pension Plan (3.5%)

Mr. Hutchison 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. The police officers rates will be set at 3.5%.

Mr. Shertzer made a motion to adopt the resolution for the police officers contribution to the pension plan set at 3.5%. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

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

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

c. Approval of Non Contract Employee Pay Rates – 2010

Mr. Hutchison explained that the employee pay rates will remain the same for 2010 except for Chief Bowman and Captain Zerbe. The reason for the change to Chief Bowman and Captain Zerbe is that there is a state law which requires those police positions to receive the same as the police bargaining positions.

Mr. Rutt made a motion to approve the Non Contract Employee Pay Rates for 2010. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Shertzer and seconded by Mr. Eberly to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Tuesday, January 19, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager