

February 17, 2009

The East Lampeter Township Board of Supervisors met on Tuesday, February 17, 2009, 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. David Buckwalter, Mr. John Shertzer, Mr. Roger Rutt, Mr. Michael Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Robert H. Long Jr., 212 Locust Street, Suite 500, Harrisburg, PA 17101, representing Thomas, Long, Niesen, and Kinnard

Jennifer M. Sultzaberger, 212 Locust Street, Suite 500, Harrisburg, PA 17101, representing Thomas, Long, Niesen, and Kinnard

Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVC

Steve Gribble, 127 N. Ronks Road, Ronks, PA 17572, representing Ronks Fire Company  
Joseph Geeting, representing G&L

Johnathan Luckenbaugh, representing G&L

John Mateyak, 221 E. Chestnut Street, Lancaster, PA 17602, representing HUB / G&L

Don and Sue Mallory, 13 Willowdale Drive, Lancaster, PA 17602

Don and Sandra Frey, 2467 Ellendale Drive, Lancaster, PA 17602

Mel Newcomer, 339 N. Duke Street, Lancaster, PA 17602

#### Minutes of February 2, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the February 2, 2009 regular meeting were available for review and asked if there were any comments or corrections regarding the minutes as prepared.

A motion was then made by Mr. Eberly and seconded by Mr. Shertzer to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

#### Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$297,417.59 were presented for payment. Chairman Buckwalter mentioned that of the total amount, \$60,000.00 was for donations to the four Township fire companies for the purchase of new radio systems, \$12,250.26 was paid to Martin Limestone for the blocks being used to build the restroom/concession building at Flory Park, \$10,000.00 to H. L. Wiker & Sons for work they did at Flory Park, and \$17,500.00 was for salt for winter operations.

Chairman Buckwalter added that though this is a large amount for bills, there were no bills paid on February 2, 2009, due to the illness of the Township bookkeeper. After review of the bills listed, a motion was made by Mr. Landis and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$297,417.59. The motion was passed by unanimous voice vote.

#### 2008 Officer of the Year Presentation – Officer Andrew Garman:

Chairman Buckwalter recognized Mr. John Witmer. Mr. Witmer explained that for years the Eastern Lancaster County Sertoma Club presented the Annual Police Officer of the Year Award. The Eastern Lancaster County Sertoma Club is no longer active, so a group of former Sertoma members have formed the East Lampeter Township Concerned Citizens Group to continue the annual award presentation. The officer is selected by his fellow officers for his service and dedication to the job in 2008. Mr. Witmer then presented the 2008 Officer of the Year Award to Officer Andrew Garman. After receiving his award, Officer Garman introduced members of his family who were in attendance.

#### 2008 Annual Police Activity Report – Chief Bowman:

Chairman Buckwalter then recognized Chief Bowman and asked him to present his report. Chief Bowman then reviewed the activities of the Police Department for 2008 including the number of arrests made, the number of DUI arrests made, the number of vehicle crashes investigated and the number of responses to false alarms.

#### Old Business:

- a. Conditional Use Hearing Continuation: G & L Realty Associates – Ellendale Drive

Chairman Buckwalter then recognized the Township Solicitor, Mr. Steve Kraybill. Mr. Kraybill explained that this is the continuation of the hearing that has been ongoing and though most of the testimony has already been heard, the Board has deferred to keep the testimony open in order to give people an opportunity to follow up with memorandum and to make personal statements.

Mr. Kraybill explained that presumably the testimony will be closed after tonight's meeting. The Board may take up to forty-five (45) days to render a decision. Mr. Kraybill then asked if any residents would like to make a statement on how they feel about this case or how they would like the Board to act on this decision.

Mr. Donald Mallory, 13 Willowdale Drive, Lancaster, PA 17602, expressed his concern for the buffer area between the proposed development and his property. He feels there should be a fence and trees for the buffer. Mr. Mallory also voiced his concern about the proposed walkway and that his property would be used as a short cut. He is opposed to the size of the proposed development and feels that it should be limited to sixteen (16) units.

Mr. Don Frey, 2467 Ellendale Drive, Lancaster, PA 17602, stated a traffic study showed that there were 18 PM peak hour vehicle trips, 16 AM peak hour vehicle trips, and 177 vehicle trips in a typical day. He questioned if anything has been taken into consideration with Ellendale Drive and Willowdale Drive being used as a shortcut from Route 896 and 30. He also questioned whether it has been addressed that there is only one (1) point of access provided. Mr. Frey also stated that the 22 units would be changing the community and asked that the Board not give a change to the zoning.

Mr. Joseph Webber, 2487 Willow Hill Drive, Lancaster, PA 17602, questioned whether the Board had received a recent memo he had received and if it could be entered into record of hearing.

Mr. Kraybill stated that the Board members did receive copies of the memo and that it could be entered into the records as Webber #1 Exhibit.

Mr. John Mateyak, Esq., the counsel for the applicant, gave a brief closing comment and requested approval from the Board.

Mr. Melvin Newcomer, Esq., the counsel for the Township, gave a brief closing comment and recommends denial of this application.

Mr. Kraybill then asked if any of the Board members had any questions for the either of the party counsels.

Mr. Eberly asked the applicant if there has been any resolutions to the easements for stormwater and walkways.

Mr. Mateyak stated that it has been taken care of, but has not been recorded yet.

Chairman Buckwalter then declared that testimony for the hearing is closed at this time. He added that he wanted to compliment all who participated in the hearing.

Chairman Buckwalter suggested that the Board make a decision at a later date so that they would have time to review all of the information. Mr. Eberly and Mr. Rutt both agreed to wait until a later date to make a decision.

Mr. Landis suggested voting at the next Supervisor's meeting.

Chairman Buckwalter agreed that a decision to be voted upon by the Board would be held on March 2, 2009.

- b. Request for Time Extension to Record Approved Plan: East Lancaster Hospitality – Meadowland Drive

Chairman Buckwalter explained that East Lancaster Hospitality, LLC is requesting that the Board grant them a time extension until April 21, 2009, to record the Preliminary/Final Land Development Plan.

Mr. Landis made a motion to approve the time extension request until April 21, 2009 for East Lancaster Hospitality, LLC to record the Preliminary/Final Land Development Plan. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

New Business:

None

Other Business:

- a. Consideration of Ordinance re: ELSA Guaranteed Sewer Revenue Bonds

Mr. Hutchison introduced the Bond Counsel for the Sewer Authority, Mr. Robert Long, and also Mr. Chris Bamber from PFM who is the financial advisor to the Authority.

Mr. Bamber then reviewed the Bond issue being considered.

Mr. Eberly questioned whether bonds could be refinanced before their call date.

Mr. Bamber responded that they could be refinanced ninety (90) days before their call date, but that this can only be done once in the life of the bond.

Mr. Landis questioned why this is a good time to call these bonds.

Mr. Bamber replied that the interest rates are currently low enough to produce a savings.

Mr. Shertzer then asked Mr. William Chillas if the 1.6 million is enough.

Mr. Chillas responded to Mr. Shertzer

Mr. Long reviewed the proposed Ordinance authorizing the Sewer Authority Bond issue and signing the Guaranty Agreement.

Mr. Eberly made a motion to approve the ELSA Guaranteed Sewer Revenue Bonds Ordinance. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Resolution re: Health Reimbursement Accounts – Police Officers

Mr. Hutchison explained the new agreement that the Board approved at the previous meeting has been signed by the officers and is now in effect. Part of the agreement gives the Township the ability to create a higher deductible health program that is similar to the one for the non-uniform employees. The Health Reimbursement Accounts would pay for a portion half of the higher deductibles. This resolution would put this into place.

Mr. Shertzer made a motion to approve the Health Reimbursement Accounts for Police Officers resolution. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

c. Resolution re: Police Officer Pension Contribution Rates for 2009

Chairman Buckwalter explained that this resolution would increase the police officer pension contribution to three percent (3%) for 2009.

Mr. Rutt made a motion to approve the resolution for the Police Officer Pension Contribution Rate for 2009. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

d. Resolution re: 2009 Sewer Fund Budget Amendment

Mr. Hutchison explained that during the end of 2008, several things happened to overlap the budget process. The sewer maintenance vehicle that was burned in 2007 was replaced with a new one which did not arrive until the end of 2008. The Board authorized the Township to enter into a financing agreement for the new vehicle. The cost of the financing was not included in the 2009 budget, due to missing the period of time when the budget was prepared. The financing cost is in 2009 and should be reflected in the budget as we pay those amounts throughout the year.

Mr. Hutchison added that there was a clerical error made in the amount of the repair maintenance cost included in the budget document. This error does not affect the total amount of the budget, only this one line item. In order to keep the budget correct as maintenance costs are charged to the sewer fund, this item would be amended to reflect the appropriate amount and correct this typo.

Mr. Eberly made a motion to approve the 2009 Sewer Fund Budget Amendment resolution. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

e. Resolution re: Disposition of Municipal Records

Mr. Hutchison explained that this resolution declares the Board of Supervisor's intent to follow the schedules and procedures for disposition of records as set forth in the municipal records manual approved on December 16, 2008.

Mr. Shertzer made a motion to adopt the resolution for the disposition of municipal records. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Public Comment:

Chairman Buckwalter asked if there were any public comments.

Mr. John Blowers, 102 Strasburg Pike, Lancaster, PA 17602, questioned the status of the Conestoga Valley Community Center and whether the Township was going to step up to help with funding.

Mr. Hutchison replied that in October, the CVCC was trying to refinance the debt on the property. He does not believe that this issue has been resolved. They have not asked the Township to participate in any other meetings or help in financing.

Mr. Blowers added that he had a conversation with Supervisor Keith Greiner of Upper Leacock Township and that he thought that Mary Clinton would be looking for funding from the townships.

Mr. Blowers then asked what the status was with the Township participation in the ASA court case.

Chairman Buckwalter responded that the case is currently being appealed to the courts in Harrisburg.

Mr. Steve Gribble, 127 N. Ronks Road, Ronks, PA 17572, on behalf of the Ronks Fire Company he wanted to thank the Township for their help in the purchase of the new high band radio system.

Mr. Joseph Webber, 2487 Willow Hill Drive, Lancaster, PA 17602, questioned the date and time for the next Supervisor meeting to make their decision in regards to the G & L Realty Associates case.

Chairman Buckwalter responded that it would be on March 2, 2009 at 7:30 p.m.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Landis to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, March 2, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager