

July 9, 2012

The East Lampeter Township Board of Supervisors met on Monday, July 9, 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:

Michael Schatzmann, 3218 Lincoln Hwy. East, Paradise, PA 17562, representing Paradise Township
Lynn Commero, representing Lancaster Newspapers
Butch Harry, PO Box 116, Ronks, PA 17572, representing Paradise Township
Ralph F. Shank Jr., 29 Oak Hill Drive, Paradise, PA 17562, representing Paradise Township 30th
Anniversary Committee
Don Ranck, 429 Strasburg Road, Paradise, PA 17562, representing Paradise Township Supervisors

Chairman Buckwalter indicated that copies of the agenda and minutes from the previous meeting were available in the back of the room for review.

Minutes of June 19, 2012 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the June 19, 2012 regular meeting as prepared. It was decided that since Mr. Shertzer and Mr. Blowers were not at the June 19, 2012 meeting, to table the approval of the minutes until the next meeting.

A motion was made by Mr. Shertzer to table the approval of the minutes from the June 19, 2012. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$298,348.25 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount is a \$2,000.00 contribution to LEMSA, a payment of \$65,000.00 to Morgan Stanley for the pension funds for both uniform and non-uniform employees, and a payment of \$52,158.25 to Lobar Inc. for the construction being done on the Millcross Road bridge project.

A motion was made by Mr. Landis and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$298,348.25. The motion was passed by unanimous voice vote.

Old Business:

- a. Paradise Township Request to Close Rt. 30 on September 15, 2012

Mr. Don Ranck, Supervisor for Paradise Township, addressed the Board about this request. He explained that they have approached PennDOT about closing a portion of Rt. 30 on Saturday, September 15, 2012 for about three to four (3-4) hours in the middle of the day. They would divert westbound traffic onto

Rt. 772 through Intercourse and eastbound traffic would travel Rt. 896 and Ronks Road. He added that it should take approximately 41 fire police to direct traffic around the area.

Mr. Shertzer asked if there has been any talk with the merchants along Rt. 30 to see how they feel about the closing of Rt. 30.

Mr. Ranck responded “no” and added that he didn’t believe they would have any concerns about this.

Mr. Shertzer asked if any of the businesses have been notified about the closing of Rt. 30.

Mr. Ranck replied that this would be the next step in the planning process.

Mr. Ralph Shenk, Chairman of the 300th Anniversary Committee, stated that he spoke to management at Revere Tavern and they had no issues with the closing of Rt. 30. He commented that this event will require the help of fire police from East Lampeter Township and other municipalities and added that Paradise Township has never turned down helping another township in the entire county. He was very angry when he discovered that East Lampeter Township mailed letters to their fire police instructing them not to assist with the closure of Rt. 30. Mr. Shenk stated that after sending out the original plan, they mailed out an alternate plan which would eliminate the closing of Rt. 896. If this plan is still not suitable, they do have one other plan that they really don’t want to use. This plan would involve closing roads only in Paradise Township. They would still need the help of fire police from the other municipalities. He asked that the Board give permission for the fire police of East Lampeter Township to help direct traffic for this event.

Mr. Shertzer stated that unless the businesses on Rt. 30 in East Lampeter Township say they have no problem with this closing, this is the only way he would be able to consider going along with this.

Mr. Butch Harry, who grew up in Paradise, addressed the Board about how the community is looking forward to having this parade. He stated that Paradise has gone through some rough times with businesses closing and that this celebration will help bring the community back together.

Mr. Michael Schatzmann stated that the parade will go on with or without the approval of East Lampeter Township.

Chairman Buckwalter stated that he was disappointment that Paradise Township sees the decision of East Lampeter Township as not cooperating, but they need to understand that there are issues with workman’s comp for the fire police to help with this celebration. The Board stands by their decision.

No action was taken on this item.

New Business:

None

Other Business:

a. Special Counsel re: Sewer Agreement Arbitration

Mr. Hutchison explained that at the previous meeting of the Board of Supervisors, the Board members appointed the Township arbitrator on this sewer agreement arbitration. As part of this process, he recommends that the Board hire special counsel to help with the litigation to actually handle the arbitration process before the Board of Arbitrators that have been selected. The Townships solicitor's office has a conflict and would be unable to represent the Board. Mr. Hutchison is recommending that the Board consider appointing attorney Matthew J. Crème, Jr. of the law office of Nikolaus & Hohenadel.

Mr. Shertzer made a motion to appoint Matthew J. Crème, Jr. as Special Counsel for the Sewer Agreement Arbitration. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

b. Agreement with Tails of Courage re: Stray Dogs

Mr. Hutchison explained that Chief Bowman was put in contact with this organization. They are a dog rescue operation located in the Strasburg area and would like to establish a relationship with the Township. They would come and pick-up and care for the stray dogs that the Township collects from time to time. They would give the dog medical attention if needed and then attempt to adopt the dog out to others. A contract was prepared by Tails of Courage, but there are a few items that need to be tweaked and then have a final draft prepared.

Mr. Landis made a motion to approve the agreement with Tails of Courage subject to staff and counsel approval. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

c. Resolution re: Admission Tax Regulations Involving Presumed Admissions

Mr. Hutchison stated that a business in the Township contacted staff to question having a performance at their location. The cost associated with the admission would be built into a meal type of arrangement. Though the Township's current admission tax regulations are able to handle this, they are not very clear and do not directly address this. The school districts admission tax regulations were reviewed and the solicitor recommended that the Board consider adopting essentially the same regulations that the school district has.

Mr. Shertzer made a motion to adopt the resolution for admission tax regulations involving presumed admissions. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Authorization to Pursue Collection of Real Estate Transfer Tax

Mr. Hutchison explained that the business administrator at the school district made him aware of a transaction related to the property on New Holland Pike that is associated with Devons Creek. There was a transfer of that property in 2006, which should have been subject to real estate transfer tax but was not paid at that time. The owner was put on notice in May of 2012 of this finding. The township solicitor was asked to review the information provided by the school district. The solicitor agrees that this is something that should have been taxable and is asking for authorization from the Board to pursue collection of the real estate transfer tax.

Mr. Shertzer made a motion to authorize the collection of the real estate transfer tax owed by Brookfield Development Corporation. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

Mr. Blowers commented about Paradise Townships request to close Rt. 30. He stated that Mr. Ranck asked for recommendations as to what else they could do and seemed open for suggestions. Mr. Blowers wants to support their celebration, but strongly agrees that the closing of Rt. 30 and routing traffic around will cause major problems. He would suggest that they have a carnival or fair on a back street to the north of Rt. 30 in a field. Mr. Shertzer asked if there is any way that East Lampeter Township can allow them to use our fire police. Mr. Hutchison responded that the Board can authorize the fire police to assist. His recommendation to the Board is that they have a full understanding of exactly what is being proposed before they authorize it. The first place that they had heard about the potential of this parade was through a fire company at an Emergency Services Committee meeting. They are very concerned about being put in a position to try to direct that volume of traffic for that purpose and really do not want to do this.

Adjournment:

A motion was made by Mr. Shertzer 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 Monday, August 6, 2012 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager